



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda Item # 8

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 15, 2010

MOTION

Made By: _____ Seconded By: _____ Action: _____

Title: Request to Approve Agreement and Transfer of Columbia Pike (State Route 244) from the Primary System of State Highways to the Local Road System of Arlington County and to Transfer Associated Property for Columbia Pike and Certain Other Ancillary Streets

WHEREAS, the County Board of Arlington, by formal resolution dated July 14, 2009, requested that Columbia Pike (State Route 244) be transferred from the primary system of state highways to their local road system; and

WHEREAS, §33.1-35 of the *Code of Virginia* 1950, as amended, authorizes the Commonwealth Transportation Board to transfer roads from the primary system of state highways to the local road systems of any local governing body that receives payments pursuant to §33.1- 23.5:1 which includes Arlington County; and

WHEREAS, §33.1-149, of the *Code of Virginia* 1950, authorizes the Commonwealth Transportation Board, upon petition of a local governing body, to transfer real estate acquired incidental to the State Highway System which constitutes a section of public road, to the local governing body, and upon such transfer, such section of road shall cease being a part of the State Highway System; and

WHEREAS, the Commonwealth Transportation Board by resolution adopted on December 17, 2009 directed the Commonwealth Transportation Commissioner to negotiate an Agreement with Arlington County for the transfer of real property and transition of responsibilities for Columbia Pike and to bring the agreement to the Board for approval prior to April 1, 2010; and

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WHEREAS, VDOT staff and Arlington County staff required additional time to work through the transition details beyond April 1, 2010; and

WHEREAS, the Commonwealth Transportation Board by resolution adopted on March 18, 2010 directed the Commonwealth Transportation Commissioner to bring the agreement to the Board for approval prior to July 1, 2010; and

WHEREAS, the Commonwealth Transportation Board later by resolution adopted on June 16, 2010 directed the Commonwealth Transportation Commissioner to continue refinements to the agreement and bring the revised agreement to the Board for approval prior to October 1, 2010; and

WHEREAS, the Commonwealth Transportation Commissioner has negotiated an agreement with Arlington County for the transfer of Columbia Pike to the County for approval by the Commonwealth Transportation Board.

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board does hereby approve the agreement presented and authorizes the Commonwealth Transportation Commissioner to execute the agreement on behalf of the Commonwealth contingent upon receiving the executed agreement from Arlington County; and

BE IT FURTHER RESOLVED, that that the Commonwealth Transportation Board hereby approves the transfer of Columbia Pike, State Route 244 located in Arlington County from the primary system of state highways to Arlington County's local road system effective October 1, 2010 or upon the Commissioner's execution of the agreement, whichever is later, pursuant to §33.1-35 of the *Code of Virginia*, 1950, as amended, upon which time the roads shall cease to be a part of the primary system of state highways and will be included in the local system maintained by Arlington County which shall receive payment for this route in accordance with §33.1-23.5:1; and

BE IT FURTHER RESOLVED, that the real property associated with Columbia Pike and the ancillary streets of South Joyce Street and Army Navy Drive, as appropriate and as further described in Attachment A, will also be transferred to Arlington County effective October 1, 2010 or upon the Commissioner's execution of the agreement, whichever is later, pursuant to §33.1-149 of the *Code of Virginia*, 1950, as amended.

CTB Decision Brief

Request to Approve Agreement and Transfer of Columbia Pike (State Route 244) from the Primary System of State Highways to the local road system of Arlington County and to transfer associated property for Columbia Pike and certain other ancillary streets

Issue: The County has requested that VDOT transfer Columbia Pike (State Route 244) from the primary system of state highways to the local road system of Arlington County. The County desires to have more operational control over this roadway.

Facts: The County Board of Arlington County, by resolution dated July 14, 2009, requested that Columbia Pike be transferred to the County's local road system and that VDOT convey the existing rights of way and easements owned for Columbia Pike and certain portions of South Joyce Street and Army Navy Drive to the County for use in its maintenance of said roadways. This transfer will remove Route 244 from the primary system of state highways and place it in the County's local road system.

§33.1-35 of the Code of Virginia authorizes the CTB to transfer roads from the primary system to the secondary system, or upon request by the local governing body to the local system of roads operated by a locality receiving payments pursuant to § 33.1-23.5:1, and § 33.1-149 further authorizes the CTB to transfer real estate incidental to those sections of roads from the State highway system to the local system of roads upon petition by the local governing body.

The Commonwealth Transportation Board requested by resolution adopted on December 17, 2009 that the Commissioner negotiate an Agreement with Arlington County for the transfer of real property and transition of responsibilities for Columbia Pike and to bring the agreement to the Board for approval prior to the transfer being considered. VDOT has worked with the County on an agreement for this transfer and the transfer of associated property.

Recommendation: VDOT recommends approving the agreement and the transfer of Columbia Pike (State Route 244) from the primary system of state highways to the local road system of Arlington County. VDOT also recommends approval of the transfer of the associated property on Columbia Pike and portions of South Joyce Street and Army Navy Drive as described in Attachment A. Once the resolution is approved, the Commissioner will be authorized to execute the agreement; once signed by the County. The transfer will not be effective until after the Commissioner has executed the agreement.

Action Required by CTB: The *Code of Virginia* requires CTB approval to transfer a road from the primary system of state highways to the County's local road system. The CTB requested that the transition agreement be presented to

the CTB for review and approval prior to formal action on the transfer. A resolution will be provided for the Board's consideration.

Result if Approved: If approved, the Commissioner will execute the agreement and the Virginia Department of Transportation will suspend all VDOT maintenance and jurisdictional activity on Columbia Pike and the roadway will be a part of Arlington County's local road system. Ownership of Columbia Pike (Rt 244) and certain ancillary streets, except as noted in Resolution Attachment A, will be transferred to Arlington County. The County will subsequently receive maintenance payments for these routes in accordance with §33.1-23.5:1 of the *Code of Virginia*.

Options: Approve, Deny or Defer

Public Comments/Reactions: The County initiated this request and is addressing public comment. Correspondence sent directly to VDOT is included in package.