

MINUTES
OF
MEETING OF STATE HIGHWAY AND TRANSPORTATION COMMISSION

Arlington, Virginia

September 30, 1975

At the invitation of the American Automobile Association, the monthly meeting of the State Highway and Transportation Commission was held at the Sheraton-National Hotel in Arlington, Virginia, on September 30, 1975, at 2 p.m. The Chairman, Mr. Douglas B. Fugate, presided.

Present: Messrs. Fugate, Beeton, Crowe, Fralin, Glass, Hall, Hassell, Hooper, Janney, Landes and Roos.

On motion of Mr. Hall, seconded by Mr. Roos, the minutes of the meeting of August 21, 1975, were approved.

On motion of Mr. Hall, seconded by Mr. Roos, permits issued from August 21, 1975, to September 29, 1975, inclusive, as shown by records of the Department, were approved.

Motion was made by Mr. Hall, seconded by Mr. Roos, that cancellation of permits from August 21, 1975, to September 29, 1975, inclusive, as shown by records of the Department, be approved. Motion carried.

Mr. Chairman stated that he had received some correspondence from Mr. Walter E. Sanford, Jr. of Alexandria, expressing extreme dissatisfaction with the cutback in mowing operations and the drainage situation in Gunston Manor Subdivision. At Mr. Sanford's request, this matter was brought to the attention of the Commission.

On motion of Mr. Roos, seconded by Mr. Crowe, the Commission approved the 1976 Preliminary Budget of Current Expenses for the Virginia Beach-Norfolk Expressway, as attached.

PRELIMINARY BUDGET FOR CURRENT EXPENSES
ORGANIZATION AND OPERATION
NORFOLK-VIRGINIA BEACH TOLL ROAD

FOR CALENDAR YEAR 1976

GENERAL ADMINISTRATION

Staff Salaries	\$ 60,000	
Matching S.S., Retirement, Group Ins., & Health Ins.	32,000	
Operations Salaries	<u>275,000</u>	\$ 367,000

OTHER OPERATIONS EXPENSES

Buildings Including Utilities & Office Supplies	\$ 21,000	
Brink's Inc. (Pick up of daily collections including counting money from automatics)	11,000	
Communications	4,000	
Professional Services (Consulting Engineers and Auditors)	21,000	
Rental of Automatic Toll Machines	70,000	
Advertising	3,000	
Uniforms	4,000	
Operations, Motor Vehicles & Travel Expense	18,000	
State Police	<u>130,000</u>	<u>282,000</u>

TOTAL \$649,000

Roadway Maintenance will be performed by Virginia Department of Highways and Transportation and financed from State Funds. Insurance premiums will be paid from Reserve Maintenance Funds.

Moved by Mr. Hall, seconded by Mr. Roos,
that the Commission confirm letter ballot action on bids received
August 20, 1975, on the following projects:

Route 238, Project P000-099-101, C-502

1.427 MI. W. Colonial Parkway - 0.575 MI. E. Colonial Parkway, York County.
Award of contract to low bidder, Jack L. Massie Contractor, Inc.,
Williamsburg, Virginia.

Bid	\$328,686.75
10% for engineering and additional work	32,868.67
Work by State Forces	15,047.45
Amount chargeable to project	376,603.00

Indian River Road, Project U000-134-104, C-501

City of Chesapeake-Va. Beach Corp. Limits - Int. 64, City of Virginia
Beach. Award of contract to low bidder, Birsch Construction Corp., Norfolk,
Virginia.

	Construction	Right of Way
Bid	\$2,318,730.67	\$10.00
10% for engineering and additional work	231,873.06	1.00
Work by State Forces	17,600.00	
Work by Virginia Beach	4,950.00	
Amount chargeable to project	2,573,165.00	

Acct. Rec. City of Virginia Beach - \$385,974.71

\$1,148,190.00 to be provided for in Future Urban Construction Allocations.

Routes 7 and 716, Project 0007-029-106, C-501, B-606; 0716-029-175, C-501

From: WCL Alexandria To: 0.26 MI. W. Int. Rte. 244 and From: WCL Alexandria
To: Int. Carlyn Spring Rd., Fairfax County. Award of contract to low bidder,
John Driggs Company, Inc., Capitol Heights, Maryland, and Shirley Contracting
Corp., Springfield, Virginia.

	Construction	Right of Way
Bid	\$4,046,433.80	\$21,382.00
10% for engineering and additional work	404,643.38	2,138.20
Work by State Forces	12,912.00	
Utilities	63,447.00	
Fairfax Co. Inspection	1,000.00	
Amount chargeable to project	4,551,956.00	

Acct. Rec. - County of Fairfax - \$1,003,371.50

Acct. Rec. Crossroads Associates - \$234,163.38

Acct. Rec. Fairfax County (Dept. of Public Works) - \$1,305.25

Acct. Rec. C & P Telephone Co. - \$1,922.86

Acct. Rec. Washington Gas Light Co. - \$3,051.48

Acct. Rec. Fairfax County Water Authority - \$1,906.09

Route 23, Project 6023-097-113, C-504

Correction of Slide Areas - 0.2 Mi. N. Lee-Wise C. L. and 0.7 Mi. N. Lee-Wise C. L., Wise County. Award of contract to low bidder, All Contracting Company, Inc., Bristol, Virginia.

Bid	\$378,767.05
10% for engineering and additional work	37,876.70
Work by State Forces	49,224.00
Amount chargeable to project	465,868.00

Route 27, Project 0027-000-1087

Repairs to Bridge over Rt. 110, 0.3 Mi. S. Potomac River, Arlington County. Award of contract to low bidder, Schell Construction Corp., Springfield, Virginia.

Bid	\$353,557.00
10% for engineering and additional work	35,355.70
Amount chargeable to project	388,913.00

To be financed from Culpeper District Primary Maintenance Replacement Fund.

Route 29, Project 6029-062-107, C-501, B-620, B-622, B-623

2.155 Mi. S. Albemarle-Nelson C. L. - Albemarle-Nelson C. L., Nelson County. Award of contract to low bidder, Turner Brothers, Contractors, Salem, Virginia.

	<u>Construction</u>	<u>Right of Way</u>
Bid	\$2,013,245.40	\$27.00
10% for engineering and additional work	201,324.54	2.70
Work by State Forces	9,962.00	
Amount chargeable to project	2,224,562.00	

\$1,009,762.00 to be provided for in 1976-77 and 1977-78 Primary Construction Allocations.

Route 58-A, Project 7058-146-105, C-501, B-602, B-603, B-604

Bridges and Approaches Guest River, City of Norton. Award of contract to low bidder, J. M. Turner & Company, Inc., Salem, Virginia.

	<u>Construction</u>	<u>Right of Way</u>
Bid	\$695,297.54	\$30,555.00
10% for engineering and additional work	69,529.75	3,055.50
Work by State Forces	13,048.00	
Amount chargeable to project	811,486.00	

Acct. Rec. City of Norton - \$118,406.37
C & P Telephone Co. - \$22,110.00
\$225,973.00 to be provided for in Future Urban Construction Allocations.

