POLICY INDEX



Commonwealth Transportation Board

Virginia Department of Transportation
Governance and Legislative Affairs Division
1221 E. Broad Street
Richmond, VA 23219

NOTE: As an index of transportation policy actions taken by the Commonwealth Transportation Board (CTB), this document is comprised of archived content that has been compiled solely for reference purposes. Standalone versions of the documents contained in this Index can be found on the CTB website at https://ctb.virginia.gov/meetings-news/agendas-and-meeting-minutes/

The document reflects actions in effect as of the date indicated below:

September 23, 2026

Periodically, the CTB will act to formally rescind policies which can be found in this Index. In doing so, it directs VDOT to remove the rescinded policies from the Index and add them to VDOT's digital archive. Policies which have been removed from the Index and added to VDOT's digital archive may be requested by emailing Steven Jack, Regulatory Manager, Governance and Legislative Affairs Division, at steven.jack@vdot.virginia.gov.

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Preface

Under the guidance and direction of the Secretary of Transportation, the Commonwealth Transportation Board (CTB) Policy Index was developed to provide a comprehensive guide to the roles, responsibilities, and statutory obligations and requirements of CTB members. The handbook also provides information on transportation policies and regulations.

The Policy Index has been revised and reorganized to ensure that it is a more useful reference tool for both Board members and staff at the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT).

A number of changes were made to the Policy Index in recent revisions to decrease the size of the Index, which had impeded the ability to make updates. Essential information for CTB members' legal responsibilities were relocated to a smaller document, the CTB Handbook, to provide members with excerpts from the Code of Virginia, and other legal and administrative information about the Commonwealth Transportation Board. These include complete statutes concerning the State and Local Government Conflict of Interests Act and the Freedom of Information Act, along with a brief discussion on CTB member responsibilities and the organization and duties of VDOT and DRPT, the two agencies over which the CTB has policy oversight. Current policy on reimbursement and travel for state business purposes is also included.

Additionally, in mid-2017, the CTB directed VDOT and DRPT to review the comprehensive listing of policy actions and make recommendations as to which ones were no longer necessary or were obsolete. Based on these recommendations, in December of 2017 the CTB repealed certain policies, retained others, and designated additional policies for further research before taking action. The CTB approved resolutions in January of 2018 and September of 2022 retaining and repealing those policies that had been designated for further research. Separate actions were taken by the CTB in 2023 and 2024 to repeal additional policies determined to be no longer necessary or obsolete. The revised Policy Index now contains only current policies of the CTB, with those repealed archived separately. As the CTB continues to repeal or supersede policies, those policies will be removed from the Policy Index and archived.

Historical information on CTB deliberations, including workshop presentations and minutes of workshops and action meetings, are available on the Internet. To access this information and the most recent CTB actions, go to:

https://ctb.virginia.gov/meetings-news/agendas-and-meeting-minutes/.

The actions documented in this handbook provide insight into the various roles the CTB has filled over time and chronicles its evolution to its current role as a policy-making entity. Users are strongly encouraged to contact the VDOT Governance and Legislative Affairs Division to determine that the information in the handbook represents an accurate and up-to-date picture of CTB transportation policy.

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Chapter 1: Index Organization

This CTB Policy Index is organized as follows:

- Chapter 1 of the Commonwealth Transportation Board (CTB) Policy Index presents the structure, definitions, and limitations of this document.

- Chapter 2 of the Policy Index contains current policy and regulatory resolutions adopted by the CTB. Periodically, the CTB repeals unnecessary or obsolete policies and directs VDOT to archive them separately. As older policies are repealed, they will be added to the archive to keep the Policy Index current. Policies are presented chronologically in subject-area categories. Additionally, related actions have been cross-referenced where appropriate to provide a more comprehensive record.

- Chapter 3 of the Index contains delegations and authorizations from the CTB to individual CTB members and VDOT or DRPT staff. Occasionally, the CTB will delegate authority to the Commissioner of Highways, Director of DRPT, or a member of their respective staff to implement a resolution or execute contracts on the CTB's behalf, and these delegations are viewed as policy-like actions. In December 2024, the CTB directed and authorized VDOT and DRPT to, on an ongoing basis, remove and archive delegations and authorizations contained in the Policy Index that have been determined to be fully satisfied or are obsolete, exercising due care in documenting the reason for removing and archiving the delegations and authorizations.

Because information contained in the CTB Policy Index is subject to frequent updates, users are encouraged to contact the Governance and Legislative Affairs Division to determine that the information in the Index represents an accurate and up-to-date picture of CTB transportation policy. Users may also access updates to the Index on the Internet at https://ctb.virginia.gov/about-the-ctb/policies/.

Definitions

The definitions in the following table have been established to clarify the meaning of various terms commonly used for CTB activities and to provide guidance in the analysis and compilation of CTB actions.

Table 1: Commonly Used Terms

Term	Meaning
Amending Action	Method of challenging the content of an action previously taken
Department Policy Memorandum (DPM) or Department Memorandum (DM)	Written documentation of CTB action and directives from department management
Guidelines	Instructions, options or advice for performing a specific task; propose options to enable employees to satisfy provisions of the Code, regulations, or policy and while generally voluntary, the implication is that employees will follow those instructions to fulfill their responsibilities
Minutes	Legal, signed summary of the meeting agenda, attendance, actions taken, and items briefly discussed
Policy	Written principle or rule approved by the Board, which describes an established course of action that must be followed by the general public, VDOT, local government, or the CTB
Regulations	Statements of general application, having the force of law, affecting the rights or conduct of any person, adopted by the CTB in accordance with the authority conferred on it by applicable laws; regulations are collected in the Virginia Administrative Code (VAC), a compilation of regulations promulgated by state agencies pursuant to statutory authority
Rescinding Action	Method of repealing or annulling an action previously taken
Resolutions	Legal documents reflecting CTB actions taken, including date and motion information
Superseding Action	Method of proposing an action taking the place of an action previously taken

The definitions above provide a framework within which to view CTB actions, the subject and breadth of which have changed in tandem with the Commonwealth's changing transportation needs. The meeting minutes of the CTB are interspersed with various actions – for example, resolutions recognizing certain retirees, policies concerning the distribution of transportation funds, and investment guidelines for certain transportation funds. It should be noted that not all CTB actions can be neatly classified as policies, regulations, or guidelines. Similarly, classification of an action as a policy, regulation, or guideline is not mutually exclusive. That is, there are CTB actions in this Index that are also listed as DPMs or regulations.

Two main reasons explain this overlap. First, the definition of a DPM has evolved over time in response to organizational and administrative needs; thus, some existing CTB actions or policies were

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subsequently classified as DPMs without being rescinded or otherwise disposed by the CTB. With regard to regulations, the *Virginia Administrative Code* (VAC) did not take its current form until 1993. At that time, the Office of the Attorney General (OAG) determined that certain DPMs and CTB actions should be classified as regulations because they affect the rights or conduct of those outside of VDOT.

Hierarchy of CTB Actions

Statutes are laws enacted by the Virginia General Assembly, which derives its lawmaking power from the Virginia Constitution. Regulations are statements of general application having the force of law and are made by any agency or other governmental entity to which the General Assembly has delegated lawmaking authority. Since regulations can only be made if the General Assembly has granted authority to do so, statutes supersede regulations in terms of precedence where they may conflict. Policy resolutions and/or statements are not laws; however, they can influence the application of laws and provide guidance for interpreting laws. Regulations approved by formal CTB resolution supersede any CTB policy resolutions and/or statements. Further, CTB policy resolutions and/or statements supersede agency policies. Additionally, more recent statutory, regulatory, or policy enactments supersede previous enactments of the same or lesser status.

Transportation Laws

The *Code of Virginia* is a compilation of Virginia's laws, enacted through legislation of the Virginia General Assembly. The 1950 *Code of Virginia* is the revision currently in force, and is updated annually. The Code is divided into Titles by subject area. The Titles directly relating to transportation include Title 33.2 (Highways and Other Surface Transportation Systems) and Title 46.2 (Motor Vehicles). Other Titles may have some statutes that affect transportation indirectly, including Title 15.2 (Counties, Cities and Towns), Title 25.1 (Eminent Domain), and Title 56 (Public Service Companies).

Bills that are enacted into law by the Virginia General Assembly each legislative session become Chapters and constitute the Acts of Assembly for that year. Each chapter in the Acts of Assembly refers to the Senate or House bill that created it. Often, the Acts of Assembly enact or amend a statute or statutes in the Code of Virginia, but the Acts of Assembly may also include law directing state agencies to take some action that does not get included in the Code of Virginia, or codified. This uncodified language still has the force of law and may affect the actions of the CTB. The Acts of Assembly can be found in LIS on the Bills and Resolutions page of each session year.

The *Code of Virginia* and Acts of Assembly additionally provide statutory authority under which regulations may be promulgated by the CTB directly, by VDOT on behalf of the CTB, or by the Commissioner, either under his own authority as granted by the Code, or through his position as chief executive officer of VDOT. These regulations are subject to the provisions of the Administrative Process Act (APA) (§ 2.2-4000 *et seq*.) or the Virginia Register Act (VRA) (§ 2.2-4100 *et seq*.), or both, unless exempted by statute or a specific Act of Assembly. The APA is intended to provide the public with adequate opportunity to comment on the content of regulations when they are promulgated, amended, or repealed. It specifies a series of reviews and analyses by the Executive Branch and includes publication of regulatory text in *The Virginia Register*, a periodical published by the State Registrar of Regulations, as well as posting to the Department of Planning & Budget's Virginia Regulatory Town Hall, an online public forum for regulatory actions. Many of VDOT's regulations are completely exempt from the full APA process but must still be filed with the State Registrar of Regulations under the VRA.

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Exemptions to the full APA process routinely applied to VDOT regulations include agency actions dealing with:

- The location, design, specifications, or construction of public buildings or other facilities;
- Traffic signs, markers, or control devices; and
- The award or denial of state contracts, as well as decisions regarding compliance.

Regulatory actions exempt from Article 2 of the APA (which directs public participation requirements, an economic analysis by the Department of Planning and Budget (DPB), and review by the Executive Branch), but otherwise filed under the Virginia Register Act include actions dealing with:

- Orders fixing rates or prices;
- The establishment of internal organizational practice or procedures, including delegation of authority; or
- Changes of style or form, or corrections of technical errors.

A regulation that is normally subject to Article 2 of the APA may be exempt from its requirements in certain circumstances. These circumstances include the following: its promulgation or amendment is necessary to conform to changes in federal or state law or the Appropriation Act where no agency discretion is involved, or it is necessary to meet the requirements of federal law or regulation, provided the regulation does not differ materially from what is required by federal law or regulation.

The Virginia Administrative Code (VAC) is the official list of regulations promulgated by Virginia's state agencies. VDOT's regulations are identified by the ID code 24 VAC 30 - XX, where Title 24 is Transportation, 30 is VDOT's agency code, and XX (a number) is the chapter of the regulation. VDOT's complete list of effective and repealed regulations is available from the Legislative Information System (direct regulatory address is: http://law.lis.virginia.gov/admincode).

Index Limitations

The purpose of this Index is to serve as a collection of current and historical information on the Commonwealth Transportation Board (CTB), its role, and the policy/regulatory decisions that have been made concerning transportation in the Commonwealth. As such, the user is strongly encouraged to contact the Governance and Legislative Affairs Division to determine that the information in the Index represents an accurate and up-to-date picture of CTB transportation policy.

Available CTB meeting minutes since 1920 were examined to compile this Index. While every attempt was made to include all current policy-like actions of the CTB, the condition and breadth of the CTB meeting minutes is such that inadvertent omissions are possible. In some cases, copies of the meeting minutes are illegible or otherwise unclear, presenting difficulty for transcribing them into the format presented here.

The Index continues to be researched, updated and archived in an ongoing effort.

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Chapter 2: Current Policies Adopted by the CTB

This chapter includes all current policies adopted by the CTB, updated to incorporate actions taken by the CTB to repeal obsolete or unnecessary resolutions. Policies are categorized by subject area. The category title is listed in the bottom left hand corner on the following pages. In addition, a hyperlinked listing of categories is placed below to facilitate searches as an alternative to entering specific words using the "Find" command on the Toolbar.

Administration
Airport Access Fund
Bicycle and Pedestrian Facilities
Bridges and Structures
Cash and Debt Management
Construction and Design
Contracting and Procurement
Corridors of Statewide Significance/VTRANS
Economic Development Access Fund
Funds – Allocations, Apportionments, and Expenditures (incl. SMART SCALE)
Funds – Transfers
Hazardous Materials
Highways – Acceptances, Additions, and Abandonments
HOV/HOT Facilities
Industrial Access Railroad Track Fund
Integrated Directional Signing Program
Interstate Operations and Enhancement Program
Junkyards
Labor
Land Use
Limited Access Control
Locally Administered Projects
Maintenance
Overdimensional or Overweight Vehicles
Parking
Performance Reporting
Priority Transportation Fund
Public Involvement
Public-Private Partnerships
Rail Policies
Recreational Access
Relocation Assistance
Residential Traffic Management
Rest Areas and Waysides
Revenue Sharing
Right of Way – General
Road and Bridge Specifications
Roadside Management
Roadway Lighting
Scenic Highways and Byways
Sidewalks, Storm Sewers, and Drainage Structures
Signs – Outdoor Advertising
Six-Year Improvement Program
Soil Conservation
Toll Facilities and Rates
Traffic Control
Transit
Transportation Alternatives Program
Transportation Partnership Opportunity Fund
Transportation Trust Fund
Urban System
Vegetation
Virginia Transportation Infrastructure Bank

Administration

- Commonwealth Transportation Board Freedom of Information Act Policy (4/22/2026)
- Adoption of Consent Agenda Policy (3/18/2026)
- Policy Index Review and Archive of Delegations of Authority (12/4/2024)
- Policy Index Review (12/4/2023)
- ***Expired*** Adoption of Policy for All-Virtual (Electronic) Committee Meetings (3/29/2023)
- Continued Action on Content of Commonwealth Transportation Board Policy Index (9/21/2022)
- Continued Action on Content of Commonwealth Transportation Board Policy Index (1/10/2018)
- Action on Content of Commonwealth Transportation Board Policy Index – Repeal of Obsolete Policies/Actions and Retention of Current Policies/Actions (12/6/2017)
- Ninth Construction District (5/17/1984)
- Construction Districts (3/28/1923)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

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Agenda item # 11

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 22, 2026

MOTION

Made By: Ms. Sellers**, Seconded By:** Mr. Good

Action: Motion Carried, Unanimously

Title: Commonwealth Transportation Board Freedom of Information Act Policy

WHEREAS, in 1968 the Virginia General Assembly enacted the Virginia Freedom of Information Act (FOIA), now codified at Chapter 37 of Title 2.2 (§ 2.2-3700 *et seq.*) of the *Code of Virginia*, to guarantee that citizens of the Commonwealth and representatives of the media have access to public records held by public bodies, public officials, and public employees; and

WHEREAS, FOIA is subject to amendment annually by the Virginia General Assembly, with amendments generally becoming effective in due course on July 1 of each year; and

WHEREAS, FOIA (in § 2.2-3704(F) and § 2.2-3704.1(A)(6) of the *Code of Virginia*), provides that a public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records; and

WHEREAS, FOIA (in § 2.2-3704.1(A)(7) of the *Code of Virginia*), requires public bodies subject to the provisions of FOIA to make available on the homepage of their public website a "written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, for accessing and searching for such requested records"; and

WHEREAS, the Commonwealth Transportation Board (CTB) policy pertaining to CTB FOIA requests is attached hereto as Attachment A (the "CTB FOIA Policy");

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WHEREAS, the CTB public website contains a FOIA page, at https://ctb.virginia.gov/foia/, on which all required content will be posted and kept up-to-date.

NOW, THEREFORE, BE IT RESOLVED, the CTB hereby approves and adopts the CTB FOIA Policy set forth in Attachment A.

BE IT FURTHER RESOLVED, that the FOIA page on the CTB's public website shall be updated to include the content of the CTB FOIA Policy as described in Attachment A, in accordance with § 2.2-3704.1(A)(7) of the *Code of Virginia.*

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Attachment A

Commonwealth Transportation Board (CTB) FOIA Policy

The Freedom of Information Act (FOIA) (Chapter 37 of Title 2.2 of the *Code of Virginia)* provides that "public bodies may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost." Virginia Code § 2.2-3704.1(A)(7) requires public bodies to develop a written policy explaining how the public body assesses charges for accessing or searching for records and note the current fee charged.

The CTB, the Virginia Department of Transportation (VDOT), and the Department of Rail and Public Transportation (DRPT) are separate public bodies.

The CTB's FOIA policy may be found on the CTB website at https://ctb.virginia.gov/foia/ .

The CTB will assess charges as permitted by FOIA, but the Chair has the discretion to waive fees in appropriate circumstances, as permitted by FOIA. *See* Virginia Code § 2.2-3704(F). If the Chair is vacant or unavailable for more than four (4) business days, the Assistant Secretary of the Board may waive fees in appropriate circumstances, as permitted by FOIA.

Where charges are not waived, the CTB will make reasonable efforts to supply the requested records at the lowest possible cost. Except for ex officio members, the CTB will not charge for time that a member may spend accessing, duplicating, supplying, or searching for the requested records. For staff time, the CTB will use VDOT's Central Office rate, as posted on VDOT's website at: https://www.vdot.virginia.gov/policies/foia/ . Should time from DRPT staff be needed to fulfill a FOIA request to the CTB, the CTB will apply the DRPT FOIA policy, as posted on the DRPT website: https://drpt.virginia.gov/foia/ .

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 18, 2026

MOTION

Made By: Ms. Sellers**, Seconded By:** Mr. Gribbin

Action: Motion Carried, Unanimously

Title: Adoption of Consent Agenda Policy

WHEREAS, the Commonwealth Transportation Board (Board) often considers numerous routine items during the limited time available for its meetings; and

WHEREAS, the Board desires to devote more of its meeting time to meaningful and thoughtful discussion and decision-making regarding topics that are critical or of significant interest.

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby intends to consider certain future items, effective immediately, through a Consent Agenda under the following conditions and procedures:

1. Consent Agenda items are items on the Action meeting agenda that are routine and do not require a full presentation or discussion.

2. Materials regarding Consent Agenda items will be shared with Board members and posted publicly at least three business days prior to the meeting.

3. Consent Agenda items will not be presented individually, unless the Secretary decides there will be a presentation or a Board member requests a presentation.

4. A decision or request for any Consent Agenda item to be presented or discussed should be made as soon as possible.

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5. All Consent Agenda items will be voted on in a single vote during an Action meeting, unless a Board member requests that an item be voted on separately; and

6. The following items shall be considered in the Consent Agenda:
    a. Rail Industrial Access grant awards,
    b. Economic Development Access awards,
    c. Limited Access Control Changes, and
    d. Acknowledgement of Shared Reports.

    Other items may be considered in the Consent Agenda as determined by the Secretary and the Board.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 4, 2024

MOTION
Made By: Ms. Sellers, **Seconded By:** Mr. Good
Action: Motion Carried, Unanimously

Title: Policy Index Review and Archive of Delegations of Authority

WHEREAS, in August 2017, the then-Secretary of Transportation, Aubrey L. Layne, directed that the Commonwealth Transportation Board (CTB) Policy Index be reevaluated to identify obsolete or redundant policies and actions to be repealed, and to identify for retention those policies and actions that reflect current operating needs and statutory responsibilities (i.e., are currently in effect/valid); and

WHEREAS, from 2017 to 2022, the Policy Index was reevaluated and policies/actions that were identified as obsolete due to passage of time, statutory transfer of responsibilities or other statutory changes, or explicit CTB repeal/rescission were presented to the CTB for repeal and removed from the Policy Index and archived, and other policies/actions identified as still relevant and valid were presented to the CTB for retention/affirmation; and

WHEREAS, at its September 21, 2022, action meeting, (pursuant to the resolution entitled *Continued Action on Content of Commonwealth Transportation Board Policy Index*) the CTB directed the Virginia Department of Transportation (VDOT) to continue to regularly review all policies set out in the Policy Index for purposes of determining whether they remain valid or are obsolete and should be presented to the CTB for disposition at a future action meeting; and

WHEREAS, at its September 21, 2022, action meeting, the CTB also directed VDOT to maintain and update the Policy Index, in consultation with the Department of Rail and Public Transportation (DRPT), as necessary, to ensure that its content reflects an inventory of current policies and actions by adding new policies and actions as they are adopted by the CTB and

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repealing and archiving those policies and actions that are repealed or explicitly superseded by subsequent actions of the CTB; and

WHEREAS, VDOT has performed further research on policies and actions set out in the Policy Index and prepared a list consisting of those policies and actions identified as obsolete or unnecessary/redundant and that warrant repeal, as outlined in the table below and fully detailed in Attachment A; and

Resolution	**Passage Date**	**Why Repeal?**
Rules and Regulations for the Administration of Parking Lots and Environs	July 18, 1974	Subsequent amendments are reflected in a more recent/retained policy dated 6/20/2018.
Waysides and Rest Areas	July 18, 1974	Subsequent amendments are reflected in a more recent/retained policy dated 2/19/1987.
Adoption of Rules and Regulations Governing the Prequalification of Prospective Bidders, January 1, 1983 Edition	March 17, 1983	Rules and Regulations were repealed in 2021 at the direction of the Board. Applicable Code section provides independent authority for VDOT to serve as the responsible entity for establishing the prequalification process. Procedures documenting the process do not rise to the level of warranting a CTB policy.
Policy on Placing Utility Facilities Underground	May 9, 1996	The statutory authority and corresponding regulation were repealed.
Repeal of Existing *State Noise Abatement Policy* (24VAC 30-80) and Approval of Updated *State Noise Abatement Policy*	June 15, 2011	VDOT will continue to follow the Highway Traffic Noise Guidance Manual as approved by FHWA and which is consistent with federal law. Substantive provisions of the Policy are redundant with the Code of Virginia. The related procedures/process set out in the Manual do not rise to the level of warranting a CTB policy.
High Volume Unpaved Road Program Policy Modification	March 21, 2018	The Program no longer exists as the applicable Code section was amended to remove the relevant/authorizing provisions.

WHEREAS, the Delegations Chapter of the Policy Index contains delegations of authority and authorizations from the CTB to individual CTB members or VDOT or DRPT staff, and these delegations or authorizations do not typically contain language addressing expiration of the authority granted therein; and

WHEREAS, the Delegations Chapter of the Policy Index has never undergone a formal review, and after an initial review, VDOT has identified many delegations which represent authorizations or actions which are fully satisfied or are obsolete.

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby repeals the policies/ actions outlined in the table above and fully detailed in Attachment A.

BE IT FURTHER RESOLVED, that the CTB hereby directs VDOT to take all actions necessary to document this action by removing from the CTB Policy Index and adding to the electronic archive those policies and actions repealed herein.

BE IT FURTHER RESOLVED, that the CTB hereby directs VDOT to continue to regularly review all policies set out in the Policy Index to determine whether they remain valid or are obsolete and should be presented to the CTB for disposition at a future action meeting.

BE IT FURTHER RESOLVED, that the CTB directs and authorizes VDOT and DRPT to, on an ongoing basis, remove and archive delegations of authority and authorizations contained in the Policy Index that have been determined to be fully satisfied or are obsolete, exercising due care in documenting the reason for removing and archiving the delegations and authorizations.

BE IT FURTHER RESOLVED, that the CTB directs VDOT to maintain and update the CTB Policy Index, in consultation with DRPT, as necessary, to ensure that its content reflects an inventory of current policies and actions by adding new policies and actions as they are adopted by the CTB and removing and archiving those policies and actions that are explicitly repealed or superseded by subsequent actions of the CTB.

BE IT FURTHER RESOLVED, that the repeal of any policy or action or the removal of any delegation of authority or authorization from the Policy Index pursuant to this action shall in no way affect the validity of any actions taken pursuant to the policy, action, delegation, or authorization prior to its repeal or removal hereunder.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 4, 2023

MOTION

Made By: Mr. Fowlkes **Seconded By:** Ms. Sellers

Action: Motion Carried, Unanimously

Title: Policy Index Review

WHEREAS, in August 2017, the then-Secretary of Transportation, Aubrey L. Layne, directed that the Commonwealth Transportation Board (CTB) Policy Index be reevaluated to identify obsolete or redundant policies and actions to be repealed, and to identify for retention those policies and actions that reflect current operating needs and statutory responsibilities (i.e., are currently in effect/valid); and

WHEREAS, from 2017 to 2022, the Policy Index was reevaluated and policies/actions that were identified as obsolete due to passage of time, statutory transfer of responsibilities or other statutory changes, or explicit CTB repeal/rescission were presented to the CTB for repeal and removed from the Policy Index and archived, and other policies/actions identified as still relevant and valid were presented to the CTB for retention/affirmation; and

WHEREAS, at its September 21, 2022, action meeting, (pursuant to the resolution entitled *Continued Action on Content of Commonwealth Transportation Board Policy Index*) the CTB directed the Virginia Department of Transportation (VDOT) to continue to regularly review all policies set out in the Policy Index for purposes of determining whether they remain valid or are obsolete and should be presented to the CTB for disposition at a future action meeting; and

WHEREAS, at its September 21, 2022, action meeting, the CTB also directed VDOT to maintain and update the Policy Index, in consultation with the Department of Rail and Public

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Transportation (DRPT), as necessary, to ensure that its content reflects an inventory of current policies and actions by adding new policies and actions as they are adopted by the CTB and repealing and archiving those policies and actions that are repealed or explicitly superseded by subsequent actions of the CTB; and

WHEREAS, VDOT and DRPT have performed further research on policies and actions set out in the Policy Index and prepared a list consisting of those policies and actions identified as obsolete or unnecessary/redundant and that warrant repeal, as outlined in the table below and fully detailed in Attachment A.

Resolution	**Passage Date**	**Why Repeal?**
Bridge Maintenance	October 18, 1939	Changes in law and practices have made this policy obsolete.
Launching Ramps at Public Landings	August 18, 1960	VDOT agreement with DWR (formerly DGIF) and DCR recognizes DWR as the appropriate agency to address launching ramps. Potential requests not covered by the agreement could be handled as they come in. VDOT has a distinct process for accepting secondary roads.
Changes to Urban Construction Projects	August 23, 1962	The language set out in this policy does not allow for flexibility as federal and state law changes. VDOT agreement language in use today is broader to permit operation of existing law.
Adoption of Priorities for Northern Virginia Transportation District Significant Projects Evaluation and Rating	October 17, 2013	Legislation passed by 2019 General Assembly removed all CTB involvement.
Rail Enhancement Fund Policy Update	December 9, 2015	2020 General Assembly repealed the Rail Enhancement Fund and created the Commonwealth Rail Fund.
Statewide Rail Plan: Passenger Station Rail Policy	January 10, 2018	Station Rail Policy now falls under the Virginia Passenger Rail Authority's purview.
Guidelines for Urban Transit Agency Strategic Plans	October 30, 2018	CTB updated both policies at its October 25, 2022, Board Meeting.
Policy for the Implementation of State Transit Capital Prioritization		

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Approval and Adoption of an interim I-95 Corridor Improvement Plan in response to House Joint Resolution 581 and Senate Joint Resolution 276 of the 2019 Session of the General Assembly	January 15, 2020	Policy has been superseded by CTB approval of the final I-95 Plan, the I-64 Corridor Improvement Plan, and the adoption of the Interstate Operations and Enhancement Program Policy.

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby repeals the policies/ actions outlined in the table above and fully detailed in Attachment A.

BE IT FURTHER RESOLVED, that the CTB hereby directs VDOT to take all actions necessary to document this action, by removing from the CTB Policy Index and adding to the electronic archive, those policies and actions repealed herein.

BE IT FURTHER RESOLVED, that the CTB hereby directs VDOT to continue to regularly review all policies set out in the Policy Index for purposes of determining whether they remain valid or are obsolete and should be presented to the CTB for disposition at a future action meeting.

BE IT FURTHER RESOLVED, that the CTB directs VDOT to maintain and update the CTB Policy Index, in consultation with DRPT, as necessary, to ensure that its content reflects an inventory of current policies and actions by adding new policies and actions as they are adopted by the CTB and removing and archiving those policies and actions that are explicitly repealed or superseded by subsequent actions of the CTB.

BE IT FURTHER RESOLVED, that repeal of any policy or action pursuant to this action shall in no way affect the validity of any actions taken pursuant to the policy or action, prior to its repeal hereunder.

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Expired

Expired

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 29, 2023

MOTION

Made By: Ms. Hynes, **Seconded By**: Mr. Yates

Action: Motion Carried, Unanimously

Title: Adoption of Policy for All-Virtual (Electronic) Committee Meetings

WHEREAS, § 2.2-3708.3 of the *Code of Virginia* authorizes public bodies to conduct all-virtual (electronic) meetings if, in advance of the public meeting, the public body has adopted a policy for all-virtual meetings; and

WHEREAS, § 2.2-3708.3 of the *Code of Virginia* additionally authorizes public bodies to adopt such a policy applicable to the committees of the public body; and

WHEREAS, the Commonwealth Transportation Board (CTB) has considered a policy for all-virtual meetings for the various committees of the CTB, which is attached hereto as Attachment A.

NOW THEREFORE BE IT RESOLVED, Pursuant to section 2.2-3708.3 of the Code of Virginia, the CTB hereby adopts the Policy for All-Virtual (Electronic) Committee Meetings as set forth in Attachment A as revised 3/29/2023.

####

Editor's Note: In 2024, § 2.2-3708.3 was amended to require public bodies to adopt policies for all-virtual public meetings at least once annually. The CTB's 2023 Policy for All-Virtual (Electronic) Committee Meetings was not renewed and as such is now expired.

Expired

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: Ms. Hynes **Seconded By:** Mr. Kasprowicz
Action: Motion carried, unanimously

Title: Continued Action on Content of Commonwealth Transportation Board Policy Index

WHEREAS, in August, 2017, the then-Secretary of Transportation, Aubrey L. Layne, directed that the Commonwealth Transportation Board (CTB) Policy Index be re-evaluated to identify obsolete or redundant policies and actions to be repealed, and to identify for retention those policies and actions that reflect current operating needs and statutory responsibilities (i.e., are currently in effect/valid); and

WHEREAS, at its December 6, 2017 action meeting, (pursuant to the resolution entitled *Action on Content of Commonwealth Transportation Board Policy Index –Repeal of Obsolete Policies/Actions and Retention of Current Policies/Actions* and hereinafter referred to as the December 2017 Resolution) the CTB approved recommendations prepared by the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) concerning those policies and actions that were clearly obsolete or unnecessary/redundant and that warranted repeal and those policies and actions that were clearly still in effect/valid and that warranted retention; and

WHEREAS, at its January 10, 2018 action meeting, (pursuant to the resolution entitled *Continued Action on Content of Commonwealth Transportation Board Policy Index* and hereinafter referred to as the January 2018 Resolution) the CTB approved additional recommendations prepared by VDOT and DRPT concerning several of the remaining policies and actions that (i) were clearly obsolete or unnecessary/redundant and warranted repeal and (ii) were clearlystill in effect/valid and warranted retention; and

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WHEREAS, at its January 10, 2018 action meeting, the CTB also instructed VDOT and DRPT to further evaluate those policies and actions that still warranted additional review and evaluation that were not included for action in the December 2017 or January 2018 resolutions, for purposes of determining whether they should be repealed or retained and to make recommendations regarding final disposition of said policies and actions at a subsequent CTB action meeting; and

WHEREAS, VDOT has performed further research on those remaining policies and actions and has prepared lists of policies and actions, identified by title and adoption date, consisting of those policies and actions that are obsolete or unnecessary/redundant and that warrant repeal (see Attachment A2) and those policies and actions that are still in effect/valid and that warrant retention (see Attachment B2).

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby repeals the policies/actions set forth in Attachment A2, and directs that the policies/actions set forth inAttachment B2 be retained in the CTB Policy Index.

BE IT FURTHER RESOLVED, that the CTB hereby directs VDOT to take all actions necessary to document this action, by removing from the CTB Policy Index and adding to the electronic archive, those policies and actions repealed herein.

BE IT FURTHER RESOLVED, that the CTB hereby directs VDOT to continue to regularly review all policies set out in the Policy Index for purposes of determining whether they remain valid or are obsolete and should be presented to the CTB for disposition at a future action meeting.

BE IT FURTHER RESOLVED, that the CTB directs VDOT to maintain and update the CTB Policy Index, in consultation with DRPT, as necessary, to ensure that its content reflects an inventory of current policies and actions by adding new policies and actions as they are adopted by the CTB and repealing and archiving those policies and actions that are repealed or explicitly superseded by subsequent actions of the CTB.

BE IT FURTHER RESOLVED, that repeal of any policy or action pursuant to this action shall in no way affect the validity of any actions taken pursuant to the policy or action, prior to its repeal hereunder.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 10, 2018

MOTION

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

Action: Motion Carried, Unanimously

Title: Continued Action on Content of Commonwealth Transportation Board Policy Index

WHEREAS, in August, 2017, the Secretary of Transportation, Aubrey L. Layne, directed that the Commonwealth Transportation Board (CTB) Policy Index be re-evaluated to identify obsolete or redundant policies and actions to be repealed, and to identify for retention those policies and actions that reflect current operating needs and statutory responsibilities (are currently in effect/valid); and

WHEREAS, at its December 6, 2017 action meeting, (pursuant to the resolution entitled *Action on Content of Commonwealth Transportation Board Policy Index –Repeal of Obsolete Policies/Actions and Retention of Current Policies/Actions* and hereinafter referred to as the December 6, 2017 Resolution*)* the CTB approved recommendations prepared by the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) concerning those policies and actions that were clearly obsolete or unnecessary/redundant and that warranted repeal and those policies and actions that were clearly still in effect/valid and that warranted retention; and

WHEREAS, at its December 6, 2017 action meeting, the CTB also instructed VDOT and DRPT to further evaluate those policies and actions warranting additional review and evaluation (set out in an Attachment (C) to the December 6, 2017 Resolution) for purposes of determining whether they should be repealed or retained and to make recommendations regarding final disposition of said policies and actions at the January 2018 CTB action meeting or thereafter; and

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WHEREAS, VDOT has performed further research on those policies and actions set forth in Attachment C to the December 6, 2017 Resolution and has prepared lists of policies and actions, identified by title and adoption date, consisting of those policies and actions that are obsolete or unnecessary/redundant and that warrant repeal (see Attachment A1) and those policies and actions that are still in effect/valid and that warrant retention (see Attachment B1).

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby repeals the policies/actions set forth in Attachment A1, and directs that the policies/actions set forth in Attachment B1 be retained in the CTB Policy Index.

BE IT FURTHER RESOLVED, that those remaining policies and actions set forth in Attachment C to the December 6, 2017 Resolution continue to warrant additional review and evaluation for purposes of determining whether they should be repealed or retained and shall be presented to the CTB for final disposition at a subsequent action meeting, and until final disposition, said policies and actions shall remain in the CTB Policy Index.

BE IT FURTHER RESOLVED, that the CTB hereby directs VDOT to take all actions necessary to document this action, by removing from the CTB Policy Index and adding to the electronic archive, those policies and actions repealed herein.

BE IT FURTHER RESOLVED, that the CTB directs VDOT to maintain and update the CTB Policy Index, in consultation with DRPT, as necessary, to ensure that its content reflects an inventory of current policies and actions by adding new policies and actions as they are adopted by the CTB and repealing and archiving those policies and actions that are repealed or superseded by subsequent actions of the CTB.

BE IT FURTHER RESOLVED, that repeal of any policy or action pursuant to this action shall in no way affect the validity of any actions taken pursuant to the policy or action, prior to its repeal hereunder.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 6, 2017

MOTION

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

Action: Motion Carried, Unanimously

Title: Action on Content of Commonwealth Transportation Board Policy Index –Repeal of Obsolete Policies/Actions and Retention of Current Policies/Actions

WHEREAS, a Commonwealth Transportation Board (CTB) Policy Notebook was created in 2005 at direction of the then-Secretary of Transportation, Whittington W. Clement; and

WHEREAS, the objective was to gather in one location all CTB guidelines, policies, and regulations to assist the CTB in meeting its statutory obligation to make regulations and review and approve policies related to transportation in the Commonwealth; to facilitate the examination of CTB actions for possible updating, rescission, or disposal; and to provide a historical compilation of CTB actions since 1906, when the State Highway Commission – the CTB's predecessor – was created; and

WHEREAS, in a resolution dated March 17, 2005, the CTB directed VDOT to maintain the Commonwealth Transportation Board Policy Notebook in either printed or electronic form; and update the Commonwealth Transportation Board Policy Notebook as necessary to reflect statutory, regulatory, and Board policy changes; and

WHEREAS, in keeping with the CTB's direction, the content has been periodically revised, including renaming the CTB Policy Notebook as the Policy Index, and separating certain content for new members into a CTB Orientation Guide; and

WHEREAS, in August, 2017, the Secretary of Transportation, Aubrey L. Layne, directed that the Policy Index be re-evaluated to identify obsolete or redundant policies and

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actions to be repealed, and to identify for retention those policies and actions that reflect current operating needs and statutory responsibilities (are currently in effect/valid); and

WHEREAS, the Virginia Department of Transportation (VDOT) and Department of Rail and Public Transportation (DRPT) have performed reviews and have prepared lists of policies and actions, identified by title and adoption date, consisting of those policies and actions that are clearly obsolete or unnecessary/redundant and that warrant repeal (see Attachment A) and those policies and actions that are clearly still in effect/valid and that warrant retention (see Attachment B); and

WHEREAS, VDOT and DRPT have also identified policies and actions in the CTB Policy Index warranting additional evaluation for purposes of determining whether they should be repealed or retained (see Attachment C).

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby repeals the policies/actions set forth in Attachment A, and directs that the policies/actions set forth in Attachment B be retained in the CTB Policy Index.

BE IT FURTHER RESOLVED, that those policies and actions set forth in Attachment C warrant additional review and evaluation for purposes of determining whether they should be repealed or retained and shall be presented to the CTB for final disposition at the January 2018 CTB action meeting or thereafter, and until final disposition, said policies and actions shall remain in the CTB Policy Index.

BE IT FURTHER RESOLVED, that the CTB herby directs VDOT and DRPT to take all actions necessary to document this action, including but not limited to establishing an electronic archive of those policies/actions that have been repealed and updating the Policy Index accordingly.

BE IT FURTHER RESOLVED, that repeal of any policy or action pursuant to this action shall in no way affect the validity of any actions taken pursuant to the policy or action, prior to its repeal hereunder.

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MINUTES
OF
MEETING OF STATE HIGHWAY AND TRANSPORTATION COMMISSION

Richmond, Virginia

May 17, 1984

The monthly meeting of the State Highway and Transportation Commission was held in the Central Office in Richmond, Virginia, on May 17, 1984, at 10:00 a.m. The chairman, Mr. Harold C. King, presided.

Present: Messrs. King, Bane, Brydges, Davidson, Forrester, Guiffre, Humphreys, Smalley and Smith.

Absent: Messrs. Quicke and Vaughan.

Mr. King introduced Mr. D. E. Keith, newly appointed Secondary Roads Engineer, and Mr. David R. Gehr, newly appointed Northern Virginia Division Administrator.

On motion of Mr. Bane, seconded by Mr. Smalley, the minutes of the meeting of April 19, 1984, were approved.

On motion of Mr. Bane, seconded by Mr. Smalley, permits issued from April 19, 1984 to May 16, 1984, inclusive, as shown by the records of the Department, were approved.

Motion was made by Mr. Bane, seconded by Mr. Smalley, that cancellation of permits from April 19, 1984, to May 16, 1984, inclusive, as shown by records of the Department be approved. Motion carried.

Moved by Mr. Bane, seconded by Mr. Smalley, that the Commission approve additions to the Secondary System from April 19, 1984, to May 16, 1984, inclusive, as shown by the records of the Department. Motion carried.

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5/17/84

Following presentation of Mr. J. T. Warren, Director of Administration, on motion of Mr. Smith, seconded by Mr. Guiffre, the boundaries of the Ninth Highway and Transportation Construction District were established as the Counties of Arlington, Fairfax, Loudoun and Prince William and the cities and towns located therein. The 1984 General Assembly has authorized, effective July 1, 1984, the creation of the Ninth Highway and Transportation Construction District to be called the Northern Virginia District.

Moved by Mr. Bane, seconded by Mr. Brydges, that

WHEREAS, by resolution dated March 15, 1984, this Commission clarified its earlier designation of Qualifying highways for use by the larger trucks mandated by the Surface Transportation Assistance Act of 1982; and

WHEREAS, as a result of that resolution, this Commission designated a system of Qualifying highways exclusively comprised of Federal-aid primary highways and a system of Access highways comprised of non-Federal-aid primary highways that can safely accommodate the larger vehicles; and

WHEREAS, as a result of further contact with the Federal Highway Administration, it is advisable to again clarify the designation of Qualifying highways to exclude Federal-aid Urban highways that are not urban extensions of Federal-aid primary routes;

NOW, THEREFORE, BE IT RESOLVED, that the March 15, 1984 designation of Qualifying highways, and subsequent additions thereto, is hereby withdrawn, and

BE IT FURTHER RESOLVED, that the attached routes listed in Attachment "C" are redesignated as Qualifying Federal-aid primary highways for the operation of larger trucks under the STAA; and

BE IT FURTHER RESOLVED, that the attached routes listed in Attachment "D" can safely accommodate the larger vehicles and are necessary to provide reasonable access as provided by law and so are therefore redesignated as Access highways in addition to the one-half mile of access from the Qualifying highways; and

BE IT FURTHER RESOLVED, that this action in no way affects the prior designation of the Interstate System and that from time to time and with due notice other highways may be added to the Qualifying highways or Access highways upon action of this Commission if such highways can safely accomodate the larger vehicles.

Motion carried, Mr. Smith voting no, Messrs. Humphreys and Smalley abstaining.

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MINUTES OF THE TENTH MEETING OF THE STATE HIGHWAY COMMISSION HELD IN RICHMOND, VA, MARCH 26th, 27th, and 28th, 1923.

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On March 26th, the Commission, consisting of Messrs. H. G. Shirley, Chairman, Wade H. Massie, Secretary, H. B. Sproul, L. Walke Trumbum, and H. K. Sanders, met at 8:45 in the office of the State Highway Commission at Richmond, Virginia, and gave hearings to all interested on theallocation of funds for the year 1923.

The meeting was called to order by the Chairman.

A delegation from Roanoke, consisting of Messrs. James A. Bear, M. P. Augustus, Murry, Sink, Birch, Williams, Hooker, and others, requested the Commission to make an allocation to the road between Roanoke and Rocky Mount. They stated that this was one of the most important roads inthe State, being the most direct Route north and south from Maryland down the Valley of Virginia to North Carolina, and that thousands of tourists come through Virginia by this Route and that during the winter months this road was absolutely impassable and people all over the Country talked of the terrible condition of this road. It has cost the State more adverse criticism than any other road in its system.

A delegation from Petersburg and vicinity, represented by Messrs. Smith, Drewry and Harrison, appeared before the Commis-

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right of way should exceed this amount, they would put up the additional money themselves.

Moved by Mr. Massie, seconded by Mr. Sanders, that the Commission rescind their motion made July 5th, 1922, laying out the Eight Construction Districts and that these Districts consist of the following Counties: *(Map Attached)*

BRISTOL DISTRICT

Bland	Scott
Buchanan	Smyth
Dickenson	Tazewell
Grayson	Washington
Lee	Wise
Russell	Wythe

SALEM DISTRICT

Bedford	Giles
Botetourt	Henry
Carroll	Montgomery
Craig	Patrick
Floyd	Pulaski
Franklin	Roanoke

LYNCHBURG DISTRICT

Amherst	Halifax
Appomattox	Nelson
Buckingham	Pittsylvania
Campbell	Prince Edward
Charlotte	Cumberland

STAUNTON DISTRICT

Alleghany	Page
Augusta	Rockbridge
Bath	Rockingham
Clarke	Shenandoah
Frederick	Warren
Highland	

CULPEPER DISTRICT

Albemarle	Loudoun
Arlington	Madison
Culpeper	Orange
Fairfax	Louisa
Fauquier	Prince William
Fluvanna	Rappahannock
Greene	

FREDERICKSBURG DIST.

Caroline	Northumberland
Essex	Richmond
Gloucester	Spotsylvania
Lancaster	Mathews
King George	Middlesex
King & Queen	Stafford
King William	Westmoreland

RICHMOND DISTRICT

Amelia	Henrico
Brunswick	Lunenburg
Charles City	Mecklenburg
Chesterfield	New Kent
Dinwiddie	Powhatan
Goochland	Prince George
Hanover	Nottoway

SUFFOLK DISTRICT

Accomac	Northampton
Elizabeth City	Princess Anne
Greenville	Southampton
Isle of Wight	Surry
James City	Sussex
Nansemond?	Warwick
Norfolk	York

Motion carried.

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Airport Access Fund

- Airport Access Fund Policy (Revision) (3/14/2012)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 14, 2012

MOTION

Made By: Mr. Miller, Seconded By: Mr. Martin

Action: Motion Carried, Unanimously

Title: Airport Access Fund Policy (Revision)

WHEREAS, the General Assembly has, from time to time, amended Section 33.1-221 of the *Code of Virginia* (1950), relating to the funds for the construction or improvement of access roads to economic development sites and public-use airports within the counties, cities, and towns of the Commonwealth; and

WHEREAS, the Department of Transportation has developed the VDOT Business Plan in coordination with the Governor's Multimodal Strategic Plan implemented in December 2010; and

WHEREAS, the VDOT Business Plan includes an action item to improve access to multimodal facilities and major employment/industrial centers; and

WHEREAS, the existing policy governing the use of these funds in providing access to airports was adopted some years ago and it is the sense of this Board that certain revisions and restatements of this policy to reflect current trends and goals is warranted.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby rescinds the Airport Access Policy adopted April 18, 1996, and adopts the following policy to govern the use of funds available for access to airports pursuant to Section 33.1-221 of the *Code of Virginia* (1950), as amended:

Back to Airport Access Fund

1. The program for implementation of this policy and the funding available for this program shall be designated respectively as the Airport Access Roads Program and Airport Access Funds.

2. The use of airport access funds shall be limited to assisting in the financing of adequate access to a licensed, public use airport. Termination of access to a licensed, public use airport shall be at the property line of the airport.

3. No cost incurred prior to this Board's approval of the allocation of airport access funds may be reimbursed by such funds. Airport access funds shall be authorized only upon confirmation that the licensed airport facility is already constructed or will be built under firm contract, or upon provision of acceptable surety in accordance with paragraph (a) of Section 33.1-221 of the *Code of Virginia* (1950), as amended.

4. Airport Access Funds shall be used only for the design and construction of the roadway, including preliminary environmental review and standard drainage and storm water facilities required solely by construction of the road. Airport access funds shall not be used for the acquisition of rights of way, the adjustment of utilities, or the attainment of necessary environmental permits.

5. Eligible items in the design and construction of an airport access road shall be limited to those essential for providing an adequate roadway facility to serve the anticipated traffic generated by the airport's operations with adherence to all appropriate CTB and state policies and standards. However, additional pavement width or other features may be eligible where necessary to qualify the road facility in a city or town for maintenance payments under Section 33.1-41-1, of the Code of Virginia (1950), as amended.

6. The governing body of a city, county, or town in which the proposed airport access road is located shall serve as the applicant and submit a formal resolution to request airport access funds from this Board. A town whose streets are maintained under either Sections 33.1-79 or 33.1-82, *Code of Virginia*, shall file the application through the governing body of the county in which it is located. The resolution of request shall include commitments to provide for the rights of way, adjustment of utilities, and necessary environmental permits for the project from funds other than airport access funds allocated by this Board.

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7. Not more than $650,000 ($500,000 unmatched and $150,000 matched dollar for dollar) of the airport access funds may be used in any fiscal year to provide access to any one airport. Local matching funds shall be provided from funds other than those administered by this Board.

8. It is the intent of this Board that airport access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.

9. Prior to the formal request for the use of airport access funds, the location for the new access road shall be submitted for approval by the Virginia Department of Transportation.

10. The Board will consult with and may rely on the recommendations of the Virginia Department of Aviation in determining the use of these airport access funds for a requested project.

11. Airport Access funds may be authorized only after all contingencies of this Board's allocation of funding to the project have been met for airport access.

12. The Commissioner of Highways is directed to establish administrative procedures to assure adherence to and compliance with the provisions of this policy and legislative directives.

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Back to Airport Access Fund

Bicycle and Pedestrian Facilities

- Policy for Integrating Bicycles and Pedestrian Accommodations (3/18/2004)

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COMMONWEALTH of VIRGINIA

COMMONWEALTH TRANSPORTATION BOARD
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-1939

WHITTINGTON W. CLEMENT
CHAIRMAN

Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 18, 2004

MOTION

Made By: Mr. Lester Seconded By: Ms. Connally
Mr. Klinge voted no; Mr. Mitchel abstained,
citing safety issues on the interstates and primaries.
Action: Motion Carried

Title: Adopt Bicycle and Pedestrian Accommodation Policy

WHEREAS, on April 2, 2003, the Secretary of Transportation forwarded a memorandum to the Commonwealth Transportation Commissioner providing general guidance and goals on a comprehensive review of Virginia Department of Transportation's policies and procedures related to bicycle and pedestrian provisions; and

WHEREAS, bicycling and walking are fundamental travel modes and integral components of an efficient transportation network, and appropriate bicycle and pedestrian accommodations provide the public with access to the transportation network, connectivity with other modes of transportation, and independent mobility regardless of age, physical constraints, and income; and

WHEREAS, a strategic approach will consistently incorporate the consideration and provision of bicycling and walking accommodations into the decision-making process for the Commonwealth's transportation network;

NOW THEREFORE, BE IT RESOLVED, that the policy entitled "Policy for Integrating Bicycle and Pedestrian Accommodations" be adopted by the Commonwealth Transportation Board and shall supersede all current department policies and procedures related to bicycle and pedestrian accommodations; furthermore, this policy is effective for projects at or before the scoping phase of the project development process, and the Virginia Department of Transportation shall move forward to develop or revise procedures, guidelines, and best practices to support and implement the provisions set forth in this policy.

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Back to Bicycle and Pedestrian Facilities

1. Introduction

Bicycling and walking are fundamental travel modes and integral components of an efficient transportation network. Appropriate bicycle and pedestrian accommodations provide the public, including the disabled community, with access to the transportation network; connectivity with other modes of transportation; and independent mobility regardless of age, physical constraints, or income. Effective bicycle and pedestrian accommodations enhance the quality of life and health, strengthen communities, increase safety for all highway users, reduce congestion, and can benefit the environment. Bicycling and walking are successfully accommodated when travel by these modes is efficient, safe, and comfortable for the public. A strategic approach will consistently incorporate the consideration and provision of bicycling and walking accommodations into the decision-making process for Virginia's transportation network.

2. Purpose

This policy provides the framework through which the Virginia Department of Transportation will accommodate bicyclists and pedestrians, including pedestrians with disabilities, along with motorized transportation modes in the planning, funding, design, construction, operation, and maintenance of Virginia's transportation network to achieve a safe, effective, and balanced multimodal transportation system.

For the purposes of this policy, an accommodation is defined as any facility, design feature, operational change, or maintenance activity that improves the environment in which bicyclists and pedestrians travel. Examples of such accommodations include the provision of bike lanes, sidewalks, and signs; the installation of curb extensions for traffic calming; and the addition of paved shoulders.

3. Project Development

The Virginia Department of Transportation (VDOT) will initiate all highway construction projects with the presumption that the projects shall accommodate bicycling and walking. Factors that support the need to provide bicycle and pedestrian accommodations include, but are not limited to, the following:

- project is identified in an adopted transportation or related plan
- project accommodates existing and future bicycle and pedestrian use
- project improves or maintains safety for all users
- project provides a connection to public transportation services and facilities
- project serves areas or population groups with limited transportation options
- project provides a connection to bicycling and walking trip generators such as employment, education, retail, recreation, and residential centers and public facilities
- project is identified in a Safe Routes to School program or provides a connection to a school
- project provides a regional connection or is of regional or state significance
- project provides a link to other bicycle and pedestrian accommodations

Back to Bicycle and Pedestrian Facilities

- project provides a connection to traverse natural or man-made barriers
- project provides a tourism or economic development opportunity

Project development for bicycle and pedestrian accommodations will follow VDOT's project programming and scheduling process and concurrent engineering process. VDOT will encourage the participation of localities in concurrent engineering activities that guide the project development.

3.1 Accommodations Built as Independent Construction Projects

Bicycle and pedestrian accommodations can be developed through projects that are independent of highway construction, either within the highway right-of-way or on an independent right-of-way. Independent construction projects can be utilized to retrofit accommodations along existing roadways, improve existing accommodations to better serve users, and install facilities to provide continuity and accessibility within the bicycle and pedestrian network. These projects will follow the same procedures as those for other construction projects for planning, funding, design, and construction. Localities and metropolitan planning organizations will be instrumental in identifying and prioritizing these independent construction projects.

3.2 Access-Controlled Corridors

Access-controlled corridors can create barriers to bicycle and pedestrian travel. Bicycling and walking may be accommodated within or adjacent to access-controlled corridors through the provision of facilities on parallel roadways or physically separated parallel facilities within the right-of-way. Crossings of such corridors must be provided to establish or maintain connectivity of bicycle and pedestrian accommodations.

3.3 Additional Improvement Opportunities

Bicycle and pedestrian accommodations will be considered in other types of projects. Non-construction activities can be used to improve accommodations for bicycling and walking. In addition, any project that affects or could affect the usability of an existing bicycle or pedestrian accommodation within the highway system must be consistent with state and federal laws.

3.3.1 Operation and Maintenance Activities

Bicycling and walking should be considered in operational improvements, including hazard elimination projects and signal installation. Independent operational improvements for bicycling and walking, such as the installation of pedestrian signals, should be coordinated with local transportation and safety offices. The maintenance program will consider bicycling and walking so that completed activities will not hinder the movement of those choosing to use these travel modes. The maintenance program may produce facility changes that will enhance the environment for bicycling and walking, such as the addition of paved shoulders.

3.3.2 Long Distance Bicycle Routes

Long distance bicycle routes facilitate travel for bicyclists through the use of shared lanes, bike lanes, and shared use paths, as well as signage. All projects along a long distance route meeting the criteria for an American Association of State Highway and Transportation Officials

Back to Bicycle and Pedestrian Facilities

(AASHTO) or *Manual on Uniform Traffic Control Devices* (MUTCD) approved numbered bicycle route system should provide the necessary design features to facilitate bicycle travel. Independent construction projects and other activities can be utilized to make improvements for existing numbered bicycle routes. Consideration should be given to facilitating the development of other types of long distance routes.

3.3.3 Tourism and Economic Development

Bicycling and walking accommodations can serve as unique transportation links between historic, cultural, scenic, and recreational sites, providing support to tourism activities and resulting economic development. Projects along existing or planned tourism and recreation corridors should include bicycle and pedestrian accommodations. In addition, the development of independent projects to serve this type of tourism and economic development function should be considered and coordinated with economic development organizations at local, regional, and state levels, as well as with other related agencies. Projects must also address the need to provide safety and connectivity for existing and planned recreational trails, such as the Appalachian Trail, that intersect with the state's highway system.

3.4 Exceptions to the Provision of Accommodations

Bicycle and pedestrian accommodations should be provided except where one or more of the following conditions exist:

- scarcity of population, travel, and attractors, both existing and future, indicate an absence of need for such accommodations
- environmental or social impacts outweigh the need for these accommodations
- safety would be compromised
- total cost of bicycle and pedestrian accommodations to the appropriate system (i.e., interstate, primary, secondary, or urban system) would be excessively disproportionate to the need for the facility
- purpose and scope of the specific project do not facilitate the provision of such accommodations (e.g., projects for the Rural Rustic Road Program)
- bicycle and pedestrian travel is prohibited by state or federal laws

3.5 Decision Process

The project manager and local representatives will, based on the factors listed previously in this section, develop a recommendation on how and whether to accommodate bicyclists and pedestrians in a construction project prior to the public hearing. The district administrator should confirm this recommendation prior to the public hearing. Public involvement comments will be reviewed and incorporated into project development prior to the preparation of the design approval recommendation. When a locality is not in agreement with VDOT's position on how bicyclists and pedestrians will or will not be accommodated in a construction project, the locality can introduce a formal appeal by means of a resolution adopted by the local governing body. The resolution must be submitted to the district administrator to be reviewed and considered prior to the submission of the design approval recommendation to the chief engineer for program development. Local resolutions must be forwarded to the chief engineer for program development for consideration during the project design approval or to the Commonwealth

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Transportation Board for consideration during location and design approval, if needed for a project. The resolution and supporting information related to the recommendation must be included in the project documentation.

The decisions made by VDOT and localities for the provision of bicycle and pedestrian travel must be consistent with state and federal laws regarding accommodations and access for bicycling and walking.

4. Discipline Participation in Project Development

VDOT will provide the leadership to implement this policy. Those involved in the planning, funding, design, construction, operation, and maintenance of the state's highways are responsible for effecting the guidance set forth in this policy. VDOT recognizes the need for interdisciplinary coordination to efficiently develop, operate, and maintain bicycle and pedestrian accommodations.

Procedures, guidelines, and best practices will be developed or revised to implement the provisions set forth in this policy. For example, objective criteria will be prepared to guide decisions on the restriction of bicycle and pedestrian use of access-controlled facilities. VDOT will work with localities, regional planning agencies, advisory committees, and other stakeholders to facilitate implementation and will offer training or other resource tools on planning, designing, operating, and maintaining bicycle and pedestrian accommodations.

4.1 Planning

VDOT will promote the inclusion of bicycle and pedestrian accommodations in transportation planning activities at local, regional, and statewide levels. These planning activities include, but are not limited to, corridor studies, small urban studies, regional plans, and the statewide multimodal long-range transportation plan. To carry out this task, VDOT will coordinate with local government agencies, regional planning agencies, and community stakeholder groups. In addition, VDOT will coordinate with the Virginia Department of Rail and Public Transportation (VDRPT) and local and regional transit providers to identify needs for bicycle and pedestrian access to public transportation services and facilities.

4.2 Funding

Highway construction funds can be used to build bicycle and pedestrian accommodations either concurrently with highway construction projects or as independent transportation projects. Both types of bicycle and pedestrian accommodation projects will be funded in the same manner as other highway construction projects for each system (i.e., interstate, primary, secondary, or urban). VDOT's participation in the development and construction of an independent project that is not associated with the interstate, primary, secondary, or urban systems will be determined through a negotiated agreement with the locality or localities involved.

Other state and federal funding sources eligible for the development of bicycle and pedestrian accommodations may be used, following program requirements established for these sources.

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These sources include, but are not limited to, programs for highway safety, enhancement, air quality, congestion relief, and special access.

VDOT may enter into agreements with localities or other entities in order to pursue alternate funding to develop bicycle and pedestrian accommodations, so long as the agreements are consistent with state and federal laws.

4.3 Design and Construction

VDOT will work with localities to select and design accommodations, taking into consideration community needs, safety, and unique environmental and aesthetic characteristics as they relate to specific projects. The selection of the specific accommodations to be used for a project will be based on the application of appropriate planning, design, and engineering principles. The accommodations will be designed and built, or installed, using guidance from VDOT and AASHTO publications, the MUTCD, and the *Americans with Disabilities Act Accessibility Guidelines (ADAAG).* Methods for providing flexibility within safe design parameters, such as context sensitive solutions and design, will be considered.

During the preparation of an environmental impact statement (EIS), VDOT will consider the current and anticipated future use of the affected facilities by bicyclists and pedestrians, the potential impacts of the alternatives on bicycle and pedestrian travel, and proposed measures, if any, to avoid or reduce adverse impacts to the use of these facilities by bicyclists and pedestrians.

During project design VDOT will coordinate with VDRPT to address bicyclist and pedestrian access to existing and planned transit connections.

Requests for exceptions to design criteria must be submitted in accordance with VDOT's design exception review process. The approval of exceptions will be decided by the Federal Highway Administration or VDOT's Chief Engineer for Program Development.

VDOT will ensure that accommodations for bicycling and walking are built in accordance with design plans and VDOT's construction standards and specifications.

4.4 Operations

VDOT will consider methods of accommodating bicycling and walking along existing roads through operational changes, such as traffic calming and crosswalk marking, where appropriate and feasible.

VDOT will work with VDRPT and local and regional transit providers to identify the need for ancillary facilities, such as shelters and bike racks on buses, that support bicycling and walking to transit connections.

VDOT will enforce the requirements for the continuance of bicycle and pedestrian traffic in work zones, especially in areas at or leading to transit stops, and in facility replacements in accordance with the MUTCD, *VDOT Work Area Protection Manual*, and *VDOT Land Use*

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Permit Manual when construction, utility, or maintenance work, either by VDOT or other entities, affects bicycle and pedestrian accommodations.

VDOT will continue to research and implement technologies that could be used to improve the safety and mobility of bicyclists and pedestrians in Virginia's transportation network, such as signal detection systems for bicycles and in-pavement crosswalk lights.

4.5 Maintenance

VDOT will maintain bicycle and pedestrian accommodations as necessary to keep the accommodations usable and accessible in accordance with state and federal laws and VDOT's asset management policy. Maintenance of bike lanes and paved shoulders will include repair, replacement, and clearance of debris. As these facilities are an integral part of the pavement structure, snow and ice control will be performed on these facilities.

For sidewalks, shared use paths, and bicycle paths built within department right-of-way, built to department standards, and accepted for maintenance, VDOT will maintain these bicycle and pedestrian accommodations through replacement and repair. VDOT will not provide snow or ice removal for sidewalks and shared use paths. The execution of agreements between VDOT and localities for maintenance of such facilities shall not be precluded under this policy.

5. Effective Date

This policy becomes effect upon its adoption by the Commonwealth Transportation Board on March 18, 2004, and will apply to projects that reach the scoping phase after its adoption.

This policy shall supersede all current department policies and procedures related to bicycle and pedestrian accommodations. VDOT will develop or revise procedures, guidelines, and best practices to support and implement the provisions set forth in this policy, and future departmental policies and procedural documents shall comply with the provisions set forth in this policy.

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Bridges and Structures

- Policy on Open Rail/Parapets (7/20/1995)
- Naming of Roads and Bridges (6/2/1926)

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Policy on Open Rail/Parapets

MINUTUES

OF

MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

1401 E. Broad Street
Richmond, Virginia
July 20, 1995
10:00 a.m.

The monthly meeting of the Commonwealth Transportation Board was held in the Board Room of the Department of Transportation in Richmond, Virginia, on July 20, 1995, at 10:00 a.m. The Chairman, Dr. Robert E. Martinez, presided.

***

Governor George Allen made the following appointments to the Board effective July 11, 1995: John V. Cogbill, III (Richmond District), Robert T. Lee (Northern Virginia), and William W. Prettyman (Suffolk District).

***

Present: Messrs. Gehr, Byrd, Cogbill, Lee, Myers, Newcomb, Prettyman, Rhea, Rich and Roudabush, and Mrs. Brooks, Mrs. Lionberger and Dr. Thomas.

Absent: Messrs. Porter and White

***

Item 1:

Mr. Howard E. Briggs, Portsmouth, Virginia, spoke to the Board regarding the proposed conveyance of a residue parcel of land (formerly the property of Leo C. Snead) (Route 164, Proj. 0164-124-102,RW203). The proposed conveyance was on the Board agenda for action at this meeting (Item 11).

***

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Item 24:

Moved by Mr. Rich, seconded by Dr. Thomas, that

WHEREAS, the Commonwealth of Virginia has been favored with much natural beauty including rivers, streams and other bodies of water that attract visitors from across the United States and other parts of the World; and

WHEREAS, tourism is a significant component of the economy of the Commonwealth; and

WHEREAS, the Virginia Department of Transportation has considered the above in working with the Advisory Committee on Highway Safety and Design Standards in Scenic and Historic Areas; and

WHEREAS, to provide for the safety of the traveling public, the Virginia Department of Transportation has adopted the use of Federal Highway Administration approved crash-tested parapets.

NOW, THEREFORE, BE IT RESOLVED that it is the policy of the Commonwealth Transportation Board that construction of bridges and roads over bodies of water in the Commonwealth, especially with respect to the secondary, urban, and primary systems, be accomplished in such a way as to complement these natural resources while maintaining the public safety.

BE IT FURTHER RESOLVED that the use of approved crash-tested open parapets shall be considered in the project development and are hereby preferred with respect to roads and bridges in the secondary, urban and primary systems over bodies of water in the Commonwealth.

Motion carried.

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Moved by Mr. Rich, seconded by Mr. Rhea, that the Board commend the staff of the Virginia Department of Transportation for the work performed as a result of the recent floods.

Motion carried.

***

Back to Bridges and Structures

Naming of Roads and Bridges

Minute Book Sheet No. 66-P
Evans & Whitley Co.

MINUTES OF THE MEETING OF THE STATE HIGHWAY COMMISSION OF VIRGINIA, HELD IN RICHMOND, VA. JUNE 2nd, 1926.

On the morning of June 2nd, 1926, the State Highway Commission, consisting of Messrs. H. G. Shirley, Chairman, Wade H. Massie, Secretary, and Hugh B. Sproul, met at their office, State Office Building, Richmond, Virginia, and the meeting was called to order by the Chairman.

The minutes of the special meeting held at Roanoke and Richmond on May 5th and 7th respectively, were read and it was moved by Mr. Sproul seconded by Mr. Shirley, that they be approved as corrected and read. Motion carried.

Moved by Mr. Sproul, seconded by Mr. Massie, that the contract for the construction of 4.076 miles concrete road, 18' wide, including bridge over Warwick Swamp near Derby, Route 35, Project 1450E, be awarded to the low bidder, Roberts Paving Company, Salisbury, Maryland, at their bid of $129,221.10 and that 10% additional be set aside to cover the cost of contingencies and engineering and $9,200.00 for detours, making a total of approximately $152,000.00 chargeable to this Project. Motion carried.

Moved by Mr. Massie, seconded by Mr. Sproul, that the contract for the construction of Project 420B, Route 31, North of Dinwiddie C. H. to DeWitt, be awarded to the low bidder. Weinbrunn and Carpenter, 1015 North Sixth Street, Richmond, Virginia, at their unit prices to Station 774+70, making their bid on this section $107,407.10, and that 10% additional be set aside to cover the cost of contingencies and engineering and $6,100.00 for detours, making a total of approximately $126,500.00 chargeable to this Project. Motion carried.

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Minute Book Sheet No. 24-F
Everett Waldey Co.

in the town, be not granted as the Commission is of the opinion that the traffic at this point is not of sufficient volume as to call for a full stop. Motion carried.

Moved by Mr. Shirley, seconded by Mr. Massie, that Permit #1152 issued to Y. W. Ayers, to erect 60 poles along Route 10 between Draper and Wasdens, be cancelled as this work has never been done and has been abandoned. Motion carried.

Moved by Mr. Sproul, seconded by Mr. Massie, that John Hardy, Foreman, be appointed Special Traffic Officer No. 163. Motion carried.

Moved by Mr. Massie, seconded by Mr. Sproul, that the Commission approve of the maintenance of Routes 116, 118, 119, and 121, in the Humphreys National Forest by the Forestry Service, the State to maintain Route 115 (State Route 31). Motion carried.

Moved by Mr. Sproul, seconded by Mr. Shirley, that the Commission adhere to their former policy in not naming roads or bridges after living persons and that the request to name the bridge over the Nottoway River "The Vaughan Bridge" in honor of General O. O. Vaughan, Jr., be tabled. Motion carried.

Moved by Mr. Sproul, seconded by Mr. Massie, that the following permits be granted under the Rules and Regulations of the Commission:

To Appalachian Electric Power Company, Roanoke, Virginia, to string wires across Route 33 four miles north of Martinsville, Henry County,

To John Arnold, Wytheville, Virginia, to construct a concrete drive into filling station on Route 10 four miles east of Wytheville,

To Town of Blacksburg, to install a 4" water pipe across Route 23 in Blacksburg,

To R. G. Hackbaker, Madison, Virginia, to install a gas tank back of curb on Route 16 in the Town of Madison,

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Cash and Debt Management

- Authorizing the Issuance of Commonwealth of Virginia I-81 Corridor Program Revenue Bonds (9/16/2026) (Located in Chapter 3: Delegations)
- Authorizing the Ongoing Issuance and Sale of Revenue Refunding Bonds (6/18/2024) (Located in Chapter 3: Delegations)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Transportation Revenue Bonds, Series 2023 (U.S. Route 58 Corridor Development Program) (4/19/2023) (Located in Chapter 3: Delegations)
- Authorizing the Defeasance of All or a Portion of the Outstanding Route 28 Transportation Contract Revenue Refunding Bonds and Setting Forth the Details and Provisions for the Redemption Thereof (10/25/2022) (Located in Chapter 3: Delegations)
- Authorizing the Issuance of Commonwealth of Virginia I-81 Corridor Program Revenue Bonds, Series 2022 to be Issued to the United States Department of Transportation to Evidence a Subordinate Lien Regular Loan in the Initial Principal Amount up to $83,000,000 and Senior Lien Rural Loan in the Initial Principal Amount up to $15,000,000, to be Issued as Additional Bonds Under the Existing I-81 Corridor Program Master Indenture and Pursuant to Certain Loan Agreements and Authorizing Certain Other Documents and Undertakings in Connection with Such Issuance (10/25/2022) (Located in Chapter 3: Delegations)
- Authorizing the Issuance and Sale of Revenue Refunding Bonds (6/21/22) (Located in Chapter 3: Delegations)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Transportation Revenue Bonds, Series 2022 (U.S. Route 58 Corridor Development Program) (1/12/2022) (Located in Chapter 3: Delegations)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series 2022 (12/8/2021) (Located in Chapter 3: Delegations)
- Authorizing the Issuance and Sale of Commonwealth of Virginia I-81 Program Revenue Bonds, Series 2021 to be Issued as the Initial Series of Bonds Under a Master Indenture of Trust Herein Authorized, and Authorizing Certain Other Documents and Undertakings in Connection with Such Issuance and Sale (5/19/2021)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series 2020 in an Aggregate Principal Amount not to Exceed $130,000,000 (7/14/2020)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series 2018 in an Aggregate Principal Amount not to Exceed $90,000,000 (9/18/2018)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series 2018 (3/21/2018)

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Cash and Debt Management (Cont.)

- Authorizing the Issuance and Sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series 2016 in an Aggregate Principal Amount not to Exceed $400,000,000 (9/21/2016)
- Authorizing the Withdrawal of Funds from the Revenue Stabilization Fund Established for Commonwealth of Virginia Transportation Capital Projects Revenue Bonds (10/27/2015)
- Authorizing the Issuance and Sale of the Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series 2014 (4/16/2014)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Federal Transportation Grand Anticipation Revenue Note, Series 2012B in an Aggregate Principal Amount not to Exceed $200,000,000 (5/16/2012)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series 2011A (10/19/2011)
- Post-Issuance Compliance Policy for Tax-Exempt Qualified Obligations (2/17/2010)
- Cash Forecasting (4/21/2005)
- Commonwealth Transportation Board Debt Policy (11/20/2003)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 19, 2021

MOTION

Made By: Dr. Smoot, **Seconded By:** Mr. Malbon

Action: Motion Carried, Unanimously

AUTHORIZING THE ISSUANCE AND SALE OF COMMONWEALTH OF VIRGINIA I-81 PROGRAM REVENUE BONDS, SERIES 2021 TO BE ISSUED AS THE INTIAL SERIES OF BONDS UNDER A MASTER INDENTURE OF TRUST HEREIN AUTHORIZED, AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND UNDERTAKINGS IN CONNECTION WITH SUCH ISSUANCE AND SALE

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Transportation Revenue Bond Act"), Sections 33.2-1700 et seq. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue its revenue bonds to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds;

WHEREAS, pursuant to the Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020, enactment item 15 of Chapter 1230 of the Acts of the General Assembly of the Commonwealth of Virginia, 2020 Reconvened Session (the " I-81 Bond Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Transportation Revenue Bond Act, revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated "Commonwealth of Virginia Interstate 81 Corridor Program Revenue Bonds, Series …." (the "Bonds") at one or more times in an aggregate principal amount not to exceed $1 billion, after all costs, excluding refunding bonds and excluding pre-project completion interest convertible to principal associated with certain federal programs of the U.S. Department of Transportation;

Back to Cash and Debt Management

WHEREAS, the Board is required pursuant to the I-81 Bond Act to use proceeds of any Bonds, including any premium received on the sale thereof, for the exclusive purpose of paying costs incurred or to be incurred in relation to the Interstate 81 Corridor Improvement Plan and the Interstate 81 Corridor Improvement Program, as such terms are defined in Section 33.2-3600 of the Virginia Code, which costs include financing and issuance expenses;

WHEREAS, Section 33.2-3601 of the Virginia Code creates the Interstate 81 Corridor Improvement Fund (the "I-81 Fund") in the state treasury as a special non-reverting fund which shall be established on the books of the Comptroller of the Commonwealth and provides that all revenues dedicated to the I-81 Fund pursuant to Sections 33.2-372 and 58.1-2299.20 of the Virginia Code, any other funds that may be appropriated by the General Assembly, and any funds that may otherwise be received for credit to the I-81 Fund from any other sources shall be paid into the state treasury and credited to the I-81 Fund;

WHEREAS, Section 11 of the I-81 Bond Act requires the Board to establish a fund either in the state treasury with the cooperation of the State Treasurer or with a trustee in accordance with the provisions of Section 33.2-1716 of the State Transportation Revenue Bond Act to secure and be used for the payment of the Bonds to the credit of which there shall be deposited such amounts, subject to appropriation by the General Assembly, necessary to pay principal, purchase price, redemption premium, if any, and interest on the Bonds, as and when such costs become due and payable; provided that such costs shall be paid from the revenues deposited into the I-81 Fund pursuant to Section 58.1-2299.20 of the Virginia Code from the receipt of regional fuels tax levied pursuant to Section 58.1-2295 of the Virginia Code;

WHEREAS, Section 12 of the I-81 Bond Act permits the Board, in connection with the issuance or planned issuance of any Bonds, to pay any necessary and appropriate support costs, including debt service or deposits to reserve funds from the revenues deposited into the I-81 Fund pursuant to Section 58.1-2299.20 of the Virginia Code from the receipt of regional fuels tax levied pursuant to Section 58.1-2295 of the Virginia Code;

WHEREAS, Section 10 of the I-81 Bond Act permits the Board to receive other funds that may be made available to pay project costs and, subject to appropriation by the General Assembly, to make such funds available for the payment of the principal, purchase price, redemption premium, if any, and interest on Bonds authorized under the I-81 Bond Act;

WHEREAS, the Board has determined that it is in the best interests of the Commonwealth and the Board for the Board to issue Bonds for the purposes authorized under and in accordance with the provisions of the I-81 Bond Act, and in furtherance of such issuance the Virginia Department of Transportation (the "Department") has prepared, at the direction of the Board, a Master Indenture ("Master Indenture") between the Board and a trustee to be selected (the "Trustee") to provide for issuance of Bonds from time to time in one or more series pursuant to one or more supplemental indentures of trust containing the specific terms and details relating to the particular series of Bonds to be issued;

WHEREAS, the I-81 Bond Act authorizes the Board to enter into agreements with any department or agency of the Commonwealth to make appropriated funds available to pay debt service and other funding requirements for the Bonds, and the Board has determined that it is in the best interests of the Commonwealth of Virginia and the Board to enter into a Payment Agreement between the Board, the Secretary of Finance of the Commonwealth and the Treasury Board of the Commonwealth (the "Payment Agreement"), to establish a process for the seeking of appropriations from the General Assembly and the payment of appropriated funds to provide for payment of funding requirements under the Master Indenture, including payment of the debt service on the Bonds and other obligations issued from time to time under the Master Indenture, which Payment Agreement has been prepared by the Department at the direction of the Board;

WHEREAS, substantially final forms of the Master Indenture and Payment Agreement have been presented at this meeting and shall be filed with the records of the Board;

WHEREAS, the Board wishes to authorize the initial issuance of one or more series of Bonds under the Master Indenture to be known as the "Commonwealth of Virginia Interstate 81 Corridor Program Revenue Bonds," with one or more series designations, as appropriate (the "2021 Bonds"); and

WHEREAS, in addition to the Master Indenture and the Payment Agreement, the following documents that provide for the issuance of the 2021 Bonds, which shall be filed with the records of the Board, have been prepared by Bond Counsel and the staff of the Department at the direction of the Board and have been presented at this meeting in substantially final form:

(1) a First Supplemental Indenture of Trust (the "First Supplement," together with the Master Indenture, the "Indenture"), between the Board and the Trustee, providing for the terms and structure of the 2021 Bonds;

(2) a Preliminary Official Statement of the Board relating to the offering for sale of the 2021 Bonds (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2021 Bonds (the "Continuing Disclosure Agreement").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the Master Indenture and Payment Agreement. The Board hereby determines that it is in the best interests of the Commonwealth and the Board for the Board to enter into the Master Indenture to provide for the issuance of Bonds and other obligations from time to time thereunder and to enter into the Payment Agreement to establish the process for seeking appropriations and providing for payment of the Bonds and other obligations to be issued from time to time under the Master Indenture. The Board approves the Master Indenture and Payment Agreement in the substantially final forms presented at this meeting. The Board

authorizes and directs the Chairperson of the Board (the "Chairperson") to prepare, execute, and deliver the final form of the Master Indenture and the final form of the Payment Agreement with such completions, omissions, insertions, and changes as are necessary or desirable to provide for the issuance and sale of the Bonds from time to time. Such documents shall be dated the first day of the month in which the initial series of Bonds are issued under the Master Indenture or such other date as the Chairperson may approve. Execution and delivery of the Master Indenture and Payment Agreement shall constitute conclusive evidence of the approval of such documents by the Chairperson on behalf of the Board.

2. Authorization of the 2021 Bonds. The Board hereby determines that it is in the best interests of the Commonwealth and the Board for the Board (i) to enter into the First Supplement to provide for the issuance of the 2021 Bonds, (ii) to issue the 2021 Bonds for the purposes authorized under and in accordance with the provisions of the I-81 Bond Act and the Indenture and (iii) to sell the 2021 Bonds. The aggregate principal amount of the 2021 Bonds shall not exceed $110,000,000, the final maturity date of the 2021 Bonds shall not exceed 36 years from their date of issuance, and the aggregate true interest cost of the 2021 Bonds shall not exceed the maximum aggregate true interest cost approved by the Treasury Board, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the General Assembly. The Board expects the debt service payments to be made from appropriations by the General Assembly of funds comprised of the revenues derived from the aforementioned regional fuels tax.

3. Limited Obligations. The 2021 Bonds shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the revenues pledged under the Indenture ("Revenues") and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution or the 2021 Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

4. Determination of Details of the 2021 Bonds. The Board authorizes the Chairperson of the Board (the "Chairperson"), subject to the criteria set forth in paragraph 2 of this Resolution, to determine the details of the 2021 Bonds, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices.

5. Sale of the 2021 Bonds. The Board has determined, in consultation with the Department and the Board's financial advisor (the "Financial Advisor"), that because the 2021 Bonds will be the initial series of Bonds issued under the Indenture it is in the best interests of the Commonwealth to issue and sell the bonds through a negotiated arrangement with one or more underwriters. The Board authorizes the Chairperson to solicit and consider proposals for a negotiated sale of the 2021 Bonds and to negotiate the terms of such sale. The Chairperson is authorized to execute and deliver a purchase contract or an agreement reflecting such proposal, provided that no such purchase contract or agreement may be executed prior to approval of the terms and structure of the 2021 Bonds by resolution of the Treasury Board. Alternatively, if

determined, in consultation with the Department and the Financial Advisor, that it is in the best interests of the Commonwealth to issue and sell the 2021 Bonds pursuant to a competitive sale, the Chairperson is authorized to sell the 2021 Bonds in such manner and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2021 Bonds by resolution of the Treasury Board. In addition to the authorization provided to the Chairperson, the Board authorizes the Chief Financial Officer of the Department and the Director, Budget and Funds Management Division (either of whom may act) to execute a purchase contract for the 2021 Bonds (if the 2021 Bonds are sold by negotiated sale) and to effect the Chairperson's award of the 2021 Bonds (if the 2021 Bonds are sold by competitive bid).

6. Preliminary Official Statement. The Board approves the Preliminary Official Statement in the substantially final form presented at this meeting. The Board authorizes and directs the Chairperson, in collaboration with the staff of the Department and the Financial Advisor and Bond Counsel, to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2021 Bonds, as the Chairperson may approve. The Chairperson is further authorized, in connection with the preparation of the final form of the Preliminary Official Statement, to determine, in collaboration with the staff of the Department, the Financial Advisor and Bond Counsel, and in consultation with other offices and departments of the Commonwealth, including the Department of the Treasury and the Secretary of Finance, whether the inclusion of audited financial statements of the Commonwealth as an appendix to the Preliminary Official Statement is necessary or appropriate for the issuance and sale of the 2021 Bonds. The Board authorizes the Chairperson to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2021 Bonds by resolution of the Treasury Board.

7. Official Statement. The Board authorizes and directs the Chairperson, in collaboration with Bond Counsel, Department staff and Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the winning bid or the executed purchase contract, as appropriate, for the purchase and sale of the 2021 Bonds. The Board authorizes and directs the Chairperson to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairperson on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the winning bidders or underwriters, as appropriate, within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the underwriters or winning bidders to distribute to each potential investor requesting a copy and to each person to whom the underwriters or winning bidders initially sell the 2021 Bonds. The Board authorizes and approves the distribution by the underwriters or winning bidders of the Official Statement as executed by the Chairperson.

8. First Supplement. The Board approves the First Supplement in its substantially final form presented at this meeting. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final form of the First Supplement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2021 Bonds, including without limitation changes to the dated dates thereof, as the Chairperson may approve. Execution and delivery of the First Supplement shall constitute conclusive evidence of the approval of such documents by the Chairperson on behalf of the Board.

9. Execution and Delivery of the 2021 Bonds. The Board authorizes and directs the Chairperson and the Secretary of the Board (the "Secretary") to have the 2021 Bonds prepared and to execute the 2021 Bonds in accordance with the Indenture, to deliver the 2021 Bonds to the Trustee for authentication, and to cause the 2021 Bonds so executed and authenticated to be delivered to or for the account of the winning bidders or underwriters upon payment of the purchase price of the 2021 Bonds, all in accordance with the Notice of Sale or executed purchase contract, as appropriate. Execution and delivery by the Chairperson and the Secretary of the 2021 Bonds shall constitute conclusive evidence of the approval of the 2021 Bonds by the Chairperson and the Secretary on behalf of the Board.

10. Continuing Disclosure. The Board approves the Continuing Disclosure Agreement in the substantially final form presented at this meeting. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2021 Bonds and to assist the winning bidders or the underwriters, as appropriate, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2021 Bonds, as the Chairperson may approve. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairperson of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairperson on behalf of the Board.

11. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2021 Bonds in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor of the Commonwealth to approve the issuance of the 2021 Bonds in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2021 Bonds and to execute such contract, together with any other documents related to such credit facility, (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2021 Bonds and (v) to solicit bids for and select a qualified entity to serve as Trustee under the Master Indenture and any and all supplemental indentures, and to execute and deliver all documents and agreements required in connection with such solicitation and selection. The Board further authorizes the Chairperson to execute and deliver all documents and certificates and to take

all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2021 Bonds, including, without limitation, execution and delivery of a document (i) setting forth the expected application and investment of the proceeds of the 2021 Bonds and the expected use of the property financed or refinanced thereby to show that such expected application, investment and use will not violate the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and the Treasury Regulations promulgated thereunder including the provisions applicable to "arbitrage bonds" (as defined in the Tax Code) and (ii) providing for the rebate of any "arbitrage rebate amounts" (as defined in the Tax Code) earned on the investment of the proceeds of the 2021 Bonds to the United States. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2021 Bonds as the Chairperson may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor. The Board authorizes the Department and staff to make application to the U.S. Department of Transportation and other federal agencies to seek and apply for additional funding sources for the Interstate 81 Corridor Improvement Program in furtherance of the Interstate 81 Corridor Improvement Plan; provided, however no such funding may be obtained without the approval of the Board by subsequent resolution, and the authorization provided by this sentence shall survive the termination of this Resolution.

12. Official Intent; Reimbursement. The Board declares its intent and reasonable expectation to reimburse all or a portion of the expenditures paid by the Department related to the Interstate 81 Corridor Improvement Plan and the Interstate 81 Corridor Improvement Program with proceeds of the 2021 Bonds. This Resolution constitutes a declaration of “official intent” under Treasury Regulations Section 1.150-2, promulgated under the Tax Code.

13. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairperson or to the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairperson or to an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairperson or the Secretary.

14. Effective Date. This Resolution shall be effective immediately and shall remain in force for a period of one year after adoption.

# # #

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Richmond, Virginia 23219

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Agenda Item 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 14, 2020
Made By: Mr. Rucker, Seconded By: Ms. Hynes
Action: Motion Carried, Unanimously

AUTHORIZING THE ISSUANCE AND SALE OF COMMONWEALTH OF VIRGINIA FEDERAL TRANSPORTATION GRANT ANTICIPATION REVENUE NOTES, SERIES 2020 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $130,000,000

WHEREAS, from time to time the Commonwealth of Virginia (the "Commonwealth") receives federal-aid highway construction reimbursements and other federal highway assistance under or in accordance with Title 23 of the United States Code, or any successor program established under federal law, from the Federal Highway Administration ("FHWA") or any successor or additional federal agencies ("Federal Highway Reimbursements");

WHEREAS, the receipt of Federal Highway Reimbursements is expected to continue;

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.2-1700 *et seq*. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds or notes to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds or notes;

WHEREAS, the Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011, Article 4, Chapter 15, Title 33.2 of the Virginia Code (the "GARVEEs Act" and, together with the State Revenue Bond Act, the "Act"), authorizes the Board, by and with the consent of the Governor of the Commonwealth (the "Governor"), to issue, pursuant to the provisions of the State Revenue Bond Act, in one or more series from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia

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Federal Transportation Grant Anticipation Revenue Notes, Series …." (the "GARVEEs"); provided that the aggregate principal amount outstanding shall not exceed $1,200,000,000, exclusive of (i) the amount of any revenue obligations that may be issued to refund GARVEEs previously issued under the GARVEEs Act in accordance with Section 33.2-1512 of the Virginia Code, and (ii) any amounts issued for financing expenses (including, without limitation, any original issue discount);

WHEREAS, Section 33.2-1520 of the Virginia Code provides that in connection with each series of GARVEEs issued, the Board shall establish a fund in accordance with Section 33.2-1720 of the Virginia Code either in the state treasury or with a trustee in accordance with Section 33.2-1716 of the Virginia Code, which fund secures and is used for the payment of such series of GARVEEs to the credit of which there shall be deposited such amounts, appropriated therefor by the General Assembly, as are required to pay the principal, or purchase price of, and redemption premium, if any, and interest on GARVEEs, as and when due and payable, and the amounts deposited in such fund shall be derived (i) first from Federal Highway Reimbursements received by the Commonwealth from time to time only with respect to the specifically identified project or projects to be financed by such GARVEEs (the "Project-Specific Reimbursements"); (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, which are designated by the General Assembly for such purpose;

WHEREAS, the Board has entered into a Master Trust Indenture (as supplemented and amended, the "Master Indenture") dated as of February 1, 2012, between the Board and U.S. Bank National Association, as trustee (the "Trustee");

WHEREAS, the Board has the authority to issue one or more series of GARVEEs to be known as the "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes," with one or more series designations, as appropriate (collectively, the "2020 GARVEEs") and to take such action as may be necessary or advisable in order to effect the issuance and sale of the 2020 GARVEEs;

WHEREAS, Section 33.2-1513 of the Virginia Code provides that the net proceeds of the GARVEEs shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs incurred or to be incurred for construction or funding of such projects to be designated by the Board, and the Board intends that the net proceeds of the 2020 GARVEEs are to be used to pay costs of the projects listed on Schedule 1 to this Resolution (collectively, the "Projects"); and

WHEREAS, the provisions for the foregoing arrangements and transactions will be set forth in the following documents, forms of which have been presented to the Board at this meeting:

(1) a Seventh Supplemental Trust Indenture expected to be dated as of September 1, 2020 (the "Seventh Supplemental Indenture" and together with the Master Indenture, the "Indenture"), between the Board and the Trustee;

(2) a Preliminary Official Statement of the Board related to the offering for sale of the 2020 GARVEEs containing, among other things, information relating to the Commonwealth, the Board, the Virginia Department of Transportation (the "Department") and the terms of the 2020 GARVEEs to be used in the public offering for sale of the 2020 GARVEEs (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2020 GARVEEs (the "Continuing Disclosure Agreement" and, together with the Seventh Supplemental Indenture and the Preliminary Official Statement, the "Basic Documents").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD THAT:

1. Authorization of the 2020 GARVEEs. The Board hereby finds and determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Seventh Supplemental Indenture to provide for the issuance of the 2020 GARVEEs, (ii) to issue the 2020 GARVEEs in accordance with the provisions of the Act, the Indenture and the Basic Documents, (iii) to sell the 2020 GARVEEs in the manner provided herein, and (iv) to use a portion of the proceeds of the 2020 GARVEEs to pay costs of the Projects, including such other project or projects as may be designated in a resolution adopted by the Board and approved in writing by FHWA. The issuance and sale of the 2020 GARVEEs within the following parameters is authorized: (i) the aggregate principal amount of the 2020 GARVEEs, including any original issue premium in excess of a de minimis amount as required by Section 2.2-5002.1 of the Virginia Code, shall not exceed $130,000,000, (ii) the final maturity date of the 2020 GARVEEs shall not exceed 20 years from their date of issuance, and (iii) the aggregate true interest cost of the GARVEEs shall not exceed the maximum true interest cost approved by the Treasury Board of the Commonwealth (the "Treasury Board"). The Treasury Board is required pursuant to Section 2.2-2416 of the Virginia Code to approve the terms and structure of the 2020 GARVEEs. The Board hereby finds and determines that the issuance and sale of the 2020 GARVEEs in accordance with this Resolution conforms with the purposes set forth in the Act and the Indenture.

2. Limited Obligations. The 2020 GARVEEs shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the Federal Highway Reimbursements and the other Revenues (as defined in the Indenture) and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution, the 2020 GARVEEs, the Indenture or the Basic Documents shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of the 2020 GARVEEs. The Chairperson of the Board (the "Chairperson") is authorized, subject to the parameters set forth in paragraph 1 of this Resolution, to determine the final terms and details of the 2020 GARVEEs, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. The Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department (either of whom may act) are authorized to effect the Chairperson's award of the 2020 GARVEEs. Upon the Chairperson's determination of the final terms and details of the 2020 GARVEEs, the Chairperson and the Secretary of the Board (the "Secretary") are authorized (i) to have the 2020 GARVEEs prepared and executed in accordance with the Indenture, (ii) to deliver the 2020 GARVEEs to the Trustee for authentication, and (iii) to cause the 2020 GARVEEs so executed and authenticated to be delivered by the Trustee to the purchaser of purchasers thereof upon payment of the purchase price of the 2020 GARVEEs. Execution and delivery by the Chairperson and the Secretary of the 2020 GARVEEs shall constitute conclusive evidence of the approval of the 2020 GARVEEs and the terms and details thereof by the Chairperson and the Secretary on behalf of the Board.

4. Sale of the 2020 GARVEEs. The Chairperson is authorized to sell the 2020 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2020 GARVEEs by resolution of the Treasury Board. Alternatively, if in consultation with Public Resources Advisory Group, the Board's financial advisor (the "Financial Advisor"), the Chairperson determines a negotiated sale of the 2020 GARVEEs is in the best interest of the Commonwealth, the Chairperson is authorized to solicit and consider proposals for such sale and to negotiate the terms thereof not inconsistent with the terms of this Resolution with an underwriter or group of underwriters (the "Underwriter"); provided, however, no purchase contract or agreement may be executed prior to the approval of the terms and details of the 2020 GARVEEs by resolution of the Treasury Board. In addition to the Chairperson, any such purchase contract or agreement may be executed and delivered by either of the Chief Financial Officer of the Department or the Director, Financial Planning Division of the Department.

5. Preliminary Official Statement. The Preliminary Official Statement in substantially the form presented at this meeting is approved. The Chairperson is authorized, in collaboration with Department staff, Bond Counsel and the Financial Advisor, to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2020 GARVEEs, as the Chairperson may approve. The Chairperson is authorized to deem the Preliminary Official Statement final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2020 GARVEEs in accordance with a resolution adopted by the Treasury Board.

6. Official Statement. The Chairperson is authorized, in collaboration with Department staff, Bond Counsel and the Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") to reflect the provisions of the winning bid or an executed purchase contract, as appropriate, with respect to the purchase and sale of the 2020 GARVEEs. The Chairperson is authorized to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairperson on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Department staff is authorized and directed to arrange for delivery of a sufficient number of copies of the Official Statement to the winning bidder or Underwriter, as appropriate, for distribution to each potential investor requesting a copy and to each initial purchaser of the 2020 GARVEEs from the winning bidder or Underwriter, as appropriate, and to the Municipal Securities Rulemaking Board ("MSRB") via the MSRB's Electronic Municipal Market Access system. The distribution by the winning bidder or Underwriter of the Official Statement as executed by the Chairperson is authorized.

7. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2020 GARVEEs and to assist the winning bidder or Underwriter, as applicable, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Chairperson is authorized and directed to prepare, execute and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions and changes as are necessary or desirable to effect the issuance and sale of the 2020 GARVEEs, as the Chairperson may approve. The Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department (either of whom may act) are designated as the initial Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairperson of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairperson on behalf of the Board.

8. Seventh Supplemental Indenture. The Seventh Supplemental Indenture is approved in substantially the form presented at this meeting. The Chairperson is authorized and directed to prepare, execute and deliver the final form of the Seventh Supplemental Indenture with such completions, omissions, insertions and changes as are necessary or desirable to effect the issuance and sale of the 2020 GARVEEs, including without limitation changes to the dated date thereof, as the Chairperson may approve. Execution and delivery by the Chairperson of the Seventh Supplemental Indenture shall constitute conclusive evidence of the approval of the Seventh Supplemental Indenture by the Board.

9. Authorization of Further Action. The Department staff is authorized (i) to request the Treasury Board to approve the terms and structure of the 2020 GARVEEs in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor to approve the issuance of the 2020 GARVEEs in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2020 GARVEEs and to execute such contract, together with any other documents related to such credit facility, and

(iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2020 GARVEEs. The Chairperson is authorized to execute and deliver all documents and certificates and to take all such further action as she may consider necessary or desirable in connection with the issuance and sale of the 2020 GARVEEs, including, without limitation, the execution and delivery of documents, certificates or instruments that include without limitation (a) agreements or amendments to existing agreements concerning Federal Highway Reimbursements or the GARVEEs generally to account for the 2020 GARVEEs or the proceeds of the 2020 GARVEEs or other GARVEEs in a manner consistent with the intent of this Resolution, and (b) certificates or agreements concerning tax items related to the 2020 GARVEES, such as: (I) the expected use and investment of the proceeds of the 2020 GARVEEs to show that such expected use and investment will not cause the 2020 GARVEEs to be deemed to be "private activity bonds" or "arbitrage bonds" under Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and (II) providing for the computation and payment to the United States of any arbitrage rebate liability under Section 148(f) of the Tax Code. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2020 GARVEEs as the Chairperson may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

10. Authorizations and Directions to Certain Officers. Any authorization of or direction to the Chairperson or the Secretary under this Resolution shall also be deemed to be an authorization of or a direction to (i) the Vice-Chairperson of the Board or any Assistant Secretary of the Board, respectively, and (ii) any other officer or employee of the Board or the Department designated for such purpose by the Chairperson or the Secretary, respectively, including without limitation the Commonwealth's Commissioner of Highways or the Chief Financial Officer of the Department.

11. Effective Date. This Resolution is effective upon adoption, and shall remain in effect for one year after adoption.

SCHEDULE 1

List of Projects

1. Route 95- Relocation of Interchange at Route 630
2. Route 7 Corridor Improvements Phase II
3. Route 277 Widening
4. I-66 Inside the Beltway Initiatives
5. Interchange Construction Route 15/17/29 at Route 15/17/29 Business
6. I-81 Northbound Auxiliary Lane from Exit 141 to 143
7. Route 7 Corridor Improvements – Phase I and Phase II
8. I-81 at State Route 75 (Exit 17) Interchange Modification
9. Route 10 (Bermuda Triangle Road to Meadowville Road)
10. Route 682 Reconstruction
11. I-95 Rappahannock River Crossing (Southbound)

(each as described in the Board's Six-Year Improvement Plan, as amended from time to time)

If any of the foregoing identified projects or the related financing plan is delayed, altered, or terminated, such other project or projects as may be designated by resolution of the Board and approved in writing by FHWA shall be added to this Schedule I and will become eligible for Project-Specific Reimbursements.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda Item #12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 18, 2018

Made By: Mr. Miller, Seconded By: Ms. DeTuncq
Action: Motion Carried, Unanimously

AUTHORIZING THE ISSUANCE AND SALE OF COMMONWEALTH OF VIRGINIA FEDERAL TRANSPORTATION GRANT ANTICIPATION REVENUE NOTES, SERIES 2018 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $90,000,000

WHEREAS, from time to time the Commonwealth of Virginia (the "Commonwealth") receives federal-aid highway construction reimbursements and other federal highway assistance under or in accordance with Title 23 of the United States Code, or any successor program established under federal law, from the Federal Highway Administration ("FHWA") or any successor or additional federal agencies ("Federal Highway Reimbursements");

WHEREAS, the receipt of Federal Highway Reimbursements is expected to continue;

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.2-1700 *et seq.* of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds or notes to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds or notes;

WHEREAS, the Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011, Article 4, Chapter 15, Title 33.2 of the Virginia Code (the "GARVEEs Act" and, together with the State Revenue Bond Act, the "Act"), authorizes the Board, by and with the consent of the Governor of the Commonwealth (the "Governor"), to

Back to Cash and Debt Management

issue, pursuant to the provisions of the State Revenue Bond Act, in one or more series from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series …." (the "GARVEEs"); provided that the aggregate principal amount outstanding shall not exceed $1,200,000,000, exclusive of (i) the amount of any revenue obligations that may be issued to refund GARVEEs previously issued under the GARVEEs Act in accordance with Section 33.2-1512 of the Virginia Code, and (ii) any amounts issued for financing expenses (including, without limitation, any original issue discount);

WHEREAS, Williams Mullen, as bond counsel to the Board ("Bond Counsel"), and the staff of the Virginia Department of Transportation (the "Department") have advised that any GARVEEs issued after July 1, 2012, will be subject to the requirement of Section 2.2-5002.1 of the Virginia Code that any net original issue premium in excess of a *de minimis* amount received on such GARVEEs is to be treated as principal for purposes of determining compliance with the aggregate principal amount limitations to which the GARVEEs are subject;

WHEREAS, Section 33.2-1520 of the Virginia Code provides that in connection with each series of GARVEEs issued, the Board shall establish a fund in accordance with Section 33.2-1720 of the Virginia Code either in the state treasury or with a trustee in accordance with Section 33.2-1716 of the Virginia Code, which fund secures and is used for the payment of such series of GARVEEs to the credit of which there shall be deposited such amounts, appropriated therefor by the General Assembly, as are required to pay the principal, or purchase price of, and redemption premium, if any, and interest on GARVEEs, as and when due and payable, and the amounts deposited in such fund shall be derived (i) first from Federal Highway Reimbursements received by the Commonwealth from time to time only with respect to the specifically identified project or projects to be financed by such GARVEEs (the "Project-Specific Reimbursements"); (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, which are designated by the General Assembly for such purpose;

WHEREAS, the Board has entered into a Master Trust Indenture (as supplemented and amended, the "Master Indenture") dated as of February 1, 2012, between the Board and U.S. Bank National Association, as trustee (the "Trustee");

WHEREAS, the Board has the authority to issue one or more series of GARVEEs to be known as the "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes," with one or more series designations, as appropriate (collectively, the "2018 GARVEEs") and to take such action as may be necessary or advisable in order to effect the issuance and sale of the 2018 GARVEEs;

WHEREAS, Section 33.2-1513 of the Virginia Code provides that the net proceeds of the GARVEEs shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs incurred or to be incurred for construction or funding of such projects to be designated by the Board, and the Board intends that the net proceeds of the 2018

GARVEEs are to be used to pay costs of the projects listed on Schedule 1 to this Resolution (collectively, the "Projects"); and

WHEREAS, the provisions for the foregoing arrangements and transactions will be set forth in the following documents, forms of which have been presented to the Board at this meeting:

(1) a Sixth Supplemental Trust Indenture expected to be dated as of December 1, 2018 (the "Sixth Supplemental Indenture" and together with the Master Indenture, the "Indenture"), between the Board and the Trustee;

(2) a Preliminary Official Statement of the Board related to the offering for sale of the 2018 GARVEEs containing, among other things, information relating to the Commonwealth, the Board, the Virginia Department of Transportation (the "Department") and the terms of the 2018 GARVEEs to be used in the public offering for sale of the 2018 GARVEEs (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2018 GARVEEs (the "Continuing Disclosure Agreement" and, together with the Sixth Supplemental Indenture and the Preliminary Official Statement, the "Basic Documents").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD THAT:

1. Authorization of the 2018 GARVEEs. The Board hereby finds and determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Sixth Supplemental Indenture to provide for the issuance of the 2018 GARVEEs, (ii) to issue the 2018 GARVEEs in accordance with the provisions of the Act, the Indenture and the Basic Documents, (iii) to sell the 2018 GARVEEs in the manner provided herein, and (iv) to use a portion of the proceeds of the 2018 GARVEEs to pay costs of the Projects, including such other project or projects as may be designated in a resolution adopted by the Board and approved in writing by FHWA. The Board authorizes the issuance and sale of the 2018 GARVEEs within the following parameters: (i) the aggregate principal amount of the 2018 GARVEEs shall not exceed $90,000,000, (ii) the final maturity date of the 2018 GARVEEs shall not exceed 20 years from their date of issuance, and (iii) the aggregate true interest cost of the GARVEEs shall not exceed the maximum true interest cost approved by the Treasury Board of the Commonwealth (the "Treasury Board"). The Treasury Board is required pursuant to Section 2.2- 2416 of the Virginia Code to approve the terms and structure of the 2018 GARVEEs. The Board hereby finds and determines that the issuance and sale of the 2018 GARVEEs in accordance with this Resolution conforms with the purposes set forth in the Act and the Indenture.

2. Limited Obligations. The 2018 GARVEEs shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the Federal Highway

Reimbursements and the other Revenues (as defined in the Indenture) and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution, the 2018 GARVEEs, the Indenture or the Basic Documents shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of the 2018 GARVEEs. The Board authorizes the Chairperson of the Board (the "Chairperson"), subject to the parameters set forth in paragraph 1 of this Resolution, to determine the final terms and details of the 2018 GARVEEs, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. The Board authorizes the Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department (either of whom may act) to effect the Chairperson's award of the 2018 GARVEEs, or execute a purchase contract for the 2018 GARVEEs if a negotiated sale is undertaken. Moreover, once the terms and details of the 2018 GARVEEs have been determined, the Board authorizes and directs the Chairperson and the Secretary of the Board (the "Secretary") (i) to have the 2018 GARVEEs prepared and executed in accordance with the Indenture, (ii) to deliver the 2018 GARVEEs to the Trustee for authentication, and (iii) to cause the 2018 GARVEEs so executed and authenticated to be delivered to the Trustee upon payment of the purchase price of the 2018 GARVEEs. Execution and delivery by the Chairperson and the Secretary of the 2018 GARVEEs shall constitute conclusive evidence of the approval of the 2018 GARVEEs and the terms and details thereof by the Chairperson and the Secretary on behalf of the Board.

4. Sale of the 2018 GARVEEs. The Chairperson is authorized to sell the 2018 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2018 GARVEEs by resolution of the Treasury Board. Alternatively, if determined by the Chairperson to be in the best interest of the Commonwealth, the Board authorizes the Chairperson to solicit and consider proposals for a negotiated sale of the 2018 GARVEEs and to negotiate the terms of such sale, but no such agreement may be executed prior to the approval of the terms and details of the 2018 GARVEEs by resolution of the Treasury Board.

5. Preliminary Official Statement. The Board approves the Preliminary Official Statement in substantially the form presented at this meeting. The Board authorizes and directs the Chairperson, in collaboration with Department staff, Bond Counsel and Public Resources Advisory Group, the Board's financial advisor (the "Financial Advisor"), to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2018 GARVEEs, as the Chairperson may approve. The Board authorizes the Chairperson to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2018 GARVEEs in accordance with a resolution adopted by the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairperson, in collaboration with Department staff, Bond Counsel and the Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") to reflect the provisions of the winning bid or an executed purchase contract, as appropriate, with respect to the purchase and sale of the 2018 GARVEEs. The Board authorizes and directs the Chairperson to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairperson on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the winning bidders or underwriters, as appropriate, within seven business days after the sale date of the 2018 GARVEEs, a sufficient number of copies of the Official Statement for the winning bidders or underwriters, as appropriate, to distribute to each potential investor requesting a copy and to each person to whom the winning bidders or underwriters initially sell the 2018 GARVEEs and to the Municipal Securities Rulemaking Board ("MSRB") via the MSRB's Electronic Municipal Market Access system. The Board authorizes and approves the distribution by the winning bidders or underwriters of the Official Statement as executed by the Chairperson.

7. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2018 GARVEEs and to assist the winning bidder or underwriters, as applicable in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Board authorizes and directs the Chairperson to prepare, execute and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions and changes as are necessary or desirable to effect the issuance and sale of the 2018 GARVEEs, as the Chairperson may approve. The Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department (either of whom may act) are designated as the initial Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairperson of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairperson on behalf of the Board.

8. Sixth Supplemental Indenture. The Board approves the Sixth Supplemental Indenture in its substantially final form presented at this meeting. The Board authorizes and directs the Chairperson to prepare, execute and deliver the final form of the Sixth Supplemental Indenture with such completions, omissions, insertions and changes as are necessary or desirable to effect the issuance and sale of the 2018 GARVEEs, including without limitation changes to the dated dates thereof, as the Chairperson may approve. Execution and delivery by the Chairperson of the Sixth Supplemental Indenture shall constitute conclusive evidence of the approval of the Sixth Supplemental Indenture by the Board.

9. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2018 GARVEEs in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor to approve the issuance of the 2018 GARVEEs in accordance with the Act, (iii) if

determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2018 GARVEEs and to execute such contract, together with any other documents related to such credit facility, and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2018 GARVEEs. The Board further authorizes the Chairperson to execute and deliver all documents and certificates and to take all such further action as she may consider necessary or desirable in connection with the issuance and sale of the 2018 GARVEEs, including, without limitation, the execution and delivery of documents, certificates or instruments that include without limitation (a) agreements or amendments to existing agreements concerning Federal Highway Reimbursements or the GARVEEs generally to account for the 2018 GARVEEs or the proceeds of the 2018 GARVEEs or other GARVEEs in a manner consistent with the intent of this Resolution, and (b) certificates or agreements concerning tax items related to the 2018 GARVEES, such as: (I) the expected use and investment of the proceeds of the 2018 GARVEEs to show that such expected use and investment will not cause the 2018 GARVEEs to be deemed to be "private activity bonds" or "arbitrage bonds" under Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and (II) providing for the computation and payment to the United States of any arbitrage rebate liability under Section 148(f) of the Tax Code. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2018 GARVEEs as the Chairperson may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

10. Authorizations and Directions to Certain Officers. Any authorization of or direction to the Chairperson or the Secretary under this Resolution shall also be deemed to be an authorization of or a direction to (i) the Vice-Chairperson of the Board or any Assistant Secretary of the Board, respectively, and (ii) any other officer or employee of the Board or the Department designated for such purpose by the Chairperson or the Secretary, respectively, including without limitation the Commonwealth's Commissioner of Highways or the Chief Financial Officer of the Department.

11. Effective Date. This Resolution is effective upon adoption.

SCHEDULE 1

List of Projects

1. Route 95 Relocation of Interchange at Route 630
2. Route 165 and Route 13 Widening
3. Odd Fellows Road Segment B2
4. Route 277 Widening
5. Route 64 Widening

(each as described in the Board's Six-Year Improvement Plan, as amended from time to time)

If any of the foregoing identified projects or the related financing plan is delayed, altered, or terminated, such other project or projects as may be designated by resolution of the Board and approved in writing by FHWA shall be added to this Schedule I and will become eligible for Project-Specific Reimbursements.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 21, 2018

MOTION

Made By: Mr. Garczynski, Seconded By: Mr. Whitworth
Action: Motion Carried, Unanimously

AUTHORIZING THE ISSUANCE AND SALE OF
COMMONWEALTH OF VIRGINIA
TRANSPORTATION CAPITAL PROJECTS REVENUE BONDS, SERIES 2018

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.2-1700 *et seq.* of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds;

WHEREAS, pursuant to the Commonwealth Transportation Capital Projects Bond Act of 2007, enactment clause 2 of Chapter 896 of the Acts of the General Assembly of the Commonwealth of Virginia, 2007 Regular Session, as amended (the "Bond Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act, revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series ….." (the "Chapter 896 Bonds") at one or more times in an aggregate principal amount not to exceed $3,000,000,000, subject to certain annual limitations;

WHEREAS, pursuant to Item 456.H. of Chapter 874 of the Acts of the General Assembly of the Commonwealth of Virginia, 2010 Regular Session, as amended (collectively, the "Appropriation Act" and, together with the Bond Act, the "Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the State Revenue Bond Act, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" (the "Appropriation Act Bonds" and, together

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with the Chapter 896 Bonds, the "Bonds") at one or more times in an aggregate principal amount not to exceed $180,000,000, after all costs, with the net proceeds of the Appropriation Act Bonds to be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of the General Assembly, 2007 Regular Session, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction and related improvements; and any financing costs and other financing expenses;

WHEREAS, pursuant to the Act, the aggregate principal amount of Bonds that may be issued is $3,180,000,000, consisting of $3,000,000,000 in aggregate principal amount of Chapter 896 Bonds and $180,000,000 in aggregate principal amount of Appropriation Act Bonds, and the Appropriation Act Bonds are not subject to the annual limitations to which the Chapter 896 Bonds are subject;

WHEREAS, bond counsel to the Board ("Bond Counsel") and the staff of the Virginia Department of Transportation (the "Department") have advised that any Bonds issued after July 1, 2012, will be subject to the requirement of Section 2.2-5002.1 of the Virginia Code that any net original issue premium in excess of a *de minimis* amount received on such Bonds be treated as principal for purposes of determining compliance with the aggregate and annual principal amount limitations to which the Bonds are subject;

WHEREAS, Section 33.2-1701 of the Virginia Code provides that the Bonds shall be secured, subject to their appropriation by the General Assembly, (i) by revenues deposited into the Priority Transportation Fund created under Section 33.2-1527 of the Virginia Code (the "Priority Transportation Fund"), (ii) to the extent required, by revenues legally available from the Transportation Trust Fund and (iii) to the extent required, by any other legally available funds;

WHEREAS, the Board has entered into a Master Indenture of Trust dated as of May 1, 2010, as previously supplemented and amended (the "Master Indenture") with Wells Fargo Bank, National Association, as trustee (the "Trustee");

WHEREAS, the Board wishes to authorize the issuance of one or more series of Bonds to be known as the "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds," with one or more series designations, as appropriate (the "2018 Bonds"); and

WHEREAS, the following documents that provide for the issuance and sale of the 2018 Bonds, which shall be filed with the records of the Board, have been prepared by Bond Counsel and the staff of the Department at the direction of the Board and have been presented at this meeting in substantially final form:

(1) an Eighth Supplemental Indenture of Trust (the "Eighth Supplement," together with the Master Indenture, the "Indenture"), between the Board and the Trustee, providing for the terms and structure of the 2018 Bonds;

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(2) a Preliminary Official Statement of the Board relating to the offering for sale of the 2018 Bonds (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2018 Bonds (the "Continuing Disclosure Agreement").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2018 Bonds. The Board hereby determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Eighth Supplement to provide for the issuance of the 2018 Bonds, (ii) to issue the 2018 Bonds for the purposes authorized under and in accordance with the provisions of the Act and the Indenture and (iii) to sell the 2018 Bonds. The aggregate principal amount of the 2018 Bonds shall not exceed $155,000,000, the final maturity date of the 2018 Bonds shall not exceed 25 years from their date of issuance, and the aggregate true interest cost of the 2018 Bonds shall not exceed the maximum aggregate true interest cost approved by the Treasury Board, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the Commonwealth. The Board expects the debt service payments to be made from appropriations of the Commonwealth.

2. Limited Obligations. The 2018 Bonds shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the revenues pledged under the Indenture ("Revenues") and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution or the 2018 Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of the 2018 Bonds. The Board authorizes the Chairperson of the Board (the "Chairperson"), subject to the criteria set forth in paragraph 1 of this Resolution, to determine the details of the 2018 Bonds, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. In addition, the Board authorizes the Chairperson to allocate portions of the 2018 Bonds to the authorizations provided by the Bond Act and the Appropriations Act, respectively, in accordance with the actual or projected application of the proceeds of the 2018 Bonds as provided by law and as she shall deem to be in the best interests of the Board, the Department and the Commonwealth. The Board authorizes the Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department (either of whom may act) to effect the Chairperson's award of the 2018 Bonds (if the 2018 Bonds are

sold by competitive bid) or execute a purchase contract of the 2018 Bonds (if the 2018 Bonds are sold by negotiated sale).

4. Sale of the 2018 Bonds. The Chairperson is authorized to sell the 2018 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2018 Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairperson to be in the best interest of the Commonwealth, the Board authorizes the Chairperson to solicit and consider proposals for a negotiated sale of the 2018 Bonds and to negotiate the terms of such sale. The Chairperson is authorized to execute and deliver a purchase contract or an agreement reflecting such proposal, provided that no such purchase contract or agreement may be executed prior to approval of the terms and structure of the 2018 Bonds by resolution of the Treasury Board.

5. Preliminary Official Statement. The Board approves the Preliminary Official Statement in the substantially final form presented at this meeting. The Board authorizes and directs the Chairperson, in collaboration with the staff of the Department and the Board's financial advisor (the "Financial Advisor") and Bond Counsel, to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2018 Bonds, as the Chairperson may approve. The Board authorizes the Chairperson to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2018 Bonds by resolution of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairperson, in collaboration with Bond Counsel, Department staff and Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the winning bid or the executed purchase contract, as appropriate, for the purchase and sale of the 2018 Bonds. The Board authorizes and directs the Chairperson to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairperson on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the winning bidders or underwriters, as appropriate, within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the winning bidders or underwriters to distribute to each potential investor requesting a copy and to each person to whom the winning bidders or underwriters initially sell the 2018 Bonds. The Board authorizes and approves the distribution by the winning bidders or underwriters of the Official Statement as executed by the Chairperson.

7. Eighth Supplement. The Board approves the Eighth Supplement in its substantially final form presented at this meeting. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final form of the Eighth Supplement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2018 Bonds, including without limitation changes to the dated dates thereof, as the Chairperson may approve. Execution and delivery of the Eighth Supplement shall constitute conclusive evidence of the approval of such documents by the Chairperson on behalf of the Board.

8. Execution and Delivery of the 2018 Bonds. The Board authorizes and directs the Chairperson and the Secretary of the Board (the "Secretary") to have the 2018 Bonds prepared and to execute the 2018 Bonds in accordance with the Indenture, to deliver the 2018 Bonds to the Trustee for authentication, and to cause the 2018 Bonds so executed and authenticated to be delivered to or for the account of the winning bidders or underwriters upon payment of the purchase price of the 2018 Bonds, all in accordance with the Notice of Sale or executed purchase contract, as appropriate. Execution and delivery by the Chairperson and the Secretary of the 2018 Bonds shall constitute conclusive evidence of the approval of the 2018 Bonds by the Chairperson and the Secretary on behalf of the Board.

9. Continuing Disclosure. The Board approves the Continuing Disclosure Agreement in the substantially final form presented at this meeting. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2018 Bonds and to assist the winning bidders or the underwriters, as appropriate, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2018 Bonds, as the Chairperson may approve. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairperson of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairperson on behalf of the Board.

10. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2018 Bonds in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor of the Commonwealth to approve the issuance of the 2018 Bonds in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2018 Bonds and to execute such contract, together with any other documents related to such credit facility and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to

negotiate investments and investment contracts for any of the proceeds of the 2018 Bonds. The Board further authorizes the Chairperson to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2018 Bonds, including, without limitation, execution and delivery of (a) an amendment to the Payment Agreement dated as of May 1, 2010, between the Board, the Treasury Board, and the Secretary of Finance of the Commonwealth, if necessary, to provide for the issuance and payment of debt service of the 2018 Bonds and (b) a document (i) setting forth the expected application and investment of the proceeds of the 2018 Bonds and the expected use of the property financed or refinanced thereby to show that such expected application, investment and use will not violate the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and the Treasury Regulations promulgated thereunder including the provisions applicable to "arbitrage bonds" (as defined in the Tax Code) and (ii) providing for the rebate of any "arbitrage rebate amounts" (as defined in the Tax Code) earned on the investment of the proceeds of the 2018 Bonds to the United States. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2018 Bonds as the Chairperson may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

11. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairperson or to the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairperson or to an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairperson or the Secretary.

