



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 10

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

July 14, 2020

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Miller

Action: Motion Carried, Unanimously

Title: Designation of HOT Lanes on Interstate 64 between the Interstate 664/64 Interchange in Hampton and the Intersection of Interstate 64 and Jefferson Avenue in Newport News

WHEREAS, pursuant to § 33.2-502 of the *Code of Virginia*, the Commonwealth Transportation Board (CTB) may designate one or more lanes of any highway in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as high-occupancy toll (HOT) lanes; and

WHEREAS, pursuant to § 33.2-119 of the *Code of Virginia*, tolls may be imposed and collected on existing facilities in certain cases, including on:

- (i) existing HOV lanes, and
- (ii) an existing lane on a segment of a highway whose length does not exceed 10 miles and is between an interchange and an interchange or an interchange and a bridge, provided that the number of un-tolled non-high-occupancy vehicle lanes on such segment is equal to the number of un-tolled non-high-occupancy vehicle lanes on the portion of the highway preceding such segment; and

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WHEREAS, pursuant to 23 USC §166 (b)(4), a public authority operating a HOV facility may allow vehicles not meeting HOV requirements and not otherwise exempt from HOV requirements to use an HOV facility if the operators of the vehicles pay a toll charged by the authority for use of the facility; and

WHEREAS, 23 USC §129(a)(1)(H) permits federal participation in the conversion of a HOV lane on a highway, bridge, or tunnel to a toll facility; and

WHEREAS, 23 U.S.C. § 129(a)(1)(C) and (G) also establish exceptions to the general prohibition against tolling Interstate highways constructed under Title 23 which exceptions apply after initial construction, or other capacity-increasing improvements, or after reconstruction, restoration, or rehabilitation of a segment of Interstate, subject to certain conditions; and

WHEREAS, by resolution dated October 19, 2016, the CTB designated HOT-2 lanes on Interstate 64 between Interstates 564 and 264; by resolution dated September 20, 2017, the CTB designated HOT-2 lanes on Interstate 64 between the Interstate 664/264 Interchange and Interstate 264; and by resolution dated January 10, 2018, the CTB designated HOT lanes on Interstate 64 between Interstates 664 and 564; and

WHEREAS, the Virginia Department of Transportation has made briefings to the CTB, Hampton Roads Transportation Accountability Commission, and Hampton Roads Transportation Planning Organization demonstrating the operational benefits of continuous HOT lane travel between the interchange of Interstate 64 and Jefferson Avenue in Newport News and the interchange of Interstates 64, 264, and 664 in the Bowers Hill section of Chesapeake.

NOW THEREFORE, BE IT RESOLVED, that, pursuant to §§ 33.2-502 and 33.2-119 of the *Code of Virginia* and 23 USC §§ 129 and 166, the Commonwealth Transportation Board hereby designates HOT lanes on Interstate 64, with a minimum of one HOT lane in each direction, beginning in the vicinity of the Interstate 64/664 interchange in Hampton and extending to the vicinity of the intersection of Interstate 64 and Jefferson Avenue, and authorizes dynamic tolling of vehicles required to pay tolls while using said HOT lanes.

BE IT FURTHER RESOLVED that the Commonwealth Transportation Board hereby specifies a minimum vehicle occupancy requirement of two for the HOT lanes designated herein and authorizes dynamic tolling of those vehicles carrying less than two occupants that utilize the HOT lanes.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board, that the HOT lanes designation beginning in the vicinity of the Interstate 64/664 Interchange in Hampton and extending to the vicinity of intersection of Interstate 64 and Jefferson Avenue shall be implemented in conjunction with implementation of the HOT lanes associated with the Hampton Roads Bridge Tunnel Expansion Project.

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CTB Decision Brief

Designation of HOT Lanes on Interstate 64 between the Interstate 664/64 Interchange in Hampton and the Intersection of Interstate 64 and Jefferson Avenue in Newport News

Issue: To reduce congestion and provide travel choices in the Hampton Roads region, establishment of a High Occupancy Toll (HOT) lanes network is contemplated. To that end, the Virginia Department of Transportation (VDOT) is requesting that the Commonwealth Transportation Board (CTB) (i) designate HOT lanes on Interstate 64, with a minimum of one HOT lane in each direction and a minimum vehicle occupancy requirement of two for vehicles not paying a toll, beginning in the vicinity of the Interstate 64/664 interchange in Hampton and extending to the vicinity of the intersection of Interstate 64 and Jefferson Avenue in Newport News and (ii) also authorize dynamic tolling of vehicles required to pay tolls while using said HOT lanes.

