



Albemarle County Board of Supervisors
bos@albemarle.org

VIA EMAIL

July 22, 2011

Dear County Supervisors:

At your July 13 public hearing on the Route 29 Western Bypass, you stated that the Board's support for the bypass was contingent upon local, high-priority transportation projects being included along with the bypass as part of a package of regional improvements. The Board made clear that it was those other improvements—and not the bypass—that were the chief priority, and you promised the public that **there would be no vote to approve the bypass unless those other projects were included.**

It is essential that the County have clear, firm, and legally enforceable conditions in place as part of any vote to amend the MPO's transportation plans to allow funding for the bypass. You cannot give up your one point of leverage and simply hope that the commitments will be met.

In addition, these conditions must be developed in a procedurally and legally effective manner. This requires that the entire Board review and agree upon the conditions and then include them in a resolution spelling them out as an essential part of the County's new position on the bypass prior to any action by the MPO Policy Board. Only then would the County's MPO Policy Board representatives have clear direction and authority to act on behalf of the Board and ensure the necessary conditions are made a part of any changes to the MPO's transportation plans.

Key assurances that were made to the community at your July 13 public hearing include: (1) widening Route 29 between Rio Mills Road and Timberwood Boulevard, including safety improvements; (2) maintaining the current funding set forth in the state's Six Year Improvement Program (SYIP) for the ramp and lane improvements to the intersection of Route 29 and the 250 Bypass (commonly referred to as the "Best Buy improvements"); (3) the Virginia Department of Transportation working with the County to develop an appropriate design for the northern terminus of the bypass; (4) designing and engineering the bridge for the bypass so that it can also serve Berkmar Drive Extended; (5) completing funding for Hillsdale Drive Extension; and (6) accelerating full funding for the Belmont Bridge repairs by two years in the state's SYIP.

Steps to Ensure Clear and Legally Enforceable Conditions

Earlier this week, the Commonwealth Transportation Board transferred funding for the Route 29 widening project, and funding for the Best Buy improvements has been maintained. However, none of the other commitments have been met in an acceptable manner, as discussed below.

Northern Terminus

As VDOT has acknowledged, the design for the interchange at the northern terminus of the bypass has never been completed, so the impacts the bypass would have on Forest Lakes and Hollymead residents and other property owners along Route 29 in that area—including how it would affect their access to Route 29—are uncertain. The design of the northern terminus was a key part of the Board of Supervisors' July 13 discussion. The Board assured citizens that one of the conditions that would need to be met in order for the Board to support the bypass would be a commitment from VDOT to work with the County on developing an appropriate design for the northern terminus that maintains the quality of life for people in that area and minimizes impacts to homes.

In order for the County to have any real control over the ultimate design of this interchange, support for the bypass must be conditioned upon VDOT submitting—and the Board of Supervisors approving—a design for the northern terminus.

A Bridge for Berkmar Drive Extended

Berkmar Drive Extended is a key element of the region's strategy for reducing congestion along Route 29 and improving connectivity along the corridor. The Board assured citizens that its support for the bypass was contingent on the state designing and engineering a bridge that could be used both for the bypass and Berkmar Drive Extended. The Board explained that the bridge is the most expensive part of Berkmar Drive Extended, so the project would be advanced considerably if the bridge for the bypass were to be built to serve both roads.

To guarantee that the community receives a firm and enforceable commitment, it is essential that support for the bypass be conditioned upon VDOT submitting—and the Board of Supervisors approving—a design for the bypass bridge that can also serve Berkmar Drive Extended.

Hillsdale Drive Extension

The Hillsdale Drive Extension is another critical piece of the local parallel road network that will help remove a significant volume of traffic from Route 29 at its most congested section. The importance of this road to both the City and the County is widely recognized, and the Board assured citizens on July 13 that this project must be among the state's commitments in order for the Board to support the Bypass.

This commitment has not been met. The Commonwealth Transportation Board failed to allocate any additional money to this project at its July 20 meeting. Support for the bypass must be conditioned upon complete funding for this project being included in the SYIP.