Effective Date. This Resolution shall be effective immediately

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda Item #14

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2016

Made By: Mr. Garczynski, Seconded By: Mr. Kasprowicz
Action: Motion Carried, Unanimously

AUTHORIZING THE ISSUANCE AND SALE OF COMMONWEALTH OF VIRGINIA FEDERAL TRANSPORTATION GRANT ANTICIPATION REVENUE NOTES, SERIES 2016 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $400,000,000

WHEREAS, from time to time the Commonwealth of Virginia (the "Commonwealth") receives federal-aid highway construction reimbursements and other federal highway assistance under or in accordance with Title 23 of the United States Code, or any successor program established under federal law, from the Federal Highway Administration ("FHWA") or any successor or additional federal agencies ("Federal Highway Reimbursements");

WHEREAS, the receipt of Federal Highway Reimbursements is expected to continue;

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.2-1700 *et seq*. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds or notes to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds or notes;

WHEREAS, the Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011, Article 4, Chapter 15, Title 33.2 of the Virginia Code (the "GARVEEs Act" and, together with the State Revenue Bond Act, the "Act"), authorizes the Board, by and with the consent of the Governor of the Commonwealth (the "Governor"), to issue, pursuant to the provisions of the State Revenue Bond Act, in one or more series from time

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to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series ....." (the "GARVEEs"); provided that the aggregate amount outstanding shall not exceed $1,200,000,000, exclusive of (i) the amount of any revenue obligations that may be issued to refund GARVEEs issued under the GARVEEs Act in accordance with Section 33.2-1512 of the Virginia Code, and (ii) any amounts issued for financing expenses (including, without limitation, any original issue discount);

WHEREAS, bond counsel to the Board, McGuireWoods LLP ("Bond Counsel"), and the staff of the Virginia Department of Transportation (the "Department") have advised that any GARVEEs issued after July 1, 2012, will be subject to the requirement of Section 2.2-5002.1 of the Virginia Code that any net original issue premium in excess of a *de minimis* amount received on such GARVEEs be treated as principal for purposes of determining compliance with the principal amount limitations to which the GARVEEs are subject;

WHEREAS, Section 33.2-1520 of the Virginia Code provides that in connection with each series of GARVEEs issued, the Board shall establish a fund in accordance with Section 33.2-1720 of the Virginia Code either in the state treasury or with a trustee in accordance with Section 33.2-1716 of the Virginia Code, which fund secures and is used for the payment of such series of GARVEEs to the credit of which there shall be deposited such amounts, appropriated therefor by the General Assembly, as are required to pay principal or purchase price of, and redemption premium, if any, and interest on GARVEEs, as and when due and payable, and the amounts deposited in such fund shall be derived (i) first from Federal Highway Reimbursements received by the Commonwealth from time to time only with respect to the project or projects to be financed by the GARVEEs (the "Project-Specific Reimbursements"); (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, which are designated by the General Assembly for such purpose;

WHEREAS, the Board has entered into a Master Trust Indenture (as supplemented and amended, the "Master Indenture") dated as of February 1, 2012, between the Board and U.S. Bank National Association, as trustee (the "Trustee");

WHEREAS, the Board wishes to authorize the issuance of one or more series of GARVEEs to be known as the "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes," with one or more series designations, as appropriate (collectively, the "2016 GARVEEs") and to take such action as may be necessary or advisable in order to effect the issuance and sale of the 2016 GARVEEs;

WHEREAS, Section 33.2-1513 of the Virginia Code provides that the net proceeds of the GARVEEs shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs incurred or to be incurred for construction or funding of such projects to be designated by the Board, and the Board intends that the net proceeds of the

2016 GARVEEs are to be used to pay costs of the projects listed on Schedule 1 to this Resolution (collectively, the "Projects"); and

WHEREAS, the provisions for the foregoing arrangements and transactions will be set forth in the following documents, forms of which have been presented to the Board at this meeting:

(1) a Fourth Supplemental Trust Indenture expected to be dated as of November 1, 2016 (the "Fourth Supplement" and together with the Master Indenture, the "Indenture"), between the Board and the Trustee;

(2) a Preliminary Official Statement of the Board containing, among other things, information relating to the Commonwealth, the Board, the Virginia Department of Transportation (the "Department") and the terms of the 2016 GARVEEs to be used in the public offering for sale of the 2016 GARVEEs (the "Preliminary Official Statement");

(3) a Note Purchase Agreement, to be dated as of the sale date of the 2016 GARVEEs (the "Note Purchase Agreement"), between the Board and the underwriters of the 2016 GARVEEs (collectively, the "Underwriters"), to be used if the 2016 GARVEEs are sold at a negotiated sale; and

(4) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2016 GARVEEs (the "Continuing Disclosure Agreement" and, together with the Fourth Supplement, the Preliminary Official Statement and the Note Purchase Agreement, the "Basic Documents").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD THAT:

1. Authorization of the 2016 GARVEEs. The Board finds and determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Fourth Supplement to provide for the issuance of the 2016 GARVEEs, (ii) to issue the 2016 GARVEEs in accordance with the provisions of the Act, the Indenture and the Basic Documents, (iii) to sell the 2016 GARVEEs in the manner provided herein, and (iv) to use the a portion of the proceeds of the 2016 GARVEEs to pay costs of the Projects, including such other project or projects as may be designated by the Board and approved by FHWA. The Board authorizes the issuance and sale of the 2016 GARVEEs within the following parameters: (i) the aggregate principal amount of the 2016 GARVEEs shall not exceed $400,000,000, (ii) the final maturity date of the 2016 GARVEEs shall not exceed 20 years from their date of issuance, and (iii) the aggregate true interest cost of the GARVEEs shall not exceed the maximum true interest cost approved by the Treasury Board of the Commonwealth (the "Treasury Board"). The Treasury Board is required pursuant to Section 2.2- 2416 of the Virginia Code to approve the terms and structure of

the 2016 GARVEEs. The Board hereby finds and determines that the issuance and sale of the 2016 GARVEEs in accordance with this Resolution conforms with the purposes set forth in the Act and the Master Indenture

2. Limited Obligations. The 2016 GARVEEs shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the Federal Highway Reimbursements and the other Revenues (as defined in the Indenture) and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution, the 2016 GARVEEs, the Indenture or the Basic Documents shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Final Terms and Details and Delivery of the 2016 GARVEEs. The Board authorizes the Chairman of the Board (the "Chairman"), subject to the parameters set forth in paragraph 1 of this Resolution, to determine the final terms and details of the 2016 GARVEEs, including, without limitation, the final series designation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the offering prices. Further, once the terms and details of the 2016 GARVEEs have been determined, the Board authorizes and directs the Chairman and the Secretary of the Board (the "Secretary") (i) to have the 2016 GARVEEs prepared and executed in accordance with the Indenture, (ii) to deliver the 2016 GARVEEs to the Trustee for authentication, and (iii) to cause the 2016 GARVEEs so executed and authenticated to be delivered to or for the account of the Underwriters upon payment of the purchase price of the 2016 GARVEEs, all in accordance with the executed Note Purchase Agreement. Execution and delivery by the Chairman and the Secretary of the 2016 GARVEEs shall constitute conclusive evidence of the approval of the 2016 GARVEEs and the terms and details thereof by the Chairman and the Secretary on behalf of the Board.

4. Basic Documents. The Board approves each of the Basic Documents in substantially the form presented at this meeting. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final forms of the Basic Documents with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2016 GARVEEs, including without limitation changes to the dated dates thereof, as the Chairman may approve. The Chairman's execution and delivery of the Basic Documents shall constitute conclusive evidence of the approval of the final forms of such documents by the Chairman on behalf of the Board.

5. Sale of the 2016 GARVEEs. The Chairman is authorized to sell the 2016 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2016 Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairman to be in the best interest of the Commonwealth, the Board authorizes the Chairman to solicit and consider proposals for a negotiated sale of the 2016 Bonds and to negotiate the terms of such sale. Subject to paragraph

(4), the Chairman is authorized to execute and deliver the Note Purchase Agreement, provided that no such purchase contract or agreement may be executed prior to approval of the terms and structure of the 2016 Bonds by resolution of the Treasury Board.

6. Preliminary Official Statement. The Board approves the Preliminary Official Statement in substantially the form presented at this meeting. The Board authorizes and directs the Chairman, in collaboration with Department staff, "Bond Counsel, the Underwriters, and Public Resources Advisory Group, the Board's financial advisor (the "Financial Advisor"), to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2016 GARVEEs, as the Chairman may approve. The Board authorizes the Chairman to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2016 GARVEEs in accordance with a resolution of the Treasury Board.

7. Official Statement. The Board authorizes and directs the Chairman, in collaboration with Department staff, Bond Counsel, the Underwriters, and the Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in accordance with the Rule and any Note Purchase Agreement. The Board authorizes and directs the Chairman to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairman on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the Underwriters within seven business days after the sale date of the 2016 GARVEEs, a sufficient number of copies of the Official Statement for the Underwriters to distribute to each potential investor requesting a copy and to each person to whom the Underwriters initially sell the 2016 GARVEEs. The Board authorizes and approves the distribution by the Underwriters of the Official Statement as executed by the Chairman.

8. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2016 GARVEEs and to assist the Underwriters in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Chief Financial Officer of the Department is designated as the initial Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairman of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairman on behalf of the Board.

9. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2016 GARVEEs in accordance with Section 2.2-2416 of the Virginia Code and the Act, (ii) to request the Governor to approve the issuance of the 2016 GARVEEs in accordance with the Act, (iii) if determined by

Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2016 GARVEEs and to execute such contract, together with any other documents related to such credit facility, and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2016 GARVEEs. The Board further authorizes the Chairman to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2016 GARVEEs, including, without limitation, the execution and delivery of documents, certificates or instruments that include without limitation (x) agreements or amendments to existing agreements concerning Federal Highway Reimbursements or the GARVEEs generally to account for the 2016 GARVEEs or the proceeds of the 2016 GARVEEs or other GARVEEs in a manner consistent with the intent of this Resolution, and (y) certificates or agreements concerning tax items related to the 2016 GARVEES, such as: (A) the expected use and investment of the proceeds of the 2016 GARVEEs to show that such expected use and investment will not cause the 2016 GARVEEs to be deemed to be "private activity bonds" or "arbitrage bonds" under Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and (B) providing for the computation and payment to the United States of any arbitrage rebate liability under Section 148(f) of the Tax Code. The Chairman is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2016 GARVEEs as the Chairman may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

10. Authorizations and Directions to Certain Officers. Any authorization of or direction to the Chairman or the Secretary under this Resolution shall also be deemed to be an authorization of or a direction to (i) the Vice-Chairman of the Board or any Assistant Secretary of the Board, respectively, and (ii) any other officer or employee of the Board or the Department designated for such purpose by the Chairman or the Secretary, respectively, including without limitation the Commonwealth's Commissioner of Highways or the Chief Financial Officer of the Department.

11. Effective Date. This Resolution is effective upon adoption.

SCHEDULE 1

List of Projects

1. I-64 Capacity Improvements
2. Route 29/460 Interchange and Extension
3. UR-6056 Widening
4. I-66/Route 15 Interchange Reconstruction
5. Route 95 Relocation of Interchange
6. Fall Hill Avenue Bridge

7. Route 165/Route 13
8. I-95 Southern Extension Express Lanes
9. I-66 Inside the Beltway
10. Oddfellows Rd
11. Route 7 Corridor Improvements Phase 1 and 2
12. Route 58/Holland Rd Corridor
13. Transform I-66 Outside the Beltway
14. Route 682 Reconstruction
15. Emmet St Corridor
16. Route 10 Bermuda Triangle Rd to Meadowville Rd
17. Route 64 Widening
18. I-81 Northbound Auxiliary Lane from Exit 141 to 143
19. Route 277 Widening
20. Route 11 S. Valley Pike Roadway
21. I-81 at State Route 75 Interchange Mod
22. Construction Inter Route 15/17/29 at Route 15/17/29
23. Route 3 Passing Lanes Potomac Mills/Flat Iron
24. Indian River Rd Ph 7A

(each as described in the Board's Six-Year Improvement Plan, as amended from time to time)

if any of the foregoing or the related financing plan is delayed, altered, or terminated, such other project or projects as may be designated by the Board and approved by FHWA.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Richmond, Virginia 23219

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Agenda Item #7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 27, 2015

MOTION
Made By: Mr. Kasprowicz, Seconded By: Mr. Rosen
Action: Motion Carried, Unanimously

AUTHORIZING THE WITHDRAWAL OF FUNDS
FROM THE REVENUE STABILIZATION FUND ESTABLISHED FOR
COMMONWEALTH OF VIRGINIA
TRANSPORTATION CAPITAL PROJECTS REVENUE BONDS

WHEREAS, on March 16, 2011, the Commonwealth Transportation Board (the "Board") adopted a resolution (the "2011 CPR Bond Resolution") to issue revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated the "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series 2011" (the "2011 CPR Bonds");

WHEREAS, on May 25, 2011, the Board issued the 2011 CPR Bonds under the provisions of the Master Indenture of Trust dated as of May 1, 2010, as previously supplemented (the "Master Indenture"), between the Board and Wells Fargo Bank, National Association (the "Trustee"), and the Second Supplemental Indenture of Trust dated as of May 1, 2011 (the "Second Supplement" and, together with the Master Indenture, the "Indenture"), between the Board and the Trustee;

WHEREAS, in the 2011 CPR Bond Resolution the Board also authorized the establishment of a fund (the "Revenue Stabilization Fund") pursuant to the Indenture and the transfer thereto of up to $50,000,000 from the Priority Transportation Fund created under Section 33.2-1527 of the Code of Virginia of 1950, as amended, to provide an additional source of payment and security for the 2011 CPR Bonds and the other bonds issued and outstanding under the Indenture (collectively, the "CPR Bonds");

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WHEREAS, the Board established the Revenue Stabilization Fund to set aside funds from the Priority Transportation Fund to ensure compliance with the requirement under subdivision C of Section 33.2-1527 of the Code of Virginia of 1950, as amended, that the revenues then in the Priority Transportation Fund or reasonably anticipated to be deposited into the Priority Transportation Fund pursuant to the law then in effect not be insufficient to make 100% of the contractually required debt service payments on the CPR Bonds and all other bonds, obligations, or other evidences of debt that expressly require as a source for debt service payments or for the repayment thereof the revenues of the Priority Transportation Fund (the "Coverage Requirement"), and the Second Supplement provides for the application of amounts in the Revenue Stabilization Fund to pay debt service on the CPR Bonds and the exclusion of such debt service in computing the Coverage Requirement;

WHEREAS, Section 5.1(b) of the Second Supplement provides in pertinent part that the Board may direct the Trustee to reduce the balance in the Revenue Stabilization Fund to any amount, including zero, at any time, by delivering to the Trustee an Officer's Certificate (as defined in the Master Indenture) stating that the reduction will not cause a failure to satisfy the Coverage Requirement;

WHEREAS, due to the increased amount of revenues flowing into the Priority Transportation Fund pursuant to Chapter 766 of the Acts of the General Assembly of the Commonwealth of Virginia, 2013 Regular Session, as amended, the finance staff of the Virginia Department of Transportation (the "Department") has advised the Board that the balance in the Revenue Stabilization Fund is no longer required to assure compliance with the Coverage Requirement and such balance may be reduced to zero;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. **Reduction of Balance in Revenue Stabilization Fund.** The Board determines that it is in the best interest of the Commonwealth and the Board for the balance in the Revenue Stabilization Fund to be reduced to zero and the balance now in such fund to be returned to the Priority Transportation Fund.

2. **Authorization of Further Action.** The Board authorizes (i) Department finance staff to prepare the Officer's Certificate required under Section 5.1(b) of the Second Supplement to cause the balance in the Revenue Stabilization Fund to be reduced to zero and the balance now in such fund to be returned to the Priority Transportation Fund and (ii) the Chief Financial Officer of the Department to act as the Board Representative (as defined in the Master Indenture) for such Officer's Certificate.

3. **Effective Date.** This Resolution shall be effective immediately.

# # #

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 16, 2014

MOTION

Made By: Mr. Miller Seconded By: Ms. Fisher
Action: Motion Carried, Unanimously

Authorizing the Issuance and Sale of the Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series 2014

WHEREAS, pursuant to the State Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.1-267 *et seq*. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds;

WHEREAS, pursuant to the Commonwealth Transportation Capital Projects Bond Act of 2007, enactment clause 2 of Chapter 896 of the Acts of the General Assembly of the Commonwealth of Virginia, 2007 Regular Session, as amended (the "Bond Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act, revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series ….." (the "Chapter 896 Bonds") at one or more times in an aggregate principal amount not to exceed $3,000,000,000, subject to certain annual limitations;

WHEREAS, pursuant to Item 456.H. of Chapter 874 of the Acts of the General Assembly of the Commonwealth of Virginia, 2010 Regular Session, as amended (collectively, the "Appropriation Act" and, together with the Bond Act, the "Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the State Revenue Bond Act, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" (the "Appropriation Act Bonds" and, together

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with the Chapter 896 Bonds, the "Bonds") at one or more times in an aggregate principal amount not to exceed $180,000,000, after all costs, with the net proceeds of the Appropriation Act Bonds to be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of the General Assembly, 2007 Regular Session, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction and related improvements; and any financing costs and other financing expenses;

WHEREAS, pursuant to the Act, the aggregate principal amount of Bonds that may be issued is $3,180,000,000, consisting of $3,000,000,000 in aggregate principal amount of Chapter 896 Bonds and $180,000,000 in aggregate principal amount of Appropriation Act Bonds, and the Appropriation Act Bonds are not subject to the annual limitations to which the Chapter 896 Bonds are subject;

WHEREAS, bond counsel to the Board ("Bond Counsel") and the staff of the Virginia Department of Transportation (the "Department") have advised that any Bonds issued after July 1, 2012, will be subject to the requirement of Section 2.2-5002.1 of the Virginia Code that any net original issue premium in excess of a *de minimis* amount received on such Bonds be treated as principal for purposes of determining compliance with the aggregate and annual principal amount limitations to which the Bonds are subject;

WHEREAS, Section 33.1-269 of the Virginia Code provides that the Bonds shall be secured, subject to their appropriation by the General Assembly, (i) by revenues deposited into the Priority Transportation Fund created under Section 33.1-23.03:8 of the Virginia Code (the "Priority Transportation Fund"), (ii) to the extent required, by revenues legally available from the Transportation Trust Fund and (iii) to the extent required, by any other legally available funds;

WHEREAS, the Board has entered into a Master Indenture of Trust dated as of May 1, 2010, as previously supplemented and amended (the "Master Indenture") with Wells Fargo Bank, National Association, as trustee (the "Trustee");

WHEREAS, the Board wishes to authorize the issuance of one or more series of Bonds to be known as the "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds," with one or more series designations, as appropriate (the "2014 Bonds"); and

WHEREAS, the following documents that provide for the issuance and sale of the 2014 Bonds, which shall be filed with the records of the Board, have been prepared by Bond Counsel and the staff of the Department at the direction of the Board and have been presented at this meeting in substantially final form:

(1) a Fourth Supplemental Indenture of Trust (the "Fourth Supplement," together with the Master Indenture, the "Indenture"), between the Board and the Trustee, providing for the terms and structure of the 2014 Bonds;

(2) a Preliminary Official Statement of the Board relating to the offering for sale of the 2014 Bonds (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2014 Bonds (the "Continuing Disclosure Agreement").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2014 Bonds. The Board hereby determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Fourth Supplement to provide for the issuance of the 2014 Bonds, (ii) to issue the 2014 Bonds for the purposes authorized under and in accordance with the provisions of the Act and the Indenture and (iii) to sell the 2014 Bonds. The aggregate principal amount of the 2014 Bonds shall not exceed $300,000,000, the final maturity date of the 2014 Bonds shall not exceed 25 years from their date of issuance, and the aggregate true interest cost of the 2014 Bonds shall not exceed the maximum aggregate true interest cost approved by the Treasury Board, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the Commonwealth. The Board expects the debt service payments to be made from appropriations of the Commonwealth.

2. Limited Obligations. The 2014 Bonds shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the revenues pledged under the Indenture ("Revenues") and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution or the 2014 Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of the 2014 Bonds. The Board authorizes the Chairman of the Board (the "Chairman"), subject to the criteria set forth in paragraph 1 of this Resolution, to determine the details of the 2014 Bonds, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. In addition, the Board authorizes the Chairman to allocate portions of the 2014 Bonds to the authorizations provided by the Bond Act and the Appropriations Act, respectively, in accordance with

the actual or projected application of the proceeds of the 2014 Bonds as shall be in accordance with law and as the Chairman shall deem to be in the best interests of the Board, the Department and the Commonwealth.

4. Sale of the 2014 Bonds. The Chairman is authorized to sell the 2014 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2014 Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairman to be in the best interest of the Commonwealth, the Board authorizes the Chairman to solicit and consider proposals for a negotiated sale of the 2014 Bonds and to negotiate the terms of such sale. The Chairman is authorized to execute and deliver a purchase contract or an agreement reflecting such proposal, provided that no such purchase contract or agreement may be executed prior to approval of the terms and structure of the 2014 Bonds by resolution of the Treasury Board.

5. Preliminary Official Statement. The Board approves the Preliminary Official Statement in the substantially final form presented at this meeting. The Board authorizes and directs the Chairman, in collaboration with the staff of the Department and the Board's financial advisor (the "Financial Advisor") and Bond Counsel, to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2014 Bonds, as the Chairman may approve. The Board authorizes the Chairman to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2014 Bonds by resolution of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairman, in collaboration with Bond Counsel, Department staff and Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the winning bid or the executed purchase contract, as appropriate, for the purchase and sale of the 2014 Bonds. The Board authorizes and directs the Chairman to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairman on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the winning bidders or underwriters, as appropriate, within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the winning bidders or underwriters to distribute to each potential investor requesting a copy and to each person to whom the winning bidders or underwriters initially sell the 2014 Bonds.

The Board authorizes and approves the distribution by the winning bidders or underwriters of the Official Statement as executed by the Chairman.

7. Fourth Supplement. The Board approves the Fourth Supplement in its substantially final form presented at this meeting. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final form of the Fourth Supplement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2014 Bonds, including without limitation changes to the dated dates thereof, as the Chairman may approve. Execution and delivery of the Fourth Supplement shall constitute conclusive evidence of the approval of such documents by the Chairman on behalf of the Board.

8. Execution and Delivery of the 2014 Bonds. The Board authorizes and directs the Chairman and the Secretary of the Board (the "Secretary") to have the 2014 Bonds prepared and to execute the 2014 Bonds in accordance with the Indenture, to deliver the 2014 Bonds to the Trustee for authentication, and to cause the 2014 Bonds so executed and authenticated to be delivered to or for the account of the winning bidders or underwriters upon payment of the purchase price of the 2014 Bonds, all in accordance with the Notice of Sale or executed purchase contract, as appropriate. Execution and delivery by the Chairman and the Secretary of the 2014 Bonds shall constitute conclusive evidence of the approval of the 2014 Bonds by the Chairman and the Secretary on behalf of the Board.

9. Continuing Disclosure. The Board approves the Continuing Disclosure Agreement in the substantially final form presented at this meeting. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2014 Bonds and to assist the winning bidders or the underwriters, as appropriate, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2014 Bonds, as the Chairman may approve. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairman of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairman on behalf of the Board.

10. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2014 Bonds in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor of the Commonwealth to approve the issuance of the 2014 Bonds in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility

with respect to some or all of the 2014 Bonds and to execute such contract, together with any other documents related to such credit facility and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2014 Bonds and amounts in the Revenue Stabilization Fund (as defined in the Indenture). The Board further authorizes the Chairman to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2014 Bonds, including, without limitation, execution and delivery of (a) an amendment to the Payment Agreement dated as of May 1, 2010, between the Board, the Treasury Board, and the Secretary of Finance of the Commonwealth, if necessary, to provide for the issuance and payment of debt service of the 2014 Bonds and the application of the Revenue Stabilization Fund and (b) a document (i) setting forth the expected application and investment of the proceeds of the 2014 Bonds and the expected use of the property financed or refinanced thereby to show that such expected application, investment and use will not violate the provisions of Sections 103 and 141-150 of the Tax Code, and the Treasury Regulations promulgated thereunder including the provisions applicable to "arbitrage bonds" (as defined in the Tax Code) and (ii) providing for the rebate of any "arbitrage rebate amounts" (as defined in the Tax Code) earned on the investment of the proceeds of the 2014 Bonds to the United States. The Chairman is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2014 Bonds as the Chairman may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

11. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairman or to the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairman or to an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairman or the Secretary.

12. Effective Date. This Resolution shall be effective immediately.

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Links to bond documents:

- Continuing Disclosure Agreement
- Fourth Supplemental Indenture of Trust between Board and Wells Fargo Bank, National Association, as Trustee
- Transportation Capital Projects Revenue Bonds, Series 2014 - Preliminary Statement

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda Item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 16, 2012

MOTION

Made By: Mr. Layne Seconded By: Mr. Miller Action: Motion Carried, Unanimously

AUTHORIZING THE ISSUANCE AND SALE OF COMMONWEALTH OF VIRGINIA FEDERAL TRANSPORTATION GRANT ANTICIPATION REVENUE NOTES, SERIES 2012B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $200,000,000

WHEREAS, from time to time the Commonwealth of Virginia (the "Commonwealth") receives federal-aid highway construction reimbursements and other federal highway assistance under or in accordance with Title 23 of the United States Code, or any successor program established under federal law, from the Federal Highway Administration ("FHWA") or any successor or additional federal agencies ("Federal Highway Reimbursements");

WHEREAS, the receipt of Federal Highway Reimbursements is expected to continue;

WHEREAS, the State Revenue Bond Act (the "State Revenue Bond Act"), Article 5, Chapter 3, Title 33.1 of the Code of Virginia of 1950, as amended (the "Virginia Code"), empowers the Commonwealth Transportation Board (the "Board") to issue revenue bonds or notes to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds or notes;

WHEREAS, the Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011, Article 1.3, Chapter 1, Title 33.1 of the Virginia Code (the "GARVEEs Act" and, together with the State Revenue Bond Act, the "Act"), authorizes the Board, by and with the consent of the Governor of the Commonwealth (the "Governor"), to issue, pursuant to the provisions of the State Revenue Bond Act, in one or more series from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series ....." (the "GARVEEs"), provided that the aggregate principal amount outstanding at any time shall not exceed the amount

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authorized pursuant to the second enactments of Chapters 1019 and 1044 of the Acts of Assembly of 2000 as amended by Chapter 655 of the Acts of Assembly of 2005, less any principal amounts outstanding from revenue obligations issued pursuant to those enactments prior to July 1, 2011 (which revenue obligations are commonly called, and will be referenced below as, the "FRANs"), and exclusive of (i) the amount of any revenue obligations that may be issued to refund GARVEEs issued under the GARVEEs Act or the FRANs in accordance with Section 33.1-293 of the Virginia Code, and (ii) any amounts issued for financing expenses (including, without limitation, any original issue discount);

WHEREAS, Section 33.1-23.23 of the Virginia Code provides that in connection with each series of GARVEEs issued, the Board shall establish a fund in accordance with Section 33.1-286 of the Virginia Code either in the state treasury or with a trustee in accordance with Section 33.1-283 of the Virginia Code, which fund secures and is used for the payment of such series of GARVEEs to the credit of which there shall be deposited such amounts, appropriated therefor by the General Assembly, as are required to pay principal or purchase price of, and redemption premium, if any, and interest on GARVEEs, as and when due and payable, and the amounts deposited in such fund shall be derived (i) first from Federal Highway Reimbursements received by the Commonwealth from time to time only with respect to the project or projects to be financed by the GARVEEs (the "Project-Specific Reimbursements"); (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, which are designated by the General Assembly for such purpose;

WHEREAS, Section 33.1-268 of the Virginia Code provides that with respect to bonds or notes issued pursuant to the State Revenue Bond Act, such as the GARVEEs, revenues include any moneys received or pledged by the Board pursuant to the State Revenue Bond Act, including, without limitation, legally available Transportation Trust Fund revenues and any Federal Highway Reimbursements, including Project-Specific Reimbursements and Federal Highway Reimbursements other than the Project-Specific Reimbursements (the "Indirect Reimbursements");

WHEREAS, Section 33.1-23.03:5 of the Virginia Code establishes the Transportation Trust Fund on the books of the Comptroller of the Commonwealth (the "Comptroller");

WHEREAS, Section 33.1-23.03:1 of the Virginia Code provides that the Transportation Trust Fund shall consist of, among other moneys, (i) revenues derived from the projects financed or refinanced pursuant to the provisions of Title 33.1 of the Virginia Code, including the Act, which are payable into the state treasury and shall be held in separate subaccounts of the Transportation Trust Fund to the extent required by law or the Board and (ii) all amounts required by contract to be paid over to the Transportation Trust Fund;

WHEREAS, in accordance with Sections 33.1-23.03:1 and 33.1-23.03:5 of the Virginia Code, the Board and the Comptroller have established within the Transportation Trust Fund a

subaccount designated as the "Federal Fund" (the "Federal Fund"), into which all Federal Highway Reimbursements are deposited;

WHEREAS, Section 33.1-12 of the Virginia Code vests the Board with the power and duty (i) to coordinate the planning for financing of transportation needs, (ii) to allocate funds for these needs by adoption of a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year, which program shall be based on the most recent official Transportation Trust Fund revenue forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury, (iii) to administer, distribute, and allocate funds in the Transportation Trust Fund as provided by law, and (iv) to enter into payment agreements with the Treasury Board of the Commonwealth (the "Treasury Board") related to payments on bonds or notes issued by the Board;

WHEREAS, Section 33.1-23.22 of the Virginia Code authorizes the Board to receive any other funds that may be made available to pay costs of the projects to be financed by the GARVEEs and, subject to appropriation by the General Assembly or allocation or designation by the Board, as the case may be, to make available the same to pay the principal or purchase price of, and redemption premium, if any, and interest on GARVEEs and to enter into the appropriate agreements to allow for those funds to be paid into the state treasury, or to a trustee in accordance with Section 33.1-283 of the Virginia Code, to pay a part of the costs of such projects or to pay principal or purchase price of, and redemption premium, if any, and interest on GARVEEs;

WHEREAS, the Board is authorized to provide that the pledge of Federal Highway Reimbursements and any other federal highway assistance received for all or any series of the GARVEEs will be subordinate to any prior pledge thereof to the FRANS, and that the obligation to make transfers of Federal Highway Reimbursements and any other federal highway assistance received or other amounts into any fund established under subsection A of Section 33.1-23.23 of the Virginia Code will be subordinate to the obligation to make any required payments or deposits on or with respect to the FRANS;

WHEREAS, at its October 19, 2011 meeting, the Board adopted a resolution (the "October 2011 Resolution") that authorized the issuance of the first series of GARVEEs (the "2012A GARVEEs"), and the 2012A GARVEEs were issued on March 1, 2012 pursuant to the Master Trust Indenture (the "Master Indenture"), as supplemented by the First Supplemental Trust Indenture (the "First Supplement") each dated as of February 1, 2012 and each between the Board and U.S. Bank National Association, as trustee (the "Trustee");

WHEREAS, pursuant to the authority granted to the Board described herein, the Board now proposes (i) to authorize the issuance of the second series of GARVEEs (the "2012B GARVEEs") for certain purposes authorized under and in accordance with the provisions of the

GARVEEs Act, and (ii) to take such action as may be necessary or advisable in order to effect the issuance and sale of the 2012B GARVEEs;

WHEREAS, Section 33.1-23.16 of the Virginia Code provides that the net proceeds of the GARVEEs shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs incurred or to be incurred for construction or funding of such projects to be designated by the Board, and the Board intends that the net proceeds of the 2012B GARVEEs are to be used to pay costs of the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project (the "Hampton Roads Project"), the costs of the Interstate 95 HOV/HOT Lanes Project (the "Northern Virginia Project", and together with the Hampton Roads Project, the "Projects") and, if either Project or the financing plan for either is delayed, altered, or terminated, costs of such other project or projects as may be designated by the Board and approved by FHWA; and

WHEREAS, the provisions for the foregoing arrangements and transactions will be set forth in the following documents, forms of which have been presented to the Board at this meeting:

(1) a Second Supplemental Trust Indenture, expected to be dated as of July 1, 2012, between the Board and the Trustee (the "Second Supplement" and together with the Master Indenture and the First Supplement, the "Indenture");

(2) a Preliminary Official Statement of the Board containing, among other things, information relating to the Commonwealth, the Board, the Virginia Department of Transportation (the "Department") and the terms of the 2012B GARVEEs to be used in the public offering for sale of the 2012B GARVEEs (the "Preliminary Official Statement");

(3) a Note Purchase Agreement, to be dated as of the sale date of the 2012B GARVEEs (the "Note Purchase Agreement"), between the Board and Citigroup Global Markets, Inc., as the representative of the underwriters of the 2012B GARVEEs (collectively, the "Underwriters"); and

(4) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2012B GARVEEs (the "Continuing Disclosure Agreement" and, together with the Second Supplement, the Preliminary Official Statement and the Note Purchase Agreement, the "Basic Documents").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2012B GARVEEs. The Board determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Second Supplement to provide for the issuance of the 2012B GARVEEs, (ii) to issue the 2012B

GARVEEs in accordance with the provisions of the Act, the Indenture and the Basic Documents, (iii) to sell the 2012B GARVEEs in the manner provided herein, and (iv) to use the net proceeds of the 2012B GARVEEs to pay costs of the Projects and, if either Project or the financing plan for either is delayed, altered, or terminated, costs of such other project or projects as may be designated by the Board and approved by FHWA. The Board authorizes the issuance and sale of the 2012B GARVEEs within the following parameters: (i) the aggregate principal amount of the 2012B GARVEEs shall not exceed $200,000,000, (ii) the final maturity date of the 2012B GARVEEs shall not exceed 20 years from their date of issuance, and (iii) the aggregate true interest cost of the GARVEEs shall not exceed the maximum true interest cost approved by the Treasury Board. The Treasury Board is required pursuant to Section 2.2-2416 of the Virginia Code to approve the terms and structure of the 2012B GARVEEs.

2. Federal Fund and Federal Highway Reimbursements. The Board affirms its commitment to (i) maintain the Federal Fund, (ii) provide for the deposit of Federal Highway Reimbursements into the Federal Fund and the debt service fund (the "GARVEEs Debt Service Fund") created under the Indenture to pay the debt service due on the GARVEEs, (iii) provide for payment of debt service on all GARVEEs (including the 2012B GARVEEs) from the GARVEEs Debt Service Fund all as more particularly set forth in the October 2011 Resolution and memorialized in the Indenture and the Payment Agreement (as defined in the Indenture).

3. Limited Obligations. The 2012B GARVEEs shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the Federal Highway Reimbursements and the other Revenues (as defined in the Indenture) and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution, the 2012B GARVEEs, the Indenture, the Payment Agreement or the Basic Documents shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

4. Determination of Final Terms and Details and Delivery of the 2012B GARVEEs. The Board authorizes the Chairman of the Board (the "Chairman"), subject to the parameters set forth in paragraph 1 of this Resolution, to determine the final terms and details of the 2012B GARVEEs, including, without limitation, the final series designation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. Further, once the terms and details of the 2012B GARVEEs have been determined, the Board authorizes and directs the Chairman and the Secretary of the Board (the "Secretary") (i) to have the 2012B GARVEEs prepared and executed in accordance with the Indenture, (ii) to deliver the 2012B GARVEEs to the Trustee for authentication, and (iii) to cause the 2012B GARVEEs so executed and authenticated to be delivered to or for the account of the Underwriters upon payment of the purchase price of the 2012B GARVEEs, all in accordance with the executed Note Purchase Agreement. Execution and delivery by the Chairman and the Secretary of the 2012B GARVEEs shall constitute

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conclusive evidence of the approval of the 2012B GARVEEs and the terms and details thereof by the Chairman and the Secretary on behalf of the Board.

5. Basic Documents. The Board approves each of the Basic Documents in substantially the form presented at this meeting. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final forms of the Basic Documents with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2012B GARVEEs, including without limitation changes to the dated dates thereof, as the Chairman may approve. The Chairman's execution and delivery of the Basic Documents shall constitute conclusive evidence of the approval of the final forms of such documents by the Chairman on behalf of the Board.

6. Sale of the 2012B GARVEEs. The Chairman is authorized to sell the 2012B GARVEEs pursuant to a negotiated sale with the Underwriters and to negotiate the terms of such sale, as substantially set forth in the form of the Note Purchase Agreement presented at this meeting. The Chairman is authorized to execute and deliver the Note Purchase Agreement with the Underwriters, provided that the Note Purchase Agreement may not be executed prior to approval of the terms and structure of the 2012B GARVEEs in accordance with a resolution of the Treasury Board.

7. Preliminary Official Statement. The Board approves the Preliminary Official Statement in the substantially final form presented at this meeting. The Board authorizes and directs the Chairman, in collaboration with Department staff, McGuireWoods LLP, the Board's bond counsel ("Bond Counsel"), the Underwriters, and Public Resources Advisory Group, the Board's financial advisor (the "Financial Advisor"), to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2012B GARVEEs, as the Chairman may approve. The Board authorizes the Chairman to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2012B GARVEEs in accordance with a resolution of the Treasury Board.

8. Official Statement. The Board authorizes and directs the Chairman, in collaboration with Department staff, Bond Counsel, the Underwriters, and the Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the executed purchase contract for the purchase and sale of the 2012B GARVEEs. The Board authorizes and directs the Chairman to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairman on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the Underwriters within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the Underwriters to distribute to each

potential investor requesting a copy and to each person to whom the Underwriters initially sell the 2012B GARVEEs. The Board authorizes and approves the distribution by the Underwriters of the Official Statement as executed by the Chairman.

9. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "material event notices" for the benefit of holders of the 2012B GARVEEs and to assist the Underwriters in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairman of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairman on behalf of the Board.

10. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2012B GARVEEs in accordance with Section 2.2-2416 of the Virginia Code and the Act, (ii) to request the Governor to approve issuance of the 2012B GARVEEs in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2012B GARVEEs and to execute such contract, together with any other documents related to such credit facility, and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2012B GARVEEs. The Board further authorizes the Chairman to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2012B GARVEEs, including, without limitation, the execution and delivery documents, certificates or instruments that include without limitation (i) agreements or amendments to existing agreements concerning Federal Highway Reimbursements or the GARVEEs generally to account for the 2012B GARVEEs or the proceeds of the 2012B GARVEEs or other GARVEEs in a manner consistent with the intent of this Resolution, and (ii) certificates or agreements concerning tax items related to the 2012B GARVEES, such as: (A) the expected use and investment of the proceeds of the 2012B GARVEEs to show that such expected use and investment will not cause the 2012B GARVEEs to be deemed to be "private activity bonds" or "arbitrage bonds" under Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), (B) providing for the computation and payment to the United States of any arbitrage rebate liability under Section 148(f) of the Tax Code. The Chairman is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2012B GARVEEs as the Chairman may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

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11. Authorizations and Directions to Certain Officers. Any authorization of or direction to the Chairman or the Secretary under this Resolution shall also be deemed to be an authorization of or a direction to (i) the Vice-Chairman of the Board or any Assistant Secretary of the Board, respectively, and (ii) any other officer or employee of the Board or the Department designated for such purpose by the Chairman or the Secretary, respectively, including without limitation the Commonwealth's Commissioner of Highways or the Chief Financial Officer of the Department.

12. Effective Date. This Resolution shall be effective immediately.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 19, 2011

MOTION

Made By: Mr. Layne Seconded By: Mr. Sterling
Action: Motion Carried, Unanimously

AUTHORIZING THE ISSUANCE AND SALE OF
COMMONWEALTH OF VIRGINIA
FEDERAL TRANSPORTATION GRANT ANTICIPATION REVENUE NOTES,
SERIES 2011

WHEREAS, from time to time the Commonwealth of Virginia (the "Commonwealth") receives federal-aid highway construction reimbursements and other federal highway assistance under or in accordance with Title 23 of the United States Code, or any successor program established under federal law, from the Federal Highway Administration ("FHWA") and any successor or additional federal agencies ("Federal Highway Reimbursements");

WHEREAS, the receipt of Federal Highway Reimbursements is expected to continue;

WHEREAS, the State Revenue Bond Act (the "State Revenue Bond Act"), Article 5, Chapter 3, Title 33.1 of the Code of Virginia of 1950, as amended (the "Virginia Code"), empowers the Commonwealth Transportation Board (the "Board") to issue revenue bonds or notes to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds or notes;

WHEREAS, the Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011, Article 1.3, Chapter 1, Title 33.1 of the Virginia Code (the "GARVEEs Act" and, together with the State Revenue Bond Act, the "Act"), authorizes the Board, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act, in one or more series from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series ....." (the "GARVEEs"), provided that the aggregate principal amount outstanding at any time shall not exceed the amount authorized pursuant to the second enactments of Chapters 1019 and 1044 of the Acts of Assembly of 2000

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as amended by Chapter 655 of the Acts of Assembly of 2005, less any principal amounts outstanding from revenue obligations issued pursuant to those enactments prior to July 1, 2011 (which revenue

obligations are commonly called, and will be referenced below as, the "FRANs"), and exclusive of (i) the amount of any revenue obligations that may be issued to refund GARVEEs issued under the GARVEEs Act or the FRANs in accordance with Section 33.1-293 of the Virginia Code, and (ii) any amounts issued for financing expenses (including, without limitation, any original issue discount);

WHEREAS, Section 33.1-23.23 of the Virginia Code provides that in connection with each series of GARVEEs issued, the Board shall establish a fund in accordance with Section 33.1-286 of the Virginia Code either in the state treasury or with a trustee in accordance with Section 33.1-283 of the Virginia Code, which secures and is used for the payment of such series of GARVEEs to the credit of which there shall be deposited such amounts, appropriated therefore by the General Assembly, as are required to pay principal or purchase price of, and redemption premium, if any, and interest on GARVEEs, as and when due and payable, (i) first from Federal Highway Reimbursements received by the Commonwealth from time to time only with respect to the project or projects to be financed by the GARVEEs or any series thereof (the "Project-Specific Reimbursements"); (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, which are designated by the General Assembly for such purpose;

WHEREAS, Section 33.1-268 of the Virginia Code provides that with respect to bonds or notes issued pursuant to the State Revenue Bond Act, such as the GARVEEs, revenues include any moneys received or pledged by the Board pursuant to the State Revenue Bond Act, including, without limitation, legally available Transportation Trust Fund revenues and any Federal Highway Reimbursements, including Project-Specific Reimbursements and Federal Highway Reimbursements other than the Project-Specific Reimbursements (the "Indirect Reimbursements");

WHEREAS, Section 33.1-23.03:5 of the Virginia Code establishes the Transportation Trust Fund on the books of the Comptroller of the Commonwealth (the "Comptroller");

WHEREAS, Section 33.1-23.03:1 of the Virginia Code provides that the Transportation Trust Fund shall consist of, among other moneys, (i) revenues derived from the projects financed or refinanced pursuant to the provisions of Title 33.1 of the Virginia Code, including the Act, which are payable into the state treasury and shall be held in separate subaccounts of the Transportation Trust Fund to the extent required by law or the Board and (ii) all amounts required by contract to be paid over to the Transportation Trust Fund;

WHEREAS, in accordance with Sections 33.1-23.03:1 and 33.1-23.03:5 of the Virginia Code, the Board and the Comptroller have established within the Transportation Trust Fund a subaccount designated as the "Federal Fund" (the "Federal Fund"), into which all Federal Highway Reimbursements are deposited;

WHEREAS, Section 33.1-12 of the Virginia Code vests the Board with the power and duty (i) to coordinate the planning for financing of transportation needs, (ii) to allocate funds for these needs by adoption of a Six-Year Improvement Program of anticipated projects and programs by July 1 of each

year, which program shall be based on the most recent official Transportation Trust Fund revenue forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt

Capacity Advisory Committee and the Department of the Treasury, (iii) to administer, distribute, and allocate funds in the Transportation Trust Fund as provided by law, and (iv) to enter into payment agreements with the Treasury Board of the Commonwealth (the "Treasury Board") related to payments on bonds or notes issued by the Board;

WHEREAS, Section 33.1-23.22 of the Virginia Code authorizes the Board to receive any other funds that may be made available to pay costs of the projects to be financed by the GARVEEs and, subject to appropriation by the General Assembly or allocation or designation by the Board, as the case may be, to make available the same to the payment of the principal or purchase price of, and redemption premium, if any, and interest on GARVEEs and to enter into the appropriate agreements to allow for those funds to be paid into the state treasury, or to a trustee in accordance with Section 33.1-283 of the Virginia Code to pay a part of the costs of such projects or to pay principal or purchase price of, and redemption premium, if any, and interest on GARVEEs;

WHEREAS, the Board is authorized to provide that the pledge of Federal Highway Reimbursements and any other federal highway assistance received for all or any series of the GARVEEs will be subordinate to any prior pledge thereof to the FRANS, and that the obligation to make transfers of Federal Highway Reimbursements and any other federal highway assistance received or other amounts into any fund established under subsection A of Section 33.1-23.23 of the Virginia Code will be subordinate to the obligation to make any required payments or deposits on or with respect to the FRANS;

WHEREAS, pursuant to the authority granted to the Board described in the foregoing, the Board now proposes (i) to authorize the issuance of the first series of GARVEEs (the "2011 GARVEEs") for certain purposes authorized under and in accordance with the provisions of the GARVEEs Act, and (ii), to the extent authorized and permitted by the Act, to enter into certain covenants to maintain the Federal Fund and a debt service fund for the GARVEEs to be held by the below-defined Trustee (the "GARVEEs Debt Service Fund") and to make certain deposits therein to provide for the security and source of payment of the GARVEEs;

WHEREAS, Section 33.1-23.16 of the Virginia Code provides that the net proceeds of the GARVEEs shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs incurred or to be incurred for construction or funding of such projects to be designated by the Board, and the Board intends that the net proceeds of the 2011 GARVEEs are to be used to pay costs of the Downtown Tunnel/Midtown Tunnel/MLK Extension Project (the "Project") and, if the Project or the financing plan therefor is delayed, altered, or terminated, costs of such other project or projects as may be designated by the Board and approved by FHWA; and

WHEREAS, the provisions for the foregoing arrangements and transactions will be set forth in the following documents, forms of which have been presented to the Board at this meeting:

(1) a Master Trust Indenture (the "Master Indenture"), dated as of November 1, 2011, between the Board and U.S. Bank National Association, as trustee (the "Trustee");

(2) a First Supplemental Trust Indenture, dated as of November 1, 2011, between the Board and the Trustee (the "First Supplement" and, together with the Master Indenture, the "Indenture");

(3) a Preliminary Official Statement of the Board containing, among other things, information relating to the Commonwealth, the Board, the Virginia Department of Transportation (the "Department") and the terms of the 2011 GARVEEs to be used in the public offering for sale of the 2011 GARVEEs (the "Preliminary Official Statement");

(4) a Note Purchase Agreement, dated as of the sale date of the 2011 GARVEEs (the "Note Purchase Agreement"), between the Board and Merrill Lynch Pierce Fenner & Smith Incorporated, as the representative of the underwriters of the 2011 GARVEEs (the "Underwriters");

(5) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2011 GARVEEs (the "Continuing Disclosure Agreement");

(6) a Payment Agreement, dated as of November 1, 2011, among the Board, the Treasury Board, and the Secretary of Finance of the Commonwealth of Virginia (the "Payment Agreement"); and

(7) a Memorandum of Agreement by and among the Board, the Department, and FHWA, establishing procedures related to GARVEE transactions, including the budgeting of GARVEE proceeds and the billing and payment of debt service payments on the GARVEEs (the "Memorandum of Agreement" and, together with the Indenture, the Continuing Disclosure Agreement and the Payment Agreement, the "Basic Documents").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2011 GARVEEs. The Board determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Master Indenture to provide for the issuance of the GARVEEs from time to time, (ii) to issue the 2011 GARVEEs in accordance with the provisions of the Act and the Indenture, (iii) to sell the 2011 GARVEEs in the manner provided herein and (iv) to use the net proceeds of the 2011 GARVEEs to pay costs of the Project and, if the Project or the financing plan therefor is delayed, altered, or terminated, costs of such other project or projects as may be designated by the Board and approved by FHWA. The aggregate principal amount of the 2011 GARVEEs shall not exceed $400,000,000, the final maturity date of the 2011 GARVEEs shall not exceed 20 years from their date of issuance, and the aggregate true interest cost of the GARVEEs shall not exceed the maximum true interest cost approved by the Treasury Board, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the Commonwealth. The Board expects debt service payments on the GARVEEs to be made from appropriations of the Commonwealth.

2. Federal Fund and Federal Highway Reimbursements. To the extent permitted by the Act, the Board hereby agrees that, for so long as any GARVEEs remain outstanding under the Indenture, the Board will (i) maintain the Federal Fund and deposit all Federal Highway Reimbursements therein for as long as any GARVEEs are outstanding, (ii) treat and consider all of the Federal Highway Reimbursements flowing through the Federal Fund (net of the FRANs debt service amounts) as "legally available revenues of the Transportation Trust Fund" within the meaning of the GARVEEs Act, (iii) provide for the deposit of Federal Highway Reimbursements (net of the FRANs debt service amounts) into the GARVEEs Debt Service Fund similar to the current requirement for the FRANs set forth in the trust indenture for the FRANs, (iv) provide for the deposit into the GARVEEs Debt Service Fund of Project-Specific Reimbursements received on or before the corresponding payment dates on the GARVEEs; and (v) provide that all Indirect Reimbursements deposited into the GARVEEs Debt Service Fund shall be released and transferred back to the Federal Fund if and to the extent the Project-Specific Reimbursements are received and available for the timely payment of the corresponding debt service on the GARVEEs.

3. Limited Obligations. The 2011 GARVEEs shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the Revenues (as defined in the Indenture) and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution or the 2011 GARVEEs shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

4. Determination of Details of the 2011 GARVEEs. The Board authorizes the Chairman, subject to the criteria set forth in paragraph 1 of this Resolution, to determine the details of the 2011 GARVEEs, including, without limitation, the final series designation (if, for example, the 2011 GARVEEs are issued in calendar year 2012), the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices.

5. Sale of the 2011 GARVEEs. The Chairman is authorized to sell the 2011 GARVEEs pursuant to a negotiated sale with the Underwriters and to negotiate the terms of such sale, as substantially set forth in the form of the Note Purchase Agreement presented at this meeting. The Chairman is authorized to execute and deliver the Note Purchase Agreement with the Underwriters, provided that the Note Purchase Agreement may not be executed prior to approval of the terms and structure of the 2011 GARVEEs in accordance with a resolution of the Treasury Board.

6. Preliminary Official Statement. The Board approves the Preliminary Official Statement in the substantially final form presented at this meeting. The Board authorizes and directs the Chairman, in collaboration with Department staff, McGuireWoods LLP, the Board's bond counsel ("Bond Counsel"), the Underwriters, and Public Resources Advisory Group, the Board's financial advisor (the "Financial Advisor"), to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2011 GARVEEs, as the Chairman may approve. The Board authorizes the Chairman to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2011 GARVEEs in accordance with a resolution of the Treasury Board.

7. Official Statement. The Board authorizes and directs the Chairman, in collaboration with Department staff, Bond Counsel, the Underwriters, and the Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the executed purchase contract for the purchase and sale of the 2011 GARVEEs. The Board authorizes and directs the Chairman to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairman on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the Underwriters within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the underwriters to distribute to each potential investor requesting a copy and to each person to whom the Underwriters initially sell the 2011 GARVEEs. The Board authorizes and approves the distribution by the Underwriters of the Official Statement as executed by the Chairman.

8. Basic Documents. The Board approves each of the Basic Documents in substantially the form presented at this meeting. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final forms of the Basic Documents with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2011 GARVEEs, including without limitation changes to the dated dates thereof, as the Chairman may approve. The Chairman's execution and delivery of the Basic Documents shall constitute conclusive evidence of the approval of such documents by the Chairman on behalf of the Board.

9. Execution and Delivery of the 2011 GARVEEs. The Board authorizes and directs the Chairman and the Secretary of the Board (the "Secretary") to have the 2011 GARVEEs prepared and to execute the 2011 GARVEEs in accordance with the Indenture, to deliver the 2011 GARVEEs to the Trustee for authentication, and to cause the 2011 GARVEEs so executed and authenticated to be delivered to or for the account of the Underwriters upon payment of the purchase price of the 2011 GARVEEs, all in accordance with the executed Note Purchase Agreement. Execution and delivery by the Chairman and the Secretary of the 2011 GARVEEs shall constitute conclusive evidence of the approval of the 2011 GARVEEs and the terms and details thereof by the Chairman and the Secretary on behalf of the Board.

10. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "material event notices" for the benefit of holders of the 2011 GARVEEs and to assist the Underwriters in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairman of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairman on behalf of the Board.

11. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2011 GARVEEs in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor of the Commonwealth to approve issuance of the 2011 GARVEEs in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2011 GARVEEs and to execute such contract, together with any other documents related to such credit facility, and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate

investments and investment contracts for any of the proceeds of the 2011 GARVEEs. The Board further authorizes the Chairman to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2011 GARVEEs, including, without limitation, execution and delivery of a document setting forth, among other things, (i) the expected use and investment of the proceeds of the 2011 GARVEEs to show that such expected use and investment will not cause the 2011 GARVEEs to be deemed to be "private activity bonds" or "arbitrage bonds" under Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and (ii) providing for the computation and payment to the United States of any arbitrage rebate liability under Section 148(f) of the Tax Code. The Chairman is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2011 GARVEEs as the Chairman may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

12. Authorizations and Directions to Certain Officers. Any authorization of or direction to the Chairman or the Secretary under this Resolution shall also be deemed to be an authorization of or a direction to the Vice-Chairman of the Board or an Assistant Secretary of the Board, respectively, and any officer or employee of the Board or the Department designated for such purpose by the Chairman or the Secretary, respectively, including without limitation the Commonwealth's Commissioner of Highways or the Chief Financial Officer of the Department.

13. Effective Date. This Resolution shall be effective immediately.

###

Back to Cash and Debt Management

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

1401 East Broad Street
Richmond, Virginia 23219

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 17, 2010

MOTION

Made By: Mr. Davies Seconded By: Mr. White
Action: Motion Carried, Unanimously

ADOPTING A POST-ISSUANCE COMPLIANCE POLICY
FOR OBLIGATIONS ISSUED BY THE
COMMONWEALTH TRANSPORTATION BOARD

WHEREAS, the Commonwealth Transportation Board (the "Board") is authorized to issue debt from time to time and currently has outstanding indebtedness in the form of (a) obligations the interest on which is excludable from gross income for federal income tax purposes pursuant to the Internal Revenue Code of 1986, as amended, and regulations thereunder (collectively, the "Code") ("tax-exempt obligations"), and (b) obligations the interest on which is not excludable from gross income for federal income tax purposes, but which federal law otherwise requires to satisfy requirements of the Code applicable to tax-exempt obligations (e.g., Build America Bonds authorized pursuant to Section 54AA of the Code) ("tax-exempt qualifying obligations," and together with tax-exempt obligations, "Obligations");

WHEREAS, pursuant to the Code and related U.S. Treasury regulations, the Board must demonstrate compliance with certain requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations be, or continue to be, or but for certain provisions of the Code would be, excludable from gross income for federal income tax purposes;

WHEREAS, the Board has determined to authorize and adopt a post-issuance compliance policy (the "Policy") to document existing practices and describe various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with post-issuance requirements with respect to its Obligations; and

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WHEREAS, there has been presented to this meeting a draft of the Policy which the Board proposes to approve and adopt, copies of which shall be filed with the records of the Board;

NOW THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Adoption of Post-Issuance Compliance Policy. The Board determines that it is in the best interest of the Commonwealth of Virginia (the "Commonwealth") to authorize and adopt the Policy, and the Policy is hereby authorized and adopted by the Board in substantially the form presented to this meeting.

2. Effective Date. This Resolution shall be effective immediately.

#####

Back to Cash and Debt Management

COMMONWEALTH TRANSPORTATION BOARD

Post-Issuance Compliance Policy for Tax-Exempt Qualified Obligations

Statement of Purpose

This Post-Issuance Compliance Policy (the "Policy") sets forth specific policies of the Commonwealth Transportation Board (the "Transportation Board") of the Commonwealth of Virginia (the "Commonwealth") designed to monitor post-issuance compliance of tax-exempt qualified obligations[*] issued by the Transportation Board (the "Obligations") with applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder (the "Treasury Regulations").

The Policy documents existing practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations be, or continue to be, or but for certain provisions of the Code would be, excludable from gross income for federal income tax purposes. The Transportation Board recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of the Obligations, and is an integral component of the Transportation Board's debt management. Accordingly, the analysis of those facts and implementation of the Policy will require on-going monitoring, and may entail consultation by the Commonwealth's Department of Transportation staff (the "Transportation staff") with bond counsel beyond the scope of bond counsel's initial engagement with respect to the issuance of particular Obligations.

Policy Components

Specific post-issuance compliance procedures address the relevant areas described below. The following list is not intended to be exhaustive and further areas may be identified from time to time by the Transportation staff in consultation with bond counsel and appropriate representatives of the Attorney General's office and the Commonwealth's Department of the Treasury (the "Treasury Department") staff.

I. General Policies and Procedures – the following policies relate to procedures and systems for monitoring post-issuance compliance generally.

A. The Chief Financial Officer of the Commonwealth's Department of Transportation (the "Chief Financial Officer") shall identify an appropriate Department of Transportation staff member (currently the Debt Manager) to be responsible for monitoring post-issuance compliance issues on behalf of the Transportation Board (the "Transportation Designee"). The Treasury Department Director of Debt Management (the "Treasury Director") has identified an appropriate Treasury Department staff

[*] For purposes of the Policy, tax-exempt qualified obligations shall include (a) obligations the interest on which is excludable from gross income for federal income tax purposes pursuant to the Internal Revenue Code of 1986, as amended, and regulations thereunder (collectively, the "Code") ("tax-exempt obligations"), and (b) obligations the interest on which is not excludable from gross income for federal income tax purposes, but which federal law otherwise requires to satisfy requirements of the Code applicable to tax-exempt obligations. For example, Section 54AA of the Code, added by the American Recovery and Reinvestment Act of 2009, authorizes the issuance of "Build America Bonds," the interest on which is includible in gross income for federal income tax purposes, provided that (a) the interest on the bonds would, but for such Section 54AA, be excludable from gross income for federal tax purposes under Section 103 of the Code, (b) such bonds are issued before a specified date (currently January 1, 2011), and (c) the issuer makes an irrevocable election to have Section 54AA apply. Accordingly, the Policy will apply to Build America Bonds issued by the Transportation Board.

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member (currently the Assistant Director of Debt Management responsible for the Transportation Board) to assist, as necessary, the Transportation Designee in such monitoring as it relates to Obligations issued by the Transportation Board. The Chief Financial Officer and the Treasury Director, as applicable, shall be responsible for ensuring an adequate succession plan for transferring post-issuance compliance responsibility when changes in staff occur.

B. The Transportation Designee will coordinate procedures for record retention and review of such records.

C. The Transportation Designee will review post-issuance compliance procedures and systems on a periodic basis, but not less than annually.

D. Electronic media will be the preferred method for storage of all documents and other records related to Obligations and compliance with the Policy maintained by Transportation staff, the Transportation Board and the Treasury Department. In maintaining such electronic storage, the Transportation Designee will comply with applicable Internal Revenue Service ("IRS") requirements, such as those contained in IRS Revenue Procedure 97-22.

II. Issuance of Obligations – the following policies relate to the issuance of a specific issue of Obligations by the Transportation Board.

The Transportation Designee will:

A. Obtain from bond counsel and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents.

B. Confirm that bond counsel has filed the applicable information report (e.g., IRS Form 8038-G or 8038-CP) for such issue with the IRS on a timely basis.

C. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations with other applicable Transportation staff.

III. Arbitrage – the following policies relate to the monitoring and calculating of arbitrage and compliance with specific arbitrage rules and regulations.

The Transportation Designee will:

A. Coordinate the tracking of expenditures and any investment earnings.

B. Obtain a computation of the yield on such issue from the Transportation Board's financial advisor for such issuance or other relevant third party (e.g., the underwriter for such issuance, the State Non Arbitrage Program ("SNAP"), or other outside arbitrage rebate specialist) and maintain a system for tracking investment earnings, whether internal to the Department of Transportation or external via the Treasury Department or SNAP.

C. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.

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D. Coordinate with SNAP and/or other applicable Transportation staff to monitor compliance with the applicable "temporary period" (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.

E. Coordinate with SNAP and/or other applicable Transportation staff and the bond trustee to ensure that investments acquired with proceeds of such issue are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.

F. Coordinate with SNAP and/or other applicable Transportation staff and the bond trustee to avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.

G. Coordinate with SNAP and/or other applicable Transportation staff and the bond trustee to consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions (e.g., bond insurance, letters of credit) or hedging transactions (e.g., interest rate swaps, caps).

H. Coordinate with SNAP and/or other applicable Transportation staff and the bond trustee to identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.

I. Coordinate with SNAP and/or other applicable Transportation staff and the bond trustee to monitor compliance with the six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.

J. Coordinate with SNAP and/or other applicable Transportation staff or Treasury Department staff and the bond trustee to arrange, as applicable, for timely computation of rebate liability and, if rebate is due, for timely filing of IRS Form 8038-T and to arrange payment of such rebate liability.

K. Coordinate with SNAP and/or other applicable Transportation staff or Treasury Department staff to arrange for timely computation and payment of "yield reduction payments" (as such term is defined in the Code and Treasury Regulations), if applicable.

L. In the case of any issue of refunding Obligations, coordinate with the Transportation Board's financial advisor, the bond trustee and any escrow agent to arrange for the purchase of the refunding escrow securities, should obtain a computation of the yield on such escrow securities from the Treasury Department's outside arbitrage rebate specialist and should monitor compliance with applicable yield restrictions.

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IV. Private Activity Concerns – the following policies relate to the monitoring and tracking of private uses and payments with respect to facilities financed or refinanced by Obligations.

The Transportation Designee will:

A. Coordinate with applicable Transportation staff to maintain records determining and tracking which specific issues of Obligations financed which facilities and in what amounts.

B. Coordinate with applicable Transportation staff to maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue of Obligations to expenditures, including the reimbursement of pre-issuance expenditures.

C. Coordinate with applicable Transportation staff to maintain records allocating to a project financed with Obligations the proceeds of such issue of Obligations and any funds from other sources that will be used for non-qualifying costs.

D. Coordinate with SNAP and/or other applicable Transportation staff to monitor the expenditure of proceeds of such issue for qualifying costs.

E. Coordinate with applicable Transportation staff to monitor any private use of financed facilities to ensure compliance with applicable percentage limitations.

F. Consult with bond counsel as to any possible private use of financed facilities.

V. Reissuance – the following policies relate to compliance with rules and regulations regarding the reissuance of Obligations for federal tax purposes.

The Transportation Designee will:

A. Consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

B. Confirm with bond counsel whether any “remedial action” in connection with a “change in use” (as such terms are defined in the Code and Treasury Regulations) would be treated as a reissuance for federal tax purposes, and if so, confirm the filing of any new IRS Form 8038-G.

VI. Record Retention – the following policies relate to retention of records relating to Obligations.

The Transportation Designee will:

A. Coordinate with applicable Transportation staff to maintain sufficient records to ensure that the issue remains in compliance with applicable federal tax requirements for the life of such issue.

B. Coordinate with applicable Transportation staff to comply with federal and state law provisions imposing specific recordkeeping requirements.

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C. Coordinate with applicable Transportation staff to generally maintain the following:

1. Basic records relating to the transaction (e.g., supplemental indenture, loan agreement, any non-arbitrage certificate and the bond counsel opinion);

2. Documentation evidencing expenditure of proceeds of the issue;

3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation.

4. Documentation evidencing use of financed property by public and private sources (e.g., copies of management contracts and research agreements);

5. Documentation evidencing all sources of payment or security for the issue; and

6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, SLGs subscriptions, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).

D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS. While this is typically accomplished through the maintenance of hard copies, records may be kept in electronic format so long as applicable requirements, such as IRS Revenue Procedure 97-22, are satisfied.

E. Keep all material records for so long as the issue is outstanding, plus three years after the final maturity or redemption of such issue.

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COMMONWEALTH of VIRGINIA

COMMONWEALTH TRANSPORTATION BOARD
1401 East Broad Street
RICHMOND, VIRGINIA 23219

PIERCE R. HOMER
CHAIRMAN

Agenda item # 4-C

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 21, 2005

MOTION

Made By: Mr. White Seconded By: Mr. Keen Action: Motion Carried, Unanimously

Title: Cash Forecasting

WHEREAS, the Governor and General Assembly have established procedures to be followed by VDOT in the development of the Six-Year Improvement Program; and

WHEREAS, the Auditor of Public Accounts (APA) evaluated cash management and capital budgeting practices at VDOT in 2002 and made recommendations for improving these activities; and

WHEREAS, VDOT's cash position has stabilized during the last two years as a result of the regular use of a cash forecasting model in making operating and financing decisions;

WHEREAS, the Commonwealth Transportation Board has included in its policies a desire to finance projects as they are built; and

WHEREAS, beginning with the 2003 Six-Year Improvement Program, the cash forecast has been used effectively to determine the cash flow impacts of the program of projects; and

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board:

- Ratifies the use of cash flow projections as an important component of financial accountability and a beneficial method of balancing projected revenues with proposed expenditures in the delivery of VDOT's construction and maintenance programs; and
- Directs VDOT to continue the use of cash flow projections from the Cash Forecast Model, or similar application, to provide guidance for project scheduling

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and inclusion in the development and management of the Six-Year Improvement Program; and

- Directs VDOT to continue the use of cash flow projections from the Cash Forecast Model, or similar application, to plan cash needs and availability for maintenance, operations and administrative spending; and
- Directs VDOT to use cash flow projections from the Cash Forecast Model, or similar application, to aid in the transition to a capital based budget.

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Back to Cash and Debt Management

Commonwealth Transportation Board
Approved 11/20/03
Debt Capacity Model

for

Federal Highway Reimbursement Anticipation Notes

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Commonwealth Transportation Board
Debt Policy

Purpose

The debt policy will establish the level of indebtedness the Commonwealth Transportation Board can reasonably expect to incur without jeopardizing its existing credit ratings and to ensure the efficient and effective use of debt financing of the CTB's transportation infrastructure development program. As such, the debt policy is to be used in conjunction with the Approved Budget, the Six Year Improvement Program (SYIP), and the Official Revenue Forecast.

Policy Statement

The use of debt financing will be kept to a minimum while focusing on (i) efficiency in timing and amount of debt issuance to support project cash flow needs; (ii) targeting the use of debt to fund activities that will accelerate project delivery and mitigate the impact of inflation; and (iii) management of debt within acceptable capacity limitations in order to maximize availability of future funding for new projects.

With the exception of Federal Highway Reimbursement Anticipation Notes ("FRANs"), debt will continue to be issued in accordance with Commonwealth of Virginia debt management policy as promulgated by the Debt Capacity Advisory Committee.

Future sales of FRANs will only be authorized in compliance with the debt capacity model described below.

Federal Highway Reimbursement Anticipation Notes

- FRANs were authorized by the Virginia Transportation Act of 2000 (the "VTA").
- FRANs are issued pursuant to a Master Indenture of Trust, dated as of October 1, 2000.
- FRANs are secured by revenues appropriated by the General Assembly, the source of which is expected to be limited to Federal highway reimbursements received from time to time by the Commonwealth.
- The CTB, at its discretion and to the extent required, may allocate from legally available revenues of the Transportation Trust Fund and then from such other funds, if any, which may be designated by the General Assembly, for the payment of debt service on FRANs.
- FRANs are rated Aa2/AA/AA by Moody's Investors Service, Standard & Poor's and Fitch Ratings, respectively.

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Debt Capacity Model

- Debt Capacity Measure: Maximum debt service on any outstanding and planned bond issues, assuming the Interest Rate Measure, cannot exceed 25 percent of the Revenue Measure

$$\frac{\text{Maximum Annual FRANs Debt Service}}{\text{Revenue Measure}} \leq 25\%$$

- Revenue Measure: Six-year average of federal highway reimbursements received in the preceding six state fiscal years. Federal highway reimbursements means all federal-aid highway construction reimbursements and any other federal highway assistance received from time to time by the Commonwealth of Virginia under or in accordance with Title 23 of the United States Code or any successor program established under federal law.

- Interest Rate Measure: Twenty-four month average of Municipal Market Data (MMD) double-A 10-year yield. Using a twenty-four month average would capture fluctuations in interest rates and also moderate the effect of interest rate movements over any one year.

- Issuance Period: 10 Years

- Debt Service: Incorporates any outstanding debt and future issuances

- Maximum Outstanding: The total principal amount outstanding may not exceed $1.2 billion as is currently authorized by the VTA.

- Maximum Maturity: 10 years as is currently authorized by the VTA.

- Debt Structure: Level annual debt service

- Additional Bonds Test: Future debt issuances must comply with the Master Indenture Additional Bonds Test, which specifies that the Commonwealth Transportation Board (the "Board") may issue additional FRANs if the Chairman or Vice Chairman of the Board certifies that Projected Federal Highway Revenues[1] for the period ending upon the termination of the most recently enacted authorization for the Federal-Aid Highway Program shall equal or exceed 3.0 times the Maximum Annual Debt Service, including debt service on the additional FRANs.

[1] Projected Federal Highway Revenues is the annual average of Federal Highway Reimbursements projected by the Board to be received by the Commonwealth during the Federal Fiscal Year(s), commencing with the then current Federal Fiscal Year, remaining in any then enacted authorization period of the Federal-Aid Highway Program.

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Sensitivity Analysis

Federal highway reimbursements and interest rates cannot be predicted, the following sensitivity analyses will demonstrate the impact on debt capacity of changes in federal highway reimbursements and interest rates:

- Six-year average of federal highway reimbursements +/- 10 percent
- Twenty-four month average of MMD double-A 10-year yield +/- 100 basis points

Parameters of the Model

(A) **Debt Capacity Model Inputs** includes:
(A.1) Debt Service to Revenues Percentage of 25 percent (Debt Capacity Measure),
(A.2) Six-Year Historical Average of Federal Highway Reimbursements (Revenue Measure),
(A.3) 24-Month Average of the MMD Double-A 10-Year Yield (Interest Rate Measure) and
(A.4) Term of Debt (10 years).

(B) **Maximum Annual Capacity to Pay Debt Service** is calculated as the product of the Debt Service to Revenues Percentage of 25 percent and the Revenue Measure. [B=(A.1)*(A.2)]

(C) **Total Debt Capacity** is calculated as the present value of the Maximum Annual Capacity to Pay Debt Service assuming the Interest Rate Measure and 10 year maturity and represents the total amount of FRANs that can be issued assuming annual debt service for 10 years is equal to the Maximum Annual Capacity to Pay Debt Service with the interest rate on the debt equal to the Interest Rate Measure. [C=PV(A.3, A.4, (A.1*A.2))]

(D) **Maximum Annual Debt Service on Outstanding Debt** is the maximum fiscal year debt service on all FRANs debt outstanding at the time of the analysis. Debt service on future debt issues is not included.

(E) **Remaining Capacity to Pay Debt Service** is calculated as the difference between the Maximum Annual Capacity to Pay Debt Service and the Maximum Annual Debt Service on Outstanding Debt and represents the annual amount of revenues available to pay debt service on future debt issues, assuming the Debt Capacity Model Inputs. [E=B-D]

(F) **Additional Debt That Can Be Issued Through and Including 2010** is calculated as the present value of the Remaining Capacity to Pay Debt Service assuming the Interest Rate Measure and 10 year maturity and represents the amount of FRANs that can be issued given the FRANs that are currently outstanding. For the period from 2004 through 2010, the total amount that can be issued is constrained by the debt service on the outstanding Series 2000 and Series 2002 FRANs, which equals approximately $120.6 million each year. [F=PV(A.3, A.4, E)]

(G) **Existing Debt Service** is the annual debt service on the FRANs outstanding at the time of the analysis.

(H) **Additional Debt to be Issued** is the annual amount of debt that can be issued given the existing debt service and the Debt Capacity Model Inputs. For the period 2004 through 2010, given a Revenue Measure and Interest Rate Measure, the total amount that can be

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issued is fixed for the period, but the issuance schedule and the size of the issue over the seven-year period can be determined by the CTB as long as the total issuance does not exceed the Additional Debt That Can Be Issued Through 2010 (F). After 2010, the Additional Debt To Be Issued reflects the maximum amount of debt that can be issued in each year without violating the Debt Capacity Measure and assuming the maximum amount of debt that could be issued in prior years was issued. [H=PV(A.3, A.4, (B-G_n-I_{n-1})]

(I) **Debt Service on Additional Debt** represents the debt service on all new FRANs issues assuming the Interest Rate Measure, 10 year maturity.

(J) **Total Debt Service** is the sum of the Existing Debt Service and the Debt Service on Additional Debt. [J=G+I]

(K) **Total Principal Outstanding** is the amount of debt outstanding including the Additional Debt to be Issued.

(L) **6-Year Average Federal Highway Revenues** is the Revenue Measure.

(M) **Debt Service as % of Revenues** is calculated by dividing Total Debt Service by the Revenue Measure. [M=I + L]

(N) **Debt Service Coverage** is calculated by dividing the Revenue Measure by Total Debt Service. [N=L + I]

(O) **Revenue for Pay-As-You-Go** is the amount of federal highway reimbursements left to pay for projects on a pay-as-you-go basis assuming the Revenue Measure. [O=L-J]

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Summary of Model Results

Using the Debt Capacity Measure of debt service to revenues of 25 percent, for 2004, the CTB has total debt capacity for FRANs of $1.236 billion based on the following model inputs:

- Revenue Measure: Average of federal highway reimbursements for fiscal years 1998 through 2003 is $607.8 million
- Interest Rate Measure: The 24-month average of MMD double-A 10 year yields is 3.95 percent.

The CTB has previously issued two series of FRANs, $375 million in 2000 and $523.32 in 2002. As of October 1, 2003, a total of $786.6 million of principal is outstanding. Annual debt service on the Series 2000 and Series 2002 is approximately $120.6 million through 2010. After taking into account debt service on the outstanding FRANs, the CTB has remaining capacity of $255.01 million through and including 2010. The issuance schedule and the size of the issues over the seven-year period can be determined by the CTB as long as the total issuance for the period does not exceed the $255.01 million. Based on the same model inputs, after 2010, the CTB could issue a total of $980.5 million with maximum annual amounts set forth in the table below.

State Fiscal Year	Maximum Capacity ($000s)
2004-2010	$255,011
2011	$327,662
2012	$109,130
2013	$407,873
2014	$135,840
Total	**$1,235,516**

Summary of Sensitivity Analysis

Federal highway reimbursements and interest rates cannot be predicted; the following summarizes the impact on debt capacity of changes in federal highway reimbursements and interest rates:

- Interest Rate Sensitivity:
  - If 100 basis points are added to the Interest Rate Measure, total debt capacity is reduced by $59.3 million to $1.18 billion. Remaining capacity is reduced by $12.2 million to $242.8 million.
  - If 100 basis points are subtracted from the Interest Rate Measure, total debt capacity is increased by $64.0 million to $1.30 billion. Remaining capacity is increased by $13.2 million to $268.2 million.
- Revenue Sensitivity:
  - For each 10% change in the Revenue Measure, total debt capacity changes by $123.5 million.

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Construction and Design

- Location Decision Policy (Adoption) (9/21/2022)
- Revision to “Establishment of Objective Criteria for the Selection of Design-Build Projects” Policy (2/20/2019)
- Policy on Open Rail/Parapets (7/20/1995)
- Cattle Passes on Two-Lane Highways (10/7/1954)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: Mr. Kasprowicz **Seconded By:** Ms. Hynes
Action: Motion carried, unanimously

Title: Location Decision Policy (Adoption)

WHEREAS, on January 15, 2020, the Commonwealth Transportation Board (CTB) approved a location for a preferred alternative for the Martinsville Southern Connector Study, documented in a Draft Environmental Impact Statement (EIS) developed in accordance with the National Environmental Policy Act (NEPA); and

WHEREAS, in its location approval action, CTB directed the Virginia Department of Transportation (VDOT) to review and recommend to the CTB whether location decisions issued by the CTB should remain valid after a period of three years from the completion of NEPA unless full funding for construction is secured; and

WHEREAS, in response to CTB direction, VDOT reviewed location decisions made by the CTB and determined that the completion of NEPA is not an appropriate milestone by which project progress is assessed; and

NOW, THEREFORE, BE IT RESOLVED the CTB hereby adopts the Location Decision Policy to address the directive from January 15, 2020 and issues noted herein, and adopts the following policy and process to assess location decisions pursuant to Section 33.2-208 of the Code of Virginia:

Back to Construction and Design

1. CTB shall review all CTB location decisions three years after their respective approval date.

2. VDOT shall present and recommend location decisions meeting the conditions under Item 1 requesting that they be affirmed, modified, or rescinded by resolution of the CTB. Recommendations shall be timed to align as close to the three years as practicable.

3. Should the CTB modify or affirm a location decision for a project, the location decision will be valid for another three years unless otherwise directed by the CTB.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 20, 2019

MOTION

Made By: Mr. Johnsen, Seconded By: Mr. Kasprowicz
Action: Motion Carried, Unanimously

Title: Revision to "Establishment of Objective Criteria for the Selection of Design-Build Projects" Policy

WHEREAS, in 2001 the General Assembly of Virginia amended and reenacted § 33.1-12 of the *Code of Virginia* to authorize the Commonwealth Transportation Board (CTB) to award design-build contracts; and,

WHEREAS, the reenacted § 33.1-12 required the CTB to adopt objective criteria regarding the use of design-build; and,

WHEREAS, in 2006 the General Assembly of Virginia amended and reenacted § 33.1-12 of the *Code of Virginia* to eliminate the limit on the number of transportation projects the CTB may award on a design-build basis; and,

WHEREAS, the CTB amended and approved the current Design-Build Objective Criteria Policy on July 20, 2006; and,

WHEREAS, in 2014 the General Assembly of Virginia re-codified § 33.1-12 of *the Code of Virginia* as § 33.2-209 (B); and,

WHEREAS, the Virginia Department of Transportation has requested the addition of Guaranteed Maximum Price (GMP) as a basis of an award for Design-Build projects, which would make it necessary to revise the CTB's policy concerning Design-Build Objective Criteria.

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NOW, THEREFORE, BE IT RESOLVED, that the policy set forth in the attached revised "Establishment of Objective Criteria for the Selection of Design-Build Projects" (Attachment A) is hereby approved and shall supersede and replace the Design-Build Objective Criteria Policy approved on July 20, 2006; and,

BE IT FURTHER RESOLVED, that the Commissioner of Highways is authorized to use the revised "Establishment of Objective Criteria for the Selection of Design-Build Projects" in identifying and procuring contracts using the design-build process on projects that are to be advertised on or after February 21, 2019.

VIRGINIA DEPARTMENT OF TRANSPORTATION

ESTABLISHMENT OF OBJECTIVE CRITERIA FOR THE SELECTION OF DESIGN-BUILD PROJECTS

BACKGROUND

During the 2001 Virginia Legislative Session, the General Assembly of Virginia amended and reenacted § 33.1-12 of the Code of Virginia, relating to powers and duties of the Commonwealth Transportation Board authorizing the award of design-build contracts. The Code was further amended during the 2006 Virginia Legislative Session, to eliminate the limit on the number of transportation projects the Commonwealth Transportation Board may award on a design-build basis. In 2014 the General Assembly of Virginia re-codified § 33.1-12 of the Code of Virginia as § 33.2-209(B).

POLICY

The Commonwealth Transportation Board may award contracts for the construction of transportation projects on a design-build basis subsequent to the Commissioner making a written determination, pursuant to objective criteria previously adopted by the Board regarding the use of design-build, that delivery of the projects must be expedited and that it is not in the public interest to comply with the design and construction contracting procedures normally followed.

DEFINITIONS

The words defined herewith shall have the meaning set forth below throughout this document.

a) “Best Value” means the overall combination of quality, price and various elements of the required services that in total are optimal relative to VDOT’s needs, as predetermined in the solicitation.

b) “Board” means The Commonwealth Transportation Board.

c) “Design-Build Contract” means a contract between VDOT and a design-build firm in which the design-build firm agrees to both design and build the structure, roadway, or other item in the contract.

d) “Design-Build Firm” means any company, firm, partnership, corporation, association, joint venture, or other entity permitted by law to practice engineering, architecture and construction contracting in the Commonwealth of Virginia which has the capability, in all respects, to perform fully the contract requirements and business integrity and reliability which will assure good faith performance, and which has been pre-qualified, if required.

e) “Fixed Price” means the price of services provided by the design-build firm is fixed before bidding by VDOT. The bids are judged on the overall combination of quality and various other elements of the required services which in total are optimal relative to VDOT’s needs, as predetermined in the solicitation.

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f) “Guaranteed Maximum Price” means the budget approved for the design-build contract which the design-build firm’s lump sum price will not exceed.

g) “Low Bid” means the contract will be awarded to the design-build firm with the lowest priced responsive bid.

h) “Project” or “Transportation Project” means any project that VDOT is authorized by law to undertake including, but not limited to, a highway, tollway, bridge, mass transit, intelligent transportation system, traffic management, traveler information services, or any other project for transportation purposes.

i) “Request for Proposal (RFP)” means all documents whether attached or incorporated by reference utilized for soliciting proposals. The RFP is the second step of a two step competitive negotiation process in which VDOT issues a written request to those design-build firms which have been pre-qualified to submit both technical and price proposals.

j) “Request for Qualifications (RFQ)” means all documents whether attached or incorporated by reference utilized for soliciting interested persons to apply for prequalification. The RFQ is the first step of a two step competitive negotiation process for the purpose of inviting interested qualified design-build firms to apply for prequalification.

k) “VDOT” means the Virginia Department of Transportation, or any duly authorized representative thereof.

PROCEDURE

VDOT will prepare a finding of public interest and shall include the appropriate justification showing why the design-build process is in the best interest of the Commonwealth of Virginia. The finding shall indicate how the Commonwealth of Virginia will benefit from the design-build procurement process. The finding may include anticipated savings such as time, cost, or reduced administrative burdens through expedited delivery; benefits derived from warranties such as improved service life, safety, or quality; preservation of VDOT’s capital assets; or reduction in the risks associated with transportation projects.

Upon the Commissioner’s determination that the proposed project meets the Objective Criteria approved by the Board, the Commissioner will authorize the use of the design-build procurement process for the development of the project. The Board may award the design-build contract upon completion of the VDOT’s successful invitations for bids and negotiations of the contract.

OBJECTIVE CRITERIA

The objective criteria for selecting projects for design-build procurement process contracts shall include one or more criteria items listed below. The criteria include expedited schedule, established budget, well defined scope, favorable risk analysis, prequalification of design-build firms and use of a competitive bidding process.

Expedited Schedule - The project has an expedited schedule or fixed completion date. Using the design-build procurement method will reduce

the overall project completion time compared to the design-bid-build method.

Established Budget – The project has an established budget. VDOT requires that the project be completed at or near the established cost without significant overruns. The design-build procurement method will reduce the overall project cost compared to design-bid-build method.

Well-defined scope - The project has a well-defined scope and performance requirements. VDOT has clear understanding of the project scope and the final project. The scope is defined to achieve desired results with room for innovation in the design and construction efforts.

Risk Analysis - The project imposes limited risk to VDOT with the exception of directed changes. The project has a limited number of issues that must be resolved such as utility conflicts, right-of-way acquisitions, geo-technical conditions, hazardous materials, wetlands and environmental concerns or other such issues. Risk management plans have been fully developed.

Prequalification of Design-Build Firms - The project requirements clearly define the necessary qualifications that a design-build firm must have. The prequalification requirements and process shall be established in writing and sufficiently in advance of the filing date to allow potential design-build firms a fair opportunity to complete the process. The design-build firm wishing to submit a proposal on a design-build project shall be pre-qualified under existing process if there is no project RFQ, or must be qualified based on evaluation criteria set forth in the project RFQ.

Competitive Bidding Processes - The project affords an opportunity for competition in its procurement. VDOT will review the overall design-build program and select projects of various size and scope to ensure maximum participation and competition among qualified design-build firms. VDOT will facilitate fairness by incorporating appropriate measures for competitive design-build proposals. The RFPs for the projects selected for the design-build program will clearly state the selection criteria and evaluation method in determining the successful design-build firm. VDOT may include, but is not limited to, the following types of projects for the design-build contracts:

- Emergency and repair projects;
- Projects directly impacting public safety;
- Projects directly supporting economic development/enhancement;
- Projects using specialty or innovative designs and construction methods or techniques;
- Projects to maximize the use of available funding (i.e. Federal, Bonds, FRANS, etc.); and
- Projects deemed by VDOT to have expedited scheduling requirements.

VDOT may also use various bases for awarding a design-build contract as appropriate. The bases of awarding such contracts shall be adequately described in the RFP for the transportation projects. Such bases may include, but are not limited to, the following:

- Best Value,

- Low Bid,
- Fixed Price,
- Guaranteed Maximum Price.

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Minutes of the Meeting of the
State Highway Commission of Virginia
Held in
Lexington, October 7, 1954.

At 12:15 P. M. Thursday, October 7, the State Highway Commission met in the Robert E. Lee Hotel, Lexington, Virginia. Present - Messrs. J. A. Anderson, E. P. Barrow, S. D. May, Burgess E. Nelson, S. W. Rawls, Howard C. Rogers, Tucker C. Watkins, Jr. and William A. Wright.

Following lunch the meeting was called to order by the Chairman.

Moved by Mr. Rawls, seconded by Mr. Watkins, that the minutes of the July 20 meeting be approved. Motion carried.

Moved by Mr. Watkins, seconded by Mr. Rawls, that the minutes of the meeting of August 3-5 be approved. Motion carried.

Moved by Mr. Barrow, seconded by Mr. Rogers, that the Commission approve the permits issued from the August 3-5 meeting to October 7, inclusive, as recorded in the Auditing Division. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Barrow, that the permits cancelled by the Commissioner from the August 3-5 meeting to October 7, inclusive, as authorized June 25, 1947, and recorded in the Auditing Division, be approved. Motion carried.

A delegation of the following gentlemen appeared before the Commission with further reference to the transfer of sections of Routes 58 and 156 of the Primary System in Buckingham, Nelson and Amherst Counties to the Secondary System: - Messrs. B. H. Camden, D.D. Burford, W. M. Fulcher, Tyler Fulcher, H. L. Gantt, J. L. Patterson, C. H. Wood, Chas. T. Moses, Thos. B. Hall, H. W. Whitehead, Geo. P. Helbish, T. L. Wright, Maury F. LeSueur, C. H. Moon, H. D. Meyer and Robert Whitehead who spoke for the group.

The Commission took the problem under advisement, to be acted on at a later meeting.

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projects financed from State funds 50% of the cost of each property where the cost is within the estimate. On projects financed with Federal, State and City funds, the Commonwealth will pay the percentage of the cost of each property, where the cost is within the estimate, that is set by Federal law for the participation of the different governmental bodies. Legal fees will be paid in the same ratio as payment for property and damages.

(c) Utility Policy in cities and towns, regardless of population:

Whenever a project for the construction or improvement of a route on the Primary and/or Secondary System of Highways is undertaken within towns and cities, the towns and cities shall agree to relocate or readjust all publicly or privately owned utilities located either above ground or below ground, as may be necessary so as not to delay or interfere with the work on the project. The relocating or readjusting of the publicly or privately owned utilities to be done without expense to the Commonwealth.

(3) That with regard to drainage structures at private entrances, it be the policy of this Commission where bridges, or other drainage structures, are placed for private entrances, it shall be the responsibility of the adjoining property owner to maintain such bridge or drainage structure. The property owner to be so advised at the time of securing right of way or otherwise contacting him at time of placing of structure.

(4) That with regard to cattle passes, it be the policy of this Commission that on two-lane highways with right of way of 110 feet or less, cattle passes will not be built, except in widening highways existing structures will be widened. If the property owner desires a cattle pass and pays the difference between such a structure and the structure that is required for drainage, then a cattle pass may be constructed.

Where the right of way width is over 110 feet and the plans for the present or future construction provide for a four-lane divided highway, cattle passes may be constructed under certain conditions. If the land on each side of the highway is under the same ownership and at least forty (40) head of horses or cattle are to be passed from one side of the right of way to the other at least daily and the construction of a cattle pass is recommended by the Right of Way Engineer, approved as to location by the Location and Design Engineer, a cattle pass may be constructed upon approval of the Chief Engineer.

(5) That with regard to the construction and maintenance of public utility pole lines and facilities on rights of way 110 feet or more in width, the governing procedure and conditions be as set out on Pages 57 to 66, inclusive, of the Manual on Permits in cases where the owners of such lines and facilities have executed or will execute the agreement.

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Contracting and Procurement

- Project Cost Estimating (3/17/2005)
- Anti-Trust Monitoring and Detection Program Policy (10/15/1987)

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COMMONWEALTH of VIRGINIA

COMMONWEALTH TRANSPORTATION BOARD
1401 East Broad Street
RICHMOND, VIRGINIA 23219

WHITTINGTON W. CLEMENT
CHAIRMAN

Agenda item #8 A

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

March 17, 2005

MOTION

Made By: Mr. Bowie Seconded By: Mr. Keen
Action: Motion Carried, Unanimously

Title: Project Cost Estimating

WHEREAS, in January 2001, the Joint Legislative Audit and Review Commission (JLARC) made several recommendations regarding cost estimation and scoping, including that VDOT review its cost estimation process with an eye toward improvement; and

WHEREAS, in July 2002, the Auditor of Public Accounts performed a review of VDOT's cash management and budgeting practices, and made several recommendations concerning project cost estimation. VDOT was strongly urged to "…ensure the development and application of a reasonable, realistic, and consistent cost estimating method"; and

WHEREAS, during an audit of the Springfield Interchange project by the U.S. Department of Transportation's Office of the Inspector General, the auditors recommended that VDOT "…complete its planned review of VDOT's cost estimation process to ensure that it is sufficiently rigorous to generate reasonable estimates of project costs"; and

WHEREAS, at the direction of Commissioner Shucet, the Virginia Transportation Research Council developed an improved method to estimate VDOT's project costs, and to improve project scoping; and

WHEREAS, consistent use of a uniform statewide cost estimating procedure will help ensure that VDOT uses the most accurate cost estimates available in developing the Six-Year Improvement Program (SYIP) and the Secondary Six-Year Plans (SSYP);

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NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board:

- Directs VDOT to use a standardized, statewide system of Project Cost Estimating, as a tool to help VDOT produce realistic and reliable estimates of project costs subject to the following conditions:
  - That it will be used for all estimates submitted for inclusion in the Six-Year Improvement Program (including the Secondary Six-Year Plan).
  - That inflation factors and industry trends will be utilized to estimate future project costs.
  - Inflation factors will be updated or verified at least annually by the Chief Financial Officer.
  - That estimates will be retained and verified, and updated periodically and at specified milestones during preliminary engineering, so that the official cost estimates are kept current.
  - That the responsibility for maintaining and updating the standardized statewide system and its underlying factors and methodology be assigned to VDOT's Scheduling and Contract Division.

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Anti-Trust Monitoring and Detection Program Policy

MINUTES
OF
MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

Jonesville, Virginia

October 15, 1987

The monthly meeting of the Commonwealth Transportation Board was held in the Lee County Courthouse, Jonesville, Virginia, on October 15, 1987. The chairman, Mr. Ray D. Pethtel, presided.

Present: Messrs. Pethtel, Bacon, Davidson, Guiffre, Howlette, Humphreys, Leafe, Malbon, Musselwhite, Quicke and Smalley and Mrs. Kincheloe and Dr. Thomas.

Absent: Messrs. Beyer and Kelly.

Mr. Edgar Bacon, Board Member representing the Bristol District, welcomed the members to the area.

Mr. John L. Robertson, President, Utility Location Services, Inc. spoke to the Board regarding his firm's protest of the award of utility designating and locating services contracts under consideration by the Board. Mr. Robertson asked that copies of letters from Senator Clarence A. Holland, Delegate Glenn R. Croshaw and Delegate Glenn B. McClanan be included as a part of the minutes of this meeting. Copies are attached.

Delegate Ford C. Quillen, representing the 1st District, welcomed the Board Members to Jonesville and the Bristol District, urged further improvements to Route 58 and 58A and thanked the members for their assistance in funding projects in the area.

On motion of Mr. Smalley, seconded by Dr. Thomas, permits issued and canceled from September 17, 1987, to October 14, 1987, inclusive, as shown by the records of the Department, were approved.

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COMMONWEALTH OF VIRGINIA

DEPARTMENT OF TRANSPORTATION

ANTI-TRUST MONITORING AND DETECTION PROGRAM POLICY



CONSTRUCTION DIVISION

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ANTITRUST MONITORING AND DETECTION PROGRAM POLICY

Be it hereby affirmed that it is the policy of the Virginia Department of Transportation to promote the free market system and to ensure a competitive environment for the provision of construction related goods and services directly or indirectly to the Department. All contracting opportunities made available to businesses shall encourage trade and commerce unhampered by artificial and unreasonable constraints.

The Department will, therefore, provide a well defined program with the objective of maintaining a competitive environment promoting rewards obtainable through innovation, efficiency, and integrity in business practice. To fulfill this policy, the Department will assign the development, monitoring, and evaluation of this program to the Construction Division Administrator, who will be responsible for its direction and implementation. Adequate support staff will be assigned responsible functions within the program.

As Commissioner, I am directing the implementation of the Antitrust Monitoring and Detection Program in accordance with this policy.

_____

Ray D. Pethtel, Commissioner

_____

Date

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I. PREAMBLE - This policy and measures hereinafter describe operational procedures employed by the Virginia Department of Transportation regarding the Antitrust Monitoring and Detection Program. This program has been established to promote the free market system and ensure a competitive environment for the provision of construction related goods and services directly or indirectly to the Department.

II. PURPOSE - These measures reflect policies which seek to protect the interests of the citizens of the Commonwealth and the Department in the award of contracts to businesses or individuals participating in the competitive bidding process. These interests include, but are not limited to, equal access to the bidding process, cost containment through naturally occurring marketplace activities, and integrity in business practices. The Department, in its trustee role as a public contracting agency, is vested with wide discretion in the determination of a contractor's responsibility as it relates to moral and ethical considerations affecting the public procurement process.

These measures are specifically applied to Departmental cost control activities related to the bidding process and the Engineer's Estimating System. These measures apply to all actions undertaken by the Department, including all internal and external processes, communications, and procedures.

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These measures will be used to protect the public interest and are not intended to be utilized as sanctions, penalties, or other forms of punishment. These measures do not apply directly to debarment, civil prosecution, or criminal prosecution, although results from the Program may have impact upon or initiate actions in each of these areas.

Insofar as possible in consonance with stated Federal and State systems of law and mandates, and to the extent that such use is practical, suitable, and feasible, these measures will be undertaken with the intent being to equalize considerations of the public and private sectors.

III. AUTHORITY - Authority for this policy is issued pursuant to Sections 33.1 - 12 & 13 of the Code of Virginia, which authorizes the Transportation Commission and Commissioner to do all acts necessary to further the interests of the Commonwealth in the area of transportation.

Free competition is the essence of the American economic system of private enterprise, and only through free markets that allow for the expression, preservation, and expansion of such competition can the economic well-being and security of our Commonwealth be assured. Based on this principle, the General Assembly has authorized the Department to provide funding for Program personnel

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under Section 1-117.639 of Chapter 643, Acts of the Assembly [1986], and Section 1-117.639 of Chapter 723, Acts of the Assembly [1987].

Further, the Department has the responsibiity to protect the public interest by monitoring the highway construction industry to insure that it complies with the Virginia Antitrust Act, Sections 59.1-9.1 et. seq., of the Code of Virginia; the Conspiracy to Rig Bids to Government Act, Sections 59.1 - 68.6 et. seq., of the Code of Virginia; the Virginia Governmental Frauds Act, Sections 18.2-498.1 et. seq., of the Code of Virginia; and the Virginia Public Procurement Act, Sections 11-35 et. seq., of the Code of Virginia.

IV. APPLICABILITY - This policy applies to participants and affiliates engaged directly or indirectly in the provision of construction related goods or services to the Department. Any person, partnership, corporation, joint venture, or business combination participating in the competitive bidding process, including but not limited to the supply of labor, materials, commodities, or support services, will be considered for monitoring and analysis activities. For purposes of this program, any participant who through the public procurement process, or whose actions or inactions may impact upon this process will be included.

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V. DEFINITIONS - This part sets forth definitions used in or referred to in this policy and are to be applied throughout.

"Affiliate" means, any business entity which is closely connected or associated to another business entity so that one entity controls or has the power to control the other entity either directly or indirectly, or when a third party has the power to control or controls both, or where one business entity has been so closely allied with another business entity through an established course of dealings, including but not limited to the lending of financial wherewithal, engaging in joint ventures, etc., as to cause a public perception that the two firms are a single entity. Specific extensions of this definition are included in Volume 13, Code of Federal Regulations, Section 121.3 and Volume 14A, Code of Federal Regulations, Section 631.2A.

"Antitrust Monitoring and Detection Program", hereinafter referred to as "Program" means, any measures set forth in the Department's policy that describe, outline, specify, direct, or imply actions to be undertaken by the Department to protect the public from anticompetitive activities.

"Bid" means, a proposal submitted to the Department covering the fee for any work contemplated.

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"Bidder" means, an individual, partnership, corporation, or joint venture, or business combination submitting a proposal for any work contemplated.

"Competitive Sealed Bidding" means, a method of contractor selection which includes the following elements:

1. Issuance of a written Invitation to Bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. Unless the public body has provided for prequalification of bidders, the Invitation to Bid shall include a statement of any requisite qualifications of potential contractors. When it is impractical to prepare initially a purchase description to support an award based on prices, an Invitation to Bid may be issued requesting the submission of unpriced offers to be followed by an Invitation to Bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

2. Public notice of the Invitation to Bid at least ten days prior to the date set for receipt of bids by posting in a designated public area, or publication in a newspaper of general circulation, or both. In addition, bids may be solicited directly from potential contractors. Any such

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additional solicitations shall include businesses selected from a list made available by the Office of Minority Business Enterprise.

3. Public opening and announcement of all bids received.

4. Evaluation of bids based upon the requirements set forth in the invitation, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, suitability for a particular purpose, which are helpful in determining acceptability.

5. Award to the lowest responsive and responsible bidder. When the terms and conditions of multiple bids are so provided in the invitation to bid, awards may be made to more than one bidder.

6. Competitive sealed bidding shall not be required for procurement of professional services.

"Contractor" means, any person, partnership, corporation, or joint venture, or business combination which is eligible to bid or desires to bid on work awarded by the Department, or which is eligible to bid, or has previously been contracted to bid as a supplier to the Department.

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"Debarment" means, a disqualification from contracting with the Department because of perceived or actual nonresponsiveness, nonperformance, or nonresponsibility of a contractor, including moral and ethical considerations affecting integrity in business practices.

"Engineer's Estimate" means, a cost estimate prepared for the confidential use of the Department in awarding contracts for construction or purchase of goods or services.

"Joint Venture" means, two or more individuals, partnerships or corporations, or combinations thereof, joining together for the purpose of bidding on and constructing a project, or supplying goods or services to the Department.

"Marketplace" specifically refers to, the organized market processes impacting upon public procurement activities engaged in by the Department through the competitive bidding endeavor. This term includes all businesses who directly or indirectly participate by virtue of product or process delineation and geographic scope; and whose activities, products, or services share related characteristics, uses, pricing or supply/demand considerations that are used to establish, maintain, or increase a respective business' marketshare; and may refer to the broad concept of the highway construction industry or to more closely defined markets or submarkets active within the industry at any given time.

"Minority Business Enterprise" means, a small business that is both owned and controlled by minorities or by women. This means that minorities or women must own fifty-one percent of the business and that they must control the management and daily operations of the business. Minorities include Blacks, Hispanics, Asian Americans, American Indians and Alaskan Natives and members of other groups or individuals who the Small Business Administration (SBA) has determined are economically and socially disadvantaged under Section 8(a) of the Small Business Act.

"Participant" means, any individual, partnership, corporation, joint venture or business combination, that engages in the Department's competitive bidding process that pertains to the obtaining of any goods, services, or construction.

"Responsible" or "Responsible Bidder" means, any person, business or business combination that has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability which will assure good faith performance, and who has been prequalified, if required.

"Responsive" or "Responsive Bidder" means, any person, business, or business combination that has submitted a bid which conforms in all material respects to the Department's Invitation to Bid.

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VI. AUTHORIZED MEASURES - This part sets forth guidelines for actions to be undertaken by the Department to develop and implement the Program.

A. The Department will provide for a program to monitor the highway construction industry as well as markets and submarkets active within the industry, to insure that competitive practices are maintained. The focus of this Program is the reduction of potential antitrust violations, and the promotion of natural competition in contract award to industry participants. This Program is initiatory in nature and will refer detected irregular occurrences through a Uniform Reporting Procedure to appropriate outside agencies for further action.

B. The Department will provide for the technical development and full utilization of computerized systems to aid in the analysis process and the assessment of competitive acceptability. These systems will be continually refined and updated to adjust to change in marketplace environment, advances in technology and statistical detection procedures, and development of new concepts from economic research. All reasonable efforts will be employed to maintain validity and reliability of systems information, and justifiable precautions will be taken to maintain systems security.

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C. The Department will provide for a multidisciplinary staff of professional analysts who will be responsible for the tracking and identification of unusual marketplace occurrences that may negatively impact the competitive bidding process. Their duties will include collection and development of information, and refinement of specific analysis techniques applied in the review of the bidding and estimate process and the initiation of Departmental referral procedures. Continual emphasis will be placed on advanced training of this staff in all areas referred to in and covered by this policy.

D. The Department will provide for and conduct marketplace sampling activities on a regular basis with the intent being to assess the economic health and competitive well-being of the industry as a whole, as well as various submarket components within it. Components to be monitored will include commodities, suppliers, equipment costs, labor costs, and financial conditions. Special attention will be directed toward keeping the Department current in and responsive to changes in line-item pricing, producer/contractor efficiency, capacity considerations, and expected levels of competition.

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E. The Department will provide for all actions and activities necessary for Program support regarding exchange of information, concepts, or ideas to or from outside agencies, associations, groups or consultants. All necessary and reasonable efforts will be made to maintain security of information, procedures and systems deemed sensitive or restricted. The specific intent of these communications will be continual refinement of the Engineer's Estimate System and enhancement of monitoring and detection techniques utilized by the Department.

F. The Department will provide for an ongoing research effort to support the Program. Such research activities will provide adjustments to existing systems, both informational and conceptual, that parallel changes in marketplace environment, advances in ideas and technology, and modifications in legal opinions. Such research will set forth characteristics of markets and behaviors associated with high probability of noncompetitive practice, and provide defensible analytic designs for continuing empirical examination of the industry and component markets operating within the Commonwealth.

VII. SPECIAL CONDITIONS - This part acknowledges conditions heretofore referred to in Department policy that require special treatment regarding the analytical activities undertaken by the Program.

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Such treatment is not intended to provide exemption from the stated purpose of this policy, but to acknowledge the necessity of analytical adjustment when dealing with such conditions. Special conditions may exist in reference to Minority Business Enterprises, and in reference to joint ventures or combinations thereof.

VIII. PROGRAM RESPONSIBILITY - This part applies to operational Department personnel and their responsibilities in undertaking all actions deemed necessary or convenient to execute the Program, and to fully comply with provisions of present and future State and Federal laws and mandates; to review, design, implement, and evaluate Program activities, and oversee the execution thereof and report thereon; and to initiate activities when necessary to further or protect the public interest. The Program will be overseen by the Construction Division Administrator who reports directly to the Director of Operations and secondarily to the Chief Engineer. Daily operational responsibility will be the charge of the Estimator/Bid Analyst Supervisor who will direct monitoring and analysis activities. The referral process will be the responsibility of the Chief Engineer upon recommendation of the Director of Operations and Construction Division Administrator. A professional staff of analysts will provide the functional support necessary to fulfill the trustee obligations of the Department in this area.

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IX. UNIFORM REPORTING PROCEDURES - This part sets forth standard guidelines for the uniform reporting of Program findings, provides for continual review of regulations for debarment of contractors, and referral to outside agencies, of any circumstances that impact upon or are related to potential antitrust violations. Such reporting procedures will be selected, designed, and designated to provide for operational efficiency and adherence to appropriate protocol. Such reporting procedures will recognize and comply with stated Federal and State systems of law and other mandates, and will provide for adequate adjustment to any changes to such systems or mandates hereafter.

In order to meet obligations in this area, the referral process will emanate from the Department through procedures outlined in this policy under Program Responsibility to interested outside agencies. Interested parties include, but are not limited to, the Virginia Attorney General's Office and/or the Office of Inspector General, United States Department of Transportation. The specific lines of referral will be to the Virginia Assistant Attorney General in charge of the Antitrust Section, and/or the Chief Investigator of the Inspector General, respectively. The handling, processing, and transfer, of referral information will utilize all precautions deemed necessary and practical, in accordance with Program Security hereafter mentioned in this policy, with the intent to equalize and protect both the public and private interests.

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X. PROGRAM SECURITY AND INFORMATION HANDLING - This part applies to the handling and transfer of information developed by, or in conjunction with, the Program. The Department will provide for all reasonable and practicable measures to assure the confidential treatment of any form of information, in compliance with State and Federal laws or mandates. Information will be utilized with discretion and integrity, and in this regard, both the public and private good will be judged equal. Program Security, directly tied to the Engineer's Estimate System, will be in accordance with existing Departmental guidelines. All participating personnel will be required to sign a Memorandum of Understanding, pledging nondisclosure of information or procedures, and to apply for and receive a minimum of a Class Four Systems Security Clearance. Violations of this Memorandum of Understanding will be dealt with in accordance with the Employee Standards of Conduct. All computer system access and printed files will be placed under coded or physical barriers, and Program discussions or meetings will be held in areas secure from non-involved operations personnel. All contacts and communications outside the Department will be undertaken in compliance with the Uniform Reporting Procedures and Program Responsibility outlined in this policy. For Program purposes, these measures will apply to printed, video, audio, verbal, and computer or data system related items, whether existing or to be developed.

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XI. POLICY REVIEW - This part applies to regular review of this Program Policy. Because of the complexity and fluidity of the marketplace environment and the continued advancement of technology and research directly related to the measures instituted in this policy, it is to be regularly reviewed by the Construction Division Administrator and his advisors. Such review will occur at least annually. Any measures found unacceptable or unpracticable will be referred to the Commissioner for consideration of revision. This review will include, but is not limited to, procedural review of debarment regulations and referral procedures to outside agencies.

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Corridors of Statewide Significance/VTRANS

- Approval of 2026 Interstate 81 Corridor Improvement Plan (1/6/2026)
- Action on Modifying the VTrans Vision, Guiding Principles, Goals, and Objectives and Action on Performance Measures and Targets (4/15/2025)
- Action to Modify the Policy for the Prioritization of the VTrans Mid-term Transportation Needs (4/15/2025)
- Actions to adopt the Policy for Development and Monitoring of VTrans Long-term Risk and Opportunity Register, VTrans Strategic Actions, and direct submittal of a summary of the VTrans planning process to the Governor and the General Assembly. (12/8/2021)
- Approval of the I-64 and I-95 Corridor Improvement Plans and Addition of Interstate Operations and Enhancement Program Projects to the Six-Year Improvement Program for Fiscal Years 2022-2027 (9/15/2021)
- Actions to Approve the Policy for the Prioritization of the VTrans Mid-term Transportation Needs and Accept the Prioritized 2019 VTrans Mid-term Needs. (3/17/2021)
- Actions to Approve the 2019 VTrans Vision, Goals, Objectives, Guiding Principles and the 2019 Mid-term Needs Identification Methodology and Accept the 2019 Mid-term Needs. (1/15/2020)
- Approval of the VTrans Implementation Plan (12/5/2018)
- Approval of the I-81 Corridor Improvement Plan Required by Chapter 743 of the 2018 Session of the General Assembly (12/5/2018)
- VTrans2040 Virginia’s Statewide Multimodal Long-Range Transportation Plan Vision Plan and Needs Assessments (12/9/2015)
- Process for Studying Corridors of Statewide Significance (5/19/2010)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 6, 2026

MOTION

Made By: Mr. Good**, Seconded By:** Mr. Lawson
Action: Motion Carried, Unanimously

Title: Approval of 2026 Interstate 81 Corridor Improvement Plan

WHEREAS, pursuant to Chapter 743 of the 2018 *Virginia Acts of Assembly*, the General Assembly directed the Commonwealth Transportation Board (Board) to develop and adopt an I-81 Corridor Improvement Plan (Plan); and

WHEREAS, on December 5, 2018, the Board adopted the Plan, which identified targeted improvements for potential financing and evaluated such improvements using the statewide prioritization process; and

WHEREAS, pursuant to Chapters 837 and 846 of the 2019 *Virginia Acts of Assembly*, the General Assembly created the Interstate 81 Corridor Improvement Program and Fund, directed the Board to establish an I-81 Committee (Committee), and directed the Board to maintain and periodically update the I-81 Corridor Improvement Plan; and

WHEREAS, pursuant to § 33.2-3603 of the *Code of Virginia*, the General Assembly directed that the purpose of the committee shall be to provide advice and recommendations to the Board regarding updates to the Plan; and

WHEREAS, pursuant to § 33.2-3604 of the *Code of Virginia*, the General Assembly directed that the Board, in consultation with the Committee, and with support of the Office of Intermodal Planning and Investment shall regularly update the Plan, and that updates to the Plan shall, at a minimum:

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1. Analyze existing conditions of the Interstate 81 corridor to identify key needs related to safety, congestion, and incident-related delays;
2. Identify potential improvements to address the needs identified pursuant to subdivision 1, including roadway improvements, multimodal improvements, speed enforcement strategies, operational strategies, and upgrades to adjacent and parallel transportation facilities;
3. Prioritize potential improvements in a manner consistent with § 33.2-214.1;
4. Identify corridor-wide incident management strategies;
5. Analyze and review truck parking needs along the Interstate 81 corridor;
6. Hold public meetings throughout the Interstate 81 corridor; and
7. Consider any other items deemed appropriate by the Board; and

WHEREAS, the Virginia Department of Transportation (VDOT) completed a statewide Truck Parking Study in April 2022, which included an analysis and review of the Interstate 81 corridor; and

WHEREAS, the Board, and VDOT, in updating the Plan as required by § 33.2-3604, consulted with the Committee during their July 2025 and December 2025 meetings; and

WHEREAS, the Board, and VDOT, in updating the Plan as required by § 33.2-3604, solicited input from local elected officials, state legislators, citizens, and other affected stakeholders through a series of public meetings and hearings held along the I-81 corridor; and

WHEREAS, the purposes of § 33.2-3604 have been satisfied and the study conducted pursuant thereto has resulted in development of the 2026 I-81 Corridor Improvement Plan.

NOW, THEREFORE, BE IT RESOLVED, the Board approves the 2026 I-81 Corridor Improvement Plan Executive Summary, attached hereto as Attachment A, as developed by VDOT.

BE IT FURTHER RESOLVED, the Board hereby authorizes the Secretary of Transportation to make such modifications to the 2026 I-81 Corridor Improvement Plan as deemed appropriate, provided any modifications do not conflict with the Executive Summary, and authorizes the Secretary of Transportation and VDOT to take all actions necessary to finalize the Plan.

####

COMMONWEALTH of VIRGINIA

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

APRIL 15, 2025

MOTION

Made By: Ms. Green, **Seconded By:** Mr. Fowlkes
Action: Motion Carried, Unanimously

Title: Action on Modifying the VTrans Vision, Guiding Principles, Goals, and Objectives and Action on Performance Measures and Targets

WHEREAS, the Code of Virginia Section 33.2-353 requires the Statewide Transportation Plan to establish goals, objectives, and priorities that cover at least a 20-year planning horizon in accordance with federal transportation planning requirements; and

WHEREAS, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop the Statewide Transportation Plan, referred to as VTrans, for the Commonwealth Transportation Board's (CTB) approval, pursuant to Code of Virginia Section 2.2-229; and

WHEREAS, the Code of Virginia Section 2.2-229 requires that OIPI develop measures and targets related to the performance of the Commonwealth's surface transportation network for the CTB's approval, including any performance measurement required by Title 23 or 49 of the United States Code and any measures adopted by the Board pursuant to Code of Virginia Section 33.2-353; and

WHEREAS, on March 28, 2023, the CTB held a VTrans Visioning Workshop to review roles and responsibilities of CTB, VTrans planning requirements, and related existing policies; and

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WHEREAS, during the CTB VTrans Visioning Workshop, the CTB developed an outline to modify the VTrans Vision, Guiding Principles, Goals, and Objectives; and

WHEREAS, recommendations for modifications to the VTrans Vision, Guiding Principles, Goals, and Objectives were presented to the CTB on April 18, May 17, June 20, September 19, 2023, and January 16, 2024; and

WHEREAS, OIPI presented the final package of recommended modifications to the VTrans Vision, Guiding Principles, Goals, and Objectives, and proposed performance measures and targets for the VTrans Objectives on March 18, 2025 (Attachment 1); and

WHEREAS, progress towards updating the VTrans Vision, Guiding Principles, Goals, and Objectives was shared with Virginia's Metropolitan Planning Organizations and Planning District Commissions for feedback on several occasions during the process.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the Code of Virginia Section 33.2-353**,** the CTB adopts the modifications to the VTrans Vision, Guiding Principles, Goals, and Objectives; and

BE IT FURTHER RESOLVED, that, pursuant to the Code of Virginia Section 2.2-229, the CTB adopts the proposed performance measures and targets.

BE IT FURTHER RESOLVED, that OIPI, in coordination with VDOT and DRPT, will update CTB on the progress towards meeting the adopted targets for the VTrans objectives.

####

Attachment 1: March 2025 CTB Workshop Presentation

VTrans Vision, Guiding Principles, Goals, and Objectives

And,

Performance Measures and Targets

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COMMONWEALTH of VIRGINIA

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 15, 2025

MOTION

Made By: Mr. Laird, **Seconded By:** Mr. Byers
Action: Motion Carried, Unanimously

Title: Action to Modify the Policy for the Prioritization of the VTrans Mid-term Transportation Needs

WHEREAS, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop the Statewide Transportation Plan, referred to as VTrans, for the Commonwealth Transportation Board's (CTB) approval, pursuant to Code of Virginia Section 2.2-229; and

WHEREAS, the Code of Virginia Section 33.2-353 requires that VTrans shall establish goals, objectives, and priorities; and

WHEREAS, the CTB, identifies and prioritizes transportation needs in VTrans by defining "Transportation needs" Mid-term Needs to be addressed over the next 10 years; and

WHERAS, these CTB policies establish the need categories and criteria and are utilized to direct planning and investment resources; and

WHEREAS, the current Mid-term Needs Identification Methodology is documented on page 18 of the VTrans Policy Guide dated November 2021; and

WHEREAS, the CTB policy for the prioritization of VTrans Mid-term Needs requires that VTrans need category weightings establish Construction District Priority locations, based on SMART SCALE Area Type weightings; and

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WHEREAS, the CTB updated the SMART SCALE Area Type weightings on January 16, 2024, resulting in modification of the VTrans need category weightings; and

WHEREAS, the recommended VTrans need category weightings modification to establish Construction District Priority locations were presented to the Board on March 18, 2025; and

NOW THEREFORE BE IT RESOLVED, the Board hereby adopts the recommended VTrans Need category weightings to establish Construction District Priority locations, as included on slide 17 of Attachment 1.

BE IT FURTHER RESOLVED, OIPI is directed to administratively update VTrans Need category weightings to establish Construction District Priority locations, to maintain alignment with SMART SCALE Area Type weighting changes approved by the CTB.

###

Attachment 1: March 2025 CTB Workshop Presentation

Overview of the Policy to Identify and Prioritize VTrans Mid-Term Needs; Update the Policy to Prioritize VTans Mid-Term Needs

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 8, 2021

MOTION

Made By: Ms. Hynes **Seconded By:** Mr. Rucker
Action: Motion carried, unanimously

Title: Actions to adopt the Policy for Development and Monitoring of VTrans Long-term Risk and Opportunity Register, VTrans Strategic Actions, and direct submittal of a summary of the VTrans planning process to the Governor and the General Assembly.

WHEREAS, pursuant to § 33.2-353 of the Code of Virginia, the General Assembly of Virginia has directed the Commonwealth Transportation Board (hereinafter referred to as the Board), with assistance from the Office of Intermodal Planning and Investment (hereinafter referred to as OIPI), to conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan (hereinafter referred to as VTrans); updated as needed, but no less than once every four years, and to establish goals, objectives, and priorities that cover at least a 20-year planning horizon; and

WHEREAS, the *VTrans Policy Guide* was developed by OIPI and the Board to outline the policies for VTrans and to serve as a resource for policymakers and the public for all matters relating to the development of VTrans; and

WHEREAS, pursuant to § 2.2-229, OIPI is directed to assist the Board in the development of a comprehensive, multimodal transportation policy, which may be developed as part of VTrans; and

WHEREAS, as presented to the Board on October 29, 2018, VTrans identifies needs for transportation capacity and safety improvements, project planning, and project development activities for up to 10 years into the future (hereinafter referred to as the VTrans Mid-term Needs), and long-term risks and opportunities (hereinafter referred to as VTrans Long-term Risks and Opportunities) for the planning horizon beyond ten years; and

Back to Corridors of Statewide Significance/VTRANS

WHEREAS, OIPI created a VTrans Steering Committee consisting of the Port of Virginia, DRPT's Transit, Rail, and Policy Divisions, and the following VDOT Divisions: Asset Management, Environmental, Financial Planning, Governance and Legislative Affairs, Infrastructure Investment, Local Assistance, Location & Design, Office of Strategic Innovation, Operations, Research Council (VTRC), Transportation and Mobility Planning, and Traffic Engineering to make recommendations and advise in the development of VTrans policies; and

WHEREAS, an approach to the identification of long-term risks and opportunities was presented to the Board on July 14, 2020; and

WHEREAS, the Board, pursuant to its action on March 17, 2021, directed that OIPI shall, under the direction of the Secretary of Transportation and in coordination with VDOT and DRPT, develop VTrans Strategic Actions to advance the Board's Vision and Goals by providing policy- and program-specific recommendations to address the identified and prioritized VTrans Mid-term Needs, as well as to address the VTrans Long-term Risks and Opportunities identified based on divergent future trends and a vulnerability assessment; and

WHEREAS, OIPI and the Board developed a new chapter for the *VTrans Policy Guide*, to be numbered Chapter 6, which outlines the policy for the development and monitoring of VTrans long-term risks and opportunities; and

WHEREAS, OIPI developed a document titled *Technical Guide: Development and Monitoring of VTrans Long-term Risk and Opportunity Register* to provide technical details such as data sources, methods and techniques, and technical limitations; and

WHEREAS, the policy for the development and monitoring of VTrans long-term risk and opportunity register was presented to transportation stakeholders during a series of three webinars held on April 14, 2021, June 15, 2021, and September 20, 2021, and public comments were accepted until October 4, 2021; and

WHEREAS, the policy for the development and monitoring of VTrans long-term risk and opportunity register was presented to the Board on September 14, 2021, and October 19, 2021; and

WHEREAS, VTrans Strategic Actions, attached hereto as Attachment A, were presented to the Board on December 7, 2021.

NOW THEREFORE BE IT RESOLVED, the Board hereby adopts the policy for the development and monitoring of the VTrans long-term risk and opportunity register as included in chapter 6 of the *VTrans Policy Guide*, attached hereto as Attachment B.

BE IT FURTHER RESOLVED, the methodology included in the *Technical Guide: Development and Monitoring of VTrans Long-term Risk and Opportunity Register*, shall direct the development and monitoring of VTrans long-term risks and opportunities and may continue

to evolve and improve based upon advances in technology, data collection, and reporting tools, and to the extent that any such improvements modify or affect the policy and process set forth in chapter 6 of the *VTrans Policy Guide*, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, the Board hereby adopts the VTrans Strategic Actions attached hereto as Attachment A.

BE IT FURTHER RESOLVED, the Board directs OIPI, in collaboration with VDOT and DRPT, to develop, no later than May 2022, and implement a plan to advance the VTrans Strategic Actions and report to the Board on the status of the implementation of the plan every six months; and

BE IT FURTHER RESOLVED, that it is the intent of the Board that OIPI, VDOT, and DRPT shall undertake coordinated actions to minimize long-term risks and maximize benefits of long-term opportunities identified in the 2021 VTrans Long-term Risk & Opportunity Register as included in chapter 6 of the *VTrans Policy Guide* (Attachment B).

BE IT FURTHER RESOLVED, that it is the intent of the Board that outputs of VTrans policies, including, but not limited to, VTrans Vision, Goals, Objectives, and Guiding Principles, VTrans Mid-term Needs, and VTrans Risks and Opportunities as well as VTrans definitions for vulnerability and resiliency and concepts including, but not limited to, Equity Emphasis Areas, Activity Centers, market adoption curves for electric and automated vehicles, and impacts of VTrans Macrotrends shall be utilized by OIPI, VDOT and DRPT for statewide planning activities, and developing or modifying practices and Board policies to ensure consistency.

BE IT FURTHER RESOLVED, pursuant to Code of Virginia § 33.2-353, OIPI shall submit VTrans, Virginia's Transportation Plan, to the Office of the Governor and the General Assembly.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 17

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 15, 2021

MOTION

Made By: Mr. Rucker **Seconded By:** Mr. Johnsen
Action: Motion carried, unanimously

Title: Approval of the I-64 and I-95 Corridor Improvement Plans and Addition of Interstate Operations and Enhancement Program Projects to the Six-Year Improvement Program for Fiscal Years 2022-2027

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, after due consideration the Board adopted a Final Fiscal Years 2022-2027 Program on June 23, 2021; and

WHEREAS, pursuant to §33.2-372 of the *Code of Virginia* the Board is required to establish the Interstate Operations and Enhancement Program (IOEP) to improve the safety, reliability, and travel flow along interstate highway corridors in the Commonwealth; and

WHEREAS, §33.2-372 requires the Board, with the assistance of Office of Intermodal Planning and Investment (OIPI), to establish a process to evaluate and prioritize potential strategies and improvements under the IOEP with priority given first to operational and transportation demand management strategies that improve reliability and safety of travel; and

WHEREAS, the Board approved the Policy for the IOEP, as required by §33.2-372, on June 23, 2021; and

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WHEREAS, §33.2-372 permits the Board to use funds in the IOEP to address identified needs in the Statewide Transportation Plan pursuant to §33.2-353 of the Code of Virginia or an interstate corridor plan approved by the Board through operational and transportation demand management strategies and other transportation improvements, strategies, or services; and

WHEREAS, pursuant to §33.2-214, the Board shall only include a project or program wholly or partially funded with funds from the IOEP in the Six-Year Improvement Program if the allocation of funds from the IOEP and other funding committed to such project or program within the six-year horizon of the Six-Year Improvement Program is sufficient to complete the project or program; and

WHEREAS, certain short-term operational and transportation demand management strategies were included in the FY2022-2027 Six-Year Improvement Program adopted by the Board June 23, 2021; and

WHEREAS, on July 20, 2021, the Board was presented a proposed list of additional projects, including operational, transportation demand management, and capital improvements to be added to the Six-Year Improvement Program; and

WHEREAS, on January 15, 2020, the Board adopted an interim I-95 Corridor Improvement Plan in response to House Joint Resolution 581 and Senate Joint Resolution 276 of the 2019 Session of the General Assembly with an intent to complete an I-64 Corridor Improvement Plan and to undertake a prioritization of capital improvements identified in the interim I-95 Corridor Improvement Plan, both at a later date, to provide a more holistic picture of transportation needs on these two corridors; and

WHEREAS, the Board, OIPI, the Virginia Department of Transportation, and the Department of Rail and Public Transportation, have developed proposed I-64 and I-95 Corridor Improvement Plans, soliciting input from local elected officials, state legislators, citizens, and other affected stakeholders through a series of public meetings and hearings held along the I-64 and I-95 corridors, and have presented to the Board both Corridor Improvement Plans; and

WHEREAS, the proposed I-64 Corridor Improvement Plan (set forth in Appendix A) and the proposed I-95 Corridor Improvement Plan (set forth in Appendix B) identify targeted improvements along the entire I-64 and I-95 corridors, respectively; and

WHEREAS, needs on other interstate corridors were also evaluated and projects were identified to address needs on those corridors; and

WHEREAS, the projects set forth in Appendix C were included in the I-64 and I-95 Corridor Improvement Plans and/or address a need identified in the Statewide Transportation Plan, but were not included in the FY 2022-2027 Six-Year Improvement Program adopted by the Board on June 23, 2021, nor subsequently added to the Program; and

WHEREAS, the Board recognizes that the projects set forth in Appendix C are appropriate for the efficient movement of people and freight and, therefore, for the common good of the Commonwealth and further, that said projects are consistent with the Interstate Operations and Enhancement Program Policy.

