



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # 7

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 17, 2009

MOTION

**Made By: Mr. Koelemay Seconded By: Mr. McCarthy
Action: Motion Carried, Unanimously**

Title: Revised Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2010 - 2015

WHEREAS, Section 33.1-12 (9)(b) of the *Code of Virginia*, requires the Commonwealth Transportation Board (Board) to adopt by July 1 of each year a Six-Year Improvement Program of anticipated projects and programs and that the Program shall be based on the most recent official revenue forecasts and a debt management policy; and

WHEREAS, due to the uncertainty of continued federal funding beyond the end of the 2009 federal fiscal year, the Commonwealth Transportation Board established a reserve of unallocated planned federal funds in the amount of \$626,987,000 over six years, in anticipation of further federal revenue reductions; and

WHEREAS, the Board adopted the FY10-15 Six-Year Improvement Program, including the federal reserve, on June 18, 2009; and

WHEREAS, the Commonwealth's official revenue forecasts have again been reduced significantly as a result of current economic conditions; and

WHEREAS, as a result of the official revenue forecast reduction a Draft Revised FY10-15 Six-Year Improvement Program has been developed; and

WHEREAS, Item 436 of Chapter 781 of the 2009 Virginia Acts of the Assembly authorizes the Secretary to take all actions necessary to ensure that federal transportation funds are allocated and utilized for the maximum benefit of the Commonwealth; and

WHEREAS, the Board is required by *Code of Virginia* Section 33.1-12 (9) and (11) to administer and allocate funds in the Transportation Trust Fund; and

WHEREAS, the Board is required by *Code of Virginia* Section 33.1-12 (11) to ensure that total funds allocated to any highway projects are equal to expenditures within 12 months following completion of the project; and

WHEREAS, Section 33.1-23.03:2 of the *Code of Virginia* sets aside funds for the Commonwealth Port Fund, the Commonwealth Airport Fund and the Commonwealth Mass Transit Fund and for capital improvements of highways; and

WHEREAS, Section 58.1-638 of the *Code of Virginia* requires the Board to allocate funds from the Commonwealth Port Fund and the Commonwealth Airport Fund in accordance with the statutory formula; and

WHEREAS, Section 58.1-638 (A) (4) (c) of the *Code of Virginia* requires the Board to allocate funds for mass transit in accordance with the statutory formula set forth therein; and,

WHEREAS, Section 58.1-2425 of the *Code of Virginia* sets aside funds for the Rail Enhancement Fund for capital improvements of railways; and

WHEREAS, Section 33.1-221.1:1.1 of the *Code of Virginia* requires the Board to allocate funds from the Rail Enhancement Fund in accordance with Board established policies and procedures under the advisement of the Rail Advisory Board and the Director of the Department of Rail and Public Transportation as established by 33.1-391.3:1; and

WHEREAS, Section 33.1-221.1:1.2 of the *Code of Virginia* requires the Board to allocate funds from the Shortline Railway Preservation and Development Fund in accordance with Board established policies and procedures; and

WHEREAS, Section 33.1-23.1 of the *Code of Virginia* requires the Board to allocate funds for maintenance, construction, and improvements on the Interstate, Primary, Urban and Secondary Highway Systems; and

WHEREAS, the American Recovery and Reinvestment Act of 2009 (ARRA) provided funds for transportation projects and provided certain requirements with regard to obligation of those funds; and

WHEREAS, the Commonwealth has received a total highway allocation of \$694,460,823 pursuant to ARRA; and

WHEREAS, the Commonwealth Transportation Board approved various projects as candidates for ARRA funding at its meetings in April, May, June, July, September, and October 2009; and

WHEREAS, the Draft Revised Six-Year Improvement Program for Fiscal Years 2010 through 2015 was made available for review and comments; and

WHEREAS, a statewide public hearing was held on December 1, 2009, to receive public comments prior to the Board's adoption of the Final Six-Year Improvement Program; and

WHEREAS, the Board recognizes that all projects, whether public transportation, rail or highway, are appropriate for the efficient movement of people and freight and, therefore, for the common good of the Commonwealth.

