



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

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

AGENDA **MEETING OF THE COMMONWEALTH TRANSPORTATION** **BOARD**

The Virginian Hotel
Eleanor Rose Madison Room
712 Church Street
Lynchburg, Virginia 24504.

July 17, 2019

9:00 a.m. or upon adjournment of the July 16, 2019 Workshop Meeting.

Public Comments:

Approval of Minutes June 19, 2019

OFFICE OF LAND USE:

Presenting: Robert Hofrichter
Director

1. Action on Statewide Abandonment – Primary System of State Highways Located in Spotsylvania County Specifically, Route F163, Segment A – B.

LOCATION AND DESIGN DIVISION:

Presenting: Susan Keen
Division Administrator

2. Action on Limited Access Control Changes for Route 7 (East Market Street) and Battlefield Parkway Interchange, Town of Leesburg Located in the Northern Virginia District.

INFRASTRUCTURE INVESTMENT DIVISION:

Presenting: Kimberly Prvor
Division Administrator

3. Action on Addition of Projects to the Six-Year Improvement Program for Fiscal Years 2020-2025

MAINTENANCE DIVISION:

Presenting: Branco Vlacich
Division Administrator

4. Action on Commemorative naming of the overlook on State Route 16, Park Boulevard, at milepost 41.30, Smyth County, Located in the Bristol District, as the “J. Stuart Staley Memorial Overlook”.
5. Action on Commemorative naming of the bridge on U.S. Route 29, Thomas Nelson Highway, over Rockfish River, Nelson County Located in the Lynchburg District, as the “Edward L. Embrey Memorial Bridge”.
6. Action on Commemorative naming of the bridge on Route 683, Oak Level Road, over Boelte Creek (a Birch Creek tributary), Halifax County Located in the Lynchburg District as the “Herman O. Lewis, Sr. Memorial Bridge”.

GOVERNANCE AND LEGISLATIVE AFFAIRS DIVISION:

Presenting: Richard Walton
Chief of Policy

7. Action on Periodic Regulatory Review

TRAFFIC ENGINEERING DIVISION:

Presenting: Garrett Moore
Former Chief Engineer

8. Action on Highway Lighting Replacement Energy Performance Contract Award.

RAIL AND PUBLIC TRANSPORTATION:

Presenting: Jeremy Latimer
Director of Rail Programs

9. Action on Rail Industrial Access Specifically AAREFF Terminals, Inc.

SCHEDULING AND CONTRACT:

Presenting: Harold Caples
Assistant State Construction
Engineer

10. Bids.

NEW BUSINESS:

ADJOURNMENT:

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Agenda item # 1

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 17, 2019

MOTION

Made By: _____ Seconded By: _____

Action: _____

Title: Statewide Abandonment – Primary System of State Highways

WHEREAS, pursuant to §33.2-902 *Code of Virginia*, the Commissioner of Highways was provided with intent petition to abandon from the Primary System of State Highways the southern portion of Route F163 in Spotsylvania County. This road segment exists solely to serve one property owner. The road segment's total distance of 0.30 mile is

- (a) no longer necessary as a public road, and
- (b) no longer provides a public convenience that warrants maintenance at public expense;
and

WHEREAS, the Spotsylvania County Board of Supervisors supports the Commissioner of Highways' action to abandon from the Primary System of State Highways that portion of Route F163 serving the one property owner, pursuant to §33.2-902, and has approved a resolution, attached hereto as Exhibit A, requesting the abandonment of such segment of Route F163, as seen in the map attached hereto as Exhibit B; and

Resolution of the Board
Statewide Abandonment - Primary System of State Highways
Route F163 in Spotsylvania County
July 17, 2019
Page 2 of 2

WHEREAS, the Virginia Department of Transportation (VDOT) posted notice, attached hereto as Exhibit C, of the intent to abandon such segment on behalf of the Commonwealth Transportation Board (Board), and such posting was done in accordance with § 33.2-902, and VDOT received no requests for public hearing on the matter; and

WHEREAS, a primary highway that is no longer providing sufficient public convenience to warrant maintenance at public expense may be abandoned by the Board, pursuant to §33.2-902, *Code of Virginia* 1950, as amended.

Primary System of State Highways

NOW THEREFORE, BE IT RESOLVED, that the roadway segment identified below is hereby ordered abandoned as part of Primary system of state highways, pursuant to § 33.2-902, *Code of Virginia*, 1950, as amended.

Abandonment

Fredericksburg District

Spotsylvania County

- Route F163 – Segment A – B 0.30 Mi.

Total Mileage Abandoned from the Primary System: 0.30 Mi.

#####

CTB Decision Brief

Abandonment of Route F163 Located in Spotsylvania County

Issue: An adjacent landowner has requested the Commonwealth Transportation Board abandon 0.30 mile of Route F163 in Spotsylvania County.

Facts: A portion of Route F163 in Spotsylvania County, which solely serves one property owner, a total distance of 0.30 miles, is no longer necessary as a public road.

The Spotsylvania County Board of Supervisors approved a resolution on October 9, 2018 (Exhibit A, attached), supporting the abandonment of a 0.30 mile portion of Route F163 (segment shown in “Red” on Exhibit B, attached).

Upon review of the area, VDOT staff determined the 0.30 mile portion should be abandoned as a part of the Primary System of State Highways, pursuant to § 33.2-902 of the *Code of Virginia*, since no public necessity exists for the continuance of the segment as a public road.

Pursuant to and in accordance with § 33.2-902 of the *Code of Virginia*, VDOT published a “Notice of Intent to Abandon” in *The Free Lance Star* publication in April and May, 2019 (Exhibit C, attached). No requests for public hearing were submitted during the requisite 30-day timeframe.

Recommendations: VDOT recommends the Commonwealth Transportation Board approve the abandonment of the 0.30 mile portion of Route F163 referenced above.

Action Required by CTB: The *Code of Virginia* requires a majority of the Board’s members to approve the change proposed in this brief within four months of the end of the 30-day period after publication of the notice of intent to abandon. A resolution describing the proposed segments to be abandoned is provided for the Board’s consideration.

Result if Approved: If approved, VDOT will suspend all its maintenance activity on the roadway segment.

Options: Approve or Deny

Public Comments/Reactions: A public hearing was not requested during the requisite timeframe.

Exhibit A
Spotsylvania County Board of Supervisors October 9, 2018 Resolution

County of Spotsylvania
Founded 1721

Board of Supervisors
GREG BENTON
KEVIN W. MARSHALL
TIMOTHY J. McLAUGHLIN
DAVID ROSS
GARY F. SKINNER
PAUL D. TRAMPE
CHRIS YAKABOUSKI



Service, Integrity, Pride

County Administrator
MARK B. TAYLOR
Deputy County Administrators
MARK L. COLE
ED PETROVITCH
P.O. BOX 99, SPOTSYLVANIA, VA 22553
Voice: (540) 507-7010
Fax: (540) 507-7019

At a meeting of the Spotsylvania County Board of Supervisors held on October 9, 2018, on a motion by Mr. Ross and passed unanimously, the Board adopted the following resolution:

RESOLUTION NO. 2018-133

**A RESOLUTION REQUESTING THE SOUTHERN PORTION OF MALLARD ROAD
Route F163 BE ABANDONED FROM THE STATE SYSTEM OF SECONDARY
ROADS**

WHEREAS, pursuant to §33.2-902 Code of Virginia, the Commissioner of the Virginia Department of Transportation has provided this Board with its notice of intent to abandon from the Primary System of State Highways a 0.3 mile end section of Route F163, Mallard Road located within the Berkeley voting district, as described on the attached form, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board that abandonment of the portion of Route F163, Mallard Road, only serves one property owner, and is a portion of Right-Of-Way in the State System of Secondary Road, and

WHEREAS, the applicant made application to Spotsylvania County to abandon the southern portion of Route F163, Mallard Road, and improve a new cul-de-sac at the new terminus of the proposed Right-Of-Way, and

WHEREAS, the Spotsylvania County Board of Supervisors opened up at least Thirty (30) day period of review on August 14, 2018 for the public to determine if a public necessity exists, and

NOW, THEREFORE. BE IT RESOLVED, this Board supports Virginia Department of Transportation and the applicant, proving no public necessity exists to abandon the end portion of Route F163, Mallard Road, and

NOW, THEREFORE. BE IT RESOLVED, that this Board supports the Virginia Department of Transportation's action to abandon from the Primary System of State Highways

the section of Mallard Road, Route F163, 0.3 mile end section, pursuant to §33.2-904 Code of Virginia, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Commonwealth Transportation Board for review and approval.

(SEAL)

A COPY TESTE:



Aimee R. Mann
Deputy Clerk to the Board of Supervisors

Exhibit B
Sketch of Proposed Segment to be Abandoned

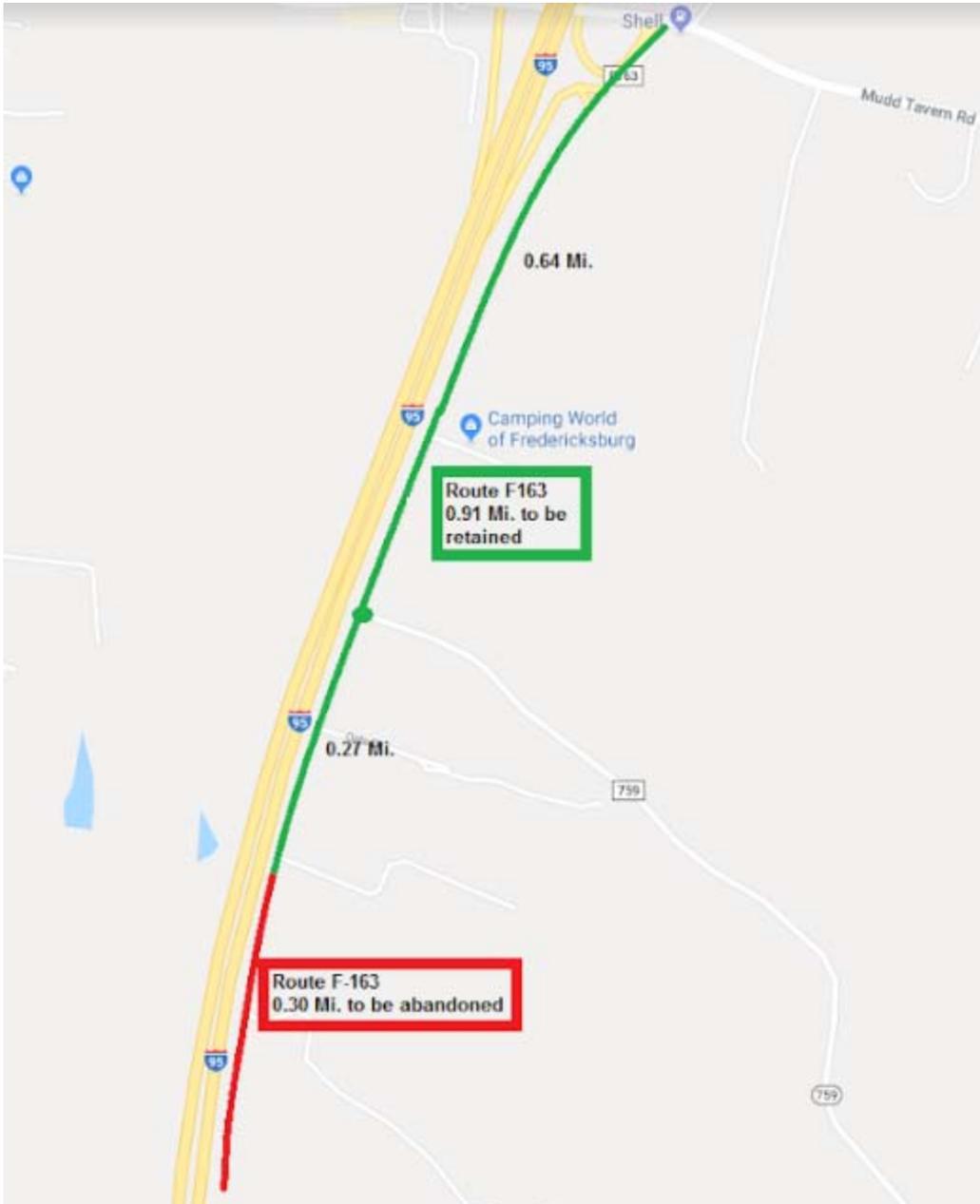


Exhibit C
“Notice of Intent to Abandon”
Published in *The Free Lance Star*
April and May, 2019



Route F163 (Mallard Road)
Abandonment of the Southern 0.3 Mile
Segment
Public Notice

The Virginia Department of Transportation (VDOT) hereby gives formal notice of its intent to consider the abandonment of a section of Route F163 (Mallard Road) in Spotsylvania County. The total length and location of the abandonment is a 0.3 mile segment located near the southern end of Route F163 (Mallard Road). The proposed abandonment is pursuant to §33.2-902 of the Code of Virginia.

VDOT shall hold a public hearing prior to considering the abandonment if one or more landowners, whose property is impacted by the southern 0.3 mile portion of Route F163 (Mallard Road), files a petition with VDOT. Written petitions should be submitted to Mr. David Beale, Project Manager, VDOT Fredericksburg Residency, 86 Deacon Road, Fredericksburg, VA 22405 on or prior to Thursday, May 16, 2019.

Additional information about the proposed abandonment is available at VDOT's Fredericksburg Residency office located at 86 Deacon Road, Fredericksburg, VA 22405. Please call ahead at 540-899-4288 or TDD/TTY 711 to ensure availability of the appropriate personnel to answer your questions.

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency contact the project manager listed above.



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Chairperson

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Agenda item # 2

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 17, 2019

MOTION

Made By: Seconded By: Action:

**Title: Limited Access Control Changes (LACCs) for Route 7 (East Market Street)
and Battlefield Parkway Interchange
Town of Leesburg**

WHEREAS, on March 21, 1963, the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), designated the proposed Route 15 Leesburg Bypass, formerly Route 599, in Loudoun County, including connections and ramps at the proposed future interchanges, be a limited access highway in accordance with then Article 3, Chapter 1, Title 33 of the Code of Virginia of 1950, as amended; and

WHEREAS, on December 21, 1995, the CTB approved the major design features of Route 7 and Route 15 Interchange, Route 7 from east of Fort Evans Road to 0.06 miles east of Cardinal Park Drive and Route 15 from Sycolin Road to Fort Evans Road in Loudoun County and Town of Leesburg; and resolved that the limited access approved by the CTB Resolution dated March 21, 1963 be amended to allow for construction of the Route 7 and Route 15 Interchange, State Project 6007-053, F24, PE102, RW202, C502; and

WHEREAS, State Highway Project 0007-253-109, P101, R201, C501, B601 (the "Project") provides improvements at Route 7 (East Market Street) and Battlefield Parkway to address safety and congestion issues, increase capacity and improve regional connectivity. The improvements consist of the construction of a grade-separated interchange at Route 7 (East Market Street) and Battlefield Parkway, a new sidewalk on

the west side of Battlefield Parkway, removing the traffic signal at Route 7 (East Market Street) and Cardinal Park Drive and modifying the intersection and providing an eastbound auxiliary lane between the Route 7 Bypass and the Battlefield Parkway Interchange, and between the Battlefield Parkway and Crosstrail Boulevard/River Creek Parkway Interchange; and

WHEREAS, the construction of the grade-separated interchange at Route 7 (East Market Street) and Battlefield Parkway requires the establishment (extension) of limited access lines eastward along Route 7 (East Market Street) to encompass the Route 7 (East Market Street) and Battlefield Parkway Interchange as shown on the Limited Access Line Exhibits, which include the Stations and Offset (attached); and

WHEREAS, a Design Public Hearing (“Hearing”) was held for the Project, including the current and proposed locations of the limited access lines, on March 7, 2018 between 6:30 pm and 8:30 pm at John W. Tolbert, Jr. Elementary School, 691 Potomac Station Drive, Leesburg, Virginia, 20176, and allowed public input to be collected concerning the request; and

WHEREAS, a Notice of Willingness for Public Comment (“Willingness”) was posted on May 30, 2019 in *The Washington Post* and May 31, 2019 in the *El Tiempo Latino* and the *Loudoun Times-Mirror* for the proposed LACCs for the Project, including the current and proposed locations of the limited access lines, and allowed public input to be collected concerning the request. The Willingness expired on June 10, 2019; and

WHEREAS, proper notice of the Hearing and Willingness were given in advance, and all were given a full opportunity to express their opinions and recommendations for or against the proposed Project as presented, their statements being duly recorded; and

WHEREAS, the economic, social and environmental effects of the proposed Project have been duly examined and given proper consideration and this evidence, along with all other relevant evidence, has been carefully reviewed; and

WHEREAS, the VDOT approved the Interchange Justification Report for the Project on June 1, 2018 and found that it adequately addresses the impacts from the Project and the proposed LACCs; and

Resolution of the Board
Proposed Limited Access Control Change (LACCs)
Route 7 (East Market Street) and Battlefield Parkway Interchange
Town of Leesburg
July 17, 2019
Page 3 of 4

WHEREAS, the proposed Project is in compliance with National Environmental Policy Act (NEPA) requirements and a Categorical Exclusion (CE) was prepared under an agreement between the Virginia Department of Transportation (VDOT) and the Federal Highway Administration (FHWA) and approved by the FHWA on June 8, 2018; and

WHEREAS, the proposed Project is located within a non-attainment area, and National Ambient Air Quality Reports were completed by VDOT on April 9, 2018 and it was determined that the project was not an air quality concern; and

WHEREAS, the Leesburg Town Council, by Resolution No. 87-41 dated February 25, 1987, supported the establishment of Limited Access Control for Route 7 between the Route 7 and Route 15 Interchange to the eastern corporate limits of the Town of Leesburg; and

WHEREAS, the Leesburg Town Council, by Resolution No. 2018-064 dated April 24, 2018, endorsed the Project as presented at the Public Hearing held on March 7, 2018, and approved the major design features of the Project; and

WHEREAS, the Chief Engineer has determined that the proposed change will not adversely affect the safety or operation of the highways; and

WHEREAS, the VDOT has reviewed the requested LACCs and determined that all are in compliance with §33.2-401 of the *Code of Virginia* and that the requirements of 24 VAC 30-401-20 have been met; and

WHEREAS, the VDOT recommends approval of the LACCs as shown on the attached exhibits.

NOW, THEREFORE, BE IT RESOLVED, in accordance with §33.2-401 of the *Code of Virginia* and Title 24, Agency 30, Chapter 401 of the *Virginia Administrative Code*, that the CTB hereby finds and concurs in the determinations and recommendations of VDOT made herein, and directs that the Route 7 (East Market Street) and Battlefield Parkway Interchange to be designated as a limited access control area, with the boundaries of limited access control being as shown on the attached exhibits.

Resolution of the Board
Proposed Limited Access Control Change (LACCs)
Route 7 (East Market Street) and Battlefield Parkway Interchange
Town of Leesburg
July 17, 2019
Page 4 of 4

BE IT FURTHER RESOLVED, the Commissioner of Highways is authorized to take all actions and execute any and all documents necessary to implement such changes.

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CTB Decision Brief
Proposed Limited Access Control Changes (LACCs)
Route 7 (East Market Street) and Battlefield Parkway Interchange
Project 0007-253-109, P101, R201, C501, B601
UPC 106573
Town of Leesburg

Issues: Establish (extend) limited access control from the existing Route 7 and Route 15 Interchange eastward along Route 7 (East Market Street) to encompass the Route 7 (East Market Street) and Battlefield Parkway Interchange. These changes require the approval of the Commonwealth Transportation Board (CTB) pursuant to §33.2-401 of the *Code of Virginia*, and Title 24, Agency 30, Chapter 401 of the *Virginia Administrative Code*.

Facts:

- On March 21, 1963, the State Highway Commission, predecessor to the CTB, designated the proposed Route 15 Leesburg Bypass, formerly Route 599, in Loudoun County, including connections and ramps at the proposed future interchanges be a limited access highway in accordance with then Article 3, Chapter 1, Title 33 of the Code of Virginia of 1950, as amended.
- On December 21, 1995, the CTB, approved the major design features the of Route 7/15 Interchange, Route 7 from east of Fort Evans Road to 0.06 miles east of Cardinal Park Drive and Route 15 from Sycolin Road to Fort Evans Road in Loudoun County and Town of Leesburg; and resolved that the limited access approved by the CTB Resolution dated March 21, 1963 be amended to allow for construction of the Route 7 and Route 15 Interchange, State Project 6007-053, F24, PE102, RW202, C502.
- State Highway Project 0007-253-109, P101, R201, C501, B601 (the “Project”) provides improvements at Route 7 (East Market Street) and Battlefield Parkway to address safety and congestion issues, increase capacity and improve regional connectivity. The improvements consist of the construction of a grade-separated interchange at Route 7 (East Market Street) and Battlefield Parkway, a new sidewalk on the west side of Battlefield Parkway, removing the traffic signal at Route 7 (East Market Street) and Cardinal Park Drive, and modifying the intersection and providing an eastbound auxiliary lane between the Route 7 Bypass and the Battlefield Parkway Interchange, and between the Battlefield Parkway and Crosstrail Boulevard/River Creek Parkway Interchange. These improvements require the establishment (extension) of limited access lines eastward along Route 7 (East Market Street) to encompass the Route 7 (East Market Street) and Battlefield Parkway Interchange as shown on the Limited Access Line Exhibits, which include the Stations and Offset (attached).
- A Design Public Hearing (“Hearing”) was held for the Project, including the current and proposed locations of the limited access lines, on March 7, 2018 between 6:30 pm and 8:30 pm at John W. Tolbert, Jr. Elementary School, 691 Potomac Station Drive, Leesburg, Virginia, 20176, and allowed public input to be collected concerning the request.

