



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.  
Commissioner

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October 1, 2023

The Honorable David W. Marsden  
Post Office Box 10889  
Burke, Virginia 22009

The Honorable Terry L. Austin  
Post Office Box 400  
Buchanan, Virginia 24066

Dear Senator Marsden and Delegate Austin:

I am pleased to submit this report in accordance with § 46.2-749.3 (A.3) of the Code of Virginia. Section 46.2-749.3 (A.3) directs the Commissioner of Highways to annually report the “traffic volumes on the HOV facilities that result in a degraded condition as identified in SAFETEA-LU or other applicable federal law and reported to the Federal Highway Administration”.

Per 23 U.S.C. 166, a High Occupancy Vehicle or “HOV” facility is considered to be degraded if vehicles operating on the facility are failing to maintain a minimum average operating speed 90 percent of the time over a consecutive 180-day period during morning or evening weekday peak hour periods (or both). The minimum operating speed means (a) 45 miles per hour, in the case of an HOV facility with a speed limit of 50 miles per hour or greater, and (b) not more than 10 miles per hour below the speed limit, in the case of an HOV facility with a speed limit of less than 50 miles per hour (United States Code, Title 23, Section 166).

At this time, there are no facilities operating in a degraded state. Previous reports noted that Interstate 66 (I-66) outside of the Beltway had degraded conditions. Since the opening of the I-66 Express Lanes, there has been no degradation at this facility.

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If you have any questions, please do not hesitate to contact me or Mr. Kevin Gregg, Chief of Maintenance and Operations, at 804-786-5369.

Sincerely,

*Stephen C. Brich*

Stephen C. Brich, P.E.  
Commissioner of Highways

cc: The Honorable W. Sheppard Miller III  
Mr. John Lynch  
Mr. Mark Cole