

Ann Mallek

<http://annmallek.com/wordpress/page/2/>

On my mind...

### **mpo votes in haste for western bypass on july 27**

Published by Ann on July 28th, 2011 in Uncategorized | Comments Off

After the premature vote on Wednesday night, there is more work to do.

This is not over. In my opinion the MPO made a huge mistake voting for the change in the TIP without communication with their Board and Council as well as attorney assistance to make the conditions as bullet proof and enforceable as possible. We have time in the next two weeks to serve our community better. I cannot look away now.

I hope that citizens will speak out at the Aug 3 Board of Supervisors meeting under matters from the public, or via phone or email to [bos@albemarle.org](mailto:bos@albemarle.org), to demand that the BOS direct the MPO reps to fix the conditions, to detail our list in the TIP change and get an MOU as suggested by Jim Utterbach himself.

The actions last evening, against the recommendations of staff to postpone the vote on the change to the TIP until proper language could be prepared, were grievously destructive to our community process and well being. The county reps turned their backs on their city colleagues, who were right in demanding time to think over a contract as huge and consequential as this one. The MPO majority lost a chance to handle the process correctly and help citizens feel that transparency and good government prevailed, despite the decision made. There is certainly no claim to that now. The VDOT rep himself said he was surprised at the content of the letter, having been part of the discussion at the CTB where other members understood the need to improve conditions on the 29 core as well.

After all, with any zoning change, if there is language in the conditions which needs fixing, we return to the process at a later meeting after the proper changes have been made and approved for legality and enforceability. Why would we not do this for a change this huge?

As Mac Lafferty, vice-chair of the CHART committee who develops the long range plan, said, why is it wrong that the city council and board of supervisors would want to study, understand and agree to the next step in this process? It is not wrong, it is essential.

Yet the MPO reps don't want to listen and to learn, they "want their lives back," as did the chairman of BP just after the oil spill in the Gulf. They should not cling to their MPO positions if they are unwilling to do the work required.

in cutright docs → Printed

07/28/11

5:23 PM

Mirshahi →

Kerley

**From:** Mirshahi, Mohammad, P.E.  
**To:** Kerley, Malcolm T., P.E.  
**Subject:** CONFIDENTIAL - EXEMPT FROM FOI REQUEST (Information for Chief Engineer to Commissioner)  
**Date:** Thursday, July 28, 2011 5:23:13 PM  
**Attachments:** Charlottesville Bypass Design Build Project Update 4MM.doc  
Charlottesville Right of way.msg  
29 Bypass.msg  
29 Bypass Conceptual Data.pdf  
RE 29.msg  
**Sensitivity:** Confidential

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J

SFE

JULY 29, 2011  
6:43 PM EMAIL

Mal... per Commissioner's instructions, we have met with our consultant (PB) and are ready to start the development of the Charlottesville Route 29 Bypass in Albemarle County. Attached for your review and appropriate approvals is a project update with pertinent information covering environmental, right of way, utilities, project delivery methodology, recommended procurement schedule and preliminary major risk considerations. We are ready to move forward as Executive Management directs. Please let me know if you have any questions and/or comments.

**Mohammad Mirshahi, PE**  
**Deputy Chief Engineer / State L&D Engineer**  
**Virginia Department of Transportation**  
**(804)786-2507 (Phone)**  
**(804) 786-5157 (Fax)**  
**(804) 305-4911 (Cellular)**

## Charlottesville Route 29 Bypass Update

July 26, 2011

### Background

- *CTB approved Location & Design – April 17, 1997*
- *FHWA approved FEIS on January 20, 1993*
- *FHWA issued ROD on April 8, 1993*
- *FHWA approved Final Supplemental EIS on May 29, 2003*
- *Project Construction phase not in MPO TIP or CLRP (expected 08/11)*
- *Project Construction phase not in VDOT SYP (expected 08/11)*

### Environmental

- *FHWA will most likely require an Environmental Assessment (EA) level re-evaluation including public involvement (based on June 16, 2011 VDOT-FHWA meeting.)*
- *FHWA will require updated traffic forecasts and new air and noise studies based on the updated traffic (based on June 16, 2011 VDOT-FHWA meeting.)*
- *Strategy – utilize on-call NEPA consultant, Parsons Transportation Group (PTG), to prepare the re-evaluation*
- *Timeline*
  - *Procurement: 3 weeks*
  - *Update Traffic data: approximately 3 months if done by PTG, possibly less if done by L&D on-call consultant*
  - *EA preparation and associated studies: 3 months from delivery of updated traffic data*
  - *Public Involvement: 3 months*
  - *Revised EA: 3 months*
  - *Total: ~ 13 months*
- *One of the commitments from the completed NEPA process is to complete 2 phase III archeological data recovery studies. While these probably won't need to be done to complete the reevaluation we may elect to do the work at the same time. This is an issue we will need to sort out with FHWA.*
- *Environmental Challenges:*
  - *Traffic often takes longer than the consultant says it will*
  - *We have to get FHWA's concurrence, in writing, to prepare a reevaluation*
  - *We will need to update our cultural resource work, the coordination for which will take time and may result in the need to bring in consulting parties.*
  - *We may need to prepare an MOA for already-completed CR work. That will likely lengthen the time required to reach closure on the EA.*

### Right of Way

- *Right of Way Acquisition –authorized August 20, 1997*
- *83 of 122 parcels purchased*
- *VDOT manages and leases 35 acquired properties*
- *Outstanding Acquisition to clear project*
  - *UVA State owned and Foundation parcels*
  - *City of Charlottesville property*
  - *Rivanna River Water Authority property*
  - *CSX Railroad Agreement*
  - *23 Private properties*
  - *18 – 23 graves to be relocated on parcels already acquired*
- *CSX Railroad Agreement will take a minimum of 6 months to secure*
- *Strategy: Authorize VDOT ROW staff to restart acquisition process to secure remaining properties and relocate graves while Project Delivery work is progressing.*
- *Authorize and fund Demolition contracts to begin clearing corridor of existing structures while Project Delivery work is progressing.*

**Project Delivery Strategy**

- Utilize On-call Consultant (PB) to review existing design for adequacy, develop estimate and produce Design-Build RFP. Use aerial photography, depict EIS-approved corridor limits and previously purchased rights of way on the photograph. Existing plans to be used for information only. Verbalize work to be done in RFP. Advertise using single-phase, low bid Design Build strategy. Retain PB's services as Owner's Engineer for review of all D-B submittals and any engineering-related D-B issues that occur during construction.
- Anticipated total (PE, RW & CN) cost estimate – \$436,000,000 ± 15%
  - PE Cost @ 7% \$ 20,000,000
  - RW Cost \$ 70,000,000
  - CN Cost \$280,000,000
  - CEI @ 8% \$ 23,000,000
  - Contingencies@ 10% \$ 28,000,000
  - SWM, Utilities, Lighting \$ 15,000,000
- Anticipated schedule Anticipated Date
  - Amend STIP, TIP & CLRP 08/11
  - FOPI 08/11
  - Begin NEPA Doc re-evaluation 08/11
  - Public Involvement (if needed) 09/11
  - Risk Analysis 09/11
  - Evaluation Panel 08/11
  - RFP Evaluation Criteria 08/11
  - Conflict of Interest 08/11
  - Estimate due from On-call 09/11
  - DBE Goal 08/11
  - OTJ Goal 08/11
  - Fed Criteria Sheet receive from On-call 08/11
  - FHWA L/A Mod. Approval? 09/11
  - CTB L/A Mod. Approval? 09/11
  - Traffic Analysis Reevaluation 09/11
  - IJR Determination 09/11
  - GDR 09/11
  - Pavement Design 09/11
  - ROW Footprint Identification (if using exist. Plans) 08/11
  - Design Approval **04/97**
  - Special Provisions receive from On-call 09/11
  - RFP Information Package receive from On-call 09/11
  - RFP Part 2 receive from On-call 09/11
  - **Advertise RFP** **09/11**
  - Mandatory Pre-Proposal Meeting w/Offerors 10/11
  - Mandatory Pre-Proposal Util Mtg w/Offerors 10/11
  - RFP Questions due to VDOT 11/11
  - Organizational Structure Changes Submission 11/11
  - VDOT Responses to Questions or Clarifications 12/11
  - Proprietary Meetings 12/11
  - Proposal Due Date 02/12
  - Open Price Proposals 02/12
  - Issue Notice of Intent to Award 02/12
  - Receive CTB Approval 03/12
  - Execute Design-Build Contract 04/12
  - Issue Notice to Proceed 04/12
  - Complete NEPA Doc re-evaluation 09/12

ROUTE 29 BYPASS PRELIMINARY MAJOR RISKS ITEMS							
Potential Risk Description		Likelihood			Impact		
		Low	Medium	High	Low	Medium	High
1	Geotechnical data is insufficient to determine amount and integrity of rock excavation required. This will influence the cost of rock excavation, the earthwork quantities, and slope design. Contract will add cost of this risk to the bid.			X			X
2	The approved Final Supplemental Environmental Impact Statement (FSEIS) needs to be re-evaluated. Proposed schedule has NTP prior to re-evaluation completion. Contractor will add cost of this risk to the bid.		X			X	
3	The southern interchange at Route 250 was originally designed to accommodate 2022 traffic volumes. New traffic projections could overload the current design (weave between Ivy Road interchange and EB to NB flyover directional ramp).			X			X
4	The interchanges at each end may require approval from FHWA in the form of interchange justification reports and revised Limited Access breaks. This could result in extensive review time, design adjustments and associated delay and cost.			X		X	
5	Land use and topographic conditions change and may require design adjustments and additional RW compensation.			X		X	
6	Utility adjustment/coordination requirements are undefined. Major utilities requiring consideration are power transmission lines and two gas lines (0.2 m and 0.15m) that will need to be lowered approximately 12 m.			X			X
7	Severely compressed schedule drives delivery method, increases chance of contract errors and compromises our negotiation strength. Single phase, low-bid Design Build contract is likely to create Industry criticism due to contract size and short response periods. VDOT has only used this type of contract on small, relatively simple projects. Overlap of proposed schedule with Federal Obligation Design Build projects requires participation of less experienced VDOT staff.			X			X

10 PAGES

CREATED 6/28/2011

Summary of 3 Estimates

**Culpeper PCES Estimate \$233 Million**

- Advertisement and Construction End Year of 2011
- Rolling Terrain
- Non Interstate-type design
- \$3.7M for utilities based on 2007 RUMS Data
- \$98M total for R/W

**Central Office PCES Estimate \$273 Million**

- Used Culpeper PCES estimate with the exception of changes listed below
- Advertisement Year 2012 and Construction End Year 2014 - adds \$6M
- Mountainous Terrain - adds \$10M
- Interstate-type design - adds \$24M

**Central Office Estimate based on R/W stage quantities \$436 Million**

- Transport estimate using current unit prices
- More detailed estimate
- Approximately 3,000,000 cubic meters (added \$46M) of regular excavation (not automatically included in the PCES lane mile estimate)
- Approximately 340,000 cubic meters (added \$76M) of rock excavation (not automatically included in the PCES lane mile estimate)
- More accurate bridge costs (added \$26M)
- Many other items (see following page for more information on what items are and are not considered in PCES Estimates)

1 OF 10

CREATED 6/28?

CHARLOTTEVILLE ROUTE 29 BYPASS					
Option	Concept	Estimated Cost			Advertise / Execute Contract
		Low	Base	High	
1	PB finishes design. VDOT advertises as traditional Design Bid-Build C projects broken into segments to encourage more competition for contractors. This option offers opportunity to advance a small segment earlier for advertisement.		\$436,000,000 (see notes 1, 2, 3 & 4)		Advertise all segments for construction in January 2013.
2	Utilize plans as conceptual design. Advertise as two phase, best value Design-Build project	\$350,000,000 (-20%)	\$436,000,000	\$480,000,000 (+10%)	Execute Design-Build Contract in September 2012
3	PB verbalizes project, utilizes aerial photography to delineate approved Environmental Impact Statement corridor and previously purchased right of way, develops Design-Build Contract & serves as Owner's Engineer through negotiations and construction. Advertise as single phase, low bid Design-Build Contract	\$370,000,000 (-15%)	\$436,000,000	\$500,000,000 (+15%) See Note 6	Executes Design-Build contract in February 2012 (see note 5)

Notes:

1. Transport estimate (RAW phase) total of \$331,061,503.08. Additional cost include \$70,000,000 for Right of Way; \$20,000,000 for Engineering and \$15,000,000 for lighting, utilities and updated SWM, Sediment and erosion control items.
2. Rock Excavation estimated at \$225/cubic meter. This was based on cost of \$172/cubic yard for drilling, blasting, excavating in a restricted area (residential) and hauling 0.25 mi round trip. Data provided by R.S. Means Heavy Construction Cost Data, 18th Edition, 2004.
3. Bridge cost estimated at \$2175/square meter. This was determined by using the statewide average of \$202/square foot as the base cost and then converting to per square meter cost.
4. Contractor may have opportunity to recoporate some rock excavation costs by reusing blasted granite in various capacities on the project
5. Assumes execution of Design-Build Contract prior to completion on NEPA Environmental Impact Statement re-evaluation completion.
6. Higher positive variance due to increased risk of using single phase, low bid Design-Build Contract.

## **Charlottesville Route 29 Bypass**

### **Known**

- *CTB approved Location & Design – April 17, 1997*
- *FHWA approved FEIS on January 20, 1993*
- *FHWA issued ROD on April 8, 1993*
- *FHWA approved Final Supplemental EIS on May 29, 2003*
- *Existing plans*
  - *Complete ROW set*
  - *Metric*
  - *Include R/W plan development quantity summaries*
- *Right of Way Acquisition –authorized August 20, 1997*
  - *83 of 122 parcels purchased*
  - *VDOT manages and leases 35 acquired properties*
  - *Outstanding Acquisition to clear project*
    - *UVA State owned and Foundation parcels*
    - *City of Charlottesville property*
    - *Rivanna River Water Authority property*
    - *CSX Railroad Agreement*
    - *23 Private properties*
    - *18 – 23 graves to be relocated on parcels already acquired*
- *Project Construction phase not in MPO TIP or CLRP (expected 08/11)*
- *Project Construction phase not in VDOT SYP (expected 08/11)*
- *VDOT may enter into a D-B Agreement prior to the EIS re-evaluation being complete or even started*
- *FHWA will most likely require an Environmental Assessment (EA) level re-evaluation including public involvement (based on June 16, 2011 VDOT-FHWA meeting.)*
- *FHWA will require updated traffic forecasts and new air and noise studied based on the updated traffic (based on June 16, 2011 VDOT-FHWA meeting.)*
- *CSX Railroad Agreement will take a minimum of 6 months to secure*

### **Unknown**

- *Level of detail and time required for traffic impact re-evaluation/IJR*
- *Level of detail and time required to complete the NEPA Document re-evaluation*

### **Right of Way Opportunity (regardless of delivery option selected)**

- *Authorize VDOT ROW staff to immediately restart acquisition process to secure additional properties and relocate graves while Project Delivery work is progressing.*
- *Authorize and fund Demolition contracts to begin clearing corridor of existing structures while Project Delivery work is progressing.*



**Project Delivery Options**

○ **Option 1**

- Utilize original Design Consultant (PB) to complete development of plan assembly from ROW Stage to Advertisement as quickly as possible by use of L&D on-call contract. **This option would require the EIS re-evaluation being completed prior to any segment being advertised for construction.**
- Advertise using traditional Tier II Design-Bid-Build process.
- **Anticipated cost**
  - Construction \$280,000,000
  - CEI 8% \$23,000,000
  - Contingency 10% \$28,000,000
  - RW \$70,000,000
  - SWM, Utilities, lighting \$15,000,000
  - PE (Design) 7% \$20,000,000
  - **TOTAL \$436,000,000**
- **Anticipated schedule**
  - Give PB NTP 08/11
  - Supplemental FI 09/11
  - Complete ROW Acquisition 06/12
  - Complete EIS Re-evaluation 08/12
  - PAC 08/12
  - Advertise – typ. 5 months 01/13

**Pros**

1. Follows established D-B-B process
2. Minimizes cost / risk
3. Continues project development process

**Cons**

1. Time required to finalize plan design
2. EIS re-evaluation is critical path item. PAC and Construction advertisement are dependent on this work being completed.