- A Notice of Willingness for Public Comment (“Willingness”) was posted on May 30, 2019 in *The Washington Post* and May 31, 2019 in the *El Tiempo Latino* and the *Loudoun Times-Mirror* for the proposed LACCs for the Project, including the current and proposed locations of the limited access lines, and allowed public input to be collected concerning the request. The Willingness expired on June 10, 2019.
- Proper notice of the Hearing and Willingness were given in advance, and all were given a full opportunity to express their opinions and recommendations for or against the proposed Project as presented, their statements being duly recorded.
- The economic, social, and environmental effects of the proposed Project have been duly examined and given proper consideration, and this evidence, along with all other relevant evidence has been carefully reviewed.
- VDOT approved the Interchange Justification Report for the Project on June 1, 2018 and found that it adequately addresses the impacts from the Project and the proposed LACCs.
- The proposed Project is in compliance with National Environmental Policy Act (NEPA) requirements and a Categorical Exclusion (CE) was prepared under an agreement between the Virginia Department of Transportation (VDOT) and the Federal Highway Administration (FHWA) and approved by the FHWA on June 8, 2018.
- The proposed Project is located within a non-attainment area, and National Ambient Air Quality Reports were completed by VDOT on April 9, 2018 and it was determined that the project was not an air quality concern.
- The Leesburg Town Council, by Resolution No. 87-41 dated February 25, 1987, supported the establishment of Limited Access Control for Route 7 between the Route 7 and Route 15 Interchange to the eastern corporate limits of the Town of Leesburg.
- The Leesburg Town Council, by Resolution No. 2018-064 dated April 24, 2018, endorsed the Project as presented at the Public Hearing, including the current and proposed locations of the limited access lines, on March 7, 2018, and approved the major design features of the Project.
- The Chief Engineer has determined that the proposed changes will not adversely affect the safety or operation of the highways.
- The proposed LACCs are in compliance with §33.2-401 of the *Code of Virginia* and with the policies and requirements of the CTB contained in Title 24, Agency 30, Chapter 401 of the *Virginia Administrative Code*.

CTB Decision Brief
Proposed Limited Access Control Changes (LACCs)
Route 7 (East Market Street) and Battlefield Parkway Interchange
Town of Leesburg
July 17, 2019
Page 3 of 3

Recommendations: It is recommended, pursuant to §33.2-401 of the *Code of Virginia*, and Title 24, Agency 30, Chapter 401 of the *Virginia Administrative Code*, that the Route 7 (East Market Street) and Battlefield Parkway Interchange be designated as a Limited Access Highway with the LACCs modified and/or established as shown on the attached exhibits. This action will modify (extend) the limited access lines previously approved by the CTB's predecessor, the State Highway Commission, on March 21, 1963 and subsequently amended by the CTB on December 21, 1995.

Action Required by CTB: The *Code of Virginia* §3.2-401 and Title 24, Agency 30, Chapter 401 of the *Virginia Administrative Code* require a majority vote of the CTB to approve the recommended LACCs. The CTB will be presented with a resolution for a formal vote to approve the LACCs for the proposed Project and to provide the Commissioner of Highways the requisite authority to execute all documents necessary to implement the LACCs.

Result, if Approved: The Commissioner of Highways will be authorized to execute any and all documents needed to comply with the resolution, and the Route 7 (East Market Street) and Battlefield Parkway Interchange Project will move forward.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: There were fifty-two (52) citizens that attended the Hearing per the sign in sheets. There were thirty-nine (39) written/mailed comments received and zero (0) oral comments recorded by the court reporter at the Hearing. Twenty-two (22) citizens supported the Project and nine (9) opposed the Project. Eight (8) citizens did not express support for or opposition to the Project, but provided specific concerns/remarks relative to various Project elements.

Public Comments/Reactions: There was one (1) email comment received as a result of the posting of the Willingness for the Project. The one (1) comment received was in opposition of the proposed LACC's.



Rogerson, George <george.rogerson@vdot.virginia.gov>

Re: LACC Package for Route 7 (East Market Street) and Battlefield Parkway Interchange (UPC 106573)

1 message

Snider, Lori <lori.snider@vdot.virginia.gov>
To: "Hord, Neil" <neil.hord@vdot.virginia.gov>
Cc: George Rogerson <george.rogerson@vdot.virginia.gov>

Mon, Jun 17, 2019 at 12:59 PM

I approve this LACC from a Right of Way and Utilities standpoint.

Lori

On Mon, Jun 17, 2019, 12:51 PM Hord, Neil <neil.hord@vdot.virginia.gov> wrote:
Lori,

I have reviewed this item and recommend your approval from a right of way perspective. If you concur, please reply all so this item can be further processed for the July CTB agenda.

Neil

On Fri, Jun 7, 2019 at 11:57 AM Rogerson, George <george.rogerson@vdot.virginia.gov> wrote:
Mike,

I have attached the LACC documents for the above-mentioned project for GALA review and comments for the **July CTB Meeting**. Due to my schedule, I will need to submit the Package to the 3rd floor on June 21.

Resolution - I will remove the red text before finalizing the document
Decision Brief - I will remove the red text before finalizing the document
Past Resolutions (2)
Vicinity Map & Google Image
LA Exhibits, which include Control Point Stations and Offsets
Letter of Local Support from Town of Leesburg (2)
FHWA Approval (N/A)

Thank you for your review and comments.

--

Neil M. Hord
Program Manager Property Management
Right of Way & Utilities Division
1401 E. Broad Street, 5th Floor
Richmond, Virginia 23219
Phone: (804) 786-4079
Fax: (804) 786-1706
<http://pmi.vdot.virginia.gov/>

12-21-95

5. Construct private entrance to church property on Goode's Ferry Road to allow access to a historical marker.

6. Construct spring boxes in pertinent locations to maintain two springs which feed the pond used in the farm operations on Route 643.

BE IT FURTHER RESOLVED that in the interest of public safety, pedestrians, persons riding bicycles or mopeds, horsedrawn vehicles, self-propelled machinery or equipment, and animals led, ridden or driven on the hoof be prohibited from using this highway.

BE IT FURTHER RESOLVED that Route 58 be designated as a Limited Access Highway from 2.99 miles south of the South Corporate Limits of South Hill to 0.49 mile east of the intersection of Route 85 (northbound lane) in accordance with the statutes of Virginia and in accordance with the Commonwealth Transportation Board policies.

BE IT FURTHER RESOLVED that in accordance with Article 4, Chapter 1, Title 33.1, Section 33.1-34 of the 1950 Code of Virginia and State Highway and Transportation Board Policy, the herein approved 13 mile segment of Route 58 be added to the Primary System of Highways and designated Virginia Route 58 South Hill Bypass.

Motion carried.

Item 10:

Moved by Mr. Rich, seconded by Mrs. Brooks, that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Combined Location and Design Public Hearing was held in the Town of Leesburg Municipal Building, in Leesburg, Virginia, on October 18, 1995, between 4:30 p.m. and 7:30 p.m. for the purpose of considering the proposed location and major design features of Route 7/15 Interchange, Route 7 from east of Fort Evans Road to 100.00 N (0.06 mile) east of Cardinal Park Drive and Route 15 from Sycolin Road to Fort Evans Road in Loudoun County and Town of Leesburg, State Project 6007-053-P24, PE-102, RW-202, C-502; and

12-21-95

WHEREAS, proper notice was given in advance, and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded; and

WHEREAS, the economic, social, and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed.

NOW, THEREFORE, BE IT RESOLVED that the location and major design features of Option 1 (without the Sycolin Road overpass) be approved in accordance with the plan as proposed and presented at the said Location and Design Public Hearing by the Department's Engineers.

BE IT FURTHER RESOLVED that the Limited Access for Project 6007-053-111, PE-101, C-501 as approved by Board Resolution dated March 21, 1963, be amended to allow for construction of the proposed Route 7/15 Interchange as follows:

NE Quadrant: From Baseline D Station 109+60 (Westbound Route 7) to Baseline G Station 106+00 (Ramp from Westbound Route 7 to Northbound Bypass).
SW Quadrant: From Baseline B Station 99+96 (Ramp from Eastbound Route 7 to Southbound Bypass) to Baseline A Station 110+70 (Ramp from Westbound Route 7 to Southbound Bypass).

Motion carried.

Moved by Mr. Rich, seconded by Mr. Newcomb, that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Combined Location and Design Public Hearing was held in the Harry F. Byrd Middle School, Henrico County, Virginia, on November 14, 1995, between 5:00 p.m. and 8:00 p.m. and in the Goochland Elementary School, in Goochland County, Virginia, on November 15, 1995, between 5:00 p.m. and 8:00 p.m. for the purpose of considering the proposed location and major design features of Route 288 from the James River (Powhatan County Line) to Route 250 (Broad Street Road) in Goochland County, State Project 0288-037-104, PE-100; and

March 21, 1963

Moved by Mr. Landrith, Seconded by Mr. Holland that,
WITNESSETH THAT WHEREAS, on or about the 8th day of April
1960, Talbott-Marks & Runions Co., Inc., of Clarksville, Virginia,
and the State Highway Commission entered into a contract for con-
struction in connection with Project No. 0413-029-002, B14, B15, B16,
B17, B18, B19, Contract 3, on Interstate Route 413 in Fairfax County;
and

WHEREAS, a large landslide at the east end of the Richmond,
Fredericksburg and Potomac Railroad Bridge, Number B-19 of the above
contract, caused serious damage to parts of bridge then under con-
struction; damaged the Railroad; necessitated modification of part
of bridge then under construction, as well as the redesigning and
lengthening of the remainder of bridge; and required immediate
emergency repair work, construction continuing thereafter as re-
vised plans could be prepared; and

WHEREAS, the extra work to be done by the Contractor will
increase the scope of the contract by an amount which will exceed
twenty-five per cent (25%) of the original contract; and

WHEREAS, Section 104.03 of the Virginia Department of
Highways Road and Bridge Specifications requires a supplemental
agreement to be executed when the original contract is increased in
excess of twenty-five per cent (25%);

NOW, THEREFORE, BE IT RESOLVED: That the State Highway
Commissioner is hereby authorized to enter into, on behalf of this
Commission, a supplemental agreement with Talbott-Marks & Runions
Co., Inc., on the above-mentioned project for the necessary addi-
tional work required for an approximate price of \$410,590.32.
Motion carried.

Moved by Mr. Landrith Seconded by Judge Weaver that,
future State Route 599, the proposed Leesburg Bypass in Loudoun
County, Virginia from its intersection with State Route 15 north
of Leesburg thence crossing Route 7 east of Leesburg near the east
corporate limits, thence crossing Route 15 south of Leesburg near
the south corporate limits and extending to Route 7 west of Lees-
burg near the west corporate limits of Leesburg, including
connections and ramps at proposed future interchanges be designated
a limited access highway in accordance with Article 3, Chapter I,
Title 33, of the 1950 Code of Virginia as amended. Motion carried.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219 2000

Stephen Brich
Commissioner

July 1, 2019

The Honorable Shannon Valentine
The Honorable Stephen C. Brich, P. E.
The Honorable Jennifer Mitchell
The Honorable Jerry L. Stinson II
The Honorable Mary Hughes Hynes
The Honorable Allison DeTuncq
The Honorable Bert Dodson, Jr.
The Honorable W. Sheppard Miller III
The Honorable Carlos M. Brown
The Honorable Stephen A. Johnsen
The Honorable F. Dixon Whitworth, Jr.
The Honorable E. Scott Kasprowicz
The Honorable Raymond D. Smoot, Jr.
The Honorable Marty Williams
The Honorable John Malbon
The Honorable Greg Yates

Subject: Approval of Limited Access Control Changes (LACCs) for Route 7 (East Market Street) and Battlefield Parkway Interchange in the Town of Leesburg.

Dear Commonwealth Transportation Board Members:

The Department has initiated the above request for LACCs for your consideration. The proposed LACCs on State Highway Project 0007-253-109, P101, R201, C501, B601 have been determined as a necessary design feature and recommended for approval by the Department's staff.

I have reviewed the staff's recommendations and determined that approving these LACC's will not adversely affect the safety or operation of the affected highway network. I have determined that this request should be considered by the Board.

Sincerely,


Garrett W. Moore, P.E.
Chief Engineer

PRESENTED February 25, 1987

RESOLUTION NO. 87-41

ADOPTED February 25, 1987

A RESOLUTION: REQUESTING A LIMITED ACCESS DESIGNATION FOR ROUTE 7
EAST BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION

WHEREAS, the designation of Route 7 as a limited access facility from the Route 7/15 Bypass to the eastern corporate limits is a major component of the transportation element of the Leesburg Town plan; and

WHEREAS, the Virginia Department of Transportation (VDOT) has prepared a functional plan for Route 7 which recommends a limited access designation between the Route 7/15 Bypass and Route 28 in Loudoun County; and

WHEREAS, it is necessary for VDOT through the Commonwealth Transportation Board to effect the official designation of Route 7 as a limited access facility; and

WHEREAS, this designation will not require the closing of existing at-grade intersections along Route 7 until such time as planned grade-separated interchanges are constructed and alternative access is provided to properties served by the existing intersections:

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. The Council hereby requests Virginia Department of Transportation through the Commonwealth Transportation Board to designate Route 7 from the Route 7/15 Bypass to the eastern corporate limits of Leesburg as a limited access facility as part of the recommended limited access designation for Route 7 from the Bypass to Route 28.

SECTION II. The Manager is directed to transmit copies of this resolution to Ray D. Pethel, VDOT Commissioner, C. B. Perry, II, Northern Virginia VDOT District Engineer, and Philip A. Bolen, Loudoun County Administrator.

PASSED this 25th day of February, 1987.



Robert E. Sevila, Mayor
Town of Leesburg

ATTEST:



Dorothy B. Rosen
Clerk of Council

The Town of
**Leesburg,
Virginia**

PRESENTED: April 24, 2018

RESOLUTION NO. 2018-064

ADOPTED: April 24, 2018

A RESOLUTION: EAST MARKET STREET (ROUTE 7) & BATTLEFIELD PARKWAY
INTERCHANGE PROJECT DESIGN PUBLIC HEARING
ENDORSEMENT

WHEREAS, the East Market Street (Route 7) & Battlefield Parkway Interchange project is an identified capital project in the Town's Fiscal Year 2018-2023 Capital Improvement Program; and

WHEREAS, the project will include construction of a grade-separated single-point urban interchange at Battlefield Parkway, and modification of the Cardinal Park Drive / East Market Street intersection to an unsignalized, right-in/right-out intersection; and

WHEREAS, the Town has received partial project funding from the Northern Virginia Transportation Authority for the initial required studies, including preparation of an Interchange Justification Report, environmental studies in accordance with the National Environmental Protection Act, preliminary design, right-of-way acquisition, utility relocation, and a portion of the construction; and

WHEREAS, the Town applications to the Northern Virginia Transportation Authority and the Virginia Department of Transportation to fully fund the project will be considered by those entities in June 2018; and

WHEREAS, the Virginia Department of Transportation is administering the project under an agreement with the Town; and

WHEREAS, Town Council Resolution 2017-103 endorsed the interchange configuration for Battlefield Parkway and the intersection design for Cardinal Park Drive, and authorized the

A RESOLUTION: EAST MARKET STREET (ROUTE 7) / BATTLEFIELD PARKWAY
INTERCHANGE PROJECT DESIGN PUBLIC HEARING APPROVAL

Virginia Department of Transportation to complete the project utilizing a design-build contract;
and

WHEREAS, the Virginia Department of Transportation conducted a design public hearing on March 7, 2018 at Tolbert Elementary School after due and proper notice for the purpose of considering the proposed design of the proposed East Market Street (Route 7) & Battlefield Parkway Interchange project at which drawings and other pertinent information were made available for public inspection in accordance with state and federal requirements; and

WHEREAS, during a portion of construction of the interchange, Battlefield Parkway may be closed at East Market Street, requiring traffic to be detoured around the construction site, and any closure will be coordinated with and approved by the Town; and

WHEREAS, all persons and parties in attendance were afforded full opportunity to participate in said public hearing; and

WHEREAS, Virginia Department of Transportation requires approval of the major design features by the Town prior to proceeding with the award of a design-build contract to complete the project.

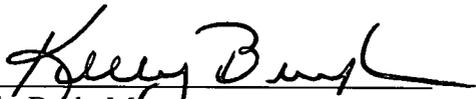
THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia as follows:

1. Town Council approves the major design elements of the East Market Street (Route 7) & Battlefield Parkway Interchange project as presented at the public hearing held on March 7, 2018.

A RESOLUTION: EAST MARKET STREET (ROUTE 7) / BATTLEFIELD PARKWAY
INTERCHANGE PROJECT DESIGN PUBLIC HEARING APPROVAL

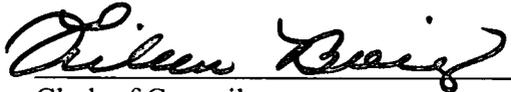
2. The Town of Leesburg supports the Virginia Department of Transportation in completing the design and construction of the project.

PASSED the 24th day of April, 2018.



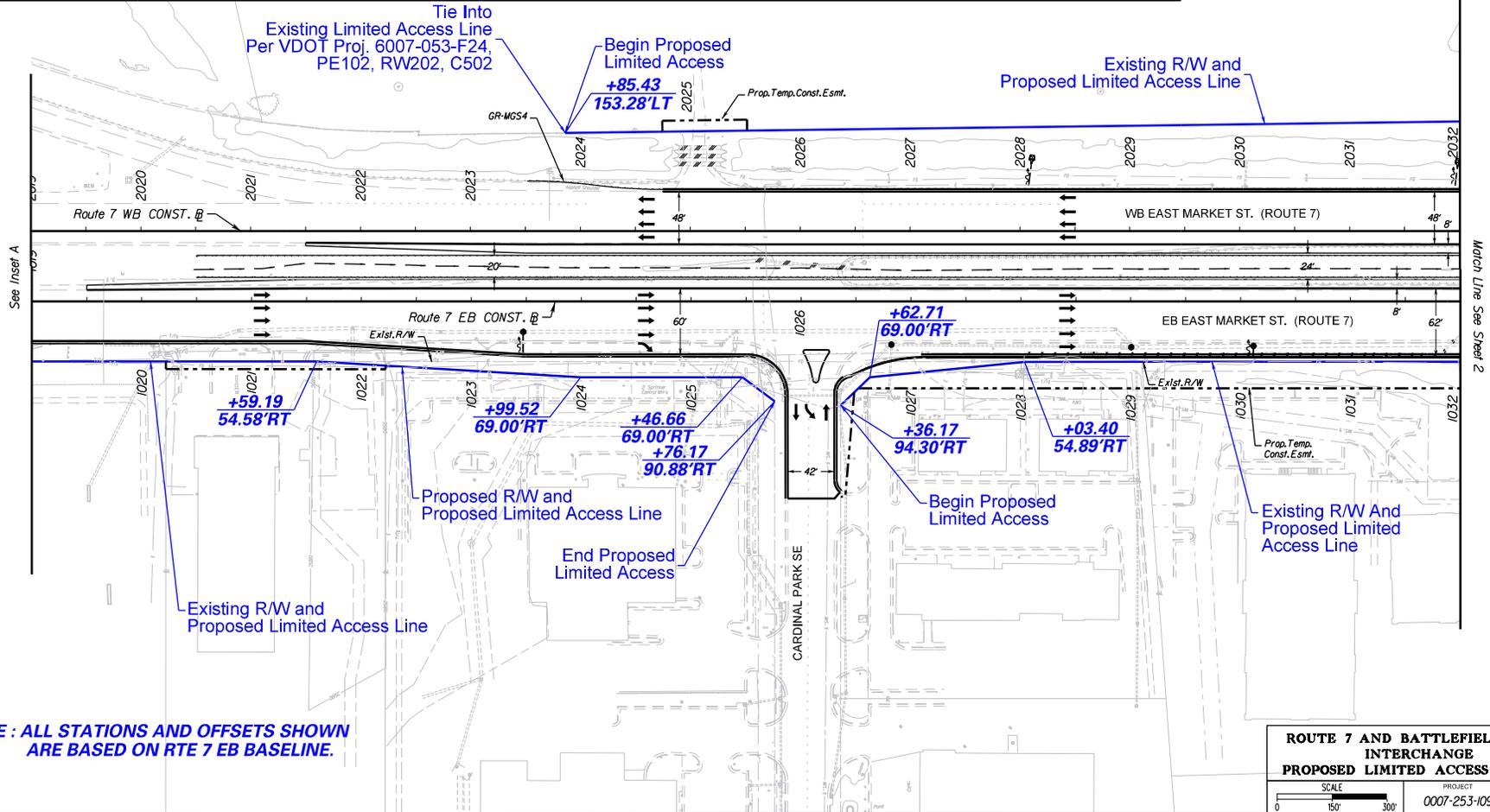
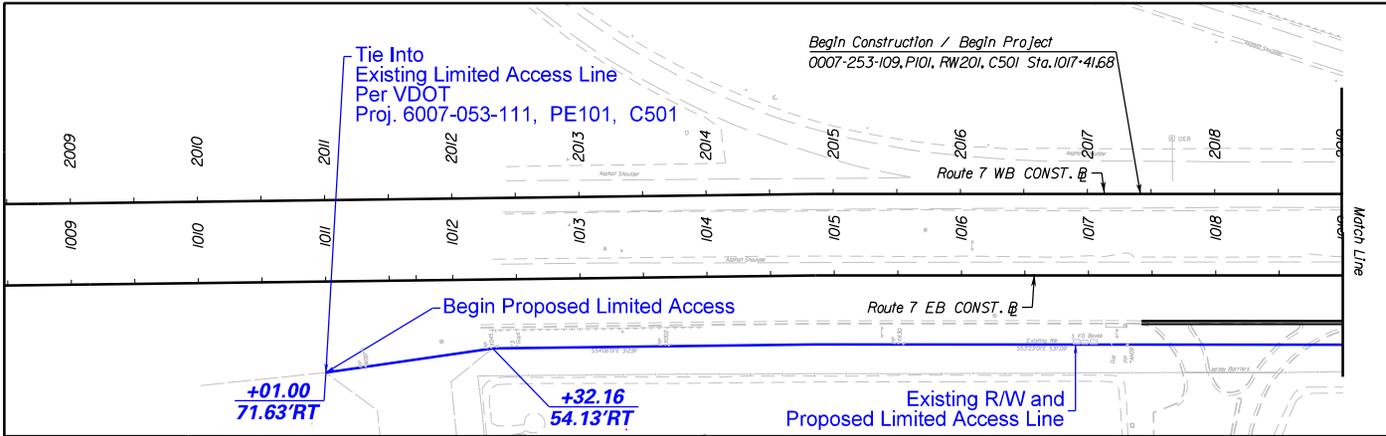
Kelly Burk, Mayor
Town of Leesburg

