

# Route 15 Phase 1 and federal funding

Martha Polkey

Here is the timeline that citizens have been able to construct over the withdrawal of federal funding for the Phase 1 Route 15 Project, from Leesburg to Montesor. It is in response to the below interchange between Supervisor Juli Briskman (~5:39:40 in the video) and DTIC's Jim Zeller at the February 2, 2021, Board of Supervisors Business Meeting.

Briskman: "One of the speakers tonight said that we had stripped federal funding from the project. Is that true?"

Zeller: "No. In a word, no."

Briskman: "Okay, that's fine. It was a little shocking to me, and I wouldn't know why we would do that."

## NVTA submission including federal funds

Here is the portion of Loudoun County's submission for NVTA funding for 4-laning Route 15 from Leesburg to Montesor (December 2017) that lists funding sources.

**5.1 Other Sources of Funding by Project Phase** (Specify the amounts by source and complete for all applicable phases – must match with phase totals provided under items #3.2 and #4.2):  
 Note: 'Other Funding Sources' may include previously approved NVTA 70% Regional Revenues, NVTA 30% Local Distribution Revenues, CMAQ, RSTP, State, Proffers (or local equivalent), private, recipient entity funds, and others. You may describe if you have concurrently applied for other funding sources or plan to apply within the next six months.

	Committed Funds			NVTA Request per this application (\$) (should match with item #4.2)	Funding Gap (\$)	TOTAL (\$) (should match with item #3.2)
	Source (identify each source and amount separately)	Amount (\$)	Total by phase (\$)			
	[a]	[b]	[c]			
Design, Engineering, Environmental	Federal Earmark NVTD Bond State (Location Survey) Loudoun County	\$1,665,801 \$929,882 TBD \$3,500,000	\$1,665,801 \$929,882 TBD 3,500,000			\$6,095,683
Right of Way				\$12,000,000		\$12,000,000
Utilities Relocations	Loudoun County	\$5,592,000	\$5,592,000			\$5,592,000
Construction	Loudoun County	\$15,476,000	\$15,476,000	\$42,000,000		\$57,476,000
Other (please explain clearly what this includes)						
<b>TOTAL</b>		<b>\$27,163,683</b>	<b>\$27,163,683</b>	<b>\$54,000,000</b>		<b>\$81,163,683</b>

Updated 10.12.2017

G:\Transportation\NVTA\SYP FY 18 to 23\Ready for Submission\US 15\US 15- SYP Project Application amended final 12-18-2017.docx

## Federal earmark

In 2003 Congressman Frank Wolf, following meetings with Lucketts area citizens, obtained \$3 million in federal funds for safety on Route 15. He supported its use for traffic calming following a 2004 meeting with Lucketts area citizens.

route 11—Connecticut Greenway Commission .....	1,000,000
Route 123 Ox Road—widening (Davis Dr to county line), Fairfax, Virginia .....	3,500,000
Route 14 Truck Bypass Project Huron, South Dakota .....	1,500,000
Route 15 Safety Improvements, Virginia .....	3,000,000
Route 20 North and Camden Ave Bypass, Buckhannon, West Virginia .....	235,000
Route 24/I-40 Interchange, Massachusetts .....	1,000,000
Route 28/Westfield Circle, New Jersey .....	200,000

Source: 108th Congress, 1st Session, House of Representatives, Report 108-10. "Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes." Conference Report to Accompany H.J. Res. 2." February 13, 2003.

On Oct. 13, 2017, Raspberry Falls (John Suttle), Selma Estates (Fred McCusker), Big Springs, Raspberry Falls Golf Club, and Saddlebrook Route 15 stakeholders submit a petition to Supervisor Higgins requesting that any attention to Scenic Byway attributes ("nonfunctional design objectives") be disregarded, and asked that the entire highway north of Leesburg be re-designated from a rural to a suburban road; and requested that no roundabouts be used.

## County request to use federal funds for Phase 1

On December 4, 2017, Joe Kroboth, Director of the County Department of Transportation & Capital Infrastructure (DTCI), sent a letter to VDOT's Farid Bigdeli requesting the use of federal funds for Phase 1 of the Route 15 improvements (see pages 6-7 for complete letter).

