



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item # 12

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

June 14, 2016

MOTION

Made By: Mr. Dyke, Seconded By: Mr. Garczynski

Action: Motion Carried, Unanimously

Title: Designation of HOT Lanes and Conversion of HOV-2 Designation on Interstate-66 Outside the Capital Beltway to HOV-3

WHEREAS, pursuant to the provisions of § 33.2-501(F) of the *Code of Virginia*, the Commonwealth Transportation Board (the "CTB") bears authority to make the decision to convert the HOV-2 designation on Interstate-66 (I-66) outside the Capital Beltway to HOV- 3; and

WHEREAS, pursuant to § 33.2-501(F), the following conditions must be met by the Virginia Department of Transportation ("VDOT") before the HOV-2 designation of I-66 outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation: (1) VDOT must publish a notice of its intent to change the existing designation and also immediately provide similar notice of its intent to all members of the General Assembly representing districts that touch or are directly impacted by traffic on Interstate Route 66; (2) VDOT must hold public hearings in the corridor to receive comments from the public; and (3) VDOT must make a finding of the need for a change in such designation, based on public hearings and its internal data, and present this finding to the Board for approval; and

WHEREAS, pursuant to § 33.2-501(F), before the HOV-2 designation of I-66 outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation, the CTB shall make written findings and a decision based on the following criteria:

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- a. Is changing the HOV-2 designation to HOV-3 in the public interest?*
- b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate Route 66?*
- c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act Amendments of 1990?; and*

WHEREAS, pursuant to the provisions of § 33.2-501(F), VDOT, on April 22, 2016, mailed a notice of its intent to change the existing HOV-2 designation to HOV-3 to all members of the General Assembly representing districts that touch or are directly impacted by traffic on I-66; and

WHEREAS, pursuant to the provisions of § 33.2-501(F), VDOT published a notice of its intent to change the designation in a number of newspapers in the region on April 20, 21, 22, and 27, 2016 and on May 5 and 6, 2016; and

WHEREAS, pursuant to the provisions of § 33.2-501(F), VDOT held three public hearings on May 23, 24 and 25, 2016 to receive comments from the public regarding VDOT's intent to change the designation; and

WHEREAS, pursuant to the provisions of § 33.2-501(F), VDOT has made a finding of the need for a change in the HOV-2 designation on I-66 outside the Capital Beltway to HOV-3, based on the public hearings and its internal data (VDOT 501(F) Finding) and presented this finding, set forth in Attachment A, to the CTB on June 13, 2016; and

WHEREAS, the Department briefed the CTB on December 8, 2015 of its intention to procure a private developer through the Public Private Transportation Act (PPTA) (§§33.2-1800 et. seq. of the *Code of Virginia*) to build High Occupancy Toll (HOT) Lanes from Gainesville (Prince William County) to the Capital Beltway (Fairfax County), and to enter into a Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project ("draft Comprehensive Agreement") in Virginia; and

WHEREAS, pursuant to § 33.2-502 of the *Code of Virginia*, 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, the National Capital Region Transportation Planning Board has maintained a policy, since 2010, of increasing the occupancy requirements on all HOV lanes, including those on I-66 from HOV-2 to HOV-3 by 2020; and

WHEREAS, § 33.2-502, provides that the CTB may designate one or more lanes of any Interstate System, primary state highway system, or National Highway System, or any portion

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thereof, including lanes that may have previously been designated as HOV lanes, as HOT lanes; and

WHEREAS, pursuant to the terms of the draft Comprehensive Agreement, 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 that, pursuant to § 33.2-502 of the *Code of Virginia*, two lanes in each direction on I-66 from University Boulevard in Prince William County to I-495 in Fairfax County are hereby designated as HOT lanes with such designation to be implemented upon the issuance of a “Service Commencement Notice to Proceed” pursuant to any 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.

BE IT FURTHER RESOLVED, 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, 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.

BE IT FURTHER RESOLVED, by the CTB that, pursuant to § 33.2-501(F) of the *Code of Virginia*, the high-occupancy requirement for the HOT Lanes on I-66 outside the Capital Beltway is hereby designated 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.

