



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
Fax: (804) 786-2940

Agenda item # 13

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 16, 2024

MOTION

Made By: Mr. Kasprowicz, **Seconded By:** Ms. Sellers

Action: Motion Carried, Unanimously

Limited Access Control Change **Interstate 495** **Fairfax County**

WHEREAS, Interstate 495 was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on October 4, 1956; and

WHEREAS, in connection with State Highway Project 0066-029-103, RW-202, the Commonwealth acquired a certain limited access control easement from Heirs at Law of Edmon A. Flagg, deceased by Certificate dated March 29, 1960, recorded in Deed Book 1879, Page 422, and concluded by Order dated September 29, 1960, recorded in Deed Book 1935, Page 484; Ethel M. Ulfelder, widow, by Certificate dated March 29, 1960, recorded in Deed Book 1873, Page 89, concluded by Order dated November 23, 1962, recorded in Deed Book 2223, Page 331; and Robert A. McGinnis Trustee by Deed dated April 14, 1960, recorded in Deed Book 1911, Page 6, all being recorded in the Office of the Clerk of Circuit Court of the County of Fairfax; and

WHEREAS, McLean Corporate Ridge Property, LLC, an adjacent landowner, has requested a shift in limited access control along Interstate 495 to allow for the construction and maintenance of a pedestrian facility that will provide a pedestrian connection from the northern boundary of the requestor's property to an existing 14-foot Virginia Department of Transportation (VDOT) shared use trail connecting Magarity Road to the commercial core of Tysons; and

WHEREAS, the requested shift in the limited access control, shown on Sheets 6-9(2) and 7-3(2) of Interstate 495, State Highway Project 0495-029-138, RW-201, and Exhibit A “Shared Use Path Connection”, is a lateral shift of 6.5 to 13.5 feet for a distance of 195 feet, beginning at a point on the eastern existing right of way and limited access line 32.76 feet opposite Station 34+95.43 (I-495N LEN construction baseline) to a point 21.94 feet opposite Station 36+93.59 (I-495N LEN construction baseline), showing the proposed shift of the current limited access control line; and

WHEREAS, the Fairfax County Board of Supervisors, by resolution dated June 27, 2023, endorses the proposed limited access control change (LACC); and

WHEREAS, VDOT’s Northern Virginia District has determined, with the Chief Engineer concurring, that the proposed shift in the limited access control of Interstate 495 will have minimal impact on the operation of the Interstate 495 right of way and that the proposed LACC is appropriate from a safety and traffic control standpoint; and

WHEREAS, VDOT’s Northern Virginia District also has determined that the location of the proposed LACC is within an air quality maintenance or non-attainment area, but that the LACC is not considered to be regionally significant for air quality purposes; the environmental impact analysis was reviewed and approved by the Northern Virginia 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 Connection* on September 20, 2023, and September, 27, 2023; the *Gazette Leader* on September 21, 2023, and September 28, 2023; and in *El Tiempo Latin* on September 22, 2023, and September 29, 2023; and

WHEREAS, the Federal Highway Administration has provided the requisite approval for the proposed LACC; and

WHEREAS, VDOT has determined that no compensation shall be due in consideration of the proposed LACC, as no value will be added to the adjoining land by shifting the said limited access line; and

WHEREAS, the requestor has borne all the appropriate costs in accordance with 24 VAC 30-401-20; 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

Resolution of the Board
Limited Access Control Change
Interstate 495, Fairfax County
July 16, 2024
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WHEREAS, VDOT has reviewed the requested LACC and determined that all is 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 Sheets 6-9(2) and 7-3(2) of State Highway Project 0495-029-138,R201 and Exhibit A “Share Use Path Connection.

NOW, THEREFORE, BE IT RESOLVED, in accordance with § 33.2-401 of the *Code of Virginia* and 24 VAC 30-401-10 *et seq.*, that the CTB hereby finds and concurs in the determinations and recommendations of VDOT made herein, and directs that Interstate 495 continue to be designated as a limited access control area, with the boundaries of limited access control being modified from the current locations as shown on Sheets 6-9(2) and 7-3(2) of State Highway Project 0495-029-138,R201 and Exhibit A “Share Use Path Connection.

BE IT FURTHER RESOLVED, the Commissioner of Highways is authorized to take all actions and execute any and all documents necessary to implement the LACCs described herein.