December 4, 2017

Farid Bigdeli, PE, Assistant District Engineer  
Virginia Department of Transportation  
4975 Alliance Drive  
Fairfax, VA 22030  
(Sent via email to Farid.Bigdeli@VDOT.Virginia.gov)

**Re: Route 15 Congestion Update**

Dear M. Bigdeli:

On October 19, 2017, Loudoun County Staff presented the Route 15 Congestion Report Update to the Board of Supervisors<sup>1</sup>. At that meeting, the Board directed staff to take the following actions:

- Coordinate with the Virginia Department of Transportation (VDOT) to implement the Phase 1 interim improvement (northbound auxiliary lane between King Street and Tutt Lane);
- Coordinate with VDOT to procure the services of an engineering consultant to prepare the design plans for the remaining phase improvements utilizing the remaining Federal and state funds that are designated for Route 15;
- Collect and analyze public input and technical analysis to determine which specific improvements shall be recommended and return to the Board in the first quarter of calendar year 2018 for Board endorsement; and
- Transmit a request to the Town of Leesburg for their funding participation in the Route 15 Congestion Report improvements.

At the February 28, 2018, Route 15 Stakeholders meeting, County Preservation Planner Heidi Siebentritt made a presentation to stakeholders on the historic and archaeological features in the Catoctin Rural Historic District and along the Route 15 Corridor. VDOT's Jim Zeller described the Section 106 process.

Selma Estates stakeholder Fred McCusker asked if federal funds could be removed so that the process could be avoided. Mr. Zeller said that they could. Mr. Kroboth stated that previous federal spending on the highway meant the road had been federalized, and the County would adhere to the process "because it is the right thing to do." Staff's follow-up meeting notes include this statement (at right).

9. *Question:* If we don't use existing Federal funding tied to this corridor, can we expedite the process?

*Response:* The project is already federalized since Federal money has been spent in this corridor. Therefore, this is not an option.

On Mar 5, 2018, at 8:53 AM, Glass, Susan <[Susan.Glass@loudoun.gov](mailto:Susan.Glass@loudoun.gov)> wrote:

Fred: I have asked Jim Zeller to provide this information to you.

**From:** [asmccusker@aol.com](mailto:asmccusker@aol.com) [mailto:[asmccusker@aol.com](mailto:asmccusker@aol.com)]  
**Sent:** Monday, March 05, 2018 8:08 AM  
**To:** Glass, Susan <[Susan.Glass@loudoun.gov](mailto:Susan.Glass@loudoun.gov)>  
**Cc:** Kroboth, Joe <[Joe.Kroboth@loudoun.gov](mailto:Joe.Kroboth@loudoun.gov)>; Carey, Stacy <[Stacy.Carey@loudoun.gov](mailto:Stacy.Carey@loudoun.gov)>; Higgins, Geary <[Geary.Higgins@loudoun.gov](mailto:Geary.Higgins@loudoun.gov)>  
**Subject:** Section 106 review

Susan,

On March 5, McCusker emailed Zeller for an example of how long a Section 106 review would take (at left). (Zeller's response was not included in the FOIA documents provided.)

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Would it be possible to share an example of a Section 106 road project review as an example so that we have a sense of how extensive and lengthy this type of review and analysis is on a road project. The concern is how long this type of review is based on the responses from Mr. James Zeller, VDOT representative at the February 28, 2018 Route 15 Stakeholder Meeting and how we communicate this process to our community.

Thank you,

Fred McCusker

On March 15, 2018, Mr. Bigdeli sent an email to VDOT's Jim Zeller with a list of tasks to be done to initiate VDOT's role in the project.

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**From:** Bigdeli, Farid, P.E. (VDOT)  
**Sent:** Thursday, March 15, 2018 4:59 PM  
**To:** Zeller, James C., P.E. (VDOT)  
**Cc:** Roper, Nicholas J. (VDOT)  
**Subject:** Route 15 Widening - Action items and other information from our meeting with the County today

These are my rough notes from our meeting...please let me know if I left anything out.

