

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

Central Office Auditorium
1221 East Broad Street
Richmond, Virginia

July 15, 2004

Convening upon adjournment of the morning workshop.

The meeting of the Commonwealth Transportation Board was held in the Central Auditorium of the Department of Transportation in Richmond, Virginia on July 15, 2004. The Chairman, Whittington W. Clement, presided and called the meeting to order at 11:37 a.m.

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

Absent: Mr. Mitchel.

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Swearing-in Ceremony:

Prior to the start of the 9:00 a.m. workshop agenda portion of the morning, the Chairman welcomed Ms. Katherine K. Hanley to the membership of the CTB, having been duly appointed by Governor Mark Warner to replace retiring member J. Kenneth Klinge, effective July 1, 2004, to represent the Northern Virginia Construction District. Ms. Hanley was duly sworn in by the Honorable Judith C. Anderson, Deputy Secretary of the Commonwealth for Gubernatorial Appointments. Ms. Hanley, at the advice of Senior Assistant Attorney General Richard L. Walton, Jr., abstained from discussion and voting during the action meeting, due to an incomplete filing of the required conflict of interest forms with the Secretary of the Commonwealth's Office. She was, apparently, sent the wrong set of forms. The correct set will be provided to her for completion and filing prior to the September CTB action meeting.

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Public Comment Period:

(A) Christopher D. Lloyd with MaguireWoods Consulting, LLC, representing their client, the Beck Company, addressed concerns regarding the proposed revisions to the Integrated Directional Signing Program, aka “Logo Program”, specifically the provisions relating to “bumping” and “grandfathering”, which may restrict or prohibit participation on the allotted signage when all the available slots are filled due to fully developed interchanges. There was no discussion and the Board took no action on this item. Mr. Lloyd had no prepared handouts.

(B) George Van Sant, Chairman of the Regional Tourism Committee of the Fredericksburg Chamber of Commerce, addressed concerns regarding the proposed revisions to the “Logo Program”, specifically the provisions relating to “bumping” and “grandfathering” and the revised supplemental signage for non-profit organizations, all of which are insufficient to meet the many needs of the many organizations and businesses in the Fredericksburg region. There was no discussion and the Board took no action on this item. Mr. Van Sant had no prepared handouts.

(C) Russell Smith, Superintendent of the Fredericksburg and Spotsylvania National Military Parks, National Park Service, addressed concerns regarding the proposed revisions to the “Logo Program”, specifically the provisions relating to “grandfathering” and urged that criteria be developed. There was no discussion and the Board took no action on this item. Mr. Smith had no prepared handouts.

(D) Christopher Kolakowski with the Civil War Preservation Trust spoke regarding the need for funding for the new capitol campaign the Trust is embarking upon to save 25,000 acres within the next nine years; the Trust is pursuing new preservation projects statewide; and the Trust is supportive of this meeting’s Agenda Item 8C - a cancellation of and transference of enhancement grant project funds from the Spotsylvania Courthouse Civil War Battlefield Project to the Battlefield of Chancellorsville Preservation Project, both located in Spotsylvania County. There was no discussion and the Board took no action on this item. Mr. Kolakowski had no prepared handouts.

(E) David Holder with the Department of Tourism and Business Development of the City of Fredericksburg addressed concerns regarding the proposed revisions to the “Logo Program”, specifically the provisions relating to “bumping” and “grandfathering”, urging a no-bumping policy for attractions at both the VDOT and local level, requesting a clearer definition of grandfathering, and the development of (A) a prioritization criteria to assist local government commissions in the participation decision-making process, and (B) an appeals process. There was no discussion and the Board took no action on this item. Mr. Holder had no prepared handouts.

(F) Megan Grant with the Tourism Department of Stafford County addressed concerns regarding the proposed revisions to the “Logo Program”, specifically the provisions relating to “bumping”, urging a no-bumping provision for attractions and non-profit organizations but, rather, to develop a rotation process instead; and eliminating the provisions delegating the selection process to the local governmental entities, as it is too burdensome. There was no discussion and the Board took no action on this item. Ms. Grant had no prepared handouts.

(G) Michael O’Conner of the Virginia Petroleum, Convenience and Grocer Association addressed concerns regarding the proposed revisions to the “Logo Program”, specifically the provisions relating to the initially proposed doubling of the fees for participation, which his membership would be unable to afford, but commended Raymond J. Khoury’s workshop presentation which illustrated a proposed sliding scale of fees. The Board took no action on this item. Mr. O’Conner had no prepared handouts.