Route 64, Project 0064-003-104, G-306; 0064-081-101, G-301

1.579 Mi. W. Alleghany-Rockbridge C. L. - 1.199 Mi. E. Alleghany-Rockbridge C. L., Alleghany and Rockbridge Counties. Award of contract to low bidder, Knight, Inc., Reidsville, North Carolina.

Bid	\$4,427,723.74
10% for engineering and additional work	442,772.37
Work by State Forces	5,986.00
Amount chargeable to project	4,876,482.00

Route 64, Project 0064-043-106, C-501, B-670; 107, C-501

Deceleration Lanes, Ramps, Permanent Traffic Signs and Planting - Interstate 64 and Parham Road Interchange, Henrico County. Award of contract to low bidder, Central Contracting Co., Inc., Farmville, Virginia.

	<u>Construction</u>	<u>Right of Way</u>
Bid	\$1,039,742.35	\$100.00
10% for engineering and additional work	103,974.23	10.00
Work by State Forces	17,655.00	
Amount chargeable to project	1,161,482.00	

Route 464, Project 0464-131-101, RW-203 CONTR. 2

Utility Adjustment - Sanitary Sewer - 0.183 Mi. S. of Park Ave. - 0.568 Mi. N. of Park Ave., City of Chesapeake. Award of contract to low bidder, Birsch Construction Corp., Norfolk, Virginia.

	<u>Right of Way</u>
Bid	\$86,721.40
10% for engineering and additional work	8,672.14
Work by State Forces	3,300.00
Amount chargeable to project	98,694.00

Route 595, Project 0595-000-101, C-503

Demolition of Buildings and Removal of Debris and Rubble - Airport Connector (233) - Int. 15th St., Arlington County. Award of contract to low bidder, Ace Wrecking & Building Material Co., Inc., Washington, D. C.

	<u>Right of Way</u>
Bid	\$7,444.00
10% for engineering and additional work	744.40
Amount chargeable to project	8,188.00

Route 616, Project 0616-087-166, B-637

Drainage Structure at Lightwood Swamp, Southampton County. Award of contract to low bidder, W. W. Warsing, Inc., Crewe, Virginia.

Bid	\$44,600.30
10% for engineering and additional work	4,460.03
Utilities	3,497.99
Amount chargeable to project	52,558.00

Route 646, Project 0646-019-127, C-501

0.025 Mi. N. Mecklenburg C. L. - Int. 15 & 360, Charlotte County. Award of contract to low bidder, W. W. Warsing, Inc., Crewe, Virginia.

Bid	\$282,268.60
10% for engineering and additional work	28,226.86
Work by State Forces	18,381.00
Amount chargeable to project	328,876.00

\$14,000.00 to be provided for in 1976-77 and Subsequent Years' Budgets.

Route 785, Project 0785-060-159, C-502, B-622

Bridge and Approaches over North Fork Roanoke River, Montgomery County. Award of contract to low bidder, Wilkins Construction Co., Inc., Amherst, Virginia.

Bid	\$116,015.70
10% for engineering and additional work	11,601.57
Work by State Forces	3,283.50
Amount chargeable to project	130,901.00

\$31,000.00 to be provided for in 1976-77 and Subsequent Years' Budgets.

Route 66, Project PR-1-75

Pavement Repairs EBL and WBL - Rte. 495 - Rte. 29 at Centreville, Fairfax County. Award of contract to low bidder, Central Atlantic Contractors, Inc., Aberdeen, Maryland.

Bid	\$161,160.00
10% for engineering and additional work	16,116.00
Amount chargeable to project	177,276.00

To be financed from Culpeper Interstate Maintenance Replacement Budget.

Route 95, Project US-1-75

Undersealing Portland Cement Conc. Pave. - Spotsylvania C. L. SBL -
8.9 Mi. S. Spotsylvania C. L. SBL, Caroline County. Award of contract
to low bidder, Whitehurst Paving Co., Inc., Richmond, Virginia.

Bid	\$24,255.00
10% for engineering and additional work	2,425.50
Amount chargeable to project	26,681.00

To be financed from Fredericksburg District Interstate Maintenance
Replacement Fund.

MOTION CARRIED

Moved by Mr. Hall, seconded by Mr. Roos,
that the Commission confirm letter ballot action rejecting bids received
August 20, 1975, on the following project and authorize readvertisement
of this project:

Route 168, Project 5504-131-101, C-501

Low bid - 22.2% over estimate.

MOTION CARRIED

Moved by Mr. Fralin, seconded by Mr. Hooper,
that

WHEREAS, Section 33.1-221 of the Code of Virginia provides
& fund for fiscal 1975-76 to " . . . be expended by the Commission for
constructing, reconstructing, maintaining or improving access roads
within counties, cities and towns to industrial sites on which manufacturing,
processing or other establishments will be built under firm contract or are
already constructed."; and

WHEREAS, the Board of Supervisors of Giles County has by
resolution requested the use of industrial access funds to provide access
to the New River Manufacturing Company, Incorporated, located off Secondary
Route 806 near Glen Lyn in Giles County; and

WHEREAS, segments of the plant site property owned by the
industry front along Route 806; and

WHEREAS, Section 33.1-221 of the Code of Virginia provides that "No such access road shall be constructed or improved on a privately owned plant site,"

NOW, THEREFORE, BE IT RESOLVED, that, in view of the above-quoted provision of the law, the request of the Board of Supervisors of Giles County is hereby denied.

MOTION CARRIED

Moved by Mr. Boston, seconded by Mr. Janney,
that

WHEREAS, with respect to completion of construction on the relocation of U. S. Route 15-29 bypassing the Town of Remington in Culpeper and Fauquier Counties, and in accordance with recommendations by our highway engineers, it is deemed necessary to add said route to the Primary System of Highways as an Arterial Route and to establish the route marker designations preparatory for signing; and

WHEREAS, application has been made to the American Association of State Highway and Transportation Officials for approval of the U. S. Route number designations contained herein;

NOW, THEREFORE, BE IT RESOLVED, that under authority of Sections 33.1-34 and 33.1-29 of the 1950 Code of Virginia, as amended, the new location bypassing the Town of Remington, length 2.4 miles, be added to the Primary System of Highways as an Arterial Route and designated as U. S. Route 15-29, beginning at an intersection with present U. S. Route 15-29 south of Remington in Culpeper County and extending northerly to an intersection with present U. S. Route 15-29 north of Remington in Fauquier County; and

BE IT FURTHER RESOLVED, that existing U. S. Route 15-29 through the Town of Remington and between points of intersection with the new location, be designated as U. S. Route 15-29 Business, length 2.7 miles; and

BE IT ALSO FURTHER RESOLVED, that the U. S. Route number designations contained herein are subject to approval by the Route Numbering Committee of the American Association of State Highway and Transportation Officials.

