



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

1401 East Broad Street  
Richmond, Virginia 23219

(804) 786-2701  
Fax: (804) 786-2940

*Agenda item # 3*

### **RESOLUTION** **OF THE** **COMMONWEALTH TRANSPORTATION BOARD**

**May 18, 2016**

### **MOTION**

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

**Title: Proposed Limited Access Control Change (LACC)**  
**Route 23 (Orby Cantrell Highway), County of Wise**

**WHEREAS**, Route 23 (Orby Cantrell Highway), State Highway Project 0023-097-110, RW-201, in Wise County was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on May 11, 1967; and

**WHEREAS**, in connection with Route 23, State Highway Project 0023-097-110, RW-201, the Commonwealth acquired limited access control easements from Glamorgan Coal Land Corporation, a Virginia corporation, by Deed dated September 8, 1967, recorded in Deed Book 411, Page 417, recorded in the Office of the Clerk of the Circuit Court of the County of Wise; and

**WHEREAS**, Childers Oil Company is requesting a break of the limited access control on Route 23 in order to construct a right in and right out entrance on the southernmost portion of its property located at the intersection of West Main Street and Indian Creek Mountain Road, and to accommodate traffic in the south bound lane of Route 23 that would relieve congestion at the intersection controlled by the Virginia Department of Transportation (VDOT) traffic signal; and

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**WHEREAS**, the proposed break of approximately 80 feet, lies along the west existing right of way and limited access line of Route 23 (Orby Cantrell Highway), as shown on the plans for State Highway Project, 0023-097-107, RW-201, from a point opposite Station 345+00 (Route 23 construction centerline) to a point opposite approximate Station 345+80 (Route 23 construction centerline) for a connection to the southbound lane (SBL) of Route 23, with right in and right out only turning movements, with no median break or signalization, and the construction of a right turn taper along the southbound direction of Route 23; and

**WHEREAS**, the Wise County Board of Supervisors, by resolution approved February 11, 2016, authorized the County Administrator to request VDOT to issue a permit for the construction of an entrance as requested by Childers Oil Company, which requires the proposed break in limited access control by the CTB; and,

**WHEREAS**, VDOT's Bristol District has determined based upon a Traffic Impact Analysis, dated April 13, 2015, and revised July 27, 2015, October 2, 2015, and October 13, 2015, prepared by Mattern & Craig, that there will be no impact to the operation of the Route 23 right of way, and the said proposed Limited Access Control Change (LACC) is appropriate from a safety and traffic control standpoint; and

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

**WHEREAS**, public notices were posted in the *Coalfield Progress* newspaper, on March 18<sup>th</sup> and March 25<sup>th</sup>, 2016 and closed on April 2, 2016, with no comments received; 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 the requestor; and

**WHEREAS**, the requestor will be required to obtain a Land Use Permit prior to any activity within the Route 23 limited access right of way; and

**WHEREAS**, VDOT has determined that compensation in an amount satisfactory to the State Right of Way and Utilities Director shall be required for the LACC; and

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

**NOW, THEREFORE, BE IT RESOLVED**, in accordance and compliance with the provisions of § 33.2-401 of the *Code of Virginia*, the CTB hereby finds

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and concurs with the determinations made by VDOT, and approves the said LACC as set forth herein and subject to the above conditions.

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

####

**CTB Decision Brief**  
**Proposed Limited Access Control Change (LACC)**  
**Route 23 (Orby Cantrell Highway), County of Wise**  
**Limited Access Control Change**

**Issues:** Childers Oil Company has requested a break in limited access control along Route 23 (Orby Cantrell Highway) in order to install a commercial driveway entrance for access to and from the planned development of a convenience market with fuel pumps, onto the existing limited access right of way of Route 23. The proposed 80-foot break lies along the west existing right of way and limited access line of Route 23, as shown on the plans for State Highway Project 0023-097-107, RW-201, from a point opposite Station 345+00 (Route 23 construction centerline) to a point opposite approximate Station 345+80 (Route 23 construction centerline) for a connection to the southbound lane (SBL) of Route 23, with right in and right out only turning movements, with no median break or signalization, and the construction of a right turn taper along the southbound direction of Route 23. Pursuant to §33.2-401 of the *Code of Virginia*, and Title 24, Section 30, Chapter 401 of the Administrative Code of Virginia, the Commonwealth Transportation Board must approve the proposed break in the limited access control.