Relevant Law:

- Pursuant to the provisions of § 33.2-502 of the *Code of Virginia*, the CTB may designate one or more lanes of any highway, including lanes that may have previously been designated as HOV lanes, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as HOT lanes.
- Pursuant to § 33.2-119 of the *Code of Virginia*, tolls may be imposed and collected on existing facilities in certain cases, including on:
 - (i) existing HOV lanes, and
 - (ii) an existing lane on a segment of a highway whose length does not exceed 10 miles and is between an interchange and an interchange or an interchange and a bridge, provided that the number of un-tolled non-high-occupancy vehicle lanes on such segment is equal to the number of un-tolled non-high-occupancy vehicle lanes on the portion of the highway preceding such segment.
- Pursuant to 23 USC §166 (b)(4), a public authority operating a HOV facility may allow vehicles not meeting HOV requirements and not otherwise exempt from HOV requirements to use an HOV facility if the operators of the vehicles pay a toll charged by the authority for use of the facility.
- 23 USC §129(a)(1)(H) permits federal participation in the conversion of a HOV lane on a highway, bridge, or tunnel to a toll facility.
- 23 U.S.C. § 129(a)(1)(C) and (G) also establish exceptions to the general prohibition against tolling Interstate highways constructed under Title 23 which exceptions apply after initial construction, or other capacity-increasing improvements, or after reconstruction, restoration, or rehabilitation of a segment of Interstate, subject to certain conditions.

Facts and Recommendations:

- VDOT has made briefings to the CTB, Hampton Roads Transportation Accountability Commission (HRTAC), and Hampton Roads Transportation Planning Organization (HRTPO), demonstrating the operational benefits of a network providing for continuous HOT lanes travel on Interstate 64 in Hampton Roads between the interchange of Interstate 64 and Jefferson Avenue in Newport News and the interchange of Interstates 64, 264, and 664 in the Bowers Hill section of Chesapeake (Hampton Roads Express Lanes Network).
- By resolution dated October 19, 2016, the CTB designated HOT-2 lanes on Interstate 64 between Interstates 564 and 264; by resolution dated September 20, 2017, the CTB designated HOT-2 lanes on Interstate 64 between the Interstate 664/264 Interchange and Interstate 264; and by resolution dated January 10, 2018, the CTB designated HOT lanes on Interstate 64 between Interstates 664 and 564.
- Designation of HOT lanes on Interstate 64 beginning in the vicinity of the Interstate 64/664 interchange in Hampton and extending to the vicinity of the intersection of Interstate 64 and Jefferson Avenue in Newport News would provide for the last segment of HOT lanes currently contemplated under the Hampton Roads Express Lanes Network concept.
- Accordingly, VDOT is recommending that the CTB (i) designate HOT lanes on Interstate 64, with a minimum of one HOT lane in each direction and a minimum vehicle occupancy requirement of two for vehicles not paying a toll, beginning in the vicinity of the Interstate 64/664 interchange in Hampton and extending to the vicinity of the intersection of Interstate 64 and Jefferson Avenue in Newport News and (ii) authorize dynamic tolling of vehicles required to pay tolls while using said HOT lanes.

Action Required by CTB: The CTB will be presented with a resolution for a formal vote.

Results, if Approved: If approved, the resolution will:

- Result in the designation of HOT lanes on Interstate 64, with a minimum of one HOT lane in each direction, beginning in the vicinity of the Interstate 64/664 interchange in Hampton and extending to the vicinity of the intersection of Interstate 64 and Jefferson Avenue.
- Establish a minimum vehicle occupancy requirement of two for the HOT lanes designated therein and authorize dynamic tolling of those vehicles carrying less than two occupants that utilize the HOT lanes.

- Provide for implementation of the HOT lanes in conjunction with implementation of the HOT lanes associated with the Hampton Roads Bridge Tunnel Expansion Project.

Options: Approve, Deny, or Defer.

Public Comments/Reaction: HRTAC and HRTPO have taken actions demonstrating support for the Hampton Roads Express Lanes Network.