



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
Fax: (804) 786-2940

Agenda Item 5

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

February 21, 2023

MOTION

Made By: Mr. Kasprowicz, **Seconded By:** Mr. Coleman,
Action: Motion Carried

Title: Rescinding Location Approval for Interstate 77 – Interstate 81 Overlap

WHEREAS, by resolution dated May 16, 2012, and entitled *I-81 Corridor Improvement Study Tier 2 – I-77 / I-81 Overlap Location Study*, the Commonwealth Transportation Board (CTB) approved Candidate Build Alternative B as the proposed location of the Interstate 77– Interstate 81 overlap (the “Overlap Project”) in Wythe County and the City of Wytheville; and

WHEREAS, for varying reasons, the Overlap Project has not advanced since the Federal Highway Administration approved the Environmental Assessment for public availability on July 26, 2011; and,

WHEREAS, on September 21, 2022, the CTB adopted a policy to review CTB location decisions three years after their respective approval date; and

WHEREAS, in adopting this policy, CTB set forth requirements for the Virginia Department of Transportation (VDOT) to present and make recommendations requesting that location decisions be affirmed, modified, or rescinded; and

WHEREAS, in response to CTB direction, VDOT has reviewed earlier location decisions made by the CTB; and

WHEREAS, the CTB’s location approval on May 16, 2012, of Candidate Build Alternative B for the Overlap Project exceeds the three-year period established by CTB policy; and

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WHEREAS, the Overlap Project would need to re-evaluated under the National Environmental Policy Act and the CTB would need to make a new location approval in order for the Overlap Project to advance.

NOW, THEREFORE, BE IT RESOLVED that the CTB hereby rescinds the resolution of this Board dated May 16, 2012, granting location approval for the Overlap Project.

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Commonwealth Transportation Board Decision Brief

Location Decision Review for the I-77/I-81 Overlap Project

Issue: The Virginia Department of Transportation (VDOT) seeks from the Commonwealth Transportation Board (CTB) a decision to affirm, rescind, or modify the CTB’s location decision for the Interstate 77–Interstate 81 overlap in Wythe County and the City of Wytheville (the “Overlap Project”).

Facts: In 2011, VDOT completed an Environmental Assessment (EA) analyzing improvements to the I-77/I-81 overlap pursuant to the National Environmental Policy Act (NEPA). The Purpose and Need for the project was to “increase roadway system capacity to address existing traffic volume and projected 2035 travel demand in order to improve the general operating conditions along this section of I-81 in Virginia.” The EA considered two alternatives: one on a new location (Alternative A), and one that would add a travel lane in each direction of the existing roadway (Alternative B).

Following the Federal Highway Administration’s approval of the EA for public availability on July 26, 2011, the CTB issued a location decision on May 16, 2012, approving Alternative B as the location for the Overlap Project.

Since the CTB’s 2012 location decision approval, the Overlap Project has not advanced to further design or development. The project is unfunded and is no longer in the Constrained Long Range Transportation Plan or the Six-Year Improvement Program. CTB has advanced targeted solutions to address current needs through the I-81 Corridor Improvement Program.

Recommendations: There is currently no funding allocated or identified to implement the Overlap Project as approved by the CTB in 2012. A valid location approval without funding secured risks a perceived encumbrance of the real property along the nine miles of the approved location, potentially impacting 27 residences and 23 commercial facilities. Advancing the Overlap Project at the approved location would require a re-evaluation pursuant to NEPA and demonstration of fiscal constraint, which would include CTB briefings and the opportunity to issue a new location decision. VDOT staff recommends this location decision be rescinded.

Action Required by CTB: Approve a Resolution to take action on the I-77/I-81 Overlap Project location decision.

Potential Results: If the CTB acts to rescind the location decision for the Overlap Project, VDOT will proceed with the steps necessary to document the rescission of the location decision, including removal of any public-facing information maintained by VDOT. Should a project in this area be advanced that requires a location decision, CTB will be briefed and a new location decision will

be sought as appropriate. Should CTB affirm or modify the location decision, the location decision would be valid for another three years. Affirming or modifying the location decision would not impact the current funding scenario, nor advance the timeline for project development/advancement.

Options: Affirm, Modify, or Rescind

Public Comments/ Reaction: The CTB received a briefing on the rescission of this location decision during its January 17, 2023, Workshop Meeting. The public will have an opportunity to comment on the proposed rescission as part of the CTB Action Meeting on February 22, 2023.