

**MINUTES  
OF  
MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD**

Virginia Department of Transportation Auditorium  
Fredericksburg District  
87 Deacon Street  
Fredericksburg, VA

September 16, 2004

Convening upon adjournment of the morning workshop.

The meeting of the Commonwealth Transportation Board was held in the Fredericksburg District Auditorium of the Department of Transportation in Fredericksburg, Virginia on September 16, 2004. The Chairman, Whittington W. Clement, presided and called the meeting to order at 9:16 a.m.

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Present: Messrs. Bailey, Bowie, Davies, Keen, Lester, Martin, McCarthy, Stone, Watson, White and Ms. Connally, Ms. Dragas and Ms. Hanley; Vice Chairman Shucet and Ms. Rae, ex officio, Director of the Department of Rail and Public Transportation.

Absent: Mr. Mitchel.

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The Chairman expressed his thanks to the Fredericksburg District staff, the Fredericksburg Regional Chamber of Commerce staff and to Mr. Bailey for all their assistance in coordinating the Commonwealth Transportation Board's two-day regional meeting.

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**Public Comment Period:**

(A) Steve Manderfield presented a request regarding a right of way issue and road widening project [southbound lane of I-95 to Gordon Boulevard] impacting his mother's property at 1098 Swan Point Road, which is adjacent to I-95 southbound at the Occoquan River

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Bridge in Woodbridge. The request involves interaction with both VDOT and Prince William County to move the existing property line as close to the road edge as possible to satisfy both VDOT's need for a permanent easement and the county's requirement for a 75' buffer. This proposal would enable them to eventually develop or modify their property. He asked for guidance to proceed with this proposal. Commissioner Shucet recommended that he meet with Stuart Waymack, VDOT's Right-of-Way Division Director. There was no additional discussion and the Board took no action on this item. Referenced by attachment of Mr. Manderfield's handouts.

(B) Jeffrey Jenkins, a resident of Frederick County and a local businessman in the trucking industry presented concerns regarding recent actions by the Frederick County Board of Supervisors recommending five separate through truck restrictions in the County, which ultimately come to the CTB for approval. He detailed safety and convenience issues that the restrictions will create, making it less safe to travel on the suggested alternative routes and extremely inconvenient for the local trucking industry to conduct business. He requested the Board reconsider the County's recommendations and to consider safety to the local communities and the impact on the local trucking industry when restricting through truck traffic, e.g. interstate truck traffic. He cited numerous examples, including the issue of alternative routes directing local truck traffic onto interstate highway, but the overweight permit restrictions for state and federal are inconsistent: state permit trucks 5% over the limit to operate on state roadways, but federal does not permit them to operate on interstates - providing no alternative Route at all in many cases. There was a brief discussion but the Board took no action on this item. Referenced by attachment of Mr. Jenkins' handouts.

(C) John Rutherford, a resident of Frederick County and a local businessman in the trucking industry presented concerns regarding recent actions by the Frederick County Board of Supervisors recommending five separate through truck restrictions in the County, which ultimately come to the CTB for approval. He stated that the County's actions failed to take into consideration the CTB's recently adopted criteria for approval of such restrictions. For example, in many cases the alternative routes recommended by the County include interstate highways, which equate to no alternative at all as trucks with overweight permits [acceptable on state highways] are prohibited from operating on interstate highways. He cited other concerns regarding safety and convenience to both the local residents and the local trucking industry. He requested the Board reconsider the County's recommendations and to consider safety to the local communities and the impact on the local trucking industry when approving through truck restrictions. There was a brief discussion but the Board took no action on this item. Referenced by attachment of Mr. Rutherford's handouts.

(D) Michael O'Conner of the Virginia Petroleum, Convenience and Grocer Association addressed concerns regarding the proposed revisions to the "Logo Program", specifically the newly proposed sliding fee structure. He stated the fees are in excess of the national average. He requested that the Board delay action on this item, to afford time for adequate review and response by all concerned citizens, as the fee structure was only made public 48 hours ago. Commissioner Shucet responded that he did not believe the fee increases were excessive to the market, and that the structure is fair. He concurred that the percentage of

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increase seems high, but only because the rates have not been raised frequently - only 3 times since 1976. He did not recommend a delay in the Board action slated for this meeting. There was no further discussion and the Board took no action regarding this presentation, however it is an action item on the agenda. Mr. O'Conner had no prepared handouts.

(E) George Van Sant, Chairman of the Regional Tourism Committee of the Fredericksburg Chamber of Commerce expressed his appreciation for what he believed was a downward adjustment in the fee increases since the previous presentation. He did state that the TODS program needs review, fearing an impact on tourism; was pleased that the number of vendor signs for the supplemental program have been increased; but raised concerns where signage overlaps jurisdictions, which could create conflicts, and urges better guidelines to assist in regional cooperation. There was no discussion and the Board took no action regarding this presentation, however it is an action item on the agenda. Mr. Van Sant had no prepared handouts.