**Facts:**

- Wise County Board of Supervisors, by resolution approved February 11, 2016, authorized the County Administrator to request VDOT to issue a permit for the construction of an entrance onto the existing limited access right of way of Route 23, which requires a proposed break in limited access control to be approved by the Commonwealth Transportation Board (CTB).
- The Bristol District has determined based upon a Traffic Impact Analysis, dated April 13, 2015, revised July 27, 2015, revised October 2, 2015, and revised October 13, 2015, prepared by Mattern & Craig that there will be no impact to the operation of the Route 23 right of way and the said proposed Limited Access Control Change (LACC) is appropriate from a safety and traffic control standpoint.
- VDOT has determined that there will be no adverse environmental impacts associated with the proposed LACC.
- Public notices were posted in the *Coalfield Progress* newspaper, on March 18<sup>th</sup> and March 25<sup>th</sup>, 2016 and closed on April 2, 2016, with no comments received.
- All right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements.
- All costs of any engineering and construction or necessary safety improvements, will be borne by the requestor.
- The requestor will be required to obtain a Land Use Permit prior to any activity within the Route 23 limited access right of way.
- VDOT has determined that compensation in an amount satisfactory to the State Right of Way and Utilities Director shall be required for the limited access control changes.
- The LACC is in compliance with provisions of Title 24, Section 30, Chapter 401 of the Virginia Administrative Code.

**Recommendation:** VDOT recommends the approval of the proposed LACC as set forth in the resolution, subject to the referenced conditions and facts.

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**Action Required by CTB:** The *Code of Virginia* requires a majority vote of the CTB approving the recommended LACC. The CTB will be presented with a resolution for a formal vote.

**Result, if Approved:** The Commissioner of Highways will be authorized to execute any and all documents needed to comply with this resolution.

