



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Sean T. Connaughton  
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106  
Richmond, Virginia 23219

(804) 786-1830  
Fax: (804) 225-4700

*Agenda item # 1-C*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

January 20, 2010

#### MOTION

**Made By: Mr. McCarthy Seconded By: Mrs. Carter  
Action: Motion Carried, Unanimously**

**Title: Statewide Abandonments, Discontinuances and Transfers  
in the Primary and the Secondary System of State Highways**

**WHEREAS**, the projects listed below relocated segments of existing primary and secondary system roadways to new alignments, causing the segments identified to be either:

- (a) no longer necessary as public roads, since a new road serves the same citizens that were served by the old road,
- (b) no longer provide a public convenience that warrants maintenance at public expense, or
- (c) transferred to the secondary system of state highway as those segments no longer satisfy criteria for them to remain part of the State Highway System; and

**WHEREAS**, §33.1-148, *Code of Virginia* 1950, as amended, authorizes the Commonwealth Transportation Board to order elements of the State Highway System abandoned as public roads, provided the segment was replaced by a new road that serves the same citizens as the old road served, thereby rendering the existing road no longer necessary for public transportation purposes; and

**WHEREAS**, the abandonment of a road relieves the land of the public servitude and extinguishes the roadway as a public way, eliminating the need for further VDOT maintenance and enabling the conveyance of surplus rights of way by the Board or the local government, according to the ownership of the underlying fee title; and

**WHEREAS**, primary roadways that no longer provide sufficient public convenience to warrant maintenance at public expense may be discontinued by the Board, pursuant to §33.1-144, Code of Virginia 1950, and

**WHEREAS**, Department services and jurisdiction over secondary roadways that no longer provide sufficient public convenience to warrant maintenance at public expense may be discontinued by the Board, pursuant to §33.1-150, *Code of Virginia*, 1950, as amended, returning jurisdiction over such roads, which remain public roads, to the local government; and

**WHEREAS**, pursuant to §33.1-35, *Code of Virginia* 1950, as amended when construction of a new road relocates an existing road that is to remain in service but the old road no longer satisfies criteria warranting its continued operation as part of the State Highway System, the old road may be transferred to the VDOT maintained secondary system of state highways or, if applicable, to the local road systems of Arlington or Henrico County;

**NOW, THEREFORE, BE IT RESOLVED**, that the roadway segments identified below are hereby ordered abandoned as part of the State Highway System, effective this date, pursuant to §33.1-148 of the *Code of Virginia*, 1950, as amended.

Richmond District

Lunenburg County  
Project: 0040-055-112, C-502

- Route 40 (Section 1) 0.15 Mi.  
From: 2.71 Mi. W. Rte. 49  
To: 2.86 Mi. W. Rte. 49

#####