- Verify the \$1,665,801 Federal earmark and \$929,882 NVTD could be used on this effort – Jim Z.
- \$3M of County's money for this project will become available July 1, 2018
- Confirm if VDOT can administer future phases of the project - construction
- County is committed to have Phase I improvements done this Spring - A MUST – completion target end of April
- County to explore task order to Kimely-Horn to do the NEPA – using Fairfax County contract if possible or a separate consultant
- Confirm if NEPA document requires a PE signature – Jim Z.
- Begin the RAT and SPA process ASAP

The next day, Bigdeli and Zeller had this email exchange.

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**From:** Bigdeli, Farid, P.E. (VDOT)  
**Sent:** Friday, March 16, 2018 3:02 PM  
**To:** Zeller, James C., P.E. (VDOT) <James.Zeller@VDOT.Virginia.gov>  
**Cc:** Roper, Nicholas J. (VDOT) <Nicholas.Roper@VDOT.Virginia.gov>  
**Subject:** Re: Route 15 Widening - Action items and other information from our meeting with the County today

I figured you will find a way...thanks.

On Mar 16, 2018, at 2:59 PM, Zeller, James C., P.E. (VDOT) <[James.Zeller@VDOT.Virginia.gov](mailto:James.Zeller@VDOT.Virginia.gov)> wrote:

There is a complication with the earmark funds. The Lucketts traffic calming project UPC 68760 is butting up against the 10 year rule. To avoid paying back the \$1,310,948 that has already been spent on UPC 68760 we need a concrete plan on how we will implement or go to the next phase (RW) for at least a piece of the project.

I we spend the earmark on the widening, a substitute funding plan will need to be developed for 68760.

Jim Z

In April 2018 Susan Glass sent an email to DTTCI's Kelly Griffin referencing a Commonwealth Transportation Board resolution restricting VDOT project management to Tier 1 state transportation priorities (Route 15 priorities are Tier 2/3).

#### **Glass, Susan**

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**From:** Glass, Susan <Susan.Glass@loudoun.gov>  
**Sent:** Thursday, April 26, 2018 10:15 AM  
**To:** Griffin, Kelly  
**Subject:** CTB resolution requiring prescope funds be used for VTRANS tier 1  
**Attachments:** resolution\_14\_vtrans.pdf; ATT00001.txt

This squashed our plans to have VDOT administer Route 15 widening project

[http://www.ctb.virginia.gov/resources/2018/jan/reso/resolution\\_14\\_vtrans.pdf](http://www.ctb.virginia.gov/resources/2018/jan/reso/resolution_14_vtrans.pdf)

On May 19, 2018, the County submitted a federal BUILD grant application, for \$1M for study and design of Route 15 from Montesor Road to the Potomac River. In it the County states it anticipates securing an exemption from National Environmental Protection Act (NEPA) requirements.

In August 2018, DTTCI's Susan Glass emailed JTHG President Bill Sellers, stating that the county intended to follow the Section 106 process. This shows that Mr. Kroboth intended to follow through on his pledge to "do the right thing."

On Aug 14, 2018, at 3:34 PM, Glass, Susan <[Susan.Glass@loudoun.gov](mailto:Susan.Glass@loudoun.gov)> wrote:

Hi Bill,

Based on the current schedule, we anticipate that the Section 106 process will begin in Spring 2019 (between March and June).

We missed you at today's partner agency meeting where we discussed the proposed concepts for the Route 15 Safety and Operations Study with NOVA Parks, PRCS and Bike Loudoun. Perhaps you were recovering from the History Academy.

The Route 15 project team would like to know if Journey Through Hallowed Ground has a preferred Safety and Operations Study concept. The proposed concepts and ballot are posted on the Route 15 web page ([www.loudoun.gov/route15](http://www.loudoun.gov/route15)) and also accessible via these links: [Concepts](#) and [Ballot](#)

Thanks,  
Susan

## Removal of Federal Funds

On the Friday before the September 20, 2018, BOS vote on Phase 1, the Board Packet was released, showing that federal funds had been removed from the Phase 1 project.

