



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.
Commissioner

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818

October 1, 2025

The Honorable Lamont Bagby
Chair, Senate Transportation Committee
Post Office Box 396
Richmond, VA 23218

The Honorable Karrie Delaney
Chair, House Transportation Committee
Post Office Box 231023
Centreville, Virginia 20120

Dear Chairman Bagby and Chairwoman Delaney:

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”. The statute provides that this report “shall be used by the Chairmen of their respective committees to recommend further restriction on use of HOV facilities by clean special fuel vehicles.”

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.

At this time, the only facility that meets the operating speed degraded condition is Interstate 395 (I-395) between the Pentagon and the District of Columbia border in the northbound direction only during the afternoon rush hour (3:30 – 6:30 p.m.). The frequency of degradation was determined to be 12 percent during this time and, given the 0.6-mile length of the segment impacted, the degradation is nominal. The traffic volume of the I-395 HOV facility between 3:30 and 6:30 p.m. is 1,023 vehicles per hour. VDOT will closely monitor the frequency of degradation of this segment of I-395 and has been in communication with the Federal Highway Administration.

WE KEEP VIRGINIA MOVING

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Because clean special fuels vehicles are no longer granted exemptions from vehicle occupancy requirements but must either have the requisite number of occupants or pay the toll to use the I-395 Express lanes, it is noted that the degradation on these lanes is not attributable to use by clean special fuel vehicles. Rather, VDOT believes that the degradation may be associated with or attributable to construction on the highway in the District of Columbia.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen C. Brich", with a stylized flourish at the end.

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

cc: The Honorable W. Sheppard Miller III
Barton Thrasher
William Cuttler
Mark Cole
Paul Szatkowski