



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 16

**RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD
April 17, 2013**

MOTION

Made By: Mr. Layne Seconded By: Mr. Ellis

Action: Motion Carried, Unanimously

Title: Authorization to Enter into a Memorandum of Agreement between Virginia Department of Transportation (VDOT), and the United States Department of the Army Regarding Removal of Munitions at and in Association with the Gilmerton Bridge Replacement Project.

WHEREAS, in its meeting dated September 17, 2009, the Commonwealth Transportation Board approved the award of a contract for a design, bid, build project for the replacement of the Gilmerton Bridge (“Gilmerton Bridge Replacement Project”) which carries Route 13 (South Military Highway) over the Southern Branch of the Elizabeth River in an industrial area of the City of Chesapeake; and

WHEREAS, VDOT commenced construction and other activities associated with Gilmerton Bridge Replacement Project in approximately November of 2009; and

WHEREAS, during the course of dismantling/demolishing the counterweight of the existing Gilmerton Bridge, a number of military ordnance items (munitions and explosives of concern or “MEC”) were discovered in the east side counterweight pockets; and

WHEREAS, the US Navy’s Explosive Ordnance Disposal Team (EOD) investigated the MEC and while they concluded the loose and encased munitions were inert, they recommended, in consultation with the Federal Bureau of Investigation, that VDOT consult with explosives experts specializing in remediation of munitions at the US Army Corp of Engineers (USACE); and

WHEREAS, explosive safety representatives/experts will need to be onsite full time during performance of any work which potentially may encounter MEC and demolition of the counterweights and remediation of any MEC can continue only once such safety representatives/experts are on site; and

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WHEREAS, based on discussions with USACE, VDOT has been advised that, pursuant to guidance outlined in current Department of Defense (DoD), Department of the Army (DA) and USACE Explosive Safety Regulations, the site should be classified as a “low” probability for encountering MEC and that the DA’s Explosive Safety Team in Baltimore could provide fully qualified Unexploded Ordnance (UXO) personnel to provide recommended explosive safety oversight and guidance during the demolition of the counterweight and extraction of remaining MEC for the Gilmerton Bridge Replacement Project; and

WHEREAS, VDOT and the Department of the Army have entered into negotiations and jointly drafted a Memorandum of Agreement (MOA), which is attached hereto, setting forth the responsibilities of each of the parties for purposes of demolishing the counterweights and extracting the remaining MEC for the Gilmerton Bridge Replacement Project, and

WHEREAS, among other things, the Department of the Army will provide qualified personnel who will make recommendations/provide guidance on safe extraction of potential MEC items during counterweight demolition, inspect all extracted items to ensure that they are safe, and immediately notify local law enforcement officials, EOD and USACE in the event live MEC is recovered; and

WHEREAS, given the exigencies of this matter, and to prevent further delay to the completion of the Gilmerton Bridge Replacement Project, the Commissioner took action prior to the date of this meeting to effectuate the services contemplated hereunder, including but not limited to execution of the MOA.

NOW THEREFORE BE IT RESOLVED, that pursuant to §33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board, hereby affirms and ratifies the Commissioner’s entering into the Memorandum of Agreement with the Department of the Army for the provision of Army personnel and services relating to demolition of the counterweights and extraction of MEC for the Gilmerton Bridge Replacement Project.

BE IT FURTHER RESOLVED, that the Commissioner is authorized to agree to any changes or additions to, and to execute any and all other any documents necessary to effectuate administration of the Memorandum of Agreement described herein.

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