○ **Option 2**

- Utilize Consultant (AECOM or PB) to update plan assembly to serve as Design-Build Conceptual Design. Advertise using two-phase D-B process.
- **Anticipated cost – from \$350,000,000 to \$480,000,000**
- **Anticipated schedule**

<b>Anticipated schedule</b>	<b>Anticipated Date</b>
• Amend STIP, TIP & CLRP	08/11
• Fully Funded	08/11
• FOPI	08/11
• NEPA Doc re-eval	08/12
• Public Involvement (if needed)	09/11
• Risk Analysis	10/11
• Evaluation Panel	08/11
• RFQ Evaluation Criteria	08/11
• RFP Evaluation Criteria	08/11
• Conflict of Interest	08/11
• Estimate verification	receive from On-call 10/11
• DBE Goal	08/11
• OTJ Goal	08/11
• Fed Criteria Sheet	receive from On-call 08/11
• Traffic Analysis Reevaluation - depends whether IJR req'd	

- GDR 10/11
- Pavement Design 10/11
- ROW Footprint Identification if using exist. plans 08/11
- Design Approval 04/97
- Special Provisions receive from On-call 10/11
- RFP Information Package receive from On-call 10/11
- RFP Part 2 receive from On-call 10/11
- Advertise RFQ 10/11
- Project Information Meeting 11/11
- Question Submittal Deadline 11/11
- VDOT Response Deadline 12/11
- SOQ Submittal Date 12/11
- Complete SOQ Evaluation 02/12
- Notify Offerors of Shortlist 02/12
- Advertise RFP 02/12
- Pre-Proposal Meeting 03/12
- Question Submittal Deadline 03/12
- VDOT Response Deadline 03/12
- Technical Proposal Submittal 05/12
- Complete Technical Evaluation 07/12
- Issue Notice of Intent to Award 07/12
- Receive CTB Approval 08/12
- Execute Design-Build Contract 09/12
- Issue Notice to Proceed 09/12

**Pros**

1. Follows established D-B process
2. Follows schedule being used for Federal Obligation D-B projects
3. Industry is familiar with process

**Cons**

1. Existing D-B workload necessitates utilization of less experienced personnel

○ **Option 3**

- Utilize On-call Consultant (PB) to review existing design for adequacy, develop estimate and produce Design-Build RFP. Use aerial photography and depict EIS-approved corridor limits and previously purchased rights of way on the photograph. Use existing plans as information only and verbalize work to be done in RFP. Advertise using single-phase Design Build strategy. Retain PB's services to serve as Owner's Engineer for review of all D-B submittals and any engineering-related D-B issues that occur during the construction of the project.
- Anticipated cost – from \$370,000,000 to \$500,000,000
- Anticipated schedule
 

Anticipated Date	Anticipated Date
• Amend STIP, TIP & CLRP	08/11
• Fully Funded	08/11
• FOPI	08/11
• NEPA Doc re-eval	08/12
• Public Involvement (if needed)	09/11
• Risk Analysis	09/11
• Evaluation Panel	08/11
• RFP Evaluation Criteria	08/11
• Conflict of Interest	08/11
• Estimate verification receive from On-call	09/11
• DBE Goal	08/11
• OTJ Goal	08/11

- *Fed Criteria Sheet* receive from On-call 08/11
- *FHWA L/A Mod. Approval?* 09/11
- *CTB L/A Mod. Approval?* 09/11
- *Traffic Analysis Reevaluation - depends whether IJR req'd*
- *GDR* 09/11
- *Pavement Design* 09/11
- *ROW Footprint Identification (if using exist. plans)* 08/11
- *Design Approval* 04/97
- *Special Provisions* receive from On-call 09/11
- *RFP Information Package* receive from On-call 09/11
- *RFP Part 2* receive from On-call 09/11
- *Advertise RFP* 10/11
- *Mandatory Pre-Proposal Meeting w/Offerors* 10/11
- *Mandatory Pre-Proposal Util Mtg w/Offerors* 10/11
- *RFP Questions due to VDOT* 11/11
- *Organizational Structure Changes Submission* 11/11
- *VDOT Responses to Questions or Clarifications* 12/11
- *Proprietary Meetings* 12/11
- *Proposal Due Date* 01/12
- *Open Price Proposals* 01/12
- *Issue Notice of Intent to Award* 01/12
- *Receive CTB Approval* 02/12
- *Execute Design-Build Contract* 02/12
- *Issue Notice to Proceed* 02/12

**Pros**

1. *Less time required to execute Contract*

**Cons**

1. *NEPA Re-evaluation completion and approval time. Schedule has NTP prior to completion of re-evaluation.*
2. *What role does FHWA have in approval of D-B Contract? We have only used a single phase D-B contract on \$6M Bridge Replacement project in Clifton Forge.*
3. *Severely compressed schedule increases chance of errors in contract and greatly compromises our negotiation strength.*
4. *Overlap of this schedule with Federal Obligation Design-Build projects will require participation of less knowledgeable VDOT staff.*
5. *Project history indicates process will be closely scrutinized by public.*
6. *Single phase process is likely to create industry criticism due to size of Contract and short response time*
7. *Likely most expensive option*

**Kerley, Malcolm T., P.E.**

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**From:** Bates, Kerry A., P.E.  
**Sent:** Thursday, June 30, 2011 8:16 AM  
**To:** Utterback, James S., PMP; Giometti, John A. P.E.  
**Cc:** Kerley, Malcolm T., P.E.; Cacamis, Mark E., PE; Bates, Kerry A., P.E.; Mirshahi, Mohammad, P.E.; Thrasher, B. A. 'Bart', P.E.; Cutright, Jeffrey C., E.I.T.  
**Subject:** SCD ESTIMATE: Charlottesville Route 29 Bypass - Culpeper District  
**Sensitivity:** Confidential  
**Attachments:** CONFIDENTIAL\_FOIA\_EXEMPT\_Route 29Bypass\_Estimate\_SCD\_20110630.pdf

**EXEMPT FROM VIRGINIA FREEDOM OF INFORMATION ACT Code of VA 2.2-4342**

Gentlemen – Good morning. After review of the Trns•port data supplied by the consultant (bid items & bid quantities) we offer the following design-bid-build estimate:

- **VDOT Project:** 6029-002-F22,P101, R202, C501, B628, B642, B640, B632, B643, B629, B641, B625, B627, B636, BRDGS, B631, B633, B634, B638, B626, B630, B635, B637
- **Description:** Route 29 Bypass
- **UPC:** 16160
- **CN Phase Range:** \$297,973,353- \$413,851,879

DBB Bid Estimate	Contingency Estimate (10%)	CEI Estimate (8%)	Total DBB CN Phase Estimate	LOW CN Phase Estimate (-10%)	HIGH CN Phase Estimate (+25%)
\$280,577,545	\$28,057,754	\$22,446,204	\$331,081,503	\$297,973,353	\$413,851,879

\* *LOW-HIGH CN Phase Estimates based on Project Management Institute: Project Management Body of Knowledge Budget Level Estimate*

Please note that SCD did not do an in-depth engineering estimate for this project given time constraints (we have not reviewed plans or verified bid items/quantities for completeness or constructability), rather we reviewed the L&D Trns•port estimate to determine if the unit costs were appropriate given the type of work expected for the project. Further, the total estimate to deliver this project discussed yesterday by phone included additional items that are not shown in the attached estimate (i.e. PE, ROW, Utilities, Stormwater Management, etc.).

SCD Transport Estimate (attached):



CONFIDENTIAL\_FC  
EXEMPT\_Route..

**Kerry A. Bates, P.E.**  
**Assistant Division Administrator**  
**Virginia Department of Transportation**



# Financial Status

		Estimate	Expenditures	Cost to Complete
PE	UPC 16160	\$16,703,000	\$9,285,000	\$7,418,000
	UPC 3965	\$4,135,000	\$4,135,000	
RW	UPC 16160	\$98,189,000	\$28,015,000	\$70,174,000
	UPC 11771	\$5,288,000	\$5,288,000	
CN	UPC 16160	\$118,275,000	\$0	\$118,275,000
<b>Total</b>	<b>ALL UPCs</b>	<b>\$242,590,000</b>	<b>\$46,723,000</b>	<b>\$195,867,000</b>

Estimate based on current FY2011 figures (no inflation)  
Expenditures current as of 1/19/2011

**CHARLOTTEVILLE ROUTE 29 BYPASS**

Option	Concept	Estimated Cost			Advertise / Execute Contract
		Low	Base	High	
1	PB finishes design. VDOT advertises as traditional Design-Bid-Build C projects broken into segments to encourage more competition for contractors. This option offers opportunity to advance a small segment earlier for advertisement.		\$370,000,000 \$436,000,000 (see notes 1, 2, 3 & 4)		Advertises all segments for construction in January 2013.
2	Utilize plans as conceptual design. Advertise as two phase, best value Design-Build project	\$296,000,000 \$350,000,000 (-20%)	\$370,000,000 \$436,000,000	\$407,000,000 \$480,000,000 (+10%)	Executes Design-Build Contract in September 2012
3	PB verbalizes project, utilizes aerial photography to delineate approved Environmental Impact Statement corridor and previously purchased right of way, develops Design-Build Contract & serves as Owner's Engineer through negotiations and construction. Advertise as single phase, low bid Design-Build Contract	\$314,000,000 \$370,000,000 (-15%)	\$370,000,000 \$436,000,000	\$425,000,000 \$500,000,000 (+15%) See Note 6	Executes Design-Build contract in February 2012 (see note 5)

- Notes:**
1. Transport estimate (R/W phase) total of \$331,081,503.08. Additional cost include \$70,000,000 for Flight of Way; \$20,000,000 for Engineering and \$15,000,000 for lighting, utilities and updated SWM, Sediment and erosion control items.
  2. Rock Excavation estimated at \$225/cubic meter. This was based on cost of \$172/cubic yard for drilling, blasting, excavating in a restricted area (residential) and hauling 0.25 mi round trip. Data provided by F.S. Means Heavy Construction Cost Data, 18th Edition, 2004. **District used \$120/cm.**
  3. Bridge cost estimated at \$2175/square meter. This was determined by using the statewide average of \$202/square foot as the base cost and then converting to per square meter cost.
  4. Contractor may have opportunity to reoperate some rock excavation costs by reusing blasted granite in various capacities on the project
  5. Assumes execution of Design-Build Contract prior to completion on NEPA Environmental Impact Statement re-evaluation completion.
  6. Higher positive variance due to increased risk of using single phase, low bid Design-Build Contract.
  7. **Numbers in red represent totals with District adjusted unit prices.**

LAST VERSION  
6/28?

PAY ITEM	PROJECT	UNIT	QTY	\$/unit	BYPASS QTY	UNIT	TRANS \$	Quantity	Delta
Reg. Excav	0229-023-103, C501	CY	17,978	\$13.00	3,075,505	CU M	\$15.37	3,075,505	Delta (\$27,696,592)
	U000-104-102, C501 (McIn)		30,183	\$6.00	3,799,479	CY	\$18.99		
	7015-023-107, C501		23,263	\$10.25					
	0631-002-128, C502 (MCP)		77,056	\$6.01					
	0015-030-117, C501 (Opal)		87,615	\$20.50 (next 2 lowest bidder <\$9)					
			Avg.	\$11.15	Recommend \$6/CuM				
Aggr. Mat'l No. 21A	7015-023-107, C501	Tons	13,136	\$16.00	74,109	Mtons	\$19.00	74,109	Delta (\$231,862)
	0631-002-128, C502		4,116	\$27.03	67,232	Tons	\$17.24		
	U000-104-102, C501 (McIn)		711	\$16.06					
	0017-030-117, C501 (Opal)		9,269	\$21.00					
			Avg.	\$20.02	Recommend \$16/Mton				
Aggr. Mat'l No. 21B	0229-023-103, C501	Tons	11,635	\$18.00	21,951	Mtons	\$28.69	21,951	Delta (\$238,282)
	0631-002-128, C502		1,749	\$30.40	19,914	Tons	\$26.03		
	0017-030-117, C501		7,515	\$21.00					
			Avg.	\$23.13	Recommend \$16/Mton				
SM-9.5A/D (Surface Mix)	0229-023-103, C501 (A)	Tons	5,667	\$61.60	36,393	Mtons	\$75.62	36,393	Delta (\$594,650)
	7015-023-107, C501 (A/D)		3,283	\$67.00	33,016	Tons	\$68.60		
	0631-002-128, C502 (MCP)(A)		3,381	\$76.19					
	0015-030-117, C501 (A)		2,051	\$84.00					
			Avg.	\$72.20	Recommend \$60/Mton				
BM-25.0A	0229-023-103, C501	Tons	14,745	\$53.30	86,462	Mtons	\$70.00	90,586	Delta (\$1,782,676)
	7015-023-107, C501		12,351	\$53.50	76,624	Tons	\$63.50		
	0631-002-128, C502		13,981	\$63.05					
	U000-104-102, C501 (McIn)		3,227	\$66.56					
	0015-030-117, C501 (Opal)		30,071	\$72.50					
		Avg.	\$61.78	Recommend \$60/Mton					

Note: Bypass Metric units shown in Italics - conversion to English done for comparison purposes

Rock Excavation	Recommend \$120 per CuM	Quantity	336,922	Delta	(\$35,376,810)
		TOTAL DELTA			(\$65,920,872)

07/29/11  
9:08 AM

**From:** Utterback, James S., PMP  
**Sent:** Friday, July 29, 2011 9:08 AM  
**To:** Kilpatrick, Charlie A., P.E.; Kerley, Malcolm T., P.E.  
**Cc:** Mirshahi, Mohammad, P.E.  
**Subject:** FW: SCD ESTIMATE: Charlottesville Route 29 Bypass - Culpeper District  
**Sensitivity:** Confidential

**EXEMPT FROM VIRGINIA FREEDOM OF INFORMATION ACT Code of VA 2.2-4342**

Charlie/Mal,

I don't expect to get in the weeds on the estimate, but here is what I received when on vacation. Also, when I was on the phone with both of you the following week, Charlie said he could not understand why the estimates were so far apart. It is apparent that Rock excavation is one of the cost drivers. I am not an estimator, but the unit price for rock excavation is nearly twice what the L&D folks in the district thought it should be.

Also, the estimate provided yesterday was \$436M +/- 15% ... it has increased \$20M above the "high end" of the range provided less than a month ago. If you +15% range it is nearly \$500M ... over \$95M/mile.

I was under the impression that we were definitely going to downscale these interchanges and look at a way to reduce the rock cut on Stillhouse mtn so I did not engage on the estimate numbers ... I am not trying to challenge the Chief Engineer, but we as an organization need to have some consistency and consensus on these estimates and we as owners need to have agreement on what we think should be built.

I agree with the need to get other PB folks involved (hopefully DB experts) in addition to the original designers. We will be pressed to address the recent public comments about the cost of the project along with our intent on the interchanges in the very near future ...

Jim

**James S. Utterback**  
District Administrator  
VDOT - Culpeper District  
OFFICE: 540-829-7511  
FAX: 540-727-7080

"RE: SCD ESTIMATE: Charlottesville Route 29 Bypass - Culpeper"



07/29/11  
9:22 AM

**From: Mirshahi, Mohammad, P.E.**

**Sent:** Friday, July 29, 2011 9:22 AM

**To:** Utterback, James S., PMP; Kilpatrick, Charlie A., P.E.; Kerley, Malcolm T., P.E.

**Subject:** RE: SCD ESTIMATE: Charlottesville Route 29 Bypass - Culpeper District

**Sensitivity:** Confidential

**EXEMPT FROM VIRGINIA FREEDOM OF INFORMATION ACT Code of VA 2.2-4342**

SCD Estimate does not include RW, PE, SWM, Utilities and lighting costs. Look at details that make up 436. Call if wish to discuss.