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CTB Decision Brief
Limited Access Control Change
Interstate 495
Fairfax County

Issue: McLean Corporate Ridge Property, LLC, a property owner adjacent to Interstate 495 has requested a shift in limited access control to allow for the construction and maintenance of a pedestrian facility. This limited access control change (LACC) 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:

- Interstate 495 in Fairfax County was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on October 4, 1956.
- In connection with State Highway Project 0413-029-007, RW1, the Commonwealth acquired certain limited access control easements from Heirs at Law of Edmon A. Flagg, deceased by Certificate dated March 29, 1960, recorded in Deed Book 1879, Page 422, and concluded by Order dated September 29, 1960, recorded in Deed Book 1935, Page 484; Ethel M. Ulfelder, widow, by Certificate dated March 29, 1960, recorded in Deed Book 1873, Page 89, concluded by Order dated November 23, 1962, recorded in Deed Book 2223, Page 331; and Robert A McGinnis Trustee by Deed dated April 14, 1960, recorded in Deed Book 1911, Page 6, all being recorded in the Office of the Clerk of Circuit Court of the County of Fairfax.
- The proposed LACC would provide for a pedestrian connection from the northern boundary of the requestor’s property to an existing 14-foot Virginia Department of Transportation (VDOT) shared use trail connecting Magarity Road to the commercial core of Tysons. The shift in limited access control will not modify the right of way limits or require the conveyance of any property rights.
- The LACC, shown on Sheets 6-9(2) and 7-3(2) of Interstate 495, State Highway Project 0495-029-138, R201 and Exhibit A “Shared Use Path Connection”, is a lateral shift of 6.5 to 13.5 feet for a distance of 195 feet, along the eastern existing right of way and limited access line of the north bound lanes of Interstate 495, beginning at a point 32.76 feet opposite Station 34+95.43 (I-495N LEN construction baseline) to a point 21.94 feet opposite Station 36+93.59 (I-495N LEN construction baseline).
- The Fairfax County Board of Supervisors, by resolution dated June 27, 2023, supports the LACC.
- VDOT’s Northern Virginia District has determined, with the Chief Engineer concurring, that the proposed shift in the limited access control of Interstate 495 will have minimal impact on the operation of Interstate 495 right of way and that the proposed LACC is appropriate from a safety and traffic control standpoint.
- VDOT’s Northern Virginia District has also determined that the location of the proposed LACC is within an air quality maintenance or non-attainment area but that the LACC is not considered to be regionally significant for air quality purposes; the environmental impact

analysis was reviewed and approved by the Northern Virginia 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 Connection* on September 20, 2023, and September 27, 2023; the *Gazette Leader* on September 21, 2023, and September 28, 2023; and in *El Tiempo Latin* on September 22, 2023 and September 29, 2023. No comments or requests for a public hearing were received.
- The Federal Highway Administration has provided the requisite approval for the proposed LACC.
- 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.
- The requestor has borne all appropriate costs in accordance with 24 VAC 30-401-20.
- All right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements.
- All costs of engineering and construction, including all necessary safety improvements, will be borne by the requestor.
- VDOT has reviewed the requested LACC and determined that all is in compliance with § 33.2-401 of the *Code of Virginia* and that the requirements of 24 VAC 30-401-20 have been met.
- The written determination of the Chief Engineer regarding the LACC is attached for your consideration.

Recommendation: VDOT recommends the approval of the proposed LACC. 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 to approve the recommended LACC. The CTB will be presented with a resolution for a formal vote.

Result, if Approved: The Commissioner of Highways will be authorized to take all actions necessary to comply with this resolution and implement the LACC.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None were received



COMMONWEALTH of VIRGINIA

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

Stephen C. Brich, P.E.
COMMISSIONER

July 1, 2024

The Honorable W. Sheppard Miller III
The Honorable Stephen C. Brich, P. E.
The Honorable E. Scott Kasprowicz
The Honorable Greg Yates
The Honorable Mary Hughes Hynes
The Honorable Raymond D Smoot Jr.
The Honorable Mark H. Merrill
The Honorable Frederick T. Stant, III
The Honorable Tom Fowlkes
The Honorable Burwell Wayne Coleman
The Honorable H. Randolph Laird
The Honorable Thomas Moore Lawson
The Honorable Darrell R. Byers
The Honorable Laura A. Sellers
The Honorable J. Rex Davis
The Honorable Linda Green
The Honorable Zach Trogdon (Acting)