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CTB Decision Brief
Designation of HOT Lanes and Conversion of HOV-2 Designation on Interstate-66 Outside the Capital Beltway to HOV-3

Issue: In furtherance of the Transform66 Outside the Beltway Project, the Virginia Department of Transportation (VDOT) seeks from the Commonwealth Transportation Board (1) a change in the HOV-2 designation on Interstate 66 (I-66) outside the Capital Beltway to HOV-3 and (2) designation of two lanes on Interstate 66 outside the Capital Beltway as High Occupancy Toll (HOT) Lanes, pursuant to §§ 33.2-501 and 33.2-502 of the *Code of Virginia*, respectively. For the reasons set out below, these designations by the CTB are being requested at the June action meeting, with a request to implement those changes 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 outside the Capital Beltway HOV/HOT Lanes Project, but not before January 2, 2020.

Facts: As presented by VDOT in its briefing to the CTB on December 8, 2015, VDOT intends to procure a private developer through the Public Private Transportation Act (PPTA) (§§33.2-1800 et. seq. of the *Code of Virginia*) to build High Occupancy Toll (HOT) Lanes from University Boulevard in Gainesville/Prince William County to the Capital Beltway in Fairfax County, and to enter into a Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 Outside the Capital Beltway HOV/HOT Lanes Project (“Comprehensive Agreement”).

Pursuant to § 33.2-502 of the *Code of Virginia*:

- The Board may designate one or more lanes of any highway, including lanes that may previously have been designated HOV lanes under § 33.2-501, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as HOT lanes.
- In making HOT lanes designations, the Board shall also specify the high-occupancy requirement and conditions for use of such HOT lanes or may authorize the Commissioner of Highways to make such determination consistent with the terms of a comprehensive agreement executed pursuant to § 33.2-1808.
- The high-occupancy requirement for a HOT lanes facility constructed or operated as a result of the Public-Private Transportation Act (§ 33.2-1800 et seq.) shall not be less than three.

Pursuant to § 33.2-501 of the *Code of Virginia*, the CTB is vested with the authority to designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as HOV lanes. However, pursuant to subsection F of § 33.2-501, certain conditions must be met by VDOT and the CTB before the HOV-2 designation of Interstate Route 66 outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation.

- Pursuant to § 33.2-501(F), the following conditions must be met by the Virginia Department of Transportation (“VDOT”) before the HOV-2 designation of I-66

outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation:

- (1) VDOT must publish a notice of its intent to change the existing designation and also immediately provide similar notice of its intent to all members of the General Assembly representing districts that touch or are directly impacted by traffic on Interstate Route 66;
- (2) VDOT must hold public hearings in the corridor to receive comments from the public; and
- (3) VDOT must make a finding of the need for a change in such designation, based on public hearings and its internal data, and present this finding to the Board for approval.

VDOT has complied with the foregoing three requirements and has issued the finding in the form of a Memorandum from the Commissioner of Highways, dated June 7, 2016 (VDOT 501(F) Finding) and attached hereto as Attachment A, that provides details regarding its compliance with § 33.2-501(F) and its finding that a change in the designation of HOV-2 on I-66 outside the Capital Beltway to HOV-3 is needed. However, VDOT would note that this change does not need to be implemented until 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 is issued.

- Pursuant to § 33.2-501(F), before the HOV-2 designation of I-66 outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation, the CTB must make written findings and a decision based on the following criteria:
 - a. *Is changing the HOV-2 designation to HOV-3 in the public interest?*
 - b. *Is there quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate Route 66?*
 - c. *Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act Amendments of 1990?*

VDOT would offer the following in support of the request that the CTB change the HOV-2 designation on I-66 outside the Capital Beltway to HOV-3:

- a. *Changing the HOV-2 designation to HOV-3 is in the public interest:*
 - The current HOV-2 lanes are degraded according to the Code of Federal Regulations, and are currently under a Degradation Mitigation Plan to try to achieve the minimum average operating speed;
 - The implementation of HOV-3 will reduce the number of vehicle miles traveled compared to HOV-2; and
 - The implementation of HOV-3 would reduce travel times and increase speeds for vehicles using the HOV lanes and for vehicles using the general purpose lanes.
- b. *There is quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate Route 66:*

