



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

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Chairman

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*Agenda item # 6-A*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 17, 2009

#### MOTION

**Made By: Dr. Davis    Seconded By: Mr. Davies**  
**Action: Motion Carried, Unanimously**

#### **Title: Right of Way and Limited Access Control Changes** **Route 37 and Campus Boulevard Interchange, Frederick County**

**WHEREAS**, Route 37, between its southernmost intersection with Interstate 81 continuing in a northerly direction for approximately 9 miles to a point along Route 11, north of the City of Winchester, in Frederick County, was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on March 17, 1966; and

**WHEREAS**, in connection with a section of Route 37, State Highway Project 6037-034-101, RW-202, which is located between the aforesaid locations, the Commonwealth acquired certain lands and limited access easements from various landowners; and

**WHEREAS**, the land on both the northwest and southeast sides of the Route 37 proposed right of way and limited access lines, as shown on the plans for said State Highway Project, between the interchanges at Route 522 and Route 50, was identified as the location for an interchange (hereinafter referred to as "Campus Boulevard Interchange") to serve the Winchester Medical Center, Inc., property located on the southeast side, and potential access for future development for properties on the northwest side of said Route, necessitating changes to the said right of way and limited access control in the vicinity of approximate Station 440+00, which were approved by the CTB on May 21, 1992; and

**WHEREAS**, Valley Health (formerly Winchester Medical Center, Inc.) has identified and requested right of way (R/W) and limited access control changes (LACC) consisting of a northerly shift and LACC along the Campus Boulevard Interchange Ramp D northwest revised proposed right of way and limited access line (5/21/1992), to provide direct access to the northwestern campus of the Hospital, as well as inter-campus connectivity, facilitating the planned expansion of medical related services in the region and supporting economic development of Frederick County (County); and

**WHEREAS**, the County, by letter dated February 3, 2006, supports the request for the R/W and LACC; and

**WHEREAS**, the Virginia Department of Transportation (VDOT) has determined that the said shift of the right of way and limited access line in the vicinity of approximate Station 440+00 (Route 37 southbound lane baseline) and conditional LACC of approximately 70 feet in length, from a point 398.9 feet opposite Station 17+17.39 (Route 37 and Campus Boulevard Interchange Ramp D baseline) to a point 434.3 feet opposite Station 17+60.48 (Route 37 and Campus Boulevard Interchange Ramp D baseline), with roadway and ramp modifications as required, to provide direct access to the northwestern campus of the Hospital, as well as inter-campus connectivity, both located along the northwest side of the Route 37 and Campus Boulevard Interchange Ramp D northwest revised proposed right of way and limited access line (5/21/1992), as shown on the plans for State Highway Project 0037-138-101, RW-201, are appropriate for said interchange ramp from a design standpoint subject to further VDOT review and approval; and

**WHEREAS**, a global traffic analysis was prepared and reviewed, and VDOT has determined that the said proposed R/W and LACC for said interchange ramp will require further operational review and approval by VDOT in the future, however from a safety and traffic control standpoint regional growth demands on the Route 37 corridor far exceed any immediate operational impacts of the said proposed R/W and LACC; and

**WHEREAS**, a long term plan for the Route 37 corridor is under development by VDOT and the Win-Fred Metropolitan Planning Organization; and

**WHEREAS**, Valley Health and VDOT have agreed to the following conditions for the said proposed R/W and LACC:

- Valley Health shall donate and convey in fee simple, free of any liens and with General Warranty of title, all land and easements, including but not limited to easements of access, air and light, necessary to accommodate the said R/W and LACC to the Commonwealth without cost, compensation or mitigation; and

