



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda Item #13

**RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD**

July 28, 2016

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Kasprovicz
Action: Motion Carried, Unanimously

**Title: Extension of HOV-2 lanes from Gainesville to Haymarket on Interstate 66,
Conversion of HOV-2 Lanes to HOV-3 and Tolling on Interstate-66 Inside the Beltway and
Consolidation of Record Regarding HOV/HOT Designations on Interstate 66**

WHEREAS, pursuant to the provisions of § 33.2-501 of the Code of Virginia, the Commonwealth Transportation Board (“CTB”) may designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as High Occupancy Vehicle (“HOV”) lanes and if so designated such lanes shall be reserved for high-occupancy vehicles of a specified number of occupants and at such times as determined by the Board; and

WHEREAS, the Department contracted with Shirley Contracting Company, LLC to construct two additional lanes along Interstate-66 (“I-66”) under State Project No. 0066-076-003, C501, B674, B675 (UPC 93577), thereby adding one general purpose lane and one HOV Lane in each direction from Gainesville in the vicinity of Route 29 to Haymarket in the vicinity of Route 15; and

WHEREAS, the construction to complete the HOV lane extension from Gainesville to Haymarket will be complete in August 2016 and CTB designation of the HOV lanes on this segment of I-66 is necessary; and

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WHEREAS, various phases of projects relating to the location, design and construction of segments and lanes, including HOV lanes, on I-66 both inside and outside Interstate - 495 (Beltway) have been considered and approved by the CTB throughout the years; and

WHEREAS, on June 14, 2016, the CTB designated two lanes in each direction on I-66 from University Boulevard (Gainesville) in Prince William County to I-495 in Fairfax County as HOT lanes with such designation to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020 (*see* Board Resolution adopted June 14, 2016 entitled “Designation of HOT Lanes and Conversion of HOV-2 Designation on Interstate-66 Outside the Capital Beltway to HOV-3”) (“I-66 OTCB HOT Lanes Resolution”); and

WHEREAS, on June 14, 2016, in the I-66 OTCB HOT Lanes Resolution, the CTB also issued a finding that changing the HOV-2 designation of I-66 outside the Capital Beltway to HOV-3, to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but no earlier than January 2, 2020, (a) is in the public interest, (b) is supported by quantitative and qualitative evidence that the HOV-3 designation will facilitate the flow of traffic on Interstate Route 66, and (c) is beneficial to comply with the federal Clean Air Act Amendments of 1990 and in turn, then designated the high-occupancy requirement for the HOT Lanes on I-66 outside the Capital Beltway as HOV-3, with such designation to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020; and.

WHEREAS, by resolution dated December 9, 2015, the CTB (i) authorized dynamic tolling of the I-66 corridor beginning at the intersection of I-66 and the Beltway and ending at U.S. Route 29 in the Rosslyn area of Arlington County (“I-66 Inside the Beltway”) at such rates as are necessary to comply with federal law; and (ii) approved the Memorandum of Agreement between the CTB, VDOT and the Northern Virginia Transportation Commission relating to implementation of Transform 66: Inside the Beltway (“NVTC MOA”), authorizing the Secretary and Commissioner to execute the NVTC MOA on behalf of the Board and VDOT, respectively; and

WHEREAS, the NVTC MOA, now executed, requires, among other things, that “VDOT and the CTB shall take the required actions necessary to change the [Transform 66: Inside the Beltway] Project HOV-2 designation to HOV-3 the later of 2020 or upon any increase to HOV-3 occupancy requirements for HOV lanes of I-66 outside the Beltway”; and

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WHEREAS, the CTB seeks to ensure the necessary Board designations have been made and actions taken pursuant to §§ 33.2-309, 33.2-501 and 33.2-502 of the *Code of Virginia* (i) to provide authorization for dynamic tolling on I-66 Inside the Beltway during Eastbound AM and Westbound PM peak periods for vehicles not meeting HOV-2 occupancy requirements by the time the infrastructure and improvements necessary to commence tolling on I-66 Inside the Beltway are completed and ready for operation; and (ii) to conform to the National Capital Region Transportation Planning Board's policy and Constrained Long Range Plan relating to HOV requirements on I-66 and to comply with the NVTC MOA by establishing an HOV-3 requirement and authorizing dynamic tolling on I-66 Inside the Beltway during Eastbound AM and Westbound PM peak periods for vehicles not meeting the HOV-3 requirements, to be implemented at the time that the HOV-3 and HOT Lanes designations for I-66 outside the Beltway are implemented; and

