

MINUTES
OF
MEETING OF STATE HIGHWAY AND TRANSPORTATION COMMISSION

December 16, 1982

Richmond, Virginia

The monthly meeting of the State Highway and Transportation Commission was held in the Central Highway Office in Richmond, Virginia, on December 16, 1982, at 10 a.m. The chairman, Mr. Harold C. King, presided.

Present: Messrs. King, Bane, Brydges, Guiffre, Humphreys, Quicke, Smalley, Smith, Vaughan and Watkins.

Absent: Mr. Mohr.

Mr. King advised the Commission that two contractors were being considered for reinstatement today--Williams Corporation of Virginia and Henry S. Branscome, Inc. Because of the status of these suits, the Department's counsel deemed it appropriate for the Commission to recess and move into executive session. Therefore, on motion of Mr. Quicke, seconded by Mr. Bane, the Commission recessed into executive session to discuss legal issues resulting from bid collusion regarding the above-mentioned contractors, as provided by Section 2.1-344(a)(6) of the Code of Virginia.

Mr. King reconvened the Commission at 10:30 a.m. in regular session.

Mr. L. P. Baker of the Department's Safety Office gave a brief overview of the safety program. Each year the Highway districts with the best record in motor vehicle crash prevention and personal injury accident prevention are presented awards. Mr. P. F. Cecchini, District Engineer at Staunton, accepted the personal injury safety award for the first time within memory; and Mr. D. H. Gaulden, Jr. accepted the motor vehicle crash prevention award for the fifth consecutive year.

On motion of Mr. Brydges, seconded by Mr. Smalley, the minutes of the meetings of October 21 and November 17, 1982, were approved.

On motion of Mr. Brydges, seconded by Mr. Smalley, permits issued from November 17, 1982, to December 15, 1982, inclusive, as shown by records of the Department, were approved.

Motion was made by Mr. Brydges, seconded by Mr. Smalley, that cancellation of permits from November 17, 1982, to December 15, 1982, inclusive, as shown by records of the Department, be approved.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smalley, that the Commission approve additions to the Secondary System from November 17, 1982, to December 15, 1982, inclusive, as shown by records of the Department.

Motion carried.

Mr. Brydges advised the Commission that he had reviewed the transcript of the hearing the Deputy Commissioner had heard on the Branscome Company, and he was sure they had also. Since that time, however, he stated the Commission had been advised in executive session of the pendency of litigation between the Commonwealth and the Branscome Company involving alleged collusion on two highway projects.

By contrast, he continued, in the hearing before Deputy Commissioner Busser, the Branscome Company's president denied under oath the company colluded on any jobs, although both he and the company have been convicted of colluding on one of the two jobs that is now the subject of the Commonwealth's civil suit. The company's counsel, on the other hand, conceded that only a single job of which the company and its president stand convicted of rigging is the proper subject of restitution. Now, however, the Commonwealth's suit definitely alleges that at least one other highway project was the subject of collusion by the company and its president. Damages for both projects are sought by the Commonwealth.

Given these and other discrepancies, Mr. Brydges stated he thought it would be premature and contrary to the public interest to consider further a return of the company to the bidding list at this time.

It was moved by Mr. Brydges, seconded by Mr. Humphreys, that the Commission decline to do so, but that the Commissioner afford the company another hearing at which it may explain, if it so chooses, its own view of allegations concerning alleged collusion on the second Oyster Point Road project and why, or why not, this job should be the subject of restitution as well. Barring some satisfactory explanation by knowledgeable persons within the company, it was thought the Commission should wait until the unfolding of the civil litigation currently under way can provide them with a more informing record upon which to judge the moral responsibility of the company or until the Commonwealth and the company have reached a mutually satisfactory resolution of this matter.

Motion carried, Mr. Smith abstaining.

Mr. Bane stated that the Permit Committee had met that morning to review proposed changes to the 1974 edition of the "Land Use Permit Manual". Mr. Wray outlined these changes, saying that the basic ones included:

1. spelling out existing administrative policies that have never been officially incorporated into the manual;
2. increasing permit fees to cover administrative cost deficiencies; and
3. clarifying policy on commercial entrances to aid our residences in requiring upgrading of existing entrance deficiencies where safety, use and highway maintenance are affected.

On motion of Mr. Bane, seconded by Mr. Smalley, the Commission tentatively approved the amendment of the 1974 edition of the "Land Use Permit Manual" and directed that the Department conduct a public hearing at the earliest possible date to allow review of the new revision, entitled "Land Use Permit Manual, Revised January 1983", in compliance with informational proceedings pursuant to Section 9-6.14.7 of the Code of Virginia.

The Commission viewed a slide presentation on development occurring along I-64 from Willoughby to the Greenbrier Interchange. There are similar areas across the state where highways existed before the developments currently alongside them, and where now residents are demanding noise abatement features at state cost. Mr. King wanted the Commission to be aware of this sort of situation.

On motion of Mr. Brydges, seconded by Mr. Humphreys, the Commission approved the Elizabeth River Tunnel Preliminary Operations and Maintenance Budget - FY February 1, 1983 - January 31, 1984, as attached.

On motion of Mr. Brydges, seconded by Mr. Humphreys, the Commission approved the Norfolk-Virginia Beach Toll Road Final Budget for 1983, as attached.

VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

ELIZABETH RIVER TUNNELS

PRELIMINARY BUDGET

February 1, 1983 - January 31, 1984

BUDGET RECAPITULATION

<u>FUND</u>	<u>1982 BUDGET</u>		<u>1983 BUDGET</u>		<u>BUDGET INCREASE</u>	
	<u>MONTHLY</u>	<u>ANNUAL</u>	<u>MONTHLY</u>	<u>ANNUAL</u>	<u>AMOUNT</u>	<u>%</u>
ADMINISTRATION	\$ 68,799	\$ 825,588	\$ 79,695	\$ 956,340	\$ 130,752	15.84
BRIDGES & STRUCTURES	78,479	941,748	85,260	1,023,120	81,372	8.64
COLLECTION & VENTILATION BLDG.	80,111	961,332	88,096	1,057,152	95,820	9.97
OPERATION	12,328	147,936	13,272	159,264	11,328	7.66
COLLECTION & EQUIP.	55,726	668,712	62,215	746,580	77,858	11.64
OPERATION	24,792	297,500	24,792	297,500	-	-
<u>TOTAL</u>	<u>\$ 320,235</u>	<u>\$ 3,842,816</u>	<u>\$ 353,330</u>	<u>\$ 4,239,956</u>	<u>\$ 397,140</u>	<u>10.33</u>
<u>RESERVE MAINTENANCE DEPOSITS</u>	<u>\$ 125,000</u>	<u>\$ 1,500,000</u>	<u>\$ 104,167</u>	<u>\$ 1,250,000</u>	<u>BUDGET DECREASE (\$250,000)</u>	<u>(16.67)</u>

FINAL BUDGET FOR CURRENT EXPENSES
 ORGANIZATION AND OPERATION
 NORFOLK-VIRGINIA BEACH TOLL ROAD
 FOR CALENDAR YEAR 1983

GENERAL ADMINISTRATION

Staff Salaries	\$ 56,055.00	
Social Security, Retirement, Group Life Insurance and Health Care Insurance Workmen's Compensation	11,660.00	
*10% of Tunnels & Toll Facilities Administrative Budget	<u>20,000.00</u>	<u>\$ 87,715.00</u>

OPERATIONS EXPENSES

Operations Salaries	\$ 608,000.00	
Social Security, Retirement, Group Life Insurance and Health Care Insurance Workmen's Compensation	112,300.00	
Truck's Inc. (Pickup of daily collections including counting money from automatics)	37,000.00	
Professional Services (Consulting Engineers & Auditors)	23,000.00	
Cost of Automatic Toll Machines Gates	124,000.00	
Light, Heat, Power, Water, Sewer	37,000.00	
Maintenance of Administration Building and Toll Plaza	12,500.00	
Used and Pool Car Rental	18,000.00	
Communications	3,500.00	
Uniforms	4,000.00	
Manual Toll Equipment Parts	5,000.00	
Parts and Supplies (VDH&T Stock)	3,500.00	
Tokens	5,000.00	
Miscellaneous: Copier Rental, Office Supplies, Forms, Flag Replacement, Replace Adding Machine, etc.	<u>8,000.00</u>	<u>\$1,000,800.00</u>
TOTAL		<u><u>\$1,088,515.00</u></u>

*Toll Road reimburses the Department 10% of the Tunnels and Toll Facilities Administrative Budget.

Roadway Maintenance will be performed by Virginia Department of Highways and Transportation and financed from State Funds. Insurance premiums will be paid from Reserve Maintenance Funds.

