

# **Federal Register**

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**Part III**

## **Department of Transportation**

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**Federal Aviation Administration**

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**Carpools on Dulles Access Highway;  
Final Rule**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 159**

[Docket No. 23655; Amdt. No. 159-28]

**Carpools on Dulles Access Highway****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** The Federal Aviation Regulations for the Dulles Airport Access Highway are amended to allow vehicles carrying two or more persons to use the Access Highway with a decal during peak commuter hours via the carpool entrances and exits at Reston Avenue and Trap Road. Prior to these amendments the highway has been restricted to airport users and 4-person carpools. The amendment allows single occupant vehicles, as well as carpools, with a decal to use the highway by "backtracking" through Dulles Airport.

**DATES:** Effective November 21, 1983, and will terminate on January 1, 1985, or on the date that the Dulles Toll Road is opened by the Commonwealth of Virginia, whichever is earlier. FAA will publish the termination date.

**FOR FURTHER INFORMATION CONTACT:**

Dexter Davis, Airport Manager, AMA-200, Dulles International Airport, P.O. Box 17045, Washington, D.C. 20041, Telephone: (703) 471-7596; or Edward S. Faggen, Legal Counsel, AMA-7, Hangar 9, Washington National Airport, Washington, D.C. 20001, Telephone: (703) 557-8123.

**SUPPLEMENTARY INFORMATION:**

Interested persons were invited to participate in the making of the policy for carpool use of the Dulles Airport Access Highway by a Notice of Proposed Rulemaking published by the FAA on June 6, 1983. (Notice No. 83-5, 48 FR 25215). A supplemental notice was published on August 18 (48 FR 37430, Notice 83-5A). An environmental assessment was prepared by the FAA and the Federal Highway Administration and placed in the public docket for review. Written comments were received from area citizens who use or want to use the Access Highway for commuting between their residences and workplaces. Comments were received from the Commonwealth of Virginia and elected representatives of the public at both the Federal and local levels. Comments were also received from the United States Department of Interior, the National Capital Planning Commission, the Metropolitan Washington Council of Governments,

the Air Transport Association and other organizations.

**Action**

Upon consideration of the comments and other pertinent information, FAA is adopting a regulation that lowers the carpool requirement from 4 or more persons per vehicle to 2 or more persons for vehicles entering and exiting the Access Highway via the carpool ramps at Reston Avenue and Trap Road. Single occupant vehicles (driver only) as well as carpools will be permitted to enter the Access Highway at all westbound entrances and proceed west to the airport, turn around at a designated point and proceed back eastbound. Two and 3-person carpools and single occupant vehicles must display a carpool decal in order to use the Access Highway. The decal will be easily identifiable and will have to be permanently affixed to the vehicle bumpers. The decals will be readily available at Dulles Airport and other locations in the Dulles Corridor.

Airport users will continue to have use of the Access Highway without restriction. The rule is interim in nature. Except for emergencies carpool and other non-airport uses of the Access Highway will be discontinued on January 1, 1985, or on the day the Dulles Toll Road opens, whichever is earlier.

**Background**

The Dulles International Airport Access Highway (Access Highway) is owned by the United States and maintained by the Department of Transportation (DOT), Federal Aviation Administration (FAA). The Administrator of the FAA, in accordance with a delegation of authority from the Secretary of Transportation, has the responsibility for the care, operation, maintenance, improvement and protection of Dulles Airport, including the Access Highway, and the Administrator has the authority to make and amend regulations in order to carry out this responsibility.

The Access Highway was built to provide rapid ground access from Washington, D.C., to Dulles Airport, which is located near Chantilly, Virginia, 26 miles from the downtown metropolitan center. The Access Highway was built in 1962 to accommodate airport traffic. To achieve this, the airport traffic was to be separated from commuter and local traffic. Since it has been open, the Access Highway has been restricted in general to airport-related traffic. The entrances and exits facilitate traffic to and from the west, that is, to and from the airport. There are only two restricted

entrances, other than at the airport itself, for vehicles traveling eastbound away from the airport. These are at Reston Avenue and Trap Road. These ramps were built for special, not general, access. Similarly, with the same two limited exceptions, the only westbound exit is at Dulles Airport.

