



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 # 1

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 20, 2017

MOTION

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

Action: Motion Carried, Unanimously

**Title: Approval of Proposed Limited Access Control Changes
(LACCs) for Route 7 over Dulles Airport Toll Road and Airport Access Highway
County of Fairfax**

WHEREAS, the Federal Aviation Administration (FAA), on behalf of the United States of America, acquired property, designed and built the Dulles Airport Access Highway (DAAH), Federal Highway Project 34-5(6), from I-495 to the Washington Dulles International Airport to serve airport users, specifically restricting the number and specifically determining the location of points of public access and egress for the said DAAH, which opened to traffic in 1962; and

WHEREAS, the Virginia Department of Highways and Transportation, predecessor to the Virginia Department of Transportation (VDOT), entered into an agreement with the FAA on January 10, 1983, to construct, reconstruct, operate and maintain a limited access toll road, now designated as Route 267, along the DAAH corridor (the "Toll Road"); and

WHEREAS, the State Highway and Transportation Commission, predecessor to the Commonwealth Transportation Board (CTB), by Resolution dated August 20, 1981, and the CTB by Resolution dated October 26, 1988, approved the location and design features of the Toll Road, including its designation as a limited access highway in Fairfax County; and,

WHEREAS, a Design Public Hearing was held at the Colvin Run Elementary School 1400 Trap Road, Vienna, VA 22182 on Thursday February 20, 2014, between 6:00 pm and 8:00

Resolution of the Board
Proposed Limited Access Control Changes (LACC)
Route 7 over Dulles Airport Toll Road and Airport Access Highway
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pm for the purpose of considering proposed State Highway Project 0007-029-139, P101, R201, C501, B617, B618, UPC 82135 (“Route 7 over Dulles Airport Toll Road and Airport Access Highway” or “Project”); and

WHEREAS, the proposed Project involves replacing and widening the two bridges on Route 7 that are over the Toll Road, including modifying the substructure and replacing the abutments, so that Route 7 from Jarrett Valley Drive to Tyco Road will be widened to six-lanes and a shared-use path will be provided from an existing path to north of Jarrett Valley Drive; and

WHEREAS, proper notice of the Design Public Hearing was given in advance, and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, their statements being duly recorded; and

WHEREAS, the location of the proposed shared use path allowing pedestrian and bicycle access requires a change to the limited access control area as reflected on the Limited Access Exhibit and the Limited Access Table attached hereto; and

WHEREAS, a Notice of Willingness for Public Comment for the LACC was posted on April 27, 2017, with the comment period closing on May 8, 2017, and no requests for a hearing or other comments were received; and

WHEREAS, this project is located in an area designated as non-attainment for air quality, however, the project is exempt from the requirement to conduct a conformity review pursuant to the federal Transportation Conformity Rule (40 CFR Part 93), and VDOT has concluded that the project is not regionally significant and will not have an adverse impact on air quality; and

WHEREAS, the Chief Engineer has determined that the proposed change will not adversely affect the safety or operation of the highways; and

WHEREAS, the economic, social and environmental effects of the proposed project have been duly examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed; and

WHEREAS, the proposed Project is in compliance with National Environmental Policy Act (NEPA) requirements and a Categorical Exclusion (CE), approved on July 18, 2013, was prepared under an agreement between VDOT and the Federal Highway Administration; and

WHEREAS, the County of Fairfax has, by letter dated May 2, 2017, endorsed the Project and the proposed LACCs as presented; and

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WHEREAS, FHWA has provided the requisite approval for State Highway Project 0007-029-139, P101, R201, C501, B617, B618 UPC 82135 and the proposed LACC; and

WHEREAS, the Department has reviewed the requested change and determined that all requirements of 24 VAC 30-401-20 have been met; and

WHEREAS, VDOT recommends approval of the LACC as proposed and seeks authorization for the Commissioner to take all actions necessary to implement that decision;

NOW, THEREFORE, BE IT RESOLVED, in accordance with §33.2-401 of the *Code of Virginia* and Title 24, Agency 30, Chapter 401 of the *Virginia Administrative Code*, that the CTB hereby finds and concurs in the determinations and recommendations of VDOT made herein, and directs that the Toll Road and Route 7 interchange continue to be designated as a limited access control area, with the boundaries of limited access control being modified from the current locations as reflected on the Limited Access Exhibit and the Limited Access Table, attached hereto, including the location of a shared use path within the limited access control area running generally parallel to Ramp A from the eastbound Toll Road to eastbound Route 7.

BE IT FURTHER RESOLVED, that during construction a temporary break will be strategically placed to allow alternate access to the existing shared use path, but that eventually there will be a permanent break, with the final locations of said limited access control areas and breaks in limited access to be as shown on the final, as built plans for the Project:

BE IT FURTHER RESOLVED, the location of the shared use path within the area designated as limited access and its construction and maintenance is approved as proposed and presented in the plans for the Project as presented to the public by VDOT.

BE IT FURTHER RESOLVED, that pedestrians and bicyclists are authorized to use the proposed shared use path within and through the areas designated as limited access.

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

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CTB Decision Brief
Proposed Limited Access Control Changes
Route 7 over Dulles Airport Toll Road and Airport Access Highway
Project 0007-029-139, P101, R201, C501, B617, B618
UPC 82135
County of Fairfax

Issues: VDOT constructed a limited access toll road (the “Toll Road”) leading to Dulles Airport. State Highway Project 0007-029-139, P101, R201, C501, B617, B618, UPC 82135 (“Route 7 over Dulles Airport Toll Road and Airport Access Highway” or the “Project“) involves replacing and widening the two bridges on Route 7 that are over the Toll Road. The project will require a break in Limited Access on the Toll Road, a Limited Access Control Change or LACC, to accommodate construction of a shared-use path parallel to Ramp A from the eastbound Toll Road to eastbound Route 7, in the County of Fairfax, as proposed and noted in the Limited Access Exhibit attached. During construction, a temporary break would be strategically placed to allow alternate access to the existing shared use path. Eventually there would be a permanent break with the ultimate location of the break as shown on the final plans. Pursuant to §33.2-401, the Commonwealth Transportation Board (CTB) must approve this LACC and the request to authorize the Commissioner of Highways to take action to implement this change.

Facts:

- The Federal Aviation Administration (FAA), on behalf of the United States of America, acquired property, designed and built the Dulles Airport Access Highway (DAAH), Federal Highway Project 34-5(6), from I-495 to the Washington Dulles International Airport to serve airport users, specifically restricting the number and specifically determining the location of points of public access and egress for the said DAAH, which opened to traffic in 1962.
- The Virginia Department of Highways and Transportation, predecessor to the Virginia Department of Transportation (VDOT), entered into an agreement with the FAA on January 10, 1983, to construct, reconstruct, operate and maintain the Toll Road, now designated as Route 267, along the DAAH corridor.
- The State Highway and Transportation Commission, predecessor to the Commonwealth Transportation Board (CTB), by Resolution dated August 20, 1981, and the CTB by Resolution dated October 26, 1988, approved the location and design features of the Toll Road, including its designation as a limited access highway in Fairfax County.
- A Design Public Hearing regarding the Project was held on Thursday February 20, 2014, between 6:00 pm and 8:00 pm at the Colvin Run Elementary School 1400 Trap Road, Vienna, VA 22182. The Project includes modifying the substructure and replacing the abutments. Route 7 from Jarrett Valley Drive to Tyco Road will be widened to six-lanes and a shared-use path will be provided from an existing path to north of Jarrett Valley Drive.
- Proper notice of the Design Public Hearing was given in advance, and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed Project as presented, their statements being duly recorded in emails and comment sheets.

