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MINUTES OF MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

Central Office Auditorium
1221 East Broad Street
Richmond, Virginia

March 18, 2004
9:00 a.m.

The meeting of the Commonwealth Transportation Board was held in the Central Auditorium of the Department of Transportation in Richmond, Virginia on March 17, 2004. The Chairman, Whittington W. Clement presided and called the meeting to order at 9:08 a.m.

* * *

Present: Messrs. Bailey, Bowie, Davies, Keen, Klinge, Lester, Martin, McCarthy, Mitchel, Stone, Watson, White and Ms. Connally and Ms. Dragas; Vice Chairman Shucet and Ms. Rae, ex officio, Director of the Department of Rail and Public Transportation.

Absent: None.
* * *

The Chairman introduced the Vice Chairman, who informed the members of a tragic accident to two employees of the Virginia Department of Transportation, which resulted in injury to one and death to another while on duty changing light bulbs in one of the bridge tunnels in the Hampton Roads Construction District. Mr. Shucet expressed sympathy for the families and friends and co-workers and stressed the high priority that everyone must place on safety in the workplace.

* * *

Public Comment Period:

Mr. Richard Thomas of Newport News expressed concern that timely oversight had not been exercised by VDOT regarding E.B. Williams, a contractor, and the placement of jersey barriers by the contractor beside northbound Warwick Boulevard near the second entrance to Fort Eustis. He provided color photographs, taken March 5, showing the barriers in question, and stated that they had been there prior to Hurricane Isabel in September and yet no work had begun until the day after he was seen taking the photographs. He stated that the barriers were a hazard to the public and that VDOT should not have allowed the contractor to delay the work for nearly six months. On a second issue, he expressed concern over the apparent lost of significant federal funding, due to incomplete diaries and records being kept by VDOT, according to a friend of his, who is an auditor of VDOT. Lastly, he commended Mr. Shucet for the fine work that he is doing. Referenced by attachment of handout and photograph.

Mr. Robert O. Chase, President of the Northern Virginia Transportation Alliance, addressed the members on behalf of the Alliance concerning the

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Western Transportation Corridor and urged restoration of environmental impact statement funding in the Six-Year Plan and a timely completion of the study so that this vital northern Virginia facility could be constructed to address the burgeoning transportation needs in Loudoun County. Referenced by attachment of handout.

Mr. Mitchel responded that the future of the Western Transportation Corridor also depends upon cooperation with the State of Maryland.

* * *

Approval of Minutes of Prior Meeting:

Action on Approval of the Minutes of the Meeting of January 15, 2004, as amended to accurately reflect the attendance records. Copy of approved minutes on file with the Virginia Department of Transportation (VDOT) Commissioner's Office and posted on the VDOT Internet website: www.virginiadot.org and the Virginia Regulatory Town Hall.

Moved by Ms. Connally, seconded by Dr. Stone. Motion carried, minutes approved.

* * *

ADMINISTRATIVE SERVICES DIVISION:

Agenda Item 1: Action on Surplus Land Conveyance, specifically to sell a 7.992 acre parcel 0.4 miles east of Route 29 on Route 641 in Albemarle County known as the Albemarle/Greene Storage Lot. Referenced by attachment of Resolution, decision brief and locality letter.

Moved by Mr. Davies, seconded by Mr. Mitchel. Motion carried, resolution approved.

* * *

ASSET MANAGEMENT DIVISION:

Agenda Item 2: Action on Utility Agreement, specifically to authorize the Commissioner to enter into an agreement among Virginia Department of Transportation [VDOT], the North Carolina Department of Transportation [NCDOT] and the City of Mount Airy, North Carolina [City] for improvements to the City's water and sanitary sewer systems to serve NCDOT's I-77 Surry County, NC Southbound Lane Rest Area/Welcome Center, and VDOT's I-77 Carroll County, VA Northbound lane Rest Area/Welcome Center, with water and sanitary sewer service. Referenced by attachment of Resolution, decision brief and agreement.

Moved by Mr. Keen, seconded by Mr. Bailey. Motion carried, resolution approved.

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ENVIRONMENTAL DIVISION:

Agenda Item 3: Action on Location Project, specifically Route 125 - City of Suffolk, Kings Highway and Bridge - Realignment Alternative from 0.6 miles west of Route 629 to Route 10/32 (Godwin Boulevard). Referenced by attachment of Resolution, decision brief and map.

Moved by Mr. Lester, seconded by Ms. Dragas. Motion carried, resolution approved.