WHEREAS, the CTB further desires to reiterate and establish a single consolidated record relating to the designation status of the HOV and HOT lanes, and tolling, on I-66 inside and outside the Beltway.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the authority granted under the provisions of § 33.2-501 of the Code of Virginia, the inside lane of I-66 Eastbound between Gainesville in the vicinity of Route 29 and Haymarket in the vicinity of Route 15 is designated HOV-2 in the Eastbound AM peak period (between 5:30 a.m. and 9:30 a.m.) and the inside lane of I-66 Westbound between Gainesville in the vicinity of Route 29 and Haymarket in the vicinity of Route 15 is designated HOV-2 in the Westbound PM peak period (between 3:00 p.m. and 7:00 p.m.) on weekdays, with implementation of the designation to occur upon completion of construction and opening of said lanes to traffic.

BE IT FURTHER RESOLVED that the CTB hereby clarifies that its written finding, issued on June 14, 2016, relating to changing the "HOV-2 designation of I-66 outside the Capital Beltway to HOV-3", applies to only that portion of I-66 outside the Beltway that will be encompassed by the I-66 HOV/HOT Lanes Project, namely two lanes in each direction on the Eastbound and Westbound lanes of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County. Accordingly, the Board hereby clarifies and restates its finding in the June 14, 2016, I-66 OTCB HOT Lanes Resolution as follows:

"that pursuant to § 33.2-501(F) of the *Code of Virginia*, the CTB hereby approves the VDOT 501(F) Finding and hereby makes its written finding that changing the HOV-2 designation of I-66 outside the Capital Beltway to HOV-3 *on two lanes in each direction on the Eastbound and Westbound lanes of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County*, to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but no earlier

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than January 2, 2020, (a) is in the public interest, (b) is supported by quantitative and qualitative evidence that the HOV-3 designation will facilitate the flow of traffic on Interstate Route 66, and (c) is beneficial to comply with the federal Clean Air Act Amendments of 1990.”

BE IT FURTHER RESOLVED, that the CTB hereby clarifies that its designation of and the high-occupancy requirement for the HOT Lanes on I-66 outside the Capital Beltway as HOV-3, with such designation to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020 in the June 14, 2016 I-66 OTCB HOT Lanes Resolution, made pursuant to and in compliance with §§ 33.2-501(F) and 33.2-502, also applies to that portion of I-66 from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County.

BE IT FURTHER RESOLVED, that in accord with §33.2-502 (i) the Board authorizes dynamic tolling of vehicles utilizing the lanes on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period of 5:30 a.m. to 9:30 a.m. and on Westbound I-66 Inside the Beltway during the Westbound PM peak period of 3:00 p.m. to 7:00 p.m. on weekdays for vehicles carrying less than two occupants (collectively, HOT Lanes-2 designation) to be implemented at such time that the infrastructure and improvements necessary to commence tolling on I-66 Inside the Beltway are determined by the Commissioner of Highways to be completed and ready for operation; and (ii) the Board approves conversion of the HOV-2 designation to HOV-3 and authorizes dynamic tolling of vehicles carrying less than three occupants utilizing the lanes, on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period of 5:30 a.m. to 9:30 a.m. and on Westbound I-66 Inside the Beltway during the Westbound PM peak period of 3:00 p.m. to 7:00 p.m. on weekdays (collectively HOT Lanes-3 designation), to be implemented at such time that the designation of HOT Lanes with a high occupancy requirement of HOV-3 on the Eastbound and Westbound lanes of I-66 outside the Beltway, on two lanes in each direction, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County, adopted by the Board on June 14, 2016, is implemented.