A brief discussion ensued during which Mr. McCarthy suggested the usage of electronic signage to accommodate a rotation process, however Mr. Walton stated the Code of Virginia prohibited such usage. Mr. McCarthy urged more creative thinking to address the concerns regarding the provisions for bumping and rotation. The Chairman asked for a review and presentation of the current policy, as a comparison to the proposed revisions, for the September CTB workshop. The Vice Chairman asked for an overview of how the Virginia Department of Transportation’s costs will be reduced under the proposed revisions.

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Approval of Minutes of Prior Meeting:

Action on Approval of the Minutes of the Meeting of June 17, 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 and the Virginia Regulatory Town Hall.

Moved by Mr. Bowie, seconded by Mr. White. Motion carried with 1 abstention [Ms. Hanley], minutes approved.

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Election of Secretary for the Commonwealth Transportation Board:

Action on nomination of Mr. Leonard S. “Hobie” Mitchel to serve as Secretary for the Commonwealth Transportation Board, to replace the retiring member and former Secretary J. Kenneth Klinge, and to perform such duties as attesting to the validity of documents, minutes, and charring meetings in the absence of the Chairman and Vice-Chairman.

Moved by Mr. White, seconded by Mr. Davies. Motion carried with 1 abstention [Ms. Hanley], nomination approved.

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MOBILITY MANAGEMENT DIVISION:

Agenda Item 1: Action on a Bridge Designation, specifically I-95 South, B-610 Overpass/Bridge - Fairfax County - Robert J. (Bob) Heittman Memorial Bridge. Referenced by attachment of Resolution, locality resolutions, Decision Brief and Map.

Moved by Ms. Connally, seconded by Mr. Bailey. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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Agenda Item 2: Action on a Discontinuance - change in the Primary System due to relocation and construction, specifically Old Route 45 - Cumberland County. Referenced by attachment of Resolution, Decision Brief and Map.

Moved by Mr. Watson, seconded by Mr. Bowie. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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Agenda Item 3: Action on a Highway Designation, specifically Route 151 - Nelson County - “The Senator Emily Couric Memorial Highway”. Referenced by attachment of a Resolution, Decision Brief and Map.

Moved by Mr. Bailey, seconded by Ms. Connally. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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CHIEF ENGINEER'S DIRECTORATE:

Agenda Item 4: Action on a Limited Access Control Change Request, specifically Jubal Early Drive (formerly Apple Blossom Drive) - City of Winchester. Referenced by attachment of Resolution, Decision Brief, and Map.

Moved by Dr. Stone, seconded by Mr. Bailey. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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RIGHT OF WAY AND UTILITIES DIVISION:

Agenda Item 5: Action [by single motion] on Land Conveyances, specifically (A) Route 58 - Carroll County, (B) Route 600 - Stafford County, (C) Route 11 - Frederick County, (D) Routes 11 and 60 - Rockbridge County, (E) Route 11 - Montgomery County, (F) Route 1, relocated Route 656 in connection with Route 1 Project and Old Route 623 - Hanover County, and (G) Route 619 - Northampton County. Referenced by attachment of Resolutions and Decision Briefs.

(A-G) Moved by Mr. White, seconded by Mr. Keen. Motion carried with 1 abstention [Ms. Hanley], resolutions approved.

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DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION:

Agenda Item 6: Action on a Rail Industrial Access Project, specifically Structural Systems, Inc.- Culpeper County and the Town of Culpeper. Referenced by attachment of Resolution, Decision Brief, Map and locality resolutions.

Moved by Mr. Davies, seconded by Dr. Stone. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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LOCAL ASSISTANCE DIVISION:

Agenda Item 7: Action on a Revenue Sharing Re-Allocation from the County Primary and Secondary Road Fund, specifically Fiscal Year 2003-2004 - Washington County. Referenced by attachment of Resolutions, Decision Briefs and Spreadsheets.

Moved by Mr. Bowie, seconded by Mr. Keen. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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Agenda Item 8: Action [by separate resolutions] on Enhancement Grant Program Projects Transfers and New Allocations, specifically, (A) Town of Front Royal - project funds transfer, (B) Shenandoah County - project funds transfer, (C) Spotsylvania County - project funds transfer, and (D) 2004 Enhancement Grant Program Projects Allocations. Referenced by attachment of Resolutions, Decision Briefs and (D) a spreadsheet of final allocations for 2004, a chart on 2000-2004 project selection comparisons, and spreadsheets on funding recommendations for 2004.

