



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 # 12

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

January 10, 2018

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Johnsen
Action: Motion Carried, Unanimously

Title: Designation of HOT Lanes for the Interstate 64 Hampton Roads Bridge-Tunnel Expansion Project from Interstate 664 to Interstate 564

WHEREAS, pursuant to § 33.2-502 of the *Code of Virginia*, the Commonwealth Transportation Board (CTB) may designate one or more lanes of any highway 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*, 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

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 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

Resolution of the Board

Designation of HOT Lanes for the Interstate 64 Hampton Roads Bridge-Tunnel Expansion

Project from Interstate 664 to Interstate 564

January 10, 2018

Page Two

WHEREAS, 23 USC §129(a)(1)(C) authorizes federal participation on the 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 USC §§ 129 and 166 contemplate use of HOV lanes by non-exempt vehicles provided the operators pay a toll for use of the HOV facility; and

WHEREAS, pursuant to § 33.2-119 of the *Code of Virginia*, tolls may be imposed and collected on existing facilities in certain cases, including the reconstruction with additional lanes of a highway, bridge, or tunnel (provided that the number of un-tolled non-HOV lanes, excluding auxiliary lanes, after the reconstruction is not less than the number of un-tolled, non-HOV lanes, excluding auxiliary lanes, prior to such reconstruction); or in the case of an existing lane on a segment of a highway whose length does not exceed 10 miles and is between an interchange and an interchange or an interchange and a bridge (provided that the number of un-tolled non-HOV lanes on such segment is equal to the number of un-tolled non-HOV lanes on the portion of the highway preceding such segment); and

WHEREAS, by resolution dated December 7, 2016 and entitled *Revised Location Approval for Hampton Roads Crossing Study*, the CTB approved the location of the subject project, namely the Interstate 64 corridor from the vicinity of Interstate 664 to the vicinity of Interstate 564, described as “Alternative A” in the Hampton Roads Crossing Study and now known as the “Hampton Roads Bridge-Tunnel Expansion Project” (Project); and

WHEREAS, pursuant to the December 7, 2016 resolution, the CTB directed that it be briefed on and have the opportunity to endorse the Project’s managed-lane concept should it be identified and the appropriate analysis and financial plans are in place; and

WHEREAS, these additional studies subsequently identified substantial benefits through harmonization of managed-lane concepts across multiple adjoining segments of the Interstate 64 network, rather than implementing differing concepts on independent standalone segments; and

WHEREAS, at its meeting of July 18, 2017, the CTB was briefed on the Hampton Roads Express Lanes network, which described an approach for achieving such an integrated system of HOT Lanes on multiple adjoining segments of Interstate 64 from the I-664/I-64 Interchange to the I-664/I-264 Interchange at Bowers Hill, including the segment addressed by the Project;

WHEREAS, this July 18, 2017 presentation described the managed-lane concept for the Project corridor as comprising a minimum of two un-tolled, non-HOV lanes and one HOT lane in each direction, with additional alternatives to be identified during procurement; and

WHEREAS, by resolutions dated October 19, 2016 and September 20, 2017, the CTB previously approved the designation of HOT Lanes on two other segments within the Hampton Roads Express Lanes network; and

WHEREAS, VDOT has requested that the CTB, in order to advance the Project's development and also to implement the Hampton Roads Express Lanes Network, approve the designation of HOT Lanes on the Project; authorize dynamic tolling to adjust tolls based on real-time traffic conditions, to be implemented upon opening the Project's new capacity to traffic; and further authorize the Commissioner of Highways to make a future determination regarding the high-occupancy requirement and conditions for use of such HOT lanes.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to §§ 33.2-502, 33.2-309 and 33.2-119 of the Code of Virginia and 23 USC §§ 129 and 166, the Commonwealth Transportation Board approves the designation of HOT lanes on I-64, for a minimum of two un-tolled, non-HOV lanes and one HOT lane in each direction, beginning in the vicinity of the I-64/664 Interchange in Hampton and extending to the I-64/564 Interchange in Norfolk pursuant to the Hampton Roads Bridge-Tunnel Expansion Project, to be implemented upon opening the Project's new capacity to traffic; and

BE IT FURTHER RESOLVED that the Commonwealth Transportation Board authorizes dynamic tolling of vehicles required to pay tolls while using the facility; and further authorizes the Commissioner of Highways to make a future determination regarding the high-occupancy requirement and conditions for use of the Project's HOT lanes, consistent with the terms of a comprehensive agreement executed pursuant to § 33.2-1808; and

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that the toll revenues collected from this facility will be used in accord with § 33.2-309.