*Federal and State Funding:* On March 21, 2018, the Commonwealth Transportation Board approved<sup>16</sup> the transfer of \$929,882 of Northern Virginia Transportation District Funds from the Route 15 Safety Improvements project (UPC 69138) to the Route 15 Widening from Two to Four Lanes project (UPC 20928). After having completed the Route 15 Congestion Study, staff recommends using the remaining federal and state funds appropriated for the Route 15 Corridor for improvements in the Village of Lucketts. The Stakeholder Committee can be consulted on which type of improvements would be appropriate. Options include traffic calming measures, curb and sidewalk connectivity in the Village and reconstruction of the existing traffic signal to meet modern standards. At this time, staff is not able to advise if such a project in the Village of Lucketts would be managed by County staff or VDOT staff. Discussions with VDOT have been preliminary in nature and no definitive direction proposed. Once the discussions mature, staff will report back to the Board for information and direction.

County Preservation Planner Siebentritt, who had not been informed beforehand and who understood that the removal of the funds also removed the need for more comprehensive NEPA and Section 106 requirements, asked DTCI staff why the funds had been removed. Staff referred her to Supervisor Higgins's office.

In response to a subsequent FOIA request about the removal of federal funds, DTCI administrative manager Wendy Kirby stated in a November 26, 2018, email: "As previously stated, the Loudoun County Department of Transportation and Capital Infrastructure does not have any documentation reflecting a decision on the County's part to remove said federal funding, or reverse its decisions regarding NEPA and/or Section 106 reviews."

But a FOIA of VDOT documents relating to the funding shows an email from DTCI's Susan Glass regarding that county request of VDOT:

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**From:** Glass, Susan  
**Sent:** Friday, September 21, 2018 10:13 AM  
**To:** Bigdeli, Farid, P.E. <Farid.Bigdeli@VDOT.Virginia.gov>; Taori, Sunil (VDOT) <Sunil.Taori@vdot.virginia.gov>; Kimberly.McCool (Kimberly.McCool@vdot.virginia.gov) <Kimberly.McCool@vdot.virginia.gov>  
**Cc:** Zeller, James <James.Zeller@loudoun.gov>; Kroboth, Joe <Joe.Kroboth@loudoun.gov>; Newquist, Penny <Penny.Newquist@loudoun.gov>  
**Subject:** Route 15 - request reversal of NVTD funds that were transferred to the Route 15 widening project

Last night, the Board of Supervisors approve the Route 15 item with the motion as presented in the [item](#).

Since the County has been awarded \$54M from the NVTA for the Route 15 widening project, we do not need/desire the NVTD funds that were transferred to the project. Therefore, we request that the funds be transferred back to the Lucketts Traffic Calming project.

What is the status of the Lucketts Traffic Calming project? It is my understanding that VDOT met with its consultant (Kimley Horn) to identify possible improvements. Would VDOT be able to discuss those options with the Route 15 Stakeholder Committee during the October 22<sup>nd</sup> meeting?

Thanks,  
Susan

The VDOT staff member tasked with this FOIA request shared additional information.

Since no federal funds are being utilized for this project, there are no requirements to complete a NEPA review. Hence, there are no records of reversal of the decision to undertake NEPA. As part of the design process, Loudoun County may still have to undergo other environmental reviews, including Section 106. However, there are no records of VDOT advising them to forego these reviews.

Thank you for your interest in the Virginia Department of Transportation.

Sincerely,

Cynthia Mercer  
VDOT  
Business Coordinator  
[4975 Alliance Drive](#)  
[Fairfax, VA 22030](#)  
[cm.mercer@vdot.virginia.gov](mailto:cm.mercer@vdot.virginia.gov)  
(703) 259-1758

Finally, it is important to note that the jurisdiction of the U.S. Army Corps of Engineers (which also requires compliance with Section 106 of the NHPA) is *not* dependent upon federal funding. Rather, Army Corps authorization is required for any project that affects wetlands or jurisdictional waters of the U.S., *regardless* of whether or not federal transportation funding is involved.