MOTION CARRIED

Moved by Mr. Crowe, seconded by Mr. Hall,
that

WHEREAS, in accordance with the provisions of Section 128 of Title 23 - Highways, United States Code, and FHPM 7-7-5, a location and design public hearing was held in the J. R. Tucker High School, 2910 Parham Road, Richmond, Virginia, on July 30, 1975, at 8:00 p.m., for the purpose of considering the proposed widening of Route 250 (Broad Street Road) from 0.063 mile west of Parham Road to 0.179 mile east of Glenside Drive in Henrico County, State Project 0250-043-104, C-501; Federal Project M-5127(11); and

WHEREAS, proper notice was given in advance and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed project as presented, and their statements being duly recorded; and

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

NOW, THEREFORE, BE IT RESOLVED, that the location and major design features of this project be approved in accordance with the plan as proposed and presented at the said location and design public hearing by the Department's engineers.

MOTION CARRIED

Moved by Mr. Fralin, seconded by Mr. Glass,
that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Highway and Transportation Commission, a location and design public hearing was held in the Department's Salem District Office Auditorium, Salem, Virginia, on August 28, 1974, at 2:00 p.m., for the purpose of considering the proposed improvement of Route 628 from 0.581 mile west of the intersection of Route 629 to 1.041 miles east of the intersection of Route 629 and Route 629 from the intersection of Route 780 to 0.937 mile north of the intersection of Route 780 in Roanoke County, State Projects 0628-080-130, C-501, C-502 and 0629-080-165, C-501; Federal Projects OS-080() and RS-1720(); and

WHEREAS, proper notice was given in advance and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed projects as presented; and their statements being duly recorded; and

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

NOW, THEREFORE, BE IT RESOLVED, that the location and major design features of these projects be approved in accordance with the plan as proposed and presented at the said location and design public hearing by the Department's engineers, amended to use 2:1 slopes instead of CS-3A slopes on Project 0629-080-165, C-501, and to construct tree wells, if necessary, to save certain trees on this project.

MOTION CARRIED

Moved by Mr. Hall, seconded by Mr. Fralin,
that

WHEREAS, Route 258 in Isle of Wight County has been altered and reconstructed as shown on plans for Project 0258-046-108, C-501; and

WHEREAS, two sections of the old road are no longer necessary as a public road, the new road serving the same citizens as the old;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 33.1-148 of the Code of Virginia of 1950, as amended, 0.11 mile of the old Route 258, shown in blue and designated as Sections 1 and 2 on the plat dated July 3, 1975, Project 0258-046-108, C-501, be abandoned as a part of the State Highway System.

MOTION CARRIED

Moved by Mr. Hall, seconded by Mr. Fralin,
that

WHEREAS, Route 42 in Smyth County has been altered and reconstructed as shown on plans for Project 0042-086-103, C-501; and

WHEREAS, four sections of the old road are no longer necessary for purposes of the State Highway System, a new road having been constructed in lieu thereof;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 33.1-144 of the Code of Virginia of 1950, as amended, 0.44 mile of the old location of Route 42, shown in yellow and designated as Sections 1, 2, 3 and 4 on the plat dated July 9, 1975, Project 0042-086-103, C-501, be discontinued as a part of the State Highway System.

MOTION CARRIED

that Moved by Mr. Hall, seconded by Mr. Fralin,

WHEREAS, Route 15 in Culpeper County has been altered and reconstructed as shown on plans for Project 6015-023-106, C-501; and

WHEREAS, one section of the old road is no longer necessary for purposes of the State Highway System, a new road having been constructed in lieu thereof;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 33.1-144 of the Code of Virginia of 1950, as amended, 0.04 mile of the old location of Route 15, shown in yellow and designated as Section 1 on the plat dated January 10, 1975, Project 6015-023-106, C-501, be discontinued as a part of the State Highway System.

MOTION CARRIED

that Moved by Mr. Hall, seconded by Mr. Fralin,

WHEREAS, Interstate Route 77 in Bland County has been constructed on new location as shown on plans for Project 0077-010-102, C-501; and

WHEREAS, the construction of Interstate Route 77 necessitates alteration on sections of U. S. Route 21, one section of old location of Route 21 is no longer necessary for purposes of the State Highway System, a new road having been constructed in lieu thereof;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 33.1-144 of the Code of Virginia of 1950, as amended, 0.63 mile of the old location of Route 21, shown in yellow and designated as Section 1 on the plat dated August 1, 1975, Project 0077-010-102, C-501, be discontinued as a part of the State Highway System.

MOTION CARRIED

that Moved by Mr. Beeton, seconded by Mr. Janney,

WHEREAS, with respect to completion of construction on the southwest leg of the route bypassing the Town of Leesburg and in accordance with recommendations by our highway engineers, it is deemed necessary to add said section of road to the Primary System of Highways as an Arterial Route, and establish the route marker designations preparatory for signing; and

WHEREAS, the U. S. Route Numbering Committee of the American Association of State Highway and Transportation Officials and this Commission have heretofore given approval for numbering the northeast and southeast legs of the route bypassing the Town of Leesburg as U. S. Route 15 Bypass;

NOW, THEREFORE, BE IT RESOLVED, that under authority of Sections 33.1-34 and 33.1-29 of the 1950 Code of Virginia, as amended, the new construction of the southwest leg of the route bypassing the Town of Leesburg, approximately 1.96 miles in length, be added to the Primary System of Highways as an Arterial route and designated as State Route 7; and

BE IT FURTHER RESOLVED, that for continuity the State Route 7 designation shall extend over the southeast leg of this bypass route; and

BE IT ALSO FURTHER RESOLVED, that present State Route 7 through the Town of Leesburg and between points of intersection with the bypass route, approximately 2.46 miles in length, be designated as State Route 7 Business; and

BE IT ALSO FURTHER RESOLVED, that the U. S. Route 15 Bypass designation on the northeast and southeast legs of this route bypassing the Town of Leesburg heretofore approved by the U. S. Route Numbering Committee of the American Association of State Highway and Transportation Officials and this Commission be deleted and redesignated as U. S. Route 15, prior approval having been obtained from AASHTO regarding this change.