Moved by Mr. Brydges, seconded by Mr. Smalley,
that the Commission confirm letter ballot action on the following
resolution:

WHEREAS, under authority of Section 33.1-43 of the Code of Vir-
ginia of 1950, as amended, request is made by the Town of Herndon for
maintenance payments on additional streets meeting required standards;

NOW, THEREFORE, BE IT RESOLVED, that quarterly payments be made
to the Town of Herndon on additional streets, totaling 0.99 mile, and
meeting required standards under the aforementioned section of the
Code, effective October 1, 1982, for quarterly payments due after
December 31, 1982. The additional streets and mileage eligible for
payments are described as follows:

Alabama Drive	From S. Van Buren St. to End	0.21 Mi.
Hillwood Court	From Cul-de-sac to Cul-de-sac	0.11 Mi.
Greear Place	From Alabama to Cul-de-sac	0.06 Mi.
Old Dominion Ave.	From Sta. 10+68.42 to Sta. 20+30.24	0.18 Mi.
Kensington Place	From Old Dominion Ave. to Cul-de-sac	0.08 Mi.
Huntway Lane	From Old Dominion Ave. to Cul-de-sac	0.03 Mi.
Third Street	From Dranesville Road to Cul-de-sac	0.24 Mi.
Trapper Crest Court	From Sta. 1+03.42 to Cul-de-sac	0.01 Mi.
Iron Ridge Court	From Third St. to Cul-de-sac	0.07 Mi.

These "Other Streets" additions, totaling 0.99 mile, increase the
total "Other Streets" mileage in the Town of Herndon from 30.64 miles
to 31.63 miles of approved streets subject to payment.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smalley,
that the Commission confirm letter ballot action on the following
resolution:

WHEREAS, under authority of Section 33.1-43 of the Code of Virginia
of 1950, as amended, request is made by the City of Manassas for addi-
tions and a deletion of streets subject to maintenance payments meeting
required standards. The deletion is due to construction within the
City of Manassas;

NOW, THEREFORE, BE IT RESOLVED, that quarterly payments be made to the City of Manassas on additional streets, totaling 0.27 mile, and meeting required standards under the aforementioned section of the Code, effective October 1, 1982, for quarterly payments due after December 31, 1982. The additions and deletion of mileage eligible for payment are described as follows:

Trinity Lane	From Cloverhill Road to Cul-de-sac	0.21 Mi.
Corey Drive	From Trinity Lane to Dead End	0.12 Mi.
Lee Avenue	From Detention Center to Fillet Curb of Proposed Cul-de-sac	-0.06 Mi.

These "Other Streets" additions, totaling 0.33 mile, and the "Other Streets" deletion of 0.06 mile, for a net addition of 0.27 mile, will increase the total "Other Streets" mileage in the City of Manassas from 54.15 miles to 54.42 miles of approved streets subject to payment.

Motion carried.

MOVED BY Mr. Brydges, seconded by Mr. Smalley, that the Commission confirm letter ballot action on the following resolution:

WHEREAS, under authority of Section 33.1-43 of the Code of Virginia of 1950, as amended, request is made by the City of Portsmouth for maintenance payments on additional streets meeting required standards;

NOW, THEREFORE, BE IT RESOLVED, that quarterly payments be made to the City of Portsmouth on additional streets, totaling 1.88 miles, and meeting required standards under the aforementioned section of the Code, effective October 1, 1982, for quarterly payments due after December 31, 1982. The additional streets and mileage eligible for payments are described on the attached tabulation sheets numbered 1 through 2, dated November 6, 1982. (See Pages 783-84)

These "Other Streets" additions, totaling 1.88 miles, increase the total "Other Streets" mileage in the City of Portsmouth from 356.54 miles to 358.42 miles of approved streets subject to payment.

Motion carried.

Moved by Mr. Guiffre, seconded by Mr. Vaughan, that the attached resolution, pledging the net revenues of the Dulles Toll Road to the payment of the Commonwealth of Virginia \$57,000,000 Transportation Facilities Bonds, Series 1982, be adopted.

A RESOLUTION PLEDGING NET REVENUES OF THE DULLES
TOLL ROAD TO THE PAYMENT OF COMMONWEALTH OF VIRGINIA
\$57,000,000 TRANSPORTATION FACILITIES BONDS,
SERIES 1982

WHEREAS, the Commonwealth of Virginia Transportation Facilities Bond Act of 1979, Chapter 221 of the Acts of the General Assembly of Virginia of 1979, (the "Act") authorizes the Treasury Board of the Commonwealth of Virginia, by and with the consent of the Governor of the Commonwealth of Virginia, to sell and issue, subject to the provisions of Section 9(c) of Article X of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Transportation Facilities Bonds, Series 1982," in an aggregate principal amount not exceeding Fifty Seven Million Dollars (\$57,000,000) (the "Bonds"), the proceeds of the Bonds to be used for the purpose of providing funds, with any other available funds, for paying the costs of construction of the Dulles Toll Road consisting of the acquisition and construction of roadways and related improvements parallel to the existing Dulles Airport Access Road; and

WHEREAS, the Act authorizes the Virginia State Highway and Transportation Commission (the "Commission") to fix, revise, charge and collect rates, fees and charges for or in connection with the use of the Dulles Toll Road and to pledge the same to the payment of principal of and interest on the Bonds; and

WHEREAS, the Treasury Board by resolution adopted on December 1, 1982, authorized the issuance of the Bonds, said Bonds maturing on December 1, in the following years and in the following amounts, respectively:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
1986	\$ 500,000	1994	\$1,750,000
1987	750,000	1995	2,000,000
1988	1,000,000	1996	2,250,000
1989	1,000,000	1997	2,350,000
1990	1,250,000	1998	2,650,000
1991	1,300,000	1999	2,900,000
1992	1,500,000	2000	3,200,000
1993	1,600,000		

and \$31,000,000 term Bonds maturing on December 1, 2007; and

WHEREAS, the Treasury Board by further resolution adopted on December 1, 1982, awarded the Bonds to the successful bidder following the receipt of sealed bids, the Bonds to be delivered on or about December 22, 1982, in New York City; and

WHEREAS, Fairfax County, Virginia has agreed to make a loan of up to \$5,000,000 to assist in paying the costs of construction of the Dulles Toll Road; and

WHEREAS, the Commission is authorized by the State Revenue Bond Act Article 5, Title 33.1, Code of Virginia of 1950, as amended, to issue revenue bonds for the purpose of paying all or any part of the costs of construction of the Dulles Toll Road; and

WHEREAS, the Commission intends to issue its revenue note providing for repayment of the loan from Fairfax County;

NOW, THEREFORE, BE IT RESOLVED BY THE VIRGINIA STATE HIGHWAY AND TRANSPORTATION COMMISSION THAT:

ARTICLE I

General Provisions

Section 101. Authority for Resolution. This Resolution is adopted pursuant to the Act and the State Revenue Bond Act, as each is herein defined.

Section 102. Definitions. Unless otherwise defined herein, the terms defined in this Section 102 shall, for all purposes of this Resolution and of any resolution supplemental hereto, and of any certificate, opinion or other document herein mentioned, have the meanings herein specified.

"Act" shall mean the Commonwealth of Virginia Transportation Facilities Bond Act of 1979, Chapter 221 of the Acts of the General Assembly of Virginia of 1979.

"Bonds" shall mean the Commonwealth of Virginia Transportation Facilities Bonds, Series 1982, in the aggregate principal amount of \$57,000,000 issued by the Treasury Board pursuant to the Act.

"Bond Proceeds Account" shall mean the account created hereunder which is a part of the Construction Fund and into which the proceeds, except any premium, from the issuance and sale of the Bonds, less an amount equal to the interest on the Bonds for the thirty (30) month period following their date, shall be paid.

"Bond Service Fund" shall mean the fund created hereunder for payment of principal of and interest on the Bonds, consisting of the Principal Account, Interest Account and Redemption Account.

"Commission" shall mean the Virginia State Highway and Transportation Commission.

"Construction Fund" shall mean the fund created hereunder consisting of the Bond Proceeds Account and Fairfax County Account, from which the costs of construction of the Dulles Toll Road shall be paid.

"Fairfax County Account" shall mean the account created hereunder which is part of the Construction Fund into which the Loan shall be paid.

"Fairfax County Note Repayment Account" shall mean the account created hereunder from which payment of principal of the Note shall be made.

"Interest Account" shall mean the account created hereunder which is a part of the Bond Service Fund from which payments of interest on the Bonds shall be made when due and payable.

"Loan" shall mean the loan from Fairfax County in an amount of up to \$5,000,000 to assist in paying costs of construction of the Dulles Toll Road.

"Memorandum" shall mean the Memorandum of Understanding between the Treasury Board and the Commission dated as of December 1, 1982.

"Net Revenues" shall mean revenues received from tolls, rates, fees and charges for or in connection with the use of the Dulles Toll Road less such amounts as may be required to pay the ordinary operating and maintenance costs of the Dulles Toll Road.

"Note" shall mean the revenue bond issued by the Commission pursuant to Article IV of this Resolution to evidence the Loan.