FAA regulations have permitted non-airport uses by emergency vehicles, vehicles bound to or from the Wolf Trap Farm Park for the Performing Arts, buses being operated in common carriage, and Fairfax County school buses. Since April, 1980, vehicles occupied by four or more persons have also been permitted to use the Access Highway via the ramps at Reston Avenue and Trap Road during the morning and afternoon peak commuter periods. Four-person carpools are also permitted to enter the highway at Route 28 to travel to the airport, turn around, and use the highway eastbound. The reverse movement is allowed for carpools exiting at Route 28.

It is the FAA's intention that all non-airport uses of the Access Highway (other than emergencies) will cease when the high capacity, parallel roadway is completed. The Commonwealth of Virginia is presently constructing the lanes parallel to the Access Highway known as the Dulles Toll Road. The new highway is scheduled to open late in 1984 or early in 1985.

In addition to airport users, many residents and employees in the area use the Access Highway for commuting by proceeding west to the airport for the purpose of making a U-turn and then proceeding back eastbound. This has come to be known as "backtracking" and it enables commuters to avoid congested alternate routes. The practice is widespread. A detailed study in 1981 indicated that 6,400 cars entered Dulles Airport each day solely to reverse their direction of travel. Recent FAA police studies indicate that the number of daily commuter vehicles has increased to approximately 8,000. The practice has resulted in congestion on the airport roadways, particularly on the portion of the Access Highway between Route 28 and the Dulles terminal.

**The Access Highway—I-66 Connection**

FAA is completing the construction of an extension to the Access Highway from its present terminus at Route 123 to join I-66 near West Falls Church. The extension is to be completed and open to traffic at the end of October 1983. Travelers driving between Dulles and downtown Washington via the Access Highway and I-66 will have the use of a

free-flowing highway for the entire length of the trip. This will produce a 10-15 minute savings compared to the present routing and should be a significant benefit to Dulles Airport users.

Since its opening in December, 1982, traffic on I-66 between I-495 and the Theodore Roosevelt Bridge over the Potomac River has been restricted to high occupancy vehicles with 4 or more persons (HOV-4) during morning and afternoon peak commuter hours in the peak direction. The restrictions on I-66 were developed based on environmental studies and were incorporated into the January 5, 1977 decision by Secretary of Transportation Coleman as a response to the controversy over the environmental impact of I-66. The HOV-4 restrictions are enforced by Virginia Commonwealth and local police.

When the Access Highway connection to I-66 is completed this year, airport traffic will commingle with other traffic on I-66. During peak hours, legitimate airport traffic will be exempt from the HOV-4 restrictions as set forth by Secretary Coleman's decision. Other users of the Access Highway, including commuters, would also be able to gain access to I-66, which could be a violation of the HOV-4 restrictions. FAA has recognized from the time of the I-66 decision in 1977 that, when the connection of the Access Highway to I-66 was completed in 1983, commuter use of the Access Highway would have to be controlled. FAA, therefore, must now take action to control commuter use of the Access Highway to ensure that only airport-related traffic and HOV-4 vehicles enter I-66 by way of the Access Highway. It would have been ideal if the parallel lanes of the Dulles Toll Road were available to receive the local and commuter traffic that must be regulated after the Access Highway/I-66 connection is open. While the construction of the parallel lanes is progressing at a rapid pace, they will not be open until late 1984. Accordingly, FAA undertook this rulemaking action to determine the appropriate course to take in the interim period.

