



## COMMONWEALTH of VIRGINIA

### *Commonwealth Transportation Board*

Shannon Valentine  
Chairperson

1401 East Broad Street  
Richmond, Virginia 23219

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

*Agenda item # 2*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

October 30, 2018

#### MOTION

**Made By: Mr. Malbon, Seconded By: Mr. Miller**

**Action: Motion Carried, Unanimously**

#### **Title: Right of Way and Limited Access Control Changes: Interstate 264 in Norfolk, VA**

**WHEREAS**, the Department of Rail and Public Transportation (DRPT), the Virginia Department of Transportation (VDOT), the City of Norfolk (Norfolk), and Norfolk Southern Railway Company (NS) cooperated and participated in the development and construction of the Extension of Amtrak Service to Norfolk, Virginia Project (Project) in 2011; and,

**WHEREAS**, On June 15, 2011 the Commonwealth Transportation Board (CTB) approved a temporary break in limited access in the I-264 Right of Way, which allowed VDOT to issue NS a temporary Land Use Permit for design and construction of a segment of the Project consisting of the realignment of the existing double track and the addition of an additional siding track and signals at the crossing of the tracks under I-264 near Holt Street; and,

**WHEREAS**, the June 15, 2011 CTB Resolution for a temporary break in access required NS to come back to the CTB once construction was completed for a permanent break in access between westbound I-264 Station 94+79 and Station 95+72 on the northern side of I-264 Right of Way, and eastbound between Station 94+08 and Station 95+26 on the southern side of I-264 Right of Way as depicted in the attached Exhibit A: Request for Permanent Easement.

**WHEREAS**, NS has requested a permanent Land Use Permit for the Project to accommodate operation and maintenance of the constructed track shifts and facilities, including a crash wall and railway signal and communication equipment located within the right of way and limited access control of I-264; and,

Resolution of the Board  
Right of Way and Limited Access Control Changes – Interstate 264  
City of Norfolk  
October 30, 2018  
Page Two

**WHEREAS**, VDOT has rendered a determination that the said proposed shifts and changes in the right of way and limited access control are appropriate from a design, safety and traffic control standpoint and were subject to review and approval by VDOT upon completion of construction in 2012; and,

**WHEREAS**, NS will provide any studies and reports needed to ensure compliance with Title 24, Section 30, Chapter 401 of the Virginia Administrative Code, relating to limited access control changes; and,

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

**NOW, THEREFORE, BE IT RESOLVED**, in accordance with the provisions of Sections 33.2-310 and 33.2-401 of the *Code of Virginia* (1950), as amended, the Commonwealth Transportation Board hereby finds and concurs with the determinations set forth herein and approves the shifts and changes in the said limited access control and restricted use rights of way solely for the purpose of NS's operation and maintenance of the Project, subject to Federal Highway Administration concurrence with the conditions and restrictions of the Land Use Permit issued by the Commissioner. The Commonwealth Transportation Commissioner is hereby authorized to execute any and all documents needed to comply with this resolution.

## **CTB Decision Brief**

### **Right of Way and Limited Access Control Changes:**

#### **Interstate 264, City of Norfolk**

#### **Department of Rail and Public Transportation**

**Summary:** On June 15, 2011, the Commonwealth Transportation Board approved a temporary change in the limited access control and restricted use rights of way of Interstate 264 in Norfolk for construction of railroad tracks and railway facilities necessary to accommodate the extension of intercity passenger rail service to Norfolk, Virginia (the Project). With approval of a temporary break in limited access, VDOT issued a temporary Land Use Permit allowing Norfolk Southern Railway (NS) mainline track to relocate from NS property onto VDOT Right of Way underneath Interstate 264 in Norfolk. This also allowed NS to construct additional passenger and freight infrastructure, including a crash wall and railway signal and communication facilities.

In September 2018, NS, DRPT, FHWA, and VDOT met to discuss steps to replace the temporary Land Use Permit with a permanent Land Use Permit to ensure NS's ability to operate and maintain the tracks for freight and passenger rail service. In order for VDOT to issue a permanent Land Use Permit to Norfolk Southern Railway, the CTB must first approve a permanent break in limited access control and restricted use for the portions of I-264 Right of Way occupied by NS railroad track, crash wall, signals, and communication facilities.

- If CTB approves a permanent break in limited access, VDOT, with FHWA concurrence, will work with NS on the terms and conditions of a permanent Land Use Permit
- With a permanent Land Use Permit, NS will continue to accommodate passenger service over the tracks in accordance with their Agreement with the Department of Rail and Public Transportation.