"Principal Account" shall mean the account created hereunder which is a part of the Bond Service Fund from which payments of principal of the Bonds shall be made as the same become due and payable.

"Redemption Account" shall mean the account created hereunder as part of the Bond Service Fund in which funds shall be deposited to provide for the purchase or early redemption of the Bonds.

"Reserve Maintenance Fund" shall mean the fund created hereunder from which payments shall be made to pay the costs of insurance and extraordinary maintenance such as resurfacing, major bridge painting, equipment replacement and other expenses not recurring annually.

"Revenue Fund" shall mean the fund created hereunder in which all revenues from tolls, rates, fees and charges for or in connection with the use of the Dulles Toll Road will be deposited.

"State Revenue Bond Act" shall mean the State Revenue Bond Act, Article 5, Title 33.1 of the Code of Virginia of 1950, as amended.

ARTICLE II

Establishment of Funds

Section 201. Establishment of Construction Fund. The Commission hereby establishes and creates a special fund, designated the "Construction Fund", which shall be held by the State Treasurer. The Construction Fund shall consist of the Bond Proceeds Account and the Fairfax County Account as created hereunder.

Section 202. Bond Proceeds Account. The State Treasurer shall deposit all proceeds, excluding any premium, of the Bonds in the Bond Proceeds Account, less the amount equal to the interest on the Bonds for the thirty (30) month period following their date, which amount shall be deposited in the Interest Account. In addition, the Commission shall deposit in the Bond Proceeds Account any moneys obtained by the Commission pursuant to the Memorandum, if the amounts in the Construction Fund are inadequate to complete the Dulles Toll Road.

Section 203. Fairfax County Account. The proceeds from the Loan made by Fairfax County in the aggregate amount of up to \$5,000,000 shall be deposited in the Fairfax County Account upon delivery of the Bonds.

Section 204. Purpose of Construction Fund. The funds in the Construction Fund shall be used to pay the costs of construction of the Dulles Toll Road. Such costs may include the payment of interest on the Bonds for a period not exceeding one year after the time the revenues of the Dulles Toll Road become available to pay such interest. Funds in the Fairfax County Account shall be used only upon depletion of all amounts in the Bond Proceeds Account. Funds in the Construction Fund shall be disbursed upon receipt by the Treasury Board of a requisition stating in respect of each payment to be made: (1) the name of the person, firm or corporation to whom payment is due; (2) the amount to be paid; and (3) in reasonable detail the purpose for which the obligation was incurred. Each such requisition shall be approved by the Governor. Upon completion of construction of the Dulles Toll Road, any funds remaining in the Construction Fund shall be transferred in accordance with the provisions of the Memorandum.

Section 205. Establishment of Revenue Fund. All revenues received from tolls, rates, fees and charges for or in connection with the use of the Dulles Toll Road shall be deposited by the Commission in the Revenue Fund which shall be maintained by the

State Treasurer. Funds in the Revenue Fund shall be transferred as provided in the Memorandum.

Section 206. Establishment of Bond Service Fund. There is hereby established and created a special fund, designated the "Bond Service Fund", which shall be held by the State Treasurer. The Bond Service Fund shall consist of the following accounts: (1) Principal Account, from which payments of principal of the Bonds shall be made as the same become due and payable, whether at maturity or by mandatory redemption; (2) Interest Account, from which payments of interest on the Bonds shall be made as the same become due and payable; and (3) Redemption Account, from which purchase or early redemption of the Bonds may be made as provided in the Memorandum. Transfers to and deposits in the Bond Service Fund and the accounts thereunder shall be made in accordance with the provisions of the Memorandum.

Section 207. Establishment of Reserve Maintenance Fund. There is hereby established and created a special fund, designated the "Reserve Maintenance Fund", which shall be held by the State Treasurer. Funds shall be deposited in the Reserve Maintenance Fund as provided in the Memorandum and shall be used to pay the costs of insurance and extraordinary maintenance of the Dulles Toll Road.

ARTICLE III

Pledge of Revenues and Covenants

Section 301. Pledge of Revenues. The Commission hereby pledges the Net Revenues of the Dulles Toll Road to the payment of principal of, interest on and premium, if any, on the Bonds as the same become due and payable.

Section 302. Revenues Sufficient for Bond Service Fund. The Commission has determined that the Net Revenues will be sufficient to provide for the deposit in the Bond Service Fund of the amounts necessary to pay the interest on all of the Bonds and the principal of the Bonds, as the same shall become due, whether at maturity or upon mandatory redemption, such principal amounts becoming due in the following years and in the following amounts, respectively:

Principal Amounts Due at Maturity

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Year of Maturity</u>	<u>Principal Amount</u>
1986	\$ 500,000	1995	\$ 2,000,000
1987	750,000	1996	2,250,000
1988	1,000,000	1997	2,350,000
1989	1,000,000	1998	2,650,000
1990	1,250,000	1999	2,900,000
1991	1,300,000	2000	3,200,000
1992	1,500,000		
1993	1,600,000		
1994	1,750,000	2007	31,000,000*

*less amounts redeemed upon mandatory redemption as shown below:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2001	\$3,500,000	2004	\$ 4,600,000
2002	3,750,000	2005	4,950,000
2003	4,200,000	2006	5,000,000

ARTICLE IV

Authorization of Note

Section 401. Authorization of Note. In order to repay the Loan the Commission hereby authorizes the issuance of its Note, pursuant to and in accordance with the State Revenue Bond Act, in an aggregate principal amount equal to the aggregate amount of the Loan, not to exceed \$5,000,000. The Note is issued for the purpose of financing the costs of construction of the Dulles Toll Road.

Section 402. Form of Note. The Note shall be designated as "Commonwealth of Virginia, Virginia State Highway and Transportation Commission, Toll Road Revenue Note (Dulles Toll Road Project), Series of 1982". The Note shall be in registered form, payable to Fairfax County, Virginia, or assigns. The Note shall be non-interest bearing and shall mature, unless sooner paid, on that date which is one year from the date on which principal of and interest on the Bonds are paid in full. The Note shall be substantially in the form attached hereto as Exhibit A.

Section 403. Pledge of Revenues. The principal of the Note shall be payable solely from the Net Revenues and from any funds remaining in the Fairfax County Account upon completion of construction of the Dulles Toll Road and following any transfer of funds in the Fairfax County Account to the Bond Service Fund,

Interest Account pursuant to the Memorandum. The Commonwealth of Virginia is not obligated to pay the Note except from the special fund provided therefore and the Note shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the faith and credit of the Commonwealth. The Note shall be signed by the State Highway Commissioner and the official seal of the Commission shall be affixed thereto and attested by the Secretary of the Commission. The State Highway Commissioner is hereby authorized and directed to sign the Note and the Secretary of the Commission is hereby authorized and directed to affix the official seal of the Commission thereto and attest the same thereon.

Section 404. Fairfax County Note Repayment Account. The Commission hereby establishes a special account designated the "Fairfax County Note Repayment Account" which account is hereby pledged to, and charged with the payment of the principal of the Note. Upon payment in full of the principal of and interest on the Bonds, the Net Revenues shall be deposited in Fairfax County Note Repayment Account.

ARTICLE V

Authorization of Memorandum

Section 501. Authorization of Memorandum. The State Highway Commissioner is hereby authorized to execute the Memorandum in substantially the form presented to this meeting and the Commission hereby covenants and agrees to perform the obligations assumed by it thereunder.

Section 502. Further Authorization. The officers and agents of the Commission are hereby authorized and directed to take such further action as may be necessary in furtherance of the issuance and sale of the Bonds and the Note and to perform all acts and do all things required by the Bonds, the Note, the Memorandum and this resolution for the full, punctual and complete performance of the terms, covenants, provisions and agreements contained therein and herein.

This resolution shall take effect immediately.

MOTION CARRIED

Date: December 16, 1982

Moved by Mr. Brydges, seconded by Mr. Smalley,
that the Commission confirm letter ballot action on the following
resolution:

WHEREAS, under authority of Section 33.1-43 of the Code of
Virginia of 1950, as amended, request is made by the City of
Richmond for addition and a deletion of streets subject to
maintenance payments meeting required standards. This addition and
deletion is due to relogging in the City of Richmond;

NOW, THEREFORE, BE IT RESOLVED, that quarterly payments be
made to the City of Richmond on additional streets, totaling 0.19
mile, and meeting required standards under the aforementioned
section of the Code, effective October 1, 1982, for quarterly
payments due after December 31, 1982. The addition and deletion
of mileage eligible for payments are described as follows:

Cary Street	From Ninth Street to Belvidere Street	0.19 Mi.
Main Street	From Eighth Street to Belvidere Street	-0.08 Mi.