ATTEST:



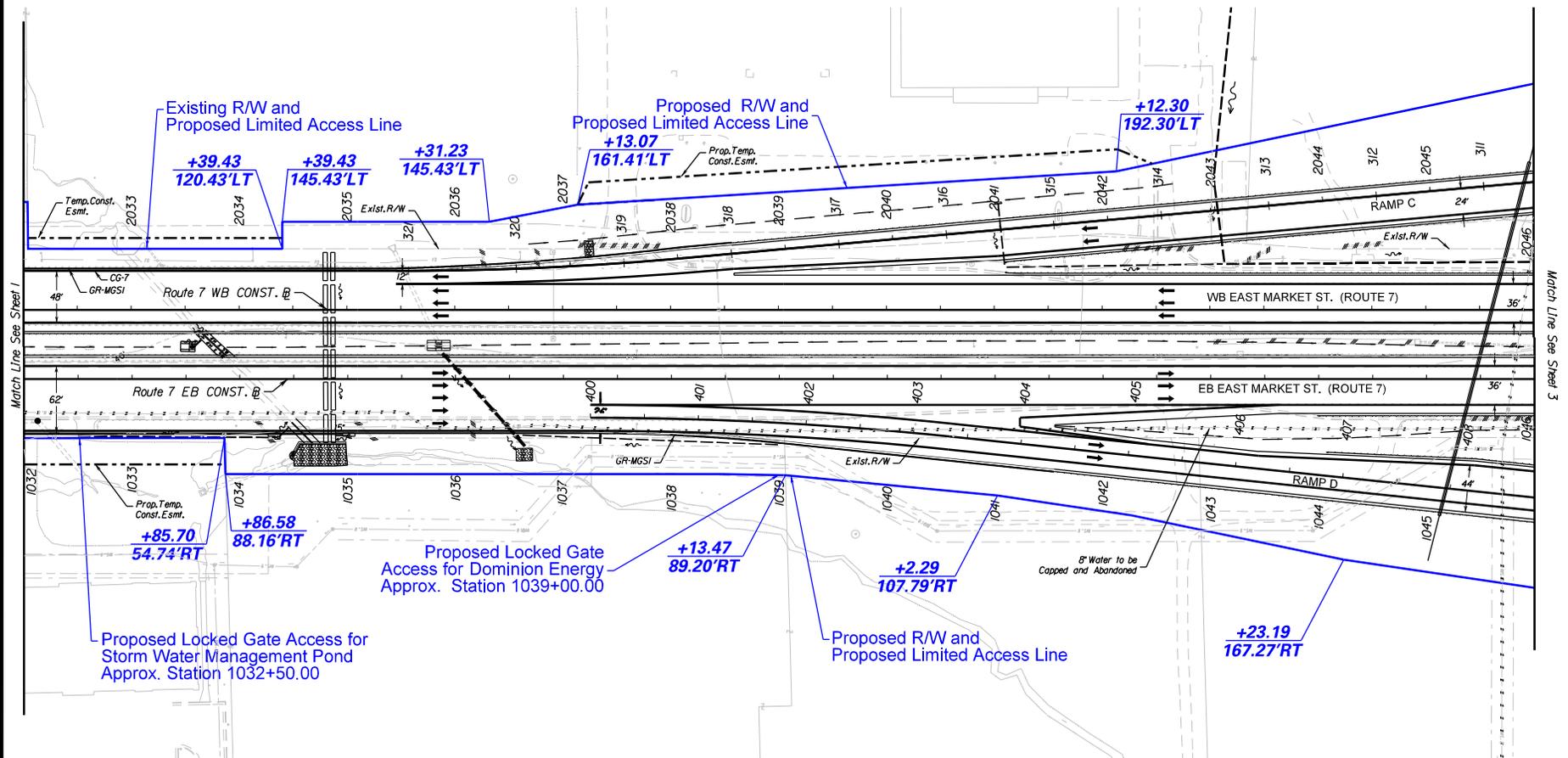
Gillen Davis
Clerk of Council

INSET A



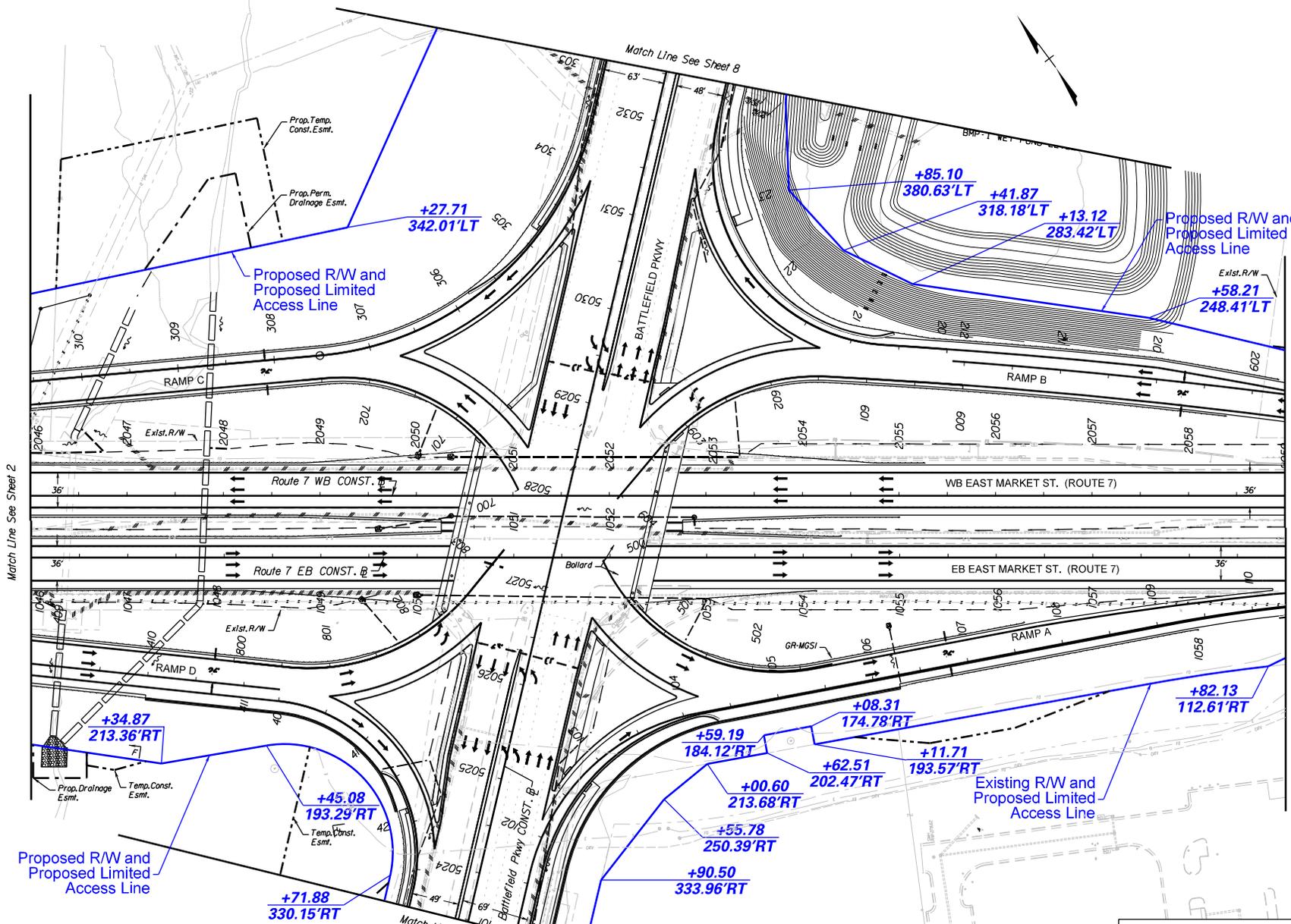
NOTE : ALL STATIONS AND OFFSETS SHOWN ARE BASED ON RTE 7 EB BASELINE.

ROUTE 7 AND BATTLEFIELD PKWY INTERCHANGE		
PROPOSED LIMITED ACCESS EXHIBIT		
SCALE 0 150' 300'	PROJECT 0007-253-109	SHEET NO. 1



**NOTE : ALL STATIONS AND OFFSETS SHOWN
ARE BASED ON RTE 7 EB BASELINE.**

ROUTE 7 AND BATTLEFIELD PKWY INTERCHANGE PROPOSED LIMITED ACCESS EXHIBIT		
SCALE 0 150' 300'	PROJECT 0007-253-109	SHEET NO. 2



Match Line See Sheet 2

Match Line See Sheet 4

Proposed R/W and Proposed Limited Access Line

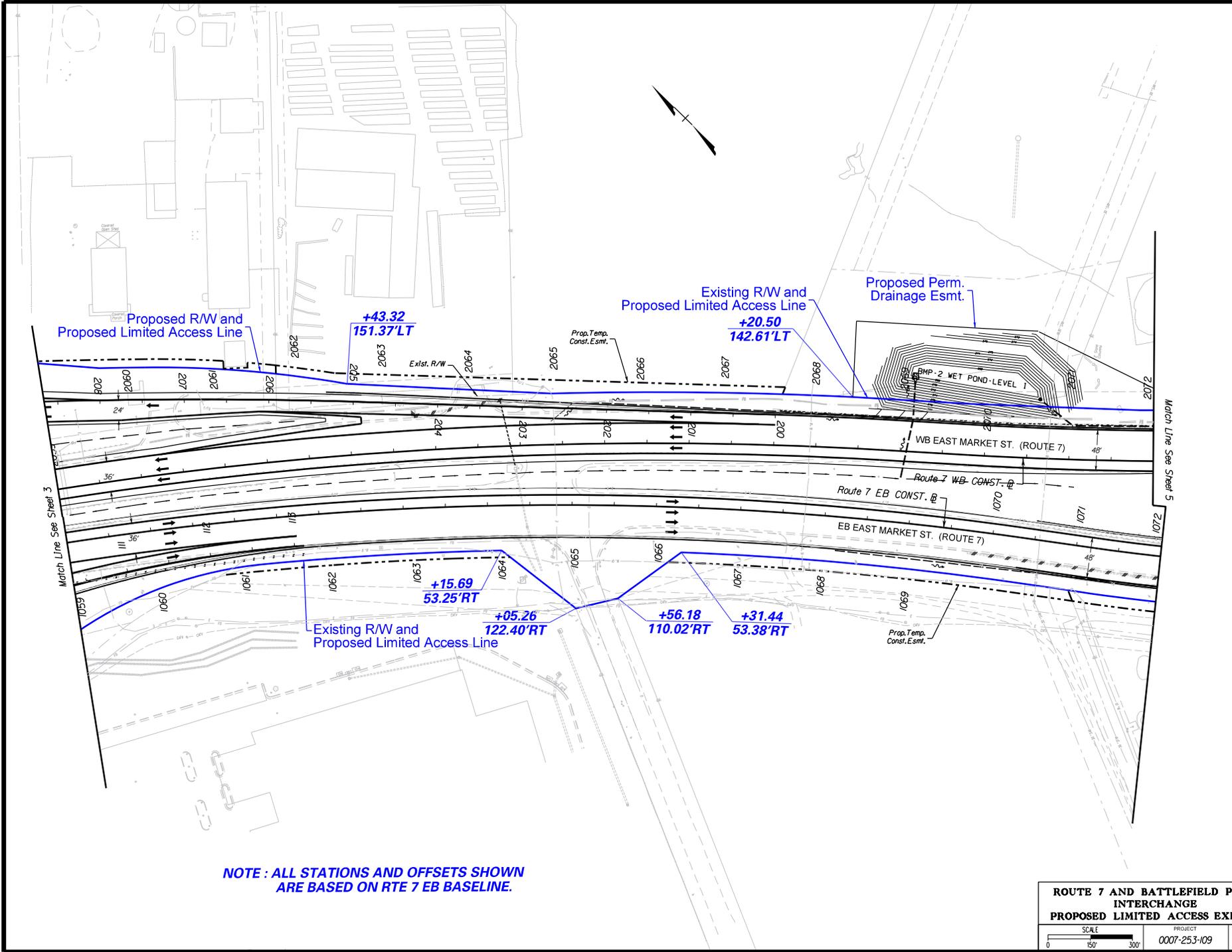
Proposed R/W and Proposed Limited Access Line

Proposed R/W and Proposed Limited Access Line

Existing R/W and Proposed Limited Access Line

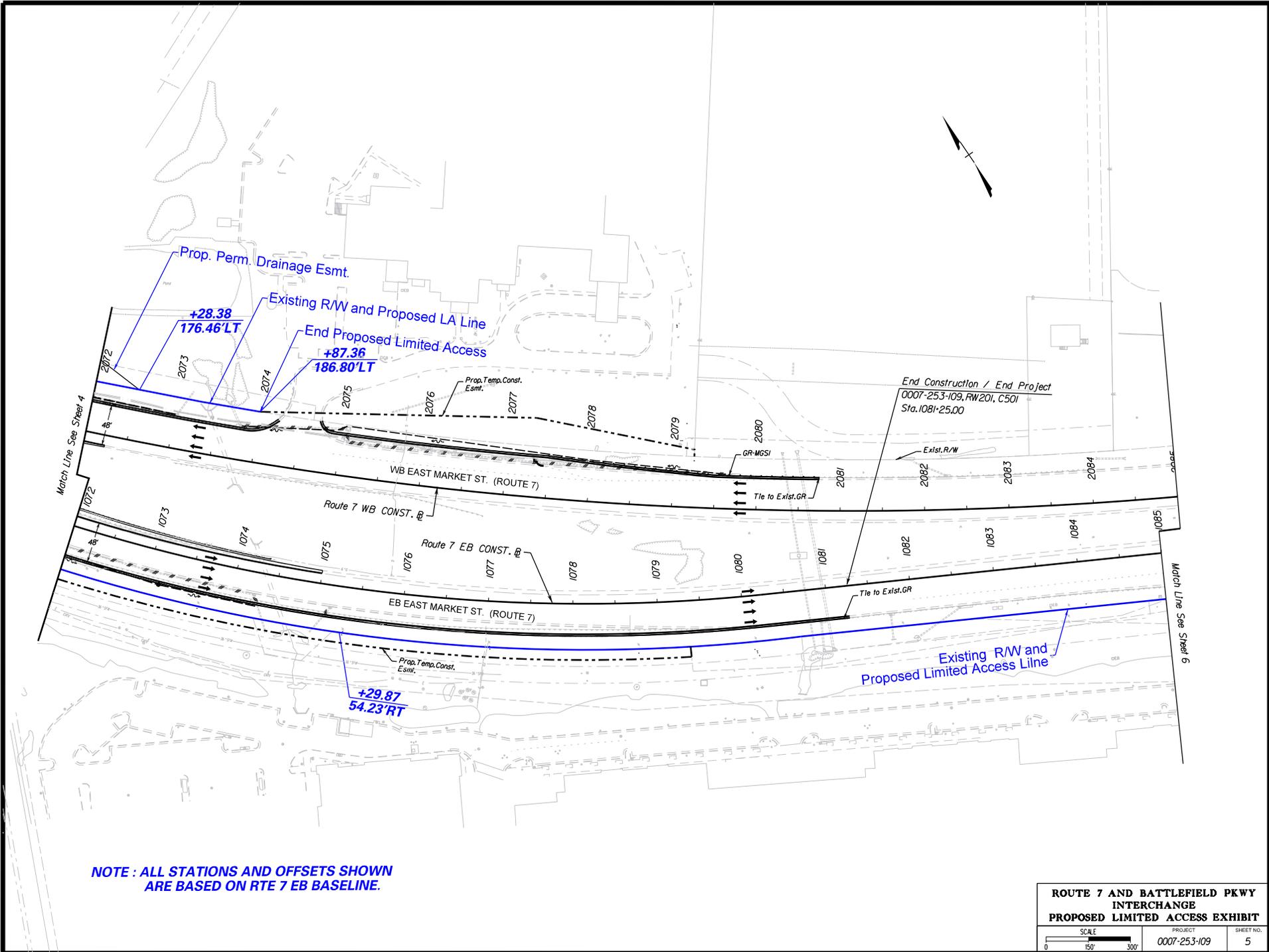
NOTE: ALL STATIONS AND OFFSETS SHOWN ARE BASED ON RTE 7 EB BASELINE.

ROUTE 7 AND BATTLEFIELD PKWY INTERCHANGE		
PROPOSED LIMITED ACCESS EXHIBIT		
SCALE 0 150' 300'	PROJECT 0007-253-109	SHEET NO. 3



NOTE : ALL STATIONS AND OFFSETS SHOWN ARE BASED ON RTE 7 EB BASELINE.