In Notice 83-5, FAA proposed to reduce the carpool requirement on the Access Highway (between the Airport and Route 123) from 4 or more persons to 2 or more persons per vehicle until January 1, 1985. The intent was to allow more commuters to gain lawful access to the Access Highway at the ramps now used by 4-person carpools until the toll road was open. Commuter vehicles would have to display a permanently affixed decal. Those vehicles with fewer

than 4 occupants would not be permitted to use I-66 when HOV-4 was in effect.

The comments received on Notice 83-5 indicated that the proposal for 2-person carpools, while welcome, did not go far enough in addressing the problem for commuters in the Dulles corridor. Many of the 8,000 persons would be unable to form carpools and would have to alter their driving habits by using other roads. These roads are already congested. It was contended that in the short period remaining to the opening of the Dulles Toll Road, the Dulles Access Highway could continue to accept commuter vehicles and maintain an acceptable level of service without backups and delays to airport users. FAA was urged to consider alternative policies that would permit backtracking in single occupancy vehicles to continue until the toll road is opened.

FAA responded by issuing supplemental Notice 83-5A where the following was stated:

FAA has been urged to consider \* \* \* the alternative of authorizing all commuter vehicles to use the Access Highway with a decal regardless of the number of occupants in the vehicles. This alternative has several variations. Essentially, vehicles with a decal would be permitted to enter the Access Highway at one or more locations but could not use the connector road or I-66 without complying with the I-66 restrictions. This approach, it is urged, would keep thousands of vehicles that currently use the Access Highway from having to travel on already congested alternate routes. Also, it would be the least disruptive of established commuting patterns during the period that the Dulles Toll Road is under construction.

With this Notice, FAA is clarifying to parties interested in Notice 83-5 that although the proposed rule was drafted in terms of 2- and 3-person carpools, the scope of alternatives before FAA includes the option of adopting a commuter vehicle rule without an occupancy requirement in some form as well as the alternative of retaining the 4-person carpool requirements. Interested persons should consider this range of alternatives in presenting their comments.

#### Issues Presented

The comments overwhelmingly supported the proposal to lower carpool requirements from 4 persons to 2 persons at the Reston Avenue and Trap Road entrance to the Access Highway. There was also considerable support for the continuation of backtracking through Dulles by persons driving alone. From the context of the comments, it is clear that the supporters of greater commuter access understand that the non-airport use of the Access Highway will be temporary, that is, until the toll road opens, that airport users must not be

detrimentally impacted, and that the I-66 policies must not be compromised.

The rules adopted by FAA today accomplish each of these objectives.

FAA has protected the Dulles Access Highway for airport use for the entire twenty-one years of the highway's existence. It has been, and remains, the FAA's obligation to preserve the Federal Government's interest in the Access Highway. That interest is to provide access at a high level of service to Dulles Airport. The Access Highway was not built to accommodate local traffic needs. Commuter arteries are the responsibility of the state and local jurisdictions.

Today FAA is modifying the longstanding policy only because the Commonwealth of Virginia is now irrevocably committed to the construction and operation of a local service road in the Dulles Corridor. The Dulles Toll Road, which is being built parallel to the Access Highway in an easement from the FAA, is under construction and will be completed in approximately 15 months. At that time, all non-airport use, except emergency uses, will be excluded from the Dulles Access Highway. The Commonwealth of Virginia "strongly supports" FAA's intention to prohibit all non-airport use of the Access Highway when the parallel lanes are completed. The Commonwealth is concerned that if local traffic is permitted to use the Access Highway after the parallel lanes are completed the viability of those lanes would be jeopardized. FAA agrees, and in view of the Federal interest identified above, FAA will not permit non-airport uses of the Access Highway to continue after the parallel lanes are open.

