



Virginia Department of Rail and Public Transportation

# Memorandum of Agreement on Annual Transit Investment from I-395 Express Lanes

October 24, 2017

**Jennifer DeBruhl**  
Chief of Public  
Transportation

# Memorandum of Agreement

Purpose: Define roles and responsibilities of parties to the MOA regarding Annual Transit Investment (ATI) from I-395 Express Lanes

- MOA is a five-party agreement
  - CTB, VDOT, DRPT, NVTC & PRTC
- The Commonwealth has committed that at least \$15 million will be provided annually through toll revenues as an Annual Transit Investment for multimodal improvements in the I-95/I-395 corridor



# I-395 Express Lanes Project

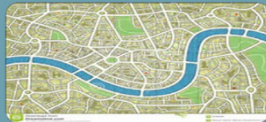
- Project will convert eight miles of the two existing reversible HOV lanes on I-395 to three reversible managed Express Lanes
- Construction is underway
- Express Lanes to open in 2019
  - Operated by 95 Express Lanes, LLC (Transurban)
- Comprehensive Agreement requires 95 Express Lanes, LLC to pay to VDOT an Annual Transit Investment from toll revenue attributable to the 395 Express Lanes



# I-395 Project Improvement Goals



Move more people



Enhance transportation connectivity



Improve transit service



Reduce roadway congestion



Increase travel options



# Annual Transit Investment

- Purpose of the Annual Transit Investment is to fund projects designed to accomplish the Improvement Goals
- Authority to select and administer projects funded by the Annual Transit Investment is delegated to NVTC and PRTC
- VDOT will transfer toll revenues to DRPT, which will program funding for selected multimodal improvements into its annual SYIP
- CTB approves multimodal improvements selected by NVTC and PRTC through annual approval of DRPT SYIP



# Key Terms of MOA



- I-395 MOA modeled on the MOA for I-66 Inside the Beltway
- Key differences from I-66 include:
  - I-395 tolls collected by private concessionaire
  - Inclusion of DRPT and PRTC as parties to the MOA
    - DRPT to program Annual Transit Investment funding in its SYIP as opposed to VDOT
    - Because projects along the entire length of the I-95/I-395 Express Lanes are eligible for funding from toll revenues, NVTC and PRTC will jointly determine projects to receive funding
      - Separate agreement needed between NVTC & PRTC to define roles and responsibilities

## Key Terms of MOA

- DRPT will annually apportion available funds to NVTC and PRTC *pro rata* based on each commission's population *in the corridor*
- NVTC and PRTC may agree on an alternate mechanism of designating the proportion of Annual Transit Investment funds available to either commission
  - DRPT will abide by any such agreed upon alternate mechanism if endorsed by the CTB



# Key Terms of MOA

- Use of toll revenues governed by state code and Meeks legal decision
  - Annual Transit Investment funds may only be used for programs and projects reasonably related to or benefiting users of the I-95/I-395 corridor
- Term of the MOA runs concurrent with the amended and restated Comprehensive Agreement between the Commonwealth and 95 Express Lanes, LLC (Transurban)
- A schedule of the expected ATI funds for each year of the MOA is attached
  - Minimum of \$15 million per year, adjusted for inflation
  - \$2.7 billion over 68 annual payments (adjusted for inflation)





# Key Terms of MOA

- ATI funds transferred to NVTC and PRTC must first be used to pay any ATI-related debt
- Neither NVTC or PRTC may expend more than 50% of total annual ATI funds for ATI-funded project operating costs
- Annual joint reporting requirement to the CTB by NVTC and PRTC
- Termination only for breach for material non-compliance with terms of MOA
- All obligations of CTB to allocate ATI funds are subject to appropriation by General Assembly



# Schedule & Next Steps

- Initial Presentations to NVTC and PRTC
  - **Completed** - Thursday, October 5, 2017
- Initial Presentation to CTB
  - Monday, October 23, 2017 (CTB workshop)
- Approval by NVTC and PRTC
  - Thursday, November 2, 2017
- Approval by CTB
  - Wednesday, December 6, 2017





Virginia Department of Rail and Public Transportation

# Memorandum of Agreement on Annual Transit Investment from I-395 Express Lanes

October 24, 2017

**Jennifer DeBruhl**  
Chief of Public  
Transportation