NOW THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board, that the proposed I-64 Corridor Improvement Plan set forth in Appendix A is hereby approved and adopted.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board, that the proposed I-95 Corridor Improvement Plan set forth in Appendix B, which encompasses both project recommendations identified in the interim I-95 Corridor Improvement Plan approved by the Board on January 15, 2020 as well as additional project recommendations, is hereby approved and adopted.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board, that the projects shown in Appendix C are added to the Six-Year Improvement Program of projects and programs for Fiscal Years 2022 through 2027 and are approved.

####

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Agenda Item # 14

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 17, 2021

MOTION

Made By: Ms. DeTuncq **Seconded By:** : Mr. Yates
Action: Motion Carried, Unanimously

Actions to Approve the Policy for the Prioritization of the VTrans Mid-term Transportation Needs and Accept the Prioritized 2019 VTrans Mid-term Needs

WHEREAS, § 2.2-229 of the Code of Virginia establishes the Office of Intermodal Planning and Investment (OIPI) within the Office of the Secretary of Transportation, and charges OIPI to assist the Commonwealth Transportation Board (Board) in the development of a comprehensive, multimodal transportation policy, which may be developed as part of the Statewide Transportation Plan pursuant to § 33.2-353; and

WHEREAS, pursuant to § 33.2-353 of the Code of Virginia, the General Assembly of Virginia has directed the Board, with assistance from OIPI, to conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting forth an assessment of capacity needs for all Corridors of Statewide Significance (CoSS), Regional Networks (RN), and improvements to promote Urban Development Areas established pursuant to § 15.2-2223.1 (UDAs); and

WHEREAS, pursuant to § 33.2-353, the Statewide Transportation Plan shall be updated as needed, but no less than once every four years, and promote economic development and all transportation modes, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety; and

WHEREAS, pursuant to § 33.2-353, the Statewide Transportation Plan shall establish goals, objectives, and priorities that cover at least a 20-year planning horizon; and

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WHEREAS, as presented to the Board on October 29, 2018, the Statewide Transportation Plan identifies needs for transportation capacity and safety improvements, project planning, and project development activities for up to 10 years into the future, hereinafter referred to as the VTrans Mid-term Needs, and the needs for new policies and modifications to existing policies for 10 years and beyond, hereinafter referred to as VTrans Long-term Needs; and

WHEREAS, pursuant to § 33.2-214.1 of the Code of Virginia, candidate projects and strategies evaluated using the Statewide prioritization process shall be screened by the Board to determine whether they are consistent with the assessment of capacity needs for all CoSS, RNs, and improvements to UDAs, undertaken in the Statewide Transportation Plan in accordance with § 33.2-353; and

WHEREAS, pursuant to § 33.2-357 of the Code of Virginia, VDOT's Revenue Sharing program gives second priority consideration to funding applications that meet a VTrans need; and,

WHEREAS, the Board, by resolution dated January 15, 2020, approved the 2019 VTrans Update Vision, Goals, Objectives, Guiding Principles, and the 2019 Mid-term Needs Identification Methodology and accepted the 2019 Mid-term Needs; and

WHEREAS, the Board, pursuant to its action on January 15, 2020, directed that OIPI shall develop, in coordination with the Virginia Department of Transportation (VDOT) and the Virginia Department or Rail and Public Transportation (DRPT), a VTrans action plan that prioritizes the 2019 Mid-term Needs and includes recommendations for such prioritized needs; and

WHEREAS, a policy framework for the VTrans Multimodal Project Development Pipeline (hereafter referred to as the Project Pipeline) was presented to the Board on May 20, 2020 (*VTrans Multimodal Project Development Pipeline)* and February 17, 2021 (*VTrans Multimodal Project Pipeline),* and relies on the prioritized VTrans Mid-term Needs to optimize the return on investments and ensure transparency, accountability, and efficient delivery of transportation programs, while also promoting performance based planning and programming per the VTrans Guiding Principles adopted by the Board on January 15, 2020; and

WHEREAS, a policy framework to prioritize the VTrans Mid-term Needs was presented to the Board on July 14, 2020 *(VTrans Project Pipeline and Long-term Needs)*; and

WHEREAS, OIPI, in coordination with VDOT and DRPT, has developed and outlined a proposed policy for the prioritization of the VTrans Mid-term Needs in the proposed document titled *Policy Guide for the Identification and Prioritization of the VTrans Mid-Term Needs* and attached hereto as Attachment A; and

WHEREAS, the proposed *Policy Guide for the Identification and Prioritization of the VTrans Mid-Term Needs* synthesizes policies included in the January 15, 2020 Board *Actions to Approve the 2019 VTrans Vision, Goals, Objectives, Guiding Principles and the 2019 Mid-term Needs Identification Methodology and Accept the 2019 Mid-term Needs* as well policies to define VTrans Travel Markets namely action to define the VTrans CoSS Travel Market on December 17, 2009 (*VTrans2035 – Virginia's Statewide Multimodal Long-Range Transportation Plan*) and May 18, 2011 (*Northern Virginia North-South Corridor of Statewide Significance*), action to define RNs established on December 19, 2015 (*VTrans2040 Virginia's Statewide Multimodal Long-Range Transportation Plan Vision Plan and Needs Assessments*) and January 15, 2020 (*Actions to Approve the 2019 VTrans Vision, Goals, Objectives, Guiding Principles and the 2019 Mid-term Needs Identification Methodology and Accept the 2019 Mid-term Needs*), and action to define the VTrans UDA Travel Market on January 15, 2020 (*Actions to Approve the 2019 VTrans Vision, Goals, Objectives, Guiding Principles and the 2019 Mid-term Needs Identification Methodology and Accept the 2019 Mid-term Needs*); and

WHEREAS, a proposed *Technical Guide for the Identification and Prioritization of the VTrans Mid-term Needs* is developed to provide technical details such as data sources, methods and techniques, and technical limitations; and

WHEREAS, proposed priority locations for the entire state (hereinafter referred to as the Statewide Priority Locations) and for each of the nine VDOT construction districts (hereinafter referred to as the Construction District Priority Locations) are established based on the proposed policy for the prioritization of the VTrans Mid-term Needs as outlined in the proposed *Policy Guide for the Identification and Prioritization of the VTrans Mid-Term Needs*; and

WHEREAS, the draft *Policy Guide for the Identification and Prioritization of the VTrans Mid-Term Needs,* the draft *Technical Guide for the Identification and Prioritization of the VTrans Mid-term Needs,* and draft results for Statewide and Construction District Priority Locations developed based on the draft policy for the prioritization of the VTrans Mid-term Needs were made available for public review and comment on October 28, 2020, and public comments were accepted until November 30, 2020; and

WHEREAS, extensive stakeholder and public outreach has been conducted as part of the development of the proposed policy for the prioritization of the VTrans Mid-term Needs, including 28 presentations and updates to metropolitan planning organization (MPO) and planning district commission (PDC) boards and committees, and three presentations to other stakeholder groups; and

WHEREAS, the draft policy for the prioritization of the VTrans Mid-term Needs was presented to transportation stakeholders and question-and-answer sessions were conducted during a series of four VTrans Virtual Workshops held on October 29, 2020, October 30, 2020, November 13, 2020, and November 17, 2020; and

WHEREAS, based on the public feedback received and consistent with the Board Policy to define the VTrans RN Travel Market, based on the National Capital Region Transportation Planning Board resolution dated July 16, 2014 to *Approve Fauquier County, Virginia membership in the National Capital Regional Transportation Planning Board*, VTrans Northern Virginia RN boundaries were modified to include Fauquier County and RN transportation needs were identified in Fauquier County; and,

WHEREAS, in addition to the modification of the VTrans Northern Virginia RN boundaries, OIPI incorporated public feedback by making two additional modifications to the draft *Policy Guide for the Identification and Prioritization of the VTrans Mid-term Needs* as presented to the Board on January 19, 2021 as well as several modifications to the draft *Technical Guide for the Identification and Prioritization of the VTrans Mid-term Needs*.

NOW THEREFORE BE IT RESOLVED, the Board hereby adopts the proposed policy for the prioritization of VTrans Mid-term Needs as outlined in the attached proposed *Policy Guide for the Identification and Prioritization of the VTrans Mid-Term Needs* (Attachment A) and accepts the proposed prioritized 2019 VTrans Mid-Term Needs.

BE IT FURTHER RESOLVED, VDOT and DRPT funds for corridor or facility planning and advance activities relating to concepts addressing a capacity need of the surface transportation network shall be limited to the Statewide and Construction District Priority 1 Locations established per the proposed policy for the prioritization of the VTrans Mid-term Needs.

BE IT FURTHER RESOLVED, the requirement above may be waived by the Secretary of Transportation on a case-by-case basis, and shall not limit support for actions mandated by the General Assembly, activities required to assist localities or other entities with funding applications, or those needed to advance and accelerate projects in the Six-Year Improvement Program.

BE IT FURTHER RESOLVED, the Board may also select one VTrans Mid-term Need per state fiscal year for each VDOT Construction District for the purpose of corridor or facility planning and advance activities relating to concepts addressing a capacity need.

BE IT FURTHER RESOLVED, the Board Resolution *Action to Approve the VTrans Multimodal Transportation Plan Needs Recommendations Methodology and Recommendations by the Commonwealth Transportation Board* adopted on January 10, 2018 shall superseded in its entirety by this action.

BE IT FURTHER RESOLVED, the methodology outlined in the proposed *Technical Guide for the Identification and Prioritization of the VTrans Mid-Term Needs*, as modified based on the feedback received, shall direct the identification and prioritization of VTrans Mid-term Needs and may continue to evolve and improve based upon advances in technology, data collection and reporting tools, and to the extent that any such improvements modify or affect the policy and process set forth in the proposed *Policy Guide for the Identification and Prioritization of the VTrans Mid-Term Needs*, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, that OIPI shall, under the direction of the Secretary of Transportation and in coordination with VDOT and DRPT, develop VTrans Strategic Actions to advance the Board's Vision and Goals adopted on January 15, 2020 by providing policy- and program-specific recommendations to address the identified and prioritized VTrans Mid-term Needs, as well as to address the VTrans Long-term Needs identified based on divergent future trends and a vulnerability assessment per the policy framework presented to the Board on July 14, 2020.

# # #

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 19

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 15, 2020

MOTION

Made By: Mr. Rucker, Seconded By: Mr. Johnsen
Action: Motion Carried, Unanimously

Title: Actions to Approve the 2019 VTrans Vision, Goals, Objectives, Guiding Principles and the 2019 Mid-term Needs Identification Methodology and Accept the 2019 Mid-term Needs.

WHEREAS, § 2.2-229 of the Code of Virginia, establishes the Office of Intermodal Planning and Investment (OIPI) within the Office of the Secretary of Transportation, and charges OIPI to assist the Commonwealth Transportation Board (Board) in the development of a comprehensive, multimodal transportation policy, which may be developed as part of the Statewide Transportation Plan pursuant to § 33.2-353; and

WHEREAS, pursuant to § 33.2-353 of the Code of Virginia, the General Assembly of Virginia has directed the Board, with assistance from OIPI, to conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting forth an assessment of capacity needs for all Corridors of Statewide Significance (CoSS), Regional Networks (RN), and improvements to promote Urban Development Areas (UDA) established pursuant to § 15.2-2223.1 of the Code of Virginia; and

WHEREAS, pursuant to § 33.2-353, the Statewide Transportation Plan shall be updated as needed, but no less than once every four years and promote economic development and all transportation modes, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety; and

WHEREAS, pursuant to § 33.2-353, the Statewide Transportation Plan shall establish goals, objectives, and priorities that cover at least a 20-year planning horizon; and

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WHEREAS, a plan of work for the 2019 VTrans Update was provided for review and comment to the Virginia Department of Transportation (VDOT), Department of Rail and Public Transportation (DRPT), Virginia Department of Conservation and Recreation, Tourism Virginia, Port of Virginia, Virginia Motor Vehicle Dealer Board, Virginia Department of Motor Vehicles, and the Virginia Department of Aviation; and

WHEREAS, the 2019 VTrans Update includes Mid-term and Long-term planning horizons. The Mid-term horizon identifies Needs for transportation capacity and safety improvements, project planning, and project development activities for 0 to 10 years into the future (hereinafter referred to as the 2019 VTrans Mid-term Needs) and the Long-term horizon identifies Needs for new policies and modifications to existing policies for 10 years and beyond (hereinafter referred to as VTrans Long-term Needs); and

WHEREAS, pursuant to § 33.2-214.1 of the Code of Virginia, candidate projects and strategies evaluated using the Statewide prioritization process shall be screened by the Board to determine whether they are consistent with the assessment of capacity needs for all CoSS, RN, and improvements to UDAs, undertaken in the Statewide Transportation Plan in accordance with § 33.2-353; and

WHEREAS, pursuant to § 33.2-214.1 of the Code of Virginia, the 2019 VTrans Mid-term Needs will be utilized for screening candidate projects evaluated using the statewide prioritization process for project selection beginning with applications submitted for the Fiscal Year 2021-2026 Six-Year Improvement Program; and,

WHEREAS, pursuant to § 33.2-357 of the Code of Virginia, the 2019 VTrans Mid-term Needs will also be utilized for establishing second tier priorities in allocating Revenue Sharing funds; and,

WHEREAS, OIPI created a VTrans Steering Committee consisting of the Port of Virginia, DRPT's Transit and Rail Divisions, and the following VDOT Divisions: Asset Management, Communications, Financial Planning, Governance and Legislative Affairs, Infrastructure Investment, Local Assistance, Office of Strategic Innovation, Security and Emergency Management, Transportation and Mobility Planning, Operations, and Traffic Engineering to make recommendations and advise in the development of the 2019 VTrans Update; and

WHEREAS, the 2019 VTrans Update was initiated with a presentation to the Board at the workshop on October 29, 2018; and,

WHEREAS, extensive stakeholder and public outreach has been conducted as part of the development of the methodology to identify 2019 Mid-term Needs (2019 Mid-term Needs Identification Methodology) as well as Vision, Goals, Objectives, and Guiding Principles, including 21 Kickoff presentations to metropolitan planning organization (MPO) and planning district commission (PDC) boards and committees, 16 Needs Method and Demographic Trends

presentations to MPO and PDC boards and committees, 9 Open Houses at the Fall Transportation Meetings in 2018, and 9 Open Houses at the Spring Transportation Meetings in 2019; and

WHEREAS, the findings of draft demographic trends; initial work towards a comprehensive statewide vulnerability assessment; draft VTrans Vision, Goals, Objectives, and Guiding Principles; and a 2019 Mid-term Needs Identification Methodology for CoSS, RN, and UDA were presented to the Board on June 18, 2019; and

WHEREAS, initial results based on the draft 2019 Mid-term Needs Identification Methodology were presented to transportation stakeholders during a series of 13 VTrans Regional Workshops conducted in July and August 2019. A total of 83 Cities and Counties, 30 Towns, 15 MPOs, 16 PDCs, 16 Transit operators, four Transportation Demand Management agencies, four airports, and three universities participated; and

WHEREAS, OIPI collected, compiled, and made modifications to the draft 2019 Mid-term Needs Identification Methodology presented to the Board based on the feedback received; and

WHEREAS, Route 288 between the I-64 interchange in Goochland County and the I-95 interchange in Chesterfield County is included as a corridor component of the CoSS Washington to North Carolina Corridor; and

WHEREAS, the draft Mid-term Needs were developed based on the modified 2019 Mid-term Needs Identification Methodology and were presented at nine Fall Transportation Meetings in October and November 2019, documents were made available for public review and comment on October 28, 2019, and public comments were accepted until November 30, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board, that the 2019 VTrans Update Vision, Goals, Objectives, and Guiding Principles are hereby approved.

BE IT FURTHER RESOLVED, that the Board approves the 2019 Mid-term Needs Identification Methodology and accepts the 2019 Mid-term Needs.

BE IT FURTHER RESOLVED, that for the purposes of screening for statewide prioritization process for project selection pursuant to § 33.2-214.1 of the Code of Virginia, the identified UDA Needs shall also be considered RN Needs if RN congestion Needs are 20 miles or fewer; and,

BE IT FURTHER RESOLVED, that for the purposes of screening for statewide prioritization process for project selection pursuant to § 33.2-214.1 of the Code of Virginia, the identified safety Needs on CoSS roadways shall also be considered CoSS Needs; and,

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BE IT FURTHER RESOVLED, that OIPI shall, under the direction of the Secretary of Transportation and in coordination with VDOT and DRPT, develop a VTrans action plan that prioritizes the 2019 Mid-term Needs and includes recommendations for such prioritized needs based on the VTrans Vision and constrained resources and shall modify the adopted 2019 Mid-term Needs to reflect changes in the transportation system that have taken place since the data used in the 2019 Mid-term Needs were developed.

BE IT FURTHER RESOLVED, that OIPI shall, under the direction of the Secretary of Transportation and pursuant to § 33.2-353 of the Code of Virginia, and in coordination with VDOT and DRPT, review and provide recommendations, if warranted, to modify the Board action, entitled Action to Approve the VTrans Multimodal Transportation Plan Needs Recommendations Methodology and Recommendations by the Commonwealth Transportation Board, taken on January 10, 2018, providing that utilization of VDOT or DRPT funds for advanced activities and project development relating to concepts addressing a capacity need of the surface transportation network be limited to the VTrans Tier I Recommendations.

BE IT FURTHER RESOLVED, that OIPI shall under the direction of the Secretary of Transportation and in coordination with VDOT and DRPT, develop scenarios to assess the impacts of divergent futures trends and conduct an assessment of vulnerability from flooding and sea-level rise of the transportation network, local communities and regions.

# # #

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 15

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 5, 2018

MOTION

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

Action: Motion Carried, Unanimously

Title: Approval of the VTrans Implementation Plan

WHEREAS, pursuant to Section 33.2-353 of the *Code of Virginia*, the General Assembly of Virginia has directed the Commonwealth Transportation Board (Board), with assistance from the Office of Intermodal Planning and Investment (OIPI), to conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan (VTrans) setting forth assessment of capacity needs for all Corridors of Statewide Significance, Regional Networks, and improvements to promote Urban Development Areas established pursuant to 15.2-2223.1 of the *Code of Virginia*; and

WHEREAS, the General Assembly has directed that VTrans shall be updated as needed, but no less than once every four years and shall establish goals, objectives and priorities that cover at least a 20 year planning horizon; and

WHEREAS, after extensive stakeholder and public outreach, the VTrans Vision and VTrans Needs Assessment for VTrans 2040 were presented to the Board and accepted on December 9, 2015; and

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WHEREAS, on October 23, 2017 a presentation was made to the Board regarding VTrans Tier 1 Recommendations and, among other things, noted that OIPI would develop a VTrans Implementation Plan to ensure that the VTrans guiding principles and policy are incorporated into agency plans and protocols; and

WHEREAS, on January 10, 2018, the Board approved the methodology used to develop the VTrans recommendations and adopted the VTrans Tier 1 Recommendations proposed by OIPI; and

WHEREAS, the VTrans Tier I Recommendations focus on critical needs over the next 10 years with solutions based on VTrans guiding principles adopted by the Board; and

WHEREAS, each modal agency under the Transportation Secretariat plays a role in developing guidance, coordinating initiatives with other state agencies, and establishing internal initiatives and protocols that advance the VTrans vision, goals, and guiding principles; and

WHEREAS, OIPI has now developed the VTrans Implementation Plan for the purpose of identifying key initiatives and specific actions for each of the Commonwealth's modal transportation agencies to incorporate into agency business plans or related documents.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board approves the VTrans Implementation Plan, attached hereto as Appendix A, that shall be undertaken to advance the VTrans guiding principles.

BE IT FURTHER RESOLVED, that the Board directs the Office of Intermodal Planning and Investment to monitor and coordinate initiatives in the VTrans Implementation Plan deemed critical to the advancement of VTrans, and to provide a progress report to the Board twice per calendar year.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 5, 2018

MOTION

Made By: Mr. Whitworth Seconded By: Dr. Smoot

Action: Motion Carried, Unanimously

Title: Approval of the I-81 Corridor Improvement Plan Required by Chapter 743 of the 2018 Session of the General Assembly

WHEREAS, pursuant to Chapter 743 of the 2018 *Virginia Acts of Assembly*, the General Assembly of Virginia has directed the Commonwealth Transportation Board (Board), to study financing options for improvements to Interstate I-81 (I-81) and with assistance from the Office of Intermodal Planning and Investment (OIPI), to develop and adopt an I-81 Corridor Improvement Plan (Plan); and

WHEREAS, Chapter 743 directs the Virginia Department of Transportation (VDOT), Virginia Department of Motor Vehicles, Virginia State Police and any other state agency to provide technical and other assistance to the Board; and

WHEREAS, Chapter 743 directs that the study shall include financing options for I-81 corridor improvements and shall evaluate the feasibility of using toll financing to improve the corridor; and

WHEREAS, Chapter 743 further provides that the evaluation of toll financing shall not consider options that toll all users of I-81, and shall not consider tolls on commuters using I-81, but may consider high-occupancy toll lanes established pursuant to § 33.2-502 of the *Code of Virginia* and tolls on heavy commercial vehicles; and

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WHEREAS, the General Assembly directed that the Plan shall include the examination of the entire length of I-81 and at a minimum shall:

1. Designate specific segments of I-81 corridor for improvement;

2. Identify a targeted set of improvements for each segment that may be financed or funded in such segment and evaluated using the statewide prioritization process pursuant to § 33.2-214.1 of the Code of Virginia;

3. Ensure that in the overall plan of expenditure and distribution of any toll revenues or other financing means evaluated, each segment's total long-term benefit shall be approximately equal to the proportion of the total of the toll revenues collected that are attributable to such segment divided by the total of such toll revenues collected;

4. Study truck travel patterns along I-81 and analyze policies that minimize the impact on local truck traffic;

5. Identify incident management strategies corridor-wide;

6. Ensure that any revenues collected on I-81 be used only for the benefit of that corridor;

7. Identify actions and policies that will be implemented to minimize the diversion of truck traffic from the I-81 Corridor, including the prohibition of through trucks on parallel routes;

8. Determine potential solutions to address truck parking needs along the I-81 Corridor; and

9. Assess the potential economic impacts on Virginia agriculture, manufacturing, and logistics sector companies utilizing the I-81 Corridor from tolling only heavy commercial trucks; and

WHEREAS, Chapter 743 directed the Board to complete its study meetings by November 30, 2018 and submit an executive summary and report of its findings and recommendations for publication as a House or Senate document, no later than the first day of the 2019 Regular Session of the General Assembly; and

WHEREAS, the Board, OIPI, VDOT, and the Department of Rail and Public Transportation (DRPT), in developing the Plan required by Chapter 743, solicited input from local elected officials, state legislators, citizens and other affected stakeholders through a series of public meetings and hearings held along the I-81 corridor; and

WHEREAS, the purposes of Chapter 743 have been satisfied and the study conducted pursuant thereto has resulted in development of the I-81 Corridor Improvement Plan, which identifies targeted improvements of the entire I-81 corridor and evaluates financing solutions.

NOW, THEREFORE, BE IT RESOLVED, the Board approves the I-81 Corridor Improvement Plan Executive Summary, attached hereto as Attachment A, as required by Chapter 743 of the Virginia Acts of Assembly and developed by OIPI, VDOT and DRPT; and

BE IT FURTHER RESOLVED, the Board hereby authorizes the Secretary of Transportation to make such modifications to the I-81 Corridor Improvement Plan as deemed appropriate, provided any modifications do not conflict with the Executive Summary, and take all actions necessary to finalize and present the Plan in the form of an executive summary and report to the General Assembly on or before the first day of the 2019 Regular Session of the General Assembly.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item # 15

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 9, 2015

MOTION
Made By: Mr. Kasprowicz, Seconded By: Mr. Rosen
Action: Motion Carried, Unanimously

Title: VTrans2040
Virginia's Statewide Multimodal Long-Range Transportation Plan
Vision Plan and Needs Assessments

WHEREAS, pursuant to § 33.2-353 of the Code of Virginia, the General Assembly of Virginia has directed the Commonwealth Transportation Board (CTB), with assistance from the Office of Intermodal Planning and Investment, to conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting forth assessment of capacity needs for all corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1 of the Code of Virginia; and,

WHEREAS, the General Assembly has directed that the Statewide Transportation Plan shall be updated as needed, but no less than once every four years and promote economic development and all transportation modes, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety; and,

WHEREAS, the Statewide Transportation Plan shall establish goals, objectives, and priorities that cover at least a 20-year planning horizon; and,

WHEREAS, in the designation of corridors of statewide significance, the CTB shall not be constrained by local, district, regional or modal plans and the designation of the transportation corridors shall be in sufficient detail so that local jurisdictions can place them on their comprehensive plans; and

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WHEREAS, the Secretary of Transportation created a Multimodal Working Group, consisting of the Office of the Secretary of Transportation and the lead planning divisions of the Department of Transportation, Department of Rail and Public Transportation, Department of Aviation, the Virginia Commercial Spaceflight Authority, the Motor Vehicle Dealer Board, the Department of Motor Vehicles, and the Virginia Port Authority to help guide the development of the Statewide Transportation Plan (known as VTrans2040); and,

WHEREAS, the Secretary of Transportation created a Multimodal Advisory Committee to provide technical support in developing the VTrans2040; and,

WHEREAS the Multimodal Advisory Committee consisted of (a) staff from the transportation agencies listed above, (b) deputy and/or assistant secretaries or other appropriate leadership from the Departments of Commerce, Health & Human Resources, Natural Resources, Veterans and Homeland Security, and Agriculture and Forestry; (c) representation from the Virginia Association of Planning District Commissions, the Virginias Association of Metropolitan Planning Organizations, the Virginia Municipal League, the Virginia Association of Counties, the Virginia Chapter of the American Planning Association, the Hampton Roads Transportation Accountability Commission and Northern Virginia Transportation Authority; (d) federal partners from the Federal Highway Administration; and (e) private and public freight stakeholders from the Virginia Freight Transportation Technical Committee; and,

WHEREAS, the findings of draft economic, demographic/social, technological, and environmental trends assessments developed by the study team were shared with the Board in October and November of 2014 and these finding and stakeholder input culminated in the draft VTrans Vision Plan, which was presented to the CTB on February 17, 2015; and,

WHEREAS, the draft methodology for the needs assessments being conducted for the Corridors of Statewide Significance, Regional Networks, and Urban Development Areas was presented to the Board on February 17, 2015,

WHEREAS, the draft Needs Assessments were posted publically on August 1, 2015 and were presented to Board members on an individual basis throughout the months of October and November of 2015; and,

WHEREAS, extensive stakeholder and public outreach has been conducted as part of the VTrans2040 development including two rounds of regional forums where the needs assessments for all geographies (CoSS, RN, UDA) where developed, as well as additional 2 to 3 meetings at the MPO regional level; and,

WHEREAS, there was a two week comment period from August 1st to August 18th, 2015, as part of the VTrans2040 development,

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NOW, THEREFORE, BE IT RESOLVED by the CTB that the VTrans2040 Vision and Needs Assessment is hereby accepted.

BE IT FURTHER RESOLVED, that the VTrans2040 Update shall be forwarded to the Governor and the General Assembly as required by § 33.2- 353 of the Code of Virginia; and,

BE IT FURTHER RESOLVED, that the Office of Intermodal Planning and Investment shall, under the direction of the Secretary of Transportation, develop or identify a new methodology for examining reliability that considers both the frequency and severity of occurrences of unreliable transportation conditions; and,

BE IT FURTHER RESOLVED, that the Office of Intermodal Planning and Investment shall, under the direction of the Secretary of Transportation, identify areas where significant changes in the transportation system have taken place since the data used in the VTrans2040 Needs Assessment was captured and update the Needs Assessment for those areas using data that captures the impact of any such significant changes;

BE IT FURTHER RESOVLED, that the Office of Intermodal Planning and Investment shall, under the direction of the Secretary of Transportation, develop a VTrans action plan that prioritizes the needs identified in the VTrans Needs Assessment and develops recommendations for such prioritized needs based on the VTrans Vision and constrained resources;

BE IT FURTHER RESOLVED, that the Office of Intermodal Planning and Investment shall under the direction of the Secretary of Transportation develop an Analysis of 2040 Scenarios to assess the impacts of divergent futures trends on the transportation network, local communities and regions; and,

BE IT FURTHER RESOLVED, that in development of such VTrans action plan and 2040 Scenario Assessment the Office of Intermodal Planning and Investment shall coordinate with VDOT, DRPT and other stakeholders as noted above; and,

BE IT FURTHER RESOLVED, that such action plan and scenario analysis shall be provided to the CTB by the end of 2016.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda Item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD
May 19, 2010

MOTION

Made By: Mr. Koelemay Seconded By: Mr. Schwartz
Action: Motion Carried, Unanimously

Title: A Resolution on the Process for Studying Corridors of Statewide Significance

WHEREAS, the Commonwealth Transportation Board (the Board) on December 17, 2009, accepted the Route 29 Corridor Study Report and directed additional work as set forth in the Board's Resolution; and

WHEREAS, the Board's December 17, 2009 Resolution directed VDOT and DRPT to work closely with a Subcommittee of this Board to develop a draft process for future corridor studies on Route 29 and other Corridors of Statewide Significance; and

WHEREAS, on February 8, 2010, the Chairman of the Board, appointed a Route 29 Corridor Subcommittee to oversee the work on the directives of the December 17, 2009 Resolution; and

WHEREAS, the Board Subcommittee has worked diligently to develop a Process for Studying Corridors of Statewide Significance; and

WHEREAS, the Board has reviewed the draft Process for Studying Corridors of Statewide Significance and finds that it is appropriate policy for such studies,

NOW THEREFORE BE IT RESOLVED, that the Board accepts the draft Process for Studying Corridors of Statewide Significance, and directs that future studies on the Corridors of Statewide Significance, as defined in VTrans2035, follow this process.

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Process for Studying Corridors of Statewide Significance

Virginia's Statewide Multi-Modal Transportation Plan (VTrans2035) identifies certain transportation corridors of statewide significance (CoSS) that form the backbone of the Commonwealth's transportation system. VTrans establishes the purpose of and goals for maintaining the functions of the CoSS. The economic vitality of the Commonwealth depends upon these corridors to provide for the safe, efficient, and effective movement of people and goods. Studies of these corridors must focus primarily on their importance to the State as routes for long distance travel and transport between discrete, functional nodes of economic activity. Because some corridor segments also serve as "Main Street" for the localities through which they pass, collaborative partnerships between the State, regional planning agencies and local governments are critical to the success of the CoSS studies and to the development and implementation of effective corridor management plans. (See the VTrans2035 Report January 2010)

The technical processes, procedures and steps for corridor studies are well-established based on hundreds of studies performed across the United States over many years. Well-defined steps and procedures for the technical process are critical if these studies are to guide future investments. Equally essential to implementation of CoSS study recommendations are how the study will be developed within the general framework of steps and who will be involved in the planning and execution processes. This memorandum focuses on answering "how" and "who."

Recommended Process for Studies of Corridors of Statewide Significance

The CoSS study process starts with the assumption that major transportation corridors serve as important statewide utilities. Establishing a corridor vision and goals which support the safe, efficient, and effective movement of people and goods is the first step of the process. Segments of these corridors, however, also function as local Main Streets, and most land use decisions remain a function of local governments. Engaging local governments throughout the process, therefore, is critical in two important respects – first, to ensure that statewide goals are reflected in local plans and actual land use decision-making, and second, to ensure that local objectives regarding access, mobility and aesthetic standards are also respected in a cooperative way that nonetheless furthers statewide goals.

The following Corridor Study Flow Diagram on page [the next page] highlights the five (5) steps proposed for a corridor study process. The study process should include a professional facilitator as part of the study team to ensure that input is captured from localities and stakeholders, and that all participants are working constructively toward "win-win" solutions that respect the legitimate goals of all involved. (Detail of these five steps is included in the flowchart at the end of this memorandum).

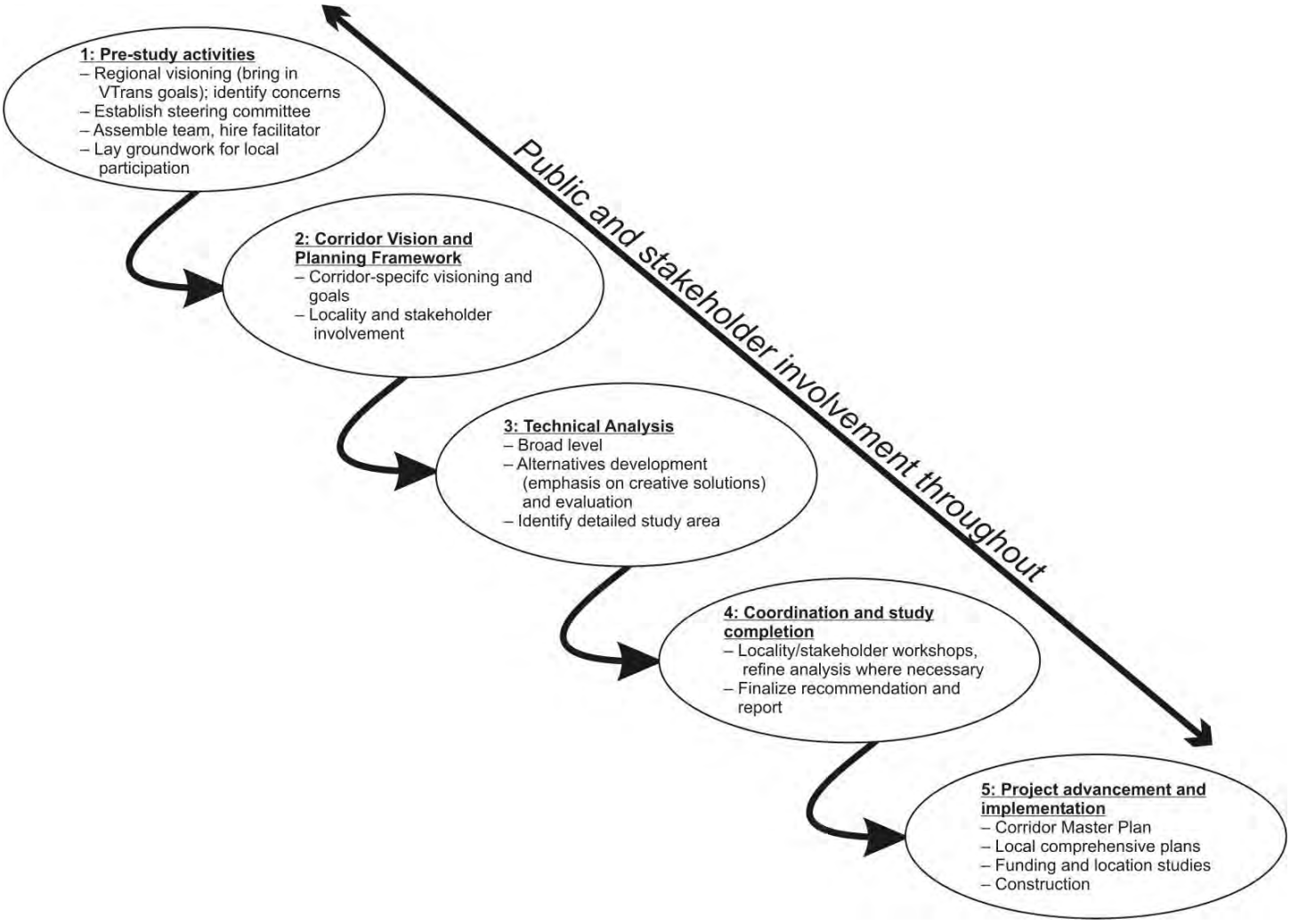
- Pre-study activities in Step 1 (a) bring in information from prior statewide planning efforts, such as VTrans2035 and the Surface Transportation Planning process, this information should be presented through strong and informative visual displays, (b) focus specific analysis at the broad corridor level and at some key geographic areas within corridor, and (c) establish the participatory groundwork

for the study, including local and stakeholder participation.

- Step 2 involves the collaborative efforts of State, local and other stakeholders to apply the broader statewide CoSS goals of VTrans to the specific corridor, while simultaneously developing potential strategies that respect local and stakeholder objectives.
- Alternatives are further developed, analyzed and evaluated in Step 3, with emphasis on creative “out-of- the-box” design and problem-solving.
- Step 4 utilizes workshops and meetings with local governments and stakeholders to refine study recommendations for both the statewide and corridor-wide vision and strategies. As stated above, these may be professionally-facilitated discussions to ensure that input is captured from all participants, and that the objectives of all participants are considered and a consensus incorporated into the final recommendations.
- Many of the implementation activities included in Step 5 occur after the end of the formal corridor study. These activities include developing and adopting corridor master plans, revising local comprehensive plans, identifying funding, performing detailed location studies, and ultimately, project construction and/or improvements to highway, transit and rail services, and land use decision-making. State implementation may also include non-construction recommendations, such as new legislation or policy, rule or procedural changes.

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Corridor Study Process Flow Diagram



A key issue illustrated by the flowchart is how to involve local governments and other stakeholders in a process that has substantial effects on localities, but also larger issues reaching beyond individual jurisdictions. Local governments can be engaged and brought into the planning process in a number of ways.

- The CTB can make clear that there are linkages between successful CoSS studies, the State's transportation planning process and local planning, and future transportation investments. The CTB can issue a policy statement or statements that projects, developed by and through the CoSS study process, will be given a priority for funding and advancement by the CTB. Such a linkage will create an incentive for local governments to participate in the process and give them a measurable stake in the outcome of the process.

- VDOT and DRPT can encourage local governments to include CoSS study recommendations in local comprehensive plans. Day-to-day state agency and department decisions with local governments on access control, safety, connectivity

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for new developments, etc., can be predicated on local government acknowledgment of the importance of CoSS study recommendations and real action by those governments to include those recommendations which are applicable to the locality in local comprehensive plans and land use decision-making.

- Local officials can collaborate with other stakeholders and one another in facilitated workshops and/or charrettes to compare interests, explore alternatives and extend corridor visions. As local governments understand the benefits of collaboration and the risks of not participating, fostering an excellent engagement and participation process becomes critical. The CoSS study team should meet early and informally with elected county, city and town officials both to round out the understanding of corridor interests and to capture local ones within their jurisdictional boundaries and elsewhere. These might be special meetings or regular meetings of board or council committees or subgroups. The process, beginning at the initiation of the study, should encourage cross-jurisdictional communication between elected leaders and collaboration where special issues, such as congestion relief, unique safety needs, historical and cultural resources or specific growth pressures, exist. The study team should use area maps with overlays as well as other displays that may be needed for the participants to clearly understand the issues and impacts.

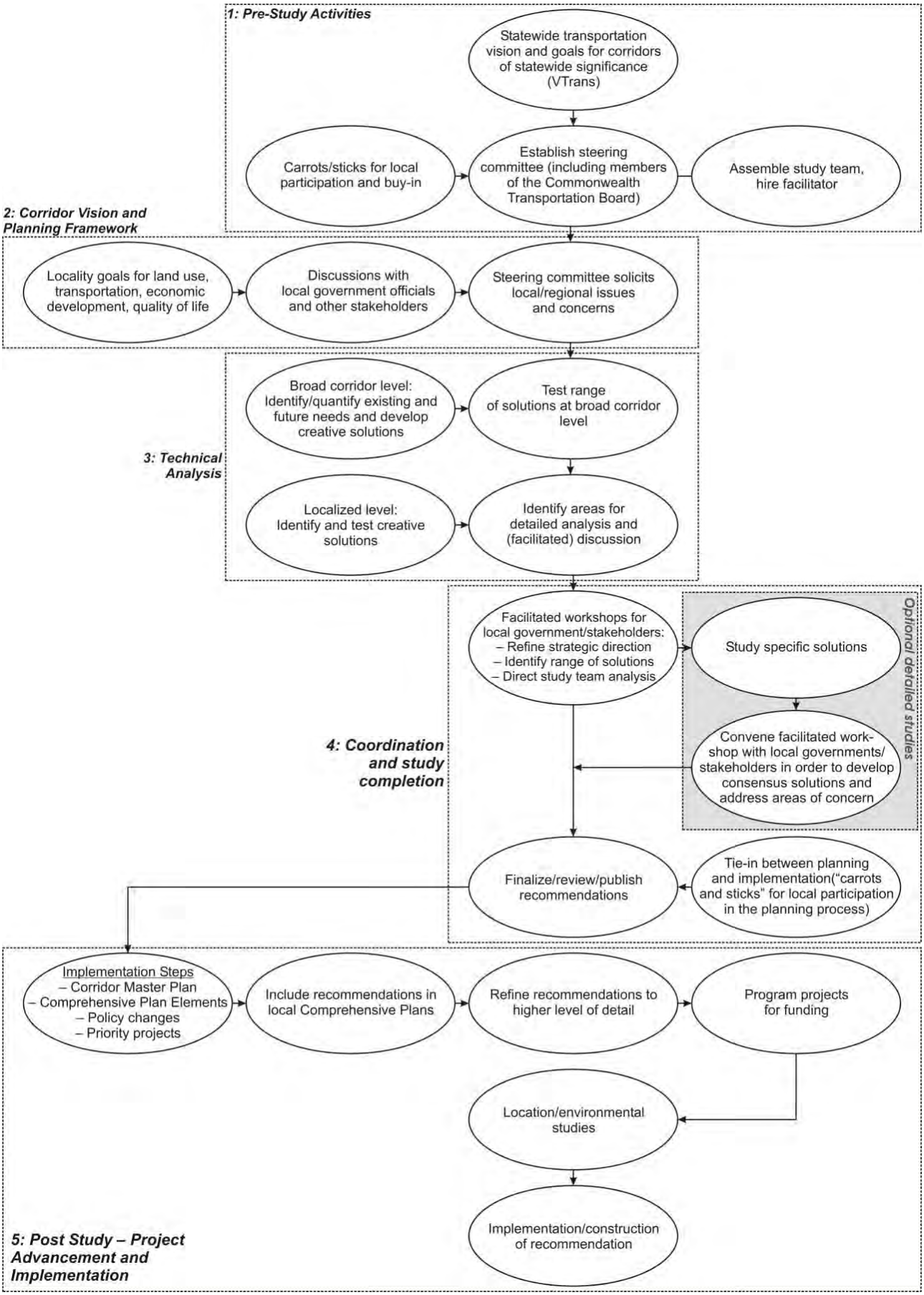
The CTB's goal is to engage local officials throughout the CoSS process, but particularly at the initiation of the study, after certain analyses are completed and before the study team finalizes plans or presents to public hearings. Specific recommendations are likely to be adjusted throughout the study to reflect technical and planning considerations, changing needs and conditions, continuing input from corridor jurisdictions and shifts in state agency resources.

In the final analysis, it is important that state agencies and local governments, as stakeholders, find common ground to achieve goals. The process must be designed to maximize the constructive cooperation of all involved in a structured and efficient manner.

The enabling authority for this Policy is found in the Code of Virginia, Sections 2.2-229, 15.2-2232, 33.1-12 and 33.1-23.03.

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Detailed Corridor Study Flow Diagram



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Economic Development Access Fund

- Economic Development Access Fund Policy (Revision) (2/15/2022)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 15, 2022

MOTION

Made By: Mr. Yates **Seconded By:** Mr. Rucker
Action: Motion carried, unanimously

Title: Economic Development Access Policy (2022 Revision)

WHEREAS, The General Assembly has, from time to time, amended Section 33.2-1509 of the *Code of Virginia* (1950) (the *Code*) relating to the fund for construction of economic development access roads; and

WHEREAS, this Board has also, from time to time, revised its policy for the administration of the Economic Development Access Program (CTB EDA Policy); and

WHEREAS, on September 14, 2020 the Virginia Joint Legislative Audit and Review Commission (JLARC) published a review of certain State infrastructure and Regional Economic Incentive Programs (JLARC Study 546), which included recommendations to improve the viability of the Economic Development Access Road program; and

WHEREAS, Chapter 378 of the 2021 Special Session I Acts of Assembly amended Section 33.2-1509 to direct the Commonwealth Transportation Board, in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, to develop guidelines for the use of funds for access roads to an economic development site; such guidelines to consider the number of jobs that will be created by the economic development project, the proposed capital investment by the private sector at the economic development site, and any other relevant criteria related to the economic development project; and

WHEREAS, staff from the Virginia Department of Transportation and Virginia Economic Development Partnership have coordinated to develop and propose such guidelines, attached, hereto, as *2022 Commonwealth Transportation Board Economic Development Access Fund Policy*;

Back to Economic Development Access Fund

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board (CTB) hereby adopts the policy attached hereto and entitled *2022 Commonwealth Transportation Board Economic Development Access Fund Policy*, dated January 12, 2022 to govern the use of economic development access funds pursuant to Section 33.2-1509, as amended, of the *Code.*

BE IT FURTHER RESOLVED that the *2022 Commonwealth Transportation Board Economic Development Access Fund Policy* shall become effective immediately, and shall supersede all policies heretofore adopted by this Board governing the use of economic development access funds and further directs the Department to develop guidelines implementing this revised policy.

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Back to Economic Development Access Fund

2022 Commonwealth Transportation Board

Economic Development Access Fund Policy

GENERAL

1. The Commonwealth Transportation Board and the Department of Transportation (the Department) will consult and work closely with the Virginia Economic Development Partnership (VEDP) in determining the use of economic development road access funds and will rely on the recommendations of the VEDP in making decisions as to the allocation of these funds. In making its recommendations to this Board, the VEDP and the Department will take into consideration the impact of the proposed facility on the employment and tax base of both the area in which the facility is to be located and the Commonwealth of Virginia. Further, in developing guidelines for the use of the funds, the Board directs the Department to develop to take into consideration, at a minimum, the following criteria: site readiness, transportation need, potential and/or predicted job creation, and economic stress of the community in which the project is proposed.

2. The use of economic development access funds shall be limited to: (a) providing adequate access to economic development sites on which new or substantially expanding manufacturing, processing, research and development facilities, distribution centers, regional service centers, corporate headquarters or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Business Assistance; (b) improving existing roads that may not be adequate to serve the establishments as described in (a); and (c) providing for costs associated directly with program administration and management of project requests prior to CTB approval with such costs not expected to exceed 1% of the allocation annually.

3. Economic development access funds may not be used for the construction of access roads to schools, hospitals, libraries, airports, armories, speculative office buildings, shopping centers, apartment buildings, professional offices, residential developments, churches, hotels, motels, or similar facilities, whether public or private. (Access roads to licensed, public-use airports, while provided for in the *Code of Virginia* (*COV*) Section 33.2-1509, are funded and administered separately)

4. No cost incurred prior to this Board's approval of an allocation from the economic development access fund may be reimbursed by such funds. Economic development access funds shall be authorized only after certification that the economic development establishment as listed or meeting the criteria as described will be built under firm contract, or is already constructed, or upon presentation of acceptable surety in accordance with paragraph A. of Section 33.2-1509 of *COV*.

5. Funds for economic development access road projects are to be used only for the physical construction and/or engineering of an access road necessary to support the traffic generated by a new or expanding qualified establishment. Access funds may be used to relocate existing utilities only to the extent the location of those utilities conflict with access road

construction. Economic development access funds shall not be used for the acquisition of rights of way. Where an existing economic development access road is part of the road system of the Department or the locality in which it is located, economic development access funds may be used to upgrade the existing road only to the extent required to meet the needs of traffic generated by new or expanding eligible establishments.

6. Economic development access funds shall not be used to construct or improve roads on a privately owned economic development site. Nor shall the construction of a new access road to serve any economic development site on a parcel of land which abuts a road constituting a part of the systems of state highways or the road system of the locality in which it is located be eligible for economic development access funds, unless the existing road is a limited access highway and no other access exists

7. In the event an economic development site has access according to the foregoing provisions of this policy, but it can be determined that such access is not adequate in that it does not provide for safe and efficient movement of the traffic generated by the eligible establishment on the site or that the site's traffic conflicts with the surrounding road network to the extent that it poses a safety hazard to the general public, consideration will be given to funding additional improvements. Such projects shall be evaluated on a case-by-case basis upon request, by resolution, from the local governing body. Localities are encouraged to establish planning policies which will discourage incompatible mixes such as industrial and residential traffic.

8. Prior to this Board's allocation of funds for such construction or road improvements to an eligible economic development establishment proposing to locate or expand in a county, city or town, the governing body shall by resolution request the access funds and shall be responsible for the preliminary negotiations with the eligible establishment and others interested. Engineers of the Department will be available for consultation with the governing bodies and others, and may prepare surveys, plans, engineering studies, and cost estimates, when requested and funded by the locality.

BOARD ALLOCATIONS

9. Allocations made available under this program may be for projects in Counties, Cities, or Towns which receive street maintenance payments under section 33.2-319 of *COV*. A town whose streets are maintained under either Section 33.2-339 or 33.2-340, of *COV*, shall be considered as part of the county in which it is located.

10. A locality may receive an unmatched allocation of economic development access funds up to $150,000 in any fiscal year and an additional $50,000 in economic development access funds matched dollar-for-dollar from funds not administered by this Board for a design-only project. The local governing body shall guarantee by bond or other acceptable surety that the plans will be developed to standards acceptable to the Department and will be completed to standards acceptable to the Department within 24 months of the allocation. The Department is authorized to provide design-only unmatched allocations up to $100,000 without Board approval provided all other provisions of this policy are met and the Department provides the Board with an annual report of those allocations.

11. A locality may receive an unmatched allocation of economic development access funds up to $700,000 in any fiscal year for the construction of an access road project or for the

combined design and construction of an access road project. The unmatched allocation may be supplemented with up to $150,000 in economic development access funds, to be matched dollar-for-dollar from funds other than those administered by this Board. Such supplemental funds shall be considered only if the total estimated cost of eligible items for the economic development access improvement exceeds $700,000.

12. No locality may receive allocations exceeding $850,000 in a single fiscal year

13. If an eligible site is owned by a regional industrial facility authority, as defined in Section 15.2-6400 et seq., of the *Code*, funds may be allocated for construction of an access road project to that site without penalty to the jurisdiction in which the site is located. This provision may be applied to one regional project per fiscal year in any jurisdiction, with the same funding limitations as prescribed for other individual projects.

14. Notwithstanding the provisions herein, for Major Employment and Investment (MEI) projects as defined in Section 2.2-2260, of the *Code* and administered by the Virginia Economic Development Partnership, the locality may receive up to $500,000 unmatched allocation and $150,000 dollar for dollar matched allocation for a design-only project. The local governing body shall guarantee by bond or other acceptable surety that plans for a MEI project will be developed to standards acceptable to VDOT.

15. In addition, for projects utilizing economic development access funds to serve approved MEI projects, the locality may receive up to $500,000 unmatched allocation and an additional $500,000 matched allocation for a road construction project. Project allocations for a given MEI project may be cumulative for not more than two years.

16. Eligible items of construction and engineering shall be limited to those which are essential to providing an adequate facility to serve the anticipated traffic while meeting all appropriate CTB and state policies and standards. However, additional pavement width or other features may be eligible where necessary to qualify the road facility in a city or town for maintenance payments under Section 33.2-319, of the *Code*.

17. Except as provided for in paragraph 15 pertaining to MEI projects, it is the intent of the Board that economic development access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.

18. As a condition of the any economic development allocations for a construction or combined design and construction project, the locality must demonstrate that capital investment outlay of the eligible establishment and certain investment by the locality in the land and the building on the site occupied by the eligible establishment as follows:

    a. Investments shall be five times or greater of the allocation for a locality that is not designated as a single or double distressed locality, as defined by VEDP in the year that the allocation is made, or

    b. Investments shall be four times or greater of the allocation for a locality that is designated as a single distressed locality, as defined by the VEDP, in the year that the allocation is made, or

c. Investments shall be three times or greater of the allocation for a locality that is designated as a double distressed locality, as defined by the VEDP, in the year the allocation is made.

19. Further, to encourage job creation in the establishment of such facilities, the Department shall consult with VEDP to establish an appropriate dollar value credit toward the required capital investment for jobs created.

BONDED (SPECULATIVE) PROJECTS

20. When an eligible establishment is not yet constructed or under firm contract and a local governing body chooses to guarantee by bond or other acceptable surety that such will occur, the maximum time limit for such bond shall be five years, beginning on the date of the allocation of the economic development access funds by the Commonwealth Transportation Board. At the end of the five-year period, the amount of economic development access funds expended on the project and not justified by eligible capital outlay of one or more eligible establishments acceptable to the Board shall be reimbursed to the Department of Transportation voluntarily by the locality or by forfeiture of the surety unless the locality elects to utilize the payback provisions outlined in paragraph 21.

21. At the end of the five year time bond period specified in paragraph 20 or at the termination of an extended bond period, rather than reimbursing the Department in full those funds expended on the project but not justified by eligible capital outlay, the locality may elect to extend the bond or other acceptable surety for another 4 year period and, on an annual basis, reimburse the Department 20% of those funds expended on the project but not justified by eligible capital outlay, with the first annual payment to be made on or before the 1st day of the new bonded period, until such time that 100% of the required reimbursement is provided or until the locality can document sufficient capital investment by an eligible establishment. The locality's bond or other acceptable surety may be reduced annually by the amount repaid to the Department. In the event that during the extended bonded period, the locality can document sufficient capital investment by an eligible establishment, the locality may request a refund of any reimbursements made to the Department. Such request may be granted if funds are available and on a first come, first served basis in competition with applications for economic development access funds from other localities. The Commonwealth Transportation Commissioner is directed to establish administrative procedures to assure the provisions of this policy and legislative directives are adhered to and complied with.

Funds – Allocations, Apportionments, and Expenditures (including SMART SCALE)

- Adoption of SMART SCALE Policy and Approval of Innovative Intersections as an Eligible High-Priority Projects Program (4/22/2026)
- Thomas Jefferson Planning District Commission SMART SCALE Factor Weighting Typology Change (12/9/2025)
- Approval of Special Structures Program 50-Year Long-Term Plan Update (12/4/2024)
- Approval of the State of Good Repair Prioritization Process (7/16/2024)
- Adoption of the Transportation Efficient Land Factor for Implementation in the SMART SCALE Project Prioritization Process and Update to SMART SCALE Prioritization Policy (1/16/2024)
- Adoption of Policy and Approval of Guides for Implementation of the SMART SCALE Project Prioritization Process (12/4/2023)
- Amendments to regulation for Urban Maintenance and Construction Policy, 24 VAC 30-325-10 (12/6/2022)
- Approval of Special Structures Program 50-Year Long-Term Plan Update (12/6/2022)
- Adoption of Updated Policy for Implementation of the SMART SCALE Project Prioritization Process (12/8/2021)
- Approval of the Special Structure 50-Year Long Term Plan (10/20/2021)
- Adoption of Updated Policy for Implementation of the SMART SCALE Project Prioritization Process (2/19/2020)
- Primary Extension Improvement Program Policy (10/17/2019)
- SMART SCALE Cost Overrun Policy (10/30/2018)
- State of Good Repair Prioritization Process Methodology and FY 2019 State of Good Repair Percentage Fund Distribution (5/16/2018)
- Adoption of Corrected Policy and Approval of Guide for Implementation of the SMART SCALE Project Prioritization Process (2/21/2018)
- Approval of State of Good Repair Prioritization Process Methodology and FY 2017 State of Good Repair Percentage Fund Distribution (6/14/2016)
- Annual Certification for Systematic Review of Funding Policy (2/18/2015)
- Repeal (sic) of Systematic Review of Funding Policy (12/4/2013)
- CMAQ Policy (2/16/2011)
- Systematic Review of Funding (10/18/2007)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

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Agenda item # 13

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 22, 2026

MOTION

Made By: Mr. Lawson**, Seconded By:** Mr. Laird

Action: Motion Carried, Unanimously

Title: Adoption of SMART SCALE Policy and Approval of Innovative Intersections as an Eligible High-Priority Projects Program

WHEREAS, Section 33.2-214.1 of the *Code of Virginia* provides that the Commonwealth Transportation Board (Board) shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to sections 33.2-358, 33.2-370 and 33.2-371 of the *Code of Virginia*; and

WHEREAS, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI), in coordination with the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT), to implement the statewide prioritization process developed by the Board pursuant to Section 2.2-229; and

WHEREAS, the Board adopted the SMART SCALE Prioritization Policy on December 4, 2023, and subsequently on January 16, 2024, updated the policy by adopting the Transportation Efficient Land Use factor; and

WHEREAS, Section 33.2-370 of the *Code of Virginia* defines “High-Priority Projects” as those projects of regional or statewide significance, such as projects that reduce congestion or increase safety, accessibility, environmental quality, or economic development and High Priority Projects must use funds allocated to the program that address a transportation need identified on a corridor of statewide significance or a regional network; and

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, the Board refined the High-Priority Projects Program by limiting it to projects that meet specific features, and improvements recommended as a preferred alternative in a STARS, Pipeline Study, Arterial Management Plan or MPO/Transit/Local study with equivalent study components; and

WHEREAS, the SMART SCALE Prioritization Policy excludes innovative intersections as an eligible High-Priority Projects Program feature type, and a modification has been recommended to the Board further strengthening the policy; and

NOW THEREFORE BE IT RESOLVED, pursuant to Section 33.2-214.1 of the *Code of Virginia*, the Commonwealth Transportation Board hereby updates the SMART SCALE Prioritization Policy to include innovative intersections, as a High-Priority Projects Program eligible feature.

BE IT FURTHER RESOLVED, there are no further SMART SCALE Prioritization Policy changes, and the SMART SCALE policy adopted December 4, 2023, updated January 16, 2024, titled Adoption of Policy and Approval of Guides for Implementation of the SMART SCALE Project Prioritization Process, shall, in all other respects, remain unchanged.

BE IT FURTHER RESOLVED, the Board hereby directs OIPI to implement this policy change, including updating the SMART SCALE Technical Guide (available at smartscale.virginia.gov) and other technical and policy documents consistent with the SMART SCALE Prioritization Policy.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 9, 2025

MOTION

Made By: Mr. Byers**, Seconded By:** Mr. Davis
Action: Motion Carried, Unanimously

Title: Thomas Jefferson Planning District Commission SMART SCALE Factor Weighting Typology Change

WHEREAS, Section 33.2-214.1 of the *Code of Virginia* provides that the Commonwealth Transportation Board (Board) shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to sections 33.2-358, 33.2-370 and 33.2-371 of the *Code of Virginia*, and

WHEREAS, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI), in coordination with the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT), to implement the statewide prioritization process developed by the Board pursuant to Section 2.2-229; and

WHEREAS, the Board adopted the SMART SCALE Prioritization Policy on December 4, 2023, and on January 16, 2024, updated the policy by adopting the Transportation Efficient Lanu Use factor; and

WHEREAS, the Thomas Jefferson Planning District Commission (TJPDC) representing the counties of Greene, Louisa, Nelson, Fluvanna, and the non-urbanized portion of Albermarle, finds that it is in the best interest of the planning district and its rural member jurisdictions to change from SMART SCALE Typology Category “C” to Category “D” for SMART SCALE Round 7 and future rounds (Attachment 1); and

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, at the September 4, 2025, meeting of the TJPDC, the Commission voted unanimously to pass a resolution requesting the change in SMART SCALE typology.

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby updates the SMART SCALE Prioritization Policy to address the requested TJPDC Factor Weighting Typology change from "Category C" to "Category D" for the upcoming SMART SCALE Round 7 and future SMART SCALE rounds.

BE IT FURTHER RESOLVED, there are no further SMART SCALE Prioritization Policy changes, and the SMART SCALE policy adopted December 4, 2023, titled Adoption of Policy and Approval of Guides for Implementation of the SMART SCALE Project Prioritization Process shall in all other respects remain unchanged.

BE IT FURTHER RESOLVED, the Board hereby directs OIPI to implement this policy change, including but not limited to update of technical and policy documents consistent with the SMART SCALE Prioritization Policy.

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Back to Funds - Allocations, Apportionments, and Expenditures

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 4, 2024

MOTION

Made By: Ms. Sellers, **Seconded By:** Dr. Smoot,
Action: Motion Carried, Unanimously

Title: Approval of Special Structures Program 50-Year Long-Term Plan Update

WHEREAS, Chapters 83 and 349 of the 2019 Acts of Assembly required the Commonwealth Transportation Board ("the Board") to undertake a comprehensive review (the "Comprehensive Review") of the current and future condition of pavements and bridges in the Commonwealth, specifying that the review, among other things, include a plan to address the funding needs of large and unique bridges and tunnel structures in the Commonwealth; and

WHEREAS, Chapters 83 and 349 of the 2019 Acts of Assembly required the Board to provide a report regarding the Comprehensive Review to the General Assembly ("Comprehensive Review Report"); and

WHEREAS, the Board supported VDOT's recommendation regarding development of a Special Structures health index and risk-based prioritization of projects and directed VDOT to present said prioritization to the Board, and further directed the Commissioner of Highways to report on an annual basis the (i) projected and actual performance of the pavements, structures and Special Structures and (ii) planned and accomplished routine maintenance work; and

WHEREAS, subsequent to publication of the Comprehensive Review Report, Chapters 1230 and 1275 of the 2020 Acts of Assembly established §33.2-374 of the *Code of Virginia,* which sets forth the Special Structure Program; and

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, §33.2-374 (C) of the *Code of Virginia* requires the Board to: (1) establish a program for the maintenance, rehabilitation and replacement of special structures; and (2) develop and maintain, with assistance of the Department of Transportation, a plan covering a minimum of 30 years, to be updated biennially in even numbered years; and

WHEREAS, pursuant to the requirements in §33.2-374 (C) the Board approved the Special Structures Program 50-Year Long-Term Plan on October 20, 2021, and an update to the plan on December 6, 2022; and

WHEREAS, the Department of Transportation has drafted an updated Special Structures Program 50-Year Long-Term Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the Special Structures Program 50-Year Long-Term Plan as updated and set forth in Attachment A and further directs the Commissioner of Highways to present any updates to the Plan no less than biennially to the Board for its approval.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 16, 2024

MOTION

Made By: Ms. Sellers, **Seconded By:** Mr. Lawson

Action: Motion Carried, Unanimously

Title: Approval of the State of Good Repair Prioritization Process

WHEREAS, Chapter 415 of the 2024 Acts of the Assembly revised (Chapter 415) Va. Code § 33.2-369 to expand the eligibility for State of Good Repair funds from only bridges defined as structurally deficient to bridges with a general condition rating of no more than five for at least one major bridge component; and

WHEREAS, Chapter 415 Va. Code § 33.2-369 expands the eligibility for State of Good Repair funds from reconstruction and rehabilitation of eligible bridges to also include other improvements anticipated to extend the useful life of a bridge by at least 10 years; and

WHEREAS, Va. Code § 33.2-369 of the Code of Virginia prescribes that the Commonwealth Transportation Board (the Board) shall use funds allocated in Va. Code § 33.2-358 for state of good repair purposes for (i) reconstruction, replacement, and other improvements anticipated to extend the useful life by at least 10 years of state and locally-owned bridges with a general condition rating of no more than five for at least one major bridge component and (ii) reconstruction and rehabilitation of deteriorated pavement on the Interstate System and Primary State Highway System, including municipality-maintained primary extensions; and

WHEREAS, Va. Code § 33.2-369 (B) also requires that the State of Good Repair funds be allocated by the Board to projects in all nine construction districts based on a priority ranking system that takes into consideration (a) the number, condition, and costs of bridges with a general condition rating of no more than five for at least one major bridge component and (b) the mileage, condition, and costs to replace deteriorated pavements, and further provides that the Board shall ensure an equitable needs-based distribution of funding among the highway construction districts, with no district receiving more than 17.5 percent or less than 5.5 percent of the total funding allocated in any given year; and

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, the Board developed and last approved, on February 21, 2021, a prioritization process methodology for the allocation of funds and selection of projects for structurally deficient bridges and deteriorated pavements that met the requirements set forth in § 33.2-369 (B) (State of Good Repair Prioritization Process); and

WHEREAS, revisions to the State of Good Repair Prioritization Process are necessary to render the process consistent with Va. Code § 33.2-369 as amended by Chapter 415 and to address other issues.

NOW THEREFORE BE IT RESOLVED, that the State of Good Repair Prioritization Process, as set forth in Attachment A, is approved; and

BE IT FURTHER RESOLVED, pursuant to § 33.2-214 (E), any project added to the Six-Year Improvement Program (SYIP) funded wholly or in part with funding from the State of Good Repair Program shall be fully funded within the six-year horizon of the SYIP.

BE IT FURTHER RESOLVED, the development and management of the State of Good Repair portion of the SYIP shall be conducted in accordance with the Board's then current Six-Year Improvement Program Development and Management Policy.

BE IT FURTHER RESOLVED, that the Board directs the Commissioner of Highways to take all actions necessary to implement and administer this policy.

BE IT FURTHER RESOLVED, that Board approval of this item replaces and supersedes the February 17, 2021 resolution titled "Approval of State of Good Repair Prioritization Process Methodology and FY 2022 State of Good Repair Percentage Fund Distribution."

###

Attachment A

State of Good Repair Prioritization Process

Va. Code § 33.2-369 prescribes that the Commonwealth Transportation Board (the Board) shall use funds allocated in § 33.2-358 for state of good repair purposes for (i) reconstruction, replacement, and other improvements anticipated to extend the useful life by at least 10 years of state and locally-owned bridges with a general condition rating of no more than five for at least one major bridge component and (ii) reconstruction and rehabilitation of deteriorated pavement on the Interstate System and Primary State Highway System, including municipality-maintained primary extensions.

Va. Code § 33.2-369 (B) also requires that the State of Good Repair funds be allocated by the Board to projects in all nine construction districts based on a priority ranking system that takes into consideration (a) the number, condition, and costs of bridges with a general condition rating of no more than five for at least one major bridge component and (b) the mileage, condition, and costs to replace deteriorated pavements, and further provides that the Board shall ensure an equitable needs-based distribution of funding among the highway construction districts, with no district receiving more than 17.5 percent or less than 5.5 percent of the total funding allocated in any given year.

1. **Identification of State of Good Repair Needs**
    a. Condition and inventory data on the Commonwealth's bridges is derived from regular inspections performed in accordance with the National Bridge Inspection Standards. Data is collected and recorded in VDOT's Bridge Management System, which is used to determine the type of work recommended, and provides a list of bridge needs. Bridge needs for bridges with a general condition rating of no more than five for at least one major bridge component in VDOT's Bridge Management System are used to determine State of Good Repair Bridge Needs.
    b. Pavement needs are assessed and identified annually using automated data collection technology and asset management principles. Pavements are rated based on visible distresses and the data is incorporated into the Pavement Management System, which is used to assess maintenance needs using the elements of pavement distresses, traffic level, and structural condition to determine mileage, recommended treatment, and estimated costs to perform the necessary work. Deteriorated pavement needs on the Commonwealth's Interstate, Primary, and Primary Extension facilities are used to determine State of Good Repair Paving Needs.
    c. State of Good Repair Needs are the total cost of the needs for bridges with a general condition rating of 5 or less for at least one major component for VDOT-Owned and Locality–Owned bridges in VDOT's Bridge Management System and the total cost of the deteriorated pavement needs on Interstate, Primary, and Primary Extension facilities.
    d. Prioritized State of Good Repair needs are reported in the Biennial Report of the Commissioner of Highways required by § 33.2-232.
    e. A recommended list of projects, from the Prioritized State of Good Repair needs, eligible for funds under the State of Good Repair Program, is made public annually at least 150 days prior to the Board's vote to adopt a Six-Year Improvement Program (SYIP) as required by § 33.2-214.2.

2. **Allocation of State of Good Repair Funds**
    a. Needs are compiled and used to determine the Percentage Fund Distribution for each highway construction district.
        i. As provided for in § 33.2-369, each construction district receives no less than 5.5% and no more than 17.5% of total funding allocated in a given year.

Back to Funds - Allocations, Apportionments, and Expenditures

ii. Individual district percentages are determined by dividing district needs by the statewide needs.
iii. If any district's needs are less than 5.5% then the amount provided to other districts is reduced on a pro-rata basis to ensure such district receives 5.5% of available funding.
iv. If any district's needs percentage would require more than 17.5% of the funding, the district's percentage of funding is reduced to 17.5% and the difference between the district's need percentage and 17.5% is distributed to the remaining districts based on their needs percentage.
v. The Board may waive the 17.5% allocation cap for one fiscal year, when it determines that, due to extraordinary circumstances or needs, the cap inhibits the ability of the Department to address a key pavement or bridge need. If the Board does waive the allocation cap, then an explanation must be provided in the allocation methodology submitted by the Commissioner of Highways pursuant to § 33.2-232.

b. The State of Good Repair Needs are used to break down the percentage at the highway construction district level into four separate funding distributions – VDOT-Owned Bridges, Locality-Owned Bridges, VDOT Pavement, and municipality-maintained Primary Extensions (Locality Pavements).

3. Prioritization of State of Good Repair Bridge Needs

a. The priority ranking system examines all bridges in the Commonwealth eligible for State of Good Repair funding to develop a final priority list of bridges. The final priority list will be developed from the recommended list of projects, which is published at least 150 days prior to the adoption of the SYIP in accordance with § 33.2-214.2, and will use finalized project estimates to calculate prioritization using a formula that is based on the following criteria:

Measure	Description
Condition	Measures overall condition of the bridge using detailed condition data compiled from the safety inspection report
Cost Effectiveness	Ratio of actual project cost to the cost for full replacement
Highway Traffic Impacts	Traffic volume, truck traffic, detour route, future traffic volume, and key route designations
Design Redundancy and Safety	Fracture-critical bridges, fatigue prone details, and scour and seismic vulnerability
Structure Capacity	Consideration of whether the bridge will be posted or has issues with clearances or waterway adequacy

b. Recommended bridge projects for State of Good Repair funding in each district are recommended from the district's final prioritized list of needs in order.

c. VDOT-owned bridges

i. Bridge projects for prioritization shall include all bridges with a general condition rating of 4 or less for at least one major bridge component (i.e., poor) and any bridge with a general condition rating of 5 for at least one major bridge component

(i.e., fair) recommended for evaluation by the State Structure and Bridge Engineer.

ii. Recommended bridge projects are established based on the final priority ranking.

iii. Exceptions for funding bridges out of priority order may be granted based on a request from the District Engineer submitted to the State Structure and Bridge Engineer and approved by the Chief Engineer.

iv. Acceptable justifications for exceptions include instances where practicality, conflicting construction, contracting procurement considerations, or coordination with other highway work necessitate deviating from the established priority ranking.

d. Locality-owned bridges

i. Localities shall submit Work Notification Forms for all bridges with a general condition rating of 4 or less for at least one major bridge component (i.e., poor). Additionally, localities may submit Work Notification Forms for any bridge with a general condition rating of 5 for at least one major bridge component (i.e., fair) that they request to be included in the prioritized list.

ii. If a locality does not want to pursue corrective action on a particular bridge with a general condition rating of 4 or less, it must provide written justification and the next locality-owned bridge within the highway construction district on the priority list is recommended to receive the State of Good Repair funding.

iii. Recommended bridge projects are established based on the final priority ranking.

iv. Acceptable justifications for funding bridges out of priority order include instances where practicality, conflicting construction, contracting procurement considerations, or coordination with other highway work necessitate deviating from the established priority ranking.

v. Costs associated with additional scope elements beyond the recommended repair are the responsibility of the locality.

4. Prioritization of State of Good Repair Pavement Needs

a. The Pavement Management System takes the pavement condition data and applies an optimization process that considers factors such as available funds, performance targets, and benefit cost ratio of treatments to prepare a section by section priority list and appropriate maintenance treatment that takes into account pavement distresses, structural and subgrade strength, traffic volume, and maintenance history.

b. VDOT Pavements

i. Recommended paving projects are created based on the number of lane miles of deficient pavement that qualify for State of Good Repair funding and prioritized using the following criteria:

Criteria	Description
Road System	Interstate Systems has the higher priority over the Primary System
Use or Traffic Count	Amount of traffic the lane miles carry; also considers the number of heavy trucks and buses
Condition	Severity of distress of the pavement based on the standard pavement rating system
Potential for Immediate or Near-term Further Degradation	Impact caused if the lanes miles are not repaired or treated immediately

Back to Funds - Allocations, Apportionments, and Expenditures

ii. Recommended VDOT paving projects for State of Good Repair funding in each district are recommended from the district's prioritized list in order.
iii. Exceptions for funding paving projects out of priority order may be granted based on a request from the District Engineer submitted to the State Maintenance Engineer and approved by the Chief Engineer in coordination with the Chief of Maintenance and Operations.
iv. Acceptable justifications for exceptions include instances where practicality, conflicting construction, or coordination with other highway work necessitate deviating from the established prioritization.

c. Locality Pavements
   i. Localities submit applications in the SMART Portal for recommended pavement overlay, rehabilitation, or construction projects.
   ii. Projects are prioritized for funding based on a technical score that considers the following criteria:

Criteria	**Description**
Pavement Condition	Critical Condition Index (CCI) < 60
Traffic Volume	AADT
NHS Designation	Yes/No
Past Expenditures on Pavement by the Locality	Current level of pavement maintenance expenditures in the locality

iii. Recommended municipality-maintained primary extension projects for State of Good Repair funding in each district are taken from the district's prioritized list in order.
iv. The maximum request under the program is $1,500,000 per locality, per fiscal year, regardless of the number of eligible routes in the locality. This maximum may be increased in a district in the event the amount of funding available for distribution in that district in a fiscal year exceeds the possible allocation amount based on the number of eligible localities in that district.
v. Exceptions may be granted if the project is the next highest scoring project within the district and the request does not exceed the $1,500,000 limit, or applicable limit based on item 4.c.iv, for the locality for the fiscal year.
vi. All projects funded under this program must be advertised within 12 months of allocation. Projects that receive funding and do not meet this criterion may be subject to deallocation by the Board.
vii. As part of the application process, localities must provide certification that the funding allocated will supplement, not replace, the current level of effort on the part of the locality.

Neither the scope nor the budget of a project may be substantially modified in such a manner that the proposed improvements do not accomplish the same benefits as the original scope. Efforts must be made to review a project scope for opportunities to modify or reduce scope to bring the cost back in line with the original budget while ensuring that the improvement extends the useful life of the asset.

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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 State of Good Repair funds unless superseded by the terms of a signed project agreement.

a. Surplus State of Good Repair funds no longer needed for delivery of a project will remain within the applicable Construction District and may not be used in other districts.
b. Surplus State of Good Repair funds no longer needed for delivery of a project will remain within the applicable asset type (i.e., Bridge or Paving).
c. Such surplus funds will be reserved to address budget adjustments on existing State of Good Repair projects or reserved for allocation in the next solicitation cycle for State of Good Repair.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # ***10***

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 16, 2024

MOTION

Made By: Mr. Yates **Seconded By:** Dr. Smoot

Action: Motion Carried

Title: Adoption of the Transportation Efficient Land Factor for Implementation in the SMART SCALE Project Prioritization Process and Update to SMART SCALE Prioritization Policy

WHEREAS, Section 33.2-214.1 of the *Code of Virginia*, provides that the Commonwealth Transportation Board (Board) shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to sections 33.2-358, 33.2-370 and 33.2-371 of the *Code of Virginia*, and

WHEREAS, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI), in coordination with the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT), to implement the statewide prioritization process developed by the Board pursuant to Section 2.2-229; and

WHEREAS, pursuant to the SMART SCALE Process Review conducted in 2023, OIPI recommended, among other things, that the Board modify the Transportation Efficient Land Use factor to be utilized in the next SMART SCALE Prioritization Process adopted by the Board; and

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WHEREAS, in the action taken by the Board on December 4, 2023 to adopt the SMART SCALE Prioritization Policy and Approval of Guides for Implementation of the SMART SCALE Prioritization Process, the Board removed the Transportation Efficient Land Use factor; and

WHEREAS, recognizing that the 6th enactment clause of Chapter 726 of the 2014 Acts of Assembly requires the prioritization process to also include a factor related to Transportation Efficient Land Use for certain metropolitan planning areas with a population over 200,000; where Transportation Efficient Land Use is used in the context of the requirements outlined in Chapters 670 and 690 of the 2009 Acts of Assembly; and

WHEREAS, upon further consideration**,** the Board has determined that it is necessary for a Transportation Efficient Land Use factor to be utilized in the SMART SCALE Prioritization Process.

NOW THEREFORE BE IT RESOLVED, pursuant to Section 33.2-214.1, and Chapter 726 of the 2014 Acts of Assembly, the Commonwealth Transportation Board hereby updates the SMART SCALE Prioritization Policy adopted on December 4, 2023, by adding the Transportation Efficient Land Use factor and adopting the OIPI staff recommendation of including the Transportation Efficient Land Use factor as a multiplier to be utilized in the SMART SCALE Prioritization Process, as set out below.

Project weighting will be applied using the following two-step process, based on the Transportation Efficient Land Use factor being applied as a multiplier:

1. The previous Transportation Efficient Land Use factor weightings were reassigned to other factor areas in the Board's December 4, 2023 action.

Factor	Safety	Congestion Mitigation	Accessibility	Economic Development	Environmental Quality	Land Use
Category A	15%	45%	25%	5%	10%	Up to 100% Added
Category B	20%	25%	25%	20%	10%	
Category C	30%	20%	15%	25%	10%	
Category D	40%	10%	10%	30%	10%	

2. Use the normalized Transportation Efficient Land Use factor as a multiplier on all other benefits.

BE IT FURTHER RESOLVED, that the action taken by the Board on December 4, 2023, entitled Adoption of Policy and Approval of Guides for Implementation of the SMART SCALE Project Prioritization Process, shall in all other respects remain unchanged.

BE IT FURTHER RESOLVED, the Board hereby directs OIPI, in coordination with VDOT and DRPT, to take all actions necessary to implement and administer this policy, as updated, including but not limited to update of technical and policy documents consistent with the SMART SCALE Prioritization Policy.

####

Appendix A

SMART SCALE Project Prioritization Policy and Process Effective for Round 6

I. Application Submission and Evaluation

1. Application for funding through the SMART SCALE Prioritization Process must be made by qualifying entities based on project type and as follows:

Eligibility to Submit Projects

Project Type	Regional Entity (MPOs, PDCs)	Locality* (Counties, Cities, and Towns)	Public Transit Agencies
Corridor of Statewide Significance	Yes	Yes, with a resolution of support from relevant regional entity	Yes, with resolution of support from relevant regional entity
Regional Network	Yes	Yes, with a resolution of support from the MPO*	Yes, with resolution of support from relevant entity
Urban Development Area	No	Yes, with a resolution of support from the relevant MPO*	No
Safety	No	Yes, with a resolution of support from the relevant MPO*	No

Note*: Projects within established MPO study areas that are identified in or consistent with the regionally adopted Constrained Long-Range Plan (CLRP) do not require a resolution of support from the respective MPO Policy Board. For projects outside MPO areas only a local resolution of support is required.

2. Application for funding through the SMART SCALE Prioritization Process must be made for a qualifying need. Pursuant to Section 33.2-214.1 (B)(2) and 33.2-358, for the High Priority Projects Program, applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for all corridors of statewide significance and regional networks. The District Grant Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for corridors of statewide significance, and regional networks, improvements to promote urban development areas established pursuant to Section 15.2-2223.1 and identified safety needs.

3. Applications for funding through either the High Priority Projects Program or the Construction District Grant Programs must relate to projects located, in part or wholly, within the boundaries of the qualifying entity. In the case of an application that crosses

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the submitting entity's boundaries, the submitting entity must provide resolution(s) of support from the affected jurisdiction(s) or regional planning organization(s).

Eligibility for the High Priority Projects Program is limited to the following project characteristics:

i. New Capacity Highway capacity improvements including adding a New Lane, Roadway on a New Alignment, Managed Lanes (HOV/HOT/Shoulder), or New Bridge;
ii. New or Improved Interchanges including New Interchange-Non-Limited Access Facility, Improve Grade-Separated Interchange, New Interchange-Limited Access Facility, and Ramp Improvements;
iii. Transit and Freight improvements including New or Improved Passenger Rail Stations or Corridor Improvements (including New Bridge), Freight Rail Corridor Improvements, High Capacity/Fixed Guideway Transit (including Light Rail Transit and Bus Rapid Transit), and Transit Transfer Stations; or
iv. Improvements recommended as the preferred alternative in a STARS, Pipeline Study, Arterial Management Plan, or MPO/Transit/Local studies with equivalent study components; in coordination with the Commonwealth and is as defined as Regionally significant, in accordance with 23 CFR 450.104.

Additionally, projects eligible for the High Priority Projects Program will be considered in the preliminary funding scenario based on statewide rankings of SMART SCALE scores. The two steps process will be as follows:

- Step 1 - Fund top scoring projects within each district based on SMART SCALE Score eligible for Highway Construction District Grant Program funds using Highway Construction District Grant Program funds until the remaining funds are insufficient to fund the next highest scoring project.
- Step 2 - Fund remaining top scoring projects statewide based on SMART SCALE Score for High Priority Projects Program funds using High Priority Projects Program funds until the remaining funds are insufficient to fund the next highest scoring project.

4. A resolution of support from the relevant governing body or policy board, approved in a public forum with adequate public notice, is required at the time of application.

5. By majority vote of the Board, the Board may choose to submit up to two projects to be evaluated for funding in each biennial application cycle.

6. In the event the CTB elects to submit up to two projects to be evaluated and considered for funding, the projects will be considered for funding in the Construction District Grant Program with the endorsement of the applicable local government(s) and/or the High Priority Projects Program.

7. Qualifying entities are limited in the number of pre-applications and full applications they may submit. The limits are based on population thresholds as defined in the table below. A Board member may allow one additional application from one county within their district if (i) the project is located within a town that is ineligible to submit projects and

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(ii) the county in which the town is located submitted the maximum number of applications allowed. Only one such additional application is allowed per district.

Application Limits

Tier	Localities*	MPOs/PDCs/ Transit Agencies*	Max # of Pre-Applications	Max # of Full Applications
1	< 200K	< 500K	5	4
2	>= 200K	>= 500K	12	10

The source of population data for localities, MPOs and PDCs is the last available data from the University of Virginia Weldon Cooper Center. Application limits for transit agencies were determined based on service area population in the 2010 National Transit Database (NTD). If service area population was not available in NTD, the latest data available from the Weldon Cooper was used to determine population in jurisdictions served by transit agency.
Note*: Based on designated Transportation Management Area (TMA) as defined by the Bureau of the Census and designated by the Secretary of the U.S. Department of Transportation, for an urbanized area with a population over 200,000.

8. Candidate projects will be scored based on the factors and weights identified above relative to other projects submitted for evaluation, the cost of the project and based on information included in the project application.

9. The final project score is determined by calculating the anticipated benefits relative to the amount of funding requested pursuant to section 33.2-358 of the *Code of Virginia.*

10. A project that has been selected for funding must be initiated and at least a portion of the programmed funds expended within one year of the budgeted year of allocation or funding may be subject to reprogramming to other projects selected through the prioritization process. In the event the Project is not advanced to the next phase of construction when requested by the Commonwealth Transportation 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.

11. A project that has been selected for funding cannot be resubmitted to address cost increases or loss of other sources of funding.

II. Factor Measures and Weighting

The factors specified in Section 33.2-214.1 will be measured and weighted according to the following metrics:

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ID	Measure Name	Measure Weights
Safety Factor		
S.1	Number of Fatal and Injury Crashes*	70%
S.2	Rate of Fatal and Injury Crashes	30%
Congestion Mitigation Factor		
C.1	Person Throughput	50%
C.2	Person Hours of Delay	50%
Accessibility Factor		
A.1	Access to Jobs	60%
A.2	Access to Jobs for Disadvantaged Populations	20%
A.3	Access to Multimodal Choices	20%
Environmental Quality Factor		
E.1	Air Quality and Energy Environmental Effect	100%
E.2	Impact to Natural and Cultural Resources	**
Economic Development Factor		
ED.1	Project Support for Economic Development	60%***
ED.2	Intermodal Access and Efficiency	20%****
ED.3	Travel Time Reliability	20%

Note: Congestion will be calculated 7 years into the future.

Note*: 100% for Transit and Transportation Demand Management Projects

Note**: E2 will serve as a subtractive measure (subtracting up to 5 benefit points) based on the acreage of sensitive areas potentially impacted.

Note*** ED.1: After determining project eligibility based on identification in VirginiaScan, the following forward-looking economic development factors developed by Virginia Economic Development Partnership (VEDP) for the ED.1 score; (i) 40% estimated jobs, (ii) 25% estimated capital investment, (iii) 15% recognize property / site funding, (iv) 10% property visits received, and (v)10% distinguish property readiness.

Note****ED.2: Freight impact will be calculated based on volume moved.

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III. Typology Categories and Weighting Frameworks

The factors will be evaluated according to the following typology categories and weighting frameworks within the state's highway construction districts.

Region in which the Project is Located	Typology	Construction District
Accomack-Northampton PDC	Category D	Hampton Roads
Bristol MPO	Category D	Bristol
Central Shenandoah PDC	Category D	Staunton
Central Virginia MPO	Category C	Lynchburg/Salem
Charlottesville-Albemarle MPO	Category B	Culpeper
Commonwealth RC	Category D	Lynchburg/Richmond
Crater PDC	Category D	Richmond/Hampton Roads
Cumberland Plateau PDC	Category D	Bristol
Danville MPO	Category D	Lynchburg
Fredericksburg Area MPO (FAMPO)	Category B	Fredericksburg
George Washington RC	Category D	Fredericksburg
Hampton Roads PDC[i]	Category D	Hampton Roads
Hampton Roads TPO (HRTPO)[i,ii]	Category A	Hampton Roads/Fredericksburg
Harrisonburg-Rockingham MPO	Category C	Staunton
Kingsport MPO	Category D	Bristol
Lenowisco PDC	Category D	Bristol
Middle Peninsula PDC[ii]	Category D	Fredericksburg
Mount Rogers PDC	Category D	Bristol/Salem
New River Valley MPO	Category C	Salem
New River Valley PDC	Category D	Salem
Northern Neck PDC	Category D	Fredericksburg
Northern Shenandoah Valley RC	Category D	Staunton
Northern Virginia RC	Category A	Northern Virginia
Northern Virginia Transportation Authority (NVTA) / Transportation Planning Board (TPB)[iii]	Category A	Northern Virginia/Culpeper
Rappahannock-Rapidan RC[iii]	Category D	Culpeper
Region 2000 LGC	Category D	Salem/Lynchburg
Richmond Regional PDC	Category D	Richmond
Richmond Regional TPO (RRTPO)	Category B	Richmond

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Region in which the Project is Located	Typology	Construction District
Roanoke Valley TPO (RVTPO)	Category B	Salem
Roanoke Valley-Alleghany PDC	Category D	Salem/Staunton
Southside PDC	Category D	Lynchburg/Richmond
Staunton-Augusta-Waynesboro MPO	Category C	Staunton
Thomas Jefferson PDC	Category C	Culpeper/Lynchburg
Tri-Cities MPO	Category C	Richmond
West Piedmont PDC	Category D	Salem/Lynchburg
WinFred MPO	Category C	Staunton

Note*: PDC is defined as the remainder of the region outside the MPO boundary. In many cases, these regions include partial counties (e.g., Goochland County is partially within RRTPO and the Richmond Regional PDC). If a project is within the MPO boundary in a partial county, the project shall use the weighting associated with the MPO with the following exceptions:

i. The portion of Southampton County and the City of Franklin within the Hampton Roads TPO boundary shall use the weighting associated with the Hampton Roads PDC.

ii. The portion of Gloucester County within the Hampton Roads TPO boundary shall use the weighting associated with the Middle Peninsula PDC.

iii. The portion of Fauquier County within the Transportation Planning Board Boundary shall use the weighting associated with the Rappahannock-Rapidan Regional Commission.

Note** For projects that cross multiple typology boundaries, the project shall use the weighting associated with the typology for which the majority of the project is located.

IV. Weighting Frameworks

Project weighting will be applied using the following two-step process, based on the Transportation Efficient Land Use factor being applied as a multiplier:

1. Apply weightings as assigned to the factor areas.

Factor	Safety	Congestion Mitigation	Accessibility	Economic Development	Environmental Quality	Land Use
Category A	15%	45%	25%	5%	10%	Up to 100% Added
Category B	20%	25%	25%	20%	10%	
Category C	30%	20%	15%	25%	10%	
Category D	40%	10%	10%	30%	10%	

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2. Use the normalized Transportation Efficient Land Use factor as a multiplier on all other benefits.

V. Post Project Selection and Programming

1. Once a project is selected for funding, an entity must wait for two rounds of SMART SCALE following the end date of construction before submitting a new project application for the same location that meets the same need as the project that was selected for funding.

2. Once a project is selected for funding, an entity may not resubmit the project with a revised scope in a subsequent round unless the previously selected project has been cancelled.

3. A project that has been selected for funding may be cancelled only by action of the Board. If 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.

4. In the cases where a project has been selected for funding which identified other sources of funding, the qualifying entity is committed to pay the difference if other sources of funding are not provided. An applicant may only identify State of Good Repair, Transportation Alternatives Set-Aside, Highway Safety Improvement Program and Revenue Sharing funds as committed funds if the funding has already been approved by the Board. Applicants must have an approved or pending application for other sources of committed funds, such as local/regional or other federal funds, at the time of the SMART SCALE application submission.

5. Pursuant to 33.2-214 E, any project added to the SYIP funded wholly or in part with funding from the High Priority Projects Program or Construction District Grants Program shall be fully funded within the six-year horizon of the SYIP.

6. Applications for funding through the SMART SCALE Prioritization Process may not request funding to replace other committed funding sources identified in a local capital improvement program or a transportation improvement program or required to be paid by a developer as a result of a local zoning process.
    a. The CTB may waive this requirement for projects that:
        i. have an anticipated total cost more than $1 billion; and
        ii. were not eligible for submission in the previous round of SMART SCALE due to readiness considerations, but initiated procurement prior to award of the current round of SMART SCALE.
    b. If a fully funded project is submitted with additional features that are not yet funded, the benefits associated with the fully funded or committed project element(s) will be excluded from consideration in evaluating and rating the project benefits for SMART SCALE.
7. The Board may adjust the timing of funds programmed to projects selected in previous SMART SCALE cycles to meet the cash flow needs of the individual projects, but will not

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(1) reduce the total amount of state and federal funding committed to an individual project unless it is no longer needed for the delivery of the project or the project sponsor is unable to secure permits and environmental clearances for the project or (2) increase the total amount of state and federal funding committed to an individual project beyond the thresholds established in VI.2. Projects from a subsequent round will not be advanced or accelerated by delaying projects selected in a previous SMART SCALE cycle.

8. 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.
    a. Surplus Construction District Grant Program funds no longer needed for delivery of a project will remain within the applicable Construction District Grant Program and may not be used in other districts.
    b. Surplus High Priority Projects Program funds will remain within the High Priority Projects Program.
    c. Such surplus funds will be reserved to address budget adjustments on existing SMART SCALE projects or reserved for allocation in the next solicitation cycle for SMART SCALE.

VI. Changes in Project Cost or Scope

1. A project that has been selected for funding must be re-scored and the funding decision re-evaluated if there are significant changes to either the scope or cost of the project, such that the anticipated benefits relative to funding requested would have substantially changed.

2. If an estimate increases prior to project advertisement or contract award that exceeds the following thresholds, and the applicant is not covering the increased cost with other funds, Board action is required to approve the budget increase:
    a. Total Cost Estimate <$5 million: 20% increase in funding requested.
    b. Total Cost Estimate $5 million to $10 million: $1 million or greater increase in funding requested.
    c. Total Cost Estimate > $10 million: 10% increase in funding requested; $5 million maximum increase in funding requested.

3. If the project scope is reduced or modified such that the revised score is less than the lowest ranked funded project in the district for that cohort of projects, Board action is required to approve the change in scope.

4. If the project scope is increased, then the applicant is responsible for the additional cost attributable to the increase in scope regardless of budget impact. The scope of a project may not be substantially modified in such a manner that the proposed improvements do not accomplish the same benefits as the original scope.

Back to Funds - Allocations, Apportionments, and Expenditures

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 4, 2023

MOTION

Made By: see below **Seconded By:** see below

Action: see below

Title: Adoption of Policy and Approval of Guides for Implementation of the SMART SCALE Project Prioritization Process

WHEREAS, Section 33.2-214.1 of the *Code of Virginia*, provides that the Commonwealth Transportation Board (Board) shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to sections 33.2-358, 33.2-370 and 33.2-371 of the *Code of Virginia*, and

WHEREAS, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI), in coordination with the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT), to implement the statewide prioritization process developed by the Board pursuant to Section 2.2-229; and

WHEREAS, Section 33.2-358 sets forth requirements relating to the allocations and establishment of a High Priority Projects Program established pursuant to section 33.2-370 and a Highway Construction District Grant Program established pursuant to section 33.2-371; and

WHEREAS, the factors specified in Section 33.2-214.1 will be weighted for each of the state's highway construction districts based on the unique needs, according to the metrics attached hereto in Appendix A; and

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WHEREAS, Chapter 726 of the 2014 Acts of Assembly required the Board to select projects for funding, utilizing the project prioritization process established pursuant to section 33.2-214.1; and

WHEREAS, Section 33.2-214.1 (B) requires the Board to solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process; and

WHEREAS, Section 33.2-214.2 requires OIPI to make public, in an accessible format,(i) a recommended list of projects and strategies for inclusion in the Six-Year Improvement Program based on results of the evaluation of submitted projects, (ii) the results of the screening of such projects and strategies, including whether such projects are located on a primary evacuation route, (iii) whether a project has been designed to be or the project sponsor has committed that the design will be resilient, and (iv) the results of the evaluation of candidate projects and strategies, including the weighting of factors and the criteria used to determine the value of each factor, no later than 150 days prior to the Board's vote to adopt the Six-Year Improvement Plan; and

WHEREAS, since adoption of the most recent SMART SCALE Prioritization Policy on December 8, 2021, modifications to improve and strengthen the policy have been identified and recommended to the Board by OIPI; and

WHEREAS, the SMART SCALE Process Review, (summary attached hereto in Appendix B), identified issues that were analyzed and recommended to the Board by OIPI for policy consideration; and

NOW THEREFORE BE IT RESOLVED, pursuant to Section 33.2-214.1, and Chapter 726 of the 2014 Acts of Assembly, the Commonwealth Transportation Board hereby updates the SMART SCALE Prioritization Policy to address the issues identified in the SMART SCALE Process Review and adopts the SMART SCALE Prioritization Policy, attached hereto as Appendix A, which reflects those modifications adopted by the Board during this Action Meeting, as set out below.

A. Calculate Congestion Factor ten years in the Future:
   The Board amended staff recommendation to seven years in the Future
   Moved by Mr. Merrill, Seconded by Dr. Smoot, Passed

B. Utilize a Forward-Looking Economic Development Measure as recommended by OIPI but replace the term "site" with "property" or "properties" in all documentation with the exception of the reference to "Virginia Business Ready Sites Program" of the VEDP:
   Moved by Mrs. Sellers, Seconded by Mrs. Green, Passed

C. Refine the High Priority Projects (HPP) definition and eliminate Step 2 such that all HPP funds are based on statewide rankings as presented in the staff recommendation The Board agreed with eliminating Step 2 and made the following modifications to the staff recommended HPP definition:
   i. regarding New Capacity Highway Improvements, delete "Through" from "New Through Lanes"
   ii. regarding Transit and Freight Improvements, delete "Service" from "New or Improved Passenger Rail Stations or Service" and replace with "Corridor Improvements." Also add "New Bridge"
   iii. regarding the addition of "entire corridor improvements…in a STARS, Pipeline Study or Arterial Management Plan" revise the additional projects to read "or Improvements recommended as the preferred alternative in a STARS, Pipeline Study, Arterial Management Plan or MPO/Transit/Local studies with equivalent study components; in coordination with the Commonwealth and is as defined as Regionally significant in accordance with 23 CFR 450.104."

   Moved by Mr. Merrill, Seconded by Mr. Laird, Passed

D. Staff Recommendation to Create a Three-Tier Application Limit by adding a new middle tier and modifying application limits/caps (upon reconsidered vote):
   Moved by Mr. Fowlkes, Seconded by Mr. Byers, Failed

E. Modification of Land Use Factor to a Multiplier: The Board recommended the *Removal of* the Land Use Factor/Consideration as presented and defined
   Moved by Mr. Lawson, Seconded by Mrs. Sellers, Passed

F. Modification of Factor Weightings for each typology: The Board amended the Staff Recommendations as follows:
   a. Typology A amended: Safety 15%| Congestion 45%| Accessibility 25%| Economic Development 5%| Environmental 10%|
      Moved by Mr. Kasprowicz, Seconded by Mr. Coleman, Passed

   b. Typology B amended: Safety 20%| Congestion 25%| Accessibility 25%| Economic Development 20%| Environmental 10%|
      Moved by Mrs. Sellers, Seconded by Mr. Fowlkes, Passed

   c. Typology C: Safety 30%| Congestion 20%| Accessibility 15%| Economic Development 25%| Environmental 10%|
      Moved by Mr. Merrill, Seconded by Mr. Smoot, Passed

   d. Typology D: Safety 40%| Congestion 10%| Accessibility 10%| Economic Development 30%| Environmental 10%|
      Moved by Mr. Merrill, Seconded by Mr. Fowlkes, Passed

BE IT FURTHER RESOLVED, the methodology outlined in the SMART SCALE Technical Guide shall direct the screening, scoring and selection of projects for funding and may continue to evolve and improve based upon advances in technology, data collection and reporting tools, and to the extent that any such improvements modify or affect the policy and process set forth herein, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, the SMART SCALE Project Change Guide shall direct the evaluation of changes to the scope and/or budget of projects selected for funding through SMART SCALE.

BE IT FURTHER RESOLVED, the development and management of the SMART SCALE portion of the SYIP shall be conducted in accordance with the Board's Six-Year Improvement Program Development Policy, as revised to incorporate revisions herein.

BE IT FURTHER RESOLVED, the Board hereby directs OIPI, in coordination with VDOT and DRPT, to take all actions necessary to implement and administer this policy and process, including but not limited to update of technical and policy documents consistent with the SMART SCALE Prioritization Policy adopted herein.

####

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 6, 2022

MOTION

Made By: Ms. Sellers, Seconded By: Mr. Fowlkes

Action: Motion Carried, Unanimously

Title: Amendments to regulation for Urban Maintenance and Construction Policy, 24 VAC 30-325-10

WHEREAS, Chapter 684 of the 2015 Acts of Assembly eliminated allocation of construction funds for urban highways by amending §§ 33.2-319 and 33.2-358 and repealing § 33.2-362 of the *Code of Virginia*; and

WHEREAS, the amended § 33.2-319 of the *Code of Virginia* authorizes the Commissioner of Highways to make payments to cities and certain towns for maintenance of certain urban highways; and

WHEREAS, the Commonwealth Transportation Board adopted on December 14, 2006 an Urban Maintenance and Construction Policy, which was also published as a regulation, 24 VAC 30-325, and which provides internal and external instructions in the administration of maintenance and construction payments for qualifying cities and towns; and

WHEREAS, this regulation contains obsolete language regarding urban construction formula funding and is no longer consistent with the amended §§ 33.2-319 and 33.2-358 ; and,

WHEREAS, the Urban Maintenance and Construction Policy adopted in December, 2006 contains obsolete language and is duplicative of 24 VAC 30-325-10.

Back to Funds - Allocations, Apportionments, and Expenditures

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby adopts the revised regulation as shown in Attachment A to this resolution.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designee to take all actions necessary to effectuate and publish this revised regulation in the *Virginia Administrative Code*.

BE IT FURTHER RESOLVED, that the Urban Maintenance and Construction Program Policy, approved by the Commonwealth Transportation Board on December 14, 2006, is superseded by this revised regulation and is hereby rescinded.

####

Editor's Note: For the current official version of this regulation, see entry for 24VAC30-325.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 6, 2022

MOTION

Made By: Mr. Byers, Seconded By: Dr. Smoot

Action: Motion Carried, Unanimously

Title: Approval of Special Structures Program 50-Year Long-Term Plan Update

WHEREAS, Chapters 83 and 349, of the 2019 Acts of Assembly required the Commonwealth Transportation Board ("the Board") to undertake a comprehensive review (the "Comprehensive Review") of the current and future condition of pavements and bridges in the Commonwealth, specifying that the review, among other things, include a plan to address the funding needs of large and unique bridges and tunnel structures in the Commonwealth; and

WHEREAS, Chapters 83 and 349, of the 2019 Acts of Assembly required the Board to provide a report regarding the Comprehensive Review to the General Assembly ("Comprehensive Review Report"); and

WHEREAS, the Board supported VDOT's recommendation regarding development of a Special Structures health index and risk-based prioritization of projects and directed VDOT to present said prioritization to the Board, and further directed the Commissioner of Highways to report on an annual basis the (i) projected and actual performance of the pavements, structures and Special Structures and (ii) planned and accomplished routine maintenance work; and

,

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, Subsequent to publication of the Comprehensive Review Report Chapters 1230 and 1275 of the 2020 Acts of Assembly established §33.2-374 of the *Code of Virginia* which sets forth the Special Structure Program; and

WHEREAS, §33.2-374 (C) of the *Code of Virginia* requires the Commonwealth Transportation Board to: (1) establish a program for the maintenance, rehabilitation and replacement of special structures; and (2) develop and maintain, with assistance of the Department of Transportation, a plan covering a minimum of 30 years, to be updated biennially in even numbered years; and

WHEREAS, pursuant to the requirements in §33.2-374 (C) the Department of Transportation presented to the Board the Special Structures Program 50-Year Long-Term Plan, which the Board approved by resolution dated October 20, 2021; and

WHEREAS, in its resolution dated October 20, 2021, the Board further required the Commissioner of Highways to present the Special Structures Program 50-Year Long-Term Plan with any updates to the Board annually for approval; and

WHEREAS, the Department of Transportation drafted an updated Special Structures Program 50-Year Long-Term Plan and presented the updated draft Plan to the Board on October 25, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the Special Structure Program 50-Year Long-Term Plan as updated and set forth in Attachment A and further directs the Commissioner of Highways to present any updates to the Plan no less than annually to the Board for its approval.

####

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 14

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 8, 2021

MOTION

Made By: Mr. Miller **Seconded By:** Mr. Rucker
Action: Motion carried, unanimously

Title: Adoption of Updated Policy for Implementation of the SMART SCALE Project Prioritization Process

WHEREAS, Section 33.2-214.1 of the *Code of Virginia*, provides that the Commonwealth Transportation Board (Board) shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to sections 33.2-358, 33.2-370 and 33.2-371 of the *Code of Virginia*, and

WHEREAS, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI), in coordination with the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT), to implement the statewide prioritization process developed by the Board pursuant to Section 2.2-229; and

WHEREAS, Section 33.2-358 sets forth requirements relating to the allocations and establishment of a High Priority Projects Program established pursuant to section 33.2-370 and a Highway Construction District Grant Program established pursuant to section 33.2-371; and

WHEREAS, Chapter 726 of the 2014 Acts of Assembly, required the Board to select projects for funding utilizing the project prioritization process established pursuant to section 33.2-214.1; and

WHEREAS, Section 33.2-214.1 (B) requires the Board to solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process; and

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, Section 33.2-214.2 requires OIPI to make public, in an accessible format, a recommended list of projects and strategies for inclusion in the Six-Year Improvement Program based on results of the evaluation of submitted projects and the results of screening and evaluation of such projects no later than 150 days prior to the Board's vote to adopt the Six-Year Improvement Plan.

WHEREAS since adoption of the most recent SMART SCALE Prioritization Policy on February 19, 2020, modifications to improve and strengthen the policy have been identified and recommended to the Board by OIPI.

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby updates the SMART SCALE Prioritization Policy adopted on February 19, 2020 to address the issues noted herein and adopts the following policy and process to govern screening, scoring and selecting projects for funding pursuant to Section 33.2-214.1 (SMART SCALE Prioritization Process):

1. Application for funding through the SMART SCALE Prioritization Process must be made by qualifying entities based on project type and as follows:

Eligibility to Submit Projects

Project Type	Regional Entity (MPOs, PDCs)	Locality* (Counties, Cities, and Towns)	Public Transit Agencies
Corridor of Statewide Significance	Yes	Yes, with a resolution of support from relevant regional entity	Yes, with resolution of support from relevant regional entity
Regional Network	Yes	Yes, with a resolution of support from the MPO*	Yes, with resolution of support from relevant entity
Urban Development Area	No	Yes, with a resolution of support from the relevant MPO*	No
Safety	No	Yes, with a resolution of support from the relevant MPO*	No

Note*: Projects within established MPO study areas that are identified in or consistent with the regionally adopted Constrained Long Range Plan (CLRP) do not require a resolution of support from the respective MPO Policy Board. For projects outside MPO areas only a local resolution of support is required.

2. Application for funding through the SMART SCALE Prioritization Process must be made for a qualifying need and, pursuant to Section 33.2-214.1 (B)(2) and 33.2-358, for the High Priority Projects Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for all corridors of statewide significance and regional networks, and for the construction District Grant Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for corridors of statewide significance, and regional networks, improvements to promote urban development areas established pursuant to Section 15.2-2223.1, and identified safety needs.

3. Applications for funding through either the High Priority Projects Program or the Construction District Grant Programs must relate to projects located, in part or wholly, within the boundaries of the qualifying entity. In the case of an application that crosses the submitting entity's boundaries, the submitting entity must provide resolution(s) of support from the affected jurisdiction(s) or regional planning organization(s).

4. A resolution of support from the relevant governing body or policy board, approved in a public forum with adequate public notice, is required at the time of application.

5. By majority vote of the Board, the Board may choose to submit up to two projects to be evaluated for funding in each biennial application cycle.

6. In the event the CTB elects to submit up to two projects to be evaluated and considered for funding, the projects will be considered for funding in the Construction District Grant Program with the endorsement of the applicable local government(s) and/or the High Priority Projects Program.

7. The factors specified in Section 33.2-214.1 will be measured and weighted according to the following metrics:

ID	Measure Name	Measure Weight
Safety Factor		
S.1	Number of Fatal and Injury Crashes*	70%
S.2	Rate of Fatal and Injury Crashes	30%
Congestion Mitigation Factor		
C.1	Person Throughput	50%
C.2	Person Hours of Delay	50%
Accessibility Factor		
A.1	Access to Jobs	60%
A.2	Access to Jobs for Disadvantaged Populations	20%
A.3	Access to Multimodal Choices	20%

ID	Measure Name	Measure Weight
Environmental Quality Factor		
E.1	Air Quality and Energy Environmental Effect	100%
E.2	Impact to Natural and Cultural Resources	**
Economic Development Factor		
ED.1	Project Support for Economic Development	60%
ED.2	Intermodal Access and Efficiency	20%
ED.3	Travel Time Reliability	20%
Land Use Factor		
L.1	Transportation Efficient Land Use	50%
L.2	Increase in Transportation Efficient Land Use	50%

Note*: 100% for Transit and Transportation Demand Management Projects
Note**: E2 will serve as a subtractive measure (subtracting up to 5 benefit points) based on the acreage of sensitive areas potentially impacted.

8. The factors will be evaluated according to the following typology categories and weighting frameworks within the state's highway construction districts:

Region in which the Project is Located	Typology	Construction District
Accomack-Northampton PDC	Category D	Hampton Roads
Bristol MPO	Category D	Bristol
Central Shenandoah PDC	Category D	Staunton
Central Virginia MPO	Category C	Lynchburg/Salem
Charlottesville-Albemarle MPO	Category B	Culpeper
Commonwealth RC	Category D	Lynchburg/Richmond
Crater PDC	Category D	Richmond/Hampton Roads
Cumberland Plateau PDC	Category D	Bristol
Danville MPO	Category D	Lynchburg
Fredericksburg Area MPO (FAMPO)	Category B	Fredericksburg
George Washington RC	Category D	Fredericksburg
Hampton Roads PDC[i]	Category D	Hampton Roads
Hampton Roads TPO (HRTPO)[i,ii]	Category A	Hampton Roads/Fredericksburg
Harrisonburg-Rockingham MPO	Category C	Staunton

Region in which the Project is Located	Typology	Construction District
Kingsport MPO	Category D	Bristol
Lenowisco PDC	Category D	Bristol
Middle Peninsula PDC[ii]	Category D	Fredericksburg
Mount Rogers PDC	Category D	Bristol/Salem
New River Valley MPO	Category C	Salem
New River Valley PDC	Category D	Salem
Northern Neck PDC	Category D	Fredericksburg
Northern Shenandoah Valley RC	Category D	Staunton
Northern Virginia RC	Category A	Northern Virginia
Northern Virginia Transportation Authority (NVTA) / Transportation Planning Board (TPB)[iii]	Category A	Northern Virginia/Culpeper
Rappahannock-Rapidan RC[iii]	Category D	Culpeper
Region 2000 LGC	Category D	Salem/Lynchburg
Richmond Regional PDC	Category D	Richmond
Richmond Regional TPO (RRTPO)	Category B	Richmond
Roanoke Valley TPO (RVTPO)	Category B	Salem
Roanoke Valley-Alleghany PDC	Category D	Salem/Staunton
Southside PDC	Category D	Lynchburg/Richmond
Staunton-Augusta-Waynesboro MPO	Category C	Staunton
Thomas Jefferson PDC	Category C	Culpeper/Lynchburg
Tri-Cities MPO	Category C	Richmond
West Piedmont PDC	Category D	Salem/Lynchburg
WinFred MPO	Category C	Staunton

Note*: PDC is defined as the remainder of the region outside the MPO boundary. In many cases, these regions include partial counties (e.g. Goochland County is partially within RRTPO and the Richmond Regional PDC). If a project is within the MPO boundary in a partial county, the project shall use the weighting associated with the MPO with the following exceptions:

i. The portion of Southampton County and the City of Franklin within the Hampton Roads TPO boundary shall use the weighting associated with the Hampton Roads PDC.

ii. The portion of Gloucester County within the Hampton Roads TPO boundary shall use the weighting associated with the Middle Peninsula PDC.

iii. The portion of Fauquier County within the Transportation Planning Board Boundary shall use the weighting associated with the Rappahannock-Rapidan Regional Commission.

Note** For projects that cross multiple typology boundaries, the project shall use the weighting associated with the typology for which the majority of the project is located.

Weighting Frameworks

Factor	Congestion Mitigation	Economic Development	Accessibility	Safety	Environmental Quality	Land Use
Category A	45%**	5%	15%	5%	10%	20%*
Category B	15%	20%	20%	20%	10%	15%*
Category C	15%	25%	15%	25%	10%	10%
Category D	10%	30%	10%	30%	10%	10%

Note* - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause, for certain metropolitan planning areas with a population over 200,000, the prioritization process shall also include a factor related to Land Use.

Note** - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause, for certain highway construction districts congestion mitigation must be weighted highest among the factors.

9. Qualifying entities are limited in the number of pre-applications and full applications they may submit. The limits are based on population thresholds as defined in the table below. A Board member may allow one additional application from one county within their district if (i) the project is located within a town that is ineligible to submit projects and (ii) the county in which the town is located submitted the maximum number of applications allowed. Only one such additional application is allowed per district.

Application Limits

Tier	Localities*	MPOs/PDCs/ Transit Agencies*	Max # of Pre-Applications	Max # of Full Applications
1	< 200K	< 500K	5	4
2	>= 200K	>= 500K	12	10

Note* - The source of population data for localities, MPOs and PDCs is the last preceding United States census (2010). Application limits for transit agencies were determined based on service area population in the 2010 National Transit Database (NTD). If service area population was not available in NTD, Census 2010 population was used to determine population in jurisdictions served by transit agency.

10. Candidate projects will be scored based on the factors and weights identified above relative to other projects submitted for evaluation, the cost of the project and based on information included in the project application.

11. The final project score is determined by calculating the anticipated benefits relative to the amount of funding requested pursuant to section 33.2-358 of the *Code of Virginia.*

12. A project that has been selected for funding must be re-scored and the funding decision re-evaluated if there are significant changes to either the scope or cost of the project, such that the anticipated benefits relative to funding requested would have substantially changed.

    a. If an estimate increases prior to project advertisement or contract award that exceeds the following thresholds, and the applicant is not covering the increased cost with other funds, Board action is required to approve the budget increase:

        i. Total Cost Estimate <$5 million: 20% increase in funding requested

        ii. Total Cost Estimate $5 million to $10 million: $1 million or greater increase in funding requested

        iii. Total Cost Estimate > $10 million: 10% increase in funding requested; $5 million maximum increase in funding requested.

    b. If the project scope is reduced or modified such that the revised score is less than the lowest ranked funded project in the district for that cohort of projects, Board action is required to approve the change in scope.

    c. If the project scope is increased then the applicant is responsible for the additional cost attributable to the increase in scope regardless of budget impact. The scope of a project may not be substantially modified in such a manner that the proposed improvements do not accomplish the same benefits as the original scope.

13. A project that has been selected for funding must be initiated and at least a portion of the programmed funds expended within one year of the budgeted year of allocation or funding may be subject to reprogramming to other projects selected through the prioritization process. In the event the Project is not advanced to the next phase of construction when requested by the Commonwealth Transportation 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.

14. A project that has been selected for funding cannot be resubmitted to address cost increases or loss of other sources of funding.

15. Once a project is selected for funding, an entity must wait for two rounds of SMART SCALE following the end date of construction before submitting a new project application for the same location that meets the same need as the project that was selected for funding.

16. Once a project is selected for funding, an entity may not resubmit the project with a revised scope in a subsequent round unless the previously selected project has been cancelled.

17. A project that has been selected for funding 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.

18. In the cases where a project has been selected for funding which identified other sources of funding, the qualifying entity is committed to pay the difference if other sources of funding are not provided. An applicant may only identify State of Good Repair, Transportation Alternatives Set-Aside, Highway Safety Improvement Program and Revenue Sharing funds as committed funds if the funding has already been approved by the Board. Applicants must have an approved or pending application for other sources of committed funds, such as local/regional or other federal funds, at the time of the SMART SCALE application submission.

19. Pursuant to 33.2-214 E, any project added to the SYIP funded wholly or in part with funding from the High Priority Projects Program or Construction District Grants Program shall be fully funded within the six-year horizon of the SYIP.

20. Applications for funding through the SMART SCALE Prioritization Process may not request funding to replace other committed funding sources identified in a local capital improvement program or a transportation improvement program, or required to be paid by a developer as a result of a local zoning process.
    a. The CTB may waive this requirement for projects that:
        i. have an anticipated total cost in excess of $1 billion; and
        ii. were not eligible for submission in the previous round of SMART SCALE due to readiness considerations, but initiated procurement prior to award of the current round of SMART SCALE.
    b. If a fully funded project is submitted with additional features that are not yet funded, the benefits associated with the fully funded or committed project element(s) will be excluded from consideration in evaluating and rating the project benefits for SMART SCALE.
21. The Board may adjust the timing of funds programmed to projects selected in previous SMART SCALE cycles to meet the cash flow needs of the individual projects, but will not (1) reduce the total amount of state and federal funding committed to an individual project unless it is no longer needed for the delivery of the project or the project sponsor is unable to secure permits and environmental clearances for the project or (2) increase the total amount of state and federal funding committed to an individual project beyond the thresholds established in item 10. Projects from a subsequent round will not be advanced or accelerated by delaying projects selected in a previous SMART SCALE cycle.

22. 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.

    a. Surplus Construction District Grant Program funds no longer needed for delivery of a project will remain within the applicable Construction District Grant Program and may not be used in other districts.

    b. Surplus High Priority Projects Program funds will remain within the High Priority Projects Program.

    c. Such surplus funds will be reserved to address budget adjustments on existing SMART SCALE projects or reserved for allocation in the next solicitation cycle for SMART SCALE.

BE IT FURTHER RESOLVED, the methodology outlined in the SMART SCALE Technical Guide shall direct the screening, scoring and selection of projects for funding and may continue to evolve and improve based upon advances in technology, data collection and reporting tools, and to the extent that any such improvements modify or affect the policy and process set forth herein, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, the SMART SCALE Project Change Guide shall direct the evaluation of changes to the scope and/or budget of projects selected for funding through SMART SCALE.

BE IT FURTHER RESOLVED, the development and management of the SMART SCALE portion of the SYIP shall be conducted in accordance with the Board's current Six-Year Improvement Program Development Policy.

BE IT FURTHER RESOLVED, the Board hereby directs OIPI, in coordination with VDOT and DRPT, to take all actions necessary to implement and administer this policy and process as corrected, including but not limited to update of technical and policy documents consistent with the SMART SCALE Prioritization Policy adopted herein.

####

COMMONWEALTH of VIRGINIA
Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item #3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 20, 2021

MOTION

Made By: Mr. Rucker **Seconded By:** Ms. Hynes
Action: **Motion carried, unanimously**

Title: Approval of the Special Structure 50-Year Long-Term Plan

WHEREAS, §33.2-374 of the *Code of Virginia*, enacted in 2020, requires the Commonwealth Transportation Board (Board) to establish the Special Structure Program; and

WHEREAS, more specifically, pursuant to §33.2-374 (C) the Board is to establish (i) a program for the maintenance, rehabilitation and replacement of special structures and (ii) develop and maintain, with the assistance of the Department of Transportation, a plan for the maintenance, rehabilitation, and replacement of special structures in the Commonwealth, covering a minimum of 30 years; and

WHEREAS, §33.2-374 (D) provides that the Board shall use the funds dedicated to the Special Structure Fund pursuant to § 33.2-1532 for maintenance, rehabilitation, and replacement of special structures to implement the plan developed pursuant to subsection C.

WHEREAS, by resolution, dated December 11, 2019, the Board approved the Comprehensive Review Report related to the Robert O. Norris Bridge and Statewide Special Structure Fund required pursuant to Chapters 83 and 349 of the 2019 Acts of Assembly (Comprehensive Review), which report, among other things, set forth a 50-Year Long-Term Plan for Special Structures with a view to inform the development of a Statewide Special Structure Fund as defined by §33.2-1532, and required the Commissioner of Highways to report on the Comprehensive Review to the Board, on an annual basis; and

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, the Commissioner of Highways presented to the Board an updated draft of the 50-Year Long Term Plan for Special Structures on September 14, 2021.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to §33.2-374 (C), the Board approves the Special Structure Program - 50-Year Long Term Plan as set forth in Attachment A.

BE IT FURTHER RESOLVED, in keeping with the resolution dated December 11, 2019, requiring the Commissioner of Highways to present annually to the Board on the Comprehensive Review, the Commissioner is directed to present the Special Structure Program – 50-Year Long-Term Plan with any updates to the Board annually for approval.

# # # #

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 19, 2020

MOTION

Made By: Mr. Miller, Seconded By: Mr. Rucker
Action: Motion Carried, Unanimously

Title: Adoption of Updated Policy for Implementation of the SMART SCALE Project Prioritization Process

WHEREAS, Section 33.2-214.1 of the *Code of Virginia*, provides that the Commonwealth Transportation Board (Board) shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to sections 33.2-358, 33.2-370 and 33.2-371 of the *Code of Virginia*, and

WHEREAS, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI), in coordination with the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT), to implement the statewide prioritization process developed by the Board pursuant to Section 2.2-229; and

WHEREAS, Section 33.2-358 sets forth requirements relating to the allocations and establishment of a High Priority Projects Program established pursuant to section 33.2-370 and a Highway Construction District Grant Program established pursuant to section 33.2-371; and

WHEREAS, Chapter 726 of the 2014 Acts of Assembly, required the Board to select projects for funding utilizing the project prioritization process established pursuant to section 33.2-214.1; and

WHEREAS, Section 33.2-214.1 (B) requires the Board to solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process; and

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, Section 33.2-214.2 requires OIPI to make public, in an accessible format, a recommended list of projects and strategies for inclusion in the Six-Year Improvement Program based on results of the evaluation of submitted projects and the results of screening and evaluation of such projects no later than 150 days prior to the Board's vote to adopt the Six-Year Improvement Plan.

