



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 7

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

May 20, 2020

MOTION

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

Title: Recreational Access to Westmoreland State Park
Project RECR-096-624, Westmoreland County

WHEREAS, § 33.2-1510 of the *Code of Virginia* sets forth that the General Assembly of Virginia has found and declared that it is "... in the public interest that access roads and bikeways to public recreational areas and historical sites be provided ..." and sets aside highway funds for such purpose, "... [w]hen the Director of the Department of Conservation and Recreation has designated a public recreational area as such ... and recommends to the [Commonwealth Transportation] Board that an access road or bikeway be provided or maintained to that area"; and

WHEREAS, the Director of the Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (Board) have adopted a joint policy to govern the use of the recreational access funds pursuant to § 33.2-1510 of the *Code of Virginia*; and

WHEREAS, the Westmoreland County Board of Supervisors has, by appropriate resolution, requested recreational access funds to provide roadway access to adequately serve a publicly-operated recreational area located within Westmoreland State Park, off State Route 347, and said roadway access is estimated to cost \$230,000; and

WHEREAS, this request has been considered by the Director of the DCR and has been found to comply fully with the provisions of § 33.2-1510; and

WHEREAS, pursuant to § 33.2-1510, the Director of the DCR has designated the Westmoreland State Park as a public recreational area and recommends that reconstruction and realignment of a portion of State Route 347 is necessary; and

WHEREAS, the Department of Transportation has determined the access road improvement project herein described to be appropriate and necessary to meet public demand for access to the existing recreational area facilities.

NOW, THEREFORE, BE IT RESOLVED, that recreational access to publicly operated recreational facilities within Westmoreland State Park be maintained through the reconstruction and realignment of an inadequate portion of State Route 347; and

THEREFORE, BE IT FURTHER RESOLVED, that from the Recreational Access Fund \$230,000 be allocated for roadway realignment and reconstruction of a portion of State Route 347, Project RECR-096-624, to provide adequate and appropriate access to Westmoreland State Park, contingent upon:

1. Recreational access funds shall be used solely for engineering and construction of the road. Costs for right of way, environmental assessments and remediation, and utility adjustments shall be funded separately and at no cost to the VDOT; and
2. Execution of an appropriate contractual agreement between the DCR and the VDOT to provide for the:
 - a. design, administration, construction and maintenance of this project; and
 - b. payment of all ineligible project costs, and of any eligible project costs in excess of the allocation amount for the roadway access project from sources other than those administered by the VDOT.

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CTB Decision Brief

Recreational Access to Westmoreland State Park Project RECR-096-624, Westmoreland County

Issue: Pursuant to § 33.2-1510 of the *Code of Virginia*, the Westmoreland County Board of Supervisors has requested funds from the Recreational Access Program to provide adequate roadway access to existing facilities within Westmoreland State Park. Approval by the Commonwealth Transportation Board (CTB) to allocate this funding is required.

Facts: Section 33.2-1510 of the *Code of Virginia* provides that the CTB shall set aside funds for the construction of access roads and bikeways to public recreational areas and historical sites. Further, this section of the *Code of Virginia* grants the CTB the authority to construct access roads and bikeways to public recreational areas and historical sites when the governing body of the locality in which the access road is to be provided passes a resolution requesting the road and when the Director of the Department of Conservation and Recreation (DCR) has designated the public recreational area as such and recommends to the CTB that an access road be provided to that area. The Westmoreland County Board of Supervisors requested funds be expended to provide for the access road improvement by resolution adopted January 13, 2020.

Westmoreland State Park, operated by the Department of Conservation and Recreation, consists of 1,321 acres located off State Route 347 in Westmoreland County. Existing publicly operated facilities currently accessed beyond the subject road section requested to be reconstructed and improved include a swimming pool, two picnic shelters, nineteen cabins, a boat ramp, boathouse concessions, Potomac River beach bathhouse, concessions, fishing pier, camping area, picnic area, beach trail, a 10,000-gallon water storage facility for operations, and parking areas. Existing access to the existing facilities has been determined by the Fredericksburg District Maintenance Engineer to be inadequate due to imminent road failure and safety concerns. VDOT will administer the design and construction of the proposed project.