WHEREAS, after due consideration the Board has now developed a Revised Final FY10-15 Six-Year Improvement Program.

NOW THEREFORE BE IT RESOLVED, by the Commonwealth Transportation Board that the allocations from the Commonwealth Port Fund, the Commonwealth Airport Fund and the Commonwealth Mass Transit Fund as set forth in the Revised Final FY10-15 Six-Year Improvement Program are approved; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the allocations of Interstate, Primary, Secondary and Urban road construction funds, Maintenance and Operations funds, and Rail and Public Transportation funds in the Revised Final Six-Year Improvement Program for Fiscal Years 2010 through 2015 are approved; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Six-Year Improvement Program of projects and programs for Fiscal Years 2010 through 2015

for Interstate, Primary and Urban Highway Systems, and Rail and Public Transportation are approved.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Commissioner, upon written recommendation by the Virginia Department of Transportation's Chief Financial Officer and after consultation with the Commonwealth Transportation Board member for the district, is granted the authority to transfer up to ten percent of funds allocated to a project within a transportation construction district and system to another project(s) within the same transportation construction district and system to meet the Board's statutory requirements; and

BE IT FURTHER RESOLVED, that the Director of the Department of Rail and Public Transportation, upon written recommendation by the Department of Rail and Public Transportation's Chief Financial Officer and after consultation with the Commonwealth Transportation Board member for the district, is authorized to approve federal and state public transportation and rail grants as set out in the approved Six-Year Improvement Program and is authorized to reallocate funds among the line items of existing grants, to allocate additional funds to existing grants up to \$200,000 per grant, and to award additional federal and state grants for rail and public transportation up to \$200,000, as may be necessary to meet the goals of the Board; and

BE IT FURTHER RESOLVED, that the Commissioner and Director shall notify the Board on a monthly basis should such transfer or allocation be made; and

BE IT FURTHER RESOLVED, that if such request for transfer of allocation exceeds ten percent or \$200,000 as applicable, the Commissioner and Director shall bring such request to the Board on a monthly basis for their approval prior to taking any action to record or award such action; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the transfer of previous allocations on the interstate system between districts necessary to maximize the use of federal transportation funds as set forth in the listing of district transfers in Appendix A attached hereto is approved; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the listing of additional candidate projects for American Recovery and Reinvestment Act (ARRA) funding set forth in Appendix B attached hereto is approved; and

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BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that should the unallocated federal funds currently identified in the federal reserve become available for programming, they may be aggregated and programmed to the key projects identified in Appendix C.

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**Appendix A
 Interstate Transfers (Previous Allocations)**

Donor District	Donor UPC	Transfer	Recipient District	Recipient UPC
Richmond	70542	\$100,000	NOVA	95382
Richmond	70542	\$2,097,000	Hampton Roads	94544
Culpeper	86453	2,153,802	Salem	56899
Total		\$4,350,802		

**Appendix B
 Additional Candidate Projects for ARRA Funding**

District	UPC	Route	Jurisdiction	Description	Total Cost
Bristol	95490	58	Washington	4-lane Abingdon to Damascus	\$24,869,924
NOVA	93002	66	Fairfax	Pavement Rehabilitation/ Reconstruction	\$70,000,000
Salem	-8745	221	Roanoke	Reconstruct to 4 lanes	\$28,990,245
Subtotal State ARRA Funds					\$123,860,169
Staunton	93846	N/A	Alleghany and Bath	Plant mix	\$321,659
Subtotal Forest Highways ARRA Funds					\$321,659
Grand Total					\$124,181,828

**Appendix C
 Candidate Projects for Federal Reserve Funds**

- Mandatory Regional Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ), Transportation Enhancement, and Safety Programs,
- Midtown Tunnel PPTA project enhancement and project oversight,

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- I-95 PPTA project oversight,
- Coalfields Expressway PPTA project enhancement, and
- High Speed Rail project enhancement