For the interim period, opening the Access Highway as we do today will not undermine the Federal interest. In this regard, the FAA disagrees with the National Capital Planning Commission (NCPC) and the Transportation Planning Board (TPB) of the Metropolitan Washington Council of Governments. In its written comments, NCPC reiterated its longstanding policy in favor of maintaining the Access Highway "as a limited access roadway for the exclusive use of airport users." The NCPC and the TPB are concerned that additional carpool use will cause congestion on the Access Highway and at the interchanges of the Access Highway and Reston Avenue, the Access Highway and I-495 and at Route 123.

The traffic studies performed for FAA by the Federal Highway Administration do not project unacceptable delays and congestion at any point along the Dulles

Access Highway during the approximately 15 months that this rule will be in effect. The total number of backtracking vehicles should decrease, under the rule, from the present high levels since 2- and 3-person carpools will not have to backtrack to gain access to the highway. Traffic volumes are not expected to cause traffic backups at the exits to I-95 and Route 123.

The level of service on Reston Avenue at the interchange will decline somewhat from the present level. Increased activity on Reston Avenue was expected to occur at this interchange when the toll road opened. Today's rule moves up this use of Reston Avenue by approximately 15 months. The Reston Avenue ramps can accommodate the additional traffic and signal light timing adjustments by local authorities can reduce congestion. The delays and level of service on Reston Avenue will remain at acceptable levels. Many Reston residents favor the adopted rule because of the increased commuting options it provides.

In their comments, the Reston Commuter Bus, Inc., was concerned about possible loss of ridership and potential safety of bus patrons who get on and off the buses at the ramp locations. No safety-related problem is anticipated at these bus stops. The shoulder area on the right side of the ramp serves as a bus transfer point and a drop-off point for bus riders. There is no need for the pedestrian traffic that is transferring between buses, or persons who are waiting for a bus, to cross the lanes of automobile traffic. If it is necessary, normal traffic management techniques can be employed to assure continued pedestrian safety. As for transit ridership, only a slight decrease is expected due to a shift to 2-person carpools. There will be a greater incentive to use the bus after the Access Highway is connected to I-66 because the buses, and 4-person carpools which already use the Reston ramps, but not 2- and 3-person carpools, will be able to use I-66 during the peak commuter hours for rapid travel into the District of Columbia. Two- and 3-person carpools will have to exit the Access Highway at either I-495 or Route 123 as commuter vehicles do today.

FAA had traffic projections prepared for the proposal adopted today and for the alternative for allowing single occupant vehicles to use the carpool ramps to enter and exit at Reston Avenue and Trap Road. At present, in the morning peak hour the total volume of traffic using the Reston Avenue Ramps (eastbound and westbound) is approximately 620 vehicles. The rule

adopted today is expected to increase that total by 400 vehicles. The alternative of allowing single occupant vehicles to use the carpool ramps would increase the total by more than 1,100 vehicles to more than 1,700 vehicles on the ramps. The afternoon peak hour totals would similarly increase. At Trap Road in the existing morning peak hour the carpool ramps are used by only 20 vehicles. This is expected to increase under the rule adopted today to 200 vehicles. Under the alternative of single occupant usage the total expected would be 755 vehicles.

The projected single occupant vehicle use of the carpool ramps would lead to congestion on both Reston Avenue and Trap Road. Also, under the single occupant alternative there would be a possible detrimental impact on Wolf Trap Farm Park from the congestion on Trap Road. No negative impact on Wolf Trap Park results from the rules adopted today. Further, unlike the rule adopted today, the proposal to allow single occupant vehicles to use the carpool ramps did not receive strong support from the community. For these reasons, among others, FAA is not allowing single occupant vehicles to use the carpool ramps.

In all, the advantages to the local commuters from the rule adopted today are greater than under the other alternatives. The Governor of the Commonwealth of Virginia, the Fairfax County Board of Supervisors and the Northern Virginia Transit Commission have all urged the adoption of these rules. Under these rules, existing commuters on the Access Highway will not have to be added to already congested alternative routes because the Access Highway and crossroads can accommodate the expected commuter traffic.

