



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Sean T. Connaughton  
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106  
Richmond, Virginia 23219

(804) 786-1830  
Fax: (804) 225-4700

*Agenda item # 10*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

March 16, 2011

#### MOTION

**Made By:Mr. Martin Seconded By:Mr. Peake Action: Motion Carried, Unanimously**

**Title: Limited Access Control Changes (LACC) and Land Use Permit**  
**Hokie Bikeways Phase IV Project**  
**Route 460 Bypass, Town of Blacksburg, Montgomery County**

**WHEREAS**, as a result of Project 7460-060-102, RW-201, between 1.600 miles north of Blacksburg and 1.877 miles north of the intersection with Route 114 in Montgomery County, Route 460 Bypass was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on October 13, 1966, and as subsequently amended on May 11, 1967; and,

**WHEREAS**, in connection with the said Bypass, State Highway Project 7460-060-102, RW-201, the Commonwealth acquired certain lands, and limited access control easements from various landowners for a proposed future interchange at the current Route 460 Bypass and Southgate Drive intersection; and,

**WHEREAS**, Virginia Polytechnic Institute and State University (Va. Tech) in conjunction with the Town of Blacksburg (Town) and the Friends of the Huckleberry (collectively the Project Sponsors), are sponsoring and developing a proposed transportation enhancement project that would construct a shared-use trail, being Phase IV of the Hokie Bikeways Trail and connection to the existing Huckleberry Trail; and,

**WHEREAS**, all of the said Trail is to be built on the property of Va. Tech, except a segment that is proposed to be located within the limited access roadway right-of-way adjacent to the southwest side of the Route 460 Bypass at the intersection with Southgate Drive, at a distance varying between 60 to 70 feet from the edge of existing shoulder along the top of a cut slope; and,

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**WHEREAS**, in a letter to the Virginia Department of Transportation (VDOT) Salem District dated November 10, 2009, Va. Tech indicated that the aforesaid interchange is no longer anticipated at this location and requested a 20 foot wide easement within the limited access right-of-way be conveyed for placement of the trail; and,

**WHEREAS**, VDOT does have plans to construct an interchange in the vicinity of this area, and while plans for the proposed interchange are not complete at this time it is not anticipated to affect the said Trail project within the limited access right-of-way; and,

**WHEREAS**, VDOT Salem District, on behalf of the Project Sponsors, has submitted a request for approval of Limited Access Control Changes (LACC), consisting of two breaks in the current limited access control, and approval to issue a land use permit to allow placement and use of the said Trail within the limits of the said limited access right of way at the aforesaid location; and,

**WHEREAS**, VDOT Salem District has identified and is requesting LACC consisting of two 35 foot breaks in the Route 460 Bypass southwest limited access line, as shown on the plans for VDOT Project EN01-150-111, C-504, located approximately 1,300 feet northwest and approximately 1,200 feet southeast of the existing Route 460 and Southgate Drive intersection, with the permitted use of the said limited access right-of-way for location and use of the said Trail being between the said breaks; and,

**WHEREAS**, should alteration or relocation of the said Trail be required in the future as solely determined by VDOT for a transportation project, or should VDOT determine any other future use for the property utilized by the proposed Trail, the proposed permit may be terminated by VDOT, at which time the proposed limited access breaks would extinguish and the lines for the limited access control be reestablished, and no compensation shall be due to the Sponsors of the said Trail Project, successors or assigns; and,

**WHEREAS**, should the Commonwealth Transportation Commissioner certify the property, a portion of which is utilized by the proposed Trail, does not constitute sections of the public roads and deems the property no longer necessary for the uses of any State Highway System, the proposed permit may be terminated by VDOT, and the property may be disposed of by VDOT, and no compensation shall be due to the Sponsors of the said Trail Project, successors or assigns; and,

**WHEREAS**, by agreement between VDOT and the Trail Project Sponsors, any and all costs relating to the said Trail relocation and reconstruction shall be born by the Sponsors of the

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said Trail Project, successors or assigns, and acknowledgement made that no compensation shall be due to the Project Sponsors of the said Trail project, successors or assigns, from the Commonwealth for loss of use, facilities or improvements, nor shall there be any eligibility or obligation for a replacement location to be provided by VDOT; and,

**WHEREAS**, VDOT Salem District staff have received and reviewed the detailed documentation for the said proposed LACC and Trail project location, and determined that the said LACC are appropriate from a design standpoint, and that the features of the proposed construction are to accommodate a proposed transportation enhancement project, with no changes or impacts or adverse affect in the safety, construction, operation, maintenance or stability of the highway system occurring as a result, and recommended their approval; and,

**WHEREAS**, VDOT has determined that with the said proposed LACC being for accommodation of a transportation enhancement project, and with no changes in the operation of the highway system occurring as a result, the Global Traffic Analysis for the LACC is not applicable; and,

**WHEREAS**, VDOT considered that since the said Trail location and proposed design will accommodate the said Trail Project, which has been coordinated with and included as a priority in the Montgomery County 2025 Comprehensive Plan, no further documentation of locality support is required for the said request; and,

**WHEREAS**, VDOT considers the public hearing held by Va. Tech for the said Trail Project on December 5, 2000, sufficient notice of the proposed LACC, as public notices were posted in the *Roanoke Times* newspaper on December 3, 4 and 5, 2000, with no comment received; and,

**WHEREAS**, VDOT has determined there will be no impacts to Route 460 Bypass resulting from the proposed LACC, therefore an environmental analysis is not warranted; and,

**WHEREAS**, all costs of any plans, engineering, construction or maintenance, to include any safety improvements for the said Trail located within the limits of the said limited access right-of-way, as determined necessary by VDOT, will be borne by the Project Sponsors; and,

**WHEREAS**, VDOT has determined that just compensation will not be required in consideration of the proposed LACC as they are being made to accommodate a transportation enhancement project; and,

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**WHEREAS**, the proposed LACC is in compliance with Title 24, Section 30, Chapter 401 of the Virginia Administrative Code; and,

**WHEREAS**, upon completion and acceptance of construction to include any safety improvements resulting from the proposed LACC, as determined necessary by VDOT, any work, construction, improvements and equipment relating to the roadway shall become or remain the property of the Commonwealth, and any work, construction, improvements and equipment relating to the said Trail project will become or remain the property of the Project Sponsors and/or the Permittee, their successors or assigns.

**NOW, THEREFORE, BE IT RESOLVED**, the CTB finds and concurs with the determinations made by VDOT for Global Traffic Analysis, environmental analysis, public notice and locality support; and in accordance with the provisions of Section 33.1-58 of the *Code of Virginia* (1950), as amended, the CTB hereby approves the said LACC and issuance of the said permit as set forth herein and subject to Title 24, Section 30, Chapters 151 and 401 of the Virginia Administrative Code and the above referred to conditions, and further subject to all of the terms and conditions for the said LACC and permit as specifically set forth above. The Commonwealth Transportation Commissioner is hereby authorized to execute any and all documents needed to comply with this resolution.

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