- The location of the proposed shared use path allowing pedestrian and bicycle access requires a change to the limited access control area as reflected on the Limited Access Exhibit and the Limited Access Table attached hereto.
- A Notice of Willingness for Public Comment regarding the LACC was posted on April 27, 2017 with the comment period closing May 8, 2017 and no requests for a hearing or other comments were received.
- This project is located in an area designated as non-attainment for air quality, however, the project is exempt from the requirement to conduct a conformity review pursuant to the federal Transportation Conformity Rule (40 CFR Part 93), and VDOT has concluded that the project is not regionally significant and will not have an adverse impact on air quality.
- The written determination of the Chief Engineer regarding this proposed project is attached for the consideration of the CTB.
- The economic, social and environmental effects of the proposed project have been duly examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed.
- The proposed Project is in compliance with National Environmental Policy Act (NEPA) requirements and a Categorical Exclusion (CE), approved on July 18, 2013, was prepared under an agreement between VDOT and the Federal Highway Administration.
- The Project is in the County of Fairfax which has, by letter dated May 2, 2017, endorsed the project and the proposed LACCs as presented.
- FHWA has provided the requisite approval for State Highway Project 0007-029-139, P101, R201, C501, B617, B618 UPC 82135 and the proposed LACC.
- The Chief Engineer has determined that the proposed change will not adversely affect the safety or operation of the highways.
- The proposed LACC is in compliance with the policies and requirements of the CTB contained in Title 24, Agency 30, Chapter 401 of the *Virginia Administrative Code*.

Recommendations: VDOT recommends that the CTB approve the resolution authorizing the LACC on Route 7 over the Toll Road. As a result, the boundaries of limited access control will be modified from the current locations as reflected on the Limited Access Exhibit and the Limited Access Table, attached hereto, including the location of a shared use path within the limited access control area running generally parallel to Ramp A from the eastbound Toll Road to eastbound Route 7. During construction, a temporary break would be strategically placed to allow alternate access to the existing shared use path. Eventually there would be a permanent break with the ultimate location of the break as shown on the final, as built plans for the Project.

VDOT further recommends that the location of the shared use path within the area designated as limited access and its construction and maintenance be approved as proposed and presented in the plans for the Project as presented to the public by VDOT, and that pedestrians

CTB Decision Brief
Proposed Limited Access Control Changes (LACC)
Route 7 over Dulles Airport Toll Road and Airport Access Highway
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and bicyclists be authorized to use the proposed shared use path within and through the areas designated as limited access.

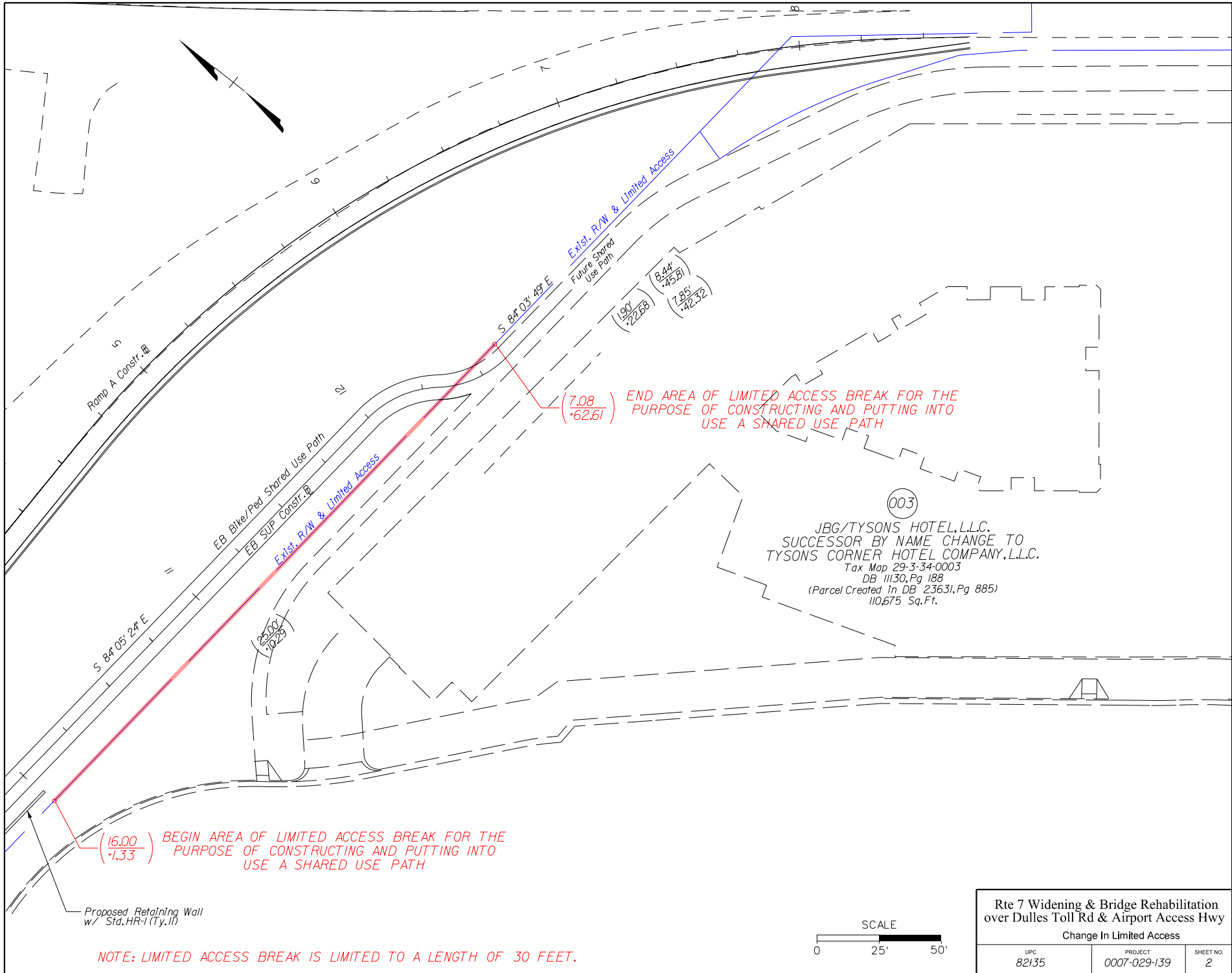
Finally, VDOT recommends that the Commissioner be authorized to take all actions necessary to implement the changes authorized in the Resolution.

Action Required by CTB: Virginia Code § 33.2-401 requires a majority vote of the CTB to approve the recommended LACC. The CTB will be presented with a resolution for a formal vote to approve the LACC and to provide the Commissioner of Highways the requisite authority to execute all documents necessary to implement the LACC.

Result, if Approved: The limited access control change will be authorized and the Commissioner of Highways will be authorized to execute any and all documents needed to comply with the resolution, and the Project will move forward.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: There were no public comments received regarding the modifications to the area designated as limited access in response to the Notice of Willingness for Public Comment.



(16.00 / -1.33) BEGIN AREA OF LIMITED ACCESS BREAK FOR THE PURPOSE OF CONSTRUCTING AND PUTTING INTO USE A SHARED USE PATH

(7.08 / -62.61) END AREA OF LIMITED ACCESS BREAK FOR THE PURPOSE OF CONSTRUCTING AND PUTTING INTO USE A SHARED USE PATH

003
 JBG/TYSONS HOTEL, L.L.C.
 SUCCESSOR BY NAME CHANGE TO
 TYSONS CORNER HOTEL COMPANY, L.L.C.
 Tax Map 29-3-34-0003
 DB 11/30, Pg 188
 (Parcel Created in DB 23631, Pg 885)
 110,675 Sq.Ft.

Proposed Retaining Wall w/ Std.HR-1(Ty.II)

NOTE: LIMITED ACCESS BREAK IS LIMITED TO A LENGTH OF 30 FEET.



