

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
Tuesday, November 12, 2013
9:00 a.m.**

Information Items

Recent/Pending Contract Awards: – None

Update on priority projects – see attached.

General Business

- | | | |
|----|---|-------------|
| 1. | Sidera Networks—Installation of Fiber Optic Cable | Lee Newland |
| 2. | VDOT Revenue Sharing Program | Lee Newland |
| 3. | VDOT Revenue Sharing Program-
Campbell County/Liberty University | Lee Newland |

4. Roll Call

Pc: Kimball Payne, City Manager
Bonnie Svrcek, Deputy City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance
File

Next Meeting: December 10, 2013

Lynchburg Capital Projects (General Fund)

November 12, 2013

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection		Design	July 2014	Preliminary Design - Public Meeting Held and Continuing on Preliminary Design
Wards Road Pedestrian X-ing 2B		Construction	May 2014	Trail Phase 2B - Project Being Re-Advertised
Midtown Connector		Construction	March 2015	Under Construction - Fort / Park Avenue Open Late November
Greenview Drive Phase 2		R/W	August 2014	Project May be Included in P3 RFP with VDOT - Revenue Sharing Funds Awarded - Moving Towards R/W Acquisition
Kemper Street Bridge / Interchange		Design	March 2013	Received Design Exception Approval From VDOT - Plan to Bid in November.
Signal Improvements - Edgewood/Fort, University/Evans & Oak/Rivermont		Construction	December 2013	Under Construction Nearing Completion
Lower Bluffwalk Phase 2		Construction	October 2014	Underway
Memorial - Park - Lakeside Intersection		R/W	April 2013	Acquiring R/W - Construction Authorization Requested From VDOT - Utility Relocations Underway
Miller Center Renovations		Construction	August 2014	Slightly Behind Schedule. Construction Going Well.
Odd Fellows Road - P3		Advertising	February 2014	Proposal Being Considered By VDOT
Wards Road Bridge Repairs		Construction	October 2013	Road Open - Painting Underneath
Fifth Street Phase 2 Utilities w/ Streetscapes		Construction	November 2013	Working on Final Two Blocks - Two Way Traffic Open to Court Street - Paving Underway

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **License Agreement for Installation of Fiber Optic Cable from Timberlake Road to Route 29 By-pass**

RECOMMENDATION: Forward to full council with recommendation to adopt the attached resolution granting Sidera Networks, LLC, d/b/a Lighttower Fiber Networks, to place fiber optic cable in city owned right-of-way from Timberlake Road to Route 29 By-pass as seen on the attached route map.

SUMMARY: Sidera Networks, LLC d/b/a Lighttower Fiber Networks, has submitted a request for the installation of approximately 57,435 feet of fiber optic cable in city right-of-way, of which 43,015 feet is aerial and 14,420 feet is underground. Sidera Networks is partnered with VDOT to build a network of fiber optic cable throughout the State of Virginia.

PRIOR ACTION(S):

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, City Engineer – 455-3947

Gaynelle Hart, Public Works Director – 455-4406

ATTACHMENT(S):

Resolution;
Route Map

REVIEWED BY:

RESOLUTION

BE IT RESOLVED That the City Manager is hereby authorized to execute a license agreement with Sidera Networks, LLC, d/b/a Lighttower Fiber Networks, to install fiber optic cable in City owned right-of-way from Timberlake Road to the Route 29 By-pass, approximately 43,015 feet of the fiber optic cable will be aerial and approximately 14,420 feet of the fiber optic cable will be underground, as part of Sidera Networks partnership with the Virginia Department of Transportation to build a network of fiber optic cable throughout the State of Virginia.

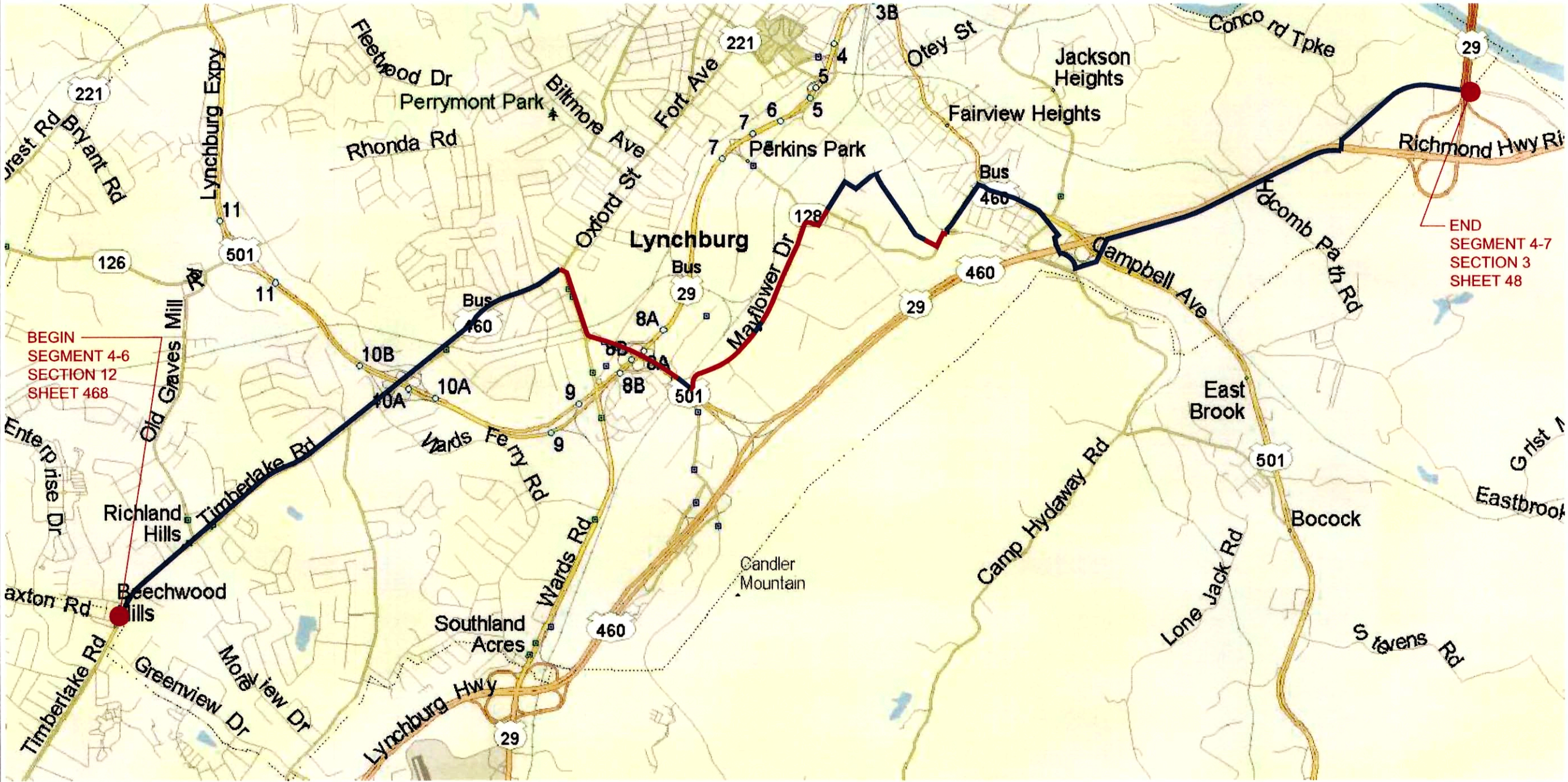
Adopted: _____

Certified: _____
Clerk of Council

SEGMENT 4-6, SECTIONS 12-13 OVERVIEW
SEGMENT 4-7, SECTIONS 1-3 OVERVIEW



TOTAL FOOTAGE:	57,435'
TOTAL AERIAL FOOTAGE:	43,015'
TOTAL UG FOOTAGE IN R/W:	14,420'



SYMBOLS	
1 x 1.25" HDPE SDR-11 INNERDUCT / TRACER WIRE	
0+00 STATION MARKER	Proposed Splice
STORAGE LOOP	Existing Splice
PROPOSED ANCHOR/GUY	WATER VALVE/METER
BOND TO GROUND	GAS VALVE
GROUNDING	HOUSE/BUILDING
Existing Handhole	Existing Power Pole
Proposed Handhole	Foreign Pole (Tel)
Existing Manhole	Transmission Pole
Proposed Manhole	Telephone Pole
Mall Box	Traffic Signal Pole
Ped/Closure	Fire Hydrant
Catch Basin/Curb Inlet	Tree
Sign	Light Pole
STREAM/RIVER	
CITY/TWP. LINE	
ROAD C/L	
R/R TRACKS	
RIGHT OF WAY	
EDGE OF PAVEMENT	
FENCE	
NEW AERIAL CABLE	
NEW BURIED CABLE	
WATER LINE	WTR
GAS LINE	GAS
POWER LINE	PWR
SAN. SEWER	SAN SWR
STORM SEWER	STM SWR

CAUTION
FOREIGN UTILITY LOCATION ARE APPROXIMATE. CONTACT THE LOCAL ONE CALL AGENCY 48 HOURS PRIOR TO CONSTRUCTION FOR EXACT UTILITY LOCATIONS AT:

VIRGINIA811
1-800-552-7001

DRAWING DISCLAIMER
Facility locations are general in nature. Ackison Survey, LLC will not be held accountable for the accuracy of the information provided in these drawings.

REVISIONS			
REV. #	DESCRIPTION	BY	DATE
1	CHANGE TO UG	KK	9/18/13

CABLE AND INNERDUCT DESCRIPTION
CABLE FIBER: COUNT:
INNERDUCT:
PREPARED BY: **ACKISON SURVEYING**
Office: 614-866-4600
Fax: 614-866-4602
www.ackisonsurveying.com

DRAWN BY: KK	DATE: 01/28/2013
AS-BUILT BY: XX	DATE: XXXX
ENGINEERED BY: RA	DRAWING SCALE: 1" = 50'
JOB NUMBER: SIDERA-VA-SEG 4-6 AND 4-7	
SEGMENT NUMBER: 4	SHEET NUMBER: OVERVIEW

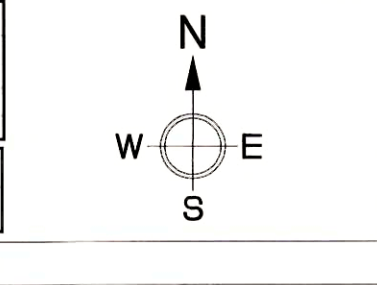
NOTES: -

COUNTY: _____ TOWNSHIP: _____

PROPRIETARY INFORMATION NOT FOR DISCLOSURE
This set of plans contains confidential or proprietary information, and the recipient must not disclose, copy, re-create, or distribute the plans or the information contained therein, either directly or indirectly, to other entities or individuals without written or express permission from Sidera Networks.

NOTE:
UTILITY LOCATIONS ARE APPROXIMATE ONLY. ALL UTILITIES MUST BE LOCATED PRIOR TO ANY EXCAVATION ACTIVITIES.

CONTACT: VIRGINIA811 1-800-242-1776
HRS. PRIOR TO EXCAVATION



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **VDOT Revenue Sharing Program**

RECOMMENDATION: Forward to full council with recommendation to approve the attached resolution to participate in the VDOT Revenue Sharing Program.

SUMMARY: Staff is proposing to participate to help with the funding of two projects. The projects that are being submitted and their estimated costs are listed below in priority order.

Estimated project costs are as follows:

Main Street Bridge (Add'l. Funding)	\$ 2,500,000	Total Project	\$ 3,026,188
Un-named Road off Candler's Mtn. Rd.	2,500,000	Total Phase 1	\$ 2,500,000
Total	\$ 5,000,000		

The un-named road off of Candler's Mountain Road proceeds to the east towards the proposed Odd Fellows Interchange and is a partnership project with Liberty University. If this is approved, the right of way will be donated to the City and Liberty University will make an additional financial contribution. This is the first phase of this new road.

PRIOR ACTION(S):

FISCAL IMPACT:

Funds for the \$2.5 million match have to be budgeted and are a mix of interest income from UCI funds, and a contribution from Liberty University. The City's responsibility will be \$1.25 million for the Main Street Bridge. Liberty will contribute \$1.25 million for the un-named road.

CONTACT(S):

Lee Newland, City Engineer	455-3947
Gaynelle Hart, Director of Public Works	455-4406

ATTACHMENT(S):

Sample Resolution
Designation of Funds Form

REVIEWED BY:

RESOLUTION:

WHEREAS, the Lynchburg City Council desires to submit an application for an allocation of funds of up to five million dollars (\$5,000,000) through the Virginia Department of Transportation Fiscal Year 2014-2015, Revenue Sharing Program; and,

WHEREAS, five million dollars (\$5,000,000) of these funds are requested to fund various projects throughout the City of Lynchburg; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby supports this application for an allocation of five million dollars (\$5,000,000) through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT: L. Kimball Payne, III, City Manager, is authorized to execute the City State Agreements and to execute any other documents for agreements that may be needed for this project.

Adopted: _____

Certified: _____
Clerk of Council

SUMMARY OF PROJECTS - Designation of Funds Form
FY 2015 Revenue Sharing Program

\$10 million maximum allocation per locality and
no more than \$5 million of that amount may be allocated to maintenance projects

CONSTRUCTION FUNDS BEING REQUESTED:

Locality's Priority	Route #	Road Name	Requested State Match up to \$1M for Construction	Requested State Match Over \$1M for Construction	TOTAL CONSTRUCTION FUNDS REQUESTED FOR PROJECT
1	29	Main Street	\$1,000,000	\$250,000	\$1,250,000
2		Un-named Road	\$0	\$1,250,000	\$1,250,000
					\$0
					\$0
					\$0
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					\$0
TOTAL CONSTRUCTION FUNDS REQUESTED:			\$1,000,000	\$1,500,000	\$2,500,000

MAINTENANCE FUNDS BEING REQUESTED:

(cannot exceed \$5 million and is part of total \$10M)

Locality's Priority	Route #	Road Name	Requested State Match up to \$1M for Maintenance	Requested State Match Over \$1M for Maintenance	TOTAL MAINTENANCE FUNDS REQUESTED FOR PROJECT
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
TOTAL MAINTENANCE FUNDS REQUESTED:			\$0	\$0	\$0

GRAND TOTAL OF ALL FUNDS REQUESTED:	\$1,000,000	\$1,500,000	\$2,500,000
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Locality Representative

10/25/2013

Date Submitted

VDOT Representative

Date Reviewed

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **VDOT Revenue Sharing Program: Campbell County/Liberty University Project**

RECOMMENDATION: Forward to full council with recommendation to approve the attached resolution to support Campbell County in the participation of the VDOT Revenue Sharing Program with Liberty University.

SUMMARY: Campbell County has requested the City of Lynchburg to support their participation to partner with Liberty University to construct Liberty Mountain Drive from Campbell County into the City of Lynchburg. This road would connect from Wards Road at the Airport to the end of the existing Liberty Mountain Drive. Although Liberty Mountain Drive is within the City Limits, it is a VDOT maintained road and would not require any additional maintenance from the City.

PRIOR ACTION(S):

FISCAL IMPACT:

No impact.

CONTACT(S):

Lee Newland, City Engineer

455-3947

Gaynelle Hart, Director of Public Works

455-4406

ATTACHMENT(S):

Sample Resolution

Letter from David Laurell, Campbell County Administrator

REVIEWED BY:

RESOLUTION:

WHEREAS, the Lynchburg City Council desires to support an application for funds for Campbell County through the Virginia Department of Transportation Fiscal Year 2014-2015, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund a project partially within the City of Lynchburg (Liberty Mountain Drive) that Campbell County will administer; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby supports the application for an allocation to Campbell County through the Virginia Department of Transportation Revenue Sharing Program.

Adopted: _____

Certified: _____
Clerk of Council

COUNTY OF CAMPBELL



SUPERVISORS

JAMES A. BORLAND
CHARLES W. FALWELL
STANLEY I. GOLDSMITH
EDDIE GUNTER, JR.
HUGH T. PENDLETON, JR.
J.D. PUCKETT
STEVEN M. SHOCKLEY

COUNTY ADMINISTRATOR
R. DAVID LAURRELL

ALTAVISTA (434) 592-9525
BROOKNEAL (434) 283-9525
LYNCHBURG (434) 592-9525
RUSTBURG (434) 332-9525
FAX NO. (434) 332-9617

BOARD OF SUPERVISORS
POST OFFICE BOX 100, RUSTBURG, VIRGINIA 24588
www.campbellcountyva.gov

October 21, 2013

Kim Payne, City Manager
City of Lynchburg
900 Church Street
Lynchburg VA 24504

Re: Revenue Sharing Application for Liberty Mountain Drive and Mountain Lake Road

Dear Kim:

As previously discussed, Campbell County is working with Liberty University to prepare a Revenue Sharing request for the construction of two roads within Campus East. The Board of Supervisors at their October 1st meeting agreed to submit a Revenue Sharing Application for Liberty Mountain Drive and Mountain Lake Road. As part of the application package a resolution from Lynchburg is required since a portion of Liberty Mountain Drive is located within the Lynchburg City limits.

Approximately 1,300 feet of the 3,800 feet of construction required to complete the connection of the existing road from Campus East to Wards Road is in the City limits. The portion of the road within the City runs parallel along the south side of 460 near the western most parking lots and practice fields of Liberty University (see attached map). I've also attached a copy of the Board of Supervisors agenda information describing the request and the resolution adopted in support of this project.

We submitted the application to VDOT on October 18th, and we have until the end of November to provide a resolution from the City in support of constructing this road through the Revenue Sharing process. I would appreciate it if City Council would adopt a resolution similar to the one from Campbell County by mid November. If you would send me an electronic copy of the resolution I will be glad to forward it to VDOT to be added to the application package.

RESPECTING THE PAST, ATTENDING THE PRESENT, CONCENTRATING ON THE FUTURE

If you have any questions or need additional information, please let me or Clif know. Campbell County appreciates the City's willingness to cooperate to improve the transportation network for one of our growing local enterprises.

With kind regards, I am

Respectfully,



R. David Laurrell
County Administrator

RDL/be

Attachments: Board of Supervisors Agenda Items

C: Campbell County Board of Supervisors
Lee Beaumont, Vice President, Auxiliary Services
Clifton M. Tweedy, Deputy County Administrator
Mike Davidson, Economic Development Director

LIBERTY UNIVERSITY
PLANNING AND CONSTRUCTION
DEPARTMENT
2000 UNIVERSITY BLVD.
LEWISBURG, VA 24093
TEL: 434-526-4000
FAX: 434-526-4001

NAME:

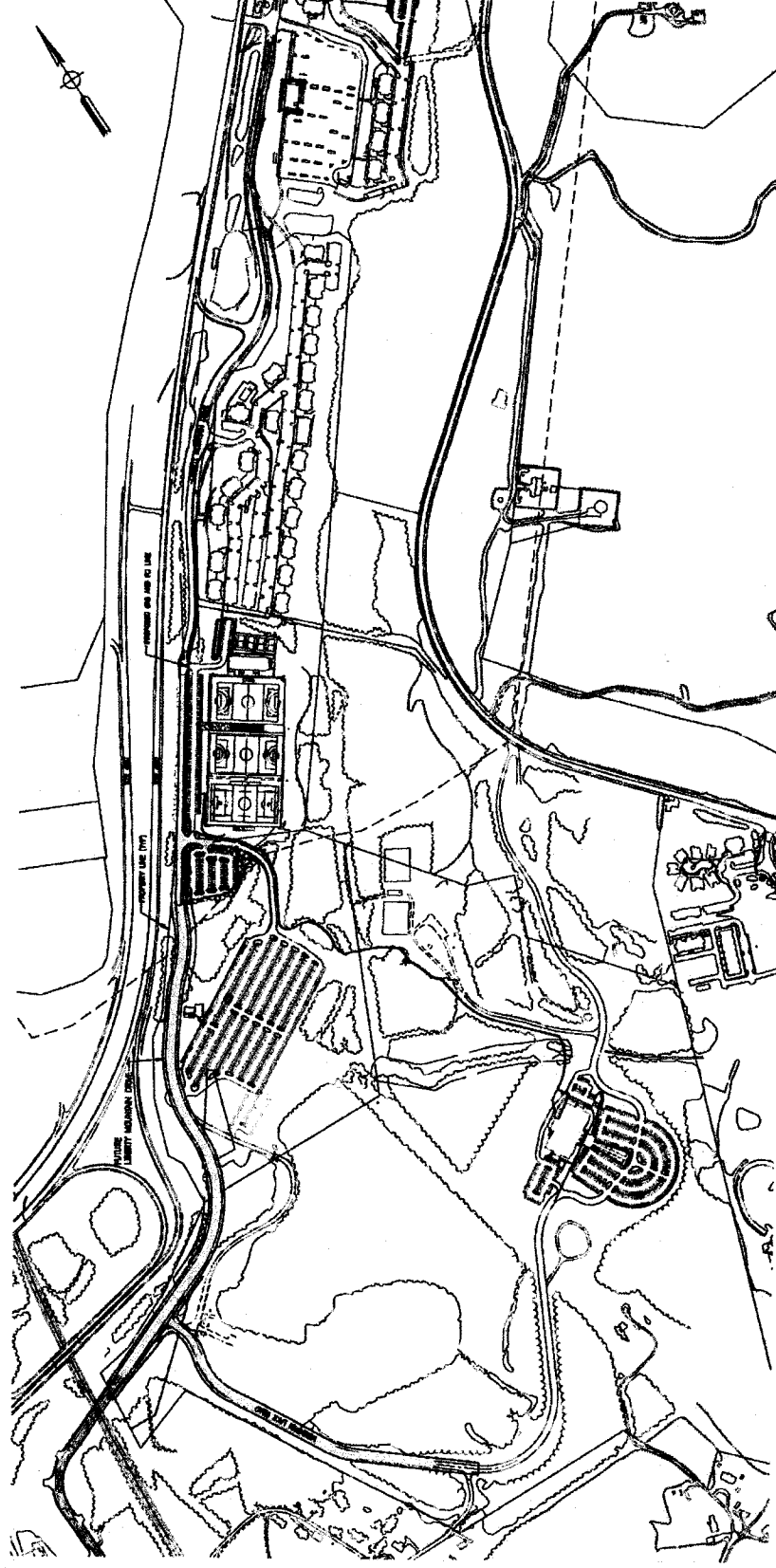
EAST CAMPUS
FO & GAS LINE PLAN
CITY OF LYNCHBURG, VIRGINIA

EXHIBIT

DATE: 11/17/00
SCALE: 1" = 100'

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	11/17/00	...
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City Plan Number:	02 000 1 00
Project Number:	
Design Number:	
Sheet No.:	0100
Sheet Title:	FO & GAS LINE PLAN
City:	LYNCHBURG, VA
County:	SPOTSYLDEN
Project Name:	EAST CAMPUS
Client:	LIBERTY UNIVERSITY
Architect:	LIBERTY UNIVERSITY
Engineer:	LIBERTY UNIVERSITY
Surveyor:	LIBERTY UNIVERSITY
Inspector:	LIBERTY UNIVERSITY
Recorder:	LIBERTY UNIVERSITY
Checker:	LIBERTY UNIVERSITY
Approver:	LIBERTY UNIVERSITY
Scale:	1" = 100'
Sheet No.:	0100
Sheet Title:	FO & GAS LINE PLAN



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013**

AGENDA ITEM NO.: 1

CONSENT: REGULAR: WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Fort Avenue on Road Bike Facility**

RECOMMENDATION: No action required; staff presentation only

SUMMARY: As Fort Avenue is resurfaced and restriped upon completion of Midtown improvements, staff has prepared a plan to add lane markings and separate bike lanes to the roadway where the existing pavement width allows. This proposal covers the area from Park Avenue to Wythe Road, and adds sharrows from Wythe Road to Memorial Avenue. The markings proposed are consistent with the federal and state guidelines for pavement markings associated with both vehicular and bicycle use.

As recommended in the approved Region 2000 Bike plan this restriping plan eliminates on street parking on one side of Fort Avenue to accomplish the addition of the bike lanes for both sides. The City comprehensive plan states that parking will not be removed from Fort Avenue for the purpose of adding capacity. Graphics are attached which depict the proposed project which eliminates on street parking on the East side of Fort Ave.

A public meeting was advertised and held on October 2nd at the Aviary at Miller Park. Approximately 40 people attended and a summary of their comments is attached. Support for the bike lanes was very evident.

Staff will include visuals in the presentation on Tuesday.

PRIOR ACTION(S): City Comprehensive Plan; Approved Regional Bike Plan; Approved Share the Road Signage Plan.

FISCAL IMPACT: None

CONTACT(S): Don DeBerry – City Traffic Engineer – 455-3935
Lee Newland – City Engineer – 455-3947
Gaynelle Hart – Public Works Director – 455-4469

ATTACHMENT(S): None

REVIEWED BY: lkp

163K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013**

AGENDA ITEM NO.: **2**

CONSENT: REGULAR: WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Wards Ferry Road Corridor Study**

RECOMMENDATION: Review the Wards Ferry Road Corridor Study and schedule a future public hearing.

SUMMARY: The Region 2000 Local Government Council, URS Corporation and the City of Lynchburg have completed a study of Wards Ferry Road from Timberlake Road to Wards Road. The resulting document is a planning level assessment of options to address (i) vehicular traffic safety concerns; (ii) pedestrian and bicycle accommodations; and (iii) road capacity issues from current and anticipated development demands along the corridor. Staff recommends the "Preferred Alternative" (Figures 10-13, pgs. 29-32) as indicated in the study. The preferred alternative would minimize the need for additional right-of-way, while adding turn lanes at key intersections, a roundabout at Wards Ferry Road and Harvard Street and a multi-use path along the length of the corridor. The preferred alternative would improve safety and preserve existing street capacity while allowing for minimal growth in traffic. Additional vehicular capacity cannot be added to the corridor without significant right-of-way acquisition and public investment.

The Planning Commission recommended adopting the study as part of the *Comprehensive Plan* because:

- The study is consistent with the *Comprehensive Plan* which recommends that "priorities for improvements to the transportation system should be based on safety considerations; existing deficiencies; multimodal and environmental considerations; physical, economic, and policy constraints; contribution to quality urban design; required right of way needs; level of service; and appropriate system continuity." (**Objective 1.A7, pg 14.6**)
- The study is consistent with the *Comprehensive Plan* which recommends inclusion of "alternative transportation modes in the Transportation Master Plan (TMP), including pedestrians, bikeways, trails and transit." (**Objective 1.A8, pg 14.6**)
- The study provides guidance on the maximum build-out of the corridor and will help inform future decisions on development in the area.

PRIOR ACTION(S):

June 12, 2013 Planning Commission heard a presentation on the study at a work session.

July 10, 2013: The Planning Division recommended approval of the *Wards Ferry Road Corridor Study*.
The Planning Commission held a public hearing and recommended approval of the study 5-0, with two absences (Barnes and Hannon).

FISCAL IMPACT: None associated with approval of the *Wards Ferry Road Corridor Study*. Planning estimates included on page 28 of the study indicate a projected cost of \$3,997,500 for the preferred alternative. Estimates are preliminary and may vary significantly based on the actual project design and any efficiency gained from working concurrently with other projects in the area.

CONTACT(S): Anne Nygaard, Planner – 455-3900; Tom Martin, City Planner – 455-3900;
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Wards Ferry Road Corridor Study – Final Report, June 2013
- Planning Commission Memorandum and Minutes – June 12, 2013
- Planning Commission Memorandum and Minutes – July 10, 2013

REVIEWED BY: bms



MEMORANDUM

The Department of Community Development

Planning

455-3900

To: Planning Commission
From: Tom Martin, AICP, City Planner
Subj: Wards Ferry Road Corridor Study
Date: June 12, 2013

Region 2000 Local Government Council, along with City of Lynchburg guidance, engaged the consultant firm, URS Corporation, in a study of Wards Ferry Road from the connection with Timberlake Road in the north to Wards Road in the south. The document is a planning level assessment of the options for the future of the street and seeks to address two major issues. First, the growing safety concerns of both vehicular traffic and a growing car-free student population who need pedestrian and bicycle accommodations and second, related capacity issues from already increased congestion and anticipated market demands for development along the corridor. The recommended improvements address those issues through the addition of turn lanes, a roundabout at the intersection with Harvard Street, improved sight distances, and a shared-use path or a combination of bike lanes and traditional sidewalks. Two alternatives are presented as the "Initial Preferred Alternative" and the "Recommended Preferred Alternative," reflecting a staff level concern over the acquisition of right-of-way needed for the "Initial Preferred Alternative." Both alternatives increase safety and preserve current street capacity, however only minor growth along the corridor could be accommodated.

Public and stakeholder meetings were held on March 28, 2013, and May 9, 2013 at Heritage Elementary School and Church of the Nazarene to involve citizens in the process of developing these plans and address any concerns.

During the Planning Commission work session on June 12, 2013, City Staff, Region2000 and Region2000's consultants Mr. Bill Cashman and Chris Lawrence, URS Corporation will present the plan and answer questions. Comments from the Planning Commission will be incorporated into the document and forwarded to Council for adoption and inclusion within the City's *Comprehensive Plan 2002-2020*. The public hearing is scheduled for July 10, 2013.

If you have questions concerning the plan prior to the public hearing, please contact me at 455-3909 or at tom.martin@lynchburgva.gov.

MINUTES OF THE JUNE 12, 2013 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Wards Ferry Road Corridor Study: Mr. Bill Cashman of URS was present to give an overview of the plan. Mr. Martin reminded them that over the years the planning commission has expressed an interest in studying this corridor. Wards Ferry Road has been getting some development pressure recently. Region 2000 was able to fund this study and they have been working together with City staff in developing the draft plan before them today. Based on their comments today, any necessary changes will be made and the plan will be brought back for a public hearing on July 10th.

Mr. Cashman explained that the study focused on turn lanes, multimodal needs and access management. One of the issues that became apparent early on is that future widening into four lanes, although many may feel is necessary, is not financially feasible.

Major issues found were the growing congestion due to development activity, particularly in the vicinity of Wards Road, forecasts of continued volume growth (approximately one percent per year until 2035), capacity deficiencies exist at Adams Drive and Harvard Street intersections, concern for bike and pedestrian access and safety and the lack of identified funding sources for any improvements.

The conditions assessment findings determined that volume capacities are moderately increasing and projected to reach design capacity. The worst delays were seen at Adams Drive and Harvard Street from vehicles approaching from those side streets and hitting the stop signs. There are levels of service of "E" and "F" in the afternoons at these intersections.

The crash rate is higher than the state average for a similar collector road; however, the injury rate is lower. The crashes were also pretty much evenly dispersed. There were no particular "hot" spots.

Mr. Cashman explained that the study focused on safety, capacity and a complete streets approach. The complete streets typical cross section has twelve-foot travel lanes, sidewalks on each side and a ten-foot multimodal path. This all fits within the 50-foot right-of-way they have to work with in most cases.

The safety and capacity aspect of the study focused on the potential for turn lanes such as at Wards Road, Atlanta Avenue and Harvard Street. They would also anticipate that Harvard Street and Wards Ferry Road would be a signalized intersection.

Mr. Cashman presented an alternate cross section which showed two lanes of vehicular traffic, two lanes for bicycles and sidewalks on both side. This was not received well by the public because it would require the taking of some property for right-of-way. It would have been an expensive project and would not have added any vehicular capacity.

Another preferred alternative presented to the public was a roundabout at Harvard Street and Wards Ferry Road. The citizens conveyed concerns about speeding vehicles and roundabouts are shown to have a calming effect on traffic.

Feedback received from the second round of public meetings was generally supportive. A concern expressed was the effect of right-of-way acquisition impact. Citizens wanted a signal at Atlanta Avenue; however, the traffic volume numbers do not warrant one here. There was concern expressed about the school renovation project and the impact it would have on the corridor. There was concern expressed about the increase of traffic from development, particularly at the CVCC site if the land swap goes through that is being contemplated between CVCC and LU. There was also anxiety expressed about the potential roundabout.

As the preferred alternative was refined, the right-of-way width was reduced to stay within the existing boundaries. A single multimodal trail was emphasized and would be located on the north and west side. It was recognized that further design detail will be required for drainage development. It included the roundabout at Harvard Street and turn lanes at Atlanta Avenue and Adams Drive. The turn lane at Adams Drive would be coordinate with the school project. It was recommended that the improvements be prioritized starting with the roundabout. The total estimated cost of these improvements would be \$1.9 million.

Additional recommendations made that Mr. Cashman wanted to point out were that Atlanta Avenue merits a separate access management and multimodal study between Wards Ferry Road and the trail that currently ends at the intersection of Atlanta Avenue and the driveway to Sam's Club. Also, the sight distance deficiency needs to be corrected at the Atlanta Avenue intersection approach with installation of turn lanes at Wards Ferry Road. It also needs to be noted that the study will need to be revised if development increases over the projected rates forecasted in the current *Comprehensive Plan*.

Commissioner Coleman expressed that he was happy to see that they had included the citizen's input from those on Atlanta Avenue. He also likes how they have included the complete streets approach along with the safety and capacity aspects.

Commissioner Barnes was glad to see that the final version went to the multimodal path. Particularly given some of the curves on this road, he was glad to see that they were not recommending that there bike lanes be in the actual roadway. He thinks that is a safer approach and also will not take up as much land space.

Mr. Cashman commented that the greatest asset of a plan is the ability to implement it. They felt that this approach was more likely to get the funding to actually get it implemented. Commissioner Swienton asked for clarification that this multimodal path will fit into the existing fifty foot right-of-way. Mr. Cashman stated that systematically, it will, however, there will be a few instances where the City may have to obtain slivers of property for right-of-way.

Commissioner Barnes stated that he is support of the roundabout. He knows that they are normally met with some resistance and take some getting used to; however, the research from the Insurance Institute of Research clearly shows that they are safer and he is glad it is being included. Commissioner Coleman asked Mr. Martin how the City could somehow do an educational campaign for the public on the benefits of roundabouts. Mr. Martin said it was a good point and one that City staff is definitely struggling with as well. Mr. Martin said that the people who are typically skeptical of roundabouts cannot really give you any good reasons why they are against them. Mr. Martin thinks that as we go out and continue to talk about the *Comprehensive Plan*, they need to continue to talk about ways to improve traffic flow. It is really just going to be a matter of promoting them and staying the course. Mr. Martin thinks that over time, roundabouts will gain wider acceptance. Commissioner Coleman asked if there was any information available on the website. Mr. Martin did not think there was currently, but that was a very good idea. Commissioner Swienton noted that often it is because people want to know why tax dollars were spent on a roundabout when there was not one in that location originally. Commissioner Swienton noted that when he has encountered them in other localities, he has seen them function very seamlessly and very effectively.

Commissioner Swienton noted that the intersection of Wards Ferry Road and Timberlake Road is shown by traffic data to be operating effectively. He asked Mr. Martin if a traffic study would have to be done at that intersection when the new Heritage High School is constructed. Mr. Martin noted that there are some things going on at Logans Lane that should help this intersection. Mr. Martin said they are looking at some initial plans for the high school. He believes they are looking at eliminating the potential for cut through at Leesville Road and Wards Ferry Road.

Commissioner Swienton noted that their assessment of the intersections of Atlanta Avenue and Harvard Streets is very accurate. Anything that can be done to make those intersections safer would be welcome.

Chair Sale contemplated how they fund something they are pretty sure will be outdated very soon because of potential development on Wards Ferry Road. He thinks he is hearing Mr. Cashman say to wait and see what the *Comprehensive Plan* update says and then look at the preferred alternative again. Chair Sale asked Mr. Cashman what he thinks might tip this to a different alternative. Mr. Cashman explained that in the forecast that they developed, they did project a certain amount of anticipated growth. That growth is more in the area of employment as opposed to population growth. What would be a “red light” would be if the *Comprehensive Plan* policies changed to include residential growth in the corridor significantly over the projected growth mentioned (approximately one percent growth per year until the year 2035).

Commissioner Swienton noted that they cannot anticipate changes such as the impact of a potential swap between LU and CVCC. Commissioner Swienton thought that swap would make the plan obsolete. Mr. Cashman said not necessarily and that is because if it is a college setting, you have a different set of trip generation characteristics than what you would get with a typical residential development. Commissioner Swienton said it would go from a commuter situation to a residential scenario. Mr. Cashman pointed out that then you are looking at a single parcel and you would look at those characteristics and how the City could guide that development to minimize the impacts on Wards Ferry Road. Chair Sale asked if one could make the argument that the proposed roundabout would help even more in this event and Mr. Cashman said that would be correct. Mr. Cashman indicated that even if there is more development on that part of Harvard Street, the roundabout will still function well.