Subject: Approval of Limited Access Control Change (LACC) for Interstate 495

Dear Commonwealth Transportation Board Members:

The Department has received a request for your consideration from McLean Corporate Ridge Property, LLC for a shift in the limited access control along Interstate 495. The shift will allow for the construction and maintenance of a pedestrian facility thus providing a pedestrian connection from the northern boundary of the requestor's property to an existing 14-foot VDOT shared use trail. The shift in limited access control will not modify the right of way limits, and no property rights will be conveyed as a part of this request. The Department's staff has determined the proposed shift will have minimal impact on the operation of Interstate 495 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 have determined that approving this shift in limited access control 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 Thrasher

Barton A. Thrasher, P.E.
Chief Engineer

Minutes of the Meeting of the State Highway
Commission of Virginia, held in
Richmond
October 4, 1956

The Commission met in the Central Office Building, Richmond, Virginia, at 9:00 A.M., Thursday, October 4, 1956. The following members were present: Messrs. E. P. Barrow, S. S. Flythe, S. D. May, Burgess E. Nelson, Wm. A. Wright and J. A. Anderson.

The meeting was called to order by the Chairman.

The Chairman read a letter from Mr. Howard G. Rogers stating that he would not be able to attend because of illness.

On motion made and seconded, the minutes of the August 9-10 meeting were approved.

Moved by Mr. May, seconded by Mr. Barrow, that the permits issued from the August 9-10 meeting to date, inclusive, as recorded in the Auditing Division, be approved. Motion carried.

Moved by Mr. May, seconded by Mr. Barrow, that the permits cancelled by the Commissioner from the August 9-10 meeting to date, inclusive, as authorized June 25, 1947, and recorded in the Auditing Division, be approved. Motion carried.

Moved by Senator Nelson, seconded by Senator Wright, that the Commission confirm award of contract on bids received August 15 for the construction of Project 1587-15-18, Route 615, Bridge and Approaches Three Creek, Southampton County, to the low bidder, Norfolk Contracting Co., Norfolk, Va., at the bid of \$102,949.41, that 10% additional be set aside to cover the cost of engineering and additional work and \$1,064.54 for work by the A. & D. Railroad, making a total of approximately \$14,500.00 chargeable to this project; to be financed 50/50 State and Federal. Motion carried.

Moved by Senator Wright, seconded by Mr. Barrow, that the Commission confirm award of contract on bids received August 15 for the construction of Project 1307-24, Route 600, S. End of Bridge over Claytons Mill Creek-0.884 Mile N. Rockbridge County Line, Augusta County, to the low bidder, Echols Brothers, Inc., Staunton, Va., at the bid of \$67,435.15 and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately \$74,180.00 chargeable to this project; to be financed 50/50 State and Federal. Motion carried.

Moved by Mr. Barrow, seconded by Mr. Flythe, that the Commission confirm award of contract on bids received August 15 for the construction of Project 1581-10, Routes 881; 840, 0.01 Mile E. of W. Int. Route 861, (E. of Pissaro)-Franklin County Line, Floyd County, to the low bidder, D. E. Worley Construction Co., Rocky Mount, Va., at the bid of \$127,855.70, that 10% additional be set aside to cover the cost of engineering and additional work and \$1,226.50 for work by State Forces (not included in contract), making a total of approximately \$141,900.00 chargeable to this project; to be financed with \$71,580.00 State and \$70,520.00 Federal Funds. Motion carried.

Moved by Mr. Flythe, seconded by Senator Nelson, that, Whereas, under authority of Section 33-113.2 of the 1950 Code of Virginia, as amended, request is made by City of Warwick for payment at the base rate of \$500 per Mile annually on additional streets meeting the required standards; Now, Therefore, be it resolved, that quarterly payments at the base rate of \$500 Per Mile annually be made to the City of Warwick on additional streets totaling 11.20 miles, effective beginning the second quarter, October 1, 1956. Motion carried.

Moved by Mr. Flythe, seconded by Senator Nelson, that, Whereas, under authority of Section 33-113.2 of the 1950 Code of Virginia, as amended, request is made by City of Waynesboro for payment at the base rate of \$500 per Mile annually on additional streets meeting the required standards; Now, Therefore, be it resolved, that quarterly payments at the base rate of \$500 Per Mile annually be made to the City of Waynesboro on additional streets totaling 10.512 miles, effective beginning the second quarter, October 1, 1956. Motion carried.