- The Tier 2 EA Traffic Study model for the year 2025 shows that implementing HOV-3 (with no hybrids) in the current HOV lane will increase average travel speeds by 40-60% on both the HOV and the General Purpose (GP) lanes when compared against maintaining the current HOV-2 requirement:
 - i. in the Eastbound AM peak period, between Route 234 Bypass in Prince William County and I-495; and
 - ii. in the Westbound PM peak period, between Route 234 Bypass in Prince William County and I-495.
 - By reviewing the traffic projections from the Tier 2 EA Traffic Study modeling and historical speed data, and interpolating the data to the year 2020, the results demonstrate that implementing HOV-3 (with no hybrids) in the current HOV lane will increase average travel speeds by 50-60% on the HOV lanes when compared against maintaining the current HOV-2 requirement:
 - i. in the Eastbound AM peak period, between Route 234 Bypass in Prince William County and I-495.
 - ii. in the Westbound PM peak period, between Route 234 Bypass in Prince William County and I-495.
 - Additional data is available in VDOT’s Technical Report: Conversion of HOV-2 Designation on Interstate 66 Outside the Capital Beltway to HOV-3.
- c. *Changing the HOV-2 designation is beneficial to comply with the federal Clean Air Act Amendments of 1990*
- The implementation of HOV-3 will reduce the number of vehicle miles traveled in the I-66 corridor by 3% per day compared to HOV-2, resulting in an improvement in air quality. This will aid in complying with the Federal Clean Air Act Amendments of 1990.

It is also noted that, pursuant to legislation (Chapter 699, HB 407) enacted during the 2016 General Assembly, effective July 1, 2017, “the HOV-2 designation of Interstate 66 shall not be changed to HOV-3 or any more restrictive designation.” This legislation expires on January 1, 2020. Because it is anticipated that any Service Commencement Notice to Proceed will not be issued pursuant to a Comprehensive Agreement for the Project until approximately November of 2020, after the expiration date of Chapter 699, VDOT believes that the requested action seeking a change in the HOV requirement from HOV-2 to HOV-3 on I-66 outside the Capital Beltway to be implemented upon issuance of a Service Commencement Notice to Proceed is consistent with the intent of Chapter 699.

Recommendations: VDOT recommends that the CTB:

- (i) designate two lanes in each direction on I-66 from University Boulevard in Prince William County/Gainesville to I-495 in Fairfax County as HOT lanes, to be implemented upon the 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; and

(ii) approve the VDOT 501(F) Finding and issue 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

(iii) designate the high-occupancy requirement for the HOT Lanes on I-66 outside the Capital Beltway to be 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.

Action Required by CTB: The CTB will be presented with a resolution for a formal vote.

Results, if Approved: If approved, the resolution will result in the HOT Lanes designation on I-66 outside the Capital Beltway, approval of the VDOT 501 (F) Finding and issuance of the CTB finding, and a change in the HOV designation on I-66 outside the Capital Beltway from HOV-2 to HOV-3, as recommended by VDOT. These actions will facilitate negotiation of a Comprehensive Agreement and provide for optimal value in the procurement of the I-66 Outside the Capital Beltway HOV/HOT Lanes Project.

Options: Approve, Deny, or Defer.

Public Comments/Reaction:

At three public hearings held on May 23, 24, and 25, 2016, there were a total of 193 attendees and 22 speakers, and 11 comment sheets were submitted. Comments received regarding the HOV-2 to HOV-3 (or HOT-3) proposed designation include:

- Concern about infrastructure support for increased carpooling, such as park and ride lots that provide areas for informal carpools.
- Other support for increasing the occupancy requirement to 3.
- Request to consider starting out as HOV-2 and see if HOV-2 could work in the Express Lanes.
- Concern about vehicles that cannot meet the HOV-3 occupancy requirement diverting to the General Purpose lanes or other parallel corridors.
- Support for the conversion in 2020, which has been planned for several years.



Attachment A

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219 2000


Charles A. Kilpatrick, P.E.
Commissioner

MEMORANDUM

June 7, 2016

TO: The Honorable Aubrey L. Layne, Jr.
Secretary of Transportation/Chairman, Commonwealth Transportation Board

Members of the Commonwealth Transportation Board

FROM: Charles A. Kilpatrick, P.E.
Commissioner of Highways 

SUBJ: VDOT Finding Relating to Conversion of the HOV Lanes on I-66 Outside the Beltway from HOV-2 to HOV-3 Pursuant to § 33.2-501(F) of the *Code of Virginia*

Pursuant to § 33.2-501(F) of the *Code of Virginia*, certain conditions must be met before the HOV-2 designation of Interstate Route 66 (I-66) outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation. The purpose of this memorandum is to memorialize and present to the Commonwealth Transportation Board (CTB) for its approval, pursuant to § 33.2-501(F)(3), the Virginia Department of Transportation's finding of the need to change the HOV designation on I-66 outside the Capital Beltway from HOV-2 to HOV-3, with such change to be implemented as set forth herein.

