



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 13

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 15, 2011

MOTION

Made By: Mr. Sterling Seconded By: Mr. Rich
Action: Motion Carried, Unanimously

**Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For
Fiscal Years 2012 - 2017**

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 2009 Va. Acts ch. 781 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* authorizes 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* authorizes 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* authorizes the Board to allocate funds from the Rail Enhancement Fund in accordance with Board established policies and procedures, and

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

WHEREAS, Section 33.1-221.1:1 of the *Code of Virginia* requires the Board to administer and spend or commit such funds necessary for constructing, reconstructing, or improving industrial access railroad tracks and related facilities; and

WHEREAS, Section 33.1-221.1:1.3 of the *Code of Virginia* creates a nonreverting fund known as the Intercity Passenger Rail Operating and Capital Fund, which is considered a special fund within the Transportation Trust Fund, and consists of funds as may be set forth in the appropriation act and by allocation of funds for operations and projects by the Commonwealth Transportation Board in accordance with Section 33.1-23.1, and

WHEREAS, the General Assembly has declared that it to be in the public interest that the retention, maintenance, improvement, and development of intercity passenger rail-related infrastructure improvements and operations are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets; 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 Draft Six-Year Improvement Program for Fiscal Years 2012 through 2017 was made available for review and comments; and

WHEREAS, four public hearings were held on April 27, 2011 in Hampton Roads, May 4, 2011 in Northern Virginia, May 12, 2011 in Roanoke, and May 18, 2011 in Richmond 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 FY12-17 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 FY12-17 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 2012 through 2017 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 2012 through 2017 for Interstate, Primary and Urban Highway Systems, and Rail and Public Transportation are approved excluding the proposed allocation of Congestion Mitigation and Air Quality funds for the purchase of hybrid vehicles for municipal use.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the transfer of previous allocations necessary to maximize the use of federal transportation funds as reflected in the Six-Year Improvement Program of projects and programs for Fiscal Years 2012 through 2017, are approved; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Commissioner, upon recommendation by the Virginia Department of Transportation's Chief of Planning and Programming and after consultation with the Commonwealth Transportation Board member for the district, is granted the authority to transfer up to 10 percent of funds allocated to the donor project consistent with CTB priorities for programming funds and federal/state eligibility 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 for fiscal year 2012 and is authorized to reallocate funds among the line items of existing grants, to

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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 Commissioner, upon recommendation by the Virginia Department of Transportation's Chief of Planning and Programming, 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 re-obligated within the federally mandated deadline of September 30, 2011, and that the Commissioner shall, at the next regularly scheduled meeting of this Board conducted after September 30, 2011, advise the Board of the transfers made pursuant to the authorization contained herein.

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