**Options:** Approve, Deny, or Defer.

**Public Comments/Reactions:** None

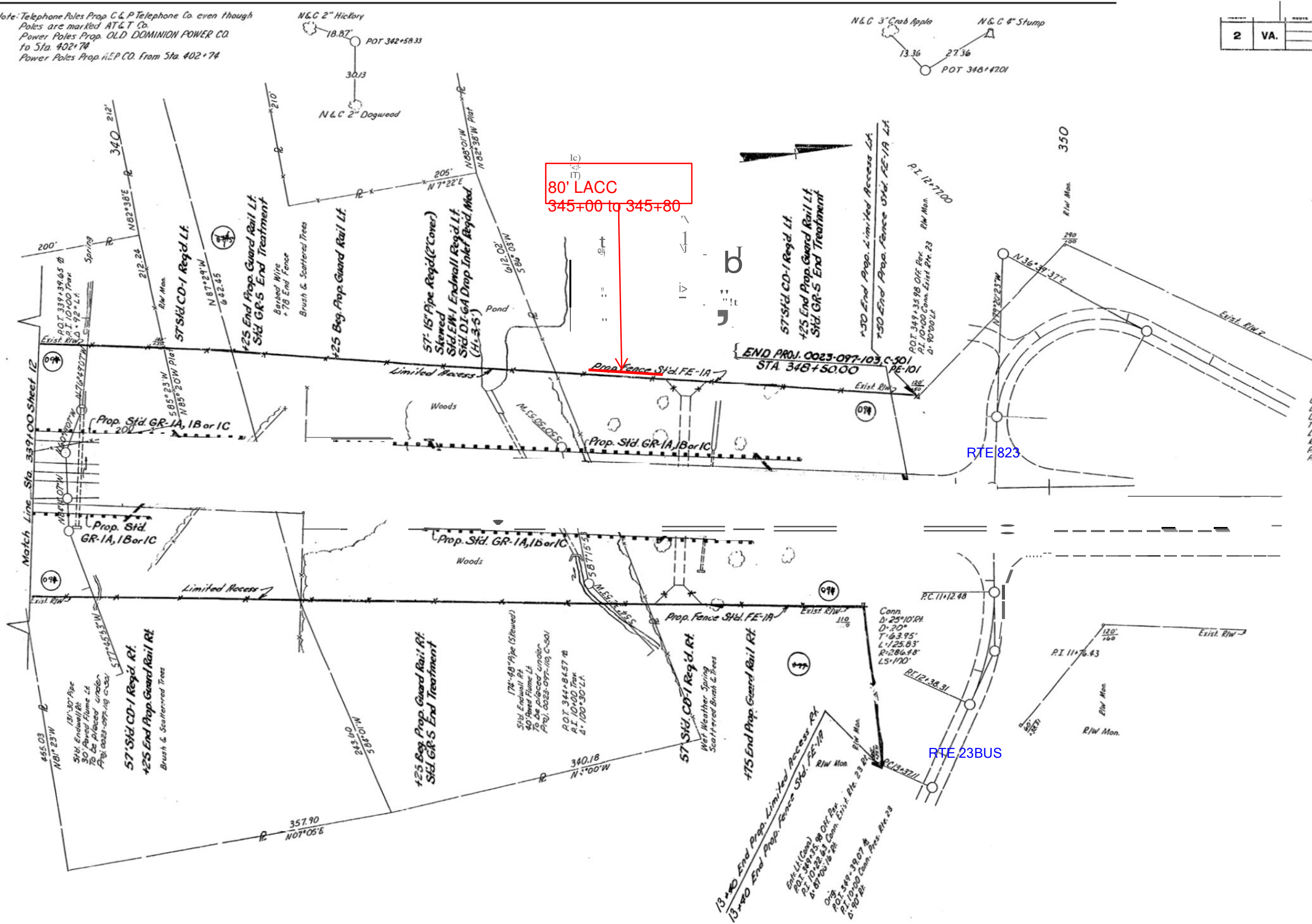
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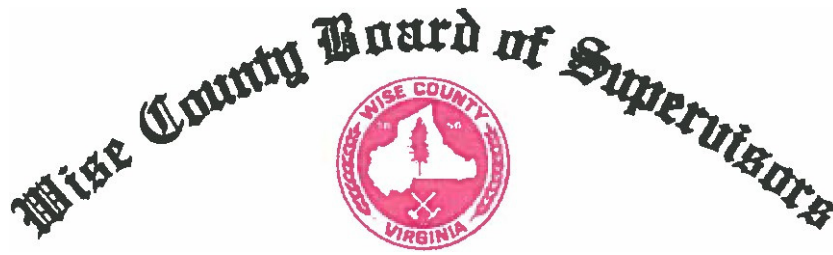
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TELEPHONE 278-328-2321  
FAX 276-328-9780

COURTHOUSE  
WISE, VIRGINIA 24293

P.O. BOX570  
206 E. MAIN STREET

February 19,2016

Steven Buston  
Virginia Department of Transportation  
District Planning Land Use Director  
870 Bonham Rd.  
Bristol, VA 24201

RE: Letter of Support from Wise County Board of Supervisors for the Virginia Department of Transportation to issue the appropriate permit upon application of Childers Oil Company, to allow for the construction of a "right in" -"right out" ingress/egress on the southernmost portion of property along US 23 where Childers Oil Company wishes to build a new modern convenience store, fueling stations and generic Welcome Center at the intersection of Wise West Main and Indian Creek Mountain Road in Wise County, Virginia

Dear Mr. Buston:

The Wise County Board of Supervisors met at a regular scheduled meeting of the Board on Thursday, February 11,2016 at which time the Board authorized me, as County Administrator, to write a Letter of Support as follows and as referenced above. Childers Oil Company plans to build a new and modern convenience store with fueling stations offering eight multi-product dispensers and three truck product dispensers and also contain within the convenience store, casual dining and a generic Welcome Center. This new and modern store is needed so badly because many of the convenience stores in the County are renovated buildings; small and not convenient for ingress/egress. There are a few modern stores located on US 23 or US 58, but most stores are as described above. None of the existing stores have the casual dining/meeting area component that is planned for this site.