This "Other Streets" addition, totaling 0.19 mile and the
"Other Streets" deletion of 0.08 mile, for an addition of 0.11 mile,
will increase the total of "Other Streets" mileage in the City of
Richmond from 697.70 miles to 697.81 miles of approved streets
subject to payment.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smalley,
that the Commission confirm letter ballot action on the following
resolution:

WHEREAS, under authority of Section 33.1-43 of the Code of
Virginia of 1950, as amended, request is made by the City of Win-
chester for maintenance payments on additional streets meeting
required standards.

NOW, THEREFORE, BE IT RESOLVED, that quarterly payments be made
to the City of Winchester on additional streets, totaling 0.25 mile,
and meeting required standards under the aforementioned section of
the Code, effective October 1, 1982, for quarterly payments due
after December 31, 1982. The additional streets and mileage eligible
for payments are described as follows:

12/16/82

Conway Street	From Atwell Avenue to Ross Street	0.07 Mi.
Grove Street	From Pleasant Valley Road to Euclid Ave.	0.05 Mi.
Grove Street	From Euclid Ave. to Purcell Ave.	0.05 Mi.
Pall Mall Street	From Hollingsworth Dr. to B&O R.R.	0.09 Mi.

These "Other Streets" additions, totaling 0.26 mile, increase the total "Other Streets" mileage in the City of Winchester from 65.92 miles to 66.18 miles of approved streets subject to payment.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smalley, that the Commission confirm letter ballot action on the following resolution:

WHEREAS, under authority of Section 33.7-43 of the Code of Virginia of 1950, as amended, request is made by the Town of Wytheville for maintenance payments on additional streets meeting required standards;

NOW, THEREFORE, BE IT RESOLVED, that quarterly payments be made to the Town of Wytheville on additional streets, totaling 0.07 mile, and meeting required standards under the aforementioned section of the Code, effective October 1, 1982, for quarterly payments due after December 31, 1982. The additional streets and mileage eligible for payments are described as follows:

South Eighth Street	From Franklin Street to Washington Street	0.07 Mi.
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This "Other Streets" addition, totaling 0.07 mile, increases the total "Other Streets" mileage in the Town of Wytheville from 54.64 miles to 54.71 miles of approved streets subject to payment.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smalley, that the Commission confirm letter ballot action on the following resolution:

WHEREAS, Route 259 in Rockingham County has been altered and reconstructed as shown on plans for Project 5282-04; and

WHEREAS, one section of the old road is no longer necessary as a public road, the new road serving the same citizens as the old;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 33.1-148 of the Code of Virginia of 1950, as amended, 0.13 mile of old Route 259, shown in blue and designated as Section 1 on the plat dated November 9, 1982, Project 5282-04, be abandoned as a part of the State Highway System.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smalley, that the Commission confirm letter ballot action on the following resolution:

WHEREAS, Interstate Route 81 in Mythe County has been constructed on new location as shown on plans for Project 0081-098-101, C-503; and

WHEREAS, the construction of Interstate Route 81 necessitates alterations on sections of Route 52, one section of existing Route 52 is no longer necessary as a public road, the new road serving the same citizens as the old;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 33.1-148 of the Code of Virginia of 1950, as amended, 0.07 mile of present Route 52, shown in blue and designated as Section 1 on the plat dated October 26, 1982, Project 0081-098-101, C-503, be abandoned as a part of the State Highway System.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smalley, that the Commission confirm letter ballot action on the following resolution:

WHEREAS, by proper resolution, the Board of Supervisors of Mecklenburg County has requested that a certain road which no longer serves as a public necessity be discontinued as part of the Secondary System of Highways:

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 33.1-150 of the Code of Virginia of 1950, as amended, the following road be discontinued as part of the Secondary System of Highways, effective this date:

Mecklenburg County - Section 1 of old location of Route 623, 0.32 Mi.
between Station 184+10 and Route 621.
Project: 0623-058-144, C-501.

Motion carried.

Moved by Dr. Watkins, seconded by Mr. Quicke
that

WHEREAS, in accordance with the provisions of Section 128 of Title 23 - Highways, United States Code, and FHPM 7-7-5, a Location and Design Public Hearing was held in the Lynchburg City Hall, Lynchburg, Virginia, on September 16, 1982, at 7:30 p.m., for the purpose of considering the proposed location and major design features of State Route 291 from 0.16 mile south of the Norfolk and Western Railway to 0.10 mile north of the Norfolk and Western Railway (Bridge and Approaches over Norfolk and Western Railway) in the City of Lynchburg, State Project 0291-118-103, C-501, B-601; Federal Project BR-M-5118(), and

WHEREAS, proper notice was given in advance and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded, and

WHEREAS, the economic, social and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed,

NOW, THEREFORE, BE IT RESOLVED, that the location and major design features of this project be approved in accordance with the plan as proposed and presented at the said Location and Design Public Hearing by the Department's Engineers.

Motion carried.

Moved by Mr. Guiffre, seconded by Mr. Bane
that

WHEREAS, Section 33.1-221 of the Code of Virginia provides a fund for fiscal year 1982-83 to "... be expended by the Commission for constructing, reconstructing, maintaining, or improving access roads within counties, cities, and towns to industrial sites on which manufacturing, processing or other establishments will be built under firm contract or are already constructed and to publicly owned airports.."; and

WHEREAS, The Orange County Board of Supervisors has, by resolution, requested industrial access funds to serve the Orange County Industrial Airpark, estimated to cost \$200,000; and

WHEREAS, it appears that this request falls within the intent of Section 33.1-221 and has complied with the provisions of the Highway and Transportation Commission's policy on the use of industrial access funds.

NOW, THEREFORE, BE IT RESOLVED that \$200,000 of the 1982-83 industrial access fund be allocated to provide adequate access to the proposed Orange County Industrial Airpark in Orange County, Project 0749-068-160, N-501, contingent upon (1) the necessary right of way and adjustment of utilities being provided at no cost to the Commonwealth; (2) the Orange County Board of Supervisors' executing an agreement to reimburse the Department in full for all costs in the event that an eligible industry or industries in accordance with the Commission's policy and with total capital outlay of at least \$2 million have not entered into firm contract for construction of facilities within one year of completion of the construction of the access road; and (3) the Board's furnishing the Department with bond or other acceptable warranty in the amount of \$200,000 to be effective concurrent with the agreement.

Motion carried.

Moved by Mr. Smith, seconded by Mr. Guiffre,
that

WHEREAS, Chapter 684, Item 644.C13 of the Acts of the 1982 General Assembly provides funds for local governing bodies, planning district commissions and public corporations to support up to 80 percent of the local share of all costs associated with the development, implementation and continuation of ridesharing projects approved by the Commission; and

WHEREAS, the Loud Fairfax Planning District Commission, the cities of Galax and Alexandria, and Jefferson Area United Transportation, Inc. (JAUNT) have submitted proposals for funds to support their ridesharing programs; and

WHEREAS, the Commission has the ability to transfer funds between Items 644.C11 (all areas allocation) and 644.C13 (ridesharing allocation); and

WHEREAS, the governing bodies of each applicant certified that, if their proposals are approved, they shall use the ridesharing assistance funds in accordance with the grant program; and

WHEREAS, staff of the Public Transportation Division has evaluated the proposals;

NOW, THEREFORE, BE IT RESOLVED that the Virginia Highway and Transportation Commission hereby authorizes the transfer of funds appropriated in Item 644.C11 to Item 644.C13 with the allocations for ridesharing costs authorized as follows:

<u>Organization</u>	<u>State Funds</u>
JAUNT, Inc.	\$ 6,708.00
Lord Fairfax Planning District Commission	10,280.00
City of Galax	<u>12,900.00</u>
Total	\$29,788.00

AND, BE IT FURTHER RESOLVED, that, at the request of Mr. Guiffre, the item regarding the allocation to the City of Alexandria, intended for action today, be deferred.

Motion carried.

Moved by Mr. Smith, seconded by Mr. Guiffre,
that

WHEREAS, in accordance with the provisions of Section 128 of Title 23 - Highways, United States Code, and FHPM 7-7-5, a Design Public Hearing was held in the John Rolfe Middle School, 7800 Messer Road, Henrico County, on September 21, 1982, at 7:30 p.m., for the purpose of considering the proposed major design features of Interstate Route 295 from 0.7 mile south of the Chesterfield-Henrico County Line (south end proposed James River Bridge) to 0.9 mile south of Interstate Route 64 (east of Richmond) in Chesterfield and Henrico Counties, State Projects 0095-020-101, G-504; 0095-043-104, G-302, G-303, P-402, P-403; 0095-043-105, G-302, P-402; Federal Project I-95-1(), and

WHEREAS, proper notice was given in advance and all those present were given full opportunity to express their opinions and recommendations for or against the proposed projects as presented, and their statements being duly recorded, and

WHEREAS, the economic, social and environmental effects of the proposed projects have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed,

NOW THEREFORE BE IT RESOLVED, that the major design features of these projects be approved in accordance with the plan as proposed and presented at the said Design Public Hearing by the Department's Engineers and amended to utilize the present road in lieu of Service Road C for access to the Four Mile Creek Baptist Church by constructing four new lanes of road along Route 5 opposite the church property.

