



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Richmond, Virginia 23219

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Agenda item # 13

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD June 21, 2022 MOTION

Made By: Dr. Smoot **Seconded By:** Ms. DeTuncq
Action: Motion carried, unanimously

Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2023 – 2028

WHEREAS, Section 33.2-214 (B) of the *Code of Virginia* requires the Commonwealth Transportation Board (Board) to adopt by July 1st 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 Appropriations 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 Section 33.2-214 (B) and 33.2-221 (C) of the *Code of Virginia* to administer and allocate funds in the Transportation Trust Fund based on the most recent official Commonwealth Transportation Fund revenue forecast; and

WHEREAS, the Board is required by Section 33.2-221 (C) of the *Code of Virginia* 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, Sections 33.2-1526 and 33.2-1526.1 of the *Code of Virginia* authorize 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 Transportation Trust Fund and for the Washington Metropolitan Area Transit Authority; and

WHEREAS, Section 33.2-1526.4 of the *Code of Virginia* establishes the Commonwealth Rail Fund, providing that 93 percent of the Fund shall be distributed to the Virginia Passenger Rail Authority and the remaining 7 percent shall remain in the Fund for the Department of Rail and Public Transportation for planning purposes and for grants for rail projects not administered by the Virginia Passenger Rail Authority (VPRA); and the Department of Rail and Public Transportation may use

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up to \$4 million of their portion for the purposes of the Shortline Railway Preservation and Development Fund pursuant to 33.2-1602; 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 33.2-358 of the *Code of Virginia* requires the Board to allocate funds for maintenance on the Interstate, Primary, Urban and Secondary Highway Systems; and

WHEREAS, Section 33.2-358 of the *Code of Virginia* requires the Board to allocate funds on and after July 1, 2021 for state of good repair purposes as set forth in Section 33.2-369, the High-Priority Projects Program established pursuant to Section 33.2-370, the Highway Construction District Grant Program established pursuant to Section 33.2-371; the Interstate Operations and Enhancement Program established pursuant to Section 33.2-372, and the Virginia Highway Safety Improvement Program established pursuant to Section 33.2-373; and

WHEREAS, Section 33.2-1527 of the Code of Virginia governs the allocation of funds in the Priority Transportation Fund; the moneys in this fund shall first be used for making debt service payments on bonds or obligations for which the Fund is expressly required for making debt service payments, to the extent needed; it is the desire of the Board that priority in the planned allocation of any remaining funds after meeting debt service requirements and then after existing project commitments, be provided to Transforming Rail in Virginia Initiative to expedite the completion of that effort through Phase 4; and

WHEREAS, the Final Six-Year Improvement Program for Fiscal Years 2023 through 2028 accounts for and includes allocations to projects selected through the Project Prioritization Process in accordance with the requirements of Section 33.2-214.4, and the Commonwealth Transportation Board's Policy for the Implementation of Performance Based State Transit Operating Allocation; and

WHEREAS, the Final Six-Year Improvement Program for Fiscal Years 2023 through 2028 accounts for and includes allocations to projects selected through the Project Prioritization Process in accordance with the requirements of Section 33.2-214.4, and the Commonwealth Transportation Board's Policy for the Implementation of State Transit Capital Prioritization (MERIT Prioritization Process); and

WHEREAS, the Final Six-Year Improvement Program for Fiscal Years 2023 through 2028 accounts for and includes allocations to projects selected for funding through the project selection processes developed in accordance with the State of Good Repair Program as set forth in Section 33.2-369, the High-Priority Projects Program established pursuant to Section 33.2-

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370, the Highway Construction District Grant Program established pursuant to Section 33.2-371; the Interstate Operations and Enhancement Program established pursuant to Section 33.2-372, and the Virginia Highway Safety Improvement Program established pursuant to Section 33.2-373; and

WHEREAS, Section 33.2-202 of the *Code of Virginia* states that for a transportation project valued in excess of \$25 million that is located wholly within a single highway construction district, the Board shall hold at least one hearing in the highway construction district where such project being considered is located to discuss such project prior to a meeting at which a vote to program funds will be taken; and

WHEREAS, the Draft Six-Year Improvement Program for Fiscal Years 2023 through 2028 was made available for review and comment; and

WHEREAS, nine public meetings were held on April 25, 2022 for Fredericksburg, April 26, 2022 for Culpeper, April 28, 2022 for Richmond, May 2, 2022 for Staunton, May 3, 2022 for Lynchburg, May 4, 2022 for Northern Virginia, May 9, 2022 for Hampton Roads, May 11, 2022 for Bristol, and May 12, 2022 for Salem to receive public comments prior to the Board's adoption of a 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 2023 through 2028 Six-Year Improvement Program; and

WHEREAS, pursuant to the Board's Systematic Review of Funding Policy, as amended on February 18, 2015, the Chief Financial Officers of VDOT and DRPT must annually certify that unused funds are timely reallocated and said certifications have been provided to the Board for FY 2022, attached hereto as Attachment A; and

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board that the allocations of construction funds provided by Section 33.2-358, Maintenance and Operations funds, and Rail and Public Transportation funds in the Final Six-Year Improvement Program for Fiscal Years 2023 through 2028 are approved.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Six-Year Improvement Program of projects and programs for Fiscal Years 2023 through 2028 for Interstate, Primary and Urban Highway Systems, and Rail and Public Transportation are approved.