Chair Sale thanked them for their mobility in visioning for this project. He, for one, was not going to recommend approval for any development on Wards Ferry Road until they got a handle on what the traffic is on this corridor. Mr. Martin reiterated that this will come back to them at their July 10th meeting for a public hearing.



MEMORANDUM

The Department of Community Development

Planning

455-3900

To: Planning Commission
From: Anne Nygaard, Planner I
Subj: Wards Ferry Road Corridor Study
Date: July 10, 2013

Region 2000 Local Government Council, along with City of Lynchburg guidance, engaged the consultant firm, URS Corporation, in a study of Wards Ferry Road from the connection with Timberlake Road in the north to Wards Road in the south. The document is a planning level assessment of the options for the future of the street and seeks to address two major issues. First, the growing safety concerns of both vehicular traffic and a growing car-free student population who need pedestrian and bicycle accommodations and second, related capacity issues from already increased congestion and anticipated market demands for development along the corridor. The recommended improvements address those issues through the addition of turn lanes, a roundabout at the intersection with Harvard Street, improved sight distances, and a shared-use path or a combination of bike lanes and traditional sidewalks. Two alternatives are presented as the "Initial Preferred Alternative" and the "Recommended Preferred Alternative," reflecting a staff level concern over the acquisition of right-of-way needed for the "Initial Preferred Alternative." Both alternatives increase safety and preserve current street capacity, however only minor growth along the corridor could be accommodated.

Public and stakeholder meetings were held on March 28, 2013, and May 9, 2013 at Heritage Elementary School and Church of the Nazarene to involve citizens in the process of developing these plans and address any concerns. City Staff, Region2000 and Region2000's consultant Mr. Bill Cashman of URS Corporation presented the plan at the Planning Commission work session on June 12, 2013. The public hearing is scheduled for July 10, 2013, where City Staff, Region2000 and Bill Cashman will be available to answer questions. Comments from the Planning Commission will be incorporated into the document and forwarded to Council for adoption and inclusion within the City's *Comprehensive Plan 2002-2020*.

If you have questions concerning the plan prior to the public hearing, please contact me at 455-3900 or at anne.nygaard@lynchburgva.gov.

Reviewed by: TM

MINUTES OF THE JULY 10, 2013, PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Consideration of adopting the Wards Ferry Road Corridor Study as part of the City of Lynchburg Comprehensive Plan 2002-2020. The study includes recommendations for a roundabout at the intersection with Harvard Street, new left turn lanes at the intersection with Atlanta Avenue and with Adams Drive, a right turn lane into Heritage High School at Adams Drive, and sight distance improvements at Atlanta Avenue. A combination of bike lanes, sidewalks and shared use paths accommodating both pedestrians and cyclists are also proposed.

Ms. Nygaard presented the key points of the plan. The ideal recommendation, if this project had no limitations, is on page 24. However, the final recommendations were scaled back due to lack of funding and right-of-way constraints. The first aspect of the plan is the multiuse path to accommodate pedestrians and bicyclists on the east side of the road that will run throughout the corridor. The typical cross section shown indicates two lanes of vehicle traffic with an eight to ten-foot multiuse path on one side of the road. The second aspect of the plan is the Adams Drive turn lane and realignment of the road, hopefully, with the Heritage High School construction. The third aspect of the plan is the roundabout at Harvard Street that will hopefully tie into an extension of the Wards Road pedestrian trail. The fourth recommendation is a left turn lane and sight distance improvements on Atlanta Avenue for traffic traveling east bound out of Atlanta Avenue. The last recommendation is pedestrian improvements at Simons Run to accommodate the users of the multiuse path.

The key issue of the plan is that these proposed alternatives can only accommodate a minimal increase in traffic. An increase of even two hundred to three hundred multi-family dwelling units along the corridor will cause inadequate levels of service on the street. Accommodating any significant growth over that projected would require the widening of the road to four lanes at the estimated cost of \$35 million. That alternative would also greatly impact adjacent property owners, thus the plan does not recommend going that route. The Planning Division does recommend the approval of the plan and is asking for the Planning Commission's recommendation today to forward the plan to City Council for its approval.

Chair Sale asked for clarification that this plan is basically upgrading the level of service that currently exists on this corridor allowing for a very minimal amount of growth. If there is any development pressure to grow this corridor any more than that projected minimal growth, it should be looked at very cautiously. Ms. Nygaard indicated that summation is correct. Chair Sale also wished to point out another important issue in that there is no particular funding mechanism for this plan at this stage. Ms. Nygaard said that is also correct.

Mr. Martin pointed out that the study does account for a twenty-five percent background growth in traffic in addition to a very minimal growth of residential units. Mr. Martin indicated that it will be very important for the Planning Commission to keep this study in mind as it makes future land use decisions affecting this corridor because those decisions could have a profound impact on levels of service. It is also important to keep in mind as they make decisions about the Comprehensive Plan and the Future Land Use Map. As they decide where higher density might be appropriate, they have to keep in mind whether or not the infrastructure can handle it. Wards Ferry Road is not a corridor that has the infrastructure to support any significant higher density patterns.

Commissioner Hooper asked if the plan projects an increase in the amount of vehicle traffic that uses this corridor as a cut through to the retail centers on Wards Road. Mr. Don DeBerry was available to answer that question and indicated that the long-range transportation model attempts to project that growth. The 25 percent growth in background traffic mentioned already has come from running that

model and attempting to predict the number of vehicles that use the corridor as a cut through. That model projects growth for approximately 25 to 35 years. Chair Sale asked if that model took into account the Harvard Street tunnel extension. Mr. DeBerry said that will be taken into account in the model that is run next year. However, the model already run did account for Liberty's growth, which is most of the growth that the City is incurring in this area.

Commissioner Coleman remarked that there were public meetings conducted as part of the compilation of this study. As there is no one present from the public today for the public hearing, he would assume that indicates some level of support for the plan from the public.

Commissioner Swienton asked Mr. DeBerry if he has any data as to how the roundabout might have reduced the crash history along this corridor, as he notes that the study shows that the number of crashes has occurred at a rate higher than the statewide average. Mr. DeBerry said he did not know the numbers off the top of his head but the roundabout will reduce the number and severity of crashes. Commissioner Swienton understands that any plan cannot account for gross negligence of drivers but if this plan makes the corridor safer, then he is in support of it.

Chair Sale asked if there was anyone who wished to speak in favor of the plan. No one came forward. He asked if there was anyone who wished to speak in opposition to the plan. No one came forward. He closed the public hearing.

Commissioner Hooper thought that there had been some talk of a connection to Leesville Road. Mr. Martin thought there has been some discussion about closing the connection at the high school, which he believes they fully intend to do.

Commissioner Coleman made a motion to recommend the approval of this plan to City Council and its inclusion into the Comprehensive Plan. Commissioner Swienton seconded the motion with the note that he thinks it is great that we have an idea as to the maximum build out that Wards Ferry Road can expect. He thinks that will be very helpful to the commission, as well as the residents of Wards Ferry Road, as there will likely be increased pressure to develop along this corridor. In addition, anything that makes this corridor safer is useful.

AYES:	Coleman, Hooper, Johnston, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Barnes and Hannon	2



WARDS FERRY ROAD CORRIDOR STUDY – FINAL REPORT Lynchburg, Virginia June 2013



URS

WARDS FERRY ROAD CORRIDOR STUDY

FINAL REPORT

FINAL REPORT

June 2013

**Prepared for:
Region 2000 Local Government Council
Lynchburg, Virginia**

**Prepared by:

URS CORPORATION
Richmond, Virginia**

The contents of this report reflect the view of the author(s) who are responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the views or policies of the Federal Highway Administration and/or the Commonwealth of Virginia Transportation Board. This report does not constitute a standard, specification or regulation. FHWA acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental studies of alternatives may be necessary.

EXECUTIVE SUMMARY

The Region 2000 Local Government Council - the Central Virginia Metropolitan Planning Organization (MPO) - engaged URS Corporation to develop the Wards Ferry Road Corridor Study. The Wards Ferry Road corridor connects from Timberlake Road in the north to Wards Road in the South. Timberlake Road and Wards Road are both major gateways in the City of Lynchburg. Wards Ferry Road serves as a heavily used collector facility that provides access to residential, commercial, and institutional uses.

Several major projects will influence the demands and function of Wards Ferry Road. First, an ongoing study at the corridor's northern terminus - Logan's Lane Traffic Study will be conducted during the summer 2013. Second, proposed changes to Heritage High School can have significant impacts on Wards Ferry Road traffic volumes, particularly in the a.m. peak hour. Third, the proposed bicycle/pedestrian tunnel from Liberty University to Harvard Street, which will provide a more direct connection from Liberty University to the Wards Ferry Road corridor. Finally, a moderate amount of undeveloped or under-developed land adjacent to the Wards Ferry Road corridor has the potential to place additional traffic demands on the roadway and intersections.

The purpose of this corridor study has been to provide the MPO and local government with a detailed planning level assessment of the options for future roadway needs. It provides conceptual alternatives for the MPO to consider. Ideally, the study has provided the MPO and the City with recommendations that can be incorporated into local plans and policies so that the preferred alternative can be implemented.

EXISTING CONDITIONS

Volumes and Service Levels: A review of published VDOT traffic volume along the Wards Ferry Road corridor indicates high traffic volumes for a two-lane facility. Weekday volumes in 2011 ranged from 9,400 to 11,000 vehicles per day. Comparing these recent counts to historic counts reveals moderate amounts of growth, 1.3%-3.6% annual growth, taking place in the past five years.

Peak period turning movement counts were conducted at 6 intersections with Wards Ferry Road – Timberlake Road, Adams Drive, Harvard Street, Atlanta Avenue, Simons Run, and Wards Road. Additionally, daily directional traffic counts were also conducted at three corridor locations – immediately south of Adams Drive, immediately south of Harvard Street, and immediately north of Simons Run.

Capacity analysis showed that the three signalized intersections with Wards Ferry Road – Timberlake Road, Simons Run, and Wards Road operate with adequate levels of service. Capacity analysis for two of the three unsignalized intersections – Adams Drive and Harvard Street exhibit poor levels of service from the minor street approaches. Atlanta Avenue operates with adequate service levels.

Wards Ferry Road as a facility was also analyzed using Highway Capacity Manual methodologies. In the a.m. peak hour most segments of the corridor operate with LOS B and LOS C conditions which are considered adequate. During the p.m. peak hour the service levels deteriorate to LOS D conditions for most of the segments. LOS D conditions are considered moderately adequate.

Safety: A three-year history of crash records was reviewed (2010-2012). There were a total of 72 crashes that occurred on the corridor during this period. Crash records show the most frequent types of crashes involved rear-end collisions – 41 and angle collisions – 20. These types of crashes can be attributed to geometric issues (horizontal and vertical curvature), frequent access points, an absence of turn lanes, and driver inattentiveness.

ENVIRONMENTAL RESOURCES

A scan of environmental resources in the Wards Ferry Road corridor study area was conducted using available GIS resources, and known resources were mapped. This inventory does not indicate the presence of any constraints that are likely to compromise the ability of the City to implement recommended actions.

YEAR 2035 FORECASTED CONDITIONS

No Build Alternative: Forecasts of year 2035 traffic volumes were developed using the Year 2035 Lynchburg Regional MPO travel demand model. After adjustments were made to the modeling output Wards Ferry Road corridor was forecast to grow 25% by the Year 2035 over existing volumes.

When compared with existing conditions, forecasted service analyzed under the year 2035 No Build Alternative deteriorates by approximately one letter grade. The most severe deterioration is forecast to occur at the unsignalized study area intersections – Adams Drive, Harvard Street, and Atlanta Avenue. Each of these three intersections is forecast to have the failing service levels in the p.m. peak hour for the minor street approaches. Poor service levels are due to forecasted traffic volumes on Wards Ferry Road becoming sufficiently high so that adequate gaps in the traffic stream will be less frequent, and motorists on the minor street approaches will encounter increased delay before safely entering the traffic stream.

The three signalized intersections on the corridor – Timberlake Road, Simons Run, and Wards Road are forecast to continue operating with adequate service levels. The growth in traffic volumes did cause moderate increases in delay over existing conditions.

Analysis of forecasted conditions for Wards Ferry Road as a facility showed moderate amounts of degradation in service levels when compared to the existing conditions. In the No Build Conditions the a.m. peak hour begins to see LOS D conditions in the peak direction of travel at all three segments. During the forecasted p.m. peak hour conditions there are LOS D conditions as was found in the existing conditions.

STATEMENT OF PURPOSE AND NEED

The purpose and need for the Wards Ferry Road Corridor Study is defined as addressing the following issues:

1. Frequencies of crashes along Wards Ferry Road have the potential to increase as traffic volumes and development pressures increase;
2. Service levels in the area of three intersections are forecast to deteriorate to inadequate levels unless improvements are developed and installed;
3. Capacity along the corridor should be preserved so that it can adequately serve traffic volumes forecasted to be generated by development as recommended in the Comprehensive Plan. Should residential densities exceed those recommended in the plan by 200-300 multi-family dwelling units the resulting volumes could not be adequately serviced by the existing two-lane roadway. Consequently widening the roadway to four lanes would be needed; and,
4. As a residential corridor frequented by school related traffic, pedestrian and bicycle accommodations are currently absent from the roadway facility.

Wards Ferry Road currently operates with moderate levels of congestion and higher than average crash rates. Moderate levels of growth forecast for the corridor will only make conditions more severe. The biggest concern for growth along the corridor is the 100 acre CVCC parcel that remains mostly undeveloped.

The current Long-Range Transportation Vision Plan (Year 2035) recommends a 3 or 4-lane cross section with bike lanes. Because the widening is only included in the Vision Plan the purpose of this study should be to preserve capacity until widening can occur at a later date. At a point in time when widening the corridor to a 4-lane section becomes necessary, it will change the character of the road and will require the acquisition of many homes along the corridor.

IMPROVEMENT ALTERNATIVES

To maintain and preserve capacity on Wards Ferry Road so that as a two-lane facility it can adequately service traffic volumes, a variety of corridor roadway and intersection improvement options were considered. At the corridor level the focus of the improvement alternatives was to provide for multi-modal accommodations because the current road does not provide for any facilities other than accommodating automobiles. At the intersection level improvements focused on addressing the safety and capacity issues at the five study area intersections. Intersection improvement alternatives included turn lanes, traffic signals, roundabouts, pedestrian facilities, etc.

Widening Wards Ferry Road was not formally considered as an alternative in this study because there is no identified funding in the constrained Long-Range Transportation Plan and the consequences of widening would require substantial right of way acquisition that would include taking a number of homes along the corridor.

EVALUATION CRITERIA: The Project Management Team met and discussed the range of alternatives that were developed to address corridor and intersection deficiencies. Consideration was given to existing zoning, potential development (especially the potential expansion of Liberty University), available funding, right of way impacts, and value provided compared to cost. Discussions by the Project Management Team also focused on comments offered from both citizens and stakeholders.

COST ESTIMATES: Cost estimates were prepared for each proposed improvements in Year 2013 dollars. Cost estimates were based on VDOT Transportation & Mobility Planning Division's statewide planning level cost estimates. Cost estimates for the preferred alternatives are as follows:

- Adams Drive NBL Turn Lane - \$480,000
- Adams Drive SBR Turn lane - \$203,000
- Harvard Street Roundabout - \$850,000
- Atlanta Avenue SBL Turn Lane - \$495,000
- Simons Run Pedestrian Signals - \$45,000
- Simons Run Crosswalks - \$21,000
- Wards Ferry Road Multi-Use Path - \$1,903,500

Year 2035 Capacity Analysis: The proposed roundabout improvement at Harvard Street will greatly reduce Harvard Street approach delay and queue lengths providing adequate service levels for all approaches by the Year 2035. Turn lanes recommended at Adams Drive and Atlanta Avenue will offer minor improvements in delay while offering significant improvements in safety. The signalized intersections in the study area are forecast to operate with adequate service levels in the Year 2035. A separate engineering study and design for the Timberlake Road intersection with Wards Ferry Road is scheduled to begin in the summer of 2013. That study will develop recommendations for improvements to the capacity and safety of the intersection.

Environmental Impacts: The scan of environmental resources within the study area identified only two areas of concern – a stream and flood plain located approximately ½ mile south of Adams Drive and a church fronting Wards Ferry Road – Lynchburg First Church of the Nazarene. These were the only major environmental resources on the corridor. Neither of these two resources should have any significant impact on the preferred alternative. The design and permitting process of the individual improvements will require efforts to either avoid or minimize impacts to existing resources, but if reasonable efforts to achieve such avoidance and minimization are pursued, the need for permits can be either avoided or minimized.

PREFERRED ALTERNATIVE

Based on the findings of the analysis and the input from stakeholders, citizens and the Project Management Team, the following improvements are recommended for the Wards Ferry Road Corridor:

1. **Install the Recommended Preferred Alternative typical section (as shown in Figure 8 and Figures 10-13) along the Wards Ferry Road corridor;**
2. **Install a roundabout at the intersection of Harvard Street and Wards Ferry Road;**
3. **At the intersection of Atlanta Avenue and Wards Ferry Road:**
 - a. **Install a southbound left turn lane to Atlanta Avenue; and,**
 - b. **Provide for adequate sight distance on the eastbound Atlanta Avenue approach to Wards Ferry Road (re-grade and relocate fencing).**
4. **At the intersection of Adams Drive and Wards Ferry Road in association with the renovation of Heritage High School:**
 - a. **Realign the school access to align with Adams Drive;**
 - b. **Install turn lanes;**
 - c. **Atlanta Avenue merits a separate access management and multi-modal (bike/pedestrian) study between Wards Ferry Road and the trail that is planned to end at the intersection of Atlanta Avenue and the driveway to Sam's Club**
5. **Revise study forecasts if land use development policies in the corridor area are modified to accommodate an increase in dwelling units. It is likely that an increase in density will generate traffic volumes that would need a widened Wards Ferry Road to provide adequate service levels.**

FINANCIAL IMPACTS

There is no funding identified for improvements to Wards Ferry Road in the most current SYIP. Furthermore, there is no identified funding for improvement to Wards Ferry Road in the Year 2035 Region 2000 Long Range Transportation Plan.

For the improvements to Wards Ferry Road, construction funding may be allocated from urban construction funding, the MPO funds or from safety funds. The recommended improvements can be individually implemented when they achieve a sufficient level of priority relative to other needed improvements that the MPO in cooperation with the City of Lynchburg and VDOT program the funds in the appropriate SYIP fiscal year.

PUBLIC INVOLVEMENT

The public involvement program conducted as part of the corridor study provided two opportunities for interested citizens to participate in the process. In addition to the two citizen information meetings the public will have the opportunity to express their opinion at Planning Commission and City Council hearings. The Citizens Information Meetings were held on March 28, 2013 and May 9, 2013 at Heritage Elementary School in Lynchburg, Virginia. Forty-one (41) citizens signed the attendance sheet at the first meeting and thirty-nine (39) signed the attendance sheet at the second meeting. Comments were received and incorporated into the study process. Citizens were in general agreement with the preferred alternatives.

WARDS FERRY ROAD CORRIDOR STUDY

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I. INTRODUCTION

The Region 2000 Local Government Council - the Central Virginia Metropolitan Planning Organization (MPO) - engaged URS Corporation to develop the Wards Ferry Road Corridor Study. The goal of the corridor study was to comprehensively plan for future transportation needs in order to effectively anticipate implementation of land development policies as defined in the *Comprehensive Plan*.

The Wards Ferry Road corridor connects from Timberlake Road in the north to Wards Road in the South. Timberlake Road and Wards Road are both major gateways in the City of Lynchburg. Wards Ferry Road serves as a heavily used collector facility that provides access to residential, commercial, and institutional uses. The study area is shown in **Figure 1: Wards Ferry Road Corridor Study Area**. The most recent *Long-Range Transportation Vision Plan* (Year 2035) recommends a 3/4 lane cross section with bike lanes. Because the widening is only included in the Vision Plan the purpose of this study was to identify measures to address deficiencies, to preserve capacity and to consider multi-modal improvements (bicycle and pedestrian). The question of a future widening of Wards Ferry Road will be addressed in the update to the Lynchburg *Comprehensive Plan*.

Several major projects will influence the demands and function of Wards Ferry Road. First, an ongoing study at the corridor's northern terminus - Logan's Lane Traffic Study - includes an analysis of improvement alternatives for realigning the existing US 501 ramp to Timberlake Road with a new alignment using Logan's Lane, which aligns opposite Wards Ferry Road at Timberlake Road. This project provides the opportunity to more directly access Wards Ferry Road from US 501. Additionally, proposed changes to Heritage High School can have significant impacts on Wards Ferry Road traffic volumes, particularly in the a.m. peak hour. Another significant corridor project is the proposed bicycle/pedestrian tunnel from Liberty University to Harvard Street. It provides an opening to a more direct connection from Liberty University to the Wards Ferry Road corridor. Finally, a moderate amount of undeveloped or under-developed land adjacent to the Wards Ferry Road corridor has the potential to place additional traffic demands on the roadway and intersections.

A review of published VDOT traffic volume along the Wards Ferry Road corridor indicates high traffic volumes for a two-lane facility. Weekday volumes in 2011 ranged from 9,400 to 11,000 vehicles per day. Comparing these recent counts to historic counts reveals moderate amounts of growth, 1.3%-3.6% annual growth, taking place in the past five years.

I.1 STUDY PURPOSE

The purpose of this corridor study has been to provide the MPO and local government with a detailed planning level assessment of the options for future roadway needs. It provides conceptual alternatives for the MPO to consider. Ideally, the study has provided the MPO and the City with recommendations that can be incorporated into local plans and policies so that the preferred alternative can be implemented.



1.2 PUBLIC INVOLVEMENT

The public involvement process included two Stakeholder Meetings and two Citizen Information Meetings. The stakeholder meetings were held from 2:30 to 4:30 p.m. at the First Church of the Nazarene (on Wards Ferry Road): The citizen information meetings were held from 6:00 to 7:30 p.m. at Heritage Elementary School. The first set of meetings were held on March 28, 2013 and the second set of meetings on May 9, 2013. At the first meetings, stakeholders and citizens were presented with basic information such as traffic volumes, crash data, and forecasts of year 2035 conditions without any corridor improvements (the No Build Alternative). They were asked to provide comments and suggestions on what should be considered in the development of alternatives.

At the second meeting stakeholders and citizens were shown the alternatives, the results of their evaluation, the consultant's preferred alternative, and the reasons for the selection of the preferred alternative. Here again, participants were asked to provide comments.

Notification of the meetings were publicized with: 1) letters to residents and businesses located in the vicinity of the corridor; 2) notices posted on the project web page; 3) notices in the local newspaper; and, 4) a portable dynamic message board that was located along the corridor during the week immediately prior to the meetings. In addition, stakeholders and citizens who signed in at the first meeting were sent email messages notifying them of the scheduled second meetings.

Additional opportunities for stakeholder and citizen input were provided at the Lynchburg Planning Commission Meetings on June 12, 2013 and July 10, 2013, and at the Lynchburg City Council Meeting on August 13, 2013.

1.3 REPORT FORMAT

Following this introduction, Section II provides a summary of existing roadway and safety conditions. Section III presents an inventory of environmental resource constraints. The Year 2035 No Build Alternative will be described with a statement of the purpose and need for the improvements in Section IV. Next, Section V describes the Analysis of Improvement Alternatives and presents the Preferred Alternative. Finally, Section VI closes with study Conclusions and Recommendations.

II. EXISTING CONDITIONS

II.1 TRAFFIC ANALYSIS

Volumes and Service Levels - Turning movement traffic counts were conducted during the weekday a.m. and p.m. peak periods in February of 2013 at the following intersections with Wards Ferry Road:

1. Timberlake Road
2. Adams Drive
3. Harvard Street
4. Atlanta Avenue
5. Simons Run
6. Wards Road

The a.m. peak period occurs between 7:00-9:00 a.m. and the p.m. peak period occurs between 4:00-6:00 p.m. Traffic count data has been aggregated in 15-minute intervals during these periods, and the peak hour is defined as the four consecutive 15-minute intervals when traffic volumes are the highest within the 2-hour peak period.

Traffic signal timings used to conduct capacity analysis for the existing conditions were provided by the City of Lynchburg; traffic signals are located at Timberlake Road, Simons Run, and Wards Road.

Daily directional counts also were collected for a 48-hour weekday period on the following three segments of Wards Ferry Road:

1. Immediately South of Adams Drive
2. Immediately South of Harvard Street
3. Immediately North of Simons Run

Peak hour turning movement counts for study area intersections are summarized in

Figure 2: Existing Conditions Traffic Volumes and Service Levels.

Table 1 displays a summary of the daily directional traffic counts on Wards Ferry Road.

TABLE 1 Daily and Peak Hour Traffic Volume Counts				
Wards Ferry Road Corridor	Direction	Daily Volume	AM Peak Hour	PM Peak Hour
Immediately South of Adams Drive	NB	5,766	342	503
	SB	4,890	210	559
	Combined	10,656	552	1,062
Immediately South of Harvard Street	NB	5,179	334	501
	SB	4,790	171	559
	Combined	9,969	505	1,060
Immediately North of Simons Run	NB	3,604	271	342
	SB	3,720	154	437
	Combined	7,324	425	779

Capacity Analysis

The intersection capacity analyses were performed using Synchro 8 software, which computes estimates of service levels using the methodology developed in the *Highway Capacity Manual* (HCM 2010). Capacity analysis is used to determine a Level of Service (LOS) for a given intersection, and the analysis procedures differ depending upon the type of traffic control at the intersection - signalized or unsignalized. The LOS is based on estimated average vehicle delay, and service levels range from LOS A, the best, to LOS F, the worst. **Table 2** provides a conceptual description of service levels.

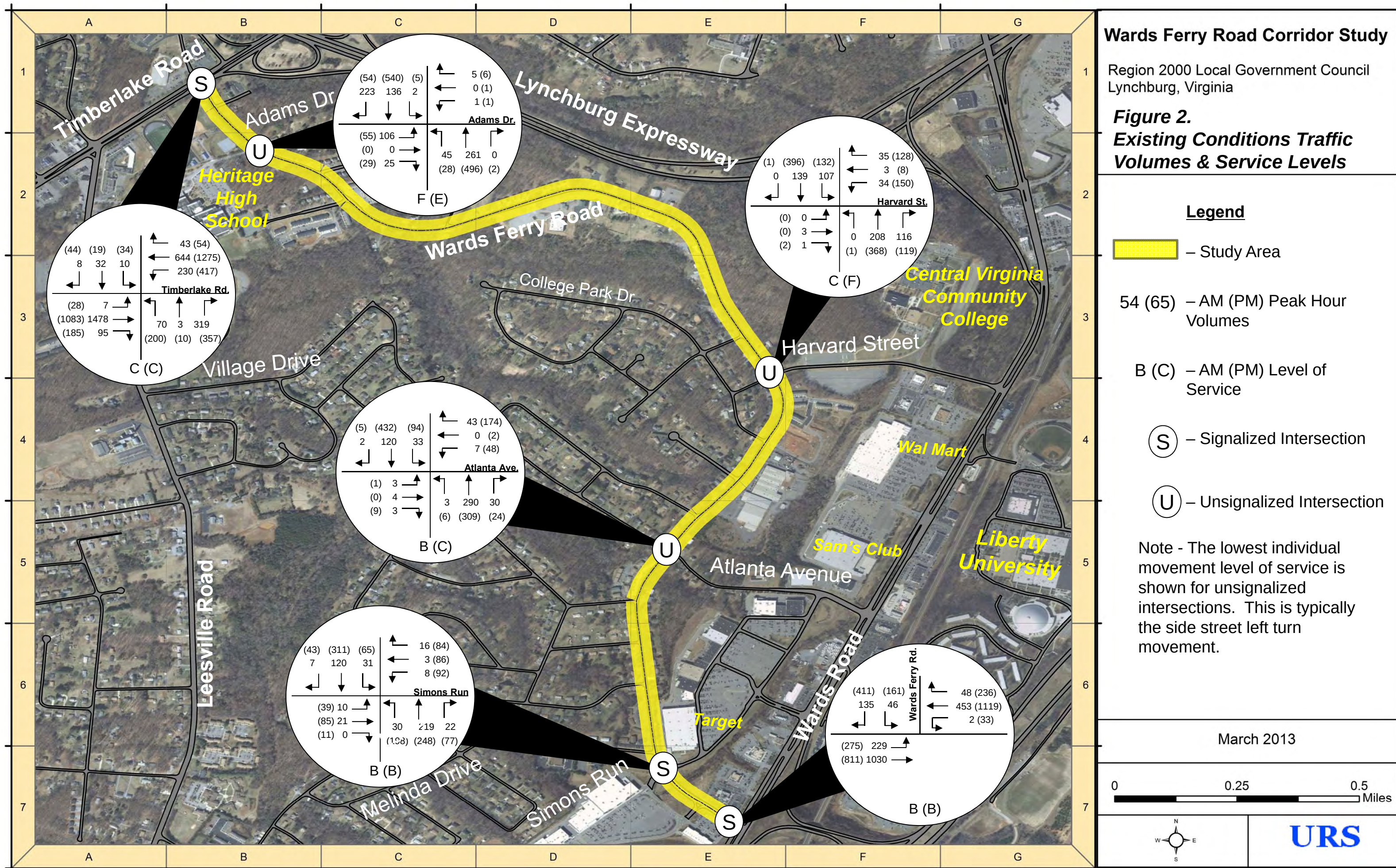


TABLE 2 LEVELS OF SERVICE (LOS) CONCEPTUAL DESCRIPTIONS		
LOS A	Free-flow conditions	Vehicles can maneuver within the traffic stream and easily maintain the posted speed limit.
LOS B	Stable flow conditions	A spatial separation of vehicles allows easy maneuverability and drivers can maintain the posted speed.
LOS C	Stable flow conditions	Maneuverability and speeds are more restricted with higher traffic volumes.
LOS D	Approaches unstable flow conditions	Temporary restrictions to the traffic flow may cause substantial drops in operating speed and drivers have little freedom to maneuver.
LOS E	Represents the capacity of the facility	The traffic flow is unstable, vehicles are unable to pass, and there may be momentary stoppages in the traffic flow.
LOS F	Forced flow conditions	Traffic has low operating speeds and volumes exceeding capacity. This is often described as "stop and go" conditions.

In general, LOS A and B indicate little or no delay, LOS C indicates modest delay, LOS D indicates delay is increasing and noticeable, LOS E indicates the limit of acceptable delay and LOS F is characteristic of over-saturated conditions. A graphic illustration of the concept of service is provided in **Figure 3: Conceptual Examples of Levels of Service**.

Table 3 shows the intervals of average vehicle delays (in seconds) and the resulting level of service for each interval. Service levels for signalized intersections are based on the average vehicle delay for all vehicles using the intersection. In general terms intersection delay is defined as the additional time it takes to traverse an intersection in comparison to a free flowing movement. In contrast, service levels for unsignalized intersections are based on the longest average vehicle delay for a minor street approach movement. At unsignalized intersections the lowest individual movement level of service typically involves left turn movements from the minor street.



Figure 3: Conceptual Examples of Levels of Service

Table 3 Comparison of Unsignalized and Signalized Intersection Level of Service by Average Vehicle Delay (in seconds)		
Level of Service	Unsignalized Intersections	Signalized Intersections
A	≤10	≤10
B	>10≤15	>10≤20
C	>15≤25	>25≤35
D	>25≤35	>35≤55
E	>35≤50	>55≤80
F	>50	>80

Source: Highway Capacity Manual 2010

Table 4 presents a summary of the existing conditions levels of service for all of the unsignalized intersections analyzed along the Wards Ferry Road corridor. Values shown in the table are for the worst individual approach movement level of service. In most situations, the minor street left turn movement exhibits the longest delay, and is therefore the level of service shown. The analysis shows that during the a.m. peak hour the Harvard Street and Atlanta Avenue intersections operate with adequate service levels (LOS C or better). In both the a.m. and p.m. peak hours Adams Drive operates at inadequate levels of service with levels of service F and E, respectively. The Harvard Street intersection currently exhibits very poor service levels during the p.m. peak hour with LOS F condition indicated. The poor service levels are a result of large through volumes on Wards Ferry Road providing few gaps for traffic to enter the road from Harvard Street.

Table 4 Summary of Existing Conditions Capacity Analysis (HCM 2010) Unsignalized Intersections w/ Wards Ferry Road				
Intersection	AM Delay	AM* LOS	PM Delay	PM* LOS
Adams Drive	59.6	F	44.3	E
Harvard Street	16.5	C	~302.3	F
Atlanta Avenue	13.7	B	22.7	C

**The individual movement (i.e. westbound left turn) with the most delay is shown for the unsignalized intersection. Average intersection delay is not calculated for unsignalized intersections.*

~Delay Exceeds 300 Seconds; Error: Computation Not Defined

Table 5 displays a summary of the service levels for the signalized intersection of Wards Ferry Road/Logans Lane and Timberlake Road. In both peak hours the overall intersection level of service is LOS C. Several of the individual movements operate with LOS D conditions during both peak hours. These individual movements are typically the minor street (side street) approach movements and main street left turn movements. Poor service levels for these movements are a product of moderately high traffic volumes on Timberlake Road.

Table 6 displays a summary of the service levels for the signalized intersection of Wards Ferry Road and Simons Run. In both peak hours the overall intersection level of service is B. All of the individual movements operate with adequate service levels.

Table 5
Summary of Existing Conditions Capacity Analysis (HCM 2010)

Timberlake Road @ Wards Ferry Road/Logans Lane

Movement	AM Delay	AM LOS	PM Delay	PM LOS
EB Timberlake Rd. – Left	13.8	B	25.0	C
EB Timberlake Rd. – Through	21.4	C	27.7	C
EB Timberlake Rd. – Right	10.4	B	19.0	B
WB Timberlake Rd. – Left	36.0	D	44.4	D
WB Timberlake Rd. – Through	31.9	C	16.7	B
WB Timberlake Rd. – Right	17.2	B	5.2	A
NB Wards Ferry Rd. – Left	33.3	C	29.6	C
NB Wards Ferry Rd. – Through/Right	43.9	D	35.3	D
SB Logans Ln. – Left	39.4	D	37.0	D
SB Logans Ln. – Through/Right	44.7	D	45.1	D
Overall Intersection	26.1	C	25.6	C

Table 6
Summary of Existing Conditions Capacity Analysis (HCM 2010)

Simons Run @ Wards Ferry Road

Movement	AM Delay	AM LOS	PM Delay	PM LOS
EB Simons Run – Left	14.4	B	18.6	B
EB Simons Run – Through/Right	15.6	B	23.1	C
WB Simons Run – Left	14.6	B	16.0	B
WB Simons Run – Through/Right	16.2	B	23.3	C
NB Wards Ferry Rd. – Left	8.3	A	11.3	B
NB Wards Ferry Rd. – Through	12.0	B	15.0	B
NB Wards Ferry Rd. – Right	9.8	A	13.3	B
SB Wards Ferry Rd. – Left	8.4	A	11.7	B
SB Wards Ferry Rd. – Through	10.6	B	18.2	B
SB Wards Ferry Rd. – Right	9.5	A	14.5	B
Overall Intersection	11.5	B	16.7	B

Table 7 displays a summary of the service levels for the signalized intersection of Wards Road and Wards Ferry Road. In both peak hours the overall intersection level of service is B. In the p.m. peak hour many of the individual movements are operating with LOS D conditions. Poor service levels at these locations are a product of moderately high traffic volumes on Wards Road.

Table 7 Summary of Existing Conditions Capacity Analysis (HCM) Wards Road @ Wards Ferry Road				
Movement	AM Delay	AM LOS	PM Delay	PM LOS
EB Wards Ferry Rd. – Left	25.5	C	35.7	D
EB Wards Ferry Rd. – Right	32.6	C	40.8	D
NB Wards Rd. – Left	36.8	D	49.4	D
NB Wards Rd. – Through	4.5	A	4.3	A
SB Wards Rd. – U-turn	Not Reported	N/A	Not Reported	N/A
SB Wards Rd. – Through	11.5	B	17.3	B
SB Wards Rd. – Right	9.9	A	13.5	B
Overall Intersection	12.5	B	19.0	B

11.2 QUEUING ANALYSIS

SimTraffic was used to estimate vehicle queue lengths under existing conditions, and the results are shown in **Table 8** for the unsignalized intersections. *SimTraffic* is a microsimulation software package that is frequently used with *Synchro* as an analysis tool in traffic engineering. *SimTraffic* also provides the estimated queue length both under average traffic volume conditions and under the heaviest (95th percentile) traffic volume conditions. To convert queue lengths measured in feet to vehicles, the length of the queue is divided by 25 feet.