Thanks

***Mohammad Mirshahi, PE***  
***Deputy Chief Engineer / State L&D Engineer***  
***Virginia Department of Transportation***  
***(804) 786-2507 (Phone)***  
***(804) 786-5157 (Fax)***  
***(804) 305-4911 (Cellular)***

07/29/11  
9:51 AM

**From:** Utterback, James S., PMP  
**To:** Mirshahi, Mohammad, P.E.; Kilpatrick, Charlie A., P.E.; Kerley, Malcolm T., P.E.  
**Subject:** RE: SCD ESTIMATE: Charlottesville Route 29 Bypass - Culpeper District  
**Date:** Friday, July 29, 2011 9:51:07 AM  
**Sensitivity:** Confidential

**EXEMPT FROM VIRGINIA FREEDOM OF INFORMATION ACT Code of VA  
2.2-4342**

Mohammad – Ok ... I understand now how it tracks to the 436 ... in one place we had -10/+25% and another we had +/-15% and I was not clear on how these were treated ... thanks for the clarification. - Jim

**James S. Utterback**

District Administrator

VDOT - Culpeper District

OFFICE: 540-829-7511

FAX: 540-727-7080

Kerley DOCS

07/29/11

5:33 PM

Kerley →  
Mirshahi  
et al

**From:** Kerley, Malcolm T., P.E.  
**To:** Mirshahi, Mohammad, P.E.  
**Cc:** Whirley, G. A. "Greg"; Kilpatrick, Charlie A., P.E.; Walton, Richard L., Jr. (Commissioner's Office); Utterback, James S., PMP  
**Subject:** "Consultant services for Route 29 By-pass project"  
**Date:** Friday, July 29, 2011 5:33:00 PM  
**Sensitivity:** Confidential

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Mohammad..... This email is to follow up our conversation yesterday in which I gave you verbal approval to utilize our term contract with PB to advance the above project.

I am available to meet next Friday with you and PB to discuss the project in more detail. Please coordinate your efforts with the Culpeper District. I appreciate your efforts to move this project forward. Any questions, give me a call.

Mal

Malcolm T. Kerley, P.E.  
Chief Engineer  
Virginia Department of Transportation  
1401 E. Broad Street  
Richmond, Virginia 23219  
(804) 786-4798  
FAX: (804) 786-2940  
Mal.Kerley@VDOT.Virginia.gov

**From:** Kerley, Malcolm T., P.E.  
**To:** Whirley, G. A. "Greg"  
**Cc:** Kilpatrick, Charlie A., P.E.; Walton, Richard L., Jr. (Commissioner's Office); Utterback, James S., PMP; Mirshahi, Mohammad, P.E.  
**Subject:** Charlottesville Route 29 Bypass - Culpeper District  
**Date:** Friday, July 29, 2011 6:43:00 PM  
**Attachments:** Charlottesville Bypass Design Build Project Update 4MM.doc  
Charlottesville Right of way.msg  
29 Bypass.msg  
RE 29.msg  
29 Bypass Conceptual Data.pdf  
**Sensitivity:** Confidential

SEE JULY 29  
5:23 EMAIL

Commissioner.....

This email is to follow up our conversation on the above project. For your review is the Project Update with pertinent information covering environmental, right of way, utilities, project delivery methodology, recommended procurement schedule and preliminary major risk considerations. As we have discussed, the project has a very aggressive schedule and there are associated engineering challenges and financial risks. **I am requesting your approval to advance this project as a Design Build project as outlined in the Project Update.** If you approve, I will direct the Environmental and Right of Way Division's to proceed as outlined in the attached information. I have already approved Mohammad to move forward with the preliminary steps necessary to advance the project. The Central Office and Culpeper District staffs are working closely together on the project. For your reference, I have attached is the previous information I shared with you. Please let me know if you have any questions.

Mal

Malcolm T. Kerley, P.E.  
Chief Engineer  
Virginia Department of Transportation  
1401 E. Broad Street  
Richmond, Virginia 23219  
(804) 786-4798  
FAX: (804) 786-2940  
Mal.Kerley@VDOT.Virginia.gov

Project Update information:  
Previous information:

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**From:** Whirley, G. A. 'Greg'

**Sent:** Monday, August 01, 2011 2:20 PM

**To:** Kerley, Malcolm T., P.E.

**Cc:** Kilpatrick, Charlie A., P.E.; Walton, Richard L., Jr. (Commissioner's Office); Utterback, James S., PMP

**Subject:** RE: Charlottesville Route 29 Bypass - Culpeper District

**Importance:** Low

**Sensitivity:** Confidential

ON COST  
↙

Thank you for the Route 29 Bypass project update. I have reviewed the projects risk which includes items that could impact cost and schedule. Further, I understand that there is a significant difference in the estimated project cost between the central office staff and the District staff. I am authorizing you to move forward and advertise the project as a design build project in September. The response to this advertisement will give me better data from which to determine project cost. While I am hopeful that the project bids will reflect that of the District's estimate, we must create a procurement document that provides the contractor with flexibility to design and build a project that is cost efficient and addresses stakeholder's needs.

I am hopeful that the flexibility provided in the design build process and the continuation of a trend of very favorable bids (approximately 15% below the internal project estimates) will provide for project delivery within the current planning estimate.

Kerley Docs

08/02/11  
12:47 PM  
Kerley →  
Bennett  
et al

**From:** Kerley, Malcolm T., P.E.  
**To:** Bennett, Richard; Long, Stephen J.; Mitchell, Diane L.  
**Cc:** Whirley, G. A. "Greg"; Kilpatrick, Charlie A., P.E.; Walton, Richard L., Jr. (Commissioner's Office); Busher, Reta; Ulterback, James S., PMP; Mirshahi, Mohammad, P.E.; Jones, Harold  
**Subject:** 'FW: Charlottesville Route 29 Bypass - Culpeper District '  
**Date:** Tuesday, August 02, 2011 12:47:00 PM  
**Attachments:** Charlottesville Right of way.msg  
29 Bypass.msg  
**Importance:** High  
**Sensitivity:** Confidential

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The Commissioner has approved advancing the above project as a Design Build project. Richard/Steve... In accordance with your previous emails (see below), you are authorized to proceed. Please check with Diane considering any funding questions. Steve... I understand that PB (I & D's consultant) will obtain the traffic numbers. Mohammad... As required, please have a finding of public interest memo developed for the D/B decision. The Project Manager for the project is Hal Jones in Culpeper. Any questions, give me a call.

Mal

Malcolm T. Kerley, P.E.  
Chief Engineer  
Virginia Department of Transportation  
1401 E. Broad Street  
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FAX: (804) 786-2940  
Mal.Kerley@VDOT.Virginia.gov

R/W Environmental

**NonAgenda.** Ms. Mallek recognized participants in the Summer Reading Program at the Western Albemarle Crozet Library, with 605 kids signing up this year compared to 410 last year. She said the book total went from 9,500+ to 12,298 over the reading period, which underscores why this library is such a great community builder in the western half of the County.

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Agenda Item 6. From the Public: Matters Not Listed for Public Hearing on the Agenda.

Mr. Charles Battig, a County resident, addressed the Board, stating there was a discussion recently regarding the impact of environmental agents on children's health. He presented selected studies that used the Delphi Technique, which he described as being used by community organizers to control an unruly crowd and shape performance. He presented a peer-review paper using the technique to set the level of concern. Mr. Battig stated that the EPA is out of control trying to shut down coal plants over mercury, noting that U.S. power plants account for one-half of one percent of mercury emitted to North America – with the other 99.5% coming from natural and foreign sources. He said that China emits 400 tons of mercury from power plants, with the U.S. emitting 40 tons. Mr. Battig said that forest fires emit 40 tons, with cremation emitting 20 tons, and volcanoes, geysers and underwater ocean vents emitting 9,000-10,000 tons. He noted a major paper in the true science community by Roy Spencer, which points out the lack of knowledge about clouds and moisture on the climate and the effect of CO2. Mr. Battig stated that Charles Monet, who has used polar bears as an example of global warming, has been put under investigation for scientific misconduct. He also asked the Board what they thought of the U.S. Secretary of Transportation, Roy Hood's desire to force commercial licensing on all farm equipment. He further stated that the government is going after your children with climate propaganda.

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Mr. Morgan Butler, on behalf of the Southern Environmental Law Center, stated that an informed and vocal public is their greatest asset as a governing body and their best insurance against making bad decisions. Mr. Butler said that historically the County has gone to great lengths to empower the public's role in the decision-making process, but the process followed for reviving the Route 29 Bypass – beginning with the Board's late-night vote on June 8 and continuing up through the MPO public hearing last Wednesday – went in a very different direction. Mr. Butler stated that key information was routinely disclosed at the public hearings only after the public comment sessions had closed, and public comment was treated like something that had to just be gotten through before the latest information could be put on the table and discussed.

He said that at the MPO's July 14 meeting, it wasn't until after the public comment session had closed that an important draft letter from the MPO to the CTB discussing local priorities was made known and read aloud. Mr. Butler said it would have been very beneficial to get the public's input on that letter, but it was read to the public only after the comment session had closed – and the letter was finalized and sent to the CTB very soon after the MPO meeting so the public never had a real chance to provide input on it. He stated that at last week's MPO meeting, the all-important letter from the Transportation Secretary outlining his response to the MPO's requests was delivered at the very last minute and once again read to the public only after the public comment session had closed. Mr. Butler said that the fact that a majority of the MPO refused to defer a vote for a few weeks shows they had no interest in getting the public's input on that very important letter either. He stated that although there were public hearings, the fact that key information was disclosed only after the comment sessions were closed shows clear disregard for the value of public input.

Mr. Butler said that this is not how you empower citizens and it is not a good recipe for decision making. He said that they hope it is not a new precedent either.

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Ms. Elly Tucker addressed the Board, stating that she is here on behalf of herself and Bill Tucker. She said that she has lived in Albemarle County for 35 years – with her husband living here for 45 years. Ms. Tucker said she is here to discuss the embarrassing actions of Supervisors Snow and Thomas at the MPO meeting of July 27. She stated that she took her 16-year-old son so he could observe local government in action, but what he saw was a complete breach of respect for the two-thirds of the public who had voiced their opinions opposing the 29 Western Bypass. Ms. Tucker said her son came away from that meeting disgusted by what he saw as an utter contempt of the good citizens of Albemarle County. She stated that her son asked her, "Mom, why do they not care at all what most of the people here are saying?"

Ms. Tucker commented that Mr. Snow and Mr. Thomas' rushing the vote that night showed a gross neglect of duty after being publicly rebuked by their constituents for their total lack of transparent – some would say sneaky and underhanded, behind-closed-doors political dealings during the infamous June 8<sup>th</sup> midnight vote. She also said that those Supervisors promised they would not vote in favor of the bypass unless they were guaranteed that this locality would have full funds for all of our required local road projects, but this "guarantee" came in the form of a letter from Transportation Secretary Connaughton, which was received just moments before the July 27<sup>th</sup> meeting began – with no one having a chance to read or digest the contents of the letter. Ms. Tucker stated that unless the two Supervisors were sure that the letter unequivocally stated that these projects would be fully funded, they had an obligation to take it back to the Board of Supervisors and their legal advisors for a full review. She said the City Councilors present felt compelled to review the letter further with their legal advisors and asked for this – but Supervisors Snow and Thomas thumbed their noses at City Councilors and their constituents. Ms. Tucker told Mr. Snow and Mr. Thomas that while they think this will be their Omni Hotel success story, it will instead surely be their Waterloo.

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Mr. Tony Vanderwalker, Chairman of the Piedmont Environmental Council, stated that the PEC has fought the bypass for 20+ years and they are gracious when they lose. Mr. Vanderwalker said that they feel that the Supervisors have given away the store by losing not only the bypass situation but improvements on Route 29 – effectively gutting the Places 29 program by only getting solid commitments on the bypass and the widening of Route 29. Secretary Connaughton's letter isn't much to stand on. He urged the Board to find solid, legal assurances for the projects that are going to directly affect traffic on Route 29 – other than the bypass and the widening. He said that otherwise the citizens will be left with a bypass, but none of the improvements that actually improve traffic flow.

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Ms. Cheri Kennedy-Early, a County resident, stated that she attended the MPO meetings, the BOS meetings, and Mr. Boyd's town hall and heard the majority of speakers say this bypass is not the road needed. She also said she went to the CTB meeting in Richmond and watched a local businessman whispering in the two Board members ears and pulling the puppet strings. Ms. Kennedy-Early emphasized that the two Supervisors listened to him and listened to Connaughton but did not listen to its citizens.

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Ms. Candace Smith, a local architect and County resident, said that she wonders if Mr. Snow and Mr. Thomas are trained as either engineers, architects, planning or zoning administrators, or attorneys. She said that all of those answers must be "yes" for them to vote without taking the letter back to the Board of Supervisors, having the County Attorney read it, and having the professionals review it – rather than acting independently. She said the MPO's responsibility is to act cooperatively and in collaboration with public input, technical data and inter-agency collaborations. She did not see any of that cooperation, she did not see any respect for the City's share of the members on the MPO, and she does not believe the two Board members have acted in the benefit and in the way the MPO is required to act. Ms. Smith said that when Mr. Snow was on the ARB he would say "well we talked about it at the meeting, what's the difference," but it was reiterated that if the words are not crafted carefully it means nothing. It is only the words on the paper trail that will make any difference as to what goes. She said that he admitted the County was blackmailed when they were told they could not get any roads unless they accepted the bypass, but he should have blackmailed right back and said there would be no bypass without roads being funded.

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Mr. Bill Jones said that he and his wife have lived in the County for 26 years and own property in both the Samuel Miller and White Hall Districts. Mr. Jones said he doesn't know all the politics involved, but obviously he is concerned that there is no teeth with the letter from the state. He stated he has been in business for many years and has learned that sometimes it is better to use it rather than lose it, and if there is a "gift of funding" for the bypass they should take it and run. Mr. Jones also said the studies have said that very few local residents go directly to Lynchburg or Washington, D.C., but he thinks a huge number of people would use the bypass – people coming from the University or Ivy or Crozet and wanting to get north – so the numbers are outdated and need to be revised.

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Mr. George Larie, a County resident, said that he is speaking for CATCO, which condemns the actions taken by the three members of the Charlottesville/Albemarle MPO on July 27 to approve construction funding for the bypass – and especially chastise Supervisors Snow and Thomas for their failure to represent citizens of the County, who have overwhelmingly rejected the project at numerous meetings. He said that at the beginning of the July 27 MPO meeting, the letter Mr. Snow and Mr. Thomas received from Secretary Connaughton was produced but only minutes before the meeting began, so members of the MPO, the Board of Supervisors and City Council – as well as citizens attending – could not have an opportunity to read it. Mr. Larie stated that the letter was purported to outline the deal made between Mr. Snow, Mr. Thomas and Secretary Connaughton regarding funding on other road priorities in the area as well as other key issues. Mr. Larie said that those Supervisors had promised the public at the July 13 Board meeting that they would not vote for the bypass unless a clear commitment from the state was given, but the Secretary's letter did not address all the County and City concerns – and did not offer a specific dollar amount or funding for local priority projects. He stated that CATCO deplores the process by which all this occurred, from the midnight vote of June 8 whereby four Board members suspended their own rules in order to revive the bypass without public comment, to the July 27 MPO meeting where County representatives denied repeated requests by City Council representatives to defer the vote until other Board and Council members – and their legal counsels – could read and evaluate the Secretary's letter. Mr. Larie said this represents our local government at its absolute worst.

