



# COMMONWEALTH of VIRGINIA

## Commonwealth Transportation Board

W. Sheppard Miller, III  
Chairperson

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*Agenda item # 1*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

April 19, 2023

#### MOTION

Made By: \_\_\_\_\_ Seconded By:

#### Action:

#### Title: Abandonment – Primary System of State Highways Old Route 42, Located in Augusta County

**WHEREAS**, upon reconstruction of Route 42 related to VDOT Project 2407-06-08-09 in Augusta County in 1957, the State Highway Commission, predecessor to the Commonwealth Transportation Board, relocated a segment of an existing Primary system roadway to a new alignment, causing the previous segment to no longer provide a public convenience that warranted maintenance at public expense; and

**WHEREAS**, the State Highway Commission passed a resolution on September 5, 1957, discontinuing this previous segment of Route 42; and

**WHEREAS**, pursuant to §33.2-902, *Code of Virginia 1950*, as amended, the Commissioner of Highways has requested the abandonment from the Primary System of State Highways of the entire length of this segment of Old Route 42, as seen in the map attached hereto as Exhibit B, in Augusta County. The entire road proposed to be abandoned is 0.14 of a mile and is

- (a) no longer necessary as a public road, and
- (b) no longer provides a public convenience that warrants maintenance at public expense; and

**WHEREAS**, the Augusta County Board of Supervisors supports the abandonment of Old Route 42 from the Primary System of State Highways, as documented in the county resolution, attached hereto as Exhibit A, as seen in the map attached hereto as Exhibit B, which represents the previously discontinued segment; and

**WHEREAS**, notice was posted of the intent to abandon such segment, attached hereto as Exhibit C, and such posting was done in accordance with § 33.2-902, and no requests were received for public hearing on the matter; and

**WHEREAS**, a Primary roadway for which no public necessity exists may be abandoned by the Board, pursuant to § 33.2-902, *Code of Virginia* 1950, as amended

**NOW THEREFORE, BE IT RESOLVED**, that the roadway identified below, and as depicted in Exhibit B, is hereby ordered abandoned as part of the Primary System of State Highways, pursuant to § 33.2-902, *Code of Virginia*, 1950, as amended.

**Primary System of State Highways Abandonment**

Staunton District

Augusta County

- Old Route 42 – From Rte 42 to dead end 0.14 Mi.

**Total Mileage Abandoned from the Primary System: 0.14 Mi.**

#####

## CTB Decision Brief

### Abandonment – Primary System of State Highways: Previously Discontinued Old Route 42 Located in Augusta County

**Issue:** The Virginia Department of Transportation (VDOT) requests the abandonment of the entire length of this spur of Old Route 42 in Augusta County and the County Board of Supervisors supports the abandonment and its approval by the Commonwealth Transportation Board (Board).

**Facts:** The State Highway Commission, predecessor to the Commonwealth Transportation Board, passed a resolution on September 5, 1957, discontinuing a portion of Route 42, upon the realignment of Route 42. The 0.14 mile road currently being requested for abandonment is the roadway that was discontinued in 1957. This abandonment is being requested in order for VDOT to use the related land for the operation of the Swoope Area Headquarters.

The Augusta County Board of Supervisors supports the abandonment of Old Route 42, which is 0.14 of a mile (road identified in “Blue” on Exhibit B, attached). The resolution from the County, dated March 8, 2023, is attached as Exhibit A.

Upon review of the area, VDOT staff determined the 0.14 of a mile length of Old Route 42 should be abandoned as a part of the Primary System of State Highways, pursuant to § 33.2-902 of the *Code of Virginia*, since no public necessity exists for the continuance of the segment as a public road.

Pursuant to and in accordance with § 33.2-902 of the *Code of Virginia*, the Virginia Department of Transportation published a “Notice of Proposed Road Abandonment” in *The News Leader* publication on February 2 and 16, 2023 (Exhibit C, attached). No request was received to hold the public hearing.

**Recommendations:** VDOT recommends the Board approve the abandonment of the entire length of Old Route 42 referenced above.

**Action Required by CTB:** The *Code of Virginia* requires a majority of the Board’s members to approve the proposed abandonment. A resolution describing the proposed segment to be abandoned is provided for the Board’s consideration.

**Result if Approved:** If approved, the segment of discontinued highway will no longer be available for use by the public.

**Options:** Approve, Deny or Defer

**Public Comments/Reactions:** A public hearing was not requested to be held.

**Exhibit A**  
**Augusta County Resolution**



**RESOLUTION**

**RESOLUTION OF SUPPORT FOR ABANDONMENT OF OLD DISCONTINUED PORTION  
OF VIRGINIA PRIMARY ROUTE 42**

**WHEREAS**, the Virginia Department of Transportation (VDOT) notified the Augusta County Board of Supervisors of its intent to abandon a section of old discontinued Route 42 from 0.31 mile north of the centerline of Route 720 (Morris Mill Road) to 0.45 mile north of the centerline of Route 720, a distance of 0.14 mile;

**WHEREAS**, the section of old Route 42 to be abandoned was discontinued from the primary system of state highways on September 5, 1957 as part of the highway system changes resulting from construction of VDOT Project 2407\*06-08-09; and,

**WHEREAS**, the sketch, attached and incorporated herein as part of this resolution, defines the adjustment of said section of old Route 42.

**NOW, THEREFORE, BE IT RESOLVED**, on the basis of the foregoing and in consideration of the public health, safety, and welfare, this Board hereby resolves to support the Commonwealth Transportation Board's proposed abandonment of old Route 42 from the primary system of state highways, as identified on the attached sketch, pursuant to §33.2-902 of the Code of Virginia, and

**BE IT FINALLY RESOLVED**, this Board directs the County Administrator to forward a certified copy of this resolution to the Assistant Resident Engineer for the Virginia Department of Transportation.

**DONE**, this the 8th day of March, 2023,

The foregoing resolution was duly adopted by the following vote:

Recorded Vote:  
Moved By: Carter  
Seconded By: Slaven  
Yeas: 7  
Nays: 0

A Copy Teste:

[Signature]  
County Administrator  
(Name), (Title)

**Exhibit B**  
**Sketch of Proposed Road to be Abandoned**  
**Entire Length of Old Route 42 in Augusta County**



Augusta County

**Proposed 33.2-902 Primary**  
**Abandonment of Old Route 42**



Exhibit C  
“Notice of Proposed Road Abandonment”

Published in *The News Leader*  
February 2 and 16, 2023

**Virginia Department of  
Transportation**

**NOTICE OF PROPOSED ROAD  
ABANDONMENT  
OLD LOCATION OF ROUTE 42  
IN AUGUSTA COUNTY**

Pursuant to §33.2-902 Code of Virginia, the Virginia Department of Transportation will consider abandonment of a previously discontinued portion of old Route 42 in Augusta County from 0.31 mile north of Route 720 (Morris Mill Road) to 0.45 mile north of Route 720, a distance of 0.14 mile(s). Anyone wishing a public hearing to be held by the Virginia Department of Transportation prior to its consideration of this proposed abandonment should contact the Virginia Department of Transportation on or before March 6, 2023 to request a public hearing.

Virginia Department of  
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