The purpose of analyzing queues is to quantify the impacts of stopping traffic at an intersection. At unsignalized intersections the queue of greatest concern is the major street (free flow movement) left turn movement that may have to come to a stop on the major street (in the absence of a left turn lane) while yielding to oncoming traffic. This situation usually results in a higher frequency of rear end collisions, which could also result in a head-on or angle crash as a secondary event. At signalized intersections queue lengths can present similar safety issues where motorists do not anticipate stopped vehicles in the through lane because queues of turning vehicles extend beyond

a turn by and spill back into adjacent lanes. Queues at signalized intersections can have a significantly detrimental impact on delay and capacity in two situations. First, the vehicle queue in a left or right turn storage lane spills back into the adjacent through lane resulting in a blockage of through movements. Second, the vehicle queue in a through lane extends to block access to a left or right turn storage lane, lowering the efficiency of that approach because turning vehicles must move from the through lane to the respective turn lane before other through moving vehicles movements can proceed through the intersection. In summary, excessive vehicle queue lengths at intersections can have significant impacts on both safety and operational efficiency.

The queues shown in **Table 8** reflect the longest individual movement queue lengths at each intersection. The longest queue generally occurs at the minor street left turn movement. The results indicate average queue lengths are moderate (less than 150 feet in length) at Adams Drive and Atlanta Avenue. The intersection of Harvard Street at Wards Ferry Road exhibits moderate to severe queuing in the p.m. peak hour with an average queue of 128 feet and a 95th percentile queue length of 246 feet.

Table 8 Summary of Existing Conditions Queuing Analysis (SimTraffic) Longest Individual Movement Queue (ft): Unsignalized Intersections				
Intersection	AM Average	AM 95 %	PM Average	PM 95 %
Adams Drive @ Wards Ferry Rd.	40	100	44	146
Harvard Street @ Wards Ferry Rd.	30	77	128	246
Atlanta Avenue @ Wards Ferry Rd.	18	50	55	96

Table 9 presents a summary of the estimated queue lengths for the signalized intersection of Timberlake Road and Wards Ferry Road. In the a.m. peak hour all movements exhibit average queues below 200 feet in length, with the exception of eastbound Timberlake Road caused by heavy traffic volumes destined for the Lynchburg Expressway (US 501). Heavier volumes during the p.m. peak hour produced longer queues. Longer queues (200+ feet) occur on the eastbound and westbound through/left movements and on northbound Wards Ferry Road through/right movement during the p.m. peak hour. The westbound Timberlake Road movement showed particularly long queues with an average length of 349 feet and a 95th percentile queue length of 811 feet. The westbound through movement queue is a product of the westbound left turn bay queue spilling into the through lanes.

Table 9
Summary of Existing Conditions Queuing Analysis (SimTraffic) in Feet

Timberlake Road @ Wards Ferry Road

Movement	AM Average	AM 95 %	PM Average	PM 95 %
EB Timberlake Rd. – Left	4	18	27	77
EB Timberlake Rd. – Through	239	372	215	322
EB Timberlake Rd. – Right	45	169	51	94
WB Timberlake Rd. –Left	118	189	183	235
WB Timberlake Rd. – Through	73	154	349	811
WB Timberlake Rd. – Right	9	34	8	29
NB Wards Ferry Rd. – Left	69	149	137	202
NB Wards Ferry Rd. – Through/Right	152	276	201	394
SB Logans Ln. – Left	9	31	24	69
SB Logans Ln. – Through/Right	25	56	36	87

Table 10 presents a summary of the estimated queue lengths for the signalized intersection of Simons Run and Wards Ferry Road. In the a.m. peak hour all movement exhibited queue lengths below 100 feet in length. Heavier volumes the p.m. peak hour produced slightly longer queues with lengths generally below 200 feet.

Table 11 presents a summary of the estimated queue lengths for the signalized intersection of Wards Road and Wards Ferry Road. In the a.m. peak hour all movements exhibit average queue lengths below 100 feet in length. Heavier volumes in the p.m. peak hour produced longer average queues (150+ feet).

Table 10
Summary of Existing Conditions Queuing Analysis (SimTraffic) in Feet

Simons Run @ Wards Ferry Road

Movement	AM Average	AM 95 %	PM Average	PM 95 %
EB Simons Run – Left	7	24	18	39
EB Simons Run – Through/Right	8	25	37	85
WB Simons Run – Left	8	32	70	149
WB Simons Run – Through/Right	11	34	64	111
NB Wards Ferry Rd. – Left	6	25	71	139
NB Wards Ferry Rd. – Through	21	58	67	153
NB Wards Ferry Rd. – Right	6	26	28	60
SB Wards Ferry Rd. – Left	15	47	47	113
SB Wards Ferry Rd. – Through	21	61	135	230
SB Wards Ferry Rd. – Right	1	9	43	114

Table 11
Summary of Existing Conditions Queuing Analysis (SimTraffic) in Feet

Wards Road @ Wards Ferry Road

Movement	AM Average	AM 95 %	PM Average	PM 95 %
EB Wards Ferry Rd. – Left	27	64	92	161
EB Wards Ferry Rd. – Right	32	62	159	271
NB Wards Rd. – Left	81	126	199	276
NB Wards Rd. – Through	48	94	146	327
SB Wards Rd. – U-turn	2	13	32	79
SB Wards Rd. – Through	71	124	214	291
SB Wards Rd. – Right	17	49	60	140

Table 12 summarizes the service levels for Wards Ferry Road as a 2-lane facility for the three locations where daily traffic counts were conducted. For capacity analysis purposes Wards Ferry Road is classified as a Class II highway, where motorists do not necessarily expect to travel at high speeds (HCM 2010). They most often serve relatively short trips, the beginning or ending portions of longer trips (HCM 2010). In capacity analysis, two-lane facilities like Wards Ferry Road are evaluated based on the Percent Time Spent Following (PTSF) a car in the traffic stream. Based on the “percent time spent following” (PTSF) a letter grade is defined for the level of service. Additionally, the analysis calculates the volume to capacity ratio (where V/C = 1 is the capacity of the road). The analysis shows a range of service levels from B to LOS D occurring in the p.m. peak hour - the p.m. peak hour having lower levels of service. It should be noted that this segment of Wards Ferry Road does not provide any passing zones, which influences on the percent time spent following and the resulting level of service.

11.3 SAFETY

Study area crash records provided by the City of Lynchburg for 2010-2012 were reviewed, and the results indicate that crashes occur frequently at rates higher than the statewide average. The results are summarized in **Figure 4: Crash Records Map**. A total of 72 crashes were reported on Wards Ferry Road between Timberlake Road and Wards Road. The crashes resulted in 12 injuries, no fatalities were reported. Crash records showed the most frequent types of crashes involved rear-end collisions – 41 and angle collisions – 20 (out of the total 72 crashes). Rear-end and angle crashes are the most frequent crash types likely due to geometric features of vertical grades, frequent driveway and unsignalized intersection access points, an absence of turn lanes, and driver inattentiveness. One angle crash involved a bicyclist near Atlanta Avenue which resulted in property damage only.

The number of crashes involving pedestrians is likely increased by the lack of pedestrian facilities and treatment along the two-lane roadway and at key intersections.

The remaining 11 crashes were fixed object – 5, pedestrian – 3, sideswipe – 2, and lost control – 1. Fixed object off-road crashes can be attributed to the lack of shoulders throughout the corridor. Without shoulders drivers are not provided recovery space to avoid crashes. All pedestrian crashes resulted in personal injuries. The number of crashes involving pedestrians is likely increased by the lack of pedestrian facilities and treatment along the two-lane roadway and at key intersections. Two crashes occurred near Dean Street where bus stops are posted but pedestrian facilities are not provided. Reoccurring peak hour traffic congestion is likely a contributing factor with 22 crashes (or 30 percent of all crashes) occurring on a weekday between 4:00-6:00 p.m. From a corridor-wide perspective, the crashes exhibited in **Figure 4** show a relatively even

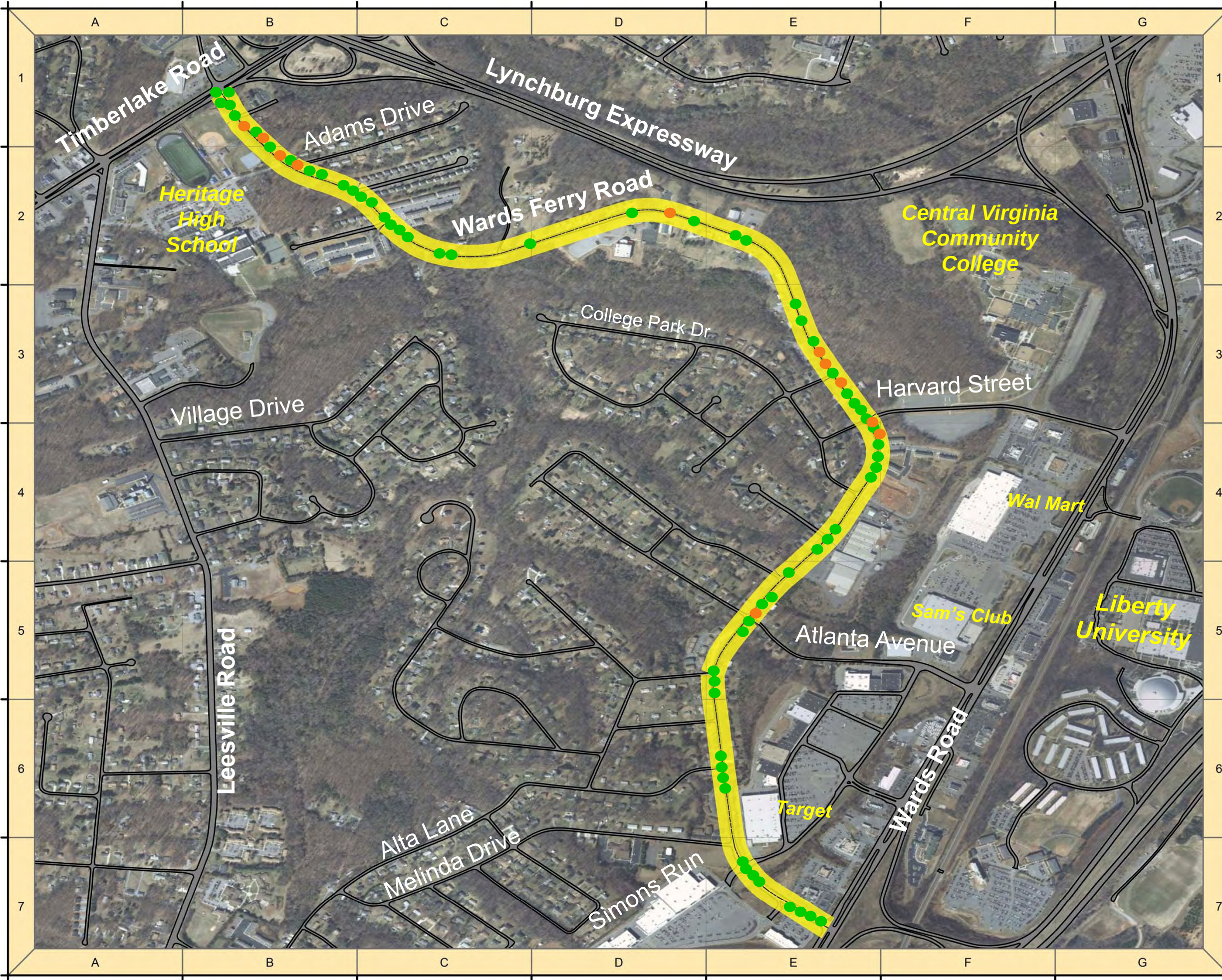
distribution. That is, crashes are not clustered in certain locations – at intersections, for example. When combined with the relatively high percentage of crashes involving off-road obstructions, the crash patterns indicate that special attention should be placed on roadway geometry in developing improvement alternatives.

Table 12
Existing Conditions Service Levels
Two-Lane Roadway (HCM 2010)

Wards Ferry Road			
Peak Hour /Location	LOS	PTSF	V/C
Immediately south of Adams Dr.			
AM/Northbound	C	69.4%	0.22
AM/Southbound	B	50.4%	0.16
PM/Northbound	D	73.0%	0.33
PM/Southbound	D	76.1%	0.36
Immediately south of Harvard St.			
AM/Northbound	D	72.4%	0.25
AM/Southbound	B	42.6%	0.12
PM/Northbound	D	73.2%	0.35
PM/Southbound	D	75.9%	0.35
Immediately north of Simons Run			
AM/Northbound	C	67.6%	0.21
AM/Southbound	B	40.3%	0.10
PM/Northbound	C	62.4%	0.23
PM/Southbound	D	71.4%	0.28

On Wards Ferry Road, the crash rate is significantly higher than the statewide rate for roadways with the urban collector classification. A comparison of the statewide crash rate for roads similar to Wards Ferry Road, urban collectors, for the years 2005-2007 (most recently available data) are as follows:

- Statewide Crash Rate: 134.0 per 100 million miles traveled; Wards Ferry Rd – 266.6
- Statewide Injury Rate: 70.0 per 100 million miles traveled; Wards Ferry Rd – 43.8
- Statewide Fatality Rate: 0.7 per 100 million miles traveled; Wards Ferry Rd – 0.0



Wards Ferry Road Corridor Study

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Figure 4. Crash Locations and Frequencies

-  - Study Area
-  - Property Damage Only Crash
-  - Injury Crash

Crash Data Dates:
January 2010 – December 2012

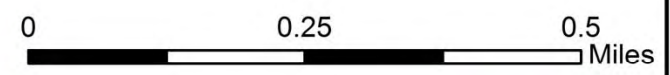
Statewide Average Crash Rates for Urban Collectors (2004-2007)

•Crash Rate – 134.0 per 100 million miles traveled; Wards Ferry Rd – 266.6 per 100 million miles traveled

•Injury Rate – 70.0 per 100 million miles traveled; Wards Ferry Rd – 43.8 per 100 million miles traveled

•Fatality Rate – 0.7 per 100 million miles traveled; Wards Ferry Rd – 0.0 per 100 million miles traveled

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III. ENVIRONMENTAL RESOURCES

III.1 RESOURCE INVENTORY

A desktop scan of environmental resources in the vicinity of the Wards corridor study area was conducted using City of Lynchburg GIS data files, and known resources were mapped. The constraint mapping will be in the development of improvement alternatives and to assess potential impacts.

As shown on **Figure 5: Environmental Constraints and Cultural Resources**, the major environmental constraint was found to be stream and floodplain crossings and impacts. Numerous cultural resources, including churches and parklands, are located within the corridor area.

The Wetland Mapper website (<http://www.fws.gov/wetlands/Wetlands-Mapper.html>) maintained by the U.S. Fish and Wildlife Service was checked, and the results indicated no wetland areas are located within the corridor study area.



Wards Ferry Road Corridor Study

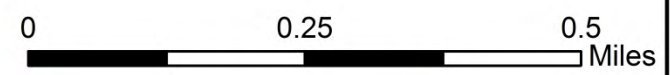
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Figure 5.
Environmental Constraints
& Cultural Resources

Legend

- Study Area
- College/University
- Schools K-12
- Churches
- Streams
- Roadway_Paved
- Park
- Cemetery
- FloodzoneAE2008
- Stream_Area

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IV. YEAR 2035 FORECASTED CONDITIONS

IV.1 FORECAST METHODOLOGY

Forecasts of year 2035 traffic volumes were developed using the travel demand modeling software and the Year 2035 Lynchburg Regional MPO travel demand model, which is developed and maintained by VDOT. The model was developed for Region 2000 Local Government Council in association with the development of the current long range transportation plan.

To use the model output as part of forecast process for this study, growth rates were computed by comparing current traffic counts with the year 2035 model forecast volumes. The growth factors computed from this comparison were then applied to the corridor and intersection peak hour traffic counts collected as part of this study. In this sense, the model was used only to develop growth factors and the volumes to which these factors were applied were based on field counts.

The travel demand model forecasted surprising results. When compared with existing volumes, the forecasts year 2035 daily volumes on both Wards Ferry Road and Timberlake Road declined. The model forecasted moderate traffic growth on Wards Road. To be conservative the study did not directly incorporate the model forecasts, but instead applied a growth rate based on a moderate annual rate of growth. For Wards Ferry Road we forecasted a growth factor of 1.25 (25% growth over current volumes) which reflects an annual growth rate of approximately 1%. Volumes on Timberlake Road were held constant as opposed to the model's forecasted reduction of 22-30% from current volumes. The model forecasted a growth factor of 1.43 for Harvard Street; however a 1.25 growth factor was used based on the assumption that most of the growth would occur between CVCC and Wards Road with less influence on the Wards Ferry Road and Harvard Street intersection. The moderate (15-33%) traffic growth the model forecasted for Wards Road was applied without modification.

IV.2 YEAR 2035 NO BUILD ALTERNATIVE

The purpose of developing and evaluating the No Build Alternative is to provide a baseline against which to compare proposed improvement alternatives. The No Build Alternative is defined as future conditions if the proposed improvement(s) were not to be completed. It does include the assumption that all other improvements in the transportation plan will have been completed by 2035.

IV.3 NO BUILD ALTERNATIVE CAPACITY ANALYSIS

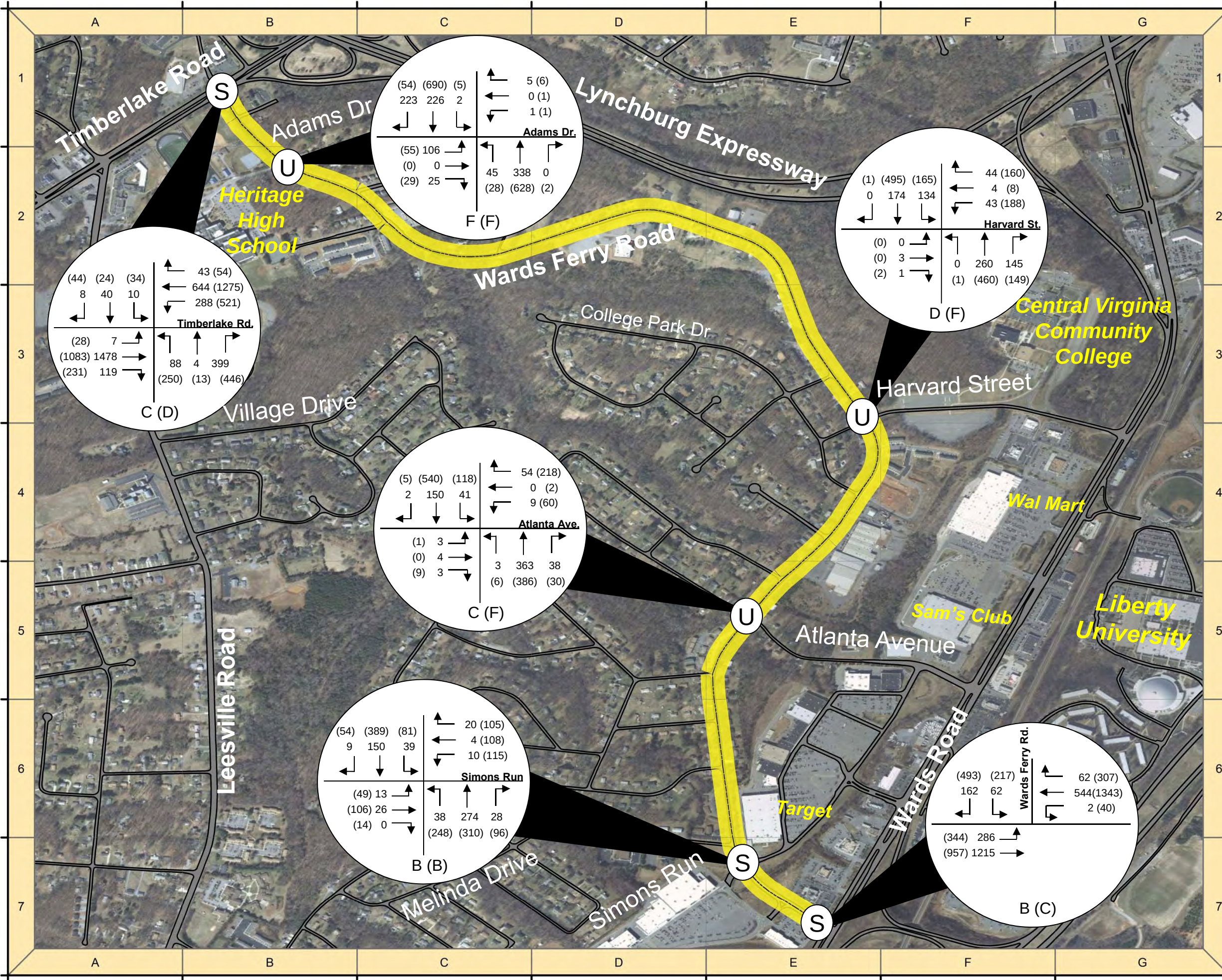
Using the forecasted No Build Alternative volumes shown in **Figure 6: No Build Alternative Volumes and Service Levels**, capacity analysis was conducted on the five intersections analyzed under existing conditions. As is typically the case, the p.m. peak hours tended to have the worst levels of service.

Table 13 presents a summary of the No Build conditions levels of service for all of the unsignalized intersections on the Wards Ferry Road corridor. As **Table 13** shows, service levels fall about one grade level from those computed for existing conditions. Values shown in the table are for the worst individual movement level of service. The minor street left turn movement has the highest delay in most situations. The analysis shows that during the a.m. peak hour the Harvard Street and Atlanta Avenue intersections are forecasted to operate with marginally adequate service levels (LOS D or better). In both the a.m. and p.m. peak hours the Adams Drive intersection is forecasted to operate with inadequate service at level F. The Harvard Street intersection is forecast to exhibit very poor service levels during the p.m. peak hour with LOS F. Atlanta Avenue is forecast to exhibit poor service levels in the p.m. peak hour with LOS F. The poor service levels are a result of large through volumes on Wards Ferry Road providing few gaps for traffic approaching on the minor streets to enter the roadway.

Table 13 Summary of No Build Conditions Capacity Analysis (HCM) Unsignalized Intersections w/ Wards Ferry Road				
Intersection	AM Delay	AM* LOS	PM Delay	PM* LOS
Adams Drive	193.9	F	120.1	F
Harvard Street	26.1	D	~1,048.2	F
Atlanta Avenue	15.9	C	68.0	F

**The individual movement (i.e. westbound left turn) with the most delay is shown for the unsignalized intersection. Average intersection delay is not calculated for unsignalized intersections.*

~Delay Exceeds 300 Seconds; Error: Computation Not Defined



Wards Ferry Road Corridor Study

Region 2000 Local Government Council
Lynchburg, Virginia

**Figure 6 - 2035 No Build
Conditions Traffic Volumes &
Service Levels**

- Legend**
- Study Area
 - 54 (65) – AM (PM) Peak Hour Volumes
 - B (C) – AM (PM) Level of Service
 - (S) – Signalized Intersection
 - (U) – Unsignalized Intersection

Note - The lowest individual movement level of service is shown for unsignalized intersections. This is typically the side street left turn movement.

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Table 14 displays a summary of the service levels for the signalized intersection of Wards Ferry Road/Logans Lane and Timberlake Road. Both peak hours are forecast to operate with LOS C conditions. Several of the individual movements operate with LOS D and E conditions during both peak hours. These individual movements are typically the minor movements (side street) and main street left turns. Poor service levels for these movements are a product of moderately high traffic volumes on Timberlake Road.

Table 14 Summary of No Build Conditions Capacity Analysis (HCM 2010) Timberlake Road @ Wards Ferry Road/Logans Lane				
Movement	AM Delay	AM LOS	PM Delay	PM LOS
EB Timberlake Rd. – Left	16.8	B	27.0	C
EB Timberlake Rd. – Through	26.7	C	31.8	C
EB Timberlake Rd. – Right	13.4	B	24.0	C
WB Timberlake Rd. –Left	41.5	D	66.9	F
WB Timberlake Rd. – Through	34.5	C	22.1	C
WB Timberlake Rd. – Right	19.5	B	8.2	A
NB Wards Ferry Rd. – Left	33.9	C	47.6	D
NB Wards Ferry Rd. – Through/Right	58.9	E	47.7	D
SB Logans Ln. – Left	41.4	D	42.6	D
SB Logans Ln. – Through/Right	47.2	D	52.3	D
Overall Intersection	31.3	C	34.8	C

Table 15 displays a summary of the service levels for the signalized intersection of Wards Ferry Road and Simons Run. In both peak hours the overall intersection level of service is forecast to be LOS B. All of the individual movements are forecast to operate with adequate service levels.

Table 16 displays a summary of the service levels for the signalized intersection of Wards Road and Wards Ferry Road. The a.m. peak hour is forecast to operate with LOS C conditions while the p.m. peak hour is forecast to operate with LOS D conditions. In the p.m. peak hour many of the individual movements are forecast to operate with LOS D and E conditions. Poor service levels at these locations are a product of moderately high traffic volumes combined with a long traffic signal cycle length.

Table 15 Summary of No Build Conditions Capacity Analysis (HCM) Simons Run @ Wards Ferry Road				
Movement	AM Delay	AM LOS	PM Delay	PM LOS
EB Simons Run – Left	15.4	B	21.2	C
EB Simons Run – Through/Right	16.9	B	26.3	C
WB Simons Run – Left	15.9	B	19.1	B
WB Simons Run – Through/Right	17.7	B	27.9	C
NB Wards Ferry Rd. – Left	8.2	A	13.6	B
NB Wards Ferry Rd. – Through	12.9	B	16.8	B
NB Wards Ferry Rd. – Right	10.0	B	14.5	B
SB Wards Ferry Rd. – Left	8.5	A	12.8	B
SB Wards Ferry Rd. – Through	11.1	B	21.0	C
SB Wards Ferry Rd. – Right	9.7	A	16.0	B
Overall Intersection	12.2	B	19.3	B

Table 16 Summary of No Build Conditions Capacity Analysis (HCM) Wards Road @ Wards Ferry Road				
Movement	AM Delay	AM LOS	PM Delay	PM LOS
EB Wards Ferry Rd. – Left	27.7	C	39.4	D
EB Wards Ferry Rd. – Right	35.8	D	57.9	E
NB Wards Rd. – Left	37.1	D	61.5	E
NB Wards Rd. – Through	5.5		6.4	A
SB Wards Rd. – U-turn	Not Reported	N/A	Not Reported	N/A
SB Wards Rd. – Through	14.9	B	30.9	C
SB Wards Rd. – Right	12.6	B	21.1	C
Overall Intersection	14.5	B	29.0	C

SimTraffic was used to estimate vehicle queue lengths under No Build conditions, and the results are shown in **Table 17** for the unsignalized intersections. *SimTraffic* is a microsimulation software package that is frequently used with *Synchro* as an analysis tool in traffic engineering. *SimTraffic* also provides the estimated queue length both under average traffic volume conditions and under the heaviest (95th %) traffic volume conditions. To convert queue lengths measured in feet to vehicles, the length of the queue is divided by 25 feet.

The queues shown in **Table 17** reflect the longest individual movement queue lengths at each intersection. The longest queue generally occurs at the minor street left turn movement. The results indicate queues are moderate (less than 150 feet in length) at Adams Drive and Atlanta Avenue. The simulation shows northbound queues from the intersection of Timberlake Road and Wards Ferry Road build to a point where they impact Adams Drive. The intersection of Harvard Street at Wards Ferry Road exhibits severe queuing in the p.m. peak hour with average and 95th% queues in excess of 1,000 feet. Growth in Wards Ferry Road traffic causes there to no longer be enough gaps in traffic for westbound Harvard Street movements to enter Wards Ferry Road. As a result queues continue to grow throughout the simulation.

Table 17
Summary of No Build Conditions Queuing Analysis (SimTraffic)
Longest Individual Movement Queue (ft): Unsignalized Intersections

Intersection	AM Average	AM 95 %	PM Average	PM 95 %
Adams Drive @ Wards Ferry Rd.	52	120	47	149
Harvard Street @ Wards Ferry Rd.	49	101	1,037	1,392
Atlanta Avenue @ Wards Ferry Rd.	30	62	70	120

Table 18 presents a summary of the estimated queue lengths for the signalized intersection of Timberlake Road and Wards Ferry Road. In the a.m. peak hour all movements had average queue lengths below 220 feet in length, with the exception of eastbound Timberlake Road as heavy traffic heads towards the Lynchburg Expressway (US 501). Heavier volumes the p.m. peak hour produced longer queues. Longer queues (200+ feet) are present on the eastbound and westbound through/left movements and on northbound Wards Ferry Road through/right movement during the p.m. peak hour. The westbound Timberlake Road movement showed particularly long queue lengths with an average queue length of 527 feet and a 95th% queue length of 1,019 feet. Northbound Wards Ferry Road also experienced extreme queuing with an average queue length of 734 feet and a 95th % length of 952 feet.

Table 18
Summary of No Build Conditions Queuing Analysis (SimTraffic)
in Feet

Timberlake Road @ Wards Ferry Road				
Movement	AM Average	AM 95 %	PM Average	PM 95 %
EB Timberlake Rd. – Left	3	16	17	53
EB Timberlake Rd. – Through	335	515	251	347
EB Timberlake Rd. – Right	66	210	81	183
WB Timberlake Rd. –Left	141	227	198	222
WB Timberlake Rd. – Through	123	291	527	1,019
WB Timberlake Rd. – Right	7	27	36	149
NB Wards Ferry Rd. – Left	108	210	174	176
NB Wards Ferry Rd. – Through/Right	216	395	734	952
SB Logans Ln. – Left	6	22	29	66
SB Logans Ln. – Through/Right	32	65	45	90

Table 19 presents a summary of the estimated queue lengths for the signalized intersection of Simons Run and Wards Ferry Road. In the a.m. peak hour all movements had queue lengths below 100 feet in length. Heavier volumes in the p.m. peak hour produced slightly longer queues with queues generally below 200 feet.

Table 19 Summary of No Build Conditions Queuing Analysis (SimTraffic) in Feet Simons Run @ Wards Ferry Road				
Movement	AM Average	AM 95 %	PM Average	PM 95 %
EB Simons Run – Left	5	21	24	54
EB Simons Run – Through/Right	11	27	51	105
WB Simons Run – Left	8	32	93	203
WB Simons Run – Through/Right	17	45	78	117
NB Wards Ferry Rd. – Left	8	28	106	175
NB Wards Ferry Rd. – Through	34	91	127	231
NB Wards Ferry Rd. – Right	6	27	29	56
SB Wards Ferry Rd. – Left	19	45	48	109
SB Wards Ferry Rd. – Through	22	67	153	254
SB Wards Ferry Rd. – Right	1	12	39	108

Table 20 presents a summary of the estimated queue lengths for the signalized intersection of Wards Road and Wards Ferry Road. In the a.m. peak hour all movements had average queue lengths below 120 feet in length. Heavier volumes in the p.m. peak hour produced longer queues (200+ feet). Longer queues are present on many of the movements with 95th queues in excess of 300 feet.

Table 20 Summary of No Build Conditions Queuing Analysis (SimTraffic) in Feet Wards Road @ Wards Ferry Road				
Movement	AM Average	AM 95 %	PM Average	PM 95 %
EB Wards Ferry Rd. – Left	29	68	126	201
EB Wards Ferry Rd. – Right	40	79	193	298
NB Wards Rd. – Left	117	178	237	366
NB Wards Rd. – Through	71	160	178	347
SB Wards Rd. – U-turn	1	8	43	94
SB Wards Rd. – Through	76	123	342	485
SB Wards Rd. – Right	26	56	203	387

Table 21 summarizes the No Build Alternative service levels for Wards Ferry Road as a 2-lane facility for the three locations where daily traffic counts were conducted.

For capacity analysis purposes Wards Ferry Road is classified as a Class II highway. Class II highways are highways where motorists do not necessarily expect to travel at high speeds (HCM 2010). The analysis shows a range of service levels from B to LOS D; the p.m. peak hour having lower levels of service. No Build conditions service levels are similar to the existing conditions with moderately higher percentages of time spent following a vehicle in the traffic stream. It should be noted that this segment of Wards Ferry Road does not provide any passing zones, a condition that has an influence on the percent time spent following and the resulting level of service.

Table 21 No Build Conditions Service Levels Two-Lane Roadway Wards Ferry Road			
Peak Hour /Location	LOS	PTSF	V/C
Immediately south of Adams Dr.			
AM/Northbound	D	72.8%	0.28
AM/Southbound	B	54.9%	0.20
PM/Northbound	D	78.1%	0.42
PM/Southbound	D	81.1%	0.45
Immediately south of Harvard St.			
AM/Northbound	D	74.3%	0.31
AM/Southbound	B	46.7%	0.15
PM/Northbound	D	78.8%	0.43
PM/Southbound	D	80.7%	0.44
Immediately north of Simons Run			
AM/Northbound	D	71.7%	0.26
AM/Southbound	B	45.4%	0.13
PM/Northbound	C	68.0%	0.29
PM/Southbound	D	76.3%	0.35

IV.4 PURPOSE AND NEED

In 2007 the Virginia General Assembly approved legislation authorizing VDOT to develop and publish regulations and standards for management of access to highways maintained by VDOT. The regulations were published on July 1, 2008, and define Access Management as “...the systematic control of the location, spacing, design, and operation of entrances, median openings, traffic signals, and interchanges for the purpose of providing vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system” (See 24VAC30-72-10).

The regulations further state: “...each proposed highway entrance creates a potential conflict point that impacts the safe and efficient flow of traffic on the highway; therefore, private property interests in access to the highway must be balanced with public interests of safety and mobility. Managing access to highways can reduce traffic congestion, help maintain the levels of service, enhance public safety by decreasing traffic conflict points, support economic development by promoting the efficient movement of people and goods, reduce the need for new highways and road widening by improving the performance of existing highways, preserve the public investment in new highways by maximizing their efficient operation, and better coordinate transportation and land use decisions” (See 24VAC30-72-20).

As stated in the regulations, the goals of access management are:

1. Reduce traffic congestion;
2. Help maintain levels of service;
3. Enhance public safety;
4. Support economic development;
5. Reduce the need for new highways;
6. Preserve investment in new highways; and,
7. Coordinate transportation and land use decisions.

Applying these goals within the regulatory definition of Access Management and based on the analysis of existing and forecasted conditions, the purpose and need for the Wards Ferry Road Corridor Study is defined as addressing the following issues:

1. Frequencies of crashes along Wards Ferry Road have the potential to increase as traffic volumes and development pressures increase;
2. Service levels in the area of three intersections are forecast to deteriorate to inadequate levels unless improvements are developed and installed;
3. Capacity along the corridor should be preserved so that it can adequately serve traffic volumes forecasted to be generated by development as recommended in the *Comprehensive Plan*. Should residential densities exceed those recommended in the plan by 200-300 multi-family dwelling units the resulting volumes could not be adequately serviced by the existing two-lane roadway. Consequently widening the roadway to four lanes would be needed; and,

4. As a residential corridor frequented by school related traffic, pedestrian and bicycle accommodations are currently absent from the roadway facility.

Wards Ferry Road currently operates with moderate levels of congestion and higher than average crash rates. Additionally, there are moderate levels of growth forecast along the corridor with the biggest concern being development of the CVCC parcel. The CVCC parcel is approximately 100 acres in size and most of it has not been developed. Wards Ferry Road is also an older road with significant amounts of vertical and horizontal curvature on a narrow cross-section without shoulders or accommodations for bicyclist and pedestrians. The combination of moderate congestion and less than ideal geometrics brings forth the need for improvement in order to maintain Wards Ferry Road as an adequate transportation facility.

The most recent *Long-Range Transportation Vision Plan* (Year 2035) recommends a 3/4 lane cross section with bike lanes. Because the widening is only included in the Vision Plan the purpose of this study should be to preserve capacity until widening can occur at a later date. At a point in time when widening the corridor to a 4-lane section becomes necessary, it will change the character of the road and will require the acquisition of many homes along the corridor.

