



COMMONWEALTH of VIRGINIA
Commonwealth Transportation Board

W. Sheppard Miller, III
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Agenda item # 5

**RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD**

May 24, 2023

MOTION

Made By: Mr. Stant, **Seconded By:** Mr. Kasprovicz
Action: Motion Carried, Unanimously

Title: Location Decision Review for the Route 460 Southeast Project

WHEREAS, on September 21, 2022, the Commonwealth Transportation Board (CTB) adopted a policy to review location decisions three years after their respective approval date; and,

WHEREAS, in adopting this policy, CTB set forth requirements for VDOT to present and recommend location decisions be affirmed, modified, or rescinded; and,

WHEREAS, in response to CTB direction, VDOT reviewed location decisions made by the CTB; and,

WHEREAS, the location decision for the Route 460 Southeast project was identified as meeting the criteria for CTB review; and,

WHEREAS, on November 17, 2005, CTB approved the proposed location of the Route 460 Southeast project from Interstate 295 to Route 58 in the Counties of Prince George, Sussex, Surry, Southampton, and Isle of Wight and, the City of Suffolk, State Project 0460-969-101, P101; and,

WHEREAS, at its February 18, 2015, meeting, the CTB rescinded its resolution dated November 17, 2005 and, approved the location of this project as presented at their January 13, 2015 workshop (2015 CTB Location Approval) and, granting location approval; and,

WHEREAS, the Route 460 Southeast project has not advanced since issuance of the Final Supplemental Environmental Impact Statement (SEIS) on June 17, 2016; and,

WHEREAS, after a Final SEIS was issued on June 17, 2016, a Record of Decision was never issued by FHWA due to fiscal constraint not being demonstrated pursuant to 23 CFR Part 450; and,

WHEREAS, the 2015 CTB Location Approval for the Route 460 Southeast project exceeds the three-year period established by CTB policy; and,

WHEREAS, the project would need to be re-evaluated under NEPA and, the CTB would need to make a new location approval in order for the project to advance.

NOW, THEREFORE, BE IT RESOLVED that the CTB hereby rescinds the resolution of this Board dated February 18, 2015, granting location approval.

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Commonwealth Transportation Board Decision Brief

Location Decision Review for the Route 460 Southeast Project

Issue: The Virginia Department of Transportation (VDOT) seeks from the Commonwealth Transportation Board (CTB) a decision to affirm, rescind, or modify the CTB’s location decision for the Route 460 Southeast Improvements project from Interstate 295 to Route 58 in the Counties of Prince George, Sussex, Surry, Southampton, and Isle of Wight and the City of Suffolk (the “Route 460 Project”).

Facts: In 2008, VDOT completed an Environmental Impact Statement (EIS) analyzing environmental consequences of the preferred alternative for the Route 460 Project pursuant to the National Environmental Policy Act (NEPA). The Federal Highway Administration (FHWA) issued the Record of Decision (ROD) in September 2008.

In 2013, FHWA and the U.S. Army Corps of Engineers (USACE) determined that the preparation of a Supplemental EIS (SEIS) would be necessary to analyze new information bearing on the environmental impacts, including the aquatic resource impacts, for the Route 460 Project. Completion of the SEIS would be necessary for USACE to issue a permit for the Route 460 Project. The Draft SEIS was approved September 2014.

The Purpose identified in the SEIS for the Route 460 Project was to “construct a facility that is consistent with the functional classification of the corridor, sufficiently addresses safety, mobility, and evacuation needs, and sufficiently accommodates freight traffic along the Route 460 corridor between Petersburg and Suffolk, Virginia.” The Needs identified were to address roadway deficiencies; improve safety; accommodate increasing freight shipments; reduce travel delay; provide adequate emergency evacuation capability; improve strategic military connectivity; and support local economic development plans.

The Preferred Alternative presented in the Final SEIS was a hybrid from the build and no build alternatives previously analyzed. The CTB approved the SEIS location decision in February 2015 and rescinded the 2005 location decision. In doing so, the CTB recognized the inability to fund the alternatives evaluated in the Draft SEIS in their entirety and acknowledged that the Preferred Alternative minimizes wetland impacts while still effectively meeting the overall project purpose. The FHWA issued the Final SEIS on June 17, 2016.

Following the CTB’s 2015 location decision approval, the USACE issued a permit for the Preferred Alternative in December 2016. A SMART SCALE application was submitted in Round 2 (FY18) and was not selected for funding. Following the unsuccessful SMART SCALE application, the Route 460 project was removed the Constrained Long Range Transportation Plan

in January 2019. The FHWA has not issued a ROD for the new Preferred Alternative, due to lack of funding.