Moved by Mr. Flythe, seconded by Senator Nelson, that, Whereas, under authority of Section 33-113.2 of the 1950 Code of Virginia, as amended, request is made by the Town of Wytheville for payment at the base rate of \$500 Per Mile annually on additional streets meeting the required standards; Now, Therefore, be it resolved, that quarterly payments at the base rate of \$500 Per Mile annually be made to the Town of Wytheville on additional streets totaling 0.984 Mile, effective beginning the second quarter, October 1, 1956. Motion carried.

* Moved by Mr. Flythe, seconded by Senator Nelson, that, it so be declared that, Whereas, by action of the Congress of the United States, whereby all routes on the National System of Interstate and Defense Highways are to be constructed to interstate standards and whereas, one of the requirements of interstate standards is the control of access to these routes; Therefore, be it resolved that all routes on the National System of Interstate and Defense Highways within the confines of the Commonwealth of Virginia, upon determining the final location of said routes, including all necessary grade separations, interchanges, ramps, etc., are here and now designated Limited Access Highways, pursuant to Article 8, Chapter 1, Title 33, of the Code of Virginia of 1950, as amended. Motion carried.

On motion made by Senator Nelson, seconded by Mr. Barrow, the Chairman was instructed to report to the Bureau of Public Roads, at a meeting called for October 9, that the Virginia Department of Highways will undertake one-third of the cost of operation and maintenance of the proposed bridge over the Potomac River at Jones Point, with the thought that the other two-thirds shall be borne by the State of Maryland and the District of Columbia. This could be handled by written agreement looking to appropriate Federal legislation.

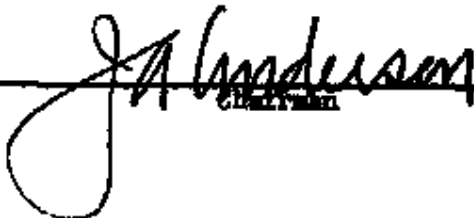
Mr. Barrow requested further study of the Lawrenceville Bypass on Route 58. He stated it is very difficult for traffic from the county high school put in operation last year, to get out on Route 58. This matter was previously studied in 1955, and the Town Council, Board of Supervisors, Chamber of Commerce, Lion's Club and Rotary Club have recently submitted resolutions requesting further consideration of this bypass.

Mr. Flythe reported that the Thompson Products Co. of Ohio has announced the proposed location in Franklin County of a \$10-Million industrial development, and that access roads will be required to serve this plant.

Mr. Ellison outlined program for the Tenth Annual Highway Conference to be held at Lexington on November 14-16 and urged that members of the Commission attend.

There being no further business, the meeting adjourned at 11:45 AM.

Approved:


Chairman

Attested:


Secretary

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on June 27, 2023, at which quorum was present and voting, the following was adopted:

WHEREAS, McLean Corporate Ridge Property, LLC has submitted an application to repurpose an existing office building to a live/work use within Tysons in Fairfax County; and

WHEREAS, ensuring high quality multimodal access to the site from all directions is critical to implementation of the overall vision for urban development in Tysons; and

WHEREAS, this application proposes enhanced pedestrian and bicycle connectivity to an existing trail that crosses Interstate 495 to enable improved access to the commercial core of Tysons; and

WHEREAS, the improved access for these modifications requires a shift in the limited access control line along Interstate 495; and

WHEREAS, the adjustment of the limited access line requires review and approval by the Commonwealth Transportation Board; and

WHEREAS, to process these requests, Section 24VAC30-401-20 of the Virginia Administrative Code requires a resolution, letter of support, or formal request, or any combination of these, from the locality within which the changes in limited access are proposed.

NOW THEREFORE, BE IT RESOLVED, that this Board supports this proposed shift to the limited access control line along Interstate 495 for the 2000 Corporate Ridge Development; and

BE IT FURTHER RESOLVED, that this Board hereby requests, pursuant to Section 24VAC30-401-20 of the Virginia Administrative Code, that the Commonwealth Transportation Board approve the proposed changes to the limited access controls.

ADOPTED this 27th day of June, 2023.

