



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item #NB 1

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

March 17, 2010

MOTION

Made By:Mr. Koelemay Seconded By:Mr. Keen Action:Motion Carried, Unanimously

Title: Right of Way and Limited Access Control Changes **Route 267 (Dulles Toll Road [DTR], Fairfax County**

WHEREAS, the Federal Aviation Administration (FAA), acting on behalf of the United States of America, acquired property, designed and built the Dulles Airport Access Road (DAAR) from I-495 to the Washington Dulles International Airport to serve airport users; and,

WHEREAS, the FAA specifically restricted the number and specifically determined the location of points of public access and egress for the said DAAR; and,

WHEREAS, the United States of America, acting by and through the Secretary of Transportation, leased the Property for the DAAR to the Metropolitan Washington Airports Authority (MWAA) by lease dated March 2, 1987, therefore, assuming the activities formerly of the FAA; and,

WHEREAS, the Virginia Department of Highways and Transportation, predecessor to the Virginia Department of Transportation (VDOT), entered into an agreement with the FAA on January 10, 1983, to construct, reconstruct, operate and maintain a limited access toll road (DTR) along the DAAR corridor; and,

WHEREAS, the State Highway and Transportation Commission, predecessor to the Commonwealth Transportation Board (CTB) by resolution dated August 20, 1981, and the CTB by resolution dated October 26, 1988, approved the location and design features of the DTR, now designated as Route 267 including its designation as a limited access highway in Fairfax County; and,

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WHEREAS, VDOT and MWAA has entered into several agreements providing for the Dulles Corridor Metrorail project along the DAAR and DTR; and,

WHEREAS, due to continued design refinement of the Dulles Corridor Metrorail Project, MWAA and VDOT have identified and requested various proposed shifts and changes to the right of way and/or limited access control of the DTR (Route 267) to accommodate various proposed Storm Water Management Ponds (SWMP) and Traction Power Substation(s) (TPSS) to include entrances for maintenance access to these facilities from the shoulder of the DTR, with safety improvements, as required, at various locations along Route 267 (DTR) as shown on the plans for VDOT Project Number DT00-029-108, RW-201, and specifically described as:

SWMP #1, being a northerly shift of the right of way and a southerly shift of the limited access control along the north side of Route 267(DTR) WBL, from a point 163.53 feet opposite Station 303+14.48 (Project ROW baseline) to a point 167.34 feet opposite Station 305+32.32 (Project ROW baseline) to allow for a proposed SWMP, with a 20 foot, more or less, break in the said limited access control for a restricted use, gated maintenance access to said pond located opposite approximate Station 303+09 (Project ROW baseline); and

TPSS #8, being a northerly shift of the limited access control along the south side of Route 267(DTR) EBL, from a point 297.50 feet opposite Station 379+59.04 (Project ROW baseline) to a point approximately 297 feet, more or less, opposite approximate Station 381+85 (Project ROW baseline) to allow for a proposed TPSS; and

Pond #6, being a southwesterly shift of the limited access control along the north side of Route 267 (DTR) WBL, from a point 130.56 feet opposite Station 411+16.4 (Project ROW baseline) to a point 126.87 feet opposite Station 414+42.83 (Project ROW baseline) to allow for a proposed SWMP; and

TPSS #9, being a northerly shift of the right of way and a southerly shift of the limited access control along the north side of Route 267(DTR) WBL, from a point 126.91 feet opposite Station 455+84.72 (Project ROW baseline) to a point 128.12 feet opposite Station 358+94.40 (Project ROW baseline) to allow for a proposed TPSS with a temporary 54 foot, more or less, break in the limited access control for a restricted use, maintenance access located opposite approximate Station 457+84, originating as an entrance from the shoulder of the DTR, until such time as Fairfax County secures permanent access through the adjacent land at which time said access from the DTR will be eliminated and replaced with permanent fence; and

TPSS #10, being a southeasterly shift of the limited access control along the north side of Route 267 (DTR) WBL, from a point 160.48 feet opposite Station 485+46.40 (Project ROW baseline) to a point 161.31 feet opposite Station 488+39.58 (Project ROW baseline) to allow for a proposed TPSS; and

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SWMP #10, being a southerly shift of the limited access control along the north side of Route 267 (DTR) WBL, from a point 147.55 feet opposite Station 499+48.91 (Project ROW baseline) to a point 146.56 feet opposite Station 499+81.64 (Project ROW baseline) for a 20-foot, more or less, break in the limited access control for a restricted use, gated maintenance access to said pond located opposite approximate Station 499+59 (Project ROW baseline), originating as an entrance from the shoulder of the DTR; and

TPSS #11, being a northerly shift of the right of way along the north side of Route 267(DTR) WBL, and a southerly shift of the limited access control along the north side of Route 267(DTR) WBL, from a point 120.61 feet opposite Station 563+13.30 (Project ROW baseline), to a point 119.01 feet opposite Station 565+23.50 (Project ROW baseline) to allow for a proposed TPSS.

WHEREAS, VDOT has determined that the said proposed shifts, changes in the right of way and limited access control as aforesaid, and to include any safety improvements as required, are appropriate from a design, safety and traffic control standpoint subject to further review and approval; and,

WHEREAS, use of said entrances for other than required maintenance of the aforesaid facilities shall not be permitted, and the parties agree to and shall keep the respective gates locked at all times, and use of this property for access to any other properties is strictly prohibited; and,

WHEREAS, VDOT has determined that the requirements for a global traffic analysis, locality support, environmental and air quality conformity review, and public notices separate from those made for the said Project, as set forth in Title 24, Section 30, Chapter 401 of the Virginia Administrative Code, are not applicable to this request as the said Project does not significantly impact the operation of Route 267; and,

WHEREAS, VDOT has determined that the requirements for compensation in consideration of the proposed limited access control changes shall not be required as all shifts and changes are to accommodate a public transportation project; and,

WHEREAS, all right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements; and,

WHEREAS, all costs of engineering and construction, including all necessary safety improvements, gates and locking devices, will be borne by MWAA; and,

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WHEREAS, the installation and maintenance of the gate and locking device(s) shall be the responsibility of MWAA, with the means to operate the gate locking devices provided to VDOT free of charge and in perpetuity by MWAA; and,

WHEREAS, the proposed shifts and changes in limited access control are in compliance with Title 24, Section 30, Chapter 401 of the Virginia Administrative Code; and,

WHEREAS, upon completion and acceptance of the proposed entrance and changes by VDOT, all work, roadway construction, improvements and equipment will become the property of the FAA with land rights and maintenance responsibilities within Route 267 remaining as previously defined.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Sections 33.1-25 and 33.1-58 of the *Code of Virginia* (1950), as amended, the Commonwealth Transportation Board hereby finds and concurs with the determinations set forth herein and approves the said shifts and changes in the said right of way and limited access control, and restricted use entrances for Dulles Metrorail facility maintenance from along the shoulder of the DTR, for public street and other transportation purposes as set forth, pending the approval of same by MWAA, and subject to the above referred to conditions and restrictions. The Acting Commonwealth Transportation Commissioner is hereby authorized to execute any and all documents needed to comply with this resolution.

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