



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 10

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

April 19, 2017

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Kasprovicz

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Memorandum of Understanding with the Federal Highway Administration Relating to Tolling of Interstate 66, Inside the Beltway

WHEREAS, on June 14, 2016, the Commonwealth Transportation Board (“CTB”) awarded a contract to Transcore, LP (“Transcore”) a Tennessee Corporation, for design, integration, implementation, on-going maintenance and operation of the tolling system for I-66, Inside the Beltway to facilitate its action dated December 9, 2015, pursuant to §33.2-309, authorizing dynamic tolling on I-66, Inside the Beltway, a component of the Transform66: Inside the Beltway Project; and

WHEREAS, on July 28, 2016, pursuant to §33.2-502 of the *Code of Virginia*, the CTB (i) authorized dynamic tolling of vehicles utilizing the lanes on Eastbound and Westbound I-66 Inside the Beltway during specified times on weekdays for vehicles carrying less than two occupants (collectively, HOT Lanes-2 designation) to be implemented at such time that the infrastructure and improvements necessary to commence tolling on I-66 Inside the Beltway are determined by the Commissioner of Highways to be completed and ready for operation; and (ii) approved conversion of the HOV-2 designation to HOV-3 and authorized dynamic tolling of vehicles carrying less than three occupants utilizing the lanes on Eastbound and Westbound I-66 Inside the Beltway during specified times on weekdays (collectively HOT Lanes-3 designation), to be implemented at such time that the designation of HOT Lanes with a high occupancy

Resolution of the Board

Authorization for the Commissioner of Highways to Enter into a Memorandum of Understanding with the FHWA Relating to Tolling of I-66, Inside the Beltway

April 19, 2017

Page Two

requirement of HOV-3 on the Eastbound and Westbound lanes of I-66 outside the Beltway adopted by the Board on June 14, 2016, is implemented; and

WHEREAS, 23 U.S.C. 166 (b)(4) provides that a public authority/state agency may allow vehicles not otherwise exempt from HOV requirements pursuant to 23 U.S.C. §166 (b) to use an HOV facility by paying a toll; and

WHEREAS, the Federal Highway Administration (“FHWA”) requires the Virginia Department of Transportation (“Department”) to enter into a memorandum of understanding relating to tolling on I-66, Inside the Beltway(“Tolling MOU”); and

WHEREAS, the CTB is authorized under Virginia Code §33.2-221(A) to enter into contracts and agreements with the United States government.

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby approves, and authorizes the Commissioner of Highways to execute, the Tolling MOU between the Department and FHWA, relating to the tolling of I-66, Inside the Beltway, as set out in Attachment A, with such changes as the Commissioner deems necessary or appropriate.

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CTB Decision Brief

Authorization for the Commissioner of Highways to Enter into a Memorandum of Understanding with the Federal Highway Administration Relating to Tolling of Interstate 66, Inside the Beltway

Issue: In order for the Virginia Department of Transportation (the “Department” or “VDOT”) to implement tolling of the I-66 HOV/HOT Lanes between the Capital Beltway (I-495) in Fairfax County and U.S. Route 29 in Rosslyn, Arlington County (I-66 HOV/HOT Lanes, Inside the Beltway) as designated by the Commonwealth Transportation Board (“CTB”), a memorandum of understanding between the Federal Highway Administration (“FHWA”) and the Department regarding tolling for the project (“Tolling MOU”) must be executed. Pursuant to Va. Code §33.2-221 (A) the CTB has the power and duty to enter into contracts and agreements with the U.S. government. Accordingly, approval of, and authorization for the Commissioner of Highways to execute, the Tolling MOU with FHWA is sought.

Facts:

- On June 14, 2016, the CTB awarded a contract to Transcore, LP (“Transcore”) a Tennessee Corporation, for design, integration, implementation, on-going maintenance and operation of the tolling system for I-66, Inside the Beltway to facilitate its action dated December 9, 2015, pursuant to Va. Code §33.2-309, authorizing dynamic tolling on I-66, Inside the Beltway, a component of the Transform 66: Inside the Beltway Project.
- On July 28, 2016, pursuant to §33.2-502 of the *Code of Virginia*, the CTB (i) authorized dynamic tolling of vehicles utilizing the lanes on Eastbound and Westbound I-66 Inside the Beltway during specified times on weekdays for vehicles carrying less than two occupants (collectively, HOT Lanes-2 designation) to be implemented at such time that the infrastructure and improvements necessary to commence tolling on I-66 Inside the Beltway are determined by the Commissioner of Highways to be completed and ready for operation; and (ii) approved conversion of the HOV-2 designation to HOV-3 and authorized dynamic tolling of vehicles carrying less than three occupants utilizing the lanes on Eastbound and Westbound I-66 Inside the Beltway during specified times on weekdays (collectively HOT Lanes-3 designation), to be implemented at such time that the designation of HOT Lanes with a high occupancy requirement of HOV-3 on the Eastbound and Westbound lanes of I-66 outside the Beltway adopted by the Board on June 14, 2016, is implemented.
- The Department will operate and maintain the I-66 Inside the Beltway HOT Lanes Tolling Project using agency staff supported by contractors.
- 23 U.S.C. §166(b)(4), provides that a public authority/state agency may allow vehicles not otherwise exempt pursuant to 23 U.S.C. §166(b) to use an HOV facility by paying a toll.
- The FHWA requires the Department to enter into a Tolling MOU with the FHWA relating to tolling I-66, Inside the Beltway.
- The CTB is authorized under Virginia Code §33.2-221(A) to enter into contracts and agreements with the United States government.

Recommendation: That the CTB approve and authorize the Commissioner to execute a Tolling MOU with FHWA relating to tolling on I-66, Inside the Beltway, as set out in Attachment A, with such changes as the Commissioner deems appropriate/necessary.

Action Required by CTB: Virginia Code § 33.2-221 (A) requires a majority vote of the CTB to approve, and authorize the Commissioner to execute, a Tolling MOU with FHWA relating to tolling on I-66, Inside the Beltway, as set out in Attachment A, with such changes as the Commissioner deems appropriate/necessary. The CTB will be presented with a resolution for a formal vote.

Result, if Approved: The Commissioner of Highways will be authorized to execute the Tolling MOU with FHWA relating to tolling on I-66, Inside the Beltway, with such changes as the Commissioner deems appropriate/necessary.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None