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Mr. Milton Moore, a County resident, stated that the political process to revive the bypass started with the election of Governor McDonnell and ended last Wednesday at the MPO meeting. He said there were two main obstacles to overcome – the "no bypass" wording from the Board's records, which was done at the June 8 meeting when the Board's rules were suspended so that Mr. Dorrier could change his vote without public comment. Mr. Moore asked when the last time the Board's rules were suspended - he could not recall another time when this had been done. The Board meeting began at 6:05 p.m., that night, and the agenda was accepted at 6:08 with Mr. Dorrier arriving just a few minutes later. He asked if that was part of the plan. He stated that the next step was to replace Mr. Rooker on the MPO so there would be a 3-2 majority with Mr. Utterback. Mr. Moore said the next piece was the promises by Secretary Connaughton on April 4 to fund local projects in return for support of the bypass; next, his letter filled with the same promises – supposedly arriving just before last week's MPO meeting and arrogant denial of requests to delay the vote. Mr. Moore stated that they knew about the letter ahead of time, as Mr. Boyd



alluded to "\$10 million in funding" as mentioned in the Secretary's letter during his Forest Lakes meeting the night before.

He emphasized that public comment often comes after the deal is done. A Freedom of Information Act document reveals that three VDOT officials met on June 16 with Mr. Sundra and when an environmental assessment was mentioned, Mr. Collin noted "we resisted and pointed out that an EA is not required by law and public involvement was not required and asked what the purpose of it is."

Ms. Emerald Young, a County residents, stated that she is here to criticize Mr. Snow and Mr. Thomas for not deferring the MPO vote on the bypass and ignoring all of the public comment opposing the bypass. Ms. Young said they started the meeting with the Pledge of Allegiance, to uphold the vital functions of government, and when public comment was excluded they "acted subversively." She read a definition of subversive: "tending to or advocating the cause, the destruction of an established or legally constituted government." Ms. Young asked who would benefit from the bypass – the construction companies and the people who make money on the bonds that will pay for the bypass.

Mr. John Pfaltz addressed the Board, stating that he lives on Rugby Road and strongly supports Ms. Mallek's suggestion that the Board as a whole talks to the MPO and decide where to go from here. He said he had a part in developing the 2035 long-range plan, and the bypass wasn't even considered – so the decisions were made without it on the horizon – and while he thinks it is the best thing that could happen to the transportation system, it changes a lot. Mr. Pfaltz said that the \$5 million to build another lane at the Best Buy ramp to connect to the Route 250 bypass won't be needed if the bypass is built, and he would rather see that \$5 million spent on transit and bike paths on the "old 29." He also stated that there was never any money for the Berkmar Bridge, and he sees some possibilities for the northern connector that would make the bridge unimportant but would make Berkmar Drive Extended up to North Grounds Research Park very, very important. Mr. Pfaltz encouraged the Board to look at the plan again and come up with some ideas.

Mr. Max Evans addressed the Board, stating that he has lived here for over 40 years. Approximately 25 years ago the bypass was considered, and at that time he hiked the entire alignment. It is very clear to me that this is not a bypass. It runs parallel to the reservoir for over a mile and a half. It also runs parallel to Hydraulic Road for over a mile and a quarter, within hundreds of feet of that road. It clearly does not go around anything – it goes through. He stated that it is not a bypass also because it only has an access and egress point on it, and the southern interchange will remove over one and one-half miles of the existing Route 29 bypass and will cost over \$75 million. Mr. Evans said that the northern interchange has never been designed, with just a conceptual plan presented at Mr. Boyd's meeting the other night – and when it was questioned the state said "well, this is just a concept; we'll work out the details on this later." He commented that officials have shown a lack of sensitivity to procedural processes, and a lack of understanding of what this road does.

Ms. Mary Rice, a County resident for more than 20 years, stated that she has written to the Board about her feelings on this bypass, the vote that was taken and Mr. Thomas and Mr. Snow's representation on the MPO. It strikes her that there is no reason this cannot be revisited – as the conditions that were set for the bypass funding could be opened up again. She said that a lot of things have gone backwards with the process, with the Board suspending their procedures to make their initial vote, the public comment occurring after the vote, and then the public finding out about the Secretary's conditions after the public hearing. She said that she does not understand why the Board cannot address the conditions this afternoon. Ms. Rice stated that there has been lots of talk since the MPO about efficient use of government funds, and when considering all the work with Places 29 and Route 29 improvements, to think of entering into this bypass without full information on costs is such a bad idea. If costs overrun for the project and they do not get additional funding for well-established Route 29 improvements, the County would really be in bad shape.

Ms. Tammy Moses, a County resident, said she is in total disgust, as this Board has let the community down. This Board has made deals, changed rules resulting in midnight votes – from Mr. Dorrier's sudden change of heart – without regard to public opinion. And from there, things have spiraled downward. Ms. Moses said the Board members sold the community to the CTB, who called us a hick town, but even "hicks" would not make the decisions the Board members have over the last few months. Board members personal opinion should have been set aside the day they took public oath. The oath Board members took is a binding contract to the public to be a servant to this community; the best for the community should come first. Ms. Moses stated that two-thirds of the people who spoke were against this bypass, and one-half of the one-third in support were from points south, which means 85% of this community was against this bypass. She said that Mr. Snow stated that he trusted Secretary Connaughton, and Mr. Thomas essentially followed along – ignoring the advice of the MPO Committee to postpone the decision until there was time to review the information. Mr. Thomas is in a leadership role on the MPO and as such should act in a manner fitting to be a leader. The citizens trusted both of these Board members to look out for them and look what happened. This community does not now have a legal leg to stand on for any of the initiatives determined to be important by the Board of Supervisors because those two members refused to defer action so the attorneys could take time to look over the deals. Their actions showed that they were unwilling to compromise and look at things objectively or do a cost benefit analysis, or do anything other than to carry out Secretary Connaughton's agenda.

Mr. Dan Bieker, a resident of North Garden, stated that several Board members have indicated repeatedly that their support of the bypass was contingent upon funding for these other priority projects – and the bottom line is, that has not happened. Mr. Bieker said the Secretary of Transportation's letter says he will "recommend funding," but the CTB meeting in June did not approve funding for these other projects and there is no assurance that they will be. He said that the letter from Secretary Connaughton should and could have been read before the public comment at last week's MPO meeting, and he considers that to be a breach of public trust. Mr. Bieker stated that when it comes to transparency and integrity in local government, he thinks the citizens deserve better.

Mr. Jeff Werner said that in his 12 years with the Piedmont Environmental Council he has heard a lot of things – including City Council's reversal on its position on the water supply, which made the Board ask why they were refusing to listen to facts. Mr. Werner said he began this year hoping that reason would prevail, but even with local residents overwhelmingly urging Board members to maintain ICLEI but they killed it because they didn't want the U.N. to take over the County. And yet Board members still scratch their heads when City Council wants to spend \$30 million to dredge and get a fraction of the water they would get from a \$30 million dam. Mr. Werner said that the Western Bypass came with its own selective set of facts, including the comment that it must be built because no one has come up with a better idea. He reminded the Board that earlier this year they voted 6-0 to adopt Places 29, but bypass proponents deserve credit for the build something mantra – drowning out the fact that VDOT studies did not support it. Mr. Werner stated that it was political pressure, not qualified analysis that got the bypass put ahead of local priorities. He said that the mantra paved over the fact that VDOT and this community had developed a series of improvements for Route 29, and last week's MPO vote shelved – if not scrapped – that work. Mr. Werner stated that in exchange the community will get a single, mega-million dollar half bypass. He said that the business community was determined to derail Places 29, arguing that the major commercial core must not be disrupted by major road improvements – and ironically, the Board has shelved Places 29 but has approved a quarter-billion of transportation improvements with not a single dime going to anything in the corridor. Mr. Werner stated that the PEC has long opposed the bypass but is not opposed to road construction or growth and development, adding that they support Places 29 and the Route 29/250 study. This Board needs to explain why they traded local priorities for a Lynchburg bypass and for what the NCBC wanted.

Mr. Neil Williamson, President of the Free Enterprise Forum, said that he is disappointed at the personal attacks this morning. He appreciates all of the service from the Board members. He is also surprised at the call for citizens to come out and speak in opposition to the U.S. 29 Bypass as there have been ample public comment opportunities regarding the bypass over the last several weeks with the Board, the MPO and the CTB. Mr. Williamson said that the State has approved and appropriated \$197 million for the bypass and \$32.5 million to widen U.S. 29, which is significantly more money than was allocated as of June 1. This amount does not fully fund the region's transportation needs. He stated that the Secretary of Transportation has done everything in his power to request funding for other road projects, and citizens should remain engaged at the CTB level to secure that funding. Mr. Williamson said that the Board should endorse the MPO's long-range plan and move on. Otherwise, this community will be stuck repeating the same speeches, having the same arguments, and pitting neighbor against neighbor, again and again.

Mr. Rooker encouraged citizens to attend the later part of this meeting, around 3:30 p.m., when this issue would be discussed further.

Mr. Foley clarified that the discussion would be prior to 3:30 p.m., or after 5:00 p.m., due to the joint meeting scheduled on the agenda.

Agenda Item No. 7. Consent Agenda. **Motion** was offered by Mr. Snow to approve Items 7.1 through 7.5a on the Consent Agenda, and to accept the remaining items as information. Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Thomas, Mr. Boyd, Mr. Dorrier, Ms. Mallek, Mr. Rooker and Mr. Snow.  
NAYS: None.

Item No. 7.1. Approval of Minutes: December 1, 2010 and June 8, 2011.

Mr. Snow had read the minutes of December 1, 2010 and found them to be in order.

Mr. Thomas had read the minutes of June 8, 2011 and found them to be in order.

**By the above-recorded vote, the Board approved the minutes as read.**

Item No 7.2. Resolutions for Rural Rustic Road Paving Projects – Rose Hill church Lane (Rt 762); Fortune Lane (Rt 704); Blufton Road (Rt 672) and Happy Creek Road (Rt 608).

The executive summary states that on May 11, 2011, the Board recommended sections of Rose Hill Church Lane, Fortune Lane, Blufton Road, and Happy Creek Road for paving under the Rural Rustic

Ms. Mallek said that the next item for discussion is how to help the MPO move towards something enforceable and secure for the community. She asked for suggestions from the Board members on the MPO. She added that she knows that everything is still in draft.

Mr. Thomas stated that he is personally satisfied with the letter he got. He does not think it will come to a point where you are going to have a guarantee - a blank check in your hand. When Secretary Connaughton tells you something, he is not the authorized check writer. He has not made a promise, but did say he would recommend it to CTB all these extra things that the Board asked for.

Ms. Mallek said that when the Board talked on June 8 and June 13 everybody was in agreement that there would not be support for the bypass without those other things. It was a package deal. She asked how the Board makes sure that the package actually happens without saying "we should not really give away the ranch now". The Board should make sure it gets that commitment from the CTB.

Mr. Thomas said he doesn't feel like they are giving the ranch away.

Mr. Rooker asked him to explain how what is in hand now assures the community that there will be funding for the Berkmar Extension.

Mr. Thomas said that Secretary Connaughton is going to recommend it to CTB, and you are not going to tell the CTB what to do.

Mr. Rooker stated that after the Board meeting where there was a lot of public input, Mr. Thomas and Mr. Snow said they would not support the bypass without a firm commitment for these other items. He said that he does not feel like the Board gave them a blank check to go out and vote in favor of something that never came back to this Board to look at and ultimately, he thinks if they had spoken with counsel they would have advised you that if you wanted to get something with some kind of firm commitment it needed to go beyond a letter of generality from the Secretary saying that next year he will recommend something. That is what they have right now. He said that they did the best they could do, but the TIP language should impose conditions upon the inclusion of the bypass for funding that would require the funding of other things that were brought before the Board for discussion on the night of June 13. Mr. Rooker presented the letter that Mr. Thomas and Mr. Snow handed out.

Mr. Snow said that if that letter is the original copy that Steve Williams did it was inaccurate.

Mr. Rooker said that is what Mr. Thomas handed out.

Mr. Snow stated he is not going to open this whole discussion up. He said that he is satisfied with the letter from Secretary Connaughton. The letter was made part of the resolution when the MPO sent it in.

Mr. Rooker said that he is not a big supporter of the bypass project. He noted that he has filed a Conflict of Interest Statement noting that he and his wife's seven percent interest in a lot in common with other neighbors that might be impacted by the bypass. He is presuming that this bypass will go forward, but it was only supposed to go forward based upon a commitment that things be done. He would like to see the minutes of what Mr. Snow just mentioned. He stated that this talks about full funding for Hillsdale Drive but there is no commitment to that funding, as Mr. Thomas says. Mr. Rooker said the SELC hired an engineer to analyze how the bypass bridge might work with Berkmar moving into it, and determined it would be very difficult to achieve that - and extremely expensive. In reference to Berkmar, he commented that the letter states: "I'm directing VDOT as part of the Route 29 Bypass design to include the conceptual design and layouts of Berkmar Bridge Extended including the river crossing to insure the bypass does not preclude the construction of Berkmar Drive Extended." During the Board meeting, they were talking about a commitment that would advance the Berkmar project, not something that would be done in a way that would not preclude it. Berkmar is a secondary road and at a minimum you need a commitment to build the infrastructure to connect those roads.

Mr. Thomas commented that construction was not asked for.

Mr. Rooker asked why construction was not requested.

Mr. Thomas stated that the MPO did not vote to do that, and conceptual design was the only thing in it.

Mr. Rooker said all this letter does is say that they will design a bypass bridge so that it does not prevent a Berkmar bridge from being built in the future. That does nothing to advance Berkmar as a project. He added that the Berkmar Bridge Extension Study, done in 2010 by the MPO, shows 2036 traffic projections and includes a build-to alternative of the extension with a new bridge. The scenario completely mitigates the impact of 20 years of population and employment growth in the MPO area. He also stated the 2035 build-to alternative results in a travel time of seven minutes from Lewis & Clark Drive to Rio Road, which is slightly less than the 2007 travel time. Mr. Rooker said that for the same segment, the Berkmar Drive Extended would have 20,198 average daily traffic with a level of service C; in other areas a level of service B and in others a level of service A. Here is a project that came through the MPO process, in the long range plan that everyone wanted funded, modeling shows it would carry 20,000 vehicles per day and would substantially improve the movement of traffic in the corridor, most of which was local. Mr. Rooker said that the impression Mr. Thomas and Mr. Snow gave most people at the Board meeting was they wouldn't support a vote for the bypass unless they obtained some commitment to advance that project.

Mr. Snow said he feels as though they got that commitment. He stated that in previous discussions of expanding the growth area, people came forward and said the infrastructure must be improved and Route 29 needed to be widened – but in the bypass hearings not one comment was made on the virtues of widening Route 29. He also wants these other projects, but widening Route 29 is not a small feat, plus they are also getting the bridge designed. The Berkmar Extension can be connected with proffers. He understands that Mr. Rooker is disagreeing with all of this; he is overlooking what the community is getting with the Route 29 widening, and instead focusing on things that are not nailed down. Mr. Snow commented that there have been two letters from Richmond that say they will widen Route 29 and build the bypass and everything else will proceed as funded. He said he asked for more specifics and individual items, which is in the letter that came at the last minute, which by the way he had nothing to do with. He said that he got the letter that he wanted, and that is why he is where he is at now.

Mr. Rooker pointed out that it is a letter that does not commit any money for Berkmar Extended.

Mr. Snow stated that the Secretary cannot fund this without CTB approval.

Mr. Rooker said that even if they take his recommendation, there is no money specified here for the Berkmar Bridge.

Mr. Boyd commented that the County had no commitment before.

Mr. Snow said that Mr. Rooker wants to stop this project at any cost; that is the bottom line.

Mr. Rooker explained that the bottom line is this is not a commitment to fund anything, even though Mr. Snow promised he would get that commitment.

Mr. Snow said that what is being said here is “what can we do to stop it.” They are not recognizing what the widening of Route 29 would mean to the community. If they could slow the project down long enough to have that money recommitted somewhere else there would be a group of about 150 people that would be elated, but that is only .002% of the total County population.

Mr. Rooker stated that 11,000 people spoke out against this project, and Board members are still getting emails.