WHEREAS since adoption of the most recent SMART SCALE Prioritization Policy on February 21, 2018, modifications to improve and strengthen the policy have been identified and were recommended to the Board by OIPI on January 14, 2020, pursuant to a presentation entitled *Proposed Changes to SMART SCALE Policies and Methods—Round 4.*.

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby updates the SMART SCALE Prioritization Policy adopted on February 21, 2018 to address the issues noted herein and adopts the following policy and process to govern screening, scoring and selecting projects for funding pursuant to Section 33.2-214.1 (SMART SCALE Prioritization Process):

1. Application for funding through the SMART SCALE Prioritization Process must be made by qualifying entities based on project type and as follows:

Eligibility to Submit Projects

Project Type	Regional Entity (MPOs, PDCs)	Locality* (Counties, Cities, and Towns)	Public Transit Agencies
Corridor of Statewide Significance	Yes	Yes, with a resolution of support from relevant regional entity	Yes, with resolution of support from relevant regional entity
Regional Network	Yes	Yes, with a resolution of support from the MPO*	Yes, with resolution of support from relevant entity
Urban Development Area	No	Yes, with a resolution of support from the relevant MPO*	No
Safety	No	Yes, with a resolution of support from the relevant MPO*	No

Note*: Projects within established MPO study areas that are identified in or consistent with the regionally adopted Constrained Long Range Plan (CLRP) do not require a resolution of support from the respective MPO Policy Board. For projects outside MPO areas a resolution of support is required only from the submitting locality.

2. Application for funding through the SMART SCALE Prioritization Process must be made for a qualifying need and, pursuant to Section 33.2-214.1 (B)(2) and 33.2-358, for the High Priority Projects Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for all corridors of statewide significance and regional networks, and for the construction District Grant Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for corridors of statewide significance, and regional networks, improvements to promote urban development areas established pursuant to Section 15.2-2223.1, and identified safety needs.

3. Applications for funding through either the High Priority Projects Program or the Construction District Grant Programs must relate to projects located, in part or wholly, within the boundaries of the qualifying entity. In the case of an application that traverses the submitting entity's boundaries, the submitting entity must provide resolution(s) of support from the affected jurisdiction(s) or regional planning organization(s).

4. A resolution of support from the relevant governing body or policy board, approved in a public forum with adequate public notice, is required at the time of application.

5. By majority vote of the Board, the Board may choose to submit up to two projects to be evaluated for funding in each biennial application cycle.

6. In the event the CTB elects to submit up to two projects to be evaluated and considered for funding, the projects will be considered for funding in the Construction District Grant Program with the endorsement of the applicable local government(s) and/or the High Priority Projects Program.

7. The factors specified in Section 33.2-214.1 will be measured and weighted according to the following metrics:

ID	Measure Name	Measure Weight
Safety Factor		
S.1	Number of Fatal and Injury Crashes*	70%
S.2	Rate of Fatal and Injury Crashes	30%
Congestion Mitigation Factor		
C.1	Person Throughput	50%
C.2	Person Hours of Delay	50%
Accessibility Factor		
A.1	Access to Jobs	60%
A.2	Access to Jobs for Disadvantaged Populations	20%
A.3	Access to Multimodal Choices	20%

ID	Measure Name	Measure Weight
Environmental Quality Factor		
E.1	Air Quality and Energy Environmental Effect	100%
E.2	Impact to Natural and Cultural Resources	**
Economic Development Factor		
ED.1	Project Support for Economic Development	60%
ED.2	Intermodal Access and Efficiency	20%
ED.3	Travel Time Reliability	20%
Land Use Factor		
L.1	Transportation Efficient Land Use	50%
L.2	Increase in Transportation Efficient Land Use	50%

Note*: 100% for Transit and Transportation Demand Management Projects
Note**: E2 will serve as a subtractive measure (subtracting up to 5 benefit points) based on the acreage of sensitive areas potentially impacted.

8. The factors will be evaluated according to the following typology categories and weighting frameworks within the state's highway construction districts:

Region in which the Project is Located	Typology	Construction District
Accomack-Northampton PDC	Category D	Hampton Roads
Bristol MPO	Category D	Bristol
Central Shenandoah PDC	Category D	Staunton
Central Virginia MPO	Category C	Lynchburg/Salem
Charlottesville-Albemarle MPO	Category B	Culpeper
Commonwealth RC	Category D	Lynchburg/Richmond
Crater PDC	Category D	Richmond/Hampton Roads
Cumberland Plateau PDC	Category D	Bristol
Danville MPO	Category D	Lynchburg
Fredericksburg Area MPO (FAMPO)	Category B	Fredericksburg
George Washington RC	Category D	Fredericksburg
Hampton Roads PDC[i]	Category D	Hampton Roads
Hampton Roads TPO (HRTPO)[i,ii]	Category A	Hampton Roads/Fredericksburg
Harrisonburg-Rockingham MPO	Category C	Staunton
Kingsport MPO	Category D	Bristol

Region in which the Project is Located	Typology	Construction District
Lenowisco PDC	Category D	Bristol
Middle Peninsula PDC[ii]	Category D	Fredericksburg
Mount Rogers PDC	Category D	Bristol/Salem
New River Valley MPO	Category C	Salem
New River Valley PDC	Category D	Salem
Northern Neck PDC	Category D	Fredericksburg
Northern Shenandoah Valley RC	Category D	Staunton
Northern Virginia RC	Category A	Northern Virginia
Northern Virginia Transportation Authority (NVTA) / Transportation Planning Board (TPB)[iii]	Category A	Northern Virginia/Culpeper
Rappahannock-Rapidan RC[iii]	Category D	Culpeper
Region 2000 LGC	Category D	Salem/Lynchburg
Richmond Regional PDC	Category D	Richmond
Richmond Regional TPO (RRTPO)	Category B	Richmond
Roanoke Valley TPO (RVTPO)	Category B	Salem
Roanoke Valley-Alleghany PDC	Category D	Salem/Staunton
Southside PDC	Category D	Lynchburg/Richmond
Staunton-Augusta-Waynesboro MPO	Category C	Staunton
Thomas Jefferson PDC	Category C	Culpeper/Lynchburg
Tri-Cities MPO	Category C	Richmond
West Piedmont PDC	Category D	Salem/Lynchburg
WinFred MPO	Category C	Staunton

Note*: PDC is defined as the remainder of the region outside the MPO boundary. In many cases, these regions include partial counties (e.g. Goochland County is partially within RRTPO and the Richmond Regional PDC). If a project is within the MPO boundary in a partial county, the project shall use the weighting associated with the MPO with the following exceptions:

i. The portion of Southampton County and the City of Franklin within the Hampton Roads TPO boundary shall use the weighting associated with the Hampton Roads PDC.

ii. The portion of Gloucester County within the Hampton Roads TPO boundary shall use the weighting associated with the Middle Peninsula PDC.

iii. The portion of Fauquier County within the Transportation Planning Board Boundary shall use the weighting associated with the Rappahannock-Rapidan Regional Commission.

Note** For projects that cross multiple typology boundaries, the project shall use the weighting associated with the typology for which the majority of the project is located.

Weighting Frameworks

Factor	Congestion Mitigation	Economic Development	Accessibility	Safety	Environmental Quality	Land Use
Category A	45%**	5%	15%	5%	10%	20%*
Category B	15%	20%	25%	20%	10%	10%*
Category C	15%	25%	25%	25%	10%	
Category D	10%	35%	15%	30%	10%	

Note* - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause, for certain metropolitan planning areas with a population over 200,000, the prioritization process shall also include a factor related to Land Use.

Note** - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause, for certain highway construction districts congestion mitigation must be weighted highest among the factors.

9. Qualifying entities are limited in the number of pre-applications and full applications they may submit. A pre-application requires applicants to fill out basic information about their projects to allow for the state to conduct pre-screening. In turn, pre-screening provides early applicant feedback to ensure that a project meets a VTrans need adopted by the CTB, is eligible for SMART SCALE, and meets the CTB's readiness policy. The limits are based on population thresholds as defined in the table below. A Board member may allow one additional application from one county within their district if (i) the project is located within a town that is ineligible to submit projects and (ii) the county in which the town is located submitted the maximum number of applications allowed. Only one such additional application is allowed per district.

Application Limits

Tier	Localities*	MPOs/PDCs/ Transit Agencies*	Max # of Pre-Applications	Max # of Full Applications
1	< 200K	< 500K	5	4
2	>= 200K	>= 500K	12	10

Note* - The source of population data for localities, MPOs and PDCs is the last preceding United States census (2010). Application limits for transit agencies were determined based on service area population in the 2010 National Transit Database (NTD). If service area population was not available in NTD, Census 2010 population was used to determine population in jurisdictions served by transit agency.

10. Candidate projects will be scored based on the factors and weights identified above relative to other projects submitted for evaluation, the cost of the project and based on information included in the project application.

11. The final project score is determined by calculating the anticipated benefits relative to the amount of funding requested pursuant to section 33.2-358 of the *Code of Virginia.*

12. A project that has been selected for funding must be re-scored and the funding decision re-evaluated if there are significant changes to either the scope or cost of the project, such that the anticipated benefits relative to funding requested would have substantially changed.

    a. If an estimate increases prior to project advertisement or contract award that exceeds the following thresholds, and the applicant is not covering the increased cost with other funds, Board action is required to approve the budget increase:

        i. Total Cost Estimate <$5 million: 20% increase in funding requested
        ii. Total Cost Estimate $5 million to $10 million: $1 million or greater increase in funding requested
        iii. Total Cost Estimate > $10 million: 10% increase in funding requested; $5 million maximum increase in funding requested.

    b. If the project scope is reduced or modified such that the revised score is less than the lowest ranked funded project in the district for that cohort of projects, Board action is required to approve the change in scope.

    c. If the project scope is increased then the applicant is responsible for the additional cost attributable to the increase in scope regardless of budget impact. The scope of a project may not be substantially modified in such a manner that the proposed improvements do not accomplish the same benefits as the original scope.

13. A project that has been selected for funding must be initiated and at least a portion of the programmed funds expended within one year of the budgeted year of allocation or funding may be subject to reprogramming to other projects selected through the prioritization process. In the event the Project is not advanced to the next phase of construction when requested by the Commonwealth Transportation 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.

14. A project that has been selected for funding cannot be resubmitted to address cost increases or loss of other sources of funding.

15. Once a project is selected for funding, an entity must wait for two rounds of SMART SCALE following the end date of construction before submitting a new project application for the same location that meets the same need as the project that was selected for funding.

16. Once a project is selected for funding, an entity may not resubmit the project with a revised scope in a subsequent round unless the previously selected project has been cancelled.

17. A project that has been selected for funding 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.

18. In the cases where a project has been selected for funding which identified other sources of funding, the qualifying entity is committed to pay the difference if other sources of funding are not provided. An applicant may only identify State of Good Repair, Transportation Alternatives Set-Aside, Highway Safety Improvement Program and Revenue Sharing funds as committed funds if the funding has already been approved by the Board. Applicants must have an approved or pending application for other sources of committed funds, such as local/regional or other federal funds, at the time of the SMART SCALE application submission.

19. Pursuant to 33.2-214 E, any project added to the SYIP funded wholly or in part with funding from the High Priority Projects Program or Construction District Grants Program shall be fully funded within the six-year horizon of the SYIP.

20. Applications for funding through the SMART SCALE Prioritization Process may not request funding to replace other committed funding sources identified in a local capital improvement program or a transportation improvement program, or required to be paid by a developer as a result of a local zoning process.
    a. The CTB may waive this requirement for projects that:
        i. have an anticipated total cost in excess of $1 billion; and
        ii. were not eligible for submission in the previous round of SMART SCALE due to readiness considerations, but initiated procurement prior to award of the current round of SMART SCALE.
    b. If a fully funded project is submitted with additional features that are not yet funded, the benefits associated with the fully funded or committed project element(s) will be excluded from consideration in evaluating and rating the project benefits for SMART SCALE.
21. The Board may adjust the timing of funds programmed to projects selected in previous SMART SCALE cycles to meet the cash flow needs of the individual projects, but will not (1) reduce the total amount of state and federal funding committed to an individual project unless it is no longer needed for the delivery of the project or the project sponsor is unable to secure permits and environmental clearances for the project or (2) increase the total amount of state and federal funding committed to an individual project beyond the thresholds established in item 10. Projects from a subsequent round will not be advanced or accelerated by delaying projects selected in a previous SMART SCALE cycle.

22. 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.

a. Surplus Construction District Grant Program funds no longer needed for delivery of a project will remain within the applicable Construction District Grant Program and may not be used in other districts.

b. Surplus High Priority Projects Program funds will remain within the High Priority Projects Program.

c. Such surplus funds will be reserved to address budget adjustments on existing SMART SCALE projects or reserved for allocation in the next solicitation cycle for SMART SCALE.

BE IT FURTHER RESOLVED, the methodology outlined in the SMART SCALE Technical Guide shall direct the screening, scoring and selection of projects for funding and may continue to evolve and improve based upon advances in technology, data collection and reporting tools, and to the extent that any such improvements modify or affect the policy and process set forth herein, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, the SMART SCALE Project Change Guide shall direct the evaluation of changes to the scope and/or budget of projects selected for SMART SCALE funding, and to the extent that changes to the scope and/or budget are contrary to the policy and process set forth herein, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, the development and management of SMART SCALE projects in the SYIP shall be conducted in accordance with the Board's current Six-Year Improvement Program Development Policy.

BE IT FURTHER RESOLVED, the Board hereby directs OIPI, in coordination with VDOT and DRPT, to take all actions necessary to implement and administer this policy and process as modified, including but not limited to update of technical and policy documents consistent with the SMART SCALE Prioritization Policy adopted herein.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 17, 2019

MOTION

Made By: Ms. DeTuncq, Seconded By: Mr. Yates
Action: Motion Carried, Unanimously

Title: Primary Extension Improvement Program Policy

WHEREAS, the Commonwealth Transportation Board (CTB) adopted a policy on June 18, 2014 to provide for the selection of projects under the Primary Extension Improvement Program; and

WHEREAS, §33.2-358(C) of the *Code of Virginia* that allowed the CTB to set aside CTB Formula funding for reconstructing those deteriorated interstate and primary system pavements and municipality-maintained primary extension pavements using state funds sunsets in FY2020; and

WHEREAS, §33.2-369 (B) of the *Code of Virginia* allows the CTB to allocate funds for state of good repair purposes for reconstruction and rehabilitation of pavement on the Interstate System and Primary State Highway System determined by the CTB to be deteriorated, including municipality-maintained primary extensions; and

WHEREAS, the Board has determined the previously adopted policy needs to be updated to reflect the additional requirements associated with federal funding now available through the State of Good Repair program.

NOW, THEREFORE BE IT RESOLVED, the June 18, 2014 Primary Extension Improvement Program Policy is amended and replaced by the following policy and criteria governing the selection of primary extension paving projects:

Back to Funds - Allocations, Apportionments, and Expenditures

1. The Virginia Department of Transportation will solicit applications from local governments on an annual basis to support pavement overlay, rehabilitation, or reconstruction projects.
2. The maximum request under the program will be $1,500,000 per locality, per fiscal year.
3. All projects funded under this program must be advertised within 12 months of allocation. Projects that receive funding and do not meet this criterion may be subject to deallocation by the CTB.
4. As part of the application process, localities must provide certification that the funding allocated will supplement, not replace, the current level of effort on the part of the locality.
5. Projects will be prioritized for funding based on a technical score that considers pavement condition, traffic volume, whether or not the extension is an NHS route and past expenditures on pavement by the locality.
6. Once projects have been identified and prioritized in accordance with the foregoing process, the project list will be presented to the full Board for its consideration and approval.
7. The Commissioner of Highways is directed to establish administrative procedures to ensure adherence to and compliance with the provisions of this policy and legislative directives.

####

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 30, 2018

MOTION

Made By: Mr. Kasprowicz, Seconded By: Mr. Williams
Action: Motion Carried, Unanimously
Title: SMART SCALE Cost Overrun Policy

WHEREAS, section 33.2-214.1 of the *Code of Virginia*, provides that the Commonwealth Transportation Board (Board) shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to sections 33.2-358, 33.2-370 and 33.2-371 of the *Code of Virginia*, and

WHEREAS, on June 17, 2015 the Board adopted a statewide prioritization policy and process pursuant to section 33.2-214.1 and directed the Commissioner of Highways, the Department of Rail and Public Transportation and the Office of Intermodal Planning and Investment to take all actions necessary to implement and administer the policy and process adopted on June 17, 2015 (collectively the HB2 Prioritization Policy and Process), including but not limited to issuance of a Policy Guide consistent with the intent of the policy and process; and

WHEREAS, on July 28, 2016, the Board rescinded the HB2 Prioritization Policy and Process previously adopted on June 17, 2015 and adopted a revised policy and process to govern screening, scoring and selecting projects for funding pursuant to section 33.2-214.1 (SMART SCALE Prioritization Process); and

WHEREAS, on October 24, 2017, the Board rescinded the SMART SCALE Prioritization Process previously adopted on July 28, 2016 and adopted a revised SMART SCALE Prioritization Process to govern screening, scoring and selecting projects for funding pursuant to section 33.2-214.1; and

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, a revised Policy Guide consistent with the SMART SCALE Prioritization Process was issued and posted at SmartScale.org; and

WHEREAS, Item 10 of the Board's SMART SCALE Prioritization Process provides that a project that has been selected for funding must be re-scored and the funding decision re-evaluated if there are significant changes to either the scope or cost of the project, such that the anticipated benefits relative to funding requested would have substantially changed; and

WHEREAS, Item 10.a. of the Board's SMART SCALE Prioritization Process further provides that if an estimate increases prior to project advertisement or contract award that exceeds the following thresholds, and the applicant is not covering the increased cost with other funds, Board action is required to approve the budget increase:

i. Total Cost Estimate <$5 million: 20% increase in funding requested
ii. Total Cost Estimate $5 million to $10 million: $1 million or greater increase in funding requested
iii. Total Cost Estimate > $10 million: 10% increase in funding requested; $5 million maximum increase in funding requested; and

WHEREAS, the Board finds that it is prudent to ensure adequate review and monitoring of SMART SCALE project cost estimates.

NOW THEREFORE BE RESOLVED, by the Commonwealth Transportation Board, that the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) shall establish procedures to ensure the proper review of SMART SCALE project estimates during the validation phase of the SMART SCALE process, prior to the release of project scores.

BE IT FURTHER RESOLVED, that the procedures established by VDOT and DRPT shall, at a minimum require additional review of any project with a SMART SCALE cost in excess of $50 million and require additional review of any project with a cost determined by VDOT or DRPT to be outside the traditional thresholds for similar projects.

BE IT FURTHER RESOLVED, that VDOT and DRPT shall report quarterly to the Board any projects that have potential risks that could cause cost overruns in excess of the allocation thresholds established in the Board's SMART SCALE policy and the applicant is not funding the increase.

BE IT FURTHER RESOLVED, that in the event that the increase in SMART SCALE cost for a selected SMART SCALE project is determined to be in excess of the allocation thresholds established in Item 10.a. of the Board's SMART SCALE policy, VDOT and DRPT, in consultation with the Office of Intermodal Planning and Investment (OIPI) shall provide the following information for the project and the round of SMART SCALE in which the project was selected to the Board as it considers whether to (i) allocate the additional funds necessary for the project, (ii) cancel the project due the cost increase, or (iii) request additional action (e.g., re-scope the project within the existing budget and re-evaluate):

a) Revised SMART SCALE score;
b) List of any SMART SCALE projects in the district that were funded with a lower score;
c) A revised recommended funding scenario based on the project's new score, including a list of SMART SCALE projects that would have either (i) been funded or (ii) not been funded due to the changes in the project's score and any other information considered when selecting the project for funding;
d) The amount of unprogrammed and deallocated High Priority Projects Program and Construction District Grant Program funds available;
e) Expenditures to date;
f) A list of other SMART SCALE projects known to be at-risk for a SMART SCALE budget increase; and
g) Any other information deemed appropriate for the Board's consideration by OIPI.

BE IT FURTHER RESOLVED, that in the event that a SMART SCALE budget increase is presented to the Board for consideration, VDOT and DRPT shall provide the Board with an After Action Report, regardless of the decision made by the Board on the project. The report shall be a comprehensive review that, at a minimum, includes the following:

a) The components of the project to which significant deviation between the project's estimate at selection and the final estimate were attributed;
b) An analysis as to the potential reasons for such deviation; and,
c) Recommendations, if deemed appropriate, for potential policy changes to reduce the likelihood of such deviations between estimates at selection and the final estimate in the future.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 16, 2018

MOTION

Made By: Mr. Whitworth, Seconded By: Mr. Stinson
Action: Motion Carried, Unanimously

Title: State of Good Repair Prioritization Process Methodology – Attachment B – FY 2019 State of Good Repair Percentage Fund Distribution

WHEREAS, § 33.2-369 of the Code of Virginia prescribes that the Commonwealth Transportation Board (the Board) shall use funds allocated in § 33.2-358 and § 58.1-1741 for state of good repair purposes for reconstruction and replacement of structurally deficient state and locally-owned bridges and reconstruction and rehabilitation of deteriorated pavement on the Interstate System and primary state highway system including municipality-maintained primary extensions; and

WHEREAS, § 33.2-369 (B) also requires that the state of good repair funds be allocated by the Board to projects in all nine construction districts based on a priority ranking system that takes into consideration (i) the number, condition, and costs of structurally deficient bridges and (ii) the mileage, condition, and costs to replace deteriorated pavements and further provides that the Board shall ensure an equitable needs-based distribution of funding among the highway construction districts, with no district receiving more than 17.5 percent or less than 5.5 percent of the total funding allocated in any given year; and

WHEREAS, Enactment Clause 2 of Chapter 684 of the 2015 Virginia Acts of Assembly required the Board to develop the priority ranking system pursuant to § 33.2-369 of the Code by July 1, 2016; and

WHEREAS, VDOT developed a proposed priority ranking system methodology for structurally deficient bridges and deteriorated pavements that meets the requirements set forth in §33.2-369 (B) and was approved by the Board on June 14, 2016 (State of Good Repair Prioritization Process Methodology); and

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, VDOT developed State of Good Repair preliminary district allocation percentages as set out in the FY 2017 State of Good Repair Percentage Fund Distribution Chart for use in the FY 2017 State of Good Repair allocations, which district allocation percentages were also approved by the Board on June 14, 2016 and set forth in Attachment B to the State of Good Repair Prioritization Process Methodology; and

WHEREAS, VDOT has, for FY 2019, proposed updates to the district allocation percentages previously established and set forth in the FY 2017 State of Good Repair Percentage Fund Distribution Chart, based on needs identified in the *Virginia Department of Transportation 2017 Annual Report Pursuant to Section 33.2-232 of the Code of Virginia* as the State of Good Repair Program Needs; and

WHEREAS, VDOT recommends that the Board approve the proposed district allocation percentages set forth in Attachment B, FY 2019 State of Good Repair Percentage Fund Distribution Chart (attached hereto), for the purpose of making allocations pursuant to the State of Good Repair Program in FY2019.

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board, that the FY 2019 State of Good Repair Percentage Fund Distribution set forth in Attachment B, as attached hereto, is approved for the purpose of making FY 2019 State of Good Repair Program allocations and shall be used by VDOT in applying the State of Good Repair Prioritization Process Methodology for identifying and recommending to the Board projects for State of Good Repair funding for FY 2019 through FY 2024.

BE IT FURTHER RESOLVED, that VDOT is hereby directed to update the district allocation percentages set forth in the State of Good Repair Percentage Fund Distribution Chart for purposes of identifying and recommending to the Board projects for State of Good Repair funding for FY 2021 through FY 2026 and present those percentages to the Board for approval prior to commencement of FY 2021.

####

Attachment B
FY 2019 State of Good Repair Percentage Fund Distribution Chart

District	FY 2019 Update	VDOT			Localities		
		Pavement	Bridge	Total	Pavement	Bridge	Total
Bristol	**12.53%**	18%	60%	**78%**	2%	20%	**22%**
Salem	**11.40%**	25%	59%	**84%**	6%	10%	**16%**
Lynchburg	**6.39%**	22%	63%	**85%**	9%	6%	**15%**
Richmond	**17.50%**	17%	71%	**88%**	4%	8%	**12%**
Hampton Roads	**17.50%**	3%	37%	**40%**	26%	34%	**60%**
Fredericksburg	**11.66%**	11%	85%	**96%**	1%	3%	**4%**
Culpeper	**6.39%**	26%	40%	**66%**	3%	31%	**34%**
Staunton	**10.23%**	27%	64%	**91%**	6%	3%	**9%**
Northern Virginia	**6.39%**	24%	65%	**89%**	10%	1%	**11%**

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Back to Funds - Allocations, Apportionments, and Expenditures

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 13

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 21, 2018

MOTION

Made By: Mr. Garczynski, Seconded By: Mr. Malbon
Action: Motion Carried, Unanimously

Title: Adoption of Corrected Policy and Approval of Guide for Implementation of the SMART SCALE Project Prioritization Process

WHEREAS, Section 33.2-214.1 of the *Code of Virginia*, provides that the Commonwealth Transportation Board (Board) shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to sections 33.2-358, 33.2-370 and 33.2-371 of the *Code of Virginia*, and

WHEREAS, Section 33.2-358 sets forth requirements relating to the allocations and establishment of a High Priority Projects Program established pursuant to section 33.2-370 and a Highway Construction District Grant Program established pursuant to section 33.2-371; and

WHEREAS, Chapter 726 of the 2014 Acts of Assembly, required the Board to select projects for funding utilizing the project prioritization process established pursuant to section 33.2-214.1; and

WHEREAS, Section 33.2-214.1 (B) requires the Board to solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process; and

WHEREAS, Section 33.2-214.2 requires the Office of Intermodal Planning and Investment to make public, in an accessible format, a recommended list of projects and strategies for inclusion in the Six-Year Improvement Program based on results of the evaluation of submitted projects and the results of screening and evaluation of such projects no later than 150 days prior to the Board's vote to adopt the Six-Year Improvement Plan.

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS on June 17, 2015 the Board adopted a statewide prioritization policy and process pursuant to Section 33.2-214.1 and directed the Commissioner of Highways, the Department of Rail and Public Transportation (DRPT) and the Office of Intermodal Planning and Investment (OIPI) to take all actions necessary to implement and administer the policy and process adopted on June 17, 2015 (collectively the HB2 Prioritization Policy and Process), including but not limited to issuance of a Policy Guide consistent with the intent of the policy and process; and

WHEREAS on July 28, 2016, the Board rescinded the HB2 Prioritization Policy and Process previously adopted on June 17, 2015 and adopted a revised policy and process to govern screening, scoring and selecting projects for funding pursuant to Section 33.2-214.1; and

WHEREAS on October 24, 2017, the Board rescinded the SMART SCALE Prioritization Policy and Process previously adopted on July 28, 2016 and adopted a revised policy and process to govern screening, scoring and selecting projects for funding pursuant to Section 33.2-214.1 (SMART SCALE Prioritization Process); and

WHEREAS since adoption of the SMART SCALE Prioritization Process on October 24, 2017, issues relating to three entities qualified to submit funding applications under the prioritization process have been identified; and

WHEREAS, previous policy and guidance reflected the Northern Virginia Regional Council (the planning district commission, NVRC) and the Northern Virginia Transportation Authority (NVTA) as a single entity eligible to submit an application under SMART SCALE and adjustment to the policy is warranted so that the two entities, NVRC and NVTA, are treated separately and authorized to submit applications, in a manner consistent with other planning district commissions and metropolitan planning organizations; and

WHEREAS, prior to Round 2 of the SMART SCALE Prioritization Process, the Hampton Roads Metropolitan Planning Organization (Hampton Roads Transportation Planning Organization or HRTPO) boundary was changed to include small portions of Southampton County and the City of Franklin and both the county and city have requested an exception to retain an Area Typology Category of D, notwithstanding HRTPO's Typology Category of A, which exception would be similar to the exception provided for Gloucester and Fauquier Counties.

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby corrects the SMART SCALE Prioritization Process adopted on October 24, 2017 to address the issues noted herein and adopts the following policy and process to govern screening, scoring and selecting projects for funding pursuant to Section 33.2-214.1 (SMART SCALE Prioritization Process):

1. Application for funding through the SMART SCALE Prioritization Process must be made by qualifying entities based on project type and as follows:

Eligibility to Submit Projects

Project Type	Regional Entity (MPOs, PDCs)	Locality* (Counties, Cities, and Towns)	Public Transit Agencies
Corridor of Statewide Significance	Yes	Yes, with a resolution of support from relevant regional entity	Yes, with resolution of support from relevant regional entity
Regional Network	Yes	Yes, with a resolution of support from the MPO*	Yes, with resolution of support from relevant entity
Urban Development Area	No	Yes, with a resolution of support from the MPO*	No
Safety	No	Yes, with a resolution of support from the MPO*	No

Note*: Projects within established MPO study areas that are not identified in or consistent with the regionally adopted Constrained Long Range Plan (CLRP) must include a resolution of support from the respective MPO Policy Board.

2. Application for funding through the SMART SCALE Prioritization Process must be made for a qualifying need and, pursuant to Section 33.2-214.1 (B)(2) and 33.2-358, for the High Priority Projects Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for all corridors of statewide significance and regional networks, and for the construction District Grant Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for corridors of statewide significance, and regional networks, improvements to promote urban development areas established pursuant to Section 15.2-2223.1, and safety improvements.

3. Applications for funding through either the High Priority Projects Program or the Construction District Grant Programs must relate to projects located within the boundaries of the qualifying entity. Localities and regional planning bodies may submit joint applications for projects that cross boundaries.

4. By majority vote of the Board, the Board may choose to submit up to two projects to be evaluated for funding in each biennial application cycle.

5. The factors specified in Section 33.2-214.1 will be measured and weighted according to the following metrics:

ID	Measure Name	Measure Weight
Safety Factor		
S.1	Number of Fatal and Injury Crashes*	50%
S.2	Rate of Fatal and Injury Crashes	50%
Congestion Mitigation Factor		
C.1	Person Throughput	50%
C.2	Person Hours of Delay	50%
Accessibility Factor		
A.1	Access to Jobs	60%
A.2	Access to Jobs for Disadvantaged Populations	20%
A.3	Access to Multimodal Choices	20%
Environmental Quality Factor		
E.1	Air Quality and Energy Environmental Effect	50%
E.2	Impact to Natural and Cultural Resources	50%
Economic Development Factor		
ED.1	Project Support for Economic Development	60%
ED.2	Intermodal Access and Efficiency	20%
ED.3	Travel Time Reliability	20%
Land Use Factor		
L.1	Transportation Efficient Land Use	70%
L.2	Increase in Transportation Efficient Land Use	30%

Note*: 100% for Transit and Transportation Demand Management Projects

6. The factors will be evaluated according to the following typology categories and weighting frameworks within the state's highway construction districts:

Region in which the Project is Located	Typology	Construction District
Accomack-Northampton PDC	Category D	Hampton Roads
Bristol MPO	Category D	Bristol
Central Shenandoah PDC	Category D	Staunton
Central Virginia MPO	Category C	Lynchburg/Salem
Charlottesville-Albemarle MPO	Category B	Culpeper

Region in which the Project is Located	Typology	Construction District
Commonwealth RC	Category D	Lynchburg/Richmond
Crater PDC	Category D	Richmond/Hampton Roads
Cumberland Plateau PDC	Category D	Bristol
Danville MPO	Category D	Lynchburg
Fredericksburg Area MPO (FAMPO)	Category A	Fredericksburg
George Washington RC	Category D	Fredericksburg
Hampton Roads PDC[i]	Category D	Hampton Roads
Hampton Roads TPO (HRTPO)[i,ii]	Category A	Hampton Roads/Fredericksburg
Harrisonburg-Rockingham MPO	Category C	Staunton
Kingsport MPO	Category D	Bristol
Lenowisco PDC	Category D	Bristol
Middle Peninsula PDC[ii]	Category D	Fredericksburg
Mount Rogers PDC	Category D	Bristol/Salem
New River Valley MPO	Category C	Salem
New River Valley PDC	Category C	Salem
Northern Neck PDC	Category D	Fredericksburg
Northern Shenandoah Valley RC	Category D	Staunton
Northern Virginia RC	Category A	Northern Virginia
Northern Virginia Transportation Authority (NVTA) / Transportation Planning Board (TPB)[iii]	Category A	Northern Virginia/Culpeper
Rappahannock-Rapidan RC[iii]	Category D	Culpeper
Region 2000 LGC	Category D	Salem/Lynchburg
Richmond Regional PDC	Category D	Richmond
Richmond Regional TPO (RRTPO)	Category B	Richmond
Roanoke Valley TPO (RVTPO)	Category B	Salem
Roanoke Valley-Alleghany PDC	Category D	Salem/Staunton
Southside PDC	Category D	Lynchburg/Richmond
Staunton-Augusta-Waynesboro MPO	Category C	Staunton
Thomas Jefferson PDC	Category C	Culpeper/Lynchburg
Tri-Cities MPO	Category C	Richmond
West Piedmont PDC	Category D	Salem/Lynchburg
WinFred MPO	Category C	Staunton

Note*: PDC is defined as the remainder of the region outside the MPO boundary. In many cases, these regions include partial counties (e.g. Goochland County is partially within RRTPO and the Richmond Regional PDC). If a project is within the MPO boundary in a partial county, the project shall use the weighting associated with the MPO with the following exceptions:

i. The portion of Southampton County and the City of Franklin within the Hampton Roads TPO boundary shall use the weighting associated with the Hampton Roads PDC.

ii. The portion of Gloucester County within the Hampton Roads TPO boundary shall use the weighting associated with the Middle Peninsula PDC.

iii. The portion of Fauquier County within the Transportation Planning Board Boundary shall use the weighting associated with the Rappahannock-Rapidan Regional Commission.

Note** For projects that cross multiple typology boundaries, the project shall use the weighting associated with the typology for which the majority of the project is located.

Weighting Frameworks

Factor	Congestion Mitigation	Economic Development	Accessibility	Safety	Environmental Quality	Land Use
Category A	45%**	5%	15%	5%	10%	20%*
Category B	15%	20%	25%	20%	10%	10%*
Category C	15%	25%	25%	25%	10%	
Category D	10%	35%	15%	30%	10%	

Note* - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause, for certain metropolitan planning areas with a population over 200,000, the prioritization process shall also include a factor related to Land Use.

Note** - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause, for certain highway construction districts congestion mitigation must be weighted highest among the factors.

7. Qualifying entities are limited in the number of applications they may submit. The limits are based on population thresholds as defined in the table below. A Board member may allow one additional application from one county within their district if (i) the project is located within a town that is ineligible to submit projects and (ii) the county in which the town is located submitted the maximum number of applications allowed. Only one such additional application is allowed per district.

Application Limits

Tier	Localities*	MPOs/PDCs/ Transit Agencies*	Maximum Number of Applications
1	Less than 200K	Less than 500K	4
2	Greater than 200K	Greater than 500K	10

Note* - The source of population data for localities, MPOs and PDCs is the last preceding United States census (2010). Application limits for transit agencies were determined based on service area population in the 2010 National Transit Database (NTD). If service area population was not available in NTD, Census 2010 population was used to determine population in jurisdictions served by transit agency.

8. Candidate projects will be scored based on the factors and weights identified above relative to other projects submitted for evaluation, the cost of the project and based on information included in the project application.

9. The final project score is determined by calculating the anticipated benefits relative to the amount of funding requested pursuant to section 33.2-358 of the *Code of Virginia.*

10. A project that has been selected for funding must be re-scored and the funding decision re-evaluated if there are significant changes to either the scope or cost of the project, such that the anticipated benefits relative to funding requested would have substantially changed.

    a. If an estimate increases prior to project advertisement or contract award that exceeds the following thresholds, and the applicant is not covering the increased cost with other funds, Board action is required to approve the budget increase:

        i. Total Cost Estimate <$5 million: 20% increase in funding requested
        ii. Total Cost Estimate $5 million to $10 million: $1 million or greater increase in funding requested
        iii. Total Cost Estimate > $10 million: 10% increase in funding requested; $5 million maximum increase in funding requested.

    b. If the project scope is reduced or modified such that the revised score is less than the lowest ranked funded project in the district for that cohort of projects, Board action is required to approve the change in scope.

    c. If the project scope is increased then the applicant is responsible for the additional cost attributable to the increase in scope regardless of budget impact. The scope of a project may not be substantially modified in such a manner that the proposed improvements do not accomplish the same benefits as the original scope.

11. A project that has been selected for funding must be initiated and at least a portion of the programmed funds expended within one year of the budgeted year of allocation or funding may be subject to reprogramming to other projects selected through the prioritization process. In the event the Project is not advanced to the next phase of construction when requested by the Commonwealth Transportation 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.

12. A project that has been selected for funding cannot be resubmitted to address cost increases or loss of other sources of funding.

13. Once a project is selected for funding, an entity must wait for two rounds of SMART SCALE following the end date of construction before submitting a new project application for the same location that meets the same need as the project that was selected for funding.

14. Once a project is selected for funding, an entity may not resubmit the project with a revised scope in a subsequent round unless the previously selected project has been cancelled.

15. In the cases where a project has been selected for funding which identified other sources of funding, the qualifying entity is committed to pay the difference if other sources of funding are not provided. An applicant may only identify State of Good Repair, Transportation Alternatives Set-Aside, Highway Safety Improvement Program and Revenue Sharing funds as committed funds if the funding has already been approved by the Board. Applicants must have an approved or pending application for other sources of committed funds, such as local/regional or other federal funds, at the time of the SMART SCALE application submission.

16. Applications for funding through the SMART SCALE Prioritization Process may not request funding to replace other committed funding sources identified in a local capital improvement program or a transportation improvement program, or required to be paid by a developer as a result of a local zoning process.
    a. The CTB may waive this requirement for projects that:
        i. have an anticipated total cost in excess of $1 billion; and
        ii. were not eligible for submission in the previous round of SMART SCALE due to readiness considerations, but initiated procurement prior to award of the current round of SMART SCALE.
    b. If a fully funded project is submitted with additional features that are not yet funded, the benefits associated with the fully funded or committed project element(s) will be excluded from consideration in evaluating and rating the project benefits for SMART SCALE.
17. The Board may adjust the timing of funds programmed to projects selected in previous SMART SCALE cycles to meet the cash flow needs of the individual projects, but will not (1) reduce the total amount of state and federal funding committed to an individual project unless it is no longer needed for the delivery of the project or the project sponsor is unable to secure permits and environmental clearances for the project or (2) increase the total amount of state and federal funding committed to an individual project beyond the thresholds established in item 10.

Projects from a subsequent round will not be advanced or accelerated by delaying projects selected in a previous SMART SCALE cycle.

18. 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.
    a. Surplus Construction District Grant Program funds no longer needed for delivery of a project will remain within the applicable Construction District Grant Program and may not be used in other districts.
    b. Surplus High Priority Projects Program funds will remain within the High Priority Projects Program.
    c. Such surplus funds will be reserved to address budget adjustments on existing SMART SCALE projects or reserved for allocation in the next solicitation cycle for SMART SCALE.

BE IT FURTHER RESOLVED, the methodology outlined in the SMART SCALE Technical Guide shall direct the screening, scoring and selection of projects for funding and may continue to evolve and improve based upon advances in technology, data collection and reporting tools, and to the extent that any such improvements modify or affect the policy and process set forth herein, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, the Board hereby directs the Commissioner of Highways, the Director of the Department of Rail and Public Transportation, and the Office of Intermodal Planning and Investment to take all actions necessary to implement and administer this policy and process as corrected, including but not limited to preparation of a Policy Guide consistent with the corrected SMART SCALE Prioritization Process adopted herein.

####

COMMONWEALTH of VIRGINIA
Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 14, 2016

MOTION

Made By: Mr. Connors, Seconded By: Mr. Brown
Action: Motion Carried, Unanimously

Title: Approval of State of Good Repair Prioritization Process Methodology and FY 2017 State of Good Repair Percentage Fund Distribution

WHEREAS, § 33.2-369 of the *Code of Virginia* prescribes that the Commonwealth Transportation Board (the Board) shall use funds allocated in § 33.2-358 and § 58.1-1741 for state of good repair purposes for reconstruction and replacement of structurally deficient state and locally-owned bridges and reconstruction and rehabilitation of deteriorated pavement on the Interstate System and primary state highway system including municipality-maintained primary extensions; and

WHEREAS, § 33.2-369 (B) also requires that the state of good repair funds be allocated by the Board to projects in all nine construction districts based on a priority ranking system that takes into consideration (i) the number, condition, and costs of structurally deficient bridges and (ii) the mileage, condition, and costs to replace deteriorated pavements; and

WHEREAS, Enactment Clause 2 of Chapter 684 of the 2015 Virginia Acts of Assembly requires the Board to develop the priority ranking system pursuant to § 33.2-369 of the *Code* by July 1, 2016; and

WHEREAS, VDOT has developed a proposed priority ranking system methodology for structurally deficient bridges and deteriorated pavements that meets the requirements expressed in § 33.2-369 (B) which was presented to the Board on April 19, 2016

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and is set out in Attachment A (proposed State of Good Repair Prioritization Process Methodology); and

WHEREAS, The State of Good Repair Prioritization Process Methodology takes into consideration those factors mandated by § 33.2-369 (B) of the *Code* for purposes of identifying the state of good repair needs and prioritizes those needs in order for the Board to allocate the state of good repair funds to projects to address those identified needs; and

WHEREAS, VDOT has further developed State of Good Repair preliminary district allocation percentages as set out in Attachment B (FY 2017 State of Good Repair Percentage Fund Distribution Chart) for use for the FY 2017 State of Good Repair allocations; and

WHEREAS, VDOT recommends that the Board approve the State of Good Repair Prioritization Process Methodology set out in Attachment A for purposes of identifying the state of good repair needs and prioritizing those needs in order for the Board to allocate the state of good repair funds to projects; and

WHEREAS, VDOT recommends that the Board approve the FY 2017 State of Good Repair Percentage Fund Distribution set out in Attachment B for the State of Good Repair Program in FY 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board, that the proposed State of Good Repair Prioritization Process Methodology contained in Attachment A is hereby approved and adopted for purposes of identifying the state of good repair needs and prioritizing those needs in order for the Board to allocate the state of good repair funds to projects.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board, that the FY 2017 State of Good Repair Percentage Fund Distribution provided in Attachment B are approved for the purpose of providing FY 2017 State of Good Repair Program allocations.

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ATTACHMENT A

The Commonwealth Transportation Board

State of Good Repair Prioritization Process Methodology For The CTB Allocation of Funds and Project Selection

JUNE 2016

Purpose

This document describes a process and methodology which is designed to fulfill Commonwealth Transportation Board's statutory obligation to develop a "priority ranking system" for the allocation of state of good repair funds. The Commonwealth Transportation Board's approval of the methodology, by July 1, 2016, will meet the requirements of the second enactment clause of HB 1887, Chapter 684 of the 2015 Acts of Assembly.

Statutory Background

During the 2015 Session, the Virginia General Assembly passed HB 1887, enacted as Chapter 684 of the Acts of Assembly, a comprehensive transportation funding bill. The portions of the bill that address funding for state of good repair are reprinted below.

Section 33.2-358(D) applies to funds allocated for fiscal years beginning July 1, 2020 and provides:

> after funds are set aside for administrative and general expenses and pursuant to other provisions in this title that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection B, the Board shall allocate [forty-five percent of] all remaining funds, including funds apportioned pursuant to 23 U.S.C. § 104 … to state of good repair purposes as set forth in § 33.2-369.

State of Good Repair is defined in § 33.2-369(A) as "improvement of deficient pavement conditions and improvement of structurally deficient bridges."

The General Assembly directs the Commonwealth Transportation Board to allocate state of good repair funds in accordance with the provisions of § 33.2-369. Paragraphs B and C of that section provide:

> B. The Board shall allocate these funds to projects in all nine highway construction districts for state of good repair purposes based on a priority ranking system that takes into consideration (i) the number, condition, and costs of structurally deficient bridges and (ii) the mileage, condition, and costs to replace deteriorated pavements. The Board shall ensure an equitable needs-based distribution of funding among the highway construction districts, with no district receiving more than 17.5 percent or less than 5.5 percent of the total funding allocated in any given year. The Board may, by a duly adopted resolution, waive the cap provided in this section for a fiscal year only when it determines that due to extraordinary circumstances or needs the cap inhibits the ability of the Department to address a key pavement or bridge need that has been identified.
>
> C. In any year in which the Department has not met the established targets for secondary pavements developed in accordance with § 33.2-232 and before making the allocations in subsection B, the Board may allocate up to 20 percent of these funds to all nine highway construction districts to improve the condition of secondary pavements. The Board shall ensure an equitable needs-based distribution of funds among highway construction districts based on the mileage, condition, and cost to improve secondary pavements.

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Section 33.2-232 requires the Commissioner of Highways to include in the Department's deficient bridge and pavement annual report:

- Beginning with the November 2015 report through the November 2019 report, the allocations to the reconstruction and rehabilitation of functionally obsolete or structurally deficient bridges and to the reconstruction of pavements determined to have a combined condition index of less than 60, and

- beginning in 2016, a listing of prioritized pavement and bridge needs based on the priority ranking system developed by the Board pursuant to § 33.2-369 and a description of the priority ranking system, and

- beginning in 2020, the methodology used to determine allocations of construction funds for state of good repair purposes as defined in § 33.2-369 and any waiver of the cap provided for in subsection B of § 33.2-369.

The second enactment clause of HB1887 (Chapter 684, 2015 Acts of Assembly) requires the prioritization process to be approved by the Board by July 1, 2016.

Process and Methodology

Step 1 – Needs Assessment Process

Bridge Needs

1. The Commonwealth's bridges are inspected once every two years, or more frequently, depending on the bridge's condition using a national rating system.
2. The data collected from the inspection provides for an assessment of the condition of the bridge and is compiled within the bridge management system.
3. The bridge management system then determines the type of work recommended, and provides a list of needs or work to be performed.
4. The bridge needs are then separated to identify the structurally deficient bridges within the National Bridge Inventory. The bridge needs, in the National Bridge Inventory, beginning with those rated structurally deficient will be used in determining the State of Good Repair Needs.

Pavement Needs

1. The conditions of the Commonwealth's Interstate, primary and primary extension pavements are assessed annually using automated data collection technology.
2. Pavements are rated based on visible distresses, and the data is incorporated into the pavement management system.
3. The pavement condition data is analyzed within the pavement management system to assess maintenance needs using those elements of pavement distresses, traffic level, and structural condition based on asset management principles.
4. The pavement management system then provides the mileage, recommended treatment, and estimated costs to perform the necessary work on pavements, or pavement needs.

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5. The deteriorated pavement needs will be used in determining the State of Good Repair Needs.

Step 2 – State of Good Repair Needs and Funding Distribution Methodology

1. The State of Good Repair Needs are the total cost of the structurally deficient bridge needs on the National Bridge Inventory, and the total cost of deteriorated pavement needs on Interstate and primary highways, including municipally-maintained primary extensions.
2. The State of Good Repair Needs are compiled to determine the recommended State of Good Repair Funding Distribution allocated to each construction district.
    a. As provided for in the Code of Virginia (§ 33.2-369) each construction district receives no less than 5.5% and no more than 17.5% in a given year.
    b. Individual district percentages are determined by dividing district needs by the statewide needs.
    c. If any district's needs are less than 5.5% then the amount provided to other districts is reduced on a pro-rata basis to ensure such district receives 5.5% of available funding.
    d. Then if any district's needs percentage would require more than 17.5% of the funding, the district's percentage of funding will be reduced to 17.5% and the delta between the district's need percentage and 17.5% would be distributed to the remaining districts based on their needs percentage.
3. The State of Good Repair Needs are used to break down the percentage at the construction district level into four separate funding distributions – VDOT Bridge, Locality-owned Bridges, VDOT Pavement, and Municipally-maintained Primary Extensions (Pavement).
    a. Attachment B to the resolution shows the percentage fund distribution used for distributing the FY 2017 and FY 2018 State of Good Repair funds. VDOT will update the percentage fund distribution in FY 2019 based on the needs assessment shown in the FY 2018 Annual Report.

Step 3 – Priority Ranking System Methodology

The priority ranking system required by § 33.2-369 will have two components – one for bridges eligible for State of Good Repair funding and one for pavements eligible for State of Good Repair funding.

Bridges

1. The priorityranking system will examine all bridges in the Commonwealth eligible for State of Good Repair funding and rank the bridges in priority order based on the following criteria and weighting:
    a. Condition - General– measures overall condition of the bridge using detailed condition data compiled from the safety inspection report. Weighting - 25%.
    b. Cost-Effectiveness – based on the ratio of actual project cost to the cost for full replacement. Weighting - 20%.
    c. Number and Cost - Highway Traffic Impacts – based on traffic volume, truck traffic, detour, route and proximity to critical facilities. Weighting -

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30%.

d. Condition - Design Redundancy and Safety – fracture-critical, fatigue prone details and scour and seismic vulnerability. Weighting - 15%.
e. Condition - Structure Capacity – takes in consideration whether the bridge will be posted or has issues with clearances. Weighting - 10%.

2. A priority list of bridges for repairs will be developed for each district based on the priority ranking system.
3. For VDOT bridges, the prioritized list will be sent to each district for review. Each district shall use the prioritized bridge repair list to create recommended projects, except when the District Engineer/Administrator provides a written justification for an exception and such justification is approved by the Chief Engineer.
4. For Locality-owned bridges, the priority list of bridges for repair will be provided to the District Engineer/District Administrator and localities in each construction district along with any recommended repairs and the cost of those repairs.
    a. Each locality with a prioritized bridge on the list that does not concur with the VDOT recommended repairs and costs shall provide a summary of their proposal for repair of those bridges in a format specified by VDOT.
    b. Localities shall use the prioritized list of bridges for repair to create recommended projects, except (1) when a locality does not want to pursue corrective action to a priority bridge recommended for funding, the locality will need to provide a written justification and the next locality-owned bridge within the construction district on the priority list will be recommended to receive the State of Good Repair funding, or (2) when a locality wishes to rehabilitate or replace the bridge and the locality agrees to fund all costs in excess of recommended funding.
5. Recommended bridge projects for State of Good Repair funding in each district shall be recommended from the district's priority list of repairs in order for allocation of funding by the Commonwealth Transportation Board for inclusion in the Six-Year Improvement Program.

Pavements

1. The pavement condition data is analyzed through the pavement management system to estimate pavement needs. The pavement management system takes the pavement condition data into account and runs an optimization process. The optimization process applies the principles of asset management and considers factors such as available funds, performance targets, benefit cost ratio of treatments and prepares a section by section priority list. The pavement condition data for all Interstate and primary pavement sections including municipally-maintained primary extensions is run through a set a decision trees to select appropriate maintenance treatment by taking into account:

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a. Pavement distresses
b. Structural and subgrade strength
c. Traffic volume
d. Maintenance history

2. The output of the process is the number of lane miles of work needed in different pavement categories and estimated costs to accomplish the repairs measured in lane miles to meet the pavement performance targets.
3. For VDOT maintained pavements, the pavement management system will establish the number of lane miles for each construction district that are recommended for State of Good Repair funds. Each construction district will compile pavement projects based on the number of lane miles of deficient pavement that qualify for State of Good Repair funding and prioritize them for recommended funding using the following criteria:
    a. Road System– explains the roadway system (i.e., Interstate or primary), Interstate systems having the higher priority over Primary systems.
    b. Use or traffic count– the amount of traffic the lane miles carry also considering the number of heavy trucks and buses.
    c. Condition– The severity of distress of the pavement using the standard pavement rating system.
    d. Potential for immediate or near term further degradation – the impact caused if the lanes miles are not repaired or treated immediately.
4. The construction district shall follow the priority determined above except for instances when the District Engineer/District Administrator provides a written justification and such justification is approved by the Chief Engineer when practicality, conflicting construction, or coordinating with other highway work necessitates deviating from the established prioritization.
    a. Traffic Counts
    b. Condition
    c. Potential future degradation
5. For the municipally-maintained primary extensions, VDOT will provide the pavement condition ratings to each construction district and the localities within the district following the same rating protocols as VDOT maintained roads. The localities will then follow the same application process for the primary extensions as adopted by the Board on June 18, 2014 (link), as amended from time to time.
6. Recommended pavement projects for State of Good Repair funding on VDOT pavements and municipally-maintained primary extensions in each district shall be submitted for approval and allocation of funding by the Commonwealth Transportation for inclusion in the Six-Year Improvement Program.

Publication of Bridge and Pavement Prioritized Lists

This State of Good Repair Policy and Guidelines Prioritization Process Methodology For The Distribution CTB Allocation of Funds and Project Selection; and the results of the CTB allocation of funding for projects shall be published in the Commissioner's Annual Report as required by § 33.2-232 of the Code of Virginia.

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Attachment B
FY 2017 State of Good Repair Percentage Fund Distribution Chart

District	FY 2017 (Based on previously proposed distribution)	VDOT			Localities		
		Pavement	Bridge	Total	Pavement	Bridge	Total
Bristol	**11.7%**	21%	64%	**85%**	2%	13%	**15%**
Culpeper	**6.0%**	25%	45%	**70%**	3%	27%	**30%**
Fredericksburg	**12.1%**	18%	77%	**95%**	2%	3%	**5%**
Hampton Roads	**14.8%**	7%	38%	**45%**	25%	30%	**55%**
Lynchburg	**7.6%**	29%	63%	**92%**	5%	3%	**8%**
Northern Virginia	**10.6%**	27%	61%	**88%**	11%	1%	**12%**
Richmond	**17.4%**	25%	65%	**90%**	4%	6%	**10%**
Salem	**12.1%**	21%	67%	**88%**	3%	9%	**12%**
Staunton	**7.9%**	13%	76%	**89%**	4%	7%	**11%**

NOTE: The FY 2017 State of Good Repair Percentage Fund Distribution Chart will be used for allocating the State of Good Repair funds in FY 2017 and FY 2018. The percentages will be updated in FY 2019 based on the needs assessment shown in the FY 2018 Annual Report.

Back to Funds - Allocations, Apportionments, and Expenditures

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 18, 2015

MOTION

Made By: Mr. Rosen, Seconded By: Mr. Williams

Action: Motion Carried, Unanimously

Title: Annual Certification for Systematic Review of Funding Policy

WHEREAS, the Commonwealth Transportation Board (CTB) adopted a resolution on April 19, 2007, requiring the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) to present to the CTB, at its September 2007 meeting recommendations as to how the CTB can ensure that unused funds allocated to VDOT and DRPT are systematically reviewed and reported to the CTB on an annual basis and are either reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation; and

WHEREAS, it was the desire of the Commonwealth Transportation Board to ensure effective utilization of funds available to VDOT and DRPT; and

WHEREAS; on October, 18, 2007, the Commonwealth Transportation Board, by resolution, adopted a policy that required (i) the Chief Financial Officers of VDOT and DRPT to annually certify, within six months of the Commonwealth's fiscal year end close, that construction project allocations no longer needed for execution of a project had been reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation; (ii) VDOT's Inspector General to audit the VDOT certification as part of the annual audit plan; and (iii) the Auditor of Public Accounts to be notified of this certification requirement for both VDOT and DRPT, (set forth as attachment A and hereinafter referred to as the "Systematic Review of Funding Policy"); and

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, on December 4, 2013, to amend the requirements relating to annual certification for Systematic Review of Funding Policy, the CTB found the measures and processes implemented by VDOT and DRPT for systematic project closeout and reallocation of unused funds to be satisfactory, meeting the objectives and purposes intended and established by the Systematic Review of Funding Policy; and

WHEREAS, the CTB amended the policy to only require the certification by the Chief of Planning and Programming of VDOT and the Chief Financial Officer of DRPT annually that unused funds are timely reallocated; and

WHEREAS, VDOT's Chief of Planning and Programming's responsibility for conducting the annual certification is now performed by VDOT's Chief Financial Officer as a result of organizational changes; and

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board requires certification by the Chief Financial Officers of VDOT and DRPT annually that unused funds are timely reallocated.

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Back to Funds - Allocations, Apportionments, and Expenditures

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 4, 2013

MOTION

Made By: Mr. MillerSeconded By: Mr. Garczynski
Action: Motion Carried, Unanimously

Title: Repeal of Systematic Review of Funding Policy

WHEREAS, the Commonwealth Transportation Board (CTB) adopted a resolution on April 19, 2007, requiring the Virginia Department of Transportation (VDOT) and the Department of Rail & Public Transportation (DRPT) to present to the CTB, at its September 2007 meeting recommendations as to how the CTB can ensure that unused funds allocated to VDOT and DRPT are systematically reviewed and reported to the CTB on an annual basis and are either reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation; and

WHEREAS, it was the desire of the Commonwealth Transportation Board to ensure effective utilization of funds available to VDOT and DRPT; and

WHEREAS, on October, 18, 2007, the Commonwealth Transportation Board, by resolution, adopted a policy that required (i) the Chief Financial Officers of VDOT and DRPT to annually certify, within six months of the Commonwealth's fiscal year end close, that construction project allocations no longer needed for execution of a project had been reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation; (ii) VDOT's Inspector General to audit the VDOT certification as part of the annual audit plan; and (iii) the Auditor of Public Accounts to be notified of this certification requirement for both VDOT and DRPT, (set forth as attachment A and hereinafter referred to as the "Systematic Review of Funding Policy"); and

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, VDOT's Chief Financial Officer's responsibility for conducting the annual certification is now performed by VDOT's Chief of Planning and Programming as a result of organizational changes; and

WHEREAS, VDOT's Chief of Planning and Programming/Chief Financial Officer have, since 2007, fulfilled the annual certification requirement in effect by: (1) ensuring that the annual certification was adequately supported and completed by the deadline established pursuant to the Systematic Review of Funding Policy; (2) taking reasonable steps to achieve the results contemplated in the CTB Policy; and (3) consistently determining that allocations identified as no longer required for the execution of projects were timely reallocated or otherwise distributed in accordance with the CTB Policy; and

WHEREAS, VDOT has implemented several organizational changes and improved processes to include creation of Planning and Investment Offices in each VDOT District, improved accountability for allocation of funds managed by others, issuance of a department memorandum to formalize policies and procedures for the financial management of projects, and new financial reports to facilitate reviews and analysis; and

WHEREAS, VDOT actively manages construction funds through on-going reviews of allocations and obligations at project lifecycle and key milestones and during annual development of the Six Year Improvement Program and federal strategy, has complied and continues to comply with annual FHWA audit requirements (otherwise referred to as Financial Integrity Review and Evaluation) that ensure a systematic review of inactive federally funded projects as candidates for project closeout and final vouchering, and submits on a monthly basis to the CTB fund transfers resulting from such allocation reviews for approval; and,

WHEREAS, DRPT's Chief Financial Officer has, since 2007, reported that unused funds allocated to it are systematically reviewed and reported to the CTB on an annual basis and are reallocated by the CTB. This annual certification was provided by the Chief Financial Officer of DRPT to the CTB within six months of each year end close; and,

WHEREAS, On April 18, 2007, the CTB authorized DRPT to allocate to certain agency initiatives, deobligated funds which were discovered after the agency implemented a systematic process to reconcile all project balances to the revenues collected by the agency and expenditures made on each project ("reconciliation process"); and,

WHEREAS, DRPT performs this reconciliation process on a monthly basis and reports the results to CTB each quarter, identifying all unobligated funds by funding source; and,

WHEREAS, DRPT manages it 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; and,

WHEREAS, DRPT must annually submit and certify the financial activity of each federal award in Financial Status Reports to both the Federal Transit Administration and the Federal Railroad Administration.

NOW, THEREFORE, BE IT RESOLVED, that based on the foregoing, the Commonwealth Transportation Board finds that the measures and processes implemented by VDOT and DRPT relating to systematic project closeout and reallocation of unused funds satisfy the objectives and purposes intended and established by the Systematic Review of Funding Policy adopted by the Board on October 18, 2007 but desires that certain aspects of the policy continue; and

BE IT FURTHER RESOLVED that the Commonwealth Transportation Board hereby amends the Policy previously adopted by the Board on October 18, 2007 to only require the certification by the Chief of Planning and Programming of VDOT and the Chief Financial Officer of DRPT annually that unused funds are timely reallocated.

####

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 16, 2011

MOTION

Made By: Mr. Sterling **Seconded By: Mr. Rich**

Action: Motion Carried, Unanimously
Title: CMAQ Policy

WHEREAS, Section 33.1-12 (9)(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 (SYIP) 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 Board is required by *Code of Virginia* Section 33.1-12 (9) and (11) to administer and allocate funds in the Transportation Trust Fund; and,

WHEREAS, Section 33.1-12 (9)(b) of the *Code of Virginia* provides that the Board is to coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and is to allocate funds for these needs pursuant to §§ 33.1-23.1 and 58.1-638, by adopting a Six-Year Improvement Program; and,

WHEREAS, Section 58.1-638 authorizes allocations to local governing bodies, transportation district commissions, or public service corporations for, among other things, capital project costs for public transportation and ridesharing equipment, facilities, and associated costs; and

WHEREAS, the Commonwealth receives approximately $50 million annually in federal Congestion Mitigation and Air Quality Funds as defined in 23 USC 149; and,

WHEREAS, CMAQ funds may be used to fund projects that reduce air pollution and reduce congestion in designated nonattainment or maintenance areas or outside of nonattainment or maintenance areas where they contribute to air quality improvements in those areas; and,

Back to Funds - Allocations, Apportionments, and Expenditures

WHEREAS, the Commonwealth Transportation Board (CTB) has historically delegated the authority to program CMAQ funds to the metropolitan planning organizations (MPOs) in the Commonwealth's nonattainment and maintenance areas; and,

WHEREAS, Chapter 874 of the 2010 Virginia Acts of the Assembly Item 436 contains certain conditions regarding the efficient use of CMAQ funds; and,

WHEREAS, the Board is committed to aligning priorities, improving project execution, improved planning, and increased accountability of CMAQ funds; and,

WHEREAS, the Board believes that direct involvement by the Board in the allocation of these federal funds will facilitate the efficient use of these funds; and,

NOW THEREFORE BE IT RESOLVED, by the Commonwealth Transportation Board that, beginning with the FY12-17 SYIP, the district CTB member will work with appropriate MPOs and VDOT and DRPT staff to recommend to the Board a list of CMAQ projects for inclusion in the SYIP in order to allocate all six years of CMAQ funds anticipated to be available to the MPOs; and,

BE IT FURTHER RESOLVED, that CMAQ funds will be programmed to facilitate maximization of the use of federal funds, including fully funding project phases according to current schedules and estimates; and

BE IT FURTHER RESOLVED, that CMAQ allocations will be programmed centrally by VDOT and DRPT staff based on the recommended CMAQ projects according to CTB priorities and federal eligibility requirements; and,

BE IT FURTHER RESOLVED, that the CTB supports revisions to the Appropriations Act regarding the efficient use of CMAQ and Regional Surface Transportation Program (RSTP) funds to revise obligation and expenditure timeframes for RSTP funds, to eliminate CMAQ requirements, to eliminate retroactive implementation of fund withdrawal, and to provide localities with an opportunity to address deficiencies prior to withdrawing state match for RSTP; and,

BE IT FURTHER RESOLVED, that legislative direction regarding the efficient obligation and expenditure of CMAQ funds, as specified in Chapter 874 of the 2010 Virginia Acts of the Assembly Item 436, will be implemented by the CTB beginning in fiscal year 2012.

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Back to Funds - Allocations, Apportionments, and Expenditures

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 18, 2007

MOTION

Made By:Mr. White **Seconded By:Mr. McCarthy** **Action:Motion Carried, Unanimously**

Title: Systematic Review of Funding Policy

WHEREAS, the Commonwealth Transportation Board (CTB) passed a resolution on April 19, 2007, requiring the Virginia Department of Transportation (VDOT) and the Department of Rail & Public Transportation (DRPT) to present to the CTB, at its September 2007 meeting recommendations as to how the CTB can ensure that unused funds allocated to VDOT and DRPT are systematically reviewed and reported to the CTB on an annual basis and are either reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation; and

WHEREAS, it is the desire of the Commonwealth Transportation Board to ensure effective utilization of funds available to VDOT and DRPT; and

WHEREAS, the Commonwealth Transportation Board has been provided a draft policy that requires the Chief Financial Officers of VDOT and DRPT to annually certify, within six months of Commonwealth's fiscal year end close, that construction project allocations no longer needed for execution of the project have been reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation. VDOT's Inspector General will audit the VDOT certification as part of the annual audit plan and the Auditor of Public Accounts will be notified of this certification requirement for both VDOT and DRPT;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves the attached policy.

Back to Funds - Allocations, Apportionments, and Expenditures

BE IT FURTHER RESOLVED, that consideration be given to drafting legislation that will codify this CTB policy for the 2009 General Assembly session.

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Back to Funds - Allocations, Apportionments, and Expenditures

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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CTB POLICY STATEMENT

Systematic Review of Funding

Purpose

This policy will ensure all funds available to the Virginia Department of Transportation (VDOT) and Department of Rail and Public Transportation (DRPT) are used effectively.

Background

On April 19, 2007 the Commonwealth Transportation Board (CTB) unanimously adopted a resolution requiring the VDOT and the DRPT to present to the CTB, at its September 2007 meeting, recommendations as to how the CTB can ensure that unused funds allocated to VDOT and DRPT are systematically reviewed and reported to the CTB on an annual basis and are either reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation.

Policy

The Chief Financial Officers of VDOT and DRPT will annually certify, within six months of the Commonwealth's fiscal year end close, that construction project allocations no longer needed for execution of the project have been reallocated by the CTB or distributed or reallocated to the locality designated in the original allocation. VDOT's Inspector General will audit the VDOT certification as part of the annual audit plan and the Auditor of Public Accounts will be notified of this certification requirement for both VDOT and DRPT.

Effective Date

This policy will be effective upon approval of the CTB.

Back to Funds - Allocations, Apportionments, and Expenditures

Funds – Transfers

- Transfer of Construction Balances to Reserve Fund (6/25/1947)
- Transfer of State Secondary Federal Aid (6/25/1947)
- Transfer of Balances for Flood Damage Repairs (5/27/1937)

Minutes of the Meeting of the State Highway Commission Held in Richmond, June 25, 1947.

At 9:00 o'clock Wednesday morning, June 25, the State Highway Commission met in the Central Highway Building, Richmond, Va., there being present Messrs. E. P. Barrow, Geo. P. DeHardit, S. W. Rawls, Howard C. Rogers, J. H. Wampler, J. F. Wyser and James A. Anderson. The meeting was called to order by the Chairman.

Moved by Mr. Wyser, seconded by Mr. Wampler, that the minutes of the meeting of March 4, 1947, be approved. Motion carried.

Moved by Mr. Wampler, seconded by Mr. Wyser, that the Commission approve the permits issued from March 4 to June 25 inclusive, as recorded in the Auditing Division. Motion carried.

Moved by Mr. Rogers, seconded by Mr. Barrow, that the Commission confirm award of contract on bids received June 12th for insurance on the Department's fleet of automobiles and trucks, 1,988 vehicles, for the year beginning July 1, 1947, to the Pennsylvania Threshermen and Farmers' Mutual Insurance Company. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Wyser, that, Whereas on June 21, 1947, our fellow member, Kenneth Newcomer Gilpin, of Boyce, Va., departed this life, and

Whereas Major Gilpin had been a most valuable asset to the Highway Commission and highway development in Virginia for many years and had faithfully served as a Member of this body since September 20, 1938, Therefore

Be it Resolved that the State Highway Commission deplores the loss of this able and outstanding gentleman and colleague whose every act was marked by the highest character and consideration.

Be It Further Resolved that a copy of this Resolution be spread upon the official minutes of the State Highway Commission and that a copy be transmitted to the family of the late Kenneth Newcomer Gilpin as a tribute of respect and love and as an expression of the heartfelt sympathy of this Commission.

A letter of May 28 from Mr. Robert Lane Anderson, President of the Marion Chamber of Commerce, was read to the Commission, relative to Route 16, Marion to Tazewell.

A letter of May 28 from the President of the Wythe County Chamber of Commerce was read to the Commission relative to request for allocations and improvements in the county.

Letter of June 2 from the Mayor of Fries was also read to the Commission relative to the section of Route 94 in Fries

Back to Funds - Transfers

Moved by Mr. Wysor, seconded by Mr. Rawls, that it will be the policy of the State Highway Commission in carrying out the provisions of Chapter 65, Acts of 1946, where it involves the construction of sidewalks in incorporated towns having population of less than 3500, to bear 50% of the cost of such sidewalks where they are found necessary, provided the town agrees to pay fifty per cent. The cost to mean the cost of construction and the cost of the acquisition of the necessary right of way. Maintenance of the sidewalks to be at the expense of the Department of Highways so long as the town has the rights of a municipality having less than 3500 population. Motion carried.

Moved by Mr. Wysor, seconded by Mr. Wampler, that the request of Ralph E. Mills Company for an extension of time on Project S 1098 D,83, Route 117 Y, 0.826 Mi. E. of SCL Salem and Bridge over Mason's Creek, be approved for 24 days and the return of $240.00 liquidated damages, as recommended by the Chief Engineer. Motion carried.

Moved by Mr. Wampler, seconded by Mr. DeHardit, that the request of Ralph E. Mills Co., for an extension of time on Project SB-FAP 771 HM1, DR1, FH1, Route 11, 3.84 Mi. W. of WCL Salem 6.449 Mi. W. of WUL Salem and Bridge over Callahan Branch, be approved for 60 days and the return of $600.00 liquidated damages, as recommended by the Chief Engineer. Motion carried.

Moved by Mr. Wampler, seconded by Mr. DeHardit, that the request of Philip L. Baird, Roanoke, Va., for an extension of time on Project S 678 B6, Route 122, Bridge over Gills Creek near Wirtz, be approved for 50 days and the return of $500.00 liquidated damages, as recommended by the Chief Engineer. Motion carried.

Moved by Mr. Rawls, seconded by Mr. DeHardit, that after construction is completed and all obligations paid the Commission authorize the transfer of construction balances to the Reserve Fund in the district in which the balance occurs. Motion carried.

A full picture was given the Commission by the Chairman of revenues, costs, expenditures, etc. It was explained that the Commission had an average of about ten cents on a dollar to meet legitimate demands and that the cost of work was up about 65% over what it was several years ago, and that the Commission had spent ten million dollars of its balance, which balance created because of the inability to do work during the war on projects to which the funds had been allocated. Likewise a full explanation of funds for the Secondary System was given the Commission.

The need of a Highway Conference at Lexington October 31 and November 1, 1947, was brought to the attention of the Commission, this being the renewal of similar meetings held previous to the war. The Commission felt that such a school was a good idea.

Back to Funds - Transfers

Minutes of the Meeting of the State Highway Commission
Held in Richmond, June 25, 1947.

At 9:00 o'clock Wednesday morning, June 25, the State Highway Commission met in the Central Highway Building, Richmond, Va., there being present Messrs. E. P. Barrow, Geo. P. DeHardit, S. W. Rawls, Howard C. Rogers, J. H. Wampler, J. F. Wyser and James A. Anderson. The meeting was called to order by the Chairman.

Moved by Mr. Wyser, seconded by Mr. Wampler, that the minutes of the meeting of March 4, 1947, be approved. Motion carried.

Moved by Mr. Wampler, seconded by Mr. Wyser, that the Commission approve the permits issued from March 4 to June 25 inclusive, as recorded in the Auditing Division. Motion carried.

Moved by Mr. Rogers, seconded by Mr. Barrow, that the Commission confirm award of contract on bids received June 12th for insurance on the Department's fleet of automobiles and trucks, 1,988 vehicles, for the year beginning July 1, 1947, to the Pennsylvania Threshermen and Farmers' Mutual Insurance Company. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Wyser, that, Whereas on June 21, 1947, our fellow member, Kenneth Newcomer Gilpin, of Boyce, Va., departed this life, and

Whereas Major Gilpin had been a most valuable asset to the Highway Commission and highway development in Virginia for many years and had faithfully served as a Member of this body since September 20, 1938, Therefore

Be it Resolved that the State Highway Commission deplores the loss of this able and outstanding gentleman and colleague whose every act was marked by the highest character and consideration.

Be It Further Resolved that a copy of this Resolution be spread upon the official minutes of the State Highway Commission and that a copy be transmitted to the family of the late Kenneth Newcomer Gilpin as a tribute of respect and love and as an expression of the heartfelt sympathy of this Commission.

A letter of May 28 from Mr. Robert Lane Anderson, President of the Marion Chamber of Commerce, was read to the Commission, relative to Route 16, Marion to Tazewell.

A letter of May 28 from the President of the Wythe County Chamber of Commerce was read to the Commission relative to request for allocations and improvements in the county.

Letter of June 2 from the Mayor of Fries was also read to the Commission relative to the section of Route 94 in Fries

Back to Funds - Transfers

Moved by Mr. Rawls, seconded by Mr. Wysor, that as provided by Chapter 212, Section 1, Act approved March 19, 1926, and upon recommendation of the Commissioner, the following section of old Route 35 in Southampton County being no longer necessary for uses as a highway same be abandoned upon opening of new section in lieu thereof: Section 1 shown on plat dated August 8, 1946, Project 1401 AB-1,M-1. That as provided by Chapter 415, Section 8, Act approved March 31, 1932, section 2 shown on plat referred to be abandoned as a part of the Secondary System and section 3 also shown on the plat be added to the system as a connection. Motion carried.

Moved by Mr. DeHardit, seconded by Mr. Rawls, that as provided by Chapter 415, Section 8, Act approved March 31, 1932, and upon recommendation of the Commissioner the following section of Route 639 in Spotsylvania County being no longer necessary for uses as a secondary highway the same be abandoned: Section 2 shown on plat dated August 8, 1946, Project 1336 A, and that section 3 also shown on the plat referred to be added to the Secondary System as a connection. Motion carried.

Moved by Mr. Rogers, seconded by Mr. Rawls, that as provided by Chapter 212, Section 1, Act approved March 19, 1926, and upon recommendation of the Commissioner, the following sections of old Route 1 in Stafford County being no longer necessary for uses as a highway the same be abandoned upon opening of new sections in lieu thereof: Sections 1 and 4 shown on plat dated August 8, 1946, Projects 225 B2 and 123 W-5; section 1 to revert to the Secondary System and section 4 to be retained for right of way purposes. Motion carried.

Moved by Mr. Rogers, seconded by Mr. DeHardit, that as provided by Chapter 212, Section 1, Act approved March 19, 1926, and upon recommendation of the Commissioner, the following section of old location of Route 67 in Tazewell County being no longer necessary for uses as a highway the same be abandoned upon opening of new section in lieu thereof: Section 1 shown on plat dated January 30, 1947, Project 1406 A. Motion carried.

Moved by Mr. Wysor, seconded by Mr. Rawls, that upon an application for the cancellation of a permit is approved by the Commissioner, the Auditor may deduct $5.00 from the guarantee check and return the balance to the applicant before final approval of cancellation by the State Highway Commission. Motion carried.

The Chairman explained to the Commission the problems of the Department relative to the securing of right of way on the Secondary System. It is the sense of the Commission that where the Board of Supervisors do not aid in securing the right of way and do not want State Secondary Federal Aid expended on a specified Route that the money be transferred to some other county in the District.

Back to Funds - Transfers

Transfer of Balances for Flood Damage Repairs

Minutes of the Meeting of the State Highway
Commission of Virginia, Held in
Richmond, May 27, 1937.

On the morning of May 27th, the State Highway Commission, consisting of Messrs. H. G. Shirley, Wade H. Massie, Secretary, Wm. E. East, S. W. Rawls, and J. F. Wysor, met in their office, State Office Building, Richmond, Virginia

The meeting was called to order by the Chairman.

The members of the Commission sitting in the case of closing grade crossing on Route 340 at Gaylord, in Clarke County, were called to order by Mr. Massie, there being present Messrs. Massie, East, Rawls and Wysor. It was moved by Mr. East, seconded by Mr. Rawls, that the grade crossing of the Norfolk and Western Railway on the old road be closed as the overhead crossing adjacent thereto has been completed and opened to traffic; and that the entrances from the new road to the old on either side of the overhead be widened for the convenience and safety of the abutting property holders. Motion carried.

Moved by Mr. Rawls, seconded by Mr. East, that the minutes of the meeting of April 13, 14, 15 and 16 be approved. Motion carried.

Moved by Mr. Massie, seconded by Mr. Wysor, that the minutes of the meeting of April 26th be approved. Motion carried.

Moved by Mr. Wysor, seconded by Mr. Rawls, that all bids on furnishing State highway maps for the ensuing year be rejected and new bids presented on Tuesday, June 1, at ten o'clock, and the Chairman be authorized to award same. Motion carried.

Moved by Mr. Wysor, seconded by Mr. Rawls, that the Commission confirm award of contract for the low bidder, Reilly Tar and Chemical Corporation, Norfolk, Va., for furnishing Bituminous Tar Prime on bid received April 15th. Motion carried.

Moved by Mr. Wysor, seconded by Mr. Massie, that the Commission confirm award of contract to the low bidder, the Sinclair Refining Company, Richmond, Va., for approximately 113,915 gallons of lubricating oil, for the period from May 15th, 1937, to December 15th, 1937. Motion carried.

Moved by Mr. East, seconded by Mr. Rawls, that the $1,000.00 check deposited by the Southern Asphalt Company as a guarantee for delivery of asphalt on November 25, 1936, which it failed to do, be forfeited. Motion carried.

Back to Funds - Transfers

Moved by Mr. Rawls, seconded by Mr. Wysor, that the sick leave of J. H. Howlan, Mechanic, be extended for thirty days with pay, carrying him through April 21st. Motion carried.

Moved by Mr. Shirley, seconded by Mr. Rawls, that the sick leave of R. R. Hayes, Junior Draftsman, be extended 7 days with pay, March 25th through the 31st, inclusive. Motion carried.

Moved by Mr. Wysor, seconded by Mr. Massie, that the sick leave of Jack Skinner, Patrolman, be extended six days with pay, March 26th through the 31st, inclusive. Motion carried.

Moved by Mr. Rawls, seconded by Mr. East, that the sick leave of M. C. Gray, Patrolman, be extended 9 days with pay, May 1st to 9th inclusive. Motion carried.

Moved by Mr. Shirley, seconded by Mr. Rawls, that the request for extension of sick leave for Mr. A. W. Card, employed in 1936, be not granted. Motion carried.

Moved by Mr. East, seconded by Mr. Wysor, that the Chairman be authorized to transfer any balances or unallocated funds to pay the cost of repairing flood damage. Motion carried.

Moved by Mr. Massie, seconded by Mr. East, that the Chairman be authorized to expend between $12,000.00 and $17,000.00, to be used at Front Royal on the road to the Bayou Plant, from any funds available. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Wysor, that permit #7704, Route 275, Frederick County, issued April 7th to the Northern Virginia Power Company, Winchester, Va., be cancelled inasmuch as it was erroneously issued. Motion carried.

Moved by Mr. Wysor, seconded by Mr. East, that permit #22678, Routes 100 and 101, Pulaski County, issued January 17, 1936, to the Town of Draper, be cancelled as requested. Motion carried.

Moved by Mr. East, seconded by Mr. Massie, that permit #21480, Route 360, Henrico County, issued June 5, 1936, to the Virginia Electric and Power Co., Richmond, Va., be cancelled as requested. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Shirley, that permit #17665, Route 60, Amherst County, issued October 28th, 1936, to Mr. L. H. Shrader, be cancelled as requested. Motion carried.

Moved by Mr. Massie, seconded by Mr. East, that permit #23985, Route 45, Goochland County, issued November 2, 1936, to the Virginia Electric and Power Co., Richmond, Va. be cancelled as requested. Motion carried.

Back to Funds - Transfers

Hazardous Materials

- Regulatory Reduction Program and Proposed Regulatory Amendments: Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (24VAC30-61) (12/4/2024)

- Revisions to *Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities* (24 VAC 30-61) (3/16/2011)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # *6*

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 4, 2024

MOTION

Made By: Ms. Green, **Seconded By:** Ms. Sellers
Action: Motion Carried, Unanimously

Title: Regulatory Reduction Program and Proposed Regulatory Amendments: Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (24VAC30-61)

WHEREAS, pursuant to the resolution titled *Approval of Notices of Intended Regulatory Action in Conjunction with Periodic Regulatory Review* approved at the Commonwealth Transportation Board's (CTB) July 16, 2024, action meeting, the Virginia Department of Transportation (VDOT) filed the approved Notice of Intended Regulatory Action (NOIRA) and associated Agency Background Document for the Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (24VAC30-61) on the Virginia Regulatory Town Hall website to initiate the process of amending the regulation; and

WHEREAS, no comments were received during the 30-day public comment period held in conjunction with publication of the NOIRA in the *Virginia Register of Regulations*; and

WHEREAS, this action was initiated to (i) fulfill the periodic regulatory review requirements of the Virginia Administrative Process Act (section 2.2-4000 *et seq* of the *Code of Virginia*) and Executive Order (EO) 19 (June 30, 2022) and (ii) pursue regulatory reduction in accordance with EO 19 and guidance from the Office of Regulatory Management (ORM) requiring each agency to reduce the agency's discretionary regulatory burden on the public by 25%, with reductions generally requiring amendment of regulations through the rulemaking process; and

Back to Hazardous Materials

WHEREAS, VDOT conducted a full review of 24VAC30-61 pursuant to the ORM requirements and has identified opportunities for clarifying and streamlining the regulatory language through potential amendments to this regulation, as detailed in Attachment A; and

WHEREAS, pursuant to the Administrative Process Act, the proposed amendments to the regulation must now be posted on the Virginia Regulatory Town Hall in conjunction with the Proposed stage of the regulatory process and published in the *Virginia Register of Regulations* for a public comment period of 60 days before the amended regulation may be finalized and become effective; and

WHEREAS, VDOT has completed an Agency Background Document (TH-02) to be filed on Town Hall in conjunction with the Proposed stage for this regulation (Attachment B); and

WHEREAS, the CTB originally adopted 24VAC30-61 pursuant to the authority set forth in §§ 33.2-210 and 33.2-300 of the *Code of Virginia*, 49 USC § 5112, and 49 CFR Part 397, and is authorized to take action to amend, repeal or retain said regulation.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby approves the proposed amendments to the Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (24VAC30-61) attached hereto (Attachment A).

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all necessary actions to promulgate the amended regulation, filing the necessary forms, including the Proposed Regulation Agency Background Document (Attachment B), as may be required by the Virginia Administrative Process Act.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board authorizes and directs the Commissioner of Highways or his designees to complete the regulatory process for the regulation, including the Final Stage, and to bring Final amendments/the regulation back to the Board for approval, prior to finalization, only if public comments are received, substantive changes are suggested to the proposed amendments attached hereto, or additional amendments are suggested for the regulation.

####

Editor's Note: For the current official version of this regulation, see 24 VAC 30-61.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 16, 2011

MOTION

Made By: Mr. Layne **Seconded By: Dr. Davis**

Action: Motion Carried, Unanimously

Title: Revisions to *Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities* (24 VAC 30-61)

WHEREAS, the *Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities* (24 VAC 30-61) is an Administrative Process Act-subject regulation that sets forth the rules for transporting hazardous materials through state-owned bridge-tunnel facilities; and

WHEREAS, under authority granted by §§ 33.1-12 (3) and 33.1-49 of the *Code of Virginia*, the Commonwealth Transportation Board previously adopted the regulations in their current format on September 21, 1995; and

WHEREAS, pursuant to Executive Order Number 107 (09), which was subsequently superceded by Executive Order 14 (10), the Virginia Department of Transportation (VDOT) conducted a review to determine whether the regulations should be amended or retained as written, and found that minor, non-substantive amendments are necessary to update, correct, and clarify the regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Board amends its resolution of September 21, 1995, and adopts the amended *Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities* (24 VAC 30-61), attached herein; and

BE IT FURTHER RESOLVED, that the effective date of the regulatory action approved herein shall be as provided for by the regulatory submission requirements established by the *Code of Virginia*, Executive Order 14 (10), and the State Registrar of Regulations.

####

Editor's Note: For the current official version of this regulation, see 24 VAC 30-61.

Back to Hazardous Materials

Highways – Acceptances, Additions and Abandonments

- Regulatory Reduction Program and Proposed Regulatory Amendment: Subdivision: Street Requirements (24VAC30-91) (10/15/2025)
- Authorization of Proposed Amendments to Secondary Street Acceptance Requirements Pursuant to Chapter 425 of the 2022 Acts of Assembly) (12/4/2023)
- Repeal of Guide for Additions, Abandonments, and Discontinuances (24VAC30-290) from the Virginia Administrative Code (7/15/2015)
- Revision of Criteria for Transferring Secondary Roads to the Primary System and Repeal of 24VAC30-470 (2/20/2013)
- Adoption of Secondary Street Acceptance Requirements Pursuant to Chapter 870 of the 2011 Acts of Assembly (10/19/2011)
- Additions and Abandonments within Towns or Cities with Population Greater than 3,500 (7/17/1980)
- Secondary Roads through State Parks (3/23/1937)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 15, 2025

MOTION

Made By: Ms. Sellers**, Seconded By:** Ms. Green
Action: Motion Carried, Unanimously

Title: Regulatory Reduction Program and Proposed Regulatory Amendment: Subdivision Street Requirements (24VAC30-91)

WHEREAS, the Subdivision Street Requirements, 24VAC30-91, establish the conditions and standards that must be met for certain subdivision streets constructed by private entities in proposed developments whose plans were submitted to the Virginia Department of Transportation (VDOT) prior to July 1, 2009, to be accepted into the state secondary system for maintenance by VDOT; and

WHEREAS, the Commonwealth Transportation Board adopted 24VAC30-91 pursuant to its general authority to adopt regulations in § 33.2-210 of the *Code of Virginia* and the authority granted in §§ 33.2-326 and 33.2-705 of the *Code of Virginia* pertaining to the secondary state highway system; and

WHEREAS, pursuant to the requirements of Executive Order 19 (2022), VDOT has determined that regulatory reduction and streamlining can be achieved through removing an unnecessary Document Incorporated by Reference (DIBR) from the regulation; and

WHEREAS, VDOT developed the proposed amendment to 24VAC30-91 (Attachment A) which VDOT advises is not likely to be controversial and has completed an Agency Background Document (Attachment B) to be filed on the Virginia Regulatory Town Hall (Town Hall) in conjunction with the recommended fast-track action to amend this regulation.

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NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby adopts the proposed amendment to 24VAC30-91, Subdivision Street Requirements (Attachment A) to remove an unnecessary DIBR.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board requests that the Commissioner of Highways, or his designees, take all necessary actions to effectuate the amendment of 24VAC30-91, including posting the associated Agency Background Document (Attachment B) to Town Hall.

BE IT FURTHER RESOLVED, that Board approval of this item replaces and supersedes the September 16, 2004, resolution titled *Proposed Revision of the Subdivision Street Requirements*, provided however that nothing herein is intended to invalidate any actions previously taken pursuant to those resolutions.

####

Editor's Note: For the current official version of this regulation, see entry for 24 VAC 30-91 in the Virginia Administrative Code (VAC).

####

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 4, 2023

MOTION

Made By: Mr. Stant**Seconded By:** Mr. Laird

Action: Motion Carried, Unanimously

Title: Authorization of Proposed Amendments to Secondary Street Acceptance Requirements Pursuant to Chapter 425 of the 2022 Acts of Assembly

WHEREAS, Chapter 425 of the 2022 Acts of Assembly amended §33.2-334 to require that the regulatory provisions for the Secondary Street Acceptance Requirements (SSAR) include flexibility to limit the number of connections to adjacent property or highway networks as deemed appropriate; and

WHEREAS, Chapter 425 further directed the Virginia Department of Transportation (VDOT) to convene a stakeholder advisory group, no later than January 1, 2023, for the purpose of developing amendments to the SSAR and recommending these amendments to the Commonwealth Transportation Board; and

WHEREAS, the SSAR regulations are used to determine the conditions and standards that must be met before streets constructed by developers, localities, and entities other than VDOT will be accepted into the state secondary system for maintenance by VDOT; and

WHEREAS, the purpose of these and other provisions in the regulation is to improve the effectiveness of the overall regional and local transportation network; reduce reliance on arterial roadways for local trips; provide direct and alternative routes for emergency service providers; reduce subdivision street widths, where appropriate; and recover VDOT's costs related to street acceptance; and

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WHEREAS, VDOT convened a diverse stakeholder advisory group, as required by Chapter 425, and the stakeholder advisory group's draft amendments to the connectivity provisions of the SSAR were approved at the Commonwealth Transportation Board's June 21, 2023, action meeting; and

WHEREAS, pursuant to the resolution titled *Authorization of Amendments to Secondary Street Acceptance Requirements Pursuant to Chapter 425 of the 2022 Acts of Assembly* approved at the Board's June 21, 2023, action meeting, VDOT filed the approved draft amendments and the Notice of Intended Regulatory Action (NOIRA) Agency Background Document on the Virginia Regulatory Town Hall to initiate the process of amending the SSAR, with no comments received during the 30-day public comment period held in conjunction with publication of the NOIRA in the *Virginia Register of Regulations*.

WHEREAS, pursuant to the Administrative Process Act (section 2.2-4000 *et seq* of the *Code of Virginia*), the proposed amendments to the regulation, which contain no substantive changes since the NOIRA phase, must now be posted on the Virginia Regulatory Town Hall pursuant to the proposed stage of the regulatory process and published in the *Virginia Register of Regulations* for a public comment period of 60 days, before the amended regulation may be finalized and become effective.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby approves the proposed amendments to the Secondary Street Acceptance Requirements (24 VAC 30-92), attached hereto (see Attachment A).

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all necessary actions to promulgate the amended regulation, filing the necessary forms, including the Proposed Regulation Agency Background Document (see Attachment B), as may be required by the Virginia Administrative Process Act.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board authorizes and directs the Commissioner of Highways or his designees to complete the regulatory process for these regulations, and to bring the Final amendments/regulation to the Board for approval only if public comments are received or substantive changes are suggested to the proposed amendments attached hereto.

####

Editor's Note: For the current official version of this regulation, see 24 VAC 30-92.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 15, 2015

MOTION
Made By: Mr. Dyke, Seconded By: Mr. Williams
Action: Motion Carried, Unanimously

Title: Repeal of *Guide for Additions, Abandonments, and Discontinuances* (24VAC30-290) from the *Virginia Administrative Code*

WHEREAS, on the advice of the Office of the Attorney General (OAG), when the *Virginia Administrative Code* was created, VDOT filed as an Administrative Process Act-exempt regulation the *Guide to Additions, Abandonments, and Discontinuances* (the *Guide*), a reference manual primarily for VDOT staff outlining the statutory and policy requirements involved in implementing changes to the inventory of roads in the Secondary System of State Highways; and

WHEREAS, a 2009 Task Force on Regulatory Reform established by the OAG recommended that the *Guide* be repealed and reclassified as a Guidance Document; and

WHEREAS, VDOT has determined that the current *Guide* has largely been rendered obsolete due to changes in the *Code of Virginia*, and an updated *Guide* would be useful in the administration of this program.

NOW, THEREFORE, BE IT RESOLVED, that the Board directs VDOT to take actions necessary to repeal the *Guide for Additions, Abandonments, and Discontinuances* (24VAC30-290) as a regulation; and

BE IT FURTHER RESOLVED, that VDOT is directed to file the revised *Guide* as a Guidance Document as recommended by the OAG Task Force.

####

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 20, 2013

MOTION

Made By: Mr. Miller **Seconded By: Mr. Layne**

Action: Motion Carried, Unanimously

Title: Revision of Criteria for Transferring Secondary Roads to the Primary System and Repeal of 24VAC30-470

WHEREAS, VDOT's Department Policy Memorandum (DPM) 8-1, Criteria for Transferring Secondary Roads to the Primary System, contains criteria used to make recommendations to the Commonwealth Transportation Board regarding transfers to the primary system pursuant to Paragraph A of §33.1-34 of the *Code of Virginia*; and

WHEREAS, the DPM was also filed by description in the Virginia Administrative Code (VAC) as an Administrative Process Act-exempt regulation under the ID number 24VAC30-470 in 1995; and

WHEREAS, the Board last approved revised criteria in 1998; and

WHEREAS, as a result of secondary system route evaluations conducted to fulfill Item 4.2.2 of VDOT's FY13-FY14 Business Plan, the criteria were evaluated to determine if changes were necessary; and

WHEREAS, VDOT's Transportation and Mobility Planning Division has determined that the criteria should be updated to reflect current traffic conditions and available data sources; and

WHEREAS, in conjunction with Governor McDonnell's Regulatory Reform effort to streamline Virginia's inventory of regulations, VDOT has determined that the criteria are more appropriately classified as a Guidance Document rather than a VAC regulation; and

Back to Highways

WHEREAS, the Board has reviewed and concurs with the recommendations regarding the criteria which should be used by VDOT in making a determination whether to bring before the Board a proposed transfer of a secondary road to the primary system under paragraph A of §33.1-34 of the Code of Virginia.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board approves the proposed revision to DPM 8-1, as attached, to become effective upon the signature of the Commonwealth Highway Commissioner or his designee.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby repeals the regulatory entry for the criteria as 24VAC 30-470, and directs VDOT to take actions necessary to implement repeal of the regulation, revise the DPM, and maintain it as a Guidance Document, pursuant to applicable policies and procedures established by the Governor, the Department of Planning and Budget, and the State Registrar of Regulations.

####

Editor's Note: This regulation was repealed in 2014. The DM text shown below is the replacement text that was signed by the Commissioner and appears as part of the VDOT Guidance Document List on the Department of Planning and Budget's Virginia Regulatory Town Hall website for VDOT.

Date: 4/15/14
Approved: Charles A. Kilpatrick, P.E., Commissioner

CRITERIA FOR TRANSFERRING SECONDARY ROADS TO THE PRIMARY SYSTEM

Introduction

Recommendations to the Commonwealth Transportation Board for transfers from the Secondary System to the Primary System will be based upon this policy's criteria.

TERM	MEANING
Activity Center	An area that has a concentration of activities that generate significant vehicular traffic such as central business districts, towns, urban development areas, major commercial centers, airports, military bases, and tourist sites.
Arterial	A highway which carries trips of longer length and generally higher speed than other highways. In federal functional classification terms, for the purposes of this memorandum, this is a Rural Minor Arterial, Rural Other Principal Arterial, Urban Minor Arterial, Urban Other Principal Arterial, or Urban Freeway and Expressway.
Bus	All vehicles manufactured and utilized as traditional passenger-carrying buses with two axles and six tires or three or more axles. This category includes only traditional buses (including school buses) functioning as passenger-carrying vehicles.
Tractor-trailer	All vehicles consisting of two or three units, one of which is tractor or straight truck power unit.

Criteria

Roads may be recommended by the Virginia Department of Transportation to the Commonwealth Transportation Board for transfer from the Secondary System to the Primary System if:

- The road connects to an existing Primary or Interstate Highway and
- The road meets a majority of the following criteria:

  - Provides a reasonably direct connection between activity centers that are not already connected by existing primary or Interstate highways;
  - Carries at least 10,000 vehicles per day;
  - Carries at least 200 tractor-trailers and buses per day;
  - Is classified in the federal functional classification system as an arterial;
  - Is designated as a National Highway System (NHS) facility; and
  - Meets the lane width and shoulder width design standards for a highway of its current functional classification and traffic volume.

Reference

- Code of Virginia, § 33.2-314.
- Commonwealth Transportation Board Minutes, 12/17/98, 2/20/13.

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COMMONWEALTH of VIRGINIA

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 19, 2011

MOTION

Made By: Mr. Layne Seconded By: Mr. Louderback
Action: Motion Carried, Unanimously

Title: Adoption of Secondary Street Acceptance Requirements Pursuant to Chapter 870 of the 2011 Acts of Assembly

WHEREAS, Chapter 870 of the Acts of Assembly of 2011 requires that the Commonwealth Transportation Board (CTB) solicit and consider public comment in the development of revisions to the Secondary Street Acceptance Requirements (SSAR) regulations; and

WHEREAS, the SSAR regulations are used to determine the conditions and standards that must be met before streets constructed by developers, localities, and entities other than the Virginia Department of Transportation (VDOT) will be accepted into the state secondary system for maintenance by VDOT; and

WHEREAS, Chapter 870 requires that the CTB adopt such revised regulations prior to November 30, 2011; and

WHEREAS, the original SSAR legislation, Chapter 382 of the Acts of Assembly of 2007, provides that the regulations shall include, but not be limited to (i) requirements to ensure the connectivity of road and pedestrian networks with the existing and future transportation network, (ii) provisions to minimize stormwater runoff and impervious surface area, and (iii) provisions for performance bonding of new secondary streets and associated cost recovery fees; and

WHEREAS, the purpose of these and other provisions in the regulation is to improve the effectiveness of the overall regional and local transportation network; reduce reliance on arterial roadways for local trips; provide direct and alternative routes for emergency service providers; reduce subdivision street widths, where appropriate; and recover VDOT's costs related to street acceptance; and

Back to Highways

WHEREAS, this regulatory action is exempt from the Administrative Process Act (§2.2-4000 et seq. of the *Code of Virginia*); and

WHEREAS, VDOT completed extensive outreach and communication with localities, agencies, organizations, and developers in each construction district between April and May 2011, and between August and September 2011; as well as conducting a public information meeting and online broadcast on September 22, 2011; and

WHEREAS, all public comments received during the public comment periods and from the public information meeting have been reviewed and considered by a VDOT Technical Committee and an external Policy Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby adopts the revised Secondary Street Acceptance Requirements (24 VAC 30-92) attached hereto to become effective January 1, 2012, in accordance with Chapter 870 of the Acts of Assembly of 2011.

###

Editor's Note: For the current official version of this regulation, see 24 VAC 30-92.

Additions and Abandonments within Towns or Cities with Population Greater than 3,500 (7/17/1980)

WHEREAS, under authority of Section 33.1-41 of the Code of Virginia, as amended, the State Highway and Transportation Commissioner, subject to the approval of the State Highway and Transportation Commission, shall select the streets and roads in the towns and cities as “Primary Extensions” and make maintenance payments thereon; and

WHEREAS, under authority of Section 33.1-43 of the Code of Virginia, as amended, the State Highway and Transportation Commission is authorized and empowered to make maintenance payments to towns and cities for “Other Streets” which are not “Primary Extensions”; and

WHEREAS, in making comparisons among the various towns and cities in the ratio of the centerline miles of “Primary Extensions” to the total centerline miles of all streets receiving maintenance payments in each municipalities, inequities are evident; and

WHEREAS, a more equitable arrangement may be obtained by allowing additional “Primary Extension” centerline mileage within the towns and cities;

NOW, THEREFORE, BE IT RESOLVED, that the following conditions and criteria be established for the additions to and abandonments of the State Highway System within towns or cities having more than 3,500 population:

1) ADDITIONS AND DELETIONS DUE TO CHANGE IN TRAFFIC - Where a new primary route is justified by a change in the traffic pattern of a town or city, the State Highway and Transportation Commission may include such route within approved “Primary Extension” such town or city mileage which is no longer considered as essential extensions of the primary system.
2) ADDITIONS AND DELETIONS DUE TO RELOCATION - When an existing “Primary Extension” or connection is relocated by construction affording substantially the same service for through traffic, the old route shall be dropped from the approved system when the new route is added.
3) ADDITIONS OF LIMITED ACCESS FACILITIES - Any street, other than Interstate or State Primary Arterial Route, within the towns or cities which have been designated by the State Highway and Transportation Commission as a limited or controlled access facility may be added as a “Primary Extension.”
4) ADDITIONS OF PRIMARY ROUTES IN ANNEXED AREAS - Any Primary routes in areas annexed by a town or city may be added as a “Primary Extension.”
5) CRITERIA FOR RECOMMENDING THE TRANSFER OF OTHER STREETS TO “PRIMARY EXTENSIONS” - Eligibility of other streets to be recommended to the State Highway and Transportation Commission for additions to “Primary Extensions” in towns or cities shall meet all of the following criteria:
    a. the transfer of other streets to “Primary Extensions” will be considered only upon an official request from the town or city; and
    b. the requested street shall have an ADT of 15,000 or greater on 75% of its length; and
    c. the requested street shall be a continuation of an existing “Primary Extension” or a connecting link between “Primary Extensions,” toll roads, state arterials, or interstates, thus providing a network of major streets within the town or city; and
    d. the total centerline mileage of the “Primary Extensions” to be added in any one year shall not exceed 2% of the total centerline mileage of all streets receiving maintenance payments in the town or city.
6) ADJACENT TOWNS OR CITIES - Other streets which are connecting links between adjacent towns or cities will be considered only upon official requests from all the adjacent towns and cities and the requested street shall meet the criteria established in Section 5(b), 5(c), and 5(d).
7) EFFECTIVE DATE FOR ADDITIONS TO “PRIMARY EXTENSIONS” - After fiscal year 1980-1981, additions to the “Primary Extension” mileage will be effective only at the beginning of the fiscal year (July 1); therefore, requests for additions must be received from the towns or cities prior to April 1 of the preceding fiscal year; and

BE IT FURTHER RESOLVED, that the Commission policy adopted January 8, 1959, concerning City Street Mileage is hereby rescinded.

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Secondary Roads through State Parks

Minutes of the Meeting of the State Highway Commission of Virginia, Held in Richmond, March 23, 1937.

On the morning of March 23, 1937, the State Highway Commission, consisting of Messrs. H. G. Shirley, Wade H. Massie, Secretary, Wm. H. East, S. W. Rawls and J. F. Wysor, met in their office, State Office Building, Richmond, Virginia.

The meeting was called to order by the Chairman.

Moved by Mr. Wysor, seconded by Mr. Rawls, that the minutes of the meeting of February 24th be approved. Motion carried.

Moved by Mr. Massie, seconded by Mr. Rawls, that the Commission confirm action of the Chairman in turning back check to the contractor, M. S. Hudgins, Roanoke, Va., low bidder on Project WPGMH 721 M252, Route 11, Approaches and Bridge over James River at Buchanan in Botetourt County, as injunction proceedings delayed this work and make it impossible to go ahead with it. Motion carried.

Moved by Mr. Shirley, seconded by Mr. Wysor, that the $500.00 per mile additional construction funds be granted the City of Hopewell for 1936-37 to be expended on Route 10, the Randolph Road, beginning at the Hopewell end of the Appomattox River Bridge. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Shirley, that the $500.00 per mile additional for the year 1937-38 be approved for the City of South Norfolk, to be applied for the improvement of Bainbridge Boulevard, Route 27, in South Norfolk; with the understanding it cannot be drawn on until after July first, 1937. Motion carried.

Moved by Mr. Rawls, seconded by Mr. East, that as provided by Chapter 212, Acts approved March 19, 1928, Section 1, that the following sections of State Highway Route 501 in Halifax County, are no longer necessary for uses as a State highway and the same be abandoned upon the opening of the new section in lieu thereof: Sections 1, 2, 4, and 6 as shown on plat dated March 9, 193[illegible] Project 487C. That section 3 southeast of C-647 and section 5 from C-645, as shown on the plat above referred to, be abandoned and revert to the secondary system. Further, that section shown in brown on the same plat, connecting Route C-610, be added to the secondary system. Motion carried.

Moved by Mr. Wysor, seconded by Mr. Massie, that as provided by Chapter 212, Acts approved March 19th, 1928, Section 1, that the following sections of State highway Route 4 in Rockingham County, are no longer necessary for uses as a State highway and the same be abandoned upon the opening of the new sections in lieu thereof: Sections 1, 3 and 4, as shown on plat dated March 9, 1937, Project 1081A. That the section shown in brown on the same plat, connecting C-639, be added to the secondary system. Motion carried

Back to Highways

Moved by Mr. Rawls, seconded by Mr. East, that the request of Haley Chisholm and Morris, Inc., Suffolk, Va., for an extension of time on Project WPGMH 1039 B1, Route 60, C&O Overhead Bridge-34th Street in Newport News, be granted for 14 days and return $140.00 liquidated damages, as recommended by the Chief Engineer. Motion carried.

Moved by Mr. East, seconded by Mr. Wysor, that the request of the M. Cain Company, Inc., Washington, D.C., for an extension of time on Project WPGH 761 EB8, Route 12, Overhead Crossing N&W RR., 0.9 mile from Baleyville, be granted for 13 days and return $130.00 liquidated damages, as per recommendation of the Chief Engineer. Motion carried.

Moved by Mr. Rawls, seconded by Mr. East, that State secondary roads passing through State Parks, Government Parks, Reservations, and Recreational Areas, if requested to be closed or turned over for maintenance and construction to the various authorities in charge of such parks, areas, etc., that it be done provided they secure the approval of the Board of Supervisors of the County in which the road is located. Motion carried.

Moved by Mr. Massie, seconded by Mr. East, that the Commission award contract for the construction of Project FA 105 A21, Route 250, 0.13 Mi. E. Rivanna River-1.5 Mi. W. Shadwell, to the low bidder, Ralph E. Mills Company, Waynesboro, Va., at their bid of $56,033.75, that 10% additional be set aside to cover the cost of engineering and additional work, $2,192.80 for right of way and $1,946.34 for moving pole lines, making a total of approximately $60,000.00 chargeable to this project. Motion carried.

Moved by Mr. East, seconded by Mr. Rawls, that the Commission award contract for the construction of Project FA 356 C1W1, Route 60, 0.038 Mi. W. of WCL Hilton Village-2.42 Mi. W. WCL Hilton Village, to the low bidder, E.K. Williams and Co., Richmond, Va., at their bid of $79,819.95, that 10% additional be set aside to cover the cost of engineering and additional work and $1,946.34 for moving pole lines, making a total of approximately $80,000.00 chargeable to this project. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Wysor, that the Commission award contract for the construction of Project FA 496 G82, P82, 5, Route 301, 3.89 Mi. S. Prince George County Line-1.4 Mi. N. Sussex County Line, to the low bidder, Sam E. Finley, Roanoke, Va., at his bid of $60,610.86, and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $67,000.00 chargeable to this project. Motion carried.

Moved by Mr. Wysor, seconded by Mr. Shirley, that the Commission award contract for the construction of Project FA 582 D81E8, Route 360, 5.98 Mi. W. WCL Richmond-WCL Richmond, to the low bidder, Sam E. Finley, Roanoke, Va., at his bid of $72,125.75, and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $80,000.00 chargeable to this project. Motion carried.

Back to Highways

HOV/HOT Facilities

- Designation of lanes on the Opitz Boulevard Ramp and the Seminary Road Ramp as HOT Lanes (1/12/2022)
- Designation of the I-495 Express Lanes Northern Extension as HOT Lanes and Authorization for the Commissioner of Highways to Enter into a Memorandum of Understanding with the Federal Highway Administration Concerning Tolling (5/19/2021)
- Designation of HOT Lanes on Interstate 64 between the Interstate 664/64 Interchange in Hampton and the Intersection of Interstate 64 and Jefferson Avenue in Newport News (7/16/2020)
- Designation of HOT Lanes for the Interstate 64 Hampton Roads Bridge-Tunnel Expansion Project from Interstate 664 to Interstate 564 (1/10/2018)
- Limited Access Control Changes (LACCs) Interstate 66 High Occupancy Travel (HOT) Lanes Fairfax County and Prince William County (12/6/2017)
- Transponder Requirement as a Condition for Access and Use of VDOT Operated HOT Lane Facilities (9/20/2017)
- Designation of HOT Lanes and Related Extension of the Operating Hours on Interstate 64 from the I-664/I-264 Interchange to Interstate 264 and TFRA Funding Authorization (9/20/2017)
- Designation of HOT Lanes and Related Extension of the Operating Hours on Interstate 64 from Interstate 564 to Interstate 264 and TFRA Funding Authorization (10/19/2016)
- Extension of HOV-2 lanes from Gainesville to Haymarket on Interstate 66, Conversion of HOV-2 Lanes to HOV-3 and Tolling on Interstate-66 Inside the Beltway and Consolidation of Record Regarding HOV/HOT Designations on Interstate 66 (7/28/2016)
- Policy on Motorcycles Using HOV Lanes (6/22/1995)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda Item #14

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

January 12, 2022

MOTION

Made By: Ms. Hynes **Seconded By:** Mr. Kasprowicz

Action: Motion carried, unanimously

Title: Designation of lanes on the Opitz Boulevard Ramp and the Seminary Road Ramp as HOT Lanes

WHEREAS, in 2012, pursuant to the Public-Private Transportation Act of 1995 (the "PPTA"), (Va. Code §§ 33.2-1800, *et seq*.), the Virginia Department of Transportation (the "Department") entered into a comprehensive agreement with 95 Express Lanes, LLC (the "Concessionaire") to develop, design, finance, construct, maintain, and operate 29 continuous miles of High-Occupancy Toll ("HOT") lanes on Interstates 95 and 395 between Turkeycock Run (milepost 2.0 on Interstate 395) and Garrisonville Road (VA Route 610) (the "Original 95 HOT Lanes"); and

WHEREAS, in 2016, the parties entered into the First Amendment to the Comprehensive Agreement to extend the HOT lanes on Interstate 95 south 2.2 miles (near milepost 142.5 on Interstate 95) (the "I-95 Express Lanes Southern Terminus Extension"); and

WHEREAS, in 2017, the parties entered into the Amended and Restated Comprehensive Agreement (the "First ARCA") to extend the HOT lanes on Interstate 395 for approximately 8 miles north to the Washington D.C. line (the "I-395 Express Lanes Northern Extension"); and

Back to HOV/HOT Facilities

WHEREAS, in 2019**,** the parties entered into the Second Amended and Restated Comprehensive Agreement (the "Second ARCA") to extend the HOT lanes on Interstate 95 for approximately 10 miles farther south to Route 17 in Fredericksburg (the "I-95 Express Lanes Fredericksburg Extension"); and

WHEREAS, on June 17, 2021, the parties entered into the Amended and Restated Opitz Boulevard Ramp Project Development Framework Agreement (the "Opitz Boulevard DFA") to establish a process for the Concessionaire to pursue the Opitz Boulevard Ramp Project (as hereinafter defined) as a Concessionaire Project Enhancement (as defined in the Second ARCA); and

WHEREAS, on November 29, 2021, the parties entered into the Seminary Road Ramp Project Development Framework Agreement (the "Seminary Road DFA") to establish a process for the Concessionaire to pursue the Seminary Road Ramp Project (as hereinafter defined) as a Concessionaire Project Enhancement (as defined in the Second ARCA); and

WHEREAS, the Department anticipates amending the Second ARCA to incorporate development plans and any required terms, conditions or other provisions to construct a new access ramp on Interstate 95 between the HOT Lanes and Opitz Boulevard (the "Opitz Boulevard Ramp Project"); and

WHEREAS, the Department anticipates further amending the Second ARCA to incorporate development plans and any required terms, conditions, or other provisions to convert an existing High-Occupancy Vehicle ("HOV") ramp to a HOT ramp at Seminary Road on Interstate 395 (the "Seminary Road Ramp Project"); and

WHEREAS, the Department intends for (i) the lanes constructed by the Opitz Boulevard Ramp Project (the "Opitz Boulevard HOT Lanes") and the lanes converted from HOV lanes by the Seminary Road Ramp Project (the "Seminary Road HOT Lanes") to each be designated by the CTB as HOT lanes pursuant to Va. Code § 33.2-502, and (ii) the Opitz Boulevard and the Seminary Road HOT Lanes to be tolled using congestion pricing; and

WHEREAS, Va. Code § 33.2-502 provides that the Commonwealth Transportation Board (the "CTB") may designate one or more lanes of any highway in the Interstate System, including lanes that may previously have been designated HOV lanes under § 33.2-501, as HOT lanes; and

WHEREAS, pursuant to Va. Code § 33.2-502, in making HOT lanes designations, the CTB is required to also specify the high-occupancy requirement and conditions for use of such HOT lanes or may authorize the Commissioner of Highways to make such determination consistent with the terms of a comprehensive agreement executed pursuant to Va. Code § 33.2-1808; however, the high-occupancy requirement for a HOT lanes facility constructed or operated as a result of the PPTA shall not be less than three; and

WHEREAS, the CTB has previously designated the Original 95 HOT Lanes, the I-95 Express Lanes Southern Terminus Extension, the I-395 Express Lanes Northern Extension, and the I-95 Express Lanes Fredericksburg Extension as HOT lanes with with a high-occupancy requirement of three or more;

NOW, THEREFORE, BE IT RESOLVED that the CTB hereby designates the lanes to be constructed and/or modified by the Opitz Boulevard Ramp Project and the Seminary Road Ramp Project, respectively as HOT lanes in accordance with Va. Code § 33.2-502, to be implemented upon issuance by the Department of a "Service Commencement Notice to Proceed" pursuant to the Second ARCA, as amended

BE IT FURTHER RESOLVED that the CTB hereby specifies the high-occupancy requirement for the HOT lanes on the Opitz Boulevard Ramp Project and the Seminary Road Ramp Project as three or more.

BE IT FURTHER RESOLVED that the CTB hereby authorizes the Commissioner of Highways to establish the conditions for use of the Opitz Boulevard HOT Lanes and the Seminary Road HOT Lanes in accordance with the terms and conditions of the Second ARCA, as amended.

####

Back to HOV/HOT Facilities

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda Item #5

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

May 19, 2021

MOTION

Made By: Ms. Hynes, Seconded **By: Mr**. Kasprowicz

Action: Motion Carried, Unanimously

Title: Designation of the I-495 Express Lanes Northern Extension as HOT Lanes and Authorization for the Commissioner of Highways to Enter into a Memorandum of Understanding with the Federal Highway Administration Concerning Tolling

WHEREAS, pursuant to the Public-Private Transportation Act of 1995 (the "PPTA") (Va. Code § 33.2-1800, *et seq*.), the Virginia Department of Transportation (the "Department") may allow private entities to develop and/or operate qualifying transportation facilities; and

WHEREAS, on April 28, 2005, pursuant to the PPTA, the Department, Fluor and Transurban (USA), Inc. entered into a comprehensive agreement to develop, design, finance, construct, maintain, and operate the Route 495 HOT Lanes in Virginia Project; and

WHEREAS, on December 19, 2007, the Department and Capital Beltway Express LLC entered into the Amended and Restated Comprehensive Agreement (as subsequently amended, the "ARCA") to develop, design, finance, construct, manage, operate, maintain and collect tolls on approximately 14-miles of high-occupancy toll lanes ("HOT lanes") along Interstate 495 between the vicinity of Backlick Road (Route 617) and Route 738 (the "Existing I-495 HOT Lanes"); and

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WHEREAS, the Department anticipates amending and restating the ARCA to extend the Existing I-495 HOT Lanes approximately two additional miles farther north to the vicinity of George Washington Memorial Parkway (the "I-495 Express Lanes Northern Extension"); and

WHEREAS, Va. Code § 33.2-502 provides that the Commonwealth Transportation Board (the "CTB") may designate one or more lanes of any highway, including lanes previously designated as high-occupancy vehicle ("HOV") lanes, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as HOT lanes permitting free passage by vehicles that meet the high-occupancy requirement; and

WHEREAS, pursuant to Va. Code § 33.2-502, in making HOT lanes designations, the CTB is required to also specify the high-occupancy requirement and conditions for use of such HOT lanes or may authorize the Commissioner of Highways to make such determination consistent with the terms of a comprehensive agreement executed pursuant to Va. Code § 33.2-1808, however, the high-occupancy requirement for a HOT lanes facility constructed or operated as a result of the PPTA shall not be less than three occupants per vehicle ("HOV-3"); and

WHEREAS, on October 18, 2007, the CTB designated as HOT lanes the Existing I-495 HOT Lanes with two dedicated travel lanes in each direction; and

WHEREAS, the Department intends for the I-495 Express Lanes Northern Extension to be tolled using congestion pricing; and

WHEREAS, pursuant to authority granted by the CTB, the Department entered into an Agreement with the Federal Highway Administration ("FHWA") on December 12, 2007, (the "Existing Tolling Agreement") permitting the Department to implement tolls on HOV facilities under a congestion pricing toll strategy on Interstate 495 between the vicinity of Hemming Avenue and terminating near the vicinity of the Georgetown Pike (Route 193); and

WHEREAS, given the Department's intention to extend the Existing I-495 HOT Lanes two miles farther north to the vicinity of George Washington Memorial Parkway (the entire span from the vicinity of Hemming Avenue to the vicinity of George Washington Memorial Parkway hereinafter referred to as the "Extended I-495 HOT Lanes"), the FHWA requires the Department to enter into a memorandum of understanding governing tolling for the Extended I-495 HOT Lanes (the "Toll MOU"), attached hereto as Attachment A, to replace the Existing Tolling Agreement; and

WHEREAS, the Toll MOU will require the Department to comply with mandatory federal requirements related to tolling and applicable to the Extended I-495 HOT Lanes; and

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

NOW, THEREFORE, BE IT RESOLVED that the CTB hereby designates the I-495 Express Lanes Northern Extension as HOT lanes in accordance with Va. Code § 33.2-502, to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to the ARCA, as it may be amended.

BE IT FURTHER RESOLVED that the CTB hereby specifies the high-occupancy requirement for the I-495 Express Lanes Northern Extension as HOV-3, in accordance with Va. Code § 33.2-502, to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to the ARCA, as it may be amended.

BE IT FURTHER RESOLVED that the CTB hereby authorizes the Commissioner of Highways to establish the conditions for use of the I-495 Express Lanes Northern Extension in accordance with the terms and conditions of the ARCA, as it may be amended.

BE IT FURTHER RESOLVED that the CTB hereby authorizes the Commissioner of Highways to execute the Toll MOU between the Department and FHWA, governing the tolling of the Extended I-495 HOT Lanes, in the form set out as Attachment A, with such changes as the Commissioner deems necessary or appropriate.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 10

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

July 14, 2020

MOTION
Made By: Mr. Malbon, Seconded By: Mr. Miller
Action: Motion Carried, Unanimously

Title: Designation of HOT Lanes on Interstate 64 between the Interstate 664/64 Interchange in Hampton and the Intersection of Interstate 64 and Jefferson Avenue in Newport News

WHEREAS, pursuant to § 33.2-502 of the *Code of Virginia*, the Commonwealth Transportation Board (CTB) may designate one or more lanes of any highway in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as high-occupancy toll (HOT) lanes; and

WHEREAS, pursuant to § 33.2-119 of the *Code of Virginia*, tolls may be imposed and collected on existing facilities in certain cases, including on:

(i) existing HOV lanes, and

(ii) an existing lane on a segment of a highway whose length does not exceed 10 miles and is between an interchange and an interchange or an interchange and a bridge, provided that the number of un-tolled non-high-occupancy vehicle lanes on such segment is equal to the number of un-tolled non-high-occupancy vehicle lanes on the portion of the highway preceding such segment; and

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WHEREAS, pursuant to 23 USC §166 (b)(4), a public authority operating a HOV facility may allow vehicles not meeting HOV requirements and not otherwise exempt from HOV requirements to use an HOV facility if the operators of the vehicles pay a toll charged by the authority for use of the facility; and

WHEREAS, 23 USC §129(a)(1)(H) permits federal participation in the conversion of a HOV lane on a highway, bridge, or tunnel to a toll facility; and

WHEREAS, 23 U.S.C. § 129(a)(1)(C) and (G) also establish exceptions to the general prohibition against tolling Interstate highways constructed under Title 23 which exceptions apply after initial construction, or other capacity-increasing improvements, or after reconstruction, restoration, or rehabilitation of a segment of Interstate, subject to certain conditions; and

WHEREAS, by resolution dated October 19, 2016, the CTB designated HOT-2 lanes on Interstate 64 between Interstates 564 and 264; by resolution dated September 20, 2017, the CTB designated HOT-2 lanes on Interstate 64 between the Interstate 664/264 Interchange and Interstate 264; and by resolution dated January 10, 2018, the CTB designated HOT lanes on Interstate 64 between Interstates 664 and 564; and

WHEREAS, the Virginia Department of Transportation has made briefings to the CTB, Hampton Roads Transportation Accountability Commission, and Hampton Roads Transportation Planning Organization demonstrating the operational benefits of continuous HOT lane travel between the interchange of Interstate 64 and Jefferson Avenue in Newport News and the interchange of Interstates 64, 264, and 664 in the Bowers Hill section of Chesapeake.

NOW THEREFORE, BE IT RESOLVED, that, pursuant to §§ 33.2-502 and 33.2-119 of the *Code of Virginia* and 23 USC §§ 129 and 166, the Commonwealth Transportation Board hereby designates HOT lanes on Interstate 64, with a minimum of one HOT lane in each direction, beginning in the vicinity of the Interstate 64/664 interchange in Hampton and extending to the vicinity of the intersection of Interstate 64 and Jefferson Avenue, and authorizes dynamic tolling of vehicles required to pay tolls while using said HOT lanes.

