

**T E N T A T I V E**

**A G E N D A**

**MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD**

**Richmond, Virginia**

**June 20, 1991**

**10:00 a.m.**

1. **Public Comment**
2. **Action on Permits Issued and Canceled from May 1, 1991 through May 31, 1991**
3. **Action on Additions, Abandonments or Other Changes in the Secondary System from April 16, 1991 to May 24, 1991**
4. **Action on Discontinuances in the Secondary System: Buchanan, Henry, Lee, Roanoke and Wythe Counties**
5. **Action on Transfer in the Secondary System: Scott County**
6. **Action on Abandonments and Transfers in the Primary System: Botetourt and Henry Counties**
7. **Action of City Street Mileage**
8. **Action on Bids Received May 22 and June 5, 1991**
9. **Consultant Agreement: City of Richmond  
Proj. 0000-127-109, PE101  
Supplemental Agreement # 2 for revision  
in scope of services  
American Engineers**
- Consultant Agreement: Route 28 - Counties of Fairfax and Loudoun  
Proj. 0028-029-111, PE100  
0028-053-104, PE100  
Supplemental Agreement # 6 for revision  
in scope of services  
Dewberry and Davis**
- Consultant Agreement: Route 250 - City of Charlottesville and  
Albemarle County  
Proj. 0250-104-102, PE101  
0250-002-105, PE101  
Supplemental Agreement # 3 for revision  
in scope of services  
T. Y. Lin International of Alexandria**

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Moved by Mr. Bacon, seconded by Mrs. Kincheloe, that

WHEREAS, the need for an extension of the Dulles Toll Road from Route 28 to Leesburg has long been recognized by the Department of Transportation and the localities served by such extension; and

WHEREAS, in 1988 the General Assembly passed legislation titled the "Virginia Highway Corporation Act of 1988" (the Act) which Act of the General Assembly found that there was a compelling public need for rapid construction of safe and efficient highways for the purpose of travel within the Commonwealth and that it was in the public interest to encourage construction of additional, safe, convenient, and economic highway facilities by private parties, provided that adequate safeguards are available against default in the construction and operation obligations of the operators of roadways; such public interest to include without limitation the relative speed and relative cost efficiency of private construction of the project; and

WHEREAS, the Act provides that the State Corporation Commission shall examine the toll structure, financing costs, and rate of return proposed by the operator of a private toll road and determine that approval of the application is in the public interest including without limitation the relative speed and relative cost efficiency of private construction of the project; and

WHEREAS, the Act provides that the Commonwealth Transportation Board shall approve the project, the project construction costs, the location and design of the roadway, and its connection with any road under the jurisdiction of the Board, at proper and convenient places, in order to provide for the convenience of the public; and

WHEREAS, the Board was further charged under the Act with approving the project and its interconnections with other roads if there is a public need for a road project of the type proposed and the project and its interconnections are compatible with the existing road network; it shall approve the project construction cost if reasonable; and, in making its determinations, the Board shall keep in mind the public interest, which may include, without

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limitation, such considerations as the relative speed of the construction of the project and the allocation of the technical, financial and human resources of the Department; and

WHEREAS, the approval of the Board is contingent and conditioned by law upon subsequent compliance by the applicant with a Comprehensive Agreement to be entered into between the operator of the private toll road and the Department of Transportation; and

WHEREAS, on August 30, 1988, a location hearing for the construction of an extension of the Dulles Toll Road by the Virginia Department of Transportation was held; and

WHEREAS, on November 19, 1988, the Commonwealth Transportation Board approved the location of an extension of the Dulles Toll road from Route 28 to Leesburg; and

WHEREAS, on May 31 and June 1, 1989, information meetings were held in Fairfax and Loudoun Counties, Virginia to discuss the construction of the extension of the Dulles Toll Road by a private operator; and

WHEREAS, on June 6 and June 7, 1989, public hearings were held in Fairfax and Loudoun Counties to receive input from the public as to the construction of an extension of the Dulles Toll Road by the Toll Road Corporation of Virginia (TRCV); and

WHEREAS, Resolutions have been received from the Town of Leesburg, the County of Loudoun and the NWA and testimony from the County of Fairfax relative to the application submitted by TRCV; and

WHEREAS, the Commonwealth Transportation Board approved on July 20, 1989, by Resolution, the application of the TRCV to construct and operate the Dulles Toll Road Extension (DTRE) from Route 28 to Leesburg; and

WHEREAS, such resolution was amended at the request of TRCV on May 17, 1990; and

WHEREAS, the State Corporation Commission, acting pursuant to section 56-539 of the Act, issued a Certificate of Authority to TRCV on July 6, 1990 to build and operate the DTRE; and

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WHEREAS, TRCV desires to make certain changes in the design and location of the DTRE in order to comply with its needs and the conditions of the Metropolitan Washington Airports Authority (MWAA), the United States Army Corps of Engineers regarding wetlands, and other governmental requirements, and TRCV desires to defer the date of completion of construction of DTRE, and has and will incur additional costs in order to comply with such changes; and