MOTION CARRIED

Moved by Mr. Fralin, seconded by Mr. Hassell,
that

WHEREAS, by proper resolutions, the Boards of Supervisors of Botetourt, Buckingham, Culpeper, King and Queen and Mecklenburg Counties have requested that certain roads which no longer serve as a public necessity be discontinued as parts of the Secondary System of Highways;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 33.1-150 of the Code of Virginia of 1950, as amended, the following roads be discontinued as parts of the Secondary System of Highways, effective this date:

BOTETOURT COUNTY	- Section 1 of old location Route 602 from Station 442+25 easterly 0.05 mile to the new connection opposite Station 440+30, Project 0220-011-101, C-504	0.05 Mile
	- Section 4 of old location Route 1204 from Station 483+50 southerly 0.04 mile to the new connection opposite Station 482+10	0.04 Mile

BUCKINGHAM COUNTY	- Sections 1 and 3 of old location Route 676 between Station 58+40 and the Slate River, Project 0676-014-133, C-501, A66-068; A68-001	0.18 Mile
CULPEPER COUNTY	Section 3 of old location Route 687 from Route 663 westerly 0.05 mile, Project 6015-023-106, C-501	0.05 Mile
KING AND QUEEN COUNTY	Section 1 of old location Route 678 from the intersection of Route 680 southeasterly 0.075 mile, Project 0014-049-104, C-501	0.075 Mile
MECKLENBURG COUNTY	- Section 1 of old location of Route 750, from Station 994+00 northeasterly 0.01 mile, Project 0058-058-111, C-501	0.01 Mile

MOTION CARRIED

that Moved by Mr. Hall, seconded by Mr. Glass,

WHEREAS, Section 33.1-221 of the Code of Virginia provides a fund for fiscal 1975-76 to "...be expended by the Commission for constructing, reconstructing, maintaining or improving access roads within counties, cities and towns to industrial sites on which manufacturing, processing or other establishments will be built under firm contract or are already constructed."; and

WHEREAS, the Board of Supervisors of Tazewell County has by resolution requested the use of industrial access funds to provide access to the proposed new facility to be constructed by Carmet Company in Tazewell County west of Bluefield, estimated to cost \$60,000; and

WHEREAS, it appears that this request falls within the intent of Section 33.1-221 and has complied with the provisions of the Highway and Transportation Commission's policy on the use of industrial access funds;

NOW, THEREFORE, BE IT RESOLVED, that \$60,000 from the 1975-76 industrial access fund be allocated to provide access to the new facility of Carmet Company, to be located north of Route 720 in Tazewell County west of Bluefield, Project 0818-092-141, C-501, contingent upon the industry's entering into a firm contract for the construction of its facility, and the necessary right of way and adjustment of utilities being provided at no cost to the Commonwealth.

MOTION CARRIED

that Moved by Mr. Landes, seconded by Mr. Fralin,

WHEREAS, Section 33.1-223 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 to public recreational areas and historical sites be provided by using highway funds..."; provides highway funds for such purpose; and further provides that "The State Highway Commission and the Commission of Outdoor Recreation are hereby authorized to make regulations to carry out the provisions of this section."; and

WHEREAS, the Commission of Outdoor Recreation and the State Highway and Transportation Commission have adopted a joint policy to govern the use of recreational access funds pursuant to Section 33.1-223 of the Code of Virginia; and

WHEREAS, the Board of Supervisors of Augusta County has by resolution requested the use of recreational access funds to provide adequate access to the Grand Caverns Regional Park, located off Route 825 near Grottoes in Augusta County, estimated to cost \$200,000; and

WHEREAS, this request has been considered by the Commission of Outdoor Recreation and has been found to comply fully with the provisions of Section 33.1-223; and

WHEREAS, the Commission of Outdoor Recreation has recommended the construction of the aforementioned access;

NOW, THEREFORE, BE IT RESOLVED, that \$200,000 from the 1975-76 recreational access fund be allocated to provide adequate access to the Grand Caverns Regional Park, located off Route 825 near Grottoes in Augusta County, Project 0844-007-198, C-501, B-643, contingent upon the necessary right of way and adjustment of utilities being provided at no cost to the Commonwealth.

MOTION CARRIED

that Moved by Mr. Glass, seconded by Mr. Roos,

WHEREAS, Section 33.1-221 of the Code of Virginia provides a fund for fiscal 1975-76 to "... be expended by the Commission for constructing, reconstructing, maintaining or improving access roads within counties, cities and towns to industrial sites on which manufacturing, processing or other establishments will be built under firm contract or are already constructed."; and

WHEREAS, the Board of Supervisors of Buckingham County has by resolution requested the use of industrial access funds to provide access to the proposed new facility of Kyanite Mining Corporation, to be located west of Route 623 in Buckingham County, estimated to cost \$150,000; and

WHEREAS, it appears that this request falls within the intent of Section 33.1-221 and has complied with the provisions of the Highway and Transportation Commission's policy on the use of industrial access funds;

NOW, THEREFORE, BE IT RESOLVED, that \$150,000 from the 1975-76 industrial access fund be allocated to provide access to the new facility of Kyanite Mining Corporation, to be located west of Route 623 in Buckingham County, Project 0623-014-137, C-501, contingent upon the industry's entering into a firm contract for the construction of its facility, and the right of way and adjustment of utilities being provided at no cost to the industrial access fund.

MOTION CARRIED

Moved by Mr. Hooper, seconded by Mr. Fralin, that

WHEREAS, on Tuesday, September 23, 1975, at 9:45 a.m., pursuant to newspaper advertisement, informational proceedings as to proposed rules and regulations governing prequalification of prospective bidders were conducted by Mr. W. S. G. Britton, the Commission's specially designated subordinate; and

WHEREAS, the proposed rules and regulations are necessary to determine whether or not a bidder on a contract of the Commission is financially responsible and competent to perform the work bid so as to carry out the statutory mandate of Section 33.1-187 of the Code of Virginia (1950), as amended, to let all contracts "to the lowest responsible bidder."; and

WHEREAS, Mr. Britton reported to the Commission that no testimony other than the written statement submitted by the Department, which is made a part hereof, was presented, either orally or in writing; and

WHEREAS, the purpose of said proposed rules and regulations, which was elaborated on in the written statement submitted by the Department, is to set out what is required by the Commission as to financial ability, adequacy of plant, equipment and organization, experience, and the relevant information necessary to establish the competency and financial responsibility of the applicant. The proposed rules and regulations also describe the standards utilized in reaching a determination and the various classifications of bidders. The proposed rules and regulations explain the reasons that a

**PUBLIC NOTICE - RULES AND REGULATIONS GOVERNING PREQUALIFICATION OF
PROSPECTIVE BIDDERS**

Section 33.1-187 of the Code of Virginia of 1950 as amended provides that
all Highway contracts be let to the lowest responsible bidder.

The State Highway and Transportation Commission is vested with the authority
and responsibility to contract for construction improvements and maintenance of
roads comprising the four State Highway Systems.

In order to determine whether or not a bidder is responsible, the submission
of detailed information is requested prerequisite to bidding. Such information is
utilized to prequalify the interested contractor as to the type and amount of such
work the contractor is able to perform.

In the implementation of this procedure and objective, the presented rules
and regulations governing the prequalification of prospective bidders have been
developed. The objective of the proposed rules and regulations is to insure
that a stable and efficient contract award program is maintained. Such a program
will assure contracts awarded without undue delay after bids have been opened
to financially responsible and competent contractors whose work will be performed
without additional cost to the citizens of the Commonwealth.