BE IT FURTHER RESOLVED that the Commonwealth Transportation Board hereby specifies a minimum vehicle occupancy requirement of two for the HOT lanes designated herein and authorizes dynamic tolling of those vehicles carrying less than two occupants that utilize the HOT lanes.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board, that the HOT lanes designation beginning in the vicinity of the Interstate 64/664 Interchange in Hampton and extending to the vicinity of intersection of Interstate 64 and Jefferson Avenue shall be implemented in conjunction with implementation of the HOT lanes associated with the Hampton Roads Bridge Tunnel Expansion Project.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 12

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

January 10, 2018

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Johnsen
Action: Motion Carried, Unanimously

Title: Designation of HOT Lanes for the Interstate 64 Hampton Roads Bridge-Tunnel Expansion Project from Interstate 664 to Interstate 564

WHEREAS, pursuant to § 33.2-502 of the *Code of Virginia*, the Commonwealth Transportation Board (CTB) may designate one or more lanes of any highway in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as High Occupancy Toll (HOT) lanes; and

WHEREAS, pursuant to § 33.2-309 of the *Code of Virginia*, and in accordance with all applicable federal and state statutes and requirements, the CTB may impose and collect tolls from all classes of vehicles in amounts established by the CTB for the use of any component of the Interstate System within the Commonwealth; and

WHEREAS, pursuant to 23 USC §166 (b)(4), a public authority may allow vehicles not meeting HOV requirements and not otherwise exempt from HOV requirements to use an HOV facility if the operators of the vehicles pay a toll charged by the authority for use of the facility and the authority (A) establishes a program that addresses how motorists can enroll and participate in the toll program; (B) develops, manages, and maintains a system that will automatically collect the toll; and (C) establishes policies and procedures to, among other things, manage the demand to use the facility by varying the toll amount that is charged; and

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WHEREAS, 23 USC §129(a)(1)(C) authorizes federal participation on the conversion of an Interstate highway, bridge or tunnel to a tolled facility in the case of new construction of 1 or more lanes or other improvements that increase the capacity of the highway, bridge, or tunnel on the Interstate System, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction and both 23 USC §§ 129 and 166 contemplate use of HOV lanes by non-exempt vehicles provided the operators pay a toll for use of the HOV facility; and

WHEREAS, pursuant to § 33.2-119 of the *Code of Virginia*, tolls may be imposed and collected on existing facilities in certain cases, including the reconstruction with additional lanes of a highway, bridge, or tunnel (provided that the number of un-tolled non-HOV lanes, excluding auxiliary lanes, after the reconstruction is not less than the number of un-tolled, non-HOV lanes, excluding auxiliary lanes, prior to such reconstruction); or in the case of an existing lane on a segment of a highway whose length does not exceed 10 miles and is between an interchange and an interchange or an interchange and a bridge (provided that the number of un-tolled non-HOV lanes on such segment is equal to the number of un-tolled non-HOV lanes on the portion of the highway preceding such segment); and

WHEREAS, by resolution dated December 7, 2016 and entitled *Revised Location Approval for Hampton Roads Crossing Study*, the CTB approved the location of the subject project, namely the Interstate 64 corridor from the vicinity of Interstate 664 to the vicinity of Interstate 564, described as "Alternative A" in the Hampton Roads Crossing Study and now known as the "Hampton Roads Bridge-Tunnel Expansion Project" (Project); and

WHEREAS, pursuant to the December 7, 2016 resolution, the CTB directed that it be briefed on and have the opportunity to endorse the Project's managed-lane concept should it be identified and the appropriate analysis and financial plans are in place; and

WHEREAS, these additional studies subsequently identified substantial benefits through harmonization of managed-lane concepts across multiple adjoining segments of the Interstate 64 network, rather than implementing differing concepts on independent standalone segments; and

WHEREAS, at its meeting of July 18, 2017, the CTB was briefed on the Hampton Roads Express Lanes network, which described an approach for achieving such an integrated system of HOT Lanes on multiple adjoining segments of Interstate 64 from the I-664/I-64 Interchange to the I-664/I-264 Interchange at Bowers Hill, including the segment addressed by the Project;

WHEREAS, this July 18, 2017 presentation described the managed-lane concept for the Project corridor as comprising a minimum of two un-tolled, non-HOV lanes and one HOT lane in each direction, with additional alternatives to be identified during procurement; and

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WHEREAS, by resolutions dated October 19, 2016 and September 20, 2017, the CTB previously approved the designation of HOT Lanes on two other segments within the Hampton Roads Express Lanes network; and

WHEREAS, VDOT has requested that the CTB, in order to advance the Project's development and also to implement the Hampton Roads Express Lanes Network, approve the designation of HOT Lanes on the Project; authorize dynamic tolling to adjust tolls based on real-time traffic conditions, to be implemented upon opening the Project's new capacity to traffic; and further authorize the Commissioner of Highways to make a future determination regarding the high-occupancy requirement and conditions for use of such HOT lanes.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to §§ 33.2-502, 33.2-309 and 33.2-119 of the Code of Virginia and 23 USC §§ 129 and 166, the Commonwealth Transportation Board approves the designation of HOT lanes on I-64, for a minimum of two un-tolled, non-HOV lanes and one HOT lane in each direction, beginning in the vicinity of the I-64/664 Interchange in Hampton and extending to the I-64/564 Interchange in Norfolk pursuant to the Hampton Roads Bridge-Tunnel Expansion Project, to be implemented upon opening the Project's new capacity to traffic; and

BE IT FURTHER RESOLVED that the Commonwealth Transportation Board authorizes dynamic tolling of vehicles required to pay tolls while using the facility; and further authorizes the Commissioner of Highways to make a future determination regarding the high-occupancy requirement and conditions for use of the Project's HOT lanes, consistent with the terms of a comprehensive agreement executed pursuant to § 33.2-1808; and

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that the toll revenues collected from this facility will be used in accord with § 33.2-309.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 6, 2017

MOTION

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

Action: Motion Carried, Unanimously

Title: Limited Access Control Changes (LACCs)
Interstate 66 High Occupancy Travel (HOT) Lanes
Fairfax County and Prince William County

WHEREAS, on October 4, 1956, the State Highway Commission (Commission), predecessor to the Commonwealth Transportation Board (CTB), designated the proposed National System of Interstate and Defense Highways , including I-66, to be Limited Access Highways in accordance with then Article 3, Chapter 1, Title 33 of the Code of Virginia of 1950, as amended, and established the limited access line locations and limits as "the final locations of said routes, including all necessary grade separations, interchanges, ramps, etc."; and

WHEREAS, on March 21, 1963, the Commission declared that the section of Route 28 from the connection with Interstate Route 66 (near Centreville) to the intersection with Route 50 (near Chantilly) in Fairfax County, beginning at and shown as station 606+92.17 on the plans for State Project; 0066-029-102, RW-2, and extending in a northerly direction to Station 800+90 on the plans for State Project: 0028-029-104, C501, including any necessary relocations, interchanges, ramps, flared intersections, etc, be designated as a Limited Access Highway in accordance with Article 3, Chapter 1, Title 33, of the 1950 Code of Virginia, amended; and

WHEREAS, the Preferred Alternative for Transform 66 Outside the Beltway was approved as presented to the CTB at their September 15, 2015 meeting; and

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WHEREAS, pursuant to § 33.2-1803.1 of the Public-Private Transportation Act, as amended, the CTB endorsed the Commissioner of Highways' final Finding Of Public Interest and execution of the Comprehensive Agreement Relating to the Transform 66 P3 Project (Agreement) with Express Mobility Partners at their meeting on December 7, 2016; and

WHEREAS, the Design Public Hearings for project segments (1 through 3) were held from 6:00 pm to 8:30 pm as follows: Segment 3 (Route 50 to I-495) at Oakton High School Cafeteria 2900 Sutton Road, Vienna, VA 22181 on November 13, 2017; Segment 2 (Route 29 to Route 50) at Stone Middle School Cafeteria 5500 Sully Park Drive, Centreville, VA 20120 on November 14, 2017; and Segment 1 (Gainesville to Route 29 in Centreville) at Piney Branch Elementary School Cafeteria/Gym at 8301 Linton Hall Road, Bristow, VA 20136 on November 16, 2017, for the purpose of considering the proposed I-66 Outside the Beltway, State Highway Project 0066-96A-422, C501 ("Project"); and

WHEREAS, the proposed Project provides for the widening of Interstate 66 which includes 2 express lanes in each direction, 3 general purpose lanes in each direction, expanded bus routes and corridor wide bikeway, trail and sidewalk improvements, including a new shared use path; and

WHEREAS, the limited access control lines at all major intersections and in multiple other locations along the 22.5 mile length of the project will require relocation, adjustment and the creation of new breaks in the limited access control areas; and

WHEREAS, the revised Limited Access Lines and New Limited Access Breaks will be documented in the approved Final Right of Way Plans for the Project; and

WHEREAS, the construction of a shared use path allowing pedestrian and bicycle access is inconsistent with the prior actions of the CTB and requires the CTB to authorize the construction and maintenance of the shared use path inside the area designated as limited access and to authorize pedestrian and bicycle access on the shared use path within and through the area designated as limited access; and

WHEREAS, the Northern Virginia District has reviewed and approved the traffic analysis report as part of the Interchange Justification Report approved in May 2016 and found that it adequately addresses the impacts from the Project and the proposed change to the limited access controls; and

WHEREAS, although the Project is in an air quality maintenance area for ground level ozone, a regional air quality conformity analysis was performed in the spring and summer of 2017 and the project will not have an adverse impact on air quality; and

WHEREAS, the Chief Engineer has determined that the proposed change will not adversely affect the safety or operation of the highways; and

WHEREAS, the economic, social and environmental effects of the proposed Project have been duly examined and given proper consideration and this evidence, along with all other, has been carefully reviewed; and

WHEREAS, the Project has been the subject of a National Environmental Policy Act (NEPA) study, which resulted in a Finding Of No Significant Impact on June 22, 2016; and

WHEREAS, the proposed Project is in compliance with National Environmental Policy Act (NEPA) requirements and a Categorical Exclusion (CE) has been developed in cooperation with the Federal Highway Administration and in accordance with federal guidelines; and

WHEREAS, the FHWA provided the requisite approval for State Highway Project 0066-96A-422, C501 UPC 110496 and the proposed LACC; and

WHEREAS, the proposed Project and LACC was supported by the Board of Supervisors of the County of Fairfax in a letter dated October 20, 2015 and by the County of Prince William in a letter dated August 8, 2016; and

WHEREAS, the Department has reviewed the proposed changes and determined that all requirements of 24 VAC 30-401-20 have been met.

NOW, THEREFORE, BE IT RESOLVED, in accordance with §33.2-401 of the *Code of Virginia* and Title 24, Agency 30, Chapter 401 of the *Virginia Administrative Code*, that the CTB hereby finds and concurs in the determinations and recommendations of VDOT made herein, and directs that the Interstate 66 and Route 28, and the Interstate 495, Route 50, Route 286, Route 28, Route 29, Route 234 and Route 123 interchanges with Interstate 66, continue to be designated as limited access control areas, with the boundaries of limited access control being modified from the current locations to those shown on the Final Right of Way Plans.

BE IT FURTHER RESOLVED, the location of the shared use path and limited access points and its construction and maintenance is approved as proposed with such changes in the limited access points as deemed necessary and appropriate by the Chief Engineer and with the final locations of said limited access control areas and breaks in limited access to be shown on the Final Right of Way Plans for the project.

BE IT FURTHER RESOLVED, that pedestrians and bicyclists are authorized to use the proposed shared use path along the proposed Project, within and through the areas designated as limited access.

Back to HOV/HOT Facilities

BE IT FURTHER RESOLVED, the Commissioner of Highways is authorized to take all actions and execute any and all documents necessary to implement such changes.

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Back to HOV/HOT Facilities

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 20, 2017

MOTION

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

Action: Motion Carried, Unanimously

Title: Transponder Requirement as a Condition for Access and Use of VDOT Operated HOT Lane Facilities

WHEREAS, pursuant to section 33.2-502 of the *Code of Virginia*, the Commonwealth Transportation Board (Board) may designate one or more lanes of any highway, including lanes that may previously have been designated HOV lanes under § 33.2-501, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as HOT lanes; and

WHEREAS, pursuant to 23 USC §166 (b) (4), relating to high occupancy toll vehicles, a public authority may allow vehicles not meeting high occupancy requirements and not otherwise exempt from high occupancy requirements to use an HOV facility if the operators of the vehicles pay a toll charged by the authority for use of the facility and the authority, among other things, establishes a program that addresses how motorists can enroll and participate in the toll program and develops, manages, and maintains a system that will automatically collect the toll; and

WHEREAS, pursuant to § 33.2-502, in making HOT lanes designations, the Board shall also specify the high-occupancy requirement and conditions for use of such HOT lanes or may authorize the Commissioner of Highways to make such determination consistent with the terms of a comprehensive agreement executed pursuant to § 33.2-1808; and

WHEREAS, the Board has specified or will specify by separate action high-occupancy requirements pursuant to HOT lane designations from time to time and recognizes that the enforcement of High Occupancy Vehicle (HOV) usage or collection of a toll when high-occupancy requirements are not met, is paramount in managing the traffic on HOT facilities and

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the dynamic nature of the toll prices on HOT facilities; and

WHEREAS, the current state of technology for HOV declaration and collection of tolls as applicable on HOT lanes in Virginia is done electronically by use of a vehicle mounted electronic transmitter (E-ZPass transponder); and

WHEREAS, existing HOT lane facilities operating in the Commonwealth require the use of transponders for entry onto and use of the HOT lane facilities; and

WHEREAS, the Virginia Department of Transportation (VDOT) will be operating HOT lane facilities in the future and desires to facilitate enforcement of HOV usage and to maintain operational consistency to avoid public confusion related to HOT lanes access and use by requiring an E-ZPass transponder to enter and use said HOT lane facilities; and

WHEREAS, VDOT recommends that the CTB (1) require that in order for a vehicle to access and use VDOT operated HOT lane facilities, the operator must use an E-ZPass transponder or other electronic method/technology to pay the requisite toll or, if the vehicle meets the occupancy requirement, to declare the Vehicle's HOV status; and (2) provide the Commissioner with the authority to establish the required electronic method/technology for automatic toll collection and/or HOV declaration to be used when a vehicle is accessing or using said facilities, whether such method/technology consists of an E-ZPass transponder or a successor method/technology.

NOW, THEREFORE BE IT RESOLVED, that the CTB hereby concurs with VDOT's recommendation and hereby (1) requires that, in order for a vehicle to access and use VDOT operated HOT lane facilities, the operator must use an E-ZPass transponder or other electronic method/technology to pay the requisite toll or, if the vehicle meets the occupancy requirement, to declare the Vehicle's HOV status; and (2) grants the Commissioner the authority to establish the required electronic method/technology for automatic toll collection and/or HOV declaration to be used when a vehicle is accessing or using said facilities, whether such method/technology consists of an E-ZPass transponder, or a successor method/technology.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 8

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

September 20, 2017

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Kasprowicz

Action: Motion Carried, Unanimously

Title: Designation of HOT Lanes and Related Extension of the Operating Hours on Interstate 64 from the I-664/I-264 Interchange to Interstate 264 and TFRA Funding Authorization

WHEREAS, pursuant to the provisions of § 33.2-502 of the *Code of Virginia*, the Commonwealth Transportation Board (CTB) may designate one or more lanes of any highway, including lanes that may have previously been designated as High Occupancy Vehicle (HOV) lanes, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as High Occupancy Toll (HOT) lanes; and

WHEREAS, pursuant to § 33.2-309 of the Code of Virginia, subject to certain limitations or requirements that have or will have been satisfied for purposes of the matters considered herein, and in accordance with all applicable federal and state statutes and requirements, the CTB may impose and collect tolls from all classes of vehicles in amounts established by the CTB for the use of any component of the Interstate System within the Commonwealth and may allocate the revenues from such tolls for the purposes specified in the statute; and

WHEREAS, pursuant to 23 USC §166 (b)(4), a public authority may allow vehicles not meeting HOV requirements and not otherwise exempt from HOV requirements to use an HOV

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facility if the operators of the vehicles pay a toll charged by the authority for use of the facility and the authority (A) establishes a program that addresses how motorists can enroll and participate in the toll program; (B) develops, manages, and maintains a system that will automatically collect the toll; and (C) establishes policies and procedures to, among other things, manage the demand to use the facility by varying the toll amount that is charged; and

WHEREAS, 23 U.S.C. §129(a)(1)(C) authorizes conversion of an interstate highway, bridge or tunnel to a tolled facility in the case of new construction of 1 or more lanes or other improvements that increase the capacity of the highway, bridge, or tunnel on the Interstate System, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction and both 23 U.S.C §§ 129 and 166 contemplate use of HOV lanes by non-exempt/non-HOV vehicles provided the operators pay a toll for use of the HOV facility.

WHEREAS, the Virginia Department of Transportation (VDOT) has conducted a feasibility analysis, analyzing the traffic congestion that is being experienced on Interstate 64 in the area extending between the Interstate 464 Interchange and the Interstate 264 Interchange and determined a reduction in traffic in the general purpose lanes during peak periods could be achieved through the conversion of the HOV lanes to HOT lanes; and

WHEREAS, VDOT has concluded from the feasibility analysis and advised that the HOV-2 lanes on Interstate 64 beginning in the vicinity of the I-464 Interchange and extending to the vicinity of the I-264 Interchange in Hampton Roads are underutilized, with additional capacity that could help to reduce congestion in the general purpose lanes in the area; and

WHEREAS, VDOT has concluded and has advised that allowing vehicles not meeting the vehicle occupancy requirements to use the HOV-2 lanes on Interstate 64 beginning in the vicinity of the I-464 Interchange and extending to the vicinity of the I-264 Interchange by paying a toll would increase utilization of the existing capacity within these lanes, thereby increasing throughput in the corridor; and

WHEREAS, VDOT has recommended and requested that the CTB designate the existing Interstate 64 HOV-2 lanes beginning in the vicinity of the Interstate 464 Interchange and extending to the vicinity of the I-264 Interchange as HOT lanes, authorizing vehicles carrying less than two occupants to utilize the HOV lanes by paying a toll and authorizing dynamic tolling to adjust tolls based on real-time traffic conditions; and

WHEREAS, VDOT has requested that the CTB, in order to maximize the benefits of the conversion of the HOV lanes to HOT lanes, extend the operational hours of the HOV lanes, on Interstate 64 beginning in the vicinity of the I-464 Interchange and extending to the vicinity of the I-264 Interchange, from Monday – Friday 6:00 a.m. – 8:00 a.m. (Westbound), and 4:00 p.m.-6:00 p.m. (Eastbound) to 24 hours - 7 days a week (Westbound and Eastbound), at such time that tolling on the lanes commences; and

WHEREAS, by resolution dated March 18, 2015, the CTB, after considering the no-build alternative and the two Candidate Build Alternatives retained in the EA for detailed analysis, issued a location approval/Preferred Alternative for the Interstate 64/High Rise Bridge Corridor Project (the "I-64/High Rise Bridge Preferred Alternative Approval"); and

WHEREAS, the alternative approved by the CTB pursuant to the I-64/High Rise Bridge Preferred Alternative Approval consists of the addition of two additional lanes of capacity in each direction beginning in the vicinity of the I-64/464 Interchange in Chesapeake and extending to the I-664/264 Interchange at Bowers Hill, including the construction of a new bridge and eventual replacement of the existing bridge, with a decision as to the toll/passenger management option to be made at a later date; and

WHEREAS, on August 22, 2016, FHWA issued a Finding of No Significant Impact regarding the Project, based on the Environmental Assessment for the Project, thereby concluding the NEPA process and allowing the Project to advance to a more detailed level of design; and

WHEREAS, pursuant to the I-64/High Rise Bridge Preferred Alternative Approval, the CTB had directed that it be briefed on and have the opportunity to determine the future management option(s) once additional studies and financial analyses have been concluded; and

WHEREAS, said additional studies and financial analyses have been concluded and the VDOT has performed a feasibility analysis, which included an analysis of the traffic congestion in the High Rise Bridge Corridor, and the traffic analysis has indicated that a greater reduction in traffic in the general purpose lanes during peak periods could be achieved through the addition of HOT lanes rather than addition of merely HOV lanes; and

WHEREAS, taking into consideration that the Project will be completed in phases, with the construction/addition of one new lane in each direction along with completion of the new bridge in Phase I, and the construction/addition of a second new lane in each direction and replacement of the existing bridge in Phase II, VDOT has recommended and requested that the CTB designate the new capacity/lanes associated with the Interstate 64 Southside Widening and High Rise Bridge Project as HOT-2 and further that the CTB authorize use of dynamic tolling to adjust tolls based on real-time traffic conditions, to be implemented for each phase at such time that the new lanes for the phase are completed and opened for traffic; and

WHEREAS, VDOT has requested that the CTB, in order to maximize the benefits of the HOT lanes, designate the operational hours of each of the new lanes as HOT lanes to be) to be 24 hours - 7 days a week (Westbound and Eastbound), to be implemented for each phase of the Interstate 64 Southside Widening and High Rise Bridge Project at such time that the new lanes for the phase are completed and opened for traffic; and

WHEREAS, the designation of HOT lanes requested by VDOT as set forth herein, taking into consideration the prior HOT lanes designation made by the CTB on October 19,

2016, will contribute to the establishment of a HOT lane network on Interstate 64 from the general vicinity of Bowers Hill to Interstate 564; and

WHEREAS, funding is needed to cover the costs associated with work necessary to begin engineering, analysis and construction of the needed tolling infrastructure and related services on Interstate 64 beginning in the vicinity of the I-664/264 Interchange and extending to the vicinity of the I-264 Interchange; and

WHEREAS, as a potential toll facility, the CTB may provide advance funding, from the Toll Facilities Revolving Account pursuant to § 33.2-1529 of the *Code of Virginia*, for the work associated with the engineering, analysis and construction of the needed tolling infrastructure and related services referenced herein.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to § 33.2-502 and § 33.2-309 of the *Code of Virginia* and 23 USC §166, the Commonwealth Transportation Board designates a vehicle occupancy requirement of two and authorizes dynamic tolling of vehicles for vehicles carrying less than two occupants for those vehicles utilizing the Eastbound and Westbound HOV lanes on Interstate 64 beginning in the vicinity of the I-464 Interchange and extending to the vicinity of the I-264 Interchange, 24 hours - 7 days a week (collectively, HOT Lanes-2 designation), to be implemented at such time that the infrastructure and improvements necessary to commence tolling on said portion of I-64 are determined by the Commissioner of Highways to be completed and ready for operation.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board, that until tolling commences on the HOV-2 lanes on Interstate 64 beginning in the vicinity of the 464 Interchange and extending to the vicinity of I-264 Interchange, the hours of operation of said HOV-2 lanes shall continue to be Monday – Friday 6:00 a.m. – 8:00 a.m. (Westbound) and 4:00 p.m. -6:00 p.m. (Eastbound).

BE IT FURTHER RESOLVED, that, pursuant to § 33.2-502 and § 33.2-309 of the *Code of Virginia* and 23 USC §§ 129 and 166, the Commonwealth Transportation Board hereby designates a vehicle occupancy requirement of 2 and authorizes dynamic tolling of vehicles carrying less than two occupants for vehicles utilizing the new lanes constructed on I-64 beginning in the vicinity of the I-464 Interchange in Chesapeake and extending to the I-664/I-264 Interchange at Bowers Hill pursuant to the Interstate 64 Southside Widening and High Rise Bridge Project, 24 hours - 7 days a week (collectively, HOT Lanes-2 designation), to be implemented for each phase of the Project at such time that the new lanes for the phase on said portion of I-64 are determined by the Commissioner of Highways to be completed and ready to open for traffic/operation.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board, that an amount up to $10,000,000 be advanced from the Toll Facilities Revolving Account and allocated to pay the costs associated with work necessary to begin the engineering, analysis and

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construction of the needed tolling infrastructure and related services on Interstate 64 beginning in the vicinity of the I-664/264 Interchange and extending to the vicinity of the I-264 Interchange, and that requests for additional funding from the Toll Facilities Revolving Account or other sources for tolling infrastructure and related services shall be presented to the Board for its approval.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that the toll revenues collected from the HOT lanes facilities so designated pursuant to this resolution will be used in accord with § 33.2-309.

# # #

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item # 2

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

October 19, 2016

MOTION

Made By: Mr. Williams, Seconded By: Mr. Brown
Action: Motion Carried, Unanimously

Title: Designation of HOT Lanes and Related Extension of the Operating Hours on Interstate 64 from Interstate 564 to Interstate 264 and TFRA Funding Authorization

WHEREAS, pursuant to the provisions of § 33.2-502 of the *Code of Virginia*, the Commonwealth Transportation Board (the "CTB") may designate one or more lanes of any highway, including lanes that may have previously been designated as High Occupancy Vehicle (HOV) lanes, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as High Occupancy Toll (HOT) lanes; and

WHEREAS, pursuant to section 33.2-309 of the Code of Virginia, the CTB may, in accord with federal and state statutes and requirements, impose and collect tolls from all classes of vehicles in amounts established by the CTB for the use of any component of the Interstate System within the Commonwealth; and

WHEREAS, pursuant to 23 USC §166 (a)(4), a public authority may allow vehicles not otherwise exempt from HOV requirements to use a HOV facility if the operators of the vehicles pay a toll charged by the authority for use of the facility and the authority (A) establishes a program that addresses how motorists can enroll and participate in the toll program; (B) develops, manages, and maintains a system that will automatically collect the toll; and (C)

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establishes policies and procedures to, among other things, manage the demand to use the facility by varying the toll amount that is charged; and

WHEREAS, the Virginia Department of Transportation (VDOT) has analyzed the traffic congestion that is being experienced through a feasibility analysis that indicated a reduction in traffic in the general purpose lanes during peak periods could be achieved through the conversion of the HOV lanes to HOT lanes; and

WHEREAS, the Virginia Department of Transportation (VDOT) has concluded from the analysis and advised that the reversible HOV-2 lanes on Interstate 64 from Interstate 564 to Interstate 264 in Hampton Roads are underutilized, with additional capacity that could help to reduce congestion in the general purpose lanes in the area; and

WHEREAS, VDOT has concluded and has advised that allowing vehicles not meeting the vehicle occupancy requirements to use the HOV-2 lanes on Interstate 64 from Interstate 564 to Interstate 264 by paying a toll would increase utilization of these lanes, as well as increase capacity, reduce congestion and increase speeds and reliability in the general purpose lanes, and improve speeds in the HOV/HOT lanes during rush hour, thereby increasing throughput in the corridor; and

WHEREAS, VDOT has recommended and requested that the CTB designate the existing Interstate 64 HOV-2 reversible lanes from Interstate 564 to Interstate 264 as HOT-2 and further that the CTB authorize use of dynamic tolling to adjust tolls based on real-time traffic conditions; and

WHEREAS, VDOT has requested that the CTB, in order to maximize the benefits of the conversion of the HOV lanes to HOT lanes, extend the operational hours of the HOV lanes from Monday – Friday 6:00am – 8:00am (Westbound), 4:00pm -6:00pm (Eastbound) to Monday – Friday 5:00am – 9:00am (Westbound), 2:00pm – 6:00pm (Eastbound), at such time that tolling on the lanes commences; and

WHEREAS, funding is needed to cover the costs of conversion of the existing Interstate 64 HOV-2 reversible lanes from Interstate 564 to Interstate 264 to HOT-2 lanes and implementation of tolling associated therewith, with the most immediate need being funding to cover costs associated with work necessary to prepare for and administer the procurement of the needed tolling infrastructure and related services; and

WHEREAS, as a potential toll facility, the CTB may provide advance funding for this effort from the Toll Facilities Revolving Account pursuant to Section 33.2-1529 of the *Code of Virginia*.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to § 33.2-502 and § 33.2-309 of the *Code of Virginia* and 23 USC §166, the Commonwealth Transportation Board

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authorizes dynamic tolling of vehicles utilizing the HOV reversible lanes on Interstate 64 from Interstate 564 to Interstate 264, during the Westbound AM peak period of 5:00 a.m. to 9:00 am on weekdays and during the Eastbound PM peak period of 2:00 pm to 6:00 pm 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 said portion of I-64 are determined by the Commissioner of Highways to be completed and ready for operation.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board, that until tolling commences on the HOV-2 reversible lanes on Interstate 64 from Interstate 564 to Interstate 264, the hours of operation of said HOV-2 lanes shall continue to be Monday – Friday 6:00am – 8:00am (Westbound) and 4:00pm -6:00pm (Eastbound).

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board, that an amount up to $5,000,000 be advanced from the Toll Facilities Revolving Account and allocated to pay the costs associated with work necessary to prepare for and administer the procurement of the needed tolling infrastructure and related services associated with conversion of these lanes from HOV-2 to HOT-2 , and that requests for additional funding from the Toll Facilities Revolving Account or other sources shall be presented to the Board prior to or at such time that the contract for the tolling infrastructure and related services is presented to the Board for its approval.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that the toll revenues collected from this facility will be used in accord with section 33.2-309, including the reimbursement of funding advanced from the Toll Facilities Revolving Account authorized herein in accord with section 33.2-1529 of the Code of Virginia.

# # #

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item #13

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

July 28, 2016

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Kasprowicz
Action: Motion Carried, Unanimously

Title: Extension of HOV-2 lanes from Gainesville to Haymarket on Interstate 66, Conversion of HOV-2 Lanes to HOV-3 and Tolling on Interstate-66 Inside the Beltway and Consolidation of Record Regarding HOV/HOT Designations on Interstate 66

WHEREAS, pursuant to the provisions of § 33.2-501 of the Code of Virginia, the Commonwealth Transportation Board ("CTB") may designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as High Occupancy Vehicle ("HOV") lanes and if so designated such lanes shall be reserved for high-occupancy vehicles of a specified number of occupants and at such times as determined by the Board; and

WHEREAS, the Department contracted with Shirley Contracting Company, LLC to construct two additional lanes along Interstate-66 ("I-66") under State Project No. 0066-076-003, C501, B674, B675 (UPC 93577), thereby adding one general purpose lane and one HOV Lane in each direction from Gainesville in the vicinity of Route 29 to Haymarket in the vicinity of Route 15; and

WHEREAS, the construction to complete the HOV lane extension from Gainesville to Haymarket will be complete in August 2016 and CTB designation of the HOV lanes on this segment of I-66 is necessary; and

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WHEREAS, various phases of projects relating to the location, design and construction of segments and lanes, including HOV lanes, on I-66 both inside and outside Interstate - 495 (Beltway) have been considered and approved by the CTB throughout the years; and

WHEREAS, on June 14, 2016, the CTB designated two lanes in each direction on I-66 from University Boulevard (Gainesville) in Prince William County to I-495 in Fairfax County as HOT lanes with such designation to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020 (*see* Board Resolution adopted June 14, 2016 entitled "Designation of HOT Lanes and Conversion of HOV-2 Designation on Interstate-66 Outside the Capital Beltway to HOV-3") ("I-66 OTCB HOT Lanes Resolution"); and

WHEREAS, on June 14, 2016, in the I-66 OTCB HOT Lanes Resolution, the CTB also issued a finding that changing the HOV-2 designation of I-66 outside the Capital Beltway to HOV-3, to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but no earlier than January 2, 2020, (a) is in the public interest, (b) is supported by quantitative and qualitative evidence that the HOV-3 designation will facilitate the flow of traffic on Interstate Route 66, and (c) is beneficial to comply with the federal Clean Air Act Amendments of 1990 and in turn, then designated the high-occupancy requirement for the HOT Lanes on I-66 outside the Capital Beltway as HOV-3, with such designation to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020; and.

WHEREAS, by resolution dated December 9, 2015, the CTB (i) authorized dynamic tolling of the I-66 corridor beginning at the intersection of I-66 and the Beltway and ending at U.S. Route 29 in the Rosslyn area of Arlington County ("I-66 Inside the Beltway") at such rates as are necessary to comply with federal law; and (ii) approved the Memorandum of Agreement between the CTB, VDOT and the Northern Virginia Transportation Commission relating to implementation of Transform 66: Inside the Beltway ("NVTC MOA"), authorizing the Secretary and Commissioner to execute the NVTC MOA on behalf of the Board and VDOT, respectively; and

WHEREAS, the NVTC MOA, now executed, requires, among other things, that "VDOT and the CTB shall take the required actions necessary to change the [Transform 66: Inside the Beltway] Project HOV-2 designation to HOV-3 the later of 2020 or upon any increase to HOV-3 occupancy requirements for HOV lanes of I-66 outside the Beltway"; and

WHEREAS, the CTB seeks to ensure the necessary Board designations have been made and actions taken pursuant to §§ 33.2-309, 33.2-501 and 33.2-502 of the *Code of Virginia* (i) to provide authorization for dynamic tolling on I-66 Inside the Beltway during Eastbound AM and Westbound PM peak periods for vehicles not meeting HOV-2 occupancy requirements by the time the infrastructure and improvements necessary to commence tolling on I-66 Inside the Beltway are completed and ready for operation; and (ii) to conform to the National Capital Region Transportation Planning Board's policy and Constrained Long Range Plan relating to HOV requirements on I-66 and to comply with the NVTC MOA by establishing an HOV-3 requirement and authorizing dynamic tolling on I-66 Inside the Beltway during Eastbound AM and Westbound PM peak periods for vehicles not meeting the HOV-3 requirements, to be implemented at the time that the HOV-3 and HOT Lanes designations for I-66 outside the Beltway are implemented; and

WHEREAS, the CTB further desires to reiterate and establish a single consolidated record relating to the designation status of the HOV and HOT lanes, and tolling, on I-66 inside and outside the Beltway.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the authority granted under the provisions of § 33.2-501 of the Code of Virginia, the inside lane of I-66 Eastbound between Gainesville in the vicinity of Route 29 and Haymarket in the vicinity of Route 15 is designated HOV-2 in the Eastbound AM peak period (between 5:30 a.m. and 9:30 a.m.) and the inside lane of I-66 Westbound between Gainesville in the vicinity of Route 29 and Haymarket in the vicinity of Route 15 is designated HOV-2 in the Westbound PM peak period (between 3:00 p.m. and 7:00 p.m.) on weekdays, with implementation of the designation to occur upon completion of construction and opening of said lanes to traffic.

BE IT FURTHER RESOLVED that the CTB hereby clarifies that its written finding, issued on June 14, 2016, relating to changing the "HOV-2 designation of I-66 outside the Capital Beltway to HOV-3", applies to only that portion of I-66 outside the Beltway that will be encompassed by the I-66 HOV/HOT Lanes Project, namely two lanes in each direction on the Eastbound and Westbound lanes of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County. Accordingly, the Board hereby clarifies and restates its finding in the June 14, 2016, I-66 OTCB HOT Lanes Resolution as follows:

> "that pursuant to § 33.2-501(F) of the *Code of Virginia*, the CTB hereby approves the VDOT 501(F) Finding and hereby makes its written finding that changing the HOV-2 designation of I-66 outside the Capital Beltway to HOV-3 *on two lanes in each direction on the Eastbound and Westbound lanes of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County*, to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but no earlier

than January 2, 2020, (a) is in the public interest, (b) is supported by quantitative and qualitative evidence that the HOV-3 designation will facilitate the flow of traffic on Interstate Route 66, and (c) is beneficial to comply with the federal Clean Air Act Amendments of 1990."

BE IT FURTHER RESOLVED, that the CTB hereby clarifies that its designation of and the high-occupancy requirement for the HOT Lanes on I-66 outside the Capital Beltway as HOV-3, with such designation to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020 in the June 14, 2016 I-66 OTCB HOT Lanes Resolution, made pursuant to and in compliance with §§ 33.2-501(F) and 33.2-502, also applies to that portion of I-66 from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County.

BE IT FURTHER RESOLVED, that in accord with §33.2-502 (i) the Board authorizes dynamic tolling of vehicles utilizing the lanes on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period of 5:30 a.m. to 9:30 a.m. and on Westbound I-66 Inside the Beltway during the Westbound PM peak period of 3:00 p.m. to 7:00 p.m. 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) the Board approves conversion of the HOV-2 designation to HOV-3 and authorizes dynamic tolling of vehicles carrying less than three occupants utilizing the lanes, on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period of 5:30 a.m. to 9:30 a.m. and on Westbound I-66 Inside the Beltway during the Westbound PM peak period of 3:00 p.m. to 7:00 p.m. 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, on two lanes in each direction, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County, adopted by the Board on June 14, 2016, is implemented.

BE IT FURTHER RESOLVED, that in order to document and summarize in a consolidated record the existing status of the HOV/ HOT lanes/tolling designations for I-66, the Board reiterates their approval of the following designations:

(i) the HOV-2 designation of the lanes on Eastbound I-66 Inside the Beltway during the Eastbound AM peak period (between 6:30 a.m. and 9:00 a.m.) and on Westbound I-66 Inside the Beltway during the Westbound PM peak period (between 4:00 p.m. and 6:30 p.m.) on weekdays, with (1) a change in the Eastbound AM peak period to 5:30 a.m. to 9:30 a.m. and in the Westbound PM peak period to 3:00 p.m. to 7:00 p.m., to be implemented at such time that

dynamic tolling on I-66 Inside the Beltway commences; and (2) the conversion of such designation to HOV-3 with the revised peak periods, to be implemented at the time the change on I-66 outside the Beltway from HOV-2 to HOV-3 set forth in (iv) is implemented; and

(ii) the HOT Lanes designations and dynamic tolling during peak periods, on I-66 Inside the Beltway of vehicles not meeting the HOV requirements in effect at the time, to first be implemented at the time the Commissioner of Highways determines that the infrastructure and improvements necessary for tolling on said portion of I-66 are completed and operational; and

(iii) subject to implementation of the HOT Lanes designation with the change from HOV-2 to HOV-3 upon the date specified in (iv), the HOV-2 designation of the HOV lanes on Eastbound I-66 outside the Beltway, from I-495 in Fairfax County to Haymarket in the vicinity of Route 15, during the Eastbound AM peak period (between 5:30 a.m. and 9:30 a.m.) and on Westbound I-66 outside the Beltway, from I-495 in Fairfax County to Haymarket in the vicinity of Route 15, during the Westbound PM peak period (between 3:00 p.m. and 7:00 p.m.) on weekdays; and

(iv) the designation of two HOT Lanes with the high occupancy requirement of HOV-3, in each direction on the Eastbound and Westbound lanes of I-66 outside the Beltway, from I-495 in Fairfax County to University Boulevard in Gainesville/Prince William County, in accordance with the I-66 OTCB HOT Lanes Resolution adopted by the Board on June 14, 2016, and as clarified herein, to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to a fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but not earlier than January 2, 2020.

####

Policy on Motorcycles Using HOV Lanes

MINUTES

OF

MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

1401 E. Broad Street
Richmond, Virginia
June 22, 1995
10:00 a.m.

The monthly meeting of the Commonwealth Transportation Board was held in the Board Room of the Department of Transportation in Richmond, Virginia on June 22, 1995, at 10:00 a.m. The Chairman, Dr. Robert E. Martinez, presided.

Present: Messrs. Gehr, Barton, Byrd, Howlette, Myers, Newcomb, Porter, Rhea, Rich, Roudabush, Waldman and White and Mrs. Brooks and Dr. Thomas.

Absent: Mrs. Lionberger.

***

Item 2:

On motion of Dr. Thomas, seconded by Mrs. Brooks, the Board approved Permits Issued and Canceled from May 1, 1995, through May 31, 1995, inclusive. Mr. Porter disclosed he was President of Porter's Wood Products, Inc. and did not participate in the discussion or vote on this issue. Disclosure statement on file.

***

Item 3:

On motion of Mrs. Brooks, seconded by Dr. Howlette, the Board approved Additions, Abandonments or Other Changes in the Secondary System from May 1, 1995 through May 31, 1995, inclusive.

***

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6-22-95

Item 22:

Moved by Mr. Rich, seconded by Mrs. Brooks, that

WHEREAS, in 1985, in accordance with Section 163 of the Surface Transportation Act of 1982, Virginia was granted approval by the Federal Highway Administration to restrict the use of motorcycles on the HOV lanes on Routes I-95, I-395, I-66, I-64, and Route 44 based on certification submitted by the Virginia Department of Transportation that motorcycles constituted a safety hazard on the HOV lanes; and

WHEREAS, Section 1056 of the Intermodal Sruface Transportation Efficiency Act of 1991 (hereafter referred to as "the Act") amends Section 163 of the Surface Transportation Act of 1982 to read as follows:

"Notwithstanding any provision of this Act or any other law, no funds apportioned or allocated to a State for Federal-aid Highways shall be obligated for a project for construction, resurfacing, restoring, rehabilitating, or reconstructing a Federal-aid Highway which has a lane designated as a carpool lane unless the use of such lane includes use by motorcycles. Upon certification by the State to the Secretary, after notice in the Federal Register and an opportunity for public comment, and acceptance of such certification by the Secretary, the State may restrict such use by motorcycles if such use would create a safety hazard. Any certification made before the effective date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 shall not be recognized by the Secretary until the Secretary publishes notice of such certification in the Federal Register and provides an opportunity for public comment on such language". (Amended language underlined.)

WHEREAS, a study has been completed by the Department regarding the safety impacts of allowing motorcycles to use HOV lanes based on actual use of such facilities; and

WHEREAS, the study has determined that at this time, motorcycles do not present a safety risk on HOV lanes.

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NOW, THEREFORE, BE IT RESOLVED that motorcycles shall continuue to be allowed on all HOV lanes within the Commonwealth.

BE IT FURTHER RESOLVED that if, at any time upon further study, the Commissiner determines that the accident rate for motorcycles exceeds the accident rate for other types of vehicles on the HOV lanes during tha restricted periods and/or adversely affects HOV operations compared to other vehicles, the Commissioner is directed to advise the Commonwealth Transportation Board and, with their concurrence, to immediately initiate the certification procedure to prohibit motorcycles on all HOV lanes as set forth under Section 1056 of the Act. Absent such findings, motorcycles shall be granted continued use of the HOV lanes without additional Board action.

BE IT FURTHER RESOLVED that the Board directs the Department to make this resolution known to the public throughout the Commonwealth and to immediately provide a copy of this resolution to the Virginia State Police.

Motion carried.

***

Item 23:

The Chairman recognized the contributions to the Board by Dr. M. Philmore Howlette and Mr. Byron E. Waldman. Dr. Howlette has served on the Board since July 1, 1985 as representative of the Richmond District and will leave the Board upon expiration of his current term on June 30, 1995. Mr. Waldman has served on the Board since July 1, 1988 as representative of the Northern Virginia District and will resign from the Board effective June 30, 1995.

Mr. Newcomb, Chairman of the Rail, Transit and HOV Committee, asked for a briefing on the Interim Report of HOV-2 on I-66 as soon as possible.

Mr. Rhea distributed some material on the development of the Route 58 Corridor in anticipation of discussion at the November meeting in Blacksburg.

***

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Industrial Access Railroad Track Fund

- Rail Industrial Access Policy Update (3/19/2024)
- Industrial Access Railroad Track Repayment Policy (Resolution A) (1/14/2015)
- Industrial Access Railroad Track Repayment Policy (Resolution B) (1/14/2015)
- Industrial Access Railroad Track Repayment Policy (Resolution C) (1/14/2015)
- Industrial Access Railroad Track Repayment Policy (Resolution D) (1/14/2015)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 11

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 19, 2024

MOTION

Made By: Ms. Green, **Seconded By:** Mr. Fowlkes

Action: Motion Carried, Unanimously

Title: Rail Industrial Access Policy Update

WHEREAS, the General Assembly declares it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites where rail freight service is or may be needed by new or substantially expanded industry as described in Section 33.2-1600 of the Code of Virginia, and;

WHEREAS, Section 33.2-1600 E. sets forth considerations for the Commonwealth Transportation Board (the Board) when evaluating whether to construct access tracks, and further instructs the Board to adopt procedures to encourage widespread use of the funds, and;

WHEREAS, the Board desires to update its policies regarding projects which qualify for application of industrial access railroad track funds, and;

WHEREAS, the Board intends to retain, by incorporating it into an updated policy relating to industrial access railroad track funds, the current Performance Policy adopted October 17, 2018, which was the result of the Board's reevaluation of the Rail Industrial Access Program Performance Policy.

NOW, THEREFORE, BE IT RESOLVED, that effective April 1, 2024, the previous policies and/or policy changes adopted May 15, 2013, and October 17, 2018, are rescinded, and the attached policy to govern the use of industrial access railroad track funds administered by the Director of the Department of Rail and Public Transportation is adopted.

Back to Industrial Access Railroad Track Fund

BE IT FURTHER RESOLVED, that the Director shall develop procedural guidelines for the implementation of this policy and that the attached policy as well as the procedural guidelines shall become effective on April 1, 2024.

BE IT FURTHER RESOLVED, that any actions prior to April 1, 2024, taken by the Director in conformity and compliance with the policies adopted by the Commonwealth Transportation Board on October 17, 2018, shall remain valid and shall not be rendered invalid by this action.

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Back to Industrial Access Railroad Track Fund

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 13A

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 14, 2015

MOTION

Made By: Ms. Valentine, Seconded By: Mr. Whitworth

Action: Motion Carried

Title: Industrial Access Railroad Track Repayment Policy

WHEREAS, § 33.2-1600 establishes the fund for construction of industrial access railroad tracks; and

WHEREAS, in § 33.2-1600 the General Assembly declared it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, pursuant to § 33.2.-1600, the Industrial Access Railroad Track fund is intended to be comparable to the fund for access roads to economic development sites established pursuant to § 33.2-1509 and administered by VDOT; and

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Industrial Access Program ("RIA") which is subject to the approval of the Commonwealth Transportation Board ("CTB"); and

WHEREAS, revenue rail carloads provide a public benefit by diverting truck traffic from Virginia's highways; and

WHEREAS, the Department requires in its grant agreements that Grantees report performance, which includes revenue rail carloads run over the track funded through the RIA Program; and

WHEREAS, during the recession and the slow economic recovery, some Grantees have been unable to meet the performance requirements, and

Back to Industrial Access Railroad Track Fund

WHEREAS, the Department has notified these Grantees that the grant agreement requires repayment of grant funds if Grantees fail to meet performance requirements of the grant agreement; and

WHEREAS, Grantees have missed their target carload performance requirements by varying margins, in large part due to the recession and slow economic recovery; and

WHEREAS, the current policy of the RIA program requires partial repayment if performance targets are not achieved; and

WHEREAS, most Grantees have come close to meeting their performance requirements despite the recession, and have pursued program goals in good faith; and

WHEREAS, the Department wishes to recognize the public benefit achieved by each Grantee; and

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Director of the Department of Rail and Public Transportation to take the following actions for grantees subject to the 90-day review findings:

1. Forgive repayment from six grantees identified by the Director who would have received a positive funding recommendation based on the actual number of carloads achieved even though they failed to meet the anticipated carloads specified in their grant agreements.

Repayment forgiveness and time extensions will be specified in amendments to the grant agreements between the Department and the Grantees.

####

Back to Industrial Access Railroad Track Fund

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item # 13B

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 14, 2015

MOTION

Made By: Mr. Kasprowicz, Seconded By: Mr. Garczynski

Action: Motion Carried

Title: Industrial Access Railroad Track Repayment Policy

WHEREAS, § 33.2-1600 establishes the fund for construction of industrial access railroad tracks; and

WHEREAS, in § 33.2-1600 the General Assembly declared it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, pursuant to § 33.2.-1600, the Industrial Access Railroad Track fund is intended to be comparable to the fund for access roads to economic development sites established pursuant to § 33.2-1509 and administered by VDOT; and

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Industrial Access Program ("RIA") which is subject to the approval of the Commonwealth Transportation Board ("CTB"); and

WHEREAS, revenue rail carloads provide a public benefit by diverting truck traffic from Virginia's highways; and

WHEREAS, the Department requires in its grant agreements that Grantees report performance, which includes revenue rail carloads run over the track funded through the RIA Program; and

WHEREAS, during the recession and the slow economic recovery, some Grantees have been unable to meet the performance requirements, and

Back to Industrial Access Railroad Track Fund

WHEREAS, the Department has notified these Grantees that the grant agreement requires repayment of grant funds if Grantees fail to meet performance requirements of the grant agreement; and

WHEREAS, Grantees have missed their target carload performance requirements by varying margins, in large part due to the recession and slow economic recovery; and

WHEREAS, the current policy of the RIA program requires partial repayment if performance targets are not achieved; and

WHEREAS, most Grantees have come close to meeting their performance requirements despite the recession, and have pursued program goals in good faith; and

WHEREAS, the Department wishes to recognize the public benefit achieved by each Grantee; and

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Director of the Department of Rail and Public Transportation to take the following actions for grantees subject to the 90-day review findings:

> Forgive repayment from two grantees identified by the Director who would not have received a positive funding recommendation based on the actual number of carloads achieved, but have pursued program goals in good faith despite the recession.

Repayment forgiveness and time extensions will be specified in amendments to the grant agreements between the Department and the Grantees.

####

Back to Industrial Access Railroad Track Fund

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 13C

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 14, 2015

MOTION

Made By: Mr. Garczynski, Seconded By: Mr. Kasprowicz

Action: Motion Carried, Unanimously

Title: Industrial Access Railroad Track Repayment Policy

WHEREAS, § 33.2-1600 establishes the fund for construction of industrial access railroad tracks; and

WHEREAS, in § 33.2-1600 the General Assembly declared it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, pursuant to § 33.2.-1600, the Industrial Access Railroad Track fund is intended to be comparable to the fund for access roads to economic development sites established pursuant to § 33.2-1509 and administered by VDOT; and

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Industrial Access Program ("RIA") which is subject to the approval of the Commonwealth Transportation Board ("CTB"); and

WHEREAS, revenue rail carloads provide a public benefit by diverting truck traffic from Virginia's highways; and

WHEREAS, the Department requires in its grant agreements that Grantees report performance, which includes revenue rail carloads run over the track funded through the RIA Program; and

WHEREAS, during the recession and the slow economic recovery, some Grantees have been unable to meet the performance requirements, and

Back to Industrial Access Railroad Track Fund

WHEREAS, the Department has notified these Grantees that the grant agreement requires repayment of grant funds if Grantees fail to meet performance requirements of the grant agreement; and

WHEREAS, Grantees have missed their target carload performance requirements by varying margins, in large part due to the recession and slow economic recovery; and

WHEREAS, the current policy of the RIA program requires partial repayment if performance targets are not achieved; and

WHEREAS, most Grantees have come close to meeting their performance requirements despite the recession, and have pursued program goals in good faith; and

WHEREAS, the Department wishes to recognize the public benefit achieved by each Grantee; and

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Director of the Department of Rail and Public Transportation to take the following actions for grantees subject to the 90-day review findings:

Grant a two-year extension to two grantees identified by the Director who have completed their five-year performance window, are pursuing program goals in good faith but have not yet achieved their performance requirements, and have not previously been granted a time extension.

Repayment forgiveness and time extensions will be specified in amendments to the grant agreements between the Department and the Grantees.

####

Back to Industrial Access Railroad Track Fund

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item # 13D

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 14, 2015

MOTION

Made By: Mr. Fralin, Seconded By: Mr. Whitworth

Action: Motion Carried, Unanimously

Title: Industrial Access Railroad Track Repayment Policy

WHEREAS, § 33.2-1600 establishes the fund for construction of industrial access railroad tracks; and

WHEREAS, in § 33.2-1600 the General Assembly declared it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, pursuant to § 33.2.-1600, the Industrial Access Railroad Track fund is intended to be comparable to the fund for access roads to economic development sites established pursuant to § 33.2-1509 and administered by VDOT; and

WHEREAS, the Department of Rail and Public Transportation ("the Department") administers the Rail Industrial Access Program ("RIA") which is subject to the approval of the Commonwealth Transportation Board ("CTB"); and

WHEREAS, revenue rail carloads provide a public benefit by diverting truck traffic from Virginia's highways; and

WHEREAS, the Department requires in its grant agreements that Grantees report performance, which includes revenue rail carloads run over the track funded through the RIA Program; and

WHEREAS, during the recession and the slow economic recovery, some Grantees have been unable to meet the performance requirements, and

Back to Industrial Access Railroad Track Fund

WHEREAS, the Department has notified these Grantees that the grant agreement requires repayment of grant funds if Grantees fail to meet performance requirements of the grant agreement; and

WHEREAS, Grantees have missed their target carload performance requirements by varying margins, in large part due to the recession and slow economic recovery; and

WHEREAS, the current policy of the RIA program requires partial repayment if performance targets are not achieved; and

WHEREAS, most Grantees have come close to meeting their performance requirements despite the recession, and have pursued program goals in good faith; and

WHEREAS, the Department wishes to recognize the public benefit achieved by each Grantee; and

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Director of the Department of Rail and Public Transportation to take the following actions for grantees subject to the 90-day review findings:

> Pursue repayment of one grantee that has ceased business operations in Virginia and is not utilizing the rail built with Rail Industrial Access funds.

Repayment forgiveness and time extensions will be specified in amendments to the grant agreements between the Department and the Grantees.

####

Back to Industrial Access Railroad Track Fund

Integrated Directional Signing Program

- Adoption of Amendments to Integrated Directional Signing Program (IDSP) Participation Criteria (24VAC30-551) (6/16/2026)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 16, 2026

MOTION

Made By: Ms. Sellers**, Seconded By:** Ms. Green

Action: Motion Carried, Unanimously

Title: Adoption of Amendments to Integrated Directional Signing Program (IDSP) Participation Criteria (24VAC30-551)

WHEREAS, the Integrated Directional Signing Program (IDSP) Participation Criteria, 24VAC30-551, provides uniform directional guidance for motorists to essential services and attractions throughout the Commonwealth and facilitates motorist awareness of and accessibility to historical, cultural, or commercial attractions by serving as the umbrella for the Specific Travel Services Signs, Tourist-Oriented Directional Signs, Supplemental Guide Signs, and General Motorists Service Signs major signing programs and several special signing programs; and

WHEREAS, the Commonwealth Transportation Board (Board) adopted 24VAC30-551 pursuant to its general authority to make regulations found in § 33.2-210 of the *Code of Virginia* and the specific authority found in § 33.2-218 of the *Code of Virginia* to establish reasonable fees for participation in the IDSP and § 33.2-1220 of the *Code of Virginia* to make regulations governing the installation and maintenance of signs on state highways, including those related to the IDSP; and

WHEREAS, 24VAC30-551 was adopted by the Board on June 16, 2005, became effective on September 6, 2006, and has not been substantively amended since; and

WHEREAS, pursuant to the Virginia Administrative Process Act (APA), particularly in §§ 2.2 4007.1 and 2.2-4017 of the *Code of Virginia*, and Executive Order 19 (June 30, 2022), the

Back to Integrated Directional Signing Program

Board is required to perform a periodic review of each of its regulations at least once every four years, and thus, the Virginia Department of Transportation (VDOT) posted notice on the Virginia Regulatory Town Hall (Town Hall) on September 16, 2025, informing the public of the Board's intent to conduct such a review of 24VAC30-551, with no public comments received during the public comment period; and

WHEREAS, VDOT has completed the periodic review of 24VAC30-551 and determined that program growth, changes in standards under the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* (11th Edition) and the *Virginia Manual on Uniform Traffic Control Devices* (11th Edition), which are incorporated under 24VAC30-315, and advances in technology necessitate revisions to the regulation to ensure consistency and clarity; and

WHEREAS, VDOT has proposed amendments to 24VAC30-551 (Attachment A) to modernize definitions; clarify participation criteria; update operational policies and participation fees; and improve accessibility, administrative clarity, and alignment with other Commonwealth and federal regulations; and

WHEREAS, VDOT has completed an Agency Background Document (Attachment B) to be filed on Town Hall in conjunction with the action to amend 24VAC30-551 and has also completed a Periodic Review Report of Findings document to be filed on Town Hall (Attachment C) reflecting that the disposition of the review is to amend the regulation.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby readopts 24VAC30-551, the Integrated Directional Signing Program (IDSP) Participation Criteria, with the inclusion of the proposed amendments as reflected in Attachment A.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board requests that the Commissioner of Highways, or his designees, take all necessary actions to effectuate the amendment of 24VAC30-551, including posting the associated Agency Background Document (Attachment B) to Town Hall.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board approves and adopts the Periodic Review Report of Findings (Attachment C) for 24VAC30-551 with the proposed disposition to amend the regulation, and directs the Commissioner of Highways, or his designees, to take all actions necessary to complete the periodic review.

####

Editor's Note: For the current official version of this regulation, see 24VAC30-551.

Interstate Operations and Enhancement Program

- Adoption of the Interstate Operations and Enhancement Program Policy (6/23/2021)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 16

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 23, 2021

MOTION

Made By: Mr. Rucker, **Seconded By:** Mr. Kasprowicz

Action: Motion carried, unanimously

Title: Adoption of the Interstate Operations and Enhancement Program Policy

WHEREAS, pursuant to Chapters 1230 and 1275 of the 2020 *Virginia Acts of Assembly* and as codified in §33.2-372 and through amendments to §§ 33.2-232 and 33/2-358 of the *Code of Virginia*, the General Assembly of Virginia has directed the Commonwealth Transportation Board (Board) to establish the Interstate Operations and Enhancement Program (Program) to improve the safety, reliability, and travel flow along interstate highway corridors in the Commonwealth; and

WHEREAS, pursuant to §33.2-214 of the *Code of Virginia,* the Board shall only include a project or program wholly or partially funded with funds from the Program in the Six-Year Improvement Program (SYIP) if the allocation of funds from those programs and other funding committed to such project or program within the six-year horizon of the SYIP is sufficient to complete the project or program; and

WHEREAS, pursuant to §33.2-232, the Commissioner of Highways (Commissioner) must provide to the Governor, the General Assembly, and the Board by November 1 of each even-numbered year, a report that includes, among other things, the status of the Program, including the allocation of revenues for the Program, the current and projected performance of each interstate highway corridor, and the anticipated benefits of funded strategies, capital improvements, and services by the interstate highway; and

WHEREAS, §33.2-358, provides for allocation to the Program twenty percent of funds available for construction after allocations for highway maintenance and other specified allocations; and

Back to Interstate Operations and Enhancement Program

WHEREAS, §33.2-372, permits the Board to use funds in the Program to address identified needs in the Statewide Transportation Plan pursuant to §33.2-353 or an interstate corridor plan approved by the Board through operational and transportation demand management strategies and other transportation improvements, strategies, or services; and

WHEREAS, §33.2-372, requires the Board, with the assistance of the Office of Intermodal Planning and Investment, to establish a process to evaluate and prioritize potential strategies and improvements, with priority given first to operational and transportation demand management strategies that improve reliability and safety of travel; and

WHEREAS, §33.2-372, prohibits the Board from using funds in the Program to supplant existing levels of support as of July 1, 2019, for existing operational and transportation demand management strategies; and

WHEREAS, §33.2-372, requires the Board to distribute to the Interstate 81 Corridor Improvement Fund established pursuant to §33.2-3601, an amount equal to the revenues provided to the Program multiplied by the ratio of the vehicle miles traveled on Interstate 81 by vehicles classified as Class 6 or higher by the Federal Highway Administration (FHWA) to the total vehicle miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher; and

WHEREAS, §33.2-372, requires the Board to distribute to the Northern Virginia Transportation Authority Fund established pursuant to §33.2-2509 an amount equal to the revenues provided to the Program multiplied by the ratio of vehicle miles traveled on interstate highways in Planning District 8 by vehicles classified as Class 6 or higher by the FHWA to the total vehicles miles traveled on all interstate highways in the Commonwealth by vehicles classified as Class 6 or higher; and

WHEREAS, §33.2-372 requires the Board to ensure, for any interstate highway with more than 10 percent of total vehicle miles traveled by vehicles classified as Class 6 or higher by the FHWA, that the total long-term expenditure for each interstate highway be approximately equal to the proportion of the total revenue deposited in the Fund attributable to each interstate highway based on such interstate highway's proportional share of interstate vehicle-miles traveled by vehicles classified as Class 6 or higher; and

WHEREAS, §33.2-372 does not provide explicit direction relating to the funds available in the Program that exceed the required distributions to the Interstate 81 Corridor Improvement Fund, the Northern Virginia Transportation Authority Fund, and any interstate highway with more than 10 percent of total vehicle miles traveled by vehicles classified as Class 6 or higher by the FHWA, but rather, provides that such funds shall be allocated at the discretion of the Board for strategies and improvements that improve safety, reliability and travel flow along any interstate corridor in the Commonwealth; and.

WHEREAS, the Board, at its May 2021 Workshop, was presented with a proposed Interstate Operations and Enhancement Program Policy (Policy), developed by a study team, comprised of representatives of OIPI, the Virginia Department of Transportation, Department of Motor Vehicles, Department of State Police, Department of Rail and Public Transportation, and Virginia Port Authority, (IOEP Study Team) which is attached hereto as Attachment A; and

Back to Interstate Operations and Enhancement Program

WHEREAS, the proposed Interstate Operations and Enhancement Program Policy is consistent with the Interstate Operations and Enhancement Program requirements set forth in §33.2-372; and

WHEREAS, the IOEP Study Team has also made recommendations relating to funding operation, maintenance and transit service operating costs associated with the IOEP improvements and Program as well as Board consideration of multimodal and express lane options when evaluating expansion of interstate highways.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby approves the Interstate Operations and Enhancement Program Policy, attached hereto as Attachment A, for use in developing and funding interstate improvement plans under the Interstate Operations and Enhancement Program and in accord with §33.2-372.

BE IT FURTHER RESOLVED, operating and maintenance costs for the initial operational improvements identified for the Interstate Operations and Enhancement Program may be covered for a period not to exceed six years, at which point the Highway Maintenance and Operations Program will assume those costs.

BE IT FURTHER RESOLVED, transit service operating costs will be covered for a period of three years, with the Board having the discretion at the end of the three-year period to provide operating assistance for three additional years on high performing routes where the anticipated funding for this service is unavailable to enable the service to continue.

BE IT FURTHER RESOLVED, operating and maintenance costs for new operations improvements and transit operating costs for new transit capital projects will be covered for a period of three years in subsequent interstate corridor improvement plans.

BE IT FURTHER RESOLVED, when considering the expansion of interstate highways, the Board shall evaluate the extent and time period for which new lanes will provide improved travel flow and if such new general purpose lanes are expected to remain or become congested within a period of 30 years, then implementation of multimodal options or express lanes should be given priority over new general purpose lanes.

BE IT FURTHER RESOLVED, within twelve months of this adoption of this resolution that the Office of Intermodal Planning and Investment, in coordination with the Department of Transportation and the Department of Rail and Public Transportation, shall develop a methodology to evaluate the implications of proposed improvements for achieving the Commonwealth's objectives related to greenhouse gas reductions from the transportation sector.

BE IT FURTHER RESOLVED, that upon the development of the measure by the Office of Intermodal Planning and Investment, in coordination with the Department of Transportation and the Department of Rail and Public Transportation, the Interstate Operations and Enhancement Policy shall be revised to include such measure in the prioritization process included in the Policy.

BE IT FURTHER RESOLVED, the Board hereby authorizes the Secretary of Transportation to make such modifications to the Interstate Operations and Enhancement Program Policy as provided in Attachment A as deemed appropriate, provided any such modifications shall not conflict with §33.2-372 nor this resolution, and further, to take all actions necessary to finalize and implement the Program.

###

Back to Interstate Operations and Enhancement Program

Junkyards

- Criteria for Junkyard Control (4/25/1968)

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MINUTES
OF
MEETING OF STATE HIGHWAY COMMISSION
NATURAL BRIDGE, VIRGINIA
April 25, 1968

The regular monthly meeting of the State Highway Commission was held at the Natural Bridge Hotel at 1:00 P.M. on Thursday, April 25, 1968, during the Spring Conference of Highway Department Engineers. The Chairman, Mr. Douglas B. Fugate, presided.

Present: Messrs. Fugate, Baughan, Chilton, Duckworth, Fitzpatrick, Landrith, McWane, and Sclater.

Absent: Judge R. S. Weaver, Jr.

On motion of Mr. Fitzpatrick, seconded by Mr. Sclater, minutes of the meeting of March 21, 1968 were approved.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Sclater, that permits issued from March 21, 1968 to April 24, 1968, as shown by records of the Department, be approved.

On motion of Mr. Fitzpatrick, seconded by Mr. Sclater, cancellation of permits from March 21, 1968 to April 24, 1968, as shown by records of the Department, was approved.

Back to Junkyards

Moved by Mr. Duckworth, seconded by Mr. Chilton, that

WHEREAS, The Commissioner has received a request from the Electoral Board of Campbell County for the use of the District Office Auditorium at Lynchburg as a voting precinct, and

WHEREAS, This has been investigated by the staff of the Department and, the staff has advised that the use of the District Office at Lynchburg, and, in fact, any of the Department's District Offices or Residency Offices for this purpose, would present certain problems involving interference with the normal operations of the Department, parking, policing, etc., and

WHEREAS, The Commission feels that it must give first consideration to operations of the Department, but is sympathetic with the need for buildings for voting precincts, be it therefore

RESOLVED, That the Commission reluctantly denies the request of the Campbell County Electoral Board for the use of the Lynchburg District Office.

MOTION CARRIED.

Moved by Mr. Landrith, seconded by Mr. Duckworth, that

WHEREAS, the 1966 session of the General Assembly passed legislation to regulate and control junkyards adjacent to all highways of the Commonwealth in conformity with the Federal Highway Beautification Act of 1965; and

WHEREAS, this legislation provided, among other matters, for the existence of junkyards in unzoned industrial areas as determined by the State Highway Commission; and

WHEREAS, the engineers and attorneys for the Highway Department have selected a proposed criteria for the selection of such unzoned industrial areas which criteria have been substantially approved by the Federal Government.

NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commission, for the purpose of regulating junkyards pursuant to § 33-279.3 of the Code of Virginia in areas that are not covered by any State or local zoning regulations, hereby adopts the following criteria for selection of unzoned industrial areas:

Unzoned industrial areas shall mean
those areas which are not predominantly

Back to Junkyards

used for residential or commercial purposes and on which there is located one or more permanent structures devoted to an industrial activity or on which an industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 600 feet from and beyond the edge of such activity. This definition shall not apply to any areas which are covered by local or State zoning ordinances, and each side of the highway will be considered separately in applying this definition.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway.

Industrial activities for the purpose of the above definition shall mean those activities generally recognized as industrial by zoning authorities in this Commonwealth, except that none of the following activities shall be considered industrial:

1. Outdoor advertising structures.

2. Junkyards as defined in § 33-279.3 of the Code of Virginia (1950), as amended.

Back to Junkyards

3. Agricultural, forestry, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.

4. Transient or temporary activities.

5. Activities not visible from the main traveled way.

6. Activities more than 300 feet from the nearest edge of the right of way.

7. Activities conducted in a building principally used as a residence.

8. Railroad tracks, minor sidings and passenger depots.

The Highway Commissioner is authorized to submit the above definition to the Federal Government for its approval as required under the Federal Highway Beautification Act.

MOTION CARRIED.

Back to Junkyards

Labor

- Adoption of Policy on Use of Project Labor Agreements for Projects Funded with Allocations by the Board (11/10/2025)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

November 10, 2025

MOTION

Made By: Mr. Good**, Seconded By:** Ms. Green
Action: Motion Carried, Unanimously

Title: Adoption of Policy on Use of Project Labor Agreements for Projects Funded with Allocations by the Board

WHEREAS, the Commonwealth Transportation Board (Board) recognizes that Va. Code § 2.2-4321.2 authorizes public bodies procuring products or services, and/or letting contracts for construction, manufacture, maintenance, or operation of public works to require bidders, offerors, contractors, or subcontractors to enter into or adhere to Project Labor Agreements (PLA) with one or more labor organizations, on the same or related public works projects; and

WHEREAS, the Commonwealth Transportation Board recognizes that Virginia's Right to Work law under Va. Code § 40.1-59 establishes that any agreement between an employer and any labor union or labor organization whereby persons not members of such union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy in the Commonwealth of Virginia; and

WHEREAS, under Va. Code § 33.2-214 the Commonwealth Transportation Board shall have the power and duty to coordinate the planning for and financing of transportation needs, including needs for highways, railways, seaports, airports, public transportation and spaceports, and set aside funds pursuant to a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year; and

Back to Labor

WHEREAS, under Va. Code § § 33.2-214 and 33.2-209 the Commonwealth Transportation Board shall have the power and duty to enter into contracts with the local districts, commissions, agencies, or other entities created for transportation purposes. Furthermore, the Commonwealth Transportation board shall have the power and duty to let all contracts to be administered by the Department of Transportation or the Department of Rail and Public Transportation for the construction, maintenance, and improvement of the highways compromising systems of state highways and for all activities related to passenger and freight rail and public transportation in excess of $5 million.

NOW THEREFORE BE IT RESOLVED, considering Va. Code § 2.2-4321.2 and pursuant to the Board's status as a "Policy Board", the Commonwealth Transportation Board believes that it is necessary to provide guidance in the form of a Policy on the use of Project Labor Agreements and the development of such agreements to carefully follow and/or reconcile with the laws of the Commonwealth of Virginia.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby adopts the *Policy on Use of Project Labor Agreements For Projects Funded with Allocations by the Board*, presented at the October 2025 Workshop and attached hereto as Attachment A, intending such Policy to be effective on the date of this Resolution.

####

Back to Labor

Land Use

- Final Regulatory Amendments and Response to Public Comments: Land Use Permit Regulations (24VAC30-151) (7/16/2025)
- Regulatory Reduction Program and Proposed Regulatory Amendments: General Rules and Regulations of the Commonwealth Transportation Board (24VAC30-21) (12/4/2024)
- Amendment of Land Use Permit Regulation (12/8/2021)
- Authorization to Amend the *Rules and Regulations for the Administration of Parking Lots and Environs* (24VAC30-100) and the *Land Use Permit Regulations* (24VAC30-151) to Allow Mobile Food Vending at Planning District 8 Commuter Lots in Accordance with Chapter 765 of the 2016 Acts of Assembly (6/20/2018)
- Authorization to Amend the *Land Use Permit Regulations* (24VAC30-151) to allow mobile food vending in accordance with Chapter 466 of the 2015 Acts of Assembly (7/15/2015)
- Adoption of Land Use Permit Regulations (24 VAC 30-151) and Repeal of Land Use Permit Manual (24 VAC 30-150) (10/15/2009)
- Repeal of *Minimum Standards of Entrances to State Highways* (24 VAC 30-71) and *General Rules and Regulations of the Commonwealth Transportation Board* (24 VAC 30-20) and Promulgation of Replacement G*eneral Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-21)* (10/15/2009)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 16, 2025

MOTION

Made By: Dr. Smoot**, Seconded By:** Mr. Davis
Action: Motion Carried, Unanimously

Title: Final Regulatory Amendments and Response to Public Comments: Land Use Permit Regulations (24VAC30-151)

WHEREAS, pursuant to the resolution titled *Regulatory Reduction Program and Proposed Regulatory Amendments: Land Use Permit Regulations (24VAC30-151) and Vegetation Control Regulations on State Rights of-Way (24VAC30-200)* approved at the Commonwealth Transportation Board's January 16, 2024, Action meeting, the Virginia Department of Transportation (VDOT) filed the approved Proposed regulatory amendments and associated Agency Background Document for the Land Use Permit Regulations (24VAC30-151) on the Virginia Regulatory Town Hall website to initiate the process of amending the regulations; and

WHEREAS, pursuant to the same resolution, the CTB authorized and directed the Commissioner of Highways or his designees to bring Final amendments to 24 VAC30-151 back to the Board for approval, prior to finalization, only if public comments are received, substantive changes are suggested to the proposed amendments attached hereto, or additional amendments are suggested for that regulation; and

WHEREAS, one set of public comments was received during the 60-day public comment period held in conjunction with publication of the Proposed stage in the *Virginia Register of Regulations*, and VDOT has developed proposed responses to the issues raised in the public comments (Attachment A), as well as additional changes and clarifications to the regulatory amendments to 24 VAC30-151 (Attachment B) in response to the comments; and

Back to Land Use

WHEREAS, pursuant to the Administrative Process Act, the final amendments to the regulations must now be posted on the Virginia Regulatory Town Hall in conjunction with the Final stage of the regulatory process and published in the *Virginia Register of Regulations* for a public comment period of 30 days before the amended regulation may become effective; and

WHEREAS, VDOT has completed an Agency Background Document (TH-03) to be filed on Town Hall in conjunction with the Final stage of the regulatory process for 24 VAC30-151 (Attachment C); and

WHEREAS, the Commonwealth Transportation Board originally adopted 24VAC30-151 pursuant to its authority set forth in § 33.2-210 of the *Code of Virginia* and other relevant sections of the *Code of Virginia*, and is authorized to take action to amend, repeal or retain said regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves the responses proposed by VDOT to the public comment (Attachment A) received during the Proposed stage of the regulatory process to amend the Land Use Permit Regulations (24VAC30-151).

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby approves the final amendments to the Land Use Permit Regulations (24VAC30-151), attached hereto (Attachment B), including the changes added in response to the public comment received at the Proposed stage.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all necessary actions to promulgate the final amended regulation, filing the necessary forms, including the Final Regulation Agency Background Document (Attachment C), as may be required by the Virginia Administrative Process Act.

####

Editor's Note: For the current version of this regulation, please see 24VAC30-151.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 4, 2024

MOTION
Made By: Mr. Fowlkes, Seconded **By:** Mr. Davis
Action: Motion Carried, Unanimously

Title: Regulatory Reduction Program and Proposed Regulatory Amendments: General Rules and Regulations of the Commonwealth Transportation Board (24VAC30-21)

WHEREAS, pursuant to the resolution titled *Approval of Notices of Intended Regulatory Action in Conjunction with Periodic Regulatory Review* approved at the Commonwealth Transportation Board's (CTB) July 16, 2024, action meeting, the Virginia Department of Transportation (VDOT) filed the approved Notice of Intended Regulatory Action (NOIRA) and associated Agency Background Document for the General Rules and Regulations of the Commonwealth Transportation Board (24VAC30-21); and

WHEREAS, no comments were received during the 30-day public comment period held in conjunction with publication of the NOIRA in the *Virginia Register of Regulations*; and

WHEREAS, this action was initiated to (i) fulfill the periodic regulatory review requirements of the Virginia Administrative Process Act (Section 2.2-4000 *et seq* of the *Code of Virginia*) and Executive Order (EO) 19 (June 30, 2022) and (ii) pursue regulatory reduction in accordance with EO 19 and guidance from the Office of Regulatory Management (ORM) requiring each agency to reduce the agency's discretionary regulatory burden on the public by 25%, with reductions generally requiring amendment of regulations through the rulemaking process; and

WHEREAS, VDOT conducted a full review of 24VAC30-21 pursuant to the ORM requirements and has identified opportunities for clarifying and streamlining the regulatory language through potential amendments to this regulation, as detailed in Attachment A; and

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WHEREAS, pursuant to the Administrative Process Act, the proposed amendments to the regulation must now be posted on the Virginia Regulatory Town Hall in conjunction with the Proposed stage of the regulatory process and published in the *Virginia Register of Regulations* for a public comment period of 60 days before the amended regulation may be finalized and become effective; and

WHEREAS, VDOT has completed an Agency Background Document (TH-02) to be filed on Town Hall in conjunction with the Proposed stage for this regulation (Attachment B); and

WHEREAS, the CTB originally adopted 24VAC30-21 pursuant to its authority set forth in § 33.2-210 of the *Code of Virginia*, and is authorized to take action to amend, repeal or retain said regulation.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby approves the proposed amendments to the General Rules and Regulations of the Commonwealth Transportation Board (24VAC30-21) attached hereto (Attachment A).

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all necessary actions to promulgate the amended regulation, filing the necessary forms, including the Proposed Regulation Agency Background Document (Attachment B), as may be required by the Virginia Administrative Process Act.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board authorizes and directs the Commissioner of Highways or his designees to complete the regulatory process for the regulation, including the Final Stage, and to bring Final amendments/the regulation back to the Board for approval, prior to finalization, only if public comments are received, substantive changes are suggested to the proposed amendments attached hereto, or additional amendments are suggested for the regulation.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 8, 2021

MOTION

Made By: Mr. Miller **Seconded By:** Ms. Hynes
Action: Motion carried, unanimously

Title: Amendment of the Land Use Permit Regulation

WHEREAS, the Land Use Permit Regulation permits work activities on the VDOT right of way for construction, utility installations, entrances, events and other activities; and

WHEREAS, in specifying land use permit fees, particularly for renewable energy generation permits, section 710 of the regulation includes a reference to Code of Virginia § 67-1103, which was part of the Virginia Energy Plan and specified right of way fees for renewable energy generators; and

WHEREAS, Chapter 387 of the 2021 Special Session of the General Assembly recodified statutes relating to mining and energy, and as part of that recodification, moved § 67-1103 and the other sections in its chapter to a newly created chapter in Title 56; and

WHEREAS, due to this recodification, the reference in the Land Use Permit regulation for § 67-1103 should now reference § 56-617.

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby approves the amendment of the Land Use Permit Regulation, particularly 24VAC30-151-710, to change the reference to § 67-1103 to the new Code section § 56-617.

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BE IT FURTHER RESOLVED, that the CTB further authorizes the Commissioner of Highways or his designee to take all necessary and appropriate actions to effectuate this amendment in the Virginia Administrative Code.

####

Back to Land Use

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 20, 2018

MOTION

Made By: Mr. Yates, Seconded By: Ms. Hynes
Action: Motion Carried, Unanimously

Title: Authorization to Amend the *Rules and Regulations for the Administration of Parking Lots and Environs* (24VAC30-100) and the *Land Use Permit Regulations* (24VAC30-151) to Allow Mobile Food Vending at Planning District 8 Commuter Lots in Accordance with Chapter 765 of the 2016 Acts of Assembly

WHEREAS, the Commonwealth Transportation Board (CTB) adopted the *Land Use Permit Regulations* (24VAC30-151) on October 15, 2009, which prohibited vending on state highway right of way; and

WHEREAS, the CTB adopted the *Rules and Regulations for the Administration of Parking Lots and Environs* (24VAC30-100) on July 18, 1974, which set out conditions for the use of commuter lots; and

WHEREAS, Chapter 765 of the 2016 Acts of Assembly directs the Virginia Department of Transportation (VDOT) to develop guidelines, consistent with the CTB's regulations and policies, for issuing permits for the operation of mobile food vending on commuter parking lots in Planning District Eight; and

WHEREAS, Chapter 765 of the 2016 Acts of Assembly further authorizes the VDOT to establish fees for such permits, and exempts all regulatory changes necessary to adopt the guidelines and fees from the requirements of the Virginia Administrative Process Act ; and

WHEREAS, VDOT issued a general notice on July 28, 2016, that was published in the Virginia Register and online through the Department of Planning & Budget's Virginia Regulatory Town Hall soliciting comments regarding mobile food vending on VDOT-owned commuter parking lots in Northern Virginia; and

Back to Land Use

WHEREAS, VDOT contacted Fairfax County, Loudoun County, Prince William County, the DC-Maryland-Virginia Food Truck Association, and other interested parties for comments; and

WHEREAS, a second notice was published online through the Department of Planning & Budget's Virginia Regulatory Town Hall on October 17, 2017, and expired on December 6, 2017, and a total of 18 comments were received from 7 commenters; and

WHEREAS, VDOT staff developed proposed amendments (attached hereto as Attachment A) to the CTB's *Rules and Regulations for the Administration of Parking Lots and Environs* and *Land Use Permit Regulations* to permit mobile food vending in commuter lots in Planning District 8 and establish fees for such permits; and

WHEREAS, comments received to date have been positive and in support of the recommended action.

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board approves the proposed amendments to the *Rules and Regulations for the Administration of Parking Lots and Environs* (24VAC30-100) and *Land Use Permit Regulations* (24VAC30-151) as shown in Attachment A in accordance with Chapter 765 of the 2016 Acts of Assembly; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Virginia Department of Transportation to take all steps necessary under procedures established by the *Code of Virginia*, the Governor, the Registrar of Regulations, and the Department of Planning and Budget for the amendment of exempt regulations under the Administrative Process Act.

####

Back to Land Use

COMMONWEALTH of VIRGINIA
Commonwealth Transportation Board

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 15, 2015

MOTION

Made By: Mr. Garczynski, Seconded By: Mr. Williams
Action: Motion Carried, Unanimously

Title: Authorization to Amend the *Land Use Permit Regulations* (24VAC30-151) to allow mobile food vending in accordance with Chapter 466 of the 2015 Acts of Assembly

WHEREAS, the Commonwealth Transportation Board (CTB) adopted the *Land Use Permit Regulations* (24VAC30-151) on October 15, 2009, which prohibited vending on state highway right of way; and

WHEREAS, Chapter 466 of the 2015 Acts of Assembly directs the Commonwealth Transportation Board to amend its regulations to allow mobile food vending on state highway rights-of-way except on limited access highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) is directed to solicit input from localities and other stakeholders in the process of amending the regulations; and

WHEREAS, VDOT issued a general notice on April 2, 2015 that was published in the *Virginia Register* and online through the Department of Planning & Budget's Virginia Regulatory Town Hall soliciting comments regarding mobile food vending on state highway rights-of-way; and

WHEREAS, VDOT contacted the Virginia Association of Counties, the Virginia Municipal League, the Fairfax County Chamber of Commerce, Fairfax County, and the DC-Maryland-Virginia Food Truck Association for comments; and

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WHEREAS, the general notice expired on May 4, 2015 with 6 comments received; and

WHEREAS, comments received to date have been positive and in support of the recommended action; and

WHEREAS, the Commonwealth Transportation Board finds that amending the *Land Use Permit Regulations* to allow mobile food vendors to operate in accordance with Chapter 466 should be accomplished expeditiously.

NOW, THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board approves the amendments to the *Land Use Permit Regulations* (24VAC30-151) as shown in Attachment A as required by Chapter 466 of the 2015 Acts of Assembly; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs VDOT to process the amendments as required under procedures established by the *Code of Virginia*, the Governor, the Registrar of Regulations, and the Department of Planning and Budget for the amendment of regulations under the Administrative Process Act.

# # # #

Back to Land Use

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 15, 2009

MOTION

Made By: Ms. Pandak Seconded By: Mr. Koelemay
Action: Motion Carried, Unanimously

Title: Adoption of Land Use Permit Regulations (24 VAC 30-151) and Repeal of Land Use Permit Manual (24 VAC 30-150)

WHEREAS, section 33.1-12 (3) of the *Code of Virginia* gives the Commonwealth Transportation Board the authority to make regulations concerning the use of the system of state highways and § 33.1-206.1 of the *Code of Virginia* requires the Board to establish regulations concerning the erection of roadside memorials; and

WHEREAS, the Board has exercised its authority to maintain the rights-of-way along the highways in a manner necessary to preserve the integrity, operational safety, and service of function of the roadway, using a permit process, administered by the Virginia Department of Transportation (VDOT), that minimizes the risk that work performed on Board or VDOT property will result in any damage to existing structures or utilities; and

WHEREAS, the *Land Use Permit Manual* defines what uses may be permitted on the right-of-way under control of the Board and VDOT; and

WHEREAS, the *Land Use Permit Manual*, currently filed in the Virginia Administrative Code (VAC) as 24 VAC 30-150, was approved by the State Highway and Transportation Commission, predecessor to the Board, at its August 11, 1983, meeting; and

WHEREAS, the *Land Use Permit Regulations*, to be filed as 24 VAC 30-151, were developed to simplify the *Land Use Permit Manual* requirements, proscribe the use and standards of roadside memorials, adjust permit fees to reflect increases in administrative costs, add accommodation fees for utilities within limited access right-of way, and eliminate redundant or obsolete provisions; and

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WHEREAS, the promulgation of the *Land Use Permit Regulations* makes it necessary to repeal the *Land Use Permit Manual*; and

WHEREAS, this combined regulatory action is subject to the Administrative Process Act (§2.2-4000 et seq. of the *Code of Virginia*); and

WHEREAS, to this end, the Board published an initial Notice of Intended Regulatory Action (NOIRA) on March 12, 2001, and a second NOIRA reflecting a change in regulatory scope on February 24, 2004, to solicit public input; and

WHEREAS, the proposed regulation was published in the *Virginia Register* on July 9, 2007, three public hearings were held throughout the state, and public comments were received through September 9, 2007; and

WHEREAS, public comments received during the public comment periods, from the public hearings, and from subsequent meetings with stakeholders have been taken into account by VDOT in drafting a final regulation; and

WHEREAS, the General Assembly enacted legislation, Chapters 863 and 928 of the 2007 Acts of the Assembly, which was later amended by Chapters 454 and 274 of the 2008 Acts of Assembly, to require the Commonwealth Transportation Commissioner to develop comprehensive highway access management standards; and

WHEREAS, to meet the deadlines imposed by the legislature, VDOT promulgated highway access management regulations separately from the proposed *Land Use Permit Regulations*, which had addressed the subject in broad detail; and

WHEREAS, VDOT has developed access management standards for preserving and improving the efficient operation of the state systems of highway through the promulgation of the *Access Management Regulations: Principal Arterials* (24 VAC 30-72), effective July 1, 2008, and *Access Management Regulations: Minor Arterials, Collectors, and Local Streets* (24 VAC 30-73), effective October 14, 2009, therefore allowing the *Land Use Permit Regulations* to be finalized and acted upon by the Board.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the *Land Use Permit Regulations* (24 VAC 30-151) attached hereto, and simultaneously repeals the *Land Use Permit Manual* (24 VAC 30-150); and

Back to Land Use

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby adopts the revisions made to the following regulations in the VAC, as attached hereto, to replace references to the *Land Use Permit Manual*, or any of its provisions, with citations to the *Land Use Permit Regulations*, and to address outdated references to the VDOT organizational structure:

- *Subdivision Street Requirements* (24 VAC 30-91)
- *Secondary Street Acceptance Requirements* (24 VAC 30-92)
- *Comprehensive Roadside Management Regulations* (24 VAC 30-121)
- *Vegetation Control Regulations on State Rights-of-Way* (24 VAC 30-200)
- *Change of Limited Access Control* (24 VAC 30-401); and

BE IT FURTHER RESOLVED, that the effective date of the regulatory actions approved herein shall be as provided for by the regulatory submission requirements established by the *Code of Virginia*, Executive Order 36 (2006), and the State Registrar of Regulations; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby repeals its resolution dated February 20, 2003, which established a Roadside Memorial Program for all state highways.

###

Editor's Note: The Land Use Permit Regulations (24 VAC 30-151) became effective March 17, 2010. Revisions to the other regulations cited became effective on May 11, 2011, to reflect a combined Fast-Track action to repeal the General Rules and Regulations of the Commonwealth Transportation Board (24 VAC 30-20) and the Minimum Standards of Entrances to State Highways (24 VAC 30-71) and promulgate a replacement regulation for the General Rules (24 VAC 30-21).

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 15, 2009

MOTION

Made By: Mr. White Seconded By: Mrs. Carter
Action:Motion: Motion Carried, Unanimously

Title: Repeal of *Minimum Standards of Entrances to State Highways* (24 VAC 30-71) and *General Rules and Regulations of the Commonwealth Transportation Board* (24 VAC 30-20) and Promulgation of Replacement *General Rules and Regulations of the Commonwealth Transportation Board* (24 VAC 30-21)

WHEREAS, Chapters 863 and 928 of the Acts of Assembly of 2007 amended §§ 33.1-13, 33.1-198, and 33.1-199 of the *Code of Virginia*, and added § 33.1-198.1 to the *Code of Virginia* to require the Commonwealth Transportation Commissioner (Commissioner) to develop comprehensive highway access management regulations and standards; and

WHEREAS, Chapters 274 and 454 of the Acts of Assembly of 2008 directed the Commissioner to promulgate these comprehensive access management regulations and standards in phases; and

WHEREAS, in accordance with these directives, the Commissioner promulgated the *Access Management Regulations: Principal Arterials* (24 VAC 30-72), which went into effect July 1, 2008, and the *Access Management Regulations: Minor Arterials, Collectors, and Local Streets* (24 VAC 30-73), which went into effect October 14, 2009; and

WHEREAS, these new regulations and design standards will replace and supersede the *Minimum Standards of Entrances to State Highways* (24 VAC 30-71), originally adopted by the Commonwealth Transportation Board (CTB) on June 12, 1997; and

WHEREAS, the *General Rules and Regulations of the Commonwealth Transportation Board* (24 VAC 30-20), adopted by the CTB on July 18, 1974, contains provisions that are

Back to Land Use

obsolete or superseded by statute or other regulation, making it necessary to repeal the existing regulation and promulgate a replacement regulation; and

WHEREAS, the repeal of the *Minimum Standards of Entrances to State Highways* and the *General Rules and Regulations of the Commonwealth Transportation Board,* and promulgation of a replacement *General Rules and Regulations of the Commonwealth Transportation Board* are subject to the requirements of the Administrative Process Act; and

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby repeals the *Minimum Standards of Entrances to State Highways* (24 VAC 30-71), repeals the *General Rules and Regulations of the Commonwealth Transportation Board* (24 VAC 30-20) and adopts the replacement regulation *General Rules and Regulations of the Commonwealth Transportation Board* (24 VAC 30-21) as attached hereto; the effective date of the regulatory actions approved herein shall be as provided for by the regulatory submission requirements established by the *Code of Virginia*, Executive Order 36 (2006), and the State Registrar of Regulations, and the Virginia Department of Transportation shall process these actions as expeditiously as possible.

###

Editor's Note: These actions became effective on March 3, 2011.

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Limited Access Control

- Revision to Policy on Limited Access (11/17/2005)
- Designation of Interstate Highways as Limited Access Highways (10/4/1956)
- Designation of Limited Access Highways (3/29/1956)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 6-A

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

November 17, 2005

MOTION

Made By: Dr. Davis Seconded By: Mr. Bowie Action: Motion Carried, Unanimously

Title: Revision to Policy on Limited Access

WHEREAS, the Commonwealth Transportation Board (CTB) approved a Department Policy Memorandum (DPM) on December 20, 1990 addressing disposal of access rights and conditions under which access would be allowed to adjoining properties; and

WHEREAS, the policy was designated as DPM 2-11 (Disposal of Limited Access) and signed by the Commissioner on May 17, 1991; and

WHEREAS, DPM 2-11 was determined to be an Administrative Process Act (APA)-exempt regulation by the Office of the Attorney General in 1993, and was also filed with the Registrar of Regulations as 24 VAC 30-400; and

WHEREAS, the CTB revised the policy/regulation on September 18, 1997, to include a provision concerning the responsibilities for any safety and operational improvements belonging to the party requesting the abandonment in access rights; and

WHEREAS, the Virginia Department of Transportation (VDOT) presented revisions to the policy for the CTB's consideration at the workshop on November 16, 2005; and

WHEREAS, the CTB concurs with the revisions to the policy as presented.

NOW, THEREFORE, BE IT RESOLVED, that the CTB rescinds DPM 2-11, and adopts the new Limited Access Policy presented as 24 VAC 30-400 on November 16, 2005, which is attached hereto.

Editor's Note: Due to the scope of changes to the former Disposal of Limited Access Policy, originally filed as DPM 2-11 and approved at this meeting as Change of Limited Access Control, 24 VAC 30-400, the State Registrar of Regulations subsequently changed the VAC chapter number from 400 to 401, and listed Chapter 400 as repealed. For the current official copy of this regulation, see the VAC entry for 24 VAC 30-401. On October 15, 2009, the CTB approved amendments to this regulation to reflect actions to repeal or promulgate other regulations concerning land use and the regulation of commercial entrances, which became effective May 11, 2011.

Back to Limited Access Control

Minutes of the Meeting of the State Highway Commission of Virginia, held in Richmond October 4, 1956

The Commission met in the Central Office Building, Richmond, Virginia, at 9:00 A.M., Thursday, October 4, 1956. The following members were present: Messrs. E. P. Barrow, S. S. Flythe, S. D. May, Burgess E. Nelson, Wm. A. Wright and J. A. Anderson.

The meeting was called to order by the Chairman.

The Chairman read a letter from Mr. Howard C. Rogers stating that he would not be able to attend because of illness.

On motion made and seconded, the minutes of the August 9-10 meeting were approved.

Moved by Mr. May, seconded by Mr. Barrow, that the permits issued from the August 9-10 meeting to date, inclusive, as recorded in the Auditing Division, be approved. Motion carried.

Moved by Mr. May, seconded by Mr. Barrow, that the permits cancelled by the Commissioner from the August 9-10 meeting to date, inclusive, as authorized June 25, 1947, and recorded in the Auditing Division, be approved. Motion carried.

Moved by Senator Nelson, seconded by Senator Wright, that the Commission confirm award of contract on bids received August 15 for the construction of Project 1587-15-16, Route 615, Bridge and Approaches Three Creek, Southampton County, to the low bidder, Norfolk Contracting Co., Norfolk, Va., at the bid of $102,949.41, that 10% additional be set aside to cover the cost of engineering and additional work and $1,054.54 for work by the A. & D. Railroad, making a total of approximately $114,500.00 chargeable to this project; to be financed 50/50 State and Federal. Motion carried.

Moved by Senator Wright, seconded by Mr. Barrow, that the Commission confirm award of contract on bids received August 15 for the construction of Project 1307-24, Route 600, S. End of Bridge over Claytons Mill Creek-0.864 Mile N. Rockbridge County Line, Augusta County, to the low bidder, Echols Brothers, Inc., Staunton, Va., at the bid of $67,455.15 and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $74,180.00 chargeable to this project; to be financed 50/50 State and Federal. Motion carried.

Moved by Mr. Barrow, seconded by Mr. Flythe, that the Commission confirm award of contract on bids received August 15 for the construction of Project 1551-10, Routes 681; 640, 0.01 Mile E. of W. Int. Route 661, (E. of Pissaro)-Franklin County Line, Floyd County, to the low bidder, D. E. Worley Construction Co., Rocky Mount, Va., at the bid of $127,855.70, that 10% additional be set aside to cover the cost of engineering and additional work and $1,226.50 for work by State Forces (not included in contract), making a total of approximately $141,900.00 chargeable to this project; to be financed with $71,580.00 State and $70,320.00 Federal Funds. Motion carried.

Back to Limited Access Control

Moved by Mr. Flythe, seconded by Senator Nelson, that, Whereas, under authority of Section 33-115.2 of the 1950 Code of Virginia, as amended, request is made by City of Warwick for payment at the base rate of $500 per Mile annually on additional streets meeting the required standards; Now, Therefore, be it resolved, that quarterly payments at the base rate of $500 Per Mile annually be made to the City of Warwick on additional streets totaling 11.20 miles, effective beginning the second quarter, October 1, 1956. Motion carried.

Moved by Mr. Flythe, seconded by Senator Nelson, that, Whereas, under authority of Section 33-115.2 of the 1950 Code of Virginia, as amended, request is made by City of Waynesboro for payment at the base rate of $500 per Mile annually on additional streets meeting the required standards; Now, Therefore, be it resolved, that quarterly payments at the base rate of $500 Per Mile annually be made to the City of Waynesboro on additional streets totaling 10.512 miles, effective beginning the second quarter, October 1, 1956. Motion carried.

Moved by Mr. Flythe, seconded by Senator Nelson, that, Whereas, under authority of Section 33-115.2 of the 1950 Code of Virginia, as amended, request is made by the Town of Wytheville for payment at the base rate of $500 Per Mile annually on additional streets meeting the required standards; Now, Therefore, be it resolved, that quarterly payments at the base rate of $500 Per Mile annually be made to the Town of Wytheville on additional streets totaling 0.984 Mile, effective beginning the second quarter, October 1, 1956. Motion carried.

Moved by Mr. Flythe, seconded by Senator Nelson, that, it so be declared that, Whereas, by action of the Congress of the United States, whereby all routes on the National System of Interstate and Defense Highways are to be constructed to interstate standards and whereas, one of the requirements of interstate standards is the control of access to these routes; Therefore, be it resolved that all routes on the National System of Interstate and Defense Highways within the confines of the Commonwealth of Virginia, upon determining the final location of said routes, including all necessary grade separations, interchanges, ramps, etc., are here and now designated Limited Access Highways, pursuant to Article 5, Chapter 1, Title 33, of the Code of Virginia of 1950, as amended. Motion carried.

On motion made by Senator Nelson, seconded by Mr. Barrow, the Chairman was instructed to report to the Bureau of Public Roads, at a meeting called for October 9, that the Virginia Department of Highways will undertake one-third of the cost of operation and maintenance of the proposed bridge over the Potomac River at Jones Point, with the thought that the other two-thirds shall be borne by the State of Maryland and the District of Columbia. This could be handled by written agreement looking to appropriate Federal legislation.

Back to Limited Access Control

Minutes of the Meeting of the
State Highway Commission of Virginia
Held in
Richmond, March 29, 1956.

At 9:00 A.M., Thursday, March 29, the State Highway Commission met in the Central Highway Office Building, Richmond, Virginia. Present - Messrs. J. A. Anderson, E. P. Barrow, S. S. Flythe, S. D. May, Burgess E. Nelson, S. W. Rawls, H. C. Rogers, Tucker C. Watkins, Jr., and Wm. A. Wright.

The meeting was called to order by the Chairman.

The Commissioner welcomed the full commission and the members of the Press.

Moved by Mr. Rawls, seconded by Mr. May, that the minutes of the meeting of January 5 be approved. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Barrow, that the Commission approve the permits issued from January 5 to March 29, inclusive, as recorded in the Auditing Division. Motion carried.

Moved by Mr. Barrow, seconded by Mr. Rogers, that the Commission approve the permits cancelled by the Commissioner, from January 5 to March 29 inclusive, as authorized June 25, 1947, and recorded in the Auditing Division. Motion carried.

Moved by Mr. Rogers, seconded by Mr. Flythe, that the Commission confirm award of contract on bids received January 25 for the construction of Project 1574-12-13-14, Route 635, 0.021 Mile E. Int. Route 629 (E. of Route 154)-0.05 Mile W. of Int. Route 618, Prince George County, to the low bidder, E. W. Woolfolk, Bowling Green, Va., at the bid of $64,020.95 and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $70,400.00 chargeable to this project; to be financed 50/50 State and Federal Funds. Motion carried.

Moved by Mr. Flythe, seconded by Senator Wright, that the Commission confirm award of contract on bids received January 25 for the construction of Project 1571-25-24, Route 862, Int. Route 841 (E. of Sandy River)-Int. Route 844 (S. of Hinesville), Pittsylvania County, to the low bidder, Laramore Construction Co., Inc., Danville, Va., on REGULAR BID of $104,936.58 and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $115,450.00 chargeable to this project; to be financed 50/50 State and Federal Funds. Motion carried.

Back to Limited Access Control

Moved by Mr. Flythe, seconded by Mr. Barrow, that the section of Route 11 from a point approximately 1.2 miles south of the Rockbridge-Botetourt County line to the north end of the proposed Buchanan By-pass, approximately 0.4 mile north of the north corporate limits of Buchanan, including any necessary relocations, interchanges, ramps, etc., be designated as a Limited Access Highway in accordance with Article 3, Chapter 1, Title 33 of the 1950 Code of Virginia, Amended. Motion carried.

POLICY OF THE VIRGINIA HIGHWAY COMMISSION RELATING TO THE ESTABLISHMENT OF LIMITED ACCESS HIGHWAYS

WHEREAS, the increasing volume of motor vehicle transportation has brought to Virginia the problem of providing for safe and orderly movement of traffic on the highways of the Commonwealth, and WHEREAS, it is the duty of the State Highway Commission to provide for the safe movement of motor vehicles on roads serving through as well as local traffic, and WHEREAS, the Legislature of Virginia has enacted in 1942 what is now Article 3, Chapter 1, Title 33 of the 1950 Code of Virginia, providing for the establishment of Limited Access Highways, and WHEREAS, in order to guarantee the present and future use of these highways at design capacity and to accomplish the purpose set out in the foregoing legislation, it is necessary for the Commission to spend large sums of money for right of way and construction of limited access highways; now therefore, BE IT RESOLVED by the Highway Commission of Virginia that the Commission may declare highways and streets subject to controlled access by designating the same as "Limited Access" under the following conditions: 1. Principal and through highways where roadside development threatens the orderly movement of traffic and the volume and character of the traffic justifies such designation. 2. All distribution routes and by-passes constructed through or around cities and towns on Class I and Class II roads. 3. Such other routes as the Commission may deem necessary or advisable in order to protect the public interest.

A letter of February 16 to Hon. William F. Carter, Member of the House of Delegates, relative to by-pass for Route 220 at Ridgeway having been declared a Limited Access Highway, was read to the Commission. There was some discussion of the problem and the opposition to the section of road being so classed.

It was moved by General Anderson and seconded by Mr. Flythe, that by-pass for Route 220 at Ridgeway remain as it is. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Rogers, that WHEREAS, new Route 11-A By-pass, Project 1681-70-71-03-10-11, a part of the Primary System, has been opened to traffic it is requested that the extension of Route 11-A, within the Town of Lexington be added for primary maintenance; BE IT RESOLVED THAT, under authority of Section 33-113 of the 1950 Code of Virginia, as amended that the extension of Route 11-A By-pass from Route 11 to the SCL of Lexington, a distance of 0.518 mile, be added for payment to the Town at the base rate of $4,000 per mile. This change to become effective beginning the third quarter, January 1, 1956. Motion carried.

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Locally Administered Projects

- Performance Policy for Locally Administered Projects (10/18/2023)

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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 # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 18, 2023

MOTION

Made By: Ms. Hynes **Seconded By:** Mr. Merrill
Action: Motion Carried, Unanimously

Title: Performance Policy for Locally Administered Projects

WHEREAS Virginia's transportation program delivery is a collaborative approach with local governments whereby local governments provide significant fiscal resources to the program and administer a large percentage of the Six Year Improvement Program (the Program) of projects; and

WHEREAS, delivering the transportation system is a collective responsibility of the state and local governments, requiring all parties to meet reasonable performance expectations to ensure the successful delivery of the program and so that the fiscal and stewardship obligations to the State and federal government, as well as to the citizens of the Commonwealth, can be met; and

WHEREAS, the Virginia Department of Transportation (VDOT) has implemented means, utilizing appropriate metrics, to assess the performance of VDOT's construction and maintenance programs, and periodically reports to the Commonwealth Transportation Board (Board) on the performance of those programs; and

WHEREAS, successful delivery of the Program requires strong partnerships with the localities including reasonable State oversight of projects delivered in whole or in part with State or federal resources; and

WHEREAS, VDOT provides oversight, guidance, and training as necessary, to support locally administered projects, recognizing that local governments are responsible for successfully

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delivering projects on time, on budget, with quality workmanship and in accordance with applicable federal and state requirements; and

WHEREAS, recognizing that when localities administering multiple projects fail to meet minimum expectations for reasonable progress toward project completion, there is a negative impact on the performance of the entire locally-administered projects program, the Board desires to facilitate acceptable performance in the delivery of locally-administered projects; and

WHEREAS, VDOT has established the Locality Sustained Performance Program, collaborating with local governments to identify the following as appropriate performance measures that reflect the oversight and stewardship of VDOT as well as the flexibility necessary for localities in the administration of projects: 1) On-time performance for past and currently active projects, 2) Reasonable progress meeting project authorization schedules, and 3) Fiscal accountability measuring reasonable expenditure of available allocations.

NOW THEREFORE, BE IT RESOLVED, that the Board, as a matter of policy, hereby directs VDOT as follows:

Annually conduct performance reviews for localities administering Program projects, in accordance with VDOT's Locality Sustained Performance Program, and report to the Board the result of such reviews.

For any locality identified as having not met performance measures established in the Locality Sustained Performance Program, VDOT shall collaborate with the locality to identify the causes and establish actions to be taken to improve performance across their portfolio of projects, and document such in a Project Development Improvement Plan (Plan). The results of any Plan shall be included in the annual report to the Board.

Plans shall include appropriate measures and administrative actions to ensure that reasonable progress and/or fiscally judicious use of allocations is made on identified projects. Such actions may include but are not limited to: deallocation of state-controlled funds, cancellation of projects, VDOT assumption of project administration, and/or denial of future requests for the locality to administer new projects.

Provide, as part of the annual assessment as warranted, recommendations to the Board based on locality performance, regarding locality access to future Board appropriations from any program administered by the Board, where such actions are in the best interest of the Commonwealth.

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Maintenance

- Approval of Comprehensive Review Report related to the Robert O. Norris Bridge and Statewide Special Structures Fund and Asset Condition Performance Targets (12/11/2019)
- Guidelines for Determining Lane Mileage Eligibility (4/19/1984)
- Maintenance of Roads Crossing the Interstate System (5/20/1976)
- Maintenance at Interchanges and Grade Separations (5/23/1962)
- Maintenance of Relocated and Newly Established Service Roads (8/18/1960)
- Operation and Maintenance of Roads in Incorporated Towns of Less than 3,500 (5/14/1958)

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MINUTES
OF
MEETING OF STATE HIGHWAY AND TRANSPORTATION COMMISSION

WILLIAMSBURG, VIRGINIA

April 19, 1984

The monthly meeting of the State Highway and Transportation Commission was held at the College of William and Mary in Williamsburg, Virginia, on April 19, 1984, at 10 a.m. The Chairman, Mr. Harold C. King, presided.

Present: Messrs. King, Bane, Brydges, Davidson, Forrester, Guiffre, Humphreys, Quicke, Smalley, Smith and Vaughan.

Mayor Robert Walker, Williamsburg, welcomed the Commission to Williamsburg and then spoke in regard to the importance of the Second Street Extension to move traffic through Williamsburg from the east to the west. Mr. James B. Oliver, Jr., County Administrator for James City County, introduced Mr. Bill Brown from the James City County Board of Supervisors. Mr. Brown spoke to the group regarding the need for putting the Route 199 interchange back into the Six-Year Program. Mr. John E. Mathews, Director of Planning and Community Development of York County, thanked the Commission for the decision on Route 171, and thanked them for consideration of the Yorktown parking ordinance. Mr. Mathews expressed the County's concern for the future regarding the proposed new crossing of the York River and its effects on Route 17 and he also spoke regarding the critical need for the Route 199 interchange.

On motion of Mr. Brydges, seconded by Mr. Bane, the minutes of the meeting of March 15, 1984, were approved.

On motion of Mr. Brydges, seconded by Mr. Bane, permits issued from March 15, 1984 to April 18, 1984, inclusive, as shown by records of the Department, were approved.

Motion was made by Mr. Brydges, seconded by Mr. Bane, that cancellation of permits from March 15, 1984 to April 18, 1984, inclusive, as shown by records of the Department, be approved.

Motion carried.

Moved by Mr. Brydges, seconded by Mr. Bane, that the Commission approve additions to the Secondary System from March 15, 1984 to April 18, 1984, inclusive, as shown by records of the Department.

Moved by Mr. Brydges, seconded by Mr. Bane, that the Commission confirm letter ballot action approving parking restrictions on secondary routes in Yorktown, Virginia.

Motion carried.

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GUIDELINES FOR DETERMINING LANE MILEAGE ELIGIBILITY

1. Right of Way and Surface Widths must comply with appropriate Section of the Code.

2. All streets and highways will be considered as having a minimum of two moving lanes.

3. Turning lanes and ramps will not be considered as moving lanes.

4. Pavement widths between 27 feet and 36 feet cannot operate as three moving lanes without rigidly enforced parking restrictions or unless it is a one-way street.

5. Only in rare instances could pavement widths of 42 feet or less between curbs operate as four (4) moving lanes.

6. Without curb and gutter 40-foot pavement is possibly the minimum that can operate as four (4) moving lanes.

7. Restricted parking lanes must be enforced to be eligible for lane mile payments.

8. Where parking is permitted during off peak traffic periods but restricted and rigidly enforced by towing during peak traffic periods, these lanes are eligible for lane mile payment.

9. Service roads adjacent and parallel to primary extensions or urban arterials (major thoroughfares) shall be considered as other streets for lane mileage payments.

10. One-way pairs will receive lane mileage payments for the total number of moving lanes.

11. Each street and highway with more than two moving lanes must have pavement markings in accordance with its lane mileage payments.

12. Measurement of 30-foot Hard Surface Widths: This is to be measured from face of curb to face of curb where curb and gutter exist. If no curb an gutter exist the 30-foot measurement would apply from edge of pavement to edge of pavement.

    The same rule would apply to other widths as specified in the Code as it does for the 30-feet of hard surface.

13. A policy has been established to handle lane mileage on one way routings of primary extensions along two way streets through municipalities receiving maintenance payments under Section 33.1-41 and 33.1-43 of the Code.

    When this occurs, the lanes taking the traffic in the direction of the primary routing will be eligible for primary maintenance funds and the lanes taking traffic in the opposite direction will be eligible for "Other Streets maintenance funds.

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MINUTES
OF
MEETING OF STATE HIGHWAY AND TRANSPORTATION COMMISSION

Richmond, Virginia

May 20, 1976

The monthly meeting of the State Highway and Transportation Commission was held at the Central Highway Office in Richmond, Virginia, on May 20, 1976, at 10 a.m. The Chairman, Mr. Douglas B. Fugate, presided.

Present: Messrs. Fugate, Crowe, Fralin, Glass, Hall, Hassell, Hooper, Janney, Landes and Roos.

Absent: Mr. Beeton

On motion of Mr. Crowe, seconded by Mr. Fralin, the minutes of the meeting of April 15, 1976, were approved.

On motion of Mr. Crowe, seconded by Mr. Fralin, permits issued from April 15, 1976, to May 19, 1976, inclusive, as shown by records of the Department, were approved.

Motion was made by Mr. Crowe, seconded by Mr. Fralin, that cancellation of permits from April 15, 1976, to May 19, 1976, inclusive, as shown by records of the Department, be approved. Motion carried.

Mr. A. S. Mattox, Right of Way Engineer, presented to the Commission the attached report on the status of residue parcels.

On motion of Mr. Hooper, seconded by Mr. Janney, the Commissior approved the Richmond-Petersburg Turnpike Budget of Current Expenses for Fiscal Year July 1, 1976, through June 30, 1977, as attached.

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Moved by Mr. Hassell, seconded by Mr. Fralin, that

WHEREAS, the Commissioner of the Virginia Department of Highways and Transportation appointed a committee to review maintenance responsibilities of city streets within interchanges of the Interstate System; and

WHEREAS, several cities in the Tidewater area believed it would be more efficient and in the best interest of the public service for city streets passing through interchanges to be maintained by the city itself; and

WHEREAS, the committee has analyzed all aspects of the policy relating to interchanges;

NOW, THEREFORE, BE IT RESOLVED, that Section 1.01 of Policy Memorandum Number DPM 8-14, dated January 1, 1973, be amended to read as follows:

1.01 INTERCHANGES -

(A) As a general policy, where the Interstate, Arterial or Toll Road system construction provides an interchange within a municipality charged with the responsibility for the maintenance of its street systems, the Department of Highways and Transportation, through the appropriate system maintenance funds, will be responsible for the maintenance of the complete highway facility within the Controlled Access Limits of the interchange.

Maintenance payments will not be paid to any municipality for street or road mileage maintained by the Department of Highways and Transportation under this provision.

(B) Municipalities desiring to maintain municipal streets passing through Interstate, Arterial or Toll interchanges may maintain such streets in accordance with the following provisions:

Where the Interstate, Arterial or Toll route passes under a street within a municipality maintaining its own street system, the maintenance of the surface and sidewalks of the structure and the approach roadways to the back of the shoulder line shall be the responsibility of the municipality. The Department of Highways and Transportation using the appropriate system maintenance funds will maintain the remainder of the structure, including the handrails, guardrails, repairs to the structure, roadway slab and slopes beyond the shoulder line, within the limits of the normal right of way.

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Where the Interstate, Arterial or Toll route passes over a street within a municipality maintaining its own street system, the maintenance of the entire structure and slopes back of the normal ditch or sidewalks shall be the responsibility of the Department of Highways and Transportation using the appropriate system funds. The street roadway underneath the Interstate, Arterial or Toll route shall continue to be the responsibility of the municipality.

As a general policy, the Department of Highways and Transportation will continue to control and maintain all signs, signals, and other traffic control devices within the Controlled Access right of way of interchange areas. Signals within the interchange areas may be maintained by the municipality when mutually agreed upon by the Department and the municipality.

MOTION CARRIED

Moved by Mr. Hassell, seconded by Mr. Roos, that

WHEREAS, Route 311 in Craig County has been altered and reconstructed as shown on plans for Project 0311-022-101, C-504; and

WHEREAS, two sections of the old road are no longer necessary for purposes of the State Highway System, a new road having been constructed in lieu thereof, and one section of the old road is to be transferred to the Secondary System of Highways;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 33.1-144 of the Code of Virginia of 1950, as amended, 0.45 mile of old Route 311, shown in yellow and designated as Sections 1 and 3 on the plat dated August 7, 1974, Project 0311-022-101, C-504, be discontinued as a part of the State Highway System; and

BE IT FURTHER RESOLVED, that pursuant to Section 33.1-35 of the Code, 0.21 mile of old Route 311, shown in red and designated as Section 2 on the plat and project referred to hereinabove, be transferred from the Primary System to the Secondary System of Highways.

MOTION CARRIED

Editor's Note: For the current official version of this Department Memorandum, contact the Governance and Legislative Affairs Division.

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Minutes
of
Meeting of State Highway Commission of Virginia
Roanoke and Richmond, Virginia
May 23, 24, 25, 1962

The State Highway Commission of Virginia met at Hotel Roanoke, Roanoke, Virginia, at 8:45 P.M. on May 23, 1962. The Chairman, H. H. Harris, presided.

Present: Chairman H. H. Harris, Messrs. W. N. Chinn, Jr., S. S. Flythe, R. S. Holland, Burgess H. Nelson, W. M. Sclater, Jr., and R. S. Weaver, Jr. Mr. G. Wallace Carper was absent due to illness. Mr. Tucker C. Watkins, Jr. was not present for the meeting on May 23, but did attend the hearing on allocations on May 24.

The meeting recessed at 10:20 P.M. until 8:30 A.M. on May 24, when a hearing was held on tentative Interstate and Rural Primary Construction Allocations for the fiscal year 1962-63 for the Bristol, Salem, Lynchburg and Staunton Districts. Following the hearing, the Commission again recessed until 9:00 A.M. on May 25, when a hearing was held at Hotel Richmond, Richmond, Va., on the tentative Interstate and Rural Primary Construction Allocations for the Richmond, Suffolk, Fredericksburg and Culpeper Districts. A report of these hearings is attached and made a part of these minutes.

Present for the hearing in Richmond were Chairman H. H. Harris, Messrs. W. N. Chinn, Jr., S. S. Flythe, R. S. Holland, W. M Sclater, Jr., and R. S. Weaver, Jr.

On motion of Mr. Sclater, seconded by Mr. Flythe, minutes of the meeting of April 19, 1962 were approved.

Motion was made by Mr. Flythe, seconded by Mr. Chinn, that Mr. Tucker C. Watkins, Jr. be appointed to the position of secretary of the State Highway Commission, left vacant by the death of Mr. E. P. Barrow. This was unanimously approved.

Mr. Flythe recommended that an appropriate resolution be drafted expressing the sorrow of the Commission at the death of Mr. Barrow. This was unanimously approved.

On motion of Mr. Sclater, seconded by Mr. Holland, the Commission approved permits issued from April 19, 1962 to May 23, 1962, inclusive, as shown in records of the Department.

Motion was made by Mr. Sclater, seconded by Mr. Holland, that cancellation of permits from April 19, 1962 to May 23, 1962, inclusive, as shown in records of the Department, be approved. Motion carried.

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BE IT FURTHER RESOLVED, that pursuant to Section 33-113.2 of the Code of Virginia, as amended, mileage adjustments for additions and deletions subject to payment on "Other Streets" to the Town of Pulaski be approved as follows:

Addition of old Route 99, from the ECL of Pulaski westerly along Dora Highway to Washington Avenue, a total addition of 1.20 mile.

Deletion of Third Street, from Union Avenue to Franklin Avenue - 0.34 mile; Second Street from Franklin Avenue to 0.07 mile east of Peaks Creek - 0.18 mile, and Third Street from Madison Avenue to Washington Avenue - 0.12 mile; a total deletion of 0.64 mile.

The addition of 1.20 mile and deletion of 0.64 mile, making a net addition of 0.56 mile, increases the mileage of "Other Streets" from 36.01 miles to 36.57 miles of approved streets for payment to the Town of Pulaski at the base rate of $300 per mile annually, effective beginning April 1, 1962, for the quarterly payment due after June 30, 1962. Motion carried.

Moved by Senator Nelson, seconded by Mr. Sclater, that

WHEREAS, the Town Council of Leesburg, by resolution adopted March 26, 1962, has requested a change in the Town's street maintenance agreement from Section 33-50.1 of the Code of Virginia to Section 33-50.4, due to their expanding street maintenance requirements brought about by annexation and rapid growth in residential development; and

WHEREAS, Section 33-50.1 of the Code of Virginia restricts the Town to 0.25 mile of new street additions per year, their present construction rate of new hard-surface streets is nine times greater than the acceptance limits under this section; now, therefore

BE IT RESOLVED, that the maintenance agreement with the Town of Leesburg, under Section 33-50.1 of the Code, providing for a 0.25-mile addition of unimproved streets per year, be changed to comply with Section 33-50.4 of the Code, whereby the Virginia Department of Highways will maintain, improve, construct and reconstruct all streets in the Town, having an unrestricted right of way width of not less than thirty feet and a hard-surface width of twelve feet, and any such streets established hereafter by said Town shall have an unrestricted right of way width of not less than fifty feet and a hard-surface width of not less than twenty feet; and

BE IT FURTHER RESOLVED, that this change will not become effective until July 1, 1962. Motion carried.

Moved by Mr. Flythe, seconded by Mr.Chinn, that

WHEREAS, the construction of the Interstate System results in a combination of systems in the performance of maintenance operations at interchanges and grade separation structures; and

WHEREAS, it is desirable to establish a policy as to the responsibility for the physical maintenance operations at such interchanges and grade separation structures similar to the policy adopted for service roads on August 18, 1960.

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NOW, THEREFORE, BE IT RESOLVED: That the following policy is hereby adopted by the Highway Commission for the maintenance of interchanges and grade separation structures in connection with the Interstate System:

I. IN CITIES AND TOWNS

A. Interchanges

(1) Where the Interstate System construction provides an interchange within a city or a town charged with the responsibility for the maintenance of its street system, the Interstate System will be responsible for the maintenance of the complete highway facility within the controlled access limits of the interchange.

(2) Maintenance payments will not be paid to any city or town for street or road mileage maintained by the Interstate System under the provisions of Section A(1).

B. Grade Separation Structures (without access ramps)

(1) Where the Interstate route passes under a street within a city or town charged with the responsibility for the maintenance of its street system, the maintenance of the surface and sidewalks of the structure and the approach roadways to the back of the shoulder line shall be the responsibility of the municipality. The Interstate System will maintain the remainder of the structure, including the handrails, guardrails, repairs to the structural roadway slab and slopes beyond the shoulder line, within the limits of the normal Interstate right of way.

(2) Where the Interstate route passes over a street within a city or town charged with the responsibility for the maintenance of its street system, the maintenance of the entire structure and slopes back of the normal ditch or sidewalks shall be the responsibility of the Interstate System. the street roadway underneath the Interstate route shall continue to be the responsibility of the city or town.

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II. IN COUNTIES

A. In all counties, with the exception of Arlington and Henrico, where the Interstate System construction provides a grade separation structure with or without ramps at a primary or secondary route intersection, the maintenance costs will be borne as follows:

(1) Where the Interstate route passes under the primary or secondary route, the Primary or Secondary Systems will provide the maintenance funds for the surface and sidewalks of the structure and the approach roadways to the back of the shoulder line. The Interstate System will provide the funds for the maintenance of the remainder of the structure, including the handrails, guardrails and approach slopes, repairs to the structural roadway slab and the pavement, shoulders and slopes of all ramps.

(2) Where the Interstate route passes over the primary or secondary route, the funds for the maintenance of the entire structure, ramp pavement, shoulders and slopes will be provided by the Interstate System. The roadway underneath the Interstate route will be maintained from Primary or Secondary funds.

III. ARLINGTON AND HENRICO COUNTIES - Interstate System

A. <u>Interstate - State Primary Route Intersections</u>

The maintenance of the interchanges and grade separation structures and approaches at all intersections of Interstate and primary routes inArlington and Henrico Counties will be the responsibility of the Virginia Department of Highways and the cost will be apportioned between the systems in accordance with Section II. A(1).

B. <u>Interstate-County Route Intersections</u>

(1) Where the Interstate route passes under a county maintained street or road, the maintenance of the surface and sidewalks of the structure and the approach roadways to the back of the shoulder line shall be the responsibility of the county. The Interstate System will maintain the remainder of the structure, including the handrails, guardrails and approach slopes, repairs to the structural roadway slab, and the pavement, shoulders and slopes of all ramps within the limits of the normal Interstate right of way.

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(2) Where the Interstate route passes over a county maintained street or road, the maintenance of the entire structure and slopes back of the normal ditch or sidewalks, including ramp connections to the edge of the street pavement, shall be the responsibility of the Interstate System. The street roadway underneath the Interstate route shall continue to be the responsibility of the county.

