

**MINUTES
OF
MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD**

Central Office Auditorium
1221 East Broad Street
Richmond, Virginia
March 14, 2012
10:00 a.m.

The meeting of the Commonwealth Transportation Board Action meeting was held in the Central Office Auditorium of the Virginia Department of Transportation in Richmond, Virginia, on March 14, 2012. The Chairman, Sean T. Connaughton, presided and called the meeting to order at 1:23 p.m.

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Present: Messrs. Bowie, Cole, Ellis, Garczynski, Keen, Koelemay, Layne, Louderback Martin, Miller, Peake, Rich, and; Vice Chairman Whirley and Ms. Drake, ex officio, Director of the Department of Rail and Public Transportation.

Absent: Messrs. Davis and Sterling

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Public Comments:

None

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Approval of Minutes February 15, 2012

Made by Mr. Miller, Seconded by Mr. Peake.
Motion carried, minutes approved.

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LOCAL ASSISTANCE DIVISION:

Agenda Item 1. Action on Airport Access Policy Revision.

Referenced by attachment of resolution and decision brief.
Made by Mr. Miller, Seconded by Mr. Martin.
Motion carried, resolution approved.

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Agenda Item 2. Action on Revenue Sharing Reallocation, Specifically;

Bristol District
County of Buchanan

Route 744

Referenced by attachment of resolution and decision brief.
Made by Mr. Bowie, Seconded by Mr. Keen.
Motion carried, resolution approved.

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Agenda Item 3. Action on Economic Development Access, Specifically:

Salem District
City of Galax
Albany Industries-Galax, LLC
Project No.: U000-113-258, M501

Referenced by attachment of resolution and decision brief.
Made by Mr. Martin, Seconded by Mr. Bowie.
Motion carried, resolution approved.

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Agenda Item 4. Action on Recreational Access, Specifically:

Staunton District
Warren County
Rockland Park
Project No.: 0705-093-746, N501

Referenced by attachment of resolution and decision brief.
Made by Mr. Martin, Seconded by Mr. Layne.
Motion carried, resolution approved.

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TRAFFIC ENGINEERING DIVISION:

Agenda Item 5. Action on Through Truck Restriction in the Fredericksburg District on Route 3 in Lancaster County and the Town of Kilmarnock.

Referenced by attachment of resolution and decision brief.
Made by Mr. Layne, Seconded by Mr. Koelemay.
Motion carried, resolution approved.

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MAINTENANCE DIVISION:

Agenda Item 6. Action on Proposed Discontinuance of the Portion of Jolly Pond Road (Route 633) that Extends Across the Jolly Pond Dam in the Hampton Roads District, James City County, Virginia

Referenced by attachment of resolution and decision brief.
Made by Mr. Layne, Seconded by Mr. Miller.
Motion carried, resolution approved.

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RIGHT OF WAY DIVISION:

Agenda Item 7. Action on Limited Access Control Action and Permit

Northern Virginia District
Fairfax County
Route 267

Referenced by attachment of resolution and decision brief.
Made by Mr. Koelemay, Seconded by Mr. Garczynski.
Motion carried, resolution approved.

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Agenda Item 8. Action on Limited Access Control Changes Specifically:

A. Staunton District
City of Covington
Interstate 64
Project No.: 0064-107-101, RW-201

Referenced by attachment of resolution and decision brief.
Made by Mr. Miller, Seconded by Mr. Bowie.
Motion carried, resolution approved.

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B. Culpeper District
Albemarle County
Interstate 64
Project No.: 0064-002-102, G304,

Referenced by attachment of resolution, as amended to reflect that in the third whereas clause the *30 feet* be changed to read *ultimately 42 feet*, and decision brief.

Made by Mr. Rich, Seconded by Mr. Layne
Motion carried, resolution approved.

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PROGRAMMING DIVISION:

Agenda Item 9. Action on Addition of Various Projects to the Six-Year Improvement Program for Fiscal Years 2012-2017.

Referenced by attachment of resolution and decision brief.
Made by Mr. Koelemay, Seconded by Mr. Layne.
Motion carried, resolution approved.

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Agenda Item 10. Action on FY12-17 Six-Year Improvement Program Transfers for January 30, 2012, through February 27, 2012.

Referenced by attachment of resolution and decision brief.
Made by Mr. Miller, Seconded by Mr. Layne.
Motion carried, resolution approved.

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DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION:

Agenda Item 11. Action on South East High Speed Rail Recommendation Report.