ROUTE 7 AND BATTLEFIELD PKWY INTERCHANGE		
PROPOSED LIMITED ACCESS EXHIBIT		
SCALE 0 150' 300'	PROJECT 0007-253-109	SHEET NO. 4

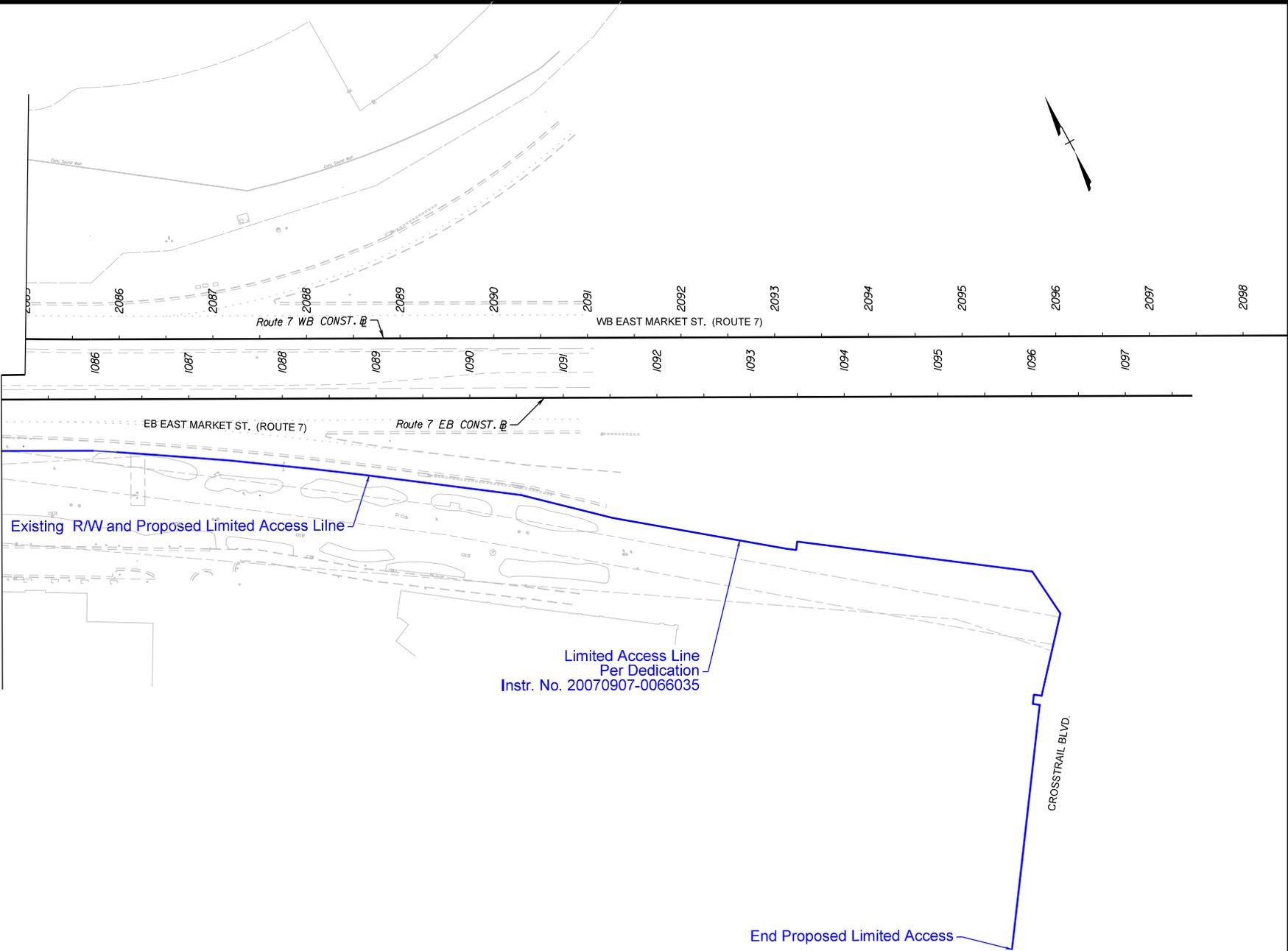


**NOTE : ALL STATIONS AND OFFSETS SHOWN
ARE BASED ON RTE 7 EB BASELINE.**

**ROUTE 7 AND BATTLEFIELD PKWY
INTERCHANGE
PROPOSED LIMITED ACCESS EXHIBIT**

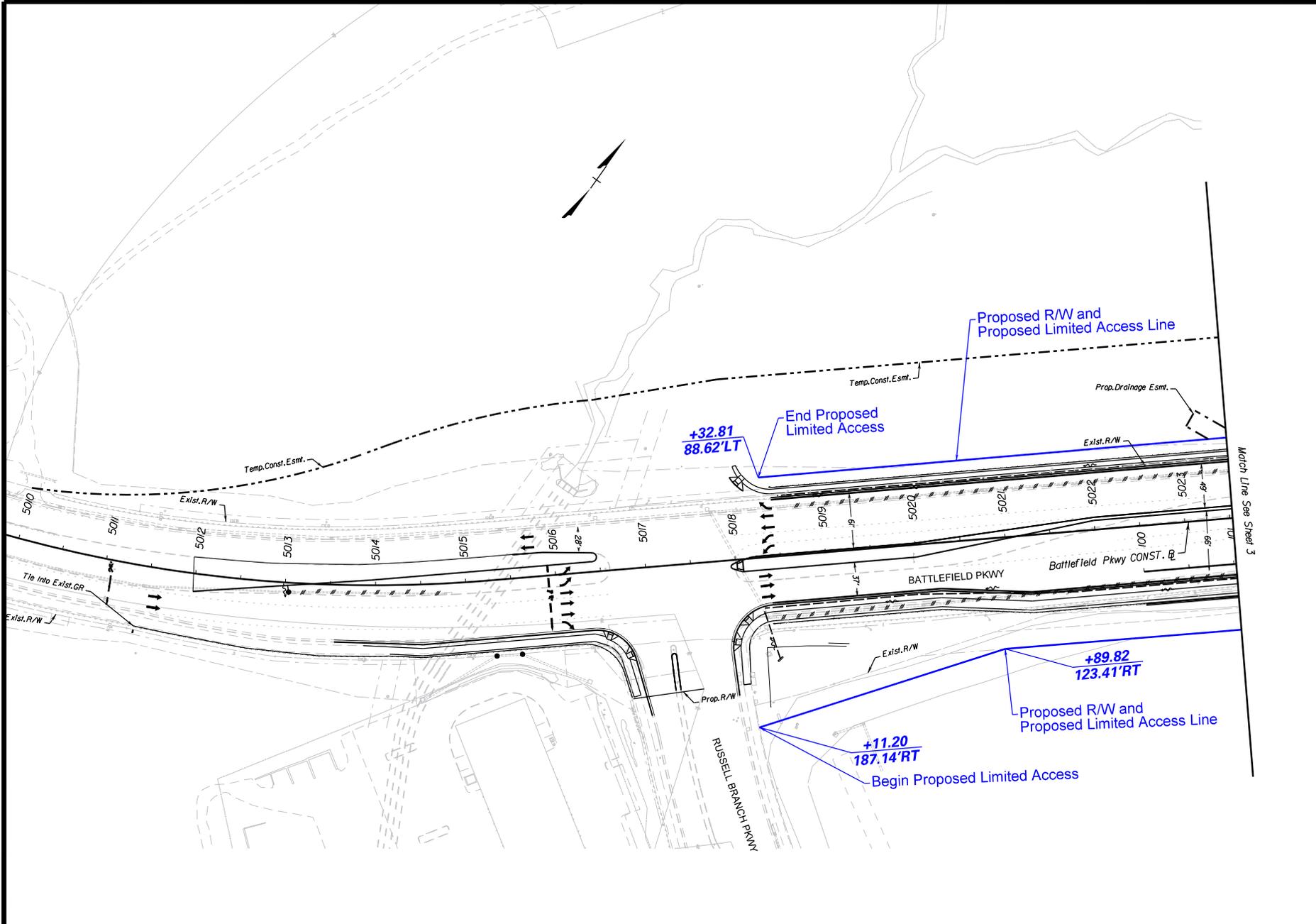
SCALE 0 150' 300'	PROJECT 0007-253-109	SHEET NO. 5
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Match Line See Sheet 5



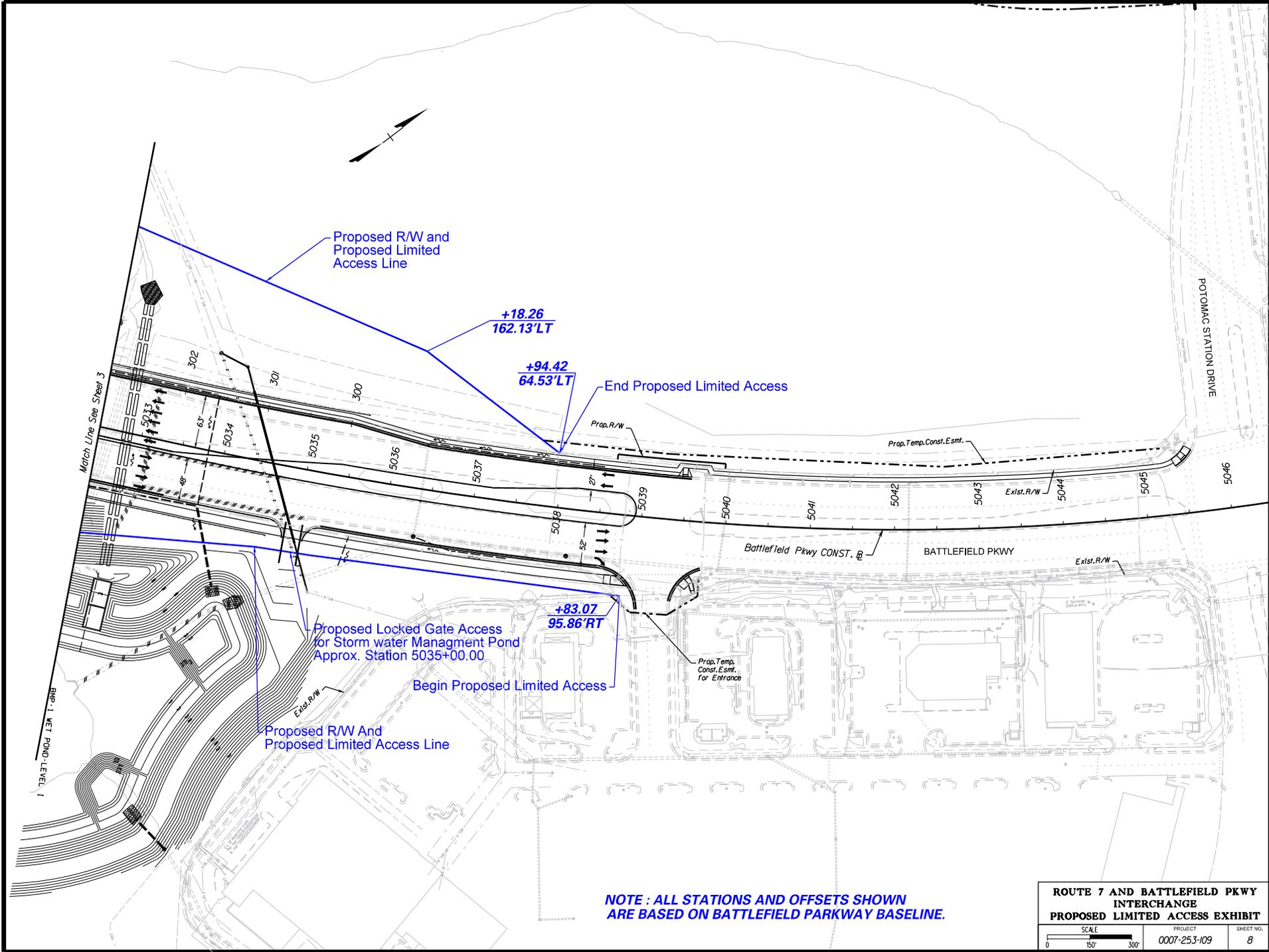
NOTE : ALL STATIONS AND OFFSETS SHOWN ARE BASED ON RTE 7 EB BASELINE.

ROUTE 7 AND BATTLEFIELD PKWY INTERCHANGE		
PROPOSED LIMITED ACCESS EXHIBIT		
SCALE 0 150' 300'	PROJECT 0007-253-109	SHEET NO. 6



NOTE : ALL STATIONS AND OFFSETS SHOWN ARE BASED ON BATTLEFIELD PARKWAY BASELINE.

ROUTE 7 AND BATTLEFIELD PKWY INTERCHANGE		
PROPOSED LIMITED ACCESS EXHIBIT		
SCALE 0 150' 300'	PROJECT 0007-253-109	SHEET NO. 7

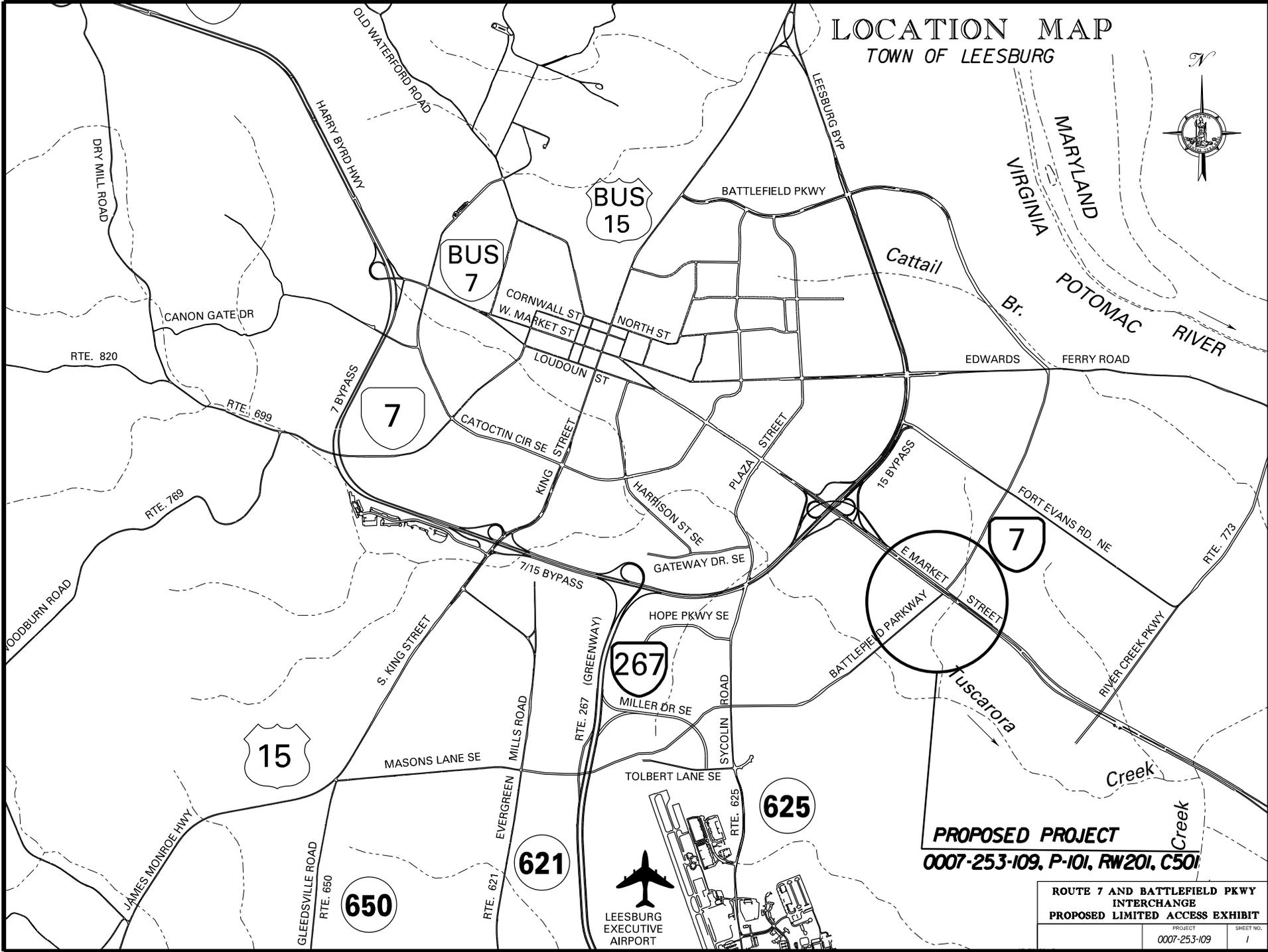


NOTE : ALL STATIONS AND OFFSETS SHOWN ARE BASED ON BATTLEFIELD PARKWAY BASELINE.

ROUTE 7 AND BATTLEFIELD PKWY INTERCHANGE		
PROPOSED LIMITED ACCESS EXHIBIT		
SCALE 0 150' 300'	PROJECT 0007-253-109	SHEET NO. 8

LOCATION MAP

TOWN OF LEESBURG



PROPOSED PROJECT
0007-253-109, P-101, RW201, C501

**ROUTE 7 AND BATTLEFIELD PKWY
 INTERCHANGE
 PROPOSED LIMITED ACCESS EXHIBIT**

PROJECT SHEET NO.
 0007-253-109 / 1



LEESBURG
 EXECUTIVE
 AIRPORT



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

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

Agenda item # 3

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 17, 2019

MOTION

Made By: _____ **Seconded By:** _____

Action: _____

Title: Addition of Projects to the Six-Year Improvement Program for Fiscal Years 2020-2025

WHEREAS, Section 33.2-214(B) of the *Code of Virginia* requires the Commonwealth Transportation Board (Board) to adopt by July 1st of each year a Six-Year Improvement Program (Program) of anticipated projects and programs and that the Program shall be based on the most recent official revenue forecasts and a debt management policy; and

WHEREAS, after due consideration the Board adopted a Final Fiscal Years 2020-2025 Program on June 19, 2019; and

WHEREAS, the Board is required by §§ 33.2-214(B) and 33.2-221(C) of the *Code of Virginia* to administer and allocate funds in the Transportation Trust Fund; and

WHEREAS, § 33.2-214(B) of the *Code of Virginia* provides that the Board is to coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and is to allocate funds for these needs pursuant to §§ 33.2-358 and 58.1-638 of the *Code of Virginia*, by adopting a Program; and

WHEREAS, § 58.1-638 authorizes allocations to local governing bodies, transportation district commissions, or public service corporations for, among other things, capital project costs for public transportation and ridesharing equipment, facilities, and associated costs; and

Resolution of the Board
Addition of Projects to the SYIP
July 17, 2019
Page 2 of 2

WHEREAS, the projects shown in Appendix A were not included in the FY 2020-2025 Program adopted by the Board on June 19, 2019; and

WHEREAS, the Board recognizes that the projects are appropriate for the efficient movement of people and freight and, therefore, for the common good of the Commonwealth.

NOW THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board, that the projects shown in Appendix A are added to the Six-Year Improvement Program of projects and programs for Fiscal Years 2020 through 2025 and are approved.

#####

CTB Decision Brief

Addition of Projects to the Six-Year Improvement Program for Fiscal Years 2020 - 2025

Issue: Each year the Commonwealth Transportation Board (CTB) must adopt a Six-Year Improvement Program (Program) and allocations in accordance with the statutory formula.

Facts: The CTB must adopt a Program of anticipated projects and programs by July 1st of each year in accordance with § 33.2-214(B) of the *Code of Virginia*. On June 19, 2019, after due consideration, the CTB adopted a Final FY 2020-2025 Program. The projects shown in Appendix A were not in the Final FY 2020-2025 Program adopted by the CTB.

Recommendations: The Virginia Department of Transportation (VDOT) recommends the addition of the projects in Appendix A to the Program for FY 2020–2025.

Action Required by CTB: The CTB will be presented with a resolution for a formal vote to add the projects listed in Appendix A to the Program for FY 2020–2025 to meet the CTB’s statutory requirements.

Result, if Approved: If the resolution is approved, the projects listed in Appendix A will be added to the Program for FY 2020-2025.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None

Appendix A
Amendments to the FY2020-2025 SYIP

Row	UPC	District	Jurisdiction	Route	Project Description	Total Cost	Total Allocation	Balance	Major Fund Source	Fully Funded
NA	T-22866	Northern Virginia	Fairfax County	9999	Compton Road - Shared Use Path	\$ 1,075,000	\$ 1,075,000	\$0	Local	Yes
NA	T-23163	Northern Virginia	Fairfax County	611	TELEGRAPH ROAD AT HAYFIELD ROAD - ADD NORTHBOUND THRU LANE	\$ 3,000,000	\$ 3,000,000	\$0	Local	Yes
NA	115344	Statewide	Statewide	81	Route 81 Camera Installations	\$ 3,000,000	\$ 3,000,000	\$0	Route 81 Corridor Funds	Yes
NA	T-23249	Statewide	Statewide	81	I-81 CMS Installation	\$ 8,100,000	\$ 8,100,000	\$0	Route 81 Corridor Funds	Yes
NA	T-23250	Statewide	Statewide	81	TOWING SERVICES - I81 - FY20-FY23	\$ 3,500,000	\$ 3,500,000	\$0	Route 81 Corridor Funds	Yes



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

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

Agenda item #4

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 17, 2019

MOTION

Made By: _____ Seconded By: _____

Action: _____

Title: Overlook Naming: “J. Stuart Staley Memorial Overlook”

WHEREAS, the Smyth County Board of Supervisors wishes to honor the life, commitment and selfless public service of Dr. J. Stuart Staley, who served his country in World War II in both the North African and European theaters and was awarded the Legion of Merit for his service. After his service to his country, he continued serving the community as a doctor and was instrumental in the establishment of the Smyth County Community Hospital; and

WHEREAS, in accordance with § 33.2-213 of the *Code of Virginia*, the Smyth County Board of Supervisors has requested, by resolution dated June 12, 2019, that the Commonwealth Transportation Board (CTB), to honor and memorialize the life, service and contributions of Dr. J. Stuart Staley, name the overlook on State Route 16, Park Boulevard, at milepost 41.3, Smyth County, as the “J. Stuart Staley Memorial Overlook”; and

WHEREAS, § 33.2-213 provides that the Virginia Department of Transportation (VDOT) shall place and maintain appropriate signs indicating the names of highways, bridges, interchanges, and other transportation facilities named by the CTB and requires that the costs of producing, placing, and maintaining such signs shall be paid by the localities in which they are located or by the private entity whose name is attached to the transportation facility so named; and

WHEREAS, by resolution, Smyth County has agreed to pay VDOT for the costs of producing, placing, and maintaining the signs calling attention to this naming.

Resolution of the Board

Bridge Naming: "J. Stuart Staley Memorial Overlook"

July 17, 2019

Page 2 of 2

NOW THEREFORE, BE IT RESOLVED, pursuant to § 33.2-213 of the *Code of Virginia*, the CTB hereby names the overlook on State Route 16, Park Boulevard, milepost 41.3, Smyth County, as the "J. Stuart Staley Memorial Overlook"; and

BE IT FURTHER RESOLVED, that VDOT is directed to produce, place, and maintain the signs calling attention to this naming, and secure payment from Smyth County for these costs as required by law.