WHEREAS, TRCV desires a change in alignment that exceeds 1,000 feet due to the flood plain involvement and wetland impact in the area of Horsepen Run, located on the Dulles Airport Property, a shift in the roadway position to the northeast for a distance of approximately 1,200 feet beyond that originally shown; and

WHEREAS, the Commonwealth Transportation Board has further reviewed the application at several meetings prior to the date of this action;

NOW, THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that the project, the project construction costs as specified in following paragraph 5, as well as the project location, and the project design of the Dulles Toll Road Extension, and its connections with other roads under the jurisdiction of the Commonwealth Transportation Board all as shown in concept on 200-scale preliminary plans designated VDOT Project No. 0267-053-102-101, dated May 1, 1991, revised May 16, 1991 by Dewberry & Davis are hereby approved subject to: (1) the review and approval by VDOT of a Comprehensive Agreement containing terms satisfactory to the Department; and (2) further compliance with all terms of the Act and the laws of the Commonwealth.

BE IT FURTHER RESOLVED, in addition to the requirement of the Comprehensive Agreement, and pursuant to provisions set out in Section 56-549 of the Code of Virginia, the following provisions shall be met by TRCV:

1. TRCV shall use all reasonable efforts to have construction of the Dulles Toll Road Extension substantially complete and open to traffic no later than December 31, 1993, but commencement of construction shall be within the time limit of Section 56-549 of the Act.

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2. Any minor and necessary changes from the specific alignment or design shown by TRCV on aforementioned 200-scale plans must be approved by VDOT, and any shift in such alignment in excess of 1,000 feet from the centerline or design changes not consistent with the 200-scale plans shall be submitted to the Commonwealth Transportation Board for action.

3. TRCV design should incorporate to the extent possible the concerns of Loudoun County, Fairfax County, the Town of Leesburg, and the

NWAA not further specified in this Resolution. The Department will coordinate the development of the Comprehensive Agreement with the appropriate jurisdictions.

4. a. The design for the interchanges on the DTRB shall be in accordance with the design concept shown on the aforementioned 200-scale plans. The designs of the interchanges employ high-capacity, diamond-type interchanges including loops for critical movements. Further land reservation by Loudoun County or others for the desired intermediate interchange design, characterized by expansion of the diamond interchanges to spread diamonds of a higher traffic volume type, will be implemented when possible through cooperative efforts of TRCV, VDOT, Loudoun County, the Town of Leesburg, and respective land owners.

b. The connection of the western end of the DTRB shall allow for the future extension of the roadway northward into the Town of Leesburg.

c. The interchange at the eastern connection to the existing Dulles Toll Road shall provide: 1) connections to and from the west to Dulles Airport; 2) a full movement interchange with Route 28 except for the southbound 28 to westbound DTRB movement and return; 3) connections to the existing Dulles Toll road with provisions for collection of tolls by TRCV at its facilities on behalf of the Commonwealth;

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and 4) a flyover directional ramp from northbound Route 28 into Dulles Airport (cost not to exceed \$3,600,000 from Route 28 Tax District Bond proceeds). Nothing herein shall preclude VDOT from compensating TRCV for the collection of tolls for existing Dulles Toll Road on behalf of the Commonwealth or entering into a joint management agreement.

5. TRCV project costs incurred through the completion of construction shall be approximately \$295 million. Provisions shall be included in the Comprehensive Agreement for the Department's review and approval of design changes, inspection of construction, and related increases in construction costs if necessary.
6. TRCV shall secure and maintain a public liability policy or policies sufficient in the judgment of the VDOT Commissioner to indemnify VDOT and the Commonwealth Transportation Board from any and all liability, if TRCV enters into an agreement whereby VDOT performs construction, operation or maintenance activities on behalf of TRCV on the DTRR.

BE IT FURTHER RESOLVED, that the approval by the Commonwealth Transportation Board is subject to the reimbursement of all costs incurred by VDOT which are reimbursable pursuant to the Act and specified in the Comprehensive Agreement. Such reimbursement shall be made within 30 days after closing of initial construction financing.

BE IT FURTHER RESOLVED, that should the Certificate of Authority issued by the State Corporation Commission be transferred to another operator pursuant to Section 56-539 of the Act, such operator shall succeed to all rights and obligations contained herein.

BE IT FURTHER RESOLVED, that prior Resolutions of July 20, 1989 and May 17, 1990 approving the DTRR are hereby superseded by this Resolution.

Motion carried.

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Moved by Mr. Davies, seconded by Mr. Mastracco that a letter written to Mr. Anthony Garmardella, State Corporation Commission, concerning TRCV by Commissioner Pethel be made a part of the record of this meeting.

Motion Carried.