



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 10

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 16, 2010

MOTION

Made By: Dr. Davis Seconded By: Mr. Bowie

Action: Motion Carried, Unanimously

**Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For
Fiscal Years 2011 - 2016**

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 \$102,902,838 for fiscal year 2010 and \$632,297,755 for fiscal years 2011 through 2016 in anticipation of further federal revenue reductions; and

WHEREAS, Congress approved a continuing resolution for federal transportation funding through December 31, 2010 and restored the previous \$8 billion in rescissions that took place when SAFETEA-LU expired on September 30, 2009; and

WHEREAS, the Board adopted the Revised FY10-15 Six-Year Improvement Program, including the federal reserve, on December 17, 2009; 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, October, and December 2009; and

WHEREAS, the Draft Six-Year Improvement Program for Fiscal Years 2011 through 2016 was made available for review and comments; and

WHEREAS, four public hearings were held on May 19, 2010 in Richmond, May 26, 2010 in Northern Virginia, June 2, 2010 in Hampton Roads, and June 3, 2010 in Salem, 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 Final FY11-16 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 Final FY11-16 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 Final Six-Year Improvement Program for Fiscal Years 2011 through 2016 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 2011 through 2016 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 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, notwithstanding this Board's resolution dated December 17, 2009, identifying "Candidate Projects for Federal Reserve Funds", the FY2010 federal funds currently identified in the federal revenue reserve shall be aggregated and allocated to the projects identified in Appendix B; and.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Commissioner, upon recommendation by the Virginia Department of Transportation's Chief Financial Officer, is granted the sole authority, notwithstanding the foregoing restrictions generally imposed by this Board relating to transfers of funds allocated to projects, to transfer ARRA funds between approved ARRA projects to ensure that all ARRA funds can be obligated within the federally mandated deadline of September 30, 2010, and that the Commissioner shall, at the next regularly scheduled meeting of this Board conducted after September 30, 2010, advise the Board of the transfers made pursuant to the authorization contained herein.

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BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the approval of the actions contained in this resolution is conditional and requires that a resolution from the Commonwealth Transportation Board to the General Assembly expressing the Commonwealth Transportation Board's concerns about the ability to properly meet the legislative mandates with the resources that have been made available, with some illustrations and examples included in the resolution, shall be crafted and presented to the Board for action at the regularly scheduled September 2010 CTB meeting.

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Appendix A
Interstate Transfers (Previous Allocations)

Donor District	Donor UPC	Transfer	Recipient District	Recipient UPC
Bristol	17745	\$3,900,000	Statewide	92212
Bristol	67587	\$28,000	Salem	67588
Total		\$3,928,000		

Appendix B
Recommended Use of FY2010 Federal Revenue Reserve

Project	Federal Revenue Reserve Funds
VPA 164 Rail (UPC 80478)	\$1,411,665
DT/MT/MLK (UPC 76642)	\$11,260,571
I-66 Paving (UPC 97231)	\$49,933,588
I-581 Elm Avenue (UPC 97231)	\$14,142,715
Route 51 Courthouse (UPC 95552)	\$6,250,000
Enhancement Balance Entry	\$2,526,871
CMAQ and Match Balance Entries	\$7,331,155
RSTP and Match Balance Entries	\$10,046,273
Total	\$102,902,838