The main ingress and egress for the property location will be controlled by a VDOT traffic signal, there remains a need for a secondary ingress/egress in the south-bound lane of US Route 23 in order to facilitate the flow of traffic into and exiting the proposed facility, and to enhance safety for motorists on US Route 23. The company proposes to construct a "right-in" and "right-out" ingress/egress on the southern-most portion of the property to accommodate traffic in the south-bound lane of US Route 23 that would also relieve potential congestion at the intersection controlled by the VDOT traffic signal.

The Wise County Industrial Development Authority envisions this project as an asset that could potentially create additional development in that immediate area, and fully embraces the development of this project. The Wise County Board of Supervisors requests the Virginia Department of Transportation to issue the appropriate permit, upon application of Childers Oil Company, to allow for the construction of a "right-in"- "right-out" ingress/egress on the southern-most portion of the property to further enhance the development of this project in WISC County.

Please don't hesitate to contact me should you have a question.

Sincerely,



Shannon E. Scott  
County Administrator  
276--328-2321  
[Scott\\_s@wisecounty.org](mailto:Scott_s@wisecounty.org)

Cc: Robert R. Adkins, BOS Chair  
Kenny Gilley, WE IDA Chair  
Cml Snodgrass, WE Econ. Dev. Dir.  
Ron Prewitt, Childers Oil  
Annette Underwood, Executive Secretary



**Industrial Development**  
 P.O.Box 570  
 Telephone (276) 328 2321  
 FAX (276) 328-9780



**RESOLUTION**

WHEREAS, Childers Oil Company is planning for the development of a fueling station and generic Welcome Center that will provide for eight multi-product dispensers and three truck product dispensers, on property along US Route 23, and located at the intersection of West Main Street and Indian Creek Mountain Road; and,

WHEREAS, The facility will also provide a convenience store and casual dining environment for the local citizenry and travelling public; and,

WHEREAS, The main ingress and egress for the property location will be controlled by a VDOT traffic signal, there remains a need for a secondary ingress/egress in the south-bound lane of US Route 23; and,

WHEREAS, In order to facilitate the flow of traffic into and exiting the proposed facility, and to enhance safety for motorists on US Route 23, the company proposes to construct a "right-in" and "right-out" ingress/egress on the southern-most portion of the property to accommodate traffic in the south-bound lane of US Route 23 that would also relieve potential congestion at the intersection controlled by the VDOT traffic signal; and,

WHEREAS, The Wise County Industrial Development Authority envisions this project as an asset that could potentially create additional development in that immediate area, and fully embraces the development of this project.

BE IT THEREFORE RESOLVED, The Wise County Industrial Development Authority does hereby respectively request the Virginia Department of Transportation issue the appropriate permit, upon application of Childers Oil Company, to allow for the construction of a "right-in"- "right-out" ingress/egress on the southern-most portion of the property to further enhance the development of this project in Wise County.

This resolution was adopted at a meeting of the Wise County Industrial Development Authority held on February 16, 2015.

Attest:

Wise County Industrial Development Authority

  
 Secretary

  
 Chairman

## PROPOSED BREAK IN LIMITED ACCESS Route 23 in Wise County, VA

Childers Oil Co. of Whitesville, KY proposes to construct a convenience store with gasoline and diesel pumps in the southwest quadrant of the signalized intersection of Route 23 and Indian Creek Road in Wise County, VA.

