



## COMMONWEALTH of VIRGINIA

### *Commonwealth Transportation Board*

Shannon Valentine  
Chairperson

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*Agenda Item #14*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

January 12, 2022

#### MOTION

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

**Action:** Motion carried, unanimously

#### **Title: Designation of lanes on the Opitz Boulevard Ramp and the Seminary Road Ramp as HOT Lanes**

**WHEREAS**, in 2012, pursuant to the Public-Private Transportation Act of 1995 (the “PPTA”), (Va. Code §§ 33.2-1800, *et seq.*), the Virginia Department of Transportation (the “Department”) entered into a comprehensive agreement with 95 Express Lanes, LLC (the “Concessionaire”) to develop, design, finance, construct, maintain, and operate 29 continuous miles of High-Occupancy Toll (“HOT”) lanes on Interstates 95 and 395 between Turkeycock Run (milepost 2.0 on Interstate 395) and Garrisonville Road (VA Route 610) (the “Original 95 HOT Lanes”); and

**WHEREAS**, in 2016, the parties entered into the First Amendment to the Comprehensive Agreement to extend the HOT lanes on Interstate 95 south 2.2 miles (near milepost 142.5 on Interstate 95) (the “I-95 Express Lanes Southern Terminus Extension”); and

**WHEREAS**, in 2017, the parties entered into the Amended and Restated Comprehensive Agreement (the “First ARCA”) to extend the HOT lanes on Interstate 395 for approximately 8 miles north to the Washington D.C. line (the “I-395 Express Lanes Northern Extension”); and

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**WHEREAS**, in 2019, the parties entered into the Second Amended and Restated Comprehensive Agreement (the “Second ARCA”) to extend the HOT lanes on Interstate 95 for approximately 10 miles farther south to Route 17 in Fredericksburg (the “I-95 Express Lanes Fredericksburg Extension”); and

**WHEREAS**, on June 17, 2021, the parties entered into the Amended and Restated Opitz Boulevard Ramp Project Development Framework Agreement (the “Opitz Boulevard DFA”) to establish a process for the Concessionaire to pursue the Opitz Boulevard Ramp Project (as hereinafter defined) as a Concessionaire Project Enhancement (as defined in the Second ARCA); and

**WHEREAS**, on November 29, 2021, the parties entered into the Seminary Road Ramp Project Development Framework Agreement (the “Seminary Road DFA”) to establish a process for the Concessionaire to pursue the Seminary Road Ramp Project (as hereinafter defined) as a Concessionaire Project Enhancement (as defined in the Second ARCA); and

**WHEREAS**, the Department anticipates amending the Second ARCA to incorporate development plans and any required terms, conditions or other provisions to construct a new access ramp on Interstate 95 between the HOT Lanes and Opitz Boulevard (the “Opitz Boulevard Ramp Project”); and

**WHEREAS**, the Department anticipates further amending the Second ARCA to incorporate development plans and any required terms, conditions, or other provisions to convert an existing High-Occupancy Vehicle (“HOV”) ramp to a HOT ramp at Seminary Road on Interstate 395 (the “Seminary Road Ramp Project”); and

**WHEREAS**, the Department intends for (i) the lanes constructed by the Opitz Boulevard Ramp Project (the “Opitz Boulevard HOT Lanes”) and the lanes converted from HOV lanes by the Seminary Road Ramp Project (the “Seminary Road HOT Lanes”) to each be designated by the CTB as HOT lanes pursuant to Va. Code § 33.2-502, and (ii) the Opitz Boulevard and the Seminary Road HOT Lanes to be tolled using congestion pricing; and

**WHEREAS**, Va. Code § 33.2-502 provides that the Commonwealth Transportation Board (the “CTB”) may designate one or more lanes of any highway in the Interstate System, including lanes that may previously have been designated HOV lanes under § 33.2-501, as HOT lanes; and

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**WHEREAS**, pursuant to Va. Code § 33.2-502, in making HOT lanes designations, the CTB is required to also specify the high-occupancy requirement and conditions for use of such HOT lanes or may authorize the Commissioner of Highways to make such determination consistent with the terms of a comprehensive agreement executed pursuant to Va. Code § 33.2-1808; however, the high-occupancy requirement for a HOT lanes facility constructed or operated as a result of the PPTA shall not be less than three; and

**WHEREAS**, the CTB has previously designated the Original 95 HOT Lanes, the I-95 Express Lanes Southern Terminus Extension, the I-395 Express Lanes Northern Extension, and the I-95 Express Lanes Fredericksburg Extension as HOT lanes with with a high-occupancy requirement of three or more;

