



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106
Richmond, Virginia 23219

(804) 786-1830
Fax: (804) 225-4700
Agenda item # 9

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 20, 2011

MOTION

**Made By: Dr. Davis Seconded By: Mr. Rich
Action: Motion Carried, Unanimously**

Title: Authority to Issue Letter of No Prejudice for Grantees Receiving Discretionary Funding from Certain Federal Transit Administration Programs

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, Item 436 of Chapter 890 of the 2010 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, after due consideration, the Board approved on June 15, 2011, a Final FY12-17 Six-Year Improvement Program; and,

WHEREAS, the Federal Transit Administration announced on June 24, 2011, three new discretionary grants, State of Good Repair, Clean Fuels Bus Program, and TIGGER III - Transit Investment in Greenhouse Gas and Energy Reduction, for which both the Commonwealth and grantees may apply; and,

WHEREAS, the Federal Transit Administration announced on June 27, 2011, two additional discretionary grants, Alternatives Analysis; Bus and Bus Related Facilities, for which both the Commonwealth and grantees may apply; and,

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WHEREAS, public transportation providers who apply for and receive funding through any of the five new programs listed above will have to wait until the next grant cycle to apply for matching funds with the Department of Rail and Public Transportation through the FY13-18 Six-Year Improvement Program; and,

WHEREAS, public transportation providers and other eligible entities may want to begin projects which will utilize their Federally awarded funds prior to the Board's approval of the Final FY13-18 Six-Year Improvement Program in June 2012, the Department of Rail and Public Transportation's grant selection process, or after the grant selection process and before the execution of a grant agreement; and

WHEREAS, the issuance of a Letter of No Prejudice by Department of Rail and Public Transportation will allow Federal grant recipients to proceed with projects at their own risk, and allow reimbursement of eligible project if funding is allocated by the Board, the project is selected for funding by the Department of Rail and Public Transportation and a grant agreement is executed; and

WHEREAS, the Letter of No Prejudice will clearly specify that if funding is not allocated by the Board, all project expenses will be the responsibility of the transit provider or other eligible entity.

NOW THEREFORE BE IT RESOLVED, by the Commonwealth Transportation Board that the Director of the Department of Rail and Public Transportation is authorized to grant a Letter of No Prejudice to any public transportation provider or other entity receiving awards under the following five federal programs: State of Good Repair; Clean Fuels Bus Program; TIGGER III - Transit Investment in Greenhouse Gas and Energy Reduction; Alternatives Analysis; Bus and Bus Related Facilities, allowing that they may begin spending at their own risk prior to the Board's adoption of the FY13-18 Six-Year Improvement Program, and either before or after the Department of Rail and Public's grant selection process prior to the execution of a funding agreement; and,

BE IT FURTHER RESOLVED, that those expenditures will be considered eligible for reimbursement if the transit provider or other eligible entity receives approval for matching funds from the Department of Rail and Public Transportation during the development of the FY13-18 Six-Year Improvement Program, this Board approves funding as a part of the Six Year Improvement Program and a funding agreement is executed.

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