A summary description of the published rules is as follows:

- I. The purpose of the prequalifying effort is described:
 - A. To administer a stable and efficient contract award program.
 - B. To minimize delay in awarding contracts after bids have been opened.
 - C. To insure the Commonwealth and the public that all contracts are
awarded to competent and financially responsible bidders.
- II. Definitions of the various Terms utilized in the rules and regulations are
presented.

III. This is a statement of requirements in general.

- A. All persons proposing to bid work advertised by the Department must furnish a statement under oath in response to a questionnaire as furnished by the Commissioner or his designated agent.**
- B. Such statements shall fully develop the financial ability, adequacy of plant, the equipment and organization, experience and relevant information necessary to establish the competency and financial responsibility of the applicant.**
- C. Application for prequalification must be presented 30 days prior to the date on which the prospective bidders propose to submit a bid.**

IV. Statements to be furnished under oath.

The prospective bidder must furnish under oath the following statements:

- A. A statement of financial ability.**
- B. A statement as to plant and equipment.**
- C. A statement as to organization.**
- D. A statement as to prior and current experience of the contractor.**
- E. A statement providing an accurate and sufficient record of the work performed in the past five years of the contractor.**
- F. A statement listing in detail any liens, stop notices, or claims filed against the contractor within the past five years.**
- G. A statement setting forth any other relevant, pertinent and material facts.**

V. Classification.

Each bidder is required to state the classification desired; specifically,

- 1. General Highway Construction.**
- 2. Grading and Minor Structures.**
- 3. Major Structures.**
- 4. Paving.**
- 5. Miscellaneous Items.**

The contractor may be classified in more than one type of work provided his equipment, organization and experience support such a presentation.

The maximum capacity rating represents the final stated prequalification and is defined in dollars. The maximum capacity rate is the product of the contractor's ability factor (scored from 2 to 12) times his financial statement as presented in Item IV stated above; specifically "A statement prepared by an independent certified public accountant as to financial ability."

VI. Appeals Procedure.

This describes the prospective bidder's rights to a hearing before the Prequalification Committee, should he be dissatisfied with his classification and/or rating. He further has the right to appeal the decision of the Prequalification Committee to a Board of Review whose decision will be final and binding.

VII. Bidding Authorization.

This requires prospective bidders to submit a prequalification assembly at least once every year in order to continue prequalification. It states that no bids will be accepted from bidders who have not been prequalified nor will bids be accepted for work proposed, for work different in type, or greater in amount than any prequalification entitles. The State Highway and Transportation Commissioner of Virginia reserves the right to reject any bid prior to the actual awarding of a contract when, in his opinion, developments subsequent to prequalification effect the capability or financial responsibility of the bidder. However, prior to taking such action, the bidder will be notified and he will be afforded the opportunity to present such additional information as might substantiate the existing prequalification.

VIII. Certification of Capacity.

In order that the total contract commitment of a contractor may be defined, a bidder must submit with each bid proposal a certification of prior contract commitment underway. Such commitment underway will be deducted from the proposed bidder's maximum capacity rating. In the event of a false certification, the contractor may be required to forfeit the proposal guaranty and/or may be disqualified from bidding on future work for a 90-day period.

IX. Following the completion of all contract work, a Confidential Past Performance Report will be developed by the State Highway and Transportation District Engineer and this information will be utilized in developing the ability rating factor. The past performance report for the past five years or the five most recent reports on file with the Department, whichever is the lesser number, will be used in determining the contractor's ability factor.

X. Subcontractors.

- A.** All contractors proposing to sublet work contracted by the Department must comply with all the foregoing regulations in regard to prequalification.
- B.** No contractor engaged in work under contract with the Department will be permitted to sublet any part of the construction work to be performed under the terms of that contract to a contractor who has not been prequalified.

XI. False Statements in Questionnaire or at Hearing.

Any person who willfully makes or causes to be made any false, deceptive or fraudulent statement on the questionnaire required to be submitted or in the course of any hearing under these regulations may be temporarily or permanently disqualified from bidding on all work advertised by the Department.

XII. Joint Venture Bids.

Any combination of bidders may bid jointly, specifying the portion of the proposal for which each will be responsible, in which case each bidder must have sufficient bidding capacity to cover his share. In the event bidders fail to designate the respective portions, the proposal amount will be equally divided among the joint bidders and each bidder must have sufficient bidding capacity to cover his specific share.

XIII. Subletting.

The contractor will be given credit only for sublet work on contracts with the Department and only for such work as listed on forms furnished by the Department in the proposal for the applicable project.

XIV. Revocation of Certificate of Qualification.

The certification of qualification may be revoked and a contractor disqualified if:

- A. He has been declared in default on previous contracts.
- B. The contractor has made false certifications on the bidder certification of prequalification or any of the other applications for prequalification.
- C. It is determined that the contractor has violated 108.06 of the Road and Bridge Specifications. This section of the specifications speaks of the presentation of gifts or gratuities.
- D. A Federal agency has debarred the contractor from performing on Federal-aid projects.
- E. Any other action or inaction on the part of the contractor which the Prequalification Committee deems to be of sufficient magnitude as to warrant revocation.
- F. It is determined that the contractor has participated in collusion.

In addition to the prequalification system heretofore discussed, the Department administers another system known as the Minimum and No Plan Prequalification System. This system was first authorized by the Commission on July 20, 1974 for those contractors who wish to bid on Minimum and No Plan projects having a value of \$100,000 or less. Its requirements parallel the requirements, standards and procedure heretofore discussed.

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Certificate of Qualification may be revoked and the procedures for appealing revocation or an adverse determination as to qualification. The proposed rules and regulations also incorporate the prequalification and classification of prospective bidders for minimum and no plan projects which are defined therein;

NOW, THEREFORE, BE IT RESOLVED, that the rules and regulations governing prequalification of prospective bidders be, and they are, hereby adopted as proposed, including all of the forms referred to in the text of said proposed rules.

MOTION CARRIED

Moved by Mr. Hall, seconded by Mr. Roos, that the Commission confirm letter ballot action approving request of the Wise County School Board for access to the Pound Bypass (Route 23), as presented at the August 21 meeting of the Commission by Delegate Orby Cantrell and Mr. Harley Stallard, under the following conditions:

- A. The School Board be required to construct a minimum of an 18 foot hardsurfaced entrance on a 50 foot right of way which is to be deeded to the State with construction to be carried out in accordance with Highway and Transportation Department standards.
- B. The right of way of the school entrance will be accepted into the Secondary System when the provisions outlined in (A) are completed. Acceptance of such entrances is provided under existing Virginia law.
- C. The School Board make adequate provisions for insuring that the road not be available for other than school use. This would be insured through construction of an adequate fence either along the highway right of way or enclosing the school property so that no outside activity could in any manner get to the entrance.
- D. The School Board agree to meet any expenses which are required to control traffic at the entrance with Route 23. A study will be made to determine the extent of such control required, including the possibility of channelization and traffic signals.

