

N. JLARC REPORT

House Joint Resolution 222, passed by the 1996 Virginia General Assembly, directed the Joint Legislative Audit and Review Committee (JLARC) to review the highway location process used by VDOT to select corridors for new road locations. JLARC issued its findings in a report dated January 1998. Approximately 25% of JLARC's report was focused on the location process for the Route 29 Bypass. JLARC concluded, *"the location process used for improvements to Route 29 in the Charlottesville area raises some concerns about the process in that case ... The CTB's reversal of its prior decisions regarding the interchanges, the participation of a CTB member [Carter Myers] with a personal interest in the decision process, and the lack of coordination between the widening and interchange projects all raise concerns about the process in this case as well as some broader concerns about the overall process."*

Regarding the CTB's decision to eliminate the interchanges, the JLARC report noted, *"The interchanges were approved by the CTB after an extended study in which the interchanges, bypass alternatives, and an expressway alternative were all analyzed through the location process. In contrast, the support for the interchanges was withdrawn by the CTB without the benefit of any completed technical reports or analysis, any public hearing, or any staff recommendation. The manner in which the decision was made is of particular concern because the decision changed entirely which traffic needs would be addressed along the Route 29 corridor in Charlottesville."* (Emphasis added.)

The report stated that VDOT failed to plan and coordinate the interchanges with the widening of Route 29, and that this failure *"appears to have contributed to the decision not to proceed with the interchanges."*

The report discussed the perception of impropriety caused by a CTB member's *"active participation in the decision of the CTB to withdraw support for the interchanges ..."* The CTB member, Carter Myers, owned a business which would be slightly impacted by one of the grade-separated interchanges. Not only did he not recuse himself from the CTB vote on this issue, but he also led the opposition to the interchanges, both locally and at the CTB level.

The JLARC review also found that the public participation process could be strengthened. Based on the Route 29 Bypass situation, JLARC recommended several changes in the highway location process, including the following:

"Decisions to rescind prior location decisions of the CTB should be made only after the public is provided with a formal opportunity to submit input through the public hearing process and after sufficient technical analyses have been prepared to assess the issue. In addition, members of the CTB should be expressly precluded from participating in decisions that directly impact their personal interests. Furthermore, local governments should be given the opportunity to directly address the CTB prior to location decisions that directly impact their locality if there is disagreement over the preferred alternative between an affected locality and VDOT."

Despite the critical nature of JLARC's comments on the Route 29 Bypass, no action has been taken by VDOT, the CTB, or the Virginia General Assembly.

SEE APPENDIX "N" FOR SUPPORTING DOCUMENTS