V. ANALYSIS OF IMPROVEMENT ALTERNATIVES

V.1 IMPROVEMENT ALTERNATIVES

To maintain and preserve capacity on Wards Ferry Road so that as a two-lane facility it can adequately service traffic volumes, a variety of corridor roadway and intersection improvement options were considered. At the corridor level the focus of the improvement alternatives was to provide for multi-modal accommodations because the current road does not provide for any facilities other than accommodating automobiles. At the intersection level improvements focused on addressing the safety and capacity issues at the five junctions.

Access management was considered as an improvement alternative. However, close inspection of the land uses – predominantly single family - along the corridor revealed very few opportunities to control access to Wards Ferry Road. Each land owner, by State law, is provided the right to an access point on public roads. Consequently, to focus on the areas where improvements would not create concern with the safety and convenience for existing residents, no proposals for modifying existing access to the roadway was considered.

There is one major access management concern on the corridor – the large CVCC parcel that has a significant amount of frontage (~1,800 feet in length west of Harvard Street). Should this parcel be developed it would be in the best interest of the corridor for there to be a single entrance on Wards Ferry Road approximately 875 feet north of Harvard Street opposite the College Park Townhouses driveway. Additionally, should the CVCC parcel develop the City should encourage its main vehicular entrance be located on Harvard Street to minimize its impact on Wards Ferry Road.

For the purposes of this study the corridor-wide improvements focused on providing multi-modal accommodations and transportation system management improvements. The corridor-wide improvements are discussed in Section V.2. Transportation System Management (TSM) improvements include relatively low-cost modifications to a facility that address congestion without increasing the overall capacity of the facility itself. Discussed below in Section V.3, typical TSM improvements include turn lanes and traffic signals.

V.2 CORRIDOR IMPROVEMENTS

The existing Wards Ferry Road corridor is a narrow (~22 feet wide), winding, undulating rural road pavement section without any shoulders or bicycle and pedestrian facilities. At the north end of the corridor two schools – Heritage High School and Heritage Elementary School are accessed from the roadway. At the south end of the corridor – along Wards Road – extensive retail commercial businesses, including Wal-Mart, Sam's Club, Target, Kohl's, and Dick's Sporting Goods operate. In addition, approximately 500 residential housing units are located along the corridor. The combination of attractions

at each end of the corridor along with significant residential land use throughout the corridor generates the need for multi-modal pedestrian and bicycle accommodations. The need was frequently mentioned by the public at the citizen information meetings.

This study did not consider the potential to widen Wards Ferry Road to either a 3 or 4-lane cross section. Widening to a 3 or 4-lane cross section was discussed among the Project Management Team and determined to be a long-term solution that would have substantial adverse impacts to the residential character of the corridor. Specifically, widening can only be accommodated through substantial right of way (ROW) acquisition. With no funding source currently identified in the constrained Long-Range Transportation Plan for widening Wards Ferry Road, a recommendation to widen to four lanes would create uncertainty for existing property owners, and consequently the increased level of uncertainty would likely retard investment in existing properties.

Specifically, widening can only be accommodated through substantial right of way acquisition. With no funding source currently identified in the constrained Long-Range Transportation Plan for widening Wards Ferry Road, a recommendation to widen to four lanes would create uncertainty for existing property owners, and consequently the increased level of uncertainty would likely retard investment in existing properties.

A 3-lane cross-section would provide for significant safety improvement as well as some moderate increase in capacity. However, costs would include ROW and the installation of curb and gutter. Consequently, from a benefit/cost perspective, return on the investment is fairly low.

A 4-lane cross section would offer a doubling (or more) of the roads carrying capacity and will be the ultimate solution as traffic volumes increase. However, the cost of widening Wards Ferry Road would potentially approach \$35 million. Building a 4-lane section would require significant amounts of ROW and would almost certainly include taking a number of homes along the corridor.

The existing corridor has approximately 50 feet of ROW. Given the narrow width available an attempt was made to provide multi-modal accommodations. Two major concepts were developed for providing multi-modal accommodations. The purpose of the two original concepts was to lay out the major options available to provide multi-modal accommodations.

One corridor alternative developed included on-road bike lanes and a sidewalk on the east side of Wards Ferry Road. The bike lane/sidewalk typical section can be found in **Figure 7: Bike Lane/Sidewalk Typical Section (Initial Alternative)**. The layout of this alternative along the entire corridor can be found in the Technical Appendix. This alternative provides for 11 foot wide travel lanes, 4 foot wide on-road bike lanes (one in each direction), curb and gutter drainage, 4 foot wide green space, and a 5 foot wide sidewalk.

Based on this geometric arrangement the typical section width is 55', which means it is likely that ROW acquisition would be required. The curb and gutter drainage helps minimize the ROW needs, but it is a costly feature of a roadway. Specific ROW needs can only be determined through detailed engineering study based on survey. This alternative provides a narrow 11' travel lane which will help limit speed with an on-road bike lane this will offer a small amount of room for driver correction before leaving the roadway. The curb and gutter not only minimizes ROW needs, it helps prevent vehicles from leaving the roadway which can be detrimental to motorist given the hazards adjacent to the road. A sidewalk on one side of the road helps minimize ROW needs while still providing a missing accommodation.

The second major corridor alternative developed was a 10 foot wide multi-use path on the east side of Wards Ferry Road. The multi-use path typical section can be found in **Figure 8: Multi-Use Path Typical Section (Initial Alternative)**. The layout of this alternative along the entire corridor can be found in the Technical Appendix. This alternative provides for two 12 foot wide travel lanes, curb and gutter drainage, and an 8 foot wide multi-use path. Based on this geometric arrangement the estimated typical section width is 50.5 feet. Therefore there would be little to no ROW needed in this arrangement. A multi-use path offers accommodations for both bicyclist and pedestrians off the road, which is a safer environment for non-motorized users.

The two major corridor alternatives were considered by the Project Management Team and a hybrid alternative was developed and presented as the initial preferred alternative at the second citizen information meeting. The initial preferred alternative is shown in **Figure 9: Bike Lane/Sidewalk Typical Section (Initial Preferred Alternative)**. The initial preferred alternative provided for 11 foot wide travel lanes, 4 foot wide on-road bike lanes (one in each direction), curb and gutter drainage, 4 foot wide green space, and 5 foot wide sidewalks on both sides of the road. This typical section was estimated to be 57.5 feet in width.

V.3 INTERSECTION IMPROVEMENTS

Study area intersections were evaluated in order to improve safety and increase capacity. There are 5 study area intersections, of which 2 - Timberlake Road and Wards Road - are

controlled with traffic signals and 3 - Adams Drive, Harvard Street, and Atlanta Avenue - are controlled with two-way STOP signs on the minor street approaches.

As previously stated in Section II.3 Safety, the existing conditions crash analysis did not indicate any major intersection concerns even though the corridor displayed higher than average crash rates. Crashes were spread fairly evenly throughout the corridor and no excessive clustering of crash frequencies at intersections was apparent.

Consequently, the development of intersection improvements focused on capacity and geometry, and each intersection was evaluated to determine what types of improvement would be appropriate. Typically, this involved evaluating whether or not turn lanes were appropriate by using VDOT Access Management Design Standards for Entrances and Intersections, and the evaluation was conducted using the forecasted year 2035 No Build Alternative volumes. Additionally, alternative intersection controls such as traffic signals and roundabouts were evaluated.

Timberlake Road at Wards Ferry Road

The intersection of Timberlake Road at Wards Ferry Road was not formally evaluated in this study because a more detailed engineering study is scheduled to follow the Wards Ferry Road Study in the Summer of 2013. The other study is named Logan's Lane Interchange Modification Report. It will include detailed analysis of the signalized intersection of Timberlake Road and Wards Ferry Road including geometric design of preferred alternative that comes out of the study process. Because that study will be more detailed the Project Management Team felt the Wards Ferry Road Study should not provide recommendations that would likely be changed to different improvements in the span of a few months. Problems with the westbound left Timberlake Road turning movement frequently spilling into the through lanes were noted as a part of this study.

Adams Drive at Wards Ferry Road

Adams drive is a two-way stop controlled intersection. On the east side of Wards Ferry Road it serves a small single family neighborhood and on the west side there is a driveway to Heritage High School. The intersecting side streets are off-set so that the centers of these roads are approximately 50 feet apart. Through the planning process it was learned that Heritage High School is planned to be rebuilt on its current campus in the near future. The school will be designed to handle about 100 additional students more than the current school structure. Additionally, the driveway to the High School connects to the Heritage Elementary School which connects to Leesville Road. This connection between the two schools will be closed in the near future with a gate. It will normally stay closed except for certain events such as football games. Closing this connection may have some minor reduction in trips on the north end of Wards Ferry Road.

Adams Drive was evaluated for right and left turn lane warrants according to VDOT's Access Management Design Manual. Using forecasted No Build Alternative volumes the intersection meet warrants for a 100 foot northbound left turn lane with a 100 foot taper (See Figure 13). This intersection also meet warrants for a 100 foot right turn lane with a 100 foot taper. Traffic signal volume warrants were also evaluated using the 4 hour turning movements conducted as a part of this study. Using No Build Alternative volumes this intersection does not have high enough volume to warrant the installation of a traffic signal.

The Project Management Team recommends that due consideration is given to Heritage High School's entrance on Wards Ferry Road when the new school is being designed. It is preferred that the entrance alignment can be corrected and that funding for the new school will include installation of the warranted turn lanes.

Figure 7: Bike Lane/Sidewalk Typical Section (Initial Alternative)

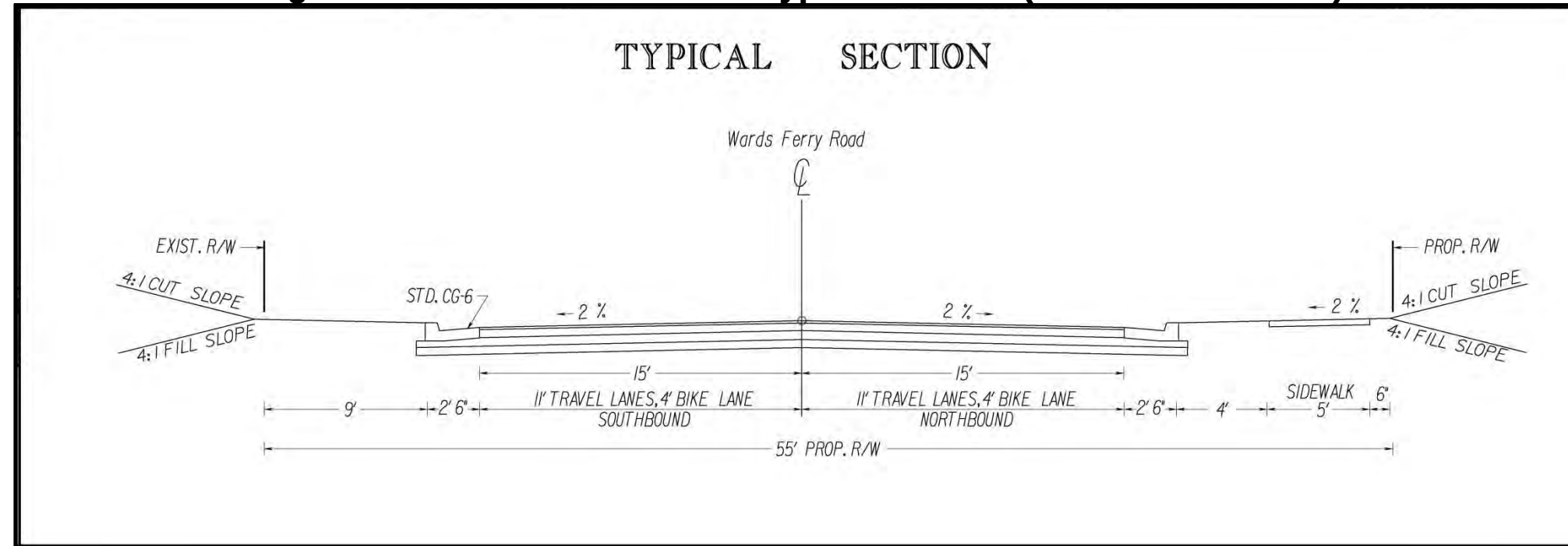


Figure 8: Multi-Use Path Typical Section (Initial Alternative)

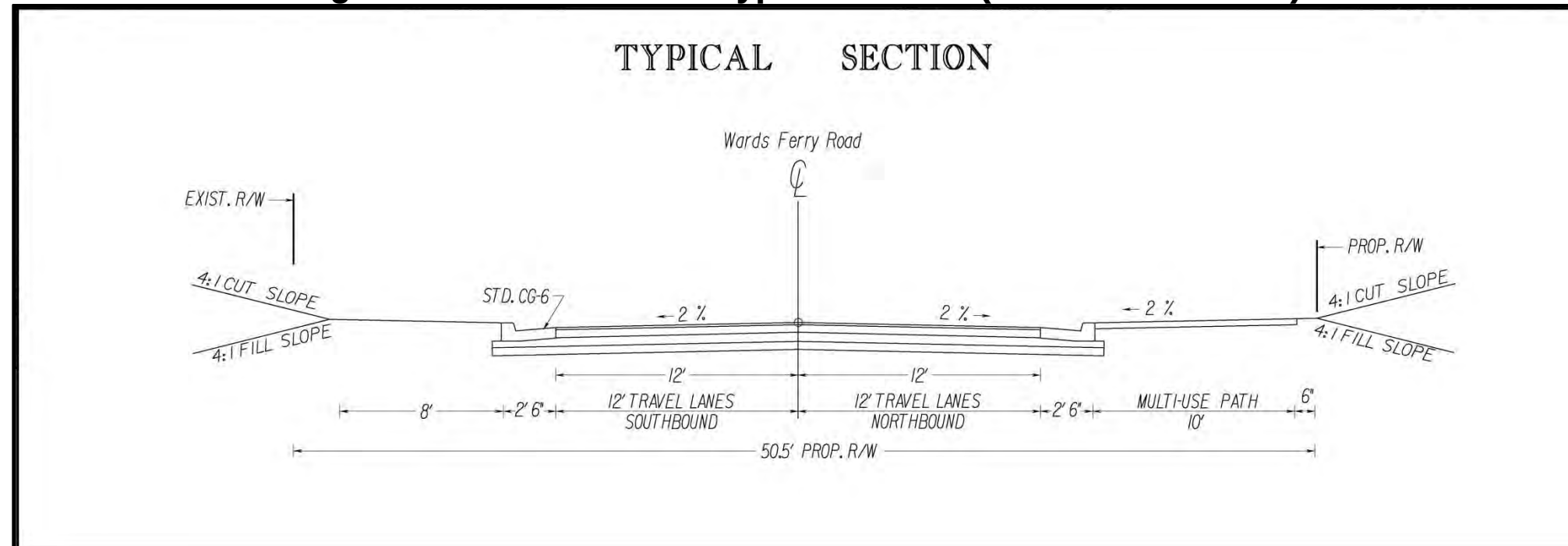
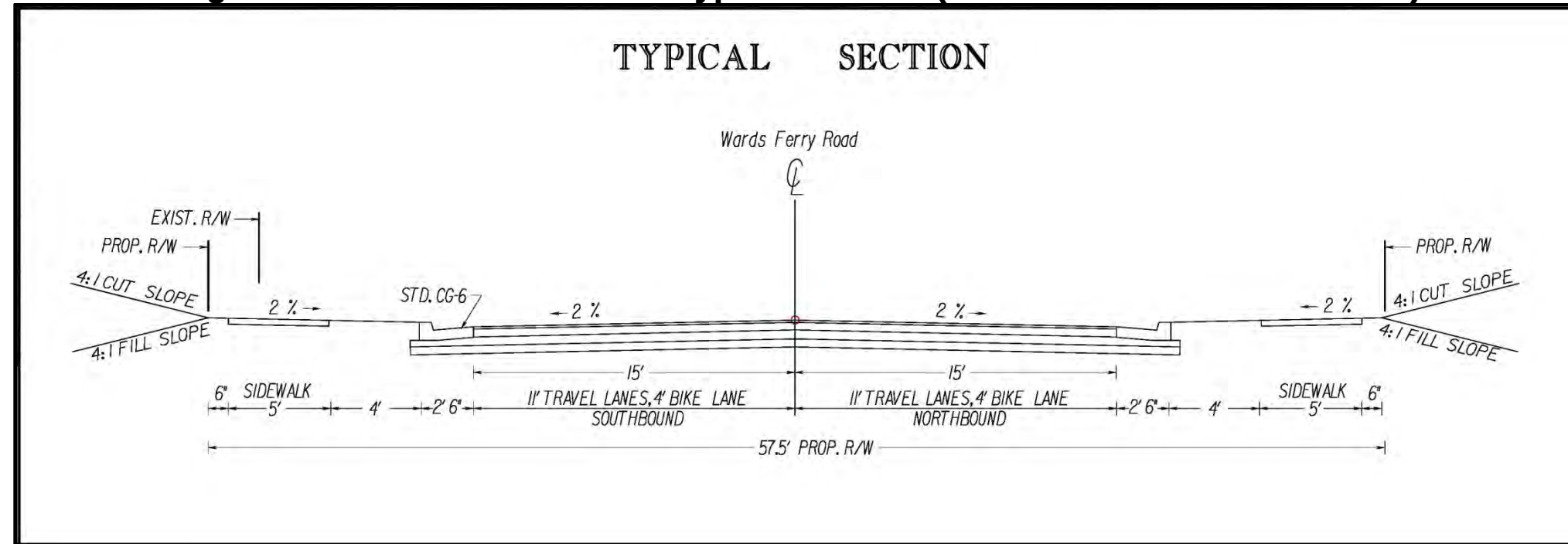


Figure 9: Bike Lane / Sidewalk Typical Section (Initial Preferred Alternative)



Harvard Street at Wards Ferry Road

The intersection of Harvard Street at Wards Ferry Road is the most congested unsignalized intersection in the corridor. Currently motorist approaching this intersection on westbound Harvard Street experience moderate to severe delays when attempting to turn onto Wards Ferry Road. In the forecasted No Build conditions this intersection exhibits even worse delays and queues.

This intersection meets warrants for a northbound right turn lane with 100 feet of storage with a 100 foot taper. It also meets warrants for a 175 foot southbound left turn lane with a 100 foot taper.

Traffic signal volume warrants (4 hour warrant) are forecast to be met for this intersection under No Build traffic volumes. It is likely that existing conditions volumes also meet the 4-hour traffic signal volume warrants with p.m. peak period volumes. Traffic counts conducted for this study only included 2 hours in the p.m. peak period, and a warrant analysis could not be conducted. Further analysis is required to accurately determine whether traffic signal warrants are met. Four-way stop control guidance is met, according to the MUTCD, as a interim measure when a traffic signal is justified.

The operation of a traffic signal was analyzed using No Build traffic volumes with the following turn lanes added to the intersection: southbound left, northbound right, and a westbound left/through. The signalized intersection was forecast to operate with an average vehicle delay of 7.7 seconds per vehicle in the a.m. peak hour and 11.5 seconds in the p.m. peak hour. Turn lanes would be very beneficial for the safety and operational characteristics of this intersection under signalized control. However, a traffic signal would not be effective as a traffic calming mechanism because motorists moving through the intersection on Wards Ferry Road would not need to slow down as they traverse the intersection under a green indication.

A roundabout was also considered as an improvement for the intersection of Harvard Street at Wards Ferry Road. A single lane roundabout with single lane approaches was developed as an alternative (see **Figure 9: Roundabout Concept – Wards Ferry Road at Harvard Street**). The proposed roundabout design is a very simple design that will be easy for motorist to navigate. Other roundabouts are currently under construction in the City of Lynchburg. It should be noted that a roundabout has been previously considered as an improvement for this intersection.

Roundabouts offer significant improvements in safety especially when compared to signalized intersections. Roundabouts typically reduce injury and fatality crash rates, when compared to signalized intersections, because there are fewer conflict points, lower speeds, and fewer angle crashes. An added benefit of a roundabout on Harvard Street is the traffic

calming characteristic, since all motorists will need slow to approximately 10-15 mph to traverse the intersection.

Additionally, roundabouts can improve service levels (reduce delay) for minor street approaches when compared to either a traffic signal or STOP sign control. Roundabouts also typically reduce stops, fuel consumption, and pollution when compared to signalized intersections.



Figure 9: Roundabout Concept – Wards Ferry Road at Harvard Street

Originally a roundabout design was laid out directly over the existing intersection (as shown in **Figure 9**). This design that would require some right of way acquisition from two single family residences on the west side of Wards Ferry Road. Subsequently the roundabout design was shifted 50 feet to the east to minimize these impacts (See Figure 11). This will require shifting Wards Ferry Road on both approaches (as shown in the preferred alternative). The exact location of such an improvement would be decided during the design process.

Under forecast No Build volumes the proposed roundabout operates with adequate service levels (LOS C or better). The a.m. peak hour is forecast to operate with an average intersection delay of 9.0 seconds per vehicle and the p.m. peak hour is forecast to operate with an average intersection delay of 19.8 seconds per vehicle. Westbound Harvard Street delays would significantly decline with the addition of a roundabout. The forecasted levels

of delay for the roundabout are almost as good as those forecast for the improved signalized intersection (with added turn lanes). Furthermore a roundabout would cost approximately the same amount as the installation of a traffic signal and turn lanes.

A comparative summary of forecast year 2035 service levels under the No Build Alternative (no improvements), under signalized control (with additional turn lanes) and under a roundabout are presented in **Table 22**.

Table 22 Summary of Harvard Street Alternatives Year 2035 Forecasted Volumes		
Average Intersection Delay (sec./veh.)		
Condition	AM Average Delay	PM Average Delay
No Build Alternative	26.1*	1,048.2*
Signalized with Additional Turn Lanes	7.7	11.5
Single Lane Roundabout	9.0	19.8

**The individual movement (i.e. westbound left turn) with the most delay is shown for the unsignalized intersection. Average intersection delay is not calculated for unsignalized intersections.*

Atlanta Avenue at Wards Ferry Road

The intersection of Atlanta Avenue at Wards Ferry Road is a two-way stop controlled intersection without turn lanes, and its volume is second only to Harvard Street among unsignalized intersections on the corridor. Turn lanes were evaluated, and under forecast No Build Alternative volumes warrants were determined to be met for a 125 foot southbound left turn lane and 100 foot taper (See Figure 11).

A safety issue was identified by citizens at the first citizen information meeting (March 28, 2013) concerning sight distance on the eastbound Atlanta Avenue approach at Wards Ferry Road. A combination of a hill, fence, and shrubbery block motorists sight when looking to the north at southbound Wards Ferry Road traffic. Upon field inspection the problem was confirmed as severe, causing motorist on this approach to have to edge as close to the travel lane as possible to gain additional sight distance. This issue will likely require regrading the hill in order to provide the minimum sight distance requirements. Installing the warranted southbound left turn lane would provide an appropriate opportunity to correct the sight distance deficiency.

Many citizens requested installation of a traffic signal to improve safety and reduce Atlanta Avenue delays. No Build Alternative volumes were evaluated for meeting 4-hour signal volume warrants; however sufficient volumes to meet traffic signal warrants were not forecast.

Citizens also expressed concerns about the geometry of Atlanta Avenue. It is very narrow and has a steep vertical curve just east of Wards Ferry Road. A future study is needed to address the geomtric issues on Atlanta Avenue, and this has been included in the recommendations detailed later in this report.

Simons Run at Wards Ferry Road

The signalized intersection of Simons Run at Wards Ferry Road currently operates with excellent service levels and is forecast to continue to do so in the No Build conditions. The only recommendations that were developed for this intersection are pedestrian signals and crosswalks. Pedestrian accomodations are recommended because the intersection connects two major retail areas and it will also be a part of a future trail network that connects the retail areas along Wards Road.

Wards Road at Wards Ferry Road

The signalized intersection of Wards Road and Wards Ferry Road currently operates with adquate service levels and it is forecast to continue providing adequate service levels. However, during the analysis it was noted that the northbound Wards Road left turn movement exhibits queue lengths that will spill into the adjacent through lanes. There were two proposed improvements to address this issue: 1) lengthening the turn lane to accommodate the extended queues, or 2) adding a second left turn lane. A second left turn lane is geometrically feasible, and dual left turn lanes would reduce overall delays at the intersection. The Project Management Team chose not to recommend a preferred alternative for this intersection because dual left turn lanes may cause an increase in volumes on Wards Ferry Road. Extending the northbound left turn lane was also not recommended because it does not directly improve Wards Ferry Road.

V.4 EVALUATION CRITERIA

The Project Management Team met and discussed the range of alternatives that were developed to address corridor and intersection deficiencies. Consideration was given to existing zoning, potential development (especially the potential expansion of Liberty University), available funding, right of way impacts, and value provided compared to cost. Discussions by the Project Management Team also focused on comments offered from both citizens and stakeholders. The first set of preferred alternative improvements (included in the Technical Appendix) presented at the second citizen information and

stakeholder meetings (May 9, 2013) included a typical section that would require right of way impacts to numerous parcels along the entire length of the corridor. Following the May 9, 2013 meetings the preferred alternatives were refined to reflect public comment related to concerns with right of way impacts. The final Preferred Alternative attempted to reduce or eliminate right of way acquisitions by eliminating the bike lanes component of the pavement section and providing a multi-use trail on the northbound side of the corridor right of way.

The preferred alternative for the multi-modal accommodations along the corridor underwent refinement through the study process. Neither of the two multi-modal alternatives was chosen. Instead, the Project Management Team recognized that a stand-alone multi-modal improvement must not take any significant right of way. It is not acceptable to have to acquire ROW from 50 or more land owners for a multi-modal improvement along this corridor. The preferred alternative was refined to specifically stay within the existing ROW. The final preferred alternative cross section provides for existing 11' travel lanes, a 5' wide ditch, and one 8' wide multi-use path on the east side of Wards Ferry Road. During the design process the specific dimensions of the cross-section would be developed. There is still the possibility for isolated locations where ROW may be needed and there also may be locations that require curb and gutter drainage.

In developing the final preferred alternative cost became a prime concern to the Project Management Team. The elimination of several of the elements of the initial preferred alternative provided substantial cost savings. Removing curb and gutter drainage reduced the cost by and estimated 4.74 million dollars and eliminating the on-road bike lanes reduced the cost by an estimated 1.16 million dollars.

The recommended Preferred Alternative is shown for the corridor in **Figures 10-13**.

V.5 ENVIRONMENTAL IMPACTS OF IMPROVEMENT ALTERNATIVES

In the evaluation of existing environmental constraints and cultural resources there were very few impediments identified. There was one significant stream and flood plain crossing of Wards Ferry Road located about a half mile south of Adams Drive. There was only one church that fronted Wards Ferry Road – Lynchburg First Church of the Nazarene. There were no parks, schools, cemeteries, or environmental justice issues that are along the corridor that could be impacted by improvements to Wards Ferry Road. None of the preferred alternatives should have any significant environmental impacts.

V.6 COST ESTIMATES

Cost estimates were prepared for each proposed improvements developed as a part of alternatives development process using VDOT Transportation & Mobility Planning Division's statewide planning level cost estimates. Cost estimates for the recommended

improvements have been developed in Year 2013 dollars. To estimate future year costs a yearly inflation rate of 3% has been recommended by VDOT's Transportation and Mobility Planning Division, but since no funding year has been established for the improvements, adjustments for inflation have not been incorporated into the estimates.

Preferred alternative intersection improvements are in bold text in **Table 23**. Proposed corridor improvements cost estimates are listed in **Table 24**. Costs associated with the preferred improvement alternative are shown in bold text.

Table 23
Wards Ferry Road Intersection Alternatives Cost Estimates

Intersection Location	Proposed Improvement	Planning Level Cost Estimate (2013 Dollars)
Timberlake @ Wards Ferry	Logan's Lane Improvements (other study)	N/A
Adams @ Wards Ferry	NBL Turn Lane and Taper: 100' Storage, 100' Taper	\$480,000
	SBR Turn Lane and Taper: 100' Storage, 100' Taper	\$203,000
	Traffic Signal	N/A
Harvard @ Wards Ferry	SBL Turn Lane and Taper: 175' Storage, 100' Taper	\$530,000
	NBR Turn Lane and Taper: 100' Storage, 100' Taper	\$203,000
	WBL Turn Lane and Taper: 200' Storage, 100' Taper	\$256,000
	Roundabout with single lane approaches	\$850,000
	Traffic Signal	\$180,000
	4-Way Stop	N/A
Atlanta @ Wards Ferry	SBL Turn Lane and Taper: 125' Storage, 100' Taper	\$495,000
	Traffic Signal	N/A
Simons @ Wards Ferry	Pedestrian Accommodations - Ped. Signals	\$45,000
	Pedestrian Accommodations - Crosswalk	\$21,000
Wards @ Wards Ferry	Traffic Signal System Improvement (other work)	N/A
	Extend NBL Turn Lane (widen taper ~150')	\$73,750
	Dual NBL Turn Lanes	\$295,000

Table 24
Wards Ferry Road Corridor Cost Estimates

Corridor Improvements	Planning Level Cost Estimate (2013 Dollars)	Notes
5' Sidewalk - One side of Road	\$634,500	
5' Sidewalk - Both Sides of Road	\$2,030,400	ROW cost estimated at 60% of construction costs
8' or 10' Shared Use path Off Road	\$1,903,500	One side of Road
Paved Shoulder/Bike Lane (4 foot wide paved shoulder in both directions)	\$1,163,250	
Close open ditch drainage and provide curb & gutter (2 sides of road)	\$4,740,643	~1.755 Mi. needed
Close open ditch drainage and provide curb & gutter (1 side of road)	\$2,370,322	~1.755 Mi. needed

As Table 24 shows, the cost of installation of the preferred alternative typical section - see **Figure 8: Multi-Use Path Typical Section (Recommended Preferred Alternative)** above – \$1,903,500. It should be considered that actual costs will vary as more detailed drainage design is analyzed. The actual improvement may likely include sections where curb and gutter is required and acquisition of small parcels of right of way may be needed.

In coordination with the Project Management Team the Preferred Alternative was segmented and a prioritized implementation schedule was developed as follows:

1. Harvard Street Roundabout
2. Adams Drive Turn Lanes
3. Atlanta Avenue Turn Lane and Sight Distance Issues
4. Simons Run Pedestrian Signals and Crosswalks

WARDS FERRY ROAD IMPROVEMENTS

Figure 10- Preferred Alternative Sheet 1 of 4

5/31/13

MATCHLINE SHEET 2



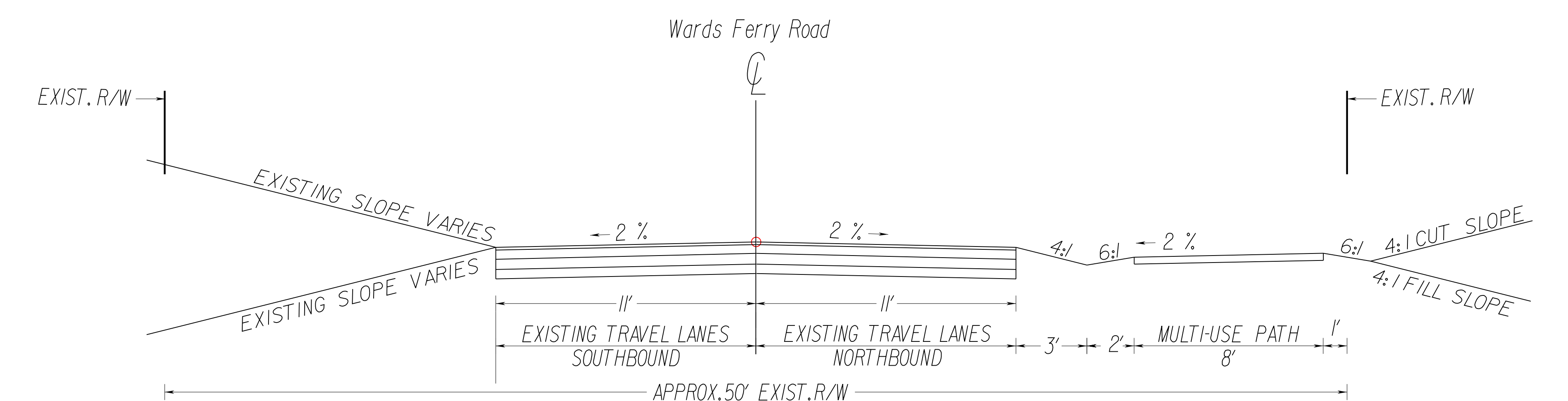
LEGEND

- LANE USAGE ARROWS → ←
- EXISTING PROPERTY LINES ———
- PROPOSED RIGHT-OF-WAY LIMITS ———

SCALE
0 50 100

The roadway and right of way features shown on this map are conceptual and FOR TRANSPORTATION PLANNING PURPOSES ONLY and are not to be regarded as final locations. The actual location and detail of these improvements will be determined at the conclusion of NEPA studies and the preliminary engineering stage.

TYPICAL SECTION



WARDS FERRY ROAD IMPROVEMENTS

Figure 11- Preferred Alternative Sheet 2 of 4

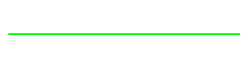
5/31/13

MATCHLINE SHEET 3

MATCHLINE SHEET 1



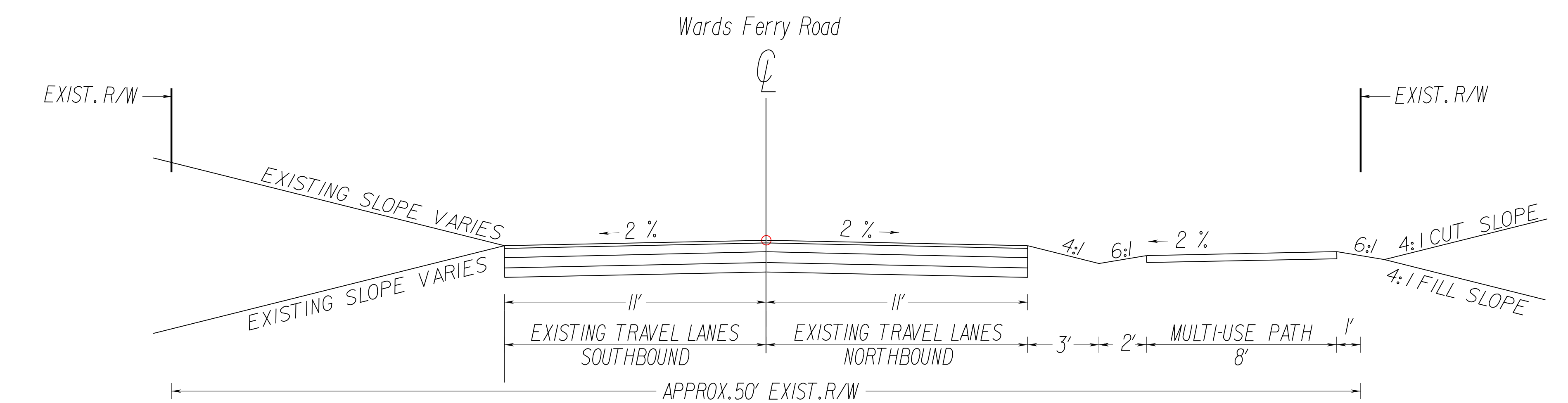
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- LANE USAGE ARROWS 
- EXISTING PROPERTY LINES 
- PROPOSED RIGHT-OF-WAY LIMITS 

SCALE
0 50 100

The roadway and right of way features shown on this map are conceptual and FOR TRANSPORTATION PLANNING PURPOSES ONLY and are not to be regarded as final locations. The actual location and detail of these improvements will be determined at the conclusion of NEPA studies and the preliminary engineering stage.

