



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

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*Agenda item # 11*

### **RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD**

**September 17, 2014**

#### **MOTION**

**Made By: Mr. Garczynski    Seconded By: Mr. Dyke**  
**Action: Motion Carried, Unanimously**

#### **Title: A Resolution Designating I-95 HOT Lanes**

**WHEREAS**, pursuant to the Public-Private Transportation Act of 1995 (“PPTA”), (*Code of Virginia* §§ 56-556 *et seq.*), the Virginia Department of Transportation (the “Department” or “VDOT”) is granted the authority to allow private entities to develop and/or operate qualifying transportation facilities; and

**WHEREAS**, on July 31, 2012, the Department and 95 Express Lanes, LLC entered into a Comprehensive Agreement (“CA”) to develop, design, finance, construct, maintain, and operate the I-95 HOV/HOT Lanes Project (the “Project”) in Virginia; and

**WHEREAS**, by entering into the CA, the Department intended to extend and convert the existing I-95 high-occupancy vehicle (“HOV”) lanes to high-occupancy toll (“HOT”) lanes to facilitate the free flow of traffic by utilizing dynamic tolling to adjust tolls based on real-time traffic conditions; and

**WHEREAS**, the Federal Highway Administration (“FHWA”) authorized the Department to charge tolls on the Project from approximately two miles north of the Capital Beltway near Turkeycock Run to Garrisonville Road (“FHWA/VDOT Tolling Agreement”); and

**WHEREAS**, section 33.1-56.2 of the *Code of Virginia* provides that the Commonwealth Transportation Board (“CTB” or the “Board”) may designate one or more lanes of any highway, including lanes that may have previously been designated as HOV lanes, as HOT lanes; and

**WHEREAS**, pursuant to section 33.1-56.2 (i) the CTB shall specify the high-occupancy requirements and conditions for use of such HOT lanes or authorize the Commissioner to make such determination consistent with the terms of a comprehensive agreement, and (ii) the high-occupancy requirement for a HOT lanes facility constructed or operated as a result of the PPTA shall not be less than three; and.

**WHEREAS**, pursuant to the CA, the lanes designated as HOT lanes may begin operation as HOT Lanes upon issuance by VDOT of a “Service Commencement Notice to Proceed”.

**NOW, THEREFORE, BE IT RESOLVED BY THE CTB AS FOLLOWS:**

1. The Board hereby designates certain lanes, as shown on Attachment A, that run from approximately two miles north of the Capital Beltway near Turkeycock Run, milepost 2.0 on Interstate 395, at the northern terminus, to Garrisonville Road (VA Route 610) near milepost 143.6 on Interstate 95 in Stafford County, at the southern terminus as HOT lanes (the “HOT Lanes”).
2. In accordance with § 33.1-56.2 of the *Code of Virginia*, the high-occupancy requirement for the HOT Lanes shall not be less than three.
3. The Board hereby authorizes the Commissioner of Highways to establish the conditions for use of the HOT Lanes in accordance with the terms and the conditions of the CA.
4. This Resolution shall take effect upon the issuance of a “Service Commencement Notice to Proceed” by VDOT in accord with the CA.

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