###

CTB Decision Brief

Designation of HOT Lanes for the Interstate 64 Hampton Roads Bridge-Tunnel Expansion Project from Interstate 664 to Interstate 564

Issue: To advance the development of the Hampton Roads Bridge-Tunnel Expansion Project (Project) and integrate it into the regional Hampton Roads Express Lane Network, the Virginia Department of Transportation (VDOT) seeks the Commonwealth Transportation Board's (CTB) designation of the Project's managed-lane capacity as HOT lanes, its authorization of dynamic pricing for toll rates, and its authorization for the Commissioner of Highways to make a future determination regarding additional conditions of HOT-lane implementation for the Project.

Relevant Law:

- Pursuant to § 33.2-502 of the *Code of Virginia*, the CTB may designate one or more lanes of any highway in the Interstate System, primary state highway or National Highway System, as HOT lanes; and
- Pursuant to § 33.2-119 of the *Code of Virginia*, tolls may be imposed and collected on existing facilities in certain cases, including the reconstruction with additional lanes of a highway, bridge, or tunnel (provided that the number of un-tolled non-HOV lanes, excluding auxiliary lanes, after the reconstruction is not less than the number of un-tolled, non-HOV lanes, excluding auxiliary lanes, prior to such reconstruction); or in the case of an existing lane on a segment of a highway whose length does not exceed 10 miles and is between an interchange and an interchange or an interchange and a bridge (provided that the number of un-tolled non-HOV lanes on such segment is equal to the number of un-tolled non-HOV lanes on the portion of the highway preceding such segment); and
- Pursuant to § 33.2-309 of the *Code of Virginia*, the CTB may, in accord with federal and state statutes and requirements, 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
- Pursuant to 23 USC § 129(a)(1)(C), federal participation is authorized on the 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 USC §§ 129 and 166 contemplate use of HOV lanes by non-exempt vehicles provided the operators pay a toll for use of the HOV facility; and
- Pursuant to 23 USC § 166 (b)(4), a public authority may allow vehicles 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.

Facts:

- In December 2016, the CTB approved the Project's location, as described in the Hampton Roads Crossing Study, and directed that the CTB be briefed on and have the opportunity to endorse the Project's managed-lane concept after appropriate analysis; and
- In July 2017, VDOT briefed the CTB and the Hampton Roads Transportation Planning Organization (HRTPO) on the Hampton Roads Express Lanes Network. This briefing described an integrated system of HOT Lanes along Interstate 64 from the I-664/I-64 Interchange in Hampton to the I-664/I-264 Interchange at Bowers Hill, including the segment addressed by the Project. VDOT found substantial benefits in harmonizing the managed-lane concepts across multiple adjoining segments of this network, rather than implementing differing concepts on independent standalone segments; and
- At this July 2017 briefing, VDOT outlined the managed-lane concept for the Project corridor as a minimum of two un-tolled, non-HOV lanes and one HOT lane in each direction, with additional alternatives to be identified during procurement; and
- In October 2016 and September 2017, the CTB approved the designation of HOT Lanes on two other segments of the Hampton Roads Express Lanes network; and
- In December 2017, the Commissioner of Highways reiterated the relationship of the Project and the Hampton Roads Express Lanes Network in his remarks to the CTB.

Recommendations: VDOT recommends that the CTB:

- (i) Designate the Project's managed-lane capacity as HOT lanes; and
- (ii) Authorize the use of dynamic tolling to set tolls based on real-time traffic conditions; and
- (iii) Authorize the Commissioner of Highways to make a future determination regarding additional conditions of HOT-lane implementation for the Project.

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 the managed-lane capacity on the Project as HOT Lanes and permit toll rates to be set via dynamic pricing. If approved, the resolution will also grant the Commissioner of Highways the authority to determine

the operating hours, high-occupancy requirement, and other conditions related to implementation of the Project's HOT Lanes in accordance with comprehensive-agreement terms.

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 the Hampton Roads Express Lane Network.