TYPICAL SECTION



WARDS FERRY ROAD IMPROVEMENTS

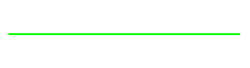
Figure 12- Preferred Alternative Sheet 3 of 4

5/31/13

MATCHLINE SHEET 4

MATCHLINE SHEET 2

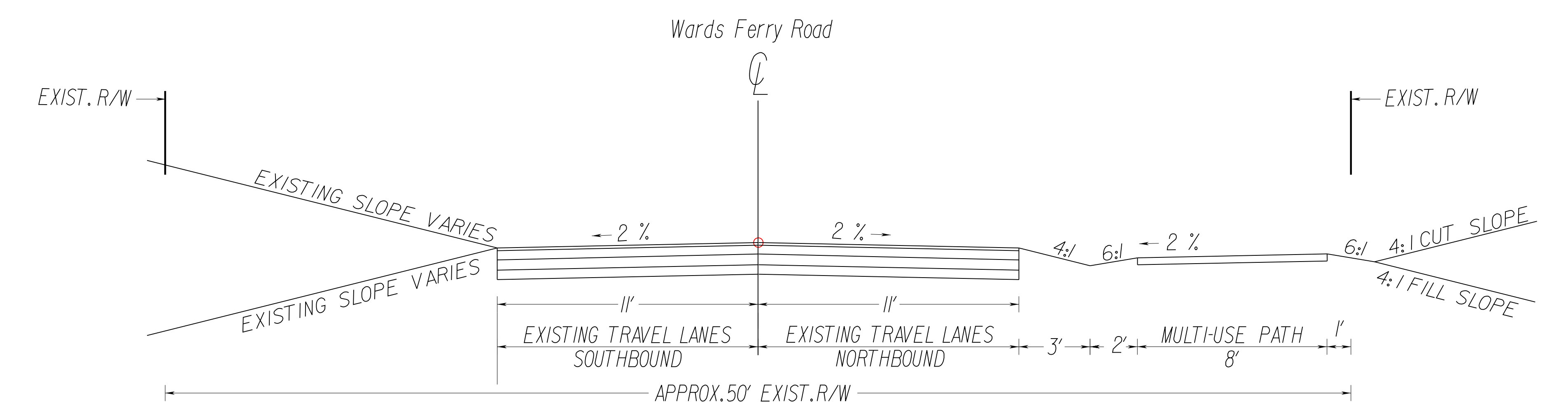
LEGEND

- LANE USAGE ARROWS 
- EXISTING PROPERTY LINES 
- PROPOSED RIGHT-OF-WAY LIMITS 

SCALE
0 50 100

The roadway and right of way features shown on this map are conceptual and FOR TRANSPORTATION PLANNING PURPOSES ONLY and are not to be regarded as final locations. The actual location and detail of these improvements will be determined at the conclusion of NEPA studies and the preliminary engineering stage.

TYPICAL SECTION

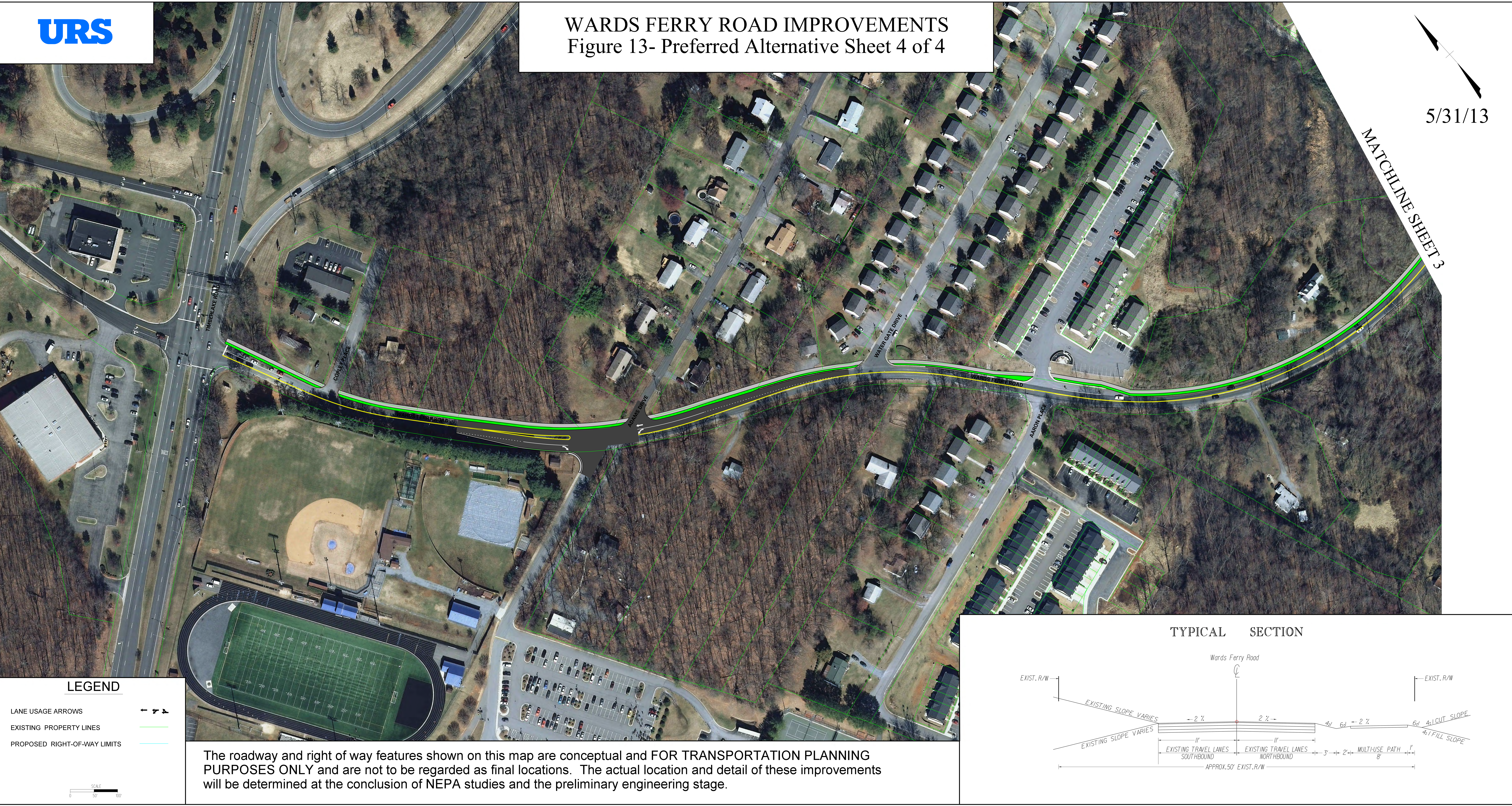


WARDS FERRY ROAD IMPROVEMENTS

Figure 13- Preferred Alternative Sheet 4 of 4

5/31/13

MATCHLINE SHEET 3



The roadway and right of way features shown on this map are conceptual and FOR TRANSPORTATION PLANNING PURPOSES ONLY and are not to be regarded as final locations. The actual location and detail of these improvements will be determined at the conclusion of NEPA studies and the preliminary engineering stage.

V.7 Public Involvement

The public involvement program conducted as part of the corridor study provided two direct opportunities for interested citizens and stakeholders to participate in the process with citizen information meetings and stakeholder meetings. Additionally, the public will have two more opportunities to express their opinion at Planning Commission and City Council public hearings.

First Citizens and Stakeholder Information Meetings

The first Stakeholder Information Meeting was held on Thursday, March 28th, 2013 at 2:30 p.m. at the First Church of the Nazarene in Lynchburg, Virginia. The meeting invitations were sent via email or US Mail. The stakeholders that were invited to participate in the planning process included City of Lynchburg planners, City of Lynchburg transportation engineers, Lynchburg City School representatives, Liberty University representatives, Central Virginia Community College representatives, Region 2000 Local Government Council representatives, VDOT representatives, City Mayor's office, City Council, Directors of Community Development, Public Works, Director of Streets, Economic Development Office, City Communications & Marketing, City Planning Commission, as well as a variety of business owners adjacent to the corridor. A total of 5 stakeholders signed the attendance sheet.

The materials presented at the first stakeholder meeting included maps showing environmental constraints, existing peak period traffic volumes, crash locations and frequencies, and year 2035 forecasted peak period traffic volumes and service levels. A brief PowerPoint presentation was provided by URS Corporation staff, in which the project purpose and schedule were detailed. After the presentation there were brief discussions concerning the project.

The first Citizen Information Meeting was held on Thursday, March 28th, 2013 between 6 p.m. and 7:30 p.m. at Heritage Elementary School in Lynchburg, Virginia. The meeting was also advertised in the newspaper and notices were posted on the City's public access cable channel. In addition, notices by letter were sent to addresses that fronted Wards Ferry Road. Additionally, variable message boards were placed at each end of the corridor a week in advance of the meeting displaying meeting information. A total of 41 citizens signed the attendance sheet. By the appearance of the crowd there may have been another 10-20 people that attended the meeting.

The materials presented at the first meeting included maps showing environmental constraints, existing peak period traffic volumes, crash locations and frequencies, and year 2035 forecasted peak period traffic volumes and service levels. A brief PowerPoint presentation was provided by URS Corporation staff, in which the project purpose and schedule were detailed. After the presentation there was a question and answer period at the podium where City Staff, MPO staff, and consultant staff answered questions.

Twenty-two (22) written comments were submitted. Written public comments are summarized in **Table 25**. Most of the public was in support of improvements along the corridor. At the first citizen information meeting many citizens spoke of the safety issues such as the cross section of the road, speeding problems, and the need for additional intersection control. Additionally, many citizens also stated that it was impossible to bike or walk on the road because there are no accommodations and it wasn't safe to attempt it on the road.

Second Citizens and Stakeholder Information Meetings

The second Stakeholder Information Meeting was held on Thursday, May 9th, 2013 at 2:30 p.m. at Church of the Lynchburg First Church of the Nazarene in Lynchburg, Virginia. The meeting invitations were sent via email or US Mail. A total of 4 stakeholders signed the attendance sheet. The materials presented at the second stakeholder meeting included maps showing alternatives considered along with the preferred alternative. A brief PowerPoint presentation was provided by URS Corporation staff, in which the project purpose and schedule were detailed. After the presentation there were brief discussions about the preferred alternative.

The second Citizen Information Meeting was held on Thursday, May 9th, 2013 between 6 p.m. and 7:30 p.m. at Heritage Elementary School in Lynchburg, Virginia. The meeting was also advertised in the newspaper and notices were posted on the City's public access cable channel. In addition, notices by letter were sent to residential addresses for neighborhoods that use Wards Ferry Road as their primary source of access. This was a significant increase in mailings in comparison to the first set of mailings. Additionally, variable message boards were placed at each end of the corridor a week in advance of the meeting displaying meeting information. A total of 39 citizens signed the attendance sheet. By the appearance of the crowd there may have been another 10 or so people that attended the meeting.

The materials presented at the second meeting included maps showing environmental constraints, existing peak period traffic volumes, crash locations and frequencies, and year 2035 forecasted peak period traffic volumes and service levels. Additionally, there were maps showing the initial preferred alternative. A brief PowerPoint presentation was provided by URS Corporation staff, in which the preferred alternative was explained. After the presentation there was an open house style forum where individual questions were answered by a variety of staff at the maps displayed in the back of the room.

Seventeen (17) written comments were submitted. Written public comments are summarized in **Table 25**. Most of the public was in support of the preferred alternative improvements along the corridor.

Table 25: Summary of Written Public Comments

Written Public Comments	1st Citizens Meeting Number of Comments	2nd Citizens Meeting Number of Comments	Total Comments
In Favor of Roundabout	1	3	4
In Favor of Traffic Signal at Harvard (instead of Roundabout)	2	1	3
In Favor of Traffic Signal at Atlanta	1	1	2
In Favor of Bike Lanes on a wider road	1	3	4
In Favor of sidewalks (both sides of road)	4	2	6
Favors Speed Enforcement	3		3
Favors Adding Additional Lanes to Wards Ferry Road	2		2
Favors Straightening Wards Ferry Road	1		1
Favors Blocking access from Wards Ferry Road to Heritage High School/Elementary School	1		1
Visibility Problems at EB Atlanta Avenue approach to Wards Ferry Road	1		1
Favors Installing Street Lighting at Atlanta Avenue at Wards Ferry Road	1		1
Favors Restricting Trucks	1		1
Favors Lowering Speed Limit to 25 MPH	1		1
Favors 4-way stop at Harvard Street Intersection with Wards Ferry Road	1		1
Favors 460/501 interchange with Wards Ferry Road	1		1
Favors Safety of Pedestrians and Bicyclist		1	1
Request for Improvements at Wards Ferry Road and Atlanta Avenue		2	2
Visibility Problems at WB Adams Drive approach		1	1
Favors Flashing Yellow lights at Adams Drive for Heritage HS		1	1
General Visibility Problems Along Wards Ferry Road		1	1
Favors Turn Lanes to Water Gate Drive		1	1
Total Comments	22	17	39

VI. CONCLUSIONS & RECOMMENDATIONS

VI.1 SUMMARY AND CONCLUSIONS

Region 2000 Local Government Council engaged URS Corporation to conduct the Wards Ferry Road Corridor Study. The goal of the corridor study was to comprehensively plan for future transportation needs in order to effectively provide for the existing needs of the corridor as well as future needs of the corridor.

The existing *Long-Range Transportation Vision Plan* (Year 2035) calls for a 3 or 4-lane cross section on Wards Ferry Road. These improvements are included in the *Long-Range Transportation Vision Plan* (Year 2035) as a part of the Vision Plan, which means that there is no funding identified for this project in the 20 year horizon. As such this study chose to focus on preserving capacity and improving safety while also providing facilities for all users of the roadway.

The corridor was reviewed for safety and capacity operational characteristics to determine any existing or forecasted deficiencies through the 2035 forecast period.

Existing Conditions

To determine existing conditions, AM and PM peak period traffic counts were conducted at six key intersections along the corridor. The three signalized intersections – Timberlake Road, Simons Run, and Wards Road are all operating with adequate service levels. Two of the three unsignalized intersections – Adams Drive and Harvard Street have existing deficiencies on the minor street approaches. The unsignalized intersection of Atlanta Avenue operates with adequate service levels.

Using records provided by Lynchburg, crash types and locations along Wards Ferry Road were also analyzed for the three year period from 2010-2012. Crash records show a total of 72 crashes during this period with 41 rear end crashes, 20 angle crashes, and 11 fixed-object off-road crashes. Out of the 72 total crashes in the study area there were 12 injuries and no fatalities. The crash rate for the corridor was significantly higher than the statewide average for similar facilities. However, the injury rate was below the statewide average crash rate for similar facilities. Crashes were generally evenly spread out through the corridor. The poor geometrics (lack of shoulders and turn lanes), access characteristics (frequent residential driveways and median crossovers), and moderate traffic congestion of the road are the most influential contributors to the high crash rates.

Environmental Resources

Using the data developed from a detailed scan of a wide range of environmental resources in the study area,

The overall finding of the evaluation of environmental resource constraints is that there does not appear to be known environmental resources that either individually or in concert with other resources that would preclude implementation of the improvements

in the Preferred Alternative. The design and permitting process of the individual improvements will require efforts to either avoid or minimize impacts to existing resources, but if reasonable efforts to achieve such avoidance and minimization are pursued, the need for permits can be either avoided or minimized.

Year 2035 Forecasted Conditions

The 2035 Lynchburg Regional MPO travel demand model was used to develop peak period forecast. Specifically, growth rates were computed by comparing the baseline (year 2000) model estimates with the year 2035 model forecasts, and the growth factors were then applied to the corridor and intersection peak hour traffic counts collected as part of this study.

Analysis of the No Build Alternative found that the volumes on Wards Ferry Road are forecast to grow from approximately 25% by the year 2035. With these higher volumes, capacity analysis determined that service will fall by approximately one letter grade from where they are in the existing conditions. Deficient conditions are forecast to occur at all of the three unsignalized intersections as through volumes on Wards Ferry Road make it extremely difficult for side street traffic to enter the traffic stream. All three of the signalized intersections are forecast to continue operating with adequate service levels.

Purpose and Need

Wards Ferry Road currently operates with moderate to severe congestion. As traffic volumes grow, motorist will experience even worse levels of service. This will be particularly acute when motorist attempt to turn onto Wards Ferry Road from a side street. Additionally, there is a higher than average crash rate on Wards Ferry Road. Finally, Wards Ferry Road does not offer accommodations for bicyclist or pedestrians even though existing land uses would support their use. Accordingly, the statement of purpose and need includes the following:

1. Frequencies of crashes along Wards Ferry Road have the potential to increase as traffic volumes and development pressures increase;
2. Service levels in the area of three intersections are forecast to deteriorate to inadequate levels unless improvements are developed and installed;
3. Capacity along the corridor should be preserved so that it can adequately serve traffic volumes forecasted to be generated by development as recommended in the Comprehensive Plan. Should residential densities exceed those recommended in the plan by 200-300 multi-family dwelling units the resulting volumes could not be adequately serviced by the existing two-lane roadway. Consequently widening the roadway to four lanes would be needed; and,
4. As a residential corridor frequented by school related traffic, pedestrian and bicycle accommodations are currently absent from the roadway facility.

Alternatives Development and Analysis

A range of alternatives was developed to help address deficiencies identified in the corridor. These improvements included turn lanes, roundabouts, bicycle and pedestrian facilities, etc. The Project Management Team then considered the alternatives with respect to existing zoning, potential development (especially the expansion of Liberty University), available funding, right of way impacts, and value provided compared to cost. Discussions by the Project Management Team also focused on the response from public meetings. Based on previously stated criteria the Project Management Team selected the components of the preferred alternative.

Cost Estimates

Using VDOT planning level cost estimating data cost estimates were developed for all of the proposed improvements. The recommended turn lanes at Adams Drive are estimated to cost \$203,000 for the southbound right turn lane and \$480,000 for the northbound left turn lane. The proposed roundabout at Harvard Street is estimated to cost \$850,000 (2013 dollars). The southbound left turn lane recommended at Atlanta Avenue is estimated to cost \$495,000. Pedestrian accommodations at the Simons Run signalized intersection are estimated to cost \$66,000.

The cost estimate for installation of the Recommended Preferred Alternative roadway typical section along the corridor is \$1.9 million.

Year 2035 Capacity Analysis

The proposed roundabout improvement at Harvard Street will greatly reduce Harvard Street approach delay and queue lengths. Turn lanes recommended at Adams Drive and Atlanta Avenue will offer minor improvements in delay while offering significant improvements in safety. The signalized intersections in the study area are forecast to operate with adequate service levels in the Year 2035. A separate engineering study and design for the Timberlake Road intersection with Wards Ferry Road is scheduled to begin in the summer of 2013 that study will develop recommendations for improvements to the capacity and safety of the intersection.

Environmental Impacts

The scan of environmental resources within the study area identified only two areas of concern – a stream and flood plain located approximately ½ mile south of Adams Drive and a church fronting Wards Ferry Road – Lynchburg First Church of the Nazarene. These were the only major environmental resources on the corridor. Neither of these two resources should have any significant impact on the preferred alternative.

Economic and Financial Impacts

There is no funding identified for improvements to Wards Ferry Road in the most current SYIP. Furthermore, there is no identified funding for improvement to Wards Ferry Road in the Year 2035 Region 2000 Long Range Transportation Plan.

For the improvements to Wards Ferry Road, construction funding may be allocated from urban construction funding, the MPO funds or from safety funds. The recommended improvements can be individually implemented when they achieve a sufficient level of priority relative to other needed improvements that the MPO in cooperation with the City of Lynchburg and VDOT program the funds in the appropriate SYIP fiscal year.

Public Involvement

The public involvement program conducted as part of the corridor study provided two opportunities for interested citizens to participate in the process. In addition to the two citizen information meetings the public will have the opportunity to express their opinion at Planning Commission and City Council hearings. The Citizen Information Meetings were held on March 28, 2013 and May 9, 2013 at Heritage Elementary School in Lynchburg, Virginia. Forty-one (41) citizens signed the attendance sheet at the first meeting and thirty-nine (39) signed the attendance sheet at the second meeting. Comments were received and incorporated into the study process. Citizens were in general agreement with the preferred alternatives.

VI.2 Recommendations

Based on the findings of the analysis and the input from stakeholders, citizens and the Project Management Team, the following improvements are recommended for the Wards Ferry Road Corridor:

- 1. Install the Recommended Preferred Alternative typical section (as shown in Figure 8 and Figures 10-13) along the Wards Ferry Road corridor;**
- 2. Install a roundabout at the intersection of Harvard Street and Wards Ferry Road;**
- 3. At the intersection of Atlanta Avenue and Wards Ferry Road:**
 - a. Install a southbound left turn lane to Atlanta Avenue; and,**
 - b. Provide for adequate sight distance on the eastbound Atlanta Avenue approach to Wards Ferry Road (re-grade and relocate fencing).**
- 4. At the intersection of Adams Drive and Wards Ferry Road in association with the renovation of Heritage High School:**
 - a. Realign the school access to align with Adams Drive;**
 - b. Install turn lanes**
 - c. Atlanta Avenue merits a separate access management and multi-modal (bike/pedestrian) study between Wards Ferry Road and the trail that is planned to end at the intersection of Atlanta Avenue and the driveway to Sam's Club**

5. Revise study forecasts if land use development policies in the corridor area are modified to accommodate an increase in dwelling units. It is likely that an increase in density will generate traffic volumes that would need a widened Wards Ferry Road to provide adequate service levels.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Draft Legislative Agenda for the 2014 Session of the Virginia General Assembly**

RECOMMENDATION: Review the draft legislative agenda, provide input to staff on possible amendments and schedule adoption of the final document for November 26th.

SUMMARY: A draft legislative agenda for the 2014 General Assembly session is attached for Council's review and discussion. There are several suggested deletions and additions that staff will be prepared to discuss. Council may want to consider some of the new items as priority issues.

After receiving input from Council, staff will finalize the legislative agenda and will place it on the November 26th agenda for adoption.

PRIOR ACTION(S): The adoption of the legislative agenda is an annual event.

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-399-; Walter Erwiin, 455-3973

ATTACHMENT(S): Draft Legislative Agenda

REVIEWED BY: lkp

161K

CITY OF LYNCHBURG **~~2013-2014~~ LEGISLATIVE AGENDA**

Adopted ~~November 27, 2012~~

The City of Lynchburg is a member of both the Virginia Municipal League and the Virginia First Cities Coalition and supports the legislative agendas of both organizations. The City of Lynchburg ~~2013-2014~~ Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council understands the fiscal challenges facing the Commonwealth as the ~~2013-2014~~ session of the Virginia General Assembly convenes. Those challenges make it even more important that the legislators keep the following principles in mind as they evaluate and vote on legislation and possible amendments to the biennial budget.

PRINCIPLES

- Local governments are instruments of the state, created in large measure to deliver state responsible services in a more efficient and effective manner. This state/local partnership requires an equitable allocation of costs between the two levels of government and across the various jurisdictions of the Commonwealth.
- The state must continue to meet constitutional and statutory responsibilities to adequately fund the state share of state/local services, especially in education, human services, and public safety. Any shortfall in state revenues should not be shifted to local governments.
- When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered services.
- Rather than shifting responsibilities for programs that the state is unwilling to fund down to the localities, the state should consider eliminating those programs.
- The state should explore ways to increase the efficiency and effectiveness of the delivery of state services at the local level including the regionalization of service delivery (e.g. Social Services) and the elimination of inefficient structures such as the Compensation Board.
- The General Assembly should defeat proposed legislation that would erode local taxing authority, cap or reduce local revenue sources or that would impose unfunded mandates on localities.

- The General Assembly should support legislation that provides greater authority to localities in implementing sustainability initiatives especially with regard to land use and transportation planning.
- The General Assembly should preserve local zoning and land use authority, allowing flexibility to meet the needs of individual communities.

2013-2014 LEGISLATIVE PRIORITIES

State Aid to Localities: ~~Eliminate the annual reduction in State Aid to Localities (ATL). Although the reduction has been lessened for the current biennium, maintaining reduced state aid for mandated services while the Commonwealth experiences budget surpluses places an undue burden on local taxes.~~

Comprehensive Services Act (CSA): CSA funding continues to be a serious concern. Actions taken by the General Assembly have increased mandated services and shifted costs to the localities. The General Assembly should refrain from adding additional mandated services and should fund its full share of the CSA program.

Educational Funding: Jobs are the key to economic recovery and adequate education is essential for preparing the current and future workforce. The State should fully fund the Standards of Quality (SOQ), including support staff costs and categorical incentive funds for At-Risk students and restore funding from cuts to education over the last biennium. The state has a constitutional duty to meet its education funding obligations and should refrain from changes in methodology and the division of financial responsibility that result in a further shift of funding responsibility from the state to localities. These shifts do not change what it actually costs to provide education but simply transfer additional costs to local governments, and ultimately to the local real estate tax base.

Local Law Enforcement Funding: The Commonwealth should be equitable in its support for local law enforcement funding both to those localities with police departments (HB 599 funding) and to those in which Sheriff's Departments provide law enforcement (through the Compensation Board). Cities should not bear a disproportionate burden for law enforcement funding through continued reductions in funds provided by HB 599.

Transportation: ~~The General Assembly should ensure that adequate dedicated, non-general fund revenues are available to maintain the current transportation infrastructure, especially street maintenance of bridges, key arterial and collector roadways and non-automobile transportation modes such as public transportation, pedestrian and bikeways and airports.~~

- ~~The State should continue its support for the Amtrak intercity passenger rail service from Lynchburg to Boston including continued funds for the Bus Bridge between Lynchburg and Roanoke. In addition, support the extension of~~

~~passenger rail service from Lynchburg to Roanoke as part of the Trans-Dominion Express.~~

- **Oddfellows Road Funding:** The City is seeking State funding to provide access to the new interchange that will be constructed on Route 460/29 at Oddfellows Road. Without improvements to the intersection of Oddfellows Road and Mayflower Drive and to Oddfellows Road from the Lynchburg Expressway (Rt. 29 Business) to the interchange access to the new interchange will be constricted, limiting the effectiveness of that facility.

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~~**Transit Funding:** New formulae for transit funding should recognize the challenges of small transit systems, take into account geographic differences, focus on reasonable service metrics and not create a burdensome administrative process.~~

~~**Water Quality:** The City's Combined Sewer Overflow (CSO) Program has cost a total of \$233 million and could cost in excess of an additional \$200 million to complete. While the City is exploring an alternate approach to addressing the remaining 20% of the CSO program that could cut future costs in half, additional water quality requirements related to the cleanup of the Chesapeake Bay and its tributaries will add as much as \$180 million in local costs for stormwater management and wastewater treatment plant upgrades. Further The City continues to face significant financial burdens in its efforts to comply with water quality regulations. The management of Combined Sewer Overflow (CSO), Sanitary Sewer, Total Maximum Daily Load (TMDL), and stormwater regulations imposes high costs on rate payers.~~ Federal and State assistance is required to avoid an unreasonable economic burden on City residents and businesses. The City urges support for the following positions:

- ~~Provide one half of the funding required (\$30-\$50 million) to implement a new CSO Long-Range Control Plan within the next decade.~~
- Continue to increase funding to the Virginia Revolving Loan (VCWRLF) program and earmark those funds for CSO abatement in order to qualify Lynchburg and Richmond for zero interest rates.
- Support expansion of Virginia's Nutrient Credit Exchange Program to include other sectors such as stormwater as long as it is not to the detriment of the established point source trading or risk a reduction in point source allocations.
- Provide local authority to charge connection and availability or facility fees for stormwater systems similar to those charged by water and wastewater utilities.
- Insist that any regulations enacted to implement the Total Maximum Daily Load (TMDL) in the Chesapeake Bay watershed be based on factual information, propose a reasonable schedule and are sensitive to the fiscal ability of local governments.
- Support reasonable and affordable implementation of any new stormwater management requirements. EPA storm water requirements should be reviewed and revised to avoid placing an unreasonable economic burden on communities.

- Oppose efforts to implement further point source (wastewater treatment plant) reductions of nutrient discharges beyond those allocations currently in the Chesapeake Bay Nutrient General Permit.
- Provide state or federal funding support for all water quality initiatives, as well as continued funding for the Water Quality Improvement Fund (WQIF).

OTHER LEGISLATIVE POSITIONS

Binding Arbitration: Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees.

Communications Sales and Use Tax: Support legislation to reclassify the communications sales and use tax as a local not a state tax.

Economic Development: Provide \$2 million for the Virginia Brownfield Redevelopment Assistance Fund, to continue the redevelopment of brownfield sites.

Eminent Domain: ~~With the approval of the constitutional amendment on eminent domain, it will be necessary to implement the new restrictions in statute. Support legislative efforts to clarify the implications of the amendment and to preserve local authority to exercise eminent domain for legitimate public purposes. Furthermore, legislation should be adopted to stipulate that property is not taken or damaged when access is temporarily restricted due to public infrastructure maintenance or public events that might temporarily block roadways.~~

Exemptions: Oppose any legislation that would exempt churches and other religious and non-profit organizations from neutral, generally applicable local ordinances, and in particular local health, safety and zoning ordinances.

Filing of Bills with Local Fiscal Impact: ~~Support legislation that requires its members of the General Assembly to file bills with local fiscal impacts as early as possible, and no later than the first day of the legislative session, so that the appropriate fiscal impact analysis can be completed and reported in a timely manner. [Priority Item?]~~

Law Enforcement Data Collection and Retention: ~~The collection of data on citizen activities in the public rights of way is a sensitive matter and should be addressed with due caution to respect individual privacy rights. Access to data collected by devices such as Automatic License Plate Readers should be only for legitimate law enforcement purposes after a crime has been committed and with a process that conditions the search of retained data to a specific criminal investigation.~~ ▲

Line of Duty Act: Support initiatives that return program funding responsibility to the state. Should this unfunded mandate continue, give localities the authority to establish these benefits rather than participate in the state program.

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Local Government Mandates: Amend section 15.2-2903 of the Code of Virginia to extend the term of the Task Force for Local Government Mandate Review from an expiration date of July 1, 2014 to July 1, 2016.

Prevention: Restore state funds for prevention services.

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining VIEW staff and funding in Social Services. This program has successfully helped TANF recipients secure and maintain jobs.

State Aid to Public Libraries: ~~Retain-Increase~~ state aid for libraries. Public libraries ~~are experiencing~~have experienced unprecedented demand for their services due to ~~the~~since the recession. In FY 2011 state aid was provided at a level of only 56% of that mandated by the Code of Virginia. Further cuts will threaten the future viability of local libraries.

Substance Abuse Treatment: Restore state funding for substance abuse treatment programs. Such funding could be provided to Community Service Boards, programs such as "The Healing Place" or other pilot programs.

Taxes on Local Services: Oppose the imposition of a state fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services.

Taxes- Machinery and Tools: Oppose legislation that would reduce or eliminate a locality's authority to impose a machinery and tools ~~or business license~~ tax. ~~The loss of \$4,516,511 in revenue from the Machinery and Tools Tax would equate to a 9.2 cent increase in the City's Real Property Tax rate.~~ **[Priority Item?]**

Taxes- Business License: Oppose legislation that would reduce or eliminate a locality's authority to impose a business license tax. ~~The loss of \$7,542,720 in revenue from the Business License Tax would equate to a 15.3 cent increase in the City's Real Property Tax rate.~~ **[Priority Item?]**

Taxes- Transient Occupancy and On-line Travel Companies: Support legislation to ensure that transient occupancy taxes are based on the cost of the room as paid by the consumer. On-line travel companies collect and remit transient occupancy taxes based on the wholesale room price hotels and motels paid by the travel companies not the room price paid by the consumer.

Teacher Retirement Benefits: Fully fund the actuarial rate for teacher retirement as recommended by the Virginia Retirement System Board of Trustees. The Commonwealth should pay at least its fair share of teacher retirement costs directly to VRS. Further, the unfunded liability for the plan should be a responsibility shared proportionally by the state and local governments. **[Priority Item?]**

Telecommunications: Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights of way for telecommunications.

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TDO Transports: Approve legislation to reduce the burden on local law enforcement agencies required to transport patients subject to temporary detention orders to treatment centers significant distances from the jurisdiction.

Trans Dominion Express: Support the extension of passenger rail service from Lynchburg to Roanoke as part of the Trans Dominion Express.

Trespassing Bans: Amend Section 15.2-1717.1 of the Code of Virginia to include language providing that a notarized form signed by the property owner will be admissible in court for the purpose of proving that the local law enforcement agency has the authority to enforce a trespassing ban.

VDOT Street Maintenance Payments: Increase the lane mileage payment rate for city street maintenance payments and refrain from expanding VDOT's role in the local project prioritization process.

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// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of October, 2013, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

6

Absent: Cary

1

// Council Member Cary arrived at 4:13 p.m.

// Executive Director Bryan David of the Virginia's Region 2000 Economic Development Council gave a brief update on the activities of the Region 2000 Partnership. Mr. David stated the Lynchburg Regional Governor's STEM Academy opens for the 2013-2014 academic year with participation by each of the region's public school systems. It offers academic and technical training related to careers in engineering, technology and health science diagnostic services for high school juniors and seniors on the campus of Central Virginia Community College. There are 16 STEM Academies in the Commonwealth and Lynchburg is the only one housed at a community college. Lastly, Region 2000 Economic Development Council in collaboration with the Lynchburg Regional Chamber of Commerce hosted the Lynchburg Regional BLUEPRINT VIRGINIA Public Forum which is the Virginia Chamber of Commerce's comprehensive effort to provide business leadership, direction and long-range economic development planning for the next governor. Region 2000 Economic Development Council announced it will receive an annual contribution of \$50,000 per year from Mid-Atlantic Broadband Communities Corporation for business recruitment and marketing programs to create jobs and business investment in the region. They will also promote cross-collaboration with MBC as well as among other regional economic development organizations served by the fiber optics network.

Executive Director of the Virginia's Region 2000 Local Government Council Gary Christie reported the FY 2013 services to the City of Lynchburg. In FY 2014, the Local Government Council will bring over \$4.6 million to the region in outside grant funds for services, infrastructure and equipment. That is a return of over \$30 for each \$1 in dues provided by local government members. Mr. Christie stated one of the grants, FEMA's Assistance to Firefighters Grant, will provide Lynchburg with \$248,519 to replace mobile and portable radios for fire and EMS use. The areas Mr. Christie highlighted were (1) Safe Routes to Schools in Lynchburg, (2) Carpooling and Commuter Services, (3) Economic Development Strategies, (4) Regional Library Operational Study, and (5) Safety Improvement Study: U.S. Route 221 Corridor. Lastly, Mr. David and Mr. Christie thanked Council for the time and resources that were provided.

// Council Member Perrow made the following statement "my engineering firm has a contract with the Radio Communications Board with the Region 2000 Local Government Council, which provides engineering services to the Radio Communications Board and I have a personal interest. Under the Virginia Conflict of Interest Act, I must abstain from discussion and voting on this item."

// Executive Director of the Virginia's Region 2000 Local Government Council Gary Christie gave a summary of the request. Mr. Christie stated that the Region 2000 Radio Communications Board is upgrading the existing 800 MHz trunked radio system that provides public safety communications for the

City of Lynchburg, the Town of Bedford and the Counties of Bedford and Amherst. In 2011, the jurisdictions authorized the Local Government Council to borrow \$13.1 million for the project. Through a competitive process the Board selected RCC Consultants Inc. to provide radio system engineering services and Harris Corporation to provide a modern P25 compliant 800 MHz trunked regional radio system. Part of the upgrade of the existing regional radio system involves improving radio signal coverage in certain parts of the region. The new radio system is intended to provide 95% mobile radio coverage throughout the region. In designing a system with that level of coverage, it was necessary to add five (5) additional towers: one in Lynchburg, one in Amherst County (which serves the Lynchburg area as well as Amherst), one in the Town of Bedford and two in Bedford County. After Council's discussion, Council Member Cary made a motion, seconded by Council Member Foster to adopt a Resolution. Council by the following recorded vote adopted Resolution #R-13-107, as presented, that the FY 2014 General Fund budget is amended and appropriating \$210,700 to fund the City of Lynchburg's share of additional costs associated with the Regional Radio Upgrade Project:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Gillette	6
Noes:	0
Abstention: Perrow	1

// City Planner Tom Martin provided a report on the Campbell Avenue/Odd Fellows Road Land Use and Corridor Master Plan Study. Mr. Martin stated that the Campbell Avenue/Odd Fellows Road Land Use and Corridor Master Plan encompasses two distinct initiatives: 1) a "grass roots" effort spearheaded by the Campbell Avenue area businesses and residents, and 2) the state's funding of the Odd Fellows Road U.S. Route 460/29 interchange in July 2011. While Campbell Avenue and Odd Fellows Road have unique conditions and land uses, they function as a pair. Impacts and improvements to one road will likely cause significant indirect impact(s) to the other. Mr. Martin further stated that in preparation of the plan, City staff worked with a group of key stakeholders and hosted a series of neighborhood meetings to solicit input on the plan. The resulting document provides an "area-wide" plan, as well as individual "master plans" for the Campbell Avenue and Odd Fellows Road corridors. The Planning Commission recommended approval of the plan because:

- The plan is consistent with the *Comprehensive Plan* which recommends "priorities for improvements to the transportation system should be based on safety considerations; existing deficiencies; multimodal and environmental considerations; physical economic, and policy constraints; contribution to quality urban design; required right of way needs; level of service; and appropriate system continuity." (*Objective 1.A7, pg 14.6*)
- The plan is consistent with the *Comprehensive Plan* which recommends inclusion of "alternative transportation modes in the Transportation Master Plan (TMP), including pedestrians, bikeways, trails and transit." (*Objective 1.A8, pg 14.6*)

During Council's discussion, it was decided to separate the Odd Fellows Road portion of the Campbell Avenue/Odd Fellows Road Land Use and Corridor Master Plan Study into the City's Comprehensive Plan 2002-2020. Council Member Perrow made a motion, seconded by Council Member Nelson to adopt the

Campbell Avenue Master Plan Study. Council Member Helgeson suggested separating the two plans, Campbell Avenue and Odd Fellows Road, because it would take a long time before the Campbell Avenue plan would be complete and he would not support this plan. A friendly motion was made by Council Member Perrow, seconded by Council Member Nelson to change the concept of the Campbell Avenue Plan. Council by the following recorded vote adopted Resolution #R-13-108, as amended, separating the Campbell Avenue Plan from the Odd Fellows Road Land Use and Corridor Master Plan Study:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette

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Noes: Helgeson

1

On motion of Council Member Perrow, seconded by Council Member Cary. Council by the following recorded vote adopted Resolution #R-13-109, as amended, that the Odd Fellows Road portion of the Campbell Avenue/Odd Fellows Road Land Use and Corridor Master Plan Study as part of the City's Comprehensive Plan 2002-2020:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

7

Noes:

0

// During roll call Council Member Cary stated he has had several constituents inquiring about when the traffic light on Oak Lane would be in operation. City Manager Kimball Payne stated that there was still some work to be completed in that area, but in November the lights would be flashing and in December it would be operating properly.

