



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 225-2940

Agenda item # 8

**RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD**

September 20, 2017

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Kasprowicz

Action: Motion Carried, Unanimously

Title: Designation of HOT Lanes and Related Extension of the Operating Hours on Interstate 64 from the I-664/I-264 Interchange to Interstate 264 and TFRA Funding Authorization

WHEREAS, pursuant to the provisions of § 33.2-502 of the *Code of Virginia*, the Commonwealth Transportation Board (CTB) may designate one or more lanes of any highway, including lanes that may have previously been designated as High Occupancy Vehicle (HOV) lanes, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as High Occupancy Toll (HOT) lanes; and

WHEREAS, pursuant to § 33.2-309 of the Code of Virginia, subject to certain limitations or requirements that have or will have been satisfied for purposes of the matters considered herein, and in accordance with all applicable federal and state statutes and requirements, the CTB may impose and collect tolls from all classes of vehicles in amounts established by the CTB for the use of any component of the Interstate System within the Commonwealth and may allocate the revenues from such tolls for the purposes specified in the statute; and

WHEREAS, pursuant to 23 USC §166 (b)(4), a public authority may allow vehicles not meeting HOV requirements and not otherwise exempt from HOV requirements to use an HOV

Resolution of the Board

Designation of HOT Lanes and Related Extension of the Operating Hours on Interstate 64 from the I-664/I-264 Interchange to Interstate 264 and TFRA Funding Authorization

September 20, 2017

Page Two

facility if the operators of the vehicles pay a toll charged by the authority for use of the facility and the authority (A) establishes a program that addresses how motorists can enroll and participate in the toll program; (B) develops, manages, and maintains a system that will automatically collect the toll; and (C) establishes policies and procedures to, among other things, manage the demand to use the facility by varying the toll amount that is charged; and

WHEREAS, 23 U.S.C. §129(a)(1)(C) authorizes conversion of an interstate highway, bridge or tunnel to a tolled facility in the case of new construction of 1 or more lanes or other improvements that increase the capacity of the highway, bridge, or tunnel on the Interstate System, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction and both 23 U.S.C §§ 129 and 166 contemplate use of HOV lanes by non-exempt/non-HOV vehicles provided the operators pay a toll for use of the HOV facility.

WHEREAS, the Virginia Department of Transportation (VDOT) has conducted a feasibility analysis, analyzing the traffic congestion that is being experienced on Interstate 64 in the area extending between the Interstate 464 Interchange and the Interstate 264 Interchange and determined a reduction in traffic in the general purpose lanes during peak periods could be achieved through the conversion of the HOV lanes to HOT lanes; and

WHEREAS, VDOT has concluded from the feasibility analysis and advised that the HOV-2 lanes on Interstate 64 beginning in the vicinity of the I-464 Interchange and extending to the vicinity of the I-264 Interchange in Hampton Roads are underutilized, with additional capacity that could help to reduce congestion in the general purpose lanes in the area; and

WHEREAS, VDOT has concluded and has advised that allowing vehicles not meeting the vehicle occupancy requirements to use the HOV-2 lanes on Interstate 64 beginning in the vicinity of the I-464 Interchange and extending to the vicinity of the I-264 Interchange by paying a toll would increase utilization of the existing capacity within these lanes, thereby increasing throughput in the corridor; and

WHEREAS, VDOT has recommended and requested that the CTB designate the existing Interstate 64 HOV-2 lanes beginning in the vicinity of the Interstate 464 Interchange and extending to the vicinity of the I-264 Interchange as HOT lanes, authorizing vehicles carrying less than two occupants to utilize the HOV lanes by paying a toll and authorizing dynamic tolling to adjust tolls based on real-time traffic conditions; and

WHEREAS, VDOT has requested that the CTB, in order to maximize the benefits of the conversion of the HOV lanes to HOT lanes, extend the operational hours of the HOV lanes, on Interstate 64 beginning in the vicinity of the I-464 Interchange and extending to the vicinity of the I-264 Interchange, from Monday – Friday 6:00 a.m. – 8:00 a.m. (Westbound), and 4:00 p.m.-6:00 p.m. (Eastbound) to 24 hours - 7 days a week (Westbound and Eastbound), at such time that tolling on the lanes commences; and

