



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda Item #2

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

February 16, 2017

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Connors

Action: Motion Carried, Unanimously

Title: Designation of the I-95 Express Lanes Southern Terminus Extension and the I-395 Express Lanes Northern Extension as HOT Lanes

WHEREAS, pursuant to the Public-Private Transportation Act of 1995 (“PPTA”), (*Code of Virginia* §§33.2-1800 *et seq.*), the Virginia Department of Transportation (the “Department” or “VDOT”) is granted the authority to allow private entities to develop and/or operate qualifying transportation facilities; and

WHEREAS, on July 31, 2012, pursuant to the PPTA, the Virginia Department of Transportation (the “Department”) and 95 Express Lanes, LLC entered into a comprehensive agreement, relating to the I-95 HOV/HOT Lanes Project to develop, design, finance, construct, maintain, and operate 29 continuous miles of HOT lanes on Interstates 95 and 395 (the “95 HOT Lanes”) in Virginia (the “Comprehensive Agreement”); and

WHEREAS, section 33.2-502 of the *Code of Virginia* provides that the Commonwealth Transportation Board (CTB) may designate one or more lanes of any highway including lanes previously classified as HOV lanes, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as HOT lanes; and

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WHEREAS, pursuant to section 33.2-502, in making HOT lanes designations, the CTB is required to 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, however, 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, by Resolution dated September 17, 2014 the CTB designated certain lanes that run from approximately two miles north of the Capital Beltway near Turkeycock Run, milepost 2.0 on Interstate 395, at the northern terminus, to Garrisonville Road (VA Route 610) near milepost 143.6 on Interstate 95 at the southern terminus as HOT Lanes; and

WHEREAS, on May 2, 2016, the Department entered into an amendment (the “First Amendment”) to the Comprehensive Agreement to extend the 95 HOT Lanes south 2.2 miles by constructing one reversible HOT lane and adding new HOT lane access points (the “I-95 Express Lanes Southern Terminus Extension”); and

WHEREAS, the Department anticipates amending the Comprehensive Agreement to convert the existing I-395 HOV lanes to HOT Lanes from Turkeycock Run to the Washington D.C. line for a distance of approximately eight miles, and to construct one additional reversible lane which is intended to also be designated as a HOT lane within the current footprint of the reversible HOV lanes from Turkeycock Run to 0.5 miles south of Eads Street (the “I-395 Express Lanes Northern Extension”); and

WHEREAS, the Department intends for the I-395 Express Lanes Northern Extension, and the I-95 Express Lanes Southern Terminus Extension to be tolled using congestion pricing.

NOW, THEREFORE, BE IT RESOLVED that the CTB hereby designates the I-95 Express Lanes Southern Terminus Extension and the I-395 Express Lanes Northern Extension as HOT Lanes, in accordance with Va. Code §33.2-502, to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to the Comprehensive Agreement, as amended.

BE IT FURTHER RESOLVED that the CTB hereby specifies the high-occupancy requirement for the I-95 Express Lanes Southern Terminus Extension and the I-395 Express Lanes Northern Extension as HOV-3, in accordance with Va. Code §33.2-502, to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to the Comprehensive Agreement, as amended.

BE IT FURTHER RESOLVED that the CTB hereby authorizes the Commissioner of Highways to establish the conditions for use of the I-95 Express Lanes Southern Terminus

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Extension and I-395 Express Lanes Northern Extension in accordance with the terms and conditions of the Comprehensive Agreement, as amended.

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CTB Decision Brief
Designation of the I-95 Express Lanes Southern Terminus Extension and the I-395 Express Lanes Northern Extension as HOT Lanes

Issue: On May 2, 2016, the Virginia Department of Transportation (“VDOT”) entered into an amendment (the “First Amendment”) to the Comprehensive Agreement Relating to the I-95 HOV/HOT Lanes Project (“Comprehensive Agreement”) to extend the 95 HOT Lanes south 2.2 miles by constructing one reversible HOT lane and adding new HOT lane access points (the “I-95 Express Lanes Southern Terminus Extension”). Furthermore, as contemplated under the Comprehensive Agreement, VDOT and 95 Express Lanes LLC are also engaged in efforts to develop and procure a project to convert the existing I-395 HOV lanes to HOT Lanes from Turkeycock Run to the Washington D.C. line for a distance of approximately eight miles, and to construct one additional reversible lane which is intended to also be designated as a HOT lane within the current footprint of the reversible HOV lanes from Turkeycock Run to 0.5 miles south of Eads Street (the “I-395 Express Lanes Northern Extension”). Pursuant to § 33.2-502 of the *Code of Virginia* VDOT is requesting that the Commonwealth Transportation Board designate the I-95 Express Lanes Southern Terminus Extension and the I-395 Express Lanes Northern Extension as HOT Lanes with a high occupancy requirement of 3.

