



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 10

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 18, 2018

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Johnsen
Action: Motion Carried, Unanimously

Title: Limited Access Control Change (LACC)
Route 123 (Dolly Madison Boulevard)
County of Fairfax

WHEREAS, Route 413 between 0.500 mile north of the intersection with Route 29 and 1.545 miles north of the intersection with Route 123, in Fairfax County, was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on October 4, 1956; and

WHEREAS, Route 413 was subsequently transferred to the Interstate Highway System and renumbered to Interstate 495; and

WHEREAS, on October 20, 2010 the CTB approved a limited access control change along Route 123 at the Old Meadow Road intersection to accommodate modifications to Old Meadow Road as part of design refinements of the Dulles Corridor Metrorail Project; and

WHEREAS, in connection with State Highway Project 0413-029-007, RW-1, the Commonwealth acquired certain limited access control easements from Ethel M. Ulfelder, by Instrument dated March 29, 1960, recorded in Deed Book 1873, Page 83, concluded by Order dated November 27, 1962, recorded in Deed Book 2223, Page 331, both recorded in the Office of the Clerk of Circuit Court of the County of Fairfax; and

WHEREAS, 1690 Old Meadow Road Holdings, LLC, the adjoining landowner, has requested a shift in the limited access control to provide space outside the limited access control

that would allow the construction of a ten foot sidewalk and an eight foot landscape amenity panel parallel to Route 123. Under the existing conditions, the designation of limited access right of way precludes the construction of the ten-foot sidewalk and the landscape amenity panel. The shift in the limited access control will also allow for the subsequent shift in right of way limits to create a surplus property the requestor will purchase; and

WHEREAS, the requested shift in the limited access control of Route 123 (Dolly Madison Boulevard) is 321.9 in length as shown on the attached Exhibit 1, beginning at a point on the existing limited access line 116.07 feet opposite Station 131+60.51 (Centerline Proj. 0413-029-007, RW-1) to a point 80.25 opposite Station 131+79.26 (Centerline Proj. 0413-029-007, RW-1) terminating at a point 80.41 feet opposite Station 128+39.40 (Centerline Proj. 0413-029-007, RW-1); and

WHEREAS, the County of Fairfax, by resolution adopted March 20, 2018, supports the LACC; and

WHEREAS, VDOT's NOVA District has determined, with the Chief Engineer concurring, that the proposed shift in the limited access control of Route 123 will have no impact on the operation of the Route 123 right of way, and the proposed LACC is appropriate from a safety and traffic control standpoint based upon the Global Traffic Analysis Technical Memorandum, dated January 31, 2018, prepared by Gorove/Slade; and

WHEREAS, VDOT's NOVA District has determined the location of the proposed LACC is within an air quality maintenance or non-attainment area, however, the proposed project does not qualify as being regionally significant and no air quality conformity review is required. In addition, the environmental impact analysis was reviewed and approved by the NOVA District and there will be no adverse environmental impacts; and

WHEREAS, the FHWA has provided the requisite approval for the proposed LACC; and

WHEREAS, public notices of willingness for hearings/comment were posted in the *Washington Post* newspaper on June 28, 2018; and, the *McLean Connection* newspaper on June 28, 2018; and, the *El Tiempo Latino* newspaper on June 29, 2018, with no comments or requests for a public hearing received; and

WHEREAS, VDOT has determined no compensation shall be due in consideration of the proposed LACC, as no value will be added to the adjoining land solely by shifting the said limited access line; and

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

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WHEREAS, all costs of engineering and construction, including all necessary safety improvements, will be borne by the requestor; and

NOW, THEREFORE, BE IT RESOLVED, in accordance with Section 33.2-401 of the *Code of Virginia* and 24 *Virginia Administrative Code* 30-401-10 et seq., the CTB hereby finds and concurs with the determinations of VDOT, and approves said LACC, as set forth herein, subject to the above referenced conditions.

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

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CTB Decision Brief
Route 123 (Dolly Madison Boulevard)
County of Fairfax
Limited Access Control Change

Issues: Route 123 at the Old Meadow Road intersection was designated as limited access by the Commonwealth Transportation Board on October 20, 2010. 1690 Old Meadow Road Holdings, LLC, owns land adjacent to Route 123 and has requested a shift in the limited access control to provide space outside the limited access control that would allow the construction of a ten-foot sidewalk and an eight-foot landscape amenity panel parallel to Route 123. Under the existing conditions, the designation of limited access right of way precludes the construction of the ten-foot sidewalk and the landscape amenity panel. The shift in the limited access control will also allow for the subsequent shift in right of way limits to create a surplus property the requestor will purchase. This limited access control change requires approval of the Commonwealth Transportation Board (CTB) pursuant to § 33.2-401 of the *Code of Virginia* and 24 VAC 30-401-20 of the *Virginia Administrative Code*

