



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson
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Agenda item # 2

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

January 19, 2021

MOTION

Made By: Dr. Smoot, Seconded By: Mr. Dodson

Action: Motion Carried, Unanimously

**Title: Abandonment – Primary System of State Highways:
Route FR-794 in the City of Lynchburg**

WHEREAS, upon construction of VDOT Project 6029-118-240 in the City of Lynchburg, the Commonwealth Transportation Board created a new alignment causing a portion of Route FR-794, a road in the Primary System of State Highways, to no longer be needed. The 0.54 mile portion of Route FR-794 proposed to be abandoned 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 City Council of Lynchburg supports the proposed action to abandon as a public road, a portion of Route FR-794 and has provided a resolution, attached hereto as Exhibit A, requesting the abandonment of the 0.54 mile portion of Route FR-794 depicted on the map attached hereto as Exhibit B; and

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

WHEREAS, a primary highway may be abandoned by the Board, pursuant to §33.2-902, provided no public necessity exists for the continuance of the section of highway as a public highway.

NOW THEREFORE, BE IT RESOLVED, that the roadway identified below, comprising a road in the Primary System of State Highways, is hereby ordered abandoned pursuant to § 33.2-902 of the Code of Virginia.

Primary System of State Highways

Abandonment

Lynchburg District

City of Lynchburg

- Portion of Route FR-794 0.54 Mi.

Total Mileage Abandoned from the Primary System: 0.54 Mi.

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CTB Decision Brief

Abandonment – Primary System of State Highways: Route FR-794 in the City of Lynchburg

Issue: VDOT Project 6029-118-240 created a new interchange and as a result, a portion of Route FR-794 is no longer necessary as a public road and no longer provides a public convenience that warrants maintenance at public expense. The western 0.54 mile portion of Route FR-794 is being proposed for abandonment. The City Council of Lynchburg supports the abandonment and approval by the Commonwealth Transportation Board (Board) is sought pursuant to § 33.2-902 of the *Code of Virginia*.

Facts: A portion of Route FR-794 in the City of Lynchburg, with a distance of 0.54 mile, is no longer necessary as a public road. This matter is being considered as a result of the completion of VDOT Project 6029-118-240. This project created a new interchange and this portion of the frontage road is no longer needed. The City Council of Lynchburg approved a resolution dated December 8, 2020 (Exhibit A, attached), indicating the City Council's support of the abandonment of the 0.54 mile portion of Route FR-794 (identified in "Blue" on Exhibit B, attached).

Upon review of the area, VDOT staff determined that the 0.54 mile portion of Route FR-794 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 News and Advance* publication on September 25, 2020 and October 10, 2020 (Exhibit C, attached). No requests for public hearing were submitted during the requisite 30-day timeframe. The advertisement did contain a distance measurement issue in that the length of the proposed abandonment listed 0.71 of a mile. However, the accurate length of 0.54 mile, which is included in the City Council's resolution and within the corresponding sketch, is contained within the 0.71 mile distance advertised.

Recommendations: VDOT recommends the Commonwealth Transportation Board approve the abandonment of the 0.54 portion of Route FR-794 referenced above.

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

Result if Approved: If approved, the 0.54 mile portion of Route FR-794 will be abandoned and will no longer serve as a public road.

Options: Approve or Deny

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

Exhibit A
City Council of the City of Lynchburg Resolution dated December 8, 2020

RESOLUTION:

#R-20-096

RESOLUTION OF THE CITY OF LYNCHBURG, VIRGINIA

WHEREAS, the Lynchburg City Council has, pursuant to §33.2-902 of the *Code of Virginia*, been notified by the Commissioner of the Virginia Department of Transportation with its intent to abandon from the Primary System of State Highways Route FR-794 a total distance of 0.54 mile as shown on the attached sketch; and

NOW, THEREFORE BE IT RESOLVED, the Lynchburg City Council, supports the Virginia Department of Transportation's action to abandon from the Primary System of State Highways Route FR-794 pursuant to §33.2-902 of the *Code of Virginia*, as the Lynchburg City Council agrees that no public necessity exists for the continuance of the section of highway as a public highway; and

BE IT FURTHER RESOLVED THAT: Reid Wodicka, Interim City Manager, is authorized to execute any City State Agreements and documents that may be needed for this action and that a certified copy of this resolution be forwarded to the Residency Engineer of the Virginia Department of Transportation Appomattox Residency.