Rte 7 Widening & Bridge Rehabilitation over Dulles Toll Rd & Airport Access Hwy		
Change In Limited Access		
UPC 82135	PROJECT 0007-029-139	SHEET NO. 2

6/28/2017

11/16/2016
2:24:40 PM

LIMITED ACCESS HIGHWAY By Resolution of Highway Commission dated Aug. 21, 1981

LIMITED ACCESS HIGHWAY By Resolution of Commonwealth Transportation Board dated July 18, 1987

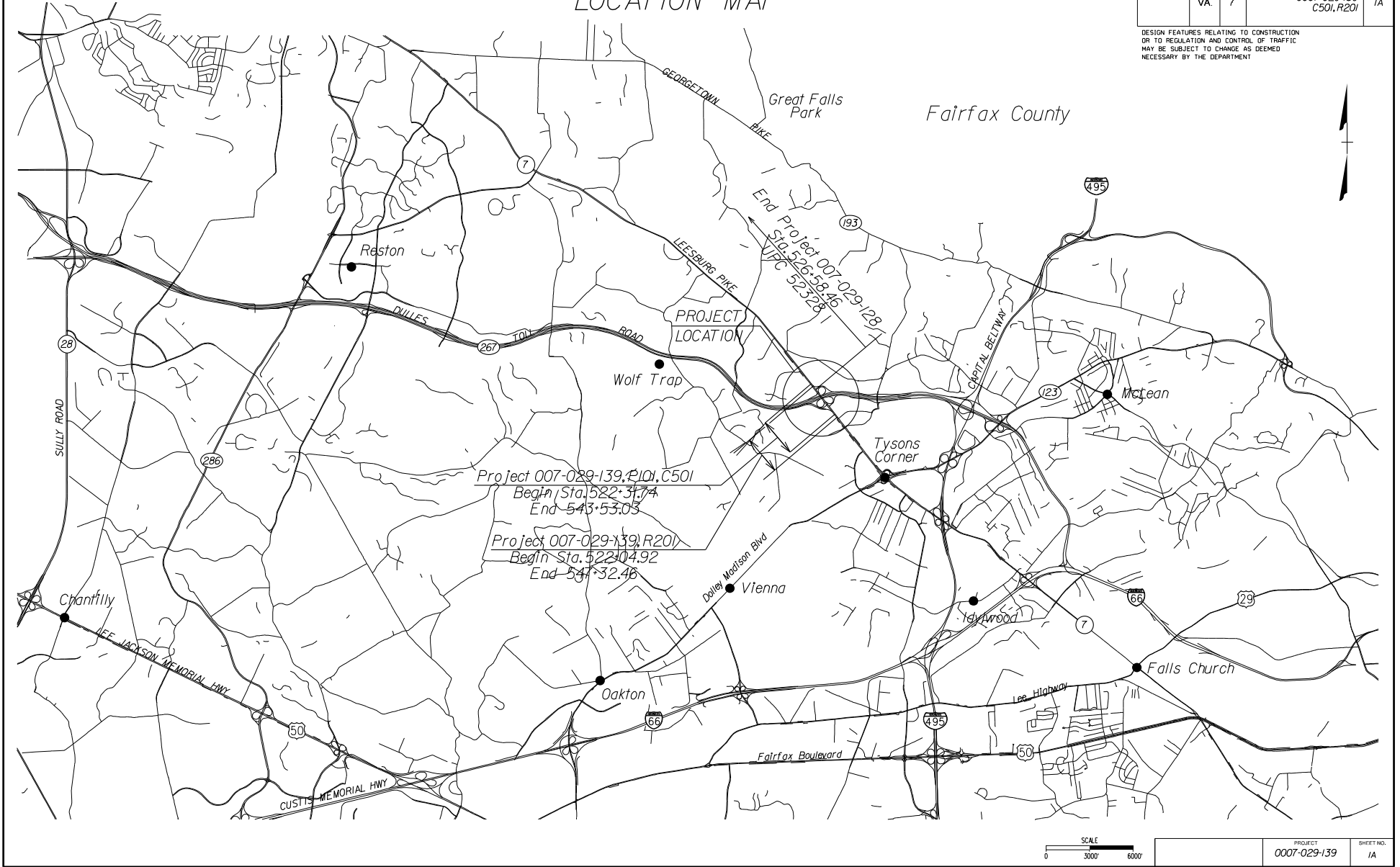
d82135004.dgn
Plotted By: kcaluser
Board dated July 18, 1987

PROJECT MANAGER: Morgan Peterson (703) 259-1844 (VP/IT, NOVA)
SURVEYED BY, DATE: Steve Thomas, L.S. (703) 334-9273 (RDA, P.C. August 2015)
DESIGN BY: Daryl E. Fisher, P.E., (703) 334-0823 (RDA, P.C.)
SUBSURFACE UTILITY BY, DATE: Steve Thomas, L.S. (703) 334-9273 (RDA, P.C. August 2015)

LOCATION MAP

REVISION	STATE	ROUTE	STATE PROJECT	SHEET NO.
	VA.	7	0007-029-139 C501, R201	1A

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT



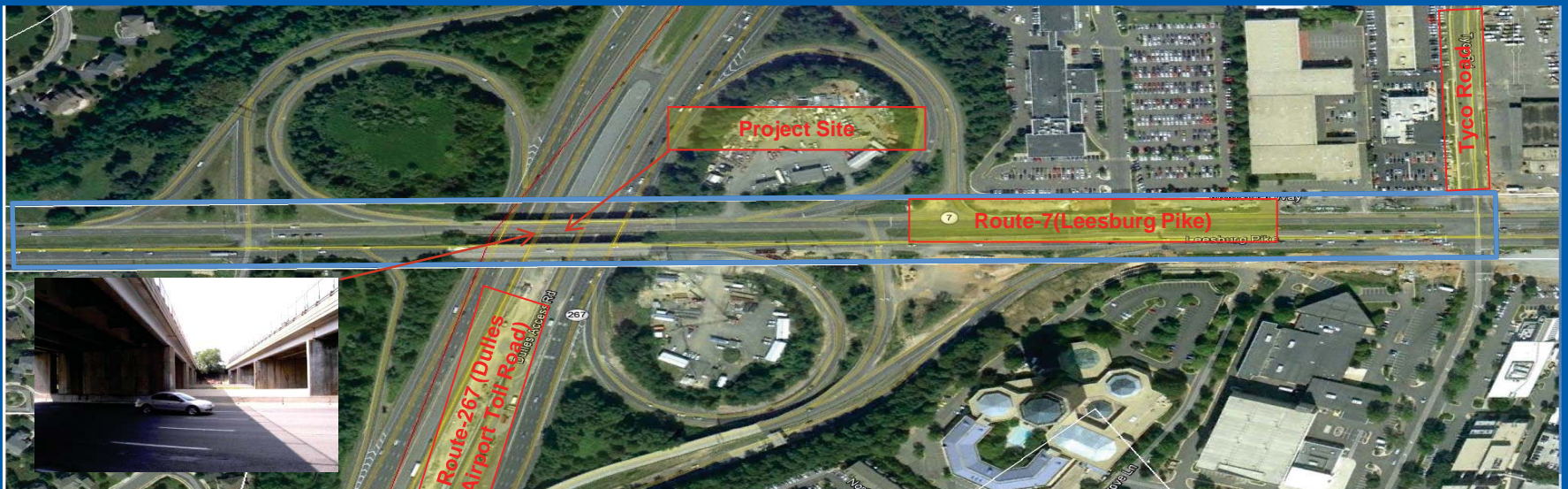
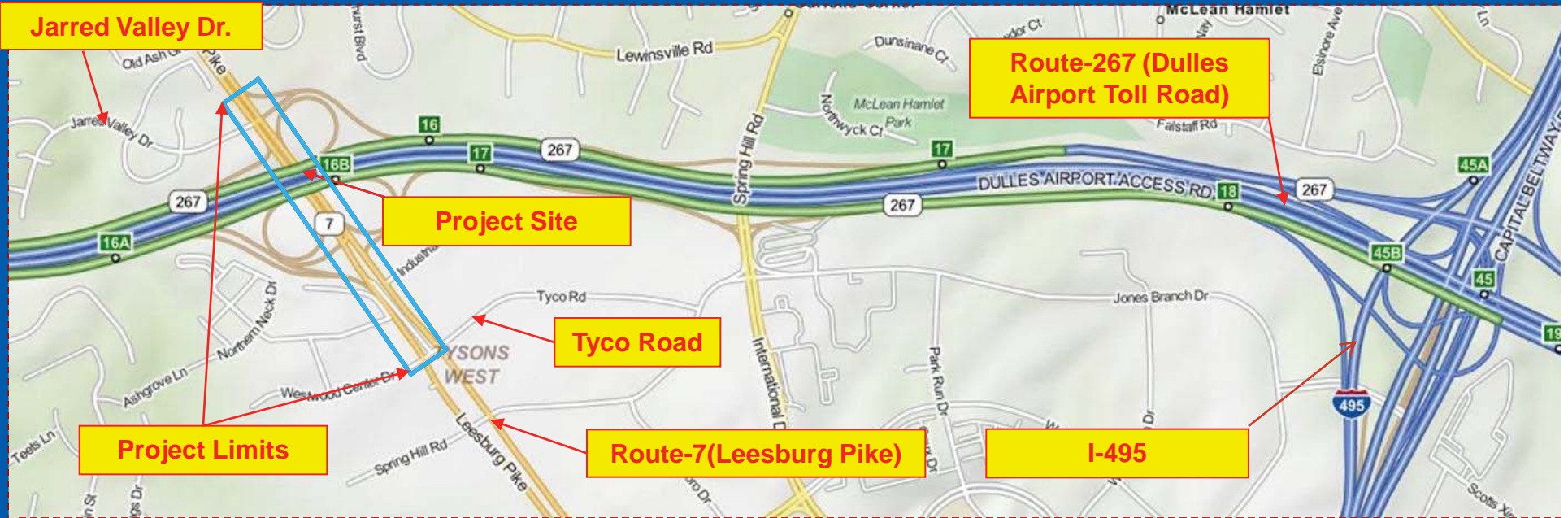
CDA Rinker
Design Associates, P.C.
Civil Engineering • Surveying • Land Planning
Highway • Water Resources