BE IT FURTHER RESOLVED: That the Commission policy on this matter which was adopted on February 16, 1961, be and the same hereby is rescinded. Motion carried.

Moved by Mr. Holland, seconded by Mr. Chinn, that

WHEREAS, a limitation of five acres was established for rest areas by resolution of the Highway Commission of July 28-30, 1953; and

WHEREAS, the existing Interstate System program of design and financing has been established since this resolution was adopted; and

WHEREAS, the Interstate System rest areas meeting national standards and guides adopted for this system by the American Association of State Highway Officials usually result in an area greater than five acres; therefore,

BE IT RESOLVED that rest areas on the Interstate System be excepted from the limitation of five acres established by the resolution of July 28-30, 1953. Motion carried.

Moved by Mr. Holland, seconded by Mr. Chinn, that

WHEREAS, the County of Norfok and the City of South Norfolk have been chartered as a City, as yet unnamed, effective January 1, 1963; and

WHEREAS, the Council of the City of South Norfolk by resolution of April 19, 1962, and the Board of Supervisors of Norfolk County by resolution of April 24, 1962, requested the State Highway Department to continue the maintenance of roads and streets, as now operated, through the State fiscal year ending June 30, 1963, for the following reason:

That the portion of the new unnamed city which is now Norfolk County will need time and assistance in the transitory period to transfer the control and jurisdiction of the roads, highways, and bridges to the new unnamed city.

NOW, THEREFORE, BE IT RESOLVED by the State Highway Commission: That the Department will continue to maintain, construct, and reconstruct the roads, streets, and bridges on the Primary and Secondary Systems within the present County of Norfolk for the period of January 1, 1963 through June 30, 1963, as though the County had not become a city. Motion carried.

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Minutes of the Meeting of the State Highway Commission
of Virginia
Richmond, Virginia, August 18, 1960

On call of the Chairman, the Commission met at the Central Highway Office Building in Richmond, Va., at 9:00 A.M., August 18, 1960. Present: Messrs. H. G. Harris, Chairman; S.P. Barrow, C. Wallace Carper, W. R. Chinn, Jr., S. S. Flythe, Burgess E. Nelson, W. M. Sclater, Jr., and Tucker C. Watkins. Mr. S. W. Rawls was absent due to illness.

The meeting was called to order by the Chairman.

On motion made by Mr. Sclater, seconded by Mr. Chinn, the minutes of the meeting of May 25-26-27, 1960, as mailed out, were approved.

It was moved by Mr. Barrow, seconded by Senator Nelson, that the Commission approve the permits issued from May 26, 1960 to August 17, 1960, inclusive, as recorded by the Highway Department. Motion carried.

On motion by Mr. Barrow, seconded by Senator Nelson, the Commission approved the cancellation of permits from May 26, 1960 to August 17, 1960.

Officials of the City of Danville, including Mr. T. Edward Temple, City Manager; Mayor Julian B. Stinson; Mr. Rutledge C. Clement, Attorney; and Mr. H. D. Bowling, Director of Public Works, appeared before the Commission to request a change in the Commission policy in regard to participation in cost of removal of utility lines within cities and towns, to the extent that utilities which were not on the existing right of way be eligible for payment and reimbursement. This request was based on relocation of American Telephone and Telegraph Company lines on Route 29, Project 0029-108-070, which under the present policy must be moved by the City of Danville at their own expense and as a non-participating item on this project.

In executive session, motion was made by Senator Nelson, seconded by Mr. Sclater, that the matter be tabled until the next meeting of the Commission, to allow time for study of parallel cases. Motion carried.

The Commission set the date of October 4, 1960, for the public hearing on Route 77, this hearing to be held in Roanoke as voted by the Commission at its meeting on May 25, 1960.

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Moved by Mr. Chinn, seconded by Mr. Schatzer, that WHEREAS, the construction of the Interstate System and other limited access highways results in the closing, relocation and establishment of certain streets and roads in connection therewith; and WHEREAS, it is desirable to establish a policy as to the maintenance of the relocated and newly established streets and roads; NOW, THEREFORE, BE IT RESOLVED that the following policy be and is hereby adopted for the maintenance of the above mentioned streets and roads:

1. In Cities and Towns

   A. Arrangements should be made prior to construction for all relocated streets to be maintained with the ordinary maintenance payments to cities and towns.

   B. Arrangements should be made prior to construction for the cities and towns to accept into their systems for maintenance payments all newly established service roads which meet the necessary requirements as to right of way and pavement widths.

   C. Arrangements should be made for the Department of Highways to maintain all portions of newly established service roads located on highway right of way which do not meet the necessary requirements to be eligible for maintenance payments.

2. In Counties

   A. Arrangements should be made prior to construction for all relocated existing publicly maintained roads to be maintained as part of the Primary, Secondary, or County System.

   B. Arrangements should be made prior to construction for all newly established service roads which serve as extensions of or connections between existing publicly maintained roads to be maintained as part of the Primary, Secondary or County System.

   C. Arrangements should be made for the Department of Highways to maintain as a part of the main roadway all parallel service roads which serve property owners who are denied access to the main roadway.

   D. Arrangements should be made for the Department of Highways to maintain as a part of the main roadway all portions of access roads to private property which are located on highway right of way.

Motion carried.

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Minutes of the Meeting of the State Highway
Commission of Virginia, Held in
Roanoke and Richmond
May 14-16, 1958.

At 1:00 P.M., Wednesday, May 14th, Senator Burgess S. Nelson and Messrs. E. P. Barrow, G. Wallace Carper, S. W. Rawls and F. A. Davis left by automobile from the Central Highway Office Building and drove to Roanoke. They were joined there by Messrs. S. S. Flythe, S. D. May and Tucker C. Watkins, Jr.

Hon. Wm. A. Wright continues unable to be present because of illness.

Following dinner the Commission met in executive session at 8:00 P.M. in the Hotel Roanoke. Present also for the meeting were Messrs. R. P. Gillison, H. H. Harris, D. M. Ruddle and Harry L. Smith.

The meeting was called to order by the Chairman.

It was moved by Mr. Flythe, seconded by Mr. Rawls, that the minutes of the meeting of April 24th be confirmed. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Barrow, that the Commission approve the permits issued from the April 24th meeting to date, inclusive, as recorded in the records of the Department. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Watkins, that the Commission approve the cancellation of permits from the April 24th meeting to date, inclusive, as authorized June 25, 1947, and recorded in the records of the Department. Motion carried.

Moved by Mr. Rawls, seconded by Mr. May, that the Commission confirm award of contract on bids received April 30 for the construction of Project 9005-10-11-12 (New 0018-005-010-S-1, B-2), Route 18, 16.849 Miles S. of Covington-0.735 Mile N. Craig County Line, Alleghany County, to the low bidder, F. W. Dotson Construction Company, Fishersville, Va., at the bid of $126,992.51, that 10% additional be set aside to cover the cost of engineering and additional work and $856.00 for work by State Forces, making a total of approximately $140,550.00 chargeable to this project, to be financed with $70,750.00 State and $69,850.00 Federal Funds. Motion carried.

Moved by Mr. Rawls, seconded by Mr. May, that the Commission confirm award of contract on bids received April 30 for the construction of Project 4384-04 (New 0158-084-004), Contract No. 1, Route 168, Subsurface Explorations, Bridge over South Branch Elizabeth River, Norfolk County, to the low bidder, Carpenter Construction Company, Inc., Norfolk, Va., at the bid of $6,412.50 and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $7,050.00 chargeable to this project, to be financed entirely with State Funds. Motion carried.

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Moved by Mr. May, seconded by Mr. Rawls, that WHEREAS, the Council of the Town of Jonesville, by resolution of December 4, 1957, requested a change in the method by which the streets are maintained from the present Choice #5, Section 33-50.2 of the 1950 Code, as amended, to Choice #1, Section 33-50.4 of the Code, and WHEREAS, after seven years, the Town has found that it cannot afford to maintain the personnel and equipment for the small eligible mileage which qualifies for the base payment of $500 per year, now, therefore BE IT RESOLVED, that the change in the form of maintenance to Choice #1, Section 33-50.4 of the 1950 Code of Virginia, as amended, as requested by the Town of Jonesville and recommended by Engineering Division, that 4.71 miles of streets in the Town be approved as a part of the Secondary System, effective beginning July 1, 1958. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Barrow, that WHEREAS, accelerated and extensive urban development in Virginia since 1951 has brought about changed conditions in street development in incorporated towns having thirty-five hundred inhabitants or less, and WHEREAS, because of these changes the policy of the Commission adopted October 16, 1951, authorizing such incorporated towns to elect to operate under the provisions of Section 33-50.1, 33-50.2 or 33-50.4 of the Code of Virginia, as amended, is in need of revision, now, therefore BE IT RESOLVED, that the policy of the Commission adopted October 16, 1951, relating to incorporated towns having thirty-five hundred inhabitants or less exercising a choice to operate under the provisions of Section 33-50.1, 33-50.2 or 33-50.4 is hereby rescinded; and BE IT FURTHER RESOLVED, that the following policy is adopted:
WHEREAS, incorporated towns having thirty-five hundred inhabitants or less are permitted to elect to operate under the provisions of Section 33-50.1, 33-50.2 or 33-50.4 as set forth in the State Highway Commissioner's letter of May 7, 1950, addressed to all towns of this class, and WHEREAS, it is believed that once an election has been made by a town of this class it in to the best interests of the parties concerned not to make any changes therein unless good cause to the contrary be shown by the town, now, therefore BE IT RESOLVED, that once an election has been made by a town having thirty-five hundred inhabitants or less to adopt either Section 33-50.1, 33-50.2 or 33-50.4 of the Code of Virginia, as amended, that thereafter no change shall be made in such election unless the town shows good cause to the contrary, which in the opinion of the Commission justifies such a change. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Barrow, that, the proposed relocation of U. S. Route 58, Lawrenceville By-Pass, from a point on existing U.S. Route 58 southwest of Lawrenceville, said point being shown as Station 546/00 on the plans for State Project 0058-012-101 and extending in a northeasterly direction to a point on existing U.S. Route 58 northeast of Lawrenceville, said point being shown as Station 787/00 on the aforementioned plans, including all necessary grade separations, interchanges, ramps, etc., be designated as a Limited Access Highway in accordance with Article 5, Chapter 1, Title 33, of the 1950 Code of Virginia, as amended. Motion carried.

Back to Maintenance

Overdimensional or Overweight Vehicles

- Hauling Permit Manual - Repeal of Hauling Permit Manual (24 VAC 30-111) (12/8/2010)
- Reasonable Access Under the Surface Transportation Assistance Act of 1982 (9/20/1990)
- Revised Clarification of Prior Designation of Qualifying Federal-Aid Primary Highways Accessible by Larger Trucks Under the Surface Transportation Assistance Act of 1982 (5/17/1984)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 8, 2010

MOTION

Made By: Mr. Layne **Seconded By: Mr. Louderback**

Action: Motion Carried, Unanimously

Title: Repeal of *Hauling Permit Manual* (24 VAC 30-111)

WHEREAS, the Commonwealth Transportation Board (CTB) and its predecessors have exercised the authority granted by §§ 33.1-12(3), 33.1-49 and Article 18 (§ 46.2-1139 et seq.) of Chapter 10 of Title 46.2 of the *Code of Virginia* to regulate the issuance of oversize or overweight permits for vehicles traveling over Virginia's highways with loads that, when reduced to their smallest dimensions, exceed maximum legal limits; and

WHEREAS, the CTB last took action on the subject by approving the *Hauling Permit Manual* (listed in the Virginia Administrative Code as 24 VAC 30-111) on August 17, 1995; and

WHEREAS, Chapter 314 of the 2003 Acts of Assembly transferred responsibility for the administration of hauling permit program activities from the Virginia Department of Transportation (VDOT) to the Department of Motor Vehicles (DMV), and also provided that the hauling permit regulations promulgated by VDOT would remain in force until amended, modified or repealed by DMV; and

WHEREAS, DMV promulgated a new regulation, *Hauling Permit Regulation* (24 VAC 20-81), that became effective on September 30, 2009, to replace the existing *Hauling Permit Manual (24 VAC 30-111).*

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby repeals the *Hauling Permit Manual* (24 VAC 30-111) and directs VDOT to take all necessary actions to remove the *Hauling Permit Manual* (24 VAC 30-111) from the Virginia Administrative Code.

# # #

Editor's Note: Repeal of this regulation became effective on 2/2/2011.

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Reasonable Access Under the Surface Transportation Assistance Act of 1982

MINUTES

OF

MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

Richmond, Virginia

September 20, 1990

The monthly meeting of the Commonwealth Transportation Board was held in the Board Room of the Department of Transportation at 1401 E. Broad Street, Richmond, Virginia on September 20, 1990 at 10:00 a.m. The Chairman, Mr. John G. Milliken, presided.

Present: Messrs. Milliken, Pethtel, Bacon, Candler, Hoffler, Howlette, Malbon, Mastracco, Musselwhite, Smalley, Waldman, Warner, Wells and Mrs. Kincheloe and Dr. Thomas.

Absent: Mayor Davies

On motion of Mr. Bacon, seconded by Dr. Thomas, the minutes of the meetings of July 19 and August 16, 1990 were approved.

On motion of Dr. Thomas, seconded by Mr. Musselwhite, permits issued and canceled from August 1, 1990 through August 31, 1990, inclusive, as shown by the records of the Department, were approved.

Moved by Dr. Thomas, seconded by Mr. Musselwhite, that the Board approve additions and abandonments to the Secondary system from July 19, 1990 to August 15, 1990, inclusive, as shown by the records of the Department.

Motion carried.

Moved by Dr. Thomas, seconded by Mr. Musselwhite, that

WHEREAS, by proper resolution, the Boards of Supervisors of Essex, Fauquier, Isle of Wight, Lunenburg, and Scott counties have requested that certain roads which no longer serve as public necessities be discontinued as part of the Secondary System of Highways.

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Moved by Mr. Smalley, seconded by Mr. Malbon, that

WHEREAS, the Surface Transportation Assistance Act of 1982 (STAA) required the United States Secretary of Transportation to designate certain Federal-aid highways for use by 48-foot long semi-trailers, 28-foot long double trailers, 102-inch wide trucks (hereinafter referred to as "STAA vehicles"); and

WHEREAS, the Commonwealth Transportation Board has the authority to designate, as well as to define reasonable access, for STAA vehicles in accordance with the intent of the Congress of the United States; and

WHEREAS, this Board (formerly Commission), by resolution adopted reasonable access as the shortest possible route to terminals and/or facilities for food, fuel, repairs and rest but in no case to exceed one-half mile from the Interstate System and/or Qualifying Federal-aid Primary Highways; and

WHEREAS, by notice in the Federal Register dated June 1, 1990, the Federal Highway Administration stated "No State may enact or enforce any law denying access within 1 road-mile from the National Network using the most reasonable and practicable route available except for specific safety reasons on individual routes";

NOW, THEREFORE, BE IT RESOLVED, this Board finds, based on the notice in Federal Register dated June 1, 1990, the following action shall be undertaken to conform to Federal STAA Standards;

1. That reasonable access for vehicles mandated under the STAA from the Interstate System to terminals and/or facilities for food, fuel, repairs and rest shall be defined as the shortest possible route from the Interstate System to such facilities but in no case to exceed one mile from the Interstate System;

2. That reasonable access for vehicles mandated under the STAA from Qualifying Federal-aid Primary Highways to terminals and/or facilities for food, fuel, repairs and rest shall be defined as the shortest possible route from the Qualifying Federal-aid Primary

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Highway to the facility but in no case to exceed one mile from the Qualifying Federal-aid Primary Highway;

3. That this one mile access for STAA vehicles does not apply to Virginia's Access System and STAA vehicles will only be allowed to leave this system to enter the Interstate System, Qualifying Federal-aid Primary Highways and terminals and/or facilities for food, fuel, repairs and rest if these facilities are adjacent to the Virginia Access System Routes.

Motion Carried.

Moved by Mr. Bacon, seconded by Dr. Thomas, that

WHEREAS, Section 33.1-221 of the Code of Virginia provides a fund to "...be expended by the Board for constructing, reconstructing, maintaining or improving access roads within counties, cities and towns to industrial sites on which manufacturing, processing or other establishments will be built under firm contract or are already constructed and to publicly owned airports"; and

WHEREAS, the Wythe County Board of Supervisors has, by resolution, requested industrial access funds to provide adequate access to the facilities of Klockner-Pentaplast of America, Inc., located in the Rural Retreat Industrial Park, and said access is estimated to cost $366,400; and

WHEREAS, it appears that this request falls within the intent of Section 33.1-221 and has complied with the provisions of the Commonwealth Transportation Board's policy on the use of industrial access funds.

NOW, THEREFORE, BE IT RESOLVED, that $287,770 of the Industrial Access Fund be allocated to provide adequate access to Klockner-Pentaplast of America, Inc., located in Wythe County, Project 1100-098-234, M501, contingent upon:

1. All necessary right of way and utility adjustments being provided at no cost to the Commonwealth; and

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MINUTES
OF
MEETING OF STATE HIGHWAY AND TRANSPORTATION COMMISSION

Richmond, Virginia

May 17, 1984

The monthly meeting of the State Highway and Transportation Commission was held in the Central Office in Richmond, Virginia, on May 17, 1984, at 10:00 a.m. The chairman, Mr. Harold C. King, presided.

Present: Messrs. King, Bane, Brydges, Davidson, Forrester, Guiffre, Humphreys, Smalley and Smith.

Absent: Messrs. Quicke and Vaughan.

Mr. King introduced Mr. D. E. Keith, newly appointed Secondary Roads Engineer, and Mr. David R. Gehr, newly appointed Northern Virginia Division Administrator.

On motion of Mr. Bane, seconded by Mr. Smalley, the minutes of the meeting of April 19, 1984, were approved.

On motion of Mr. Bane, seconded by Mr. Smalley, permits issued from April 19, 1984 to May 16, 1984, inclusive, as shown by the records of the Department, were approved.

Motion was made by Mr. Bane, seconded by Mr. Smalley, that cancellation of permits from April 19, 1984, to May 16, 1984, inclusive, as shown by records of the Department be approved. Motion carried.

Moved by Mr. Bane, seconded by Mr. Smalley, that the Commission approve additions to the Secondary System from April 19, 1984, to May 16, 1984, inclusive, as shown by the records of the Department. Motion carried.

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5/17/84

Following presentation of Mr. J. T. Warren, Director of Administration, on motion of Mr. Smith, seconded by Mr. Guiffre, the boundaries of the Ninth Highway and Transportation Construction District were established as the Counties of Arlington, Fairfax, Loudoun and Prince William and the cities and towns located therein. The 1984 General Assembly has authorized, effective July 1, 1984, the creation of the Ninth Highway and Transportation Construction District to be called the Northern Virginia District.

Moved by Mr. Bane, seconded by Mr. Brydges, that

WHEREAS, by resolution dated March 15, 1984, this Commission clarified its earlier designation of Qualifying highways for use by the larger trucks mandated by the Surface Transportation Assistance Act of 1982; and

WHEREAS, as a result of that resolution, this Commission designated a system of Qualifying highways exclusively comprised of Federal-aid primary highways and a system of Access highways comprised of non-Federal-aid primary highways that can safely accommodate the larger vehicles; and

WHEREAS, as a result of further contact with the Federal Highway Administration, it is advisable to again clarify the designation of Qualifying highways to exclude Federal-aid Urban highways that are not urban extensions of Federal-aid primary routes;

NOW, THEREFORE, BE IT RESOLVED, that the March 15, 1984 designation of Qualifying highways, and subsequent additions thereto, is hereby withdrawn, and

BE IT FURTHER RESOLVED, that the attached routes listed in Attachment "C" are redesignated as Qualifying Federal-aid primary highways for the operation of larger trucks under the STAA; and

BE IT FURTHER RESOLVED, that the attached routes listed in Attachment "D" can safely accommodate the larger vehicles and are necessary to provide reasonable access as provided by law and so are therefore redesignated as Access highways in addition to the one-half mile of access from the Qualifying highways; and

BE IT FURTHER RESOLVED, that this action in no way affects the prior designation of the Interstate System and that from time to time and with due notice other highways may be added to the Qualifying highways or Access highways upon action of this Commission if such highways can safely accomodate the larger vehicles.

Motion carried, Mr. Smith voting no, Messrs. Humphreys and Smalley abstaining.

Editor's Note: To view referenced attachments, visit https://ctb.virginia.gov/media/ctb/meeting-archives/meeting-archive-before-2001/ctb-archives-pdf/CTB-05-1984-01.PDF

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Parking

- Regulatory Reduction Program and Final Regulatory Amendments: Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100) (1/6/2026)

- Authorization to Amend the *Rules and Regulations for the Administration of Parking Lots and Environs* (24VAC30-100) and the *Land Use Permit Regulations* (24VAC30-151) to Allow Mobile Food Vending at Planning District 8 Commuter Lots in Accordance with Chapter 765 of the 2016 Acts of Assembly (6/20/2018)

- Angle Parking in Urban Construction Projects (10/12/1950)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 13

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 6, 2026

MOTION

Made By: Ms. Dunlop**, Seconded By:** Mr. Good
Action: Motion Carried, Unanimously

Title: Regulatory Reduction Program and Final Regulatory Amendments: Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100)

WHEREAS, pursuant to the resolution titled *Regulatory Reduction Program and Proposed Regulatory Amendments: Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100)* approved at the Commonwealth Transportation Board's (CTB) December 4, 2024, action meeting, the Virginia Department of Transportation (VDOT) filed the approved proposed amendments to consolidate the Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100) and the associated Agency Background Document for the Proposed stage regulatory action on the Virginia Regulatory Town Hall (Town Hall) website; and

WHEREAS, prior to approval of the December 4, 2024, resolution, the CTB requested that this regulatory action be brought back to the Board prior to final action; and

WHEREAS, no concerns were raised or adverse impacts noted by the Office of the Attorney General and the Department of Planning and Budget during their review of the proposed amendments; and

WHEREAS, no public comments were received during the 60-day public comment period held in conjunction with publication of the Proposed stage in the *Virginia Register of Regulations*; and

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WHEREAS, no changes are proposed to the amendments (Attachment A) as previously approved by the CTB; and

WHEREAS, pursuant to the Administrative Process Act, the final amendments to the regulations must now be posted on Town Hall in conjunction with the final stage of the regulatory process and published in the *Virginia Register of Regulations* for a public comment period of 30 days before the amendments become effective; and

WHEREAS, VDOT has completed an Agency Background Document (TH-03) to be filed on Town Hall in conjunction with the final stage for these regulations (Attachment B); and

WHEREAS, the CTB originally adopted 24VAC30-50 and 24VAC30-100 pursuant to the authority set forth in §§ 33.2-118, 33.2-210, and 33.2-246 of the *Code of Virginia*, 23 USC § 111, and 23 CFR § 752.5, and is authorized to take action to amend, repeal or retain said regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves the consolidation of and amendments to the Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100), attached hereto (Attachment A).

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all necessary actions to promulgate the consolidated, amended regulations, filing the necessary forms, including the Final Regulation Agency Background Document (Attachment B), as may be required by the Virginia Administrative Process Act.

BE IT FURTHER RESOLVED, that CTB approval of this item replaces and supersedes the February 19, 1987, resolution titled *Rules and Regulations for the Administration of Waysides and Rest Areas*, provided however that nothing herein is intended to invalidate any actions previously taken pursuant to that resolution.

####

Editor's Note: For the current official version of this regulation, see entry for 24 VAC 30-51 in the Virginia Administrative Code (VAC).

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Minutes of the Meeting of the State Highway Commission of Virginia, Held in Lexington, October 12-13, 1950.

At 12:30 o'clock, Thursday, October 12, the State Highway Commission met at the Robert E. Lee Hotel, Lexington, Virginia. Present - Messrs. J. A. Anderson, E. P. Barrow, George P. DeHardit, J. P. Harpine, S. W. Rawls, Howard C. Rogers, J. B. Wampler, Tucker C. Watkins, Jr., and J. F. Wysor. Following lunch the meeting was called to order by the Chairman.

Moved by Mr. Rawls, seconded by Mr. Wampler, that the minutes of the meeting of August 16 be approved. Motion carried.

Moved by Mr. Wampler, seconded by Mr. Barrow, that the Commission approve the permits issued from August 16 to October 12, inclusive, as recorded in the Auditing Division. Motion carried.

Moved by Mr. Barrow, seconded by Mr. Watkins, that the Commission approve the cancellation of permits from August 16 to October 12, as authorized June 26, 1947, and recorded in the Auditing Division. Motion carried.

Moved by Mr. Watkins, seconded by Mr. DeHardit, that the Town of Cleveland having passed proper ordinance requesting the Commission to take over certain routes in the Town for maintenance the same be accepted. Motion carried.

Moved by Mr. Rawls, seconded by Mr. Wampler, that the Commission confirm award of contract on bids received August 17 for the construction of Project 1316-07, Route 648, Int.-Route 643 (E. of Harrum)-Int. Route 616, Campbell County, to the low bidder, J. R. Ford, Co., Inc., Lynchburg, Virginia, at the bid of $9,518.24 and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $10,500.00 chargeable to this project. Motion carried.

Moved by Mr. Wampler, seconded by Mr. Rogers, that the Commission confirm award of contract on bids received August 17 for the construction of Project 1398-03-04, Route 602, 0.301 Mi. S. of Cripple Creek-1.505 Mi. S. of Cripple Creek, Wythe County, to the low bidder, H. E. Hankels, Hollins, Virginia, at the bid of $32,939.60 and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $36,250.00 chargeable to this project. Motion carried.

Back to Parking

Moved by Mr. Watkins, seconded by Mr. Harpine, that whereas, under the provisions of Chapter 126, Acts of 1950 (Section 33-50.2 of the Code of Virginia, amended) the governing bodies of incorporated towns having less than 3,500 inhabitants are obligated to elect a choice under which to operate its Secondary System, now therefore, be it resolved, that allocation to the following towns for payment at a rate of $300. per mile on streets meeting the required standards, having an unrestricted right of way of not less than 50 feet and a hard surfaced width of not less than 12 feet, be made effective beginning the first quarter, July 1, 1950:

Ashland	10.098
Jonesville	4.300
Culpeper	7.556
Warrenton	4.838

Motion carried.

Moved by Mr. Rowls, seconded by Mr. DeHardit, that inasmuch as urban curb and gutter design used by the Department is based upon parallel parking and that if angle parking takes place on such a design it increases the hazard and decreases traffic capacity, be it hereby resolved that before a construction project is begun within the corporate limits of any municipality a resolution be required of the governing body agreeing that where parking is allowed, such parking be parallel to the curb. Motion carried.

Moved by Mr. Wyser, seconded by Mr. Barrow, that whereas, Route 24 now connects with the old location of U. S. Route 460 at Concord and a traffic analysis indicates that Route 24 will best be served by extending Route 24 over Secondary Route 608 to connect the new location of U. S. Route 460, now therefore, be it resolved, that under authority of Section 33-26 of the Code of 1950 (Chapter 286, Acts of 1940), that Route 24 be extended by transfer from the Secondary System to the Primary System that portion of Route 608 between the old and new locations of Route 460 near Concord, in Campbell County, length 0.20 mile. Motion carried.

Moved by Mr. Rowls, seconded by Mr. Watkins, that whereas, the City of Richmond, Virginia, as evidenced by letter of September 22, 1950, from Mr. John T. Hanna, City Traffic Engineer, recommends that First Street, Second Street and Foushee Street in the City of Richmond be designated in part as one-way throughfares and that whereas Second Street from Broad Street to Cary Street is now designated U. S. Route 60 for two-way traffic, now therefore be it resolved that Broad Street from Second Street to First Street, First Street from Broad Street to Cary Street, and Cary Street from First Street to Second Street be designated U. S. Route 60 westbound and that Second Street from Cary Street to Broad Street be designated U. S. Route 60 eastbound. Be it further resolved that this action will in no way affect the primary mileage in the City of Richmond eligible for annual maintenance payments by the Department of Highways. Motion carried.

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Performance Reporting

- Approval of Federal Asset Condition and System Performance Targets (9/16/2026)
- Approval of Federal Safety Performance Targets for Calendar Year 2027 (6/16/2026)
- Approval of Federal Safety Performance Targets for Calendar Year 2026 (7/16/2025)
- Approval of Federal Safety Performance Targets for Calendar Year 2025 (7/16/2024)
- Approval of Federal Safety Performance Metrics for Calendar Year 2024 (6/21/2023)
- Approval of Asset Condition and System Performance Targets (9/21/2022)
- Approval of Annual Safety Performance Targets for Calendar Year 2023 (6/21/2022)
- Approval of Annual Safety Performance Targets for Calendar Year 2022 (6/23/2021)
- Approval of Federal Asset Condition Performance Target Adjustment (9/16/2020)
- Approval of Annual Safety Performance Targets for Calendar Year 2021 (6/17/2020)
- Approval of Comprehensive Review Report related to the Robert O. Norris Bridge and Statewide Special Structures Fund and Asset Condition Performance Targets (12/11/2019)
- Approval of Annual Safety Performance Targets for Calendar Year 2020 (6/19/2019)
- Approval of Asset Condition and System Performance Targets (9/18/2018)
- Approval of Annual Safety Performance Targets for Calendar Year 2019 (7/18/2018)
- VDOT Quarterly Report Card (4/21/2005)
- Dashboard (3/17/2005)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 16, 2026

MOTION

Made By: Mr. Payne, Seconded By: Mr. Good
Action: Motion Carried, Unanimously

Title: Approval of Federal Asset Condition and System Performance Targets

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, including any performance measurement required by Title 23 or 49 of the United States Code (USC); and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "performance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set anticipated performance targets that reflect the performance measures established in said rule(s); and

Back to Performance Reporting

WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, measures and targets relating to asset condition, system performance, congestion, and air quality, including 23 C.F.R. §§ 490.105, 490.307, 490.407, 490.507, 490.607, 490.707, and 490.807, which require State Departments of Transportation and Metropolitan Planning Organizations to set targets for twelve measures; and

WHEREAS, more specifically, 23 C.F.R. §§ 490.307 and 490.407 require the state to set Asset Condition Performance Targets, which apply to the National Highway System (NHS), for the following six measures: percentage of pavement in good condition and percentage of pavement in poor condition on Interstate highways; percentage of pavement in good condition and percentage of pavement in poor condition on Non-Interstate NHS highways; and percentage of deck area of bridges in good condition and percentage of deck area of bridges in poor condition on the NHS; and

WHEREAS, 23 C.F.R. §§ 490.105, 490.507, 490.607, 490.707, and 490.807 set forth measures and require the state to set targets for system performance, congestion, and air quality relating to the highways on the NHS or portions thereof (collectively, System Performance Measures or Targets), which include the following six measures: travel time reliability on Interstate highways and travel time reliability on Non-Interstate NHS highways; freight reliability on Interstate highways; annual hours of peak hour excessive delay per capita on NHS highways (certain areas in Northern Virginia only); percent of non-single occupancy vehicle travel (certain areas in Northern Virginia only); and on-road mobile source emissions reductions from the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (certain areas in Northern Virginia only); and

WHEREAS, pursuant to 23 CFR §§ 490.105 and 490.107, two- and four-year targets for Asset Condition Performance Measures and System Performance Measures were first adopted by the Board beginning in 2018 for the performance period beginning January 1, 2018 through December 31, 2021 and most recently on September 21, 2022 for the performance period beginning January 1, 2022 through December 31, 2025; and

WHEREAS, OIPI, working collaboratively with the Virginia Department of Transportation (VDOT), has for the 2026-2029 performance period established proposed Asset Condition Performance Targets and System Performance Targets set out in Tables A and B, having complied with the target setting and reporting requirements set forth in 23 C.F.R. §§ 490.105, 490.107, 490.307, 490.407, 490.507, 490.607, 490.707, and 490.807; and

WHEREAS, in July 2026, the Board was presented with information for a final progress report for the 2022-2025 performance period ending on December 31, 2025 and proposed Asset Condition Performance Targets and System Performance Targets set forth in Tables A and B for the 2026-2029 performance period; and

WHEREAS, OIPI, in consultation with VDOT, recommends adoption of the proposed Asset Condition Performance Targets and System Performance Targets set forth in Tables A and B, respectively:

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Table A

Asset Condition Measures	Scope	2-Year Target[1] (2027)	4-Year Target[1] (2029)
Percentage of Pavement in Good Condition	Interstate	**45%**	**45%**
Percentage of Pavement in Poor Condition	Interstate	**3%**	**3%**
Percentage of Pavement in Good Condition	NHS (non-Interstate)	**25%**	**25%**
Percentage of Pavement in Poor Condition	NHS (non-Interstate)	**5%**	**5%**
Percentage of Deck Area of Bridges in Good Condition	NHS	**25.1%**	**24.9%**
Percentage of Deck Area of Bridges in Poor Condition	NHS	**3.8%**	**3.9%**

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Table B

System Performance Measures	Scope	2-Year Target[1] (2027)	4-Year Target[1] (2029)
Percentage of Person-Miles Traveled that are Reliable	Interstate	**77%**	**75%**
Percentage of Person-Miles Traveled that are Reliable	NHS (non-Interstate)	**85%**	**80%**
Truck Travel Times Reliability Index	Interstate	**1.58**	**1.58**
Annual Hours of Peak Hour Excessive Delay Per Capita[2]	NHS	**24.2 hrs/capita**	**26.3 hrs/capita**
Percentage of Non-SOV Travel[2]	NHS	**49.4%**	**50.3%**
Total Emission Reductions for Volatile Organic Compounds[3]	CMAQ Projects	**0.382 kg/day**	**0.442 kg/day**
Total Emission Reductions for Nitrogen Oxides (NOx)[3]	CMAQ Projects	**3.425 kg/day**	**3.495 kg/day**

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the performance measures referenced therein, the Asset Condition Performance Targets and System Performance Targets set forth in Tables A and B for 2026-2029.

####

[1] All two and 4-year targets cover the time period of Jan. 1, 2026 to Dec. 31, 2029, except for the CMAQ targets which follow the federal fiscal year (Oct. 1, 2026 to Sept. 30, 2029).
[2] Targets apply only to certain urbanized areas designated as nonattainment or maintenance for specified pollutants under National Ambient Air Quality Standards (NAAQS) (the Virginia portion of the Washington, DC-MD-VA 8-hour ozone nonattainment area).
[3] Targets apply to CMAQ projects in areas designated as nonattainment or maintenance for certain NAAQS (the Virginia portion of the Washington, DC-MD-VA 8-hour ozone nonattainment area).

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 16, 2026

MOTION

Made By: Mr. Fowlkes**, Seconded By:** Mr. Good

Action: Motion Carried, Unanimously

Title: Approval of Federal Safety Performance Targets for Calendar Year 2027

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, including any performance measurement required by Title 23 or 49 of the United States Code; and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "performance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set anticipated performance targets that reflect the performance measures established in said rule(s); and

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WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, safety performance measures and targets relating to the Highway Safety Improvement Program (Safety Performance Regulations), including 23 CFR §§490.207 and 490.209, which require State Departments of Transportation and Metropolitan Planning Organizations to set anticipated performance targets for five safety related performance measures (Federal Safety Performance Targets); and

WHEREAS, 23 CFR §§490.207 and 490.209 require the state to set Federal Safety Performance Targets, which apply to all public roads, for the following five measures: number of fatalities, rate of fatalities per 100 million vehicle miles traveled (VMT), number of serious injuries, rate of serious injuries per 100 million VMT, and number of non-motorized fatalities and serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) requires the anticipated performance targets established by the state Department of Transportation to be identical to the those established by the State Highway Safety Office (represented by the Department of Motor Vehicles) and reported in the State's Highway Safety Plan for three common safety performance measures, namely number of fatalities, rate of fatalities per 100 million VMT, and number of serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) is subject to the requirements of 23 USC 402(k)(4) providing that the three common safety performance measures be identical and are quantifiable performance targets that demonstrate constant or improved performance for each performance measures based on the most recent five-year averages; and

WHEREAS, in July 2018, the Board directed the Office of Intermodal Planning and Investment (OIPI), in consultation with the Virginia Department of Transportation (VDOT) and Department of Motor Vehicles (DMV), to develop a more rigorous data-driven methodology that will be used to establish performance targets for the Federal Safety Performance Targets; and

WHEREAS, VDOT, working collaboratively with OIPI, has conducted a data-driven analysis, established Federal Safety Performance Targets and, where applicable, has coordinated with DMV and agreed on methodologies to establish the Federal Safety Performance Targets set out in Table A below, having complied with the requirements set forth in 23 CFR§§ 490.207, 490.209, 490.213, 924.15 and 1300.11 ensuring annual safety performance targets support constant or improving performance of the five-year average targets; and

WHEREAS, in accordance with 23 CFR §§ 490.207, 490.209, 490.213, 924.15, and 1300.11 Federal Safety Performance Targets for the MAP-21 performance measures relating to safety were to be established and first reported in August 2017 and must be established and reported by June 30 by DMV and August 31 by VDOT for each subsequent year; and

WHEREAS, in May 2026, the Board was presented with Calendar Year 2027 performance targets set forth in Table A below, and

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WHEREAS, OIPI, in consultation with VDOT and DMV, recommends adoption of the Calendar Year 2027 performance targets set forth in Table A below:

Table A

Federal Safety Performance Measures	**2027 Targets**
Number of Fatalities	765
Rate of Fatalities per 100 million VMT	0.841
Number of Serious Injuries	6,285
Rate of Serious Injuries per 100 million VMT	6.910
Number of Non-Motorized Fatalities and Serious Injuries	682

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the safety performance measures referenced therein, the annual federal performance targets set forth in Table A for calendar year 2027 for submittal to the National Highway Transportation Safety Administration and the Federal Highway Administration.

####

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 16, 2025

MOTION

Made By: Ms. Sellers**, Seconded By:** Mr. Good
Action: Motion Carried, Unanimously

Title: Approval of Federal Safety Performance Targets for Calendar Year 2026

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, including any performance measurement required by Title 23 or 49 of the United States Code; and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "performance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set

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anticipated performance targets that reflect the performance measures established in said rule(s); and

WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, safety performance measures and targets relating to the Highway Safety Improvement Program (Safety Performance Regulations), including 23 CFR §§490.207 and 490.209, which require State Departments of Transportation and Metropolitan Planning Organizations to set anticipated performance targets for five safety related performance measures (Federal Safety Performance Targets); and

WHEREAS, 23 CFR §§490.207 and 490.209 require the state to set Federal Safety Performance Targets, which apply to all public roads, for the following five measures: number of fatalities, rate of fatalities per 100 million vehicle miles traveled (VMT), number of serious injuries, rate of serious injuries per 100 million VMT, and number of non-motorized fatalities and serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) requires the anticipated performance targets established by the state Department of Transportation to be identical to the those established by the State Highway Safety Office (represented by the Department of Motor Vehicles) and reported in the State's Highway Safety Plan for three common safety performance measures, namely number of fatalities, rate of fatalities per 100 million VMT, and number of serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) is subject to the requirements of 23 USC 402(k)(4) providing that the three common safety performance measures be identical and are quantifiable performance targets that demonstrate constant or improved performance for each performance measures based on the most recent five-year averages; and

WHEREAS, in July 2018, the Board directed the Office of Intermodal Planning and Investment (OIPI), in consultation with the Virginia Department of Transportation (VDOT) and Department of Motor Vehicles (DMV), to develop a more rigorous data-driven methodology that will be used to establish performance targets for the Federal Safety Performance Targets; and

WHEREAS, VDOT, working collaboratively with OIPI, has conducted a data-driven analysis, established Federal Safety Performance Targets and, where applicable, has coordinated with DMV and agreed on methodologies to establish the Federal Safety Performance Targets set out in Table A below, having complied with the requirements set forth in 23 CFR§§ 490.207, 490.209, 490.213, 924.15 and 1300.11 ensuring annual safety performance targets support constant or improving performance of the five-year average targets; and

WHEREAS, in accordance with 23 CFR §§ 490.207, 490.209, 490.213, 924.15, and 1300.11 Federal Safety Performance Targets for the MAP-21 performance measures relating to safety were to be established and first reported in August 2017 and must be established and reported by August 1 by DMV and August 31 by VDOT for each subsequent year; and

WHEREAS, in June 2025, the Board was presented with recommended Calendar Year 2026 performance targets as set forth in Table A below, and

WHEREAS, OIPI, in consultation with VDOT and DMV, recommends adoption of the recommended Calendar Year 2026 performance targets as set forth in Table A below:

Table A

Federal Safety Performance Measures	**2026 Targets**
Number of Fatalities	882
Rate of Fatalities per 100 million VMT	1.000
Number of Serious Injuries	6,424
Rate of Serious Injuries per 100 million VMT	7.286
Number of Non-Motorized Fatalities and Serious Injuries	604

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the safety performance measures referenced therein, the annual federal performance targets set forth in Table A for calendar year 2026 for submittal to the National Highway Transportation Safety Administration and the Federal Highway Administration.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 15

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 16, 2024

MOTION

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

Action: Motion Carried

Title: Approval of Federal Safety Performance Targets for Calendar Year 2025

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, including any performance measurement required by Title 23 or 49 of the United States Code; and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "[p]erformance management will transform the Federal-aid highway program and provide a means to the most efficient investment of federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State Departments of Transportation, Metropolitan Planning Organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set anticipated performance targets that reflect the performance measures established in said rule(s); and

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WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, safety performance measures and targets relating to the Highway Safety Improvement Program (Safety Performance Regulations), including 23 CFR §§490.207 and 490.209, which require State Departments of Transportation and Metropolitan Planning Organizations to set anticipated performance targets for five safety related performance measures (Federal Safety Performance Targets); and

WHEREAS, 23 CFR §§490.207 and 490.209 require the state to set Federal Safety Performance Targets, which apply to all public roads, for the following five measures: number of fatalities, rate of fatalities per 100 million vehicle miles traveled (VMT), number of serious injuries, rate of serious injuries per 100 million VMT, and number of non-motorized fatalities and serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) requires the anticipated performance targets established by the State Department of Transportation to be identical to the those established by the State Highway Safety Office (represented by the Department of Motor Vehicles) and reported in the State's Highway Safety Plan for three common safety performance measures, namely number of fatalities, rate of fatalities per 100 million VMT, and number of serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) is subject to the requirements of 23 USC 402(k)(4) providing that the three common safety performance measures be identical and are quantifiable performance targets that demonstrate constant or improved performance for each performance measures based on the most recent five-year averages; and

WHEREAS, in July 2018, the Board directed the Office of Intermodal Planning and Investment (OIPI), in consultation with the Virginia Department of Transportation (VDOT) and Department of Motor Vehicles (DMV), to develop a more rigorous data-driven methodology that will be used to establish performance targets for the Federal Safety Performance Targets; and

WHEREAS, VDOT, working collaboratively with OIPI, has conducted a data-driven analysis, established Federal Safety Performance Targets and, where applicable, has coordinated with DMV and agreed on methodologies to establish the Federal Safety Performance Targets set out in Table A below, having complied with the requirements set forth in 23 CFR§§ 490.207, 490.209, 490.213, 924.15 and 1300.11 ensuring annual safety performance targets support constant or improving performance of the five-year average targets; and

WHEREAS, in accordance with 23 CFR §§ 490.207, 490.209, 490.213, 924.15, and 1300.11 Federal Safety Performance Targets for the MAP-21 performance measures relating to safety were to be established and first reported in August 2017 and must be established and reported by August 1 by DMV and August 31 by VDOT for each subsequent year; and

WHEREAS, in June 2024, the Board was presented with Calendar Year 2025 performance targets set forth in Table A below, and

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WHEREAS, OIPI, in consultation with VDOT and DMV, recommends adoption of the Calendar Year 2025 performance targets set forth in Table A below:

Table A

Federal Safety Performance Measures	**2025 Targets**
Number of Fatalities	819
Rate of Fatalities per 100 million VMT	0.894
Number of Serious Injuries	6,829
Rate of Serious Injuries per 100 million VMT	7.457
Number of Non-Motorized Fatalities and Serious Injuries	619

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the safety performance measures referenced therein, the annual Federal Safety Performance Targets set forth in Table A for calendar year 2025 for submittal to the National Highway Transportation Safety Administration and the Federal Highway Administration.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 21, 2023

MOTION

Made By: Mr. Dodson, **Seconded By**: Mr. Coleman
Action: Motion Carried

Title: Approval of Federal Safety Performance Metrics for Calendar Year 2024

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, including any performance measurement required by Title 23 or 49 of the United States Code; and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "[p]erformance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set anticipated performance metrics that reflect the performance measures established in said rule(s); and

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WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, safety performance measures and metrics relating to the Highway Safety Improvement Program (Safety Performance Regulations), including 23 CFR §§490.207 and 490.209, which require State Departments of Transportation and Metropolitan Planning Organizations to set anticipated performance metrics for five safety related performance measures (Federal Safety Performance Metrics); and

WHEREAS, 23 CFR §§490.207 and 490.209 require the state to set Federal Safety Performance Metrics, which apply to all public roads, for the following five measures: number of fatalities, rate of fatalities per 100 million vehicle miles traveled (VMT), number of serious injuries, rate of serious injuries per 100 million VMT, and number of non-motorized fatalities and serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) requires the anticipated performance metrics established by the state Department of Transportation to be identical to the those established by the State Highway Safety Office (represented by the Department of Motor Vehicles) and reported in the State's Highway Safety Plan for three common safety performance measures, namely number of fatalities, rate of fatalities per 100 million VMT, and number of serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) is subject to the requirements of 23 USC 402(k)(4) providing that the three common safety performance measures be identical and are quantifiable performance metrics that demonstrate constant or improved performance for each performance measures; and

WHEREAS, in July 2018, the Board directed the Office of Intermodal Planning and Investment (OIPI), in consultation with the Virginia Department of Transportation (VDOT) and Department of Motor Vehicles (DMV), to develop a more rigorous data-driven methodology that will be used to establish performance metrics for the Federal Safety Performance Metrics; and

WHEREAS, in June 2019, the Board reaffirmed its July 2018 direction to OIPI, in consultation with VDOT and DMV, to continue development and improvement of the data-driven and statistical modeling for establishing Federal Safety Performance Metrics; and

WHEREAS, a key finding from the data-driven analysis demonstrates that systemic and hybrid corridor safety projects—low-cost improvements, such as high-visibility signal backplates, crosswalks, and curve chevrons, flashing yellow left turn signals, and rumble strips, systemically spread on a roadway network— provide more potential crash reduction benefits for lower costs than do spot improvement projects; and

WHEREAS, pursuant to §33.2-373 of the Code of Virginia, it is the responsibility of the Board to establish the Virginia Highway Safety Improvement Program (the Program) to reduce

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motorized and non-motorized fatalities and severe injuries on highways in the Commonwealth, whether such highways are state or locally maintained; and

WHEREAS, pursuant to §33.2-373 of the *Code of Virginia*, the Board shall adopt an investment strategy to guide the investments of the Program, and the investment strategy shall cover a period of at least five years and seek to achieve a significant reduction in the anticipated number of fatalities and severe injuries over the covered period and shall give priority to projects, strategies, and activities based on the expected reduction in fatalities and severe injuries relative to cost, including improvements that are widely implemented based on a high-risk roadway feature that is correlated with a particular crash type, rather than crash frequency; and

WHEREAS, in June 2022, the Board adopted the 2023 Safety Performance Targets, established Aspirational Safety Performance Goals consistent with the goals in Virginia's 2022-2026 Strategic Highway Safety Plan, and directed OIPI, working collaboratively with VDOT and DMV, to (i) evaluate and identify actionable strategies that will improve safety performance and reduce the number of fatal and serious injury crashes, (ii) evaluate how such strategies will help to achieve the Aspirational Safety Performance Goals, and (iii) present to the Board by no later than October 2022 the findings of the evaluation and recommended new strategies; and

WHEREAS, in September 2022, the Board adopted an updated Virginia Highway Investment Strategy directing continued and accelerated deployment of proven systemic and hybrid safety countermeasures across the roadway network, including VDOT and locally-maintained facilities, and development of a behavioral safety program investment plan for the deployment of educational and enforcement countermeasures to address the behavioral causes of crashes in support of the Board's desire to reduce serious injury, fatal, and non-motorized crashes; and

WHEREAS, VDOT, working collaboratively with OIPI, has conducted a data-driven analysis with results consistent with Calendar Year 2022 performance, established Federal Safety Performance Metrics and, where applicable, has coordinated with DMV and agreed on methodologies to establish the Federal Safety Performance Metrics set out in Table A below, having complied with the requirements set forth in 23 CFR§§ 490.207, 490.209, 490.213 and 924.15 ensuring that metrics are demonstrating constant or improving performance; and

WHEREAS, in accordance with 23 CFR §§ 490.207, 490.209, 490.213 and 924.15, Federal Safety Performance Metrics for the MAP-21 performance measures relating to safety were to be established and first reported in August 2017 and must be established and reported by June 30 by DMV and August 31 by VDOT for each subsequent year; and

WHEREAS, in May 2023, the Board was presented with Calendar Year 2024 performance metrics set forth in Table A below, and

WHEREAS, OIPI, in consultation with VDOT and DMV, recommends adoption of the Calendar Year 2024 performance metrics set forth in Table A below:

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Table A

Federal Safety Performance Measures	2024 Metrics
Number of Fatalities	1,005
Rate of Fatalities per 100 million VMT	1.187
Number of Serious Injuries	7,137
Rate of Serious Injuries per 100 million VMT	8.429
Number of Non-Motorized Fatalities and Serious Injuries	765

WHEREAS, the Board continues to find the anticipated safety outcomes to be unacceptable, and to be consistent with the goals in Virginia's 2022-2026 Strategic Highway Safety Plan to reduce fatalities and serious injuries by two percent a year, desires to achieve internal Aspirational Safety Performance Goals that seek reductions in all of the safety measures as set forth in Table B below:

Table B

Aspirational Safety Performance Goals	2024 Goals
Number of Fatalities	908
Rate of Fatalities per 100 million VMT	1.072
Number of Serious Injuries	6,935
Rate of Serious Injuries per 100 million VMT	8.191
Number of Non-Motorized Fatalities and Serious Injuries	642

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the safety performance measures referenced therein, the annual federal performance metrics set forth in Table A for calendar year 2024 for submittal to the National Highway Transportation Safety Administration and the Federal Highway Administration.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby declares its desire and intent that the Aspirational Safety Performance Goals set forth in Table B be achieved for calendar year 2024.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs OIPI, VDOT and DMV, to continue to identify strategies to achieve the Aspirational Safety Performance Goals.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: Mr. Kasprowicz **Seconded By:** Mr. Coleman
Action: Motion carried, unanimously

Title: Approval of Asset Condition and System Performance Targets

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, including any performance measurement required by Title 23 or 49 of the United States Code (U.S.C.); and

WHEREAS, 23 U.S.C. § 150 provides that, "[p]erformance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 § U.S.C. 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, 23 U.S.C. § 150 also directs the United States Secretary of Transportation, in consultation with State Departments of Transportation, Metropolitan Planning Organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set performance targets that reflect the performance measures established in said rule(s); and

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WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, measures and targets relating to asset condition, system performance, congestion, and air quality, including 23 C.F.R. §§ 490.105, 490.307, 490.407, 490.507, 490.607, 490.707, and 490.807, which require State Departments of Transportation and Metropolitan Planning Organizations to set targets for twelve measures; and

WHEREAS, more specifically, 23 C.F.R. §§ 490.307 and 490.407 require the state to set Asset Condition Performance Targets, which apply to the National Highway System (NHS), for the following six measures: percentage of pavement in good condition and percentage of pavement in poor condition on Interstate highways; percentage of pavement in good condition and percentage of pavement in poor condition on Non-Interstate NHS highways; and percentage of deck area of bridges in good condition and percentage of deck area of bridges in poor condition on the NHS; and

WHEREAS, 23 C.F.R. §§ 490.105, 490.507, 490.607, 490.707, and 490.807 set forth measures and require the state to set targets for system performance, congestion, and air quality relating to the highways on the NHS or portions thereof (collectively, System Performance Measures or Targets), which include the following six measures: travel time reliability on Interstate highways and travel time reliability on Non-Interstate NHS highways; freight reliability on Interstate highways; annual hours of peak hour excessive delay per capita on NHS highways (certain areas in Northern Virginia only); percent of non-single occupancy vehicle travel (certain areas in Northern Virginia only); and on-road mobile source emissions reductions from the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (certain areas in Northern Virginia only); and

WHEREAS, pursuant to 23 CFR §§ 490.105 and 490.107, two- and four-year targets for Asset Condition Performance Measures and System Performance Measures were adopted by the Board on September 18, 2018 for the first performance period beginning January 1, 2018 through December 31, 2021; and

WHEREAS, pursuant to 23 CFR § 490.107, Virginia submitted to the Federal Highway Administration (FHWA) its targets for Asset Condition Performance Measures and System Performance Measures in a baseline report for the first performance period on October 1, 2018, and a mid-period progress report on October 1, 2020; and

WHEREAS, pursuant to 23 CFR §§ 490.107, Virginia will submit a final progress report for the first performance period by October 1, 2022; and

WHEREAS, in accordance with 23 CFR §§ 490.105 and 490.107, two- and four-year targets for Asset Condition Performance Measures and System Performance Measures must be established for the second performance period beginning January 1, 2022 through December 31,

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2025[1] and must be reported to FHWA by October 1, 2022, with progress reports due by October 1 every two years; and

WHEREAS, OIPI, working collaboratively with the Virginia Department of Transportation (VDOT), has for 2022-2025 established proposed Asset Condition Performance Targets and System Performance Targets set out in Tables A and B, having complied with the target setting and reporting requirements set forth in 23 C.F.R. §§ 490.105, 490.107, 490.307, 490.407, 490.507, 490.607, 490.707, and 490.807; and

WHEREAS, in July 2022, the Board was presented with information for a final progress report for the first performance period ending on December 31, 2021 and proposed Asset Condition Performance Targets and System Performance Targets set forth in Tables A and B for the second performance period; and

WHEREAS, OIPI, in consultation with VDOT, recommends adoption of the proposed Asset Condition Performance Targets and System Performance Targets set forth in Tables A and B, respectively:

Table A

Asset Condition Measures	**Scope**	**2-Year Target[1] (2023)**	**4-Year Target[1] (2025)**
Percentage of Pavement in Good Condition	Interstate	**45%**	**45%**
Percentage of Pavement in Poor Condition	Interstate	**3%**	**3%**
Percentage of Pavement in Good Condition	NHS (non-Interstate)	**25%**	**25%**
Percentage of Pavement in Poor Condition	NHS (non-Interstate)	**5%**	**5%**
Percentage of Deck Area of Bridges in Good Condition	NHS	**27.2%**	**25.1%**
Percentage of Deck Area of Bridges in Poor Condition	NHS	**3.3%**	**3.6%**

[1] All two and 4-year targets cover the time period of Jan. 1, 2022 to Dec. 31, 2025, except for the CMAQ targets which follow the federal fiscal year (Oct. 1, 2022 to Sept. 30, 2025).

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Table B

System Performance Measures	Scope	2-Year Target[1] (2023)	4-Year Target[1] (2025)
Percentage of Person-Miles Traveled that are Reliable	Interstate	**85%**	**85%**
Percentage of Person-Miles Traveled that are Reliable	NHS (non-Interstate)	**88%**	**88%**
Truck Travel Times Reliability Index	Interstate	**1.64**	**1.64**
Annual Hours of Peak Hour Excessive Delay Per Capita[2]	NHS	**22.5 hrs/capita**	**22.7 hrs/capita**
Percentage of Non-SOV Travel[2]	NHS	**37.4%**	**37.7%**
Total Emission Reductions for Volatile Organic Compounds[3]	CMAQ Projects	**0.323 kg/day**	**3.013 kg/day**
Total Emission Reductions for Nitrogen Oxides (NOx)[3]	CMAQ Projects	**0.612 kg/day**	**4.911 kg/day**

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the performance measures referenced therein, the Asset Condition Performance Targets and System Performance Targets set forth in Tables A and B for 2022-2025.

[1] All two and 4-year targets cover the time period of Jan. 1, 2022 to Dec. 31, 2025, except for the CMAQ targets which follow the federal fiscal year (Oct. 1, 2022 to Sept. 30, 2025).
[2] Targets apply only to certain urbanized areas designated as nonattainment or maintenance for specified pollutants under National Ambient Air Quality Standards (NAAQS) (the Virginia portion of the Washington, DC-MD-VA 8-hour ozone nonattainment area).
[3] Targets apply to CMAQ projects in areas designated as nonattainment or maintenance for certain NAAQS (the Virginia portion of the Washington, DC-MD-VA 8-hour ozone nonattainment area).

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
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Agenda item # 15

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 21, 2022

MOTION

Made By: Mr. Rucker **Seconded By:** Ms. DeTuncq
Action: Motion carried, unanimously

Title: Approval of Annual Safety Performance Targets for Calendar Year 2023

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, including any performance measurement required by Title 23 or 49 of the United States Code; and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "[p]erformance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set performance targets that reflect the performance measures established in said rule(s); and

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WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, safety performance measures and targets relating to the Highway Safety Improvement Program (Safety Performance Regulations), including 23 CFR §§490.207 and 490.209, which require State Departments of Transportation and Metropolitan Planning Organizations to set targets for five safety related performance measures (Federal Safety Performance Targets); and

WHEREAS, 23 CFR §§490.207 and 490.209 require the state to set Federal Safety Performance Targets, which apply to all public roads, for the following five measures: number of fatalities, rate of fatalities per 100 million vehicle miles traveled (VMT), number of serious injuries, rate of serious injuries per 100 million VMT, and number of non-motorized fatalities and serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) requires the targets established by the state Department of Transportation to be identical to the targets established by the State Highway Safety Office (represented by the Department of Motor Vehicles) and reported in the State's Highway Safety Plan for three common safety performance measures, namely number of fatalities, rate of fatalities per 100 million VMT, and number of serious injuries (Federal Safety Performance Targets); and

WHEREAS, in July 2018, the Board directed the Office of Intermodal Planning and Investment (OIPI), in consultation with the Virginia Department of Transportation (VDOT) and Department of Motor Vehicles (DMV), to develop a more rigorous data-driven methodology that will be used to establish targets for the Federal Safety Performance Measures; and

WHEREAS, in June 2019, the Board reaffirmed its July 2018 direction to OIPI, in consultation with VDOT and DMV, to continue development and improvement of the data-driven and statistical modeling for establishing Federal Safety Performance Targets; and

WHEREAS, a key finding from the data-driven analysis demonstrates that systemic and hybrid corridor safety projects—low-cost improvements, such as high-visibility signal backplates, crosswalks, and curve chevrons, flashing yellow left turn signals, and rumble strips, systemically spread on a roadway network— provide more potential crash reduction benefits for lower costs than do spot improvement projects; and

WHEREAS, pursuant to §33.2-373 of the Code of Virginia, it is the responsibility of the Board to establish the Virginia Highway Safety Improvement Program (the Program) to reduce motorized and non-motorized fatalities and severe injuries on highways in the Commonwealth, whether such highways are state or locally maintained; and

WHEREAS, pursuant to §33.2-373 of the *Code of Virginia*, the Board shall adopt an investment strategy to guide the investments of the Program, and the investment strategy shall cover a period of at least five years and seek to achieve a significant reduction in the anticipated

number of fatalities and severe injuries over the covered period and shall give priority to projects, strategies, and activities based on the expected reduction in fatalities and severe injuries relative to cost, including improvements that are widely implemented based on a high-risk roadway feature that is correlated with a particular crash type, rather than crash frequency; and

WHEREAS, in January 2022, the Board adopted the Virginia Highway Safety Investment Strategy directing continued deployment of proven systemic and hybrid safety countermeasures across the roadway network, including VDOT and locally-maintained facilities, and development of a behavioral safety program investment plan for the deployment of educational and enforcement countermeasures to address the behavioral causes of crashes in support of the Board's desire to reduce serious injury, fatal, and non-motorized crashes; and

WHEREAS, OIPI, working collaboratively with VDOT, has for Calendar Year 2023, established proposed Federal Safety Performance Targets using a data-driven methodology and, where applicable, has coordinated with DMV and agreed on target setting methodologies to establish the proposed Federal Safety Performance Targets set out in Table A below, having complied with the safety target setting and reporting requirements set forth in 23 CFR§§ 490.207, 490.209, 490.213 and 924.15; and

WHEREAS, in accordance with 23 CFR §§ 490.207, 490.209, 490.213 and 924.15, targets for the MAP-21 performance measures relating to safety were to be established and first reported in August 2017 and must be established and reported by June 30 by DMV and August 31 by VDOT for each subsequent year; and

WHEREAS, in May 2022, the Board was presented with proposed Calendar Year 2023 Federal Safety Performance Targets set forth in Table A below, and

WHEREAS, OIPI, in consultation with VDOT and DMV, recommends adoption of the proposed Calendar Year 2023 Federal Safety Performance Targets set forth in Table A below:

Table A

Annual Federal Safety Performance Measures	2023 Target
Number of Fatalities	1,012
Rate of Fatalities per 100 million VMT	1.216
Number of Serious Injuries	7,465
Rate of Serious Injuries per 100 million VMT	8.971
Number of Non-Motorized Fatalities and Serious Injuries	662

WHEREAS, the Board finds the anticipated safety outcomes associated with the Federal Safety Performance Targets to be unacceptable, and to be consistent with the goals in Virginia's 2022-2026 Strategic Highway Safety Plan to reduce fatalities and serious injuries by two percent a year, desires to achieve internal Aspirational Safety Performance Goals that seek reductions in all of the safety measures as set forth in Table B below:

Table B

Aspirational Safety Performance Goals	**2023 Goals**
Number of Fatalities	930
Rate of Fatalities per 100 million VMT	1.117
Number of Serious Injuries	7104
Rate of Serious Injuries per 100 million VMT	8.537
Number of Non-Motorized Fatalities and Serious Injuries	658

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the safety performance measures referenced therein, the annual Federal Safety Performance Targets set forth in Table A for calendar year 2023 for submittal to the National Highway Transportation Safety Administration and the Federal Highway Administration.

BE IT FURTHER RESOLVED that the Commonwealth Transportation Board hereby declares its desire and intent that the Aspirational Safety Performance Goals set forth in Table B be achieved for calendar year 2023.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs OIPI, working collaboratively with VDOT and DMV, to (i) evaluate and identify actionable strategies that will improve safety performance and reduce the number of fatal and serious injury crashes, (ii) evaluate how such strategies will help to achieve the Aspirational Safety Performance Goals, and (iii) present to the Board by no later than October 2022 the findings of the evaluation and recommended new strategies to be incorporated into the Highway Safety Program to shift the current upward trend and reduce fatal and serious injury crashes. Such evaluation shall consider administrative, policy, and legislative changes as well as behavioral and infrastructure investment strategies.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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00Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 23, 2021

MOTION

Made By: Mr. Rucker, **Seconded By:** Mr. Yates
Action: Motion carried, unanimously

Title: Approval of Annual Safety Performance Targets for Calendar Year 2022

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, including any performance measurement required by Title 23 or 49 of the United States Code; and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "[p]erformance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set performance targets that reflect the performance measures established in said rule(s); and

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WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, safety performance measures and targets relating to the Highway Safety Improvement Program (Safety Performance Regulations), including 23 CFR §§490.207 and 490.209, which require State Departments of Transportation and Metropolitan Planning Organizations to set targets for five safety related performance measures (Safety Performance Targets); and

WHEREAS, 23 CFR §§490.207 and 490.209 require the state to set Safety Performance Targets, which apply to all public roads, for the following five measures: number of fatalities, rate of fatalities per 100 million vehicle miles traveled (VMT), number of serious injuries, rate of serious injuries per 100 million VMT, and number of non-motorized fatalities and serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) requires the targets established by the state Department of Transportation to be identical to the targets established by the State Highway Safety Office (represented by the Department of Motor Vehicles) and reported in the State's Highway Safety Plan/State Strategic Highway Safety Plan for three common safety performance measures, namely number of fatalities, rate of fatalities per 100 million VMT, and number of serious injuries (common Safety Performance Targets); and

WHEREAS, in July 2018, the Board directed the Office of Intermodal Planning and Investment (OIPI), in consultation with the Virginia Department of Transportation (VDOT) and Department of Motor Vehicles (DMV), to develop a more rigorous data-driven methodology that will be used to establish targets for the Federal Safety Performance Measures; and

WHEREAS, in June 2019, the Board reaffirmed its July 2018 direction to OIPI, in consultation with VDOT and DMV, to continue development and improvement of the data-driven and statistical modeling for establishing Safety Performance Targets and also directed OIPI, in consultation with VDOT and DMV, to develop a plan resulting in a net reduction in fatal and serious injury crashes; and

WHEREAS, a key finding from the data-driven analysis demonstrates that systemic and hybrid corridor safety projects—low-cost improvements, such as high-visibility backplates, flashing yellow left turn signals, and rumble strips, systemically spread on a roadway network—provide more potential crash reduction benefits for lower costs than do spot improvement projects; and

WHEREAS, in December 2019, the Board adopted the HSIP Project Prioritization Policy directing deployment of systemic safety improvements in support of the Board’s desire to reduce serious injury, fatal, and non-motorized crashes; and

WHEREAS, OIPI working collaboratively with VDOT has for Calendar Year 2022 established proposed Safety Performance Targets using a data-driven methodology and, where applicable, has coordinated with DMV and agreed on target setting methodologies to establish the proposed common Safety Performance Targets set out in Table A below, having complied with the safety target setting and reporting requirements set forth in 23 CFR§§ 490.207, 490.209, 490.213 and 924.15; and

WHEREAS, in accordance with 23 CFR §§ 490.207, 490.209, 490.213 and 924.15, targets for the MAP-21 performance measures relating to safety were to be established and first reported in August 2017 and must be established and reported by June 30 by DMV and August 31 by VDOT for each subsequent year; and

WHEREAS, OIPI, in consultation with VDOT, recommends adoption of the proposed Calendar Year 2022 Safety Performance Targets set forth in Table A below:

Table A

Annual Safety Performance Measures	**2022 Target**
Number of Fatalities	861
Rate of Fatalities per 100 million VMT	0.995
Number of Serious Injuries	6,901
Rate of Serious Injuries per 100 million VMT	7.971
Number of Non-Motorized Fatalities and Serious Injuries	646

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the safety performance measures referenced therein, the Safety Performance Targets set forth in Table A for calendar year 2022.

####

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 16, 2020

MOTION

Made By: Mr. Rucker, Seconded By: Dr. Smoot
Action: Motion Carried, Unanimously

Title: Approval of Federal Asset Condition Performance Target Adjustment

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, including any performance measurement required by Title 23 or 49 of the United States Code; and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "[p]erformance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and to require each state to set performance targets that reflect the performance measures established in said rule(s); and

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WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, measures and targets relating to asset condition, system performance, congestion, and air quality, including 23 CFR §§490.105, 490.307, 490.407, 490.507, 490.607, 490.707, and 490.807, which require State Departments of Transportation and Metropolitan Planning Organizations to set targets for twelve measures; and

WHEREAS, more specifically, 23 CFR §§490.105, 490.307 and 490.407, collectively require the state to set Asset Condition Performance Targets, which apply to the National Highway System (NHS), for the following six measures: percentage of pavement in good condition and percentage of pavement in poor condition on Interstate highways; percentage of pavement in good condition and percentage of pavement in poor condition on Non-Interstate NHS highways; and percentage of deck area of bridges in good condition and percentage of deck area of bridges in poor condition on the NHS; and

WHEREAS, 23 CFR §490.107(b)(2)(E) provides State DOTs with the option to adjust, among others, Asset Condition Performance Targets as part of the Mid Performance Period Progress Report due to the Federal Highway Administration by October 1, 2020; and

WHEREAS, 23 CFR §490.107(b)(2)(E) requires State DOTs to provide a basis for the target adjustment and demonstrate how the adjusted target supports the state's longer range plans, such as the asset management plan and long-range transportation plan; and

WHEREAS, on September 18, 2018, the Board adopted 2-year and 4-year federal performance targets for CY2019 and CY2021, respectively, including Asset Condition Performance Targets, and since that date, OIPI and Virginia Department of Transportation (VDOT) has monitored the Commonwealth's progress toward meeting federal performance targets; and

WHEREAS, in July 2020, the Board received an update on the Commonwealth's progress toward meeting federal performance targets, including Asset Condition Performance Targets, and the rationale for adjusting one Asset Condition Performance Target, the percentage of deck area of bridges in good condition for National Bridge Inventory (NBI) structures on the NHS; and

WHEREAS, adjusting the target for the percentage of deck area of bridges in good condition aligns the target with current performance, accounts for corrected baseline condition data, and recognizes the influence of a previous investment strategy focused on reducing the number of bridges in poor condition; and

WHEREAS, OIPI in consultation with VDOT recommends adoption of the proposed adjustment to one Asset Condition Performance Target set forth in Table A below:

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Table A

Asset Condition Performance Measure	Established 2-year Target (2019)	Established 4-year Target (2021)	Adjusted 4-year Target (2021)
Percentage of deck area of bridges in good condition (NBI on NHS)	33.5%	33.0%	30.5%

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves the Adjusted 4-year Target for the percentage of deck area of bridges in good condition (NBI on NHS) set forth in Table A.

####

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 17, 2020

MOTION

Made By: Mr. Rucker, Seconded By: Mr. Williams
Action: Motion Carried, Unanimously

Title: Approval of Annual Safety Performance Targets for Calendar Year 2021

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, as amended by Chapter 828 of the 2018 Acts of Assembly, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, *including any performance measurement required by Title 23 or 49 of the United States Code*; and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "[p]erformance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, to promulgate a rulemaking that establishes performance

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measures and standards relating to the national transportation goals and for each state to set performance targets that reflect the performance measures established in said rule(s); and

WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, safety performance measures and targets relating to the Highway Safety Improvement Program (Safety Performance Regulations), including 23 CFR §§490.207 and 490.209, which require State Departments of Transportation and Metropolitan Planning Organizations to set targets for five safety related performance measures (Safety Performance Targets); and

WHEREAS, 23 CFR §§490.207 and 490.209 require the state to set Safety Performance Targets, which apply to all public roads, for the following five measures: number of fatalities, rate of fatalities per 100 million vehicle miles traveled (VMT), number of serious injuries, rate of serious injuries per 100 million VMT, and number of non-motorized fatalities and serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) requires the targets established by the state Department of Transportation to be identical to the targets established by the State Highway Safety Office (represented by the Department of Motor Vehicles) and reported in the State's Highway Safety Plan/State Strategic Highway Safety Plan for three common safety performance measures, namely number of fatalities, rate of fatalities per 100 million VMT, and number of serious injuries (common Safety Performance Targets); and

WHEREAS, in July 2018, the Board directed the Office of Intermodal Planning and Investment (OIPI), in consultation with the Virginia Department of Transportation (VDOT) and Department of Motor Vehicles (DMV), to develop a more rigorous data-driven methodology that will be used to establish targets for the Federal Safety Performance Measures; and

WHEREAS, in June 2019, the Board reaffirmed its July 2018 direction to OIPI, in consultation with VDOT and DMV, to continue development and improvement of the data-driven and statistical modeling for establishing Safety Performance Targets and also directed OIPI, in consultation with VDOT and DMV, to develop a plan resulting in a net reduction in fatal and serious injury crashes; and

WHEREAS, a key finding from the data-driven analysis demonstrates that systemic and hybrid corridor safety projects—low-cost improvements, such as high-visibility backplates, flashing yellow left turn signals, and rumble strips, systemically spread on a roadway network—provide more potential crash reduction benefits for lower costs than do spot improvement projects; and

WHEREAS, in December 2019, the Board adopted the HSIP Project Prioritization Policy directing deployment of systemic safety improvements in support of the Board’s desire to reduce serious injury and fatal crashes; and

WHEREAS, OIPI working collaboratively with VDOT has for Calendar Year 2021 established proposed Safety Performance Targets using a data-driven methodology and, where applicable, has coordinated with DMV and agreed on target setting methodologies to establish the proposed common Safety Performance Targets set out in Table A below, having complied with the safety target setting and reporting requirements set forth in 23 CFR§§ 490.207, 490.209, 490.213 and 924.15; and

WHEREAS, in accordance with 23 CFR §§ 490.207, 490.209, 490.213 and 924.15, targets for the MAP-21 performance measures relating to safety were to be established and first reported in August 2017 and must be established and reported by June 30 by DMV and August 31 by VDOT for each subsequent year; and

WHEREAS, OIPI, in consultation with VDOT, recommends adoption of the proposed Calendar Year 2021 Safety Performance Targets set forth in Table A below:

Table A

Annual Safety Performance Measures	**2021 Target**
Number of Fatalities	898
Rate of Fatalities per 100 million VMT	1.012
Number of Serious Injuries	7,385
Rate of Serious Injuries per 100 million VMT	8.325
Number of Non-Motorized Fatalities and Serious Injuries	750

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the safety performance measures referenced therein, the Safety Performance Targets set forth in Table A for calendar year 2021.

####

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # ***9***

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 11, 2019

MOTION

Made By: Mr. Rucker, Seconded By: Mr. Johnsen
Action: Motion Carried, Unanimously

Title: Approval of Comprehensive Review Report related to the Robert O. Norris Bridge and Statewide Special Structures Fund and Asset Condition Performance Targets

WHEREAS, Chapters 83 and 349 of the 2019 Acts of Assembly established the Robert O. Norris Bridge and Statewide Special Structure Fund, now set forth in Va. Code § 33.2-1532; and

WHEREAS, Chapters 83 and 349, of the 2019 Acts of Assembly also required the Commonwealth Transportation Board ("the Board") to undertake a comprehensive review (the "Comprehensive Review") of the current and future condition of pavements and bridges in the Commonwealth, specifying that the review shall at a minimum (i) consider current conditions and performance targets for pavements and bridges, (ii) consider current investment strategies of the Highway Maintenance and Operating Fund and the State of Good Repair Program, (iii) recommend new performance targets for pavements and bridges with a sustainable performance over a 20-year period, and (iv) develop an investment strategy for the Highway Maintenance and Operating Fund and the State of Good Repair Program to achieve those sustainable performance targets, including a plan to address the funding needs of large and unique bridges and tunnel structures in the Commonwealth; and

WHEREAS, Chapters 83 and 349, of the 2019 Acts of Assembly required the Board to provide a report regarding the Comprehensive Review to the General Assembly by December 1, 2019 ("Comprehensive Review Report"); and

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WHEREAS, while the Highway Maintenance and Operating Fund is legislatively distributed to other Commonwealth agencies and entities, the Comprehensive Review Report focused on VDOT's Highway Maintenance and Operations Program, namely the portion of the Highway Maintenance and Operating Fund allocated to VDOT; and

WHEREAS, the Board is being provided a draft Comprehensive Review Report for review and comment and may offer additional edits and comments to the draft Comprehensive Review Report, and in order to facilitate timely submission of the Comprehensive Review Report, the Commissioner of Highways will need authority to update the report with the edits requested by the Board prior to submission; and

WHEREAS, pursuant to §2.2-229, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Board's approval, including any performance measurement required by Title 23 or 49 of the United States Code and any measures adopted by the Board pursuant to § 33.2-353; and

WHEREAS, on September 18, 2018 pursuant to 23 CFR §§490.307 and 490.407, the Board adopted Asset Condition Performance Targets relating to pavement and structure condition, which apply only to the National Highway System (NHS), which is limited to approximately 15 percent of the VDOT owned network; and

WHEREAS, OIPI, working collaboratively with VDOT to address item (iii) of the Comprehensive Review, has proposed the long term sustainable statewide asset condition performance measures and targets by roadway system for pavements and structures set out in Table A (Pavements and Structures Long-Term Sustainable Performance Measures and Targets); and

WHEREAS, OIPI, in consultation with VDOT, recommends adoption of the proposed Pavements and Structures Long-Term Sustainable Performance Measures and Targets set forth in Table A and incorporation of these measures and targets into the Statewide Transportation Plan pursuant to § 33.2-353 to address the Plan's goal for Proactive System Management:

TABLE A: Pavement and Structures Long-Term Sustainable Performance Measures and Targets

Asset	Interstate	Primary	Secondary	Average General Condition Rating
Pavement Sufficiency Rating	82 percent	AADT ≥ 3,500 – 82 percent AADT < 3,500 – 75 percent	AADT ≥ 3,500 – 82 percent AADT < 3,500 – 60 percent	N/A
Structures – Excluding the Special Structures Categories Tunnels and Movable Bridges	≥ 97 percent No postings	≥ 93 percent	≥ 90 percent	≥ 5.6

WHEREAS, the Comprehensive Review Report recommends development of a Special Structures health index and risk-based prioritization of projects; and

WHEREAS, the Comprehensive Review Report recommends the Commissioner of Highways to report on annual basis to the Board, the (i) projected and actual performance of the pavements, structures and Special Structures and (ii) planned and accomplished routine maintenance work; and

NOW, THEREFORE, BE IT RESOLVED, by the Board, that the Comprehensive Review Report, which may be amended by the Commissioner to incorporate edits and changes requested by the Board and other non-substantive modifications as deemed appropriate by the Secretary of Transportation, is approved.

BE IT FURTHER RESOLVED, that the Secretary of Transportation or her designee is authorized to take all actions necessary to submit the Comprehensive Review Report to the General Assembly.

BE IT FURTHER RESOLVED, that the Board hereby approves the Pavements and Structures Long-Term Sustainable Performance Measures and Targets set forth in Table A.

BE IT FURTHER RESOLVED, that the Board supports VDOT in developing a Special Structures health index and risk-based prioritization of projects and requests that VDOT present said prioritization to the Board.

BE IT FURTHER RESOLVED, that the Board directs the Commissioner of Highways to report on annual basis the (i) projected and actual performance of the pavements, structures and Special Structures and (ii) planned and accomplished routine maintenance work.

####

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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***Agenda* item # 2**

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 19, 2019

MOTION

Made By: Mr. Kasprowicz, Seconded By: Mr. Johnsen

Action: Motion Carried, Unanimously
Title: Approval of Annual Safety Performance Targets for Calendar Year 2020

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, as amended by Chapter 828 of the 2018 Acts of Assembly, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, *including any performance measurement required by Title 23 or 49 of the United States Code*; and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "[p]erformance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set performance targets that reflect the performance measures established in said rule(s); and

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WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, safety performance measures and targets relating to the Highway Safety Improvement Program (Safety Performance Regulations), including 23 CFR §§490.207 and 490.209, which require State Department of Transportations and Metropolitan Planning Organizations to set targets for five safety related performance measures (Safety Performance Targets); and

WHEREAS, 23 CFR §§490.207 and 490.209 require the state to utilize data-driven methods to set Safety Performance Targets, which apply to all public roads, for the following five measures; number of fatalities, rate of fatalities per 100 million vehicle miles traveled (VMT), number of serious injuries, rate of serious injuries per 100 million VMT, and number of non-motorized fatalities and serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) requires the targets established by the state Department of Transportation to be identical to the targets established by the State Highway Safety Office (represented by the Department of Motor Vehicles) and reported in the State's Highway Safety Plan/State Strategic Highway Safety Plan for three common safety performance measures, namely number of fatalities, rate of fatalities per 100 million VMT, and number of serious injuries (common Safety Performance Targets); and

WHEREAS, in July 2018, finding deficiencies in using annual trend lines to project Safety Performance Targets, the Board directed the Office of Intermodal Planning (OIPI), in consultation with the Virginia Department of Transportation (VDOT) and Department of Motor Vehicles (DMV), to develop a more rigorous data-driven methodology to be used to establish targets for the Federal Safety Performance Measures; and

WHEREAS, OIPI working collaboratively with VDOT has for Calendar Year 2020 established proposed Safety Performance Targets using a data-driven methodology and, where applicable, has coordinated with DMV and agreed on target setting methodologies to establish the proposed common Safety Performance Targets set out in Table A below, having complied with the safety target setting and reporting requirements set forth in 23 CFR§§ 490.207, 490.209, 490.213 and 924.15; and

WHEREAS, the data-driven methodology, derived from a statistical model, and resulting Safety Performance Targets are intended to represent the best projections of safety outcomes based on socioeconomic and demographics trends, current policies and projects, investment strategies, infrastructure spending, and behavioral (NHTSA) grant programs; and

WHEREAS, the data-driven methodology and projected safety outcomes indicate a need for a shift in investment strategies and policy, recommendations for which are being developed for further Board consideration; and

Back to Performance Reporting

WHEREAS, in accordance with 23 CFR §§ 490.207, 490.209, 490.213 and 924.15, targets for the MAP-21 performance measures relating to safety were to be established and first reported in August 2017 and must be established and reported by June 30 by DMV and August 31 by VDOT for each subsequent year; and

WHEREAS, OIPI in consultation with VDOT recommends adoption of the proposed Calendar Year 2020 Safety Performance Targets set forth in Table A below:

Table A

Annual Safety Performance Measures	**2020 Target**
Number of Fatalities	950
Rate of Fatalities per 100 million VMT	1.08
Number of Serious Injuries	7,473
Rate of Serious Injuries per 100 million VMT	8.47
Number of Non-Motorized Fatalities and Serious Injuries	711

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board acknowledges that data-driven methods are required for setting Safety Performance Targets and hereby approves, for each of the safety performance measures referenced therein, the Safety Performance Targets set forth in Table A for calendar year 2020.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board finds the anticipated safety outcomes associated with the Safety Performance Targets approved herein to be unacceptable and directs OIPI, working collaboratively with VDOT and DMV, to develop a plan resulting in a net reduction in fatal and serious injury crashes. Such plans shall consider administrative policy, legislative, and investment strategies.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs OIPI working with VDOT and DMV to continue development and improvement of the data-driven and statistical modeling for establishing Safety Performance Targets.

####

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 18, 2018

MOTION

Made By: Mr. Kasprowicz, Seconded By: Mr. Johnsen
Action: Motion Carried, Unanimously

Title: Approval of Asset Condition and System Performance Targets

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, as amended by Chapter 828 of the 2018 Acts of Assembly, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, *including any performance measurement required by Title 23 or 49 of the United States Code*; and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "[p]erformance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set performance targets that reflect the performance measures established in said rule(s); and

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WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, measures and targets relating to asset condition, system performance, congestion, and air quality, including 23 CFR §§490.105, 490.307, 490.407, 490.507, 490.607, 490.707, and 490.807, which require State Departments of Transportation and Metropolitan Planning Organizations to set targets for twelve measures; and

WHEREAS, more specifically, 23 CFR §§490.307 and 490.407 require the state to set Asset Condition Performance Targets, which apply to the National Highway System (NHS), for the following six measures: percentage of pavement in good condition and percentage of pavement in poor condition on Interstate highways; percentage of pavement in good condition and percentage of pavement in poor condition on Non-Interstate NHS highways; and percentage of deck area of bridges in good condition and percentage of deck area of bridges in poor condition on the NHS; and

WHEREAS, 23 CFR §§490.105, 490.507, 490.607, 490.707, and 490.807 set forth measures and require the state to set targets for system performance, congestion, and air quality relating to the highways on the NHS or portions thereof (collectively, System Performance Measures or Targets), which include the following six measures: travel time reliability on Interstate highways and travel time reliability on Non-Interstate NHS highways; freight reliability on Interstate highways; annual hours of peak hour excessive delay per capita on NHS highways (certain areas in Northern Virginia only); percent of non-single occupancy vehicle travel (certain areas in Northern Virginia only); and on-road mobile source emissions reductions from the Congestion Mitigation and Air Quality (CMAQ) Improvement Program (certain areas in Northern Virginia only); and

WHEREAS, in accordance with 23 CFR §§490.105 and 490.107, two- and four-year targets for the MAP-21 performance measures relating to asset condition and system performance were to be established in May 2018 and must be reported to FHWA by October 1, 2018, with additional progress reports due by October 1 every two years thereafter; and

WHEREAS, the Office of Intermodal Planning and Investment (OIPI) working collaboratively with the Virginia Department of Transportation (VDOT) has for 2018-2021 established proposed Asset Condition Performance Targets and System Performance Targets set out in Tables A and B below, having complied with the target setting and reporting requirements set forth in 23 CFR §§490.105, 490.107, 490.307, 490.407, 490.507, 490.607, 490.707, and 490.807; and

WHEREAS, OIPI, in consultation with VDOT, recommends adoption of the proposed Asset Condition Performance Targets and System Performance Targets set forth in Tables A and B below, respectively:

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Table A

Asset Condition Measures	Scope	2-Year Target[1] (2018-2019)	4-Year Target[2] (2018-2021)
Percentage of Pavement in Good Condition	Interstate	**45%**	**45%**
Percentage of Pavement in Poor Condition	Interstate	**<3%**	**<3%**
Percentage of Pavement in Good Condition	NHS (non-Interstate)	**25%**	**25%**
Percentage of Pavement in Poor Condition	NHS (non-Interstate)	**<5%**	**<5%**
Percentage of Pavement in Good Condition[3] (IRI only)	NHS (non-Interstate)	**55%**	**55%**
Percentage of Pavement in Poor Condition[3] (IRI only)	NHS (non-Interstate)	**<10%**	**<10%**
Percentage of Deck Area of Bridges in Good Condition	NHS	**33.5%**	**33%**
Percentage of Deck Area of Bridges in Poor Condition	NHS	**3.5%**	**3%**

Table B

System Performance Measures	Scope	2-Year Target[1] (2018-2019)	4-Year Target[2] (2018-2021)
Percentage of Person-Miles Traveled that are Reliable	Interstate	**82.2%**	**82%**
Percentage of Person-Miles Traveled that are Reliable	NHS (non-Interstate)	**N/A**	**82.5%**
Truck Travel Times Reliability Index	Interstate	**1.53**	**1.56**
Annual Hours of Peak Hour Excessive Delay Per Capita[4]	NHS	**N/A**	**26.7 hrs/capita**
Percentage of Non-SOV Travel[4]	NHS	**36.9%**	**37.2%**
Total Emission Reductions for Volatile Organic Compounds[5]	CMAQ Projects	**1.721 kg/day**	**1.985 kg/day**
Total Emission Reductions for Nitrogen Oxides (NOx)[5]	CMAQ Projects	**3.744 kg/day**	**4.23 kg/day**

[1] All two-year targets cover the time period of Jan. 1, 2018 to Dec. 31, 2019, except for the CMAQ targets which follow the federal fiscal year (Oct. 1, 2017 to Sept. 30, 2019).
[2] All four-year targets cover the time period of Jan. 1, 2018 to Dec. 31, 2021, except for CMAQ targets which follow the federal fiscal year (Oct. 1, 2017 to Sept. 30, 2021).
[3] Per federal guidance, pavement condition is measured by two methods: 1) International Roughness Index (IRI); and 2) IRI, cracking, rutting or faulting. For 2018 to 2022, Non-Interstate NHS pavement condition is to be measured by IRI only. Beginning in 2022, Non-Interstate NHS pavement condition will be measured by all four distresses. Two sets of targets for Non-Interstate NHS pavement condition are provided to illustrate the relative difference in the two measurements and resulting targets.
[4] Targets apply only to certain urbanized areas designated as nonattainment or maintenance for specified pollutants under National Ambient Air Quality Standards (the Virginia portion of the Washington, DC-MD-VA 8-hour ozone nonattainment area).
[5] Targets apply to CMAQ projects in areas designated as nonattainment or maintenance for certain National Ambient Air Quality Standards (the Virginia portion of the Washington, DC-MD-VA 8-hour ozone nonattainment area).

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NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the performance measures referenced therein, the Asset Condition Performance Targets and System Performance Targets set forth in Tables A and B for 2018-2021.

BE IT FURTHER RESOLVED, that the CTB hereby directs OIPI, in consultation with VDOT, to develop a more rigorous data-driven methodology that will be used in the future to establish targets for the Asset Condition and System Performance Measures.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2018

MOTION

Made By: Mr. Yates, Seconded By: Mr. Kasprowicz
Action: Motion Carried, Unanimously

Title: Approval of Annual Safety Performance Targets for Calendar Year 2019

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, as amended by Chapter 828 of the 2018 Acts of Assembly, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, *including any performance measurement required by Title 23 or 49 of the United States Code*; and

WHEREAS, Public Law 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21) amended 23 USC 150, providing that, "[p]erformance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming." Pursuant to 23 USC 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, MAP-21 also amended 23 USC 150 to direct the United States Secretary of Transportation, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set performance targets that reflect the performance measures established in said rule(s); and

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WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, safety performance measures and targets relating to the Highway Safety Improvement Program (Safety Performance Regulations), including 23 CFR §§490.207 and 490.209, which require State Department of Transportations and Metropolitan Planning Organizations to set targets for five safety related performance measures (Safety Performance Targets); and

WHEREAS, 23 CFR §§490.207 and 490.209 require the state to set Safety Performance Targets, which apply to all public roads, for the following five measures; number of fatalities, rate of fatalities per 100 million vehicle miles traveled (VMT), number of serious injuries, rate of serious injuries per 100 million VMT, and number of non-motorized fatalities and serious injuries; and

WHEREAS, 23 CFR §490.209(a)(1) requires the targets established by the state Department of Transportation to be identical to the targets established by the State Highway Safety Office (represented by the Department of Motor Vehicles) and reported in the State's Highway Safety Plan/State Strategic Highway Safety Plan for three common safety performance measures, namely number of fatalities, rate of fatalities per 100 million VMT, and number of serious injuries (common Safety Performance Targets); and

WHEREAS, in accordance with 23 CFR §§ 490.207, 490.209, 490.213 and 924.15, targets for the MAP-21 performance measures relating to safety were to be established and first reported in August 2017 and must be established and reported by August 31 of each subsequent year; and

WHEREAS, the Office of Intermodal Planning and Investment (OIPI) working collaboratively with the Virginia Department of Transportation (VDOT) has for Calendar Year 2019 established proposed Safety Performance Targets using a trend analysis methodology, and where applicable, has coordinated with DMV and agreed on target setting methodologies to establish the proposed common Safety Performance Targets set out in Table A below, having complied with the safety target setting and reporting requirements set forth in 23 CFR§§ 490.207, 490.209, 490.213 and 924.15; and

WHEREAS, OIPI in consultation with VDOT recommends adoption of the proposed Calendar Year 2019 Safety Performance Targets set forth in Table A below:

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Table A

Annual Safety Performance Measures	**2019 Target**
Number of Fatalities	840
Rate of Fatalities per 100 million VMT	0.94
Number of Serious Injuries	7,689
Rate of Serious Injuries per 100 million VMT	8.75
Number of Non-Motorized Fatalities and Serious Injuries	714

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the safety performance measures referenced therein, the Safety Performance Targets set forth in Table A for calendar year 2019.

BE IT FURTHER RESOLVED, that the CTB hereby directs OIPI, in consultation with VDOT and DMV, to develop a more rigorous data-driven methodology that will be used in the future to establish targets for the Federal Safety Performance Measures.

####

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COMMONWEALTH of VIRGINIA

COMMONWEALTH TRANSPORTATION BOARD
1401 East Broad Street
RICHMOND, VIRGINIA 23219

PIERCE R. HOMER
CHAIRMAN

Agenda item #4-B

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 21, 2005

MOTION

Made By: Mr. Lester Seconded By: Mr. Martin Action: Motion Carried, Unanimously

Title: VDOT Quarterly Report Card Resolution

WHEREAS, the Code of Virginia requires the Commissioner to provide periodic reports on the status of all highway construction projects in the Commonwealth ; and

WHEREAS, tax payers have a right to know and understand how transportation funds are being used; and

WHEREAS, VDOT wishes to demonstrate good stewardship of taxpayer's funds, and to continue to contribute to openness in government and transparency of its operations; and

WHEREAS, VDOT has developed new performance reporting tools, such as the Quarterly Report Card and the Project Dashboard, which provide comprehensive program and project status, allowing VDOT to be held accountable for its work in a very public way; and

WHEREAS, the Quarterly Report Card, made available to the public by the internet, is the primary tool used to report programmatic performance to the Commonwealth Transportation Board (CTB).

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board:

- Endorses the use of a Quarterly Report Card as a valuable way of providing information to the CTB, the public and VDOT managers; and
- Encourages VDOT to continue to have a performance reporting tool, such as the Quarterly Report Card, that provides transparency of the Department's operations and performance, and that is based on auditable information from source data in business systems used by the Department.

###

Back to Performance Reporting

COMMONWEALTH of VIRGINIA

COMMONWEALTH TRANSPORTATION BOARD
1401 East Broad Street
RICHMOND, VIRGINIA 23219

WHITTINGTON W. CLEMENT
CHAIRMAN

Agenda item #8 B

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 17, 2005

MOTION

Made By: Mr. Bowie Seconded By: Mr. Keen
Action: Motion Carried, Unanimously

Title: Project Dashboard

WHEREAS, prior to 2002, VDOT did not have a clear and consistent method of establishing and monitoring performance goals,

WHEREAS, taxpayers have a right to know and understand how transportation funds are being used; and

WHEREAS, VDOT wishes to demonstrate good stewardship of taxpayer's funds, and to continue to contribute to openness in government and transparency of its operations; and

WHEREAS, the 2003 General Assembly amended § 33.1-12 of the Code of Virginia to require the Commissioner to provide a periodic report on the current status of all highway construction projects in the Commonwealth that may be supplied through the Internet; and

WHEREAS, VDOT concurrently perfected a new tool for quick and simple assessment of project status, which will allow VDOT to be held accountable for its work in a very public way; and

WHEREAS, this new tool – the Project Dashboard - was made available to the public by way of the Internet in March 2003, and has since generated interest and earned acclaim from the public, the press, other State governments, even other countries for openness in government, and easy access to information;

Back to Performance Reporting

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board:

- Directs VDOT to continue to have a performance measurement system, such as the Dashboard or similar system, that provides true and transparent representation of the Department's operations and performance, and that is based on auditable information from source data in business systems used by the Department; and
- Ratifies the Dashboard as an official and valuable way of providing information to the public and to VDOT managers; and
- Directs VDOT to maintain the Dashboard or other performance measurement system, and to make improvements from time to time and to add areas of information, as they can be developed.

####

Back to Performance Reporting

Priority Transportation Fund

- Priority Transportation Fund (1/20/2000)

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MINUTES

OF

MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

1401 E. Broad Street
Richmond, Virginia
January 20, 2000
10:00 a.m.

The monthly meeting of the Commonwealth Transportation Board was held in the Board Room of the Department of Transportation in Richmond, Virginia, on January 20, 2000, at 10:00 a.m. The Chair, Shirley J. Ybarra, presided.

***

Present: Messrs. Nottingham, Bevon, Byrd, Folkes, Grubb, Humphreys, Kinge, Kornblau, Martin, Mitchel and White and Mrs. Lionberger and Mrs. Welsh.

Absent: Messrs. Myers, Porter (due to serious illness of wife) and Prettyman.

***

Item 2:

Moved by Mr. Humphreys, seconded by Mr. Grubb, that the Board approve Additions, Abandonments or Other Changes in the Secondary System from December 1, 1999, through December 31, 1999, as shown on the attached sheets numbered 1 A through 1 I.

Motion carried.

***

Item 3:

Moved by Mr. Folkes, seconded by Mr. Grubb, that

WHEREAS, by proper resolution, the Board of Supervisors of Warren County has requested that certain roads which no longer serve as public conveniences be discontinued as part of the Secondary System of State Highways.

Back to Priority Transportation Fund

WHEREAS, the adjacent landowner has requested that the surplus land be conveyed in exchange for the land necessary to correct a slide along Route 460 and satisfy land replacement requirements.

NOW, THEREFORE, in accordance with the provisions of Section 33.1-149 of the Code of Virginia (1950), as amended, the conveyance of the said land, so certified, is approved and the Commonwealth Transportation Commissioner is hereby authorized to execute, in the name of the Commonwealth, a deed, with special warranty, conveying the land for a consideration satisfactory to the Director of Right of Way and Utilities, subject to such restrictions as may be deemed appropriate.

Motion carried.

***

Moved by Mr. Klinge, seconded by Mr. White, that

WHEREAS, the Commonwealth Transportation Board supports and endorses Governor Gilmore's proposal for a new transportation fund to be called the "Priority Transportation Fund" to be funded by the securitization of 40% of the Master Settlement Agreement ("the tobacco settlement funds") and the dedication of general funds.

NOW, THEREFORE, the Commonwealth Transportation Board hereby resolves to provide future Priority Transportation Fund monies in an objective and equitable manner on a statewide basis to all modes of transportation. The Board will work cooperatively to ensure that all regions of the Commonwealth benefit from Priority Transportation Fund allocations.

Motion carried.

***

Commissioner Nottingham introduced Jeffrey Southard, the new Assistant Commissioner for Environment, Transportation Planning, and Regulatory Affairs.

***

Back to Priority Transportation Fund

Public Involvement

- Periodic Regulatory Review (7/17/2019) (Located in Chapter 3: Delegations)
- Adoption of Model Public Participation Guidelines for the Enactment of Regulations (10/16/2008)
- Policy for Facilitating Public Comment on Toll Rate Adjustments (1/18/2006)
- Public Comments Policy for CTB Business Meetings (12/15/2005)
- Policy on Public Hearings (10/13/1966)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 16, 2008

MOTION

Made By: Mr. Keen **Seconded By: Mr. White**

Action: Motion Carried, Unanimously

Title: Adoption of Model Public Participation Guidelines for the Enactment of Regulations

WHEREAS, § 2.2-4007.02 of the *Code of Virginia* requires state agencies to develop, adopt, and use public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations under the Administrative Process Act (APA); and

WHEREAS, the 2008 General Assembly noted that a lack of consistency in the scope, comprehensiveness, and level of detail of state agency public participation guidelines impeded the ability of the public to participate fully and readily in the formulation of regulations; and

WHEREAS, Chapters 321 and 575 of the Acts of Assembly of 2008 requires the Department of Planning and Budget (DPB), in consultation with the Office of the Attorney General (OAG), to develop Model Public Participation Guidelines meeting the requirements of § 2.2-4007.02 of the *Code of Virginia*; and

WHEREAS, before December 1, 2008 agencies must either adopt the Model Public Participation Guidelines issued by DPB, or, if they need to make significant changes to the guidelines, to file a fast-track regulatory action with DPB pursuant to § 2.2-4012.1 of the *Code of Virginia*; and

Back to Public Involvement

WHEREAS, adopting the Model Public Participation Guidelines as provided by DPB and the OAG will be exempt from the operation of the APA as delineated in Article 2 (§2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the *Code of Virginia*; and

WHEREAS, the Virginia Department of Transportation (VDOT) previously promulgated Public Participation Guidelines (24 VAC 30-10) to facilitate administration of its regulations under the APA; and

WHEREAS, the Department of Rail and Public Transportation (DRPT) currently has no regulations subject to the APA, but public participation guidelines are recommended for DRPT in the event that regulations are adopted in the future; and

WHEREAS, VDOT and DRPT recommend that the Model Public Participation Guidelines developed by DPB, in consultation with the OAG, be adopted by the Board as presented for each agency, and that the current VDOT Public Participation Guidelines be repealed.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves the new Public Participation Guidelines as presented for each agency, and repeals the current VDOT Public Participation Guidelines previously approved by the Commonwealth Transportation Board on May 21, 1992.

BE IT FURTHER RESOLVED, that the Public Participation Guidelines, as adopted herein for each agency, shall apply to the promulgation of regulations for which a notice of intended regulatory action is filed in accordance with § 2.2-4007.01 of the *Code of Virginia* on or after January 1, 2009.

# # #

Editor's Note: For the current official version of this regulation, see 24 VAC 30-11.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 18, 2006

MOTION

Made By: Mr. Bowie Seconded By: Ms. Connally Action: Motion Carried, Unanimously

Title: Policy for Facilitating Public Comment on Toll Rate Adjustments

WHEREAS, §33.1-12(3) of the *Code of Virginia* authorizes the Commonwealth Transportation Board (the "Board") to make rules and regulations for the use of systems of state highways; and

WHEREAS, it is necessary for the Board to consider adjustments in toll rates from time to time for the use of certain state highways and facilities; and

WHEREAS, the Board believes the public comment should be solicited in matters concerning toll rate adjustments for the use of certain state highways and facilities; and

WHEREAS, the establishment of procedures for such public comment shall not limit or alter the rights vested in the Board to establish and collect tolls, nor shall it impair or affect the rights and remedies of bondholders of any obligations secured in any manner by toll revenues or impair or affect any agreements between the Board and the Treasury Board to preserve the integrity of bonds issued by the Board pursuant to Article X, Section 9(c) of the Virginia Constitution or the credit ratings of any other bonds issued by the Board or the Commonwealth of Virginia.

NOW, THEREFORE, BE IT RESOLVED, that the following guidelines govern the solicitation of public comment in the consideration of toll rate adjustments:

1. A minimum of 45 days public notice with respect to any proposed adjustment in toll rates will be posted in accordance with the means listed in §2.2-3707 of the *Code of Virginia* prior to the Board work session presentation;

Back to Public Involvement

2. After posting of the public notice, VDOT will attend meetings in areas affected by a proposed toll rate adjustment to explain the proposed toll rate adjustment;

3. A public comment session shall be held at a Board work session prior to the Board business meeting during which any proposed toll rate adjustment is to be considered;

4. Public comment may also be received via the Internet or any other communication means following the Board's work session presentation;

5. The final date for collecting public comments shall be not later than 30 days prior to the Board business meeting in which any toll rate adjustment is considered.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Commonwealth Transportation Commissioner is directed to work to encourage other toll facility operators in Virginia to adopt a similar resolution and guidelines.

####

Editor's Note: VDOT promulgated a regulation – Rules, Regulations, and Rates Concerning Toll and Bridge Facilities (24 VAC 30-620) – which includes provisions concerning toll rates. For the current official version of this regulation, see 24 VAC 30-620.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 15, 2005

MOTION

Made By: Mr. Davies Seconded By: Mr. Watson Action:Motion Carried, Unanimously

Title: Public Comments Policy for CTB Business Meetings

WHEREAS, the Commonwealth Transportation Board (CTB) is committed to promoting good governance through open communication with the citizenry; and

WHEREAS, public participation increases understanding and improves decision-making; and

WHEREAS, it is the desire of the CTB to provide the public opportunity to comment on matters considered by the Board; and

WHEREAS, a public comments policy will encourage citizen input and ensure business meetings are efficient and productive;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board rescinds it current guidelines for public comments and hereby adopts the attached "Public Comments Policy for CTB Business Meetings."

####

Back to Public Involvement

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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CTB POLICY STATEMENT

Public Comments Policy for CTB Business Meetings

Purpose

The purpose of this policy is to provide the public an opportunity to comment on matters considered by the Commonwealth of Transportation Board (CTB) at its business meetings.

Policy

The CTB encourages and values citizen input at its business meetings. To ensure CTB business meetings are efficient and productive, the following protocol is established.

- CTB meetings are open to the public.
- Public comments will be scheduled as the first agenda item for each CTB business meeting. No public comments will be accepted at CTB workshops.
- Any member of the public wishing to provide public comment must sign a sign-up sheet prior to the start of the public comment portion of the business agenda, and provide their name, address, the name of the organization they represent (if any), and the general topic or issue on which they desire to comment.
- Individuals offering public comment should limit remarks to not more than three minutes. A maximum time limit of 30 minutes will be allocated for public comment at any one CTB business meeting. If the number of individuals on the sign-up sheet would exceed the allotted 30-minute timeframe, the Chairman has the latitude to limit individual remarks to a shorter time period. Individuals represented by a common organization or association may be asked to select one individual to speak for the group. Individuals who speak for less than their allotted time may not yield their remaining time to another speaker.
- Public comments made at CTB meetings must be relevant to the Board's functions and responsibilities.
- Individuals may submit written comments to the Secretary of Transportation. All written comments will be forwarded to the CTB members.
- Speakers shall direct all comments to the Board, not to individual CTB members.

Back to Public Involvement

- Profane or vulgar language, partisan political statements, and comments related to the conduct or performance of CTB members or agency staff are not permitted.

- Public comment is received without Board comment or response. However, CTB members may seek clarification or additional information from speakers through the Chairman.

- The Chairman has the right to exercise discretion in the implementation of this policy.

Effective Date

The effective date of this policy is immediately upon passage by the CTB. This policy rescinds the public participation guidelines adopted by the CTB on June 19, 1986 and amended in 1995.

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MINUTES
OF
MEETING OF STATE HIGHWAY COMMISSION
LURAY, VIRGINIA
October 13, 1966

At the invitation of Mr. George L. Baughan, Member of the Commission, the monthly meeting of the State Highway Commission of Virginia was held at the Mimslyn Motor Inn, Luray, Virginia, at 10 A.M. on October 13, 1966. Mr. Douglas B. Fugate, Chairman, presided.

Present: Messrs. Fugate, Baughan, Chilton, Fitzpatrick, Holland, McWane, Sclater, and Weaver. Absent, Mr. Landrith.

The Chairman expressed appreciation to Mr. Baughan for his hospitality.

Motion was made by Mr. Sclater, seconded by Mr. Holland, that minutes of the meeting of August 18, 1966, be approved. Motion carried.

On motion of Mr. Sclater, seconded by Mr. Holland, cancellation of permits from August 18, 1966, to October 12, 1966, inclusive, was approved.

Motion was made by Mr. Sclater, seconded by Mr. Holland, that permits issued from August 18, 1966, to October 12, 1966, inclusive, be approved. Motion carried.

On motion of Mr. Sclater, seconded by Mr. Holland, the Commission confirmed letter ballot action adopting Final Annual Operating and Maintenance Budget, State of Virginia Toll Revenue Bonds (Series 1954) Facilities, for the year September 1, 1966, through August 31, 1967. A copy of this budget is attached to these minutes. (See Pages 160 to 165)

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than fifty thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section." and

WHEREAS, the initial transportation plan identified as the Highway Transportation Plan, Volume II, has been developed for the Southeastern Virginia Regional Area and

WHEREAS, the Southeastern Virginia Regional Planning Commission and the Department have agreed in writing to a cooperative, continuing transportation planning process based upon the Highway Transportation Plan in accordance with the requirements of the Federal - Aid Highway Act of 1962, and

WHEREAS, the Highway Transportation Plan has been officially adopted by the governing bodies of the Cities of Chesapeake, Norfolk, Portsmouth, Suffolk and Virginia Beach, and the County of Nansemond.

NOW, THEREFORE, BE IT RESOLVED, that the aforedescribed plan or as the plan may be revised subsequently by cooperative action of the Southeastern Virginia Regional Planning Commission, the governing bodies of the Cities of Chesapeake, Norfolk, Portsmouth, Suffolk and Virginia Beach, the County of Nansemond and the Department, is hereby adopted by the Department of Highways as a guide in the development of arterials and freeways incorporated in the plan as funds become available for this purpose.

MOTION CARRIED.

Moved by Judge Weaver, Seconded by Mr. Holland, that

WHEREAS, the State and Federal highway laws require that public hearings be held by the State Highway Commission under certain conditions prior to the establishment of a highway, and

WHEREAS, after careful study and investigation it is deemed advisable to set forth a general policy under which such hearings will be held, and

Back to Public Involvement

10-13-66

WHEREAS, the State Highway Commission, on ~~May 1~~ Jan. 5, 1956, adopted a resolution setting forth a statement of policy on public hearings, which statement of policy is presently in need of amendment in order to meet the changing problems present by highway development;

NOW, THEREFORE, BE IT RESOLVED, that the following policy on public hearings be and the same is hereby adopted by this Commission:

I For All Interstate System Projects -

(a) A public hearing will be held.

(b) Thirty days' written notice of the proposed public hearing, showing the time and place, shall be given to the Clerk of the Circuit Court of the county in which the road is proposed, in accordance with § 33-17 of the 1950 Code of Virginia, as amended.

II For All Primary System Projects -

A public hearing will be held, or a notice of willingness to hold a public hearing will be stated in public advertisement. If a written request is received, the hearing will be held in accordance with Federal and State statutes.

III For All Secondary System Projects -

A notice of willingness to hold a public hearing will be stated in public advertisement, or a public hearing will be held on any project to be financed with Federal Aid Secondary funds, which involves the by-passing of, or going through, any city, town or village, either incorporated or unincorporated. If a request is received for a public hearing, the public hearing will be held in accordance with Federal and State statutes. The willingness to hold a public hearing may be advertised or a public hearing may be held on other projects where there is an unusual amount of public interest.

MOTION CARRIED.

Editor's Note: For the current official version of this regulation, see 24 VAC 30-380.

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Public-Private Partnerships

- A Resolution to Recommend Adoption of the 2017 Virginia PPTA Manual and Guidelines by the Virginia Department of Transportation and the Department of Rail and Public Transportation (10/24/2017)
- Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) – VDOT Guidelines (6/15/2006)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 24, 2017

MOTION

Made By: Mr. Garczynski, Seconded By: Mr. Connors

Action: Motion Carried, Unanimously

Title: A Resolution to Recommend Adoption of the 2017 Virginia PPTA Manual and Guidelines by the Virginia Department of Transportation and the Department of Rail and Public Transportation

WHEREAS, pursuant to the Public-Private Transportation Act of 1995 ("PPTA"), (*Code of Virginia* §§ 33.2-1800 *et seq.*), the Virginia Department of Transportation ("VDOT") and the Department of Rail and Public Transportation ("DRPT") are defined as Responsible Public Entities ("RPEs") and are required, in accordance with § 33.2-1819, to develop guidelines that establish a process for acceptance and review of proposals to develop and/or operate qualifying transportation facilities ("P3 Projects"); and

WHEREAS, an extensive revision of the PPTA Implementation Guidelines and Manual ("PPTA Manual and Guidelines") was undertaken beginning in May 2014, at the direction of the Commonwealth Transportation Board (the "Board"); and

WHEREAS, the Board, by resolution dated November 12, 2014, recommended VDOT and DRPT, as RPEs pursuant to the PPTA, adopt the 2014 version of the PPTA Manual and Guidelines; and

WHEREAS, VDOT and DRPT subsequent to the Board's resolution and recommendation adopted the 2014 version of the PPTA Manual and Guidelines; and

Back to Public-Private Partnerships

WHEREAS, the Virginia General Assembly amended the PPTA pursuant to Chapter 612 of the Acts of Assembly (2015 Session) to include, among others, provisions to require a Finding of Public Interest ("FOPI") by the Chief Executive Officer ("CEO") of the RPE, create the Transportation Public-Private Partnership Advisory Committee, and establish a 30-day public comment period on draft comprehensive agreements for P3 Projects; and

WHEREAS, the Virginia General Assembly further amended the PPTA pursuant to Chapter 539 of the Acts of Assembly (2017 Session) to include, among others, provisions to ensure competition throughout the procurement process by developing a public sector option based on a public sector analysis of the cost for the RPE to develop and/or operate the transportation facility or facilities, require the concurrence of the Secretary of Transportation on the FOPI by the CEO of the RPE, and reorganize the Transportation Public-Private Partnership Advisory Committee as the Transportation Public-Private Partnership Steering Committee; and

WHEREAS, the VDOT Transportation Public-Private Partnership Office ("VDOT P3 Office"), has proposed revisions to the 2014 PPTA Manual and Guidelines that will render the PPTA Manual and Guidelines consistent with the statutory amendments made by the 2015 and 2017 Virginia General Assemblies ("2017 PPTA Manual and Guidelines").

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby accepts the recommendations of the VDOT P3 Office and endorses the 2017 PPTA Manual and Guidelines as presented to the Board (attached hereto as Appendix A); and

BE IT FURTHER RESOLVED, that the Board hereby recommends that VDOT and DRPT, as RPEs pursuant to the PPTA, adopt the 2017 PPTA Manual and Guidelines; and

BE IT FURTHER RESOLVED, that the Board hereby prescribes compliance with the 2017 PPTA Manual and Guidelines for all P3 Projects requiring funding authorization from the Board.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 11

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 15, 2006

MOTION

Made By: Mr. Bowie Seconded By: Mr. Witt Action: Motion Carried, Unanimously

Title: Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) – VDOT Procedures (Guidelines)

WHEREAS, the PPEA requires the governing body of a public entity to adopt guidelines to be followed in reviewing and evaluating proposals submitted to the public entity, and

WHEREAS, the Office of the Governor has published model guidelines to assist public entities in the implementation of the PPEA which VDOT has used as a guide in developing PPEA VDOT Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board, in accordance with the requirements of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), Virginia Code Section 56- 575.1, *et. seq*. does hereby approve the adoption of the PPEA VDOT Guidelines developed by VDOT for use in implementation of the PPEA.

BE IT FURTHER RESOLVED, that these same guidelines are approved for adoption by the Department of Rail and Public Transportation.

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Back to Public-Private Partnerships

Rail Policies

- Policy and Guidelines for Implementation of Funding for the Virginia Railway Express (VRE) (7/22/2026)
- Rail Industrial Access Policy Update (3/19/2024)
- Policy and Guidelines for Implementation of Funding for the Virginia Railway Express (VRE) (9/20/2023)
- DRPT FREIGHT Rail Grant Program Guidance (2/15/2022)
- DRPT FREIGHT Rail Grant Program Guidance (9/15/2021)
- Rail Preservation Fund Evaluation Criteria (11/20/2019)
- Statewide Rail Plan - Location: City of Richmond, Virginia (12/6/2017)
- Rail Industrial Access – Repayment Policy (10/15/2014)
- Rail Preservation Program Exception for the Continuation of Safe and Efficient Intercity Passenger Rail Operations (6/21/2007)
- Railway-Highway Projects (8/28/1958)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 22, 2026

MOTION
Made By: Mr. Minchew**, Seconded By:** Mr. Fowlkes

Action: Motion Carried, Unanimously

Title: Policy and Guidelines for Implementation of Funding for the Virginia Railway Express (VRE)

WHEREAS, the Commonwealth Transportation Board (CTB), the Northern Virginia Transportation Commission (NVTC), and the Potomac and Rappahannock Transportation Commission (PRTC) are mutually interested in the success of the Virginia Railway Express (VRE); and

WHEREAS, VRE was established to provide commuter-oriented rail service from the Northern Virginia suburbs to Alexandria, Crystal City, and downtown Washington, D.C., along the I-66 and I-95 corridors; and

WHEREAS, NVTC and PRTC jointly own VRE; and

WHEREAS, NVTC was established to manage and control the functions, affairs, and property of the Northern Virginia Transportation District, and PRTC is a multi-jurisdictional agency representing Prince William, Spotsylvania and Stafford Counties and the cities of Manassas, Manassas Park and Fredericksburg; and

WHEREAS, Section 33.2-1526.1 (D)(3) of the *Code of Virginia*, pursuant to the 2023 Virginia Acts of Assembly, restructures the Commonwealth Mass Transit Fund so that up to 3.5 percent of its funds may be annually allocated to NVTC for distribution to VRE for capital purposes and operating assistance; and

Back to Rail Policies

WHEREAS, Section 33.21-1526.1 (D)(3) of the *Code of Virginia* directs the Board to establish service delivery factors to determine the amount of funds delivered annually to VRE; and

WHEREAS, Section 33.2-1526.1(D)(3) of the *Code of Virginia* directs any funds not delivered to VRE to be used for statewide transit capital purposes as outlined in Section 33.2-1526.1 (D)(2) of the Code of Virginia; and

WHEREAS, the 2023 Virginia Acts of Assembly requires the Commonwealth Transportation Board to withhold funding available to VRE pursuant to Section 33.2-1526.1(O) of the *Code of Virginia* Allocation under the following conditions: beginning in Fiscal Year 2024, the CTB shall withhold 20 percent of the funds available each year unless VRE submits a detailed annual operating budget and any proposed capital expenditures and projects for the following fiscal year by February 1 of each year; and

WHEREAS, it is in the best interest of the CTB, NVTC, and PRTC to ensure that VRE receives the full allocation of funding from the Commonwealth Mass Transit Fund.

NOW THEREFORE LET IT BE RESOLVED, the Board hereby directs the Director of the Department of Rail and Public Transportation to take all actions necessary to implement and administer this policy.

BE IT FURTHER RESOLVED that the Policy and Guidelines for Implementation of Funding for the Virginia Railway Express (VRE), approved by the Commonwealth Transportation Board on July 22, 2023, is superseded by this revised resolution and is hereby rescinded.

Service Delivery Factors

The CTB shall use the following service delivery factors, which are divided into three categories, to determine the amount of funds delivered to VRE annually from the 3.5 percent of annual revenues for capital and operating expenses.

1. Ridership:
    a. Annual Change in Ridership: percentage change in Unlinked Passenger Trips year-to-year.
    b. Annual Change in Passengers Per Mile: percentage change in Unlinked Passenger Trips divided by Vehicle Revenue Miles year-to-year.

2. Cost Efficiency
    a. Cost Per Passenger: Audited Operating Expense (from previous fiscal year) divided by Ridership.

3. System Reliability and Safety
    a. On-time performance: annual percentage of trains arriving at their destination within five minutes of the schedule.
    b. Mean Distance between Major Mechanical Failures: annual vehicle revenue miles divided by number of major mechanical failures compared year-to-year.
    c. Fatalities and Injuries: annual number of preventable fatalities and injuries.

Submission of a Detailed Budget and Financial Information to CTB

1. The CTB shall withhold funding if VRE has not prepared and submitted a detailed annual operating budget and any proposed capital expenditures and projects for the following fiscal year to the CTB by February 1 of each year.

2. The annual operating budget submittal by VRE to the CTB shall include VRE's most recent Audited Comprehensive Financial Report with information on expenditures, indebtedness, pensions, and other liabilities.

3. The CTB shall withhold funding if the VRE CEO fails to annually address the CTB regarding the VRE budget, system performance, and utilization of the Commonwealth's investment in the VRE system.

Resolution of Withholding of Funds

1. The CTB will release any withheld funding upon approval or implementation of an approved mitigation action.

2. The CTB will determine what constitutes an approved mitigation action.

3. The CTB shall retain as a penalty any funding withheld during a fiscal year in response to a violation for which there is no mitigation.

Additional Considerations

1. The CTB, DRPT, VRE, the NVTC, and the PRTC shall proactively collaborate to avoid activities that would require the CTB to withhold funding.

2. VRE must submit its performance data from the previous fiscal year to DRPT by February 1, along with a short memo explaining any significant year-over-year changes and steps being taken to improve performance. DRPT will review the information, request any additional details needed, and present a recommendation to the CTB in April of each year if any enforcement actions under this policy are necessary.

3. The CTB reserves the right to approve exceptions to this policy at any time in response to special or extraordinary circumstances.

4. Given that the condition of the VRE system may change over time, the CTB will consider revisions and/or updates to these guidelines at least every three years.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda Item # 11

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 20, 2023

MOTION
Made By: Ms. Sellers, **Seconded By:** Ms. Hynes,
Action: Motion Carried, Unanimously

Title: Policy and Guidelines for Implementation of Funding for the Virginia Railway Express (VRE)

WHEREAS, the Commonwealth Transportation Board (CTB), the Northern Virginia Transportation Commission (NVTC), and the Potomac and Rappahannock Transportation Commission (PRTC) are mutually interested in the success of the Virginia Railway Express (VRE); and

WHEREAS, VRE was established to provide commuter-oriented rail service from the Northern Virginia suburbs to Alexandria, Crystal City, and downtown Washington, D.C., along the I-66 and I-95 corridors; and

WHEREAS, NVTC and PRTC jointly own VRE; and

WHEREAS, NVTC was established to manage and control the functions, affairs, and property of the Northern Virginia Transportation District, and PRTC is a multi-jurisdictional agency representing Prince William, Spotsylvania and Stafford Counties and the cities of Manassas, Manassas Park and Fredericksburg; and

WHEREAS, Section 33.2-1526.1 (D)(3) of the *Code of Virginia*, pursuant to the 2023 Virginia Acts of Assembly, restructures the Commonwealth Mass Transit Fund so that up to 3.5 percent of its funds may be annually allocated to NVTC for distribution to VRE for capital purposes and operating assistance; and

WHEREAS, Section 33.21-1526.1 (D)(3) of the *Code of Virginia* directs the Board to establish service delivery factors to determine the amount of funds delivered annually to VRE; and

WHEREAS, Section 33.2-1526.1(D)(3) of the *Code of Virginia* directs any funds not

Back to Rail Policies

delivered to VRE to be used for statewide transit capital purposes as outlined in Section 33.2-1526.1 (D)(2) of the *Code of Virginia*; and

WHEREAS, the 2023 Virginia Acts of Assembly requires the Commonwealth Transportation Board to withhold funding available to VRE pursuant to Section 33.2-1526.1(O) of the *Code of Virginia* Allocation under the following conditions: beginning in Fiscal Year 2024, the CTB shall withhold 20 percent of the funds available each year unless VRE submits a detailed annual operating budget and any proposed capital expenditures and projects for the following fiscal year by February 1 of each year; and

WHEREAS, it is in the best interest of the CTB, NVTC, and PRTC to ensure that VRE receives the full allocation of funding from the Commonwealth Mass Transit Fund.