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 2023 and prior within the Six-Year Improvement Program satisfactory to the Commissioner and the Director.

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 2023 through 2028, are approved.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Commissioner, or his designee, is granted the authority to make transfers of allocations programmed to projects in the approved Six-Year Improvement Program of projects and programs for Fiscal Years 2023 through 2028 to release funds no longer needed for the delivery of the projects and to provide additional allocations to support the delivery of eligible projects in the approved Six-Year Improvement Program of projects and programs for Fiscal Years 2023 through 2028 consistent with Commonwealth Transportation Board priorities for programming funds, federal/state eligibility requirements, and according to the following thresholds based on the recipient project:

Total Cost Estimate	Threshold
<\$5 million	up to a 20% increase in total allocations
\$5 million to \$10 million	up to a \$1 million increase in total allocations
>\$10 million	up to a 10% increase in total allocations up to a maximum of \$5 million increase in total allocations

BE IT FURTHER RESOLVED, that the Director of the Department of Rail and Public Transportation, is authorized up to \$200,000 to reallocate funds among existing grants, to allocate additional funds to existing projects up to \$200,000 per grant, and to award additional federal and state funds for rail and public transportation projects up to \$200,000, and to deobligate funds from projects, as may be necessary to meet the goals of the Board; further, the Director is authorized to make changes to the scope of a Board approved grant as needed in order to accomplish the intended project and/or outcome; and

BE IT FURTHER RESOLVED, that the Commissioner and Director shall notify the Board on a monthly basis should such transfers or allocations be made.

BE IT FURTHER RESOLVED, that if such request for transfer of allocation exceeds the thresholds established herein, 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.

CTB Decision Brief

**Six-Year Improvement Program and Rail and Public Transportation
Allocations For Fiscal Years 2023 – 2028**

Issue: Each year the Commonwealth Transportation Board (CTB) must adopt a Six-Year Improvement Program (Program or SYIP) and allocations for anticipated projects and programs based on the most recent official revenue forecasts and debt management policy, and other funds available as set forth in the Final Fiscal Years 2023-2028 Six-Year Improvement Program in accordance with policy or statutory formula.

The Appropriations 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. The Board is required to administer and allocate funds in the Transportation Trust Fund based on the most recent official Commonwealth Transportation Fund revenue forecast.

Priority Transportation Funds shall first be used for making debt service payments on bonds or obligations for which the Fund is expressly required for making debt service payments, to the extent needed. The Board will give priority in the allocation of any remaining funds after meeting debt service requirements and then after existing project commitments to Transforming Rail in Virginia Initiative to expedite the completion of that effort through Phase 4

Facts:

The CTB must adopt a Six-Year Improvement Program of anticipated projects and programs by July 1st of each year in accordance with Section 33.2-214 (B). The Program shall be based on the most recent official revenue forecasts and debt policy.

The Final Six-Year Improvement Program for Fiscal Years 2023-2028 accounts for and includes allocations to projects selected for funding through the project selection processes developed in accordance with the State of Good Repair Program as set forth in Section 33.2-369, the High-Priority Projects Program established pursuant to Section 33.2-370, the Highway Construction District Grant Program established pursuant to Section 33.2-371; the Interstate Operations and Enhancement Program established pursuant to Section 33.2-372, and the Virginia Highway Safety Improvement Program established pursuant to Section 33.2-373.

The Final Six-Year Improvement Program for Fiscal Years 2022 through 2027 accounts for and includes allocations to projects selected through the project prioritization process in accordance with the requirements of Section 33.2-214.4, and the Commonwealth Transportation Board's Policy for the Implementation of Performance Based State Transit Operating Allocation and the Board's Policy for the Implementation of State Transit Capital Prioritization (MERIT Prioritization Process).

CTB Decision Brief

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Pursuant to the Board’s Systematic Review of Funding Policy, as amended on February 18, 2015, the Chief Financial Officers of VDOT and DRPT must annually certify that unused funds are timely reallocated and said certifications are attached hereto as Attachment A.