* * *

TRANSPORTATION PLANNING DIVISION:

Agenda Item 3: Action on Bicycle and Pedestrian Accommodation Policy, specifically to provide a framework through which the Virginia Department of Transportation will make every consideration to accommodate bicyclists and pedestrians, including pedestrians with disabilities, along with motorized transportation modes in the planning, funding, design, construction, operation, and maintenance of Virginia's transportation network within the limitations of the policy criteria, especially the overriding concerns for highway safety. Referenced by attachment of Resolution, decision brief and policy document.

Prior to the motion a discussion ensued: Mr. Klinge cited safety concerns on interstate and primary highways, Mr. Southard responded that the policy states "consideration when building new or improving existing highways", but a series of criteria may exclude interstates and primaries from consideration; Mr. Klinge expressed concern that advocates will interpret this new policy as a "must have" and not just an option if deemed appropriate, Mr. Southard replied that local governments and citizen groups cannot compromise the policy as the final decision rests with the VDOT district administrators and the Chief Engineer; Ms. Dragas expressed concern regarding cost extras, Mr. Southard responded that the new cost estimating system will greatly assist in the evaluation; Ms. Connally expressed confidence that citizen groups will respond in a cooperative manner to meet the criteria and challenges as they have with the VTrans process.

Moved by Mr. Lester, seconded by Ms. Connally. Mr. Klinge voted no; Mr. Mitchel abstained citing concerns regarding safety issues on the interstates and primaries. Motion carried, resolution approved.

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FINANCIAL PLANNING DIVISION:

Agenda Item 5: Action on Tentative Annual Budget for Virginia Department of Transportation for Fiscal Year 2004-2005.

ITEM WITHDRAWN, NO ACTION TAKEN.

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LOCATION AND DESIGN DIVISION:

Agenda Item 6: Action on Revised Limited Access Right-of-Way, specifically Route 460 Bypass and Tom's Creek Interchange (Route 650) - Town of Blacksburg. This is a revision to a previous board action of October 13, 1966. Referenced by attachment of Resolution, decision brief, fact sheet, prior board resolution with certification and map.

Prior to the action, Mr. McCarthy questioned the appropriateness of the use of the limited access break designation in this regard, Mr. Shucet responded that in this case it really is a right-of-way issue, and he concurred that a policy on this issue is being developed.

Moved by Mr. Bowie, seconded by Mr. Keen. Motion carried, resolution approved.

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Agenda Item 7: Action on Revised Location of Certain Segments and Limited Access Designation, specifically the Coalfields Expressway Section A - Buchanan County, to approve the change in certain segments of the alignment corridor previously approved by board action of August 17, 2000 and to approve the Limited Access Highway designation.

Referenced by attachment of Resolution, decision brief, fact sheet, prior board resolution and map.

Moved by Mr. Keen, seconded by Mr. Bowie. Motion carried, resolution approved.

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Agenda Item 8: Action on Location Approval and Limited Access Designation, specifically Route 7100 - Fairfax County Parkway - Fairfax County. This is a revision to a previous board action of August 20, 1981. Referenced by attachment of Resolution, decision brief, fact sheet, prior board resolution with certification and map.

Prior to the action Mr. Klinge stated that this segment will complete the Fairfax County Parkway, after 15 years, and will become a "second beltway".

Moved by Mr. Klinge, seconded by Mr. Mitchel. Motion carried, resolution approved.

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MOBILITY MANAGEMENT DIVISION:

Agenda Item 9: Action (by single motion) on Abandonments and Discontinuances, changes in the Primary System due to Relocation and Construction, specifically (A) Old Route 42 - Alleghany County - Abandonment of 0.54 mile Section 1 - rescindment of board action of January 19, 1979, (B) Old Route 51 - Halifax County - Discontinuance of 0.36 mile Section 2, (C) Old Route 421 - Hanover County - Discontinuance of 0.25 mile Section 1 and (D) Old Route 156 - Henrico County - Discontinuance of 0.07 mile Sections 1 and 2. Referenced by attachment of Resolutions, Decision Briefs and maps (A only) prior board resolution with certification.

(A-D) Moved by Mr. Bowie, seconded by Mr. McCarthy. Motion carried, resolutions approved.

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PROGRAMMING DIVISION:

Agenda Item 10: Action on Tentative Six-Year Program and Allocations for Fiscal Years 2005-2010.

