



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

1401 East Broad Street  
Richmond, Virginia 23219

(804) 786-2701  
Fax: (804) 786-2940

*Agenda item # 9*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 6, 2017

#### MOTION

**Made By: Mr. Connors, Seconded By: Mr. Brown**

**Action: Motion Carried, Unanimously**

**Title: Rescission of June 2013 Resolution and Action Entitled: Discontinuance of maintenance on two segments of SR-9399 at Stafford County High School, from (1) the intersection of Enon Road (SR-753), for a distance of 0.46 miles and (2) a section of road from the intersection of Porter Lane (SR-640), for a distance of 0.15 miles**

**WHEREAS**, in or around 2013, Stafford County constructed a new Stafford High School building, and due to this construction, reconstructed a portion of SR-9399; and

**WHEREAS**, on October 2, 2012, in anticipation of the school project and road reconstruction, for purposes of economy and efficiency, and based on a resolution of the Stafford County School Board requesting action by the Board of Supervisors to allow the County to take over responsibility for SR-9399, the Stafford County Board of Supervisors had enacted and provided the Virginia Department of Transportation ("VDOT") with a resolution requesting that relevant portions of the road be "discontinued" pursuant to § 33.1-84.1 (now § 33.2-342) of the *Code of Virginia* ("County Resolution"); and

**WHEREAS**, it is noted that § 33.1-84.1 (now § 33.2-342) authorizes the Commissioner of Highways to enter into agreements with any county that desires to resume responsibility over all or any portion of the secondary state highway system within such county's boundaries, but it does not provide for "discontinuance" of a road from the secondary system of highways, per se; and

Resolution of the Board

Rescission of June 2013 Resolution and Action Entitled: *Discontinuance of maintenance on two segments of SR-9399 at Stafford County High School, from (1) the intersection of Enon Road (SR-753), for a distance of 0.46 miles and (2) a section of road from the intersection of Porter Lane (SR-640), for a distance of 0.15 miles*

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**WHEREAS**, at the recommendation of VDOT, a technical revision was made to the County Resolution so that it referenced §33.1-150 (now § 33.2-908), which provides that the Commonwealth Transportation Board (“Board”) was (is) authorized to discontinue any highway in the secondary state highway system as a part thereof in any case in which the Board deems such highway *not required for public convenience*; and

**WHEREAS**, in June, 2013, the Board adopted a Resolution, attached hereto as Exhibit A, in response to the request from the Stafford County Board of Supervisors, discontinuing the segments of SR-9399 referenced therein as part of the secondary system of state highways; and

**WHEREAS**, in addition to providing access to Stafford High School, SR 9399 provides access to Chichester Park, which was planned at the time of the Board’s June 2013 Resolution but not yet constructed; and

**WHEREAS**, based upon a citizen’s inquiry and upon further examination of the use of SR-9399 today and of the anticipated use at the time of the Board’s action in 2013 (in particular, the provision of access to a public park), it does not appear that the statutory criteria for discontinuance, (that the road is not required for public convenience), was satisfied.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board hereby rescinds the Board’s June 2013 Resolution discontinuing maintenance of two segments of SR-9399 at Stafford High School including (i) a segment from the intersection with Enon Road (SR-753) for a distance of .46 miles to the Stafford High School bus loop and (ii) a segment from the intersection with Porter Lane (SR-640) for a distance of .15 miles to the Stafford High School Student Driver Education driving range, attached hereto as Exhibit A.

**BE IT FURTHER RESOLVED**, that the Board’s action hereunder, to rescind the June 2013 Resolution (and the discontinuance pursuant thereto), is not intended, nor shall it serve, to preclude maintenance of the road by Stafford County as otherwise authorized by law.

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## CTB Decision Brief

**Rescission of the 2013 Resolution and Action Entitled: *Discontinuance of maintenance on two segments of SR-9399 at Stafford County High School, from (1) the intersection of Enon Road (SR-753), for a distance of 0.46 miles and (2) a section of road from the intersection of Porter Lane (SR-640), for a distance of 0.15 miles***

**Issue:** In response to the request of a citizen seeking review and reconsideration of the Commonwealth Transportation Board's (Board) action in June, 2013, in which the Board discontinued segments of SR-9399 in Stafford County as part of the secondary system of state highways, the Virginia Department of Transportation (VDOT) and Office of the Secretary of Transportation (Secretary) have reviewed circumstances and facts surrounding this road and its discontinuance. As a result of said reviews, rescission of the June 2013 Resolution and action is now being recommended.