Office Locations
10000 Lee Highway, Suite 1000
Falls Church, VA 22041
703-259-1844
10000 Lee Highway, Suite 1000
Falls Church, VA 22041
703-259-1844

PROJECT: 0007-029-139
SHEET NO.: 1A



Project Location (Existing Bridge Location)



LIMITED ACCESS TABLE

Parcel 003		
	STATION	OFFSET
Begin Area of Limited Access Break	10+01.33	16.00'
End Area of Limited Access Break	12+62.61	7.08'

Note: Limited Access break is limited to a length of 30 feet within the limits defined above.

Board Agenda Item
May 2, 2017

ACTION -

Endorsement of the Break in the Route 7 Limited Access Right-of-Way to Support the Establishment of a Pedestrian Facility Located at the Southeast Quadrant of Route 7 and the Dulles Toll Road (Dranesville and Hunter Mill Districts)

ISSUE:

Board support is required to establish access for the pedestrian facility located at the southeast quadrant of Route 7 and the Dulles Toll Road.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Director of Fairfax County Department of Transportation to support the establishment of access for the pedestrian facility located at the southeast quadrant of Route 7 and the Dulles Toll Road by permitting a break in the Limited Access Line (Attachment 1).

TIMING:

Board action is requested on May 2, 2017, so that VDOT may proceed with this improvement, which is already in progress with Design-Build delivery.

BACKGROUND:

VDOT is rehabilitating the Route 7 bridges over the Dulles Toll Road and widening the road from four lanes to six lanes, from approximately Tyco Road to Jarrett Valley Drive. A shared use path will be built for pedestrians and bicycles to travel in each direction.

Attachment 1 shows the existing limited access line, which is also the existing right-of-way line, in the southeast corner of Route 7 and the Dulles Toll Road along the Tysons West property frontage. The shared use path at this location crosses the limited access line. The VDOT project will build a portion of the shared use path up to the location where it just crosses the limited access line. A developer, Tysons West, will build the remaining portion of the shared use path from the location where it just crosses the limited access line and ties into the existing trail along the developer's frontage. Establishment of access for the bicycle and pedestrian facility has been reviewed by VDOT and FCDOT. Attachment 2 also shows the limited access line break points along the shared use path. Attachment 3 shows the location of the project in relation to Tysons and the Spring Hill Metrorail Station.

Board Agenda Item
May 2, 2017

The Route 7 corridor was originally established as a limited access highway and, as a result, VDOT regulations will not permit a break in the limited access line without approval from the Board of Supervisors. This break in limited access will enhance both bicycle and pedestrian usage along the Route 7 corridor in conformance with the County's Comprehensive Plan. This new shared use path will improve access to Tysons and the Spring Hill Metrorail Station from the west by bicyclists and pedestrians. This break will ultimately require approval by the Commonwealth Transportation Board.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Letter to VDOT indicating the Board of Supervisors' approval of the Route 7 limited access line break

Attachment 2: Change in Limited Access (southeast corner of Route 7 and the Dulles Toll Road)

Attachment 3: Overall location map

STAFF:

Robert A Stalzer, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation

Eric Teitelman, Chief, Capitol Projects and Traffic Engineering Division, FCDOT

Karyn Moreland, Chief, Capital Projects Section, FCDOT

Michael Guarino, Transportation Planner IV, FCDOT

Smitha Chellappa, Transportation Planner III, FCDOT



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Ms. Helen L. Cuervo, P.E.
 District Administrator
 Northern Virginia District
 Virginia Department of Transportation
 4975 Alliance Drive
 Fairfax, Virginia 22030

Subject: Route 7 Bridge over Dulles Airport Toll Road and Airport Access Highway,
 UPC 82135