(F) Ralph Ernhardt, Community Service Coordinator for the Virginia Tourism Corporation spoke regarding the signage programs, stating that the consumers' intent has been well met. He supports equity in the fee structure, but fears there will be some objections as the method of presentation of the new structure only 48 hours ago provided too short a turn-around to share with various internal committees to gain comments and responses. He also expressed concern that the net revenues of the overall program, designated to support rest areas, are insufficient to address the read needs and may be misleading to legislators when approached to consider requests to provide additional revenues. Commissioner Shucet concurred with his remarks regarding the net revenues and the needs for the rest areas. There was no further discussion and the Board took no action regarding this presentation, however it is an action item on the agenda. Mr. Ernhardt had no prepared handouts.

(G) Written comments from James Arzillo, of Arzillo Industries, Inc., in Suffolk were presented for the record. Mr. Arzillo opposes truck restrictions on Route 337 in Suffolk, citing it as a primary road serving multiple businesses, with limited residential housing in the proposed restriction area and rural in character. His letter further states that the proposed alternative roadway creates safety issues, and places unfair financial and time delays upon the local trucking operators. There was no discussion and the Board took no action regarding this presentation, however it is an action item on the agenda.

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**Approval of Minutes of Prior Meeting:**

Action on Approval of the Minutes of the Meeting of July 15, 2004. Copy of approved minutes on file with the Virginia Department of Transportation (VDOT) Commissioner's Office and posted on the VDOT Internet website: [www.virginiadot.org](http://www.virginiadot.org) and the Virginia Regulatory Town Hall.

Moved by Mr. Bailey, seconded by Mr. Keen. Motion carried unanimously, minutes approved.

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**LOCATION AND DESIGN DIVISION:**

**Agenda Item 1:** Action on Location Project, specifically Greensprings Multi-Use Trail from Jamestown High School to Route 359 - Colonial Parkway. Referenced by attachment of Resolution, Decision Brief, Fact Sheet and Map.

Moved by Mr. Lester, seconded by Mr. McCarthy. Motion carried unanimously, resolution approved.

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**DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION:**

**Agenda Item 2:** Action [by single motion] on Rail Industrial Access Projects, specifically (A) Greenville County - Toll Integrated Systems, Inc., (B) Roanoke County - Cargill, Inc., (C) City of Portsmouth - ARREFF Terminals, Inc., (D) Montgomery County - Corning Incorporated, and (E) Fauquier County - RGR Reload, Inc., t/a Whiting Road, LLC. Referenced by attachment of Resolutions, Decision Briefs, Maps and locality resolutions.

(A-E) Moved by Mr. Bowie, seconded by Mr. Davies. Motion carried unanimously, resolution approved.

Mr. Lester and Mr. Watson both complimented the presenter, Kevin B. Page, Manager of the Rail Development Programs. Mr. Watson inquired concerning the resource allocations for the program. Mr. Page responded that \$5.5 million is shared, on a first come-first served basis, among road, rail and airport access projects and rail has funded \$1.78 million this fiscal year.

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**Agenda Item 3:** Action on a Rail Preservation Program project, specifically a de-obligation and reprogramming of identified funds from the Supplemental FY 2005 Federal and State Grants for the Buckingham Branch Railroad and the Winchester and Western Railroads in Buckingham and Frederick Counties. Referenced by attachment of Resolution and Decision Brief.

Moved by Mr. Watson, seconded by Mr. White. Motion carried unanimously, resolution approved.

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**MOBILITY MANAGEMENT DIVISION:**

**Agenda Item 4:** Action on an Abandonment - change in the Primary System due to relocation and construction, specifically Old Route 94 - Carroll County. Referenced by attachment of Resolution, Decision Brief and Map.

Moved by Mr. White, seconded by Mr. Bailey. Motion carried unanimously, resolution approved.

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**Agenda Item 5:** Action on a Bridge Designation, specifically Route 421 - Lee County - bridge over the Powell River - "R. B. Pennington Memorial Bridge". Referenced by attachment of Resolution, Decision Brief and Map.

Moved by Dr. Stone, seconded by Mr. Keen. Motion carried unanimously, resolution approved.

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**Agenda Item 6:** Action on Revisions to the Integrated Directional Signing Program, as amended at the meeting. Referenced by attachment of a Resolution, as amended, and a Decision Brief.