// Council Member Foster stated that in the Physical Development Committee she mentioned what models are out there that shows what cities are working with neighborhoods with community gardens.

// Council Member Perrow stated he would like a brief report on Automatic License Plate Readers.

// Council Member Helgeson had two items of interest 1) Lynchburg Life Saving Crew wrote a letter last week. He inquired into the whereabouts of the letter; and 2) security at meetings which are gun free, in particular the schools and to have police officers at these meeting or have the meetings at another location.

// On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed boards and commissions, i.e., Lynchburg Business Development Centre, Transit Company Board and Lynchburg Parking Authority; and, for consultation with legal counsel and briefings by staff members regarding a specific legal matter requiring the provision of legal advice, specifically, the discussion of the negotiation of the terms and conditions of a proposed contract between the City and the Lynchburg Regional Chamber of Commerce, pursuant to Section 2.2-3711(A.)(1)(7) of the Code of Virginia, 1950 :

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

7

Noes:

0

// The meeting was re-opened to the public.

// Council Member Cary made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Vice Mayor Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote appointed Kevin Lowery, to serve on the Lynchburg Business Development Centre Board for a term to expire September 30, 2016:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Christian H. DePaul, John S. Hellewell and Janice Walker, to serve on the Transit Company Board for terms to expire October 30, 2016:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Brandon P. Farmer and J. Randolph Nelson, to serve on the Lynchburg Parking Authority for terms to expire October 30, 2016:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// City Council recessed the meeting at 6:46 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Absent: 0

Vice Mayor Johnson gave the Invocation, followed by the Pledge of Allegiance.

// Copies of the minutes of the September 3, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member

October 8, 2013

359

Cary, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

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Noes:

0

// Council Member Foster asked that the September 10, 2013 minutes be removed from the Consent Agenda because she was absent at that meeting.

// Copies of the minutes of the September 10, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Helgeson, Johnson, Nelson, Perrow, Gillette

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Noes:

0

Abstention: Foster

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// Copies of the minutes of the September 24, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

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Noes:

0

// Copies of the minutes of the October 1, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

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Noes:

0

// In the matter of Police – Emergency Services, Resolution #R-13-102 amending the FY 2014 City/Federal/State Aid Fund budget and appropriating \$46,846 with resources of \$23,423 from the Virginia Department of Emergency Management 2013 Local Emergency Management Performance Grant and \$23,423 of in-kind matching services to fund a part-time Emergency Management Administrative Services Associate position within the Department of Emergency Services, laid over from the September 24, 2013 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

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Noes:

0

// In the matter of Police – General, Resolution #R-13-103 amending the FY 2014 City/Federal/State Aid Fund budget and appropriating \$53,721 with resources of \$34,284 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$17,142, and \$2,295 transferred from the FY 2014 General Fund Police Department budget to provide selective DUI and occupant restraint enforcement activities, attend related training, and purchase equipment for the Police Department, laid over from the September 24, 2013 meeting, was again presented and read, and on motion of Council

Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Police – General, Resolution #R-13-104 amending the FY 2014 City/Federal/State Aid Fund budget and appropriating \$11,827 with resources of \$7,500 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$3,750, and \$577 transferred from the FY 2014 General Fund Police Department budget to provide speed enforcement activities for the Police Department, laid over from the September 24, 2013 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Police – General, Resolution #R-13-105 amending the FY 2014 City/Federal/State Aid Fund budget and appropriating \$40,753 with resources from the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase Body Microphone Transmitters, Cradles, and in car DVR systems; a high capacity printer, and six Tasers for the Police Department, laid over from the September 24, 2013 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Police – General, Resolution #R-13-106 amending the FY 2014 City/Federal/State Aid Fund budget and appropriating \$24,644 with resources of \$12,322 from the Bulletproof Vest Partnership 2013 Grant Program and \$12,322 transferred from FY 2014 General Fund budget to purchase 33 replacement bulletproof vests for law enforcement officers, laid over from the September 24, 2013 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #15 on adopting an Ordinance leasing a portion of City-owned property located at 2624 Lakeside Drive (Lynchburg Fire Station 7) to Milestone Communications Management III, Inc. City Manager Kimball Payne provided information regarding leasing a portion of City-owned property located at 2624 Lakeside Drive to Milestone Communication Management III, Inc. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, Chair of the Physical Development Committee, who stated that Council approved a franchise agreement with Milestone on September 10, 2013. This motion does not require a second and Council by the following

October 8, 2013

361

recorded vote adopted Ordinance #O-13-110, as presented, leasing a portion of City-owned property located at 2624 Lakeside Drive to Milestone Communications Management III, Inc. :

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

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Noes:

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// In the matter of Finance - Bonds, a public hearing was held regarding City Council Report #16 regarding authorizing the issuance of not to exceed \$10,000,000 General Obligation Public Improvement Bond for City and Schools Capital Projects and Public Safety Capital Equipment.

Donna Witt, Financial Services Director, provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-13-111, as presented, authorizing the issuance of not to exceed \$10,000,000 General Obligation Public Improvement Bond Series 2013, for City and Schools Capital Projects and Public Safety Capital Equipment:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

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Noes:

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On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-112, as presented, amending the FY 2014 General Fund budget in the amount not to exceed \$191,250 with resources from the General Fund Reserve for Contingencies to fund the debt service interest payment due June 1, 2014:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

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Noes:

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On motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-113, as presented, amending the FY 2014 General Fund budget and appropriating \$64,000 with resources from proceeds of the FY 2014 General Obligation Public Improvement Bond to fund issuance costs:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

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Noes:

0

// In the matter of City Council, City Council Report #17 was considered. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-13-114, as presented, to revise Sustainable Lynchburg Vision Statements and City Council Vision and endorse an annual strategic planning process:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

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Noes:

0

// The meeting was adjourned at 8:03 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013**

AGENDA ITEM NO.: **7**

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Vacate unopened right-of-way between 3600 and 3607 Manton Drive**

RECOMMENDATION: After a public hearing, adopt an ordinance vacating the unopened right-of-way.

SUMMARY: Mr. Thomas P. McCann is petitioning to vacate a right-of-way between 3600 Manton Drive and 3607 Manton Drive. The right-of-way is two hundred forty (240) feet in length and fifty (50) feet wide.

There are unique circumstances involving this right-of-way. First, in the case of Donald A. Minner v. City of Lynchburg (March 4, 1963), the Supreme Court of Virginia ruled the City is not allowed to use this property for right-of-way. Also, although right-of-way vacations in the City typically result in adjoining property owners splitting the vacated property, this particular right of way was created after the subdivision of the land out of the property at 3600 Manton Drive. As such the entire area would revert back to 3600 Manton Drive which is currently owned by the petitioner.

There is no expected impact with the proposed vacation given the City cannot use the property as right-of-way and there are residential dwellings blocking access to Willow Lawn Drive.

PRIOR ACTION(S):

August 9, 2013: The Technical Review Committee (TRC) reviewed the petition and comments have been incorporated into the proposed ordinance.

October 8, 2013 The Physical Development Committee (PDC) reviewed the petition and unanimously recommended the request be forwarded to City Council.

FISCAL IMPACT: None

CONTACT(S): Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Property Maps
- Application for Vacation of Right-of-Way
- Lexis Nexis Summary of the Virginia Supreme Court Case
- Deed

REVIEWED BY: bms

UNCODIFIED ORDINANCE

AN UNCODIFIED ORDINANCE VACATING RIGHT OF WAY BETWEEN 3600 MANTON DRIVE AND 3607 MANTON DRIVE.

WHEREAS, Mr. Thomas P. McCann is petitioning to vacate a right of way located between the properties of 3600 Manton Drive and 3607 Manton Drive, which extends two hundred forty (240) feet; and

WHEREAS, City Council finds that no public inconvenience will result from vacating a portion of the right of way

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Sections 35-71 through 35-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

The right of way fifty (50) feet in width, located between 3600 Manton Drive and 3607 Manton Drive, which extends two hundred forty (240) feet from the end of Manton Drive.

Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and (2) the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED that the Clerk of the Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

Clerk of Council

154K

3600 Manton Drive

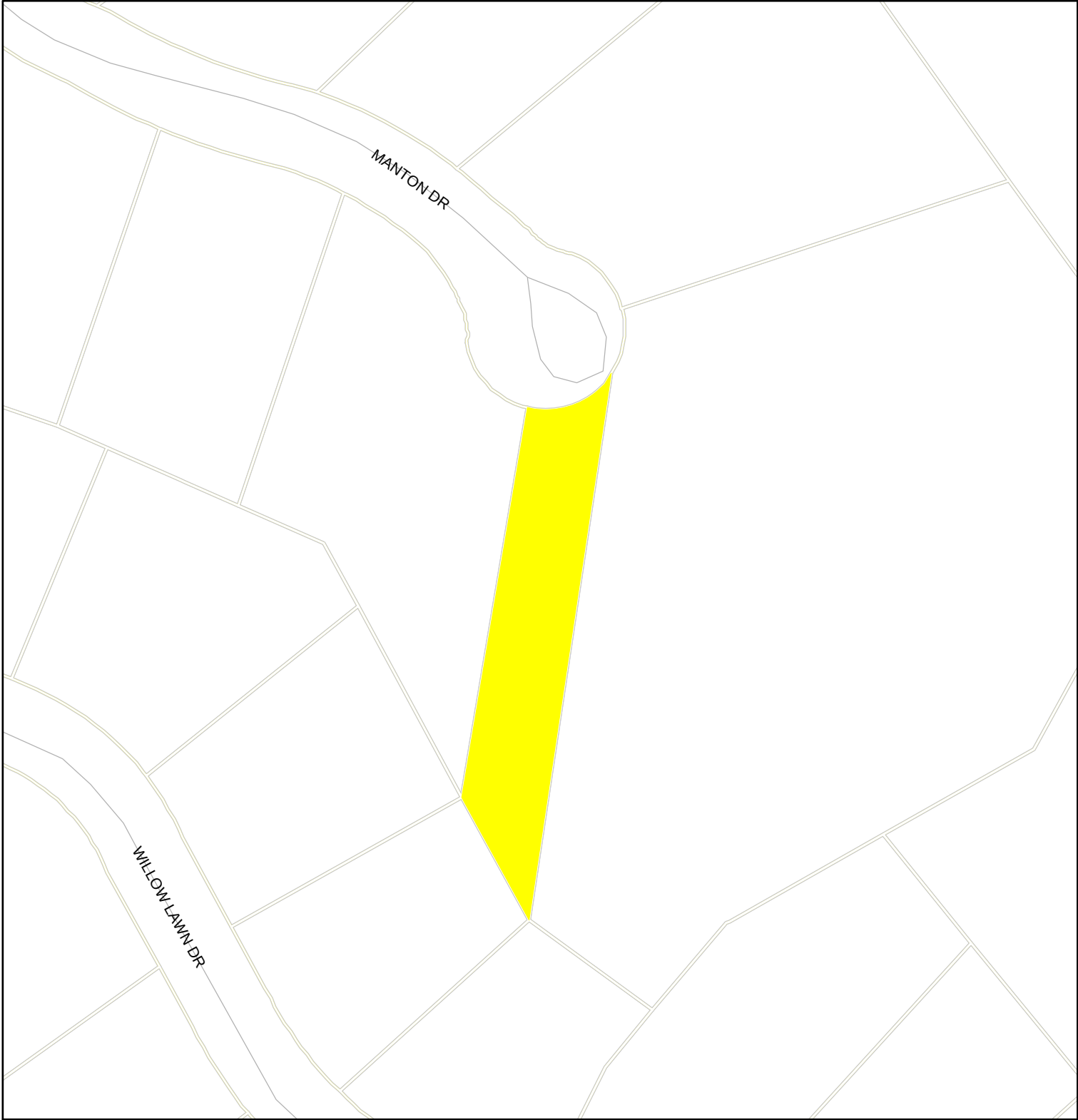
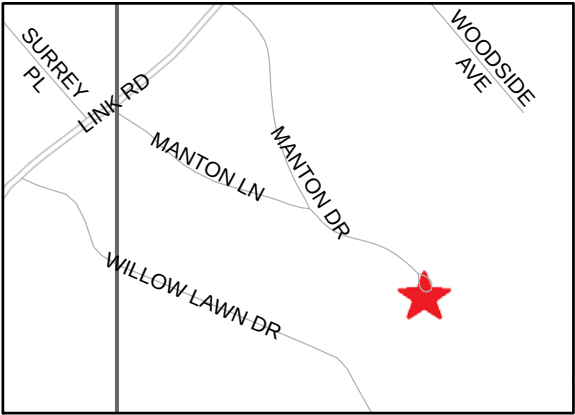
Right-of-Way Vacation



Location



Area of Right of Way to be vacated



3600 Manton Drive

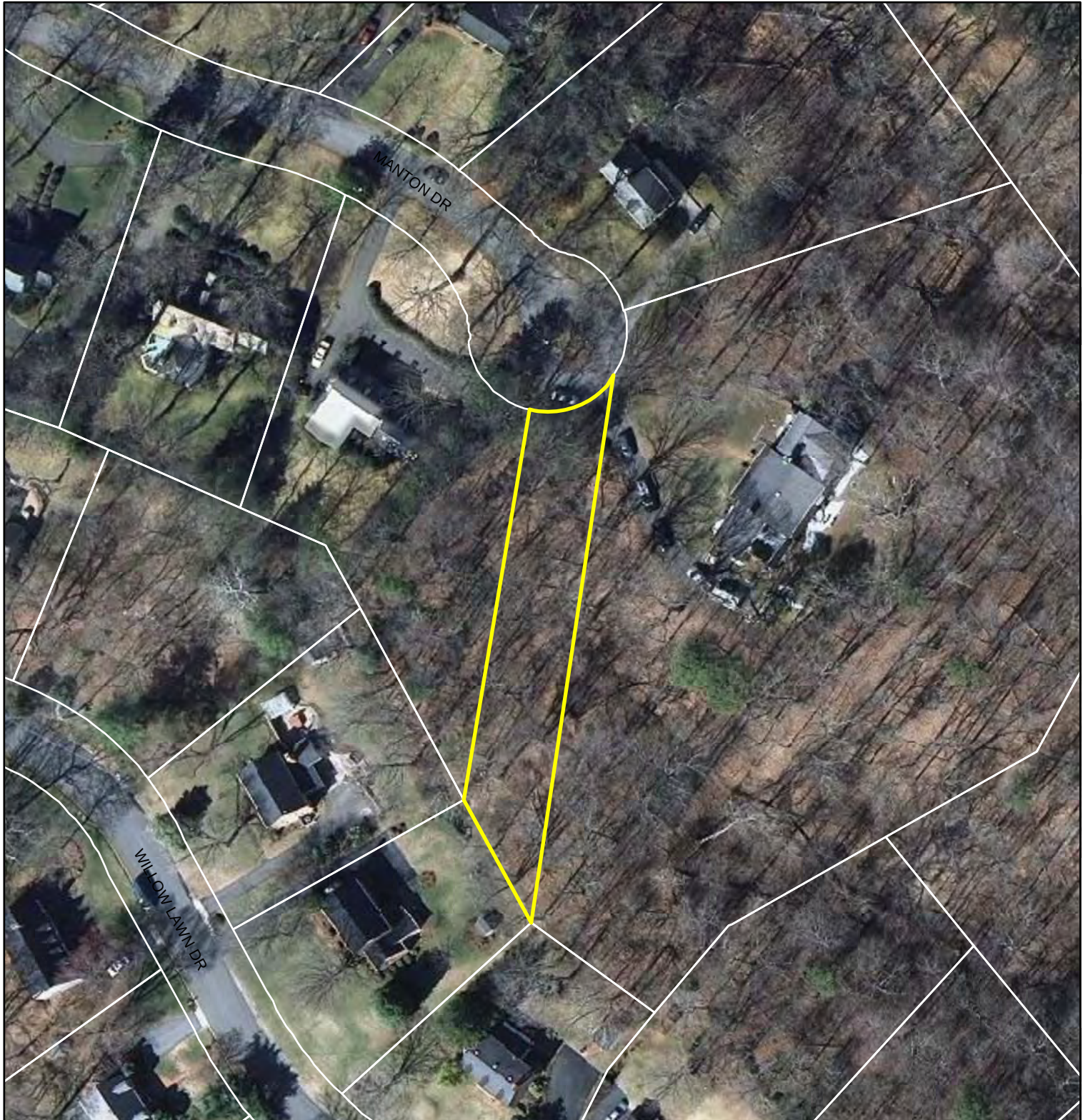
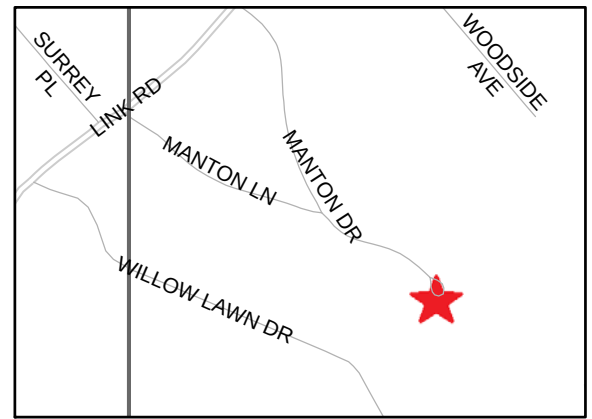
Right-of-Way Vacation



Location



Area of Right of Way to be vacated



APPLICATION FOR THE VACATION OF A

Right-of-way

Street/Alley/Right-of-way

LOCATED BETWEEN

3600 Manton Dr. and 3607 Manton Dr.

The undersigned applicant, Thomas P. McCann
pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950,
as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg
City Code, 1981, as amended, respectfully makes application to the
Lynchburg City Council for the vacation of that certain Right-of-way
described as follows:

3603 Manton Dr.

Manton Wood, PT LOT 13

Parcel ID 03704084

The applicant further requests the Lynchburg City Council to hold a
public hearing on this application at its meeting to be held in the Council
Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on
_____, 20____, at 7:30 p.m., or as soon thereafter as
the matter may be heard, and at the conclusion of which hearing to consider
whether or not to vacate the above described Right-of-way.

Given under my hand this 25 day of July,
20 13.


Applicant

3600 Manton Dr.
Lynchburg, VA 24503
Address

434-444-5466
Telephone Number

Adjoining Property Owner

Adjoining Property Owner

Adjoining Property Owner

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204 Va. 180, *; 129 S.E.2d 673, **;
1963 Va. LEXIS 132, ***

DONALD A. MINNER, ET AL. v. CITY OF LYNCHBURG, ETC., ET AL

Record No. 5535

Supreme Court of Virginia

204 Va. 180; 129 S.E.2d 673; 1963 Va. LEXIS 132

March 4, 1963

PRIOR HISTORY: **[***1]** Appeal from a decree of the Circuit Court of the city of Lynchburg.
Hon. Charles E. Burks, judge presiding.

DISPOSITION: *Decree reversed and remanded with directions.*

CASE SUMMARY

PROCEDURAL POSTURE: Appellant lot owners sought review of the judgment of the Circuit Court of the City of Lynchburg (Virginia), which held that uniform restrictions contained in the deeds of the lot owners in a subdivision were not binding on a lot conveyed to appellee City of Lynchburg (city), and denied the lot owners' request for injunctive relief against the city for using a strip of another lot for a public street.

OVERVIEW: The lot owners filed an action against the city and appellee developer's heirs to have the uniform restrictions contained in their deeds, as well as other deeds to lots in the subdivision, declared binding on the lot conveyed to the city for use as a public street and to enjoin the city from the use of a strip of another lot as a street. The restrictions were not contained in the deed of the property to the city. On appeal, the court reversed the circuit court's judgment and remanded with instructions to enjoin the city from building a street across the lots. The court held that the grantors of the property in the subdivision intended to create a scheme of development for the benefit of themselves and the owners of the lots in the subdivision. There was an implied reciprocal covenant that the restrictions prohibiting the construction of a street across the lots would apply to sold lots and land retained by the grantors and their grantees with notice. The court found that the city had actual and constructive notice, was bound by the restrictions and covenants, and could not build the street. The court noted that the city could acquire the right to build the street by eminent domain.

OUTCOME: The court reversed the judgment of the circuit court and remanded with

instructions to enjoin and restrain the city from constructing a street across lots in the subdivision.

CORE TERMS: deed, heirs, street, strip, covenant, conveyed, plat, grantor, restrictive covenants, purchaser, constructive notice, notice, mutual, adjacent, drive, lot owners, equitable, grantee's, conveyance, real property, chancellor, tract, general plan, constructing, binding, residential, reserved, feet, general scheme, present case

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Contracts Law > Types of Contracts > Covenants 

Real Property Law > Priorities & Recording > Bona Fide Purchasers 

Real Property Law > Restrictive Covenants > Covenants Running With Land 

HN1  The rights and obligations established by the doctrine of restrictive covenants in equity are known as equitable easements and equitable servitudes. The doctrine is, in brief, that when, on a transfer of land, there is a covenant or even an informal contract or understanding that certain restrictions in the use of the land conveyed shall be observed, the restrictions will be enforced by equity, at the suit of the party or parties intended to be benefited thereby, against any subsequent owner of the land except a purchaser for value without notice of the agreement. More Like This Headnote | *Shepardize: Restrict By Headnote*

Contracts Law > Types of Contracts > Covenants 

Real Property Law > Restrictive Covenants > General Overview 

HN2  While the burden of proof is on one claiming the benefit of an implied restrictive covenant, if the uniform scheme of development or improvement is proved to have been the intention of the parties, equity will carry it out at the suit of any of the lot holders; provided, of course, he has not by his own conduct shut the doors of the court, and if the party against whom the restrictions are sought to be enforced had notice, actual or constructive, of the restrictions, conditions and covenants, even though they were not contained in his deed. More Like This Headnote | *Shepardize: Restrict By Headnote*

Contracts Law > Types of Contracts > Covenants 

Real Property Law > Limited Use Rights > Easements > Affirmative & Negative Easements 

Real Property Law > Restrictive Covenants > General Overview 

HN3  Where a common grantor develops a tract of land for sale in lots and pursues a course of conduct which indicates that he intends to inaugurate a general scheme or plan of improvement for the benefit of himself and the purchasers of the various lots, and by numerous conveyances inserts in the deeds substantially uniform restrictions, conditions and covenants against the use of the property, the grantees acquire by implication an equitable right, variously referred to as an implied reciprocal negative easement or an equitable servitude, to enforce similar restrictions against that part of the tract retained by the grantor or subsequently sold without the restrictions to a purchaser with actual or constructive notice of the restrictions and covenants. More Like This Headnote | *Shepardize: Restrict By Headnote*

Real Property Law > Restrictive Covenants > General Overview 

Real Property Law > Subdivisions > General Overview 

HN4  Where it is provided in deeds conveying lots in a subdivision that restrictions can only be waived by a specific number of lot owners, it shows an intention on the part of the common grantor to create a general scheme of development for the mutual benefit of all of the lot owners and not solely for his own benefit. More Like This Headnote | *Shepardize: Restrict By Headnote*

Contracts Law > Contract Interpretation > General Overview 

Real Property Law > Deeds > Construction & Interpretation 

HN5  Inasmuch as the parties must have intended all the provisions and terms of a deed to have some meaning and be given some import, from the fact that the terms and provisions were actually inserted in the deed, a deed will be so interpreted as to make it operative and effective in all its provisions, if its terms are susceptible of such interpretation. Every word, if possible, is to have effect, for, it has been said, the deed, as the witness to the contract between the parties, should speak the truth, the whole truth, and nothing but the truth. More Like This Headnote

Contracts Law > Statutes of Frauds > General Overview 

Real Property Law > Limited Use Rights > Easements > General Overview 

Real Property Law > Restrictive Covenants > General Overview 

HN6  An equitable servitude or easement is an interest in land. More Like This Headnote | *Shepardize: Restrict By Headnote*

HEADNOTES / SYLLABUS

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HEADNOTES

(1) Real Property -- Implied Restrictive Covenants -- Doctrine Held Applicable.

(2) Real Property -- Implied Restrictive Covenants -- Rules Stated.

(3) Real Property -- Implied Restrictive Covenants -- Doctrine Applicable where Provision for Waiver of Restrictions by Lot Owners.

(4) Real Property -- Implied Restrictive Covenants -- Party With Knowledge of Restrictions Bound Thereby.

1. The appellants, owners of 21 of the 31 lots in a subdivision established by recorded plat in 1937, filed the instant suit to enjoin the city of Lynchburg and others from using a 50-foot strip of Lot 13 of the subdivision as a public road. The city had taken title to this strip from the subdivider in 1958, for the purpose of constructing a road across it to connect the main road in the subdivision with adjacent properties. At this date most of the lots had been sold under deeds containing restrictions which were stated to run with the land and to be subject to

change with the consent in writing of all lot owners. Among [***2] the restrictions was one against use of any lot for a road or public way. The appellants contended unsuccessfully in the court below that there had been a general plan of development for the benefit of all lot owners, as well as the subdivider, therefore the restrictions applied to all lots. On appeal it was held that the doctrine of implied restrictive covenants in equity urged by appellants is recognized in Virginia and applied in the present case.

2. The intent of the common grantor in imposing the restrictions is an essential factor; if the one claiming the benefit of the implied restrictive covenant proves a uniform scheme of development to have been intended, equity will carry out this intent against a party who had notice of the restrictions, even though not contained in his deed. The doctrine is applicable where a common grantor develops a tract for sale in lots and by his conduct, such as inserting substantially inform restrictions in numerous deeds, indicates an intent to carry out a general plan of improvement for himself and the lot owners.

3. A provision in deeds to subdivision lots that restrictions can be waived only by a specific number of lot owners shows [***3] an intention on the part of the common grantor to adopt such a general plan. The inclusion of such provision in the restrictions and the imposition of uniform restrictions in the deeds showed such intent and made the doctrine of implied restrictive covenants applicable in the instant case.

4. The city had both actual and constructive notice of the restrictions, hence was bound by them. But it was left free, of course, to acquire a right to construct the road by use of its power of eminent domain, paying just compensation to the lot owners affected.

SYLLABUS

The opinion states the case.

COUNSEL: *Edward R. Feinman*, for the appellants.

William Rosenberger, Jr. (C. Shepherd Nowlin, City Attorney, on brief), for the appellees.

JUDGES: Present, All the Justices.

OPINION BY: I'ANSON

OPINION

[*181] [**674] I'ANSON, J., delivered the opinion of the court.

This suit was instituted by the appellants, Donald A. Minner and others, owners of twenty-one lots in the Manton Wood subdivision in the city of Lynchburg, against Louise G. Raphael, Sidney A. Goodman, A. Leonard Goodman, and Fannie G. Ries, heirs of Emanuel Goodman, deceased, developers of the subdivision and hereinafter referred [***4] to as the Goodman heirs; the city of Lynchburg; John Stewart Walker, Inc., and George C. Walker, agents for the Goodman heirs; and George C. Walker, Ione McK. Walker, Gertrude Cook and Otto Cook, owners of real property adjacent to the subdivision; seeking to have the uniform restrictions contained in their deeds, or the deeds of their predecessors in title, and in all other deeds to lots in the subdivision declared binding upon lot 31, which is unsold and still owned by the Goodman heirs, and upon a 50-foot strip of lot 13, conveyed by the Goodman heirs to the city of Lynchburg for use as a public street to the adjoining property. They also sought injunctive relief against the city of Lynchburg and the owners of the adjacent property from the use of the 50-foot strip of lot 13.

The chancellor sustained demurrers filed by agents of the Goodman heirs and the owners of the property adjacent to Manton **[**675]** Wood **[*182]** and the bill was dismissed as to them. They are not parties to this appeal. A demurrer filed by the city was overruled and it thereupon filed its answer to the appellants' bill of complaint.

The Goodman heirs, being non-residents, were duly proceeded **[***5]** against by an order of publication but they made no appearance in the court below or here.

After an *ore-tenus* hearing on the merits the chancellor held, in a written opinion, that the restrictions in appellants' deeds, or of their predecessors in title, and in the deeds to other lots in the subdivision were not binding on lot 31, which was retained by the Goodman heirs, and upon the 50-foot strip of lot 13 conveyed to the city of Lynchburg for use as a public street; that the deed to the city contained no restrictions against its use as a street and the city had neither actual nor constructive notice that it could not be so used; that the evidence showed that representations were made by an agent of the Goodman heirs to two purchasers of lots in the subdivision that no street would be opened across lot 13, but the representations were oral promises purporting to create an interest in real property and were not enforceable under the statute of frauds (§§ 11-1 and 11-2, Code of 1950, 1956 Replacement Volume; § 55-2, Code of 1950, 1959 Replacement Volume); and that to enjoin the city from constructing a street over the 50-foot strip would "be a futile thing * * * and benefit **[***6]** no one" because the city could condemn it for street purposes under its power of eminent domain.

From the decree dismissing appellants' bill and denying the injunction we granted appellants an appeal.

The appellants contend that the chancellor erred (1) in not holding that the Goodman heirs adopted a general plan or scheme of development of Manton Wood and that it was their intent to insert uniform restrictions in all their deeds of conveyance, which would be for the mutual benefit of all the owners of the lots in the subdivision, and that the purchaser of each lot acquired a right to have substantially the same uniform restrictions contained in his deed imposed upon all the lots retained by the Goodman heirs, or by a grantee from them who took title with notice, actual or constructive, of the general plan and the uniform restrictions; (2) in holding that the city of Lynchburg did not have actual or constructive notice of the general plan of development and of the uniform restrictions; (3) in holding that the statute of frauds barred them from the relief sought; and (4) in not enjoining the city of Lynchburg from constructing a street over the 50-foot strip of land.

[*183] **[***7]** On the other hand, the city says that the restrictions were limited to and applied only to the particular lot "hereby conveyed"; that they were for the sole benefit of the Goodman heirs; and that the oral promises of the agents of the common grantor were merely sales talk, made without authority, and were unenforceable under the statute of frauds.

[1] In 1937 the Goodman heirs owned a tract of land containing approximately 25 acres bordering on Link road in the city of Lynchburg, which they, under the supervision of their agents, John Stewart Walker, Inc., and George C. Walker, subdivided into thirty-one residential lots, which subdivision they named "Manton Wood." A plat of the subdivision was recorded on August 14, 1937, and an amended plat, with only negligible changes, was recorded on May 11, 1938. Both plats showed a "Y" shaped street with the principal part designated as Manton drive. The arms of the "Y" connected with Link road, and Manton drive terminated at the base of the "Y" in a dead-end circle in front of lot 13. The street did not extend to any adjacent land, nor did the plats show provision for any future street to connect Manton drive to the adjoining land. There **[***8]** were three provisions written on these plats relating to building line restrictions only.

[676]** After recording the amended plat, the Goodman heirs proceeded to sell the lots and at the time this suit was instituted they had sold all except lot 31. With negligible exceptions in

their first three deeds and the deed conveying to the city of Lynchburg the 50-foot strip reserved from lot 13, all the deeds from the Goodman heirs contained the uniform covenants and restrictions set out in their deed of July 18, 1940, to Irene J. Tucker, hereinafter referred to as the "Tucker restrictions."

The Tucker restrictions limited the use of the property conveyed to residential purposes and there were eight other provisions. The other restrictions and covenants here material are these:

"7. That no street, avenue, alley or thoroughfare of any sort to be used by the public shall be laid out through or upon any portion of the lot hereby conveyed.

* * *

"9. That all of the covenants and agreements above expressed shall be held to run with and bind the real estate hereby conveyed and subsequent owners and occupants thereof until January 1, 1999, and the acceptance of this deed shall *****9** have the same force and binding ***184** effect upon the party of the second part, her heirs, personal representatives and assigns, as if this deed was signed and sealed by the party of the second part, provided that any of the covenants, agreements and restrictions contained herein shall at any time and in any manner be changed with the mutual consent in writing of all of the owners of all of the lots shown upon the plat heretofore referred to."

When the lots were first offered for sale newspaper advertisements referred to Manton Wood as a "restricted community."

On December 3, 1941, the city of Lynchburg, holder of a lien on lot 18 in Manton Wood as security for the performance of a contract for the construction of two sewer mains in the subdivision, joined in a deed with the Goodman heirs, owners of lots, and others having liens on property in the subdivision to release a particular violation of the restriction against building more than one residence on each lot.

In a deed from the Goodman heirs dated April 9, 1943, releasing the requirement of submitting building plans and specifications for approval by their agent, which was required by the restrictions in the first *****10** deed conveying lot 9, it was stated that the provision was eliminated because they did not deem it any advantage to themselves or the subdivision.

In 1951 the city of Lynchburg, through its city manager, recognized that there was a possibility that the lands adjacent to Manton Wood would be developed and the interest of the city might be affected, and inquired of the city attorney whether Manton drive could be extended across lot 13 to the adjoining tracts of land.

In a letter dated February 9, 1951, addressed to the city manager, a copy of which was sent to the city's director of public works, the city attorney advised that there were no restrictions on the plats of Manton Wood which would prevent a street from being constructed over any of the lots. He quoted restriction No. 7, and stated that although it had been placed in the deeds to all the lots sold, in his opinion it applied only to the lot conveyed in each deed and did not apply to any of the unsold lots, and that the proposed street could be placed entirely on lot 13 as it was still owned by the Goodman heirs.

The city attorney's letter did not mention the covenants and agreements contained in No. 9 of the Tucker *****11** restrictions, which appeared, with only negligible exceptions in the first three deeds, in all of the conveyances by the Goodman heirs.

***185** On October 30, 1952, the Goodman heirs, by deed incorporating the Tucker restrictions, conveyed lot 13 to Frank B. Wright, Jr., but expressly reserved and excepted ***677** from said lot a strip 50 feet wide adjacent to lot 14 "with the right to use or dedicate

said strip for a right of way into adjoining property or for any other purpose consistent with" the Tucker restrictions. Prior to this reservation twenty of the thirty-one lots in Manton Wood had been sold subject to the uniform restrictions.

On May 5, 1958, pursuant to an agreement between the Goodman heirs, the city of Lynchburg, and the owners of lands adjacent to Manton Wood, George C. Walker, et ux., and Gertrude Cook, et vir, the Goodman heirs conveyed to the city of Lynchburg the 50-foot strip of land reserved from lot 13. This 50-foot strip was to be used by the city for a street to connect with a strip of the same width across the lands of Cook into the lands of Walker. At the time of this conveyance twenty-six of the thirty-one lots in the subdivision had been [***12] conveyed subject to the uniform restrictions.

In early 1961 Walker submitted to the city planning commission a proposed plan for the development of his property which showed the use of the 50-foot strip of lot 13 as a through street from Manton drive. When this proposed plan to use the strip as a street was approved by the planning commission, and funds were appropriated by the city council for construction of the street, the appellants instituted this suit.

Seven lot owners in Manton Wood testified that when they were prospective purchasers the salesmen showed them a copy of the plat showing Manton drive as a dead-end street, told them that the restrictions to be placed in their deeds were binding on all the lots of the subdivision, and assured them that Manton drive would not become a public thoroughfare.