Mr. Snow commented that a lot of those are duplicates.

Mr. Rooker said he is assuming the project is going to go forward, so Mr. Snow's assumption is wrong. The night the four Board members voted to go forward with this project, he asked that they get the best deal for the community. He stated that the reason people did not like what had happened is because there is no legal commitment to fund anything else and he doesn't understand why they would not agree to put anything in the TIP amendment to ensure that. Mr. Rooker stated that Mr. Snow had commented on the importance of protecting schools, and it could be conditioned to include sound barriers to achieve that – but asked why that would not be conditioned.

Mr. Boyd asked Mr. Rooker if he thinks that VDOT is trying to hurt the children.

Mr. Rooker asked why that condition would be a problem.

Ms. Mallek said that the vote has been taken, and it would be totally acceptable to say in the TIP language that as soon as the CTB approves funding for these projects, the County's vote in favor of the bypass project would take effect. It changes the dynamic, and it is perceived as being something that is actually supporting our community. They are just trying to say very clearly and specifically what they need here because they are giving up a pretty big thing for the community based on the last 35 years or so. She does not understand why there is reluctance to do that. Also, Steve Williams can add these things to the draft he is working on. There may be a reason Mr. Connaughton has not talked to the CTB about all the other projects. Why not say if you really want the bypass that badly, this is what it will cost.

Mr. Boyd stated that the highest priority in the Route 29 master planning process was the expansion of Route 29 from Polo Grounds to Hollymead.

Mr. Rooker said that it was five projects, not prioritized but all deemed important, and Berkmar Extended was also included.

Mr. Boyd stated that now the County is getting \$34 million to complete the project and fix Ashwood Boulevard. He does not know how they are saying the County is getting a bad deal.

Mr. Rooker commented that one of the CTB members, from Northern Virginia, said they needed to recognize that there needs to be a package here and he was very open to this community coming forth with a package – but you cannot get that if you do not ask. The CTB can always say no, but you have to ask.

Mr. Thomas said that when he and Mr. Snow went to Mr. Connaughton they asked for the widening of Route 29 and some help on the bridge, but it was Mr. Connaughton who suggested the bypass – with funding for the doables list.

Ms. Mallek said that the list was in Places 29.

Mr. Thomas stated that the widening of Route 29 was in that group, so he and Mr. Snow were adamant about putting that together so that the City would also not lose any money that was coming to them.

Mr. Rooker pointed out that all of this included Berkmar, as it was one of the two priorities in the County, and asked what happened to that project.

Mr. Thomas said that the question was put to the state if they would help with the bridge, but he would say that it was not really asked for.

Mr. Rooker asked why it was not asked for.

Mr. Thomas said at that time they were talking about the widening of Route 29. He stated that they left the meeting without getting to the other three projects until the media came out with questions about the funding, and Mayor Norris came out and said he was concerned about the bypass taking money away from City projects.

Ms. Mallek said they still need to have County things on the list. She said that it is important for the people the Supervisors represent to have clarification of what those things are, as a contingency. She stated that it is highly likely that Secretary Connaughton will live up to his agreement to ask for it, but it is also highly likely that the CTB will say no – which will be the end of the funding stream. Having taken so much money out of the pot for the bypass, she thinks it would be a long time before the County gets any extra money to finish their projects. That is why she thinks it is important that there be a promise from the CTB now.

Mr. Snow went down the list of projects, including the widening of Route 29 – which is done; the Best Buy ramp and lane – which was already paid for; a road for Berkmar – which had a proffer but not the bridge. He stated that they did not talk to the Secretary about building the road, but said they would like to have the bridge designed in such a way that when they have the proffers to build Berkmar Extension that they needed a bridge to connect to.

Ms. Mallek asked if the same one bridge would take care of the bypass and the Berkmar Bridge. In the letter Mr. Rooker was reading, it sounded like VDOT was talking about a second bridge.

Mr. Snow said he did not think that is what was intended.

Ms. Mallek stated that that needs to be clarified and it needs to be written down.

Mr. Snow and Mr. Thomas indicated they thought the term "joint use" covered the fact it was a bridge covering both uses. Mr. Thomas said he would talk to Mr. Williams about it.

Mr. Snow said that the fourth item was the Hillsdale Extension, which Secretary Connaughton recommended for \$10 million to complete.

Ms. Mallek stated that it is not enough.

Mr. Rooker said the City was not satisfied with the wording because Senator Connaughton says the project needs \$10 million and says he would recommend funding – but he does not say that would be the amount. He added that he does not understand why Mr. Thomas and Mr. Snow would not let the City go back and talk with their Council about the way they want to see things worded in the TIP amendment before it is passed. The City does not feel like they are protected from the language in this letter.

Mr. Mallek commented that she hopes the City is doing its homework and the Board do the same.

Mr. Rooker said it is all a moot point.

Ms. Mallek said that she does not think it is a moot point because she is hopeful this language will get incorporated on August 21<sup>st</sup> in what the MPO finally adopts. Ms. Mallek asked what is a better way to describe the remaining funding needed for Hillsdale Drive.

Mr. Rooker stated that counsel should be consulted as to how to clarify that funding allotment.

Ms. Mallek said she would feel more comfortable having the money up front.

Mr. Dorrier asked what the total amount for Hillsdale is.

Ms. Mallek confirmed it is around \$29 million, with some expended on design. She would feel more comfortable if they had the full funding necessary to get it completed right away, not in five or ten years.

Mr. Thomas said the money is not going to be available until 2016.

Ms. Mallek said it won't unless it is made a part of this.

Mr. Rooker said the City has had a location and design hearing, with 12,000 vehicles per day expected on the road and a cost varying depending on donating right of way. He stated that Mr. Chuck Rotgin may be moving away from his commitment to donate right of way. Mr. Rooker pointed out that the

heaviest traffic in the County is between Greenbrier and Rio Roads – 55,000 vehicles per day – which is where Hillsdale Drive would take traffic off of Route 29. "The traffic studies have shown that you need these local improvements for local Route 29 to work.

Ms. Mallek said that without that, she does not see a positive result for businesses and locals.

Mr. Boyd stated that the County is a lot closer today than they have been before in getting the transportation dollars.

Ms. Mallek agreed that that may be the case, but she would like to see it in writing.

Mr. Boyd said he would also like to see Proffitt Road expanded with a third lane and some sidewalks.

Ms. Mallek said she is of the philosophy that you should not decide not to ask because you think the answer might be no.

Mr. Boyd said he thinks they did ask.

Mr. Rooker commented that Mr. Thomas and Mr. Snow said they did not ask for Berkmar.

Mr. Thomas asked Ms. Mallek if she would put the language together if the Board agrees, so that he can take it to Secretary Connaughton.

Ms. Mallek stated that Mr. Davis should help, and then the language can be shared among the Board toward a resolution.

Mr. Thomas said he would like to see this Board vote on it.

Mr. Rooker stated that with respect to Berkmar, Mr. Dorrier had indicated on the night he changed his vote that "we got Berkmar," but the only commitment is the "bypass won't preclude it." He said that the state could commit to building Berkmar Extended, which would obviously be preferable, but a fallback position would be building Berkmar and a system into the bypass bridge to accommodate Berkmar going in and coming out with the north end to open up at such time as the road is built to the north. Otherwise you really preclude the road being built because it would cost more to come back later and tear up that bridge, and try to run Berkmar and VDoT would not do it. This is a secondary road and the County will never have the money for it unless it takes this opportunity to try to get the money.

Mr. Rooker said that Steve Williams' letter says that "Full funding of Berkmar Extended is an essential aspect of the Western Bypass project because it maintains access to both U.S. 29 and the Forest Lakes/Hollymead area. We have been told that it is possible to design a north end interchange for the Western Bypass that includes a connection to Berkmar Drive Extended. I'm not sure I believe that. Whether or not Berkmar can be connected to the Western Bypass, funding for Berkmar Extended all the way from Hilton Heights Road to Hollymead Town Center should be included in the six-year improvement program." He asked why not take this opportunity to get a meaningful part of the project funded.

Mr. Boyd said that VDoT would have to spend quite a bit of dollars on engineering design, and what the state is committing to do is figure that out. They also have to figure out how to take a 35 mph road and merge it in with 60 mph traffic for the length of the bridge and then split it off again. He stated that they have agreed to sit down and work with the County on something that would accommodate Berkmar Drive Extended. VDoT cannot even guarantee that it is possible to do.

Mr. Rooker said they could design and build the bridge as a part of building a bypass bridge. Mr. Boyd said that is what he thinks they are agreeing to do.

Mr. Rooker said they are not agreeing to build it. The commitment now is they won't preclude Berkmar from crossing the river by the bypass; that doesn't tell you that anything is being done to advance it.

Mr. Boyd asked where he was headed with this conversation.

Ms. Mallek **moved** to develop a specific list of projects that could be checked with legal counsel for incorporation in the MPO's final adoption of their changes to the TIP.

Mr. Boyd said that if this means drafting a letter to the Secretary or Commissioner to create a negotiating position, he could go along with that, but you are saying you are going to stop this thing.

Ms. Mallek stated that the TIP is a legal document, not a letter. She said that she is trying to make it most effective.

Mr. Boyd said that she should write up what she wants so that Mr. Thomas and Mr. Snow can take it to the Commissioner. He asked why make it a motion to put it in the TIP so that the bypass cannot be built until these objectives are met.

Ms. Mallek said that is how the County would get these other things.

Mr. Boyd said Mr. Rooker and Ms. Mallek are opposed to the bypass and so in my mind what they are doing is putting up a bunch of obstacles to make it impossible for the Secretary to agree to and then they have got it stopped. That is their real attempt to do here.

Mr. Rooker said they are supporters of the bypass and they do not care if they get these other projects so long as they get the bypass.

Ms. Mallek said that in her phone conversation with Mr. Utterback, he indicated it would be wise for the County to have an MOU or a very specific agreement on this. She said that Mr. Utterback stated it was perfectly legitimate to have a specific list of projects, and there is no reason to hide whether Board members are making the bypass contingent on them or not.

Mr. Boyd said the Board has already been down that road.

Mr. Snow suggested sending the MPO letter as its being drafted, with the Board drafting their own resolution stating that it has been passed based on the letter from Secretary Connaughton.

Mr. Rooker said that to give it some teeth, it needs to be stated in the TIP amendment that construction of the bypass will not start until these things are done.

Mr. Snow said he disagrees with that.

Mr. Boyd said that is not negotiating, it is my way or the highway.

Ms. Mallek said that is what VDOT is doing to the County, if you do not take the bypass, you won't get any money.

Mr. Snow stated that he offered a compromise, and the City could do the same thing.

Ms. Mallek said she would like to have the CTB commitment that it is in the budget. She is not saying all these other things have to be done first. If it is in the CTB budget, it would be much more meaningful than a letter from the Secretary saying he will ask for them to be done.

Mr. Rooker pointed out that the letter says the Secretary would ask to have it put in the budget next year. He said that he would like to ask counsel for the best way to approach this to give it teeth in the requirement that these things be funded.

Mr. Boyd asked if this Board could encumber a future CTB Board.

Mr. Rooker said he thinks they can say these other things can take place on the bypass but the construction should not start until funding is included in the Six Year Plan for these other things. If you are confident that you are going to get the funding, and they intend to give it, why would they be concerned about that.

Mr. Dorrier stated that they gave the funding 12 to 1 for the bypass and for the Route widening and they should give the funding for the other four things.

Mr. Thomas said that the CTB did not vote on the whole package that particular day.

Ms. Mallek clarified that the Board is just trying to describe the package in a non-confrontational clear way.

Mr. Thomas said he thinks they know what the package is.

Ms. Mallek said it could have been stated in the letter, but he was intentionally vague in his letter.

Mr. Foley stated that he isn't sure if Mr. Davis is in a position to comment on this from a legal perspective, because it is not clear what the proposal is.

Mr. Davis said that a letter or an MOU would simply create a moral obligation and not a legally binding obligation, because you cannot bind a future Secretary or a CTB to fund something. The only way that you can control it locally is by what is in the TIP, and the TIP with conditions can force funding decisions to be made if that project is to go forward. He said if the Board wants to move forward with this, they need consensus on whether there should be conditions in the TIP that must be met before the project can be funded with federal funds. If that is where the Board is, staff can draft those conditions to go into the TIP, but if that is not the position of the Board, then it has to be satisfied that it will have a letter or MOU that would create a moral obligation only.

Mr. Thomas commented that that would take things back to before the language opposing the bypass was changed.

Mr. Rooker explained to him that it would not, and would say that the MPO supports the project but only supports construction funding conditioned upon certain things taking place. At least you will have some assurance that the funding will go in and stay in the state's plans for the things that are conditions to approval. Right now you don't have anything that is binding.

Mr. Boyd stated that he would not be opposed to drafting those conditions and taking them to the Secretary. He suggested taking it to the Secretary and say this is what the Board is considering changing the language in the TIP to be, and see if they are committed. If they say fine, then the Board would know they are solidly behind what they agreed to do in the letter. He does not want to take it beyond the letter that they gave us. He does not think the Board can ask for the entire Berkmar Drive Extended. He does not think they can ask for anything more than to design a bridge that can facilitate both roads.

Mr. Rooker asked if they could at least get the ramp system built into the bridge so eventually a road can be hooked into that.

Mr. Thomas said that is what the original idea was, but it did not include ramps.

Mr. Snow said he thought that was what they were talking about and it is one item that needs to be cleaned up, and he can agree with it.

Mr. Rooker said he thinks the Board should also get input from the City on the language they think would be reasonable to assure the things they did not get assurance on. He added that there may not be a difference in what the Secretary's letter intended and what they want. This is a community – this is not just a couple of us. He added that they wanted the TIP language to be conditional on what they thought they were getting.

Mr. Thomas stated that Ms. Szakos wanted more of a guarantee.

Mr. Foley said if there is consensus to develop TIP conditions, it would probably be a good idea for himself and Mr. Davis to develop that and work with the Board – and perhaps the City.

Mr. Boyd said he has no problem with that, but thinks either Mr. Thomas or Mr. Snow needs to be a part of crafting that language.

Mr. Dorrier asked who the final authority is for the TIP. Ms. Mallek responded the MPO.

Mr. Snow agreed that it could serve as a resolution from the Board, but in terms of clearing up TIP so that it spells out what the Board expects on Berkmar Drive and some additional language for Hillsdale, it is ready to go and in his opinion it should not be held up to go back and forth.

Mr. Foley said it seems like it would be good to prepare a draft resolution for the Board to look at to make sure there are the votes to push it forward.

Mr. Thomas stated that he has a resolution from the MPO ready and he could bring it back.

Mr. Foley said there are some proposed additions to that that need to be clarified, and he would work with the Chair and Mr. Snow in the initial drafting of this – coordinating with the City Manager's office if necessary – with the idea this would come back to the Board at their first September meeting.

Ms. Mallek said if they need it by August 24, she would call a special meeting, and she is not intending to hold this up.

Mr. Davis stated that he is hearing two different things from Board members.

Mr. Rooker said that they are considering conditions to be worded so that they reflect the things the County expects to get, with inclusion in the TIP conditions to assure the community gets those items.

Mr. Thomas stated that he has a resolution ready to go and would run it by Mr. Davis.

Mr. Foley said it does not seem to include the language mentioned here tonight.

Mr. Rooker suggested having Mr. Davis, Mr. Snow and Ms. Mallek work together on the wording on conditions to provide some assurance as to what the community would get.

Mr. Foley clarified that the only way that could provide any assurance is if it were in the TIP as conditions, which means it would have to be proposed to the MPO for a vote.

Ms. Mallek noted that would be on August 24<sup>th</sup>.

Mr. Rooker said that the City's input would be needed also.

Ms. Mallek said that might help bring the community back together.

Mr. Foley stated that it probably couldn't happen until September, at which time the Board could consider adopting a position to forward to the MPO as inclusion of conditions in the TIP language.

