



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 8

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

March 16, 2016

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Williams
Action: Motion Carried, Unanimously

Title: Proposed Limited Access Control Change
Route 58/MLK Expressway Extension
City of Portsmouth

WHEREAS, Route 58/MLK Expressway Extension, State Highway Project 0058-965-107, P-101, in the City of Portsmouth was designated as a Limited Access Highway by the Commonwealth Transportation Board (CTB), on September 19, 2012; and

WHEREAS, as part of the initial design of the MLK Expressway Extension, a pier was to be constructed along the north side of Turnpike Road to support the elevated expressway, which blocked access to parcels abutting Cassell Avenue from Harbor Drive via Cassell Avenue; and

WHEREAS, Cassell Avenue was previously vacated by the City of Portsmouth and ownership of the underlying fee reverted to the abutting landowners, with an ingress/egress easement granted in perpetuity to these lands, where also the limited access line previously approved by the CTB extends to the center of Cassell Avenue; and

WHEREAS, subsequent to CTB approval of the limited access line, a design modification to the pier was made which restored access to the said lands over Cassell Avenue and the proposed change in the endpoint of the Limited Access line is necessary to preserve legal access to Cassell Avenue for the property owners of those lands; and

WHEREAS, VDOT's Hampton Road's District has determined that, as there will be no impact to the operation of the MLK Expressway right of way, and the said Limited Access Control Change (LACC) is appropriate from a safety and traffic control standpoint, and has determined that a Global Traffic Analysis is not necessary because the LACC will not provide

access to the elevated expressway, and the change restores access to the properties from the local surface street that was in place prior to the project; and

WHEREAS, VDOT staff has determined there will be no adverse environmental impacts; and

WHEREAS, all right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements; and

WHEREAS, all costs of any engineering and construction or necessary safety improvements will be borne by VDOT; and

WHEREAS, The City of Portsmouth on March 9, 2016 stated that it does not object to the proposed LACC being considered herein; and

WHEREAS, VDOT has determined no compensation shall be due in consideration of the proposed LACC, as the change in the termini is a result of further design refinements to accommodate a public transportation project; and

WHEREAS, in accordance with §33.2-208 (B) of the *Code of Virginia* and the policies of the Commonwealth Transportation Board (CTB), a Willingness To Hold Public Hearing was posted in the *Virginian-Pilot* and the *New Journal and Guide* newspapers, on December 3, 2015 and December 11, 2015 and closed on December 18, 2015, for the purpose of considering the proposed limited access control change; and

WHEREAS, all comments received as a result of the posting of the notice were addressed by VDOT staff and there were no requests to hold a Public Hearing.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the statutes of the Commonwealth of Virginia and policies of the CTB, that the CTB hereby finds and concurs in the determinations and recommendations of VDOT made herein and directs that this corridor continue to be designated as a Limited Access Highway with the Limited Access Control being modified from the current locations as follows:

Beginning at a point on the west side of southbound MLK Expressway Extension 92.00 feet opposite Station 1031+19.34 (MLK Expressway (Route 164) construction baseline) to a point tying into the existing right of way and limited access line 107.86 feet opposite Station 1032+05.00 (MLK Expressway (Route 164) construction baseline).

BE IT FURTHER RESOLVED, the Commissioner of Highways is authorized to execute any and all documents necessary to implement such changes.

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