Walker testified that he may have expressed the opinion to two of the purchasers that Manton drive would remain dead-end but he gave them no assurances that a street would not be opened through any of the lots to connect Manton drive with adjacent properties; that it was the intention of the Goodman heirs to develop Manton Wood as a restricted residential subdivision and [***13] that the Tucker restrictions were inserted in the deeds of all thirty lots sold to enhance their value and to aid in making sales; and that Manton Wood had developed into a high class residential community.

The appellants argue that the plats, the restrictions, covenants and [*186] agreements in their deeds, the newspaper advertisements, and the oral representations of the sales agents, show that it was the intention of the Goodman heirs to adopt a general scheme of development of Manton Wood for the mutual benefit of the Goodman heirs and all the grantees and that they acquired an implied equitable right to enforce the restrictions against all the lots as shown on the plats, including those retained by the common grantors or sold by them without restrictions where the grantee had notice of the uniform restrictions; and that the city of Lynchburg had actual and constructive notice of the restrictions, covenants and agreements and is bound by them even though they did not appear in its deed from the Goodman heirs. Thus they say that the opening of a street across lot 13 violates Nos. 7 and 9 of the Tucker restrictions and the chancellor erred in denying the injunction and dismissing [***14] their bill.

The appellants rely on the principle of implied restrictive covenants in equity which they say was adopted by this Court in the case of *Cheatham v. Taylor*, 148 Va. 26, 138 S.E. 545.

In the *Cheatham* case, Rivermont Company subdivided a large tract of land for development as a residential neighborhood. The recorded plat of the property did not show any building line restrictions, but the board of directors of the corporation passed a resolution declaring that all lots on Rivermont avenue within a certain area would have a building set-back line of 20 feet from the street, and that each deed of conveyance should contain a covenant to that effect. Newspaper advertisements for the sale of lots pointed out that there were building [**678] line restrictions on the Rivermont avenue lots. Cheatham and Taylor bought lots in the restricted area. Cheatham's deed and that of his predecessors in title contained the building line restriction and provided that the restriction was a covenant running with the land. Cheatham built a drug store 20 feet from the street, and later added 15 feet to the front of the store. In a suit brought by Taylor to require Cheatham [***15] to remove the addition, the lower court

decreed that the restriction had been violated and ordered him to remove that portion of the building within 20 feet of the street line.

In denying an appeal from the decree of the trial court, this Court, in a written opinion, held that it was the intention of the parties that the restrictive provisions in the deeds were for the mutual benefit of the Rivermont Company and the purchasers of lots; that when the common grantor made the conveyances to the grantee's [*187] predecessors in title there was an implied promise on its part, especially in view of the resolution of its board of directors, the provisions in the deeds stating that the restrictions were covenants running with the land, the newspaper advertisements, and the surrounding circumstances, that the entire property covered by the resolution would be subject to the restrictive covenants; and that for a violation of its promise it could be enjoined by a purchaser of one of the lots, because an equity attached to the lots sold which the common grantor could neither violate nor alienate to a purchaser with notice.

In the above case, 148 Va. at pp. 37, 38, 138 S.E. at p. 548, [***16] this Court quoted with approval the following from Northrup on the "Law of Real Property":

"A purely equitable doctrine, of great importance in growing cities and entirely distinct from the common law doctrine of covenants running with the land, has arisen in modern times. It is often referred to, from the English case that is its foundation, as the doctrine of *Tulk v. Moxhay* (2 Phillips 774). It is also called the ^{HN1} doctrine of restrictive covenants in equity, and the rights and obligations established by it are known as *equitable easements* and *equitable servitudes*. The doctrine is, in brief, that when, on a transfer of land, there is a covenant or even an informal contract or understanding that certain restrictions in the use of the land conveyed shall be observed, the restrictions will be enforced by equity, at the suit of the party or parties intended to be benefited thereby, against any subsequent owner of the land except a purchaser for value without notice of the agreement. * * *"

The above statement was also quoted in *Springer v. Gaddy*, 172 Va. 533, 540, 2 S.E.2d 355, 358, and [***17] *Renn v. Whitehurst*, 181 Va. 360, 366, 367, 25 S.E.2d 276, 278, 279.

While *Cheatham v. Taylor*, *supra*, *Springer v. Gaddy*, *supra*, and *Renn v. Whitehurst*, *supra*, are all distinguishable on the facts from the present case, the doctrine of implied restrictive covenants in equity was recognized as a well-settled principle and it is applicable in the present case.

[2] Although there are no Virginia cases dealing with precisely the same factual situations as in the present case, it may be safely said that the intent of the common grantor in imposing restrictions in such cases is an essential factor. *Cheatham v. Taylor*, *supra*; *Springer v. Gaddy*, *supra*; *Renn v. Whitehurst*, *supra*; *Whitehurst v. Burgess*, 130 Va. 572, 107 S.E. 630; *Stevenson v. Spivey*, 132 Va. 115, 110 S.E. 367, 21 A.L.R. 1276.

[*188] ^{HN2} While the burden of proof is on one claiming the benefit of an implied restrictive covenant, if the "uniform scheme of development or improvement is proved to have been the intention of the parties, equity will carry it out at the suit of any of the lot holders; provided, of course, he has not by his own conduct shut the doors of the court," and if the party against [*679] whom the restrictions [***18] are sought to be enforced had notice, actual or constructive, of the restrictions, conditions and covenants, even though they were not contained in his deed. *Stevenson v. Spivey*, *supra*, 132 Va. at pp. 119, 121, 110 S.E. at pp. 368, 369, 21 A.L.R. 1276; *Cheatham v. Taylor*, *supra*.

It is generally held that ^{HN3} where a common grantor develops a tract of land for sale in lots and pursues a course of conduct which indicates that he intends to inaugurate a general scheme or plan of improvement for the benefit of himself and the purchasers of the various lots, and by numerous conveyances inserts in the deeds substantially uniform restrictions, conditions and covenants against the use of the property, the grantees acquire by implication

an equitable right, variously referred to as an implied reciprocal negative easement or an equitable servitude, to enforce similar restrictions against that part of the tract retained by the grantor or subsequently sold without the restrictions to a purchaser with actual or constructive notice of the restrictions and covenants. *Sanborn v. McLean*, 233 Mich. 227, 206 N.W. 496, 60 A.L.R. 1212; **[***19]** *Denhardt v. De Roo*, 295 Mich. 223, 294 N.W. 163; *Turner v. Brocato*, 206 Md. 336, 111 A.2d 855; *Grange v. Korff*, 248 Iowa 118, 79 N.W.2d 743; *Waterhouse v. Capital Investment Co.*, 44 Haw. 235, 289, 311, 353 P.2d 1007, 1014; 26 C.J.S., Deeds, § 167 (1), pp. 1143, 1144; 14 Am. Jur., Covenants, Conditions and Restrictions, §§ 199, 200, 319, pp. 612, 613, 656, 657; Annotations: 60 A.L.R. 1216, 144 A.L.R. 916, and 4 A.L.R.2d 1364, 1366.

[3] **HN4** Where it is provided in deeds conveying lots in a subdivision that restrictions can only be waived by a specific number of lot owners, it shows an intention on the part of the common grantor to create a general scheme of development for the mutual benefit of all of the lot owners and not solely for his own benefit. *Armstrong v. Leverone*, 105 Conn. 464, 136 A. 71, 74; 26 C.J.S., Deeds, § 167(2), p. 1151.

In the instant case the deeds to all land in the subdivision conveyed by the Goodman heirs, except that to the 50-foot strip reserved from lot 13 which was conveyed to the city for the construction **[*189]** of a street, contain a restriction that no street shall be laid out through or upon the lot conveyed. Restriction No. 9 provides that all **[***20]** the restrictions imposed on the land conveyed "*shall be held to run with and bind the real estate * * * and subsequent owners * * * thereof*," their heirs and assigns, until January 1, 1999; and further, provides that any of the covenants, agreements and restrictions contained therein could "*at any time and in any manner be changed with the mutual consent in writing of all the owners of all the lots shown upon the plat heretofore referred to.*" (Italics supplied.)

In *Conner v. Hendrix*, 194 Va. 17, 25, 26, 72 S.E.2d 259, 265, we quoted with approval the following:

"It is a well-settled rule of construction that **HN5** inasmuch as the parties must have intended all the provisions and terms of a deed to have some meaning and be given some import, from the fact that the terms and provisions were actually inserted in the deed, a deed will be so interpreted as to make it operative and effective in all its provisions, if its terms are susceptible of such interpretation. Every word, if possible, is to have effect, for, it has been said, the deed, as the witness to the contract between the parties, should speak the truth, the whole truth, and nothing but the truth."

Without giving **[***21]** any effect to the oral representations of the agents of the Goodman heirs, which are of doubtful weight when considered in the light of the statute of frauds (see Annotation, 5 A.L.R.2d 1316, 1321-1345) since **HN6** an equitable servitude or easement is an interest in land (*Springer v. Gaddy, supra*; *Cheatham v. Taylor, supra*), the language of restriction No. 9, coupled with the insertion of the **[**680]** uniform restrictions in all the deeds to the lots sold, shows that it was the intent of the Goodman heirs to create a scheme of development for the mutual benefit of themselves and the owners of all the lots shown on the plats, and there was an implied reciprocal covenant that the restrictions would apply not just to the lots sold but to all the land retained by them and would be binding on their grantees with notice. Although the Goodman heirs were the owners of all the unsold lots, changes in the restrictions could not be made on any of the lots at any time unless all of the owners of all of the lots shown on the plats joined in a deed releasing or changing them. No other construction can be placed on the language used in restriction No. 9. Since restriction No. 9 does **[***22]** not give the Goodman heirs alone the right to change the restrictions, it negates the contention that the restrictions were solely for the benefit of the grantors and **[*190]** supports the conclusion that they were for the mutual benefit of the common grantors and the grantees. An equity attached to all the unsold lots which the Goodman heirs could neither violate nor negate by alienation to a purchaser with notice. Thus the conveyance of the 50-foot strip to the city without restrictions violated the implied reciprocal covenant with the owners of lots in the

subdivision. Even though the deed to the city did not contain restriction No. 7, the 50-foot strip was impressed with the restriction against the construction of a street if the city had notice.

[4] The next question is whether the city had either actual or constructive notice of the restrictions, covenants and conditions. The evidence shows that the city did have both actual and constructive notice. In 1951 the city attorney of the city of Lynchburg advised the city manager and the director of public works that there was a restriction in all of the deeds to the lots that had been conveyed by the Goodman heirs prohibiting [***23] the construction of a street across any of the lots conveyed.

Moreover, on December 3, 1941, the city, having a lien on lot 18 in the subdivision, joined in a deed of release of a violation of a restriction.

The deed from the Goodman heirs to Frank B. Wright, Jr., conveying lot 13, dated November 9, 1952, conveyed subject to the Tucker restrictions and reserving the 50-foot strip across lot 13, was in the city's chain of title, thereby giving it constructive notice of the restrictions and covenants. See Annotation, 4 A.L.R.2d, 1364, 1371-1373, and the cases there cited.

We do not agree with the argument of the city that the language "hereby conveyed," used in the restrictions, shows an intent to limit the restrictions and covenants to the particular lot conveyed in the light of other language used in restriction No. 9 and the insertion of the uniform restrictions in all the deeds except the one to the city.

We hold that it was the intention of the Goodman heirs to create a general scheme of development; that the Tucker restrictions were for the mutual benefit of the Goodman heirs, their grantees and successors in title; and that all the owners of the lots shown on the [***24] plats of Manton Wood acquired an implied reciprocal negative easement in all the lots in the subdivision, including lot 31 retained by the Goodman heirs, and all except Frank B. Wright, Jr., whose deed reserved the 50-foot strip for street purposes, have the right to enforce restriction No. 7 against the city of Lynchburg, which acquired the [*191] 50-foot strip with actual and constructive notice of the restrictions and covenants. Thus the chancellor erred in dismissing the appellants' bill of complaint and not enjoining the city from constructing a public street across the 50-foot strip of lot 13.

This does not mean, however, that the city cannot construct the street across the 50-foot strip. It may acquire this right by eminent domain (Code §§ 25-232 and 25-8), but subject to the protection of § 58 of [***681] the Constitution of Virginia that the equitable rights of the appellants, except Frank B. Wright, Jr., and all the other owners of lots may not be taken or damaged for public use without just compensation. *Meagher v. Appalachian Power Co.*, 195 Va. 138, 146, 77 S.E.2d 461, 465, 466.

The decree of the lower court is reversed, and the chancellor is hereby [***25] directed to reinstate the cause and enter his decree in accordance with the opinion of this Court and to enjoin and restrain the city of Lynchburg from constructing a street across the 50-foot strip of lot 13 in the Manton Wood subdivision.

Source: Legal > / . . . / > VA State Cases, Combined 

Terms: name(donald a. minner and city of lynchburg) (Suggest Terms for My Search)

View: Full

Date/Time: Monday, May 13, 2013 - 11:21 AM EDT

* Signal Legend:

-  - Warning: Negative treatment is indicated
-  - Questioned: Validity questioned by citing refs
-  - Caution: Possible negative treatment
-  - Positive treatment is indicated
-  - Citing Refs. With Analysis Available

 - Citation information available

* Click on any *Shepard's* signal to *Shepardize*® that case.

In

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6.00 tax
1.00 town
3.50 fee
\$10.50

Virginia: In the clerk's office of the corporation court for the city of Lynchburg on the 29th day of May, 1958. This deed was presented and upon the annexed certificate of acknowledgment admitted to record at 3:40 o'clock P. M., with \$4.00 in U.S. Revenue Stamps thereon.

Teste: *Hubert H. Martin* Clerk.

Examined and
Delivered to

*Charles
B. W. Moore*

JUN 10 1958

962

THIS DEED, made this 5th day of May, 1958, by and between LOUISE G. RAPHAEL, Widow, SIDNEY A. GOODMAN AND ETHEL W. GOODMAN, His Wife, A. LEONARD GOODMAN AND ELAINE L. GOODMAN, His Wife, and FANNIE G. RIES AND ELKAN L. RIES, Her Husband, parties of the first part, GERTRUDE E. COOK AND OTTO COOK, Her Husband, parties of the second part, and the CITY OF LYNCHBURG, VIRGINIA, party of the third part.

W I T N E S S E T H :

That for and in consideration of the sum of \$5.00 and other considerations, cash in hand paid to the parties of the first and second parts, receipt of which is hereby acknowledged, the said parties of the first and second parts do hereby give, grant, sell and convey, with General Warranty of title, unto the party of the third part, the respective parcels of land situate in the Rivermont section of Lynchburg, Virginia, in and adjacent to the subdivision known as Manton Wood, more particularly described as follows:

1. The parties of the first part convey that certain strip or parcel of land, in said Manton Wood Subdivision, 50 feet in width and extending from the turnaround at the end of Manton Drive along and easterly from the dividing line between Lot 14 and Lot 13, as shown on the amended plat of Manton Wood, made by Edley Craighill, C. E., dated May, 1938, and which is of record in the Lynchburg Clerk's Office in Deed Book 219, page 394. The said 50 foot strip is the westerly portion of said Lot 13 adjoining Lot 14, and which was expressly reserved in the conveyance of said Lot 13 to Frank B. Wright and wife by the parties of the first part, by deed dated October 9, 1952, and duly recorded in said Clerk's Office, and said 50 foot strip is more particularly shown as Parcel 1 on a plat prepared by Dept. of Public Works, Lynchburg, Virginia, designated "Manton Wood Right-of-Way for Proposed Street", dated 5/2/58, and which plat is hereto attached as a part hereof, and to which reference is made for a more particular description of the said parcel 1.

2. The parties of the second part convey that certain strip or parcel of land adjoining in part the southwest end of Parcel 1, above conveyed, and is a continuation of the said proposed street above referred to, and which said strip is 50 feet wide and lies southwest of the Manton Wood property, and is shown as Parcel 2 on the aforesaid plat "Manton Wood Right-of-Way for Proposed Street", hereto attached as a part hereof. The said Parcel 2 is a part of the property owned by said Gertrude E. Cook.

*See decree in
suit of Donald H.
Munnis et al.
vs. City of Lbg.
et al. in 2d
Circuit Court
May 10-1958.
Page 518.
May 20-1963.
Teste:
H. H. Martin, Clerk*

Reference is made to the aforesaid plat of the "Manton Wood Right-of-Way for Proposed Street" for a fuller and more accurate description of said Parcels 1 and 2.

The covenants and warranties herein shall apply to the parties of the first part as to Parcel No. 1 and the parties of the second part as to Parcel No. 2, and shall not be construed as applying to the said parties jointly as to both of said parcels.

It is understood that the above conveyances are to the City of Lynchburg for use of said property as a public street and for customary purposes incident thereto.

As to the properties conveyed, the parties of the first and second parts, respectively, covenant that they are seized in fee of the said properties and have the right to convey the same; that they have done no act to encumber the same; that the grantee herein shall have quiet and peaceable possession of the same, free of all encumbrances; and that they will execute such other and further assurances of title as may be requisite.

WITNESS the following signatures and seals this day and year first above written:



Louise G. Raphael (SEAL)
Louise G. Raphael

Sidney A. Goodman (SEAL)
Sidney A. Goodman

Ethel W. Goodman (SEAL)
Ethel W. Goodman

A. Leonard Goodman (SEAL)
A. Leonard Goodman

Elaine L. Goodman (SEAL)
Elaine L. Goodman

Fannie G. Ries (SEAL)
Fannie G. Ries

Elkan L. Ries (SEAL)
Elkan L. Ries

Gertrude E. Cook (SEAL)
Gertrude E. Cook

Otto Cook (SEAL)
Otto Cook

COMMONWEALTH OF MASSACHUSETTS,

To-wit:

County Norfolk

I, Thomas B. Ford, a Notary Public in and for the Commonwealth and County aforesaid, do certify that Louise G. Raphael, widow, whose name is signed to the foregoing Deed dated the 5th day of May, 1958, has personally appeared before me in my County aforesaid and acknowledged the same.

My commission expires on the 12th day of October, 1961.

Given under my hand and official seal this 15th day of May, 1958.

Thomas B. Ford
NOTARY PUBLIC
THOMAS B. FORD
NOTARY PUBLIC

STATE OF MARYLAND,

To-wit:

CITY OF BALTIMORE,

I, Samuel R. Davis, a Notary Public in and for the State and City aforesaid, do certify that Sidney A. Goodman and Ethel W. Goodman, his wife, A. Leonard Goodman and Elaine L. Goodman, his wife, and Fannie G. Ries and Elkan L. Ries, her husband, whose names are signed to the foregoing Deed dated the 5th day of May, 1958, have personally appeared before me in my City aforesaid and acknowledged the same.

My commission expires on the 4th day of May, 1959.

Given under my hand and official seal this 12th day of May, 1958.

Samuel R. Davis
NOTARY PUBLIC

STATE OF VIRGINIA,

To-wit:

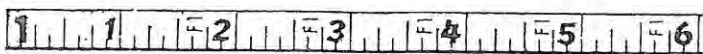
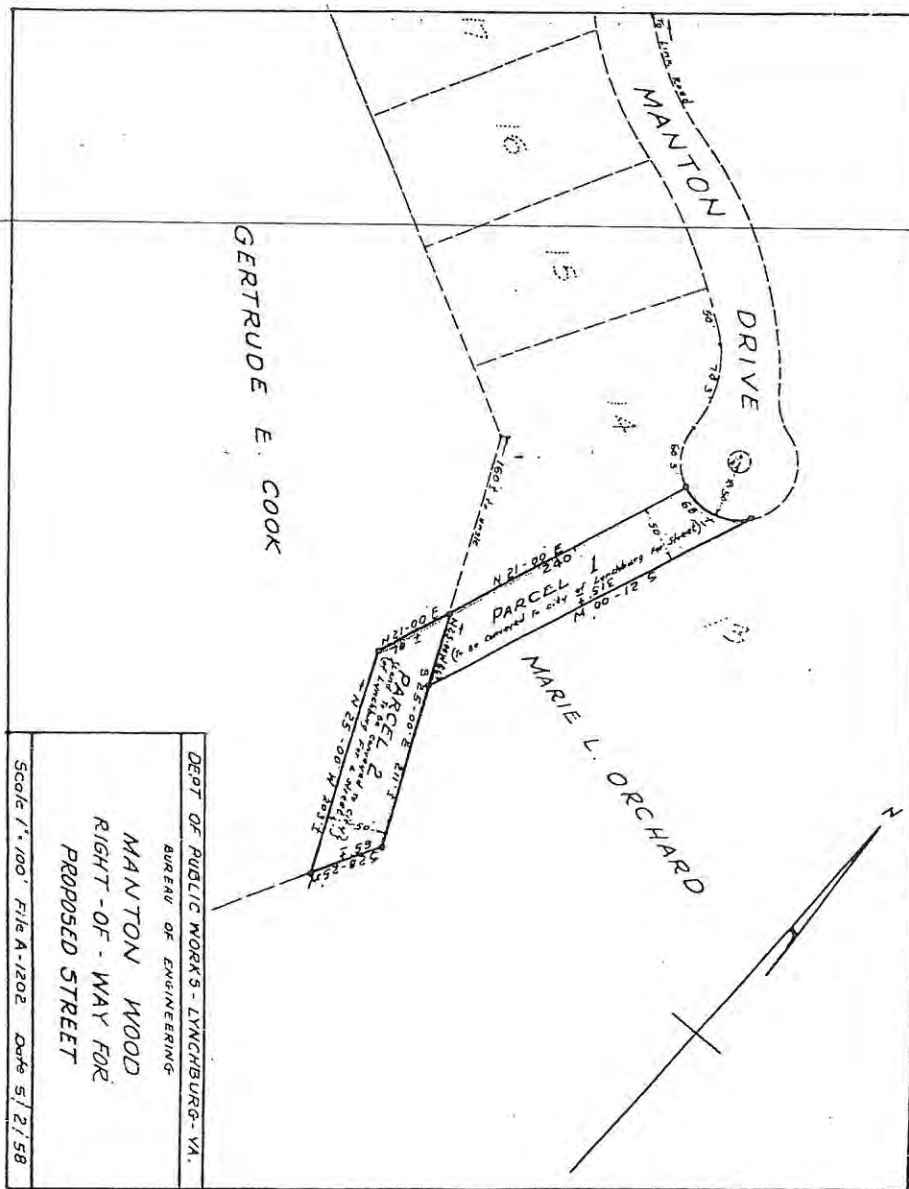
CITY OF LYNCHBURG,

I, Madelise H. Thongson, a Notary Public in and for the State and City aforesaid, do certify that Gertrude E. Cook and Otto Cook, her husband, whose names are signed to the foregoing Deed dated the 5th day of May, 1958, have personally appeared before me in my City aforesaid and acknowledged the same.

My commission expires on the 15th day of September, 1958.

Given under my hand this 28th day of May, 1958.

Madelise H. Thongson
NOTARY PUBLIC



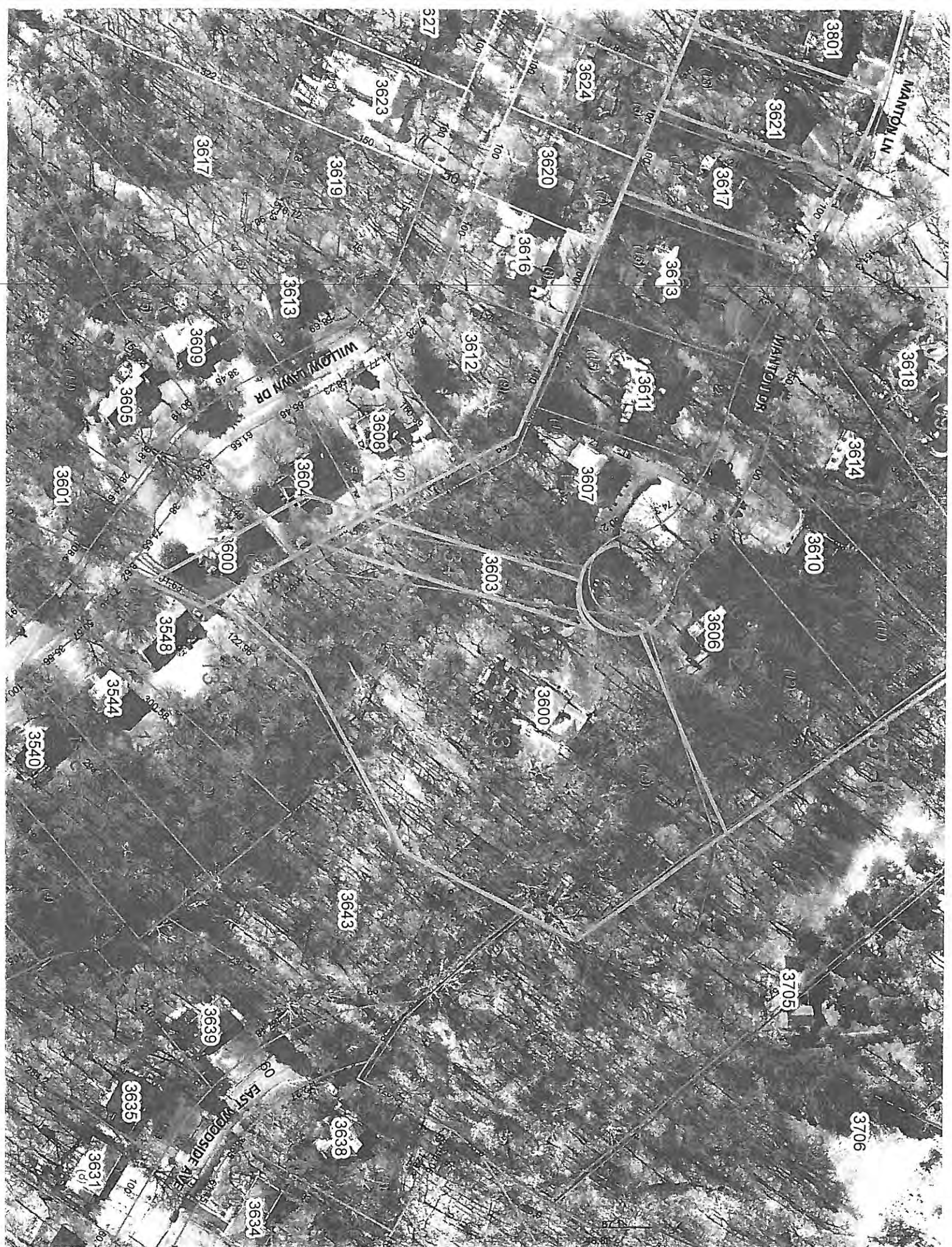
Examined and
delivered to
Grant
by Attorney
JUN 10 1958

.00 Tax
1.00 Trans.
4.50 Fee ^{Plat}
5.50 ^{Plat}

Virginia: In the clerk's office of the corporation court for the city of Lynchburg on the 29th day of May, 1958.

This deed was presented and upon the annexed certificate of acknowledgment admitted to record at 4:15 o'clock P. M., with \$1.10 in U.S. Revenue Stamps thereon.

Teste: Hubert H. Martin Clerk.



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013**

AGENDA ITEM NO.: **8**

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **License Agreement for Installation of Fiber Optic Cable from Timberlake Road to Route 29 By-pass**

RECOMMENDATION: After a public hearing, adopt the attached resolution granting Sidera Networks, LLC, d/b/a Lighttower Fiber Networks, to place fiber optic cable in city owned right-of-way from Timberlake Road to Route 29 By-pass as seen on the attached route map.

SUMMARY: Sidera Networks, LLC d/b/a Lighttower Fiber Networks, has submitted a request for the installation of approximately 57,435 feet of fiber optic cable in city right-of-way, of which 43,015 feet is aerial and 14,420 feet is underground. Sidera Networks is partnered with VDOT to build a network of fiber optic cable throughout the State of Virginia.

PRIOR ACTION(S): PDC Meeting November 12

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer – 455-3947
Gaynelle Hart, Public Works Director – 455-4406

ATTACHMENT(S): Resolution; Route Map

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED That the City Manager is hereby authorized to execute a license agreement with Sidera Networks, LLC, d/b/a Lighttower Fiber Networks, to install fiber optic cable in City owned right-of-way from Timberlake Road to the Route 29 By-pass, approximately 43,015 feet of the fiber optic cable will be aerial and approximately 14,420 feet of the fiber optic cable will be underground, as part of Sidera Networks partnership with the Virginia Department of Transportation to build a network of fiber optic cable throughout the State of Virginia.

Adopted:

Certified:

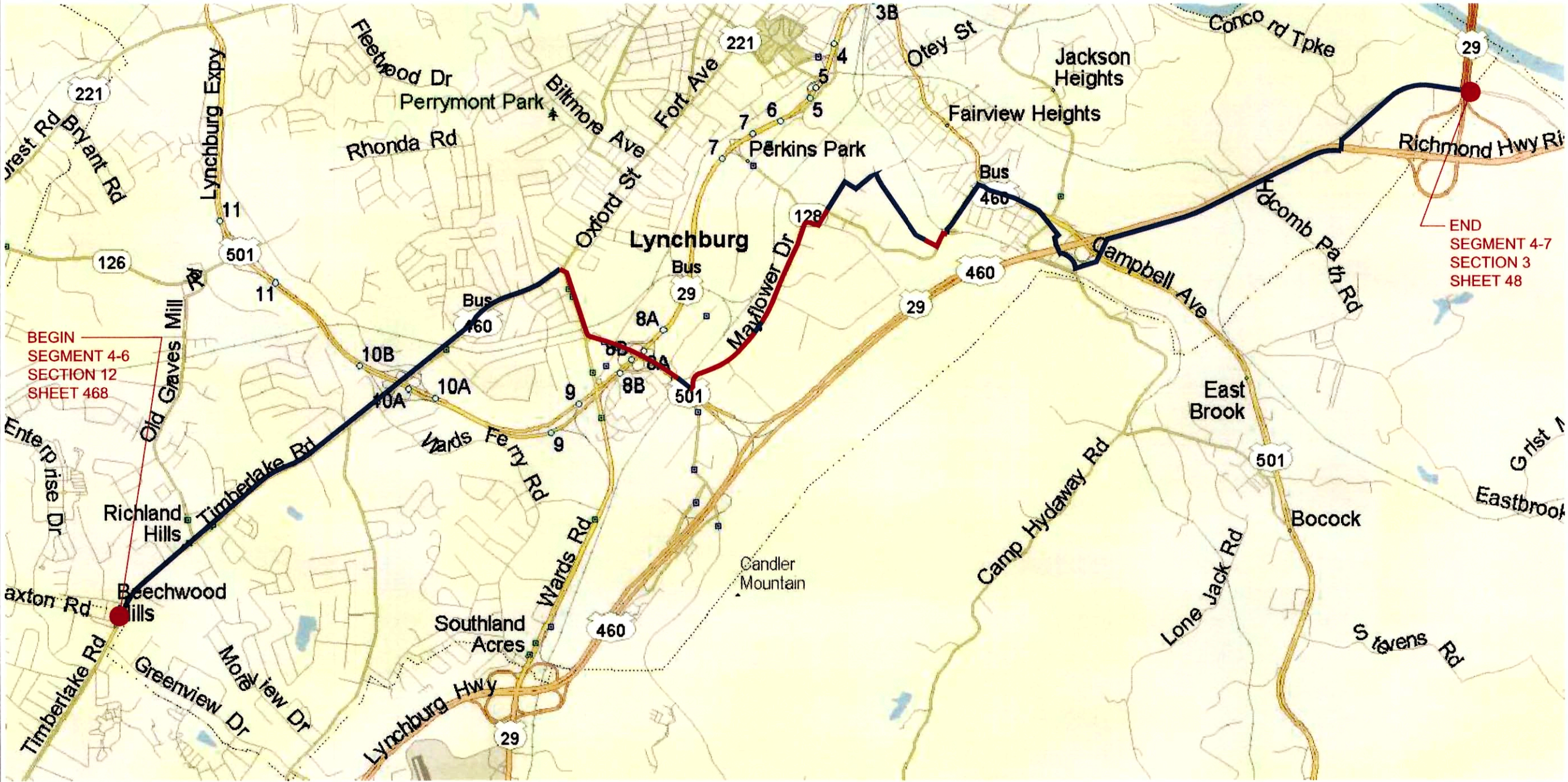
Clerk of Council

153K

SEGMENT 4-6, SECTIONS 12-13 OVERVIEW
SEGMENT 4-7, SECTIONS 1-3 OVERVIEW



TOTAL FOOTAGE:	57,435'
TOTAL AERIAL FOOTAGE:	43,015'
TOTAL UG FOOTAGE IN R/W:	14,420'



SYMBOLS	
1 x 1.25" HDPE SDR-11 INNERDUCT / TRACER WIRE	
0+00 STATION MARKER	Proposed Splice
STORAGE LOOP	Existing Splice
PROPOSED ANCHOR/GUY	WATER VALVE/METER
BOND TO GROUND	GAS VALVE
GROUNDING	HOUSE/BUILDING
Existing Handhole	Existing Power Pole
Proposed Handhole	Foreign Pole (Tel)
Existing Manhole	Transmission Pole
Proposed Manhole	Telephone Pole
Mall Box	Traffic Signal Pole
Ped/Closure	Fire Hydrant
Catch Basin/Curb Inlet	Tree
Sign	Light Pole
STREAM/RIVER	
CITY/TWP. LINE	
ROAD C/L	
R/R TRACKS	
RIGHT OF WAY	
EDGE OF PAVEMENT	
FENCE	
NEW AERIAL CABLE	
NEW BURIED CABLE	
WATER LINE	WTR
GAS LINE	GAS
POWER LINE	PWR
SAN. SEWER	SAN SWR
STORM SEWER	STM SWR

CAUTION
FOREIGN UTILITY LOCATION ARE APPROXIMATE. CONTACT THE LOCAL ONE CALL AGENCY 48 HOURS PRIOR TO CONSTRUCTION FOR EXACT UTILITY LOCATIONS AT:

VIRGINIA811
1-800-552-7001

DRAWING DISCLAIMER
Facility locations are general in nature. Ackison Survey, LLC will not be held accountable for the accuracy of the information provided in these drawings.

REVISIONS			
REV. #	DESCRIPTION	BY	DATE
1	CHANGE TO UG	KK	9/18/13

CABLE AND INNERDUCT DESCRIPTION
CABLE FIBER: COUNT:
INNERDUCT:
PREPARED BY: **ACKISON SURVEYING**
Office: 614-866-4600
Fax: 614-866-4602
www.ackisonsurveying.com

DRAWN BY: KK	DATE: 01/28/2013
AS-BUILT BY: XX	DATE: XXXX
ENGINEERED BY: RA	DRAWING SCALE: 1" = 50'
JOB NUMBER: SIDERA-VA-SEG 4-6 AND 4-7	
SEGMENT NUMBER: 4	SHEET NUMBER: OVERVIEW

NOTES: -

COUNTY: _____ TOWNSHIP: _____

PROPRIETARY INFORMATION NOT FOR DISCLOSURE
This set of plans contains confidential or proprietary information, and the recipient must not disclose, copy, re-create, or distribute the plans or the information contained therein, either directly or indirectly, to other entities or individuals without written or express permission from Sidera Networks.

NOTE:
UTILITY LOCATIONS ARE APPROXIMATE ONLY. ALL UTILITIES MUST BE LOCATED PRIOR TO ANY EXCAVATION ACTIVITIES.

CONTACT: VIRGINIA811 1-800-242-1776
HRS. PRIOR TO EXCAVATION

W N E S

TOWN: _____ RANGE: _____

S.H.O.P.O. Foundation for Youth

P.O. Box 15160
Lynchburg, Virginia 24506-9016

(434) 907-7508
shopo2012@gmail.com

October 29, 2013

Ms. Valeria Chambers, City Clerk:

I and a few others would like to address the city council on November 12, 2013. We, the community, would like to briefly discuss the incident that occurred on Friday, October 18th at City Stadium during the E.C. Glass/Heritage football game. I observed an incident that occurred off the field involving two male juveniles (ages 15 and 16) and Lynchburg Police Officers. Events in this incident escalated due to the manner that LPD approached and questioned the youths.

Thank you in advance.