The approved Traffic Impact Analysis included a primary full access entrance on Indian Creek Road and a secondary right-in/right-out only entrance on southbound Route 23. (See attached site Exhibit A) The break in limited access is being requested to construct the right-in/right-out entrance on Route 23. In this location Route 23 is a four-lane divided highway with standard shoulder and ditch typical section. The speed limit is 55 mph. No median crossover is proposed for this entrance.

An Access Management Exception Request has been approved for the spacing between the signalized intersection and the proposed secondary entrance on Route 23. Acceleration and deceleration lanes will be provided at the entrance. The entrance will be a minimum of 30 feet of paved surface with proper shoulders and ditches, requiring a break in the limited access line of approximately 50 feet after construction is complete to allow for routine maintenance. The entrance will be stop/yield controlled. No signalization will be provided.

The traffic utilizing the proposed entrance in the design year (2022) is anticipated to be 34 vph in and 62 vph out in the AM peak hour and 29 vph in and 53 vph out in the PM peak hour. Between 6% and 9% of these vehicles are anticipated to be heavy vehicles.

MINUTES  
OF  
MEETING OF STATE HIGHWAY COMMISSION  
RICHMOND, VIRGINIA  
MAY 11, 1967

The monthly meeting of the Virginia State Highway Commission was held at the Highway Office Building, Richmond, Virginia, on May 11, 1967, at 10 A.M. Mr. J. B. Fupie, Chairman, presided.

Present: Messrs. Llanqhan, Cullen, FISI, rlok, Hollud, Landrith, McCusker, and Solater.

**Absent:** Mr. J. P. Robell and S. Weavsr, Jr.

Minutes of the meeting of April 11, 1967, presided by Mr. Fitzpatrick, were approved.

Motion made by Mr. Solater, seconded by Mr. Fitzpatrick, that the minutes of the meeting from April 10, 1967, to May 10, 1967, be approved.

On motion of Mr. Solater, seconded by Mr. Fitzpatrick, the minutes of the meeting from April 10, 1967, to May 10, 1967, be approved.

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**MOTION CARRIED.**

**Moved by** Mr. llclate.-,             M.-. Llmd:rtth,

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to exist along U. S. Route 28 and being shown on the plans for State Project OOJ13-017-U6, RW-201, right of Station 10 + 61.

Under the provisions of a contract for the construction of the U. S. Route 23, and being shown on the plans for State Project 0023-097-116, HW-201, right of Station 20 + 40 and extending in a northerly direction to a point approximately 0.303 mile north of the North Corner of the Town of Wise, a point being shown on the plans for State Project OOJ13-097-110, RW-1101, right of station 13 + 40 (Connecticut Road 11 of U. S. Route 23).

At the points of access will be permitted under the provision of a contract for the construction of U. S. Route 25 right of Station 14 + and at BODDINGTON to State Route 634 right of Station 313 +

The benefits are to be made a part of the right of the Union Station recorded,

MOTION CARRIED,

Moved by Mr. [redacted] & later, seconded by Mr. Chilton, [redacted]

WHEREAS, an engineering study has been completed on a section of Route 16 from the intersection with Route 11 in Smyth County to its intersection with Route 11 in Tazewell County; and

WHEREAS, a traffic study reveals that the use of Route 16 to be suitable for use by vehicles or combination of vehicles in excess of 10 feet in width due to grade, narrowness and curvature; and

WHEREAS, such use of Route 16 by vehicles or combination of vehicles in excess of thirty - five feet in width is a definite threat to the safety of other road users.

NOW, THEREFORE, BE IT RESOLVED, That the Highway Commission of Virginia, under authority of 46-46 of the Highway Law of Virginia, does hereby proclaim it to be unlawful to operate any vehicle or combination of vehicles in excess of thirty-five feet in length on that portion of Route 16 between its intersection with Route 11 in Smyth County and its intersection with Route 19 in Tazewell County except for the purpose of delivering goods or services to people or places on the right of way of Route 16, or vicinity thereof,

MOTION CARRIED.