A Copy Teste:



Jill G. Cooper

Clerk for the Board of Supervisors



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.
Commissioner

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

May 28, 2024

Mr. Daniel Suarez
Acting Division Administrator
Federal Highway Administration
P.O. Box 10249
400 N. 8th Street Room 750
Richmond, Virginia 23240-0249
Attention Ms. Janice L. Richard

SUBJECT: Request for Modification of Limited Access Line Interstate 495
VDOT Project: 0413-029-007, RW-1, and 0495-029-138, R201 (0495-029-754, C501)
Federal Project Number: I-495-5(6)178 and IM-066-1(318)

Dear Mr. Nelson,

The Virginia Department of Transportation (VDOT) is processing a request for a shift in limited access along Interstate 495 in Fairfax County. The limited access rights were acquired on State Highway Project 0413-029-007, RW-1 and the proposed change is depicted on the most recent plans of 0495-029-138, R-201

The applicant is the adjacent owner, McLean Corporate Ridge Property, LLC. They have filed a rezoning application to repurpose an existing, mostly vacant office building, that sits on 8.07 acres of land, providing for a live/work concept. The repurposing provides a transportation impact reduction by including multiple activities in one location, reducing surface parking, and providing for recreation and green space. They have requested the shift in limited access to allow for the construction and maintenance of a new pedestrian facility, connecting the northern boundary of the site to a recently completed 14-foot VDOT shared use trail that connects Magarity Road to the commercial core of Tysons Corner. No offset road improvements are anticipated, and no easement or land rights will be conveyed.


Given that these limited access easements were acquired on the above referenced I-413 project, VDOT is requesting your concurrence in modifications to the existing limited access lines along I-495, as shown on the attached exhibits between stations 34+95.43 and 36+93.21.

Attached please find a copy of the plans, showing with the Limited Access Control Changes, and a location map.

VDOT approves of the Limited Access Control Changes as shown on the exhibit. We are requesting your expedited review and approval of this limited access change so that the Commonwealth Transportation Board can approve the changes at their meeting on June 18, 2024.

If additional information is needed, please contact me at 804-786-4079 or by email at Kimberly.Leckner@vdot.virginia.gov.