Background

VDOT is currently engaged in a project, Transform66, which would transform Northern Virginia's Interstate 66 into a multi-modal corridor that moves traffic and people quicker and in a more reliable way. One portion of the project would transform 25 miles of I-66 from U.S. Route 15 in Haymarket to the I-495/Capital Beltway (I-66 outside the Capital Beltway) into a multimodal corridor that moves traffic and people more efficiently. Under the proposed plan, I-66 outside the Capital Beltway would be improved to provide:

- Three regular lanes in each direction

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- Two express lanes in each direction
- High-frequency bus service with predictable travel times
- Enhanced commuter park and ride lots
- Direct access between the express lanes and new or expanded commuter lots

The proposed improvements would provide new travel choices, while enhancing transportation safety and travel reliability.

As presented by VDOT in its briefing to the CTB on December 8, 2015, VDOT intends to procure a private developer through the Public Private Transportation Act (PPTA) (§§33.2-1800 et. seq. of the *Code of Virginia*) to build High Occupancy Toll (HOT) Lanes from University Boulevard in Gainesville to the Capital Beltway, and to enter into a Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 Outside the Capital Beltway HOV/HOT Lanes Project ("Comprehensive Agreement").

Pursuant to § 33.2-502 of the *Code of Virginia*, the high occupancy requirement for a HOT lanes facility constructed or operated as a result of the PPTA shall not be less than three. In addition, the National Capital Region Transportation Planning Board has maintained a policy, since 2010, of increasing the occupancy requirements on all HOV lanes, including those on I-66 from HOV-2 to HOV-3 by 2020. Pursuant to § 33.2-501 *Code of Virginia*, the CTB is vested with the authority to designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as HOV lanes. However, pursuant to subsection F of § 33.2-501, certain "conditions shall be met before the HOV-2 designation of Interstate Route 66 outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation."

In accord with § 33.2-501(F), the following conditions must be met by VDOT before the HOV-2 designation of I-66 outside the Capital Beltway can be changed to HOV-3 or any more restrictive designation: (1) VDOT must publish a notice of its intent to change the existing designation and also immediately provide similar notice of its intent to all members of the General Assembly representing districts that touch or are directly impacted by traffic on Interstate Route 66; (2) VDOT must hold public hearings in the corridor to receive comments from the public; and (3) VDOT must make a finding of the need for a change in such designation, based on public hearings and its internal data, and present this finding to the Board for approval.

In accord with the first requirement set forth in § 33.2-501(F), VDOT published notices of the intent to change the existing HOV designation on I-66 outside the Beltway in the following publications on the dates noted:

Papers Published	Dates Published
Washington Post - METRO	4/21, 5/5
El Tiempo Latino	4/22, 5/6
Washington Post – Fairfax & Prince William	4/21, 5/5
Loudoun Times Mirror	4/21, 5/5
Connection – Arlington, McLean, Fairfax	4/21, 5/5
Falls Church News-Press	4/21, 5/5

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Fairfax Times	4/22, 5/6
Gainesville Times	4/20, 4/27
Prince William Today	4/22, 5/6

In addition, letters were sent to members of the General Assembly in districts that touch or are directly impacted by traffic on I-66 (Senate Districts 28-37, and 39, and the House of Delegates Districts 13, 35, 37, 40, 47-51, 53, 67, and 87).

In accord with the second requirement set forth in § 33.2-501(F), VDOT held three public hearings at the locations on the dates noted below:

- May 23 – Oakton High School, Fairfax County
- May 24 – Virginia Department of Transportation, Northern Virginia District Office
- May 25 – Piney Branch Elementary School, Prince William County

At the public hearings there were a total of 193 attendees, 22 speakers, and 11 comment sheets were submitted. Comments received regarding the HOV-2 to HOV-3 (or HOT-3) proposed designation include:

- Concern about infrastructure support for increased carpooling, such as park and ride lots that provide areas for informal carpools.
- Other support for increasing the occupancy requirement to 3.
- Request to consider starting out as HOV-2 and see if HOV-2 could work in the Express Lanes.
- Concern about vehicles that cannot meet the HOV-3 occupancy requirement diverting to the General Purpose lanes or other parallel corridors.
- Support for the conversion in 2020, which has been planned for several years.