#####

CTB Decision Brief

Overlook Naming: “J. Stuart Staley Memorial Overlook”

Issue: Commemorative naming of the overlook on State Route 16, Park Boulevard, at milepost 41.30, Smyth County as the “J. Stuart Staley Memorial Overlook”.

Facts: Smyth County enacted a resolution on June 12, 2019 memorializing the life, service and contributions of Dr. J. Stuart Staley. Based on that resolution, Dr. Staley was a veteran of World War II, serving in both the North African and European theaters and was awarded the Legion of Merit for his service. After his service to his country, he continued serving the community as a doctor and was instrumental in the establishment of the Smyth County Community Hospital. Dr. Staley passed away on January 6, 1997.

Recommendations: The Virginia Department of Transportation (VDOT) recommends this request be approved.

Action Required by CTB: The *Code of Virginia* requires a majority of the CTB members to approve a resolution naming a highway, bridge or transportation facility, as appropriate. A resolution will be provided for the Board’s consideration.

Result if Approved: The overlook on State Route 16, Park Boulevard, at milepost 41.30, Smyth County, will be named as the “J. Stuart Staley Memorial Overlook”. In accordance with law and by local resolution, Smyth County agrees to pay the costs of producing, placing, and maintaining the signs calling attention to this naming.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: VDOT is not aware of any opposition to this proposal.



Smyth County, Virginia
121 Bagley Circle, Suite 100
Marion, VA 24354

Park District
M. Todd Dishner (Chair)

Rye Valley District
Rick K. Blevins (V. Chair)

Saltville District
Roscoe Call

North Fork District
Phil Stevenson

Atkins District
Charles Atkins

Chilhowie District
R. Curtis Rhea

Royal Oak District
Judy Wyant

Michael L. Carter
County Administrator

Highway Naming of Overlook portion on Route 16, from Milepost 41.30 to 41.35, near Walker Mountain Lane in Smyth County as the J. Stuart Staley Memorial Overlook.

WHEREAS, Dr. J. Stuart Staley was a prominent citizen in Smyth County; was a veteran of World War II serving in both the North African and European theaters and was awarded the Legion of Merit for his service; after his service to the country, he continued serving the community as a doctor and was instrumental in the establishment of the Smyth County Community Hospital; and Dr. J. Stuart Staley passed away January 6, 1997; and

WHEREAS, the Smyth County Board of Supervisors has received a request from the family of J. Stuart Staley to assist in naming an overlook in his honor; and

WHEREAS, Section 33.2-213 of the Code of Virginia authorizes the Commonwealth Transportation Board (CTB) to give suitable names to state highways, bridges, interchanges, and other transportation facilities and change the names of any highways, bridges, interchanges, or other transportation facilities forming a part of the systems of state highways; and

WHEREAS, the Smyth County Board of Supervisors adopts this resolution for the Commonwealth Transportation Board to consider the approval of naming the Overlook portion on Route 16 at Milepost 41.30 to 41.35 in Smyth County as the J. Stuart Staley Memorial Overlook; and

WHEREAS, Section 33.2-213 provides that the Virginia Department of Transportation shall place and maintain appropriate signs indicating the names of highways, bridges, interchanges, and other transportation facilities named by the CTB and requires that the costs of producing, placing, and maintaining such signs shall be paid by the localities in which they are located.

WHEREAS, per the Virginia Code Section 33.1-12(4), the costs of producing, placing, and maintaining these signs shall be paid by the counties, cities, and towns in which they are located.

NOW, THEREFORE, BE IT RESOLVED, the Smyth County Board of Supervisors, does hereby request the Commonwealth Transportation Board consider approval to name the Overlook portion on Route 16 at Milepost 41.30 to 41.35, near Walker Mountain Lane, in Smyth County as the J. Stuart Staley Memorial Overlook; and

BE IT FURTHER RESOLVED, that Smyth County agrees to pay the costs of producing, placing, and maintaining the signs calling attention to this naming.


Clerk, Smyth County Board of Supervisors

6-12-19
Date



Maintenance Division

CTB MEETING: July 17, 2019

Smyth County

Proposed Overlook Naming:
“J. Stuart Staley Memorial Overlook”



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

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

Agenda item #5

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 19, 2019

MOTION

Made By: _____ Seconded By: _____

Action: _____

Title: Bridge Naming: “Edward L. Embrey Memorial Bridge”

WHEREAS, the Nelson County Board of Supervisors wishes to honor the life, commitment and selfless public service of Edward L. Embrey who was a lifetime volunteer and leader of emergency services in Nelson County which included Chief of the Faber Fire Department, Captain of the Nelson County Rescue Squad and President of the Nelson County Emergency Services Council. He was also a career employee for 37 years with the Virginia Department of Forestry until his retirement in 2007. He fought forest fires, assisted in search and rescue and disaster recovery efforts, held multiple other leadership roles and served as a lifetime volunteer in Nelson County’s public schools. A consummate professional, he was always willing to go the extra mile to serve his fellow man and community up until the time of his passing on January 31, 2019; and

WHEREAS, in accordance with § 33.2-213 of the *Code of Virginia*, the Nelson County Board of Supervisors has requested, by resolution dated April 9, 2019, that the Commonwealth Transportation Board (CTB), to honor and memorialize the life, service and contributions of Edward L. Embrey, name the bridge on U.S. Route 29, Thomas Nelson Highway, over Rockfish River, Nelson County as the “Edward L. Embrey Memorial Bridge”; and

WHEREAS, § 33.2-213 provides that the Virginia Department of Transportation (VDOT) shall place and maintain appropriate signs indicating the names of highways, bridges, interchanges, and other transportation facilities named by the CTB and requires that the costs of producing, placing, and maintaining such signs shall be paid by the localities in which they are located or by the private entity whose name is attached to the transportation facility so named; and

Resolution of the Board
Bridge Naming: "Edward L. Embrey Memorial Bridge"
June 19, 2019
Page 2 of 2

WHEREAS, by resolution, Nelson County has agreed to pay VDOT for the costs of producing, placing, and maintaining the signs calling attention to this naming.

NOW THEREFORE, BE IT RESOLVED, pursuant to § 33.2-213 of the *Code of Virginia*, the CTB hereby names the bridge on U.S. Route 29, Thomas Nelson Highway, over Rockfish River, Nelson County as the "Edward L. Embrey Memorial Bridge"; and

BE IT FURTHER RESOLVED, that VDOT is directed to produce, place, and maintain the signs calling attention to this naming, and secure payment from Nelson County for these costs as required by law.

#####

CTB Decision Brief

Bridge Naming: “Edward L. Embrey Memorial Bridge”

Issue: Commemorative naming of the bridge on U.S. Route 29, Thomas Nelson Highway, over Rockfish River, Nelson County as the “Edward L. Embrey Memorial Bridge”.

Facts: Nelson County enacted a resolution on April 9, 2019 memorializing the life, service and dedication of its native son Edward “Eddie” Embrey. Based on that resolution, Mr. Embrey was a lifetime volunteer and leader of emergency services in Nelson County serving for many years as Chief of the Faber Fire Department, Captain of the Nelson County Rescue Squad and President of the Nelson County Emergency Services Council. He was also a career employee of the Virginia Department of Forestry serving Nelson County, Central Virginia and the Commonwealth for 37 years until his retirement in 2007. Other examples of his distinguished service include:

- Fighting a mountainside forest fire at age 12 alongside his father;
- Assisting in search and rescue efforts after Hurricane Camille;
- First Department of Forestry Technician in Nelson County after serving nine years as Chief Forest Warden;
- Awarded the first Forest Warden of the Year in 1993 by the Virginia Wildlife Federation;
- Serving as Assistant Director and Director at Holliday Lake Forestry Camp;
- Task Force Leader of firefighters sent to assist fighting forest fires in Texas and Florida
- Working tirelessly to combat numerous forest fires in Central Virginia and assist with cleanup efforts following flooding and road cleaning following blizzards
- Service as a lifetime volunteer in Nelson County public schools training Keep Virginia Green crews at Nelson County High School and in the local Future Farmers of America program

Mr. Embrey was the consummate professional, an untiring volunteer no matter the emergency or need, and a devoted and selfless public servant beginning in his youth and continuing until his passing on January 31, 2019.

Recommendations: The Virginia Department of Transportation (VDOT) recommends this request be approved.

Action Required by CTB: The *Code of Virginia* requires a majority of the CTB members to approve a resolution naming a highway or bridge, as appropriate. A resolution will be provided for the Board’s consideration.

Result if Approved: The bridge on US Route 29, Thomas Nelson Highway, over Rockfish River, Nelson County will be named as the “Edward L. Embrey Memorial Bridge”. In accordance with law and by local resolution, Nelson County agrees to pay the costs of producing, placing, and maintaining the signs calling attention to this naming.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: VDOT is not aware of any opposition to this proposal.



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

LARRY D. SAUNDERS
South District

JESSE N. RUTHERFORD
East District

THOMAS H. BRUGUIERE, JR.
West District

ERNIE Q. REED
Central District

STEPHEN A. CARTER
County Administrator

GRACE E. MAWYER
Administrative Assistant/
Deputy Clerk

CANDICE W. MCGARRY
Director of Finance and
Human Resources

April 11, 2019

Mr. Donald L. Austin, Residency Administrator
Virginia Department of Transportation – Appomattox Residency
P.O. Box 249
331 Ferguson Street
Appomattox, Virginia 24522

Dear Mr. Austin:

Please find enclosed Resolution R2019-13, as unanimously approved on April 9, 2019 by the Nelson County Board of Supervisors, to request the approval of the Commonwealth Transportation Board for the naming of the northbound and southbound bridge structures over the Rockfish River on Route 29 in the Woods Mill area of Nelson County as the Edward L. Embrey Memorial Bridge in honor of the late Edward L. Embrey.

As the Board's resolution states, Mr. Embrey is a distinguished and honored son of Nelson County who was a lifelong public servant for Nelson County and for the Commonwealth of Virginia. The requested recognition of Mr. Embrey is a much deserved honor for an individual who devoted himself to public service both in his chosen profession and as a citizen volunteer.

The Board of Supervisors on behalf of the citizens of Nelson County is committed to the requirements necessary to provide a lasting tribute to Mr. Embrey through the naming of the herein referenced bridge structures in Nelson County, as is also denoted in the enclosed resolution. Please do not hesitate to contact this office should additional information be necessary to provide for the approval of the request hereby submitted by Nelson County.

Thank you, the Department and the members of the Commonwealth Transportation Board for the consideration afforded the County's request, the approval of which is very important to this locality.

Respectfully,

A handwritten signature in black ink that reads "Stephen A. Carter". The signature is written in a cursive style.

Stephen A. Carter
County Administrator

Cc: Board of Supervisors

Enclosure



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

LARRY D. SAUNDERS
South District

JESSE N. RUTHERFORD
East District

THOMAS H. BRUGUIERE, JR.
West District

ERNIE Q. REED
Central District

STEPHEN A. CARTER
County Administrator

GRACE E. MAWYER
Administrative Assistant/
Deputy Clerk

CANDICE W. MCGARRY
Director of Finance and
Human Resources

**RESOLUTION R2019-13
NELSON COUNTY BOARD OF SUPERVISORS**

A resolution requesting the Commonwealth Transportation Board (to) name the northbound and southbound bridge structures over the Rockfish River on Route 29 in the Woods Mill area of Nelson County as the “Edward L. Embrey Memorial Bridge” in honor and recognition of an esteemed, universally respected and dedicated public servant of Nelson County and the Commonwealth of Virginia.

WHEREAS, the late Edward L. Embrey, a native son of Nelson County, was a committed, devoted and selfless public servant, beginning in his youth and continuing until his recent passing on January 31 2019; and,

WHEREAS, Mr. Embrey gave tirelessly of himself as a lifetime volunteer and leader of emergency services in Nelson County, serving for many, many years as Chief of the Faber Fire Department, Captain of Nelson County Rescue Squad and President of the Nelson County Emergency Services Council; and,

WHEREAS, Mr. Embrey was a career employee of the Virginia Department of Forestry serving Nelson County, Central Virginia and the Commonwealth for 37 years until his retirement in 2007; and,

WHEREAS, just a few of the countless examples of Mr. Embrey’s distinguished service include:

- Fighting a mountainside forest fire at age 12 with his father
- At 18 assisting in the search and rescue effort in Nelson County after the horrific aftermath of Hurricane Camille
- Becoming the first DOF Technician in Nelson County after serving 9 years as Chief Forest Warden
- First recipient of the Forest Warden of the Year presented in 1993 by the Virginia Wildlife Federation
- Facilitator of a Fire Readiness Plan for Wintergreen Resort
- Service as Assistant Director from 1983-1987 at Holliday Lake Forestry Camp and as Director from 1988 to 1998

- Task Force Leader of firefighters and equipment sent to assist with forest fires in Texas in 1996 and 2000 and in Florida in 1998
- Working tirelessly throughout his career to combat numerous large forest fires in Central Virginia and with the cleanup efforts following significant flooding in the Commonwealth in 1995 and with a blizzard that struck Nelson County in 1996 (pushing snow in an open cab dozer to open roads throughout the County)
- Service as a lifetime volunteer in Nelson County's public schools working to train Keep Virginia Green crews at Nelson County High School and in the local FFA program, service that resulted in numerous awards for the program at the regional, state and national levels

WHEREAS, Mr. Embrey, "Eddie" to his family, friends and all who were fortunate to know him, was the consummate professional and untiring volunteer no matter the emergency or need, never refusing to give of himself no matter the personal sacrifice, always willing to go the extra mile no matter the day or time, Eddie was always there to help his community, his state and anyone who needed help; and,

WHEREAS, the Nelson County Board of Supervisors seeks to honor its native son, Edward L. Embrey with an enduring symbol to recognize and commemorate Mr. Embrey, for his distinguished and outstanding service to Nelson County and to the Commonwealth of Virginia.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF NELSON COUNTY, VIRGINIA:

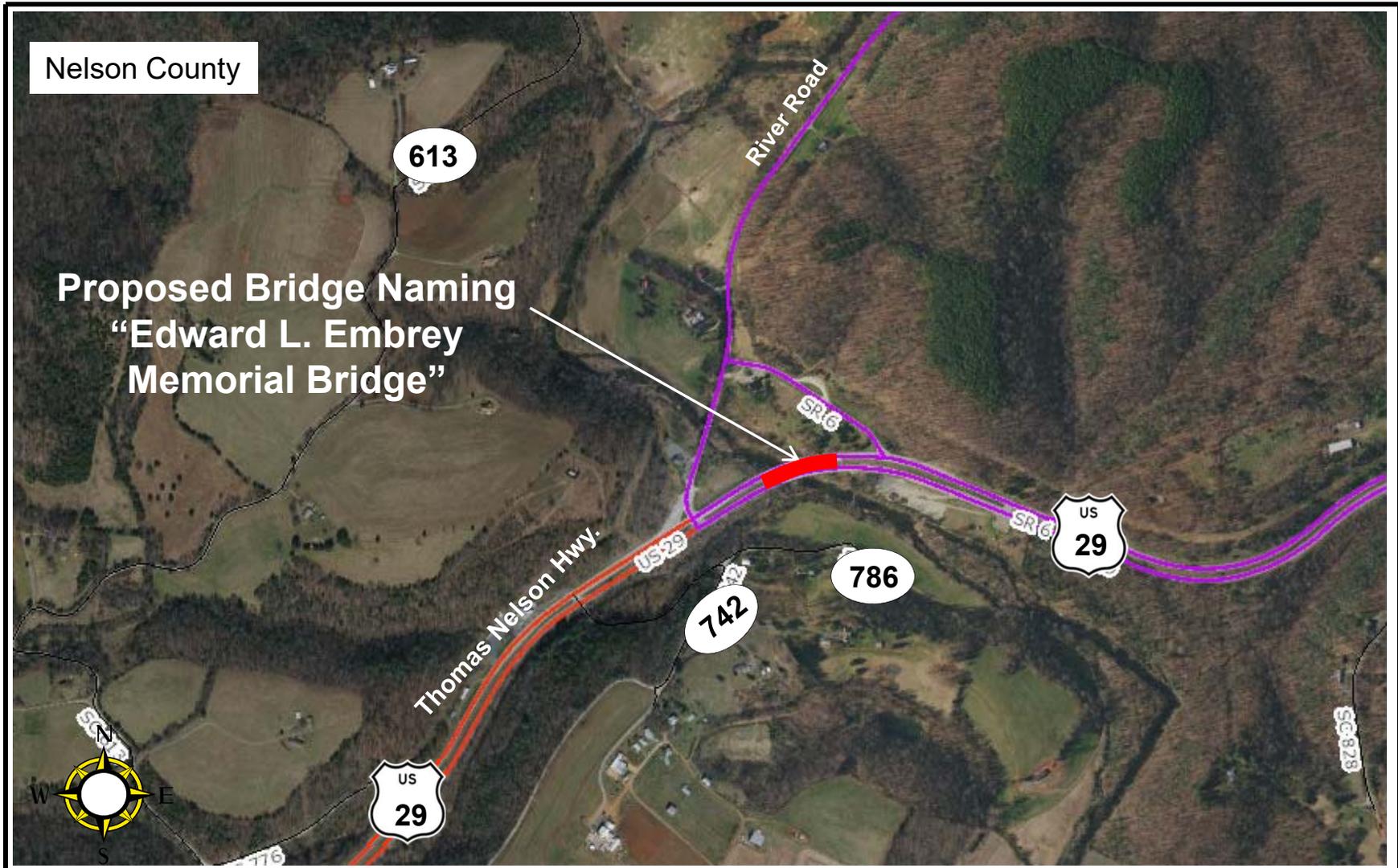
That said Board of Supervisors hereby respectfully requests, pursuant to §33.2-213 of the Code of Virginia, that the Commonwealth Transportation Board name the northbound and southbound bridge structures on Route 29 over the Rockfish River at Woods Mill in Nelson County as the "Edward L. Embrey Memorial Bridge".

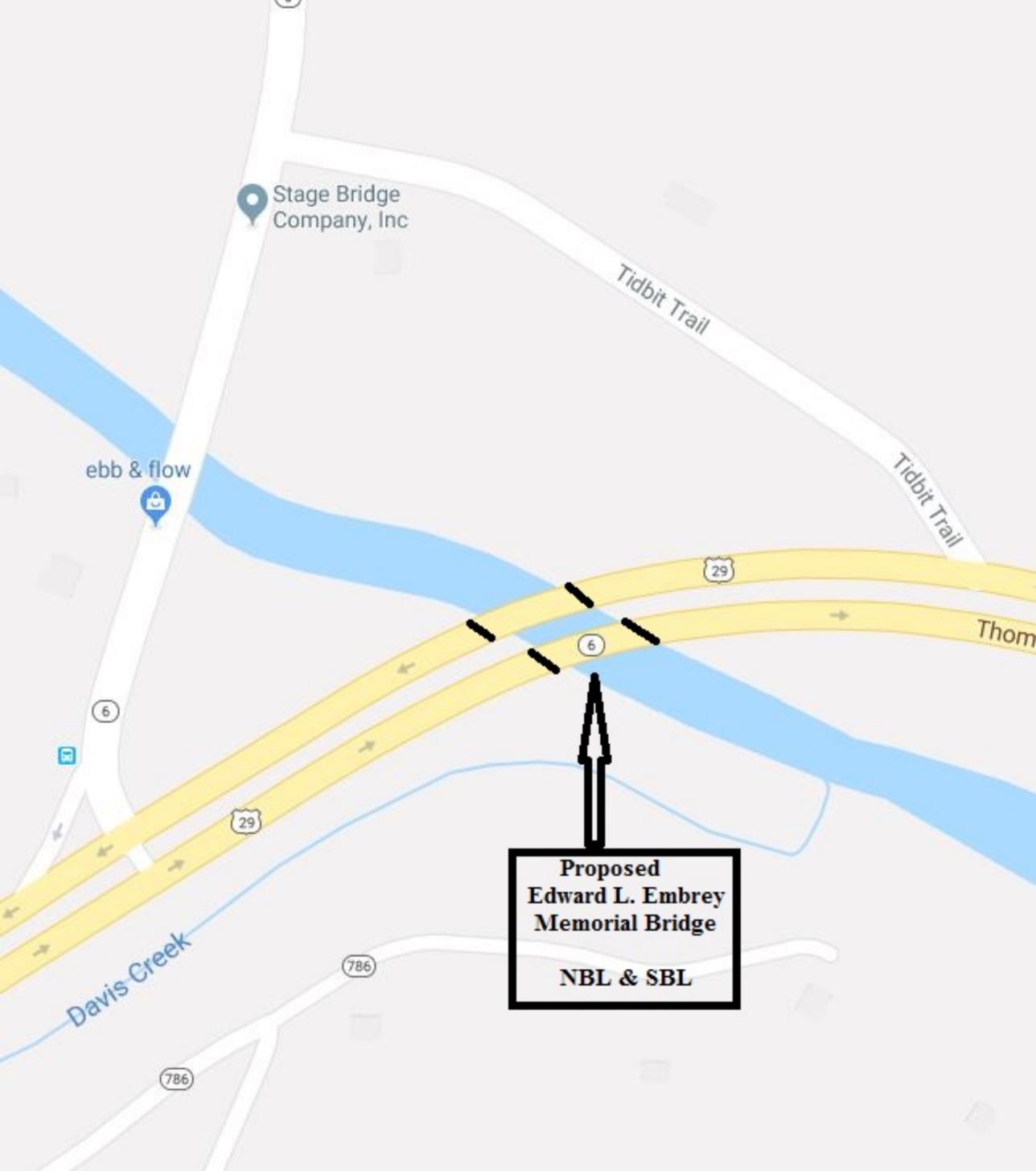
BE IT FURTHER RESOLVED:

That said Board of Supervisors of Nelson County is committed to provide for the expense necessary to produce, place and to maintain the sign(s) the Board is requesting to honor Mr. Edward L. Embrey and to take any other action required to support this petition to the Commonwealth.