MOTION CARRIED

Moved by Mr. Roos, seconded by Mr. Landes,

that

WHEREAS, in connection with Route 7, State Highway Project 6007-053-110, RW-201, the Commonwealth acquired certain lands, a portion of which lies outside the normal right of way, from Owen Thomas, Jr. and Charles William Thomas by Certificate No. C-18075, case for which has been settled by an Agreement after Certificate as recorded in Deed Book 517, Pages 278 in the Office of the Clerk of the Circuit Court of Loudoun County; and

WHEREAS, the land lying outside the normal right of way line is large enough for independent development; and

WHEREAS, we propose to advertise this property for sale, reserving the right to reject any and all bids, and provided the highest bid received is not acceptable, we propose to negotiate a sale with any person or persons willing to pay an amount that is satisfactory; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the lands lying south of the revised south proposed right of way line from a point 80 feet opposite approximate survey Station 503+28 (centerline E.B.L.) to a point 80 feet opposite survey Station 507+24 (centerline E.B.L.) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with provisions of § 33.1-149 of the 1950 Code of Virginia, as amended, the sale of the said land, so certified, is approved and the State Highway and Transportation Commissioner is hereby authorized to execute, in the name of the Commonwealth, a deed conveying same, without warranty, to any person or persons making an offer satisfactory to the State Right of Way Engineer, subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Roos, seconded by Mr. Landes,

that

WHEREAS, in connection with Route 16, State Highway Project 5638-01-02 the Commonwealth acquired certain land from E. M. Thomas and Agnes Thomas by deed dated September 18, 1956 and recorded in Deed Book 114, Pages 97 and 98 in the Office of the Clerk of the Circuit Court of Grayson County; and

WHEREAS, a portion of the land so acquired lies outside the proposed right of way line and contains approximately 1.62 acres which is large enough for independent development; and

WHEREAS, in order to secure the best offer, this land is to be advertised for sale by the receipt of sealed bids with the right reserved to reject any and all bids and provided the high bid received is not satisfactory to the Department, we propose to negotiate a sale with anyone willing to pay a price that is satisfactory; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land lying on the south side of and adjacent to the south proposed right of way line from a point approximately 58 feet opposite approximate survey Station 726+00 (centerline Route 16) to a point 100 feet opposite survey Station 734+44 (centerline Route 16) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, the conveyance of the said land in accordance with the provisions of § 33.1-149 of the 1950 Code of Virginia as amended, to the person or persons making an offer satisfactory to this Department, is hereby approved and the State Highway and Transportation Commissioner is authorized to execute in the name of the Commonwealth a deed conveying same, without warranty, subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Roos, seconded by Mr. Landes,

that

WHEREAS, in connection with Route 90, State Highway Project 5886-01, the Commonwealth acquired certain lands, a portion of which lies outside the normal right of way from Fred A. Lindamood, et al, by deed dated January 29, 1951 as recorded in Deed Book 135, Page 115, in the Office of the Clerk of the Circuit Court of Wythe County and in Deed Book 111, Page 588 in the Office of the Clerk of the Circuit Court of Smyth County; and

WHEREAS, in order to obtain the best offer for the land, we propose to advertise it for public sale, reserving the right to reject any and all bids; and provided the highest bid received is not satisfactory, we propose to negotiate a sale with any person or persons agreeable to paying a satisfactory price; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land lying on the east side of and adjacent to the east proposed right of way line from a point 30 feet opposite

approximate survey Station 383+30 to a point 30 feet opposite approximate survey Station 385+43 does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of §33.1-149 of the 1950 Code of Virginia, as amended, the conveyance of the said land, so certified to any person or persons making an offer satisfactory to the Department is hereby approved and the State Highway and Transportation Commissioner is authorized to execute in the name of the Commonwealth a deed conveying same, without warranty, subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Roos, seconded by Mr. Landes,

that

WHEREAS, by deed dated March 25, 1953 as recorded in Deed Book 63, Page 46, in the Office of the Clerk of the Circuit Court of Greenville County, the Commonwealth acquired 4.42 acres, more or less, land from Greenville County and the Town of Emporia for use as the Greenville County Shop Lot; and

WHEREAS, when widening Route 58, a portion of the shop lot will be needed for the right of way for Project 6058-040-104, RW-201, leaving a lot of 2.61 acres, more or less, that is too small to use as a shop lot; and

WHEREAS, the new Emporia Area Headquarters lot replaces the old Greenville lot; and

WHEREAS, in order to obtain the best offer for the old lot, we propose to advertise it for public sale, reserving the right to reject any and all bids and provided the highest bid received is not satisfactory, we propose to negotiate a sale with anyone willing to pay a satisfactory price; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land lying on the south side of and adjacent to the south proposed right of way line from a point 75 feet opposite approximate survey Station 1277+21 (centerline E.B.L.) to a point 75 feet opposite approximate survey Station 1282+55 (centerline E.B.L.) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of § 33.1-149 of the 1950 Code of Virginia, as amended, the proposed sale of the said land is hereby approved and the State Highway and Transportation Commissioner is hereby authorized to execute a deed, without warranty, to the person or persons making an offer satisfactory to the State Right of Way Engineer and subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Roas, seconded by Mr. Landes,

that

WHEREAS, in connection Route 58, State Highway Project 1795-12 the Commonwealth acquired certain land from W. S. Graybeal, et al by deed dated June 28, 1957 and recorded in Deed Book 305, Page 494 in the Office of the Clerk of the Circuit Court of Washington County; and

WHEREAS, a portion of the land so acquired lies outside the normal right of way and contains 0.22 acre which is large enough for independent development; and

WHEREAS, in order to secure the best offer, the land is to be advertised for sale by the receipt of sealed bids with the right reserved to reject any and all bids and provided the high bid received is not satisfactory to this Department, we propose to negotiate a sale with anyone willing to pay a price that is satisfactory; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land lying on the south side of and adjacent to the south normal right of way line from a point approximately 60 feet opposite approximate survey Station 107+00 (centerline Route 58) to a point approximately 60 feet opposite approximate survey Station 108+95 (centerline Route 58) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, the conveyance of the said land in accordance with the provisions of Section 33.1-149 of the 1950 Code of Virginia, as amended, to the person or persons making an offer satisfactory to this Department, is hereby approved and the State Highway and Transportation Commissioner is authorized to execute in the name of the Commonwealth a deed conveying same, without warranty, subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Roos, seconded by Mr. Landes,

that

WHEREAS, in connection with Route 80, State Highway Project 5483-02 the Commonwealth acquired certain land from Veterans Administration by deed dated August 26, 1954 and recorded in Deed Book 147, Page 207 in the Office of the Clerk of the Circuit Court of Russell County; and

