



U.S. Department  
of Transportation

**Federal Highway  
Administration**

Virginia Division

January 8, 1999

The Dale Building, Suite 205  
1504 Santa Rosa Road  
Richmond, Virginia 23229

### I-66 HOV Restrictions

Mr. Pete Kolakowski  
Assistant Commissioner  
Virginia Department of Transportation  
Richmond, Virginia

Attention: Mr. Kenneth Lantz, Jr.

Dear Mr. Kolakowski:

This letter concerns Section 361 in the Fiscal Year 1999 USDOT Appropriation Act, which involves the high occupancy vehicle (HOV) restrictions on I-66 in Virginia. The provision states, "Hereafter, the Commonwealth of Virginia shall have the exclusive authority to determine the HOV restrictions applicable to I-66 in Virginia."

Section 361 seems like a simple statement, but because of the 1977 Coleman Decision and history of HOV restrictions on I-66 in Northern Virginia, we saw a need to obtain some clarification. Thus, we recently sought a legal interpretation, as well as, the answers to a number of questions. Attached for your reference is a copy of the response we received.

Please note that Virginia now has the authority to determine all operational restrictions relative to the HOV lanes on all portions of I-66. In particular, the restrictions and conditions outlined in our October 28, 1996, letter and attachment to Commissioner David Gehr, are no longer applicable. FHWA's concurrence in changes is no longer needed.

Sincerely yours,

Roberto Fonseca-Martinez  
Division Administrator

Thomas A. Jennings  
Transportation Management Engineer

Attachment



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Richmond, Virginia 23229

February 1, 1999

Provision in FY 99 USDOT  
Appropriations Act on  
I-66 HOV in Virginia

Mr. Richard F. Stevens  
Office of Business Planning and Development  
Washington Metropolitan Area Transit Authority  
600 Fifth Street, N.W.  
Washington, D.C. 20001

Dear Mr. Stevens:

My purpose for this letter is to provide some clarification of Section 361 in the Fiscal Year 1999 USDOT Appropriation Act, which involves the high occupancy vehicle (HOV) restrictions on Interstate 66 in Virginia. Because of the Washington Metropolitan Area Transit Authority's past interest and involvement in the I-66 HOV lanes, we felt it was important to provide this information.

Basically, Section 361 states, 'Hereafter, the Commonwealth of Virginia shall have the exclusive authority to determine the HOV restrictions applicable to I-66 in Virginia.' This may seem like a simple statement, but because of the 1977 Coleman Decision and the history of HOV restrictions on I-66 in Northern Virginia, we sought a legal interpretation within the FHWA, as well as, the answers to a number of questions. Attached for your reference is a copy of the response we received.

Please note that Virginia now has the authority, without FHWA's involvement, to determine in the current fiscal year and in future fiscal years, all operational restrictions relative to the HOV lanes on all portions of I-66. In particular, the restrictions and conditions referenced in an October 28, 1996, letter and attachment to VDOT Commissioner David Gehr, are no longer applicable. FHWA's concurrence in changes to the HOV restrictions is no longer needed.

If you have any questions, please contact Mr. Thomas Jennings at (804) 281-5107.

Sincerely yours,

Roberto Fonseca-Martinez  
Division Administrator

Thomas A. Jennings  
Transportation Management Engineer

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February 1, 1999

Provision in FY 99 USDOT  
Appropriations Act on  
I-66 HOV in Virginia

Mr. Ronald F. Kirby  
Department of Transportation Planning  
Metropolitan Washington Council of Governments  
777 North Capitol Street, N.E. Suite 300  
Washington, D.C. 20002-4239

Dear Mr. Kirby:

My purpose for this letter is to provide some clarification of Section 361 in the Fiscal Year 1999 USDOT Appropriation Act, which involves the high occupancy vehicle (HOV) restrictions on Interstate 66 in Virginia. Because of the Transportation Planning Board's past interest and involvement in the I-66 HOV lanes, we felt it was important to provide this information.

Basically, Section 361 states, 'Hereafter, the Commonwealth of Virginia shall have the exclusive authority to determine the HOV restrictions applicable to I-66 in Virginia.' This may seem like a simple statement, but because of the 1977 Coleman Decision and the history of HOV restrictions on I-66 in Northern Virginia, we sought a legal interpretation within the FHWA, as well as, the answers to a number of questions. Attached for your reference is a copy of the response we received.

Please note that Virginia now has the authority, without FHWA's involvement, to determine in the current fiscal year and in future fiscal years, all operational restrictions relative to the HOV lanes on all portions of I-66. In particular, the restrictions and conditions referenced in an October 28, 1996, letter and attachment to VDOT Commissioner David Gehr, are no longer applicable. FHWA's concurrence in changes to the HOV restrictions is no longer needed.

If you have any questions, please contact Mr. Thomas Jennings at (804) 281-5107.

Sincerely yours,

Roberto Fonseca-Martinez  
Division Administrator

Thomas A. Jennings  
Transportation Management Engineer

Attachment



USDOT/FHWA's part?

**Answer 2:** Yes.

**Question 3:** Can Virginia establish the hours of HOV operation, whether it is peak hour or longer?

**Answer 3:** Yes.

**Question 4:** Can Virginia determine the type of vehicles allowed during the HOV period without our involvement? For instance, could Virginia decide that they want to now exclude single vehicle occupants bound to or from Dulles?

**Answer 4:** Yes to all of the above.

**Question 5:** Could Virginia decide to only have 1 lane HOV and regular traffic on the other lane, instead of having only HOV traffic in both lanes during the peak period?

**Answer 5:** Yes.

**Question 6:** Could Virginia make HOV in both directions during the peak periods?

**Answer 6:** Yes.

**Question 7:** In addition to the above, there is a current agreement between Virginia and USDOT concerning the conditions under which the facility could operate as HOV-2. Are these conditions no longer valid as far as USDOT's involvement? For instance, are the conditions outlined in the October 24, 1996, memorandum from the FHWA Administrator to Regional Administrator Dave Gendell no longer valid? Would this include the threshold level for changing from HOV-2 to HOV-3?

**Answer 7:** Yes to all of the above.

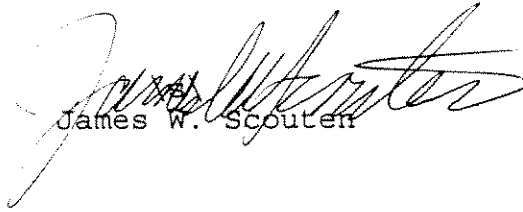
**Question 8:** The conditions referred to in #7 also involve agreements between Virginia and the metropolitan transit authority and TPB. Are we no longer involved in those agreements, and is it left up to Virginia rather or not they want to fulfill their agreements with others?

**Answer 8:** Yes, with the proviso that Virginia must still comply with Federal-aid planning and air quality maintenance requirements.

**Question 9:** As a final issue, we recognize that air quality was a concern with the changes from HOV-3 to HOV-2. We assume that no action with respect to conformity would be necessary by Virginia or the region prior to changing the HOV restrictions. Is that correct?

**Answer:** The Commonwealth must still comply with federal air quality conformity legislation and regulations. It may be that changes to the HOV restrictions, for which the Commonwealth now possesses exclusive authority, would have to be off-set by changes in the regional plan.

We hope that the above answers your request. Please feel free to contact my office with any further questions.



James W. Scouter