BE IT FURTHER RESOLVED, that in order to document and summarize in a consolidated record the existing status of the HOV/ HOT lanes/tolling designations for I-66, the Board reiterates their approval of the following designations:

- (i) the HOV-2 designation of the lanes on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period (between 6:30 a.m. and 9:00 a.m.) and on Westbound I-66 Inside the Beltway during the Westbound PM peak period (between 4:00 p.m. and 6:30 p.m.) on weekdays, with (1) a change in the Eastbound AM peak period to 5:30 a.m. to 9:30 a.m. and in the Westbound PM peak period to 3:00 p.m. to 7:00 p.m., to be implemented at such time that

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- dynamic tolling on I-66 Inside the Beltway commences; and (2) the conversion of such designation to HOV-3 with the revised peak periods, to be implemented at the time the change on I-66 outside the Beltway from HOV-2 to HOV-3 set forth in (iv) is implemented; and
- (ii) the HOT Lanes designations and dynamic tolling during peak periods, on I-66 Inside the Beltway of vehicles not meeting the HOV requirements in effect at the time, to first be implemented at the time the Commissioner of Highways determines that the infrastructure and improvements necessary for tolling on said portion of I-66 are completed and operational; and
 - (iii) subject to implementation of the HOT Lanes designation with the change from HOV-2 to HOV-3 upon the date specified in (iv), the HOV-2 designation of the HOV lanes on Eastbound I-66 outside the Beltway, from I-495 in Fairfax County to Haymarket in the vicinity of Route 15, during the Eastbound AM peak period (between 5:30 a.m. and 9:30 a.m.) and on Westbound I-66 outside the Beltway, from I-495 in Fairfax County to Haymarket in the vicinity of Route 15, during the Westbound PM peak period (between 3:00 p.m. and 7:00 p.m.) on weekdays; and
 - (iv) the designation of two HOT Lanes with the high occupancy requirement of HOV-3, in each direction on the Eastbound and Westbound lanes of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County, in accordance with the I-66 OTCB HOT Lanes Resolution adopted by the Board on June 14, 2016, and as clarified herein, to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020.

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CTB Decision Brief

Extension of HOV-2 Lanes from Gainesville to Haymarket on Interstate 66, Conversion of HOV-2 Lanes to HOV-3 and Tolling on Interstate-66 Inside the Beltway, and Consolidation of Record Regarding HOV/HOT Designations on Interstate 66.

Issue: As stipulated by § 33.2-501 of the Code of Virginia, the Commonwealth Transportation Board (CTB or Board) has the authority to designate High Occupancy Vehicle Lanes (“HOV lanes”) on the Interstate System. The Interstate 66 Widening (“I-66”) Project, under State Project No. 0066-076-003, C501, B674, B675 (UPC 93577), involves the addition of new lanes along I-66, thereby adding one general purpose lane and one HOV Lane in each direction from Gainesville in the vicinity of Route 29 to Haymarket in the vicinity of Route 15. The current Project will be complete and opened to traffic on or about August 21, 2016 and the Virginia Department of Transportation (“VDOT”) is seeking the designation of the inside lane in each direction as an extension of the existing HOV-2 lanes.

In addition, various phases of projects relating to the location, design and construction of segments and lanes, including HOV lanes, on I-66 both inside and outside Interstate - 495 (Beltway) have been considered and approved by the CTB throughout the years and more recently, projects requiring new designations of HOV lanes, HOT Lanes and/or tolling on I-66 are being planned. Accordingly, VDOT is requesting various actions on the part of the Board that will facilitate implementation of the upcoming projects. VDOT is also requesting the Board’s approval of language in the accompanying resolution that reiterates and establishes a single consolidated record relating to the designation status of the HOV and HOT lanes, and tolling, on I-66 inside and outside the Beltway.

Facts:

- (1) Per the CTB Resolution dated July 17, 2013 for the *Delegation of Authority to the Commissioner of Highways for Approval of Award and Execution of Contract for the Interstate 66 Widening, Prince William County*, VDOT contracted with Shirley Contracting Company, LLC to construct the I-66 Widening Project between Gainesville and Haymarket. Construction began on the I-66 Widening in April 2014 and will be complete in August 2016. The project involves the addition of two lanes in each direction for an ultimate eight lane divided highway between Gainesville in the vicinity of Route 29 and Haymarket in the vicinity of Route 15 (in Prince William County). The project is last in a series of projects originally designed under the parent UPC 16000 and approved by the CTB on March 16, 2000. The project includes extension of one HOV lane in each direction, Eastbound and Westbound, that are intended to operate as HOV-2 during peak hours of 5:30 a.m. to 9:30 am (Eastbound) and 3:00 p.m. to 7:00 p.m. (Westbound).
- (2) On June 14, 2016, by resolution entitled *Designation of HOT Lanes and Conversion of HOV-2 Designation on Interstate-66 Outside the Capital Beltway to HOV-3* (“I-66 OTCB HOT Lanes Resolution”), in compliance with and pursuant to §§ 33.2-501(F) and 33.2-502 of the *Code of Virginia* the CTB approved, for I-66 outside the Beltway, designation of HOT lanes and conversion of the HOV-2 designation to HOV-3, with such designation/change to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020. The designation and associated findings set forth in the I-66 OTCB HOT Lanes Resolution apply to two lanes in each direction on the Eastbound and Westbound lanes

of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County.