Dear Ms. Cuervo: *Helen*

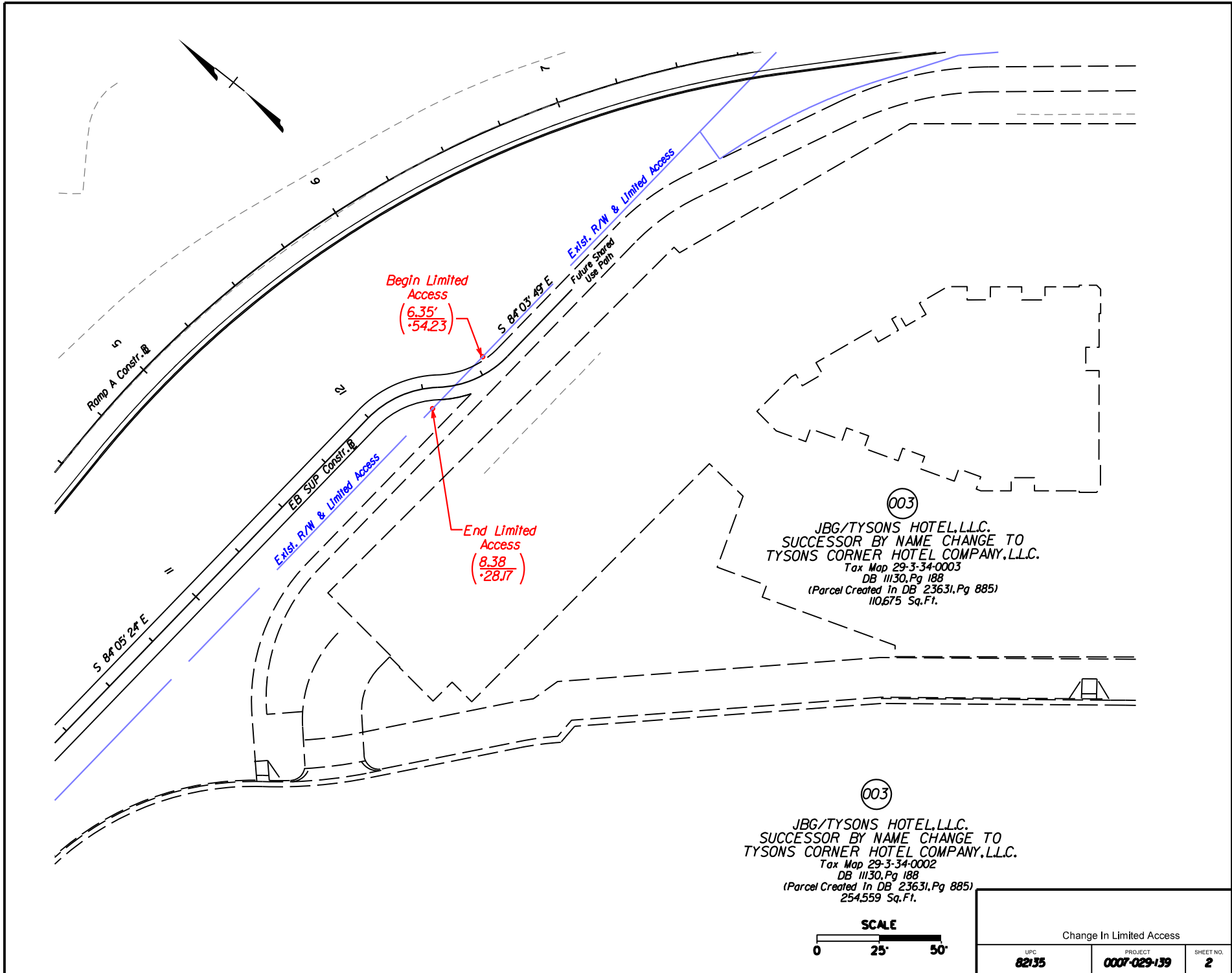
On May 2, 2017, the Fairfax County Board of Supervisors took action to support the establishment of access for the pedestrian facility located at the southeast quadrant of Route 7 and the Dulles Toll Road by permitting a break in the limited access line.

Please call Smitha Chellappa at (703) 877-5761, or me at (703) 877-5663, if you have any questions or need additional information. Thank you for your assistance.

Sincerely,

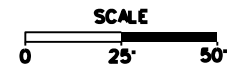
Tom Biesiadny
 Tom Biesiadny
 Director

cc: Members, Board of Supervisors
 Edward L. Long Jr., County Executive
 Robert A. Stalzer, Deputy County Executive
 Catherine A. Chianese, Deputy County Executive
 Arif Rahman, P.E., Project Manager, Structure & Bridge, VDOT
 Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division
 Karyn L. Moreland, Chief, Capital Projects Section, FCDOT



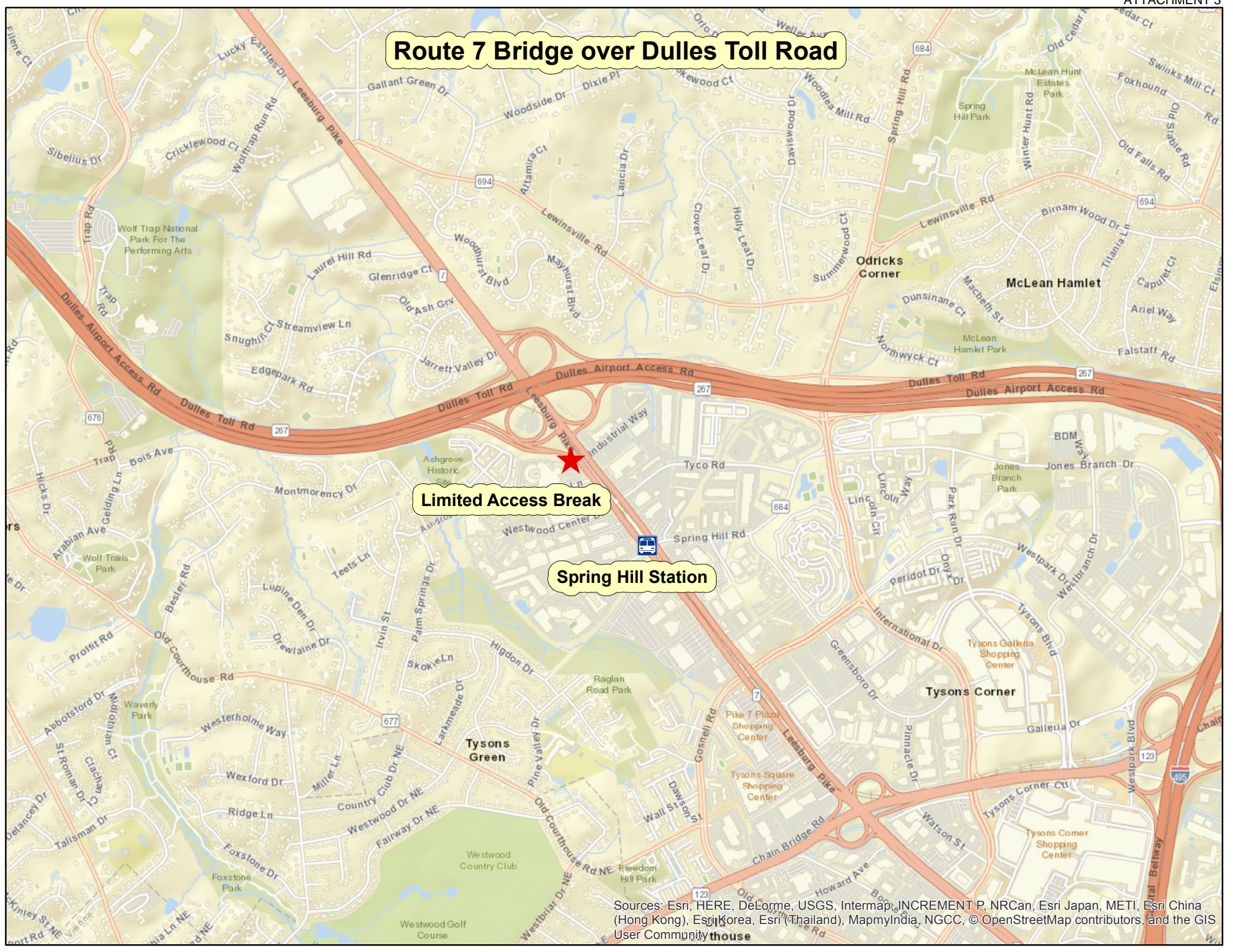
003
 JBG/TYSONS HOTEL, L.L.C.
 SUCCESSOR BY NAME CHANGE TO
 TYSONS CORNER HOTEL COMPANY, L.L.C.
 Tax Map 29-3-34-0003
 DB 11130, Pg 188
 (Parcel Created In DB 23631, Pg 885)
 110,675 Sq.Ft.

003
 JBG/TYSONS HOTEL, L.L.C.
 SUCCESSOR BY NAME CHANGE TO
 TYSONS CORNER HOTEL COMPANY, L.L.C.
 Tax Map 29-3-34-0002
 DB 11130, Pg 188
 (Parcel Created In DB 23631, Pg 885)
 254,559 Sq.Ft.