Fredericksburg District and Local Assistance Division have coordinated with DCR staff to confirm support for the project and to verify the cost and location of the road improvement project is appropriate and necessary to continue to provide access for the 250,000 visitor annual average to the public recreational area. The Director of DCR has by letter of March 24, 2020 designated Westmoreland State Park as a public recreational area and has recommended utilization of recreational access funds to provide adequate access to existing recreation facilities within the publicly operated recreational area.

Recommendations: The roadway access project recommended by staff as adequate to serve existing facilities within Westmoreland State Park involves reconstruction and realignment of a 20-foot wide, asphalt roadway, with appropriate shoulders and ditches along State Route 347 from approximately 1.71 miles north of its intersection with State Route 3 and continuing west, approximately 0.11 mile. Fredericksburg District staff has estimated the cost of the road access project to be \$230,000. VDOT recommends that recreational access funds in the amount of \$230,000 for the construction of roadway access be approved, subject to certain contingencies required by law including the restriction on the use of such funds to actual engineering and construction costs.

Action Required by the CTB: Prior to expending funds set aside for access roads to public recreational areas and historical sites, the *Code of Virginia* specifies that the CTB shall declare by resolution that the access road project be provided. A resolution is provided for formal vote.

Result, if Approved: VDOT and the Department of Conservation will proceed with the recreational access roadway project.

Options: Approve, Deny, or Defer.

Public Comments/Reaction: None

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WESTMORELAND COUNTY, VIRGINIA

Board of Supervisors

MONTROSS, VIRGINIA 22520-1000

At a regularly scheduled meeting of the Westmoreland County Board of Supervisors held on January 13, 2020, on a motion by W. W. Hynson, seconded by Russ Culver, the following resolution was adopted by a unanimous vote (Dorothy Dickerson Tate was absent from the meeting.):

Resolution Access Road Improvement Westmoreland State Park

WHEREAS, Westmoreland State Park is owned and operated by the Department of Conservation and Recreation serving the residents of Westmoreland County, adjoining localities, and the Commonwealth; and

WHEREAS, the existing public road access does not provide for adequate access to the public recreational areas within this facility and it is deemed necessary that improvements be made to State Route 347; and

WHEREAS, the public recreational area and facilities will require the reconstruction of State Route 347 to provide for adequate access; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in section 33.2-1510 of the *Code of Virginia* requires action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access roads to publicly-owned recreational; and

WHEREAS, it appears that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to recommend to the Commonwealth Transportation Board that funding be provided for appropriate access to this public recreational area in accordance with section 33.2-1510 of the *Code of Virginia*; and

WHEREAS, the Westmoreland County Board of Supervisors agrees, in keeping with the intent of section 33.2-406 of the *Code of Virginia*, to use its good offices to reasonably protect the aesthetic or cultural value of this access leading to or within areas of historical, natural or recreational significance; and

WHEREAS, the County of Westmoreland hereby acknowledges that the Virginia Department of Transportation's Recreational Access Program may provide up to a maximum of \$400,000 (unmatched) for an access road project; and

WHEREAS, the Westmoreland County Board of Supervisors hereby supports the intent of the Department of Conservation and Recreation to provide for adequate access to public recreational facilities within Westmoreland State Park.

NOW, THEREFORE BE IT RESOLVED, that the Westmoreland County Board of Supervisors hereby supports the Director of the Department of Conservation and Recreation in recommending to the Commonwealth Transportation Board that recreational access funds be allocated for an adequate access road to serve said recreational area; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide adequate access as hereinbefore described to the public recreational area and its facilities; and

BE IT FURTHER RESOLVED THAT, the Westmoreland County Board of Supervisors hereby acknowledges that the new roadway so constructed will provide a connection and shall continue to be a portion of the primary state highway system pursuant to § 33.2-311 of the *Code of Virginia*.

Date of adoption: January 13, 2020



Chairman
Board of Supervisors
Westmoreland County

ATTEST:



Norm Risavi, Clerk
Board of Supervisors