Motion carried.

Moved by Mr. Smalley, seconded by Mr. Bane,
that

WHEREAS, in accordance with the provisions of Section 128 of Title 23 - Highways, United States Code, and FHPM 7-7-5, a Design Public Hearing was held in the War Memorial Building, Winchester, Virginia, on July 15, 1982, at 7:30 p.m., for the purpose of considering the proposed major design features of Pleasant Valley Road from 1.50 mile south of Millwood Avenue to the intersection of Millwood Avenue, State Project U000-138-103, C-501, B-602; Federal Project M-5138() and the Southern Loop from 0.31 mile east of Pleasant Valley Road to 0.01 mile east of Pleasant Valley Road, State Project U000-138-102, C-501; Federal Project TQM-5138(), in the City of Winchester, and

WHEREAS, proper notice was given in advance and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded, and

WHEREAS, the economic, social and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed,

NOW, THEREFORE, BE IT RESOLVED, that the major design features of this project be approved in accordance with the plan as proposed and presented at the said Design Public Hearing by the Department's Engineers and amended to leave in place existing Millwood Avenue from the intersection with proposed Southern Loop to the intersection with relocated Millwood Avenue.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Guiffre,
that

WHEREAS, in accordance with the provisions of Section 128 of Title 23 - Highways, United States Code, and FHPM 7-7-5, a Location and Design Public Hearing was held in the Department's District Office Auditorium located in Suffolk, Virginia, on November 9, 1982, at 7:00 p.m., for the purpose of considering the proposed location and major design features of a bridge and approaches over the Norfolk and Western Railway and Seaboard Coast Line Railroad on Pinner Street in the City of Suffolk, State Project

12/16/82

U000-133-101, C-501, B-601; Federal Project BR-M-5403(174), and

WHEREAS, proper notice was given in advance and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded, and

WHEREAS, the economic, social and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed,

NOW, THEREFORE, BE IT RESOLVED, that the location and major design features of this project be approved in accordance with the plan as proposed and presented at the said Location and Design Hearing by the Department's Engineers and amended to include improvements of the intersection of Pinner Street and Finney Avenue.

Motion carried.

Moved by Dr. Watkins, seconded by Mr. Quicke, that

WHEREAS, Section 33.1-221 of the Code of Virginia provides a fund for fiscal year 1982-83 to "... be expended by the Commission for constructing, reconstructing, maintaining or improving access roads within counties, cities and towns to industrial sites on which manufacturing, processing or other establishments will be built under firm contract or are already constructed and to publicly owned airports..."; and

WHEREAS, the Campbell County Board of Supervisors has, by resolution, requested airport access funds to serve the Brookneal-Campbell County Airport located off Route 797 northeast of Brookneal, estimated to cost \$110,000; and

WHEREAS, it appears that this request falls within the intent of Section 33.1-221 and has complied with the provisions of the Highway and Transportation Commission's policy on the use of airport access funds.

NOW, THEREFORE, BE IT RESOLVED that \$110,000 of the 1982-83 airport access fund be allocated to provide adequate access to the proposed facility of the Brookneal-Campbell County Airport in Campbell County, Project 0797-015-198, M-501, contingent upon the necessary right of way and adjustment of utilities being provided at no cost to the airport access fund.

Motion carried.

Moved by Mr. Smalley, seconded by Mr. Humphreys,
that

WHEREAS, Section 33.1-221 of the Code of Virginia provides a fund for fiscal year 1982-83 to "... be expended by the Commission for constructing, reconstructing, maintaining or improving access roads within counties, cities and towns to industrial sites on which manufacturing, processing or other establishments will be built under firm contract or are already constructed and to publicly owned airports..."; and

WHEREAS, The City Council of Winchester and the Frederick County Board of Supervisors have, by resolutions, requested airport access funds to serve the Winchester Airport located in Frederick County east of the City of Winchester, estimated to cost \$250,000; and

WHEREAS, it appears that this request falls within the intent of Section 33.1-221 and has complied with the provisions of the Highway and Transportation Commission's policy on the use of airport access funds.

NOW, THEREFORE, BE IT RESOLVED that \$250,000 of the 1982-83 airport access fund be allocated to provide adequate access to the proposed facility of the Winchester Airport in Frederick County, Project 0728-034-186, N-591, contingent upon the necessary right of way and adjustment of utilities being provided at no cost to the airport access fund.

Motion carried.

Moved by Mr. Guiffre, seconded by Mr. Smith that,

WHEREAS, the Virginia Department of Highways and Transportation has conducted both engineering and environmental studies to evaluate the feasibility of constructing outer parallel roadways in the Dulles Airport Access Road corridor (DAAR), and

WHEREAS, the Federal Aviation Administration, the agency with jurisdiction over the DAAR right of way, has approved both the Final Environmental Impact Statement and the parallel lanes construction plans, and

WHEREAS, the Federal Aviation Administration has executed a Record of Decision requiring that "Virginia landscape the roadways in an attractive manner and commence landscaping work prior to opening the roadways," and

WHEREAS, in accordance with Department policy, a firm proposal has been received from Abbott Associates, Landscape Architects and Planners, Williamsburg, Virginia.

This work identified as:
Dulles Toll Road (Outer Parallel Lanes)
Landscape Plans
DT00-967-101, L-801, L-802, L-803

WHEREAS, the highly specialized nature of the landscape work and the scheduled time for completion of the plans and implementation of the landscaping requires augmentation of the Department's staff, and

WHEREAS, careful consideration has been made of these required services and just compensation for same established and set forth in the MEMORANDUM OF AGREEMENT;

NOW, THEREFORE, BE IT RESOLVED, that the Commission authorize the execution of a MEMORANDUM OF AGREEMENT with ABBOTT ASSOCIATES which establishes the maximum compensation payable at \$135,000, including actual cost of \$114,791, net fee of \$9,241 and a contingency allowance of \$10,068.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Vaughan, that

WHEREAS, pursuant to Guidelines adopted by the Commission for debarment of contractors, the two divisions of Williams Corporation of Virginia were debarred by the Commissioner from the Virginia Department of Highways and Transportation's list of prequalified bidders on April 15, 1982, based on the guilty plea of Williams Corporation to violations of the Sherman Antitrust Act, pursuant to Guideline IV(A)(1); and

WHEREAS, Williams Corporation of Virginia was sued civilly by the Attorney General for the unlawful bidrigging of a Department project in the City of Hampton; and

WHEREAS, Williams Corporation of Virginia has reached a civil settlement for restitution with the Commonwealth based on this lawsuit and, according to testimony offered by Williams Corporation to the Commissioner and by the terms of the consent decree terminating litigation, has taken those steps necessary to avoid future collusive activity;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Guideline IV(D), it is in the public interest that the debarment of the two divisions of Williams Corporation of Virginia be modified to permit reinstatement to the Virginia Department of Highways and Transportation's list of prequalified bidders at this time, based on Williams' cooperation and restitution to the Commonwealth; and

BE IT FURTHER RESOLVED, that such reinstatement be probationary for a period of five years ending December 16, 1987.

Motion carried, Mr. Smith abstaining.

Moved by Mr. Brydges, seconded by Mr. Smith,

that

WHEREAS, in connection with Route 360, State Highway Project 6360-049-101, RW-203, the Commonwealth acquired certain lands, portions of which lie outside the normal right of way from J. W. Simpkins Estate by instrument dated January 23, 1968, recorded in Deed Book 60, Page 446, case which has been concluded; and in connection with State Highway Project 72-D, the Commonwealth acquired certain lands from J. W. Simpkins by deed dated August 16, 1922, recorded in Deed Book 22, Page 317. These instruments are recorded in the Office of the Clerk of the Circuit Court of King and Queen County; and

WHEREAS, under Project 6360-049-101, RW-203, a section of Route 360 was relocated in a northern direction serving the same citizens as before, which new location has been approved by the State Highway and Transportation Commissioner; and

WHEREAS, the old location of Route 360 (now Route 677), south of the new location from a point opposite Station 613+74 a distance of 0.16 mile to a point opposite Station 622+33 was abandoned by the Board of Supervisors of King and Queen County at its meeting held on January 8, 1982, effective October 19, 1982; and