(3) By resolution dated December 9, 2015, the CTB (i) authorized dynamic tolling of the I-66 corridor beginning at the intersection of I-66 and the Beltway and ending at U.S. Route 29 in the Rosslyn area of Arlington County (I-66 Inside the Beltway) at such rates as are necessary to comply with federal law; and (ii) approved the Memorandum of Agreement between the CTB, VDOT and the Northern Virginia Transportation Commission (NVTC) relating to implementation of Transform66: Inside the Beltway (NVTC MOA), authorizing the Secretary and Commissioner to execute the NVTC MOA on behalf of the Board and VDOT, respectively. The NVTC MOA, now executed, requires, among other things, that “VDOT and the CTB shall take the required actions necessary to change the [Transform 66: Inside the Beltway] Project HOV-2 designation to HOV-3 the later of 2020 or upon any increase to HOV-3 occupancy requirements for HOV lanes of I-66 outside the Beltway”.

- VDOT is requesting Board action that will ensure the necessary Board designations have been made and actions taken pursuant to §§ 33.2-309, 33.2-501 and 33.2-502 of the *Code of Virginia* (i) to provide authorization for dynamic tolling on I-66 Inside the Beltway during Eastbound AM and Westbound PM peak periods for vehicles not meeting HOV-2 occupancy requirements by the time the infrastructure and improvements necessary to commence tolling on I-66 Inside the Beltway are completed and ready for operation; and (ii) to conform to the National Capital Region Transportation Planning Board’s policy and Constrained Long Range Plan relating to HOV requirements on I-66 and to comply with the NVTC MOA by establishing an HOV-3 requirement and authorizing dynamic tolling on I-66 Inside the Beltway during Eastbound AM and Westbound PM peak periods for vehicles not meeting the HOV-3 requirements, to be implemented at the time that the HOV-3 and HOT Lanes designations for I-66 outside the Beltway are implemented.

Recommendation:

(1) Designation of HOV Requirement for the New Segment of I-66 Outside the Beltway:

VDOT recommends the designation of the HOV-2 lanes (the left most lane in each direction) on the eastbound and westbound sides of I-66 between Gainesville in the vicinity of Route 29 and Haymarket in the vicinity of Route 15, effective upon their completion, when all pavement markings and signage are fully implemented. The hours of operation of the HOV-2 lanes will be (consistent with the existing HOV-2 lanes) from 5:30 a.m. to 9:30 a.m. eastbound and 3:00 p.m. to 7:00 p.m. westbound.

(2) Provide Clarifications Regarding June 14, 2016 CTB Action Entitled *Designation of HOT Lanes and Conversion of HOV-2 Designation on Interstate-66 Outside the Capital Beltway to HOV-3.*

(a)VDOT recommends that the CTB clarify that its written finding, issued on June 14, 2016, relating to changing the “HOV-2 designation of I-66 outside the Capital Beltway to HOV-3”, applies to only that portion of I-66 outside the Beltway that will be encompassed by the I-66 HOV/HOT

Lanes Project, namely two lanes in each direction on the Eastbound and Westbound lanes of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County.

(b) VDOT also recommends that the CTB note and clarify that its designation of and the high-occupancy requirement for the HOT Lanes on I-66 outside the Capital Beltway as HOV-3, (to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020), made pursuant to and in compliance with §§ 33.2-501(F) and 33.2-502, also applies to that portion of I-66 from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County.

(3) I-66 Inside the Beltway: Authorization of Dynamic Tolling for Single Occupancy Vehicles During New Peak Periods to be implemented when Necessary Infrastructure is Operational

VDOT recommends that the Board authorize dynamic tolling of vehicles utilizing the lanes on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period of 5:30 a.m. to 9:30 a.m. and on Westbound I-66 Inside the Beltway during the Westbound PM peak period of 3:00 p.m. to 7:00 p.m. on weekdays for vehicles not meeting HOV-2 requirements, to be implemented at such time that the infrastructure and improvements necessary to commence tolling on I-66 inside the Beltway are determined by the Commissioner of Highways to be completed and ready for operation.