Adopted: April 9, 2019

Attest: Stephan A. Carter, Clerk
Nelson County Board of Supervisors





Stage Bridge Company, Inc

Tidbit Trail

Tidbit Trail

ebb & flow

29

Thom

6

29

**Proposed
Edward L. Embrey
Memorial Bridge**

NBL & SBL

786

Davis Creek

786



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

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

Agenda item #6

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 17, 2019

MOTION

Made By: _____ Seconded By: _____

Action: _____

Title: Bridge Naming: “Herman O. Lewis, Sr. Memorial Bridge”

WHEREAS, the Halifax County Board of Supervisors wishes to honor the life, commitment and selfless public service of Herman O. Lewis, Sr. who served his country in World War II in the 636th Army Quartermaster Company and was decorated with the American Service Medal, the Bronze Service Star, the Philippine Liberation Medal, the WWII Victory Medal and the Army of Occupation Medal WWII (Germany and Japan). He was also a member of the American Legion Post, Woodman of the World and a life-time member of the Oak Level Volunteer Fire Department. For 73 years he and his family owned the farm surrounding this bridge and he received the Farm Bureau Clean Water Award and the Governor’s Model Clean Water Farm Award while operating the dairy farm and raising crops of tobacco, corn, wheat and soy beans; and

WHEREAS, in accordance with § 33.2-213 of the *Code of Virginia*, the Halifax County Board of Supervisors has requested, by resolution dated June 3, 2019, that the Commonwealth Transportation Board (CTB), to honor and memorialize the life, service and contributions of Herman O. Lewis, Sr., name the bridge on Route 683, Oak Level Road, over Boelte Creek (a Birch Creek tributary), Halifax County as the “Herman O. Lewis, Sr. Memorial Bridge”; and

WHEREAS, § 33.2-213 provides that the Virginia Department of Transportation (VDOT) shall place and maintain appropriate signs indicating the names of highways, bridges, interchanges, and other transportation facilities named by the CTB and requires that the costs of producing, placing, and maintaining such signs shall be paid by the localities in which they are located or by the private entity whose name is attached to the transportation facility so named; and

Resolution of the Board
Bridge Naming: "Herman O. Lewis, Sr. Memorial Bridge"
July 17, 2019
Page 2 of 2

WHEREAS, by resolution, Halifax County has agreed to pay VDOT for the costs of producing, placing, and maintaining the signs calling attention to this naming.

NOW THEREFORE, BE IT RESOLVED, pursuant to § 33.2-213 of the *Code of Virginia*, the CTB hereby names the bridge on Route 683, Oak Level Road, over Boelte Creek (a Birch Creek tributary), Halifax County as the "Herman O. Lewis, Sr. Memorial Bridge"; and

BE IT FURTHER RESOLVED, that VDOT is directed to produce, place, and maintain the signs calling attention to this naming, and secure payment from Halifax County for these costs as required by law.

#####

CTB Decision Brief

Bridge Naming: “Herman O. Lewis, Sr. Memorial Bridge”

Issue: Commemorative naming of the bridge on Route 683, Oak Level Road, over Boelte Creek (a Birch Creek tributary), Halifax County as the “Herman O. Lewis, Sr. Memorial Bridge”.

Facts: Halifax County enacted a resolution on June 3, 2019 memorializing the life, service and dedication of its native son Herman O. Lewis, Sr. Based on that resolution, Mr. Lewis and his family owned the farm surrounding the bridge for 73 years. He was a decorated World War II veteran who served in the 636th Army Quartermaster Company where he received the American Service Medal, the Bronze Service Star, the Philippine Liberation Medal, the WWII Victory Medal and the Army of Occupation Medal WWII (Germany and Japan).

Mr. Lewis also received the Farm Bureau Clean Water Award and the Governor’s Model Clean Water Farm Award while operating his dairy farm and raising crops of tobacco, corn, wheat and soy beans. He was active in the American Legion Post, Woodman of the World and was a life-time member of the Oak Level Volunteer Fire Department.

Recommendations: The Virginia Department of Transportation (VDOT) recommends this request be approved.

Action Required by CTB: The *Code of Virginia* requires a majority of the CTB members to approve a resolution naming a highway or bridge, as appropriate. A resolution will be provided for the Board’s consideration.

Result if Approved: The bridge on Route 683, Oak Level Road, over Boelte Creek (a Birch Creek tributary), Halifax County will be named as the “Herman O. Lewis, Sr. Memorial Bridge”. In accordance with law and by local resolution, Halifax County agrees to pay the costs of producing, placing, and maintaining the signs calling attention to this naming.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: VDOT is not aware of any opposition to this proposal.



HALIFAX COUNTY BOARD OF SUPERVISORS

1030 Mary Bethune Street, Suite LL1

P. O. Box 699

Halifax, VA 24558-0699

(434) 476-3300

Fax: (434) 476-3384

www.halifaxcountyva.gov

2019-22

RESOLUTION

Title: Bridge Naming on Route 683, "Oak Level Road", over "Boelte Creek" in "Halifax County" as the "Herman O. Lewis, Sr. Memorial Bridge".

WHEREAS, Mr. Herman O. Lewis, Sr., and his family, for 73 years has owned the farm surrounding the bridge, and

WHEREAS, Herman O. Lewis, Sr. received the Farm Bureau Clean Water Award and the Governor's Model Clean Water Farm Award (1989) while operating the farm as a dairy, and raising crops of tobacco, corn, wheat, and soy beans, and

WHEREAS, Herman O. Lewis, Sr. served his Country in World War II in the 636th Army Quartermaster Company where he received the following medals: American Service Medal, Bronze Service Star, Philippine Liberation Medal, WWII Victory Medal, and Army of Occupation Medal WWII (Germany and Japan), and

WHEREAS, Herman O. Lewis, Sr., has been active in civic organizations such as the American Legion Post, Woodman of the World, and was a life-time member of the Oak Level Volunteer Fire Department, and

WHEREAS, Section 33.2-213 of the *Code of Virginia* authorizes the Commonwealth Transportation Board (CTB) to give suitable names to state highways, bridges, interchanges, and other transportation facilities and change the names of any highways, bridges, interchanges, or other transportation facilities forming a part of the systems of state highways; and

WHEREAS, Section 33.2-213 provides that the Virginia Department of Transportation shall place and maintain appropriate signs indicating the names of highways, bridges, interchanges, and other transportation facilities named by the CTB and requires that the costs of producing, placing, and maintaining such signs shall be paid by the localities in which they are located.

NOW, THEREFORE, BE IT RESOLVED, that Halifax County, in accordance with the requirements of Section 33.2-213 of the *Code of Virginia*, does hereby request that the Commonwealth Transportation Board name the bridge on Route 683, "Oak Level Road", over "Boelte Creek" in "Halifax County" as the "Herman O. Lewis, Sr. Memorial Bridge"; and

BE IT FURTHER RESOLVED, that Halifax County agrees to pay the costs of producing, placing, and maintaining the signs calling attention to this naming.



Board of Supervisors Chairman

June 3, 2019

Date

Halifax County

**Proposed Bridge Naming
“Herman O. Lewis, Sr. Memorial
Bridge”**

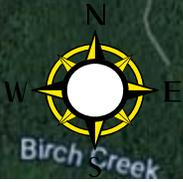
683

Oak Level Rd.

683

680

Boelte Creek



Virginia Department of Transportation
Maintenance Division

CTB MEETING: July 17, 2019

Halifax County

Proposed Bridge Naming:
“Herman O. Lewis, Sr. Memorial Bridge”



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
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Agenda item # 7

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 17, 2019

MOTION

Made By: _____ Seconded By: _____

Action: _____

Title: Periodic Regulatory Review

WHEREAS, the Virginia Administrative Process Act (the APA), particularly in §§ 2.2-4007.1 and 2.2-4017 of the *Code of Virginia*, requires that all state agencies that adopt regulations periodically review those regulations, including consideration of: 1) the extent to which regulations remain supported by statutory authority and do not duplicate, overlap, or conflict with state or federal law; 2) the nature of complaints or comments received from the public; 3) whether the regulations are necessary for the protection of public health, safety and welfare; 4) whether the regulations are clearly written and easily understandable; 5) whether the regulations' economic impacts on small businesses and families are minimized as much as possible; and 6) the length of time since the regulation has been evaluated; and

WHEREAS, Executive Order Number 14 (2018, amended) requires all regulations to be so reviewed every four years and specifies the procedures for conducting such review; and

WHEREAS, the Virginia Department of Transportation (VDOT) conducted a periodic review of the regulations listed in the table below, and pursuant to the requirements set forth in the APA and the process established in the Executive Order, notified the public of the regulations' ongoing periodic review on the Virginia Regulatory Town Hall website and solicited comment from the public for a minimum of 21 days; and

WHEREAS, VDOT has completed all facets of the regulatory review of the regulations listed in the table below in accordance with the Executive Order 14 and the APA, including the

completion of a Periodic Review Report of Findings for each regulation (attached as Exhibits A through G); and

WHEREAS, no public comments were submitted regarding the regulations under periodic review and based upon the results of the review, VDOT recommends action for each regulation as determined in the relevant Periodic Review Report of Findings for each regulation and set forth in the table below:

Chapter	Title	Proposed Disposition
24 VAC 30-11	Public Participation Guidelines	Amend
24 VAC 30-91	Subdivision Street Requirements	Retain as is
24 VAC 30-92	Secondary Street Acceptance Requirements	Retain as is
24 VAC 30-160	Regulations to Comply with Setoff Debt Collection Act	Repeal
24 VAC 30-325	Urban Maintenance and Construction Policy	Retain as is
24 VAC 30-380	Public Hearings for Location and Design of Highway Projects	Retain as is
24 VAC 30-610	List of Differentiated Speed Limits	Repeal

; and

WHEREAS, the Commonwealth Transportation Board originally adopted the regulations listed in the table below pursuant to its authority in § 33.2-210 of the *Code of Virginia* and other relevant sections of the *Code of Virginia*.

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves and adopts the respective Periodic Review Report of Findings for each of the regulations listed in the table above, including the proposed disposition for each regulation.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all actions necessary to complete the periodic reviews for the regulations listed in the table above, and for those regulations for which repeal is approved, to complete the process necessary to repeal said regulations.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees, for the regulation for which amendment is approved, 24 VAC 30-11 (Public Participation Guidelines), to take all actions necessary to

Resolution of the Board
Periodic Regulatory Review
July 17, 2019
Page 3 of 3

amend said regulation such that it substantively conforms to the Model Public Participation Guidelines issued by the Department of Planning and Budget.

#####

CTB Decision Brief
Periodic Regulatory Review

Issue: The Administrative Process Act (APA) requires all state agencies that adopt regulations to periodically review those regulations. Executive Order 14 (2018) mandates that these reviews take place every four years to determine if the regulation should be continued with no changes or be amended or be repealed. In accordance with these requirements, the Virginia Department of Transportation (VDOT) has reviewed the regulations listed below and is providing recommendations as to the action to be taken by the Commonwealth Transportation Board (CTB) for each regulation.

Facts:

- The APA, particularly in §§ 2.2-4007.1 and 2.2-4017 of the *Code of Virginia*, requires that all state agencies that adopt regulations periodically review those regulations, including consideration of: 1) the extent to which regulations remain supported by statutory authority and do not duplicate, overlap, or conflict with state or federal law; 2) the nature of complaints or comments received from the public; 3) whether the regulations are necessary for the protection of public health, safety and welfare; 4) whether the regulations are clearly written and easily understandable; 5) whether the regulations' economic impacts on small businesses and families are minimized as much as possible; and 6) the length of time since the regulation has been evaluated.
- The Governor's Executive Order Number 14 (2018, amended) requires all regulations to be so reviewed every four years and specifies the procedures for conducting such review. Chapter 444 of the 2018 Acts of Assembly requires the Department of Planning and Budget (DPB) to track and report to the General Assembly annually which agencies are complying with the periodic review requirements.
- VDOT conducted a periodic review of the regulations listed in the table below, and pursuant to the requirements set forth in the APA and the process established in the Executive Order, notified the public of the regulations' ongoing periodic review on the Virginia Regulatory Town Hall website and solicited comment from the public for 25 days, satisfying the minimum requirement of 21 days. No public comments were submitted regarding the regulations under periodic review.
- VDOT has completed all facets of the regulatory review of the regulations listed in the table below, and has completed the Periodic Review Report of Findings for each regulation (Attached as Exhibits A-G), which is to be filed with the Virginia Registrar to complete the periodic review process.
- The regulations reviewed are listed in the table below. The table is followed by a description of each regulation and the findings made by VDOT based upon the review.

Chapter	Title	Proposed Disposition
24 VAC 30-11	Public Participation Guidelines	Amend
24 VAC 30-91	Subdivision Street Requirements	Retain as is
24 VAC 30-92	Secondary Street Acceptance Requirements	Retain as is
24 VAC 30-160	Regulations to Comply with Setoff Debt Collection Act	Repeal
24 VAC 30-325	Urban Maintenance and Construction Policy	Retain as is
24 VAC 30-380	Public Hearings for Location and Design of Highway Projects	Retain as is
24 VAC 30-610	List of Differentiated Speed Limits	Repeal

24 VAC 30-11 Public participation guidelines

- The public participation guidelines promote public involvement in the development, amendment or repeal of the regulations of the CTB, the Commissioner of Highways, or VDOT. They are based upon Virginia’s model public participation guidelines, which were last amended in 2016 to clarify that persons who wish to provide testimony with respect to regulations being promulgated may be represented by counsel. The CTB’s public participation guidelines were last amended in 2011. VDOT is recommending that the regulation be amended to conform to the model guidelines.

24 VAC 30-91 Subdivision Street Requirements

- In 2005, VDOT worked with external stakeholders to complete a comprehensive revision of the agency’s Subdivision Street Requirements (SSR). The SSR was originally adopted in 1949. The SSR governs the acceptance of subdivision streets into the secondary system of state highways for maintenance by VDOT. Section 33.2-326 of the *Code of Virginia* vests in VDOT the control, supervision, management and jurisdiction over the secondary system of highways, and § 33.2-334 authorizes VDOT to set standards for the acceptance of streets into the secondary system of highways. Although § 33.2-705 grants authority to localities to establish highways, including subdivision streets on land being developed, if the locality or private developer wish to have VDOT assume maintenance of those streets, the design and construction of those streets must meet VDOT’s standards. The design-related provisions of the SSR are part of the department’s Road Design Manual.
- All proposed developments which include roads to be accepted into VDOT’s secondary system of highways and that were initially received by the agency prior to July 1, 2009,

must meet the requirements of the SSR. The consistent construction, review, and acceptance of streets which meet specified requirements promotes the protection of public health, safety, and welfare. The standards ensure access by emergency response vehicles, reduce congestion, and ensure the safe, efficient movement of people and goods. The SSR is written in a manner which is clear and easily understandable. VDOT is recommending that the regulation be retained as is.

24 VAC 30-92 Secondary Street Acceptance Requirements

- Chapter 382 of the 2007 Acts of Assembly (SB1181) added § 33.1-70.3 to the *Code of Virginia* (now §33.2-334). The legislation required the CTB to develop Secondary Street Acceptance Requirements (SSAR), promulgated by regulation, to determine the conditions and standards that must be met before secondary streets constructed by developers, localities and entities other than VDOT will be accepted into the state secondary system for maintenance by VDOT. All proposed developments which include roads to be accepted into VDOT's secondary system of highways that were initially received by the agency after July 1, 2009, must meet the requirements of the SSAR. The consistent construction, review, and acceptance of streets which meet specified requirements promotes the protection of public health, safety, and welfare. The standards ensure access by emergency response vehicles, reduce congestion, and ensure the safe, efficient movement of people and goods. The SSAR is written in a manner which is clear and easily understandable. VDOT is recommending that the regulation be retained as is.

24 VAC 30-160 Rules and Regulations to Comply with the Setoff Debt Collection Act

- The Setoff Debt Collection Act (§ 58.1-520 *et seq.* of the *Code of Virginia*) allows state agencies to collect against delinquent debts through setoff of tax return funds if those state agencies follow the procedures and notice requirements of that Act. Section 33.2-1229 of the *Code of Virginia* authorizes the Commissioner of Highways to use the Setoff Debt Collection Act to collect certain civil penalties set out in § 33.2-1229. Section 58.1-526 of the *Code of Virginia* specifies that if a claimant agency receives a request from the debtor to allow the debtor to contest the debt, the claimant agency shall “grant a hearing according to procedures established by that agency under its operating statutes to determine whether the claim is valid.”
- The CTB originally promulgated the Rules and Regulations to comply with the Setoff Debt Collection Act for VDOT in 1984, and the regulation has not been amended since. However, all of the substantive portions of the regulations that affect citizens are duplicative of provisions in the Setoff Debt Collection Act. Keeping the current regulation would be inefficient, confusing and duplicative. VDOT currently is the only agency that has regulations regarding the Setoff Debt Collection Act. Since the Setoff Debt Collections Act describes the process sufficiently, there is no longer a need for the regulation. VDOT is recommending that the regulation be repealed.

24 VAC 30-325 Urban Maintenance and Construction Policy

- This regulation provides internal and external instructions in the administration of maintenance and construction payments for qualifying cities and towns, including clarifying satisfactory design standards and lane mileage eligibility. The CTB is authorized to approve payments for maintenance, construction, or reconstruction of highways to all cities and towns eligible for funds under § 33.2-319 of the *Code of Virginia*. Such payments, however, shall only be made if those highways functionally classified as principal and minor arterial roads are maintained to a standard satisfactory to VDOT.
- The design standards in this regulation ensure the safety of the public as well as facilitate the efficient movement of people and commercial goods on those highways. The regulation is clearly written and easily understandable. The regulation is not overly complex. There is no overlap, duplication, or conflict with federal or state law or regulation. The regulation does not impact small businesses, other than by promoting the efficient movement of people and commercial goods on urban highways. VDOT is recommending that the regulation be retained as is.

24 VAC 30-380 Public Hearings for Location and Design of Highway Projects

- The regulation is necessary to meet current federal and state laws and regulations regarding the requirements for public involvement in publicly funded transportation projects that will or are likely to affect the natural and human environments to include places of employment and businesses. Details of the public involvement process are typically coordinated and align with the level of state or federal environmental documents required by other sections of state and federal law and/or regulations.
- The most recent periodic review of the regulation was conducted in 2000, and the most recent substantive amendment of the regulation was in 2008. These reviews attempted to clarify VDOT's internal processes for administering public involvement activities, streamlining some aspects where possible and without compromising the intent of governing statutes or federal regulations, and providing procedural flexibility where possible. The regulation is clearly written and easily understandable. VDOT is recommending that the regulation be retained as is.

24 VAC 30-610 List of Differentiated Speed Limits

- Section 46.2-870 and §§46.2-873 through 46.2-875 of the *Code of Virginia* specify statutory speed limits on various highways. Section 46.2-878 of the *Code of Virginia* authorizes the Commissioner of Highways to increase or decrease the speed limits on the highways under his jurisdiction from those statutorily prescribed limits based on a traffic engineering study. Section 46.2-878 further requires that for those increased or decreased speed limits to be effective, the Commissioner of Highways must post the new speed limit on appropriate signs and is required to maintain a list of all speed limits increased or decreased in accordance with that section in the VDOT Central Office.

- The regulation is duplicative of the statutory language and notes only the address for VDOT Central Office where the list is maintained. Notifying the public as to the location of the list could be addressed by other means, such as VDOT's website. VDOT is recommending that the regulation be repealed.

Recommendations: VDOT recommends that the following regulations: Subdivision Street Requirements, Secondary Street Acceptance Requirements, Urban Maintenance and Construction Policy, and Public Hearings for the Location and Design of Highway Projects be retained as is. VDOT further recommends that Public Participation Guidelines be amended so that they substantively conform to the Model Public Participation Guidelines, and the Rules and Regulations to Comply with the Setoff Debt Collection Act and the List of Differentiated Speed Limits be repealed.