WHEREAS, it has been requested by the adjacent landowner that two (2) parcels of excess land, so acquired, lying south of and adjacent to the south normal right of way limits of Route 360 be conveyed to him; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the two (2) parcels of land lying south of and adjacent to the south normal right of way limits of Route 360, from a point approximately 50 feet opposite approximate Station 605+00 (centerline EBL Route 360) to a point approximately 60 feet opposite approximate Station 611+20 (centerline EBL Route 360) and from a point approximately 60 feet opposite approximate Station 613+70 (centerline EBL Route 360) to a point approximately 50 feet opposite approximate Station 616+30 (centerline EBL Route 360) and containing 0.63 acre, more or less, do not constitute sections of the public road and are deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of Section 33.1-149 of the Code of Virginia (1950), as amended, the

conveyance of the said land, so certified, to the adjacent landowner of record is approved and the State Highway and Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth a deed conveying same without warranty for a consideration satisfactory to the State Right of Way Engineer, and subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smith,

that

WHEREAS, in connection with Route 773 (formerly Route 58), State Highway Project 450-A, the Commonwealth acquired certain lands from T. D. Lovell and Estelle P. Lovell by deed dated February 20, 1931, recorded in Deed Book 51, Page 458; and in connection with State Highway Project 0057-044-111, RW-201, the Commonwealth acquired certain lands from Thomas D. Lovell and Estelle P. Lovell by deed dated October 17, 1972, recorded in Deed Book 240, Page 75. These deeds are recorded in the Office of the Clerk of the Circuit Court of Henry County; and

WHEREAS, the connection with Route 773 was relocated under Project 0057-044-111, RW-201, and portions of the lands so acquired are excess to the Department's needs; and

WHEREAS, inasmuch as the land is suitable for independent development, it is proposed that the property be advertised for the receipt of sealed bids, reserving the right to reject any and all bids; and provided the high bid received is not satisfactory to the Department, a sale will be negotiated with any person or persons willing to pay an amount that is satisfactory; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land containing 0.39 acre, more or less, and lying east of the east normal right of way limits of Route 57, at the corner of Route 57 and Route 773, from a point approximately 85 feet right of approximate Station 117+62 (Route 57 centerline) to a point approximately 85 feet right of approximate Station 119+30 (Route 57 centerline) is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of Section 33.1-149 of the Code of Virginia (1950), as amended, the conveyance of the said land, so certified, is approved and the

State Highway and Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth a deed conveying same without warranty for a consideration satisfactory to the State Right of Way Engineer, and subject to such restrictions as may be deemed requisite, pending the abandonment of old Route 773.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smith

that

WHEREAS, in connection with Route 11, State Highway Project 1698-08, the Commonwealth acquired certain lands from John Millard Kegley and Carlie S. Kegley by deed dated May 10, 1956, recorded in Deed Book 152, Page 379; and from Nellie Lou Townley and T. M. Townley by deed dated June 4, 1956, recorded in Deed Book 153, Page 19. These deeds are recorded in the Office of the Clerk of the Circuit Court of Wythe County; and

WHEREAS, in negotiating with David C. Horne and Frances B. Horne and James F. Armbrister, Jr. and Linda Armbrister, for lands needed for Project 0081-098-101, RW-207, they propose that the Commonwealth convey to them equivalent acreage from lands owned by the Commonwealth which abuts the Horne and Armbrister properties; and

WHEREAS, in order to effect settlement, it is proposed that a conveyance be made of approximately 0.21 acre, more or less, to the Hornes and a conveyance of approximately 0.15 acre, more or less, be made to the Armbristers in exchange for equivalent acreage required from them for the construction of Route 81; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that portions of the lands so acquired lying south of the south proposed right of way line of Route 81, and adjacent to the lands of the Hornes and Armbristers do not constitute sections of the public road and are deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of Section 33.1-149 of the Code of Virginia (1950), as amended, the conveyances of the lands, so certified, are approved and the State Highway and Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth deeds conveying same without warranty to the Hornes and Armbristers in exchange for

lands required from them for Route 81 and subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smith,

that

WHEREAS, in connection with Route 29, State Highway Project 6029-118-102, PW-201, the Commonwealth acquired certain lands from Maurice E. Cllngempeel and Lena H. Cllngempeel by instrument dated February 22, 1979, recorded in Deed Book 563, Page 403, case which has been concluded; from Bernard Robinson and Ida Mae Pobinson by deed dated March 2, 1979, recorded in Deed Book 563, Page 231; and from Gertrude R. Smith by deed dated February 6, 1979, recorded in Deed Book 563, Page 349. These instruments are recorded in the Office of the Clerk of the Circuit Court of the City of Lynchburg; and

WHEREAS, the residents of Diamond Hill Historic District (Washington Street) have made a request through the City of Lynchburg that portions of the lands so acquired be utilized as a tree and flower garden to beautify the area; and

WHEREAS the City of Lynchburg has indicated that it will plant trees and shrubs as requested if the property is donated to the City; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the excess land containing approximately 8,799 square feet, more or less, and lying west of and adjacent to the west proposed and/or normal right of way of Ramp "A", from a point approximately 13 feet right of approximate Station 11+45 (Ramp "A" centerline) to a point approximately 20 feet left of approximate Station 9+67 (Pearl Street centerline) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFOPE, in accordance with the provisions of Section 33.1-149 of the Code of Virginia (1950), as amended, the conveyance of the lands, so certified, is approved and the State Highway and Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth a deed conveying same to the City of Lynchburg which will take over the beautification and

maintenance responsibility, subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smith,

that

WHEREAS, the Commonwealth acquired certain lands for the Old Warm Springs Maintenance Lot from Simon P. Williams and Mable V. Williams by deed dated August 20, 1958, recorded in Deed Book 67, Page 162 in the Office of the Clerk of the Circuit Court of Bath County; and

WHEREAS, this maintenance facility has been relocated and it has been determined by Department Engineers that this lot is excess to the Department's needs; and

WHEREAS, it is proposed that the excess land be offered to another State agency or advertised for the receipt of sealed bids, reserving the right to reject any and all bids; and provided the high bid received is not satisfactory to the Department, a sale will be negotiated with any person or persons willing to pay an amount that is satisfactory; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land containing 3.77 acres, more or less, and comprising the Old Warm Springs Maintenance Lot and lying north of the north right of way line of Route 39, east of Route 620, and being all the lands acquired, reserving for the Department a strip of land varying in width from 25 feet to 48 feet for right of way purposes, is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of Sections 33.1-149 and 2.1-5 of the Code of Virginia (1950), as amended, the conveyance of the said land, so certified, is approved and the State Highway and Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth a deed conveying same without warranty for a consideration satisfactory to the State Right of Way Engineer, and subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smith,

that

WHEREAS, in connection with Route 3, State Highway Project 370-R1, the Commonwealth acquired certain lands from I. L. Forrester and Cora R. Forrester by deed dated June 30, 1948, recorded in Deed Book 84, Page 332 in the Office of the Clerk of the Circuit Court of Lancaster County; and

WHEREAS, it has been brought to the Department's attention that a portion of the improvements on the adjacent property encroaches upon the right of way limits of Route 3 at its intersection with Route 617; and

WHEREAS, in order to correct this situation, the adjacent landowner has agreed to purchase sufficient land to eliminate the encroachment; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land containing 0.01 acre, more or less, and lying between the east existing right of way line of Route 3 and the east normal right of way limits of Route 3 at the intersection with Route 617, from a point approximately 50 feet opposite approximate Station 307+78 (centerline Route 3) to a point approximately 25 feet opposite approximate Station 308+70 (traverse "B" centerline Route 617) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, the conveyance of the land, so certified, to the adjoining landowner of record in accordance with the provisions of Section 33.1-149 of the Code of Virginia (1950), as amended, is approved and the State Highway and Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth a deed, without warranty, conveying same for a consideration satisfactory to the State Right of Way Engineer and subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smith,

that

WHEREAS, in connection with Route 464, State Highway Project 0464-131-101, PW-202, the Commonwealth acquired certain

lands from the Federal Housing Administration by deed dated June 9, 1967, recorded in Deed Book 1490, Page 608; from Robert C. Leary, et al, by deed dated May 31, 1967, recorded in Deed Book 1492, Page 275; from Stella C. Hassell by deed dated June 7, 1967, recorded in Deed Book 1491, Page 408; from Marjorie L. Steed by deed dated May 25, 1967, recorded in Deed Book 1492, Page 267; from Mattie H. Busbee, et al, by deed dated May 19, 1967, recorded in Deed Book 1492, Page 270; and from James P. Busbee, Jr. by deed dated March 30, 1967, recorded in Deed Book 1487, Page 154. These deeds are recorded in the Office of the Clerk of the Circuit Court of the City of Chesapeake; and

WHEREAS, the adjacent landowner of record has requested that two (2) parcels of land which lie outside the normal right of way limits of Freeman Avenue be conveyed to it so that it may further develop its property; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the two (2) parcels of land lying north of the north normal right of way limits of Freeman Avenue, from a point approximately 132 feet opposite approximate Station 34+85 (centerline Freeman Avenue) to a point approximately 70 feet opposite approximate Station 37+77 (centerline Freeman Avenue), also at a point approximately 70 feet opposite approximate Station 39+92 (centerline Freeman Avenue) to a point approximately 70 feet opposite Station 40+73 (centerline Freeman Avenue) do not constitute sections of the public road and are deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of Section 33.1-149 of the Code of Virginia (1950), as amended, the conveyance of the said land, so certified, is approved and the State Highway and Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth a deed conveying same without warranty, to the adjacent landowner of record, for a consideration satisfactory to the State Right of Way Engineer, and subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smith,

that

WHEREAS, in connection with Route 44, State Highway Project

0044-134-101, RW-206, the Commonwealth acquired certain lands, portions of which lie outside the right of way limits, from Alphonso T. Swann, et al, by deed dated August 2, 1974 recorded in Deed Book 1446, Page 457; from Howard Funk and Kashiwa Funk by deed dated January 2, 1974 recorded in Deed Book 1406, Page 119; and from Alvin C. Wicks and Meredith H. Wicks by deed dated August 27, 1973 recorded in Deed Book 1380, Page 15. These deeds are recorded in the Office of the Clerk of the Circuit Court of the City of Virginia Beach; and

WHEFEAS, the Virginia Electric and Power Company has requested a 15-foot permanent easement to construct, operate and maintain its facilities over, across and beneath a portion of the aforementioned land; and

WHERFAS, the State Highway and Transportation Commissioner has certified to the Commission that he deems it expedient to convey to the Virginia Electric and Power Company such easement.

