



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 # 1

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

February 17, 2021

MOTION

Made By: Ms. Hynes, **Seconded By:** Dr. Smoot

Action: Motion Carried, Unanimously

Title: Abandonment – Primary System of State Highways

WHEREAS, pursuant to §33.2-902, *Code of Virginia 1950*, as amended, the Commissioner of Highways was provided with a petition to abandon from the Primary System of State Highways a segment of Route FR-773 in Fairfax County. This matter is being considered at the request of an adjacent property owner for the purpose of the development of Tysons Corner and the Station Place Public Improvement Plan. The road segment's total distance of 0.07 mile is

- (a) no longer necessary as a public road, and
- (b) no longer provides a public convenience that warrants maintenance at public expense;
and

WHEREAS, the Fairfax County Board of Supervisors supports the Commissioner of Highways' action to abandon from the Primary System of State Highways a segment of Route FR-773 and has provided a letter of support, attached hereto as Exhibit A, requesting the abandonment of a segment of Route FR-773, as seen in the map attached hereto as Exhibit B;
and

WHEREAS, the Virginia Department of Transportation (VDOT) posted notice, attached hereto as Exhibit C, of the intent to abandon such segment on behalf of the Commonwealth Transportation Board (Board), and such posting was done in accordance with § 33.2-902, and VDOT received no requests for public hearing on the matter; and

WHEREAS, a primary highway that is no longer providing sufficient public convenience to warrant maintenance at public expense may be abandoned by the Board, pursuant to §33.2-902, *Code of Virginia 1950*, as amended.

NOW THEREFORE, BE IT RESOLVED, that the roadway segment identified below, is hereby ordered abandoned as part of Primary system of state highways, pursuant to § 33.2-902, Code of Virginia, 1950, as amended.

Primary System of State Highways

Abandonment

Northern Virginia District

Fairfax County

- Route FR-773 0.07 Mi.

Total Mileage Abandoned from the Primary System: 0.07 Mi.

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CTB Decision Brief

Abandonment of Route FR-773 Located in Fairfax County

Issue: An adjacent landowner has requested the abandonment of a 0.07 mile segment of Route FR-773 in Fairfax County and the County Board of Supervisors supports the abandonment and its approval by the Commonwealth Transportation Board (Board).

Facts: A segment of Route FR-773 in Fairfax County, a distance of 0.07 mile, is no longer necessary as a public road. This matter is being considered at the request of an adjacent property owner for the purpose of the development of Tysons Corner and the Station Place Public Improvement Plan.

The Fairfax County Director of the County Department of Transportation has provided a letter of support, dated December 9, 2020 (Exhibit A, attached), indicating the Fairfax County Board of Supervisors' support of the abandonment of a 0.07 mile portion of Route FR-773 (segment identified in "Red" on Exhibit B, attached).

Upon review of the area, VDOT staff determined the 0.07 mile portion should be abandoned as a part of the Primary System of State Highways, pursuant to § 33.2-902 of the *Code of Virginia*, since no public necessity exists for the continuance of the segment as a public road.

Pursuant to and in accordance with § 33.2-902 of the *Code of Virginia*, VDOT published a "Notice of Intent to Abandon" in the *Washington Times* publication on December 16 and 23, 2020 (Exhibit C, attached). No requests for public hearing were submitted during the requisite 30-day timeframe.

Recommendations: VDOT recommends the Commonwealth Transportation Board approve the abandonment of the 0.07 mile portion of Route FR-773 referenced above.

Action Required by CTB: The *Code of Virginia* requires a majority of the Board's members to approve the change proposed in this brief within four months of the end of the 30-day period after publication of the notice of intent to abandon. A letter of support describing the proposed segment to be abandoned is provided for the Board's consideration.

Result if Approved: If approved, VDOT will suspend all its maintenance activity on the roadway segment.

Options: Approve or Deny

Public Comments/Reactions: A public hearing was not requested during the requisite timeframe.

Exhibit A
Fairfax County Letter of Support dated December 9, 2020



County of Fairfax, Virginia

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

December 9, 2020

Ms. Nadia Alphonse
Northern Virginia District
Virginia Department of Transportation
4975 Alliance Drive
Fairfax, Virginia 22030

Reference: Abandonment of a Portion of Route FR-773 from the Primary System of State Highways

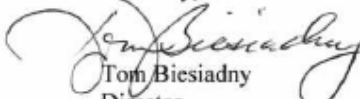
Dear Ms. Alphonse:

I have received your notice of the Virginia Department of Transportation's (VDOT) intent to abandon a portion of Route FR-773 from the Primary System of State Highways.

This letter is intended to notify you that the abandonment depicted in the attached sketch is consistent with Fairfax County land development application RZ 2011-PR-005 (Tysons Central) – approved by the Board of Supervisors on November 19, 2013. This area is also shown on site plan 1682-SP-001 (Tysons Central Building F), and public improvement plan 1683-PI-001 (Tysons Central Place). In addition, the Fairfax County Department of Transportation (FCDOT) supports VDOT's action to abandon this portion of Route FR-773 from the Primary System of State Highways pursuant to §33.2-902 of the Code of Virginia, because no public necessity exists for the continuance of this section of highway as a public highway.

If you have any questions or need additional information, please call Jeffrey Edmondson at (703) 877-5836 or me at (703) 877-5663.