Recommendations: VDOT and DRPT recommend the adoption of the Revised Program and that authority be granted to the Commissioner and Director, or their designees, to make transfers of allocations programmed to projects in the approved Program to release funds no longer needed for the delivery of the projects and to provide additional allocations to support the delivery of eligible projects in the approved Program consistent with Commonwealth Transportation Board priorities for programming funds, federal/state eligibility requirements, and according to the following thresholds based on the recipient project:

Total Cost Estimate	Threshold
<\$5 million	up to a 20% increase in total allocations
\$5 million to \$10 million	up to a \$1 million increase in total allocations
>\$10 million	up to a 10% increase in total allocations up to a maximum of \$5 million increase in total allocations

The CTB shall receive a report on a monthly basis regarding any such transfers.

If a request for a transfer of allocation exceeds the thresholds above, 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.

Priority Transportation Funds shall first be used for making debt service payments on bonds or obligations for which the Fund is expressly required for making debt service payments, to the extent needed. The Board will give priority in the allocation of any remaining funds after meeting debt service requirements and then after existing project commitments to Transforming Rail in Virginia Initiative to expedite the completion of that effort through Phase 4.

Action Required by CTB: The CTB will be presented with a resolution for a formal vote to adopt the Revised Six-Year Improvement Program of Construction funds, Maintenance and Operations funds, and Rail and Public Transportation funds for Fiscal Years 2023 through 2028, including approval of the transfers of previous allocations completed as part of the revision. The resolution will include authorization for the Commissioner and Director or their designees to make transfers of allocations programmed to projects in the Revised Six-Year Improvement Program of projects and programs for Fiscal Years 2023 through 2028 necessary to release funds no longer needed for the delivery of the projects and to apply said funds to projects in the approved program needing funds, consistent with Commonwealth Transportation Board priorities for programming funds, federal/state eligibility requirements, and according to the thresholds identified above.

CTB Decision Brief

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The resolution will also express the Board's intent to allocate any remaining Priority Transportation Funds remaining after debt service requirements and existing project commitments to the completion of the Transforming Rail in Virginia Initiative through Phase 4.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: Given the need to have allocations available to continue and/or initiate projects and programs in the Program and Rail and Public Transportation allocations, the public expects the CTB to fulfill its statutory duty by approving the Revised Six-Year Improvement Program and Rail and Public Transportation allocations for Fiscal Years 2023 through 2028.

ATTACHMENT A



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.
Commissioner

1401 East Broad Street
Richmond, Virginia 23219

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June 1, 2022

To: The Honorable Sheppard Miller III
Chairperson, Commonwealth Transportation Board

From: Laura Farmer 
Chief Financial Officer

Re: **Annual Certification - Reallocation of Unused Funds**

In accordance with the Systematic Review of Funding Policy approved by the Commonwealth Transportation Board (CTB) as amended on February 18, 2015, I hereby certify that, to the best of my knowledge, construction project funding balances for the Virginia Department of Transportation (VDOT) have been reviewed, and that allocations no longer needed for the project were reallocated as appropriate. Such reallocations were completed through the monthly transfers approved by the CTB during the year and through the annual update of the SYIP to be presented to the CTB in June 2022.

Project expenditures and allocations are reviewed throughout the year as part of ongoing processes, including VDOT's Project Closeout process, VDOT's Quarterly Financial Certification of projects, and the Federal Highway Administration's (FHWA) Financial Integrity Review and Evaluation process. We continue to take a proactive approach to ensure full utilization of available funds.

CC: CTB Members



COMMONWEALTH of VIRGINIA

Jennifer B. DeBruhl
Acting Director

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
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(804) 786-4440
FAX (804) 225-3752
Virginia Relay Center
800-828-1120 (TDD)

DATE: May 25, 2022

TO: Commonwealth Transportation Board Members

FROM: Tanyea Darrisaw, Chief Financial Officer
Department of Rail and Public Transportation

SUBJECT: Annual Certification for Systematic Review of Funding Policy

The Department of Rail and Public Transportation (DRPT) performs its reconciliation process monthly and reports the results to CTB each quarter, identifying all unobligated funds by funding source. DRPT manages projects according to department policies that require each project to be systematically reviewed for potential closeout and with controls that include project-based budgeting, project end dates that are linked to the financial system expenditure process, automated system reporting of projects with no activity, and mandatory linking in the financial system of project budgets to revenue sources. DRPT must annually submit and certify the financial activity of each federal award in Financial Status Reports to the Federal Transit Administration and the Federal Railroad Administration.

I certify that adequate controls are in place for systematic project closeout and timely reallocation of unused funds.

A handwritten signature in black ink, appearing to read "Tanyea Darrisaw".

Tanyea Darrisaw
Chief Financial Officer

cc: Jennifer DeBruhl, Acting Director