Because the Federal interest is not deserved by allowing commuters to use the Access Highway for a short term, FAA has decided to allow such usage in consideration of the Commonwealth of Virginia's construction of the parallel lanes. The FAA retains the power to change these rules, as necessary, if the interests of Dulles Airport are jeopardized in any way.

#### Decals and Enforcement

Although one of FAA's objectives is to accommodate commuter traffic on the Access Highway until the Dulles Toll Road is open, FAA is also particularly sensitive to the Commonwealth of Virginia's responsibility to enforce the use restrictions on I-66 as required by Secretary of Transportation Coleman in 1977. In commenting in support of increased commuter use on the Access

Highway, Virginia Governor Charles Robb stated:

We would also like to emphasize the importance of the FAA enforcement strategy being fully operational upon the opening of the Dulles Connector. If the FAA does not prevent non-HOV-4/non-airport traffic from utilizing the Dulles Connector, the Commonwealth will be unable to enforce the peak-hour HOV-4 restrictions now imposed on I-66 by the Coleman Decision.

FAA agrees with the Commonwealth of Virginia and with Virginia Congressman Frank Wolf that there is a need to distinguish commuter vehicles from the airport traffic that is allowed to use the connector to I-66.

The rule adopted protects the policies on I-66. Commuter vehicles will be distinguished from the vehicles of airport users. Authorized carpools and single occupant vehicles will display permanently affixed decals. The decals will allow the vehicles onto the Access Highway as commuter vehicles, but these vehicles will not be able to use I-66 without complying with the HOV-4 or other I-66 requirements. State Police will be enforcing the I-66 restriction on the portion of Access Highway between I-66 and Route 123. Vehicles with a decal will be treated as commuter vehicles and may be stopped and the driver fined if the vehicle is not in compliance with the I-66 requirements. Legitimate airport traffic can use I-66 regardless of the number of vehicle occupants and the vehicles without a decal will normally be deemed to be legitimate airport traffic by the State Police. However, these vehicles will not be permitted to use the carpool ramps which will be manned or to use the commuter turning points at the airport. FAA police will be enforcing the Federal regulations at the airport and the driver of a vehicle without a decal that backtracks through the airport is subject to ticketing for unauthorized use of the Access Highway. FAA and the Commonwealth of Virginia are prepared to take all the appropriate enforcement action that is necessary against violators of the Access Highway and I-66 regulations.

Loudoun County, Virginia, while otherwise supporting the easing of carpool occupancy requirements, did not endorse the decal aspect of the proposal. The FAA has concluded, however, that the decal is necessary to distinguish between commuter vehicles and airport traffic.

FAA will try to make the decal available in a way that imposes only a minimal burden on the public. The decal will be obtainable for a nominal one time fee to offset costs. The FAA will

announce how and where decals may be obtained sufficiently in advance of the effective date of the regulation. No application forms will be required nor will any record be maintained of who obtains a decal.

#### Environmental Assessment

FAA, in conjunction with the Federal Highway Administration, has prepared an environmental assessment of this change to the carpool regulation. The assessment contains the traffic projections for the Access Highway, Route 28, Centerville Road, Reston Avenue, and Trap Road under each of the alternatives considered by the FAA. In 1980, the FAA prepared a detailed assessment of opening the Access Highway to 4-person carpools. At the time, the FAA concluded that the proposal would not have significant primary or secondary impacts upon the environment. The updated assessment of the change to the rules reveals no significant impact. The principal impacts relate to traffic flow and are secondary. Many persons who currently backtrack in single occupant vehicles to I-495 or Route 123 will form carpools to gain access to the same highways. Therefore, under the adopted rule, traffic on the Access Highway near the airport will decrease. There will be a slight increase in traffic volume east of Trap Road. There will be an increase in congestion at the Reston Avenue interchange. While reordering the flow of traffic somewhat in Fairfax and Loudoun Counties, the 2-person carpool is not likely to affect the volume or type of traffic passing through Arlington County, Virginia or other communities between the District of Columbia and Dulles Airport. The environmental impact statement on the Dulles Toll Road dealt extensively with the impacts of opening the corridor to increased traffic. Some of the traffic impacts will be brought on by this carpool regulation. There will be no significant increase in noise or air pollution from the amendment. There will be no impact on Wolf Trap Farm Park or other park lands.

