



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Sean T. Connaughton  
Chairman

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*Agenda item # New Business Item 2*

### **RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD**

**December 4, 2013**

#### **MOTION**

**Moved by: Mr. Fralin Seconded by: Mr. Miller**

**Action: Motion Carried, Unanimously**

**Title: Action on the Use of Funds in the  
Project Enhancement Account for 495 Express Lanes Project**

**WHEREAS**, on December 19, 2007, the Virginia Department of Transportation (“VDOT”) and Capital Beltway Express, LLC (“CBE”) entered into an Amended and Restated Comprehensive Agreement (the “ARCA”) for development and operation of the 495 Express Lanes project located in Fairfax County, Virginia (“the Project”), pursuant to the Public-Private Transportation Act of 1995; and

**WHEREAS**, pursuant to Virginia Code § 33.1-23.03:9, the ARCA established the Project Enhancement Account (“Account”) and provided that certain payments to VDOT made over the term of the concession be deposited in the Account to fund the costs of programs or projects reasonably related to or benefitting users of the Project; and

**WHEREAS**, Virginia Code § 33.1-23.03:9 permits the Commonwealth Transportation Board (“CTB”) to make allocations from the Account to, among other things, pay or finance all or part of the costs of programs or projects that are reasonably related to or benefit the users of the Project; and

**WHEREAS**, CBE has requested that funds from the Account be used to support key operations programs that benefit users of the Project by promoting safe travel along the Project, including: (i) to support delivery of incident response services by the Express Assist vehicles; (ii) roadway maintenance services; (iii) and traffic control room services (all as further described in the letter from CBE dated December 1, 2013, attached hereto as Exhibit A); and

**WHEREAS**, such operations programs directly benefit users of the Project; and

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**WHEREAS**, the allocation of funds from the Account for such operations programs is consistent with the requirements of Virginia Code § 33.1-23.03:9 and the ARCA.

**NOW, THEREFORE, BE IT RESOLVED** that the CTB allocates and approves the use of such funds from the Account to support the operations programs described in [Exhibit A](#), beginning with eligible costs incurred since January 1, 2013 through December 30, 2018; to the extent funds are available in the Account.

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