(4) I-66 Inside the Beltway: Conversion of HOV-2 Designation to HOV-3 and Authorization of Dynamic Tolling for Vehicles not Meeting HOV-3 Requirement (to be implemented upon implementation of HOV-2 to HOV-3 Conversion and HOT Lanes on I-66 outside the Beltway).

VDOT recommends that the Board approve conversion of the HOV-2 designation to HOV-3, and authorize dynamic tolling of vehicles not meeting the HOV-3 requirement utilizing the lanes, on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period of 5:30 a.m. to 9:30 a.m. and on Westbound I-66 Inside the Beltway during the Westbound PM peak period of 3:00 p.m. to 7:00 p.m. on weekdays, to be implemented at such time that the change from HOV-2 to HOV-3 and designation of HOT Lanes on the Eastbound and Westbound lanes of I-66 outside the Beltway, on two lanes in each direction, from I-495 in Fairfax County to University Boulevard in Prince William County, adopted by the Board on June 14, 2016, are implemented.

(5) Establish Consolidated Record of Status of HOV/HOT Lanes/Tolling Designations for I-66.

VDOT recommends, in order to document and summarize in a consolidated record the existing status of the HOV/ HOT lanes/tolling designations for I-66, that the Board reiterate their approval of the following designations:

- (i) the HOV-2 designation of the lanes on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period (between 6:30 a.m. and 9:00 a.m.) and on Westbound I-66 Inside the Beltway during the Westbound PM peak period (between 4:00 p.m. and 6:30 p.m.) on weekdays, with (1) a change in the Eastbound AM peak period to 5:30 a.m. to 9:30 a.m. and in the Westbound PM peak period to

3:00 p.m. to 7:00 p.m., to be implemented at such time that dynamic tolling on I-66 Inside the Beltway commences; and (2) the conversion of such designation to HOV-3 with the revised peak periods, to be implemented at the time the change on I-66 outside the Beltway from HOV-2 to HOV-3 set forth in (iv) is implemented; and

- (ii) the HOT Lanes designations and dynamic tolling during peak periods, on I-66 Inside the Beltway of vehicles not meeting the HOV requirements in effect at the time, to first be implemented at the time the Commissioner of Highways determines that the infrastructure and improvements necessary for tolling on said portion of I-66 are completed and operational; and
- (iii) subject to implementation of the HOT Lanes designation with the change from HOV-2 to HOV-3 upon the date specified in (iv), the HOV-2 designation of the HOV lanes on Eastbound I-66 outside the Beltway, from I-495 in Fairfax County to Haymarket in the vicinity of Route 15, during the Eastbound AM peak period (between 5:30 a.m. and 9:30 a.m.) and on Westbound I-66 outside the Beltway, from I-495 in Fairfax County to Haymarket in the vicinity of Route 15, during the Westbound PM peak period (between 3:00 p.m. and 7:00 p.m.) on weekdays; and
- (iv) the designation of two HOT Lanes with the high occupancy requirement of HOV-3, in each direction on the Eastbound and Westbound lanes of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County, in accordance with the I-66 OTCB HOT Lanes Resolution adopted by the Board on June 14, 2016, and as clarified herein, to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020.

Action Required by CTB: Approve the resolution, bearing the actions noted herein, that will be presented for a formal vote.

Result, if Approved: If approved, the resolution will result in: the extension of the HOV-2 lanes on I-66 from Gainesville to Haymarket; the above-referenced clarifications relating to the June 14, 2016, I-66 OTCB HOT Lanes Resolution; approval of dynamic tolling on I-66 Inside the Beltway under the conditions and at the times specified; conversion of HOV-2 to HOV-3 on I-66 Inside the Beltway, under the conditions and at the time specified; and establishment of a consolidated record that documents and summarizes the status of the HOV/ HOT lanes/tolling designations for I-66.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: On July 27, 2011, a Public Hearing was held at the Four Points by Sheraton, 10800 Vandor Lane, Manassas, VA 20109, for the I-66 Widening Project between Gainesville and Haymarket. Twenty-one citizens signed the attendance sheet, and 21 written or emailed comments were received. The majority of those who commented (15) supported the project, while one did not support and five did not specify. One commenter recommended only adding one lane westbound, while two others recommended extending the HOV lanes past Route 15.