WHEREAS, a portion of the land so acquired lies outside the normal right of way and contains approximately 0.54 acre which is large enough for independent development; and

WHEREAS, in order to secure the best offer, the land is to be advertised for sale by the receipt of sealed bids with the right reserved to reject any and all bids and provided the high bid received is not satisfactory to this Department, we propose to negotiate a sale with anyone willing to pay a price that is satisfactory; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land lying south of and adjacent to the south normal right of way from a point approximately 40 feet opposite approximate survey Station 813+55 (centerline Route 80) to a point approximately 40 feet opposite approximate survey Station 815+85 (centerline Route 80) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, the conveyance of the said land in accordance with the provisions of § 33.1-149 of the 1950 Code of Virginia as amended, to the person or persons making an offer satisfactory to this Department, is hereby approved and the State Highway and Transportation Commissioner is authorized to execute in the name of the Commonwealth a deed conveying same, without warranty, subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Roos, seconded by Mr. Landes,

that

WHEREAS, in connection with Route 301, State Highway Project 1891-05, the Commonwealth acquired certain lands, a portion of which lies outside the normal right of way, from G. C. Burgess and Hallie D. Burgess by deed dated March 21, 1955 as recorded in Deed Book 52, Page 147 in the Office of the Clerk of the Circuit Court of Sussex County; and

WHEREAS, in order to secure the best offer for the excess land, so acquired, we propose to advertise the parcel for the receipt of sealed bids, reserving the right to reject any and all bids; and provided the high bid received is unsatisfactory we propose to negotiate a sale with anyone willing to pay a price that is satisfactory; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land lying west of and adjacent to the west proposed right of way line of Route 301 from a point 73 feet opposite approximate Station 820+70 (survey and S.B.L. centerline Route 301) to a point 73 feet opposite approximate Station 822+60 (survey and S.B.L. centerline Route 301) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of § 33.1-149 of the 1950 Code of Virginia, as amended, the conveyance of the land, so certified, is approved and the State Highway and Transportation Commissioner is hereby authorized to execute a deed without warranty, in the name of the Commonwealth conveying same to any person or persons making an offer satisfactory to the State Right of Way Engineer and subject to such restrictions as may be deemed requisite; and

FURTHER, THAT, the resolution pertaining to the proposed conveyance to the adjoining landowner, as passed by the State Highway and Transportation Commission on November 14, 1974, is hereby rescinded.

Motion carried.

Moved by Mr. Roos, seconded by Mr. Landes,

that

WHEREAS, in connection with Route 16, State Highway Project 5686-03-04, the Commonwealth acquired certain lands, a portion of which is outside the normal right of way from Oakie Keys, Wesley Keys and Lula Keys by deed dated October 4, 1954 as recorded in Deed Book 134, Page 79 in the Office of the Clerk of the Circuit Court of Smyth County; and

WHEREAS, a portion of the land so acquired was not needed for construction and is large enough for independent development; and

WHEREAS, in order to secure the highest price for the land, it is to be advertised for sale by the receipt of sealed bids with the right reserved to reject any and all bids and provided the high bid received is not satisfactory to the Department, we propose to negotiate a sale with anyone willing to pay a price that is satisfactory; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land lying on the east side of and adjacent to the east revised proposed right of way line from a point opposite approximate survey Station 451+90 to a point opposite approximate survey Station 455+20 does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, the conveyance of the said land, in accordance with the provisions of § 33.1-149 of the 1950 Code of Virginia, as amended, to the person or persons making an offer satisfactory to the department is hereby approved and the State Highway and Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth a deed conveying same, without warranty, subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Roos, seconded by Mr. Landes,

that

WHEREAS, in connection with Routes 19 and 460, State Highway Project 1992-15, now Project 0460-092-015, C-2, the Commonwealth acquired certain lands, a portion of which lies outside the right of way from Clarence E. Sykes, et al by deed dated March 16, 1959 as recorded in Deed Book 278, Page 29 in the Office of the Clerk of the Circuit Court of Tazewell County, and

WHEREAS, in order to secure the best offer for the land so acquired, we propose that the land be advertised for the receipt of sealed bids, reserving the right to reject any and all bids; and provided the highest bid received is unsatisfactory, we propose to negotiate a sale with anyone willing to pay a price that is satisfactory; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land lying southeast of and adjacent to the southeast proposed right of way line from a point 112 feet opposite approximate survey Station 668+38 (centerline W.B.L.) to a point 112 feet opposite approximate survey Station 669+94 (centerline W.B.L.) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of § 33.1-149 of the 1950 Code of Virginia, as amended, the sale of the said land, so certified, is approved and the State Highway and Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth a deed conveying same, without warranty, to any person or persons making an offer

satisfactory to the State Right of Way Engineer, subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Rous, seconded by Mr. Landes,

that

WHEREAS, in connection with Route 211, State Highway Project 0211-069-014, and former Route 21, State Highway Project 421, the Commonwealth acquired certain lands from LaCoste G. Moore by deed dated July 19, 1956 as recorded in Deed Book 159, Page 166 and from A. J. Campbell Estate by deed dated May 14, 1926 as recorded in Deed Book 97, Page 338; both instruments are recorded in the Office of the Clerk of the Circuit Court of Page County; and

WHEREAS, under Project 0211-069-014, Route 211 was relocated in a southern direction from Station 273+50 to Station 285+60 and the old section was abandoned by action of the State Highway and Transportation Commission at its meeting of August 19, 1960; and

WHEREAS, the adjoining landowner has requested that we convey to him the excess land lying between his property and the north normal right of way limits of present Route 211; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land lying between the north existing right of way line of old Route 211 (formerly Route 21) and the north normal right of way limits of present Route 211 from a point approximately 80 feet opposite approximate Station 276+50 (centerline Route 211) to a point approximately 80 feet opposite approximate Station 281+15 (centerline Route 211) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of § 33.1-149 of the 1950 Code of Virginia, as amended, the conveyance of the said land, so certified, to the adjoining landowner of record is approved and the State Highway and Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth a deed conveying same, without warranty, and subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Rous, seconded by Mr. Landes,

that

WHEREAS, in connection with Route 88, State Highway Project 0088-127-101, C-501, the Commonwealth acquired certain lands, with improvements thereon, from James P. Cuffee and Roberta H. Cuffee by deed dated June 5, 1974, and recorded in Deed Book 690D, Page 265 in the Office of the Clerk of the Circuit Court of the City of Richmond; and

WHEREAS, the land, with improvements thereon, was acquired due to consequential damages claimed by the landowner; and

WHEREAS, the contractor's insurance company is now willing to reimburse the Commonwealth for the property provided we convey the property to them or the contractor; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land lying on the west side of Shields Avenue and on the south side of Maplewood Avenue acquired by deed recorded in Deed Book 690D, Page 265 does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of § 33.1-149 of the 1950 Code of Virginia, as amended, the conveyance of the said land, with improvements thereon, is approved and the State Highway and Transportation Commissioner is hereby authorized to execute in the name of the Commonwealth a deed, without warranty, conveying same to the contractor or the contractor's insurance company for a price satisfactory to the State Right of Way Engineer and subject to such restrictions as may be deemed requisite.