**NOW, THEREFORE, BE IT RESOLVED** that the CTB hereby designates the lanes to be constructed and/or modified by the Opitz Boulevard Ramp Project and the Seminary Road Ramp Project, respectively as HOT lanes in accordance with Va. Code § 33.2-502, to be implemented upon issuance by the Department of a “Service Commencement Notice to Proceed” pursuant to the Second ARCA, as amended

**BE IT FURTHER RESOLVED** that the CTB hereby specifies the high-occupancy requirement for the HOT lanes on the Opitz Boulevard Ramp Project and the Seminary Road Ramp Project as three or more.

**BE IT FURTHER RESOLVED** that the CTB hereby authorizes the Commissioner of Highways to establish the conditions for use of the Opitz Boulevard HOT Lanes and the Seminary Road HOT Lanes in accordance with the terms and conditions of the Second ARCA, as amended.

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## **CTB Decision Brief**

### **Designation of lanes on the Opitz Boulevard Ramp and the Seminary Road Ramp as HOT Lanes**

**Issue:** The Virginia Department of Transportation (the “Department”) intends to modify its comprehensive agreement with 95 Express Lanes, LLC regarding I-95 and I-395. The modification would call for 95 Express Lanes to construct an access ramp between the existing HOT Lanes on I-95 and Opitz Boulevard, anticipating that the lanes on the access ramp would be designated as HOT and to convert an existing HOV ramp from Interstate 395 to Seminary Road from an HOV lane to a HOT lane. The lanes will need designation as HOT lanes, with a specification of the high-occupancy requirement of no less than three, and a determination of the conditions of use of the HOT lanes.

**Facts:**

- On July 31, 2012, pursuant to the Public-Private Transportation Act of 1995 (“PPTA”), (Va. Code §§ 33.2-1800 *et seq.*), the Department and 95 Express Lanes, LLC entered into a comprehensive agreement (the “Original Comprehensive Agreement”) to develop, design, finance, construct, maintain, and operate 29 continuous miles of High-Occupancy Toll (“HOT”) lanes on Interstates 95 and 395 between Turkeycock Run (milepost 2.0 on Interstate 395) and Garrisonville Road (VA Route 610). In 2014, the CTB designated these as HOT lanes, with a high-occupancy requirement of three or more.
- Since the original agreement, additional HOT lanes have been designated to the south of Garrisonville Road on I-95 and to the north of Turkeycock Run on I-395, with a high-occupancy requirement of three or more.
- On May 2, 2016, the Department entered into an amendment to the Original Comprehensive Agreement (the “First Amendment”) to extend the I-95 HOT Lanes south 2.2 miles by constructing one reversible HOT lane and adding new HOT lane access points.
- On June 8, 2017, the Department amended and restated the Original Comprehensive Agreement by entering into the Amended and Restated Comprehensive Agreement (the “First ARCA”) to extend HOT lanes on I-395 for approximately 8 miles north to the Washington DC line.
- On April 18, 2019, the Department amended and restated the First ARCA by entering into the Second Amended and Restated Comprehensive Agreement (the “Second ARCA”) to extend the HOT lanes on Interstate 95 for approximately 10 miles farther south to Route 17 in Fredericksburg.
- In 2021, the parties executed development framework agreements to pursue the Opitz Boulevard and Seminary Road ramp projects as Concessionaire Project Enhancements, as defined in the Second ARCA. These development framework agreements included provisions to construct a new access ramp on Interstate 95 between the HOT Lanes and Opitz Boulevard (the “Opitz Boulevard Ramp Project”) and provisions to convert an existing High-Occupancy Vehicle (“HOV”) ramp to a HOT ramp at Seminary Road on Interstate 395 (the “Seminary Road Ramp Project”)
- The Department intends for (i) the lanes constructed by the Opitz Boulevard Ramp Project (the “Opitz Boulevard HOT Lanes”) and the lanes converted from HOV lanes by the Seminary Road Ramp Project (the “Seminary Road HOT Lanes”) to each be designated by the CTB as HOT lanes pursuant to Va. Code § 33.2-502, and (ii) the Opitz Boulevard and Seminary Road HOT Lanes to be tolled using congestion pricing.