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- Valley Health will construct new termini for the southbound Route 37 ramps at Relocated Campus Boulevard, providing access to the northwestern campus of the Hospital, as hereinafter described, to VDOT specifications and subject to VDOT approval; and
- Valley Health will construct modifications to the existing northbound Route 37 ramps at Campus Boulevard to permit westerly movements to and from the said ramps subject to VDOT specifications and approval; and
- Valley Health will construct a second right turn lane at the northbound Route 37 ramp termini with Route 522 to mitigate queuing issues on said ramp concurrently with the said Campus Boulevard ramp improvements and gates herein described; and
- All right of way, engineering, construction, utility relocation, re-signing, and all necessary safety improvements shall meet all VDOT standards and requirements; and
- All parties concur that traffic safety on Route 37 is the first priority, and full and adequate operational functioning of Route 37 is the next priority; and
- Valley Health shall construct actuated gates within its property at the proposed LACC for access to the northwest campus of the Hospital, as part of and coinciding with the said ramp improvements, in order to permanently prohibit the general public from traveling between the northwestern campus of the Hospital and the Campus Boulevard Interchange; and
- All costs, infrastructure, and maintenance associated with the said gates shall be borne by Valley Health; and
- Valley Health will be permitted to issue up to 500 cards or passes to the said gates, for the exclusive use of campus employees, patients, and/or patient family members for inter-campus access; and
- VDOT may request independent audits, to be funded by Valley Health, of outstanding cards or passes to assure compliance with the conditions of this Resolution at any time VDOT deems appropriate; and
- The said access is subject to revocation and closure at any time if VDOT deems the management of the said restricted access is being abused or determines that any operational or safety conflicts are occurring; and
- Valley Health will complete all plans, posting of any bonds and obtain any permits, as necessary or required, within one year of CTB approval of the said proposed R/W and LACC; and
- All costs of engineering and construction, utility relocation, re-signing, including all necessary safety improvements, will be borne by the Valley Health; and
- A Memorandum of Agreement (hereinafter MOA) will be executed between Valley Health and VDOT, and made available to the County to confirm compliance of these conditions, current zoning restrictions on the northwestern

campus of the Hospital, and to consider participation in regional transportation projects in the future; and

- The said MOA shall be executed and recorded among the land records of Frederick County, Virginia within one (1) year of CTB approval of the said proposed R/W and LACC; and

**WHEREAS**, VDOT has determined that the said time frame for Valley Health to complete the requirements for all plans, posting of any bonds and obtaining any permits, as necessary or required, being within one year of CTB approval of the said proposed R/W and LACC is appropriate; and

**WHEREAS**, VDOT has determined there will be no adverse environmental impacts, pending a Phase 1 Archeology study to be completed after the plans are developed and prior to construction, to be conducted as part of the permit process; and

**WHEREAS**, public notices were posted in the Winchester Star and Northern Virginia Daily newspapers on November 2, 2009 and November 24, 2009; and the Shenandoah Valley Hit newspaper on November 6, 2009, all of which closed on December 1, 2009, with no comments received; and

**WHEREAS**, VDOT has determined that due to the restricted nature of the actuated gates within the Valley Health property at the proposed LACC for access to the northwest campus of the Hospital, no compensation shall be due VDOT in consideration of the said proposed LACC for access; or the said proposed shift due to utilization for public street purposes; and

**WHEREAS**, other than the period for completion of all plans, posting of any bonds, obtaining any permits, and execution/recordation of the MOA, the proposed R/W and LACC is in compliance with the Commonwealth Transportation Board Policy; and

**WHEREAS**, upon completion of all conditions and work by Valley Health and acceptance by VDOT, all work, roadway construction, improvements and equipment within the said revised proposed right of way and limited access of the Route 37 and Campus Boulevard Interchange (12/17/2009) will become the property of the Commonwealth.

**NOW, THEREFORE, BE IT RESOLVED**, in accordance with the provisions of Section 33.1-58 of the *Code of Virginia* (1950), as amended, the CTB hereby finds and concurs with the aforesaid VDOT determinations, and approves the said R/W and LACC shift for public street purposes; and that the CTB's earlier designation of Route 37 as a

limited access highway be amended to allow a restricted traffic limited access break from a point 398.9 feet left of existing Ramp D station 17+17.39 to a point 434.3 feet left of Resolution of the Board  
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existing Ramp D station 17+60.48, a width of approximately 70 feet, conditioned upon the following:

1. That ingress and egress gates be constructed on the Valley Health property to restrict traffic entering the Route 37/Campus Boulevard Interchange limited access break to employees, patients and/or patient family members requiring inter-campus access. Valley Health may issue up to 500 cards or passes to actuate the gates for passage.
2. That, if at any time the Department deems the management of the restricted access is being abused or determines that operational or safety conflicts are occurring, the limited access change will be revoked and the break will be closed.
3. That Department concurs with and approves the design of the interchange modifications and any other improvements that are required.
4. That Valley Health or others agree to provide the additional limited access right of way and pay all costs of the improvements as identified herein.

The Commonwealth Transportation Commissioner is hereby authorized to execute any and all documents needed to comply with this resolution.

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