Resolution of the Board

Designation of HOT Lanes and Related Extension of the Operating Hours on Interstate 64 from the I-664/I-264 Interchange to Interstate 264 and TFRA Funding Authorization

September 20, 2017

Page Three

WHEREAS, by resolution dated March 18, 2015, the CTB, after considering the no-build alternative and the two Candidate Build Alternatives retained in the EA for detailed analysis, issued a location approval/Preferred Alternative for the Interstate 64/High Rise Bridge Corridor Project (the “I-64/High Rise Bridge Preferred Alternative Approval”); and

WHEREAS, the alternative approved by the CTB pursuant to the I-64/High Rise Bridge Preferred Alternative Approval consists of the addition of two additional lanes of capacity in each direction beginning in the vicinity of the I-64/464 Interchange in Chesapeake and extending to the I-664/264 Interchange at Bowers Hill, including the construction of a new bridge and eventual replacement of the existing bridge, with a decision as to the toll/passenger management option to be made at a later date; and

WHEREAS, on August 22, 2016, FHWA issued a Finding of No Significant Impact regarding the Project, based on the Environmental Assessment for the Project, thereby concluding the NEPA process and allowing the Project to advance to a more detailed level of design; and

WHEREAS, pursuant to the I-64/High Rise Bridge Preferred Alternative Approval, the CTB had directed that it be briefed on and have the opportunity to determine the future management option(s) once additional studies and financial analyses have been concluded; and

WHEREAS, said additional studies and financial analyses have been concluded and the VDOT has performed a feasibility analysis, which included an analysis of the traffic congestion in the High Rise Bridge Corridor, and the traffic analysis has indicated that a greater reduction in traffic in the general purpose lanes during peak periods could be achieved through the addition of HOT lanes rather than addition of merely HOV lanes; and

WHEREAS, taking into consideration that the Project will be completed in phases, with the construction/addition of one new lane in each direction along with completion of the new bridge in Phase I, and the construction/addition of a second new lane in each direction and replacement of the existing bridge in Phase II, VDOT has recommended and requested that the CTB designate the new capacity/lanes associated with the Interstate 64 Southside Widening and High Rise Bridge Project as HOT-2 and further that the CTB authorize use of dynamic tolling to adjust tolls based on real-time traffic conditions, to be implemented for each phase at such time that the new lanes for the phase are completed and opened for traffic; and

WHEREAS, VDOT has requested that the CTB, in order to maximize the benefits of the HOT lanes, designate the operational hours of each of the new lanes as HOT lanes to be) to be 24 hours - 7 days a week (Westbound and Eastbound), to be implemented for each phase of the Interstate 64 Southside Widening and High Rise Bridge Project at such time that the new lanes for the phase are completed and opened for traffic; and

WHEREAS, the designation of HOT lanes requested by VDOT as set forth herein, taking into consideration the prior HOT lanes designation made by the CTB on October 19,

Resolution of the Board

Designation of HOT Lanes and Related Extension of the Operating Hours on Interstate 64 from the I-664/I-264 Interchange to Interstate 264 and TFRA Funding Authorization

September 20, 2017

Page Four

2016, will contribute to the establishment of a HOT lane network on Interstate 64 from the general vicinity of Bowers Hill to Interstate 564; and

WHEREAS, funding is needed to cover the costs associated with work necessary to begin engineering, analysis and construction of the needed tolling infrastructure and related services on Interstate 64 beginning in the vicinity of the I-664/264 Interchange and extending to the vicinity of the I-264 Interchange; and