- Va. Code § 33.2-502 authorizes the CTB to designate one or more lanes of any highway, including lanes that may previously have been designated HOV lanes under § 33.2-501, as HOT Lanes. In making HOT lanes designations, the CTB shall also specify the high-occupancy requirement and conditions for use of such HOT lanes or may authorize the Commissioner of Highways to make such determination consistent with the terms of a comprehensive agreement executed pursuant to § 33.2-1808. However, it is noted that pursuant to § 33.2-502, the high-occupancy requirement for a HOT lanes facility constructed or operated as a result of the Public-Private Transportation Act (§§ 33.2-1800, *et seq.*) shall not be less than three.

**Recommendation:** That the CTB designate the lanes to be constructed by the Opitz Boulevard Ramp Project and to be converted from HOV lanes by the Seminary Road Ramp Project as HOT lanes, with a high-occupancy requirement of three or more, to be implemented upon issuance by the Department of a “Service Commencement Notice to Proceed” pursuant to the Second ARCA, as amended; and further, that CTB authorize the Commissioner of Highways to establish the conditions for use of the Opitz Boulevard and Seminary Road HOT Lanes in accordance with the terms and conditions of the amended comprehensive agreement.

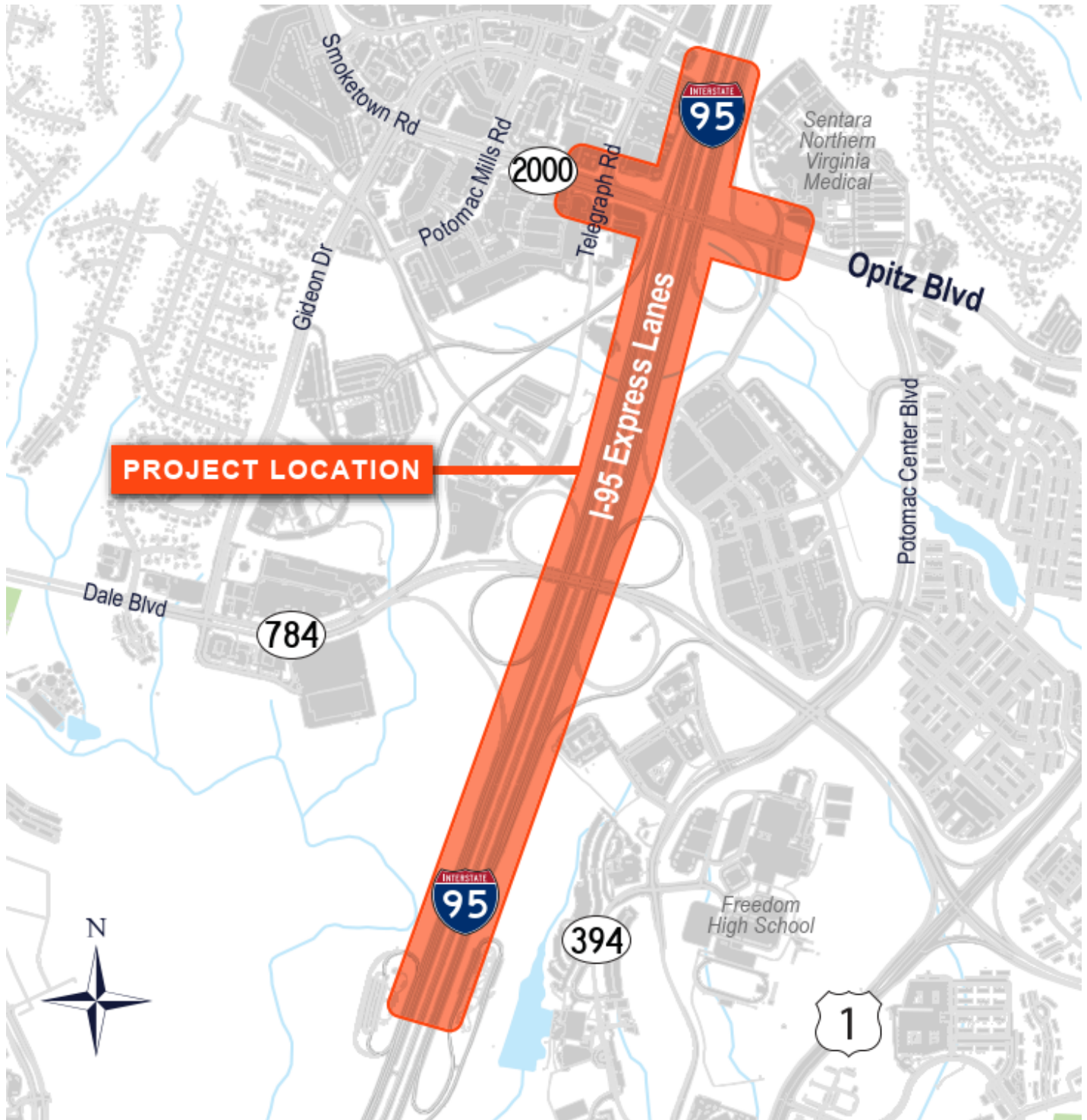
**Action Required by CTB:** A majority vote of the CTB to approve the recommendation.