Action Required by CTB: A resolution will be presented for CTB approval to complete the periodic review of these regulations by filing the respective Periodic Review Report of Findings for each regulation listed, and to authorize the Commissioner of Highways or his designee to take any actions necessary to amend or repeal the regulations that are recommended to be so amended or repealed.

Result, if Approved: The periodic reviews of the noted regulations will be completed, and the regulations will be retained as is, amended or repealed as recommended.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: There were no comments or other input received from the public.



townhall.virginia.gov

Periodic Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation	24 VAC 30-11
Regulation title	Public Participation Guidelines
Date this document prepared	06/28/2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

There are no acronyms used in this report or any technical terms that are used in this document to be defined.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Section 2.2-4007.2 of the *Code of Virginia* requires each agency that promulgates regulations to adopt public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations. The Commonwealth Transportation Board is authorized to

promulgate regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210 of the *Code of Virginia*.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There were no viable alternatives to this regulation that were considered during the periodic review.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

There were no comments received during the public comment period following the publication of the Notice of Periodic Review.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The Commonwealth Transportation Board’s public participation guidelines mirror the Department of Planning and Budget’s model public participation guidelines as those existed at the time Board’s guidelines were last amended in 2011 and are necessary to promote public involvement in the development, amendment or repeal of the regulations. Further, the regulation is clearly written and understandable.

Decision

Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

Section 2.2-4007.02 of the *Code of Virginia* was amended via Chapter 795 of the 2012 Acts of Assembly to allow for interested persons to be accompanied by and represented by counsel or other representative when submitting data, views and information to an agency during the promulgation of regulations. The Department of Planning and Budget’s model public

participation guidelines have accordingly been amended. The Commonwealth Transportation Board is therefore recommending amendment of its public participation guidelines to bring those guidelines into consistency with § 2.2-4007.02 and the most recent version of the Department of Planning and Budget's model public participation guidelines.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for this regulation because it promotes public involvement in the development, amendment or repeal of the Commonwealth Transportation Board regulations. There is no overlap, duplication, or conflict with federal or state law or regulation. This is a best practice and increased public participation is good for everyone who has an interest in rulemaking. The last review of this regulation occurred in 2008. The Commonwealth Transportation Board does not believe that these regulations will have a significant economic impact on small businesses.



townhall.virginia.gov

Periodic Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation	24 VAC 30-91
Regulation title	Subdivision Street Requirements
Date this document prepared	June 28, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

SSR - Subdivision Street Requirements

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

In 2005, the Virginia Department of Transportation (VDOT) worked with external stakeholders to complete a comprehensive revision of the agency's Subdivision Street Requirements (SSR). The SSR was originally adopted in 1949. The SSR governs the acceptance of subdivision streets into the secondary

CTB Exhibit B

system of state highways for maintenance by VDOT. Section 33.2-326 vests in VDOT the control, supervision, management and jurisdiction over the secondary system of highways, and § 33.2-334 authorizes VDOT to set standards for the acceptance of streets into the secondary system of highways. Although § 33.2-705 grants authority to localities to establish highways, including subdivision streets on land being developed, if the locality or private developer wish to have VDOT assume maintenance of those streets, the design and construction of those streets must meet VDOT’s standards. The design-related provisions of the SSR are part of the department’s Road Design Manual (Appendix B of that Manual).

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no alternatives to the promulgation of this regulation.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The SSR establishes the conditions and standards that must be met before subdivision streets constructed by developers, localities and entities other than VDOT will be accepted into the state secondary system for maintenance by VDOT. All proposed developments which include roads to be accepted into VDOT’s Secondary System of Highways, that were initially received by the agency prior to July 1, 2009, must meet the requirements of the SSR. The consistent construction, review, and acceptance of streets which meet specified requirements promotes the protection of public health, safety, and welfare. The standards ensure access by emergency response vehicles, reduce congestion, and ensure the safe, efficient movement of people and goods. The SSR is written in a manner which is clear and easily understandable.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The Subdivision Street Requirements should be retained and not amended at this time. The regulation promotes public health, safety, and welfare as well as accepting only qualified roads into the state's highway systems.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

The Subdivision Street Requirements have a positive impact on state resources as well as small businesses. This regulation helps reduce long-term traffic congestion, support and promote more economic activity and better transportations systems.



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Periodic Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation	24 VAC 30-92
Regulation title	Secondary Street Acceptance Requirements
Date this document prepared	April 19, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

SSAR - Secondary Street Acceptance Requirements

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Chapter 382 of the 2007 Acts of Assembly (SB1181) added § 33.1-70.3 (now §33.2-334) to the *Code of Virginia*. The legislation required the Commonwealth Transportation Board to develop Secondary Street Acceptance Requirements, promulgated by regulation, to determine the conditions and

standards that must be met before streets constructed by developers, localities and entities other than VDOT will be accepted into the state secondary system for maintenance by VDOT.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no alternatives to the promulgation of this regulation.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received following publication of the Notice of Periodic Review.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

Chapter 382 of the 2007 Acts of Assembly (SB1181) added § 33.1-70.3 to the *Code of Virginia* (now §33.2-334). The legislation required the Commonwealth Transportation Board to develop Secondary Street Acceptance Requirements, promulgated by regulation, to determine the conditions and standards that must be met before secondary streets constructed by developers, localities and entities other than the Virginia Department of Transportation (VDOT) will be accepted into the state secondary system for maintenance by the Virginia Department of Transportation (VDOT). All proposed developments which include roads to be accepted into VDOT’s Secondary System of Highways, which were initially received by the agency after June 2009, must meet the requirements of the SSAR. The consistent construction, review, and acceptance of streets which meet specified requirements promotes the protection of public health, safety, and welfare. The standards ensure access by emergency response vehicles, reduce congestion, and ensure the safe, efficient movement of people and goods. The SSAR is written in a manner which is clear and easily understandable.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The Secondary Street Acceptance Requirements should be retained and not amended at this time. The regulation promotes public health, safety, and welfare as well as accepting only qualified roads into the state's highway systems.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

The Secondary Street Acceptance Requirements have a positive impact on state resources as well as small businesses. This regulation helps reduce long-term traffic congestion, support and promote more economic activity and better transportations systems.



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Periodic Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation	24 VAC 30-160
Regulation title	Rules and Regulations to Comply with the Setoff Debt Collections Act
Date this document prepared	June 28, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

VDOT – Virginia Department of Transportation

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The Setoff Debt Collection Act (§ 58.1-520 *et seq.* of the *Code of Virginia*) allows state agencies to collect against delinquent debts through setoff of tax return funds if those state agencies follow the procedures and notice requirements of that Act. Section 33.2-1229 of the *Code of Virginia* authorizes the Commissioner of Highways to use the Setoff Debt Collection Act to collect certain civil penalties set out in § 33.2-1229. Section 58.1-526 of the *Code of Virginia* specifies that if a claimant agency receives a request from the debtor to allow the debtor to contest the debt, the claimant agency shall “grant a hearing according to procedures established by that agency under its operating statutes to determine whether the claim is valid.” The Commonwealth Transportation Board promulgated the Rules and Regulations to comply with the Setoff Debt Collection Act for VDOT. Section 33.2-210 of the *Code of Virginia* authorizes the Commonwealth Transportation Board, to develop regulations relating to traffic and the use of systems of state highways.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

The alternative to continuing to use 24 VAC 30-160 is to repeal 24 VAC 30-160 and follow the procedures and notice requirements in the Setoff Debt Collections Act. The Commonwealth Transportation Board originally adopted the regulation in 1984, and the regulation has not been amended since. However, all of the substantive portions that affect citizens are duplicative of provisions in the Setoff Debt Collection Act. Keeping the current administrative sections would be inefficient, confusing and duplicative. VDOT currently is the only agency that has regulations regarding the Setoff Debt Collection Act. Since the Setoff Debt Collections Act describes the process sufficiently, there is no longer a need for 24 VAC 30-160.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were submitted during the public comment period.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation set out in 24 VAC 30 -160 is inefficient, confusing and duplicative of the statutory requirements, and is therefore unnecessary for the protection of public health, safety or welfare.

Decision

Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

As stated above, the Commonwealth Transportation Board originally adopted the regulation in 1984, and the regulation has not been amended since. However, all of the substantive portions of the regulation that affect citizens are duplicative of provisions in the Setoff Debt Collection Act. Keeping the current regulation would be inefficient, confusing and duplicative. VDOT currently is the only agency that has regulations regarding the Setoff Debt Collection Act. Since the Setoff Debt Collections Act describes the process sufficiently, there is no longer a need for 24 VAC 30-160. Therefore, it is recommended that 24 VAC 30-160 be repealed.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

The Rules and Regulations to Comply with the Setoff Debt Collection Act is not needed, as the regulation duplicates the procedural and notice provisions in the Setoff Debt Collection Act. The regulation was adopted in 1984 and has not been amended since. VDOT is unaware of any complaints from the public regarding 24 VAC 30-160. In addition, VDOT published a Notice of Public Review, and as stated earlier, VDOT received no comments during the public comment period.

VDOT has no knowledge as to the impact on small businesses, if any, if 24 VAC 30-160 is repealed.



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Periodic Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation	24 VAC30-325
Regulation title	Urban Maintenance and Construction Policy
Date this document prepared	06/28/2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

There are no acronyms or technical terms that are used in this report or technical terms that need to be defined.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

This regulation was promulgated by the Commonwealth Transportation Board and provides internal and external instructions in the administration of maintenance and construction payments for qualifying cities and towns, including clarifying satisfactory design standards and

lane mileage eligibility. The Commonwealth Transportation Board is authorized generally to adopt regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210 of the *Code of Virginia*, and is specifically authorized to approve payments for maintenance, construction, or reconstruction of highways to all cities and towns eligible for funds under § 33.2-319 of the *Code of Virginia*. Such payments, however, shall only be made if those highways functionally classified as principal and minor arterial roads are maintained to a standard satisfactory to the Virginia Department of Transportation.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No viable alternatives were considered as part of this periodic review.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

There were no comments received during the public comment period following the publication of the Notice of Periodic Review.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation is necessary for the protection of the public health, safety, and welfare, as it is needed to specify the appropriate design standards to which urban highways should be constructed and maintained in order for the cities and towns in which those urban highways are located to be eligible for certain state funds. The design standards ensure the safety of the public as well as to facilitate the efficient movement of people and commercial goods on those highways. The regulation is clearly written and easily understandable.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The Commonwealth Transportation Board is proposing to retain this regulation without making changes.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for this regulation because it specifies the appropriate design standards to which urban highways should be constructed and maintained in order for the cities and towns in which those urban highways are located to be eligible for certain state funds and provides internal and external instructions in the administration of maintenance and construction payments for qualifying cities and towns. The regulation is not overly complex. There is no overlap, duplication, or conflict with federal or state law or regulation. The regulation does not impact small businesses, other than by promoting the efficient movement of people and commercial goods on urban highways.



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Periodic Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation	24 VAC 30-380-10
Regulation title	General Provisions, Public Hearings for Location and Design of Highway Construction Projects
Date this document prepared	June 28, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

CFR – Code of Federal Regulations
USC – United States Code
VAC – Virginia Administrative Code

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

No proposed changes are being offered at the time of this reporting. The existing regulation was promulgated by the Commonwealth Transportation Board based on current Federal and State statutory

and regulatory authorities as found in 23 USC 128, 23CFR Part 771.111 (h), § 33.2-208 of the Code of Virginia, and 33.2-338.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No alternatives were considered or are being proposed at this time.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No informal advisory group was formed for purposes of assisting in the periodic review. No public comment was received as a result of the Town Hall announcement.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The origins of the regulation are more than two decades old. The most recent periodic review of the regulation was conducted in 2000, and the most recent substantive amendment of the regulation was in 2008. These reviews attempted to clarify the Virginia Department of Transportation’s internal processes for administering public involvement activities, streamlining some aspects where possible and without compromising the intent of governing statutes or federal regulations, and providing procedural flexibility where possible. To date, the Commonwealth Transportation Board is not aware of public or other governmental concerns regarding understanding or interpretation of the regulation. The regulation is clearly written and easily understandable. In the Commonwealth Transportation Board’s judgment the regulation is necessary to meet current Federal and State laws and regulations regarding the requirements for public involvement in publicly funded transportation projects that will or are likely to affect the natural and human environments to include places of employment and businesses. Details of the public involvement process are typically coordinated and align with the level of state or federal environmental documents required by other sections of state and federal law and/or regulations.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

Having received no public comments on the matter, and because the procedures for the consideration and participation by public and private interests in determining the location and design of highway projects have had a history of producing successful outcomes in the public interest, the Commonwealth Transportation Board is proposing retaining the regulation as is.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

The regulation is needed for purposes of complying with state and federal laws and regulations regarding public involvement in transportation projects that are developed using public funds and where there are impacts to the natural and human environment resulting from these. The longevity of the regulation and the general awareness of its nature and purpose lead the Commonwealth Transportation Board to determine that it is sufficiently narrow and not overly complex. The regulation is seamlessly interwoven with federal and state laws and regulations and is structured to support their policy goals and objectives. In 2008, the regulation received a review resulting in some significant substantive changes, but the most recent periodic review was conducted in 2000. Technology that impacts the implementation and execution of activities required to comply with this regulation is constantly evolving and, in turn, may sometimes modify discrete public involvement procedures. These technology changes and improvements can make public involvement processes and activities easier to administer and more accommodating and meaningful to the public constituency that participates in them. However, in and of themselves, technology changes do not and should not serve as substitutes for the requirement to conduct said public involvement activities for publicly funded transportation projects as required by underlying Federal and State laws and regulations.



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Periodic Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation	24VAC30-610-10
Regulation title	List of Differentiated Speed Limits
Date this document prepared	06/28/2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

No acronyms are present in 24VAC30-610-10 or are used in this report. There are no complex technical terms that require a definition.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The Commonwealth Transportation Board is the promulgating entity. Section 46.2-870 and §§46.2-873 through 46.2-875 of the *Code of Virginia* specify statutory speed limits on various highways. Section 46.2-878 of the *Code of Virginia* authorizes the Commissioner of Highways

to increase or decrease the speed limits on the highways under his jurisdiction from those statutorily prescribed limits based on a traffic engineering study. Section 46.2-878 further requires that for those increased or decreased speed limits to be effective, the Commissioner of Highways must post the new speed limit on appropriate signs and is required to maintain a list of all speed limits increased or decreased in accordance with that section in the Central Office of the Virginia Department of Transportation.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

Section 46.2-878 requires the Commissioner of Highways to maintain a list of differentiated speed limits on file.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comments were received during the comment period following the publication of the Notice of Periodic Review.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

24 VAC 30-610-10 is duplicative of the requirement that the Commissioner of Highways maintain a list of differentiated speed limits on file found in §46.2-878, therefore this regulation is not necessary for the protection of public health, safety, and welfare.

Decision

Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The Commonwealth Transportation Board recommends repeal of this regulation. As stated above, the regulation is duplicative of the requirement in §46.2-878. Further, neither a list of the locations of differentiated speed limits nor a statement that such a list is on file at a specific address appears to meet the definition of a “regulation” under §2.2-4001 of the Code of Virginia, as they are not a “statement of general application, having the force of law, affecting the rights or conduct of any person, adopted by an agency...”.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

Repealing this regulation does not impact small businesses.



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairman

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Agenda item #8

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 17, 2019

MOTION

Made By: _____ **Seconded By:** _____

Action: _____

HIGHWAY LIGHTING REPLACEMENT PROJECT AWARD PURSUANT TO ENERGY PERFORMANCE CONTRACTING

WHEREAS, the 2018 Virginia Energy Plan, endorsed by Governor Northam and developed pursuant to §67-201 of the *Code of Virginia*, specifically endorses Energy Performance Contracting (EPC) with Energy Services Companies (ESCOs), stating that EPC “is a budget neutral, cost-effective tool that allows state agencies and publicly-owned facilities to reduce their deferred maintenance backlogs without adding any financial burden to the taxpayer. In addition, EPC is an effective mechanism to finance capital improvements using leveraged energy savings to reduce both energy costs and consumption;” and,

WHEREAS, Governor Terence McAuliffe issued Executive Order Number 31 in October 2014, directing state agencies to “proactively pursue energy efficiency measures, especially Energy Performance Contracting (EPC), to reduce energy consumption;” and,

WHEREAS, legislative direction in the 2019 Appropriation Act (Chapter 854, Item 77G) required the Department of General Services (DGS) and the Virginia Department of Transportation (VDOT) “to maximize the use of light-emitting diodes (LEDs) instead of traditional incandescent light bulbs when any state agency installs new outdoor lighting fixtures or replaces nonfunctioning light bulbs on existing outdoor lighting fixtures as long as the LEDs lights are determined to be cost effective;” and

WHEREAS, §11-34.3 of the *Code of Virginia* authorizes state agencies to enter into energy performance-based contracts, using the services of an energy performance contractor; and,

WHEREAS, in accordance with §11-34.3, DGS, in coordination with the Department of Mines, Minerals and Energy (DMME), has established a statewide EPC program and a pre-approved list of ESCOs to serve all public bodies in Virginia that use the EPC program; and,

WHEREAS, after evaluation of proposals received from pre-approved ESCOs, VDOT selected Trane, Inc. (Trane) to provide EPC Services. In April 2015, VDOT and Trane executed a Memorandum of Understanding (MOU) for energy audit services, including, but not limited to an audit of roadway lighting technology throughout the four eastern VDOT Construction Districts; and

WHEREAS, Trane performed the scope of services required by the MOU, and based on those energy audit results VDOT has identified a candidate EPC project to replace approximately 9,627 existing roadway lighting fixtures with LED fixtures throughout Fredericksburg, Richmond, and Hampton Roads Districts, plus a portion of Northern Virginia District; and to implement a lighting controls system for all proposed LED fixtures (LED Project); and,

WHEREAS, VDOT has analyzed Trane's proposal for a contract pursuant to the EPC methodology as compared to the alternative of delivering these lighting improvements using traditional design-bid-build contracting methods, and has determined that the proposed contract under EPC best serves the interests of the Commonwealth; and

WHEREAS, as per standard EPC procedures, Trane assumes the risk should future energy consumption reductions fall short of modeled energy savings; and

WHEREAS, VDOT has ensured that the proposed LED Project has been designed to minimize lighting impacts to the environment and adjacent residents and property owners, including use of luminaires with a Correlated Color Temperature of 3000K where appropriate, while still providing proper illumination of the road in a way that best benefits road user safety and incident response; and

WHEREAS, as per standard EPC program procedures and other requirements, the proposed Trane contract has been or will be submitted for review and approval by DMME, the Virginia Department of Treasury, Office of the Attorney General and the Governor's Office; and

WHEREAS, pursuant to §33.2-209, the Commonwealth Transportation Board has the power and duty to let all contracts to be administered by the Department of Transportation for the construction, maintenance, and improvement of the highways comprising systems of state highways in excess of \$5 million.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby concurs with VDOT's recommendation and hereby agrees to award the contract for this project to Trane, subject to the following:

- (1) Receipt of required approvals by the Department of Mines, Minerals and Energy, Virginia Department of the Treasury, Office of the Attorney General and the Governor's Office;
- (2) Agreement on all technical terms and conditions between the parties to the contract; and
- (3) Financing of the project by the Virginia Department of the Treasury via the Virginia Energy Leasing Program.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that the Commissioner of Highways, or his designee, is granted the authority to execute a contract for the LED Project, with substantively the same terms and conditions as presented to the Commonwealth Transportation Board with such technical/non-substantive additions or modifications deemed necessary by the Commissioner, and to take all steps and execute all other documents necessary to effectuate the award of this contract to Trane, Inc. once the above-referenced conditions have been met.

#####

CTB Decision Brief

Highway Lighting Replacement Project Award Pursuant to Energy Performance Contracting

Issue: The Commissioner of Highways seeks Commonwealth Transportation Board (CTB) approval to enter into a proposed contract pursuant to the Energy Performance Contracting methodology (EPC) with Trane, Inc. (“Trane”) for Highway Lighting Replacement services.

Facts: VDOT has been directed by the Governor and General Assembly to evaluate and implement Light-Emitting Diode (LED) lighting improvements and consider EPC with Energy Services Companies/Contractors (ESCOs) to reduce energy consumption pursuant to:

2018 Virginia Energy Plan (issued October 2018 pursuant to §67-201 of the Code of Virginia): EPC is a budget neutral, cost-effective tool that allows state agencies and publicly-owned facilities to reduce their deferred maintenance backlogs without adding any financial burden to the taxpayer. In addition, EPC is an effective mechanism to finance capital improvements using leveraged energy savings to reduce both energy costs and consumption.

Governor’s Executive Order 31 (issued October 2014): All state agencies should proactively pursue energy efficiency measures, especially EPC, to reduce energy consumption. EPC is a budget neutral, cost-effective tool that permits state agencies and publicly-owned facilities to reduce their deferred maintenance backlogs without adding any financial burden to the taxpayer.