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## Loudoun County, Virginia

[www.loudoun.gov](http://www.loudoun.gov)

Department of Transportation and Capital Infrastructure – MSC #64  
101 Blue Seal Drive, S.E., Suite 102, P.O. Box 7500, Leesburg, VA 20177-7100  
Telephone (703) 737-8624 • Fax (703) 737-8513

December 4, 2017

Farid Bigdeli, PE, Assistant District Engineer  
Virginia Department of Transportation  
4975 Alliance Drive  
Fairfax, VA 22030  
(Sent via email to [Farid.Bigdeli@VDOT.Virginia.gov](mailto:Farid.Bigdeli@VDOT.Virginia.gov))

### Re: Route 15 Congestion Update

Dear M. Bigdeli:

On October 19, 2017, Loudoun County Staff presented the Route 15 Congestion Report Update to the Board of Supervisors<sup>1</sup>. At that meeting, the Board directed staff to take the following actions:

- Coordinate with the Virginia Department of Transportation (VDOT) to implement the Phase 1 interim improvement (northbound auxiliary lane between King Street and Tutt Lane);
- Coordinate with VDOT to procure the services of an engineering consultant to prepare the design plans for the remaining phase improvements utilizing the remaining Federal and state funds that are designated for Route 15;
- Collect and analyze public input and technical analysis to determine which specific improvements shall be recommended and return to the Board in the first quarter of calendar year 2018 for Board endorsement; and
- Transmit a request to the Town of Leesburg for their funding participation in the Route 15 Congestion Report improvements.

On behalf of Loudoun County, I am writing to request that VDOT construct the phase 1 improvements, more specifically a northbound auxiliary lane that was identified in the Route 15 Congestion Report. I have attached a graphic that depicts the limits of this project, which extend from the King Street merge onto northbound Route 15 to the left turn into Tutt Lane. Staff from the Department of Transportation and Capital Infrastructure (DTCI) have met on-site with VDOT staff to access this improvement. It is DTCI's understanding that, because there is adequate existing pavement, VDOT's maintenance division is able to perform the roadway work that is needed to create the auxiliary lane. At VDOT's direction, DTCI has engaged one of our task order consultants to prepare a signage and striping plan for the auxiliary lane which we will provide to your staff when it is complete.

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<sup>1</sup> [Congestion Report Update](#)

I am asking that VDOT consider the use the funds that were allocated to its Countywide Safety & Operational Improvements (CSOI) Program to implement the northbound auxiliary lane on Route 15. It is my understanding that \$563,869 was allocated to VDOT's CSOI in FY2018 to be used for improvements in Loudoun County. If funds are not available from the CSOI Program, I request that VDOT identify another source of funds that can be used for the northbound auxiliary lane.

I also request that VDOT use the remaining funds that it is holding for improvements to the Route 15 corridor, between Leesburg and the Maryland state line, to procure the services of an engineering consultant to prepare design and construction plans for additional improvements that will be selected by the Board of Supervisor in early 2018. The County has been informed that VDOT has a total of \$2,596,946 of funding for improvements to the Route 15 corridor between Leesburg and the Maryland state line. These funds are comprised of \$1,667,064 remaining in the Lucketts Traffic Calming Project account (UPC 68760), which are Federal funds; and \$929,882 from the Northern Virginia Transportation District Fund (UPC 69138). If the funds are insufficient to fully complete the design, the County asks that VDOT complete the design to the preliminary engineering level (approximately 30 percent) and conduct a public information meeting. Please commence procurement of the engineering consultant now so that design can begin in early 2018 on the additional Route 15 improvements as directed by the Board of Supervisors.

As you are aware, the Board also tasked County staff with initiating a Safety and Operational Study of the Route 15 corridor between Whites Ferry Road and the Maryland state line. VDOT staff has been engaged in that effort. Traffic counts were collected in September 2017 and the Route 15 Stakeholder Committee has been established to assist in developing design concepts along that corridor. The Safety and Operational Study is expected to be presented to the Board in fall 2018.

Loudoun County appreciates VDOT's continued assistance to reduce congestion and improve safety on Route 15.

Sincerely,



Joe Kroboth, III, P.E., Director  
Transportation and Capital Infrastructure

Attachment: Route 15 Phase 1 Interim Improvement Exhibit

CC: Sunil Taori, PE, VDOT  
James Zeller, PE, VDOT  
Susan Glass, DTCI