Mr. Davis said the MPO would not act on this on August 24<sup>th</sup>.

Mr. Rooker stated that all that needs to happen is the MPO needs to meet before the CTB.

Mr. Foley said that September is more realistic for action by this Board.



Mr. Boyd asked if the MPO change to the TIP can't just be changed in September.

Mr. Foley said that the Board is just working on the conditions to be added, and he would coordinate with Steve Williams on this matter. If something has to be done earlier, he will contact the Board.

Mr. Thomas stated that he doesn't like to delay this anymore, but he would go along with what has been discussed.

Mr. Boyd said there is no move here to change that.

Mr. Foley stated that staff's understanding is the Board has decided to develop some other information before they support the TIP amendment – but if that's not clear and there is no majority, then there is no need for staff to spend time on this.

Mr. Boyd asked if the language could be changed in September after TIP changes it.

Ms. Mallek said that any Board can change the language in the TIP at any time.

Mr. Davis noted that the TIP would have to go through the public hearing process again to be amended.

Ms. Mallek commented that adding conditions to the same decision would not require another public hearing.

Mr. Davis said he thinks that needs to be clarified.

Mr. Rooker said it is not clear to him what was voted on, as he is not sure how the letter is being incorporated.

Mr. Foley stated that the Secretary's letter won't stand as an official position in the TIP, adding that there is no need to move forward with conditional language here without a majority of the Board.

Mr. Dorrier said that the last paragraph of the letter says that he's going to "depend on the local MPO to give him advice." He added that the County can rely on the last paragraph to get what it wants.

Mr. Boyd stated that his understanding was that the Board is working to clarify some gray areas.

Mr. Foley said that the language to address the bridge over the river as it relates to the bypass, the way Mr. Rooker described it, is very different from the language in the Secretary's letter. He stated that as long as that's the Board's intent, staff can move forward.

Ms. Mallek said that is what Mr. Snow said needed clarification because it is different from what he was told.

Mr. Thomas stated he would rather vote now to avoid any confusion.

Mr. Davis said that the vote would be to defer any final action on the TIP until the Board meets on September 7 to discuss it.

Mr. Rooker **moved** to direct their MPO members not to vote on a final TIP amendment until after the Board meets and discusses such amendment on September 7 at their next regular Board meeting. Ms. Mallek **seconded** the motion.

Mr. Snow said he does not want to close down any options.

Mr. Foley stated he could decide that on September 7 when it is before him.

Mr. Snow stated that things have a tendency to get turned around and mean different things and all of the sudden they get locked into a vote.

Mr. Rooker said that Mr. Thomas just said he thought the problem last time was the lack of a vote.

Mr. Boyd stated that he does not know what the impact would be at the state level.

Mr. Thomas expressed fear that Secretary Connaughton might just pull everything back, right off the bat.

Ms. Mallek said that the State has been waiting for this for 20 years and she doubts they are sitting there waiting for this.

Mr. Thomas commented that the community has been waiting on it for 20 years.

Mr. Snow said he does not know that the Board needs to take a vote on this.

Ms. Mallek said the MPO liaisons probably need official direction from the Board to do their next step.

Mr. Snow said they received that at a previous Board meeting.

Mr. Dorrier commented that this may tie the hands of the MPO.

Mr. Rooker stated that the Board's representatives on the MPO should represent the Board, and the Board should be able to give clear direction.

Mr. Davis said there is a motion and a second.

Mr. Boyd stated he will vote no on the motion because it ties the MPO hands and he thinks the Board can accomplish the same thing without this vote. He does not want to vote on tying the hands of the people who are negotiating this very intricate and difficult transportation opportunity.

Ms. Mallek said this would actually give them more power, if they have the whole community behind them.

Mr. Snow stated that he wants to proceed in good faith but does not want to make it a vote and lock things in.

Mr. Dorrier said this would prevent the MPO from doing anything at the August 24<sup>th</sup> meeting.

Mr. Rooker said the MPO does not meet until the third week in September.

Mr. Dorrier asked what happens if something comes up that they do not foresee.

Mr. Boyd, Mr. Thomas and Mr. Snow all said they shared that worry.

Mr. Rooker explained that there is no legally binding commitment now to these things.

Mr. Dorrier reiterated that this would tie the hands for further negotiations.

Ms. Mallek said they are supposed to be representing the entire Board.

Mr. Rooker said there are no further negotiations.

Mr. Dorrier said the Board needs to keep things open and it is not wise to tie the hands of their two representatives to the MPO. He stated that there needs to be a resolution specifically defining what the Board is asking for, what it wants and when they want it, how much it is going to cost, but to tie their hands right now without knowing all the details in the future they could reap the whirlwind.

Mr. Rooker stated that there would be an amendment to the TIP, and the current amendment binds the County, so the question is whether the County gets what it wants in the amendment or not.

Mr. Dorrier said that Mr. Thomas and Mr. Snow will withhold their votes to make sure the City is included.

Mr. Rooker said they did not do that. This Board needs to develop clear guidelines of what this Board expects to have in the conditions to the TIP in order for the TIP to be amended.

Mr. Dorrier said they are coming back in September to do that and there is no need to have a motion tying their hands right now. He trusts their judgment and thinks they will make wise decisions. They also need some flexibility.

Roll was then called and the motion **failed** by the following recorded vote:

AYES: Ms. Mallek and Mr. Rooker.

NAYS: Mr. Thomas, Mr. Boyd, Mr. Dorrier, and Mr. Snow.

Mr. Boyd said he is trusting that these two gentlemen will negotiate in good faith for the Board.

Mr. Foley stated that staff would still work to develop a position for September 7<sup>th</sup> that might amend any motion that happens in the meantime.

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At 4:07 p.m., the Board took a recess.

---

Agenda Item No. 22. Joint Meeting with Planning Commission and Architectural Review Board.

At 4:13 p.m., the Chair called the Board of Supervisors back to order in Room 241.

PLANNING COMMISSION MEMBERS PRESENT: Mr. Don Franco, Mr. Thomas Loach, Mr. Calvin Morris, Mr. Russell Lafferty, Ms. Linda Porterfield and Mr. Duane Zobrist.

ABSENT: Ms. Julia Monteith and Mr. Edward Smith.

Mr. Rooker, Mr. Boyd and Mr. Thomas said they see no reason for not going forward with these recommendations at this time.

**(Consensus of the Board to concur with the following recommendations; that staff will prepare a resolution of intent to initiate the necessary zoning text amendment for the recommended process changes for consideration by the Board:**

**Community Development – Legislative Review Process**

- A. A pre-application conference is to be **required** prior to application submittal;
- B. A pre-application form is to be completed by the applicant and submitted before scheduling the pre-application conference
- C. Staff completes the pre-application comment form and provides it to the applicant within 7 days of submittal
  1. Includes checklist of information required for application submittal
  2. Includes requirement(s) for a plan of development, a traffic study and other special studies or documentation if determined to be applicable
- D. The application form will address expectations, including those based on the staff pre-application comment form
- E. Fee is not paid with submittal – applications are to be reviewed for completeness before acceptance
- F. Applicant is to be notified within 7 days of acceptance/rejection
  1. **If the application is accepted:**
    - a) The fee must be paid within 5 business days of the notice of acceptance to activate the review during that application submittal review period
    - b) If the fee is not paid within 5 business days the review does not begin until the next submittal date after the fee is paid
  2. **If the application is rejected:**
    - a) A checklist of missing information is provided by staff to the applicant
    - b) The applicant is eligible to reapply with the required information as early as the following month's submittal date
    - c) A new pre-application conference is not required, but a follow-up meeting with staff can be scheduled before re-applying if the applicant so desires
- G. Community meetings:
  1. Would be applicant-sponsored and required after the application is submitted to provide public information about the project; community meetings must be held within 46 days of the application submittal date for which the fee is paid
  2. Staff attends the community meeting to observe and answer process and policy questions

Mr. Wardell said that the ARB had asked him to articulate the issue of County projects coming to them late in the process, creating a time crunch because of other approvals and a construction schedule. The ARB has really been seen as just a hurdle to get over. He added that this has been the case with some of the school projects, and they hope that the County's own agencies that are approving buildings would be a real exemplary applicant and come through the process the same as everyone else does. He thinks that this new process will help a great deal.

Mr. Boyd suggested that Mr. Foley convey to school system to interest in following the rules for their capital projects.

Agenda Item No. 21 (continued from previous): From the Board: Matters Not Listed on the Agenda.

**(Note: At 5:55 p.m., Planning Commission and ARB members left the meeting, with Board of Supervisors members staying.)**

In terms of the Board's previous discussion on the bypass, Mr. Foley stated that final action on the TIP has already been taken by the MPO and that action was conditioned on the letter from the Secretary that is now presented to the Board in resolution form. Any further amendment would require another public hearing. It would be considered a minor amendment to this action, which has already been finalized by the MPO, so they would have to have another public hearing – presumably it would be in mid-September prior to the CTB meeting on the 21<sup>st</sup> of September. He said that for what was discussed today to happen at all, another public hearing process on amending the TIP would be needed and approval from the MPO.

Mr. Foley clarified that the conditions would be that Hillsdale Drive and Belmont Bridge – items one and four – would be the two that the Secretary would be recommending in a future six year improvement plan. The Route 250 Bypass is in the 2012-2017 current plan. He said that project is already funded and is planning to go forward. Mr. Foley said that the issue on Berkmar is to direct VDOT to prepare a conceptual design for the project concurrent with the bypass design, which would mean it would occur with the bypass. He stated that the primary point here is it would require a minor amendment to the MPO's current TIP, which they approved on July 27, in order for the Board to amend the conditions presented.

Mr. Rooker clarified that this has already been adopted. Mr. Thomas said that the resolution has already been voted on.

Mr. Rooker stated it was a plain resolution that did not include these conditions, and the wording here from staff is a little more specific than what the Secretary's letter includes.

Mr. Foley said it mirrors what is in the letter, with language included that addresses the language related to the Berkmar Bridge and Berkmar Drive Extended. He noted that the Secretary's original letter does say the state would do conceptual designs.

Mr. Snow stated that the Board should do a resolution making it more succinct, with the City doing the same.

Mr. Foley noted that that would not amend the TIP, which is the only thing that makes it definite.

Mr. Snow said that it helps to put a moral obligation back on the State.

Mr. Rooker said that it has been adopted but it would be helpful to go through the process and amend the TIP if everyone is in agreement as to what the language should be. He said there is no reason to go through the process if everybody is saying they would go through the process but not change the language in the TIP, because that's the only thing with any teeth.

Mr. Foley stated that the CTB meets on September 21, and if the Board intends to have a hearing to further amend this there are advertising requirements.

Ms. Mallek clarified that this is an MPO meeting being mentioned here, not a Board meeting.

Mr. Foley confirmed that is the case.

Mr. Rooker said that most of these things are not changes in this year's TIP, but wouldn't come into play until 2013-18.

Mr. Foley stated that the only issue is Berkmar Drive Extended being concurrent, as it is in 2012-17.

Mr. Rooker said that is not in the state TIP at all, so whether it is done before or after that September meeting is not a huge deal as no money has been programmed in yet. He stated that he would rather get it right and suggested that the September CTB meeting is not any more vital than the October CTB meeting, as they have already amended their TIP to include funds for the bypass and the Route 29 widening. He thinks it is important to have time to look at it, get it right and get an agreement on it.

Mr. Boyd agreed.

Ms. Mallek stated that she would like to see how things can be moved along in the next few weeks.

Mr. Snow said he would still like the Board to send a resolution immediately.

Mr. Rooker stated that he wants to ensure that the City weighs in, and to have a reasonably deliberative process to arrive at some kind of proposed TIP amendment if everyone agrees. That speaks a whole lot more than trying to rush out a resolution that does not really have any teeth in it.

Mr. Boyd said that his understanding is to take time in the process and put some teeth into the existing resolution.

Mr. Rooker stated that he is going to argue more for Berkmar than what is here now, and fellow Board members may or may not agree. He thinks that otherwise, it will never be built.

Mr. Thomas disagreed.

Mr. Rooker said he understands Mr. Thomas. He added that he (Mr. Rooker) is just one person here.

Mr. Foley stated that staff would work with Mr. Snow and Ms. Mallek, coordinating with the City, to try to get a clear position and not rush it through to get it to the CTB by the 21<sup>st</sup> – so it would be on the Board's agenda for September 7.

Mr. Davis said that ultimately whether the TIP gets amended again would take a vote from the MPO to initiate that process.

Mr. Rooker said hopefully the County can come to some kind of agreement with the City.

Mr. Thomas commented that the City needs to come to an agreement on what they want to support.

August 3, 2011 (Regular Day Meeting)  
(Page 85)

It was the consensus of the Board to proceed in that fashion.


Agenda Item No. 23 Adjourn.

There being no further business, the meeting was adjourned at 6:07 p.m.

---

Chairman

Approved by Board
Date: 10/05/2011
Initials: EWJ




Virginia Department of Transportation

## U.S. Route 29 Bypass

Presentation to the Albemarle County Board of Supervisors

September 7, 2011  
Mr. Harold L. Jones, Jr., PE - Project Manager



## U.S. Route 29 Bypass

PROJECT: 6029-002-F22,P101, R202, C501

### Presentation Objectives

- Provide brief background of Rte. 29 Bypass project
- Next steps & project milestones
- Solicit input from BOS on public input / involvement

2

**VDOT**

## U.S. Route 29 Bypass

PROJECT: 6029-002-F22,P101, R202, C501

### Project Background / Overview

- Project location originally developed in the late 1980s and adopted by Commonwealth Transportation Board in 1990
- 6.2 mile, 4-lane limited access roadway from Route 29 north of the South Fork of the Rivanna River to the Route 29/250 Bypass
- In 1997, traffic forecast was 24,400 vehicles per day on Bypass (2022)
- Bypasses 13 existing traffic signals (14 with Shops at Stonefield)
- Provides alternate northern route to UVA campus via Leonard Sandridge Drive

3

**VDOT**

## U.S. Route 29 Bypass

PROJECT: 6029-002-F22,P101, R202, C501

### Project Location Map

The map displays the proposed Route 29 Bypass as a thick black line. It begins at the 'BEGIN PROJECT' point near the University of Virginia and ends at the 'END PROJECT' point near the South Fork of the Rivanna River. The route passes through the Ivy Creek Natural Area and the South Fork Rivanna River Reservoir. Other roads shown include Route 29, Route 250, Route 601, and various local roads like Semanole, Meador, and Old Trail. A north arrow and a scale bar are also present.