WHEREAS, as a potential toll facility, the CTB may provide advance funding, from the Toll Facilities Revolving Account pursuant to § 33.2-1529 of the *Code of Virginia*, for the work associated with the engineering, analysis and construction of the needed tolling infrastructure and related services referenced herein.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to § 33.2-502 and § 33.2-309 of the *Code of Virginia* and 23 USC §166, the Commonwealth Transportation Board designates a vehicle occupancy requirement of two and authorizes dynamic tolling of vehicles for vehicles carrying less than two occupants for those vehicles utilizing the Eastbound and Westbound HOV lanes on Interstate 64 beginning in the vicinity of the I-464 Interchange and extending to the vicinity of the I-264 Interchange, 24 hours - 7 days a week (collectively, HOT Lanes-2 designation), to be implemented at such time that the infrastructure and improvements necessary to commence tolling on said portion of I-64 are determined by the Commissioner of Highways to be completed and ready for operation.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board, that until tolling commences on the HOV-2 lanes on Interstate 64 beginning in the vicinity of the 464 Interchange and extending to the vicinity of I-264 Interchange, the hours of operation of said HOV-2 lanes shall continue to be Monday – Friday 6:00 a.m. – 8:00 a.m. (Westbound) and 4:00 p.m. -6:00 p.m. (Eastbound).

BE IT FURTHER RESOLVED, that, pursuant to § 33.2-502 and § 33.2-309 of the *Code of Virginia* and 23 USC §§ 129 and 166, the Commonwealth Transportation Board hereby designates a vehicle occupancy requirement of 2 and authorizes dynamic tolling of vehicles carrying less than two occupants for vehicles utilizing the new lanes constructed on I-64 beginning in the vicinity of the I-464 Interchange in Chesapeake and extending to the I-664/I-264 Interchange at Bowers Hill pursuant to the Interstate 64 Southside Widening and High Rise Bridge Project, 24 hours - 7 days a week (collectively, HOT Lanes-2 designation), to be implemented for each phase of the Project at such time that the new lanes for the phase on said portion of I-64 are determined by the Commissioner of Highways to be completed and ready to open for traffic/operation.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board, that an amount up to \$10,000,000 be advanced from the Toll Facilities Revolving Account and allocated to pay the costs associated with work necessary to begin the engineering, analysis and

Resolution of the Board

Designation of HOT Lanes and Related Extension of the Operating Hours on Interstate 64 from the I-664/I-264 Interchange to Interstate 264 and TFRA Funding Authorization

September 20, 2017

Page Five

construction of the needed tolling infrastructure and related services on Interstate 64 beginning in the vicinity of the I-664/264 Interchange and extending to the vicinity of the I-264 Interchange, and that requests for additional funding from the Toll Facilities Revolving Account or other sources for tolling infrastructure and related services shall be presented to the Board for its approval.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that the toll revenues collected from the HOT lanes facilities so designated pursuant to this resolution will be used in accord with § 33.2-309.

###

CTB Decision Brief

Designation of HOT Lanes and Related Extension of the Operating Hours on Interstate 64 from the I-664/I-264 Interchange to Interstate 264 and TFRA Funding Authorization

Issue: To reduce congestion and provide travel choices in the Hampton Roads region, establishment of a HOT-lanes network is contemplated. To that end, the Virginia Department of Transportation (VDOT) seeks (i) to convert High Occupancy Vehicle (HOV)-2 lanes to High Occupancy Toll (HOT)-2 lanes on Interstate 64 beginning in the vicinity of the I-464 Interchange and extending to the vicinity of the I-264 Interchange, (ii) to establish as HOT-2 lanes, the additional lanes of capacity associated with the Interstate 64 Southside Widening and High Rise Bridge Project on I-64 beginning in the vicinity of the I-64/464 Interchange in Chesapeake and extending to the I-664/264 Interchange at Bowers Hill, (iii) to utilize dynamic tolling on said HOT lanes, (iv) to establish the operational hours of said HOT lanes as 24 hours a day, 7 days a week, and (v) to obtain up to \$10,000,000 in funding from the Toll Facilities Revolving Account to pay the costs associated with work necessary to begin the engineering, analysis and construction of the needed tolling infrastructure and related services related to such HOT lanes. Each of the matters referenced above require action and/or approval by the Commonwealth Transportation Board (CTB).

