



# COMMONWEALTH of VIRGINIA

## Commonwealth Transportation Board

W. Sheppard Miller, III  
Chairperson

1401 East Broad Street  
Richmond, Virginia 23219

(804) 482-5818  
Fax: (804) 786-2940

*Agenda item # 11*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 4, 2024

#### MOTION

**Made By:** Mr. Byers, **Seconded By:** Mr. Coleman

**Action:** Motion Carried, Unanimously

**Title: SMART SCALE Project Cancellation**  
**Emmet Street Multimodal Phase 2 Project (UPC 118867) – Culpeper District**

**WHEREAS**, the Commonwealth Transportation Board's (Board's) SMART SCALE Project Prioritization Process last approved December 4, 2023 and as revised January 16, 2024, states that a project that has been selected for funding through either the High Priority Projects Program or Highway Construction District Grant Program may be cancelled only by action of the Board; and

**WHEREAS**, the Board's SMART SCALE Project Prioritization Process last approved December 4, 2023 and as revised January 16, 2024, states that surplus Construction District Grant Funds no longer needed for delivery of a project will remain in the applicable Construction District Grant Program and may not be used in other districts, and further, provides that such surplus funds may either be reserved to address budget adjustments for current SMART SCALE projects or for allocation in the next solicitation cycle for SMART SCALE; and

**WHEREAS**, the Board's SMART SCALE Project Prioritization Process last approved December 4, 2023 and as revised January 16, 2024, states that surplus High Priority Projects Program Funds no longer needed for delivery of a project will remain in the statewide High Priority Projects Program, and further, provides that such surplus funds may either be reserved to address budget adjustments for current SMART SCALE projects or for allocation in the next solicitation cycle for SMART SCALE; and

**WHEREAS**, the Board's SMART SCALE Project Prioritization Process last approved December 4, 2023 and as revised January 16, 2024, states that in cases where programmed funds

are no longer needed for delivery of a project due to estimate decreases, contract award savings, schedule changes, etc., the unexpended surplus funds are SMART SCALE unless superseded by the terms of a signed project agreement; and

**WHEREAS**, the Emmet Street Multimodal Phase 2 Project (UPC 118867) (Project) was submitted by the City of Charlottesville for consideration and selected for \$20,465,490 in funding through the Construction District Grant Program in the fourth round of the prioritization process pursuant to section 33.2-214.1; and

**WHEREAS**, the project is locally administered and has not yet started; and

**WHEREAS**, the project is significantly underfunded due to inflation, unit costs, and higher than anticipated right of way costs; and

**WHEREAS**, on October 15, 2024, the City of Charlottesville requested cancellation of the Project in order to focus on delivering projects within their portfolio already underway before undertaking new starts; and

**WHEREAS**, at its meeting on October 22, 2024, the Board was briefed on the proposed cancellation of the Project and transfer of all Construction District Grant funds to the Culpeper District Construction District Grant deallocation balance entry (UPC -21761).

**WHEREAS**, VDOT recommends Board action to cancel the Project and transfer all Construction District Grant funds allocated to the Project to the Culpeper District Construction District Grant deallocation balance entry (UPC -21761).

**NOW THEREFORE BE IT RESOLVED**, by the Commonwealth Transportation Board, that the Emmet Street Multimodal Phase 2 Project (UPC 118867) project is hereby cancelled.

**BE IT FURTHER RESOLVED**, by the Commonwealth Transportation Board that all Construction District Grant funds allocated to the Project be transferred to the Culpeper District Construction District Grant deallocation balance entry (UPC -21761).

###

**CTB Decision Brief**  
SMART SCALE Project Cancellation  
Emmet Street Multimodal Phase 2 Project (UPC 118867)

**Issue:** The Emmet Street Multimodal Phase 2 Project (UPC 118867) (Project) was selected for funding in the fourth round of the Commonwealth Transportation Board's (Board's) SMART SCALE Prioritization Process. For reasons stated herein, on October 15, 2024, the City of Charlottesville requested cancellation of the Project. Board approval is needed for cancellation of this Project pursuant to the Policy for Implementation of the SMART SCALE Project Prioritization Process last approved by the Board December 4, 2023 and as revised January 16, 2024.

**Facts:** The Project was submitted by the City of Charlottesville and screened in for meeting a VTrans need. The Project consisted of bicycle and pedestrian accommodations along Emmet Street between Arlington Boulevard and Barracks Road to include a shared use path on the east side of Emmet Street and on-road bicycle facilities along both sides of the road. It was selected for funding and received \$20,465,490 in Construction District Grant funds to fully fund the Project. The project is locally administered and has not yet started.

The project is currently significantly underfunded due to inflation, unit costs, and higher than anticipated right of way costs. On October 15, 2024, the City of Charlottesville requested cancellation of the Project in order to focus on delivering projects within their portfolio already underway before undertaking new starts. The Board was briefed on the proposed cancellation at its meeting October 22, 2024.

The Board's SMART SCALE Project Prioritization Process last approved December 4, 2023 and as revised January 16, 2024, states that a project that has been selected for funding through either the High Priority Projects Program or Highway Construction District Grant Program may be cancelled only by action of the Board. In the event that a project is not advanced to the next phase of construction when requested by the Board, the locality or metropolitan planning organization may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the Department for all state and federal funds expended on the project.

The Board's SMART SCALE Project Prioritization Process last approved December 4, 2023 and as revised January 16, 2024, states that Surplus Construction District Grant Funds no longer needed for delivery of a project will remain in the applicable Construction District Grant Program and may not be used in other districts. In addition, the Prioritization Process provides that such surplus funds may either be reserved to address budget adjustments for current SMART SCALE projects or for allocation in the next solicitation cycle for SMART SCALE.

The Board's SMART SCALE Project Prioritization Process last approved December 4, 2023 and as revised January 16, 2024, states that in cases where programmed funds are no longer needed for delivery of a project due to estimate decreases, contract award savings, schedule changes, etc., the unexpended surplus funds are SMART SCALE unless superseded by the terms of a signed project agreement.

Decision Brief

SMART SCALE Project Cancellation Emmet Street Multimodal Phase 2 Project (UPC 118867)

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**Recommendation:** VDOT recommends that the Board cancel the Emmet Street Multimodal Phase 2 Project (UPC 118867) and transfer all Construction District Grant funds to the Culpeper District Construction District Grant deallocation balance entry (UPC -21761).

**Action Required by CTB:** The CTB will be presented with a resolution for a formal vote to cancel the Emmet Street Multimodal Phase 2 Project (UPC 118867) and transfer all Construction District Grant funds allocated to the Project to the Culpeper District Construction District Grant deallocation balance entry (UPC -21761).

**Result, if Approved:** If approved, the project will be removed from the Six-Year Improvement Program and all Construction District Grant funds allocated to the Project will be transferred to the Culpeper District Construction District Grant deallocation balance entry (UPC -21761).

**Options:** Approve, Deny, or Defer.

**Public Comments/Reactions:** None