Prior to the motion Ms. Hanley inquired as to the length of the contract with the vendor for the erection of the signage. Mr. Khoury stated the contract length was for 10 years, after which it would be re-bid. He confirmed that the vendor shares in the revenues of the program.

Prior to the motion a discussion ensued regarding the allocation of the net revenues of the program as insufficient to meet the total improvement needs of the rest areas and welcome centers, and which, if the original resolution were to stand, could be mis-leading to legislators and others when approached for support for additional resources. With concurrence from the Chairman and the Board, counsel drafted an amendment to be incorporated into the resolution and the minutes, to wit:

Second to last paragraph, last sentence "...all such additional net revenue shall be allocated for the maintenance and improvement of Virginia's Rest Areas and Welcome Centers.

Additionally, a new last paragraph was added: "BE IT FURTHER RESOLVED that, it is the sense of the Board that such net revenues for maintenance and improvement does not meet the actual maintenance and improvement needs, and that additional sources of revenue to meet those needs must be identified, appropriated, and allocated."

Moved by Dr. Stone, seconded by Mr. Bowie. Motion carried unanimously, resolution approved as amended.

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**Agenda Item 7:** Action on a Through Truck Restriction, specifically Route 337 (Nansemond Parkway- between Route 642 (Wilroy Road) in the City of Suffolk and to the West Corporate Limits of the City of Chesapeake. Referenced by attachment of Resolution, Decision Brief and map.

Moved by Mr. Lester, seconded by Mr. Bowie. Motion carried unanimously, resolution approved.

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**CHIEF ENGINEER'S DIRECTORATE:**

**Agenda Item 8:** Action [by single motion] on Limited Access Control Change Requests, specifically (A) Piedmont Drive - City of Danville and (B) U.S. Route 29 (109 and 110 Bruner Drive) - Amherst County. Referenced by attachment of Resolutions, Decision Briefs, and Maps and locality letter summarizing board of supervisor's support [Amherst County].

(A-B) Moved by Mr. White, seconded by Mr. Martin. Motion carried unanimously, resolutions approved.

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**RIGHT OF WAY AND UTILITIES DIVISION:**

**Agenda Item 9:** Action on Locality Land Conveyances, specifically various portions of streets in the Cities of Hampton and Harrisonburg. Referenced by attachment of a Resolution.

Moved by Mr. Keen, seconded by Mr. White. Motion carried unanimously, resolution approved.

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**Agenda Item 10:** Action [by single motion] on Land Conveyances, specifically (A) Route 13 - Northampton County, (B) Route 19 - Russell County, (C) Routes 42 and 64 - Alleghany County, (D) Routes 95 and Service Road #1 - Sussex County, (E) Route 134 - York County, (F) Route 295 and Route 157 - Henrico County, (G) Route 522 - Louisa County, (H) Route 656 - Prince William County and (I) Route 295 - Easement - Hanover County. Referenced by attachment of Resolutions and Decision Briefs.

Prior to the motion, Mr. McCarthy inquired regarding item (F) - how is the sale price determined and how are the proceeds allocated? Ms. Reese and Mr. Walton replied that the sale price will be market driven and the allocation is to be determined, either to the Richmond District or the statewide Interstate Six-Year Programs.

(A-I) Moved by Dr. Stone, seconded by Mr. Bowie. Motion carried unanimously, resolutions approved.

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**LOCAL ASSISTANCE DIVISION:**

**Agenda Item 11:** Action on a Revenue Sharing Re-Allocation from the County Primary and Secondary Road Fund, specifically Fiscal Years various - transferring funds from existing projects to new projects - the Counties of Buchanan, Hanover, Henry, Montgomery, Russell and Tazewell. Referenced by attachment of Resolution, Decision Brief and Spreadsheets.

Moved by Mr. Keen, seconded by Mr. Bowie. Motion carried unanimously, resolution approved.

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**Agenda Item 12:** Action on Proposed Revisions to the Subdivision Street Requirements. Referenced by attachment of a Resolution and a Decision Brief. The proposed revisions to the Requirements will proceed through the Administrative Process Act for implementation by January 1, 2005, or as soon as possible thereafter. A copy of the proposed Revisions is attached with updates and comments available on line at [www.virginiadot.org/projects/ssr-rev.asp](http://www.virginiadot.org/projects/ssr-rev.asp)

Moved by Mr. Davies, seconded by Mr. Lester. Motion carried unanimously, resolution approved.

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**Agenda Item 13:** Action on Enhancement Grant Program Project Request for Extension of Time and Project Revision, specifically, Richmond District - Capital Region Airport Commission. Referenced by attachment of Resolution, and Decision Brief

Note: At the request of the Richmond District CTB representative, Mr. McCarthy, this item was withdrawn with no action taken.