**Facts:** In or around 2013, Stafford County constructed a new Stafford High School building, and due to this construction, reconstructed a portion of SR-9399.

On October 2, 2012, in anticipation of the school project and road reconstruction, for purposes of economy and efficiency, and based on a resolution of the Stafford County School Board requesting action by the Board of Supervisors to allow the County to take over responsibility for SR-9399, the Stafford County Board of Supervisors had enacted and provided VDOT with a resolution requesting that the relevant portions of the road be "discontinued" pursuant to § 33.1-84.1 (now § 33.2-342) of the *Code of Virginia* (County Resolution). It is noted that § 33.1-84.1 (now § 33.2-342) authorizes the Commissioner of Highways to enter into agreements with any county that desires to resume responsibility over all or any portion of the secondary state highway system within such county's boundaries, but it does not provide for discontinuance of a road from the secondary system of highways, per se.

At the recommendation of VDOT a technical revision was made to the County Resolution so that it referenced §33.1-150 (now § 33.2-908), which provides that the Board was (is) authorized to discontinue any highway in the secondary state highway system as a part thereof in any case in which the Board deems such highway *not required for public convenience*.

In June, 2013, to facilitate the County's desire to take over responsibility for the road, the Board adopted a resolution, attached hereto as Exhibit A, discontinuing the following two segments of SR-9399 as part of the secondary system of state highways pursuant to then §33.1-150 (now § 33.2-908): (i) a segment from the intersection with Enon Road (SR-753) for a distance of .46 miles to the Stafford High School bus loop and (ii) a segment from the intersection with Porter Lane (SR-640) for a distance of .15 miles to the Stafford High School Student Driver Education driving range (June 2013 Resolution).

A citizen who lives in the vicinity of and is familiar with SR-9399 and its current use recently called into question the Board's 2013 action to discontinue the road. Upon further examination of the use of SR-9399 today and of the anticipated use at the time of the Board's action in 2013 (in particular the provision of access to a public park), it does not appear that the statutory

Decision Brief of the Board

Rescission of the June 2013 Resolution Entitled: *Discontinuance of maintenance on two segments of SR-9399 at Stafford County High School, from (1) the intersection of Enon Road (SR-753), for a distance of 0.46 miles and (2) a section of road from the intersection of Porter Lane (SR-640), for a distance of 0.15 miles*

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criteria for discontinuance, (that the road is not required for public convenience), was satisfied and rescission of the Board's action discontinuing the referenced segments of said road is recommended.

**Recommendations:** VDOT and the Secretary recommend that the Board rescind the Board's June 2013 Resolution discontinuing maintenance of two segments of SR-9399 at Stafford High School including (i) a segment from the intersection with Enon Road (SR-753) for a distance of .46 miles to the Stafford High School bus loop and (ii) a segment from the intersection with Porter Lane (SR-640) for a distance of .15 miles to the Stafford High School Student Driver Education driving range. VDOT and the Secretary also recommend that the Board clearly specify that its action to rescind the June 2013 Resolution (and the discontinuance pursuant thereto) is not intended to preclude maintenance of the road by Stafford County as otherwise authorized by law.

**Actions Required by Board:** The Board will be presented with a resolution for a formal vote to rescind the Board's June 2013 Resolution and the discontinuance pursuant thereto, and to specify that maintenance of the road by Stafford County otherwise authorized by law is not precluded.

**Options:** Approve, Deny, or Defer.



COMMONWEALTH of VIRGINIA

*Commonwealth Transportation Board*

Sean T. Connaughton  
Chairman

1401 East Broad Street  
Richmond, Virginia 23219

(804) 786-2701  
Fax: (804) 786-2940

*Agenda item # 10*

**RESOLUTION  
OF THE  
COMMONWEALTH TRANSPORTATION BOARD**

**June 19, 2013**

**MOTION**

**Made by: Mr. Miller      Seconded by: Mr. Ellis**

**Action: Motion Carried, Unanimously**

**Title: Discontinuance of maintenance on two segments of SR-9399 at Stafford County High School, from (1) the intersection of Enon Road (SR-753), for a distance of 0.46 miles and (2) a section of road from the intersection of Porter Lane (SR-640), for a distance of 0.15 miles**

**WHEREAS**, pursuant to §33.1-150, *Code of Virginia*, 1950, as amended, the Board may discontinue Department services and jurisdiction over a section of roadway comprising the secondary system of state highways that no longer provide sufficient public convenience; and

**WHEREAS**, discontinuance of any such element of the secondary system of state highways causes jurisdiction over that portion, which remains a public road, to be returned to the local government of the county within which the facility is located; and