Relevant Law:

- Pursuant to the provisions of § 33.2-502 of the *Code of Virginia*, the CTB may designate one or more lanes of any highway, including lanes that may have previously been designated as HOV lanes, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as HOT lanes.
- Pursuant to § 33.2-309 of the Code of Virginia, subject to certain limitations or requirements that have or will have been satisfied for purposes of the matters considered herein, and in accordance with all applicable federal and state statutes and requirements, the CTB may impose and collect tolls from all classes of vehicles in amounts established by the CTB for the use of any component of the Interstate System within the Commonwealth and may allocate the revenues from such tolls for the purposes specified in the statute.
- Pursuant to 23 USC §166 (b)(4), a public authority may allow vehicles not meeting HOV requirements and not otherwise exempt from HOV requirements to use an HOV facility if the operators of the vehicles pay a toll charged by the authority for use of the facility and the authority (A) establishes a program that addresses how motorists can enroll and participate in the toll program; (B) develops, manages, and maintains a system that will automatically collect the toll; and (C) establishes policies and procedures to, among other things, manage the demand to use the facility by varying the toll amount that is charged.
- 23 U.S.C. §129(a)(1)(C) authorizes conversion of an interstate highway, bridge or tunnel to a tolled facility in the case of new construction of 1 or more lanes or other improvements that increase the capacity of the highway, bridge, or tunnel on the Interstate System, if the number of toll-free non-HOV lanes, excluding auxiliary lanes,

after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction and both 23 U.S.C §§ 129 and 166 contemplate use of HOV lanes by non-exempt/non-HOV vehicles provided the operators pay a toll for use of the HOV facility.

Facts and Recommendations:

Designation of HOT Lanes on Interstate 64 Beginning at the I-464 Interchange and Extending to the I-264 Interchange

- VDOT has conducted a feasibility analysis, analyzing the traffic congestion that is being experienced on this portion of Interstate 64, has concluded that the HOV-2 lanes are underutilized, and has further concluded that during peak periods allowing vehicles not meeting the vehicle occupancy requirements to use the HOV-2 lanes by paying a toll would increase utilization of the existing capacity within these lanes, thereby increasing throughput in the corridor.
- VDOT is recommending and requesting that the CTB, for this portion of Interstate 64, (i) designate the existing HOV-2 lanes as HOT-2, (ii) authorize use of dynamic tolling to adjust tolls based on real-time traffic conditions, and (iii) in order to maximize the benefits of the conversion of the HOV lanes to High Occupancy Toll (HOT) lanes, extend the operational hours of the HOV lanes from Monday – Friday 6:00am – 8:00am (Westbound), 4:00pm -6:00pm (Eastbound) to 24 hours - 7 days a week (Westbound and Eastbound), at such time that tolling on the lanes commences.

Designation as HOT Lanes the Additional Lanes of Capacity Associated With the Interstate 64 Southside Widening and High Rise Bridge Project

- By resolution dated March 18, 2015, the CTB issued a location approval/Preferred Alternative for the Interstate 64/High Rise Bridge Corridor Project (the “I-64/High Rise Bridge Preferred Alternative Approval”).
- The alternative approved by the CTB consists of the addition of two additional lanes of capacity in each direction beginning in the vicinity of the I-64/464 Interchange in Chesapeake and extending to the I-664/264 Interchange at Bowers Hill, including the construction of a new bridge and eventual replacement of the existing bridge, with a decision as to the toll/passenger management option to be made at a later date.
- On August 22, 2016, FHWA issued a Finding of No Significant Impact regarding the Project, based on the Environmental Assessment for the Project, thereby concluding the NEPA process and allowing the Project to advance to a more detailed level of design.
- The CTB had directed that it be briefed on and have the opportunity to determine the future management option(s) once additional studies and financial analyses have been concluded.