Recommendations: There is currently no funding to implement the Route 460 project as approved by the CTB in 2015. Advancing the project at the approved location would require that USACE issue a new permit, a re-evaluation pursuant to NEPA, and demonstration of fiscal constraint, which would include CTB briefings and the opportunity to issue a new location decision. VDOT staff recommends the 2015 location decision be rescinded.

Action Required by CTB: Approve a Resolution to take action rescinding the 2015 Route 460 project location decision.

Potential Results: If the CTB acts to rescind the location decision, VDOT will proceed with the steps necessary to document the rescission of the location decision, including removal of any public-facing information maintained by VDOT. Should a project in this area be advanced that requires a location decision, CTB will be briefed and a new location decision will be sought as appropriate. Should CTB affirm or modify the location decision, the location decision would be valid for another three years. Affirming or modifying the location decision would not impact the current funding scenario, nor advance the timeline for project advancement.

Options: Affirm, Modify, or Rescind

Public Comments/ Reaction: The CTB received a briefing on the rescission of this location decision during its April 18, 2023, Workshop Meeting. The public will have an opportunity to comment on the proposed rescission as part of the CTB Action Meeting on May 24, 2023.



COMMONWEALTH of VIRGINIA

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Agenda Item # 12

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

February 18, 2015

MOTION

Made By: Mr. Cole, Seconded By: Mr. Garczynski

Action: Motion Carried

Title: Revised Location Approval for Route 460 Improvements

WHEREAS, on November 17, 2005 the Commonwealth Transportation Board (CTB) approved the proposed location of the Route 460 Improvements project from Interstate 295 to Route 58 in the counties of Prince George, Sussex, Surry, Southampton, Isle of Wight and the City of Suffolk, State Project 0460-969-101,P101; and

WHEREAS, a Draft Supplemental Environmental Impact Statement (SEIS) was developed in accordance with the National Environmental Policy Act and approved by the Federal Highway Administration (FHWA) and the United States Army Corps of Engineers (USACE) on September 18, 2014 for the consideration of additional alternatives to the approved location for the Route 460 improvements project; and

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the CTB, Location Public Hearings were held in the counties of Isle Wight and Prince George on October 27 at the Windsor High School in the Town of Windsor, on October 29 at the Wakefield Foundation in the Town of Wakefield and on October 30, 2014 at J.E.J. Moore Middle School in Disputanta for the purpose of considering additional alternatives and their potential impacts as documented in the Draft SEIS; and

WHEREAS, proper notice was given in advance, and all those present were given a full opportunity to express their opinions and recommendations on the alternatives under consideration, and their statements being duly recorded and considered by the CTB; and

WHEREAS, the economic, social, and environmental effects of the evaluated alternatives have been examined and given proper consideration and this evidence, along with all other, has been carefully reviewed; and

WHEREAS, collaboration amongst VDOT, FHWA and USACE resulted in the recommendation for a Preferred Alternative that is comprised of elements of studied alternatives and which was influenced by the inability to fund an alternative as evaluated in the Draft SEIS in its entirety and the desire to select a Preferred Alternative that minimizes wetland impacts while still effectively meeting the overall project purpose; and

WHEREAS, at the January 2015 CTB meeting the recommended Preferred Alternative presented improves existing Route 460 from west of Zuni to west of Windsor then from west of Windsor to US Route 58 a new four-lane divided highway running north around Windsor and then south of the existing Route 460 from east of Windsor to a new system-to-system interchange with free-flow ramps at US Route 58; and

WHEREAS, there is no intention to pursue corridor improvements west of the recommended Preferred Alternative.

NOW, THEREFORE, BE IT RESOLVED that the location of this project be approved as presented to the CTB at their January 13, 2015 meeting.

BE IT FURTHER RESOLVED that the No-Build alternative is approved for the Route 460 corridor from west of Zuni to the western terminus within the Draft SEIS study area.

BE IT FURTHER RESOLVED that the new location of Route 460 from west of Windsor to the new interchange at US Route 58 be designated as a limited access facility with determinations regarding access being made during the development of the project's design and in accordance with the statutes of Virginia and in accordance with the Commonwealth Transportation Board Policies.

BE IT FURTHER RESOLVED that the Virginia Department of Transportation continue to work with state and federal agencies to minimize impacts and to acquire the necessary permits.

BE IT FURTHER RESOLVED that the resolution of this Board dated November 17, 2005 granting Location Approval for the Route 460 Improvements is hereby rescinded.

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