Project Location Map  
Route 29 Bypass  
and North Grounds Connector  
Albemarle County

0 0.5 1 1.5 2 Miles

**VDOT**

**U.S. Route 29 Bypass**  
PROJECT: 6029-002-F22,P101, R202, C501

**Background - Environmental**

- **Lawsuit filed in 1998 alleging violations of National Environmental Policy Act (NEPA)**
- **Courts ruled in VDOT's favor but required completion of a Supplemental Environmental Impact Statement (EIS) to address impacts at the northern terminus of the project**
- **Final EIS approved by FHWA in May 2003**
- **Record of Decision issued by FHWA September 22, 2003**
- **Required environmental assessment under NEPA complete for current location & design**

5

**VDOT**

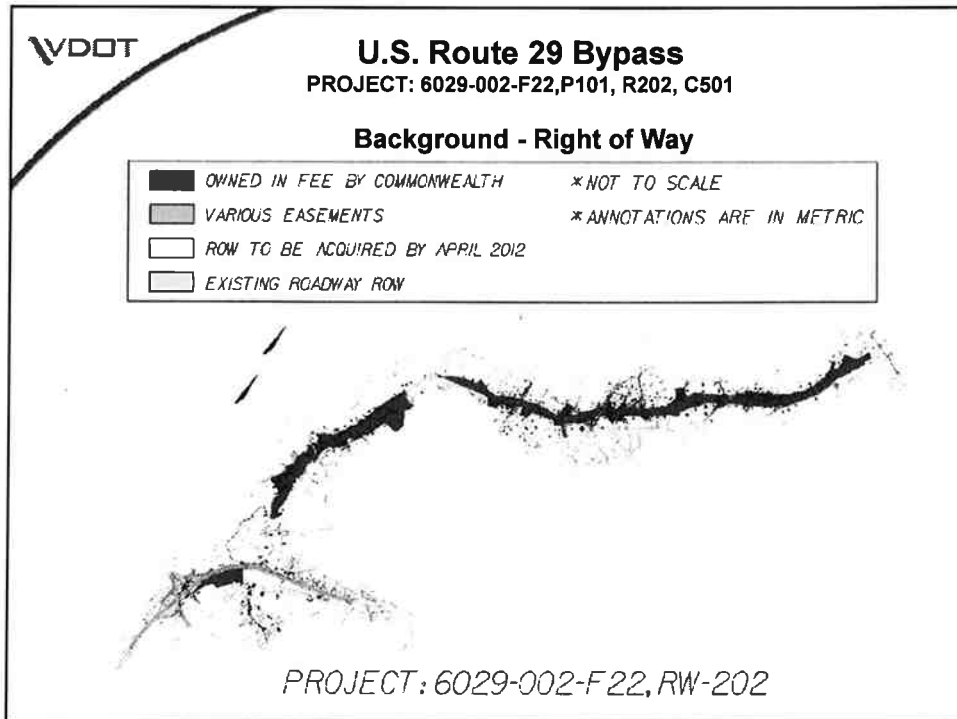
**U.S. Route 29 Bypass**  
PROJECT: 6029-002-F22,P101, R202, C501

**Background - Right of Way**

- **83 of 122 parcels (68%) have been purchased**
  - **one parcel north of South Fork Rivanna River, all others are south of river**
- **36 properties are currently being leased**
- **Utilities need relocation (gas, elec., water, sewer, telecom., etc.)**
- **Easements identified, need to be updated**
- **3 family cemeteries need to be relocated**

6





**VDOT**

### U.S. Route 29 Bypass

PROJECT: 6029-002-F22,P101, R202, C501

#### Background - Design

- Original Design Year (2022) Traffic forecast
  - 24,400 ADT
  - Percentage of truck traffic (7%)
- Design work stopped in 1998
  - Interchange design at northern terminus incomplete
- Survey and design were in metric units
- Leonard Sandridge Drive (formerly North Grounds Connector) construction completed in 2006

8

**VDOT**

**U.S. Route 29 Bypass**  
PROJECT: 6029-002-F22,P101, R202, C501

**Background - Project Estimate / Funding**

Funding comes from a combination of federal and state funding.  
The current estimate is as follows:

Preliminary Engineering:	\$20,837,745
Right of Way:	\$105,481,038
Construction:	\$118,275,045
<b>TOTAL:</b>	<b>\$244,593,828</b>

Project is fully funded for PE, RW and CN with current Six Year Plan

9

**VDOT**

**U.S. Route 29 Bypass**  
PROJECT: 6029-002-F22,P101, R202, C501

**Project Delivery – Next Steps**

- **Design Build Procurement**
  - Low Bid, Single Phase
- **Environmental Re-evaluation**
  - VDOT is performing through contract
- **Right of Way Acquisition**
  - VDOT and Design Build Team to acquire

10

**VDOT**

**U.S. Route 29 Bypass**  
PROJECT: 6029-002-F22,P101, R202, C501

**Environmental – Moving Forward**

- **VDOT to update environmental document**
  - In the form of an Environmental Assessment
  - Updated traffic
  - Additional Environmental studies required (air, noise, cultural resources, hazardous materials, endangered species)
- **Public Involvement will be part of the process**
  - Anticipate a Citizen's Information Meeting 2<sup>nd</sup> Qtr CY12

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**VDOT**

**U.S. Route 29 Bypass**  
PROJECT: 6029-002-F22,P101, R202, C501

**Right of Way – Moving Forward**

- **VDOT to acquire 13 remaining parcels south of South Fork Rivanna River**
- **VDOT to begin appraisal process September 8, 2011**
- **Demolition of 2 vacant structures to occur with existing contract**
- **Design-builder to acquire RW north of South Fork Rivanna River**
- **Design-builder responsible for railroad coordination/agreements, etc.**
- **VDOT to facilitate disinterment / interment for 3 cemeteries**

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**VDOT**

**U.S. Route 29 Bypass**  
PROJECT: 6029-002-F22,P101, R202, C501

**Design – Moving Forward**

- **Design Build Procurement Advantages**
  - Accelerated project delivery
  - Innovative construction methods and techniques (contractors involved early in planning)
  - Supports economic development
  - Maximize use of available funding
  - Shared / reduced risk
- Design Build Proposals will not compromise the EIS

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**VDOT**

**U.S. Route 29 Bypass**  
PROJECT: 6029-002-F22,P101, R202, C501

**Design – Moving Forward**

- **Design Year: 2036**
  - 35,000 ADT estimated at 1.7% annual rate of growth
  - Updated Counts underway as part of Environmental Reevaluation
- 60 mph design speed
- 12 foot lanes with 10 to 13 foot wide shoulders, incl. 8 foot paved shoulders
- Level of Service = C (at Design Year 2036)
- Select areas for enhanced landscaping
- Context sensitive design
  - architectural treatment, smaller footprint, etc.

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**VDOT**

**U.S. Route 29 Bypass**  
PROJECT: 6029-002-F22,P101, R202, C501

**Public Involvement Strategy**

- Public Involvement is not required with Environmental Re-evaluation Process, but will be incorporated into process
- Design Public Hearing is not required for Design Approval
- Previous Design Advisory Committee
- Opportunities for Public Input to Design Build through Addendum to RFP to be issued in November

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**VDOT**

**U.S. Route 29 Bypass**  
PROJECT: 6029-002-F22,P101, R202, C501

**Milestone Schedule**

Environmental Re-evaluation	Sep, 2011
Right of Way	Sep, 2011
Initial Public Involvement	Sep.- Oct. 2011
Issue Request for Proposal	Sep, 2011
Addendum to Request for Proposal	Nov. 2011
Proposals Due	4th Qtr CY11
Contract Award	1st Qtr CY12
Public Involvement	2nd Qtr CY12 with Env. Re-eval.
Begin Construction	Estimated 4th Quarter 2012

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**U.S. Route 29 Bypass**  
PROJECT: 6029-002-F22,P101, R202, C501

**Questions / Comments**

17

"16160.85340"  
Giometti Docs

09/09/11  
3:18 PM  
Rudolph, Marc

UPC: 16160

# VDOT Project Cost Estimating System

## SUMMARY PAGE

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ESTIMATE YEAR	<input type="text" value="FY2012"/>	INFLATION RATE DURING CN	<input type="text" value="N/A"/>

Date of previous estimate 01/28/11

PROJECT MANAGER / DESIGNER

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Construction Estimate:	<input type="text" value="MANUAL"/>
Right-of-Way Estimate:	<input type="text" value="MANUAL"/>
Utilities Estimate:	<input type="text" value="MANUAL"/>

DATE 09/09/2011

THE FOLLOWING DATA WILL BE PROVIDED UPON COMPLETION OF THE REMAINDER OF THE WORKBOOK, WHICH IS ACCESSED BY SELECTING THE **CONST**, **RW**, & **UTIL** TABS BELOW

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PRELIMINARY ENGINEERING ESTIMATE	<input type="text" value="\$16,703,135"/>
RIGHT-OF-WAY & UTILITIES ESTIMATE	<input type="text" value="\$100,193,025"/>
<b>TOTAL PROJECT ESTIMATE</b>	<input type="text" value="\$235,171,205"/>



## Bypass costs underestimated in advance of CTB vote

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### Reader comments (6)

By Sean Tubbs  
Charlottesville Tomorrow  
Tuesday, September 20, 2011

Charlottesville, VA  
**DailyProgress.com**  
What's next.  
*This story also appears  
in today's newspaper*

An unofficial estimate for construction of the Western Bypass is more than double the amount members of the Commonwealth Transportation Board were told by Virginia Department of Transportation officials in July before they voted to resume funding of the 6.2 mile highway.

Internal documents released under the Freedom of Information act reveal that VDOT engineers calculated a cost estimate of \$436 million in late June, several weeks before CTB members voted to allocate \$197 million to the project.

The documents were obtained by the Charlottesville Albemarle Transportation Coalition (CATCO) and provided to Charlottesville Tomorrow. VDOT spokesman Lou Hatter has confirmed the validity of the information.

So far, \$46.7 million has been spent on preliminary engineering and purchase of right of way. The CTB vote included \$7.4 million to finish preliminary engineering, \$71.7 million to complete right of way acquisition, and \$118 million to complete construction.

Virginia Secretary of Transportation Sean Connaughton has announced he hopes VDOT can advertise bids by the end of this month for a contractor to complete design and build the project.

However, the released documents call into question whether enough money has been allocated to the project because internal estimates are much more detailed than those on which the CTB vote was based.

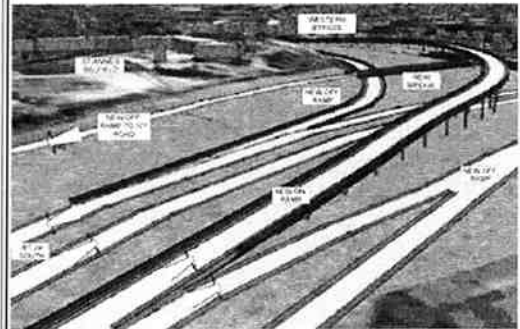
When it was revived at Connaughton's direction earlier this year, engineers in VDOT's Culpeper District estimated the project would have a total cost of \$233 million. That figure was based on a non-Interstate type design, and only factored in \$3.7 million for utility relocation.

VDOT engineer Mohammad Mirshahi, who works in VDOT's central office, wrote in a June 20 email that he was "uncomfortable" with the estimate developed by engineers in the Culpeper District.

"There is no backup information to support it," Mirshahi wrote.



[Visit our Western Bypass Information center](#)



[View 3D models of the proposed bypass](#)



A second preliminary cost estimate by engineers in VDOT's central office raised the unofficial cost estimate to \$273 million. The estimate increased by an additional \$10 million for routing the highway through "mountainous terrain," and by adding \$24 million for an interstate-type design.

Interstate-quality highways have larger paved shoulders and signage must be placed further back from travel lanes. That increases the cost of a road because more surface area must be paved and potentially involves the purchase of more land for right of way.

In early summer, the project was further scrutinized. An estimate developed by VDOT central office in late June raised the estimate to \$436 million.

This estimate factored in a cost of at least \$46 million to excavate 3 million cubic meters of land, as well as \$76 million to extract 340,000 cubic meters of rock. This third estimate also added \$26 million for more accurate bridge costs.

None of this information was made available to members of the CTB.

An internal update sent to VDOT engineers and staff on July 26 further broke down the \$436 million estimate.



A rendering by Bob Pineo of Design Development depicting how a cut through Stillhouse Mountain might look

- \$20 million remains to be spent on preliminary engineering.
- The right of way cost estimate was put at \$70 million.
- Construction cost for a design-build contractor is estimated at \$280 million.
- Construction and engineering inspection services is calculated at \$23 million, or 8 percent of construction.
- There is a 10% contingency figure of \$28 million.
- \$15 million is estimated for stormwater management, utilities and lighting.

That leaves VDOT with a need to identify at least \$191.8 million in further funding to complete the project as currently proposed.

[Download](#) [Download July 26, 2011 VDOT bypass update with risk analysis](#)

Members of CATCO said in a press release Tuesday that the differing numbers represent a deliberate manipulation of information.

"It is obvious that this project will cost substantially more than has been presented and approved," read the press release. "In light of these gross understatements of cost on which approval of the project was based... the Commonwealth Transportation Board should reconsider this project."

## EXCAVATION COSTS DETAILED

The biggest reason for the higher cost estimate is that the first two estimates did not take into account the cost of removing a significant portion of Stillhouse Mountain to make way for the road.

A June 24 email from VDOT engineer Jeffrey Cutright reveals that Matthew T. Cross, a standards engineer with VDOT, believed it would cost between \$300 to \$400 per cubic yard for excavation based on the blasting that will need to occur. The initial estimate produced by Culpeper District engineers used a much smaller figure.

"It is apparent that rock excavation is one of the cost drivers," wrote Jim Utterback in a July 29 email. "The unit price for rock excavation is nearly twice what the [location and design] folks in the district thought it should be."

A risk analysis performed as part of the July 26 update said there was a high likelihood that uncertainty over the extent of necessary rock excavation would pose a problem.

"Geotechnical data is insufficient to determine amount and integrity of rock excavation required. This will influence the cost of rock excavation, the earthwork quantities, and slope design. Contract will add cost of this risk to the bid," Cutright wrote in the analysis.

The risk analysis also highlights other uncertainties about the project.

Cutright wrote that the Federal Highway Administration may need to approve each terminus because there are rules that determine how interchanges that lead to limited access highways are designed. He also added states that the current design for the southern terminus could be insufficient to handle projected traffic volumes.

"This could result in extensive review time, design adjustments and associated delay and cost," Cutright wrote.

However, Nancy Singer with the FHWA said that a formal report will not need to be required for the termini, but the agency will be watching.

"Since the project uses highway federal-aid funds, however, FHWA would have to approve the configuration of the project, including the interchanges," Singer said.

Cutright also wrote that VDOT has only used design-build contracts for smaller projects and that doing so for the bypass could lead to errors being written into the contract with the eventual contractor.

"Single phase, low-bid design build contract is likely to create industry criticism due to contract size and short response periods," Cutright continued.

## **VDOT RESPONSE**

VDOT Commissioner Gregory A. Whirley said in a phone interview that the disparity in the two estimates should not be surprising.

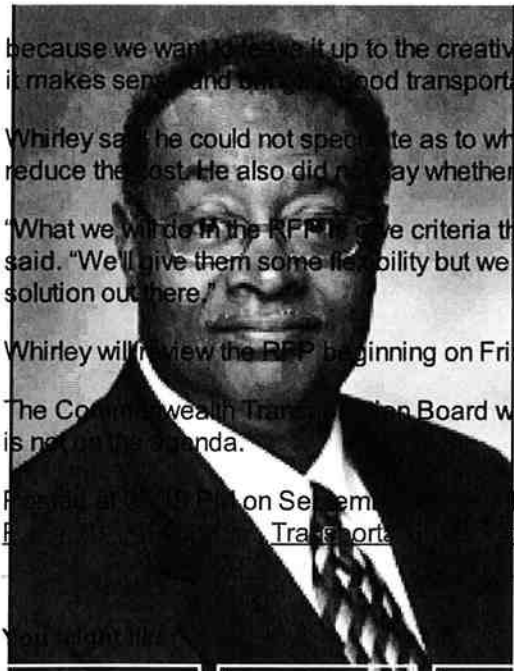
"The estimate from central office was prepared assuming the ultimate design," Whirley said. "In other words it was over-engineered on both ends of the bypass. That would account for a big part of the difference between the two estimates."

Whirley said the true cost of the project will only be known once the RFP is put out to bid, which will occur later this month.

"Let the competition take a look at the project and give us an estimate of what it would cost," Whirley said. "We think it can be simplified substantially to reduce the cost."

He added that VDOT has been seeing projects come in between 15% and 30% below the engineer's estimate.

---



because we want to leave it up to the creativity of our private sector partners to design both ends of that bypass so it makes sense and bring a good transportation project to the area," Whirley said.

Whirley said he could not speculate as to whether the design speed for the road would be lowered in order to reduce the cost. He also did not say whether the design may be done at non-interstate quality.

"What we will do in the RFP is give criteria that we want any builder to bid against and we'll lay those out," Whirley said. "We'll give them some flexibility but we still are going to retain the right to make certain we get the best solution out there."

Whirley will review the RFP beginning on Friday and hopes to put it out to bid next week.

The Commonwealth Transportation Board will meet Wednesday and Thursday in Portsmouth. The western bypass is not on the agenda.