In accord with the third requirement set forth in § 33.2-501(F), VDOT has taken into consideration internal data and the public hearings for purposes of making the finding of the need for a change in the HOV-2 designation of I-66 outside the Capital Beltway. VDOT's finding and the basis for the finding are set forth below.

VDOT Finding

VDOT has determined that there is a need to change the HOV-2 designation on I-66 outside the Capital Beltway to HOV-3 in order to provide for the effective establishment and operation of HOT lanes on this portion of the highway pursuant to the PPTA. Further, in order to facilitate negotiations for a Comprehensive Agreement and provide for optimal value in the procurement of the project, VDOT has determined that the change needs to be made now, prior to issuance of the Request for Proposals, to afford the agency the ability to afford offerors certainty that such change has been made. While the change in designation needs to be made prior to publication of the RFP, the change need not and should not be implemented until such time as a Service Commencement Notice to Proceed is issued under any comprehensive agreement that is executed for the I-66 Outside the Capital Beltway HOV/HOT Lanes Project (Project).

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It is also noted that, pursuant to legislation (Chapter 699, HB 407) enacted during the 2016 General Assembly, effective July 1, 2017, “the HOV-2 designation of Interstate 66 shall not be changed to HOV-3 or any more restrictive designation.” This legislation expires on January 1, 2020. Because it is anticipated that any Service Commencement Notice to Proceed will not be issued pursuant to a Comprehensive Agreement for the Project until approximately November of 2020, after the expiration date of Chapter 699, VDOT believes that this finding is consistent with the intent of Chapter 699.

In addition to the foregoing, the following are additional factors that support VDOT’s finding that the HOV-2 designation on I-66 outside the Capital Beltway needs to be changed to HOV-3:

- a. *Changing the HOV-2 designation to HOV-3 is in the public interest:*
 - The current HOV-2 lanes are degraded according to the Code of Federal Regulations, and are currently under a Degradation Mitigation Plan to try to achieve the minimum average operating speed;
 - The implementation of HOV-3 would reduce the number of vehicle miles traveled in the I-66 corridor by 3% per day compared to HOV-2; and
 - The implementation of HOV-3 would reduce travel times and increase speeds for vehicles using the HOT/HOV lanes and for vehicles using the general purpose lanes.

- b. *There is quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate Route 66:*
 - The Tier 2 EA Traffic Study modeling for the year 2025 shows that implementing HOV-3 (with no hybrids) in the current HOV lane will increase average travel speeds by 40-60% on both the HOV and the General Purpose (GP) lanes when compared against maintaining the current HOV-2 requirement:
 - i. in the Eastbound AM peak period, between Route 234 Bypass in Prince William County and I-495; and
 - ii. in the Westbound PM peak period, between Route 234 Bypass in Prince William County and I-495.
 - By reviewing the traffic projections from the Tier 2 EA Traffic Study modeling and historical speed data, and interpolating the data to the year 2020, the results demonstrate that implementing HOV-3 (with no hybrids) in the current HOV lane will increase average travel speeds by 50-60% on the HOV lanes when compared against maintaining the current HOV-2 requirement:
 - i. in the Eastbound AM peak period, between Route 234 Bypass in Prince William County and I-495.
 - ii. in the Westbound PM peak period, between Route 234 Bypass in Prince William County and I-495.
 - Additional data is available in VDOT’s Technical Report: Conversion of HOV-2 Designation on Interstate 66 Outside the Capital Beltway to HOV-3.

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c. Changing the HOV-2 designation is beneficial to comply with the federal Clean Air Act Amendments of 1990

The implementation of HOV-3 would reduce the number of vehicle miles traveled in the I-66 corridor by 3% per day compared to HOV-2, resulting in an improvement in air quality. This will aid in complying with the Federal Clean Air Act Amendments of 1990.

Conclusion

Based on the foregoing, in my capacity as Commissioner of Highways, I concur and offer to the CTB, VDOT's finding that there is a present need to change the HOV-2 designation on I-66 outside the Capital Beltway to HOV-3, but that such change need not be implemented until the Service Commencement Notice to Proceed is issued under any comprehensive agreement that may be executed for the I-66 Outside the Capital Beltway HOV/HOT Lanes Project (Project) pursuant to the PPTA. This finding is not inconsistent with the intent of Chapter 699 of the 2016 Acts of Assembly as implementation of the HOV-3 designation on I-66 Outside the Capital Beltway is anticipated to occur after January 1, 2020.