WITHDRAWN, NO ACTION TAKEN

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RIGHT OF WAY DIVISION:

Agenda Item 11: Action (by single motion) on Surplus Land Conveyances, specifically (A) Route 1, City of Alexandria, (B) Route 50 (old Route 36), Clarke County, (C) Routes 85 and 671, Dinwiddie County, (D) Routes 95 and 746, Chesterfield County, (E) Route 288, Chesterfield County, (F) Route 340, Augusta County, (G) Route 709, Lancaster County and (H) Route 729, Halifax County. Referenced by attachment of Resolutions and Decision Briefs.

Prior to the action, Mr. McCarthy inquired regarding the appraisal of the property on Route 288 and the process for evaluation. He requested that he be kept apprised of the proceedings.

Moved by Mr. Bailey, seconded by Mr. Mitchel. Motion carried, resolutions approved.

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SCHEDULING & CONTRACT DIVISION:

Agenda Item 12: Action on Reinstatement of Contractor, specifically Fort Myer Construction Corporation: By the endorsement and at the recommendation of the Commonwealth Transportation Commissioner, reinstatement of contractor as eligible to participate in Virginia Department of Transportation projects exclusively using state funds, but to remain ineligible to participate in Virginia Department of Transportation projects involving the use of federal funds until the debarment by the U.S. Department of Transportation, Federal Highway Administration expires on December 10, 2004. Referenced by attachment of Resolution.

Prior to action being taken Mr. Shucet presented an overview of the case and the decision making process regarding his recommendation; a brief discussion ensued: Messrs Bailey, White and Dr. Stone expressed concerns regarding long term reliability, prior history of company and likelihood of any further action by the federal government. Mr. Shucet stated the firm had undergone substantial reorganization of personnel and internal controls, had an exemplary work history prior to this incident and did not anticipate any further federal actions, which was concurred by assistant attorney general Todd LePage, attending in the audience.

Moved by Mr. Mitchel, seconded by Mr. Bailey. Motion carried, resolution approved.

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Agenda Item 13: Action on Bids for Interstate, Primary, Secondary, Urban and Miscellaneous Projects Received February 4 and 25, 2004, for projects in excess of \$2 million for award and authorized execution of contracts by the Commissioner, or Chief Engineer for Program Development, and for deferral, rejection, rescindment and authorized readvertisement, as indicated. Referenced by attachment of Bid Results Report.

(All pages and items except Item 12 on page 7 and Item 13 on page 8)
Moved by Dr. Stone, seconded by Mr. White. Motion carried.

(Item 12 on page 7 and Item 13 on page 8)
Moved by Mr. Bowie, seconded by Mr. Bailey. Mr. Mitchel abstained - conflict of interest due to business related issued. Motion carried. Report approved.

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DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION:

Agenda Item 14: Action on Dulles Corridor Rapid Transit Project, specifically approval of the revision of the Locally Preferred Alternative, amending previous board actions of September 13, 1999 and December 19, 2002. Referenced by attachment of Resolution and prior resolutions.

Moved by Mr. Klinge, seconded by Mr. Mitchel. Motion carried. Resolution approved.

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LOCAL ASSISTANCE DIVISION:

Agenda Item 15: Action on Industrial Access Program, specifically City of Harrisonburg, de-allocation, Harmony-Shenandoah Valley, LLC, rescinding previous board action of July 20, 2000. Referenced by attachment of Resolution, decision brief, and prior resolution.

Moved by Dr. Stone, seconded by Ms. Connally. Motion carried. Resolution approved.

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Agenda Item 16: Action on Recreational Access Programs, specifically (A) Roanoke County, de-allocation, North County Soccer Complex, rescinding prior board action of June 15, 2000, and (B) Culpeper County, Culpeper County Community Complex-Revised, amending prior board action of May 15, 2002. Referenced by attachment of Resolutions, decision briefs, maps and prior resolutions.

Moved by Mr. Martin, seconded by Mr. Davies. Motion carried. Resolution approved.

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Agenda Item 17: Action on a Revenue Sharing Reallocation, specifically from the County Primary and Secondary Road Fund - Campbell, New Kent and Prince George Counties. Referenced by attachment of Resolution, and Decision Brief.

Moved by Mr. White, seconded by Mr. Bailey. Motion carried, resolution approved.

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Agenda Item 18: Action [by single motion] on Town and City Street Mileage Payments, specifically (A) Town of Blacksburg, (B) City of Bristol, (C) Town of Christiansburg, (D) Town of Culpeper, (E) Town of Lebanon, (F) City of Manassas, (G) Town of Saltville, (H) Town of Smithfield, (I) Town of South Hill, (J) Town of South Hill - annexation. Referenced by attachment of Resolutions, tabulation spreadsheets and decision briefs.