NOW, THEREFORE, in accordance with the provisions of Section 33.1-149 of the Code of Virginia (1950), as amended, the State Highway and Transportation Commissioner is hereby authorized to execute a deed without warranty, in the name of the Commonwealth, conveying a 15-foot permanent easement to the Virginia Electric and Power Company for a consideration satisfactory to the State Right of Way Engineer, subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smalley that the Commission confirm letter ballot action on bids received October 19, 1982, on the following projects and authorize execution of contract by the Deputy Commissioner or Chief Engineer:

Project P-2A-82

Clean and paint bridge structural steel (26 bridges), Various Locations, Salem District. Award of contract to low bidder, Mike Painting Company, Inc., Baltimore, Maryland.

Bid	\$59,950.00
Engineering and contingencies	9,472.10
Total amount chargeable to project	69,422.10

\$69,422.10 to be financed from the Salem District Interstate and Primary Maintenance Replacement Funds and the Giles and Pulaski Counties Secondary Maintenance Replacement Funds.

Project P-2B-82

Clean and paint bridge structural steel (11 bridges), Various Locations, Salem District. Award of contract to low bidder, Mike Painting Company, Inc., Baltimore, Maryland.

Bid	\$61,000.00
Engineering and contingencies	9,638.00
Total amount chargeable to project	70,638.00

\$70,638.00 to be financed from the Salem District Interstate and Primary Maintenance Replacement Funds and the Montgomery County Secondary Maintenance Replacement Funds.

Project P-4-82

Clean and paint bridge structural steel (20 bridges), Various Locations, Richmond District. Award of contract to low bidder, Bridge Painting, Inc., Clarksville, Virginia.

Bid	\$93,700.00
Engineering and contingencies	14,804.60
Total amount chargeable to project	108,504.60

\$108,504.60 to be financed from the Richmond District Interstate and Primary Maintenance Replacement Funds.

Van Dorn Street, Project U000-100-108, C-501, C-502, B-602

0.014 Mi. South Eisenhower Avenue - 0.015 Mi. North Pickett Street,
City of Alexandria. Award of contract to low bidder, Corman Con-
struction, Inc., Washington D. C.

	<u>Construction</u>	<u>Right of Way</u>
Bid (Option B)	\$4,056,720.86	2,955.00
Engineering and contingencies	640,456.29	466.89
State Force Work	38,572.98	
Railroad	215,000.00	
Total amount chargeable to project	4,954,172.02	

Accounts Receivable - \$247,708.61 - City of Alexandria.

Old Brandy Road, Project U000-204-102, C-502, D-601

0.046 Mi. West Wine Street - 0.131 Mi. East Wine Street, Town of
Culpeper. Award of contract to low bidder, J. L. Kent and Sons, Inc.
and James W. and Nancy F. Kent, Spotsylvania, Virginia.

Bid	\$265,120.88	
Engineering and contingencies	41,889.10	
State Force Work	2,324.69	
Utilities	37,934.00	
Total amount chargeable to project	347,268.67	

Accounts Receivable - \$15,466.73 - Town of Culpeper.

Route 29, Project 6029-030-102, G-302

0.097 Mi. South Southern Railway - Int. Routes 15, 29/211 (North
Warrenton), Fauquier County. Award of contract to low bidder,
L. F. Franklin and Sons, Inc., Stephenson, Virginia.

	<u>Construction</u>	<u>Right of Way</u>
Bid	\$1,669,223.18	1,325.00
Engineering and contingencies	263,737.26	209.35
State Force Work	11,985.30	
Total amount chargeable to project	1,946,480.09	

Route 75, Project 0075-095-103, C-501, C-502, D-608

3.436 Mi. South Int. Route 81 - 2.838 Mi. South Int. Route 81, Washington County. Award of contract to low bidder, W-L Construction and Paving, Inc., Chilhowie, Virginia.

Bid	\$347,793.61
Engineering and contingencies	54,957.39
State Force Work	6,102.66
Total amount chargeable to project	408,847.66

Route 98, Project 0098-010-102, C-501, B-602

0.248 Mi. South Int. Route 21 and 52 - 0.499 Mi. South Int. Route 21 and 52 (Route 605), Bland County. Award of contract to low bidder, Fort Chiswell Construction Corporation, Max Meadows, Virginia.

	<u>Construction</u>	<u>Right of Way</u>
Bid	\$258,189.10	200.00
Engineering and contingencies	40,793.88	31.60
State Force Work	4,990.98	
Total amount chargeable to project	304,205.56	

\$84,205.56 to be provided in future primary construction allocations.

Route 123, Project 0123-029-111, C-503

0.093 Mi. North Southern Railroad - 1.047 Mi. South Int. Route 383 (University Drive), Fairfax County. Award of contract to low bidder, Julius Branscome, Inc. and Julius L. and Lila Y. Branscome, Woodbridge, Virginia.

Bid	\$1,753,599.15
Engineering and contingencies	277,068.67
State Force Work	3,815.67
Total amount chargeable to project	2,034,483.43

Route 311, Project 0311-022-103, C-501, B-601

0.080 Mi. West Int. Route 619 - 0.026 Mi. East Int. Route 619, Craig County. Award of contract to low bidder, B & F Company, Rocky Mount, Virginia.

	<u>Construction</u>	<u>Right of Way</u>
Bid	\$379,900.00	100.00
Engineering and contingencies	60,024.20	75.80
State Force Work	9,264.00	
Total amount chargeable to project	449,304.00	

Route 637, Project 0637-098-178; M-501, B-621

0.900 Mi. South Route 100 - 0.530 Mi. South Route 100, Mythe County.
Award of contract to low bidder, Fort Chiswell Construction Corporation, Max Meadows, Virginia.

Bid	\$229,403.85
Engineering and contingencies	36,245.81
State Force Work	2,373.90
Utilities	1,530.74
Total amount chargeable to project	269,554.30

\$25,187.83 to be provided in the 1983-84 Secondary Construction Funds.

Routes 640, 650; and 617; Projects 0640-013-T18; B-628; 0650-013-T19, N-501; 0617-013-T20; B-629

2 Bridges and 3 retaining walls, Various Locations, Buchanan County.
Award of contract to low bidder, Edwin O'Dell and Company, Pulaski, Virginia.

Bid	\$147,576.00
Engineering and contingencies	23,317.01
State Force Work	11,580.00
Total amount chargeable to project	182,473.01

Accounts Receivable \$182,473.01 - Buchanan County - (Coal Severance Tax)

Route 643, Project 0643-060-168; C-501

Int. Route 642 - SCL Blacksburg, Montgomery County. Award of contract to low bidder, H. T. Bowling, Inc., Radford, Virginia.

Bid	\$262,721.40
Engineering and contingencies	41,509.98
State Force Work	4,400.40
Utilities	21,282.00
Total amount chargeable to project	329,913.38

\$98,494.90 to be provided in the 1983-84 Secondary Construction Funds.

Route 652, Project 0652-089-133, C-501

0.004 Mi. West Int. Route 1 - 0.473 Mi. East of East End Bridge over Route 95, Stafford County. Award of contract to low bidder, Marbro Company, Inc., Beltsville, Maryland.

	<u>Construction</u>	<u>Right of Way</u>
Bid	\$395,691.41	29,959.00
Engineering and contingencies	62,519.24	4,733.52
State Force Work	4,921.50	
Utilities	105,602.60	
Total amount chargeable to project	603,427.26	

\$195,130.66 to be provided in the 1983-84 Secondary Construction Funds.

Route 682, Projects 0682-271-131, C-501; 0682-084-132, C-501

Int. Route 71 - 1.379 Mi. South Route 71, Scott County and Town of Nickelsville. Award of contract to low bidder, B. F. Robinette Contractor, Inc., Norton, Virginia.