Sincerely,


Tom Biesiadny
Director

Attachment: a/s

CC: Members, Fairfax County Board of Supervisors
Bryan Hill, County Executive
Rachel Flynn, Deputy County Executive

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot



Exhibit B
Sketch of Proposed Abandonment

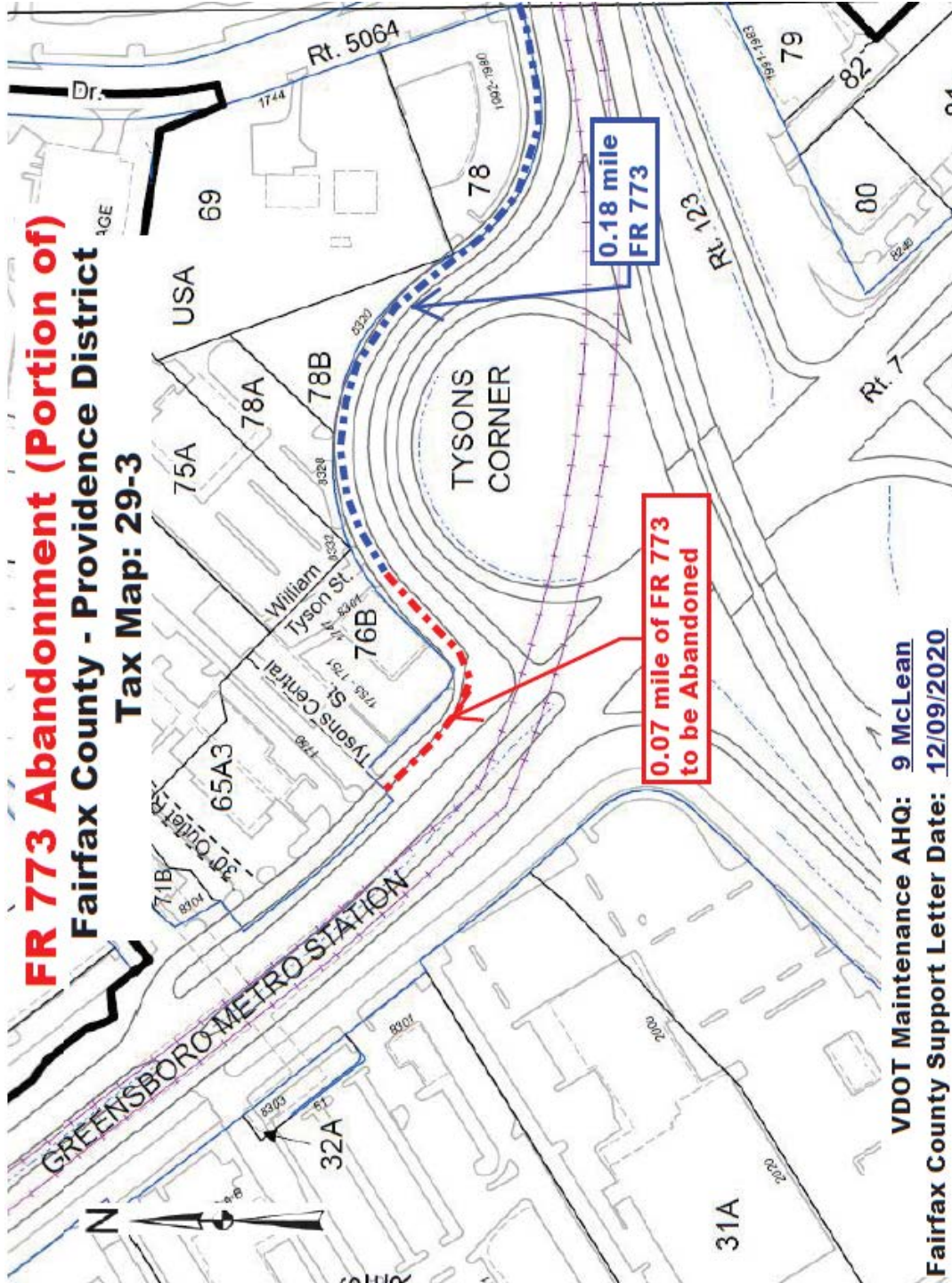


Exhibit C
“Notice of Intent to Abandon”
Published in the *Washington Times*
December 16 and 23, 2020

VDOT Virginia Department of Transportation

**FR 773 Proposed Abandonment
Public Notice**

The Virginia Department of Transportation (VDOT) hereby gives formal notice of its intent to consider the abandonment of a portion of Frontage Road FR 773 along the interchange ramp from southbound Chain Bridge Road (Route 123) to northbound Leesburg Pike (Route 7), for a distance of about 0.07 mile. The subject portion is located in Fairfax County, Providence Magisterial District on Tax Map 29-3. The proposed abandonment is pursuant to §33.2-902 of the Code of Virginia.

Materials related to the proposed abandonment are available for public viewing upon request. Due to COVID-19 restrictions, please send the request via email to novafairfaxpermits@vdot.virginia.gov, by calling 703-259-1773 (TTY/TDD 711); or by mail to VDOT Northern Virginia District Office, Fairfax Permits, 4975 Alliance Drive, Fairfax, VA 22030.

Written requests for a public hearing to be held by VDOT prior to the consideration of the proposed abandonment must be submitted to VDOT Fairfax Permits within 30 days of this publication. Please submit the request via email or by mail as listed above.

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, please call the number listed above.

Run Dates: December 16th, and 23rd, 2020

AD#46005