Belmont Bridge Repairs

As discussed at the Board of Supervisors' July 13 meeting, another clear condition of the Board's support for the bypass is that the funding set aside in the state's SYIP for the Belmont Bridge repairs be accelerated by two years. As acknowledged in the MPO Policy Board's July 15 letter, this project is important to both the City and the County. As with the Hillsdale Drive Extension, the state has taken no action of which we are aware to fulfill this request, meaning that another commitment described as essential for the Board to support the bypass deal has not been met. Support for the bypass must be conditioned upon the change being made to the state's Six Year Improvement Program.

Project Progress

As a general matter, relying on commitments to fund projects is unadvisable. The state updates its SYIP every year, and the CTB has legal authority to take funds that have been allocated to one project and switch them to another (as it did on July 20 when it raided funds from other projects and reallocated them to the bypass and the Route 29 widening project). As a result, funds that may be allocated to projects today as part of the package deal could be reallocated unexpectedly to other projects in the future, and the MPO would have no ability or authority to prohibit such transfers, regardless of what may have been promised as part of the bypass deal. Therefore, support for the bypass must be conditioned upon construction being commenced on at least some reasonable number of the promised projects (such as the widening of Route 29 and the Route 29/250 Bypass interchange improvements)—and not merely on funding being allocated to those projects.

Appropriate Procedure

As stated above, it is essential that the entire Board review and include in a formally adopted resolution these and any other conditions it deems necessary as part of its position on the bypass prior to a vote of the MPO Policy Board. Only then would the County's MPO Policy Board representatives have clear direction and authority to act on behalf of the Board and ensure the necessary conditions are made a part of any changes to the MPO's transportation plans. This is the necessary and appropriate procedure to follow even if it requires postponing any action of the MPO Policy Board on the proposed amendments to the MPO's transportation plans.

Proposed Language for Inclusion in the MPO's Transportation Improvement Program

In order for the Board to have clear, firm, and legally enforceable conditions in place as part of any vote to amend the MPO's transportation plans to allow funding for the bypass, the following language should be substituted for the language currently included in the MPO's Transportation Improvement Program. The conditions should also be referenced in the MPO's Long-Range Transportation Plan.

In past years, the MPO has endorsed funding for Preliminary Engineering and Right of Way, and has withheld endorsement of funding for the Construction or accrual of Construction funding. The MPO agrees to support the funding and accrual of Construction funding for the project, but only if and when the following conditions are met:

1. *Route 29 widening:*
 - a. *The Commonwealth Transportation Board allocates and maintains full funding for the project in the SYIP, including all necessary engineering and design work, right-of-way acquisition, and construction costs; and*
 - b. *Construction of the project is commenced.*
2. *The Route 29/250 Bypass Interchange Improvements:*
 - a. *VDOT maintains its commitment to fully fund this project in the SYIP; and*
 - b. *Construction of the project is commenced.*
3. *Northern terminus of bypass:*
 - a. *VDOT completes a design for the interchange at the northern terminus of the Route 29 Western Bypass and submits it to the Albemarle County Board of Supervisors for approval; and*
 - b. *The Albemarle County Board of Supervisors approves the design.*
4. *Berkmar Drive Extended:*
 - a. *VDOT prepares and submits to the Albemarle County Board of Supervisors, and the County Board of Supervisors approves, a conceptual design for the full length of the project that is compatible with the County-approved design of the northern interchange of the bypass; and*
 - b. *VDOT prepares and submits to the Albemarle County Board of Supervisors, and the County Board of Supervisors approves, a design for the bridge for the bypass that can also serve Berkmar Drive Extended as that roadway is designed in the conceptual design referenced immediately above.*
5. *Hillsdale Drive Extended:*
 - a. *The Commonwealth Transportation Board allocates and maintains full funding for the project in the SYIP.*
6. *Belmont Bridge Repairs:*
 - a. *VDOT amends the SYIP to accelerate full funding for this project to FY 2014.*

Thank you for your consideration of these critical issues. Please contact me if you have any questions or would like to discuss any of this.

Sincerely,



Morgan Butler
Director, Charlottesville-Albemarle Project

cc: Charlottesville City Council
Mr. Stephen Williams, Executive Director, TJPDC