**WHEREAS**, due to the Stafford High School project, the Stafford County Board of Supervisors has requested, by resolution dated October 2, 2012, the discontinuance of two segments of SR-9399 in order to reduce costs; and

**WHEREAS**, a Notice of Intent to Discontinue was published and a public hearing was held by Stafford County on January 24, 2013, and no comments were received during either of these comment periods; and

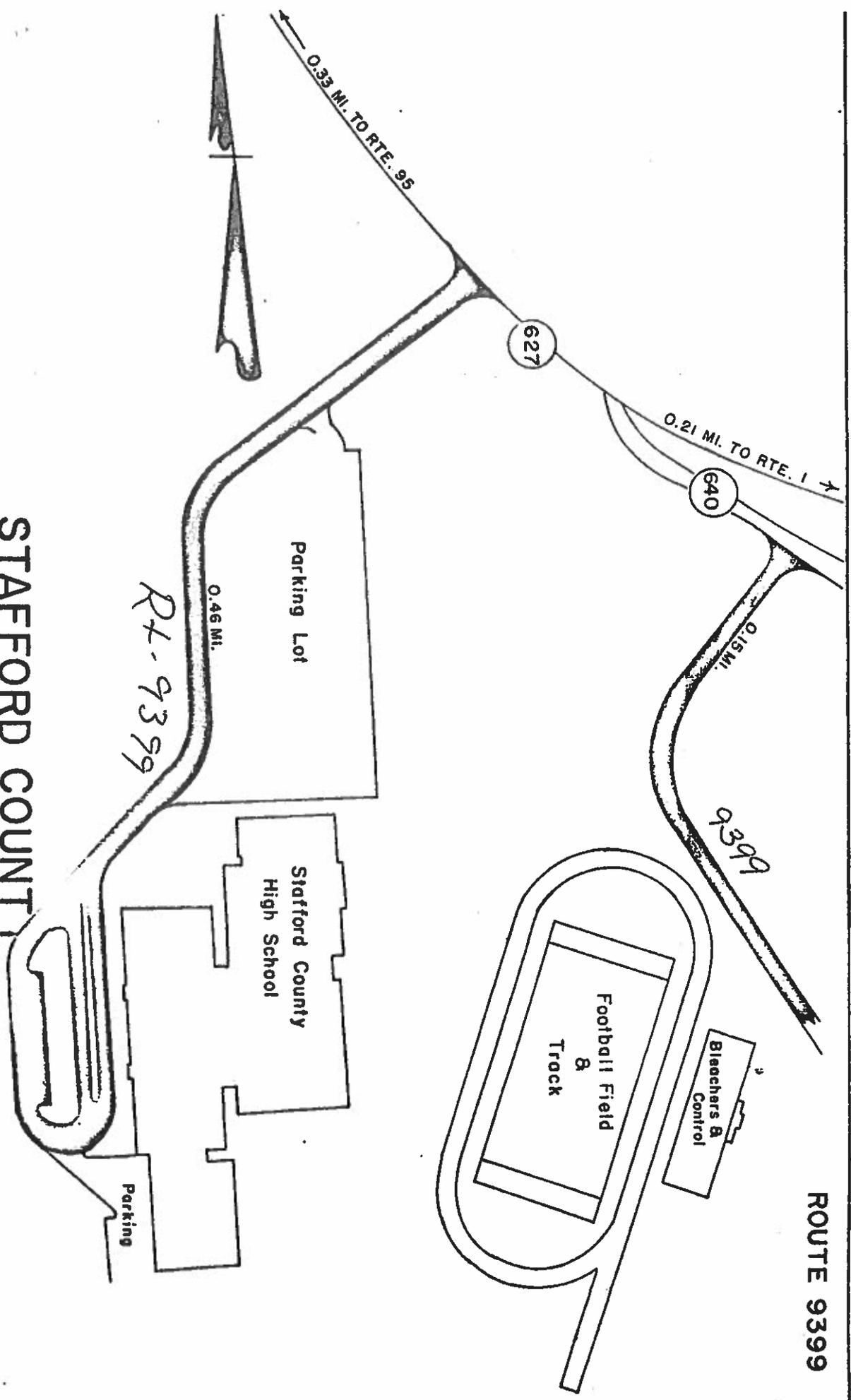
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**WHEREAS**, after considering all information available, this Board is satisfied that the Department has properly concluded that because of the Stafford High School project, continued maintenance of the referenced segments of SR-9399 is no longer warranted.