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**Agenda Item 14:** Action on a Byway Designation, specifically Route 661 (Red Bud Road) - Frederick County, from the intersection of Route 11 to the intersection with Route 660 (Woods Mill Road). Referenced by attachment of Resolution and Decision Brief.

Moved by Dr. Stone, seconded by Mr. White. Motion carried unanimously, resolution approved.

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**Agenda Item 15:** Action [by single motion] on Access Projects, specifically (A) Industrial Access - Off U.S. Route 360- Amelia County - Amelia Industrial Park, (B) Industrial Access - Off U.S. Route 1 - Town of Alberta - Brunswick County - I-85 Business Center, Phase I, (C) Industrial Access - Off Route 693 - Halifax County - Virginia International Raceway Industrial Park, (D) Airport Access - City of Manassas - Prince William County - Manassas Regional Airport, (E) Recreational Access - Off Routes 2 and 17 Business - Spotsylvania County - Cosner Park. Referenced by attachment of Resolutions, Decision Briefs, and Maps.

Moved by Ms. Hanley, seconded by Mr. Watson. Motion carried unanimously, resolutions approved.

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**SCHEDULING & CONTRACT DIVISION:**

**Agenda Item 16:** Action on Bids for Interstate, Primary, Secondary, Urban and Miscellaneous Projects Received June 10, August 18 and September 2 and 8, 2004, for projects in excess of \$2 million for award and authorized execution of contracts by the Commissioner, or Chief Engineer, and for deferral, rejection, rescindment and authorized readvertisement, as indicated. Referenced by attachment of Bid Results Report.

Moved by Mr. Bowie, seconded by Ms. Connally. Motion carried unanimously, Report Approved.

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**OLD BUSINESS:** There was none.

**NEW BUSINESS:**

**Agenda Item 17:** Action on Authorizing the Issuance and Sale of Revenue Refunding Bonds, Series 2004 A (Northern Virginia Transportation District Program) and Series 2004 B (U.S. Route 58 Corridor Development Program). Referenced by attachment of the Resolution.

Prior to the motion, CFO Reese stated that this refunding will represent a 3% savings. In responding to Ms. Hanley and Ms. Connally's inquiries she further stated that the savings will be applied to Northern Virginia district programs and the selection of bonds for refunding is based upon the aging of the bonds. She also stated that the former bond counsel's contract had expired on September 15 and the Attorney General's Office selected a new firm based upon the response to the RFP and the evaluation of the proposals - MaguireWoods.

Moved by Mr. White, seconded by Mr. Bailey. Motion carried and the resolution approved with a majority voting approval with two abstentions: Mr. McCarthy abstained citing a conflict as his wife works for MaguireWoods, and Mr. Watson abstained citing a conflict as his brokerage firm, Davenport & Company, is involved with the sale.

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Ms. Reese reported on additional topics including:

- October 27 the reciprocal E-Z pass program will begin for Virginia. Smart Pass tags will work without requiring any changes to use in the northeastern states, as will the E-Z tag be compatible with Virginia's toll booths. Additionally, the Chesapeake Bay Bridge Tunnel will convert to the electronic toll collection process.
- There will be a Dulles Toll Road study for presentation to the CTB at the November meeting.
- The Coleman Bridge Toll rates are being studied for a possible toll increase.
- Mr. Jim Byran, formerly with the VDOT Charlottesville Residency was introduced as the CFO's special assistant.
- Mr. Michael Estes was introduced as the successful candidate to assume the duties of Division Director of the Local Assistance Division, a position he had been serving in, in an interim position.

Mr. Lester and Ms. Dragas reported they had attended a meeting of the Hampton Roads Tolls Committee regarding the MPO study. \$7 billion of projects, which are unfunded due to the failure of the passage of the "November Referendum", will now cost a projected \$14 billion.

Dr. Stone inquired regarding the status of the Audit Report. Ms. Reese stated that a chief methodologist has been hired effective October 1 and that the auditor's review is progressing with good results. She stated she would send the board members the most recent update.

Ms. Rae reported on behalf of the Rail Commission that negotiations concerning the DC/Richmond Corridor Improvement with CSX are proceeding albeit with some unforeseen difficulties. They are continuing the negotiations, although STB may proceed with a filing, in which case DRPT will also file.

**ADJOURNED:** The Chairman adjourned the meeting at 11:17 a.m.

There will be no workshop or action meeting in October 2004.

The next workshop will be held on Wednesday, November 17 at 2:00 p.m. and the next action meeting will be held on Thursday, November 18, 2004 at 9:00 a.m. in the Virginia Department of Transportation Central Auditorium, 1221 East Broad Street, Richmond, VA.

Approved:

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Chairman

Attested:

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Assistant Secretary