



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 6

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

January 17, 2023

MOTION

Made By: Mr. Brown, **Seconded By:** Mr. Kasprowicz

Action: Motion Carried, Unanimously

Title: Recreational Access to Herman Road Lake Gaston Day Use Site Project RECR-012-800 – Brunswick County

WHEREAS, § 33.2-1510 of the *Code of Virginia* sets forth that the General Assembly of Virginia has found and declared that it is “. . . in the public interest that access roads and bikeways to public recreational areas and historical sites be provided . . .” and sets aside highway funds for such purpose, “. . . [w]hen the Director of the Department of Conservation and Recreation has designated a public recreational area as such . . . and recommends to the [Commonwealth Transportation] Board that an access road or bikeway be provided or maintained to that area”; and

WHEREAS, the Director of the Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB) have adopted a joint policy to govern the use of the Recreational Access Fund pursuant to § 33.2-1510 of the *Code of Virginia*; and

WHEREAS, the Brunswick County Board of Supervisors has, by appropriate resolution, requested Recreational Access funds to provide roadway access to adequately serve recreational facilities located off of Hendricks Mill Road (Virginia State Route 903) and said roadway access is estimated to cost \$450,000; and

WHEREAS, this request has been considered by the Director of DCR and has been found to comply with the provisions of § 33.2-1510 of the *Code of Virginia* and has designated the site a public recreation area.

Resolution of the Board

Recreational Access – Herman Road Lake Gaston Day Use Site – Brunswick County

January 17, 2023

Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED, that from the Recreational Access Fund, up to \$350,000 be allocated to construct the access road to Herman Road Lake Gaston Day Use Site, Project RECR-012-800, contingent upon:

1. All right of way, environmental assessments and remediation, and utility adjustments being provided at no cost to the Commonwealth; and
2. Execution of an appropriate contractual agreement between Brunswick County and VDOT to provide for the:
 - a. design, administration, construction and maintenance of this project;
 - b. up to \$100,000 in dollar for dollar matching funds, as necessary, by Brunswick County for construction of the access road; and
 - c. payment of all ineligible project costs, and of any eligible project costs in excess of the allocation amount for the roadway access project from sources other than those administered by VDOT.

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CTB Decision Brief

Recreational Access – Brunswick County Herman Road Lake Gaston Day Use Site

Issue: Pursuant to § 33.2-1510 of the *Code of Virginia*, the Brunswick County Board of Supervisors has requested funds from the Recreational Access Program to provide adequate roadway access to facilities within the new Herman Road Lake Gaston Day Use Site.

Facts: Section 33.2-1510 of the *Code of Virginia* provides that the Commonwealth Transportation Board (CTB) shall expend from funds set aside for the construction of access roads and bikeways to public recreational areas and historical sites. CTB Policy requires that the locality provide all rights of way, utility adjustments, and environmental assessments and remediation at no cost to the Commonwealth. Further, this section of the *Code of Virginia* grants the CTB the authority to construct access roads and bikeways to public recreational areas and historical sites when the governing body of the locality in which the access road is to be provided passes a resolution requesting the road and when the Director of the Department of Conservation and Recreation (DCR) has designated the public recreational area as such and recommends to the CTB that an access road be provided to that area.

Herman Road Lake Gaston Day Use Site will be a new 14.6-Acre public park located in Brunswick County, adjacent to Hendricks Mill Road (Virginia State Route 903). This park will be constructed on property owned by Brunswick County, and the park will be operated and maintained by Brunswick County. The proposed road access project will provide access to Phase 1 of the park, where Brunswick County plans to construct a fishing pier, canoe/kayak launch, sheltered picnic area, and a parking area. The new access road will be 0.11-miles long, 24-feet wide, and end at the park's proposed 10-12 vehicle parking area. The Virginia Department of Transportation's (VDOT's) Richmond District and Petersburg Residency staff have concurred with the County's project cost estimate of \$450,000. Brunswick County will administer the design and construction of the proposed road access project, and the road will be added as a portion of the primary state highway system.

VDOT's Local Assistance Division has coordinated with DCR staff to confirm support for the project. The Director of DCR has designated Herman Road Lake Gaston Day Use Site as a public recreational area (attached) and recommends utilization of Recreational Access funds to provide adequate access to the park.

Recommendations: VDOT recommends that Recreational Access Program funding in the amount of \$350,000 for the construction of roadway access be approved, subject to certain contingencies, including \$100,000 in local matching funds.

Action Required by the CTB: Prior to expending funds set aside for access roads to public recreational areas and historical sites, the *Code of Virginia* specifies that the CTB shall declare by resolution that the access road project be provided. A resolution is provided for formal vote.

Result, if Approved: The aforementioned allocations will be made and VDOT and Brunswick County will proceed with the recreational access roadway project.

Options: Approve, Deny, or Defer.

CTB Decision Brief

Recreational Access – Herman Road Lake Gaston Day Use Site – Brunswick County

January 17, 2023

Page Two

Public Comments/Reaction: None