Sincerely,


Ronald "B.B." Shavers
President and CEO

158K

1123 Tyree Street
Lynchburg, VA 24504
October 28, 2013

Valeria P. Chambers, MMC
Clerk of City Council
900 Church Street
Lynchburg, VA 24504

Dear Mrs. Chambers:

We are writing to request inclusion on the agenda for the next scheduled City Council meeting for the City of Lynchburg. If provided with the opportunity and time, we would like to address our concerns regarding the recent E C Glass vs. Heritage High School football game in which the Lynchburg Police Department would not allow my family to properly exit the stadium; particularly my daughter in a wheelchair.

Our concerns were immediately voiced to the Lynchburg Police Department. Due to the response we received, lack of resolution, lack of empathy and lack of concern we would like to share this experience with our Mayor, Vice-Mayor and members of City Council.

Thank you for your time and attention to this matter.

Kindest regards,

Donald and Demetritus Goode
(434) 907-6637

150K

John Williams
1200 Dearing St.
Lynchburg, Virginia 24503

Valeria P. Chambers, MMC
Clerk of Council
900 Church Street, Third Floor
Lynchburg, Virginia 24504

I, John Williams, and Nicole Williams, humbly request an opportunity to speak with the esteemed Mayor, Vice Mayor and City Council Members of the City of Lynchburg, on November the 12th at 7:30 p.m. Our desire is to open communication on the issue of “Food Deserts” in Lynchburg. It is the desire of the communities of Zip Codes 24503 and 24504 to have viable food sources in our neighborhoods, namely the return of a grocery store at the old Food Lion location on Bedford Avenue. The communities in no way hold the city responsible for the exit of the grocery store on Bedford Avenue, but would appreciate help in returning a reasonable source of food in our communities.

Thank you.

Sincerely,

John Williams and Nicole Williams

160K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **VDOT Revenue Sharing Program**

RECOMMENDATION: Approve the attached resolution to participate in the VDOT Revenue Sharing Program.

SUMMARY: Staff is proposing to participate in the FY2015 Revenue Sharing Program to help with the funding of two projects. The projects that are being submitted and their estimated costs are listed below in priority order.

Estimated project costs are as follows:

Main Street Bridge (Add'l.Funding)	\$ 2,500,000	Total Project	\$ 3,026,188
<u>Un-named Road off Candler's Mtn. Rd.</u>	<u>2,500,000</u>	Total Phase 1	\$ 2,500,000
Total	\$ 5,000,000		

The un-named road off of Candler's Mountain Road proceeds to the east towards the proposed Odd Fellows Interchange and is a partnership project with Liberty University. If this is approved, the right of way will be donated to the City and Liberty will make an additional financial contribution. This is the first phase of this new road.

PRIOR ACTION(S):

PDC Meeting November 12, 2013

FISCAL IMPACT:

Funds for the \$2.5 million match have to be budgeted and are a mix of interest income from UCI funds, and a contribution from Liberty University. The City's responsibility will be \$1.25 million for the Main Street Bridge. Liberty will contribute \$1.25 million for the un-named road.

CONTACT(S):

Lee Newland, City Engineer	455-3947
Gaynelle Hart, Director of Public Works	455-4406

ATTACHMENT(S):

Resolution
Designation of Funds Form

REVIEWED BY: lkp

RESOLUTION:

WHEREAS, the Lynchburg City Council desires to submit an application for an allocation of funds of up to five million dollars (\$5,000,000) through the Virginia Department of Transportation Fiscal Year 2014-2015, Revenue Sharing Program; and,

WHEREAS, five million dollars (\$5,000,000) of these funds are requested to fund various projects throughout the City of Lynchburg; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby supports this application for an allocation of five million dollars (\$5,000,000) through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT: L. Kimball Payne, III, City Manager, is authorized to execute the City State Agreements and to execute any other documents for agreements that may be needed for this project.

Adopted:

Certified:

Clerk of Council

155K

SUMMARY OF PROJECTS - Designation of Funds Form
FY 2015 Revenue Sharing Program

\$10 million maximum allocation per locality and
no more than \$5 million of that amount may be allocated to maintenance projects

CONSTRUCTION FUNDS BEING REQUESTED:

Locality's Priority	Route #	Road Name	Requested State Match up to \$1M for Construction	Requested State Match Over \$1M for Construction	TOTAL CONSTRUCTION FUNDS REQUESTED FOR PROJECT
1	29	Main Street	\$1,000,000	\$250,000	\$1,250,000
2		Un-named Road	\$0	\$1,250,000	\$1,250,000
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
TOTAL CONSTRUCTION FUNDS REQUESTED:			\$1,000,000	\$1,500,000	\$2,500,000

MAINTENANCE FUNDS BEING REQUESTED:

(cannot exceed \$5 million and is part of total \$10M)

Locality's Priority	Route #	Road Name	Requested State Match up to \$1M for Maintenance	Requested State Match Over \$1M for Maintenance	TOTAL MAINTENANCE FUNDS REQUESTED FOR PROJECT
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
					\$0
TOTAL MAINTENANCE FUNDS REQUESTED:			\$0	\$0	\$0

GRAND TOTAL OF ALL FUNDS REQUESTED:	\$1,000,000	\$1,500,000	\$2,500,000
--	-------------	-------------	-------------

Locality Representative

10/25/2013
Date Submitted

VDOT Representative

Date Reviewed

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **VDOT Revenue Sharing Program: Campbell County/Liberty University Project**

RECOMMENDATION: Approve the attached resolution to support Campbell County in the participation of the VDOT Revenue Sharing Program for a project in support of Liberty University.

SUMMARY: Campbell County has requested the City of Lynchburg to support their participation in partnership with Liberty University to construct Liberty Mountain Drive from Campbell County into the City of Lynchburg. This road would connect from Wards Road at the Airport to the end of the existing Liberty Mountain Drive. Although Liberty Mountain Drive is within the City Limits, it is a VDOT maintained road and would not require any additional maintenance from the City.

PRIOR ACTION(S):

PDC meeting November 12, 2013

FISCAL IMPACT:

No impact.

CONTACT(S):

Lee Newland, City Engineer	455-3947
Gaynelle Hart, Director of Public Works	455-4406

ATTACHMENT(S):

Sample Resolution
Letter from David Laurell, Campbell County Administrator

REVIEWED BY: lkp

RESOLUTION:

WHEREAS, the Lynchburg City Council desires to support an application for funds for Campbell County through the Virginia Department of Transportation Fiscal Year 2014-2015, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund a project partially within the City of Lynchburg (Liberty Mountain Drive) that Campbell County will administer; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby supports the application for an allocation to Campbell County through the Virginia Department of Transportation Revenue Sharing Program.

Adopted:

Certified:

Clerk of Council

156K

COUNTY OF CAMPBELL



SUPERVISORS

JAMES A. BORLAND
CHARLES W. FALWELL
STANLEY I. GOLDSMITH
EDDIE GUNTER, JR.
HUGH T. PENDLETON, JR.
J.D. PUCKETT
STEVEN M. SHOCKLEY

COUNTY ADMINISTRATOR
R. DAVID LAURRELL

BOARD OF SUPERVISORS
POST OFFICE BOX 100, RUSTBURG, VIRGINIA 24588
www.campbellcountyvva.gov

ALTAVISTA (434) 592-9525
BROOKNEAL (434) 283-9525
LYNCHBURG (434) 592-9525
RUSTBURG (434) 332-9525
FAX NO. (434) 332-9617

October 21, 2013

Kim Payne, City Manager
City of Lynchburg
900 Church Street
Lynchburg VA 24504

Re: Revenue Sharing Application for Liberty Mountain Drive and Mountain Lake Road

Dear Kim:

As previously discussed, Campbell County is working with Liberty University to prepare a Revenue Sharing request for the construction of two roads within Campus East. The Board of Supervisors at their October 1st meeting agreed to submit a Revenue Sharing Application for Liberty Mountain Drive and Mountain Lake Road. As part of the application package a resolution from Lynchburg is required since a portion of Liberty Mountain Drive is located within the Lynchburg City limits.

Approximately 1,300 feet of the 3,800 feet of construction required to complete the connection of the existing road from Campus East to Wards Road is in the City limits. The portion of the road within the City runs parallel along the south side of 460 near the western most parking lots and practice fields of Liberty University (see attached map). I've also attached a copy of the Board of Supervisors agenda information describing the request and the resolution adopted in support of this project.

We submitted the application to VDOT on October 18th, and we have until the end of November to provide a resolution from the City in support of constructing this road through the Revenue Sharing process. I would appreciate it if City Council would adopt a resolution similar to the one from Campbell County by mid November. If you would send me an electronic copy of the resolution I will be glad to forward it to VDOT to be added to the application package.

RESPECTING THE PAST, ATTENDING THE PRESENT, CONCENTRATING ON THE FUTURE

If you have any questions or need additional information, please let me or Clif know. Campbell County appreciates the City's willingness to cooperate to improve the transportation network for one of our growing local enterprises.

With kind regards, I am

Respectfully,



R. David Laurrell
County Administrator

RDL/be

Attachments: Board of Supervisors Agenda Items

C: Campbell County Board of Supervisors
Lee Beaumont, Vice President, Auxiliary Services
Clifton M. Tweedy, Deputy County Administrator
Mike Davidson, Economic Development Director

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013**

AGENDA ITEM NO.: 14

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **FY 2014 Budget Adjustment to Comply with the CSO Special Order of Consent**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 Sewer Capital Projects Fund budget and appropriate \$750,000 with resources transferred from the FY 2014 Sewer Operating Fund budget reserve to remain in compliance with the State Water Control Board Special Order.

SUMMARY: The CSO Special Order of Consent requires the City to “annually adjust sewer system reserve funds to equal no more than 25% of the subsequent year’s budgeted operating expenditures.” Based on the Adopted FY 2014 Sewer Operating Fund budget, reserve funds as of June 30, 2013, were 29% of operating expenditures, primarily due to savings in FY 2013. In order to remain in compliance with the Order, a \$750,000 transfer of funds to the FY 2014 Sewer Capital Projects Fund is needed to adjust the reserve funds to 25%; failure to do so would be a violation.

PRIOR ACTION(S): Adoption of the FY 2014 Sewer Operating Fund Budget: May 14, 2013; October 22, 2013
Finance Committee

FISCAL IMPACT: A one-time transfer of funds from the Sewer Operating Fund to the Sewer Capital Fund of \$750,000.

CONTACT(S): Tim Mitchell, Director of Water Resources, 455-4252

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2014 Sewer Capital Projects Fund budget is amended and \$750,000 is appropriated with resources transferred from the FY 2014 Sewer Operating Fund budget to remain in compliance with the State Water Control Board Special Order.

Introduced:

Adopted:

Certified:

Clerk of Council

152K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Transportation Alternatives Program Application for Sidewalk in Lynchpin Industrial Park**

RECOMMENDATION: Adopt a resolution to approve the submittal of an application for \$160,000 in Transportation Alternatives Program funding through VDOT for construction of a sidewalk on one side of Jefferson Ridge Parkway providing access to Ivy Creek Park.

SUMMARY: There have been numerous requests for sidewalk access to the Ivy Creek Park off Jefferson Ridge Parkway in the Lynchpin Industrial Park. A source of Federal funding, through the Commonwealth Transportation Board, has been identified and an application prepared for submission. The application requests 80% federal reimbursement through the Transportation Alternatives Program to construct a sidewalk. Design is underway and should be complete prior to receiving the funding authorization next October. A public meeting was held on October 16, 2013, at NovaTech to inform businesses and the public of the plans. The application requires the adoption of an endorsement resolution by City Council. The project also has the support of the Region 2000 MPO.

The cost estimate is \$200,000; the grant requires a 20% local match of \$40,000. It is anticipated the match will be a blend of funding from private businesses and, if necessary, the Economic Development Authority and Public Works. At the present time, it appears that donations from private businesses will cover the required local match.

PRIOR ACTION(S):

October 8, 2013 Physical Development Committee

October 22, 2013 Finance Committee

FISCAL IMPACT: Requires 20% local match; with anticipated funding from private business donations.

CONTACT(S):

Don DeBerry, Deputy Public Works Director, 455-3935

Lee Newland, City Engineer, 455-3947

Gaynelle Hart, Director of Public Works, 455-4469

ATTACHMENT(S):

Resolution

Aerial View

REVIEWED BY: lkp

RESOLUTION:

**ENDORSEMENT RESOLUTION
FOR THE SUBMITTAL TO THE
VIRGINIA DEPARTMENT OF TRANSPORTATION
FY 2014-2015 TRANSPORTATION ALTERNATIVES PROGRAM**

Whereas, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the project sponsoring jurisdiction requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in the City of Lynchburg.

Now, Therefore, Be It Resolved, that the City of Lynchburg, requests the Commonwealth Transportation Board to establish the Lynchpin Sidewalk Plan project. The project will construct approximately 4,500 feet of new sidewalk providing safe pedestrian movement along the roadway and access to Ivy Creek Park for area residents and approximate 1,400 workers in Lynchpin Industrial Park.

Be It Further Resolved, that the City of Lynchburg hereby agrees to provide a minimum 20 percent financial match contribution for this project.

Be It Further Resolved, that the City of Lynchburg hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

Be It Further Resolved, that the City of Lynchburg will be responsible for maintenance and operating costs of any facility constructed with the Transportation Alternatives Program funds unless other arrangements have been made with the Department.

Be It Further Resolved, that if the City of Lynchburg subsequently elects to cancel this project the City of Lynchburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Lynchburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this _____ day of _____, 2013, City of Lynchburg, Virginia.

Certified: _____
Clerk of Council

151K

Lynchpin Sidewalk Plan

FY2015 VDOT TAP Application

Legend

Lynchpin Sidewalk



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013**

AGENDA ITEM NO.: **16**

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Establishment of an Operating Reserve in Compliance with the Greater Lynchburg Transit Company (GLTC) Memorandum of Understanding (MOU); Appropriation of Additional Funds for the Local Match for GLTC Capital Projects

RECOMMENDATION: Adopt a resolution to amend the FY 2014 City Capital Projects Fund budget and appropriate \$246,724 with resources from the General Fund GLTC committed fund balance reserve to provide the local match for GLTC capital projects, as outlined in the FY 2014 Capital Improvement Program.

SUMMARY: At the April 24, 2012 City Council meeting, Finance staff was directed by Council to create a process to provide for the cash flow needs of GLTC as they arise from time to time during the fiscal year. In the past, cash flow needs have arisen due to the timing of the receipt of federal and State funding and the constraints of the annual adopted budget. Subsequently, a Memorandum of Understanding (MOU) was written and approved by the City Manager and the GLTC Board for this purpose.

With the completion of GLTC's FY 2013 audit, surplus of \$746,724 was verified. As outlined in the MOU, the surplus identified through the annual audit should be used to establish a \$500,000 committed fund balance on the City's general ledger for use by GLTC to temporarily cover unplanned cash shortfalls; when used, these funds are considered a loan. The balance of \$246,724 is recommended to be used as part of the required local match for GLTC's Capital Program, as outlined in the FY 2014 Capital Improvement Program.

PRIOR ACTION(S): City Council Meeting, April 24, 2012; Finance Committee, October 22, 2013

FISCAL IMPACT: A \$500,000 committed fund balance is established to be used for loans to GLTC and a \$246,724 local match is provided for GLTC capital projects.

CONTACT(S): Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): Resolution; GLTC Memorandum of Understanding

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2014 City Capital Projects Fund budget is amended and \$246,724 is appropriated with resources from the General Fund GLTC committed fund balance reserve to provide for GLTC capital projects, as outlined in the FY 2014 Capital Improvement Program.

Introduced:

Adopted:

Certified:

Clerk of Council

149K

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
GREATER LYNCHBURG TRANSIT COMPANY, INC.
AND THE
CITY COUNCIL
OF LYNCHBURG, VIRGINIA**

This binding Memorandum of Understanding (MOU) between the Greater Lynchburg Transit Company, Inc. (GLTC) and the City of Lynchburg (City) is entered into July 18, 2012. This MOU serves as the basis of understanding concerning the financial relationship between the City and GLTC.

GUIDING PRINCIPLE

This MOU is premised on the principle that GLTC is a component unit of the City of Lynchburg. A component unit is a legally separate organization that a primary government must include as part of its financial reporting entity. GLTC meets the criteria of a component unit since the City appoints the governing board of GLTC, GLTC is fiscally dependent upon the City and the exclusion of GLTC from the City's financial statements would result in misleading financial reporting.

PURPOSE

The purpose of this MOU is to officially record the understanding of the financial relationship between the City and GLTC. Nothing in this MOU shall subvert or change the normal process regarding the determination by City Council of funding for GLTC including the annual budget process and any budget adjustments.

BACKGROUND

GLTC was created in 1974 to serve the greater Lynchburg area with public bus and paratransit transportation. GLTC is organized as a not-for-profit stock corporation with the City as the sole stockholder.

Central Virginia Transit Management Company (CVTMC) is the entity which runs the operations of GLTC. This entity is the primary employer and manages the non-capital expenditures of GLTC operations. Operating grants are recorded in this entity as income—the most significant being those received from the Federal Transit Administration, and the Virginia Department of Rail & Public Transportation. In the past, any operating deficits or surpluses have been absorbed in a due to/from account with the City. The City reflects an equal balance on its books. Therefore, in years where CVTMC posts an operating deficit (expenses exceed all revenues and grants, including the City's normal contribution); the City in essence funds that deficit.

The City and GLTC have an understanding whereby the City supports GLTC through three avenues.

- The City provides an annual contribution to GLTC for operating expenses.

- When CVTMC has an annual operating deficit, the City records a payable to GLTC in the amount of the operating deficit. If CVTMC has a surplus, the City records a receivable from GLTC.
- The City provides the local match for GLTC's Capital Program through the City's Capital Improvement Program.

AGREEMENT BETWEEN THE CITY AND GLTC

Annual Contribution for Operations

The City will annually provide a contribution to GLTC for operating expenses. The amount of the contribution will be determined during the City's annual budget process.

GLTC is to operate within their annual adopted budget. Should extenuating circumstances prevail and additional funding be required, GLTC staff will make a formal request to the Finance Department which will then prepare a Council Agenda Item Summary for presentation to Council.

Local Match Capital Projects

The City will provide the local match to GLTC. The amount of the local match will be determined during the City's annual budget process and will be included in the City's Capital Improvement Program.

Operating Deficit/Surplus

During the annual audit of the City and GLTC, the amount of the operating deficit or surplus of CVTMC will be determined. The amount will be determined by taking the difference between the total of operating revenues, grants and City contribution and total operating expenses.

- When the result is a deficit, the City will record a payable to GLTC and GLTC will record a receivable from the City. The amount of the deficit will be included as a separate line item in the following year's budget as a contribution to GLTC.
- When the result is a surplus, the City will record the amount of the surplus as a receivable from GLTC. GLTC will record a payable to the City. When the funds are received, the City will set up a reserve fund. The reserve fund will be entitled "Special Reserve Fund to Support Transit Operations." This fund will be used to cover unplanned cash shortfalls in the annual budget as approved by City Council.

Capital Project Close Out

When the close out of a capital project in GLTC results in unexpended local match funds received from the City, the unexpended amount will be transferred to the City. GLTC will record a payable and the City will record a receivable. Once the City receives the funds, the funds will be transferred to the Special Reserve Fund to Support Transit Operations.

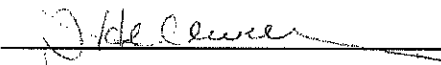
Special Reserve Fund to Support Transit Operations

The amount in the Special Reserve Fund to Support Transit Operations will be a minimum of \$500,000 and no more than six months of the annual budgeted operating subsidy provided by the City based upon the prior fiscal year audited financial statements. The GLTC Board will annually review the Special Reserve Fund to Support Transit Operations.

As stated above, this fund will be used to cover unplanned cash shortfalls in the annual budget. When it becomes necessary to utilize these funds, GLTC shall formally request these funds as temporary financial assistance through a process to be established by the Director of Financial Services and the GLTC Board of Directors shall be informed of any such request. Any request shall include documentation regarding the reason for the cash shortage and when the funds are expected to be returned to the City. Typically, the loan period shall be no more than 90 days, with 30 days or less being the preferred period.

The undersigned parties have executed this binding Memorandum of Understanding to evidence and confirm their intent with respect to the financial relationship between the City and GLTC concerning the annual operating contribution, the local match for capital purchases, the disposition of the annual operating deficit or surplus and the establishment of a special reserve fund to support transit operations.

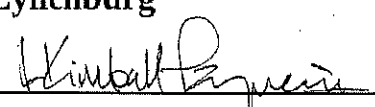
Greater Lynchburg Transit Company, Inc.

By: 

Title: CHAIRMAN BO OF DIRECTORS

Date: 7/18/12

City of Lynchburg

By: 

Title: City Manager

Date: 7/18/12

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 12, 2013**

AGENDA ITEM NO.: 17

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Proposed Amendment to the Horizon Behavioral Health Charter Agreement**

RECOMMENDATION: Adopt the attached resolution agreeing to a change to the Horizon Behavioral Health Charter Agreement.

SUMMARY: The reversion of the City of Bedford to town status necessitates a change in the charter of Horizon Behavioral Health with regard to the appointment of members of the Board of Directors. Although the history of the origination of the board is somewhat cloudy, the proposal moving forward is for representation proportional to a member locality's population.

Two attachments provided by Horizon provide background and the proposed charter language. An additional attachment, provided by the City Attorney, provides a slightly different perspective on the history of the organization.

In any case, staff does not object to the proposed change.

Mr. Cary serves as Council's representative on the Horizon board and may wish to share his thoughts on the proposed amendment which has been unanimously approved by that board.

PRIOR ACTION(S): As noted in the attachments.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990; Walter Erwin, 455-3973

ATTACHMENT(S): Resolution; Background Information; Proposed Charter Language

REVIEWED BY: lkp

RESOLUTION

WHEREAS, on April 16, 1969 and at the direction of the Commonwealth of Virginia, the political subdivisions of Amherst County, Appomattox County, Bedford County, Campbell County and The City Of Lynchburg, created Central Virginia Community Services Board, now known as Horizon Behavioral Health, and

WHEREAS on July 1, 2013, the City of Bedford reverted to town status, requiring Horizon to address how to best represent the Bedford Town citizens on the Horizon Board of Directors and how to replace the loss of financial support formerly provided by the City of Bedford, and

WHEREAS, after consultation with officials of Bedford County, Horizon attorneys and experts on reversion, Horizon staff developed a plan to address these issues, and

WHEREAS the plan was approved unanimously by the Horizon Board of Directors on September 25, 2013, and

WHEREAS it is necessary for the governing bodies of the political subdivisions to approve the proposed charter amendment to incorporate the plan,

NOW, THEREFORE BE IT RESOLVED THAT the City Council of the City of Lynchburg hereby approves the proposed charter amendment related to appointments to the board of directors of Horizon Behavioral Health

AND, FURTHERMORE authorizes the City Manager to sign the necessary documents to memorialize this change.

Adopted:

Certified:

Clerk of Council

162K

BACKGROUND INFORMATION

Redistribution of Seats on Horizon Behavioral Health's Board of Directors

1. Agency establishment: On April 16, 1969 and at the direction of the Commonwealth of Virginia, six Central Virginia localities created Central Virginia Community Services Board, now known as Horizon Behavioral Health ("Horizon").

The six localities agreed to contribute funding to the agency and to appoint representatives of their respective communities to the 15-member board. The localities established fund contribution levels and board representation based on the proportion of the population size of each community to the entire catchment area. In the last 15 years, the relative proportion of seats on the board among the localities has not been adjusted for changes in the population despite the fact that the growth rates in the six localities are not the same.

2. Bedford City Reversion: The six localities which established Horizon included the City of Bedford. On July 1, 2013, the City of Bedford reverted to town status and its citizens became citizens of Bedford County. Prior to that time, Bedford City had maintained one seat on the Horizon Board of Directors. With the reversion, Horizon Behavioral Health needed to address how to best represent the citizens of the new Bedford Town.
3. Consumer Representation: The Code of Virginia requires that one-third of the members of the board of directors of each community services board (CSB) be individuals currently or formerly receiving services or family members of individuals currently or formerly receiving services. In the case of Horizon Behavioral Health, five of our fifteen Board seats must be occupied by individuals currently or formerly receiving services or family members of individuals currently or formerly receiving services ("family members"). The Code specifically states that at least one of those five Board members must be individual currently receiving services.

Horizon currently has four Board members with relatives who are currently receiving services. However, there is not currently an active consumer on the Board of Directors.

Over the years, these rules have proven very difficult for many CSBs to adhere to since CSBs do not control board appointments. CSBs with multiple jurisdictions, like Horizon, have even more difficulty with this rule because of the necessity to split the board appointments among several jurisdictions. Horizon has found it difficult to find an appropriate consumer for the position who also happens to be from a locality which currently has a vacancy on the Board.

To address this situation, the Board approved a plan to reserve one seat for an active consumer who lives somewhere in our catchment area, but not to count this person as representing the locality. The person's appointment would still be vetted through the locality's process. The remaining 14 seats will be distributed proportionally as described later in this document.

3. “Additional Member” Designation: In the past, Horizon reserved three seats as “additional members” to sit on the Board. These individuals represented specific organizations or roles in the community (such as law enforcement.) While the appointment of these individuals has always been vetted through the localities, these individuals were not considered “citizen members” of the locality which appointed them.

None of the other 39 Virginia CSBs use the additional member designation and this practice has outlived its original purpose. The Board decided to eliminate the additional member designation and simply consider all non-elected individuals as citizen members.

4. Bedford City Seat: The following steps were taken to resolve the status of the seat formerly occupied by a Bedford City official:
 - a. Prior to the reversion, we sought legal counsel and developed the plan below based on the actions taken by Halifax County, Mecklenburg County and Brunswick County. These entities adjusted the Board membership of the Southside CSB when the City of South Boston reverted to town status in 1995.
 - b. We presented our plan to the Bedford County Administrator, the Bedford County Assistant Administrator and the Bedford County Attorney. These officials were informed that in addition to Krystal Hulette and Jim Sikkema, the two “official” Bedford board members, our two “additional members” also reside in Bedford County (Gary Marple and Dana Koenig). The officials concluded that their locality was currently fairly represented on Horizon’s Board of Directors and endorsed our plan.

PLAN

1. No current member in good standing will be asked to leave the Board prior to the end of their three allowed terms to fulfill the terms of this plan. The plan’s goal is to equally and fairly distribute the seats by locality and to meet the requirements of the *Code of Virginia* while keeping all of our current Board members as long as they wish to serve.
2. 14 of the Board’s 15 seats will be distributed according to population among the five remaining localities. All localities will maintain at least one position on the Board, regardless of size.
3. Beginning in July 1, 2013 and on every alternate July 1st thereafter, Horizon’s CEO will review the proportion of board member seats to population in each locality based on current figures from the Weldon Cooper Center at the University of Virginia.
4. When vacancies occur, Horizon will assign the position to the locality that is currently the most underrepresented and notify the locality. There will be instances in which the appointee will be required to meet the requirement that they be related to a person currently or formerly receiving behavioral health services.
5. The following chart is based on the latest population estimates for our area from the Weldon Cooper Center at the University of Virginia. These figures, published in January, 2013, estimate the population believed to reside in these areas in July, 2012. Please note that the percentages

are multiplied towards 14 since one Board seat is reserved for an active consumer who lives in the catchment area. Based on these figures, Campbell County is currently the most underrepresented on the Board.

		% of Total Catchment Area Population	Correct # of Members	Current # of Members	Underrepresentation (Lower is better)	Target # of Members
Campbell	54,842	21.7%	3.04	2	1.04	3
Amherst	32,353	12.8%	1.79	1	0.79	1
Lynchburg	75,568	29.9%	4.19	4	0.19	4
Bedford	74,898	29.6%	4.06	4	0.06	4
Appomattox	14,973	5.9%	0.83	2	-1.17	2
	252,634	100.0%	15.00	13		14

6. The new charter which incorporates the plan was unanimously approved by the Horizon Board of Directors. The updated charter is now being presented to the Amherst County Board of Supervisors and our other localities for review and approval.

Email from City Attorney Walter Erwin to City Manager Kimball Payne, October 22, 2013

Here is some background information concerning Horizon Behavioral Health's request to amend its charter.

1) Horizon Behavioral Health's original name was Community Mental Health and Mental Retardation Services Board of Central Virginia, and the original charter was dated April 18, 1969. The charter provided that there would be a 12 member Board: with Lynchburg appointing 3 members; Amherst County, Appomattox County, Bedford County, and Campbell County each appointing 2 members; and, the City of Bedford appointing 1 member.

2) On June 15, 1970, the charter was amended to provide that in addition to the 12 Board members appointed by the participating localities, the board would also have 3 ex-officio members that would be selected by the "Board itself." However, because the Virginia Attorney General advised that a Community Services Board could not appoint members to the Board, the Board recommended the 3 individuals that would be appointed as the ex-officio members of the Board, and the localities in which the recommended individuals resided made the appointments. The Board selected the 3 ex-officio members from the Mental Health Association, the Arc of Central Virginia, and the Consumer Advisory Council.

3) Only counties and cities can be members of a regional Community Services Board. Since the City of Bedford reverted to a town, it can no longer appoint a member of the Board. Since the charter calls for a 15 member Board, there will be a vacancy on the Board.

4) Section 37.2-501. of the State Code provides that:

- A community services board shall have no less than six and no more than 18 members.
- When a combination of counties and cities establishes a community services board, the board of supervisors of each county or the council of each city shall mutually agree on the size of the board and shall appoint the members of the community services board.
- Appointments to the community services board shall: be representative of the community; one-third of the appointments to the board shall be individuals who are receiving or who have received services or family members of individuals who are receiving or who have received services, at least one of whom shall be an individual receiving services; one or more appointments may be nongovernmental service providers; sheriffs or their designees also shall be appointed, when practical; no employee of the community services board or employee or board member of an organization that receives funding from any community services board shall be appointed a member of that board; and, no community services board shall be composed of a majority of local government officials, nor shall any county or city be represented on a board by more than two officials, elected or appointed.

I disagree with the statement that when was established in 1969 the board seats were "based on relative population sizes of the localities." If the number of seats on the board had been based on population, each of the counties would not have been given 2 members. In fact, each participating county was given 2 members on the board, regardless of population. I think the biggest issue concerning the proposed charter amendment is whether or not the participating localities wish to change from a charter where each locality has a definite number of appointments to the board, to a charter under which a locality's number of appointments to the board is subject to change, based on changes in the locality's population.

CHARTER AGREEMENT

HORIZON BEHAVIORAL HEALTH
2241 Langhorne Road
Lynchburg, Virginia 24501

Approved 9-25-13

Table of Contents:

Article I	Name, Location, Authority, Purpose
Article II	Membership
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Article IV	Officers
Article V	Appointment of an Executive Committee and Adoption of By-Laws
Article VI	Meetings
Article VII	Amendments
Article VIII	Date of Organization
Article IX	Dissolution

This Charter Agreement to organize Horizon Behavioral Health(Horizon) made this 19th day of April, 1969 by and between the undersigned governmental subdivisions in accordance with Chapter 5, title 37.2-500 inclusive of the *Code of Virginia, as amended* 2012.

ARTICLE I

Name, Location, Authority, Purpose

- Section 1. The name of the organization shall be Horizon Behavioral Health. Horizon, its programs, and its subdivisions may, as determined by its board, trade under the name of "Horizon Health."
- Section 2. The principal office of Horizon shall be in Lynchburg, Virginia. The location of the principal office may be changed by the concurrence of three-fourths of the Board members present at a regular meeting, provided that the clerk of the governing body of each member governmental subdivision has been notified of the contemplated relocation in writing at least thirty days before such meeting.

- Section 3. Horizon shall be a public body, corporate and political, with all the powers and duties granted to it by Chapter 5, title 37.2-500, of the *Code of Virginia, as amended*.
- Section 4. The purpose of Horizon shall be to carry out the responsibilities of Chapter 5 *Code of Virginia, as amended* to the end that preventive, diagnostic and therapeutic mental health, substance use and intellectual disability services shall be easily and readily accessible at moderate cost to all citizens of the region.

ARTICLE II

Membership

- Section 1. Fifteen persons shall be appointed to serve as members of Horizon's Board of Directors ("Board") by the respective governing bodies of those political subdivisions which are parties to this Charter Agreement.
- Section 2 - Appointments to the Board shall be in accordance with section 37.2-501.A of the *Code of Virginia, as amended*. One-third of the 15 board seats shall be filled by identified consumers or former consumers or family members of consumers or former consumers, at least one of whom shall be a consumer receiving services.

The seats on the Board shall be distributed proportionally by locality based on population with the following exceptions: 1) Each locality shall maintain a minimum of one seat on the Board at all times, regardless of population. 2) The seat reserved for a consumer receiving services shall be considered an "at large" seat and shall not be included in the population calculations to determine locality representation.

Beginning on July 1, 2013 and on July 1 every two years thereafter, the Chief Executive Officer (CEO) shall determine the percent of Board seats to which each locality is entitled in order for its citizens to be fairly represented on the Horizon Board. The CEO will calculate these percentages by comparing of the population of each locality to the total population of all localities which established Horizon using the most recent statistics available from the Weldon Cooper Center at the University of Virginia. These percentages will then be applied to the remaining 14 seats.

- Section 3 - When a vacancy occurs on the Board, the vacancy shall be filled by the locality previously holding the seat unless the most recent analysis indicates that a locality is over-represented on the Board or if another locality is more under-represented. In the latter instance, the vacancy shall be assigned to the locality currently most under-represented per the biennial analysis. Under no circumstances shall a board member in good standing be asked to vacate their seat or reduce their terms due to an imbalance in locality representation on the board which occurred after that board member's original appointment.

- Section 4 - In accordance with 37.2-501 of the *Code of Virginia, as amended*, any member of the Board may be removed by the appointing authority for cause, after being given a written statement of the causes and an opportunity to be heard thereon.

ARTICLE III

Terms of Office and Voting Rights

- Section 1. The terms of office of Board members shall be three, three-year terms from January 1 of the year of appointment. Vacancies shall be filled for unexpired terms in the same manner as original appointments. No person shall be eligible to serve more than three full terms; however, a person first appointed to fill an unexpired term may serve three additional full three-year terms. The remainder of a term to which a member is first appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. However, after a one-year period has elapsed since the end of the member's last three-year term, the governing body may reappoint that member according to the *Code of Virginia, as amended* 37.2-502.
- Section 2. Each member of the Board shall have one equal vote in all matters before the Board.

ARTICLE IV

Officers

- Section 1. Officers of the Board shall consist of a Chair, Vice Chair, and Secretary-Treasurer (or Secretary and Treasurer) who shall be elected by the membership of the Board.
- Section 2. Board officers shall be elected for terms of two years.

ARTICLE V

Appointment of an Executive Committee and Adoption of By-Laws

- Section 1. The Board may designate an Executive Committee and delegate to it such powers as the Board may determine, provided that these powers are not inconsistent with provisions of Chapter 5, title 37.2-500 of the *Code of Virginia, as amended*.
- Section 2. The Board may adopt by-laws and such other rules as it deems necessary to govern its operations.

ARTICLE VI

Meetings

- Section 1. The Board shall hold meetings on a schedule which shall be determined by the membership.
- Section 2. Meetings of the Board shall be open to the public; however, the Board may hold closed meetings as authorized in Section 2.2-3711 of the *Code of Virginia*, as amended.

ARTICLE VII

Amendments

- Section 1. This Charter Agreement may be amended, supplemented or superseded only by concurring resolutions from any combination of member governmental subdivisions whose aggregate representation on the Board constitutes a quorum. All proposed amendments shall be submitted to the Board for its review and comment to the member governmental subdivisions.

ARTICLE VIII

Date of Organization

- Section 1. The organization of Horizon Behavioral Health shall be effective the 19th day of April, 1969, the date of the agreement which preceded, and which is hereby superseded by, this document.

ARTICLE IX

Dissolution

In the event of the dissolution of this Board, or in the event it shall cease to carry out the objects and purposes herein set forth, all the net assets of the Board shall go to and be distributed to the participating local governments and the State Government on the same basis as the assets were contributed as administered by the Department of Behavioral Health and Developmental Services. Under no circumstances shall any of the property and assets of this Board during existence and/or upon the dissolution thereof go and be distributed to any officer, member, employee or subsidiary of this Board.

Witness the following signatures and seals as of the day and year first above written:

Amherst County, Virginia

Dated: _____

By: _____

Its: _____

Appomattox County, Virginia

Dated: _____

By: _____

Its: _____

Bedford County, Virginia

Dated: _____

By: _____

Its: _____

Campbell County, Virginia

Dated: _____

By: _____

Its: _____

City of Lynchburg, Virginia

Dated: _____

By: _____

Its: _____