**Source of State Funds:** Rail Enhancement Fund

**Recommendation:** DRPT and VDOT recommend approval of this resolution.

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

EXHIBIT A: REQUEST FOR PERMANENT EASEMENT

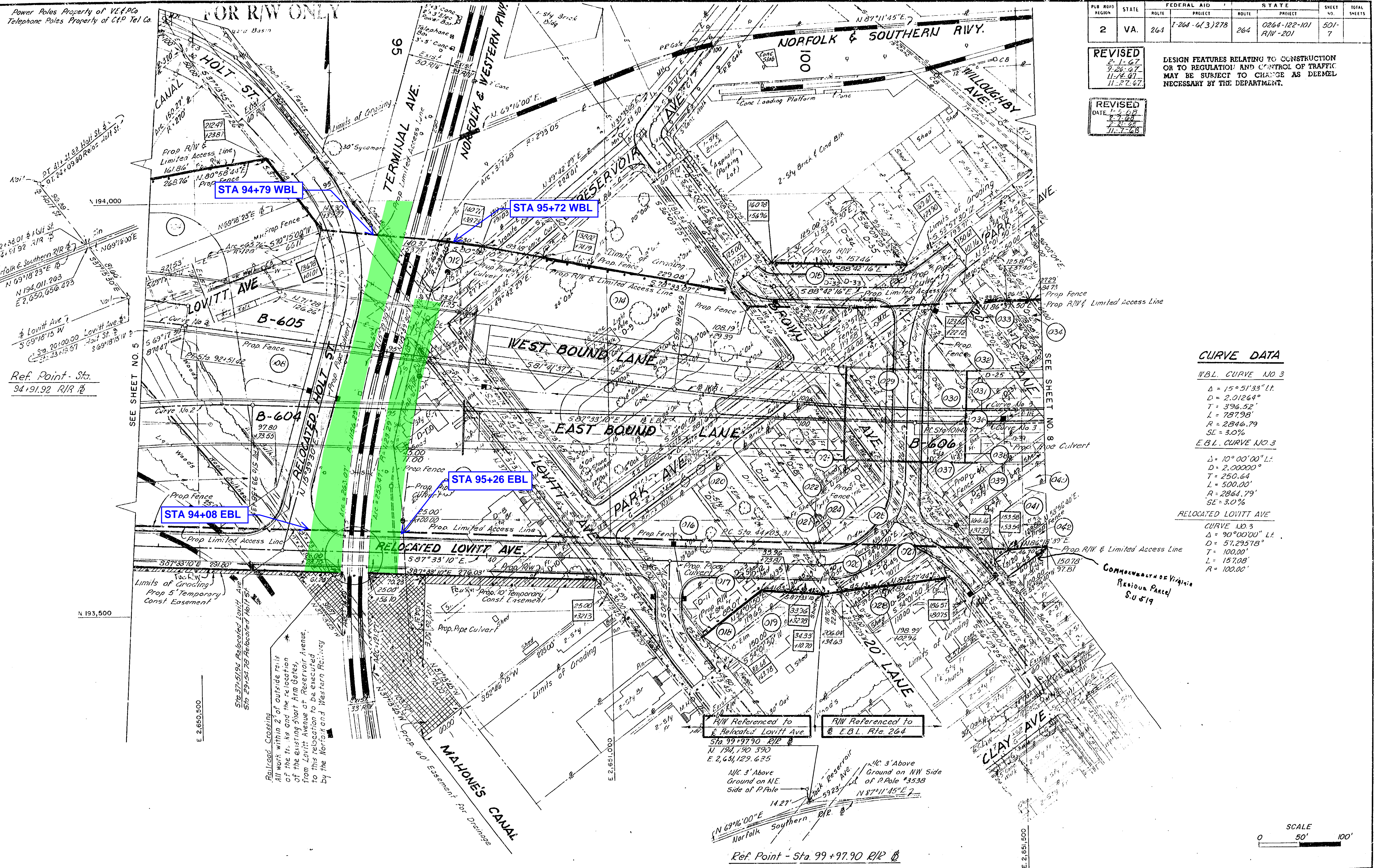
LIMITED ACCESS HIGHWAY By resolution of Highway Commission dated OCT. 4, 1956

PUB ROAD REGION	STATE	FEDERAL AID		STATE		SHEET NO.	TOTAL SHEETS
		ROUTE	PROJECT	ROUTE	PROJECT		
2	VA.	264	1-264-6(3)278	264	0264-122-101 R/W-201	501-7	

REVISED  
DATE 1-1-67  
2-1-67  
7-26-67  
11-16-67  
11-27-67

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

REVISED  
DATE 1-1-67  
2-1-67  
7-26-67  
11-16-67  
11-27-67



CURVE DATA

WBL CURVE NO 3  
 $\Delta = 15^{\circ}51'33''$  Lt.  
 $D = 2,012.64'$   
 $T = 396.52'$   
 $L = 787.98'$   
 $R = 2846.79'$   
 $SE = 3.0\%$

E.B.L. CURVE NO 3  
 $\Delta = 10^{\circ}00'00''$  Lt.  
 $D = 2,000.00'$   
 $T = 250.64'$   
 $L = 500.00'$   
 $R = 2864.79'$   
 $SE = 3.0\%$

RELOCATED LOVITT AVE  
 CURVE NO 3  
 $\Delta = 90^{\circ}00'00''$  Lt.  
 $D = 57,295.78'$   
 $T = 100.00'$   
 $L = 157.08'$   
 $R = 100.00'$

R/W Referenced to Relocated Lovitt Ave. Sta 99+97.90 R/R @ N 194,190.390 E 2,651,129.625

R/W Referenced to E.B.L. Rte 264

N/C 3' Above Ground on NE Side of P Pole

N/C 3' Above Ground on NW Side of P Pole #3538

N 69°16'00" E Norfolk Southern R/R @

Ref. Point - Sta. 99+97.90 R/R @



A 8143 014