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to §33.1-150, *Code of Virginia*, 1950, as amended, this Board hereby discontinues as part of the secondary system of state highways the following two segments of SR-9399: (1) from the intersection of Enon Road (SR-753), for a distance of 0.46 miles leading to Stafford High School's bus loop and (2) from the intersection of Porter Lane (SR-640), for a distance of 0.15 miles, leading to the high school's Student Driver Education driving range.

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ROUTE 9399

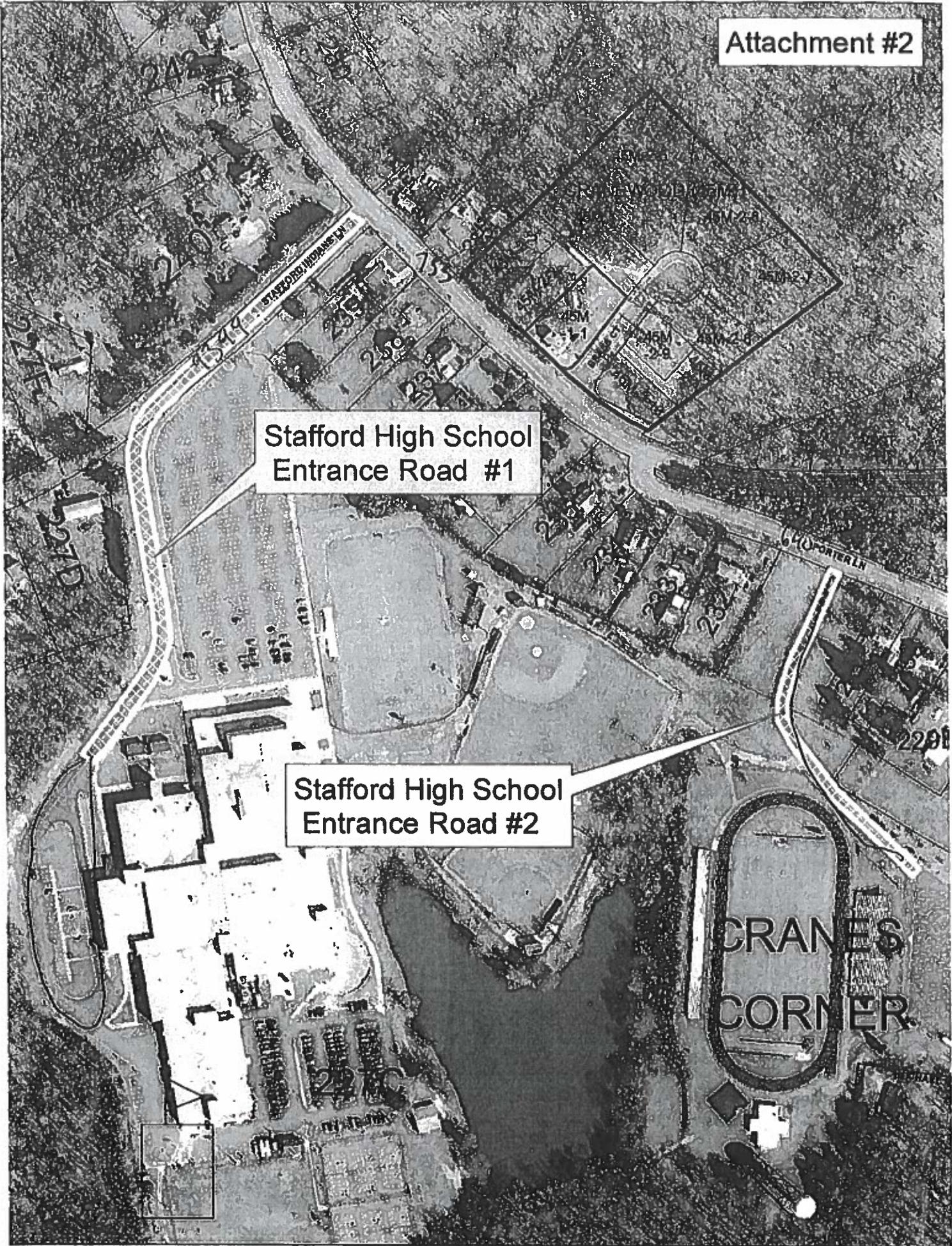


# STAFFORD COUNTY

## ENTRANCE TO STAFFORD COUNTY HIGH SCHOOL

Section 33.1-68 of the 1950 Code, as Amended  
 Section Added to Secondary System - Length 0.61 Mi.

Scale - None



Stafford High School  
Entrance Road #1

Stafford High School  
Entrance Road #2

CRANE'S  
CORNER