Facts:

- Route 413 between 0.500 mile north of the intersection with Route 29 and 1.545 miles north of the intersection with Route 123, in Fairfax County, was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on October 4, 1956
- Route 413 was subsequently transferred to the Interstate Highway System and renumbered to Interstate 495.
- On October 20, 2010 the CTB approved a limited access control change along Route 123 at the Old Meadow Road intersection to accommodate modifications to Old Meadow Road as part of design refinements of the Dulles Corridor Metrorail Project.
- In connection with State Highway Project 0413-029-007, RW-1, the Commonwealth acquired certain limited access control easements from Ethel M. Ulfelder, by Instrument dated March 29, 1960, recorded in Deed Book 1873, Page 83, concluded by Order dated November 27, 1962, recorded in Deed Book 2223, Page 331, both recorded in the Office of the Clerk of Circuit Court of the County of Fairfax.
- The requested shift in the limited access control of Route 123 (Dolly Madison Boulevard) is 321.9 in length as shown on the attached Exhibit 1, beginning at a point on the existing limited access line 116.07 feet opposite Station 131+60.51 (Centerline Proj. 0413-029-007, RW-1) to a point 80.25 opposite Station 131+79.26 (Centerline Proj. 0413-029-007, RW-1) terminating at a point 80.41 feet opposite Station 128+39.40 (Centerline Proj. 0413-029-007, RW-1).
- This change is not covered by the General Rules and Regulations of the CTB or by the Land Use Permit Regulations, thus requiring action by the CTB.
- The written determination of the Chief Engineer regarding this proposed project is attached for your consideration.
- The County of Fairfax, by resolution adopted March 20, 2018, supports the LACC.
- VDOT's NOVA District has determined, with the Chief Engineer concurring, that the proposed shift in the limited access control of Route 123 will have no impact on the operation of the Route 123 right of way, and the proposed LACC is appropriate from a safety and traffic control standpoint based upon the Global Traffic Analysis Technical Memorandum, dated January 31, 2018, prepared by Gorove/Slade.
- VDOT's NOVA District has determined the location of the proposed LACC is within an air quality maintenance or non-attainment area, however, the proposed project does not qualify as being regionally significant and no air quality conformity review is required. In addition,

the environmental impact analysis was reviewed and approved by the NOVA District and there will be no adverse environmental impacts.

- The FHWA has provided the requisite approval for the proposed LACC
- Public notices of willingness for hearings/comment were posted in the *Washington Post* newspaper on June 28, 2018; and, the *McLean Connection* newspaper on June 28, 2018; and, the *El Tiempo Latino* newspaper on June 29, 2018, with no comments or requests for a public hearing received.
- VDOT has determined no compensation shall be due in consideration of the proposed LACC, as no value will be added to the adjoining land solely by shifting the said limited access line.
- All right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements.
- All costs of any engineering, construction or safety improvements will be borne by the requestor.

Recommendation: VDOT recommends the approval of the proposed LACC subject to the referenced conditions and facts. VDOT further recommends that the Commissioner be authorized to take all actions and execute all documentation necessary to implement the LACC.

Action Required by CTB: Virginia Code § 33.2-401 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 project will move forward as proposed and the Commissioner of Highways will be authorized to take all actions necessary to comply with this resolution.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, March 20, 2018, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, 1690 Old Meadow Holdings, LLC, has submitted a rezoning and final development plan application identified as Rezoning/Final Development Plan Applications RZ/FDP 2015-PR-014 and a special exception application identified as Special Exception Application SE 2015-PR-029 on the property located at 1690 Old Meadow Road (the "Property"), and;

WHEREAS, development of a new grid of connected streets providing alternative pathways for traffic flow and the addition of pedestrian and bicycle facilities are key elements of the Comprehensive Plan for Tysons, and;

WHEREAS, the proposed pedestrian and bike facilities include facilities along the frontage of Route 123 (Chain Bridge Road), and;

WHEREAS, the limited access line for Route 123 is located on the Property's frontage, and;

WHEREAS, the facilities located on the Route 123 frontage require approval of a change in location of a portion of the limited access control adjacent to Route 123 by the Commonwealth Transportation Board, and;

WHEREAS, to process these requests, the Virginia Department of Transportation requires a resolution of support from the locality within which the changes in limited access are proposed;

NOW THEREFORE, BE IT RESOLVED, that this Board, in concept, supports these proposed changes to the limited access controls along the Route 123; and;

BE IT FURTHER RESOLVED, that this Board hereby requests, pursuant to Section 24VAC30-401-20 of the Virginia Administrative Code, that the Commonwealth Transportation Board approve the proposed changes to the limited access controls.

A Copy – Teste:



Catherine A. Chianese
Clerk to the Board of Supervisors