Adopted: December 8, 2020

Certified:

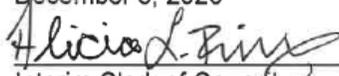

Interim Clerk of Council

Exhibit B
Sketch of Proposed Abandonment

VDOT Project 6029-118-240
Proposed Primary Abandonment of the 0.54 mile portion of Route FR-794 indicated in blue

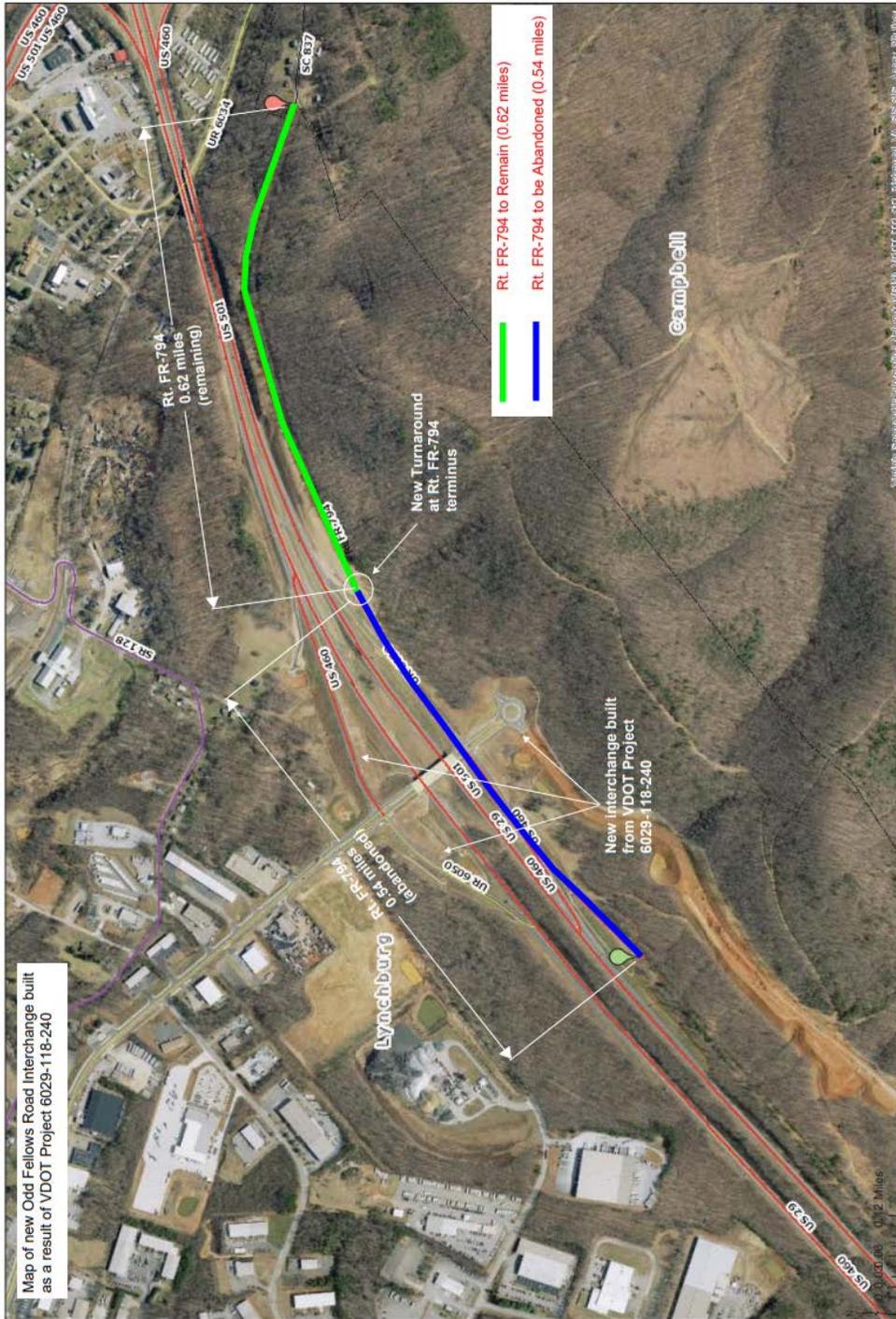


Exhibit C
“Notice of Intent to Abandon”

Published in *The News and Advance* on September 25, 2020 and October 10, 2020



Route F-794 (Top Ridge Road)
City of Lynchburg
Willingness to Hold Public Hearing
Notice of Intent to Abandon Public Road Segment

Pursuant to §33.2-902 of the Code of Virginia, the Virginia Department of Transportation (VDOT) will consider abandonment of Route F-794 (Top Ridge Road) in the City of Lynchburg from 0.62 miles west of Route 837 (Top Ridge Road) to 1.33 miles west of Route 837, a length of 0.71 miles.

VDOT is willing to hold a public hearing prior to considering the abandonment of Route F-794 if one or more landowners whose property is impacted by the abandonment makes a request. A public hearing may be requested in writing to Mr. Steven Wright, Land Use Engineer, VDOT Lynchburg District Office, 4219 Campbell Avenue, Lynchburg VA on or prior to **November 13, 2020**.

Additional information about the proposed abandonment is available at VDOT's Lynchburg District Office at the address above. **Please call ahead at 434-947-6559, 1-800-367-7623 or TDD/TTY 711 to ensure availability of staff to assist.**

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 special assistance for persons with disabilities or limited English proficiency, contact the project manager above or TDD/TTY 711.