NOW THEREFORE LET IT BE RESOLVED, the Board hereby directs the Director of the Department of Rail and Public Transportation to take all actions necessary to implement and administer this policy.

BE IT FURTHER RESOLVED that the Board hereby adopts the following policy to govern future Board decisions related to funding for VRE as enacted by the General Assembly of Virginia in 2023:

Service Delivery Factors

The CTB shall use the following service delivery factors, which are divided into three categories, to determine the amount of funds delivered to VRE annually from the 3.5 percent of annual revenues for capital and operating expenses.

1. Ridership:
    a. Annual Change in Ridership: percentage change in Unlinked Passenger Trips year-to-year.
    b. Annual Change in Passengers Per Mile: percentage change in Unlinked Passenger Trips divided by Vehicle Revenue Miles year-to-year.

2. Cost Efficiency
    a. Cost Per Passenger: Audited Operating Expense (from previous fiscal year) divided by Ridership.

3. System Reliability and Safety
    a. On-time performance: annual percentage of trains arriving at their destination within five minutes of the schedule.
    b. Mean Distance between Major Mechanical Failures: annual vehicle revenue miles divided by number of major mechanical failures compared year-to-year.
    c. Fatalities and Injuries: annual number of preventable fatalities and injuries.

Submission of a Detailed Annual Operating Budget

1. The CTB shall withhold funding if VRE has not prepared and submitted a detailed annual operating budget and any proposed capital expenditures and projects for the following fiscal year to the CTB by February 1 of each year.

2. The annual operating budget submitted by VRE to the CTB shall include information on expenditures, indebtedness, pensions, and other liabilities, and other information as prescribed by the CTB.

Resolution of Withholding of Funds

1. The CTB will release any withheld funding upon approval or implementation of an approved mitigation action.

2. The CTB will determine what constitutes an approved mitigation action.

3. The CTB shall retain as a penalty any funding withheld during a fiscal year in response to a violation for which there is no mitigation.

Additional Considerations

1. The CTB, DRPT, VRE, the NVTC, and the PRTC shall proactively collaborate to avoid activities that would require the CTB to withhold funding.

2. VRE shall submit the documents required to demonstrate compliance to DRPT by the deadlines specified. DRPT will analyze the information received from VRE and present to the CTB, in April of each year, a recommendation on enforcement actions, if any, that are required to be taken under this policy.

3. The CTB reserves the right to approve exceptions to this policy at any time in response to special or extraordinary circumstances.

4. Given that the condition of the VRE system may change over time, the CTB will consider revisions and/or updates to these guidelines at least every two years.

####

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 15, 2022

MOTION

Made By: Ms. Hynes **Seconded By:** Mr. Rucker
Action: Motion carried, unanimously

Title: DRPT FREIGHT Rail Grant Program Guidance

WHEREAS, the 2020 Omnibus Transportation Funding Legislation created the new Commonwealth Rail Fund (CRF); and

WHEREAS, the Department of Rail and Public Transportation (DRPT) is responsible for managing 7% of the CRF for the purpose of statewide rail planning and freight railroad grant programs including the existing Rail Preservation program and a new freight rail enhancement program; and

WHEREAS, guidance documentation has been created for the distribution and administration of the CRF as it relates to freight rail enhancement; and

WHEREAS, the new funding program is known as the Freight Rail Enhancement to Increase Goods and Highway Throughput (FREIGHT) Program; and

WHEREAS, the FREIGHT Program Guidance was originally adopted by the Commonwealth Transportation Board (CTB) on September 15, 2021; and

WHEREAS, the attached guidance document, which lays out a summary of the policies and procedures for the new FREIGHT Program, includes a technical correction to clarify project eligibility; and

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NOW THEREFORE, BE IT RESOLVED, the Board hereby directs the Director of the Department of Rail and Public Transportation to take all actions necessary to implement and administer this policy, including, but not limited to preparation of detailed program guidance and outreach consistent with this resolution.

####

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COMMONWEALTH of VIRGINIA

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Agenda item # 19

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 15, 2021

MOTION

Made By: Ms. Hynes **Seconded By:** Mr. Johnsen
Action: Motion carried, unanimously

Title: DRPT FREIGHT Rail Grant Program Guidance

WHEREAS, the 2020 Omnibus Transportation Funding Legislation created the new Commonwealth Rail Fund (CRF); and

WHEREAS, the Department of Rail and Public Transportation (DRPT) is responsible for managing 7% of the CRF for the purpose of statewide rail planning and freight railroad grant programs including the existing Rail Preservation program and a new freight rail enhancement program; and

WHEREAS, guidance documentation has been created for the distribution and administration of the CRF as it relates to freight rail enhancement; and

WHEREAS, the new funding program is known as the Freight Rail Enhancement to Increase Goods and Highway Throughput (FREIGHT) Program; and

WHEREAS, the attached guidance document lays out the policies and procedures for the new FREIGHT Program by which DRPT shall manage CRF funded FREIGHT projects;

NOW THEREFORE, BE IT RESOLVED, that the Board hereby approves the guidance documentation for the new FREIGHT Program.

####

Back to Rail Policies

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

November 20, 2019

MOTION
Made By: Ms. Hynes, Seconded By: Dr. Smoot
Action: Motion Carried, Unanimously
Title: Rail Preservation Fund Evaluation Criteria

WHEREAS, the General Assembly declares it to be in the public interest that shortline railway preservation and development of railway transportation support facilities are important elements of a balanced transportation system of the Commonwealth for freight and passengers, and further declares it to be in the public interest that the retention, maintenance, and improvement of the shortline railway and development of railway transportation support facilities are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets as described in Section 33.2-1602 of the Code of Virginia, and;

WHEREAS, the Commonwealth Transportation Board (Board) desires to adopt better quantitative evaluation criteria of applications for the Shortline Railway Preservation and Development Fund (Rail Preservation Fund), and;

WHEREAS, the following is a summary of the updates to the Rail Preservation Fund evaluation criteria:

1. Phase 1: Threshold Criteria (*Applications must meet this minimum to advance*)
    a. The Rail Preservation Fund is intended to retain, maintain, and improve the shortline railway network and support facilities for freight service. A project must meet at least one criteria as set out in Code of Virginia §33.2-1602 in order to meet this threshold and move forward into Phase 2.

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2. Phase 2: Scoring Criteria (*Applications are scored and ranked*)
    a. Program Goals (48% weight): Projects that achieve a State of Good Repair Projects standard and Maintain Operational Efficiency received the most points.
    b. State Initiatives (24% weight): Projects that are Critical Infrastructure, Align with Additional State Priorities, provide greater Economic Benefit, support Past State Investments, or support Rail Industrial Access Projects receive additional points.
    c. Cost Effectiveness (14% weight): Project costs are divided by the total prioritization score to develop a cost effectiveness ratio. The top 2/3 of projects receive additional points.
    d. Applicant Priority (14% weight): Projects are awarded additional points if they are the top priority for the applicant/railroad.
3. Phase 3: Cost Considerations
    a. Top ranked projects are recommended for funding based on available grant funding.

NOW, THEREFORE, BE IT RESOLVED, that effective December 1, 2019, the outlined evaluation policy specified above, and administered by the Director of the Department of Rail and Public Transportation, or their designee, is adopted by the Board.

BE IT FURTHER RESOLVED, that the Director shall develop procedural guidelines for the implementation of the scoring criteria.

####

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item 15

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 6, 2017

MOTION

Made By: Mr. Kasprowicz, Seconded By: Mr. Connors

Action: Motion Carried, Unanimously

Title: Statewide Rail Plan

Location: City of Richmond, Virginia

WHEREAS, the Commonwealth Transportation Board Rail Committee undertook a review of Virginia rail programs, policies and procedures in 2015 and during that review recommended the Department should update the State Rail Plan to reflect the Commonwealth's priorities, changes in the railroad industry, and evolving market trends; and,

WHEREAS, the Department of Rail and Public Transportation (DRPT) commenced the Statewide Rail Plan effort in 2016; and,

WHEREAS, DRPT drafted the Statewide Rail Plan in accordance with the most up-to-date State Rail Plan Guidance from the Federal Railroad Administration, which is necessary to ensure eligibility for federal rail funding; and,

WHEREAS, the State Rail Plan outlines a vision for rail transportation in the Commonwealth, aligns specific rail objectives with VTRANS goals for a multimodal transportation system, and identifies the benefits of public investment in the private rail network; and,

WHEREAS, on December 5, 2017, DRPT briefed the Board on the Intercity Rail Station Policy, which is included in the State Rail Plan in draft form and will be brought before the Board for approval at a future meeting; and,

WHEREAS, DRPT followed a comprehensive public outreach process including multiple rail stakeholder workshops, public meetings, interactive web-based information displays, and presentations to Board members and statewide planning partners.

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NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts the 2017 Statewide Rail Plan, and recognizes the vision, goals and objectives for guiding investment in rail corridors as important elements of a statewide multimodal transportation system; and,

BE IT FURTHER RESOLVED that in recognition of the significant role that rail plays in supporting the Commonwealth's economy, the Board hereby directs DRPT to continue to assess the economic benefits of rail to the Commonwealth, to report this information back to the Board, and to incorporate it into the State Rail Plan to inform future Board decisions.

####

Back to Rail Policies

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item# New Business 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 15, 2014

MOTION

Made By: Mr. Dyke, Seconded By: Mr. Whitworth
Action: Motion Carried

Title: Rail Industrial Access – Repayment Policy

WHEREAS, pursuant to the 2014 Acts of Assembly, funding is provided by the General Assembly for Industrial, Airport, and Rail Access projects; and

WHEREAS, Section 33.2-1600 of the *Code of Virginia* declares it to be in the public interest that access railroad tracks and facilities be constructed to certain industrial commercial sites; and

WHEREAS, on May 15, 2013, the Commonwealth Transportation Board ("Board") authorized the Department of Rail and Public Transportation ("Department") to pro-rate repayment based on proportionate credit of the public benefit achieved per the performance requirements of the grant agreement; and

WHEREAS, the Department has followed the Board's prior direction to grant a two-year reprieve to exercising the payback for failure to meet performance requirement; and those two-year extensions are coming to a close; and

WHEREAS, on October 14, 2014, the Department briefed the Board on the status of the two-year extensions, described requests by certain Grantees for exceptions to the Repayment Policy, and reviewed several options for the Board to consider in enforcing and/or amending the repayment policies; and

WHEREAS, the Board wishes to provide clear guidance to the Department for the consistent administration of the Rail Industrial Access program policies and ensure public funds are spent to achieve public benefits; and

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NOW THEREFORE, BE IT RESOLVED, that the Board hereby directs the Director of the Department of Rail and Public Transportation to do the following:

1. Conduct a review and report back to the Board within 90 days on the Rail Industrial Access Program repayment procedures and recommendations to the Board on the procedures for granting extensions. This review will include an assessment of whether these projects could have achieved a positive recommendation to the Board under the Board established program policy and procedures; and,
2. The Board also instructs the Director to conduct a more detailed review and report back to the CTB within 180 days as to how the Rail Industrial Access Tracks Program could better function as an incentive program that provides for program delivery under its legislative intent, including changes to the criteria utilized by the Department to evaluate and score applications, and the requirements incorporated into grant agreements. This review will be conducted with the participation of a subcommittee of CTB board members; and,
3. The Board authorizes the Director to take no action regarding Grantee repayment for failure to perform during the 90 day period of program evaluation.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 21, 2007

MOTION

Made By: Dr. Davis Seconded By: Mr. Martin Action: Motion Carried, Unanimously

Title: Rail Preservation Program
Exception for the Continuation of Safe and Efficient Intercity Passenger Rail Operations

WHEREAS, Section 33.1-221.1:1.2 of the *Code of Virginia* requires the Commonwealth Transportation Board (Board) to allocate funds from the Shortline Railway Preservation and Development Fund in accordance with Board established Rail Preservation Program policies and procedures; and,

WHEREAS, it has been the policy of the Board to allocate funds to Rail Preservation projects at a goal of achieving and maintaining a Federal Railroad Administration (FRA) Class 2 Track Safety Standard; and,

WHEREAS, the Buckingham Branch Railroad is a shortline railroad that carries both passenger and freight trains on its line section between Orange, Gordonsville, Charlottesville, Staunton and Clifton Forge; and,

WHEREAS, the Buckingham Branch Railroad line section between Gordonsville and Clifton Forge is maintained at a FRA Class 3 Track Safety Standard for the purpose of achieving a 60 miles per hour passenger train speed and track safety for the movement of passenger trains where if this line section is allowed to be downgraded to a FRA Class 2 Track Safety Standard the achievable passenger train speed will decrease to 30 miles per hour over this 116 mile line section; and,

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WHEREAS, the Amtrak *Cardinal* intercity passenger rail service utilizes the Buckingham Branch Railroad line section between Orange and Clifton Forge and travels over the FRA Class 3 Safety Standard line section between Gordonsville and Clifton Forge; and,

WHEREAS, the Buckingham Branch Railroad has applied for Rail Preservation Program funds for improvements to its line section between Gordonsville and Clifton Forge and this project is included in the Six-Year Improvement Program and Rail and Public Transportation Allocations for Fiscal Years 2008-2013 to assist in track and roadbed improvements that will contribute to the continuation of safe and efficient passenger services through improving and maintaining these rail sections at FRA Class 3 Track Safety Standards; and,

WHEREAS, the Rail Preservation Program adopted Board policies and procedures set a goal to improve shortline railroads to a FRA Class 2 Track Safety Standard, and the Buckingham Branch Railroad's projects to benefit Amtrak *Cardinal* service require the Board to make exception to the adopted Board policies and procedures goal to allow these projects to assist to maintain FRA Class 3 Track Safety Standards; and,

WHEREAS, allocation of grant funds to the Buckingham Branch Railroad for improvements to the Gordonsville to Clifton Forge line section will assist to maintain a FRA Class 3 Track Safety Standard and contribute to the continuation of Amtrak *Cardinal* passenger rail service that operates from New York to Chicago and serves Virginia stations located in Alexandria, Manassas, Culpeper, Charlottesville, Staunton, and Clifton Forge, of which Staunton and Clifton Forge have no other passenger rail service; and,

WHEREAS, the Board recognizes that this project is appropriate for the efficient movement of people and freight and, therefore, for the common good of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, that the Board grants an exception to its adopted Rail Preservation Program policies and procedures for the Buckingham Branch Railroad projects that will assist in track and roadbed improvements to maintain FRA Class 3 Track Safety Standards contributing to the continuation of safe and efficient Amtrak *Cardinal* intercity passenger rail service between Gordonsville and Clifton Forge as included in the Six-Year Improvement Program and Rail and Public Transportation Allocations for Fiscal Years 2008-2013.

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Editor's Note: The regulation Policy and Procedures for Railroad Preservation Program (24 VAC 25-20) was repealed in 2008. Contact DRPT for further information on this subject.

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Minutes of the Meeting of the State Highway
Commission of Virginia, Held in
Richmond, August 28, 1958.

At 9:00 O'clock Thursday morning, August 28th, the Commission met in the Central Highway Office Building, Richmond, Virginia. Present - Messrs. S. D. May, Chairman, E. P. Barrow, G. Wallace Carper, S. S. Flythe, Burgess E. Nelson, W. H. Sclater, Jr., and S. W. Rawls.

The meeting was called to order by the Chairman.

Mr. W. H. Sclater was presented, having been appointed to the place in the Bristol District made vacant by the resignation of Mr. May upon his appointment as Commissioner. Mr. May welcomed Mr. Sclater and the members of the Press.

It was moved by Mr. Rawls and seconded by Mr. Barrow, that the minutes of the meeting of May 14-15 be confirmed. Motion carried.

Moved by Senator Nelson, seconded by Mr. Rawls, that the Commission approve the permits issued from the May 14-15 meeting to date, inclusive, as recorded in the records of the Department. Motion carried.

Moved by Senator Nelson, seconded by Mr. Rawls, that the Commission approve the cancellation of permits from the May 14-15 meeting to date, inclusive, as authorized June 25, 1947, and recorded in the records of the Department. Motion carried.

A verbal report was made to the effect that a hearing is being held today on the access road to Chantilly Airport road and the Department's engineers are present for the hearing.

Moved by Mr. Carper, seconded by Mr. Rawls, that the Commission confirm award of contract on bids received May 21, 1958 for the construction of New Culpeper District Office Building, to the low bidder, E. E. Harwell Construction Company, Orange, Va., at the bid of $187,000.00 and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $205,700.00 chargeable to this work. Motion carried.

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RAILWAY-HIGHWAY POLICY: Moved by Mr. Flythe, seconded by Mr. Slater, that the Commission confirm its letter ballot action as follows: WHEREAS, the Virginia State Highway Commission on November 7, 1957, adopted a resolution setting forth a statement of policy on railway-highway projects, which statement of policy is presently in need of amendment in order to meet problems presented by highway development; NOW, THEREFORE, BE IT RESOLVED, that said statement of policy on railway-highway projects be amended as follows:

WHEREAS, changes in highway development have brought about the need to establish an over-all program to keep pace with such change and development, The Virginia State Highway Commission desires to state and define its policy and procedures concerning railway-highway projects constructed or improved as a part of the State highway systems, now therefore be it RESOLVED, that the following procedure is hereby established for agreements covering railway-highway projects.

I. GRADE CROSSING ELIMINATION PROJECTS: Included shall be all projects designed to eliminate crossings of highways and railroads at grade, including the necessary approaches.

a. Terms of prior agreements and applicable statutes shall be met.
b. If the principal grade crossing is to be closed when the project is completed, the railroad shall be expected to contribute approximately 10% of the cost if the project is financed, in part, with Federal funds.
c. On projects involving only State funds, the railroads shall be expected to contribute approximately 25% of the cost.

II. RECONSTRUCTION OF EXISTING RAILWAY-HIGHWAY GRADE SEPARATION PROJECTS: This group shall include all projects for the reconstruction, replacement, widening or strengthening of structures, which separate highways and railroads.

a. Terms of prior agreements and applicable statutes shall be met.
b. In cases where the railroad has a maintenance responsibility and such responsibility will be discharged upon the completion of the new facility, the railroad shall be expected to make a contribution commensurate with its responsibility.

c. Where there is no responsibility on the part of the railroad, a contribution will not be expected.

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III. ADDITIONAL FACILITIES: In cases where a clearance in excess of that necessary to span the existing facilities of the railroad is requested by the railroad so as to accommodate its future tracks, the cost of constructing such clearance shall be borne entirely by the railroad except where the railroad has definite and fixed plans to construct its additional tracks within five years of the date of the contemplated project. In this event Federal funds may be used and the contribution, if any, by the railroad will be such as is agreed upon by the parties.

IV. GRADE CROSSING PROTECTION PROJECTS: This group shall include projects for protecting existing grade crossings of railroads and highways by means of automatic signal devices. Where Federal funds are involved and the railroad is benefited, 10% of the cost should be contributed by the railroad whether the device is new or is an improvement to an existing device. Where only State funds are involved, the railroad shall contribute approximately 25% of the cost. The same contributions shall be required upon removal and subsequent erection of these devices at a new location. Where no direct benefit will accrue to the railroad from the installation of an automatic signal device, no contribution from the railroad will be required.

V. EXISTING RAILROAD CROSSED BY NEW HIGHWAY OR EXISTING HIGHWAY CROSSED BY NEW RAILROAD:

a. When a new highway which is not a relocation of an existing road is constructed and it intersects a railroad, no contribution by the railroad will be required for construction of a separation structure, grade crossing, or installation of a signal device, at such crossing.

b. When a highway is intersected by a new railroad line, the construction of a separation structure, or grade crossing, or the installation of a signal device, shall be paid for by the railroad.

VI. CROSSING AT GRADE TO BE RELOCATED OR WIDENED: Whenever a project involves the widening or relocation of a grade crossing, the cost thereof shall be borne as agreed upon between the railroad and the Highway Department.

VII. MAINTENANCE: The maintenance of all grade separation structures shall be in accordance with Section 56-568.1 of the Code of Virginia of 1950 and other statutes governing such maintenance.

Maintenance of protective devices at grade crossings defined in Section 56-405.2 shall be shared equally by the Highway Department and the railroad.

Grade crossings shall be maintained as provided for by Section 56-405 of the Code of Virginia, 1950, as amended. Motion carried.

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Recreational Access

- Recreational Access Policy (2/20/2008)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 20, 2008

MOTION

Made By: Mrs. Carter Seconded By: Mr. Dickens Action: Motion Carried, Unanimously

Title: Recreational Access Fund Policy
(Revision)

WHEREAS, Section 33.1-223 of the *Code of Virginia* providing for access roads and bikeways to public recreational areas and historical sites was amended and reenacted by the 2005 session of the General Assembly; and

WHEREAS, the Commonwealth Transportation Board, with the concurrence of the Director of the Department of Conservation and Recreation, is authorized by this section of the Code to make certain regulations to carry out the provisions of the law; and

WHEREAS, it is deemed necessary by the Department of Transportation and the Department of Conservation and Recreation to amend the previously adopted policy on the use of such funds.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby rescinds its previous policy adopted on October 25, 1989, and adopts the following policy governing the use of recreational access funds, which new policy has been concurred in by the Director of Conservation and Recreation pursuant to Section 33.1-223 of the *Code of Virginia*, as amended:

The Commonwealth Transportation Board adopts this policy to govern the use of recreational access funds pursuant to Section 33.1-223 of the *Code of Virginia*, as amended. The statute provides that the concept of access be applicable to facilities for motor vehicles and bicycles, whether in separate physical facilities or combined in a single facility. In the event independent bikeway access is deemed appropriate and justified, the access will be established on a separate right of way independent of motor vehicle traffic and specifically designated to

provide for bicycle access to the recreational area or historical site as a connecting link to an existing bikeway or otherwise recognized bicycle route.

The following items are incorporated in this policy:

1. The use of recreational access funds shall be limited to the purpose of providing proper access to or within publicly owned or operated recreational areas or historical sites where the full provisions of Section 33.1-223 have been complied with.

2. Recreational access funds shall not be used for the acquisition of right of way or adjustment of utilities. These funds are to be used only for the actual engineering and construction of a road or bikeway access facility adequate to serve traffic generated by the public recreational area or historical site.

3. The identified need or demand for the road or bikeway access facilities will be analyzed and mutually agreed upon between the Commonwealth Transportation Board and the Director of the Department of Conservation and Recreation for access to a public recreational area or the Director of the Department of Historic Resources for access to a public historical site. The decision to construct or improve an access facility to a public recreational area or historical site will be based upon verification by the Department of Transportation of sufficient public demand and justification for connection with similar public motor vehicle or bikeway access facilities to support the construction of the planned access facilities.

4. Recreational access funds will not be considered for providing adequate recreational road or bikeway access until such time as adequate assurance has been given that the recreational area or historical site is already in operation or will be developed and operational at the approximate time of the completion of the road or bikeway.

5. Motor vehicle access and bikeway access may be considered as either combined facilities or separate entities. Funding limitations have been established by statute, for qualified projects, as follows:

   A. Not more than $400,000 of recreational access funds may be allocated for an access road to any recreational area or historical site operated by a state agency and not more than $250,000 for an access road to any recreational area or historical site operated by a locality or an authority with an additional $100,000 if supplemented on a dollar-for-dollar basis by the locality or authority from other than highway sources.

   B. Not more than $75,000 of recreational access funds may be allocated for a bikeway to any recreational area or historical site operated by a state agency and not more than $60,000 for a bikeway to any recreational area or historical site operated by a locality or an authority with an additional $15,000 if supplemented

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on a dollar-for-dollar basis by a locality or authority from other than highway sources.

6. Prior to the formal request for the use of recreational access funds to provide access to a public recreational area or historical site, the location of the access road or bikeway shall be submitted for approval by the Department of Transportation and to either the Director of the Department of Conservation and Recreation or to the Director of the Department of Historic Resources, as relevant to the type of area or site to be accessed. In making recommendations, personnel of the Department of Transportation and the Department of Conservation and Recreation or the Department of Historic Resources shall take into consideration the cost of the access road or bikeway as it relates to the location, the possibility of any future extension to serve other public recreational areas or historical sites, and the anticipated future development of the area traversed. The Recreational Access Program is not intended to facilitate the development of any land use other than public recreational or historical facilities.

7. The use of recreational access funds shall be limited to the construction or reconstruction of motor vehicle access roads or bikeway access to publicly-owned or operated recreational areas or historical sites, as designated by the appropriate agency.

   The beginning and termination of the recreational access facility shall be at logical locations. Termination of the access shall be the recreational area or historical site entrance or may be within. If within, the main focal point of interest shall be construed as the termination at which "adequate access" is judged to be provided for the facility. This may be an administration building, information center, auditorium, stadium, parking lot, picnic area, camping area, etc., depending upon the character of the recreational area. Generally, it would be interpreted as the first point at or within the recreational area or historical site that visitors would leave their automobiles or bikes and commence to utilize some feature of the facility.

8. It is the intent of the Commonwealth Transportation Board that recreational access funds not be anticipated from year to year.

####

Relocation Assistance

- Approval of Amendments to the Rules and Regulations Governing Relocation Assistance (24VAC30-41) and Removal of Associated Guidance Document (11/10/2025)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

November 10, 2025

MOTION

Made By: Mr. Coleman**, Seconded By:** Mr. Good
Action: Motion Carried, Unanimously

Title: Approval of Amendments to the Rules and Regulations Governing Relocation Assistance (24VAC30-41) and Removal of Associated Guidance Document

WHEREAS, in order to acquire the rights of way necessary for the construction, reconstruction, alteration, maintenance and repair of the public highways of the Commonwealth, it is often necessary for individuals, families, businesses, farms, and nonprofit organizations (collectively "persons") and their personal property to be displaced; and

WHEREAS, 24VAC30-41, the Rules and Regulations Governing Relocation Assistance, provides for relocation of displaced persons and personal property in a timely manner to meet the needs of those persons and to achieve project schedules, and is required to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC § 4601 et seq.), as amended, in order for the Virginia Department of Transportation (VDOT) to receive federal financial assistance for highway projects; and

WHEREAS, 24VAC30-41 was promulgated by the Commonwealth Transportation Board (CTB) pursuant to the authority provided in § 25.1-402 of the *Code of Virginia*, which provides assurances to the Federal Highway Administration that VDOT will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC § 4601 et seq.), as amended, as required by 49 CFR § 24.4 in order for projects to receive federal financial assistance, and pursuant to § 33.2-221, which provides authority for the CTB to comply fully with the provisions of federal aid acts; and

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WHEREAS, 24VAC30-41 contains a document incorporated by reference (DIBR), entitled *Guidance Document for Determination of Certain Financial Benefits for Displacees*, effective October 1, 2014, which is an outdated guidance document (Guidance Document) posted on the Virginia Regulatory Town Hall (Town Hall) originally intended to outline procedures for VDOT staff, but which is no longer utilized; and

WHEREAS, 24VAC30-41 must be amended to remove the outdated DIBR and the references to the document within the regulatory text, and the Guidance Document must also be removed from the official list of guidance documents of the CTB and VDOT on Town Hall; and

WHEREAS, VDOT developed amendments to 24VAC30-41 (Attachment A) to remove the DIBR and the references to the document within the regulatory text, which VDOT advises is not likely to be controversial, and has completed an Agency Background Document (Attachment B) to be filed on Town Hall in conjunction with the recommended fast-track action to amend these regulations.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby readopts 24VAC30-41, Rules and Regulations Governing Relocation Assistance, with the inclusion of the proposed amendments to remove the outdated and unnecessary DIBR and all references thereto (Attachment A).

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board requests that the Commissioner of Highways, or his designees, take all necessary actions to effectuate the amendment of 24VAC30-41, including posting the associated Agency Background Document (Attachment B) to Town Hall.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board requests that the Commissioner of Highways, or his designees, take all necessary actions to remove the Guidance Document from the official list of guidance documents of the CTB and VDOT on Town Hall.

####

Editor's Note: For the current official version of this regulation, see entry for 24 VAC 30-41 in the Virginia Administrative Code (VAC).

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Residential Traffic Management

- Updates to Residential Cut-Through Traffic Policy (9/16/2020)
- Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways (10/16/2003)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 16, 2020

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Rucker
Action: Motion Carried, Unanimously

Title: Updates to Residential Cut-Through Traffic Policy

WHEREAS, on May 9, 1996, the Commonwealth Transportation Board (Board) adopted its current Residential Cut-Through Traffic Policy (Policy), in accordance with §46.2-809.1 of the *Code of Virginia*; and,

WHEREAS, "residential cut-through traffic" is defined in §46.2-809.1 as "vehicular traffic passing through a residential area without stopping or without at least an origin or destination within the area"; and,

WHEREAS, it is the policy of the Board that the Virginia Department of Transportation (VDOT) will recognize the problems associated with residential cut-through traffic on secondary highways and consider reasonable corrective measures that conform to national standards, use and practice for traffic engineering applications; and,

WHEREAS, the widespread use of certain navigation apps has increased residential cut through traffic issues significantly in the past several years; and

WHEREAS, the Policy had not undergone a review or update since 1996, until the Board requested the Policy be reviewed at its December 2019 meeting; and

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WHEREAS, VDOT conducted a review of the Policy, specifically to update various outdated references and procedures, provide guidance on appropriate measures and strategies to control cut-through traffic, address how a cut-through proposal initiated by a locality that potentially impacts an adjoining locality should be approached and managed, reduce the required support threshold of residences in affected areas to better reflect likely community engagement, clarify that the public using the street to cut-through the neighborhood can participate in the public comment process, address the application of §15.2-2022.1 in Fairfax County, clarify the definition of "local residential street" including in regard to such streets that function primarily as collectors, and clarify the identification of the "primary use area" and explain its function in the cut-through process; and

WHEREAS, VDOT sought and received input from localities and VDOT residency staff in the review of the Policy; and

WHEREAS, VDOT prepared a revised Policy addressing the areas of concern noted herein and the input received during the review process, and the revised Policy is included here as Attachment A for consideration by the Board in accordance with §46.2-809.1 of the Code of Virginia, and such Attachment A is incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby adopts the revised Residential Cut-Through Traffic Policy and Procedures in "Attachment A", which shall replace the Policy adopted on May 9, 1996.

####

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COMMONWEALTH of VIRGINIA

COMMONWEALTH TRANSPORTATION BOARD
1401 East Broad Street
RICHMOND, VIRGINIA 23219

WHITTINGTON W. CLEMENT
CHAIRMAN

Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 16, 2003

MOTION

Made By: Mr. Mitchel Seconded By: Mr. McCarthy Action: Motion Carried

Title: Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways

WHEREAS, the General Assembly of Virginia in its 2003 session amended Section 46.2-809 to provide that the Commonwealth Transportation Board, or its designee, should have the authority to prohibit or restrict the use by through truck traffic of any part of a primary highway, in addition to secondary highways, if a reasonable alternate route is provided, and

WHEREAS, the Virginia Department of Transportation has developed Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways that apply to any truck or truck and trailer or semi trailer combination, except a pickup or panel truck, pursuant to Section 46.2-809 of the Code of Virginia, which are attached hereto; and

NOW THEREFORE BE IT RESOLVED, that the Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways, including all primary and secondary highways under the jurisdiction of the Virginia Department of Transportation, pursuant to Section 46.2-809 of the Code of Virginia, is hereby adopted by this Board, and

BE IT FURTHER RESOLVED, pursuant to Section 46.2-809 of the Code of Virginia that this Board delegates the authority to approve or deny such through truck traffic restrictions for secondary highways, subject to these Guidelines adopted by this Board, to the Commissioner of the Virginia Department of Transportation. The Board will retain authority to approve or deny such through truck traffic restrictions for primary highways.

Editor's Note: For the current official version of this regulation, see 24 VAC 30-580.

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Through Truck Restriction Policy

Adopted by Commonwealth Transportation Board October 16, 2003

GUIDELINES FOR CONSIDERING REQUESTS TO
RESTRICT THROUGH TRUCKS ON PRIMARY AND SECONDARY HIGHWAYS

Section 46.2- 809 of the Code of Virginia provides:

> The Commonwealth Transportation Board*, or its designee,* in response to a formal request by a local governing body, after such body has held public hearings, may, after due notice and a proper hearing, prohibit or restrict the use by through traffic of any part of a *primary or* secondary highway if a reasonable alternate route is provided. *The Board, or its designee, shall act upon any such formal request within nine months of its receipt, unless good cause is shown.* Such restriction may apply to any truck or truck and trailer or semitrailer combination, except a pickup or panel truck, as may be necessary to promote the health, safety, and welfare of the citizens of the Commonwealth. Nothing in this section shall affect the validity of any city charter provision or city ordinance heretofore adopted.

Background

It is the philosophy of the Commonwealth Transportation Board that all vehicles should have access to the roads on which they are legally entitled to travel. Travel by any class of vehicle on any class of highway should be restricted only upon demonstration that it will promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any of the users of the transportation system. The Board recognizes that there may be a limited number of instances when restricting through trucks from using a segment of a primary or secondary roadway will reduce potential conflicts, creating a safer environment and one that is in accord with the current use of the roadway. The Board has adopted these guidelines to govern and regulate requests for through truck restrictions on primary and secondary highways.

Process

The Commonwealth Transportation Board delegates the authority to restrict through truck traffic on secondary highways to the Commissioner of the Virginia Department of Transportation. Such

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restrictions can apply to any truck, truck and trailer or semi trailer combination, or any combination of those classifications. Consideration of all such restrictions by the Commissioner is subject to these guidelines as adopted by the Board. The Commonwealth Transportation Board retains the authority to restrict through truck traffic on primary highways.

In order to conform to the requirements of the Code of Virginia and to insure that all concerned parties have an opportunity to provide input, the local governing body must hold a public hearing and make a formal request of the Department. The following must be adhered to:

(A) The public notices for the hearing must include a description of the proposed through truck restriction and the alternate route with the same termini. A copy of the notices must be provided.

(B) A public hearing must be held by the local governing body and a transcript of the hearing must be provided with the resolution.

(C) The resolution must describe the proposed through truck restriction and a description of the alternate, including termini.

(D) The governing body must include in the resolution that it will use its good offices for enforcement of the proposed restriction by the appropriate local law enforcement agency.

Failure to comply with (A), (B), (C) and (D) will result in the request being returned. The Commonwealth Transportation Board and the Commissioner shall act upon any such formal request within nine months of its receipt, unless good cause is shown.

Criteria

Travel by any class of vehicle should be restricted only upon demonstration that it will promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any users of the transportation network. The Virginia Department of Transportation will consider criteria 1 through 4 in reviewing a requested through truck restriction. The proposed restriction must meet **both** the first and second criteria in order to be approved:

1. Reasonable alternate routing is provided. The alternate route will be evaluated for traffic and

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safety related impacts. To be considered "reasonable", the alternate route(s) must be engineered to a standard sufficient for truck travel, and must be judged at least as appropriate for truck traffic as the requested truck restriction route. If an alternate route must be upgraded, the improvement shall be completed before the truck restriction can be implemented. The termini of the proposed restriction must be identical to the alternate routing to allow a time and distance comparison to be conducted between the two routings. Also, the alternate routing must not create an undue hardship for trucks in reaching their destination.

2. The character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area. Evaluation will include safety issues, accident history, engineering of the roadway, vehicle composition, and other traffic engineering related issues.

In addition to meeting the first two criteria, the proposed restriction must meet either the third or the fourth criteria in order to be approved.

3. The roadway is residential in nature. Typically, the roadway will be judged to be residential if there are at least 12 dwellings combined on both sides within 150' of the existing or proposed roadway center line per 1,000 feet of roadway.
4. The roadway must be functionally classified as either a local or collector.

Failure to satisfy criteria 1 and 2, and either criteria 3 or 4 will normally result in rejection of the requested restriction.

The Commonwealth Transportation Board when deemed necessary may modify or revise any provisions or criteria contained in these guidelines.

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Rest Areas and Waysides

- Regulatory Reduction Program and Final Regulatory Amendments: Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100) (1/6/2026)
- Endorsement of Enhanced Sponsorship, Advertising, and Vending (ESAV) Program (12/8/2010)
- Operation and Maintenance of Rest Areas (4/20/1995)

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COMMONWEALTH of VIRGINIA

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Chairman

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 8, 2010

MOTION

Made By: Mr. Layne **Seconded By:Mr. Sterling** **Action: Motion Carried, Unanimously**

Title: Endorsement of Enhanced Sponsorship, Advertising, and Vending (ESAV) Program

WHEREAS, Virginia's Safety Rest Areas and Welcome Centers (rest areas) are critical assets to ensure convenient and safe stopping locations on Interstate highways, provide valuable information to tourists, and promote economic development; and

WHEREAS, Virginia's 42 rest areas, one of which is located on U.S. Route 13, serve more than 30 million people in the Commonwealth each year; and

WHEREAS, federal law permits vending services at rest areas in accordance with 23 U.S.C. §111(b), and

WHEREAS, as part of his governmental reform initiatives, Governor Robert F. McDonnell directed VDOT to identify and implement long-term strategies to streamline the operating costs of Virginia rest areas and make them more efficient; and

WHEREAS, in response to this initiative, VDOT is developing the Enhanced Sponsorship, Advertising, and Vending Program, which will provide, in part, enhanced vending services at Virginia's rest areas, thereby providing greater convenience and more consumer choices for the traveling public, enhanced marketing exposure and business opportunities, and reduced operating costs to the Commonwealth; and

WHEREAS, the *Rules and Regulations for the Administration of Waysides and Rest Areas* (24 VAC 30-50, adopted pursuant to §§ 33.1-12(3) and 33.1-218) state that no article or thing may be offered for sale within such facilities without permission of the Commonwealth Transportation Board.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby endorses the Enhanced Sponsorship, Advertising, and Vending Program as it pertains to enhanced vending services, and approves the list of potential merchandise to be offered at Virginia rest areas, as outlined in the accompanying attachment.

# # #

Back to Rest Areas and Waysides

MINUTES

OF

MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

1401 E. Broad Street
Richmond, Virginia
April 20, 1995
10:00 a.m.

The monthly meeting of the Commonwealth Transportation Board was held in the Board Room of the Department of Transportation in Richmond, Virginia, on April 20, 1995, at 10:00 a.m. The Chairman, Dr. Robert E. Martinez, presided.

Present: Messars. Gehr, Barton, Byrd, Howlette, Myers, Newcomb, Porter, Rhea, Rich, Roudabush and Waldman and Mrs. Brooks, Mrs. Lionberger and Dr. Thomas.

Absent: Mr. White.

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Mr. Ken Wiegand, Director of the Department of Aviation, presented a Certificate of Recognition to J. Lynwood Butner, State Traffic Engineer, "for his outstanding assistance and expertise in the development of the Virginia Airport Signage Program through intergovernmental cooperation between the Department of Transportation and the Department of Aviation."

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Item 2:

On motion of Mr. Rhea, seconded by Mrs. Brooks, the Board approved the minutes of the meeting of March 16, 1995.

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Back to Rest Areas and Waysides

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board, in this lone instance and specifically to address the circumstances at hand, amends the standards for participation in the travel services (logo) signing program of the Virginia Department of Transportation to allow the display of seven (7) business logo panels on the "FOOD" background sign located on Interstate Route 95 in the northbound direction at the approach to Exit 11 until space becomes available to accommodate the Arby's logo among the normal complement of six panels or until January 1, 1996, whichever occurs first, after which time the normal standards for participation in the program shall prevail.

Motion carried.

***

Item 18:

Moved by Mr. Roudabush, seconded by Mr. Rhea, that the Board approve the report of the Internal Audit Committee which met on March 15, 1995. The Committee reviewed the reports for the data processing procurement audit and cash control audits for Dulles Toll Road, Norfolk-Virginia Beach Expressway, and Powhite Extension and accepted as adequate the actions taken, or to be taken, on the reports. A summary of resolved follow-up was presented and accepted.

Motion carried.

***

Item 19:

Moved by Mr. Rich, seconded by Mr. Barton, that

WHEREAS, Section 33.1-217 of the Code of Virginia declares that it is in the public interest to acquire and establish recreational waysides to promote safety, convenience and enjoyment on highways in this Commonwealth; and

WHEREAS, the Commonwealth has a proud heritage and a continuing commitment to the natural beauty found along its roadways, both of which are embodied by the design of its rest areas; and

Back to Rest Areas and Waysides

WHEREAS, for many out-of-state travelers, the rest area respite may be the only exposure these visitors have to the state; and

WHEREAS, many of the Commonwealth's rest areas are in need of an expanded capacity, an upgraded utility system or customary maintenance and repairs; and

WHEREAS, there exists a tenuous balance between providing legitimate services to the traveling public and avoiding becoming a competitor with existing private sector enterprises, such as truck stops; and

WHEREAS, the combined costs of complying with Federal environmental regulations, providing major renovations and constructing new facilities have become prohibitive; and

WHEREAS, opportunities exist through the private sector for improved management, for increased recoupment of rest area expenditures and, in some cases, for fully commercialized facilities.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board does hereby adopt as policy that the State's rest areas will be operated and maintained in a cost-conscious manner to provide for the safety, comfort and convenience of the traveling public.

BE IT FURTHER RESOLVED that rest areas will be evaluated on a case-by-case basis by the Commonwealth Transportation Board to provide the least costly upgrades to meet affordable capacity, regulatory and system needs, and that, when warranted and fully justified, any modifications to existing facilities or any new construction will retain the existing "Williamsburg" design character.

FINALLY, BE IT RESOLVED that the Department expand the use of the talents and opportunities of the private sector to manage, to generate revenue and, where possible, to commercialize the State's rest areas.

Motion carried.

***

Back to Rest Areas and Waysides

Revenue Sharing

- Policy and Guidelines for the Revenue Sharing Program (2023) (7/18/2023)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2023

MOTION

Made By: Mr. Yates, **Seconded By**: Ms. Hynes
Action: Motion Carried, Unanimously

Title: Policy and Guidelines for the Revenue Sharing Program (2023)

WHEREAS, § 33.2-357 of the *Code of Virginia* (1950), as amended, stipulates that the Commonwealth Transportation Board (Board) shall establish guidelines for the purpose of distributing and administering Revenue Sharing Program funds allocated by the Board; and,

WHEREAS, on December 5, 2018 the Board adopted a revised policy and approved revised guidelines for the Revenue Sharing Program (Revenue Sharing Policy and Revenue Sharing Program Guidelines, respectively); and,

WHEREAS, the revised Board policy required that the Revenue Sharing Policy be reevaluated after two Revenue Sharing Program application cycles and prior to five years from the effective date of the Revenue Sharing Policy; and,

WHEREAS, the Department has conducted an evaluation of the Revenue Sharing Policy and has made recommendations for revisions to the Revenue Sharing Policy, which are summarized in Attachment A; and,

WHEREAS, after an assessment of the recommendations have been made by a subcommittee of the Board, it is the sense of the Board that the existing Revenue Sharing Policy should be revised to ensure more efficient and effective utilization of Program allocations and to ensure Commonwealth Transportation Policy is consistent with and supports Program needs.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following revised Revenue Sharing Policy to govern the use of revenue sharing funds pursuant to § 33.2-

Back to Revenue Sharing

357 of the *Code of Virginia* (1950), as amended by the 2018 General Assembly:

1. The Revenue Sharing Program shall provide a matching allocation up to $5 million to any county, city or town for projects designated by the locality for improvement, construction, maintenance, or reconstruction of highway systems within such locality with up to $2.5 million for use by the county, city or town for maintenance projects for highway systems within such county, city or town. The maximum total matching allocation, including transfers, that the Board may approve per project shall not exceed $10 million.

2. Revenue Sharing funds shall be prioritized and allocated in accordance with the provisions of § 33.2-357 B of the *Code of Virginia* and, then, as further outlined in the Revenue Sharing Program Guidelines.

3. Applications for Revenue Sharing allocations shall be accepted by the Department on a biennial cycle, with project allocation approval being made by the Board on even numbered years. Applications for program funding must be made by resolution of the governing body of the jurisdiction requesting the funds. A locality may request funds for a project located within its own jurisdiction or in an adjacent jurisdiction, with a supporting resolution from the governing body of the adjacent locality. Towns not maintaining their own streets are not eligible to receive Revenue Sharing Program funds directly; their requests must be included in the application of the county in which they are located. All requests must include a priority listing of projects.

4. Allocations no longer necessary for the completion of the project for which the funding has been applied (surplus Revenue Sharing allocations) shall be made available statewide to support projects in deficit, within the allocation limits established by the Board, and to supplement the biennial project selection and allocation process. Surplus Revenue Sharing allocations may be redistributed to existing Revenue Sharing projects in accordance with the most current Six Year Improvement Program (SYIP) transfer process and in accordance with administrative procedures established in the Revenue Sharing Guidelines. Competing requests will be prioritized with deficit projects at award having highest priority, deficit projects at advertisement being next priority, deficit projects in or having completed construction as third priority, and then all other eligible requests. The Department shall establish review procedures to ensure appropriate actions are taken to reduce costs and ensure the project is appropriately advancing before recommending any such transfers.

5. A balance entry account shall be established to ensure appropriate reserves are available to support deficit Revenue Sharing projects advance to construction and complete construction. A minimum of $5M shall be retained in the account but may be adjusted to account for the needs of the program and after notification to the Board.

6. The Revenue Sharing Program is intended to provide funding for immediately needed improvements or to supplement funding for existing projects. Larger new projects may

also be considered; however, if the estimated project cost exceeds the Revenue Sharing Program funding request, the locality must identify other funding sources and commit locality funding amounts as necessary to complete the project. Projects receiving Revenue Sharing funds shall be initiated and at least a portion shall be expended within one year of the allocation. For any project that has not been initiated within one year, the Board has the discretion to defer consideration of future allocations until the project moves forward. If a project having funds allocated under this program has not been initiated within two subsequent fiscal years of allocation, the funds may be reallocated at the discretion of the Board. Locally administered projects may be deallocated if a project administration agreement has not been executed by the locality within six months after transmittal to the locality.

BE IT FURTHER RESOLVED that the Board approves the Revenue Sharing Program Guidelines as revised and attached hereto as Attachment B and directs the Department to take such actions as may be necessary to post the revised Revenue Sharing Program Guidelines to the Virginia Townhall website.

BE IT FURTHER RESOLVED that the Board supports funding the Revenue Sharing Program at a minimum of $100 million annually and supports funding in greater amounts to the extent permissible under subsection D of § 33.2-357, which provides that, subject to appropriation, the total Commonwealth funds allocated by the Board for the Revenue Sharing Program shall not exceed the greater of $100 million, or seven percent of funds available for distribution pursuant to subsection D of § 33.2-358 prior to the distribution of funds for Revenue Sharing.

BE IT FURTHER RESOLVED that, effective immediately upon approval, the Revenue Sharing Policy adopted herein shall become effective and all Revenue Sharing Program policies previously adopted and guidelines previously approved by the Board governing the use of Revenue Sharing funds shall be rescinded, provided however, that nothing herein is intended to invalidate any actions previously taken pursuant to those policies or guidelines.

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Right of Way - General

- Sale of Right of Way Improvements (2/15/1962)
- Securing Materials from Land or Right of Way (2/24/1937)

Sale of Right of Way Improvements

Minutes
of
Meeting of State Highway Commission of Virginia
Richmond, Virginia
February 13, 1962

The State Highway Commission of Virginia met at the Central Highway Office, Richmond, Virginia, at 9:00 A.M. on February 13, 1962. The Chairman, H. H. Harris, presided.

PRESENT: Chairman H. H. Harris, Messrs. E. P. Barrow, W. H. Chinn, Jr., S. S. Flythe, S. W. Lewis, Burgess B. Nelson, and Tucker C. Watkins, Jr. Mr. G. Wallace Carper and Mr. W. H. Seister, Jr., were absent due to illness. At the invitation of the Chairman, Mr. Richard S. Holland, newly appointed member of the Commission, also attended.

On motion of Mr. Lewis, seconded by Senator Nelson, minutes of the meeting of January 12, 1962, were approved.

Motion was made by Mr. Barrow, seconded by Mr. Lewis, that permits issued from January 12, 1962 to February 14, 1962, inclusive, as shown in records of the Department, be approved. Motion carried.

On motion of Mr. Lewis, seconded by Mr. Barrow, cancellation of permits from January 12, 1962 to February 14, 1962, inclusive, as shown in records of the Department, was approved.

Moved by Mr. Lewis, seconded by Mr. Barrow, that WHEREAS, bids were received at the office of Director of Toll Facilities on February 13, 1962, for the widening of approach roadway for two additional toll lanes at the Hampton Roads Bridge-Tunnel Project; and, WHEREAS, a low bid of $41,998.33 was received from the firm of Ames and Webb, Inc., of Norfolk, Virginia; and, WHEREAS, this bid was reviewed by Parsons, Brinckerhoff, Quade and Douglas, Consulting Engineers, who recommend that contract for this work be awarded to the firm of Ames and Webb, Inc.; NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commission hereby approves the bid of $41,998.33 received from Ames and Webb, Inc., Norfolk, Virginia; and BE IT FURTHER RESOLVED that the total cost of this work including cost of engineering and additional work be financed 100 per cent from Revenue Bond Reserve Maintenance Funds. Motion carried.

Back to Right of Way - General

Moved by Mr. Rawls , seconded by Senator Nelson that

WHEREAS, in connection with Route 250, Projects 1743-07, 1737-04-05, and 1754-01 in Henrico, Goochland, and Louisa Counties the Commonwealth did acquire in 1955 a number of easements for the widening of the road and the extension of road slopes and/or other appurtenances onto the lands adjoining said Route 250, in order to accommodate the reconstruction of said Route 250 to higher standards; and, WHEREAS, the work then proposed, for which said easements were obtained, has never been accomplished; and, WHEREAS, the projection of Interstate Route 64 along the general area served by this portion of Route 250 will eliminate the need for the execution of the work so proposed in 1955; and, WHEREAS, the State Highway Commissioner has certified in writing that the said easements so acquired which lie outside of and beyond the normal fee simple right of way lines of Route 250 on each side of same from 0.061 miles east of Route 271 at Short Pump to 1.3 miles west of Route 522 at Gum Spring do not constitute a section of the public road and are deemed no longer necessary for the uses of the State Highway System, and has recommended reconveyance of said easements to the owner or owners of record of the adjoining lands. NOW, THEREFORE, the conveyance of said easements so certified to the owner or owners of record of the adjoining lands in accordance with the provisions of Sec. 33-76.6 of the 1950 Code of Virginia, as amended, is hereby approved, and the State Highway Commissioner is hereby authorized to execute a deed or deeds of quitclaim accordingly.

Motion carried.

Moved by Mr. Rawls , seconded by Mr. Barrow that

WHEREAS, incident to the acquisition of right of way for the Interstate, Primary and Secondary Systems, it is necessary to acquire many improvements located on the right of way, and

WHEREAS, a number of these improvements are disposable and can be sold to interested parties with the understanding that they will be removed from the right of way at no further cost to the Department; thus giving a credit in these cases where improvements can be sold.

NOW, THEREFORE, be it resolved that the State Highway Commission hereby grants to the Commissioner the power to dispose of such improvements that may be located on and acquired with any rights of way in such a manner as he may deem most expedient and in the best interest of the Commonwealth.

Motion carried.

Back to Right of Way - General

Securing Materials from Land or Right of Way

Minutes of the Meeting of the State
Highway Commission of Virginia, Held in Richmond
February 24, 1937.

On the morning of February 24, 1937, the State Highway Commission, consisting of Messrs. H. G. Shirley, Wm. H. East, S. W. Rawls and J. F. Wysor, met in their office, State Office Building, Richmond, Virginia.

The meeting was called to order by the Chairman.

Moved by Mr. Wysor, seconded by Mr. Rawls, that the minutes of the meeting of January 4th be approved. Motion carried.

Moved by Mr. Wysor, seconded by Mr. Rawls, that the Commission confirm award of contract for the construction of Project NHM 1032 F1,2, Route 501, Park Avenue-Fort Avenue on Forest Avenue; City of Lynchburg, to the low bidder, J. R. Ford and Company, Inc., Lynchburg, Va., at their bid of $2,276.10 and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $3,000.00 chargeable to this project. Motion carried.

Moved by Mr. Rawls, seconded by Mr. East, that the Commission confirm award of contract for the construction of Project NFSO 1556 A1,2,4,C1, 2A,4A,D1, Routes 662, 2201, 2,4,1604,5 and 6, Streets in Inglaside, Estabrook, Craddock, Norfolk County, to the low bidder, Robert Martin Co., Salem, Va., at their bid of $13,125.60 and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $15,000.00 chargeable to this project. Motion carried.

Moved by Mr. East, seconded by Mr. Shirley, that the Commission confirm award of contract for the construction of Project NF08 1566 E1,2,S1, Routes 608-667, 0.31 Mi. S. Int. Route C-667-0.45 Mi. E. Int. Route C-667: 0.56 Mi. E.Int. Route C-608-Int. Route C-608, to the low bidder Perkins-Barnes Construction Company, Inc., Blackstone, Va., at their bid of $15,665.75, and that 10% additional be set aside to cover the cost of engineering and additional work, making a total of approximately $18,000.00 chargeable to this project. Motion carried.

Moved by Mr. Shirley, seconded by Mr. Wysor, that the Commission confirm award of contract for the construction of Project FA 569 DM1, Route 1, 1.786 Mi. S. Falling Creek-0.787 Mi. S. Kingsland Creek, to the low bidder, W. H. Armstrong and Company, Washington, D.C., at their bid of $15,967.40, that 10% additional be set aside to cover the cost of engineering and additional work and $33.00 for pole lines, making a total of approximately $18,000.00 chargeable to this project. Motion carried.

Back to Right of Way - General

Moved by Mr. East, seconded by Mr. Wysor, that whereas there has been constructed and opened to traffic an overhead bridge over the Southern Railway on Route 55 in Warren County east of Strasburg, at M.P. 59-1580 ft., eliminating the grade crossing of the Southern Railway at M.P. 58-880 ft., east of Strasburg, that the grade crossing be closed and public notice given thereof. Motion carried.

Moved by Mr. East, seconded by Mr. Rawls, that whereas there has been constructed and opened to traffic an undergrade crossing of the Southern Railway on Route 11 in the Town of Strasburg in close proximity to the old road, that the grade crossing over the Southern Railway be closed and the portion of old road effected be closed. Motion carried.

Moved by Mr. Wysor, seconded by Mr. Rawls, that whereas Route 55 in Fauquier County has been relocated and an overhead crossing put in over the Southern Railway Company's tracks near Goose Creek, that the grade crossing 2047 ft. east of M.P. 57.0 over the Southern Railway be closed and section of old 55 from new 55 over the grade crossing to new 55 again be abandoned. Motion carried.

Moved by Mr. Rawls, seconded by Mr. East, that it will be the policy of the State Highway Commission in securing material from land, or right of way, to inquire whether there is a mortgage on the property and by whom it is held, and no payments be made for the materials or land taken until we have been advised in writing that it is satisfactory to the mortgagor to make payment to the land owner. Otherwise funds will be held. Motion carried.

There being no further business, the meeting adjourned, subject to the call of the Commissioner.

Approved- N. F. Shirley
Commissioner.

Attested- Wade H. Massie
Secretary.

Back to Right of Way - General

Road and Bridge Specifications

- Road and Bridge Specifications (8/15/1991)

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MINUTES

OF

MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

Virginia Beach, Virginia
August 15, 1991
10:00 a.m.

The monthly meeting of the Commonwealth Transportation Board was held at the Ramada Oceanside Tower Hotel, Virginia Beach, Virginia on August 15, 1991 at 10:00 a.m. The Chairman, Mr. John G. Milliken, presided.

Present: Messrs. Pethtel, Bacon, Candler, Davies, Hoffler, Malbon, Mastracco, Smalley, Warner, Wells and Mrs. Kincheloe and Dr. Thomas.

Absent: Messrs. Howlette, Musselwhite and Waldman.

On motion of Dr. Thomas, seconded by Mr. Malbon, permits issued and canceled from July 1, 1991 through July 31, 1991, inclusive as shown by the records of the Department, were approved.

Moved by Dr. Thomas, seconded by Mr. Malbon, that the Board approve additions and abandonments to the Secondary system from June 24, 1991 to July 17, 1991, inclusive, as shown by the records of the Department.

Motion carried.

Moved by Dr. Thomas, seconded by Mr. Malbon, that

WHEREAS, by proper resolution, the Boards of Supervisors of Bedford, Loudoun, Pittsylvania, Prince Edward and Roanoke Counties have requested that certain roads which no longer serve as public necessities be discontinued as part of the Secondary System of Highways.

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 33.1-150 of the Code of Virginia of 1950, as amended, the Commonwealth Transportation Board finds the following sections of roads are not required for public convenience and are hereby discontinued as part of the Secondary system of Highways, effective this date.

Back to Road and Bridge Specifications

WHEREAS, the Commonwealth Transportation Commissioner has certified in writing that the existing 50' x 10' permanent drainage easement lying north of the north existing right of way line of Route 114 right of Station 380+00 (office revised WBL centerline Route 114), containing 0.01 acre, more or less, does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System; and

WHEREAS, a 50' x 10' permanent drainage easement has been installed and conveyed to the Commonwealth, replacing the existing 50' x 10' permanent drainage easement; and

WHEREAS, the owner of the underlying fee has asked that the old easement be conveyed to it in exchange for the new easement; and

WHEREAS, the new easement will serve the same purpose as the old easement.

NOW, THEREFORE, in accordance with the provisions of Section 33.1-149 of the Code of Virginia (1950), as amended, the Commonwealth Transportation Commissioner is hereby authorized to execute a deed in the name of the Commonwealth conveying the drainage easement, so certified, to the owner of the underlying fee title for a consideration satisfactory to the State Right of Way Engineer, subject to such restrictions as may be deemed appropriate.

Motion carried.

Moved by Mr. Wells, seconded by Mr. Davies, that

WHEREAS, after careful study and examination of the 1987 Road and Bridge Specifications Book, it has been determined that it is necessary to update the 1987 specification book due to changes in technology, policies and procedures, and,

WHEREAS, the Road and Bridge Specifications have been revised, amended and published in the revised edition, dated January, 1991;

NOW, THEREFORE, BE IT RESOLVED, that the Virginia Department of Transportation Road and Bridge Specifications, dated January, 1991 are adopted as the standard specifications governing construction and

Back to Road and Bridge Specifications

administration of contracts for projects advertised after November 1, 1991, with such specifications superseding the Road and Bridge Specifications dated July 1, 1987.

Motion carried.

Moved by Mr. Warner, seconded by Mr. Mastracco, that

WHEREAS, the Virginia Department of Transportation presented a proposal to the American Association of State Highway and Transportation Officials pertaining to the extension of the Interstate designation for Route I-495 overlapping a section of Interstate Route I-95 from the intersection of Interstate Route I-95 at Springfield to the Maryland State line; and

WHEREAS, the District of Columbia and Maryland have concurred in said route designation change; and

WHEREAS, the Executive Committee of the American Association of State Highway and Transportation Officials at its meeting of June 10, 1991, acted favorably on said proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board does hereby concur in the action taken by the Executive Committee of the American Association of State Highway and Transportation Officials pertaining to the changes as presented herein.

Motion carried.

Moved by Mr. Bacon, seconded by Dr. Thomas, that

WHEREAS, the Virginia Department of Transportation presented a proposal to the American Association of State Highway and Transportation Officials pertaining to the relocation of a portion of U. S. Route 58 Alternate bypassing the business sector of the City of Norton and the Towns of Appalachia and Big Stone Gap; and

WHEREAS, this proposal entailed routing U. S. Route 58 Alternate over a section of relocated U. S. Route 23, beginning at a point on present U. S. Routes 23/58 Alternate in Norton and extending southwesterly to a point on present U. S. Route 23 east of Big Stone Gap in Wise County, thence overlapping present U. S. Route 23 east of Big Stone Gap in Wise County to an intersection with present U. S. Route 58 Alternate in Big Stone Gap; and

Editor's Note: Approval of the Road and Bridge Specifications has been performed administratively without CTB involvement since this time. For the current Specifications, see the "Road and Bridge Specifications" page of VDOT's agency website.

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Roadside Management

- Comprehensive Roadside Management Program Regulations (9/15/2005)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106
Richmond, Virginia 23219

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 15, 2005

MOTION

Made By: Mr. Watson Seconded By: Mr. Keen Action: Motion carried

Title: Comprehensive Roadside Management Program Regulations

WHEREAS, Section 33.1-223.2:9 of the *Code of Virginia* directs the Virginia Department of Transportation (VDOT) to promulgate regulations for a comprehensive roadside management program, to include, but not be limited to, opportunities for participation by individuals, communities, and local governments and shall address items to include safety, landscape materials, services, funding, recognition, and appropriate signing; and

WHEREAS, VDOT has followed the provisions of the Administrative Process Act (APA) (§ 2.2-4000 *et seq*.) in developing a regulation to:

- Provide a standard framework to enable and encourage communities to participate in the improvement and beautification of state rights-of-way;
- Establish a standard and uniform means of recognizing those entities that contribute to the improvement, and criteria to determine when such recognition is warranted, consistent with federal guidelines;
- Ensure that the safety of the traveling public and those performing the work within state rights-of-way are not compromised; and
- Establish a process to allow appropriate opportunity for public comment; and

WHEREAS, VDOT has complied with the APA to develop a final regulation, designated as 24 VAC 30-121-10 *et seq*., that meets the requirements of Section 33.1-223.2:9 of the *Code of Virginia*, and the final regulation is attached hereto.

Back to Roadside Management

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board, pursuant to Sections 33.1-12(3) and 33.1-12(7) of the *Code of Virginia*, approves the *Comprehensive Roadside Management Regulations* (24 VAC 30-121-10 *et seq.*) presented by VDOT, to become effective 30 days after completion of final Executive Branch review, approval and publication in *The Virginia Register*.

####

Editor's Note: For the current official version of this regulation, see entry for 24 VAC 30-121 in the Virginia Administrative Code (VAC). On October 15, 2009, the CTB approved amendments to this regulation to reflect actions to repeal or promulgate other regulations concerning land use and the regulation of commercial entrances, which became effective May 11, 2011.

Back to Roadside Management

Roadway Lighting

- Roadway and Structure Lighting Policy (7/20/1995)

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MINUTUES

OF

MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

1401 E. Broad Street
Richmond, Virginia
July 20, 1995
10:00 a.m.

The monthly meeting of the Commonwealth Transportation Board was held in the Board Room of the Department of Transportation in Richmond, Virginia, on July 20, 1995, at 10:00 a.m. The Chairman, Dr. Robert E. Martinez, presided.

***

Governor George Allen made the following appointments to the Board effective July 11, 1995: John V. Cogbill, III (Richmond District), Robert T. Lee (Northern Virginia), and William W. Prettyman (Suffolk District).

***

Present: Messrs. Gehr, Byrd, Cogbill, Lee, Myers, Newcomb, Prettyman, Rhea, Rich and Roudabush, and Mrs. Brooks, Mrs. Lionberger and Dr. Thomas.

Absent: Messrs. Porter and White

***

Item 1:

Mr. Howard E. Briggs, Portsmouth, Virginia, spoke to the Board regarding the proposed conveyance of a residue parcel of land (formerly the property of Leo C. Snead) (Route 164, Proj. 0164-124-102,RW203). The proposed conveyance was on the Board agenda for action at this meeting (Item 11).

***

Back to Roadway Lighting

BE IT FURTHER RESOLVED that the above changes in the toll rate structure for the Dulles Toll Road will become effective with the implementation of the FasToll System.

Motion carried.

***

Item 22:

Moved by Mrs. Lionberger, seconded by Mrs. Brooks, that

WHEREAS, the Department has had a long-standing policy regarding roadway and structure lighting and it has been many years since the policy has been reviewed; and

WHEREAS various localities have requested that this policy be studied to broaden its scope; and

WHEREAS, the Department established a committee to review and propose recommendations for updating the policy; and

WHEREAS, recommendations are proposed to modify the roadway and structure lighting policy to provide the conditions when the Department may pay for the construction and maintenance of lighting and when costs should be borne by others.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the roadway and structure lighting policy as presented in the revised Department Policy Memoranda, DPM 9-4 dated July 20, 1995.

Motion carried.

***

Editor's Note: For the current official version of this Department Memorandum, contact the Governance and Legislative Affairs Division.

Back to Roadway Lighting

Scenic Highways and Byways

- Adoption of Goals and Policies for the Designation of Scenic Highways and Virginia Byways (1/10/2018)
- Powers and Duties of VDOT with Respect to Virginia Scenic Highways and Byways (5/19/1988)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Richmond, Virginia 23219

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 10, 2018

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Connors
Action: Motion Carried, Unanimously

Title: Adoption of Goals and Policies for the Designation of Scenic Highways and Virginia Byways

WHEREAS, the Virginia Department of Transportation and the Virginia Department of Conservation and Recreation are mutually interested in the scenic, historic, cultural, and recreational assets of the Commonwealth; and

WHEREAS, the 1966 General Assembly enacted the Scenic Highways and Virginia Byways Act, which is currently codified at Section 33.2-405 et seq. of the Code of Virginia. This legislation charged the Commonwealth Transportation Board (CTB, originally the State Highway Commission) with responsibility for designating roads as Scenic Highways or Virginia Byways in cooperation with the Department of Conservation and Recreation (DCR, originally the Commission of Outdoor Recreation); and

WHEREAS, as defined in Virginia Code, Scenic Highways and Virginia Byways are intended to preserve highway corridors with high aesthetic or cultural values leading to or within area of historical, natural or recreational values, and to preserve and enhance the natural beauty and cultural value of lands through which state highways traverse; and

WHEREAS, it is in the best interest of the Virginia Department of Transportation to continue cooperation in this popular program as now more than 3500 miles of roads in the Commonwealth have received such designation; and

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WHEREAS, on January 18, 1973, the State Highway Commission adopted a Resolution which approved the procedures, criteria, and objectives for the designation of Scenic Highways and Virginia Byways previously adopted by the Commission of Outdoor Recreation on December 18, 1972; and

WHEREAS, on May 19, 1988, the CTB adopted a resolution acknowledging the action taken in 1973 and further stating that the designation of a highway as a Scenic Highway or Virginia Byway should not limit the Virginia Department of Transportation from exercising its general power and duties to locate, construct, improve, and maintain all highways in the Commonwealth; and

WHEREAS, the Department of Conservation and Recreation and the Virginia Department of Transportation executed a Memorandum of Agreement (MOA) dated July 6, 1995 that outlined the general responsibilities and obligations of each party in recommending Scenic Highways and Virginia Byways to the CTB; and

WHEREAS, the Virginia Outdoors Plan adopted by the Board for Conservation and Recreation recommends that the MOA be updated and VDOT concurs that changes are necessary to provide clarity to the recommendation process and that documents defining the relationship with DCR and the overall direction of the program should be updated; and,

WHEREAS, technical changes to the Virginia Code have rendered the 1973 Resolution inaccurate and VDOT has recommended that a new Resolution, establishing criteria for the designation of Scenic Highways and Virginia Byways and consistent with current Code, be adopted; and

WHEREAS, in order to achieve the overall goals of the program, VDOT recommends that the CTB establish broad policies applicable to consideration of such designations and authorize and require VDOT to work with DCR to develop a revised MOA that will establish the procedures and protocols for the two agencies to work together to bring recommendations to the CTB for the designation of Scenic Highways and Virginia Byways.

NOW, THEREFORE BE IT RESOLVED that, in order to establish updated procedures and protocols to bring recommendations to the CTB for the designation of Scenic Highways and Virginia Byways, the 1973 State Highway Commission Resolution is hereby rescinded.

BE IT FURTHER RESOLVED that the goals and policies for the designation of Scenic Highways and Virginia Byways, as set out on Exhibit A, are hereby adopted as guiding principles for decisions of the CTB regarding this program.

BE IT FURTHER RESOLVED, that the designation of highways as Scenic Highways or Virginia Byways shall in no way limit the right of the Virginia Department of Transportation

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to exercise all of its power and duties in locating, constructing, improving, and maintaining highways in the Commonwealth.

BE IT FURTHER RESOLVED, that VDOT is directed to work with DCR to develop a revised MOA that will establish the procedures and protocols for the two agencies to work together to bring recommendations to the CTB for the designation of Scenic Highways and Virginia Byways, and the Commissioner of Highways is hereby authorized to take all actions and execute any and all documents needed to comply with this resolution

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MINUTES

OF

MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

Virginia Beach, Virginia

May 19, 1988

The monthly meeting of the Commonwealth Transportation Board was held at the Cavalier Hotel, Virginia Beach, Virginia, on May 19, 1988, at 10:00 a.m. The chairman, Mr. Ray D. Pethtel, presided.

Present: Messrs. Pethtel, Bacon, Beyer, Davidson, Guiffre, Howlette, Humphreys, Kelly, Leafe, Malbon, Musselwhite, Quicke and Smalley and Mrs. Kincheloe and Dr. Thomas.

Mr. C. Roger Malbon, Board Member representing the Suffolk District, Mr. Joseph A. Leafe, Urban At-Large member, and Mr. Herbert V. Kelly, Sr., Urban At-Large Member, welcomed the Board to the Suffolk District. Senator Clarence A. Holland, representing the 7th District, welcomed the Board to the Virginia Beach area and thanked the Board for its assistance with projects in his district and statewide.

Mrs. Sally H. Cooper, the Department's Director of Rail and Public Transportation, offered comments regarding National Transportation Week. Following her comments, the Board and audience were shown a new public transportation public service video.

Mr. Andrew B. Damiani, Chairman of the Tidewater Transportation District Commission, and member of the Virginia Association of Public Transit Officials, thanked the Board for its generous support of public transportation.

Mr. J. T. Timmons, Managing Director of the Tidewater Automobile Association, welcomed the Board to the area and thanked its members for their assistance.

On motion of Mr. Guiffre, seconded by Mr. Malbon, the minutes of the meeting of February 18, 1988, were approved.

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- Review left turn warrants and provide stripped left turn lanes, if warranted;
- Extend guardrail at the north end of the project to prevent vehicles from using a gravel walkway;
- Consider revision at Cameo Glen subdivision for improved safety and visual features;
- Review Old Keene Mill Road intersection and provide traffic signal if warranted;
- Approval of the curb and gutter typical section with sidewalk and storm sewer is subject to Department policy on cost participation concerning such features.

Motion carried.

Moved by Mr. Smalley, seconded by Dr. Thomas, that

WHEREAS, Section 33.1-62 et seq. of the Code of Virginia grants to the Commonwealth Transportation Board (formerly the State Highway and Transportation Commission) the authority to designate any highway in the Commonwealth as a scenic highway or as a Virginia Byway; and,

WHEREAS, the Commonwealth Transportation Commissioner, on behalf of the Commonwealth Transportation Board, has entered into an agreement with the Department of Conservation and Historic Resources setting forth criteria and procedures for reviewing and designating scenic highways and Virginia Byways; and,

WHEREAS, although it is important to maintain the integrity of these highways as scenic highways or Virginia Byways once designated as such by the Board, it is the sense of this Board that such designation should not limit the Virginia Department of Transportation from excercising its general power and duties to locate, construct, improve, and maintain all highways in the Commonwealth;

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NOW, THEREFORE, BE IT RESOLVED, that the designation of highways as scenic highways or Virginia Byways shall in no way limit the right of the Virginia Department of Transportation to exercise all of its power and duties in locating, constructing, improving, and maintaining highways in the Commonwealth.

Motion carried.

Moved by Mr. Guiffre, seconded by Mr. Smalley, that

WHEREAS, under the authority of Section 33.1-62 of the Code of Virginia (1950), as amended, the Commonwealth Transportation Board is authorized to designate Virginia Byways recommended by the Department of Conservation and Historic Resources after providing the opportunity for public hearings; and,

WHEREAS, the staffs of the Division of Parks and Recreation and the Virginia Department of Transportation have reviewed and determined that Routes 15, 665, 662, 690, 719, 734, and 704 substantially meet the adopted criteria for Virginia Byways; and,

WHEREAS, the Department of Conservation and Historic Resources on August 19, 1987, recommended to the Virginia Department of Transportation that Routes 15, 665, 662, 719, and 704 heretofore described, be designated as Virginia Byways; and

WHEREAS, the required procedures have been followed and a public hearing was duly advertised and held on February 12, 1988, and the views of the citizens and local governing body have been considered;

WHEREAS, the designation of highways as scenic highways or Virginia Byways shall in no way limit the right of the Virginia Department of Transportation to exercise all of its power and duties in locating, constructing, improving, and maintaining highways in the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, that Routes 15, 665, 662, 690, 719, 734, and 704, herein described, be designated as Virginia Byways. Motion carried.

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Sidewalks, Storm Sewers, and Drainage Structures

- Policy for State Participation in the Cost of Sidewalks and Storm Sewers (2/18/1988)

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Policy for State Participation in the Cost of Sidewalks and Storm Sewers

MINUTES

MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

Richmond, Virginia

February 18, 1988

The monthly meeting of the Commonwealth Transportation Board was held in the Central Office in Richmond, Virginia, on February 18, 1988, at 10:00 a.m. The chairman, Mr. Ray D. Pethtel, presided.

Present: Messrs. Pethtel, Bacon, Beyer, Davidson, Guiffre, Howlette, Kelly, Leafe, Malbon, Musselwhite, Quicke and Smalley and Mrs. Kincheloe and Dr. Thomas.

Absent: Mr. Humphreys.

Mr. Pethtel introduced Mr. Fred Fisher with the Varina Beautification Committee. Mr. Fisher presented the Department with a $10,000 check to landscape the interchange of Interstate 295 and Virginia Byway Route 5.

Mr. Guiffre presented Mr. Morris J. Walker, Jr. with a plaque from the Northern Virginia Minority Business and Professional Association for the efforts the Department has made in the leadership and support of minority business in the Northern Virginia area.

On motion of Mr. Guiffre, seconded by Mr. Quicke, the minutes of the meetings of November 13, 1987 and December 17, 1987, were approved.

On motion of Mr. Smalley, seconded by Mr. Kelly, permits issued and canceled from January 21, 1988 to February 17, 1988, inclusive, as shown by the records of the Department, were approved.

Moved by Mr. Guiffre, seconded by Mrs. Kincheloe, that the Board approve additions, abandonments or other changes in the secondary system from December 17, 1987 to January 27, 1988, inclusive, as shown by the records of the Department.

Motion carried.

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POLICY FOR STATE PARTICIPATION IN THE COST OF RIGHT OF WAY, SIDEWALKS AND STORM SEWERS IN COUNTIES, TOWNS AND CITIES

1.00 SECONDARY SYSTEM PROJECTS IN COUNTIES AND IN TOWNS OF UNDER 3,500 POPULATION

1.01 The provisions of this section apply to the system of state highways in the several counties of the state as authorized by Section 33.1-67, Code of Virginia, as amended; and those within the corporate limits of towns of less than 3,500 population which operate under the provisions of Sections 33.1-79 and 33.1-82, Code of Virginia, as amended.

1.02 Where new sidewalks are desired and justified by traffic studies or otherwise determined by the Department as required for pedestrian safety, all right-of-way necessary for the construction of the sidewalks may be borne by secondary construction funds allocated for use in the county.

1.03 Where new sidewalks are desired and justified by traffic studies, one-half the construction cost of new sidewalks shall be borne by secondary construction funds allotted for use in the county and one-half from funds other than highway funds. However, where the contemplated improvement requires the relocation of existing sidewalks, these shall be replaced and the total cost shall be borne by secondary construction funds allocated for use in the county.

1.04 Existing storm sewers shall be relocated or replaced at no cost to others; secondary construction funds allocated for use in the county shall bear 100 percent of the cost.

1.05 Where the construction of new curb and gutter is determined by Department engineers to be the most economical design, the cost of new storm sewers and appurtenances such as drop inlets, manholes, etc., may be borne by secondary construction funds allocated for use in the county, provided none of the storm water to be conveyed is diverted from another watershed.

1.06 Where the construction of curb and gutter within the right of way limits is desired, or is necessary for the development of adjacent property, but is not deemed by Department engineers to be the most economical design,

Back to Sidewalks, Storm Sewers, and Drainage Structures

the cost of storm sewers and appurtenances (drop inlets, manholes and similar items) shall be financed from secondary construction funds and other sources on the basis of run-off ratios and percentages of participation as indicated below:

State: Run-off from within right-of-way, 100%. Run-off from areas outside the road right-of-way and within the watershed common to the project, 25%.

Others: Run-off from areas outside the road right-of-way and within the watershed common to the project, 75%.

1.07 Diverted drainage from watersheds not common to the project shall be financed from secondary construction funds and other sources on the run-off ratios and percentages of participation as indicated below:

State: Run-off from the state right-of-way within the area of the diverted watershed, 100%.

Others: Run-off from all areas in the diverted watershed, exclusive of state right-of-way, 100%

1.08 All storm sewer outfalls that are found necessary or desirable shall be financed from secondary construction funds and other sources on the run-off ratios and percentages of participation as indicated below:

State: Run-off from the state's right-of-way within the area being drained, 100%.

Others: Run-off from all areas other than the state's right-of-way in the area being drained, 100%.

1.09 Where, through zoning and development control ordinances, the local governing body requires participation in the off-site drainage and where their plans from an overall standpoint reasonably conform to the above-established policy, the local governing body's plan shall become the Transportation Board's policy for that locality.

1.10 The adjustment of utilities necessitated by the construction of sidewalk or storm sewer will be borne by secondary construction funds, except where the utilities are located on public property which has been dedicated or acquired for street or road purposes, including uses incidental thereto, or where there are franchise or other provisions whereby the utility owner is required to bear the expense of such relocation or adjustment.

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1.11 Unless othetwise specified by state statute or policy of the Commonwealth Transportation Board, all other right-of-way required for improvements to the secondary system shall be acquired by purchase, gift, or power of eminent domain and cost thereof financed from secondary construction funds allocated for use in the county.

2.00 URBAN AND PRIMARY SYSTEM PROJECTS WITHIN THE CORPORATE LIMITS OF CITIES AND TOWNS

2.01 The provisions of this section apply to improvements in cities and towns for which construction funds, pursuant to Sections 33.1-23.2. 33.1-23.3 and 33.1-44. Code of Virginia, as amended, are allocated.

2.02 All storm sewers, both parallel and transverse and all appurtenances, such as drop inlets, manholes, etc., that fall within the right-of-way limits of urban improvement or construction projects on existing or new locations and are considered necessary for adequate project drainage by Department engineers will be financed at the percentage required by law for the construction of the project; provided none of the storm water to be conveyed is diverted from another watershed.

2.03 All storm sewers and outfalls constructed outside of the normal right-of-way limits of urban projects that are considered by Department engineers as necessary for adequate project drainage will be financed at the percentage required by law for the construction of the project; provided none of the storm water to be conveyed is diverted from another watershed.

2.04 All storm sewers and outfalls constructed outside of the normal right-of-way limits of urban projects that are considered by Department engineers as beyond that needed to adequately drain the highway project shall be financed on a run-off ratio basis between federal and/or state funds and city or town funds.

2.05 Whenever parallel storm sewer, manholes. etc., within an urban project or outfalls beyond the right-of-way and project limits are utilized by a city or town for the conveyance of diverted storm drainage, then the cost of such storm sewers, outfalls, etc., shall be financed on a run-off ratio basis between federal and/or state funds and city or town funds.

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Signs – Outdoor Advertising

- Rules and Regulations Governing Outdoor Advertising and Other Signs (2/19/1976)

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MINUTES
OF
MEETING OF STATE HIGHWAY AND TRANSPORTATION COMMISSION

Richmond, Virginia

February 19, 1976

The monthly meeting of the State Highway and Transportation Commission was held at the Central Highway Office in Richmond, Virginia, on February 19, 1976, at 10:00 a.m. The Chairman, Mr. Douglas B. Fugate, presided.

Present: Messrs. Fugate, Beeton, Crowe, Fralin, Hall, Hassell, Hooper, Landes and Roos.

Absent: Messrs. Glass and Janney

On motion of Mr. Crowe, seconded by Mr. Roos, the minutes of the meeting of January 15, 1976, were approved.

On motion of Mr. Crowe, seconded by Mr. Roos, permits issued from January 15, 1976, to February 18, 1976, inclusive, as shown by records of the Department, were approved.

Motion was made by Mr. Crowe, seconded by Mr. Roos, that cancellation of permits from January 15, 1976, to February 18, 1976, inclusive, as shown by records of the Department, be approved. Motion carried.

On motion of Mr. Beeton, seconded by Mr. Roos, the Commission confirmed letter ballot action permitting access for car pools of four or more persons on the Shirley Highway Reversible Lanes at Seminary Road on a trial basis.

On motion of Mr. Beeton, seconded by Mr. Roos, the Commission voted to deny the request of the R F & P Railroad and the chairman of the Board of Supervisors of Spotsylvania County for access across the limited access line on Route 17 Bypass, Project 6017-090-101, PE-101, C-501, RW-201 in Spotsylvania County.

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2-19-76

Moved by Mr. Crowe, seconded by Mr. Roos,

that

WHEREAS, on August 11, 1975, at 9:45 a.m., pursuant to newspaper advertisement, informational proceedings as to proposed Rules and Regulations governing Outdoor Advertising and Other Signs were conducted by Mr. W. S. G. Britton, the Commissioner's specially designated subordinate; and

WHEREAS, the Proposed Rules and Regulations are in four numbered sections:

I. Controlling Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas.

Based on an Agreement with Federal Authorities entered into July 13, 1967, the proposed amendment was to make explicit the requirement that the Commissioner must certify to Federal Highway Administration whether comprehensive zoning exists in each locality.

II. Applicable to Directional and Other Official Signs and Notices (Located off highway right of way).

The proposed amendment was to return to the Department the final authority for determination of eligibility for status as a directional sign with the criteria being made more explicit.

III. Applicable to Signs on Right of Way of the Interstate and Other Controlled Access Highways.

The proposed amendment was to incorporate the Commission's resolution adopted December 17, 1970, with other sign regulations.

V. Controlling and Continuance of Non-conforming Signs, Advertisements and the Advertising Structures.

The proposed Rules and Regulations elucidate the procedures presently utilized by the Department to enforce the present Virginia statutes and to carry out existing federal-state agreements. The definition of a non-conforming sign was included. The criteria for the maintenance and continuance of said signs, advertisements or advertising structures was also set out.

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WHEREAS, the proposed Rules and Regulations and proposed amendments to present Rules and Regulations are necessary to insure continued receipt of federal-aid funds without penalty and to facilitate administration of Virginia Outdoor Advertising laws and are authorized as follows:

(a) Sections I, II and V under the authority of Section 33.1-370 and Section 33.1-371 of the Code of Virginia (1950), as amended.

(b) Section III under the authority of Section 46.1-174, Section 33.1-371 and Section 33.1-12(3) of the Code.

WHEREAS, Mr. Britton reported to the Commission that no testimony other than the written statement submitted by the Department was presented, either orally or in writing as to Sections II and III; and

WHEREAS, Mr. Britton advised that changes had been suggested at the public hearing by oral and written testimony provided by Mr. Paul D. Stotts, Esquire, on behalf of the Virginia Outdoor Advertising Association

Section I, B.4 Size of Signs	-	To make it clear that a double-faced sign would be allowed.
Section I, A & C	-	Transfer to regulations of signs, etc., from the Commission's Rules to the locality's zoning ordinances.
Section V, 2(b)(1)	Non-conforming Signs -	To permit change of height of such sign under certain conditions.
2(b)(3)	Non-conforming Signs -	Blank Signs - to eliminate cancellation if blank for any period.
2(b)(4)	Non-conforming Signs -	To increase the percentage of total damage required before a permit could be cancelled.
New 4	-	To buttress the statutory provision for Transfer of Permits.

There were also some grammatical changes suggested; and

WHEREAS, the Commission referred Mr. Britton's report to the Sign Committee, chaired by Mr. Morrill M. Crowe, for further hearing; and

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WHEREAS, prior to the meeting of the Sign Committee, the staff revised some of the language to meet the suggestions advanced as to Section I; and

WHEREAS, the Sign Committee met with Mr. Stotts, heard his position on Section V and made its recommendations to the Commission as shown in the minutes of the Sign Committee's which are incorporated herein by reference; and

WHEREAS, the Sign Committee recommends that the proposed Rules and Regulations as amended be adopted effective April 1, 1976;

NOW, THEREFORE, BE IT RESOLVED, that the Rules and Regulations governing Outdoor Advertising and Other Signs be, and they are, hereby adopted as amended.

MOTION CARRIED

Moved by Mr. Landes, seconded by Mr. Roos, that

WHEREAS, Section 33.1-221 of the Code of Virginia provides a fund for fiscal 1975-76 to "... be expended by the Commission for constructing, reconstructing, maintaining or improving access roads within counties, cities and towns to industrial sites on which manufacturing, processing or other establishments will be built under firm contract or are already constructed."; and

WHEREAS, the Board of Supervisors of Rockingham County has by resolution requested the use of industrial access funds to provide adequate access to the proposed new facility of the Frazier Quarry, Incorporated, to be located in Rockingham County off Route 765 about two miles north of Harrisonburg, estimated to cost $200,000; and

WHEREAS, it appears that this request falls within the intent of Section 33.1-221 and has complied with the provisions of the Highway and Transportation Commission's policy on the use of industrial access funds;

NOW, THEREFORE, BE IT RESOLVED, that $129,500 from the industrial access fund for 1975-76 be allocated to provide adequate access to the proposed new facility of the Frazier Quarry, Incorporated, to be located in Rockingham County off Route 765 about two miles north of Harrisonburg, Project 0765-082-174, C-501, contingent upon (1) the industry's entering into a firm contract for the construction of its facility, (2) the industry's contributing $25,000 worth of stone at its prevailing prices toward the cost of the project (which is matched dollar for dollar in the above industrial access allocation), (3) the necessary right of way and adjustment of utilities being provided at no cost to the industrial access fund, and (4) the necessary funds over and

Editor's Note: For the current official version of this regulation see 24 VAC 30-120.

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Six-Year Improvement Program

- Adoption of Updated Six-Year Improvement Program Development and Management Policy (3/19/2024)
- Adoption of SMART SCALE Recommendations for Preparation of the Final FY2024-2029 Six-Year Improvement Program (5/24/2023)
- Approval of Virginia Highway Safety Investment Strategy (9/21/2022)
- Integrated Six-Year Improvement Program Process (4/21/2005)
- Policy Goals of the Six-Year Improvement Plan (4/17/2003)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 19, 2024

MOTION

Made By: Mr. Kasprowicz, **Seconded By:** Ms. Sellers
Action: Motion Carried, Unanimously

Title: Adoption of Updated Six-Year Improvement Program Development and Management Policy

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 (SYIP) of anticipated projects and programs and that the SYIP shall be based on the most recent official revenue forecasts and a debt management policy; and

WHEREAS, the Board believes it is in the public interest that transportation funds be programmed to projects and strategies that demonstrate the ability to address identified transportation needs in a cost-effective manner and that such programming of funds be prioritized to advance critical projects and strategies as quickly as possible; and

WHEREAS, on December 7, 2016, the Board adopted a Six-Year Improvement Program Development Policy; and

WHEREAS, since adoption of the Six-Year Improvement Program Development Policy by the Board in December 2016 various modifications to Board policy and state and federal code related to transportation revenues and funding have occurred; and

WHEREAS, the Board believes that the Six-Year Improvement Program Development and Management Policy, as set forth in Attachment A, should be adopted and used to guide development and management of the SYIP.
Resolution of the Board

Back to Six-Year Improvement Program

NOW THEREFORE, BE IT RESOLVED, that the Six-Year Improvement Program Development and Management Policy, as set forth in Attachment A, is approved; and

BE IT FURTHER RESOLVED, that the Board directs the Commissioner of Highways and the Director of the Department of Rail and Public Transportation to take all actions necessary to implement and administer this policy, including, but not limited to, update of technical, guidance, and policy documents to be consistent with the Six-Year Improvement Program Development and Management Policy adopted herein; and

BE IT FURTHER RESOLVED, that Board approval of this item replaces and supersedes the December 7, 2016 resolution titled "Six-Year Improvement Program Development Policy."

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Back to Six-Year Improvement Program

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 24, 2023

MOTION

Made By: Mr. Brown, **Seconded By:** Mr. Kasprowicz
Action: Motion Carried, Unanimously

Title: Adoption of SMART SCALE Recommendations for Preparation of the Final FY 2024-2029 Six-Year Improvement Program.

WHEREAS, section 33.2-214.1 of the *Code of Virginia*, provides that the Commonwealth Transportation Board ("Board") shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to section 33.2-358 of the *Code of Virginia*, and

WHEREAS, effective July 1, 2015, Chapter 684 of the 2015 Acts of Assembly (HB 1887) modified section 33.2-358 and set forth the requirements relating to the allocation of funds to, and the establishment of, a High Priority Projects Program ("HPP") and a District Grant Program ("DGP") with candidate projects under these programs to be screened, evaluated and selected according to the prioritization process established pursuant to section 33.2-214.1; and

WHEREAS, the Board adopted a policy and process on June 17, 2015, and a revised policy and process on July 28, 2016, October 24, 2017 (corrected policy and process on February 21, 2018), February 19, 2020, and December 8, 2021 to govern screening, scoring and selecting projects for funding pursuant to section 33.2-214.1 ("Project Prioritization Process"); and

WHEREAS, the Board adopted a revised policy on December 7, 2016, *Six-Year Improvement Program Development Policy*, which among other things, required that the Board be presented with funding scenarios relating to the Project Prioritization Process and development of the Six-Year Improvement Program for the Board's consideration, with each scenario providing full funding for each project funded; and

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WHEREAS, Item 12.a. of the Board's SMART SCALE Prioritization Process further provides that if a SMART SCALE Project's estimate increases prior to project advertisement or contract award that exceeds the following thresholds, and the applicant is not covering the increased cost with other funds, Board action is required to approve the budget increase:

i. Total Cost Estimate <$5 million: 20% increase in funding requested
ii. Total Cost Estimate $5 million to $10 million: $1 million or greater increase in funding requested
iii. Total Cost Estimate > $10 million: 10% increase in funding requested; $5 million maximum increase in funding requested; and

WHEREAS, 413 applications were submitted and screened pursuant to the fifth round of the Project Prioritization Process with 394 validated applications being found to propose projects that are consistent with or meet one or more VTrans needs, thus satisfying the requirement in section 33.2-214.1 (B)(2) that candidate projects "be screened by the Commonwealth Transportation Board to determine whether they are consistent with the assessment of capacity needs for all for corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1, undertaken in the Statewide Transportation Plan in accordance with § 33.2-353"; and

WHEREAS, at its January 17, 2023 Workshop the Board was presented with information relating to the outcome of the prioritization process along with a Staff Recommended Funding Scenario for the fifth round of the Project Prioritization Process, based on a three step scenario ("Staff Recommended Funding Scenario") consisting of the following steps (collectively, "Funding Steps"):

Step 1: Fund top-scoring projects within each district eligible for Highway Construction District Grant Program (DGP) funds using DGP funds until the remaining funds are insufficient to fund the next highest-scoring project.

Step 2: Fund top-scoring projects within each district that would have otherwise been funded with available DGP funds, but were not because they are only eligible for High Priority Projects Program (HPP) funds, using HPP funds, as long as their SMART SCALE cost does not exceed the total amount of DGP funds available to be programmed based on their rank.

Step 3: Fund projects with a benefit relative to SMART SCALE score greater than an established threshold based on the highest project benefit using HPP funds until funds are insufficient to fund the next unfunded project with the highest project benefit.

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WHEREAS, at its April 18, 2023 Workshop, the Board was presented the Draft FY 2024-2029 Six-Year Improvement Program based on the Staff Recommended Funding Scenario; and

WHEREAS, nine public meetings were held, April 20, 2023 for Hampton Roads, April 24, 2023 for Richmond, May 1, 2023 for Northern Virginia, May 2, 2023 for Culpeper, May 3, 2023 for Staunton, May 8, 2023 for Fredericksburg, May 15, 2023 for Bristol, May 16, 2023 for Salem, and May 17, 2023 for Lynchburg, to receive public comments prior to the Board's adoption of a Final Six-Year Improvement Program; and

WHEREAS, based on direction from the Board members after receiving public and stakeholder feedback, the Board was presented the recommended changes, outlined in Attachment A, to the Staff Recommended Funding Scenario at its May 23, 2023 Workshop, to create the Consensus Scenario presented as Attachment B; and

WHEREAS, in accord with the requirement set forth in the *Six-Year Improvement Program Development Policy (2016)*, adopted by the Board December 7, 2016, full funding has been identified for all projects in the Consensus Scenario; and

WHEREAS, the Board has given due consideration to the Consensus Scenario presented at the May 23, 2023 Workshop.

NOW THEREFORE BE IT RESOLVED, that the Board finds that the Consensus Scenario as presented in the May 23, 2023 Workshop and reflected in Attachment A is the approach to be used in funding projects scored pursuant to the fifth round of the Project Prioritization Process for purposes of preparing the Final FY 2024-2029 Six-Year Improvement Program.

BE IT FURTHER RESOLVED that the Board hereby adopts the Consensus Scenario as presented in the May 23, 2023 Workshop as the approach to be used in funding projects scored pursuant to the fifth round of the Project Prioritization Process for the Final FY 2024-2029 Six-Year Improvement Program.

BE IT FURTHER RESOLVED that the Board hereby approves the SMART SCALE Budget Increases totaling $125.0M in DGP and $27.0M in HPP reflected in Attachment C.

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Back to Six-Year Improvement Program

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: Dr. Smoot **Seconded By:** Mr. Byers
Action: Motion carried, unanimously

Title: Approval of Virginia Highway Safety Investment Strategy

WHEREAS, pursuant to §33.2-373 of the *Code of Virginia*, it is the responsibility of the Commonwealth Transportation Board (the Board) to establish the Virginia Highway Safety Improvement Program (the Program) to reduce motorized and non-motorized fatalities and severe injuries on highways in the Commonwealth, whether such highways are state or locally maintained; and

WHEREAS, pursuant to §33.2-373 of the *Code of Virginia*, the Board shall adopt an investment strategy to guide the investments of the Program, and the investment strategy shall cover a period of at least five years and seek to achieve a significant reduction in the anticipated number of fatalities and severe injuries over the covered period and shall give priority to projects, strategies, and activities based on the expected reduction in fatalities and severe injuries relative to cost, including improvements that are widely implemented based on a high-risk roadway feature that is correlated with a particular crash type, rather than crash frequency; and

WHEREAS, pursuant to §33.2-373 of the *Code of Virginia*, the Board, beginning in Fiscal Year 2024, shall, after program administration costs, allocate safety funds in accordance with its adopted investment strategy that includes allocating at least 54 percent of safety funds for infrastructure projects, 29 percent of funds to address the behavioral causes of crashes, and the remaining amounts for other eligible safety projects pursuant to the investment strategy; and

WHEREAS, the Virginia Department of Transportation (VDOT) and the Department of Motor Vehicles (DMV) have developed a proposed data-driven highway safety investment plan

Back to Six-Year Improvement Program

that will deploy Virginia's limited highway safety resources to projects and efforts with maximum potential to reduce traffic deaths and injuries; and

WHEREAS, a key finding from data-driven analysis demonstrates that systemic and hybrid safety projects—proven low-cost improvements, such as high-visibility backplates, flashing yellow left turn signals, and rumble strips, systemically spread on a roadway network—provide more potential crash reduction benefits for lower costs than do spot improvement projects; and

WHEREAS, in its workshop meeting on December 7, 2021, the Board was presented with the proposed investment strategy and information and recommendations relating to the prioritization and investment of limited Virginia Highway Safety Improvement Program funds to maximize the benefits in crash reductions and make progress toward the Commonwealth's "Toward Zero Deaths" vision for roadway safety; and

WHEREAS, after due consideration of the information received, the Board believes that the investment strategy, as set forth in Attachment A, should be adopted and used to select projects for highway safety funding in the Six-Year Improvement Program (SYIP) to improve transparency in the project selection process, accelerate delivery of selected projects and investment strategies, and aid in achieving reductions in fatalities, serious injuries, and non-motorized crashes; and

WHEREAS, the federal Infrastructure Investment and Jobs Act (IIJA) signed into law November 15, 2021 provides the largest long-term federal investment in infrastructure in history; and

WHEREAS, the recent uplifts in both federal and state revenues supporting the Virginia Highway Safety Improvement Program have enabled the previously identified systemic and hybrid infrastructure initiatives to be fully funded and their scheduled completion is being accelerated to the maximum extent possible; and

WHEREAS, the recent uplift in both federal and state revenues supporting the Virginia Highway Safety Improvement Program also support the inclusion and acceleration of systemic safety improvements on locally-maintained roads in the Six-Year Improvement Program beginning in Fiscal Year 2023; and

NOW THEREFORE, BE IT RESOLVED, that the Highway Safety Investment Strategy, as set forth in Attachment A, to govern prioritization and selection of highway safety infrastructure and behavioral projects for funding, is approved; and

BE IT FURTHER RESOLVED, that the Board directs the Commissioner of Highways in coordination with the Commissioner of the Department of Motor Vehicles to take all actions

necessary to implement and administer this investment strategy, including, but not limited to, the development of Implementation Plans and supporting guidance establishing the process for screening, scoring and selection of projects; and

BE IT FURTHER RESOLVED, that the Highway Safety Improvement Strategy approved herein is hereby effective as of the date of this resolution and replaces and supersedes the January 12, 2022 entitled “Approval of Virginia Highway Safety Improvement Strategy.”

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Back to Six-Year Improvement Program

COMMONWEALTH of VIRGINIA

COMMONWEALTH TRANSPORTATION BOARD
1401 East Broad Street
RICHMOND, VIRGINIA 23219

PIERCE R. HOMER
CHAIRMAN

Agenda item #4 - D

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 21, 2005

MOTION

Made By: Mr. Watson Seconded By: Mr. Keen Action: Motion Carried, Unanimously

Title: Integrated Six-Year Improvement Program Process

WHEREAS, the Virginia Department of Transportation's (VDOT) Six-Year Improvement Program process is the means by which the Commonwealth Transportation Board (CTB) allocates anticipated revenues for transit, rail, bicycle, pedestrian transportation projects, and interstate and primary highway construction projects that are being studied, designed or built over a six-year period;

WHEREAS, the Governor and General Assembly have outlined policies and processes that shall be followed by VDOT in the development of the Six-Year Improvement Program; and

WHEREAS, taxpayers have a right to know and understand how transportation funds are being used; and

WHEREAS, VDOT wishes to demonstrate good stewardship of taxpayer's funds and to continue to contribute to openness in government and transparency of its operations; and

WHEREAS, in 2003, VDOT developed a programming management system known as the integrated six-year improvement program (iSYP) to produce and manage the Six-Year Improvement Program, allowing VDOT to gather scheduling, cost, expenditure and other information from existing source data business systems; and

WHEREAS, iSYP is the system by which the Six-Year Improvement Program has been made available on the Internet since 2003, and has contributed to the openness in government and easy public access to information;

Back to Six-Year Improvement Program

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board:

- Ratifies the iSYP as an official and valuable way of providing the Six-Year Improvement Program to the public and to VDOT managers; and
- Directs VDOT to maintain the iSYP, or other programming system, to produce and manage the Six-Year Improvement Program, and to make future system improvements, providing additional information as it is needed and can be developed.

###

Back to Six-Year Improvement Program

COMMONWEALTH of VIRGINIA

COMMONWEALTH TRANSPORTATION BOARD
Post Office Box 1475
RICHMOND, VA 23218

WHITTINGTON W. CLEMENT
CHAIRMAN

Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 17, 2003

MOTION

Made By: Dr. Stone Seconded By: Mr. Mitchel Action: Motion Carried

Title: Policy Goals for Development of the Six-Year Improvement Program

WHEREAS, Chapters 533 and 560 of the 2003 Acts of Assembly, require the Board to adopt by July 1 of each year a Six-Year Improvement 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, Section 33.1-12(7) of the Code of Virginia authorizes the Commonwealth Transportation Board to review and approve policies and objectives of the Department of Transportation and the Department of Rail and Public Transportation; and

WHEREAS, the Board in fulfilling its statutory and policy role has determined that certain policy goals should be followed in the development and execution of the Six-Year Improvement Program,

NOW, THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that the policy goals that shall be followed for the development and execution of the 2003-2009 Six-Year Improvement Program are:

- Promote the safety of our citizens,
- Maintain the existing infrastructure,
- Use official revenue projections,
- Use best available project cost estimates,
- Minimize the use of debt,
- Pay off deficits on completed projects and do not create new deficits,
- Fully fund construction projects by the time they are complete,
- Bring phased projects or programs to a reasonable stage of completion,

Back to Six-Year Improvement Program

- Require that new projects added to the program be eligible for federal funds,
- Focus funding and project development on deficient and insufficient bridges,
- Focus funding on congestion relief,
- Recognize alternative modes, including transit, rail, bicycle and pedestrian pathways, as viable transportation alternatives, and
- Seek opportunities to leverage state funds through agreements with other public entities and the private sector.

# # #

Back to Six-Year Improvement Program

Soil Conservation

- Soil Conservation Program (12/17/1970)

MINUTES
OF
MEETING OF STATE HIGHWAY COMMISSION
RICHMOND, VIRGINIA
December 17, 1970

The monthly meeting of the State Highway Commission was held at the Central Highway Office in Richmond, Virginia, on December 17, 1970, at 10 a.m. The Chairman, Mr. Douglas B. Fugate, presided.

Present: Messrs. Fugate, Baughan, Duckworth, Eakin, Fitzpatrick, Glass, Hairston, Janney, and Weaver.

On motion of Judge Weaver, seconded by Mr. Duckworth, minutes of the meetings of October 29, 1970, and November 19, 1970, were approved.

Motion was made by Judge Weaver, seconded by Mr. Duckworth, that permits issued from November 19, 1970, to December 16, 1970, inclusive, as shown by records of the Department, be approved. Motion carried.

On motion of Judge Weaver, seconded by Mr. Duckworth, cancellation of permits from November 19, 1970, to December 16, 1970, inclusive, as shown by records of the Department, was approved.

Back to Soil Conservation

WHEREAS proper notice was given in advance and all those present were given a full opportunity to express their opinions and recommendations for or against the proposed location and design of the project, and their statements being duly recorded; and

WHEREAS the economic, social and environmental effects of the proposed project have been examined and given proper consideration, and this evidence, along with all other, has been carefully reviewed; now, therefore,

BE IT RESOLVED, that the location and major design features be approved in accordance with the plan as proposed and presented at said location and design public hearing by the Department engineers.

MOTION CARRIED.

Moved by Judge Weaver, seconded by Mr. Hairston, that

WHEREAS this Commission did on April 21, 1960, establish the erosion control fund for the purpose of assisting soil conservation districts in the control of erosion on highway right of way in the watersheds of certain streams; and

WHEREAS the soil conservation districts at that time agreed to furnish the necessary easements, arrange for the removal and replacement of fences, and furnish the fertilizer, seed, and mulch necessary to obtain ground cover on highway cut and fill slopes within the watershed being developed; and

WHEREAS recent developments and changes in the Federal soil conservation laws prevent the soil conservation districts from furnishing the fertilizer, seed, and mulch; and

WHEREAS the program to this point has been exceptionally fruitful in providing deterrents to erosion along the State highways, Primary, and Secondary, in the watershed areas.

NOW, THEREFORE, BE IT RESOLVED, that the policy of this Commission established on April 21, 1960, is hereby rescinded and the following substituted therefor:

Back to Soil Conservation

That, in view of the contribution of easements and the adjustment of fences by the soil conservation districts, the State Highway Commission will provide funds to furnish the necessary fertilizer, seed, and mulch and to prepare and seed the highway cut and fill slopes in conservation districts in order to obtain ground cover. The total of said funds shall not exceed $70,000 in any one fiscal year and shall be provided from the following sources: For the Primary System, from Primary maintenance funds; for the Secondary System, from Secondary funds prior to allocation to the counties.

BE IT FURTHER RESOLVED, that in the case of highway projects being constructed within the limits of a watershed development area, provisions will be made to use project funds to control erosion on the cut and fill slopes.

BE IT FURTHER RESOLVED, that this policy shall become effective immediately for all projects not already under agreement.

MOTION CARRIED.

Moved by Mr. Baughan, seconded by Mr. Hairston, that

WHEREAS Section 33.1-221 of the Code of Virginia provides a fund for fiscal 1970-71 of $1,500,000 to "...be expended by the Commission for constructing, reconstructing, maintaining or improving access roads within counties, cities and towns to industrial sites on which manufacturing, processing or other establishments will be built under firm contract or are already constructed."; and

WHEREAS the Board of Supervisors of Frederick County has by resolution requested the use of industrial access funds to assist in providing proper access to the new facility of Silco Stores, Incorporated, now under construction in Frederick County just north of Winchester and east of Route 11, estimated to cost $15,000; and

WHEREAS it appears that this request falls within the intent of Section 33.1-221 and has complied with the provisions of the Highway Commission's policy on the use of industrial access funds.

NOW, THEREFORE, BE IT RESOLVED, that $15,000 from the industrial access fund for 1970-71 be allocated for the purpose of assisting in providing proper access to the new facility of Silco Stores, Incorporated, just north of Winchester and east of Route 11 in Frederick County, Project 1982-

Back to Soil Conservation

Toll Facilities and Rates

- Approval of Amendments to the Rules, Regulations, and Rates Concerning Toll and Bridge Facilities (24VAC30-620) (10/15/2025)
- Aid to Toll Revenue Bond Facilities - Discontinuance of Discretionary Maintenance Payments to the Richmond Metropolitan Authority (RMA) (5/15/2008)
- Aid to Toll Revenue Bond Facilities - Discontinuance of Maintenance Payments to the Chesapeake Bay Bridge Tunnel (6/21/2007)
- Policy for Facilitating Public Comment on Toll Rate Adjustments (1/18/2006)
- Toll Pass Guidelines: Free Passage on State-Owned and Operated Toll Facilities (11/21/2002)
- Aid to Toll Revenue Bond Facilities - Powhite Parkway Extension Toll Road (7/17/1986)
- Aid to Toll Revenue Bond Facilities - Discretionary Maintenance Payments to the Richmond Metropolitan Authority (8/17/1972)
- Aid to Toll Revenue Bond Facilities - Transfer of Route 13 Mileage at the Chesapeake Bay Bridge-Tunnel to the Primary System (4/21/1966)

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1221 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 15, 2025

MOTION

Made By: Ms. Sellers**, Seconded By:** Mr. Davis
Action: Motion Carried, Unanimously

Title: Approval of Amendments to the Rules, Regulations, and Rates Concerning Toll and Bridge Facilities (24VAC30-620)

WHEREAS, the Rules, Regulations, and Rates Concerning Toll and Bridge Facilities, 24VAC30-620, establishes the rules for collecting tolls on non-P3 toll facilities owned by the Virginia Department of Transportation (VDOT) and the procedures for the suspension of toll collection during emergencies; and

WHEREAS, the Commonwealth Transportation Board originally adopted 24VAC30-620 pursuant to its general authority to adopt regulations in § 33.2-210 of the *Code of Virginia* and the authority granted in §§ 33.2-613 and 33.2-1701 of the *Code of Virginia*, which provide that toll rates may be charged as set by law or as fixed by the Commonwealth Transportation Board and specify when tolls may not be charged; and

WHEREAS, Item 441 D.1 of Chapter 725 of the 2025 Acts of Assembly requires that no later than January 1, 2026, all rates, fees, tolls and other charges shall cease to be collected for the use of the George P. Coleman Bridge and necessitates removal of the toll rate schedule for the bridge from 24VAC30-620; and

WHEREAS, VDOT developed and has proposed amendments to 24VAC30-620 (Attachment A) to remove the toll rate schedule for the George P. Coleman Bridge and has completed an Agency Background Document (Attachment B) to be filed on the Virginia Regulatory Town Hall in conjunction with the exempt final regulatory action to amend these regulations.

Back to Toll Facilities and Rates

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby adopts the proposed amendments to 24VAC30-620, Rules, Regulations, and Rates Concerning Toll and Bridge Facilities (Attachment A).

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board directs that the Commissioner of Highways, or his designees, take all necessary actions to effectuate the amendment of 24VAC30-620, filing the necessary forms, including the Exempt Action, Final Regulation Agency Background Document (Attachment B), as may be required by the Virginia Administrative Process Act.

BE IT FURTHER RESOLVED, that Board approval of this item replaces and supersedes the February 17, 2021, and July 21, 2021, resolutions titled *Approval of Proposed Amendments to Rules, Regulations and Rates Concerning Toll and Bridge Facilities*, provided however that nothing herein is intended to invalidate any actions previously taken pursuant to those resolutions.

####

Editor's Note: For the current official version of this regulation, see entry for 24 VAC 30-620 in the Virginia Administrative Code (VAC).

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106
Richmond, Virginia 23219

(804) 786-1830
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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 15, 2008

MOTION

Made By: Mr. McCarthy Seconded By: Mr. Martin
Action: Motion Carried, Unanimously

Title: Action on Discretionary Maintenance Payments Made to the Richmond Metropolitan Authority (RMA)

WHEREAS, pursuant to § 33.1-288 of the *Code of Virginia*, the Commonwealth Transportation Board (CTB) may use highway funds at its discretion to aid in the payment of the cost to toll revenue bond projects; and

WHEREAS, on August 17, 1972, the State Highway Commission, predecessor to the CTB, approved a resolution to provide aid from highway funds to the RMA, subject to the following conditions:

- the aid shall consist of actual maintenance of the expressway system, exclusive of the Boulevard Bridge, as segments of the system are opened to traffic;
- the aid shall be limited to ordinary maintenance activities as defined in the Virginia Department of Transportation's (VDOT) "Activity Code Manual," and to pavement markings; and
- the aid shall not include other maintenance replacement activities nor any costs incurred from toll collection expenses; and

WHEREAS, routine maintenance for the RMA is currently provided by a Turnkey Asset Maintenance Services contract managed by the Richmond District; and

WHEREAS, termination of the CTB subsidy would put the RMA on an equal basis with private toll roads and allow fair competition.

Back to Toll Facilities and Rates

NOW, THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board, that the August 17, 1972 resolution concerning maintenance payments to the RMA be rescinded and all financial aid to the RMA for maintenance activities be discontinued effective June 30, 2008.

# # # #

Back to Toll Facilities and Rates

Aid to Toll Revenue Bond Facilities - Discontinuance of Maintenance Payments to the Chesapeake Bay Bridge Tunnel

Editor's Note: In accordance with § 33.1-288 of the Code of Virginia, which authorizes the Board to make certain discretionary payments from highway funds, Commission practice was to provide aid from highway funds to the Chesapeake Bay Bridge-Tunnel Authority (generally classified as an urban facility), beginning July 1, 1974. Although a Department Policy Memorandum (DPM) was signed by the Commissioner in 1974 memorializing this practice, it appears that no formal action was approved by the Commission.

Board approval of the FY 2007-2008 VDOT Annual Budget on June 21, 2007 effectively discontinued the discretionary practice of making maintenance payments to the Chesapeake Bay Bridge Tunnel by excluding the facility from its allocation of maintenance payments.

Back to Toll Facilities and Rates

COMMONWEALTH of VIRGINIA

COMMONWEALTH TRANSPORTATION BOARD
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-1939

WHITTINGTON W. CLEMENT
CHAIRMAN

Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

November 21, 2002

MOTION

Made By: Mr. Davies Seconded By: Mr. Watson
Action: Motion Carried, with Mr. McCarthy voting NO.

Title: Toll Pass Regulatory Guidelines:
Toll Free Passage on State owned and operated toll facilities

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia, the Commonwealth Transportation Board is authorized to promulgate regulations that govern the issuance of toll passes for free passage on the Dulles Toll Road, the Powhite Parkway Extension and the Coleman Bridge; and

WHEREAS, the toll pass program in the past has consisted of paper documents that do not provide photo identification of the users or adequate tracking of toll free usage; and

WHEREAS, eligible personnel now carry badges and/or photo identifications that readily identify them as to eligibility for free passage; and

WHEREAS, eligible special vehicles such as buses and emergency equipment are readily identifiable by sight and consequently do not require specific photo identification.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby adopts the attached guidelines for the presentation of toll passes.

Toll Pass Guidelines:

Purpose:

This document defines what will constitute a "toll pass" and provides guidelines for usage of toll passes. It is not intended to expand, restrict or otherwise modify the provisions of Section 33.1-252 of the Code of Virginia.

Definitions:

Toll Pass: For the purpose of providing free use of toll facilities owned and operated by the Commonwealth, a photo identification badge issued by an entity identified in Section 33.1-252(A) to its employees shall be recognized as toll passes for eligible personnel. Eligible personnel are required to display their identification in order to obtain free passage. These entities must require the return of employment identification when employment is terminated, and when this occurs, the toll pass is revoked as well.

Eligible Personnel - In accordance with the Code of Virginia, the following persons may use toll facilities without the payment of toll while in the performance of their official duties:

1. The Commonwealth Transportation Commissioner;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Virginia Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Alcoholic Beverage Control Board;
7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage Control and special agents of the Department of Alcoholic Beverage Control;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating fire-fighting equipment and ambulances owned by a political subdivision of the Commonwealth or a non-profit association or corporation;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of twenty or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988;

Procedural Guidelines:

The Virginia Department of Transportation shall notify organizations of their personnel's eligibility for toll free passage on VDOT's toll facilities in accordance with Section 33.1-252. The notification shall occur at least biennially and shall define toll passes and explain their proper usage.

Format for Organization Notification:

Date

To: (Organization)
From: Chief Financial Officer or Designee
Regarding: Free Use of Virginia Department of Transportation Toll Facilities

In accordance with Section 33.1-252 of the Code of Virginia, the following persons may use toll facilities operated by the Virginia Department of Transportation without the payment of toll while in the performance of their official duties:

The complete listing of eligible persons includes:

1. The Commonwealth Transportation Commissioner;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Virginia Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Alcoholic Beverage Control Board;
7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage Control and special agents of the Department of Alcoholic Beverage Control;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating fire-fighting equipment and ambulances owned by a political subdivision of the Commonwealth or a non-profit association or corporation;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of twenty or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988

In order to obtain free passage, eligible personnel must use full service lanes and show their organization's issued identification to the toll collector. The toll collector may also require a signature, certifying that the person is engaged in official business on behalf of the Commonwealth.

We hope your traveling experiences will be both pleasant and safe. If you have any questions about toll free passage, please call _____ at (phone number) or e-mail to (e-mail address).

Sincerely,

Chief Financial Officer or Designee

Toll Facility Procedures:

Each VDOT Toll Facility shall provide its toll collectors a list of persons who are eligible to use toll bridges, ferries, tunnels and toll roads without the payment of tolls while in the performance of their official duties, per Section 33.1-252 of the Code of Virginia as noted above. That listing of eligible persons shall also be posted at each toll collection point, for easy reference by the toll collector on duty.

Personnel who are eligible to use facilities without the payment of tolls shall present their organization's photo identification as a toll pass when they use the toll facility. For individuals, the toll collector will look at the identification, verifying that the person is eligible for free passage in accordance with provided listing and allow the driver to continue without paying the toll. If the vehicle itself is eligible for toll free passage – i.e. buses, emergency vehicles, or specially equipped vehicles for the handicapped with properly displayed Department of Transportation window stickers – the toll facility is not required to view photo identification, particularly when doing so could cause concern for public safety.

The Toll Facility Director is authorized to establish procedures for the facility that best meet its unique configuration and needs. During peak hours, facilities – especially larger ones - may elect not to require signatures from toll free pass users since both safety and throughput would be compromised. Those facilities may elect to use other types of oversight (video review, etc.) that more adequately meet their needs and still maintain throughput at the lane.

Smaller facilities with typically lower traffic volumes may elect to require that the individual sign to indicate that they have received free passage, as is done now for other types of facility specific passes. The requirement may be waived if the toll facility director determines that traffic congestion, safety, or other conditions make it unworkable.

When a VDOT facility elects to require signatures at the lane, the toll collector is provided with a clipboard-mounted form to present to the driver for signature, once the toll collector has verified the individual's identification. The following format is suggested:

Toll Free Passage for _____ on _____
Lane *Date*

Toll Collector Time Stamp And/Or Comments

Signature Title Organization's

I certify that this passage is in the performance of my official duties.

Signature *Title* *Organization*

I certify that this passage is in the performance of my official duties.

Signature *Title* *Organization*

I certify that this passage is in the performance of my official duties.

Signature *Title* *Organization*

I certify that this passage is in the performance of my official duties.

Signature *Title* *Organization*

I certify that this passage is in the performance of my official duties.

_____ _____ _____

Signature ***Title*** ***Organization***

_____

_____ _____ _____

Toll Collector Signature **ID Number** **Date**

Guidelines for Oversight by Toll Facility:

As with other toll pass usage, the toll facility should enact measures to manage review and identify potential abuse of toll passes. The toll facility director is authorized and responsible for establishing that oversight and review process.

Such a review may include but is not limited to periodic sampling of toll free usage by day, time of day, toll collector, etc. The frequency and type of testing will depend on the relative risk at the toll facility.

Toll Facilities will also provide guidance to their toll collectors in identifying situations that may represent inappropriate usage and properly documenting and/or reporting them. Examples of inappropriate usage might include instances where pictures presented do not resemble the driver or a passenger in the vehicle, or the apparently routine use of passes for non-business activities, etc. For reasons of safety, the Toll Collector should not attempt to take any corrective action at the lane, but should report suspicious activity to the Supervisor.

When inappropriate use is detected during the review, the Toll Facility Director should immediately notify the Inspector General and provide relevant documentation.

Aid to Toll Revenue Bond Facilities - Powhite Parkway Extension Toll Road

M I N U T E S

OF

MEETING OF STATE HIGHWAY AND TRANSPORTATION BOARD

Richmond, Virginia

July 17, 1986

The monthly meeting of the State Highway and Transportation Board was held in the Central Office in Richmond, Virginia, on July 17, 1986, at 10:00 a.m. The chairman, Mr. Ray D. Pethtel, presided.

Present: Messrs. Pethtel, Bacon, Davidson, Guiffre, Howlette, Humphreys, Kelly, Malbon, Musselwhite, Quicke and Smalley and Mrs. Kincheloe.

At the request of Mr. Pethtel, a moment of silence was observed in memory of State Senator Edward E. Willey.

The chairman introduced Mr. Herbert V. Kelly, Sr., who was appointed to the Board effective July 1, 1986, to serve as the Urban at-Large representative. Mr. Pethtel also announced the three reappointments to the Board; Mrs. Constance R. Kincheloe, representing Culpeper District, Mr. H. R. Humphreys, Jr., representing Fredericksburg District and Mr. Robert A. Quicke, serving as Rural at-Large representative.

During the public comment portion of the meeting, Reverend G. Albert Brown, Jr., spoke to the Board regarding a limited access request (Route 17, Spotsylvania County).

On motion of Mr. Malbon, seconded by Mr. Musselwhite, the minutes of the meeting of June 19, 1986, were approved.

On motion of Mr. Guiffre, seconded by Mr. Davidson, permits issued and canceled from June 19, 1986 to July 16, 1986, inclusive, as shown by the records of the Department were approved.

Moved by Mr. Humphreys, seconded by Mr. Davidson, that the Board approve additions and abandonments to the Secondary System from May 22, 1986 to June 20, 1986, inclusive, as shown by the records of the Department. Motion carried.

Back to Toll Facilities and Rates

Moved by Dr. Howlette, seconded by Mr. Malbon,

BE IT RESOLVED, by the State Highway and Transportation Board of the Commonwealth of Virginia that the Memorandum of Understanding dated August 1, 1986, between the Treasury Board and the State Highway and Transportation Board regarding the Powhite Parkway Extension Toll Road is hereby approved in the form presented at this meeting, with such minor changes, insertions and omissions as may be approved by the State Highway and Transportation Commissioner, his signing of said Memorandum of Understanding to be conclusive evidence of his approval of such changes, insertions and omissions.

Motion carried.

Moved by Mr. Kelly, seconded by Mr. Davidson, that

WHEREAS, Chapter 643, Item 634 of the 1986 Acts of the General Assembly provides state financial assistance for public transportation and ridesharing progarms in the Commonwealth and paragraphs C.11. through C.13. of Item 634 provides appropriations for discretionary grants to be authorized by the State Highway and Transportation Board; and

WHEREAS, Amelia County has requested and is eligible to receive state aid in accordance with the terms and conditions set out under paragraphs C.11. through C.13. of Item 634, and this request has been found to be reasonable and appropriate by the Department;

NOW, THEREFORE, BE IT RESOLVED, that the sum of $62,058 from C.11. and $28,361 from C.13. for a total of $90,419 is to be made available to Amelia County, and the Deputy Commissioner may obligate additional assistance, if necessary, to match revisions to this project.

Motion carried.

Editor's Note: On July 17, 1986, the CTB formally approved the above referenced Memorandum of Understanding dated August 1, 1986, which expressed its intent to annually allocate maintenance funds for the Powhite Parkway Extension Toll Road. These allocations for maintenance will continue until the toll road's revenue can assume the responsibility.