Motion carried.

On motion of Mr. Hooper, seconded by Mr. Landes, the Commission approved the signing by Mr. J. E. Harwood of an agreement with the National Park Service for joint use of park service property for snow and ice control facilities at the intersection of Route 33 and Skyline Drive.

Mr. Fugate said the Outdoor Advertising laws are administered by the Highway and Transportation Commission, and from time to time it becomes necessary to revise the policy under which these laws are administered. There have been submitted by the Environmental Quality Division, who administers the program for the Commission, suggested changes in the rules and regulations to be adopted by the Commission. Before that is done, Mr. Fugate said, it would be well for a committee to review these changes and discuss them with the people involved. He asked Mr. Crowe's Sign Committee to undertake this task.

Mr. Fugate told the Commission of a problem concerning drainage easements for subdivisions. He said subdivision streets in counties are taken into the Secondary System automatically if they are constructed in accordance with specifications of the Highway and Transportation Department and if they meet certain rules and regulations prescribed by the Highway and Transportation Commission. Included in the rules and regulations is a requirement that the subdivider provide drainage easements to the nearest live stream. This policy was adopted as a result of very bitter experience when the Department had taken subdivision streets into the system and found that property owners were suing the Department for turning drainage onto their property when the contention was that this was not a natural drain, which is sometimes quite hard to establish. There is no disagreement on the part of the subdividers that this policy should be enforced. However, an impasse arises when the subdivider is unable to buy the drainage easements from one or more of the property owners between his subdivision and a live stream. This has occurred in a number of counties and has been solved by the Board of Supervisors condemning the drainage easement for the subdivider at his cost. We presently have two subdividers who have reached this sort of situation, and they have been to the Boards of Supervisors and the Boards have declined to become involved. This leaves the subdivider in a difficult position, as he cannot go ahead with his subdivision unless he finds some way around it. In one case, the subdivider has offered to put up a bond to save the Department harmless from claims for damage. Mr. Fugate said he didn't believe this was entirely satisfactory because he believed no bonding company would accept a bond that was this indefinite with no termination date. However, he said, it might be possible to have the developer guarantee the expenses of obtaining the rest of the drainage easement and have the Department institute condemnation proceedings and have the developer pay whatever the outcome costs. Mr. Fugate said he felt this was something the Department should consider, and he appointed a committee of Mr. Fralin, chairman, Mr. Hassell and Mr. Landes to study this, with Mr. Blundon and Mr. Brown to work with them in investigating this problem.

Mr. Fugate said that since the last meeting of the Commission, the Governor, Secretary Whitham, Mr. Harwood, our attorneys, and he had a conference with Secretary of Transportation Coleman concerning his decision on I-66. The opinion was expressed that his decision against the construction of I-66 had done nothing to provide for the adequate transportation the I-66 corridor needs and that the feasible alternatives he proposed were not, in fact, feasible alternatives for a number of reasons. The Secretary agreed to re-examine and reassess the situation with the Department and asked that we work with the Federal Highway Administration in perhaps

developing some other modified type of construction, which we are presently doing. The Secretary has asked the Urban Mass Transit Authority, the Federal Highway Administration and the Highway and Transportation Commission, together with the localities, to see what could be devised. A committee of the Transportation Planning Board is working on the problem. The Department has not given up the obvious necessity of building an Interstate-type highway in the I-66 corridor, because, Mr. Fugate said, it is needed, as every study ever made has shown, even if Metro were constructed immediately. A general discussion followed.

The Chairman reported on the fiscal status of the Department, stating that income and expenditures were relatively close to estimates; however, it has not been necessary as yet to utilize the authorization for overexpenditure. It is anticipated that it will be necessary to take advantage of this authority before the end of the calendar year. No problems are currently envisioned to prevent pay back prior to the end of the fiscal year.

The Commission was advised that Miss Elsie Cooper retired today and that Mrs. Lynn Huseby would assume Miss Cooper's position as of October 1. Mr. Crowe suggested, with unanimous consent, that an appropriate resolution recognizing her service to the Commission and the Department, be prepared for presentation to Miss Cooper.

The Chairman expressed appreciation for being invited to Northern Virginia and called on the following who had expressed a desire to make statements to the Commission:

Mr. Glenn Lashley of the American Automobile Association expressed the interest of the Association in the highway program, the need for I-66 by motorists, and the opportunity to discuss mutual problems.

Mr. Henry S. Hulme, Jr., Transportation Director for Arlington County, reviewed county transportation history, our joint activities, need for more funds and more planning, aid to mass transit, and in conclusion he offered support for a 4% sales tax on gasoline.

Mr. Dayton L. Cook, Public Works Director for the City of Alexandria, discussed needs of the City with particular emphasis on need for additional state aid, particularly in the form of increased primary mileage maintenance payments. He also commented on increased paper work and the need for new policies governing railroad crossings.

Mr. Lee Rhoads, Vice Mayor of the City of Falls Church, discussed needs within the City on Routes 7 and 29/211 and Great Falls Street and read a resolution of City Council recommending transfer of I-66 funds to Metro.

Mr. Nathaniel F. Young, Mayor of the City of Fairfax, spoke in support of I-66 and Metro. He discussed problems involved in construction within the City and expressed the need for some type of bypass or expressway utilizing existing roads since no new corridors are available. He also discussed traffic problems relating to George Mason University and the need for completing the interchange at Route 66 and Route 50.

Mr. Carrington Williams, Member of the General Assembly, read a statement prepared jointly with Messrs. Hirst, Waddell, Braut, DuVal, Vickery, Mrs. McDiarmid and others relating to I-66, which is to be forwarded to the Commission. He further commented on additional items including insufficient weight given travel mileage in distribution of funds, stating that he could not support increased revenue under present distribution factors. He also discussed mass transit and maximizing use of existing facilities.

The meeting was adjourned at 4:10 p.m.

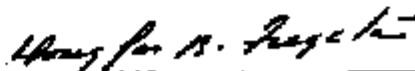
WEDNESDAY MORNING, OCTOBER 1

Mrs. Jean Packard, Chairman, Fairfax County Board of Supervisors, made general remarks concerning Fairfax County, followed by Mr. Rufus Phillips, Board Member, who discussed in some detail county planning and the need for shifting employment centers to change traffic patterns and reduce radial travel, saying more emphasis should be placed on circumferential routes.


Following this presentation, the Commission and the Board of Supervisors took a bus tour of Arlington and Fairfax Counties.

The next meeting of the Commission will be in Richmond on October 23, 1975, at 9:30 a.m.

Approved:


Chairman

Attested:


Secretary