



# COMMONWEALTH OF VIRGINIA

## DEPARTMENT OF TRANSPORTATION

1601 ORANGE ROAD  
CULPEPER, VIRGINIA 22701  
VirginiaDOT.org

DAVID S. EKERN, P.E.  
COMMISSIONER

October 28, 2009

Mr. Robert Tucker, Jr.  
County Executive  
401 McIntire Road  
Charlottesville, VA 22901

Dear Mr. Tucker:

I am writing to confirm Albemarle County's interest in working with VDOT to transfer the ferry so that it may continue to operate. With no State funding for continued operation of the ferry, it is necessary for VDOT to either transfer the ferry to another entity or take steps to permanently close the ferry as outlined in the Department's budget reduction strategies.

As you are well aware, the Virginia Department of Transportation (VDOT) entered into an agreement with Albemarle County to continue operation of the Hatton Ferry with funding provided by Albemarle County for the period of July 1, 2009 and ending midnight September 30, 2009. During discussions with the Board of Supervisors at the July 1, 2009 meeting, Mr. Allan Sumpter, Charlottesville Residency Administrator explained that VDOT would not participate in operation of the ferry beyond the agreed upon period, but would be a willing partner to assist in transitioning the ferry to another entity for continued operation.

We have researched the Code of Virginia and State policies to determine the process for transferring the ferry. We have determined the fair market value of the ferry itself to be \$2,283 and the cost to scrap/surplus the ferry at \$1,860. Therefore, the net fair market value of the ferry would be \$423.00. Section 2.2-1124 (D)(3) of the Code of Virginia provides that property valued at less than \$500 can be donated to qualifying entities. The Department of General Services (DGS) controls the disposition of all surplus state property.

Based on a code interpretation from DGS, the Albemarle County Historical Society is not qualified to receive surplus state property as a donation. Therefore, the donation would have to be made to Albemarle County. If the County chooses to receive the ferry, it would then be free to immediately transfer it to another entity if so desired. Should either the County or the Historical


Mr. Robert Tucker, Jr.  
October 28, 2009  
Page 2

Society obtain ownership of the ferry and want to continue its operation, VDOT would then issue a land use permit for ferry operations upon the remaining right of way.

Regardless of what decision is reached, it has been determined that because the Commonwealth Transportation Board (CTB) ceased operation of the ferry a formal discontinuance of the ferry route from landing to landing is required. We will work with the CTB to complete this as required in Section 33.1-150 of the Code of Virginia. As the CTB discontinued the ferry service as part of their budget action, a local government resolution is not necessary to proceed with the discontinuance.

I have been given a deadline of **December 31, 2009** to either transfer or permanently close the ferry. If Albemarle County is interested in working with VDOT on an agreement for transfer, then I will make staff available to assist you with this effort and Mr. Allan Sumpter will serve as your point of contact. He can be reached at (434) 293-0011, extension 127.

Sincerely,

  
James S. Utterback, PMP  
Culpeper District Administrator

cc: Mr. David S. Ekern, P.E.  
Mr. John J. Davies, III, Esquire  
Mr. Allan D. Sumpter