



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

1401 East Broad Street-
Richmond, Virginia 23219

(804) 786-1830
Fax: (804) 225-4700
Agenda item # 3

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 19, 2013

MOTION

Made by: Mr. Layne, Seconded by: Mr. Garczynski
Action: Motion Carried, Unanimously

Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2014 - 2019

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 430 of Chapter 806 of the 2013 Virginia Acts of Assembly authorizes the Secretary and all agencies within the transportation secretariat 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 58.1-1741 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 designated pursuant to Section 58.1-638.3(A)(2) of the *Code of Virginia* (effective July 1, 2013) and funds as may be set forth in the appropriation act and by allocation of funds for operations and projects by the Board in accordance with Section 33.1-23.1; and

WHEREAS, the General Assembly has declared 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 transportation system and continued economic growth, vitality, and competitiveness in national and world markets; and

WHEREAS, Rail and Public Transportation allocations approved in the first year of the Six-Year Improvement Program are recommended based on the assurance by applicants that the projects are ready to move forward during the first year, but projects may languish for a year or more prior to the obligation of the funding through an executed contract signed by the Director; 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 2014 through 2019 was made available for review and comments; and

WHEREAS, four public hearings were held on May 28, 2013 in Richmond, May 29, 2013 in Northern Virginia, June 4, 2013 in Roanoke, and June 5, 2013 in Hampton Roads, 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; and

WHEREAS, after due consideration the Board has now developed a Final Fiscal Years 2014 through 2019 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, Rail Enhancement Fund, Shortline Railway Preservation and Development Fund, Intercity Passenger Rail Operating and Capital Fund, Commonwealth Mass Transit Fund, and other funds available as set forth in the Final Fiscal Years 2014 through 2019 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 2014 through 2019 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 2014 through 2019 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; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Commissioner of Highways and the Director of the Department of Rail and Public

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Transportation are authorized to enter into agreements for respective programmed projects for Fiscal Year 2014 and prior within the Six-Year Improvement Program satisfactory to the Commissioner or the Director; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the transfers 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 2014 through 2019, are approved; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Commissioner, upon written 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 Commonwealth Transportation Board 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 2014 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, that if Department of Rail and Public Transportation recipients of funding approved in the Fiscal Year 2014 and prior Six-Year Improvement Programs do not execute a contract with the Director within two years of the date of allocation by the Commonwealth Transportation Board, the Director may negate the original allocation and redistribute the funding, using the guidelines noted above.

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