Referenced by attachment of resolution and decision brief.
Made by Mr. Keen, Seconded by Mr. Layne.
Motion carried, resolution approved.

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FINANCIAL PLANNING DIVISION:

Agenda Item 12. Action on Delegating Authority to the Chairman of the Commonwealth Transportation Board, the Commissioner of Highways and the Chief Financial Officer of the Virginia Department of Transportation to Declare the Official Intent of the Commonwealth Transportation Board to Reimburse Itself from Proceeds of Tax-Exempt GARVEE's Financings.

Referenced by attachment of resolution and decision brief.
Made by Mr. Bowie, Seconded by Mr. Keen.
Motion carried, resolution approved.

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Agenda Item 13. Action on Advance Toll Facilities Revolving Funds for I-95 HOT Lanes Early Works.

Referenced by attachment of resolution, as amended to add *and made available* in the last phrase immediately following the word *identified*, and decision brief.
Made by Mr. Rich, Seconded by Mr. Miller
Motion carried, resolution approved as amended.

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Agenda Item 14. Action on Advance Toll Facilities Revolving Funds for Downtown Tunnel/Midtown Tunnel/Martin Luther King, Jr. Extension Project

Referenced by attachment of resolution and decision brief.
Made by Mr. Keen, Seconded by Mr. Layne.
Motion carried, resolution approved.

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Agenda Item 15. Action on Route 28 District Contract Amendment.

Referenced by attachment of resolution and decision brief.
Made by Mr. Koelemay, Seconded by Mr. Garczynski.
Motion carried, resolution approved.

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SCHEDULING AND CONTRACT:

Agenda Item 16. Action on Bids.

Page 1 of the attached report, dated February 22, 2012, recommending award of order number K77.

Moved by Mr. Miller, Seconded by Mr. Ellis.
Motion carried, bid awarded.

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Page 2 of the attached report, dated February 22, 2012, recommending award of order number 911.

Moved by Mr. Miller, Seconded by Mr. Ellis.
Motion carried, bid awarded.

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Page 3 of the attached report, dated February 22, 2012, recommending award of order number 914.

Moved by Mr. Miller, Seconded by Mr. Ellis.
Motion carried, bid awarded.

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At 1:38 p.m. Mr. Layne made the following motion:

I move that the Commonwealth Transportation Board convene a closed meeting under the Virginia Freedom of Information Act, pursuant to Virginia Code §2.2-3711(A) (7) to consult with legal counsel and with staff members on probable litigation regarding the Comprehensive Agreement between Elizabeth River Crossing, OpCo., LLC and the Commonwealth related to tolling authority and the Public Private Transportation Act.

This motion was seconded by Mr. Koelemay.

With an objection being made by Mr. Peter Bacque of the Richmond Times Dispatch, so noted for the record, to the motion, the meeting went into closed session.

At 2:15 p.m. Mr. Layne made the following motion:

Whereas, the Commonwealth Transportation Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

Whereas, §2.2-3711 of the Code of Virginia requires a certification that such closed meeting was conducted in conformity with Virginia Law.

Now, therefore, be it resolved that the Commonwealth Transportation Board certifies that to the best of each members knowledge (i) only public meeting business matters lawfully exempted from open meeting requirements under this chapter were discussed in the closed meeting to which this certification resolution applies, and (ii) only such business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered by the Board.

This motion was second by Mr. Miller

A roll call vote was taken on the above motion with the results as follows:

Chairman Connaughton- Aye

Vice Chairman Whirley- Aye

Ms. Drake - Aye

Mr. Bowie – Aye

Mr. Cole- Aye

Dr. Davis- Absent

Mr. Ellis- Aye

Mr. Garczynski- Aye

Mr. Keen- Aye

Mr. Koelemay- Aye

Mr. Layne- Aye

Mr. Louderback- Aye

Mr. Martin- Aye

Mr. Miller- Aye

Mr. Peake- Aye

Mr. Rich- Aye

Mr. Sterling- Absent

NEW BUSINESS:

New Business Agenda Item 1. Action on Tolling of the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project.

Prior to the vote on this item Mr. Layne read the resolution in its entirety, referenced by attachment of the resolution.

Made by Mr. Layne, Seconded by Mr. Koelemay.

Motion carried, resolution approved.

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ADJOURNMENT:

The meeting adjourned at 2:33 p.m. The next meeting will be held on Wednesday, April 18, 2012 beginning at 10:00 a.m. in the VDOT Central Auditorium in Richmond, Virginia, 1221 East Broad Street, Richmond, VA

Approved.

Chairman

Secretary

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