Best regards


Kimberly M. Leckner
Program Manager
Right of Way and Utilities Division

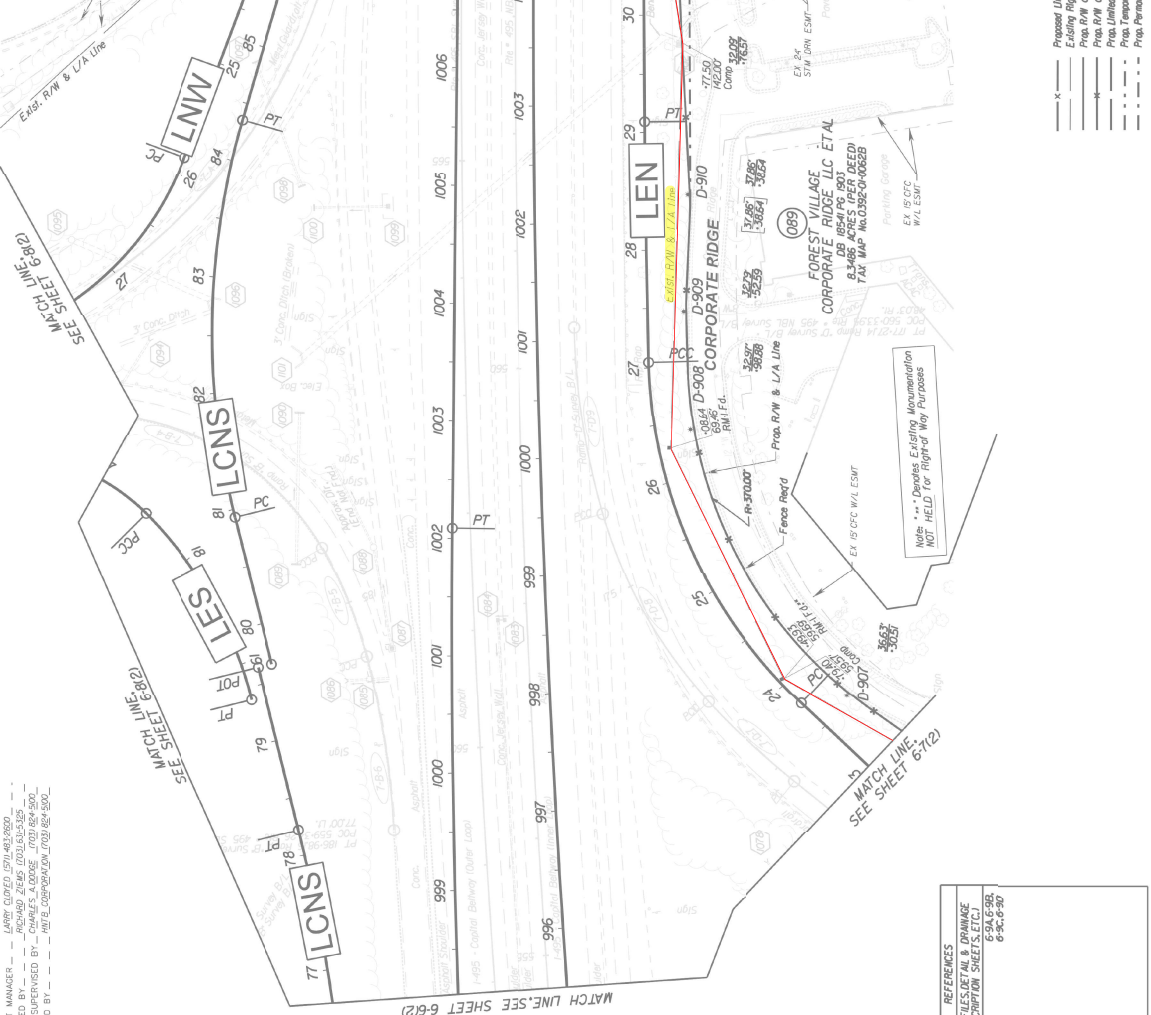
JANICE L
WILLIAMS

Digitally signed by JANICE L
WILLIAMS
Date: 2024.06.03 15:48:30
-04'00'

LIMITED ACCESS HIGHWAY
By Resolution of Highway Commission
dated October 4, 1956

REVISION	DATE	BY	STATE	FEDERAL AID	PROJECT	ROUTE	PROJECT	SHEET NO.
AB	1/14/2013		VA			495	0495 029-754-P101	6-9(2)
3	2010-01-13		VA			495	0495 029-138-R201	
2	2009-06-02		VA			495	0495 029-138-R201	
1	2009-03-16		VA			495	0495 029-754-C501	
0	2008-10-31		VA			495	0495 029-754-C501	

PROJECT MANAGER: LARRY CLAYTON (974) 462-9290
DESIGN SUPERVISOR: CHARLES ALABRZE (703) 884-8000
DESIGNED BY: HWY_ENGINEERING, INC. (703) 884-8000



- Proposed Limited Access Line with Fence
 - Existing Right of Way
 - Prop. R/W or Prop. R/W and L/A Line
 - Prop. R/W or Prop. R/W and L/A Line with Fence
 - Prop. Limited Access Line
 - Prop. Temporary Construction Easement
 - Prop. Permanent Easement (Type or Noted)
- Note: Figures in parenthesis and de-dashed lines denote Temporary Easements.
Note: Figures in brackets and dashed lines denote Permanent Easements.
Note: Figures in double brackets and de-dashed lines denote Utility Easements.

REV.	DATE	DESCRIPTION
AB	1/14/2013	No As-Built Corrections
3	2010-01-13	NDC 0346 Permitted Ex. ROW Rev.
2	2009-06-02	NDC 0119 Misc. Updates II
1	2009-03-16	NDC 0052 Right of Way Revisions
0	2008-10-31	Approved for Construction

REFERENCES
(1) PROJECT MANUAL - DRAINAGE (DESCRIPTION SHEETS, ETC.)
Profile: 6-9A, 6-9B, 6-9C, 6-9D

HNTB
HNTB CORPORATION
1000 WEST 17TH AVENUE
DENVER, COLORADO 80202

PROJECT: I-495 HOT LANES
RIGHT OF WAY PLAN
STA. 995+50.00 NBL TO STA. 1010+00.00 NBL

SCALE: 1" = 50'

DATE: March 8, 2009
FILE NO.: 6-9(2)

0495029-754-P
1/14/2013
HWY 495
P101-7200