Change In Limited Access		
UPC 82135	PROJECT 0007-029-139	SHEET NO. 2

Route 7 Bridge over Dulles Toll Road



Limited Access Break

Spring Hill Station

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Aug 20, 1981

Moved by Mr. Vaughan, seconded by Mr. Brydges,
that

WHEREAS, Chapter 601, Item 640 of the Acts of the General Assembly of 1981 contains a discretionary capital allocation fund for all areas of the Commonwealth and requires authorization by the Commission before these funds can be utilized; and

WHEREAS, these funds may be used to support up to nineteen percent (19%) of the total capital project cost when a federal grant is provided or up to ninety-five percent (95%) of the total capital project cost when a federal grant is not involved; and

WHEREAS, the jurisdiction listed below requires state funds in the amount shown to provide the state match for approved federal mass transit capital grants or to provide state assistance for capital grants where no federal grant is involved;

NOW, THEREFORE, BE IT RESOLVED, that this Commission hereby directs that under Chapter 601, Item 640, Paragraph C10 of the Appropriations Act, the following sum shall be made available to the Town of Colonial Beach for the purpose indicated:

<u>Locality</u>	<u>Funds Authorized By This Resolution</u>	<u>Purpose</u>
Town of Colonial Beach	\$5,798	Capital Equipment for Transit Garage

MOTION CARRIED

Moved by Mr. Wrench, seconded by Mr. Mohr,
that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Highway and Transportation Commission, a location and design public hearing was held in the McLean High School Cafeteria in McLean, Virginia, on May 16, 1981, at 10 a.m., for the purpose of considering the proposed location and major design features of the Dulles Toll Road from 0.46 mile west of Route 28 (Sully Road) to the intersection of Route 129 (Dolley Madison Boulevard) in Loudoun and Fairfax Counties, State Project DT00-967-101, PE-101, PE-102; and

WHEREAS, proper notice was given in advance and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded; and

WHEREAS, the economic, social and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed;

NOW, THEREFORE, BE IT RESOLVED, that the location and major design features of this project be approved in accordance with the plan for outer toll lanes paralleling the Dulles Airport Access Road as proposed and presented at the said location and design public hearing by the Department's engineers.

MOTION CARRIED

Moved by Mr. Wrench, seconded by Mr. Hooper,
that

WHEREAS, in accordance with the provisions of Section 128 of Title 23 - Highways, United States Code, and FPM 7-7-5, a location public hearing was held at two locations, the first on May 30, 1981, at 10 a.m., in the West Springfield High School, Springfield, Virginia, and the second on June 20, 1981, at 10 a.m., in the South Lakes High School, Reston, Virginia, for the purpose of considering the location corridor for the proposed Springfield Bypass and Extension from the intersection of Route 7 near Dranesville to the intersection of Route 1 near Fort Belvoir in Fairfax County, State Project R000-028-249, PE-101; Federal Project M-5401(133); and

WHEREAS, proper notice was given in advance and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded; and

WHEREAS, the economic, social and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed;

10/26/88

Moved by Mrs. Kincheloe, seconded by Mr. Beyer,
that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Location and Design Public Hearing was held in the Herndon High School on June 29, 1988, at 7:00 p.m., for the purpose of considering the proposed widening of the Dulles Toll Road (Route 267) from Route 7 (Leesburg Pike) to Route 28 (Sully Road) in Fairfax and Loudoun Counties, State Project 0267-029-101, PE-100; and

WHEREAS, proper notice was given in advance, and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded; and

WHEREAS, the economic, social, and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed;

NOW, THEREFORE, BE IT RESOLVED, that the location and major design features of this project be approved in accordance with the plan as proposed and presented at the said Location and Design Public hearing by the Department's engineers with provisions for applying appropriate High-Occupancy-Vehicle restrictions on the facility when necessary.

Motion carried.

Moved by Dr. Howlette, seconded by Dr. Thomas,
that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Location and Design Public Hearing was held in the Madison County Extension Office on August 10, 1988, at 7:30 p.m., for the purpose of considering the proposed location and design of Route 607 from the intersection of Route 230 to 0.08 mile northeast of the intersection of Route 625 in Madison County, State Project 0607-056-166, M-501; Federal Project RS-855 (); and

DEED OF EASEMENT
TO THE STATE OF VIRGINIA

THIS DEED OF EASEMENT is made this 10 day of January, 1983, by and between the United States of America, acting by and through its agency, the Federal Aviation Administration, hereinafter referred to as the "Grantor," and the Commonwealth of Virginia, acting by and through its agency, the Virginia Department of Highways and Transportation, hereinafter referred to as the "Grantee."

WHEREAS, the Grantor owns certain property in Fairfax County and Loudoun County, Virginia, known as the Dulles International Airport Access Highway right-of-way.

WHEREAS, the Grantee desires to obtain a sufficient legal interest in said right-of-way in order that the Grantee may construct, operate and maintain a highway over, across, within and upon said right-of-way, so that said highway can be part of the State Highway System and so that the laws of Virginia can be enforced on said highway.

WHEREAS, the Grantor is willing to grant an easement to the Grantee over a portion of said right-of-way, said portion being specifically described herein, in order that the Grantee may construct, operate and maintain said highway.

NOW, THEREFORE, in consideration of the premises, covenants of the Grantee expressed herein, and for other good and valuable consideration, the Grantor does hereby grant and convey unto the Grantee an easement (the "easement") and right-of-way for the construction, reconstruction, operation and maintenance of a limited access highway with points of ingress and egress, and such easement shall be over, across, within and upon the lands of the Grantor as depicted in the drawings entitled Plans For Proposed Toll Road Easement, sheets 1 through 27, which said drawings are attached hereto as a part of this Deed and are to be recorded simultaneously herewith in the Virginia Highway Plat Book.

CTB 8/20/81

Grantor further grants to Grantee the right of ingress to and egress from, over and across the land of the Grantor abutting the easement by such means and by such route or routes as shall occasion the least practicable damage to the property of the Grantor and the least practicable interference with the Grantor's use of the property; provided further that the Grantee shall not, without express permission from the Grantor, use the Dulles Airport Access Highway for ingress or egress. This right of ingress and egress shall extend to the Grantee, its agents and its employees only and may not be transferred or assigned without the express written consent of the Grantor. Such right of ingress and egress shall be exercised at Grantee's own risk. It is not intended by this Grant of ingress and egress to create any additional public thoroughfares; public access and egress to and from the easement shall be at the points identified in the drawings.

Grantor hereby reserves the right to enter the easement at any time and at any place for any purpose relating to the operation and maintenance of the Dulles Airport Access Highway, its utilities, its ways of ingress and egress, its median and any property of the Grantor abutting the easement. Exercise of this right shall not be permanent nor interfere unduly with the Grantee's enjoyment of the easement or unduly affect traffic on the Grantee's roadway.

The Grantor reserves the right of public access to and egress from the abutting land of the Grantor, including the Dulles Airport Access Highway or the median thereof, by crossing the easement at various points as shown on the aforesaid drawings and at points that may be constructed. The Grantor reserves the right, including the right of light and air, to construct, operate and maintain additional ways of ingress and egress across and over the easement and such ways of ingress or egress may be public thoroughfares to serve the Dulles Airport Access Highway.

The Grantor further reserves the right to make any use of the Grantor's property above, beside, or below the easement granted herein that is not inconsistent with this easement.

The Grant is made on the following terms and conditions:

1. A highway is to be constructed in the easement between Interstate 495 and Virginia Route 28. Between I-495 and Virginia Route 7 the highway shall be three lanes in each direction except where additional lanes are needed for entrances and exits or to accommodate a toll plaza. From Route 7 to Route 28 the highway is to be two lanes in each direction except when additional lanes are needed for entrances and exits or to accommodate a toll collection facility.

2. All plans for design and construction of the highway in the easement are subject to review and modification by the Grantor. The Grantee shall make no major modification of the highway or the right-of-way without the approval of the Grantor.

