



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

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*Agenda item # 12*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 17, 2015

#### MOTION

**Made By: Seconded By: Action:**

**Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For  
Fiscal Years 2016 - 2021**

**WHEREAS**, Section 33.2-214 (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 (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**, the Appropriation Act 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 33.2-214 (B) and 33.2-221 (C) to administer and allocate funds in the Transportation Trust Fund; and

**WHEREAS**, the Board is required by *Code of Virginia* Section 33.2-221 (C) to ensure that total funds allocated to any highway construction project are equal to total project expenditures within 12 months following completion of the project; and

**WHEREAS**, Section 58.1-638(A)(4) 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

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**WHEREAS**, Section 33.2-1601 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 33.2-1602 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 33.2-1600 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 33.2-1603 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 33.2-358; and

**WHEREAS**, Section 33.2-358 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**, Section 33.2-214.1 of the *Code of Virginia*, requires the Board to implement a prioritization process, and effective July 1, 2015, Chapter 684 of the 2015 Acts of Assembly (HB 1887) modifies section 33.2-358 and requirements relating to the allocations to be made by the Board pursuant thereto; and

**WHEREAS**, the Draft Six-Year Improvement Program for Fiscal Years 2016 through 2021 accounts for and includes allocation set asides that will be subjected to the requirements of section 33.2-214.1 and Chapter 684; and

**WHEREAS**, the Draft Six-Year Improvement Program for Fiscal Years 2016 through 2021 was made available for review and comments; and

**WHEREAS**, nine public hearings were held on April 21, 2015 in Weyers Cave, April 22, 2015 in Lynchburg, April 23 2015 in Chesapeake, April 28, 2015 in Fairfax, April 29, 2015 in Roanoke, April 30, 2015 in Fredericksburg, May 4, 2015 in Abingdon, May 5, 2015 in Midlothian, and May 11, 2015 in Culpeper, 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**, based on a presentation at the May 19, 2015 Workshop, made by a representative of the Secretary of Commerce and Trade relating to Alternative Fuels Vehicle Conversion, the Board recognizes that its current policy prohibiting allocation of Congestion Mitigation and Air Quality (CMAQ) funds for the purchase of hybrid vehicles for municipal use warrants modification, and

**WHEREAS**, after due consideration the Board has now developed a Final Fiscal Years 2016 through 2021 Six-Year Improvement Program.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Commonwealth Transportation Board that the allocations of construction funds provided by 33.2-358, Maintenance and Operations funds, and Rail and Public Transportation funds in the Final Six-Year Improvement Program for Fiscal Years 2016 through 2021 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 2016 through 2021 for Interstate, Primary and Urban Highway Systems, and Rail and Public Transportation are approved; 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 Transportation are authorized to enter into agreements for respective programmed projects for Fiscal Year 2016 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 2016 through 2021, are approved; and

**BE IT FURTHER RESOLVED**, by the Commonwealth Transportation Board that the Commissioner, or his designee, 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

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**BE IT FURTHER RESOLVED**, that the Director of the Department of Rail and Public Transportation, and after consultation with the Commonwealth Transportation Board member for the district, is authorized up to \$200,000 per grant 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, and to deobligate funds from grants, 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 the Board hereby rescinds its policy of prohibiting allocation of CMAQ funds for the purchase of hybrid vehicles for municipal use and hereby adopts a policy relating to motor vehicles, authorizing allocation and expenditure of CMAQ funds for locality fleet vehicles (1) for the purpose of converting vehicles to alternative fuels vehicles and (2) to address the additional vehicle purchase costs attributable solely to a vehicle's classification as an alternative fuels vehicle.

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