- VDOT has performed additional studies and financial analyses and the traffic analysis has indicated that a greater reduction in traffic in the general purpose lanes during peak periods could be achieved through the addition of HOT lanes rather than addition of merely HOV lanes.
- VDOT is recommending and requesting that the CTB (i) designate, as HOT-2 lanes, the additional lanes of capacity associated with the Interstate 64 Southside Widening and High Rise Bridge Project constructed on I-64 beginning in the vicinity of the I-64/464 Interchange in Chesapeake and extending to the I-664/264 Interchange at Bowers Hill, (ii) authorize the use of dynamic tolling to adjust tolls based on real-time traffic conditions, and (iii) in order to maximize the benefits of the HOT lanes, designate the operational hours to be 24 hours - 7 days a week (Westbound and Eastbound), to be implemented for each phase of the Project at such time that the new lanes for the phase on said portion of I-64 are determined by the Commissioner of Highways to be completed and ready to open for traffic/operation.

Funding from the Toll Facilities Revolving Account

- Funding in an amount up to \$10,000,000 is needed to pay the costs associated with work necessary to begin the engineering, analysis and construction of the needed tolling infrastructure and related services on Interstate 64 from the I-664/264 Interchange to the I-264 Interchange.
- As a potential toll facility, the CTB may provide advance funding, from the Toll Facilities Revolving Account pursuant to § 33.2-1529 of the *Code of Virginia*.
- VDOT is requesting that the CTB advance up to \$10,000,000 from the Toll Facilities Revolving Account to pay the costs associated with the above referenced work.

Action Required by CTB: The CTB will be presented with a resolution for a formal vote.

Results, if Approved: If approved, the resolution will:

- Result in the designation of a vehicle occupancy requirement of two and authorize dynamic tolling of vehicles for vehicles carrying less than two occupants for those vehicles utilizing the Eastbound and Westbound HOV lanes on Interstate 64 beginning in the vicinity of the I-464 Interchange and extending to the vicinity of the I-264 Interchange, 24 hours - 7 days a week (collectively, HOT Lanes-2 designation), to be implemented at such time that the infrastructure and improvements necessary to commence tolling on said portion of I-64 are determined by the Commissioner of Highways to be completed and ready for operation.
- Until tolling commences on the HOV-2 lanes on Interstate 64 beginning in the vicinity of the 464 Interchange and extending to the vicinity of I-264 Interchange, continue the hours

of operation of said HOV-2 lanes as Monday – Friday 6:00 a.m. – 8:00 a.m. (Westbound) and 4:00 p.m. -6:00 p.m. (Eastbound).

- Result in the designation of a vehicle occupancy requirement of 2 and authorize dynamic tolling of vehicles carrying less than two occupants for vehicles utilizing the new lanes constructed on I-64 beginning in the vicinity of the I-464 Interchange in Chesapeake and extending to the I-664/I-264 Interchange at Bowers Hill pursuant to the Interstate 64 Southside Widening and High Rise Bridge Project, 24 hours - 7 days a week (collectively, HOT Lanes-2 designation), to be implemented for each phase of the Project at such time that the new lanes for the phase on said portion of I-64 are determined by the Commissioner of Highways to be completed and ready to open for traffic/operation.
- Authorize up to \$10,000,000 to be advanced from the Toll Facilities Revolving Account and allocated to pay the costs associated with work necessary to begin the engineering, analysis and construction of the needed tolling infrastructure and related services on Interstate 64 beginning in the vicinity of the I-664/264 Interchange and extending to the vicinity of the I-264 Interchange, and direct that requests for additional funding from the Toll Facilities Revolving Account or other sources for tolling infrastructure and related services shall be presented to the Board for its approval.
- Specify that the toll revenues collected from the HOT lanes facilities so designated pursuant to the resolution will be used in accord with § 33.2-309.

Options: Approve, Deny, or Defer.

Public Comments/Reaction:

- On July 20, 2017 the Hampton Roads Transportation Planning Organization (TPO) Board passed a resolution of support for this action.