3. Grantee shall construct highway noise abatement barriers within the easement at the following locations. Where practical, barriers are to be erected early in the construction process for the highway. By acceptance of this Deed, Grantee covenants that it has set aside funds sufficient to provide noise abatement barriers at each of these locations:

1. Appar Place (and Reflection Place) condominiums, west of Centerville Road, north of the Dulles Airport Access Highway, between stations 264 and 274 (earthen berms).
2. Sun Valley, residential properties, west of Beulah Road, south of the Dulles Airport Access Highway, between stations 627 and 653 (16- to 20-foot barrier).
3. Cinnamon Creek, residential properties, east of Beulah Road, north of the Dulles Airport Access Highway, between stations 651 and 676 (15- to 21-foot barrier).
4. Wolf Trap Farm Park, east of Trap Road, north of the Dulles Airport Access Highway, between stations 702 and 720, in accordance with paragraph 4 below.
5. McLean Hamlet, residential properties, west of Route 495, north of the Dulles Airport Access Highway, between stations 840 and 870 (14- to 30-foot barrier).

Grantee agrees to erect a barrier at all of the listed locations. Nothing herein shall be deemed to preclude the Grantee from erecting noise mitigation barriers at locations not described above.

4. At Wolf Trap Farm Park, the Grantee shall construct a sound barrier with an effective height of 25 feet (or greater at Grantee's discretion) along the westbound lanes of the highway, up the off-ramp, and up to and along Trap Road. (The effective height is the height above the westbound lanes of the toll road.) The sound barrier will begin approximately 1700 feet east of Trap Road and end at

the service entrance to the park. It will be located on VDHT or FAA right-of-way approximately 15 feet from the edge of pavement along highway and ramp but less than 15 feet from Trap Road, where a traffic barrier will separate the sound wall from the roadway.

The sound barrier will be concrete and have a barnboard-type finish on the toll road side and a raked finish on the park side, unless otherwise agreed to by the National Park Service, the Wolf Trap Foundation, the Grantor and the Grantee. The Grantee shall be responsible for landscaping around the sound barriers. Landscaping plans are subject to review, modification and approval by the Grantor.

The sound barriers at Wolf Trap will be built prior to construction of the highway. Construction activities on the toll road in the vicinity of the park will be restricted during performances and rehearsals at Filene Center to prevent adverse noise impact upon the park unless otherwise agreed to by the Grantee, the Wolf Trap Foundation and the National Park Service.

5. The Grantee shall take steps necessary to insure that the noise levels at the Wolf Trap Filene Center, attributable to the highway constructed in the easement, do not exceed an hourly "A" weighted energy average sound level of 52 to 54 dB. Such steps may include, but are not limited to, lower speed limits, a partial or total ban on trucks and other restrictions of traffic on the highway constructed in the easement. Also, the Grantee shall take steps to restrict truck traffic speeds or volume if trucks (combined medium and heavy) regularly exceed 8 percent of the total daily traffic on the highway constructed in the easement and, for that reason, noise levels at existing noise sensitive areas exceed an hourly "A" weighted energy average sound level of 67 dB.

6. If traffic congestion on the highway constructed in the easement impedes the flow of high occupancy vehicles on the highway, the Grantee shall expedite the flow of high occupancy vehicles during the peak hours in the peak directions.

7. Strict control measures, such as the creation of storm water detention ponds, sedimentation basins, slope drains, emergency spillways, silt fences, straw bales and revegetation will be used, as required, as temporary measures during construction and as permanent measures to control erosion, siltation and flood

potential along the right-of-way and particularly at Difficult Run, Old Courthouse Spring Branch, Colvin Run, Smilax Branch, Sugarland Head Run and Copper Run. The Soil and Water Conservation Commission "Sediment Control Handbook" or the VDHT "Manual on Erosion and Sedimentation Control," whichever is stricter, shall be followed.

8. The Grantee agrees to construct, at its expense, drainage structures under the Grantor's property known as the Dulles Airport Access Highway at Stations 260 and 304.

9. Grantee shall comply with the State of Virginia's requirements regarding open burning, control of fugitive dust and airborne particulate matter.

10. Grantee shall maintain as much of the existing vegetation in the easement as possible. Between Station No. 654 and Station No. 677, on the north parcel of the easement (in the vicinity of the Cinnamon Creek subdivision), where tree cutting within the right-of-way is required, at least 50 feet of trees measured from the northern boundary of the easement shall remain inside the easement, subject only to their removal for the installation of noise barriers.

11. The roadway grade will be kept as close to the grade of the existing Access Highway as practical. Existing terrain will be used as much as possible to shield the roadway. Manmade features will be designed to blend as much as possible with the terrain. Grantee agrees to use architectural treatment consistent, where practical, with the existing facilities on the Dulles Airport Access Highway.

12. The Grantee shall landscape the highway constructed in the easement. Grantee covenants that it has set aside funds sufficient to accomplish the landscaping. The Grantee agrees that landscaping will commence prior to the opening of the highway. Further, the Grantee agrees that its landscaping plans are subject to review, modification and timely approval by the Grantor. The Grantor agrees that its delay in approval of the landscaping plan shall not delay the opening of the highway.

13. The roadway shall be constructed by the Grantee so as to preserve the median between the eastbound and westbound lanes of the Dulles Access Highway for future rail service, to Dulles Airport.

14. At Spring Hill Road, a full diamond interchange will be built by the Grantee designed to inhibit traffic from using Spring Hill Road north of the highway.

15. Any maintenance facility constructed in, or bordering on, the easement shall be screened from the surrounding area. Sand and salt and aggregates may be stockpiled; asphaltic materials may be stored but not produced there.

16. If the Grantee constructs an administrative building adjacent to a toll plaza, it is not to be more than a two-story building with a basement and a parking area. It is to be screened from the surrounding residences by landscaping. Vehicles are not to enter or exit the building parking lot through a residential area.

17. The highway constructed in the easement shall be constructed and maintained in a good and workmanlike manner and made and kept safe for public travel. The expense of construction and maintenance thereof shall be borne by the Grantee. Grantor shall not be liable for any of the expense of construction, maintenance or operation of the highway constructed in the easement.

18. The construction work done by the Grantee within the limits of the easement, and the subsequent operation and maintenance of the highway constructed in the easement, shall be accomplished in a way that will not interfere with the operation and maintenance of the Dulles Airport Access Highway, its utility lines, its ways of ingress and egress or its median. Prior to construction, the Grantor and Grantee shall assess the condition of the Dulles Airport Access Highway. The Grantee shall repair any damage to the Dulles Airport Access Highway, its utility lines, its ways of ingress and egress or median resulting from the construction or operation of the highway in the easement.

19. The Grantor reserves the right, in the event of any future alterations to the Dulles Airport Access Highway or to the median thereof, to move, or to have the Grantee move, relocate or change, upon reasonable notice, any facility of the Grantee located within the easement, including any highway pavement constructed therein. The costs of such movement, relocation or change in the Grantee's facilities necessitated by alterations to the Dulles Airport Access Highway or the median thereof shall be apportioned between the Grantor and the Grantee by agreement of the parties. Said move, relocation, or change, if undertaken by the Grantor, shall be accomplished in such a manner as to avoid any substantial interference with the use of the easement by the Grantee.

20. The Grantee shall not grant any person or company permission to construct a facility or install a line, wire or cable for transmission of electricity or for communication, pipe or conduit above or below the ground, on any portion of the easement without the express written permission of the Grantor.