Facts:

- On July 31, 2012, pursuant to the Public-Private Transportation Act of 1995 (“PPTA”), (*Code of Virginia* §§33.2-1800 *et seq.*), VDOT and 95 Express Lanes, LLC entered into the Comprehensive Agreement to develop, design, finance, construct, maintain, and operate 29 continuous miles of HOT lanes on Interstates 95 and 395 (the “95 HOT Lanes”) in Virginia.
- Section 33.2-502 of the *Code of Virginia* provides that the Commonwealth Transportation Board (CTB) may designate one or more lanes of any highway including lanes previously classified as HOV lanes, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as HOT lanes.
- Section 33.2-502 also provides that the CTB, in making HOT lanes designations, is required to 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, however, the high-occupancy requirement for a HOT lanes facility constructed or operated as a result of the PPTA shall not be less than three.
- By Resolution dated September 17, 2014 the CTB designated certain lanes that run from approximately two miles north of the Capital Beltway near Turkeycock Run, milepost 2.0 on Interstate 395, at the northern terminus, to Garrisonville Road (VA Route 610) near milepost 143.6 on Interstate 95 at the southern terminus as HOT Lanes; and
- On May 2, 2016, the Department entered into an amendment (the “First Amendment”) to the Comprehensive Agreement to extend the 95 HOT Lanes south 2.2 miles by constructing one reversible HOT lane and adding new HOT lane access points (the “I-95 Express Lanes Southern Terminus Extension”).
- The Department anticipates amending the Comprehensive Agreement to convert the existing I-395 HOV lanes to HOT Lanes from Turkeycock Run to the Washington D.C. line for a distance of approximately eight miles, and to construct one additional reversible lane which is intended to also be designated as a HOT lane within the current footprint of the reversible HOV lanes from Turkeycock Run to 0.5 miles south of Eads Street (the “I-395 Express Lanes Northern Extension”).

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- The Department intends for the I-395 Express Lanes Northern Extension, and the I-95 Express Lanes Southern Terminus Extension to be tolled using congestion pricing.
- In order for the I-395 Express Lanes Northern Extension and the I-95 Express Lanes Southern Terminus Extension to be operated as HOT Lanes, the CTB must designate the portions of the highway encompassed by the projects as HOT lanes.

Recommendation: that the CTB (1) designate the I-95 Express Lanes Southern Terminus Extension and the I-395 Express Lanes Northern Extension as HOT Lanes, in accordance with Va. Code §33.2-502, to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to the Comprehensive Agreement, as amended; (2) specify the high-occupancy requirement for the I-95 Express Lanes Southern Terminus Extension and the I-395 Express Lanes Northern Extension as HOV-3, in accordance with Va. Code §33.2-502, to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to the Comprehensive Agreement, as amended; and (3) authorize the Commissioner of Highways to establish the conditions for use of the I-95 Express Lanes Southern Terminus Extension and I-395 Express Lanes Northern Extension in accordance with the terms and conditions of the Comprehensive Agreement, as amended.

Action Required by CTB: Section 33.2-502 requires a majority vote of the CTB adopting or approving the recommended actions. The CTB will be presented with a resolution for a formal vote.

Result, if Approved: The I-95 Express Lanes Southern Terminus Extension and the I-395 Express Lanes Northern Extension as HOT Lanes, will be designated as HOT lanes with a high occupancy requirement of 3, in accordance with Va. Code §33.2-502, to be implemented upon issuance of a “Service Commencement Notice to Proceed” pursuant to the Comprehensive Agreement, as amended; and the Commissioner of Highways will be authorized to establish the conditions for use of the I-95 Express Lanes Southern Terminus Extension and I-395 Express Lanes Northern Extension in accordance with the terms and conditions of the Comprehensive Agreement, as amended.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None