Bid	\$323,033.45	
Engineering and contingencies	51,039.29	
State Force Work	7,196.97	
Utilities	3,716.07	
Total amount chargeable to project	384,985.78	

Route 690, Project 0690-079-122, C-501

0.590 Mi. South Muddy Run - 0.009 Mi. South Muddy Run, Richmond County. Award of contract to low bidder, J. L. Kent and Sons, Inc., Spotsylvania, Virginia and Robert L. and Julie M. Kent, Hanover, Virginia.

	<u>Construction</u>	<u>Right of Way</u>
Bid	\$117,586.45	50.00
Engineering and contingencies	18,578.66	7.90
State Force Work	1,765.95	
Utilities	3,140.31	
Total amount chargeable to project	141,129.27	

\$55,022.30 to be provided in the 1983-84 Secondary Construction Funds.

Route 705, Project 0705-053-203, N-501

1.795 Mi. North Prince William County Line - Prince William County Line, Loudoun County. Award of contract to low bidder, Buckley Lages, Inc., Winchester, Virginia.

Bid	\$260,813.15
Engineering and contingencies	41,208.48
State Force Work	1,389.60
Utilities	6,057.00
Total amount chargeable to project	309,468.23
Motion carried.	

Moved by Mr. Brydges, seconded by Mr. Smalley, that the Commission confirm letter ballot action rejecting bids received on October 19, 1982, on the following projects and authorize readvertisement:

Halifax Street, Project W000-123-705, C-501, B-603, B-604

0.013 Mi. East Int. West Clara Drive - 0.010 Mi. West Int. Halifax Road, City of Petersburg. Low Bid 11.7% over estimate.

Route 53, Project 0053-002-7059, SR01

Bridge Repair and bituminous conc. overlay Route 53 over Buck Island Creek, Albemarle County. Low Bid 27.0% over estimate.

Route 171, Project 0171-099-101, M-503

Drainage Improvements 2.79 Mi. East Route 134, York County. Low Bid 80.6% over estimate.

Route 226, Project 0226-026-101, C-501

Int. Route 1 - 0.270 Mi. West Int. Route 1, Dinwiddie County. Low Bid 19.4% over estimate.

Route 521, Project 0621-023-138, N-501

Int. Route 211 - 1.5 Mi. South Int. Route 211, Culpeper County. Low Bid 13.2% over estimate.

Route 649, Project 0649-007-187, M-501

0.114 Mi. North Int. Route 340 - 1.069 Mi. North Int. Route 340, Augusta County. Low Bid 18.7% over estimate.

Route 745, Project 0745-061-180, M-501

North Carolina - Virginia State Line - 0.449 Mi. North North Carolina - Virginia State Line, City of Suffolk. Low Bid 27.3% over estimate.
Motion carried.

Moved by Mr. Brydges, seconded by Mr. Smalley, that the Commission confirm letter ballot action on bids received October 19, 1982, on the following projects and authorize execution of contracts by the Deputy Commissioner or Chief Engineer:

Route 29, Project 0029-002-701, M-500

Bridge Repair and Latex Overlay, Route 29 Bypass over Barracks Road (0.1 Mi. West WCL City of Charlottesville), Albemarle County. Award of contract to low bidder, Lanford Brothers Company, Inc., Roanoke, Va.

Bid	\$31,045.00
Engineering and contingencies	4,905.11
Total amount chargeable to project	35,950.11

\$35,950.11 to be financed from Construction Funds, Maintenance Reserve Funds and Culpeper District Primary Reserve Funds.

Routes 264 and 44, Projects 0264-122-105, C-501, B-626, B-627, B-630, B-631, B-632, B-660, B-661, B-662; 0044-122-103, C-501; 0044-134-103, C-501

1.794 Mi. West Norfolk-Virginia Beach Corporate Limits - 1.205 Mi. East Norfolk-Virginia Beach Corporate Limits, Cities of Norfolk and Virginia Beach. Award of contract to low bidder, English Construction Company, Inc., and Subs., Altavista, Virginia.

Bid	\$18,057,789.57
Engineering and contingencies	2,852,656.75
State Force Work	27,444.60
Utilities	58,212.66
Total amount chargeable to project	20,996,103.58

\$6,612,104.73 to be provided in future Interstate construction allocations.

Route 600, Project 0600-068-151, N-501

Int. Route 629 - Int. Route 714, Orange County. Award of contract to low bidder, J. E. Evans and Son Construction Company, Inc., and W. Frank Moore, Inc., Appomattox, Virginia.

Bid	\$178,644.00
Engineering and contingencies	28,225.75
State Force Work	5,210.28
Utilities	22,858.39
Total amount chargeable to project	234,938.42

\$20,764.60 to be provided in the 1983-84 Secondary Construction Funds.

Route 625, Project 0625-008-125, C-501, B-610, B-612

2.709 Mi. North Int. Route 629 - 2.984 Mi. North Int. Route 629,
Bath County. Award of contract to low bidder, Charles W. Barger
and Son Construction Company, Inc., Lexington, Virginia.

	<u>Construction</u>	<u>Right of Way</u>
Bid	\$288,344.00	1,000.00
Engineering and contingencies	45,558.35	158.00
State Force Work	1,592.25	
Utilities	560.00	
Total amount chargeable to project	337,212.60	

Route 720, Project 0720-007-235, N-501, D-652

0.90 Mi. North Route 725 - 1.05 Mi. North Route 725, Augusta County.
Award of contract to low bidder, Garrett, Moon and Pool, Inc.,
Blackstone, Virginia.

Bid	\$ 90,011.50
Engineering and contingencies	14,221.82
Total amount chargeable to project	104,233.32

\$7,318.58 to be provided in the 1983-84 Secondary Construction Funds.

Motion carried, Mr. Mohr abstaining.

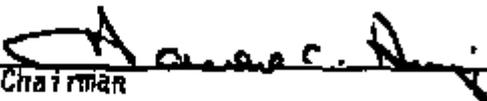
12/16/82

On motion of Mr. Smith, seconded by Mr. Bane, the Commission acted to, after adjournment of this meeting, reconvene in executive session at the Engineers' Club for the purpose of briefings by counsel on potential litigation and on certain legal and personnel matters, as provided by Section 2.1-344(a)(1) and (a)(6) of the Code of Virginia.

The next Commission meeting will be held on January 20, 1983.

The meeting was adjourned at 11:49 a.m.

Approved:


Chairman

Attested:


Secretary

ADDITIONS TO OTHER STREET MILEAGES
CITIES AND TOWNS WITH POPULATIONS IN EXCESS OF 3,500
SECTION 33.1-43 OF THE CODE OF VIRGINIA, 1972 AMENDMENT

MUNICIPALITY Portsmouth

TOTAL ADDITIONAL MILEAGE REQUESTED 3.76 lane miles

1.88 e/c

SUBMITTED BY THE CITY OR TOWN (Date 10-12-82) CHECKED BY DEPT. OF HIGHWAYS ENGINEER (Date 12-6-82)

NAME OF STREET	FROM (if widths vary list each change)	TO	R/W WIDTH	HARD SURFACE WIDTH	LENGTH MILES	PARKING PROHIBITED KT. (Yes or No)	TYPE OF BASE	TYPE OF SURFACE	Number of Lanes available for peak hour Traffic
Southampton Arch	Twin Pines Road back to Twin Pines Road	River Shore	50'	30'	.62	No	Stone	S-5	2
Southampton Lane	Southampton Arch to River Shore		50'	30'	.06	No	Stone	S-5	2
Woodside Lane	Twin Pines Rd. to Southampton Arch	Arch	50'	30'	.32	No	Stone	S-5	2
Raintree Lane	Woodside to Southampton Arch		50'	30'	.08	No	Stone	S-5	2
Woodside Circle	Woodside Lane to Cul-de-sac		50'	30'	.06	No	Stone	S-5	2
Echo Court	Twin Pines Rd. to Cul-de-sac		50'	30'	.01	No	Stone	S-5	2
Breezewood Court	Pleasant Woods Ct. to Cul-de-sac		50'	30'	.05	No	Stone	S-5	2
Pleasant Woods Ct.	Twin Pines Rd. to Cul-de-sac		50'	30'	.12	No	Stone	S-5	2
Highgate Cir. N.	Southampton Arch to Hedgerow La.		50'	30'	.08	No	Stone	S-5	2
Highgate Cir. S.	Southampton Arch to Hedgerow La.		50'	30'	.04	No	Stone	S-5	2
Birch Road	Southampton Arch to Hedgerow La.		50'	30'	.23	No	Stone	S-5	2
Schoolhouse Path	Birch Rd. to Hedgerow Lane		50'	30'	.13	No	Stone	S-5	2
Hedgerow Circle	Hedgerow Lane to Cul-de-sac		50'	30'	.04	No	Stone	S-5	2

SIGNED [Signature]
Dept. of Highways' Engineer