Read this article on [Seems like it will be by cvillemorrow in Albemarle County , Charlottesville , Daily Progress](#) | [Transportation Western Bypass](#) | [Permalink](#)

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proposed Hillsdale  
Drive extension

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Tomorrow News  
Center: Council  
decides to keep Old  
Lynchburg Road  
open and ask the  
County to make  
Fontaine-Sunset  
Connector a priority

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Tomorrow News  
Center: Rugby,  
Barracks citizens  
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## Comments

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1



Scott Elliff said...

It's likely to go higher still based on the "commitment" to build the bridge over the Rivanna River in a way that would accommodate the Berkmar Drive extended project from Sam's to Hollymead Town Center - which would create a local shopping corridor that would take substantial traffic off of Route 29. I think that the (approved) Places 29 plan indicates it would actually be more effective than a bypass as it would address local traffic, which is something like 90% of the total, while the bypass only deals with through traffic.

The wording of this "commitment" is suspect at this point, given the fast hustle this whole thing has gotten to date courtesy of Supervisor Ken Boyd and others, and the apparent rush to build regardless of design, traffic, environmental or other considerations which the public has repeatedly tried to raise. At both the Supervisor level and the MPO approval authority level, Boyd & Co. pushed it all through with only the vaguest of commitments in place - so be prepared for this important Berkmar aspect to get waved off by VDOT. The Boyd gang will probably spin it as a casualty driven by 'austerity' - if you can use that term for a half billion dollar road that is only six miles long (coming up on \$100 million per mile).

How did this possibly get this far?? I'm disgusted.

[Reply September 20, 2011 at 04:30 PM](#)

2



Sean Tubbs said...

This story was first published shortly after 3:10 pm and then updated to include the comments of Commissioner Whirley as well as the comments from the CATCO press release.

[Reply September 20, 2011 at 04:59 PM](#)

3



Beth Ike said...

To Cutright's comment about "industry criticism," does anyone hazard a guess as to what this might amount to? Would this imply contractors might be hesitant to bid, for fear that doing so would mean getting involved in a terrible mess, and therefore not worth it?

Also, any hope of getting a comment from Connaughton? I would LOVE to read what he comes up with. His behavior at the CTB meeting was, to harken back to Mr. Elliff's comment above, just disgusting. I am hoping he can act the fool just enough to get more media coverage of this debacle. The Places 29 plan should be rightfully respected and VDOT needs to begin plotting a new, wider, and eastern-directed bypass, a TRUE bypass, that will

best serve all who use the corridor.

Reply September 20, 2011 at 08:21 PM

4



Andrew Greene said...

My read on "industry criticism" is that the combination of a large design-build project, bid in a single phase, with a demanding schedule will limit the firms that can reasonably respond to larger, well-equipped firms, thereby limiting the involvement of smaller local contractors and generating industry criticism of VDOT for a biased procurement process.

Reply September 20, 2011 at 09:12 PM

5



Eric Schmitz said...

To paraphrase Ken Boyd:

(Roll Spin Tape B [used when Plan A goes South])

I have always been for the Wetsren Bypass. Others have stalled this project, so it should be no surprise now that it may cost twice as much as originally estimated. I have no control over those costs, but had people gone along with the project twenty years ago, it would be built now, for considerably less money. Now that it has been delayed, I am making sure it is delayed no further and thus save us untold millions. Besides, I did not vote for the project at the MPO level, that was Duane Snow and Rodney Thomas. Did I mention that I single handedly brought the DIA to Albemarle County, without which NGIC would have left? And, education, too, I support that. The Greeks tried education, you know, but that didn't work out so well for them, you know, as their civilization failed. But by holding the line on taxes, I have again demonstrated the right kind of experience that puts us ahead of the Greeks, and the Romans as well.

Oh well, what's a \$192 million shortfall anyway? It's just other people's money, eh?

Reply September 20, 2011 at 09:50 PM

6



Cheryl Zando said...

While it seems cost overruns like this are typical for transportation projects, I continue to be surprised that state and local governments don't do more to prevent them.

As individuals, we wouldn't buy a car or major appliance without knowing all of the costs. Why does the government act with less diligence when they build roads? And have you noticed that all that's being talked about here are the upfront costs associated with construction? What about the costs associated with maintenance and repairs to keep the bypass operational?

Lifecycle budgeting would address this lack of accountability when it comes to transportation construction. Basically, it requires that any new proposal include not only the costs to build the project, but also the costs to maintain and repair the project over its life cycle. Makes sense, right?

I'd like to see our state and local governments require lifecycle budgeting for all transportation infrastructure investments. I think it would save us money in the long-run.

Reply September 20, 2011 at 10:00 PM



## Group Against 29 Bypass: VDOT Greatly Underestimated Cost

Posted: Sep 21, 2011 11:45 AM EDT



Albemarle Co., VA - A group fighting the Route 29 Bypass is accusing VDOT of manipulating cost estimates for the project.

In July, a state transportation board approved spending \$197 million. Now, the Charlottesville/Albemarle Coalition (CATCO) says it could cost up to \$585 million.

The new numbers were released through a Freedom of Information Act by CATCO, asking for VDOT's files.

A news release from the Charlottesville-based group accuses the department of transportation of manipulating information, calling it "fraud on the public involving hundreds of millions of dollars."

Senator Steve Newman disputes the findings and expects the project to come in at a reasonable number for two reasons: one, the same company will design and build the bypass, giving the state more bargaining power; and two, construction costs are down by as much as 30 percent right now.

"I have not made it a habit of responding to the group in Charlottesville that's been fighting this for 20 years," Newman said. "They have used every maneuver possible to try to stop this project. They are anti growth and trying nothing but to hurt Lynchburg and Culpeper. Ultimately, I think the project will come in at a reasonable number."

Newman says if all goes according to plan, the Route 29 bypass could get started within two years.



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## Bacon's Rebellion

Reinventing Virginia for the 21st Century

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# Whirley Defends Cville Bypass Cost Estimates

Posted on [September 21, 2011](#) | [4 Comments](#)

by *James A. Bacon*

Virginia Highway Commissioner Gregory A. Whirley is sticking with his \$197 million estimate for how much money it will take to complete the Charlottesville Bypass, although he acknowledges that the final bids could come in above or below that number. The estimate was called into question yesterday by the Charlottesville Albemarle Transportation Coalition (CATCO), a citizens group that had found a much higher estimate in a Freedom of Information Act request. *(See the previous post for details.)*



Virginia Highway  
Commissioner  
Gregory A. Whirley

Addressing an article in *Charlottesville Tomorrow* that detailed the CATCO findings, Whirley explained to the Commonwealth Transportation Board today how the estimate was derived. The original estimate came from the Culpeper District staff. An engineer in the central office staff got wind of the estimate, thought it was too low and developed his own estimate. But the engineer was basing his estimate on an outdated design, the VDOT chief said. The thinking at the district level had evolved on how to cut costs, he said, so he stuck with the district estimate.

The central-office estimate inflated costs in two major ways, Whirley said. First, the engineer used old plans for the interchanges at both ends of the bypass that the district staff thinks can be significantly simplified. Second, it assumes that the construction crew will have to remove large volumes of rock and dirt. But the excavation costs can be cut significantly by elevating the highway. "I reviewed it (the central-office estimate)," he told the CTB. "I felt that the Culpeper district engineering estimate was closer to the project we planned to build."

Whirley also noted that even the Culpeper estimate is not based on the final design. VDOT is issuing a design-build RFP, which means that bidding firms will execute the final design with the goal of bringing down costs even more. The hope, says Whirley, is that the winning contractor will "bring his creativity to the table and just maybe find a better way."




James E. Rich, the Culpeper District representative on the CTB, expressed umbrage at the fact that VDOT had not informed the board of the full range of estimates before it voted to allocate \$197 million to complete the project. "I feel left out of the process. I don't want to have to FOIA the department" to get a full briefing on transportation projects in his district. Rich said that he still is not confident that the board has access to the correct financial and technical data.



Transportation Secretary Connaughton acknowledged that VDOT needs to complete a “cultural shift” in how it approaches costs. He’s seen too many instances of the department gold-plating projects, spending far more money than necessary. But he predicted that the Charlottesville Bypass bids would come back “dramatically less” than the official estimate. He also assured CTB members that no final decision will be made without their participation. “The board will be given the opportunity to say if we should go forward with this project.”

*This article was written thanks to a sponsorship of the Piedmont Environmental Council.*

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#### **4 RESPONSES TO WHIRLEY DEFENDS CVILLE BYPASS COST ESTIMATES**

**larryg** | [September 21, 2011 at 8:06 pm](#) | 

you don't want a road like that elevated in residential areas; the noise will have much more impact ...and you'll end up a lot more sound barriers.

**larryg** | [September 21, 2011 at 8:08 pm](#) | 

a major reason why you'd have a NEPA study is to look at the different options and get more up-to-date costs.

all of this would go into making a decision. Pushing ahead without such information might satisfy those frustrated with delays but in the end -pushing ahead without good info will cost more and impact more...

**Groveton** | [September 22, 2011 at 6:53 pm](#) | 

As far as I understand it, more delays will result in the eminent domain purchases which have already been made will be ended.

In other words, after 20 years of study – delays = denial.

And that's just what the anti-progress crowd wants.

Analysis / paralysis.

**larryg** | [September 22, 2011 at 10:13 pm](#) | 

I understand the problem but I also understand that how you elevate that road will have a big impact on money and noise.. and that design issue should be dealt with – with the design options and costs (money and noise) made available to the public.

The state ALWAYS has the right to set deadlines and make decisions even if there is opposition but the public hearing process is an opportunity to get input and work with the folks effected for the best compromise.

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## State Transportation Secretary on Western Bypass Funding

Posted: Sep 21, 2011 3:52 PM EDT

Updated: Oct 05, 2011 4:43 PM EDT

The price tag on the controversial Route 29 Western Bypass is changing again. Tuesday, an anti-bypass group said it has documents that show the real cost to build could be double the amount first thought, but Wednesday the state transportation secretary says that's not the case.



Wednesday, in an exclusive interview with NBC29, Virginia Transportation Secretary Sean Connaughton said numbers released Tuesday by an anti-bypass group are simply incorrect. Secretary Connaughton was in Portsmouth for a Commonwealth Transportation Board (CTB) meeting. We spent about 20 minutes with him and started our conversation by asking him about Virginia Department of Transportation's number discrepancy.



Virginia  
Transportation  
Secretary Sean  
Connaughton

Connaughton said, "Essentially we're talking about apples and oranges. One being the project originally intended, to the project that we're going to have to deal with today."

Connaughton stands by VDOT's \$244.5 million estimate to build the Western Bypass in Albemarle County. He says estimates obtained by the Charlottesville-Albemarle Transportation Coalition were for the original road design, if it were built today.

"There were some questions based on the original design as to whether the project would cost more. But we don't intend to build the project that was designed 20 years ago." He said.

Connaughton says there are major differences in the proposed plans, making the 6.2 mile road more like a primary road instead of an interstate. He also says the northern and southern interchanges will be smaller and the grade of the road over a mountain in the way will be lower.

The CTB met Wednesday, and while the bypass wasn't officially on the agenda, it was certainly a topic of interest. Requests for bids on the project will go out next week with the CTB making a final decision on if the road will be built.

Connaughton said, "This is not the perfect solution. We recognize that. But the thing is, it's the best thing we got right now and it's ready to go."

The money for the project still has to be allocated over the next six years. So far \$47 million has been spent on the Western Bypass.



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## Industry News

07/21/2011 07:55:16 PM EDT -- Danville Register & Bee (VA)

### Charlottesville bypass gets state approval/Several hurdles remain in process

July 21--By Ray Reed

rreed@newsadvance.com

(434) 385-5532

RICHMOND -- Members of the Commonwealth Transportation Board from every part of Virginia except Charlottesville voted Wednesday to build a U.S. 29 bypass in Albemarle County.

"I'm ecstatic," said Mark Peake, Lynchburg's representative on the board, which sets the state's transportation policy. Peake made an impassioned speech asking the board to support the almost 20-year-old project, saying it has "gone on too long."

Gov. Bob McDonnell and state Sen. Steve Newman, R-Lynchburg, praised the board's vote to approve \$197 million for construction of the bypass.

The board's vote Wednesday didn't end the approval process, because three potential hurdles remain.

James Rich, the only CTB member to oppose the bypass, said opponents will file a lawsuit to block it. Another federal environmental review of the route will be necessary, Department of Transportation officials said.

A leader of Albemarle County's Democratic Party, Kirk Bowers, vowed to elect county supervisors in November who will demand that the CTB rescind the route's approval next year.

At least a dozen residents and critics from Albemarle County told the board members the 6.2 mile stretch of road isn't really a bypass.

Even though the route skips 14 traffic lights, it still dumps traffic back into U.S. 29 south of the Hollymead Town Center development.

Danny King, an Albemarle County resident, said U.S. 29 bypasses around Lynchburg and Danville "actually go around those cities. This one goes through ours," King said. At least a dozen other Albemarle County speakers echoed King's argument.

Peake and other members of the transportation board said that while the route isn't a perfect solution to congestion in northern Albemarle County, it's a start toward a solution that might include extending the bypass in the future.

To address congestion around Hollymead, the transportation board also approved \$33 million to widen the highway to six lanes between there and the bypass' proposed interchange just north of the Rivanna River's South Fork.

McDonnell praised the board's 13-1 vote, calling it "a major milestone that will move this project forward and help to ensure the viability of the Route 29 transportation corridor into the future."

Newman called the vote "a critical step toward actually building that much-needed highway," which he called a key to jobs and economic development.

Rex Hammond, president of the Lynchburg Regional Chamber of Commerce, credited Newman for working with McDonnell and Secretary of Transportation Sean Connaughton to get the nearly 20-year-old project moving again.

Connaughton developed support within the Albemarle County Board of Supervisors, persuading two members to support the bypass in exchange for promises to also improve local roads in the county.

Nelson Moore of Albemarle County told the board that Connaughton persuaded two supervisors to end their opposition to the bypass, and that means Charlottesville's metropolitan planning organization will approve the bypass in a vote next week.

"It's a done deal," Moore said, outlining how he expects a 3-2 vote of approval by the MPO. Those three votes will come from two Albemarle County supervisors who are members of the MPO, and from James Utterback, the Virginia Department of Transportation manager for the Culpeper District, Moore said.

The MPO's approval is the only remaining step in state-level approval for the bypass.

Newman acknowledged the project may still face hurdles.

"There is still some work to be done, but Central Virginia has the leaders to see this through," Newman said.

Ray Reed reports for The News & Advance of Lynchburg.

SEPT 21, 2011

## VA GOV: Group says DOT lowballed bypass costs

RICHMOND — A Charlottesville-area citizens' group cites internal Virginia Department of Transportation e-mails in contending that low-balled its \$118 million cost estimate for a new bypass around their city.

Transportation Secretary Sean Connaughton, however, said Wednesday that the Charlottesville Albemarle Transportation Coalition, is citing the more expensive of two estimates — one that VDOT is not about to recommend.

The group obtained e-mails regarding the proposed Western Bypass from VDOT under the Freedom of Information Act.

Among the e-mails is a June 24 note from Jeffrey Cutright, a project administrator at VDOT's Richmond's headquarters, to other VDOT officials saying rock excavation costs would be much higher than previously estimated and would boost the bypass costs to at least \$255 million, possibly \$350 million.

Other e-mails the group cites state a price range from \$297 million to more than \$410 million.

But Connaughton said in an Associated Press interview that a more modest plan by

VDOT Culpeper District engineers is what is being submitted to the Commonwealth Transportation Board, which approves projects included in the state's six-year master roadbuilding program.

Connaughton said the emails CATCO cites are for a 6.2-mile stretch of bypass built to interstate highway specifications. The plan VDOT will proffer to the CTB is for a primary highway with limited access but not the system or ramps, flyovers and other pricey add-ons envisioned by the VDOT central office design.

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