The assessment is available for review and comment at the public docket at 800 Independence Avenue, SW., Room 916, at the Dulles Airport Manager's Office; and at Washington

National Airport, Office of the Director, (Hangar 9). A copy may be obtained by writing to: Mr. Henry L. Mahns, Engineering Division, West Lab Building, AMA-32, Washington National Airport, Washington, D.C. 20001.

#### List of Subjects in 14 CFR Part 159

Airports, Access highway, and Carpools.

#### Effective Date

The FAA has found that good cause exists to have this amendment become effective in less than 30 days after its publication. The amendment relieves restrictions on the Dulles Access Highway that would otherwise remain in effect. Further, the Dulles Access Highway extension is scheduled to open in less than 30 days after publication of this amendment. At that time this amendment prescribing the manner in which non-airport traffic can use the Access Highway must be effective to assure that the Access Highway, the extension and I-66 are used by authorized traffic only. For these reasons, under the Administrative Procedures Act, 5 U.S.C. 553(d), the amendment will be effective on November 21, 1983.

#### Amendment

In consideration of the above and of the material in Public Docket No. 23655, FAA is amending Part 159 of the Federal Aviation Regulations to permit carpools of two or more persons and single occupant vehicles to have access to the Dulles Airport Access Highway at designated locations until January 1, 1985, or until the parallel roadway being constructed by the Commonwealth of Virginia is open for traffic, whichever occurs first. FAA will publish the termination date.

#### PART 159—NATIONAL CAPITAL AIRPORTS

Section 159.35 of Part 159 of the Federal Aviation Regulations (14 CFR 159.35(b)), is amended by revising paragraph (b)(3), adding paragraph (b)(4) to read as follows and the introductory text of (b) is set out for the convenience of the reader:

#### § 159.35 Use of access highway to Dulles International Airport.

(b) *Exceptions.* Any person may enter upon and travel over the Access Highway in the following vehicles:

(3) Until January 1, 1985, or until the opening of the highway in the Dulles Access Highway right-of-way parallel to the Access Highway in both directions between Route 28 and Route 123, whichever is earlier:

- (i) A vehicle occupied by 4 or more persons,
- (ii) A vehicle occupied by 2 or 3 persons displaying a decal that bears an FAA approval permanently affixed to the front and rear bumpers of the vehicle, or
- (iii) A vehicle occupied by the driver only and displaying a decal that bears an FAA approval permanently affixed to the front and rear bumpers of the vehicle.

(4) A vehicle described in (b)(3) (i) and (ii) of this section shall be an authorized carpool and a vehicle described in (b)(3)(iii) of this section shall be an "authorized vehicle." The driver of such a carpool or vehicle shall operate in compliance with the requirements of road signs pertaining to the Access Highway erected or posted upon the Access Highway or the approaches thereto.

(Secs. 3 and 4 of the Second Washington Airport Act, 64 Stat. 770; sec. 313 of the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a); (49 U.S.C. 106(g)). (Revised, Pub. L. 97-449, January 12, 1983))

*Note.*—It is certified under the criteria of the Regulatory Flexibility Act that this regulation will not have a significant economic impact on a substantial number of small entities. Only a few small entities are affected and the cost of implementation and compliance is deemed minimal. Based on the above, the FAA has also determined that the regulation is not major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A detailed economic evaluation is not required because the economic impact of the regulation is judged to be minimal.

Issued in Washington, D.C., on September 30, 1983.

J. Lynn Helms,  
Administrator, Federal Aviation  
Administration.

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