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

**Public Comments/Reactions:** N/A

# PROJECT LOCATION MAP

## I-95 Express Lanes: Opitz Boulevard Connection



Not to Scale



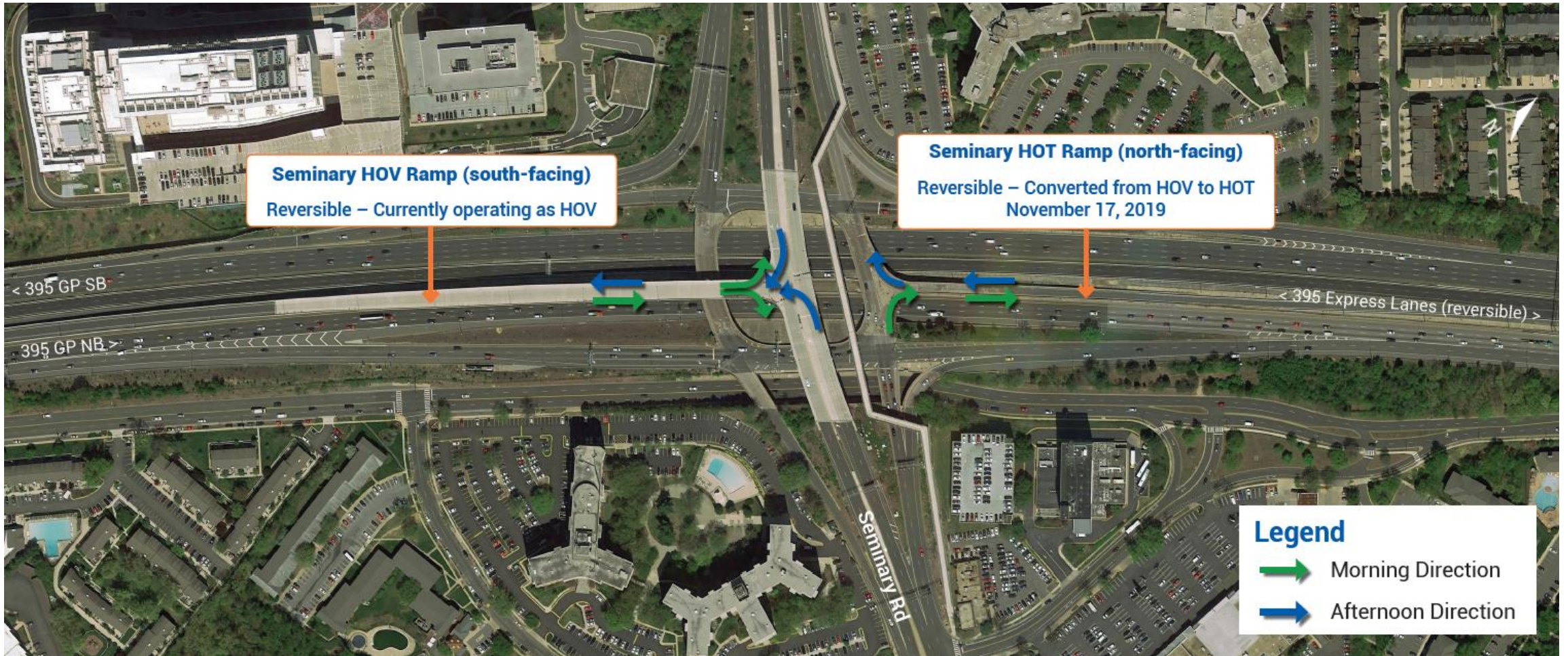
# 395 Express Lanes Access Points



- ① Eads Street (HOT)
- ② Washington Boulevard (HOT)
- ③ Shirlington Road (HOT)
- ④ Seminary Road north-facing ramp (HOT)
- ④ Seminary Road south-facing ramp (HOV3+ only)
- ⑤ Near Edsall Road / Turkeycock Run (HOT)



# Seminary Road Ramp - Existing Conditions





# Express Lanes Network