(A-B) Moved by Dr. Stone, seconded by Mr. White. Motion carried with 1 abstention [Ms. Hanley], resolutions approved.

(C) Moved by Mr. Bailey, seconded by Mr. White. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

Prior to the motion Mr. McCarthy requested clarification on the funding levels, as the current level (\$14.8 million) is less than the previous year (\$18.9 million) and seems not to have risen significantly in more than a decade since the Program was authorized. VDOT CFO Ms. Reese responded that year-end reconciliations resulted in the reduction of the funding level for this year and that the source for the overall funding allotment for the Program is 10% of the STP funding. Consequently, if there is no increase in the STP funding, then the Program allotment is not increased.

(D) Moved by Mr. White, seconded by Mr. Davies. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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Agenda Item 9: Action on an Industrial Access Project, specifically Route 698 - Shenandoah County - EchoStar Satellite, L.L.C. Referenced by attachment of Resolution, Decision Brief, and a Map.

Moved by Mr. Watson, seconded by Mr. Bailey. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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Agenda Item 10: Action on a Byway Designation, specifically Route 601 (Blue Ridge Mountain Road) - Clarke and Loudoun Counties. Referenced by attachment of Resolution, Map and spreadsheet summary of Virginia Byways.

Moved by Dr. Stone, seconded by Mr. Bowie. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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LOCATION AND DESIGN DIVISION:

Agenda Item 11: Action on a Re-Location Project, specifically Interstate 73, a 12-mile segment from I-81 to the Virginia/North Carolina State Line (Route 220), Roanoke and Franklin Counties. Referenced by attachment of Resolution, Decision Brief, Fact Sheet, Certification of prior board actions of June 21, 2001, two prior board actions of June 21, 2001, and a Map.

Moved by Mr. Martin, seconded by Dr. Stone. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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Agenda Item 12: Action on Location Project Study, specifically Route 1, Study A, from the Stafford County Line to Route 123 (Gordon Boulevard) - Prince William and Fairfax Counties. Referenced by attachment of Resolution, Decision Brief, Fact Sheet and Map.

Moved by Mr. Bailey, seconded by Mr. Martin. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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SCHEDULING & CONTRACT DIVISION:

Agenda Item 13: Action [by separate motions] on Bids for Interstate, Primary, Secondary, Urban and Miscellaneous Projects Received June 23 and July 6, 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.

(Pages 1, 2, 3 - Interstate and Secondary Construction Projects - Rockbridge, Prince William, Dinwiddie, and Henrico Counties) Moved by Mr. McCarthy, seconded by Mr. Keen. Motion carried with 1 abstention, [Ms. Hanley]. Report approved.

(Page 4 - Enhancement Grant Construction Project - York County) Moved by Mr. Lester, seconded by Mr. Keen. Motion carried with 1 abstention [Ms. Hanley], Report approved.

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OLD BUSINESS: There was none.

NEW BUSINESS:

Agenda Item 14: Action on Resolution of Appreciation Commending the Service of J. Kenneth Klinge. Referenced by attachment of Resolution.

Moved by Mr. Davies, seconded by Ms. Connally. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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Agenda Item 15: Action on Tunnel Dedication, specifically the East River Mountain Tunnel on Interstate 77 in Bland County “Dedicated to H. Edward Steele”. Referenced by Resolution, locality resolution and sample signage.

Moved by Mr. Keen, seconded by Mr. Bailey. Motion carried with 1 abstention [Ms. Hanley], resolution approved.

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Ms. Dragas initiated a discussion concerning the rising cement and iron prices and related shortages and how these issues affect the construction estimates, bid evaluations and awarding of contracts. Staff responded that the cement issue appears to be more an inventory and distribution concern rather than rising costs and should be resolved by winter. With iron, the issue appears to be with the availability of raw materials. Iron contracts have escalation clauses/options if above 10% . The fabricator can exercise the option or assume the risk by not exercising the option. However, if price spikes continue over a significant period of time then a revision of the cost estimating process and the Six Year Plan is possible.

Mr. McCarthy urged consideration for a multi-modal solution to the ACCA Rail Yard in Henrico County, not just the bridge/roadway project approved in this month’s construction bid package.

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ADJOURNED: The Chairman adjourned the meeting at 1:00 p.m.

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

The next workshop and action meeting will be held on Thursday, September 16, 2004, beginning at 9:00 a.m., at the Fredericksburg District Headquarters, 87 Deacon Road, Fredericksburg, VA.

Approved:

Chairman

Attested:

Assistant Secretary