21. a) To the extent permitted by the Virginia Tort Claims Act of 1981 as it may be amended, the Grantee shall indemnify and hold harmless the Grantor, its agents and employees, from any and all claims, liability, damage and expense, incurred by reason of death, injury, loss or damage, of or to persons or property, arising out of the Grantee's operation of, or use and occupancy of, the property subject to the easement.

b) The Grantee agrees that it will require its contractors engaged in the construction, reconstruction, repair or maintenance of the highway described in paragraph 1 to indemnify and hold harmless the Grantor from any claim or liability on account of injury or death to persons or damage to property arising out of, or directly or indirectly resulting from, the construction of the highway and to require its contractors to carry Public Liability Insurance in a form acceptable to the Grantor and Grantee, insuring their liability under such indemnity agreement with initial limits of not less than \$2,000,000.00 for bodily injury to any one person, not less than \$5,000,000.00 for any bodily injuries resulting from one occurrence and not less than \$500,000.00 for property damage.

c) Once the construction, reconstruction, maintenance, or repair has been completed to the satisfaction of the Grantee, the Grantee agrees to maintain liability insurance in form and amounts acceptable to the Grantor that indemnifies, and holds harmless the Grantor, its officers and employees from and against all claims, damages, losses and expenses arising out of, resulting from, or attributable to, the use of the property subject to the easement including, without limitation, the design, operation or vehicular use of the highway and its appurtenances in the easement. The amount of liability insurance shall initially be not less than \$2,000,000.00 for any bodily injury, \$5,000,000.00 for bodily injuries resulting from one occurrence and not less than \$500,000.00 for property damage.

d) The Grantee shall not be liable to the Grantor in excess of the limits expressed in sub-paragraphs (b) and (c) above.

22. Except as provided in the covenant on termination, all installations placed upon the easement by the Grantee shall be and remain the property of the Grantee and may be removed by the Grantee at any time.

23. Termination: a. The easement shall terminate at the end of the ninety-ninth (99) year except that it shall terminate sooner and in its entirety i) if the Grantee fails to complete construction of the highway in the easement within four (4) years from the date of this instrument; ii) if, after the highway has been constructed, the Grantee fails to operate and maintain the highway for a consecutive six (6) month period; iii) if the Grantee abandons the easement, or iv) if a court of competent jurisdiction finds that the Grantee has failed to comply with any term or condition of this Deed of Easement and the Grantee has not cured such noncompliance within a period of sixty (60) days after entry of the final decision or judgment of the court or, in the case of any such noncompliance which cannot, with due diligence, be cured within such sixty (60) day period, termination will occur if the Grantee does not commence to cure this noncompliance within sixty days and continue to do so in good faith.

b. Termination shall be effective upon receipt of written notice by the Grantee.

c. Upon termination of the easement, property shall revert to the Grantor and Grantor shall assume title to all fixed improvements, pavement, structures, plants and shrubs affixed to the easement and the Grantee shall relinquish all claim of right, title, interest or control over the property and the fixtures.

24. Termination shall not be deemed to be the exclusive remedy for noncompliance with the terms and conditions of this Deed. The Grantor may exercise any other rights available to it provided by law or equity.

25. This easement and the rights granted herein are subject to any easements of record or other such easements as might be apparent from an examination of the property hereby conveyed. The easement is also subject to any license or permit for use of the property that may have been awarded by the Grantor in accordance with its terms except that the Grantor hereby transfers and assigns its rights in all such licenses and permits to the Grantee to be exercised by the Grantee to facilitate the construction, operation and maintenance of the highway in the easement. The Grantee shall take no action pursuant to the rights hereby assigned; a) that are inconsistent with any other provision of this easement, b) that affect the Dulles Airport Access Highway or the median thereof, or c) which otherwise directly affect the Grantor or any agency of the United States Government, without the consent of the Grantor.

26. The easement granted and covenants received from the Grantee shall run with the land and shall be binding on the parties hereto, and their successors or assignees.

27. The parties agree that a controversy has existed between them relating to the future of the jurisdiction over the Dulles International Airport Access Highway Right-of-way that was ceded to the Grantor from the Grantee. Notwithstanding any controversy that may exist, it is the intent of both parties to carry out and effectuate the provisions of this easement in order that the Grantee may construct, operate, and maintain a highway in the easement as part of the State Highway System.

28. The Grantee hereby acknowledges that the terms and conditions of the easement which are intended specifically for the protection and benefit of the Wolf Trap Farm Park may be enforced in a court of competent jurisdiction by the Secretary of the Interior. Also, the Grantee agrees that when the highway to be constructed in the easement is completed and operating, the entrance and exit ramps at Trap Road shall be restricted to use by the patrons of the Wolf Trap Farm Park unless otherwise agreed to by the National Park Service.

IN WITNESS WHEREOF, I, James A. Wilding, pursuant to the delegations of authority from the Secretary of Transportation and by virtue of authority vested in me by law, have hereunto subscribed my name as of the day, month and year, first written above.

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

By: [Signature]
Director, Metropolitan Washington Airports

WITNESS:

[Signature]
[Signature]
UNITED STATES OF AMERICA)
STATE OF VIRGINIA)

I, Hugh Riddle, Jr., a Notary Public in and for the Commonwealth of Virginia, do hereby certify that on this the 11th day of January, 1953, before me personally appeared James A. Wilding, of the Federal Aviation Administration, and acknowledged that the foregoing instrument bearing the date of January 10, 1953, was executed by him in his official capacity and by authority in him vested by law, for the purposes and intents in said instrument described and set forth, and acknowledged the same to be his free act and deed.

My Commission Expires
My commission expires January 14, 1955

Witness my hand and seal this 11th day of January, 1953.

[Signature]
Notary Public

In compliance with the conditions set forth in the foregoing deed, the Commonwealth of Virginia, Department of Highways and Transportation, certifies and by the acceptance of this deed, accepts the land herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

STATE OF VIRGINIA
DEPARTMENT OF HIGHWAYS AND TRANSPORTATION

By Harold C. King
Commissioner, State Highway & Transportation

STATE OF VIRGINIA
City of Richmond, To-wit:

I, Alan B. Husaly, a Notary Public in and for said City and State, hereby certify that Harold C. King, whose name as State Highway and Transportation Commissioner, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this 5th day of January, 1983, being informed of the contents of the conveyance, he in his capacity as such State Highway and Transportation Commissioner, executed the same voluntarily on this day.

My commission expires May 3, 1986.

Given under my hand and seal of office this 5th day of January 1983.

Alan B. Husaly
Notary Public



COMMONWEALTH of VIRGINIA

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

Charles A. Kilpatrick, P.E.
Commissioner

September 1, 2017

The Honorable Aubrey L. Layne, Jr.
The Honorable Charles A. Kilpatrick, P. E.
The Honorable Jennifer Mitchell
The Honorable Jerry L. Stinson II
The Honorable Henry "Hap" Connors, Jr.
The Honorable Mary Hughes Hynes
The Honorable Allison DeTuncq
The Honorable Shannon Valentine
The Honorable F. Gary Garczynski
The Honorable Carlos M. Brown
The Honorable William H. Fralin, Jr.
The Honorable F. Dixon Whitworth, Jr.
The Honorable E. Scott Kasprowicz
The Honorable Court G. Rosen
The Honorable Marty Williams
The Honorable John Malbon
The Honorable Greg Yates

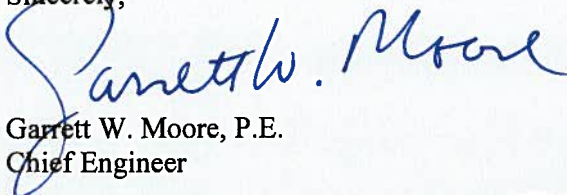
Subject: Approval of Limited Access Control Changes (LACCs) on Route 7 over Dulles Airport Toll Road in the County of Fairfax.

Dear Commonwealth Transportation Board Members:

The Department has initiated the above request for limited access control changes (LACCs) for your consideration. The proposed limited access control changes on State Highway Project 0007-029-139, P101, R201, C501, B617, B618 provides for a break in the limited access on the Dulles Toll Road (Route 267) to accommodate construction of a shared-use path parallel to Ramp A from the eastbound Dulles Toll Road to eastbound Route 7 in the County of Fairfax. It has been determined that these adjustments in limited access control are required for the project and are recommended for approval by the Department's staff.

I have reviewed the staff's recommendations and determined that approving these limited access control changes will not adversely affect the safety or operation of the affected highway network. I have determined that this request should be considered by the Board.

Sincerely,


Garrett W. Moore, P.E.
Chief Engineer