



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Shannon Valentine  
Chairperson

1401 East Broad Street  
Richmond, Virginia 23219

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*Agenda item #4*

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

**December 9, 2020**

#### **MOTION**

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

**Action: Motion Carried, Unanimously**

**Title: Limited Access Control Change**

**Route 360 (Patrick Henry Highway)**

**Nottoway County**

**WHEREAS**, Route 360 (Patrick Highway) in Nottoway County was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB) on August 18, 1966; and

**WHEREAS**, in connection with State Highway Project 6360-067-102, RW-201, the Commonwealth acquired certain limited access control easements from the Department of Health by Agreement dated March 8, 1967, recorded in Deed Book 176, Page 177, recorded in the Office of the Clerk of Circuit Court of the County of Nottoway; and

**WHEREAS**, Bryan Wright Farms, LLC has requested a shift in limited access control along Route 360 (Patrick Henry Highway) to accommodate for a planned convenience store and travel center. The shift in the limited access control will shift the right of way limits to create a surplus property, which the requestor will purchase; and

**WHEREAS**, the requested shift in limited access control of the southern side of the west bound lanes on Route 360 is from a point on the existing limited access line, 80 feet right of Station 135+62 (Route 360 east bound lane centerline), thence to a point 73 feet right of Station 136+68.387 (Route 360 east bound lane centerline), thence to a point 73 feet right of Station 138+28.81 (Route 360 east bound lane centerline), thence to a point 50 feet right of Station 13+50 (Route 723 construction baseline), being a point on the existing limited access line; and

**WHEREAS**, the County of Nottoway, by resolution dated October 18, 2018, endorses the requestor's planned project and acquisition of surplus property which requires a limited access control change (LACC) and the County Administrator has provided a formal letter endorsing the request to modify limited access control for the project; and

**WHEREAS**, the Virginia Department of Transportation's (VDOT's) Richmond District has determined, with the Chief Engineer concurring, that the proposed shift in the limited access control of Route 360 will have minimal impact on the operation of the Route 360 (Patrick Henry Highway) right of way; and that the proposed LACC is appropriate from a safety and traffic control standpoint based upon a Traffic Impact Assessment dated November 11, 2019; and

**WHEREAS**, VDOT's Richmond District has determined the location of the proposed LACCs are not within an air quality maintenance or non-attainment area. In addition, the environmental impact analysis was reviewed and approved by the Richmond District and there will be no adverse environmental impacts; and

**WHEREAS**, public notices of willingness to hold a public hearing and to receive public comment were posted in the *Progress-Index* newspaper on August 3, 2020, and August 11, 2020, and the *Blackstone Courier Record* newspaper on August 5, 2020 and August 12, 2020, and the *Legacy* newspaper on August 5, 2020, and August 12, 2020; 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

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

**WHEREAS**, VDOT has reviewed the requested LACC and determined that all are in compliance with § 33.2-401 of the *Code of Virginia* and that the requirements of 24 VAC 30-401-20 have been met; and

**WHEREAS**, VDOT recommends approval of the LACC as shown on the attached exhibits.

**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, 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.

#####

**CTB Decision Brief**  
**Route 360 (Patrick Henry Highway)**  
**Nottoway County**  
**Limited Access Control Change**

**Issue:** Bryan Wright Farms, LLC, has requested a shift in limited access control along Route 360 (Patrick Henry Highway) to accommodate for a planned convenience store and travel center. The shift in the limited access control will allow for a shift in the right of way limits to create a surplus property and include the property the applicant 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 360 (Patrick Henry Highway) in Nottoway County was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB) on August 18, 1966.
- In connection with State Highway Project 6360-067-102, RW-201, the Commonwealth acquired certain limited access control easements from the Department of Health by Agreement dated March 8, 1967, recorded in Deed Book 176, Page 177, recorded in the Office of the Clerk of Circuit Court of the County of Nottoway.
- The requested shift in limited access control of the southern side of the west bound lanes on Route 360 is from a point on the existing limited access line, 80 feet right of Station 135+62 (Route 360 east bound lane centerline), thence to a point 73 feet right of Station 136+68.387 (Route 360 east bound lane centerline), thence to a point 73 feet right of Station 138+28.81 (Route 360 east bound lane centerline), thence to a point 50 feet right of Station 13+50 (Route 723 construction baseline), being a point on the existing limited access line.
- The written determination of the Chief Engineer regarding this proposed project is attached for your consideration.
- The County of Nottoway, by resolution dated October 18, 2018, endorses the requestor's planned project and acquisition of surplus property which requires a limited access control change (LACC) and the County Administrator has provided a formal letter endorsing the request to modify limited access control for the project.
- VDOT's Richmond District has determined, with the Chief Engineer concurring, that the proposed shift in the limited access control of Route 360 will have minimal impact on the operation of the Route 360 (Patrick Henry Highway) right of way; and that the proposed LACC is appropriate from a safety and traffic control standpoint based upon a Traffic Impact Assessment, dated November 11, 2019, prepared by Vanasse Hangen Brustlin, Inc.
- VDOT's Richmond District has determined the location of the proposed LACCs are not within an air quality maintenance or non-attainment area. In addition, the environmental impact analysis was reviewed and approved by the Richmond District and there will be no adverse environmental impacts.
- Public notices of willingness to hold a public hearing and to receive public comment were posted in the *Progress-Index* newspaper on August 3, 2020, and August 11, 2020, and the

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*Blackstone Courier Record* newspaper on August 5, 2020, and August 12, 2020, and the *Legacy* newspaper on August 5, 2020 and August 12, 2020.

- 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



# COMMONWEALTH of VIRGINIA

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

Stephen C. Brich, P.E.  
COMMISSIONER

December 1, 2020

The Honorable Shannon Valentine  
The Honorable Stephen C. Brich, P. E.  
The Honorable Jennifer Mitchell  
The Honorable Jerry L. Stinson  
The Honorable Mary H. Hynes  
The Honorable Alison DeTuncq  
The Honorable Bert Dodson, Jr.  
The Honorable W. Sheppard Miller III  
The Honorable Carlos M. Brown  
The Honorable Cedric Bernard Rucker  
The Honorable Stephen A. Johnsen  
The Honorable F. Dixon Whitworth, Jr.  
The Honorable E. Scott Kasprovicz  
The Honorable Raymond D. Smoot Jr.  
The Honorable Marty Williams  
The Honorable John Malbon  
The Honorable Greg Yates

Subject: Approval of Limited Access Control Changes (LACC) for Route 360 (Patrick Henry Highway)

Dear Commonwealth Transportation Board Members:

The Department has received a request for your consideration from Bryan Wright Farms, LLC for a shift in the limited access control along Route 360 to accommodate for a planned convenience store and travel center. The shift in the limited access control will create a surplus property, which the requestor will purchase. The Department's staff has determined there will be minimal impact on the operation to Route 360 and that the proposed LACC is appropriate from a design, safety and traffic control standpoint.

The request meets the engineering criteria and guidelines set forth in Title 24, Agency 30, Chapter 401 of the Virginia Administrative Code. I have reviewed the Staff's recommendations, and determined that approving the 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,

Barton A. Thrasher, P.E.  
Chief Engineer