2019 Appropriation Act, Chapter 854, Item 77(G):

The Director of the Department of General Services shall work with the Commissioner of the Department of Transportation and other agencies to maximize the use of light-emitting diodes (LEDs) instead of traditional incandescent light bulbs when any state agency installs new outdoor lighting fixtures or replaces nonfunctioning light bulbs on existing outdoor lighting fixtures as long as the LED lights are determined to be cost effective.

Under the auspices of § 11-34.3 of the *Code of Virginia*, the Department of General Services (DGS), in coordination with the Department of Mines, Minerals and Energy (DMME) has established the statewide EPC program, and has also established a pre-approved list of ESCOs to serve all public bodies in Virginia that use the EPC program.

In October 2014, VDOT issued a request for pre-approved ESCOs to perform a “back-of-envelope proposal” to audit VDOT’s energy usage. VDOT selected Trane following competitive evaluation of the proposals received, in consideration of both their cost proposal and technical expertise. In April 2015, VDOT and Trane executed a Memorandum of Understanding (MOU) for energy audit services of VDOT central office facilities, VDOT Materials Lab, rest areas/welcome centers, VDOT’s four major tunnels, and roadway lighting throughout the four eastern VDOT Construction Districts.

In August 2017, VDOT and Trane preliminarily agreed to proceed with development of a proposal for highway lighting replacement (LED Project or Project). VDOT and Trane had agreed to a scope of work and a financed Project cost of \$15,925,000 (\$1,550 per fixture exclusive of MOU, owner-contingency costs, and VDOT’s internal administration and construction engineering/inspection costs), after VDOT negotiated with Trane to reduce their initial proposal of \$1,850 per fixture.

In September 2017, VDOT paused further pursuit of the EPC based on concerns raised by the CTB regarding the potential public health impacts of LEDs. In response, VDOT engaged the help of national lighting experts to help develop a strategy that best balances the need to properly illuminate

the road and help drivers see dark objects on the road at night (such as deer, pedestrians, or debris), with the need to minimize impacts to skyglow, light trespass, and any potential health impacts to property owners/residents near VDOT owned lights. VDOT issued, in May 2019, two Instructional & Informational Memoranda (IIM) IIM-TE-390, Road Lighting, and IIM-TE-380.1, Sign Lighting which document and provide information concerning implementation of this strategy.

In April 2019, VDOT resumed negotiations with Trane to develop a draft contract under the EPC methodology that takes into account the new road lighting strategy. Contractual requirements/provisions that have been incorporated to minimize the impacts of this proposed EPC on skyglow, light trespass, and public health include:

- Fixtures with 3000K Correlated Color Temperature (CCT) will be used at all locations where that is required by VDOT's new strategy.
- All fixtures installed pursuant to this contract will be zero cut-off fixtures that minimize skyglow.
- Most of the LED replacements will have less backlight and glare as compared to the existing high-pressure sodium (HPS) fixtures.
- Many of VDOT's existing fixtures are tilted upwards, resulting in significant backlight/uplight/glare. In most cases VDOT will be able to replace those with LEDs that are level with the road surface.
- Implementation of a Lighting Controls System (LCS) that will allow VDOT to more smartly manage the illumination levels at individual fixtures.
- Although not addressed by the EPC per se, the LCS will give VDOT future capability to evaluate potential for time-of-night dimming in Park & Rides or on limited access highways.

VDOT has reviewed and concurred with Trane's methodologies for estimating current energy usage, modeled future energy usage, and modeled cash flows during the construction period and 15-year bond amortization period. This LED Project, as set forth in the draft contract, is expected to result in positive net cash flow for VDOT throughout the contract term (until 2036), with a cumulative net benefit of \$4.1 million during that period.

The proposed LED Project consists of and the draft contract provides for replacement of 9,627 conventional and high mast roadway lighting fixtures with LED fixtures throughout Fredericksburg, Richmond, and Hampton Roads Districts, plus a portion of the Northern Virginia District.

These fixtures are primarily located on interstate/limited access highways, ramps, VDOT-owned Park and Rides, rest areas/welcome centers, and weigh stations. The LED fixtures will be a mixture of Current By GE or Acuity Brands, both of which are manufactured in the United States. The revised 2019 Project cost is estimated to be approximately \$17,399,000 (approximately \$1,700 per fixture exclusive of MOU, owner-contingency, and VDOT's internal administration and construction engineering/inspection costs). The revised total financed Project cost is estimated to be approximately \$1.5 million (9.3%) higher than the September 2017 cost. VDOT has reviewed the reasons for this cost increase and is satisfied that this increase is justified, based on the following factors:

- General industry-wide increases in cost of construction
- A significant proportion of Virginia's contracting resources are already committed to existing and upcoming megaprojects (I-66, HRBT Expansion, Fred Ex, etc.)
- Contract has expanded into NOVA Construction District, which is typically a higher-cost District for construction
- Increased inventory management complexity due to addition of 3000K fixtures into the Project

LED fixtures offer substantial benefits over traditional highway fixture technologies, including:

- Energy savings – LED fixtures consume 50% or less of the energy consumed by traditional High Pressure Sodium (HPS) fixtures, thus reducing VDOT's energy expenditures and carbon footprint;
- Operations & Maintenance – VDOT's current fixtures typically must be replaced every five years or sooner. VDOT negotiated with Trane to receive a 15-year manufacturer's warranty for the fixtures, five years more than the Industry standard of 10 years. VDOT anticipates that the life span will exceed 15 years, as VDOT's specifications require both the optical elements and the driver to be rated for 100,000 hours, which equates to almost 23 years based on an average annual burn rate of 12 hours per day;
- Work zones – VDOT will need to close shoulders and travel lanes much less frequently for future re-lamping operations, reducing risk of work zone-related incidents; and
- Safety – LED fixtures emit a crisper, whiter light with significantly improved Color Rendering Index (CRI), allowing drivers to better distinguish dark objects at night.

In addition, a key component of the LED Project addressed by the draft contract is the implementation of Current By GE's LightGrid LCS. Advantages of the LCS include:

- Utility-grade metering -- LCS provides accurate readings of energy usage, allowing VDOT and Trane to independently verify that actual "after" energy usage matches Trane's models;
- Energy savings -- Approximately 15% additional energy savings beyond those achieved by LED conversion alone. LCS also minimizes risk of "dayburning" (when a traditional light sensor fails, resulting in daytime lighting);
- Notifications -- Automatic notifications of power or light failure, reducing labor costs. Currently VDOT must periodically perform visual assessments to identify outages;
- Remote operation -- Gives VDOT the ability to remotely turn on, off, or dim individual lights, based on operational and safety assessment;
- Dimming – although not addressed pursuant to this contract, LCS gives VDOT the capability to implement strategies to dim certain lights based on time of day, for example potential late-night dimming of all park & ride lights; and
- Incident Response and Operations – LCS may give VDOT future capability to dynamically change light levels/patterns in response to real-time traffic conditions or ongoing incidents.

Under EPC, contract costs are paid for using funding from the Virginia Energy Leasing Program (VELP) managed by the Department of the Treasury. The VELP enables agencies to obtain consistent and competitive credit terms for financing energy efficiency improvements, providing up-front payment, which is paid back through savings in future energy expenditures. Once approved and finalized, VDOT would be responsible for the lease payments regardless of actual energy savings resulting from the LED Project; however, under the contract, VDOT will have recourse with Trane if savings are insufficient. At an anticipated 2.80% interest rate, VDOT's lease payments will be approximately \$1.6 million annually for 15 years. The LED Project is forecast to result in a cumulative positive net cash flow of approximately \$4.1 million by 2036.

VDOT has compared the proposed negotiated draft Trane contract against an alternative scenario in which VDOT delivers these lighting improvements using in-house resources and traditional design-bid-build contractors. Based on this comparison, VDOT has determined that the proposed EPC Project best suits the needs of the Commonwealth, resulting in quicker delivery of lighting improvements,

sooner realization of energy savings, and minimized impacts to VDOT's maintenance budget due to the VELP financing.

Should the CTB/VDOT elect not to award/enter into a contract with Trane under EPC, pursuant to the Memorandum of Understanding, VDOT would need to repay \$513,800 to Trane for the cost of their Phase 1 energy audit.

VDOT recommends that the CTB award and authorize the Commissioner to execute a contract with Trane for this Project under EPC, for the following reasons:

- The proposed contract allows VDOT to cost-effectively implement energy savings improvements without any financial burden to taxpayers;
- VDOT has carefully reviewed the terms and financing of the draft contract to ensure that the LED Project represents the best value for Virginia's taxpayers as compared to traditional procurement methods;
- The proposed LED fixtures will reduce the impacts of VDOT's lighting system on skyglow and light trespass as compared to the existing high pressure sodium fixtures;
- The proposed contract will result in fixtures with increased longevity, reducing VDOT's long-term Operations & Maintenance costs, as well as reducing the frequency of which VDOT workers and drivers are exposed to increased risk of work zone crash during relamping operations; and
- The proposed LCS will give VDOT significant flexibility to more smartly manage its lighting in future years.

VDOT recommends award of/authorization for the Commissioner to execute a contract under EPC with Trane for this Project, subject to the following:

- (1) Appropriate EPC/contract reviews/approvals by DMME, Virginia Department of the Treasury, Department of Planning and Budget, Office of the Attorney General, and the Governor's Office ;
- (2) Agreement on all technical terms and conditions; and
- (3) Financing of the Project by the Virginia Energy Leasing Program.

Recommendations: VDOT recommends that the CTB authorize the Commissioner to execute a contract under EPC with Trane, with substantively the same terms and conditions as described herein, with such non-substantive/technical additions or modifications as the Commissioner deems necessary, subject to the conditions set forth above.

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

Result if Approved: The Commissioner of Highways will be authorized to enter into a contract under EPC with Trane as presented above.

Public Comments/Reactions: None.



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

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Agenda item # 9

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 17, 2019

MOTION

Made By: Seconded By: Action:

Title: Rail Industrial Access – AAREFF Terminals, Inc.

WHEREAS, funding is provided by the General Assembly for Industrial, Airport, and Rail Access projects; and

WHEREAS, Section 33.2-1600 of the *Code of Virginia* declares it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites where rail freight service is or may be needed by new or substantially expanded industry; and

WHEREAS, AAREFF Terminals, Inc. has submitted an application for Rail Industrial Access grant funds in the amount of \$140,000 toward rehabilitation of approximately 1,600 feet of track to serve a facility in the City of Norfolk; and

WHEREAS, the Department of Rail and Public Transportation (DRPT) has evaluated the project in accordance with the Board's Rail Industrial Access policy and, because the project scores 60 points, has recommended approval of the project; and

WHEREAS, the City of Norfolk, Virginia has, by resolution dated March 26, 2019, shown support for the application of up to \$140,000 in Industrial Access Railroad Track funds for assistance in expanding track facilities to serve the proposed AAREFF Terminals, Inc. facility located in the City of Norfolk; and

WHEREAS, Norfolk and Portsmouth Belt Line Railroad, by letter dated February 11, 2019 has indicated its support for the project and has agreed to serve the facility; and

WHEREAS, the funding request falls within the intent of Section 33.2-1600, and because the project is in accordance with the provisions of the Board’s policy on the use of Industrial Access Railroad Track funds, funding may be allocated to this project; and

WHEREAS, the Board believes that this project is for the common good of a region of the Commonwealth and serves a public purpose;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby approves that \$140,000 of the Industrial, Airport, and Rail Access Fund be provided to construct approximately 1,645 linear feet of track subject to the following requirements:

1. All necessary right of way and utility adjustments must be provided at no cost to the Commonwealth.
2. All costs above the \$140,000 industrial rail access grant must be borne by AAREFF Terminals, Inc. or sources other than those administered by DRPT.
3. Execution of an agreement acceptable to the Director of DRPT.
4. Execution of a contractual commitment by AAREFF Terminals, Inc. to maintain the track and make repayment of any costs related to the future relocation or removal of such track and facilities, in form acceptable to the Director of DRPT.

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CTB Decision Brief

Rail Industrial Access Applicant

Location: City of Norfolk, Virginia

AAREFF Terminals, Inc.

Summary: AAREFF Terminals, Inc. is a transloading and bagging facility located in Portsmouth, Virginia. They have submitted an application for Rail Industrial Access grant funds in the amount of \$140,000 to rehabilitate an existing rail spur at a new facility located on Norfolk International Terminals (NIT) owned by the Virginia Port Authority.

This project is a relocation of AAREFF's bulk loading operation to Norfolk International Terminals. The rail spur is part of a \$3M capital investment to grow their export of agricultural products from rail cars to ocean containers. The rail spur combined with new unloading/loading equipment will allow the company to handle significantly more rail cars (currently 2,000 annually with anticipated growth of 1,500 new annual carloads).

The company currently has 48 employees, and intends to hire 12-15 more people as part of the expansion at NIT. Norfolk Portsmouth Belt Line Railroad will provide rail service to the site via NS tracks that lead to NIT, and provide service directly to the customer over privately owned tracks inside NIT.

Facts:

- DRPT has evaluated the project in accordance with the CTB's Rail Industrial Access policy. The project scores 60 points. Projects must reach a 50 point threshold to receive a recommendation by DRPT staff.
- The Applicant committed to 1,500 rail carloads annually in its application.
- The minimum threshold for carloads is 201 carloads annually.
- The Applicant committed to 12 new jobs.
- The Applicant's rehabilitated 1,600 foot rail spur will remove approximately 5,100 trucks from Virginia highways per year.
- Railcar versus truckload ratio for this project is approximately 25% shipping by rail of outbound bulk.
- Total Capital Investment in the expanded facility is estimated at \$3M million.
- Total railroad track construction cost is estimated at \$140,000.
- There will be a claw-back provision in the grant agreement for failure to meet performance requirements based on the CTB adopted program performance policies.

Source of State Funds: FY 2019 Industrial, Airport, and Rail Access Fund

Recommendation: In accordance with the CTB Rail Industrial Access policy, DRPT recommends the Board approve the project.

Action Required by CTB: CTB policy for Rail Industrial Access requires Board action on the resolution.

Options: Approve, Deny, or Defer

AWARD

INTERSTATE

Order No.	UPC No. Project No.	Location and Work Type	Vendor Name	No Of Bidders	Bid Amount	Estimated Construction Cost.	EE Range
A48	93087	FROM: 0.145 MI. N. OF RTE 76	CORMAN KOKOSING CONSTRUCTION COMPANY	4	\$9,126,840.00	\$8,760,989.58	Within
	0195-127-599,C501,B660	TO: 0.071 MI. S. OF RTE 76	ANNAPOLIS JUNCTION				
	NHPP-195-6(025)	RICHMOND CITY	MD				
	Construction Funds	RICHMOND DISTRICT					
		SGR - BRIDGE REPAIR OVER RTE. 76 AND CSX RR					

1 Recommended for AWARD \$9,126,840.00

July 2019 CTB Meeting

A48

0195-127-599, C501, B660

City of Richmond

The purpose of this project is to rehabilitate the structurally deficient bridge that carries Route 195 Southbound over Route 76 (Powhite Parkway), CSX Railroad and Ramp S toward Cary Street/Floyd Avenue in the City of Richmond. The existing structure is a 611.5 foot, six span, curved steel girder, concrete deck bridge with varying skew. It is supported on five integral steel straddle bents and two shelf abutments founded on steel piles.

Repairs include a combination of staged deck replacement and steel repairs. The three north spans will receive a concrete overlay and deck replacement of the exterior bays and overhangs to allow replacement of the parapets. The three south spans will receive a full deck replacement. Steel repairs will include replacement of the existing cantilever steel seats located along each straddle bent with new bolted cantilever steel seats, and strengthening of the existing integral steel straddle bents as necessary. Staged construction will be used to maintain two lanes of traffic on the bridge for the duration of the project and minimize disruption to the traveling public.

Fixed Completion Date: March 3, 2021

BID RESULTS FOR THE CTB

June 21, 2019

DESIGN BUILD PROJECT

UPC No. & Project No.	Location and Work Type	RECOMMENDATION	Contractor	Number of Bids	Bid Amount	Estimated Construction Cost	EE Estimate Range
<p>UPC 111814 (0250-002-956,P101, R201, C501); UPC 111727 (0029-002-959, P101, C501); UPC 111813 (0029-002-955,P101, R201, C501); UPC 111730 (0250-002-954,P101, R201, C501); UPC 111733 (0020-002-953,P101, R201, C501); UPC 109397 (9999-002-941,P101, R201, C501)</p> <p>Contract #C00114713DB105</p> <p>Design, ROW, Construction & QA/QC</p>	<p>Albemarle Intersection Improvements</p> <p>Albemarle County, Culpeper District</p> <p>This project includes six projects (elements) in Albemarle County, Virginia. The purpose of this project is to improve traffic operations and safety in these interchanges and intersections. The elements in the project are UPC 111814 – I-64 Exit 124 Interchange Improvements, UPC 111727 – I-64 Exit 118 Partial Cloverleaf Modification, UPC 111813 –Fontaine Avenue Ramp Improvements at U.S. Route 29 Bypass (NB), UPC 111730 – U.S. Route 250 and Route 151 Roundabout, UPC 111733 – Route 20 and Route 649 Roundabout, and UPC 109397 – Rio Mills Road Extension.</p>	AWARD	Curtis Contracting Inc., West Point, Virginia	3	\$28,556,000	\$26,906,903	Within

Recommended for Award: \$28,556,000

July 2019 CTB Meeting

DESIGN-BUILD PROJECT

Project Name: Albemarle Intersection Bundling
UPC/ Project #: UPC 111814 (0250-002-956, P101, R201, C501); UPC 111727 (0029-002-959, P101, C501); UPC 111813 (0029-002-955, P101, R201, C501); UPC 111730 (0250-002-954, P101, R201, C501); UPC 111733 (0020-002-953, P101, R201, C501); UPC 109397 (9999-002-941, P101, R201, C501)
Contract #: C00111814DB103
Location: Albemarle County, Culpepper District

This project includes six projects (elements) in Albemarle County, Virginia. The purpose of this project is to improve traffic operations and safety in these interchanges and intersections.

UPC 111814 – I-64 Exit 124 Interchange Improvements

This element involves reconfiguring the I-64 Exit 124 interchange with U.S. Route 250 to reduce queueing backups on both roads. VDOT is proposing converting this interchange to a diverging diamond interchange (DDI). The work will include ramp improvements, reconfiguring of the existing traffic features, new signals and signal upgrades. There is no anticipated work on the existing I-64 bridges. This element also includes significant drainage improvements and utility relocations.

UPC 111727 – I-64 Exit 118 Partial Cloverleaf Modification

This element involves reconfiguring the I-64 Exit 118 interchange with U.S. Route 29. This project involves replacing the U.S. Route 29 SB to I-64 EB loop with dual left turn lanes on U.S. Route 29 SB and a connection to the existing U.S. Route 29 NB to I-64 EB ramp. This modification will remove two difficult weave movements. This project involves lane widening, signals, signage upgrades, and barrier work.

UPC 111813 –Fontaine Avenue Ramp Improvements at U.S. Route 29 Bypass (NB)

This element involves widening of the single lane ramp at the Fontaine Avenue exit off of U.S. Route 29 (NB) to provide an option lane, remove conflict points, and ease current weaving issues. This element will also include drainage improvements in the vicinity of the widening.

UPC 111730 – U.S. Route 250 and Route 151 Roundabout

This element involves converting the intersection of U.S. 250 and Route 151 (currently a temporary signal) to a single lane roundabout to improve operations. This intersection has experienced a high historical crash rate and this improvement should reduce the severity and frequency of crashes. This element involves utility adjustments and work over Stockton Creek.

UPC 111733 – Route 20 and Route 649 Roundabout

This element involves converting the intersection of Route 20, Route 649 and Route 1494 (currently a four way unsignalized intersection) to a single lane roundabout to improve operations. This intersection has experienced a high historical crash rate and this improvement should reduce the severity and frequency of crashes. This element involves utility adjustments and drainage improvements.

UPC 109397 – Rio Mills Road Extension

This element involves realigning and extending Rio Mills Road to tie with Berkmar Drive. This element will provide a link between the existing Rio Mills Road and the newly constructed Berkmar Drive Extension project and will direct traffic away from an unimproved section of Rio Mills Road. The realignment and extension will be an approximately 0.25 mile, two lane road with curb and gutter, sidewalk, and a shared use path.

The overall project will include all work required to support the design and construction including but not limited to roadway; survey; environmental; geotechnical; hydraulics and stormwater management; traffic control devices; transportation management plan; right-of-way; utilities; public involvement/ relations; quality assurance and quality control; construction engineering and inspection and overall project management.

This procurement used the Two Phase Best Value method.

Funding Source: Smart Scale, HSIP and Federal

Final Completion Date: March 30, 2023

SHORTLISTED OFFERORS

<u>Name:</u>	<u>Bid Price</u>	<u>Combined Score</u>
Curtis Contracting/ WM	\$ 28,428,000.00	84.7
Faulconer Construction/ RK&K	\$ 31,768,215.00	83.2
Branch Civil/ WRA	\$ 35,611,375.00	77.0