(A-J) Moved by Mr. Bailey, seconded by Mr. Bowie. Motion carried, resolutions approved.

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Agenda Item 19: Action on a Byway Designation, specifically Route 613 in Louisa County, from the intersection with Route 250 to the intersection with Route 33 and from the intersection with Route 33 to the intersection with Route 522. Referenced by attachment of Resolution, decision brief, map and tabulation spreadsheet of Virginia Byways.

Moved by Mr. Mitchel, seconded by Mr. Klinge. Motion carried, resolution approved.

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Agenda Item 20: Action on Use of Limited Access Right-of-Way, specifically the Interchange of Route 236 and Route 413 [present Route 495] in Fairfax County to establish the Accotink Stream Valley Park Trail. Referenced by attachment of Resolution, decision brief and map.

ITEM DEFERRED, NO ACTION TAKEN

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Agenda Item 21: Action on Discontinuances from the Secondary System of Highways, due to realignment, specifically Route 603 (Volens Road) in Halifax County, Route 636 (Timberneck Road) in Middlesex County and Route 675 (Five Mile Road) in Spotsylvania County. Referenced by Resolution, decision brief and 3 maps.

Moved by Mr. Bailey, seconded by Mr. Klinge. Motion carried, resolution approved.

* * *

OTHER BUSINESS

Item 1: The Chairman referenced a request received from Loudoun County Board of Supervisors to rename the Tri-County Parkway as the Martin Luther King, Jr. Parkway. He reported that it is not the policy of the Board to name or re-name facilities that are not yet constructed. Once financing is secured for this project and it is built, the issue of the naming of the facility could be addressed.

Item 2: Action on a Recreational Access Project, specifically the Carver Center in the Town of Purcellville. Referenced by attachment of the Resolution, decision brief and map.

Moved by Mr. Mitchel, seconded by Mr. Bailey. Motion carried, resolution approved.

Item 3: Regarding the recently received APA Audit of the Virginia Department of Transportation, Mr. White commended Mr. Shucet's written response in conveying the report to the CTB and asked what is the role of the board in the overall process. Senior Assistant Attorney General Richard L. Walton, Jr. responded. The Audit was reported to the Governor and to JLARC and VDOT and the CTB were copied. He stated that this was a courtesy of the Auditor as the CTB is not a supervisory board, but a policy board. As such he sees no legal obligation for the CTB to respond to the Audit or take any official action, although the board could pass a resolution of consensus of concern. Dr. Stone stated that he could not understand how the CTB could not have a fiduciary obligation to respond to the Audit. Mr. White requested that Mr. Walton provide a letter to the CTB reflecting his opinions. Mr. Walton agreed to do so. Mr. Bowie stated that he doesn't believe the CTB is absolved of responsibility, but is confident in Mr. Shucet's handling of the matter. Dr. Stone stated that the CTB may not have explicit responsibility, but certainly there is an implicit responsibility to respond. The Chairman stated he was hesitant to recommend that this policy board take an action or to take greater responsibility than other policy boards. Ms. Dragas stated she was satisfied with Mr. Shucet's response and handling of the matter and looks forward to his follow-up report in May or June. Mr. Shucet stated he believed all senior staff has received the message and he will be glad to report to the CTB, as the CTB desires. He stated further that the Chief Financial Officer is reporting to VDOT's Inspector General and those reports can be provided to the full CTB or to an ad hoc committee of the board if one is to be formed. Mr. McCarthy urged members to re-read the Code sections relative to the CTB's powers and duties and he welcomed receipt of Mr. Shucet's reports. The Chairman closed the discussion with a suggestion that the CTB await receipt of the Senior Attorney General's letter before taking any further action.

Item 4: Mr. Klinge requested a transcript of the Governor's speech to the CTB in January 2002 be provided to those CTB members who were not on the board at that time. He stated that it was a definitive address by the Governor expressing his desire for CTB responsibilities. Ms. Tracy agreed to provide.

Item 5: Mr. Bailey invited the CTB to the Fredericksburg District for a

monthly meeting. It was confirmed that the September meeting is slated for the Fredericksburg District.

Item 6: The Chairman recognized and welcomed former Secretary of Transportation Rob Martinez, attending the meeting in the audience.

ADJOURNED: The Chairman adjourned the meeting at 10:55 a.m.

The next workshop and meeting will be held on Thursday, April 15, 2004, beginning at 8:30 a.m., in the Board Room of the Virginia Port Authority at 600 World Trade Center, Norfolk, VA.

Approved:

Chairman
Attested:

Secretary

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