Back to Toll Facilities and Rates

Aid to Toll Revenue Bond Facilities - Discretionary Maintenance Payments to the Richmond Metropolitan Authority

MINUTES
OF
MEETING OF STATE HIGHWAY COMMISSION

RICHMOND, VIRGINIA

August 17, 1972

The monthly meeting of the State Highway Commission was held at the Central Highway Office in Richmond, Virginia, on August 17, 1972, at 10 a.m. The Chairman, Mr. Douglas B. Fugate, presided.

Present: Messrs. Fugate, Crowe, Eakin, Fitzpatrick, Glass, Hall, Janney, Landes and Roos.

On motion of Mr. Fitzpatrick, seconded by Mr. Glass, minutes of the meeting of July 20, 1972, were approved.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Glass, that permits issued from July 20, 1972, to August 16, 1972, inclusive, as shown by records of the Department, be approved. Motion carried.

On motion of Mr. Fitzpatrick, seconded by Mr. Glass, cancellation of permits from July 20, 1972, to August 16, 1972, inclusive, as shown by records of the Department, was approved.

Motion was made by Mr. Fitzpatrick, seconded by Mr. Glass, that the Commission confirm letter ballot action awarding contract for highway aircraft to Downtown Airpark, Inc., for an Aero Commander 690 on the basis of their quotation without trade-in of $533,263. Motion carried.

On motion of Mr. Roos, seconded by Mr. Fitzpatrick, the 1972-73 Final Annual Operating and Maintenance Budget for the 1954 Series of State of Virginia Toll Revenue Bonds, was approved.

On motion of Mr. Fitzpatrick, seconded by Mr. Janney, the Commission rejected request of the Board of Supervisors of Carroll County for transfer to the primary system of Route 758 from Route 94 to Route 606, Route 606 from Route 758 to Route 721, and Route 721 from Route 606 to Route 58, since these sections do not meet criteria for inclusion in the primary system.

Back to Toll Facilities and Rates

Moved by Mr. Crowe, seconded by Mr. Eakin, that

WHEREAS, Section 33.1-288 of the Code of Virginia as amended by the 1972 General Assembly provides that the Commission may in its discretion use any part of the funds available for maintenance of State highways in any construction district in which is located any project authorized for toll revenue bond financing by the State Highway Commission as described in Section 33.1-268, or by the Richmond Metropolitan Authority as described by Section 33.1-320, and

WHEREAS, the Highway Commission provides limited aid to facilities financed under the Revenue Bond Acts of 1954 and 1965, the Richmond-Petersburg Turnpike and the Elizabeth River Tunnel Commission, and

WHEREAS, the Commission desires to provide similar aid to the Richmond Metropolitan Authority.

NOW, THEREFORE, BE IT RESOLVED, that the Highway Commission will provide aid to the Richmond Metropolitan Authority in the form of actual maintenance of the expressway system, exclusive of the Boulevard Bridge, as segments of the system are constructed by the Authority and opened to traffic, and

BE IT FURTHER RESOLVED, that such aid will be limited to the performance of Ordinary Maintenance Activities, as defined in the Department of Highways' Activity Code Manual, and to pavement marking but shall not include other maintenance replacement activities nor any costs incurred from toll collection expenses.

MOTION CARRIED

Moved by Mr. Eakin, seconded by Mr. Landes, that

WHEREAS, the Department entered into a contract with Greer Brothers and Young for 6.264 miles of grading, drainage and bridges in Albemarle and Nelson Counties, known as Project 0064-002-102, G-301, B-601, B-602, B-603, B-604, B-654, G-302, B-605; 0064-062-101, G-302, B-601, on the 16th of June, 1969, in the amount of $10,182,997.13, and

WHEREAS, there have been major slides on this project which were further aggravated by Hurricane Agnes, and

Back to Toll Facilities and Rates

Aid to Toll Revenue Bond Facilities - Transfer of Route 13 Mileage at the Chesapeake Bay Bridge-Tunnel to the Primary System

MINUTES
OF
MEETING OF STATE HIGHWAY COMMISSION
NATURAL BRIDGE, VIRGINIA
APRIL 21, 1966

The monthly meeting of the State Highway Commission of Virginia was held at the Natural Bridge Hotel, Natural Bridge, Virginia on April 21, 1966, at 11:15 a.m. The Chairman, Mr. Douglas B. Fugate, presided.

All members of the Commission were present.

On motion of Mr. Holland, seconded by Judge Weaver, minutes of the meeting of March 17, 1966, were approved.

Motion was made by Mr. Holland, seconded by Judge Weaver, that permits issued from March 17, 1966, to April 20, 1966, inclusive as shown by records of the Department, be approved. Motion carried.

On motion of Mr. Holland, seconded by Judge Weaver, cancellation of permits from March 17, 1966, to April 20, 1966, inclusive, as shown by records of the Department, was approved.

On motion of Mr. Holland, seconded by Judge Weaver, letter ballot action on bids received March 16, 1966, was confirmed.

Motion was made by Mr. Landrith, seconded by Judge Weaver, that letter ballot action on bids received March 23, 1966, be confirmed. Motion carried.

Back to Toll Facilities and Rates

NOW, THEREFORE, BE IT RESOLVED, that (1) pedestrians, (2) persons riding bicycles, (3) horse-drawn vehicles, (4) self-propelled machinery or equipment, and (5) animals led, ridden or driven on hoof be prohibited from using Interstate Route 81 between interchange number 75 at Route 11 in Shenandoah County and the West Virginia State Line, a distance of approximately 36 miles.

MOTION CARRIED,

Moved by Mr. Holland, Seconded by Judge Weaver,

THAT WHEREAS, the General Assembly of Virginia at its 1964 Session adopted Senate Joint Resolution No. 50 creating a Commission to study and report upon the toll projects financed under the State Revenue Bond Act, Sec. 33-228 of the Code of Virginia, and

WHEREAS, pursuant to this Resolution the Study Commission was appointed by Governor Harrison with instructions that studies and recommendations be made of, (1) toll rates charged on these projects, (2) whether the cost of maintenance could be financed from State Highway Department funds, and (3) such other matters deemed appropriate by the Commission, and

WHEREAS, the Study Commission made the study and submitted its report and recommendations to the Governor and the General Assembly on December 3, 1965, in the form of Senate Document No. 10, recommending, among other considerations, that State Highway funds be apportioned to finance the cost of maintaining all approach roads on the present Toll Revenue Bond Act projects and the cost of policing these facilities, beginning July 1, 1966, estimated at approximately $200,000 annually now being paid from toll income, and

WHEREAS, Senate Joint Resolution No. 42 was adopted by the General Assembly of 1966 requesting the State Highway Commission to give every practical consideration to assuming this cost from state funds and to also consider the assumption of maintenance at state expense of the freeway mileage on Route 13 north of the Chesapeake Bay Bridge Tunnel Project, now being maintained from toll income on this facility, and

Back to Toll Facilities and Rates

WHEREAS, these recommendations have been thoroughly studied by the State Highway Commission with full consideration being given to assisting the toll projects to the extent possible from available highway funds, as authorized by § 33-248 of the Code of Virginia, now therefore

BE IT RESOLVED by the State Highway Commission that, effective July 1, 1966, the following sections of approach roads and streets now being financed from toll funds be transferred to the Interstate and Primary road systems for maintenance by the State Highway Department or the cities, as applicable, and that the cost of these be financed from highway funds:

City of Norfolk

Route 168 Tidewater Drive
From E. End Willoughby Traffic Circle -
To Little Creek Road (Rt. 170) 5.5 miles

City of Hampton

LaSalle Avenue Route 167
From Shell Road
To 0.10 Mile North of Route I-64 (Armstead Ave.) 1.00 mile

City of Newport News

Route 17 and 258
From Warwick Blvd. (Rt. 60)
To 0.10 Mi. N. of James River Bridge (Entrance to City Park)
0.40 Mile

Interstate Route 64

From West end Route 17 Overpass
To Hampton Roads Tunnel Toll Plaza 10.7 Miles

Back to Toll Facilities and Rates

Interstate Spur to Route 64

Newport News Connector
From Victoria Blvd. (Route 351)
To Int. Route 64 (Exit 7) 3.0 Miles

Primary Route 13 Northampton County

From 2.17 Mi. S. Sec. Route 683
To Sec. Rt. 600 (.4 Mile North of Ches. Bay toll Plaza)
2.91 Miles

BE IT FURTHER RESOLVED that the cost of policing of the Hampton Roads Bridge Tunnel System by the Department of State Police, heretofore financed from toll funds on this facility, be transferred to highway funds effective July 1, 1966.

MOTION CARRIED.

Moved by Mr. Landrith, Seconded by Judge Weaver,

THAT WHEREAS, the 1966 Session of the General Assembly passed legislation to regulate outdoor advertising on the Interstate and Federal - Aid Primary highways in conformity with the Federal Highway Beautification Act of 1965; and

WHEREAS, both the Federal and State Legislation require regulation of the size, spacing and lighting of outdoor advertising signs which are erected in zoned or unzoned commercial and industrial areas; and

WHEREAS, it is necessary for the Highway Commission to adopt regulations to control these signs in the interim period until permanent regulations are agreed upon by the Federal Government and the State of Virginia.

NOW, THEREFORE, BE IT RESOLVED: That the State Highway Commission hereby adopts the following regulations pursuant to Chapter 683, Acts of Assembly of 1966, to control outdoor advertising signs in zoned and unzoned commercial and industrial areas:

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Traffic Control

- Adoption of Virginia Manual on Uniform Traffic Control Devices and Virginia Work Area Protection Manual, Adoption of Regulatory Amendments, and Completion of Periodic Regulatory Review (9/17/2025)
- Prohibiting Certain Methods of Travel on Interstate Highways (1/17/1985)
- Prohibition of Certain Users and Equipment on Controlled-Access Highways (4/20/1967)
- Rules and Regulations Controlling Traffic on Roads at State Institutions (3/30/1938)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Richmond, Virginia 23219

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 17, 2025

MOTION

Made By: Ms. Dunlop**, Seconded By:** Mr. Davis
Action: Motion Carried, Unanimously

Title: Adoption of Virginia Manual on Uniform Traffic Control Devices and Virginia Work Area Protection Manual, Adoption of Regulatory Amendments, and Completion of Periodic Regulatory Review

WHEREAS, pursuant to the resolution titled *Adoption of Manual on Uniform Traffic Control Devices (MUTCD), Virginia Supplement to the MUTCD, and Related Regulatory Consolidation* adopted on December 7, 2011, the Commonwealth Transportation Board (Board) adopted the 2009 national Manual on Uniform Traffic Control Devices (10th edition) as the standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel, as well as the 2011 Virginia Supplement to the 2009 Manual on Uniform Traffic Control Devices, and the 2011 Virginia Work Area Protection Manual, and incorporated those documents into 24VAC30-315, Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways; and

WHEREAS, the Federal Highway Administration (FHWA) adopted the 11th edition of the national Manual on Uniform Traffic Control Devices (national MUTCD) in December 2023, replacing the 10th edition; and

WHEREAS, pursuant to 23 CFR 655.603, the national MUTCD shall be the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a), except that states may adopt a state MUTCD that is in substantial conformance with the national MUTCD, provided that the state adopts its MUTCD within two years of the effective date of the national MUTCD; and

Back to Traffic Control

WHEREAS, pursuant to the Virginia Administrative Process Act (APA), particularly in §§ 2.2 4007.1 and 2.2-4017 of the *Code of Virginia*, and Executive Order Number 19, the Board is required to perform a periodic review of each of its regulations at least once every four years, and thus, VDOT posted notice on the Virginia Regulatory Town Hall (Town Hall) on May 13, 2025, informing the public of the Board's intent to conduct such a review of 24VAC30-315; and

WHEREAS, the Virginia Department of Transportation (VDOT) reviewed the national MUTCD and Virginia law; engaged with FHWA, localities, highway contractors, emergency responders, and transportation advocacy groups; and developed a state-specific Virginia Manual on Uniform Traffic Control Devices, which includes an updated Work Area Protection Manual, (Virginia MUTCD), version 11.0; and

WHEREAS, VDOT sought and received confirmation from FHWA that the Virginia MUTCD, version 11.0, is in substantial compliance with the national MUTCD; and

WHEREAS, VDOT has proposed amendments to 24VAC30-315, Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways, to reflect the adoption of the Virginia MUTCD, version 11.0, which shall replace the 2009 Manual on Uniform Traffic Control Devices, 2011 Virginia Supplement to the 2009 Manual on Uniform Traffic Control Devices, and 2011 Virginia Work Area Protection Manual; and

WHEREAS, VDOT has determined that administrative amendments to 24VAC30-325, Urban Maintenance and Construction Policy, which was originally adopted by the CTB, are now needed to remove the references to the outdated national MUTCD and instead reference 24VAC30-315; and

WHEREAS, VDOT has completed an Agency Background Document (Attachment C) to be filed on Town Hall in conjunction with the action to amend these regulations, and has completed the required periodic regulatory review of 24VAC30-315 and proposes that the disposition of the review should be to amend the regulation, as reflected in the Periodic Review Report of Findings document to be filed on Town Hall (Attachment D).

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby adopts the Virginia MUTCD, version 11.0 (Attachment A), and the proposed amendments to 24VAC30-315, Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways, and 24VAC30-325, Urban Maintenance and Construction Policy (Attachment B).

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board requests that the Commissioner of Highways, or his designees, take all necessary actions to effectuate the adoption of these documents and the amendments to 24VAC30-315 and 24VAC30-325 as may

be required under the APA, including posting the associated Agency Background Document (Attachment C) to Town Hall.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board approves and adopts the Periodic Review Report of Findings (Attachment D) for 24VAC30-315 with the proposed disposition to amend the regulation, and directs the Commissioner of Highways, or his designees, to take all actions necessary to complete the periodic review.

BE IT FURTHER RESOLVED, that Board approval of this item replaces and supersedes the December 7, 2011, resolution titled *Adoption of Manual on Uniform Traffic Control Devices (MUTCD), Virginia Supplement to the MUTCD, and Related Regulatory Consolidation*, provided however that nothing herein is intended to invalidate any actions previously taken pursuant to that resolution.

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Prohibiting Certain Methods of Travel on Interstate Highways

MINUTES
OF
MEETING OF STATE HIGHWAY AND TRANSPORTATION COMMISSION

Richmond, Virginia

January 17, 1985

The monthly meeting of the State Highway and Transportation Commission was held in the Central Office in Richmond, Virginia on January 17, 1985, at 10:00 a.m. The chairman, Mr. Harold C. King, presided.

Present: Messrs. King, Bacon, Brydges, Davidson, Guiffre, Humphreys, Quicke, Smalley, Smith and Vaughan.

Absent: Dr. Forrester and Mrs. Kincheloe.

On motion of Mr. Vaughan, seconded by Mr. Guiffre, the minutes of the meeting of December 20, 1984, were approved.

On motion of Mr. Vaughan, seconded by Mr. Guiffre, permits issued from December 20, 1984 to January 16, 1985, inclusive, as shown by the records of the Department, were approved.

Motion was made by Mr. Vaughan, seconded by Mr. Guiffre, that cancellation of permits from December 20, 1984, to January 16, 1985, inclusive, as shown by records of the Department, be approved.

Motion carried.

Moved by Mr. Vaughan, seconded by Mr. Guiffre, that the Commission approve additions to the Secondary System from December 20, 1984 to January 16, 1985, inclusive, as shown by the records of the Department.

Motion carried.

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of way line of old Route 360 and the south normal right of way limits of present Route 360; and

WHEREAS, the State Highway and Transportation Commissioner has certified in writing that the land containing approximately 4.00 acres, more or less, and lying south of the south normal right of way limits of present Route 360, from a point approximately 55 feet opposite approximate Station 492+00 (office revised EBL centerline, Project 6360-049-101, RW-201) to a point approximately 80 feet opposite approximate Station 509+75 (office revised EBL centerline, Project 6360-049-101, RW-201) does not constitute a section of the public road and is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of Section 33.1-149 of the Code of Virginia (1950), as amended, the conveyance of the land, so certified, is hereby approved and the State Highway and Transportation Commissioner is authorized to execute in the name of the Commonwealth a deed, without warranty, conveying same to the adjoining landowner of record for a consideration satisfactory to the State Right of Way Engineer, subject to such restrictions as may be deemed requisite.

Motion carried.

Moved by Mr. Smith, seconded by Mr. Brydges, that

WHEREAS, the State Highway and Transportation Commission on April 20, 1967, adopted a resolution that (1) pedestrians, (2) persons riding bicycles, (3) horsedrawn vehicles (4) self-propelled machinery or equipment and (5) animals led, ridden or driven on the hoof be prohibited from using Interstate highways; and

WHEREAS, Section 46.1-171.1 of the Code of Virginia, as amended, authorizes the State Highway and Transportation Commission when necessary to promote safety, prohibit the use of Interstate highways, as described in Section 33.1-48 of the Code, and other controlled access highways or any part thereof by any or all of the following including "mopeds" to wit: (1) pedestrians, (2) persons riding bicycles or mopeds, (3) horse-drawn vehicles (4) self-propelled machinery or equipment, and (5) animals led, ridden or driven or driven on the hoof; and

WHEREAS, Section 46.1-1 (14b) defines a "moped" as a "bicycle-like device with pedals and a helper motor which is rated at no more than two brake horse-power and which produces speeds up to a maximum of thirty miles per hour." For purposes of Title 46.1, a moped shall be a vehicle while operated upon a highway.

Back to Traffic Control

NOW, THEREFORE, BE IT RESOLVED, that this resolution be amended to include mopeds to conform to the Code of Virginia, as amended. The State Highway and Transportation Commissioner is directed to undertake to post appropriate signs at locations determined by the Department.

Motion carried.

Moved by Mr. Humphreys, seconded by Mr. Smalley, that

WHEREAS, in response to a formal request by the Stafford County Board of Supervisors that Route 1047 (Falmouth Drive) between Routes 627 and 1100, Route 1166 (Castle Rock Drive) between Routes 664 and 1173, and Route 1168 (Camden Drive) between Routes 664 and 1179 in the Clearview Heights Subdivision be considered for restriction of through truck traffic pursuant to the provisions of Section 46.1-171.2 of the Code of Virginia, this matter has been carefully reviewed; and

WHEREAS, the routes in question traverse a predominantly residential neighborhood; and,

WHEREAS, a restriction on the proposed routes would not present any undue hardships; and,

WHEREAS, proper notice was given by publishing a notice advising the public of the proposed restriction and requesting written comments; and,

WHEREAS, careful consideration has been given to the recommendations received, the available alternate routes and the past practices of the Department.

NOW, THEREFORE, BE IT RESOLVED, that Route 1047 (Falmouth Drive) between Routes 627 and 1100, Route 1166 (Castle Rock Drive) between Routes 664 and 1173 and Route 1168 (Camden Drive) between Routes 664 and 1179 in the Clearview Heights subdivision be restricted to the through truck traffic in accordance with Section 46.1-171.2 of the Code of Virginia.

Motion carried.

Moved by Mr. Smalley, seconded by Mr. Brydges, that

WHEREAS, by resolution dated May 17, 1984, this Commission designated a list of Qualifying Highways for the operation of larger trucks under the STAA of 1982,

Back to Traffic Control

MINUTES
OF
MEETING OF STATE HIGHWAY COMMISSION
NATURAL BRIDGE, VIRGINIA
APRIL 20, 1967

The monthly meeting of the State Highway Commission of Virginia was held at the Natural Bridge Hotel, Natural Bridge, Virginia, on April 20, 1967, at 1 P.M. The chairman, Douglas B. Fugate, presided.

Present: Messrs: Baughan, Chilton, Fitzpatrick, Holland, Landrith, McWane, Slaker, and Weaver.

On motion of Mr. Landrith, Seconded by Mr. McWane, minutes of the meeting of March 23, 1967, were approved.

Motion was made by Mr. Landrith, Seconded by Mr. McWane, that permits issued from March 23, 1967, to April 19, 1967, inclusive, as shown by records of the Department, be approved. Motion carried.

On motion of Mr. Landrith, Seconded by Mr. McWane, cancellation of permits from March 23, 1967, to April 19, 1967, inclusive, as shown by records of the Department, was approved.

Back to Traffic Control

WHEREAS, the City of Chesapeake has indicated a need to use a portion of the said land consisting of about 4.989 acres in connection with its street and road maintenance operations and for other municipal purposes, and has requested that such a tract or parcel of the said land be conveyed to it in exchange for its fair market value; and

WHEREAS, the State Highway Commissioner has certified in writing that the said tract of land does not constitute a section of the public road and that the said parcel or portion thereof consisting of about 4.989 acres lying adjacent to the east line of the said tract and beginning along a line 300 feet southerly from the present south right of way line of said Route 13, is deemed by him no longer necessary for the uses of the State Highway System.

NOW, THEREFORE, in accordance with the provisions of §33-76.8 of the 1950 Code of Virginia as amended, the sale and conveyance of the said parcel of land so certified to the City of Chesapeake for municipal purposes is hereby approved, and the State Highway Commissioner is hereby authorized to execute a deed in the name of the Commonwealth conveying same to the said City without warranty in exchange for such consideration as may be approved by the State Right of Way Engineer and subject to such terms and conditions as the State Highway Commissioner may deem requisite.

MOTION CARRIED.

Moved by Mr. Landrith, Seconded by Mr. Schuster, that

WHEREAS, § 46.1-171.1 of the Code of Virginia of 1950, as amended, authorizes the State Highway Commission to prohibit the use of the Interstate System and other controlled - access highways or parts thereof (as described in § 33-36.1 of the Code) by certain persons, animals and vehicles when necessary to promote safety; and

WHEREAS, engineers of the Highway Department and the Superintendent of the State Police, after considering this matter as it applies to the Interstate System, have recommended that such persons, animals and vehicles be excluded from any portion of the Interstate System in the interest of promoting maximum safety.

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NOW, THEREFORE, BE IT RESOLVED, that (1) pedestrians, (2) persons riding bicycles, (3) horse-drawn vehicles, (4) self-propelled machinery or equipment, and (5) animals led, ridden or driven on the hoof be prohibited from using Interstate Highways.

MOTION CARRIED.

Moved by Mr. Landrith, Seconded by Mr. Holland, that

WHEREAS, on July 14, 1964, the Department entered into a contract with E. V. Williams and The Williams Paving Company for the construction of Project 0064-122-070, C503, in the City of Norfolk at a cost of $3,078,005, and

WHEREAS, during the course of construction, it has been necessary to execute nine work orders for such items as providing additional foundation for drainage structures, temporary drainage, which was needed during construction, and the deactivating thereof after it served its usefulness; these nine work orders amounting to $101,163, or 3.59 percent of the total contract price, and

WHEREAS, it was necessary to use more surcharge material than was originally contemplated on the main lines, as well as the additional work done on the interchanges by plan revision, and

WHEREAS, the original plans for this project carried a partial interchange at Tidewater Drive with ultimate provisions for a full interchange, and

WHEREAS, during the course of construction, the City of Norfolk requested additional traffic studies which were made by the Highway Department and concurred in by the Bureau of Public Roads, which resulted in a determination that additional movements at the interchange should be provided for at this time in order that traffic might be handled in a more expedient manner, and

WHEREAS, the work involved in providing for the additional movements of traffic at this interchange, together with the work orders and the additional surcharge hereinbefore described is estimated to exceed the cost of the original project by approximately 29 percent, or approximately $835,000; now, therefore,

BE IT RESOLVED, that the State Highway Commissioner is hereby authorized to enter into a supplemental agreement with the contractor for the completion of this project.

MOTION CARRIED.

Back to Traffic Control

Rules and Regulations Controlling Traffic on Roads at State Institutions

Minutes of the Meeting of the State Highway Commission of Virginia, Held in Richmond, March 30, 1938.

On the morning of March 30, 1938, the State Highway Commission, consisting of Messrs. H. G. Shirley, Wade H. Massie, Secretary, Wm. H. East, S. W. Earle and J. F. Wysor, met in their office, State Office Building, Richmond, Virginia.

The meeting was called to order by the Chairman.

Moved by Mr. East, seconded by Mr. Wysor, that the minutes of the meeting of February 23rd be approved. Motion carried.

Moved by Mr. Massie, seconded by Mr. Earle, that in any county where mileage is abandoned from the secondary system by order of the Board of Supervisors, the same or any portion thereof can be applied to new roads to be added during the calendar year. Motion carried.

Moved by Mr. Earle, seconded by Mr. East, that in controlling traffic over the roads included in the grounds of the various State Institutions, the authorities of the Institutions be authorized to make such rules and regulations as to promote the highest degree of safety on such roads, provided such rules and regulations are not inconsistent with State laws. Motion carried.

Moved by Mr. Massie, seconded by Mr. Earle, that the Commission appropriate $500.00 per mile construction funds for the City of Newport News for the year 1938-39 to be applied to new construction on 54th and 55th Streets between Jefferson and Chestnut Avenues, Route 168. Motion carried.

Moved by Mr. Shirley, seconded by Mr. Earle, that the Commission appropriate $500.00 per mile construction funds for the City of Danville for the year 1938-39 to be applied to resurfacing pavement on Main Street Bridge over the Dan River, Route 29. Motion carried.

Moved by Mr. Wysor, seconded by Mr. Shirley, that the Commission appropriate $500.00 per mile construction funds for the City of Richmond for the year 1937-38 to be applied to work on the Boulevard between the R.F.&P. Bridge and Westmoreland Avenue, Route 161, and on the section of Route 33 from New Bridge Road to the City limits. Motion carried.

Moved by Mr. East, seconded by Mr. Earle, that the Commission appropriate and set up a project for the $500.00 per mile construction funds to the City of Lynchburg for the year 1937-38 to be expended on the improvement of Rivermont Avenue between Jones and Belvedere Streets, Route 501. Motion carried.

Moved by Mr. Massie, seconded by Mr. Wysor, that the following permits be approved under the usual rules and regulations:

Back to Traffic Control

Transit

- Policy and Guidelines for Implementation of Governance and Funding Reforms for the Washington Metropolitan Area Transit Authority (WMATA) (9/20/23)
- Policy for the Implementation of the Transit Ridership Incentive Program (9/20/23)
- Guidelines for Urban Transit Agency Strategic Plans (10/25/2022)
- Policy for the Implementation of State Transit Capital Prioritization (2022 Update) (10/25/2022)
- Policy for the Implementation of Performance Based State Transit Operating Allocation (3/21/2019)
- Adoption of Transit Capital Project Revenue Advisory Board Principles for Addressing Future Transit Capital Revenues, Needs, and Prioritization (7/19/2017)
- Adoption of Transit Service Delivery Advisory Committee (TSDAC) Tiered Capital Allocation Methodology (5/20/2015)
- Transit Sustainability and Investment Policy (10/16/2008)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 20, 2023

MOTION
Made By: Ms. Sellers, **Seconded By:** Ms. Hynes

Action: Motion Carried, Unanimously

Title: Policy and Guidelines for Implementation of Governance and Funding Reforms for the Washington Metropolitan Area Transit Authority (WMATA)

WHEREAS, the Commonwealth Transportation Board (CTB), the Northern Virginia Transportation Commission (NVTC), and the jurisdictions that comprise the NVTC, who provide local funding and receive transit service from the Washington Metropolitan Area Transit Authority (WMATA), are mutually interested in the success of the WMATA; and

WHEREAS, WMATA was established pursuant to an interstate compact between Virginia, Maryland, and the District of Columbia to operate a regional mass transit system in the Washington, D.C. metropolitan area; and

WHEREAS, NVTC was founded in part to represent the interests of the Commonwealth of Virginia during the establishment of WMATA; and

WHEREAS, NVTC's member jurisdictions — the cities of Alexandria, Falls Church, and Fairfax and the counties of Arlington, Fairfax, and Loudoun — are the current WMATA Compact funding partners; and

WHEREAS, Section 33.2-1936 of the *Code of Virginia* establishes that the Northern Virginia Transportation District has unique needs and that the operation of the rapid heavy rail mass transportation system and the bus mass transportation system by WMATA provides particular and substantial benefit to the persons living, traveling, commuting, and working in the localities embraced by the NVTC; and

Back to Transit

WHEREAS, Section 33.2-3401 of the *Code of Virginia*, pursuant to Chapter 854 of the 2018 Virginia Acts of Assembly, established a WMATA Capital Fund to provide Virginia's agreed upon share of regional dedicated capital funding to WMATA; and

WHEREAS, Section 33.2-1526.1 of the *Code of Virginia* allocates 46.5 percent of the Commonwealth Mass Transit Fund to NVTC for distribution to WMATA on behalf of its local jurisdictions for capital purposes and operating assistance ("Commonwealth Mass Transit Fund WMATA Allocation"), as determined by NVTC; and

WHEREAS, the Commonwealth Mass Transit Fund WMATA allocation cannot exceed 50 percent of the total WMATA operating and capital assistance required from the WMATA Compact funding partners from Virginia; and

WHEREAS, the enactment clauses of Chapter 854 of the 2018 and Chapter 363 of the 2023 Virginia Acts of Assembly requires the Commonwealth Transportation Board to withhold funding available to WMATA pursuant to Section 33.2-1526.1(D)(4) of the *Code of Virginia* Allocation under the following conditions:

1. Section 33.2-1526.1(K) requires that, in any year that the total Virginia operating assistance in the approved WMATA budget increases by more than 3 percent from the total operating assistance in the prior year's approved WMATA budget, the Board shall withhold an amount equal to 35 percent of the funds available. The following items shall not be included in the calculation of any WMATA budget increase: (i) any service, equipment, or facility that is required by any applicable law, rule, or regulation; (ii) any capital project approved by the WMATA Board before or after the effective date of this provision; and (iii) any payments or obligations of any kind arising from or related to legal disputes or proceedings between or among WMATA and any other person or entity.

2. Section 33.2-1526.1(L) requires the CTB shall withhold 20 percent of the funds available if (i) any alternate directors participate or take action at an official WMATA Board meeting or committee meeting as Board directors for a WMATA compact member when both directors appointed by that same WMATA Compact member are present at the WMATA Board meeting or committee meeting or (ii) the WMATA Board of Directors has not adopted bylaws that would prohibit such participation by alternate directors.

3. Section 33.2-1526.1(M) requires that the CTB shall withhold 20 percent of the funds available each year unless (i) WMATA has adopted a detailed capital improvement program covering the current fiscal year and, at a minimum, the next five fiscal years, and at least one public hearing on such capital improvement program has been held in a locality embraced by the NVTC; and (ii) WMATA has adopted or updated a strategic plan within the preceding 36 months, and at least one public hearing on such plan or updated plan has been held in a locality embraced by the NVTC.

4. Section 33.2-1526.1(N) requires that the CTB shall withhold 20 percent of the funds available each year unless (i) WMATA has prepared and submitted a detailed proposed annual operating budget and any proposed capital expenditures and projects for the following fiscal year to the CTB by April 1; and (ii) the Commonwealth's and NVTC's principal representatives to the WMATA Board and the WMATA General Manager annually address the CTB regarding the WMATA budget, system performance, and utilization of the Commonwealth's investment in the WMATA system.

WHEREAS, it is in the best interest of the CTB, NVTC, and the jurisdictions that are WMATA Compact funding partners to ensure that WMATA receives the full allocation of funding from the Commonwealth Mass Transit Fund that is distributed by the NVTC on behalf of its jurisdictions; and

NOW THEREFORE, BE IT RESOLVED that the Board hereby adopts the following policy and guidelines to govern future Board decisions related to the Governance and Funding Reforms for the Washington Metropolitan Area Transit Authority enacted by the General Assembly of Virginia in 2018:

3% Cap on Growth in Total Virginia Operating Assistance (33.2-1526.1(K))

1. The CTB shall withhold funding if the total operating subsidy for Virginia in the current year approved WMATA budget increases (effective July 1) by more than three percent over the prior year approved WMATA budget (as of June 30).

2. The following items shall not be included in the calculation of any WMATA budget increase:

    a. Any service, equipment, or facility that is required by any applicable law, rule, or regulation including, but not limited to, compliance with any safety directives to WMATA issued by the Metrorail Safety Commission (MSC), the Federal Transit Administration (FTA), the National Transportation Safety Board (NTSB) or any other relevant safety oversight agency; actions taken to comply with the Americans with Disabilities Act (ADA); and actions taken to comply with Title VI requirements.

    b. Any major capital project approved by the WMATA Board before or after the effective date of this provision, including operating subsidy increases related to major capital projects that improve WMATA's state of good repair, support a major system expansion project and respond to service disruptions caused by implementation of approved capital projects to address state of good repair needs or from emergency system shutdowns.

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c. Any payments or obligations of any kind arising from or related to legal disputes or proceedings between or among WMATA and any other person or entity. This exclusion is not intended for expenses related to the day-to-day operations of WMATA's legal department.

d. Any service increases approved by the WMATA Board pursuant to Section 33.2-1526.1(J) of the *Code of Virginia.*

e. Operating subsidies for specific WMATA transit services that are funded in whole by one or more WMATA member jurisdictions and/or from other non-WMATA funding sources.

f. Regularly scheduled adjustments of the inputs to the regional subsidy allocation formulas by WMATA.

3. WMATA shall provide a written notification to the CTB no later than July 1 of each year of the annual growth in total Virginia operating assistance, including a detailed description of the costs contributing to the increased operating subsidy and a year over year comparison of such costs. WMATA shall also provide a detailed description and justification of costs considered exempt from the calculation of the annual growth rate in operating subsidy. The written notification shall include sufficient documentation to allow the CTB to perform its own verification of the annual growth rate and amount of total Virginia operating assistance.

4. By July 1 of each year, WMATA shall notify the CTB if it is scheduled or plans to adjust the regional subsidy allocation formulas in the budget to be proposed for the next fiscal year.

Participation by Alternate Directors of the WMATA Board (Section 33.2-1526.1(L))

1. The CTB shall withhold funding if the WMATA Board of Directors has not adopted bylaws that prohibit the participation of alternate directors specified in clause (ii) of Section 33.2-1526.1(L).

2. When determining whether to withhold funding in response to an action taken by an alternate director that is prohibited by Section 33.2-1526.1(L), the CTB shall consider the following as prohibited activities by alternate directors at an official WMATA Board or committee meeting (unless the alternate director is acting in the absence of a Board director who serves on the committee): (i) participating in the discussion among Board directors; (ii) making or seconding a motion; (iii) voting on motions, resolutions or other Board actions; (iv) being counted toward the required quorum; (v) attendance or participation in any Executive Session of the WMATA Board or its committees; (vi) any action in violation of WMATA Bylaws in regards to the activities of alternate directors. Attendance by alternate directors at official WMATA Board or committee

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meetings, excluding Executive Sessions, shall not be a basis for withholding funding, nor shall the provision of information or reports to directors at a WMATA committee meeting in response to a request to do so by the director chairing the committee meeting.

3. WMATA shall provide a written notification to the CTB by July 1 of each year that it has adopted bylaws that prohibit the participation of alternate directors specified in clause (ii) of Section 33.2-1526.1(L) and that no violations of the bylaws by alternate directors have occurred during the previous year.

4. WMATA shall immediately notify the CTB in writing if a violation of its bylaws by an alternate director or some other action prohibited by this CTB policy occurs.

Adoption of a Detailed Capital Improvement Program (Section 33.2-1526.1(M))

1. The CTB shall withhold funding if:

   a. WMATA has not annually adopted or updated by July 1 of each year a detailed capital improvement program covering the current fiscal year and the next five fiscal years, including projections of funding sources and uses for the six-year period.

   b. WMATA has not annually held by July 1 of each year at least one public hearing on such capital improvement program held in a locality embraced by the NVTC.

2. WMATA shall provide a written notification to the CTB by July 1 of each year that it has: (i) adopted a capital improvement program that complies with the above requirements; and (ii) held a public hearing on the capital improvement program in a locality embraced by the NVTC.

Adoption or Update of a Strategic Plan (Section 33.2-1526.1(M))

1. The CTB shall withhold funding if:

   a. the WMATA Board has not adopted or updated a strategic plan within the preceding 36 months. After submission of the first strategic plan, WMATA must submit updated plans every 3 years thereafter.

   b. WMATA has not held at least one public hearing on such strategic plan held in a locality embraced by the NVTC.

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2. WMATA's strategic plan shall include the following five components: (a) an assessment of state of good repair needs; (b) a review of the performance of fixed-route bus service; (c) an evaluation of the opportunities to improve operating efficiency of the transit network; (d) an examination and identification of opportunities to share services where multiple transit providers' services overlap; and (e) an examination of opportunities to improve service in underserved areas.

3. WMATA shall provide a written notification to the CTB by July 1 of the year of any strategic plan update that it has: (i) adopted or updated a strategic plan that complies with the above requirements; and (ii) held a public hearing on the strategic plan or strategic plan update in a locality embraced by the NVTC.

Submission of a Detail Annual Operating Budget and Capital Expenditures and Projects (Section 33.2-1526.1(N))

1. The CTB shall withhold funding if:

   a. WMATA has not prepared and submitted a detailed proposed annual operating budget and any proposed capital expenditures and projects for the following fiscal year to the CTB by April 1 of each year.

   b. The Commonwealth's and NVTC's principal representatives to the WMATA Board and the WMATA General Manager fail to annually address the CTB regarding the WMATA budget, system performance, and utilization of the Commonwealth's investment in the WMATA system.

2. The proposed annual operating budget submitted by WMATA to the CTB shall include information on expenditures, indebtedness, pensions, and other liabilities, and other information as prescribed by the CTB. The budget submission shall also include the audited financial statements for each defined-benefit pension plan to which WMATA contributes for the previous fiscal year, presented in accordance with the Governmental Accounting Standards Board (GASB) Statement Number 67.

Resolution of Withholding of Funds

1. The CTB will release any withheld funding upon approval or implementation of an approved mitigation action. The CTB will determine what constitutes an approved mitigation action, except that approval by the WMATA Board of a budget amendment reducing the amount of annual operating assistance required by Virginia to no more than 3 percent greater than the prior year shall be considered an approved mitigation action for a violation of the restriction related to the 3 percent cap on growth in Virginia operating assistance.

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2. The CTB shall retain as a penalty any funding withheld during a fiscal year in response to a violation for which there is no mitigation.

Additional Considerations

1. The CTB, DRPT, WMATA, the NVTC, and NVTC's member jurisdictions shall proactively collaborate to avoid activities that would require the CTB to withhold funding.

2. WMATA shall submit the documents required to demonstrate compliance to DRPT by the deadlines specified. DRPT will analyze the information received from WMATA and present to the CTB, in September of each year, a recommendation on enforcement actions, if any, that are required to be taken by this policy.

3. DRPT will provide regular reports to the CTB on observations related to compliance with this policy throughout the year.

4. After December 15 of each year, the NVTC shall present to the CTB the findings included in its report on the performance and condition of WMATA required under Section 33.2-3403 of the *Code of Virginia*.

5. The CTB reserves the right to approve exceptions to this policy at any time in response to special or extraordinary circumstances.

6. Given that the condition of the WMATA system may change over time, the CTB will consider revisions and/or updates to these guidelines at least every two years.

BE IT FURTHER RESOLVED, that all versions of the Policy and Guidelines for Implementation of Governance and Funding Reforms for the Washington Metropolitan Area Transit Authority (WMATA) approved by the Board prior to this action are superseded by this revised policy and are hereby rescinded.

####

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

MOTION
Made By: Ms. Sellers, **Seconded By:** Ms. Hynes

Action: Motion Carried, Unanimously

Title: Policy for the Implementation of the Transit Ridership Incentive Program

WHEREAS, Section §33.2-1526.3 of the *Code of Virginia* was passed by the Virginia General Assembly in the 2020 legislative session to establish the Transit Ridership Incentive Program (TRIP) as part of the Omnibus Transportation Bill; and

WHEREAS, TRIP was created to promote improved regional transit service in urbanized areas of the Commonwealth (with an urban population in excess of 100,000) and to reduce barriers to transit use for low-income individuals; and

WHEREAS, HB 2338/ SB 1326 was passed in the 2023 General Assembly to expand funding eligibility to include two additional project types: improvements to the accessibility of transit bus passenger facilities and efforts to improve crime prevention and public safety for transit passengers, operators, and employees; and

WHEREAS, the Department of Rail and Public Transportation (DRPT) has developed guidelines for the additional eligible project types and recommended improvements to the existing policy; and

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board (Board) hereby adopts the following policy to govern the structure and prioritization of projects for TRIP Regional Connectivity funding pursuant to §33.2-1526.3 of the *Code of Virginia:*

1. For the purposes of review and prioritization, TRIP Regional Connectivity projects will be classified into the following four eligible project types: i) the improvement and expansion of routes with regional significance; ii) the implementation of integrated fare collection; iii) the development and implementation of regional subsidy allocation models; and iv) the establishment of bus-only lanes on routes of regional significance.

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2. The following entities are eligible for TRIP Regional Connectivity funding: i) public transit providers that serve a Metropolitan Statistical Area (MSA) exceeding a population of 100,000 and receive state operating assistance pursuant to 33.2-1526.1 D 1 or; ii) Metropolitan Planning Organizations (MPOs), Planning District Commissions (PDCs), and other statewide or regional bodies that serve a MSA exceeding a population of 100,000.

3. The Commonwealth recognizes the need for both state and local funding commitments to establish transit services. Therefore, TRIP regional connectivity funding can be applied to a project for a *maximum of five years* with the state share decreasing over time. Projects may be eligible for funding beyond the initial five-year commitment based on performance and availability of funding.

4. Candidate TRIP projects should be supported by planning, either at the regional or corridor level, that documents the regional travel demand and establishes an operational approach to serve regional travel needs, including congestion mitigation.

5. Per subdivision C of §33.2-1526.3 of the *Code of Virginia*, TRIP Regional Connectivity funds will be distributed based on a five-year rolling average, ensuring that each region receives their proportionate share over the five-year period.

6. Agencies awarded TRIP Regional Connectivity funding will report quarterly on project progress toward attaining established project goals and performance metrics.

7. A project that has been selected for TRIP funding must be rescored and the funding decision reevaluated if there are significant changes to either the scope or cost of the project.

8. Projects that are interregional or have statewide significance may be eligible for TRIP funding if they demonstrate fulfillment of unmet regional, interregional, or statewide travel needs as determined by the DRPT Director.

9. Selected projects may be eligible for continuation upon expiration of the initial pilot. Decisions to extend funding will be based on availability of funding and project performance.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby adopts the following policy to govern the structure, scoring, and prioritization of projects for TRIP Zero and Reduced Fare funding pursuant to §33.2-1526.3 of the *Code of Virginia.*

1. For the purposes of review and prioritization, TRIP Zero and Reduced Fare projects will be classified into the following four eligible types: i) the provision of subsidized or fully free passes to low-income populations; ii) the elimination of fares on high-capacity corridors, establishing ‘zero fare zones’ (net fares, less the cost of fare collection); iii) the deployment of an entirely zero fare system (net fare, less the cost of fare collection); and iv) fare policy planning.

2. The following entities are eligible for TRIP Zero and Reduced Fare funding: i) public transit providers who receive state operating assistance pursuant to 33.2-1526.1 D 1 or; ii) Metropolitan Planning Organizations (MPOs), Planning District Commissions (PDCs), and other statewide or regional bodies.

3. Applications focused on the provision of zero fare corridors, or zero fare systems should be submitted by the organization providing the service.

4. The Commonwealth recognizes the need for both state and local funding commitments to establish transit services. Therefore, TRIP Zero and Reduced Fare funding can be applied to a project for *a maximum of three years*. For multi-year projects, the state's contribution would decrease, and the local share would increase over the funding period.

5. Successfully enacting system-wide zero fare operations rely on a strong financial commitment from the service provider and its community. To ensure the success of these projects, all system-wide zero fare applicants must commit to an additional year of operation beyond the project agreement with DRPT where the funding recipient provides one hundred percent (100%) of project expenses.

6. Projects prioritized for funding should be supported by planning, either at the regional or corridor level that documents an evaluation of fare policies and establishes an approach to meet community needs through the implementation of new fare policies.

7. In order to appropriately measure the performance of selected projects and to ensure proper reporting, funding recipients will report quarterly on project progress to DRPT.

8. A project that has been selected for TRIP funding must be rescored and the funding decision reevaluated if there are significant changes to either the scope or cost of the project.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby adopts the following policy to govern the structure, scoring, and prioritization of projects for TRIP Passenger Amenities and Facilities funding pursuant to §33.2-1526.3 of the Code of Virginia.

1. For the purpose of review and prioritization, TRIP Passenger Amenities and Facilities projects will be classified into the following four eligible project types: i) improvements to existing bus stops; ii) addition of new bus stops; iii) improvements to other passenger facilities; and iv) bus stop or passenger facility planning.

2. The following entities are eligible for TRIP Passenger Amenities and Facilities funding: i) public transit providers that receive state operating assistance pursuant to 33.2-1526.1 D 1 or; ii) local governments, Metropolitan Planning Organizations (MPOs), Planning District Commissions (PDCs), and other statewide or regional bodies.

3. Projects prioritized for funding should be supported by planning, either at the regional or corridor level that documents an evaluation of passenger amenities and establishes an approach to improve the transit experience through the implementation of facility and amenity improvements.

4. In order to appropriately gauge the progress of these projects and to ensure proper reporting, funding recipients will report quarterly on project progress to DRPT.

5. A project that has been selected for TRIP funding must be rescored and the funding decision reevaluated if there are significant changes to either the scope, timeline or the cost of the project.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby adopts the following policy to govern the structure, scoring, and prioritization of projects for TRIP Crime Prevention and Public Safety funding pursuant to §33.2-1526.3 of the Code of Virginia.

1. For the purpose of review and prioritization, TRIP Crime Prevention and Public Safety projects will be classified into the following three eligible project types: i) public safety equipment; ii) public safety planning; and iii) public safety programming and training.

2. The following entities are eligible for TRIP Crime Prevention and Public Safety funding: i) public transit providers whom receive state operating assistance pursuant to 33.2-1526.1 D 1 or; ii) Metropolitan Planning Organizations (MPO), Planning District Commissions (PDCs), and other statewide or regional bodies.

3. In order to appropriately gauge the progress of these projects and to ensure proper reporting, funding recipients will report quarterly on project progress to DRPT.

4. A project that has been selected for TRIP funding must be rescored and the funding decision reevaluated if there are significant changes to either the scope or the cost of the project.

WHEREAS, the table below depicts how the four eligible TRIP project categories; Regional Connectivity, Zero and Reduced Fare, Crime Prevention and Public Safety, and Passenger Amenities and Facilities will be evaluated.

1. Applications will be evaluated using a methodological approach that considers four key criteria that correspond to the previously defined TRIP goals. The criteria are divided into two overall categories: service-related criteria and non-service-related criteria.

2. For service-related criteria, the level of impact (high, medium, low and no impact) is determined based on each project type's predetermined ability to address the defined TRIP goals. The maximum score for this category is 30, 10 points for each criterion; impact on

ridership, impact on accessibility, and impact on customer experience. For these 3 criteria, projects will automatically receive the noted 'impact level' in the above table. The points associated with the 'impact level' can be found below:

Impact Level (Service-Related Criteria)	**Default Score**
High Impact	10 Points
Medium Impact	7 Points
Low Impact	3 Points
No Impact	No Points

3. For non-service-related criteria, applications will be evaluated through a review of supporting documentation, as well as an assessment of the quality and the completeness of the application submitted. The maximum score for this category is 10. Projects will receive points in this category based on the presence, and the quality, of the following components:

    - Strong, demonstrated local commitment
    - Appropriate level of planning
    - Quality of supporting documentation
    - Implementation timeline
    - Projected outcome of project

4. Funding decisions will be based on total score from both categories. Recommendations will be made within each project type, relative to the applications received in the given cycle. All funding recommendations will be made in accordance with the funding constraints provided in §33.2-1526.3 of the Code of Virginia.

		Service Related Criteria				Non-Service Related Criteria	
TRIP Project Category	Eligible Project Type	Impact on Ridership	Impact on Accessibility	Impact on Customer Experience	**Total Service Related Points**	Project Readiness and Scope	**Total Potential Points (max)**
Regional Connectivity	New regional route	High Impact	High Impact	High Impact	**30**	0 – 10 points	**40**
	Improvements to existing regional route	High Impact	High Impact	Medium Impact	**27**	0 – 10 points	**37**
	Integrated Fare Collection	Low Impact	Medium Impact	High Impact	**20**	0 – 10 points	**30**
	Financing Subsidy Model	Low Impact	No Impact	Medium Impact	**10**	0 – 10 points	**20**
Zero and Reduced Fare	Systemwide Zero Fare Project	High Impact	High Impact	High Impact	**30**	0 – 10 points	**40**
	Development or Improvement of Zero Fare Zone	Medium Impact	High Impact	Medium Impact	**24**	0 – 10 points	**34**
	Zero Fare Passes	Medium Impact	High Impact	Low Impact	**20**	0 – 10 points	**30**
	Reduced Fare Passes	Medium Impact	High Impact	Low Impact	**20**	0 – 10 points	**30**
	Fare Evaluation and Transition Planning	Medium Impact	Medium Impact	Low Impact	**17**	0 – 10 points	**27**
Crime Prevention and Public Safety	Safety Equipment	Medium Impact	Medium Impact	High Impact	**24**	0 – 10 points	**34**
	Safety Programming and Training	Low Impact	Medium Impact	High Impact	**20**	0 – 10 points	**30**
	Safety Planning	Low Impact	Low Impact	Medium Impact	**13**	0 – 10 points	**23**
Passenger Amenities and Facilities	Improvements to existing bus stops	Medium Impact	High Impact	High Impact	**27**	0 – 10 points	**37**
	Improvements to other passenger facilities	Medium Impact	High Impact	High Impact	**27**	0 – 10 points	**37**
	Addition of new bus stops	Medium Impact	Medium Impact	Medium Impact	**21**	0 – 10 points	**31**
	Passenger Facility Planning	Low Impact	Medium Impact	Low Impact	**13**	0 - 10 points	**23**

BE IT FURTHER RESOLVED, the methodology may continue to evolve and improve based upon advances in technology, data collection, and reporting tools, and to the extent that any such improvements modify or affect the policy set forth herein they shall be brought to the Board for review and approval in addition to the five-year requirement for the Board to review the guidelines.

BE IT FURTHER RESOLVED, the Board hereby directs the Director of the Department of Rail and Public Transportation to take all actions necessary to implement and administer this policy, including, but not limited to preparation of program guidance and outreach consistent with this resolution.

BE IT FURTHER RESOLVED, the Board hereby directs the Director of the Department of Rail and Public Transportation to analyze the outcomes of this process on an annual basis and to revisit the process at least every five years, in consultation with transit agencies, metropolitan planning organizations, and local governments prior to making recommendations to the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED, that all versions of the Policy for the Implementation of the Transit Ridership Incentive Program approved by the Board prior to this action are superseded by this revised policy and are hereby rescinded.

####

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 21

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 25, 2022

MOTION
Made By: Ms. Hynes **Seconded By:** Mr. Kasprowicz
Action: Motion carried, unanimously
:
Title: Guidelines for Urban Transit Agency Strategic Plans

WHEREAS, § 33.2-286 of the Code of Virginia provides that the Department of Rail and Public Transportation shall develop guidelines, subject to the approval of this Board, for the development of strategic plans for transit agencies that serve an urbanized area with a population of 50,000 or more and have a bus fleet of at least 20 buses; and

WHEREAS, § 33.2-286 of the Code of Virginia provides that such plans are required to be updated at least every five years, as a condition of receiving funds from the Commonwealth Mass Transit Fund; and

WHEREAS, the Department of Rail and Public Transportation has developed updated program guidelines, in consultation with the Transit Service Delivery Advisory Committee and industry stakeholders, that fulfill the requirements of § 33.2-286 of the *C*ode of Virginia; and

WHEREAS, the guidelines and implementation plan have been made available for public comment for a period of 45 days;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the updated Guidelines for Urban Transit Agency Strategic Plans as attached hereto.

BE IT FURTHER RESOLVED, the methodology may continue to evolve and improve based upon advances in technology, data collection, and results of the pilot projects, and to the extent that any such improvements modify or affect the guidance set forth, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, the Board hereby directs the Director of the Department of Rail and Public Transportation to take all actions necessary to implement and administer this policy and process, including, but not limited to preparation of technical guidance and outreach consistent with this resolution.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 20

RESOLUTION OF THE

COMMONWEALTH TRANSPORTATION BOARD

October 25, 2022

MOTION

Made By: Ms. Hynes **Seconded By:** Ms. Sellers
Action: Motion carried, unanimously

Title: Policy for the Implementation of State Transit Capital Prioritization (2022 Update)

WHEREAS, Section 33.2-214.4 of the Code of Virginia provides that the Commonwealth Transportation Board shall develop a prioritization process for capital projects funded pursuant to subdivision C of 33.2-1526.1 of the Code of Virginia; and

WHEREAS, the Department of Rail and Public Transportation has consulted with the Transit Service Delivery Advisory Committee in the development of this prioritization process; and

WHEREAS, the Department of Rail and Public Transportation has solicited input from localities, metropolitan planning organizations, transit authorities, and other stakeholders in the development of the prioritization process; and

WHEREAS, the Board's priority for transit capital investment is to allocate funds in order to attain and maintain a state of good repair for transit assets, while also supporting needs beyond state of good repair that would enhance transit utilization, efficiency, and reduce congestion; and

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby adopts the following policy and process to govern the structure, scoring, and prioritization of projects for capital funding pursuant to subdivision C of 33.2-1526.1 of the Code of Virginia:

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BE IT FURTHER RESOLVED, the Board hereby directs the Director of the Department of Rail and Public Transportation to take all actions necessary to implement and administer this policy and process, including, but not limited to preparation of technical guidance and outreach consistent with this resolution.

1. For the purposes of review and prioritization, transit capital projects will be classified into three categories:

   - State of Good Repair – Capital projects or programs to replace or rehabilitate an existing asset, excluding major capital construction projects with a total cost over $3 million;
   - Minor Enhancement – Capital projects or programs that add capacity or include the purchase of new assets meeting the following criteria: Total project cost of less than $3 million, or for expansion vehicles, an increase of 5 vehicles or less or 5% or less of the fleet size, whichever is greater, or all projects for engineering and design;
   - Major Expansion – Capital projects or programs to add, expand, or improve transit services or facilities, with a total cost exceeding $3 million, or for expansion vehicles, an increase of greater than 5 vehicles or 5% of fleet size, whichever is greater, or all projects that include the replacement of an entire existing facility;
   - In the rare instance that a project submitted for DRPT funding fits the definition of a Major Expansion project based solely on total project cost, but does not add, expand, or improve transit services or facilities, the DRPT Director shall determine the appropriate project category for project evaluation.

2. The Transit Capital Program will be structured to provide a minimum of 80% of the annual allocation to State of Good Repair and Minor Enhancement projects with a maximum of 20% available for Major Expansion projects. This structure reflects program trends and the availability of other funding sources to support major expansion projects. The Board retains the discretion to shift funding from Major Expansion to State of Good Repair, based on program needs. The Board also retains the discretion to direct any carryover balances appropriated prior to FY2020, based on program needs.

3. In order to provide predictability and to ensure projects are funded at a level sufficient to move forward, State of Good Repair and Minor Enhancement projects will be matched at a maximum state match rate of 68% of total project cost. Major expansion projects will be funded at a maximum state match rate of 50% of total project cost, providing applicants with funding that can be leveraged against other state and federal funding programs. Local matching funds, at a minimum of 4% of total project cost, are required for all transit capital projects except those that have been awarded federal discretionary grant funding. DRPT may allow for a lower local match for a capital project that has been awarded funding through a federal discretionary grant program.

4. DRPT may recommend to the Board an allocation of capital funding reserved to provide matching funds for projects awarded federal discretionary grants throughout the fiscal year. Projects will be evaluated using the MERIT prioritization methodology and allocations reported to the Board when the reserve funds are utilized.

5. State of Good Repair projects will be evaluated considering asset condition (up to 60 points), service impact (up to 40 points), and incentive scoring (up to 10 points). The asset condition score depends upon the asset's age at the time of application. For vehicles, the asset condition score is the average of the age and mileage-based scoring tables. For non-vehicle assets, only the age score is used.

Age of Asset Relative to Service Life	Points	Mileage of Vehicle Relative to Service Life	Points
< 80% of ESL Age	0	< 80% of ESL Mileage	0
80-89.9% of ESL Age	25	80-89.9% of ESL Mileage	25
90-99.9% of ESL Age	30	90-99.9% of ESL Mileage	30
0-9.9% > ESL Age	35	0-9.9% > ESL Age	35
10-19.9% > ESL Age	40	10-19.9% > ESL Mileage	40
20-29.9% > ESL Age	45	20-29.9% > ESL Mileage	45
30-39.9% > ESL Age	50	30-39.9% > ESL Mileage	50
40-49.9% > ESL Age	55	40-49.9% > ESL Mileage	55
50% or more > ESL Age	60	50% or more > ESL Mileage	60

Service impact considers the asset impact on service (direct or indirect), and to what extent an asset affects the rider experience and system efficiency. Points for service impact will be awarded in four categories, with up to 10 points awarded per category:

- Service Frequency, Travel Time and/or Reliability – Speeds up transit routes or allows for increased frequency. Significant impact on reliability either through preventing breakdowns or removing vehicles from mixed traffic.
- Operating Efficiency – Provides for a significantly more cost-effective service.
- Service Accessibility and/or Customer Experience – Implements a significant improvement in a customer's ability to access the system or a significant improvement in the ease of use of the system.
- Safety and Security – Provides a significant improvement in safety or security.

Service impact scoring is primarily qualitative based on project type and takes into consideration specific project features and characteristics. Projects will automatically receive the minimum score for the criteria based on the default values with high = 10, medium = 6, and low =3.

Primary Project Types	Secondary Project Types	Operating Efficiency	Frequency, Travel Time and/or Reliability	Accessibility and/or Customer Experience	Safety and Security	Total Default Score
Admin/Maintenance Facilities	Supports Operations	High Impact	Medium Impact	Low Impact	Medium Impact	25
Admin/Maintenance Facilities	Non-Operational	Low Impact	Low Impact	Low Impact	Medium Impact	15
Customer Facilities	Transit Centers/Stations	Medium Impact	Medium Impact	High Impact	Medium Impact	28
Customer Facilities	Bus Stop/ Shelter Improvements	Low Impact	No Impact	High Impact	High Impact	23
Capital Finance Strategies	All	High Impact	High Impact	High Impact	Medium Impact	36
Maintenance Equipment & Parts	Vehicle and Vehicle Support Equipment	High Impact	High Impact	Medium Impact	Medium Impact	32
Maintenance Equipment & Parts	Property and Facilities	Medium Impact	Low Impact	Low Impact	High Impact	22
System Infrastructure	All	High Impact	Medium Impact	Medium Impact	Medium Impact	28
Technology/Equipment	Onboard Systems—ITS/Communications	Medium Impact	Medium Impact	High Impact	Medium Impact	28
Technology/Equipment	Operations Support	Medium Impact	Medium Impact	Medium Impact	Medium Impact	24
Technology/Equipment	Onboard Systems—Safety	No Impact	No Impact	Medium Impact	High Impact	16
Technology/Equipment	Administrative	Low Impact	Low Impact	Low Impact	Low Impact	12
Vehicles	Revenue Vehicles	High Impact	High Impact	High Impact	High Impact	40
Vehicles	Overhaul/Rebuild	High Impact	High Impact	Medium Impact	High Impact	36
Vehicles	Support Vehicles	Medium Impact	Medium Impact	Low Impact	Low Impact	18

Incentive scoring prioritizes specific statewide goals and program requirements, and allows for further differentiation in project scores. Incentive points are awarded within four criteria areas: Zero-Emissions Technology, Innovation, Safety and Comfort around Customer Facilities, and Agency Accountability. The maximum score in each criteria area will be 5 points not to exceed a maximum of 10 points total.

Criteria	Points	DRPT Incentive Points: SGR and MIN Projects *Incentives for projects that satisfy DRPT Goals* *(Not to exceed 10 points total per project)*
Zero - Emissions Technology	5 Points, if project includes one of the following:	· Procurement of Zero-Emissions Vehicles, or · Installation of Zero-Emissions Infrastructure
Innovation	5 Points, if project includes one of the following:	· Installation of Real-Time Departure/ Arrival Information, or · Automated Data Collection, Scheduling and Dispatch technology acquisition, or · Utilization of Transit Signal Priority, or · Installation of safety technology, or · Mobile Ticketing
Safety and Comfort Around Customer Facilities	5 Points, if project includes one of the following:	· Enhanced Lighting at Transit Stations or Stops, or · Enhancements for Pedestrians/ Accessibility connecting passengers to Transit, or · Projects that include benches or shelters
		· Compliance with State Asset Management Requirements (TransAM Updates on time)

Agency Accountability	5 point, if all requirements are met:	· Compliance with State Strategic Planning Requirements (TSP/TDP Up to Date) · Compliance with State Capital Planning Requirements (5-year Capital Budgets) · Compliance with State Performance Reporting (On-time reporting in OLGA)

6. Minor Enhancement projects will be evaluated considering the same service impact and incentive scoring methodology that is applied to State of Good Repair projects.

7. Major Expansion projects will be evaluated based upon the following factor areas identified in 33.2-214.4 of the Code of Virginia: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use.

8. The factors specified in 33.2-214.4 of the Code of Virginia will be measured and weighted according to the following metrics:

Category	Measure	Measure Weight
Congestion Mitigation	Change in peak period transit system ridership attributed to the project	100%
Economic Development	Project consistency with regional and local economic development plans and policies, and support for local development activity	100%
Accessibility	Project improvement in accessibility to jobs	50%
	Disadvantaged population (low-income, minority, or limited English proficiency) within walking distance of project	50%
Safety	Project contribution to improving safety and security, reducing risk of fatalities or injuries	100%
Environmental Quality	Reduction in daily vehicle miles traveled resulting from project	100%
Land Use	Transit supportive land use served by the project	100%

9. Candidate Major Expansion projects will be scored based on the factors and weights identified above, the cost of the project, and based on the information included in the project application.

10. The final score for Major Expansion projects will be determined by calculating the anticipated benefits relative to the amount of funding requested pursuant to 33.2-1526.1 of the Code of Virginia.

11. A project that has been selected for transit capital funding (state of good repair, minor enhancement, or major expansion) must be rescored and the funding decision reevaluated if there are significant changes to either the scope or cost of the project.

BE IT FURTHER RESOLVED, the methodology may continue to evolve and improve based upon advances in technology, data collection, and reporting tools, and to the extent that any such improvements modify or affect the policy and process set forth herein, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, the Board hereby directs the Director of the Department of Rail and Public Transportation to take all actions necessary to implement and administer this policy and process, including, but not limited to preparation of program guidance and outreach consistent with this resolution.

BE IT FURTHER RESOLVED, the Board hereby directs the Director of the Department of Rail and Public Transportation analyze the outcomes of this process on an annual basis and to revisit the process at least every three years, in consultation with the Transit Service Delivery Advisory Committee, transit agencies, metropolitan planning organizations, and local government prior to making recommendations to the Commonwealth Transportation Board.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda Item #6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 21, 2019

MOTION
Made By: Ms. Hynes, Seconded By: Mr. Kasprowicz
Action: Motion Carried, Unanimously

Title: Policy for the Implementation of Performance Based State Transit Operating Allocation

WHEREAS, Section 33.2-1526.1 of the *Code of Virginia* provides that the Commonwealth Transportation Board shall allocate thirty-one percent of the Commonwealth Mass Transit Fund to support operating costs of transit providers; and

WHEREAS, Section 33.2-1526.1 of the *Code of Virginia* provides that the Commonwealth Transportation Board shall establish service delivery factors, based on effectiveness and efficiency, to guide the relative distribution of such funding; and

WHEREAS, the Department of Rail and Public Transportation has consulted with the Transit Service Delivery Advisory Committee in the development of this performance based allocation process; and

WHEREAS, the Transit Service Delivery Advisory Committee adopted the following policy objectives to guide their deliberations: promoting fiscal responsibility, incentivizing efficient operations, supporting robust transit service, rewarding higher patronage, promoting mobility, supporting a social safety net, and utilizing data that exists for all agencies; and

WHEREAS, the Commonwealth Transportation Board adopted Strategic Planning Guidelines on October 30, 2018, which are intended to guide urban transit agencies through an evaluation of their services that would ultimately improve system performance over time; and

Back to Transit

WHEREAS, the Department of Rail and Public Transportation has solicited input from localities, metropolitan planning organizations, transit authorities, and other stakeholders in the development of the performance based allocation process; and

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby adopts the following policy for the allocation of operating funding pursuant to subdivision C of 33.2-1526.1 of the *Code of Virginia*:

1. For the purposes of system sizing the following metrics will be applied:

Bus Systems:

Operating Cost (50%)
Ridership (30%)
Revenue Vehicle Hours (10%)
Revenue Vehicle Miles (10%)

2. A separate sizing metric shall be created, for the purpose of allocating funds to commuter rail systems based on the performance of commuter rail systems, relative to all other modes on the basis of:

Passenger Miles Traveled (33%)
Revenue Vehicle Hours (33%)
Revenue Vehicle Miles (33%)

3. For the purpose of performance adjustment the following metrics will be applied to all systems:

Passengers per Revenue Vehicle Hour (20%)
Passengers per Revenue Vehicle Mile (20%)
Operating Cost per Revenue Vehicle Hour (20%)
Operating Cost per Revenue Vehicle Mile (20%)
Operating Cost per Passenger (20%)

4. In order to ensure an even distribution of funding, the share of state operating assistance will be capped at 30% of an agency's operating cost. Unallocated balances remaining after applying the cap will be run through the performance based formula to ensure full allocation of the available operating funding.

5. Agencies that receive an increase in state assistance as a result of the performance based formula are encouraged to invest the increased allocation into sustaining and expanding service options.

Back to Transit

BE IT FURTHER RESOLVED, the Board recognizes the potential impacts associated with implementation of this policy and hereby adopts the following policy for the allocation of operating funding for fiscal year 2020 only:

1. For the purposes of system sizing the following metrics will be applied in FY2020:

Bus Systems:

Operating Cost (60%)
Ridership (20%)
Revenue Vehicle Hours (10%)
Revenue Vehicle Miles (10%)

2. Supplemental assistance will be provided for FY2020 to any mass transit provider that receives a reduction in operating assistance as a direct result of the implementation of the performance based allocation methodology. The impact will be determined by comparing FY20 allocations under the prior formula to the FY20 allocations under the new formula. The supplemental assistance shall not exceed $3 million.

BE IT FURTHER RESOLVED, the Board hereby directs the Director of the Department of Rail and Public Transportation to take all actions necessary to implement and administer this policy and process, including, but not limited to preparation of program guidance and outreach consistent with this resolution.

BE IT FURTHER RESOLVED, the Board hereby directs the Director of the Department of Rail and Public Transportation to analyze the outcomes of this process on an annual basis and to revisit the process at least every three years, in consultation with the Transit Service Delivery Advisory Committee, transit agencies, metropolitan planning organizations, and local governments prior to making recommendations to the Commonwealth Transportation Board.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 16

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD
July 19, 2017

MOTION

Made By: Mr. Williams, Seconded By: Mr. Garczynski

Action: Motion Carried, Unanimously

Title: Adoption of Transit Capital Project Revenue Advisory Board Principles for Addressing Future Transit Capital Revenues, Needs, and Prioritization

WHEREAS, the 2016 Virginia General Assembly enacted Section 33.2-1840 through 33.2-1844 of the *Code of Virginia* establishing the Transit Capital Project Revenue Advisory Board (Revenue Advisory Board) to examine the effects of the loss of state transit capital funds, identify additional sources of revenue, and develop proposals for prioritization of transit capital funds;

WHEREAS, the Secretary of Transportation appointed two members nominated by the Virginia Transit Association, one member nominated by the Community Transportation Association of Virginia, one member nominated by the Virginia Municipal League, one member nominated by the Virginia Association of Counties, and two members nominated by the Director of the Department of Rail and Public Transportation to serve on the Revenue Advisory Board;

WHEREAS, public transportation in the Commonwealth plays a key role in congestion mitigation, economic development, and environmental stewardship by providing 200 million essential passenger trips annually;

WHEREAS, approximately 80 percent of state transit capital funds are used for State of Good Repair and the remaining for major expansion and minor enhancement projects;

WHEREAS, an evaluation of the Commonwealth's documented funding needs and projected revenues has conservatively identified an average annual revenue gap of $130 million over the next ten years, representing a drop of over 40 percent from existing funding levels;

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WHEREAS, this reduction in state funding along with increasing uncertainty in federal funding will result in an increased burden on local governments to either fill the gap or reduce or eliminate transit services;

WHEREAS, without additional funding, it is anticipated that the Commonwealth will only be able to support rolling stock replacement by 2021 with state participation rates, which are currently 68 percent, projected to drop below 30 percent by 2027;

WHEREAS, the Revenue Advisory Board is preparing a report to be submitted to the General Assembly, outlining the future of transit capital in the Commonwealth as well as recommendations regarding funding and prioritization;

NOW THEREFORE BE IT RESOLVED by the Board that it endorses the Transit Capital Project Revenue Advisory Board's policy principles for revenue and project prioritization to the Virginia General Assembly as detailed below.

- The Commonwealth needs a steady and reliable stream of dedicated revenues for its transit capital program to meet state of good repair and transit expansion needs;
- The Commonwealth should consider the following funding approach:
  - A combination of revenue sources to spread the impact or a single statewide source that is predictable and sustainable;
  - Revenue sources that increase gradually to address future gaps and needs;
  - A combination of statewide and regional sources with the majority coming from statewide sources;
  - Regionally derived funds shall be directed to prioritized needs within that region;
  - A floor on regional taxes; and
  - Excess Priority Transportation Fund revenues after debt service dedicated to transit capital as this source becomes available.
- It is possible and desirable to prioritize transit capital projects using technical scoring/ranking based on quantitative and qualitative measures;
- The policy and provisions of such a prioritization process should be developed by the Commonwealth Transportation Board via Board policy to allow for ongoing process improvement;
- To support prioritization, the transit capital program should be split into two programs – one for State of Good Repair/Minor Enhancement and one for Major Expansion, with a minimum of 80% directed to State of Good Repair/Minor Enhancement with the Commonwealth Transportation Board having the discretion to move additional funding into State of Good Repair;
- A single consistent match rate should be applied across asset types in order to provide greater predictability in funding, with State of Good Repair/Minor Enhancement matched at a higher rate than major expansion projects; and

Back to Transit

- Local matching requirements (minimum of four percent) should remain part of the program structure.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 20, 2015

MOTION

Made By: Mr. Cole, Seconded By: Mr. Dyke
Action: Motion Carried, Unanimously:

Title Adopt TSDAC Tiered Capital Allocation Methodology

WHEREAS, § 58.1-638(A)(4)(b)(1)(c) and § 58.1-638(A)(4)(b)(2)(d) of the *Code of Virginia* authorize the Commonwealth Transportation Board (CTB) to allocate 25 percent of the Commonwealth Mass Transit Trust Funds for capital purposes based on asset need and anticipated state participation level and revenues; and

WHEREAS, § 58.1-638(A)(4)(b)(2)(b) establishes a Transit Service Delivery Advisory Committee (TSDAC) who, along with the Director of the Department of Rail and Public Transportation (DRPT), evaluate the distribution of Mass Transit Trust Funds for capital funds utilizing a tiered approach to be established by the CTB; and

WHEREAS, the CTB adopted the current tiered capital allocation methodology recommended by the DRPT Director and TSDAC on December 4, 2013; and

WHEREAS, the CTB recognized that with the change to the allocation process there may be negative financial impacts to certain jurisdictions with transit providers, and requested that the TSDAC and DRPT review the results of the first year of allocations under the new methodology to determine if transitional financial assistance or changes to the methodology were warranted; and

WHEREAS, DRPT performed detailed analysis of the Revised FY 2015 capital allocations authorized by the CTB, and several scenarios were modeled, with a focus on changing the cost basis and tiers to match the prior methodology; and

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WHEREAS, the TSDAC held a meeting on April 24, 2014, which was open to the public and included two public comment periods, to review the analysis performed on the first year of capital allocations under the new methodology; and

WHEREAS, the review work performed is available for public review on the DRPT website; and

WHEREAS, because the review indicated that no jurisdiction experienced a reduction in funds from the new methodology and the accompanying funding, the TSDAC and DRPT Director recommend that no transitional financial assistance is warranted for any jurisdictions.

NOW THEREFORE BE IT RESOLVED by the CTB that, based on the review performed on the first year of capital allocations made pursuant to the adopted tiered allocation approach authorized on December 4, 2013, no transitional assistance is deemed necessary to any jurisdiction; and

BE IT FURTHER RESOLVED, the CTB requests that the TSDAC and the Director continue to review the results of the capital allocations under this new Capital Allocation Methodology as part of their normal activities, and propose any revisions to the methodology to be considered by the CTB, as needed.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 16, 2008

MOTION

Made By:Mr. Sterling **Seconded By:Mrs. Carter** **Action:Motion Carried, Unanimously**

Title: Transit Sustainability and Investment Policy

WHEREAS, the Commonwealth Transportation Board (CTB) is committed to supporting the efficient operation and improvement of transit service throughout Virginia; and

WHEREAS, transit capital and operating sustainability and investment principles ensure the development of a financially sustainable transit program where new investments are matched with quantifiable service needs and local commitments; and

WHEREAS, Item 449 E. of the 2008 Appropriations Act states that "It is the intent of the Governor and the General Assembly that the principles of local maintenance of effort, transit sustainability, public benefit and asset management shall be incorporated into all public transportation programs for which funds are appropriated by the General Assembly and allocated by the Commonwealth Transportation Board"; and

WHERAS, such principles provide clear guidance to potential grantees on the requirements for state transit funding;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby adopts the attached "Transit Sustainability and Investment Policy."

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Back to Transit

COMMONWEALTH of VIRGINIA

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CTB POLICY STATEMENT

Transit Sustainability and Investment Policy

Purpose

The purpose of this policy is to provide guidance regarding the allocation of transit funds.

Policy

The CTB supports the efficient operation and improvement of transit service throughout Virginia, including transit initiatives that are responsive to market needs, provide the highest and best use of funds, increase transit ridership, and improve the environment and quality of life for Virginians. Accordingly, the CTB shall consider the following goals and principles of transit sustainability, asset management, local maintenance of effort and public benefit in the allocation of public funds for transit.

- Policy Goals:
  - Increase transit ridership per capita by at least 3% annually
  - Maintain existing transit assets as the first funding priority
  - Support improved land use, protect the environment and maximize the use of available funding

- Core Principles:
  - Develop a financially sustainable transit program
  - Match new investments with quantifiable service needs and local commitments
  - Improve transportation system integration and efficiency
  - Improve quality of life for Virginians

- Asset Management:
  - The asset management system shall support the development of a statewide transit and human service capital replacement and improvement program. Beginning in FY2010, DRPT shall submit a report to the CTB on asset management in the early development stages of the annual Six-Year Improvement Program.

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- Service Design Guidelines:
  - Service design guidelines shall provide guidance on the actions and conditions necessary to effectively implement and operate various modes of transit service. Accordingly, service design guidelines shall be used to evaluate proposals to implement new transit services. Guidelines shall focus on matching transportation needs with project proposals, with emphasis on a number of key criteria that help ensure success for the proposed mode. Guidelines shall help to determine if the proposed mode is the most feasible and appropriate mode for the market and operational environment, and if the proposed mode is the most cost effective option.

- Capital Project Programming and Evaluation Process:
  - All proposed transit projects shall include sufficient justification for funding and shall clearly address an identified transit need. Proposed projects shall include an implementation plan that adequately addresses the need for any necessary clearances and approvals. Proposed projects shall be advanced to a state of readiness for implementation in the target year indicated in the grant application. A project shall be considered ready if grants for the project can be obligated and the project can be initiated within one year of the award date, or in the case of larger construction or procurement projects, obligated according to an accepted implementation schedule.
  - To be eligible for replacement or rehabilitation, transit assets shall have reached the end of their useful life or the appropriate rehabilitation interval as specified by the Federal Transit Administration. Exceptions may be considered if unforeseen circumstances result in irreparable damage to a transit asset, if a grantee has secured approval by the Federal Transit Administration or, in the case of projects that do not receive federal funds, if the transit operator provides sufficient justification in terms of safety, security or financial rationale.
  - All project requests submitted for transit capital funding shall be categorized by project category in accordance with DRPT's allocation process, which is detailed in program guidance.
  - All new projects exceeding $2 million and/or that involve construction of transit facilities to include fixed guideway systems shall conform to threshold requirements detailed in program guidance before the project may be considered eligible for state funding.

- Transit Operating Maintenance of Effort Requirement:
  - The maintenance of effort requirement is intended to ensure that total public investment in each transit system in Virginia is either maintained or expanded each year in accordance with the level of transit service operated.
  - This requirement will be evaluated based on a two-tiered evaluation process.
    - The first tier will examine the miles of revenue service that will be operated by the transit system based on their proposed budget. If the number of proposed revenue miles is the same or greater than the number of revenue miles currently operated, the maintenance of effort requirement will have been met.

- If the number of proposed revenue miles is less than the number currently operated by the transit system, a second tier evaluation will be conducted. This evaluation will establish if local funding for a transit system has been maintained from the previous year. The sum of anticipated operating revenues and local subsidy for the upcoming grant year will be compared to the same calculation for the current year. If the sum of anticipated operating revenues and local subsidy for the upcoming grant year is greater than the same calculation for the current year, the maintenance of effort requirement will have been met.

- If both of these requirements are unmet, then the operator's funding allocation will be reduced until local funding levels as calculated in the second tier evaluation are maintained.

- Program Guidance:
  - DRPT shall develop and maintain program guidance that explains and supports this policy for each federal and state transit financial assistance program administered by DRPT. These guidelines shall be made available to all existing recipients of state transit funding and to the general public.

- Public Benefit:
  - DRPT shall evaluate the public benefits of major transit capital projects considered to be new starts for transit service.
  - DRPT shall evaluate the public benefits of the entire transit program on an annual basis to demonstrate the return on investment for transit.

- The Commonwealth Transportation Board has the right to exercise discretion in the implementation of this policy.

Effective Date

The effective date of this policy is immediately upon passage by the CTB.

Transportation Alternatives Program

- Transportation Alternatives Program Policy - 2023 (7/18/2023)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2023

MOTION

Made By: Mr. Yates, **Seconded By:** Ms. Hynes
Action: Motion Carried, Unanimously

Title: Transportation Alternatives Program Policy - 2023

WHEREAS, the federal Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), provides for a statewide Transportation Alternatives Program, using federal transportation funds and state or local matching funds; and,

WHEREAS, the current Commonwealth Transportation Board policy entitled "Policy for Selection of Transportation Alternatives Projects and Process for Transportation Enhancement/Transportation Alternatives Program De-allocation, Project Transfer, and Inactive Projects" (hereinafter referred to as the 2013 Transportation Alternatives Program Policy) was approved on July 17, 2013; and,

WHEREAS, the 2013 Transportation Alternatives Program Policy was based on provisions in the federal Moving Ahead for Progress in the 21st Century Act (MAP-21); and,

WHEREAS, the Department has evaluated the 2013 Transportation Alternatives Program Policy to determine if revisions are needed due to the IIJA/BIL, and based on that evaluation has developed recommended revisions to the 2013 Transportation Alternatives Program Policy (see attachment "Action Item Decision Brief Transportation Alternatives Summary"); and,

WHEREAS, the Department's recommended revisions to the 2013 Transportation Alternatives Policy have been assessed by a Commonwealth Transportation Board subcommittee established by the Secretary of Transportation (Secretary), it is the sense of the Board that the

Back to Transportation Alternatives Program

existing 2013 Transportation Alternatives Policy should be revised to ensure compliance with federal requirements, ensure more efficient and effective utilization of Program allocations, and to ensure Commonwealth Transportation Board Policy is consistent with and supports Program needs.

NOW, THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby adopts the following revised Transportation Alternatives Program Policy to govern the use of Transportation Alternatives Program funds:

1. Applications for Transportation Alternatives Program allocations shall be accepted on a biennial cycle, with project allocation approval being made by the Commonwealth Transportation Board on even numbered years. Applicants are limited to eight (8) preapplications and five (5) final applications.

2. As required by IIJA/BIL, the MPOs representing Transportation Management Areas (TMAs) will select Transportation Alternatives projects in their areas up to the amount of funding provided them in IIJA/BIL, using a competitive application process in consultation with the Department. Allocations made available to members of the Commonwealth Transportation Board may also be provided to projects within those TMAs.

3. Allocations available to the State for population areas, other than those allocations available to TMAs, shall be equally distributed to the members of the Commonwealth Transportation Board District and At-large members, including the Secretary of Transportation, for project selection. Each Commonwealth Transportation Board District Member will select eligible projects up to the amount available to the member. The Secretary and the Commonwealth Transportation Board At-large members shall select projects as a block with the primary goal of ensuing all population distribution and other allocation requirements of IIJA/BIL and Virginia Code are met. Projects selected by Commonwealth Transportation Board members but cancelled within the first year of allocation may have allocations re-assigned to another project from that year's application pool.

4. All projects selected by the members of the Commonwealth Transportation Board shall receive not less than 100% of the amount of Transportation Alternatives Program funds requested in the application. No project shall receive more than $2.5 million in Commonwealth Transportation Board allocations, including project allocation transfers. MPOs making project selections are encouraged to adhere to this policy but are not required to do so.

5. Once project selections have been made in accordance with the foregoing process, the project list will be presented to the full Board for its consideration and approval. Locally Administered projects may be deallocated if a project administration agreement has not been executed by the locality within six (6) months after transmittal to the locality.

Back to Transportation Alternatives Program

6. All projects selected and provided Transportation Alternatives Program allocations either from members of the Commonwealth Transportation Board or MPOs must be under construction within four (4) years of the project's initial allocation, unless a time extension has been granted by the Department for a documented reason. The Department shall establish administrative procedures to ensure that any recipient of Transportation Alternatives Program allocations advance diligently toward the goal of four (4) years to construction. When no or minimal efforts have been made, requests for time extensions may be denied and the project may be deallocated of funding.

7. Allocations no longer necessary for the completion of the project for which the funding has been applied (surplus Transportation Alternatives Program allocations) shall be made available statewide to support projects in deficit, within the allocation limits established by the Board, and to supplement the biennial project selection and allocation process. Surplus Transportation Alternatives Program allocations may be redistributed to existing Transportation Alternatives projects in accordance with the most current Six Year Improvement Program (SYIP) transfer process and in accordance with administrative procedures established by the Department. Competing requests will be prioritized with deficit projects at award having highest priority, deficit projects at advertisement being next priority, and next, deficit projects in or having completed construction, and then all other requests. The Department shall establish review procedures to ensure appropriate actions are taken to reduce costs and ensure the project is appropriately advancing before undertaking any such transfers.

8. A balance entry account shall be established to ensure appropriate reserves are available to support deficit Transportation Alternative project advancement to construction and to complete construction. A minimum of $2M shall be retained in the account but may be adjusted to account for the needs of the program and after notification to the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby rescinds its 2013 Transportation Alternatives Program Policy, provided however, that nothing herein is intended to invalidate any actions previously taken pursuant to the 2013 Transportation Alternatives Program Policy.

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Back to Transportation Alternatives Program

Transportation Partnership Opportunity Fund

- Approval of Revised Guidelines and Criteria for the Transportation Partnership Opportunity Fund (7/22/2026)
- Approval of Revised Guidelines and Criteria for the Transportation Partnership Opportunity Fund (6/21/2023)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 15

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 22, 2026

MOTION

Made By: Mr. Gribbin**, Seconded By:** Mr. Good

Action: Motion Carried, Unanimously

Approval of Revised Guidelines and Criteria for the Transportation Partnership Opportunity Fund

WHEREAS, the Transportation Partnership Opportunity Fund (the "TPOF") is established in §33.2-1529.1 of the *Code of Virginia* and is "to be used by the Governor to provide funds to address the transportation aspects of economic development opportunities"; and

WHEREAS, pursuant to §33.2-1529.1, the Commonwealth Transportation Board ("CTB" or the "Board"), in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, is required to develop guidelines and criteria that shall be used in awarding grants or making loans from the TPOF ("TPOF Guidelines and Criteria"); and

WHEREAS, Item 438 J of Chapter 0001 of the 2026 Special Session I Acts of Assembly ("2026 Budget") further changed the requirements for funds directed by the Governor ("2026 amendments") and directed the CTB to revise the TPOF Guidelines and Criteria to be consistent with the changes made by the 2026 Budget; and

WHEREAS, the Virginia Department of Transportation, in consultation with the Secretary of Transportation, has revised the TPOF Guidelines and Criteria, to render them consistent with §33.2-1529.1 and the changes made by the 2026 Budget, and recommends that the CTB approve the revised TPOF Guidelines and Criteria.

Back to Transportation Partnership Opportunity Fund

NOW, THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby approves the proposed TPOF Guidelines and Criteria, dated July 22, 2026, and attached hereto as Appendix A, replacing the TPOF Guidelines and Criteria adopted in July of 2023, for use in determining the award and direction of funds from the Transportation Partnership Opportunity Fund.

BE IT FURTHER RESOLVED, that VDOT is directed to deliver the revised Guidelines and Criteria to the Governor with the recommendation that they be disseminated to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation.

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Back to Transportation Partnership Opportunity Fund

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 21, 2023

MOTION

Made By: Ms. Sellers, **Seconded By**: Mr. Laird
Action: Motion Carried, Unanimously

Approval of Revised Guidelines and Criteria for the Transportation Partnership Opportunity Fund

WHEREAS, the Transportation Partnership Opportunity Fund (the "TPOF") is established in §33.2-1529.1 of the *Code of Virginia* and is "to be used by the Governor to provide funds to address the transportation aspects of economic development opportunities"; and

WHEREAS, pursuant to §33.2-1529.1, the Commonwealth Transportation Board ("CTB" or the "Board"), in consultation with the Secretary of Transportation and the Secretary of Commerce and Trade, is required to develop guidelines and criteria that shall be used in awarding grants or making loans from the TPOF ("TPOF Guidelines and Criteria"); and

WHEREAS, §33.2-1529.1 has been amended pursuant to Chapters 546 and 547 of the 2023 Acts of Assembly ("the Acts"), effective July 1, 2023 to (i) provide that the TPOF is to also be used by the Governor "to enhance the economic development opportunities of the Commonwealth's transportation programs", and (ii) establish certain new statutory processes and reporting requirements associated with the use of the Fund ("2023 amendments"); and

WHEREAS, the CTB last revised the TPOF Guidelines and Criteria in July 2018 and the 2023 amendments to §33.2-1529.1 have necessitated certain revisions to the Guidelines; and

WHEREAS, the existing applicant process for grants, loans and other special financing methods from or utilizing the funds remains unchanged; and

Back to Transportation Partnership Opportunity Fund

WHEREAS, a new statutory process, which has been established by the Acts, authorizes the Governor to direct TPOF funds to the Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs, if recommended by the Secretary of Transportation and Secretary of Commerce and Trade; and

WHEREAS, pursuant to the Acts, if the Governor directs funds to the Board (i) in excess of five million dollars, the Secretary of Transportation is required to submit a report to the Chairmen of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations within 30 days and (ii) in excess of $35 million dollars on any one project, the direction shall be submitted for review to the Major Employment and Investment ("MEI") Project Approval Commission for approval; and

WHEREAS, the Acts have expanded the eligible uses of TPOF funds to include property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs; and

WHEREAS, §33.2-1529.1, as amended by the Acts, continues to require that no grant or loan shall be awarded until the Governor has provided copies of the TPOF Guidelines and Criteria to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation; and

WHEREAS, §33.2-1529.1, as amended by the Acts, continues to require that the Governor shall provide grants and commitments from the TPOF in an amount not to exceed the total value of the moneys contained in the TPOF; and

WHEREAS, the Virginia Department of Transportation, in consultation with the Secretary of Transportation, has revised the TPOF Guidelines and Criteria, to render them consistent with §33.2-1529.1, as amended by the Acts, and recommends that the CTB approve the revised TPOF Guidelines and Criteria.

NOW, THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby approves the proposed TPOF Guidelines and Criteria, dated July 1, 2023, and attached hereto as Appendix A, replacing the TPOF Guidelines and Criteria adopted in July of 2018, for use in determining the award and direction of funds from the Transportation Partnership Opportunity Fund.

BE IT FURTHER RESOLVED, that VDOT is directed to deliver the revised Guidelines and Criteria to the Governor with the recommendation that they be disseminated to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation.

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Transportation Trust Fund

- Transportation Trust Fund Investment Guidelines (5/19/1994)

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Transportation Trust Fund Investment Guidelines

MINUTES

OF

MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

1401 E. Broad Street
Richmond, Virginia
May 19, 1994
10:00 a.m.

The monthly meeting of the Commonwealth Transportation Board was held in the Board Room of the Department of Transportation in Richmond, Virginia on May 19, 1994, at 10:00 a.m. The Chairman, Dr. Robert E. Martinez, presided.

Present: Messrs. Gehr, Barton, Byrd, Myers, Newcomb, Rhea, Rich, Waldman and White and Mrs. Brooks, Mrs. Lionberger and Dr. Thomas.

Absent: Messrs. Howlette, Porter and Roudabush.

***

The Chairman stated he had been advised that the Board members are not required by statute to approve all consultant contracts (over $300,000) as they have been doing for the past several years (statute only requires Board approval of all construction, improvement and maintenance contracts). He stated Commissioner Gehr will be working with the Attorney General's Office to review this practice and to make the correct distinction relative to the contracts to ensure the members know when approval is required by statute and when approval is being requested for policy guidance or concurrence.

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Commissioner Gehr is also reviewing the rules of how the Board should conduct business at its meetings. Recommendations will be made within the next several months outlining official rules to be followed.

***

Back to Transportation Trust Fund

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

TRANSPORTATION TRUST FUND
INVESTMENT POLICY AND GUIDELINES

Effective July 1, 1994

Pursuant to the Code of Virginia §33.1-23.03:5, the Commonwealth Transportation Board has adopted the following guidelines for the investment of excess moneys held in the Transportation Trust Fund.

OBJECTIVES: Within the framework of the guidelines and constraints below, the investment objectives of the Fund will be:

1. to assure safety and repayment of principal;
2. to provide needed liquidity; and
3. to attain a market rate of return throughout budgetary and economic cycles, taking into account investment risk constraints and the cash flow characteristics of the Fund.

ELIGIBLE SECURITIES:

1. Obligations issued by the U. S. government, any Agency thereof, or government-sponsored corporation. These securities can be held directly, in the form of repurchase agreements collateralized by such debt securities, and in the form of a registered money market or mutual fund provided that the portfolio of the fund is limited to such evidences of indebtedness.

2. Certificates of deposit and time deposits of Virginia Banks and Savings Institutions Federally insured to the maximum extent possible and collateralized under the Virginia Security for Public Deposits Act for the amount of the deposit in excess of federal insurance coverage.

3. Bankers' Acceptances with major U.S. money center banks and domestic offices of international banks.

4. Repurchase Agreements collateralized by U. S. Treasury/Agency securities. The collateral on overnight or one day repurchase agreements is required to be at least 100% of the value of the repurchase agreement. Longer term repurchase agreements are required to have collateralization of over 100% and be marked to market on a regular basis. However, market fluctuations could result in the value of the collateral increasing or decreasing between initial valuation and published closing prices.

5. Commercial Paper issued by domestic corporations.

6. Corporate Notes of domestic corporations

7. Fully hedged obligations of sovereign governments. Governments on current approved list: Canada.

CREDIT QUALITY: In all cases, emphasis will be on securities of high credit quality and known marketability. Holdings are subject to the following limitations:

1. Bankers' Acceptances – Both domestic and international bankers acceptances must be rated by Bankwatch, a service of Thomson Bankwatch, Inc., no lower than the following: Country rating of I and Company rating of at least B/C.

2. Commercial Paper – Commercial paper notes of domestic corporations will be rated no lower than P-1 by Moody's Investors Service and A-1 by Standard & Poor's Corporation.

3. Corporate Notes -- Medium term corporate notes of domestic corporations will be rated no lower than Aa by Moody's Investor's Services, Inc., and AA by Standard & Poor's, Inc.

4 Fully hedged obligations of sovereign governments. Sovereign debt must be rated Aaa by Moody's Investors Service and AAA by Standard & Poor's Corporation.

DIVERSIFICATION:

I. The portfolio will be diversified with no more than 5% of the value of the Fund invested in the securities of any single issuer. This limitation shall not apply to U. S. Government, any Agency thereof, or government sponsored corporation securities, fully insured and/or collateralized certificates of deposit.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

TRANSPORTATION TRUST FUND
INVESTMENT POLICY AND GUIDELINES

2. The maximum percentage of the Fund permitted in each eligible security is as follows:

U. S. Treasuries/Agencies	100% maximum.
Certificates of Deposit	25% maximum.
Bankers' Acceptances	40% maximum.
Repurchase Agreements	35% maximum.
Commercial Paper and Corporate Notes	35% maximum.
Obligations of Sovereign Governments	10% maximum.

MATURITY LIMITATIONS:

1. The maximum maturity for any single issue may not exceed five years.

2. The allowable percentage of the Fund permitted in each maturity range is as follows:

Overnight	70% maximum
2 - 29 Days	70% maximum
30 Days - 1 Year	70% maximum
1 - 5 years	40% maximum

REPORTING AND PERFORMANCE:

The Investment Manager shall report the following to the Department of Transportation on a monthly basis:

1. Interest Accruals
2. Market Sector Breakdowns
3. Performance Comparisons
4. Portfolio Weighted Average Maturity
5. Maturity Distributions
6. Additional Information as Deemed Appropriate or if Requested

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Urban System

- Amendments to regulation for Urban Maintenance and Construction Policy, 24 VAC 30-325-10 (12/6/2022)

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Vegetation

- Regulatory Reduction Program and Proposed Regulatory Amendments: Land Use Permit Regulations (24VAC30-151) and Vegetation Control Regulations on State Rights-of-Way (24VAC30-200) (1/16/2024)
- Amendments to the Vegetation Control Regulation (9/20/2007)
- Comprehensive Roadside Management Program Regulations (9/15/2005)
- Brush and Tree Trimming Policy (12/18/2001)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 16, 2024

MOTION

Made By: Mr. Fowlkes **Seconded By:** Mr. Laird

Action: Motion Carried, Unanimously

Title: Regulatory Reduction Program and Proposed Regulatory Amendments: Land Use Permit Regulations (24VAC30-151) and Vegetation Control Regulations on State Rights-of-Way (24VAC30-200)

WHEREAS, pursuant to the resolution titled *Approval of Notices of Intended Regulatory Action in Conjunction with Periodic Regulatory Review* approved at the Commonwealth Transportation Board's June 21, 2023, action meeting, the Virginia Department of Transportation (VDOT) filed the approved Notice of Intended Regulatory Action (NOIRA) and associated Agency Background Document for both the Land Use Permit Regulations (24VAC30-151) and the Vegetation Control Regulations on State Rights-of-Way (24VAC30-200) on the Virginia Regulatory Town Hall website to initiate the process of amending the regulations; and

WHEREAS, no comments were received during the 30-day public comment period held in conjunction with publication of the NOIRAs in the *Virginia Register of Regulations*; and

WHEREAS, this action was initiated to (i) fulfill the periodic regulatory review requirements of the Virginia Administrative Process Act (section 2.2-4000 *et seq* of the *Code of Virginia*) and Executive Order (EO) 19 (June 30, 2022) and (ii) pursue regulatory reduction in accordance with EO 19 and guidance from the Office of Regulatory Management (ORM) requiring each agency to reduce the agency's discretionary regulatory burden on the public by 25%, with reductions generally requiring amendment of regulations through the rulemaking process; and

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WHEREAS, VDOT conducted a full review of 24VAC30-151 and 24VAC30-200 pursuant to the ORM requirements and has identified opportunities for clarifying the regulatory language and streamlining the regulatory requirements through potential amendments to both regulations, as detailed in Attachments A (relating to the Land Use Permit Regulations (24VAC30-151)) and B (relating to the Vegetation Control Regulations on State Rights-of-Way (24VAC30-200)); and

WHEREAS, pursuant to the Administrative Process Act, the proposed amendments to the regulations must now be posted on the Virginia Regulatory Town Hall in conjunction with the Proposed stage of the regulatory process and published in the *Virginia Register of Regulations* for a public comment period of 60 days before the amended regulation may be finalized and become effective; and

WHEREAS, VDOT has completed an Agency Background Document (TH-02) to be filed on Town Hall in conjunction with the Proposed stage for each regulation (Attachments C, relating to the Land Use Permit Regulations, and D, relating to the Vegetation Control Regulations on State Rights-of-Way); and

WHEREAS, the Commonwealth Transportation Board originally adopted 24VAC30-151 and 24VAC30-200 pursuant to its authority set forth in §§ 33.2-210 and 33.2-1221 of the *Code of Virginia* and other relevant sections of the *Code of Virginia*, and is authorized to take action to amend, repeal or retain said regulations.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby approves the proposed amendments to the Land Use Permit Regulations (24VAC30-151) and Vegetation Control Regulations on State Rights-of-Way (24VAC30-200), attached hereto (Attachments A and B).

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all necessary actions to promulgate the amended regulations, filing the necessary forms, including the Proposed Regulation Agency Background Documents (Attachments C and D), as may be required by the Virginia Administrative Process Act.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board authorizes and directs the Commissioner of Highways or his designees to complete the regulatory process for each of these regulations, including the Final Stage, and to bring Final amendments/a regulation back to the Board for approval, prior to finalization, only if public comments are received, substantive changes are suggested to the proposed amendments attached hereto, or additional amendments are suggested for that regulation.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 20, 2007

MOTION

Made By: Mr. Keen Seconded By: Dr. Davis Action: Motion Carried, Unanimously

TITLE: Amendments to the
Vegetation Control Regulation
24 VAC 30-200

WHEREAS, the 2006 session of the Virginia General Assembly amended § 33.1-371.1 of the Code of Virginia to expand the authority of the Commonwealth Transportation Commissioner for vegetation control on public rights-of-way in municipalities; and

WHEREAS, the 2006 session of the Virginia General Assembly granted the Commonwealth Transportation Commissioner authority to delegate the issuance of vegetation control permits to local governments under § 33.1-371.1 (A)(4); and

WHEREAS, the 2006 session of the Virginia General Assembly established an appeals process with the Commonwealth Transportation Commissioner for either local government staff or vegetation control permittees aggrieved by landscaping requirements; and

WHEREAS, § 33.1-371.1 (A)(3) mandates the Commonwealth Transportation Commissioner promulgate regulations to implement this statute; and

WHEREAS, the Vegetation Control Regulation on the State Rights-Of-Way (24 VAC 30-200), which were last amended by the Commonwealth Transportation Board in 1998 require additional technical, non-substantive amendments.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby approves the amendments to become effective as provided for by the rules established by for Administrative Process Act exempt actions by the Code of Virginia and the State Registrar of Regulations. # # #

Editor's Note: For the current official version of this regulation, see entry for 24 VAC 30-200.

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Brush and Tree Trimming Policy

VIRGINIA DEPARTMENT OF TRANSPORTATION
POLICY FOR TREE & BRUSH TRIMMING

Approved December 18, 2001

I. Purpose

To preserve the natural beauty of our roadsides while effectively addressing maintenance and safety issues.

II. Definitions

The following words and terms, when used in this policy, shall have the following meanings:

- "Body of Water" means any estuary, lake, pond, river, stream, wetland, or other natural or manmade area.
- "Brush" means shrubs, bushes, small trees, and other vegetation less than two inches in diameter to be measured at ground level.
- "Certified Arborist" means an individual who has passed the certification examination sponsored by the International Society of Arboriculture and who maintains a current certification.
- "Cold Spot" is an area within the travel way which receives limited sunlight due to vegetation, terrain, etc. and requires application of additional materials during inclement weather conditions.
- "Inspector" is any employee designated by VDOT to inspect the work performed under authority of this policy.
- "Invasive" species is an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health, as defined by the Department of Agriculture.
- "Mechanical Trimming" means the cutting of plant parts by any power-drive method other than chainsaw or boom-axe.
- "Native" means a species that historically occurred in a physiographic region of Virginia.

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- "Riparian Buffer" means a band of trees, shrubs, or grasses that border a body of water.
- "Side Wall" means the practice of removing limbs on one side of a tree or shrub.
- "Specifications" means the Virginia Department of Transportation's Road and Bridge Specifications.
- "Tree" means woody vegetation two inches or greater in diameter to be measured at ground level.
- "Vista" means a scenic view from the roadway.

III. Tree and Brush Removal on the Right of Way

A. Trees in one or more of the following conditions may be removed from the right of way with appropriate authorization for the purposes of safety, slope reclamation, or maintenance:

1. Those that are dead, in an advanced stage of decline, or are significantly damaged.
2. Those that are affected by pest infestation and are a significant threat to surrounding healthy trees.
3. Those located above the ditch line or beyond the break of a fill slope.
4. Those that create an unacceptable risk/safety hazard to the motoring public such as blocking sight distance, situated within the clear zone, obscuring signs, or leaning toward the roadway in such a manner that could cause the tree to fall into the roadway or damage an existing asset.
5. Those species that are invasive or not native such as Ailanthus (Tree of Heaven).
6. Those blocking potential scenic vistas.
7. Those that will negatively impact assets including, but not limited to, right of way fences, concrete or paved ditches, headwalls, wing walls, bridge abutments, and curbs and sidewalks.

B. Trees not in one of the previous categories shall not be removed unless approved by the District Environmental Manager.

C. Dogwood trees shall not be removed unless approved by the District Environmental Manager.

D. No vegetation may be removed within a riparian buffer unless approved by the District Environmental Manager.

E. When removing trees, they will be cut flush with the ground where possible and stump treatment should be applied.

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F. Trees of Special Interest
   1. Trees designated by local, state, or federal government to be of "Historical, environmental, or social importance" shall not be removed unless approved by the District Environmental Manager.

G. When removing brush, it will be cut flush with the ground where possible and stump treatment should be applied.

IV. Pruning on the Right of Way

A. The current version of the following publications shall govern vegetative pruning:
   1. American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Maintenance – Standard Practice (ANSI A300)
   2. American National Standard for Tree Care Operations – Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush – Safety Requirements (ANSI Z133.I)
   3. International Society of Arboriculture (ISA), Tree-Pruning Guidelines

B. General Provisions:
   1. A boom-axe shall not be used to prune trees or shrubs.
   2. In any pruning operation, the natural form of the tree should be maintained when possible.
   3. No more than 25% of a tree's foliage shall be removed during any one growing season.
   4. No branches are to overhang the roadway below 20 feet and no live branches are to be cut above 20 feet unless it is necessary to provide adequate sight distance, roadway clearance, and/or minimize known cold spots.
   5. Trees that do not affect line of sight, interfere with vertical or horizontal clearance requirements, or contribute to pavement cold spots should not be pruned.
   6. Trees should not be side walled or topped. Removal may be an alternative.
   7. Branches should be cut close to the tree trunk or parent limb without cutting into the branch collar or leaving a stub. Cuts should not be made flush with the trunk and should not injure the branch collar.
   8. Clean cuts shall be made at all times.
   9. Larger branches must be pre-cut to prevent splitting or peeling the bark. The three-cut method will be used. The resulting stub shall be cut to the branch collar.
   10. Mechanical trimming may be authorized on selected rural secondary routes that meet the criteria for mechanical trimming. The District Environmental Manager may authorize mechanical trimming in compliance with this policy and the following criteria:
      a) The height of cuts will not exceed 20 feet.

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b) Mechanical trimming will not be used on Virginia byways, scenic highways or on roads with major tourist attractions.
c) Mechanical trimming will not be used if opposed by the public or property owners.
d) Mechanical trimming will be used only on roads with low to moderate traffic counts relative to system averages.
e) The District Environmental Manager will be responsible for designating those routes where mechanical trimming will be authorized.
f) Manual trimming to achieve ANSI 300 Standards shall be conducted within seven work days of mechanical trimming.

11. All cut vegetation shall be chipped, beneficially used, or immediately removed and disposed of in accordance with the Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) of the Virginia Waste Management Board.
    - Exceptions:
        - Wood can remain on the right of way outside of the clear zone for no longer than seven days. Wood should be cut into lengths that can easily be handled by one individual.
        - Vegetation may be left on a fill slope, as authorized by the District Environmental Manager.
12. The use of climbing irons or spurs is positively forbidden in any tree not being removed unless they are to be used to rescue a climber.
13. Limited crown raising of trees may be allowed, as authorized by the District Environmental Manager.
14. Dead wooding and crown cleaning is an accepted pruning practice.
15. Trees designated to be of historical, environmental, or social importance shall not be pruned unless approved by the District Environmental Manager.

V. Vegetation on Private Property

Trees and shrubs located on private property adjacent to the right of way that pose an unacceptable safety risk to the traveling public may be pruned or removed with the property owner's written permission. The following processes shall be used:

A. Determine if pruning can be performed in compliance with current ANSI A300 Standards without entering onto private property.

B. If this cannot be accomplished:
    1. Contact the property owner(s) to request that he/she perform the desired work.
    2. If the property owner(s) is not willing to perform the desired work, written permission must be requested from the property owner(s) for VDOT to enter and perform any required work.

C. Procedure for performing work on private property:

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1. Send a letter to the property owner(s) notifying him/her of the potential hazard to the motoring public and request permission to perform the work at state expense.
2. Include a copy of the Right of Entry Agreement for Vegetation Management to be signed by both the property owner(s) and a VDOT representative prior to entry upon the property.
3. After the work is completed, document the comment section regarding completion of the work and attach pre- and post-work photographs of the site.
4. Should a property owner(s) refuse VDOT entry to the property, the district shall notify the State Maintenance Engineer.
5. In those situations when the property owner will not authorize access to the property, pruning will not extend beyond VDOT property and, therefore, may not be in accordance with current ANSI A300 Standards.
6. The State Maintenance Engineer shall approve revisions to this procedure.

VI. Listing of Documents Incorporated by Reference

A. 24 VAC 30-150-10 et seq., Land Use Permit Manual (current edition), Maintenance Division, VDOT

B. VDOT Road and Bridge Specifications (current edition), Construction Division, VDOT

C. 24 VAC 30-310-10, Virginia Supplement to the Manual on Uniform Traffic Control Devices (Virginia work Area Protection Manual), Traffic Engineering Division, VDOT

D. 4 VAC 50-30-10 et seq., Virginia Erosion and Sediment Regulations, Division of Soil and Water Conservation, Department of Conservation and Recreation, 203 Governor Street, Richmond, Virginia 23219

E. 9 VAC 20-80-10 et seq., Solid Waste Management Regulations, Waste Division, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219

F. American National Standards Institute (ANSI) Standard for Tree Care Operations, Tree, Shrub, and Other Woody Plant Maintenance-Standard Practices – ANSI A300 (current edition), American National Standards Institute, 11 West 42nd Street, New York, NY 10036

G. Pruning, Trimming, Repairing, Maintaining and Removing Trees, and Cutting Brush-Safety Requirements – ANSI Z133.I (current edition), American National Standards Institute, 11 West 42nd Street, New York, NY 10036

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H. Tree Pruning Guidelines (current edition), International Society of Arboriculture, P. O. Box 3129, Champaign, IL 61826-3129

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Virginia Transportation Infrastructure Bank

- Approval of Revised Program Overview, Guidelines and Selection Criteria for the Virginia Transportation Infrastructure Bank (9/21/2016)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item #13

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2016

MOTION

Made By: Mr. Connors, Seconded By: Mr. Whitworth
Action: Motion Carried, Unanimously

Title: Approval of Revised Program Overview, Guidelines and Selection Criteria for the Virginia Transportation Infrastructure Bank

WHEREAS, Article 1 of Chapter 15 of Title 33.2 of the *Code of Virginia* (§§ 33.2-1500 through 33.2-1507) sets out authorization for and establishes the statutory framework relating to the Virginia Transportation Infrastructure Bank (VTIB or the "Bank") which was established for the purpose of making loans and other financial assistance to localities, private entities and other eligible borrowers; and

WHEREAS, Chapter 684 of the 2015 Acts of Assembly modified certain statutory provisions and requirements relating to the VTIB, including among other things requirements set forth in §33.2-1503 relating to project selection for the Bank; and

WHEREAS, in accordance with§ 33.2-1503 as amended, the Commonwealth Transportation Board (Board), in consultation with the Manager, is required to issue guidelines for scoring projects in accord with subsection B of §33.2-214.1 and any other criteria deemed necessary and appropriate for evaluating projects and awarding assistance from the Bank; and

WHEREAS, pursuant to §33.2-1507, no loan or other financial assistance shall be awarded from the Bank until the Secretary of Transportation has provided copies of the Management Agreement and related guidelines and selection criteria documents to the Chairmen of the House Committees on Appropriation, Finance and Transportation and the Senate Committees on Finance and Transportation; and

Back to Virginia Transportation Infrastructure Bank

WHEREAS, by resolution dated September 21, 2011, the Board adopted the VTIB *Program Overview, Guidelines and Selection Criteria* to guide the award of financial assistance from the Bank; and

WHEREAS, the Virginia Department of Transportation (VDOT) has proposed revisions to the VTIB *Program Overview, Guidelines and Selection Criteria* to render the document and requirements contained therein in compliance with the law as amended by Chapter 684 of the 2015 Acts of Assembly.

NOW, THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board, hereby approves and adopts the VTIB *Program Overview, Guidelines and Selection Criteria,* as revised and attached hereto as Attachment A.

BE IT FURTHER RESOLVED, that in accord with §33.2-1507, the Commonwealth Transportation Board directs the Secretary of Transportation, as soon as practicable, to provide copies of the revised VTIB *Program Overview, Guidelines and Selection Criteria* to the Chairmen of the House Committees on Appropriation, Finance and Transportation and the Senate Committees on Finance and Transportation.

BE IT FURTHER RESOLVED, that the Board hereby directs VDOT to submit the revised *Program Overview, Guidelines and Selection Criteria* as a Guidance Document in accordance with applicable requirements established by the *Code of Virginia* and the State Registrar of Regulations.

# # # #

Back to Virginia Transportation Infrastructure Bank

Chapter 3: Delegations and Authorizations of the CTB

This chapter is comprised of delegations of authority made by the CTB since 1979. Delegations are listed in chronological order.

- Approval and Authorization for the Commissioner of Highways to Execute a Side Letter Amending the Amended and Restated Project Agreement for Funding and Administration for the I-64 Hampton Roads Bridge-Tunnel Expansion Project (9/16/2026)
- Authorizing the Issuance of Commonwealth of Virginia I-81 Corridor Program Revenue Bonds (9/16/2026)
- Revisions to the FY 2027 Commonwealth Transportation Fund Budget, the FY 2027 Department of Rail and Public Transportation Budget and the Fiscal Years 2027 – 2032 Six-Year Improvement Program (9/22/2026)
- Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2027-2032 (6/16/2026)
- Authorizing the Ongoing Issuance and Sale of Revenue Refunding Bonds (6/16/2026)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue and Refunding Notes (4/22/2026)
- Approval and Authorization for the Commissioner of Highways to Execute a Project Partnership and Financing Agreement Between the Virginia Department of Transportation and the Virginia Passenger Rail Authority for the Long Bridge Project (3/18/2026)
- Next Gen Traffic Operations Data Service (Next Gen) Contract Award (1/6/2026)
- Delegation of Authority to Correct Virginia Manual on Uniform Traffic Control Devices (MUTCD), Version 11.0 (1/6/2026)
- Approval and Authorization for the Commissioner of Highways to Execute a TIFIA Direct Agreement Between the Virginia Department of Transportation, the Hampton Roads Transportation Accountability Commission, and the United States Department of Transportation for the Hampton Roads Express Lanes Network (9/17/2025)
- Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2026-2031 (6/24/2025)
- Approval of Federal Transportation Grant Anticipation Revenue Notes (GARVEE) Memorandum of Understanding (MOU) (6/24/2025)
- Authorization for the Director of the Department of Rail and Public Transportation to Enter into an Agreement with the North Carolina Department of Transportation and the Virginia-North Carolina Interstate High-Speed Rail Compact Relating to the Receipt of Federal Funding for the Virginia-North Carolina High-Speed Rail Interstate Compact (1/14/2025)

- Delegation of Authority for the Commissioner of Highways to Enter into an Agreement between the Virginia Department of Transportation (VDOT) and the Capital Region Airport Commission (CRAC) relating to the Airport Drive Construction Improvements Project (UPC#126403) (10/22/2024)
- Authorization for the Commissioner of Highways to Enter into a Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission for the Interstate 64/Interstate 264 Interchange (Interchange) Phase IIIA Improvement Project and future Standard Project Agreements with HRTAC related to the Interchange. (7/16/2024)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series 2024 in an Aggregate Principal Amount not to Exceed $140,000,000 (7/16/2024)
- Authorizing the Ongoing Issuance and Sale of Revenue Refunding Bonds (6/18/2024)
- Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2025-2030 (6/18/2024)
- Authorization for the Commissioner of Highways to Enter into an Agreement with the Maryland Department of Transportation State Highway Administration Relating to Certain Works Required in the State of Maryland for the Completion of the I-495 Express Lanes Northern Extension Project (4/16/2024)
- Amendment to Memorandum of Agreement Between VDOT and the Central Virginia Transportation Authority and Revised Standard Project Agreement Template (12/4/2023)
- Approval and Authorization for the Commissioner of Highways to Execute a TIFIA Direct Agreement Between the Virginia Department of Transportation, the Hampton Roads Transportation Accountability Commission, and the United States Department of Transportation for the Hampton Roads Express Lanes Network, Segment 4C Project (10/18/2023)
- Authorization for the Commissioner of Highways to Enter into a Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission for the Interstate 64/Denbigh Boulevard Interchange Project (9/20/2023)
- Artificial Intelligence-Based Decision Support System (AI-DSS) for Enhancing Transportation Incident Management Contract Award (9/20/2023)
- Authorization for the Commissioner of Highways to Execute an Amendment to the PAFA for the Hampton Roads Bridge-Tunnel Expansion Project Between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission (9/20/2023)
- Authorization for the Commissioner of Highways to Enter into an Agreement and a Special Use Permit with the National Park Service Regarding the Construction and Maintenance of a Pedestrian Bridge Carrying the Appalachian Trail over Virginia State Route 311 (UPC #111066). (7/18/2023)
- Authorization for the Commissioner of Highways to Enter into a Cooperative Agreement with the Federal Highway Administration (FHWA) for a Surface Transportation System Funding Alternatives (STSFA) Program Grant. (7/18/2023)
- Authorization for the Commissioner of Highways to Enter into Memoranda of Understanding with the Federal Highway Administration (“FHWA”) Relating to the Expansion of Tolling of the Interstate 64 HOT (Express) Lanes Comprising the Hampton Roads Express Lanes Network (“HRELN”) (7/18/2023)

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- Authorization for the Commissioner of Highways to enter into a Program Coordination Agreement and Project Specific Special Interagency Agreements with the Virginia Passenger Rail Authority for the Transforming Rail in Virginia Program (6/21/2023)
- Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2024-2029 (6/21/2023)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Transportation Revenue Bonds, Series 2023 (U.S. Route 58 Corridor Development Program) (4/19/2023)
- Authorization for the Commissioner of Highways to Enter into a Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission Relating to the Transportation Management Plan for the Hampton Roads Express Lane Network (3/29/2023)
- Authorization for the Commissioner of Highways to Enter into a Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission (HRTAC) for the I-264/Independence Boulevard Interchange Access Report and future Standard Project Agreements with HRTAC related to the Interchange (2/21/2023)
- Authorization for the Commissioner of Highways to Enter into a Memorandum of Agreement with the United States of America, acting by and through the Department of the Interior's National Park Service (NPS), the Department of Transportation's Federal Highway Administration Eastern Federal Lands Highway Division (FHWA-EFL), and the County of Arlington, Virginia for the Mount Vernon Trail North Enhancements Project (UPC 119478 #SMART22). (2/21/2023)
- Authorization for the Commissioner of Highways to enter into Standard Project Agreements with the West Virginia Department of Transportation–Division of Highways for Improvements to the East River Mountain Tunnel (2/21/2023)
- Authorization for the Commissioner of Highways to Enter into a Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission (HRTAC) for the I-464/I-64 Interchange Access Report (IAR) and future Standard Project Agreements with HRTAC related to the Interchange (10/25/2022)
- Authorizing the Defeasance of All or a Portion of the Outstanding Route 28 Transportation Contract Revenue Refunding Bonds and Setting Forth the Details and Provisions for the Redemption Thereof (10/25/2022)
- Authorizing the Issuance of Commonwealth of Virginia I-81 Corridor Program Revenue Bonds, Series 2022 to be Issued to the United States Department of Transportation to Evidence a Subordinate Lien Regular Loan in the Initial Principal Amount up to $83,000,000 and Senior Lien Rural Loan in the Initial Principal Amount up to $15,000,000, to be Issued as Additional Bonds Under the Existing I-81 Corridor Program Master Indenture and Pursuant to Certain Loan Agreements and Authorizing Certain Other Documents and Undertakings in Connection with Such Issuance (10/25/2022)
- Delegation of Authority for the Commissioner of Highways to Enter into Interagency Agreement between the Virginia Department of Transportation (VDOT) and the Virginia Port Authority (VPA) relating Funding and Administration of the Rockland Road Improvement Project (UPC#112945) (10/25/2022)

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- Authorization for the Commissioner of Highways to enter into Standard Project Agreements between VDOT and the Central Virginia Transportation Authority for Segments of the Fall Line Trail Project (9/21/2022)
- Authorizing the Defeasance of all or a Portion of the Outstanding Northern Virginia Transportation District Program Bonds and Setting Forth the Details and Provisions for the Redemption Thereof (6/21/2022)
- Authorizing the Issuance and Sale of Revenue Refunding Bonds (6/21/2022)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Transportation Revenue Bonds, Series 2022 (U.S. Route 58 Corridor Development Program) (1/12/2022)
- Action on the Second Amended District Contract by and Among the Commonwealth Transportation Board, the Fairfax County Economic Development Authority and the State Route 28 Highway Transportation Improvement District Commission (1/12/2022)
- Approval of Second Amended and Restated Memorandum of Agreement with the Northern Virginia Transportation Commission and Potomac Rappahannock Transportation Commission Relating to the I-395 Express Lanes Annual Transit Investment (1/12/2022)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series 2022 (12/8/2021)
- Authorization for the Commissioner of Highways to Enter Into and Execute the Standard Project Agreement with the Hampton Roads Transportation Accountability Commission for the Segment 3 Capital Improvements Tolling Infrastructure Project for the HREL Network (7/21/2021)
- Approval and Authorization for the Commissioner of Highways to Execute a TIFIA Direct Agreement Between the Virginia Department of Transportation, the Hampton Roads Transportation Accountability Commission and the United States Department of Transportation and Related Amendments to the PAFA for the Hampton Roads Bridge Tunnel Expansion Project (7/21/2021)
- Interstate 64 Hampton Roads Express Lanes Network Tolling System and Services Contract Award and TFRA Funding Authorizations (5/19/2021)
- Authority to Award Surveying Services for Delineation of Right of Way for the I-95 CSX Transportation, Inc. Rail Corridor between Petersburg, VA and Washington, DC (4/21/2021)
- Authorization for the Commissioner of Highways to Enter into an Amendment of the Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission for the Expanded Bowers Hill Interchange Study (UPC 111427) (3/17/2021)
- Authorization for the Director of DRPT to Enter into a Passenger Rail Improvement Funding and Partnership Agreement Between the Virginia Department of Rail and Public Transportation and Amtrak (2/17/2021)
- Authorization for the Director of DRPT to Enter into a Comprehensive Rail Agreement Between the Virginia Department of Rail and Public Transportation and CSX Transportation, Inc. (2/17/2021)

- Authorization for the Commissioner of Highways to Enter into a Memorandum of Agreement (MOA) with the Department of the Army, as represented by Arlington National Cemetery, the Arlington County Board, and the Federal Highway Administration, Eastern Federal Lands Highway Division (FHWA- EFLHD) Relating to the Arlington National Cemetery Southern Expansion (ANCSE) Defense Access Roads (DAR) Project in Arlington County (1/19/2021)

- Authority to Award Consulting Services for Preliminary Engineering for the Long Bridge Project – Washington, DC to Arlington, Virginia (1/19/2021)

- Authorization for the Commissioner of Highways to Enter into a Contract for Relocation or Alteration of Facilities (Relocation Agreement) for the Arlington National Cemetery Southern Expansion Defense Access Road Project in Arlington County, Virginia (12/9/2020)

- Authorization for the Commissioner of Highways to enter into a Memorandum of Agreement between VDOT and the Central Virginia Transportation Authority (12/9/2020)

- Delegation to the Commissioner of Highways or His Designee(s) Authority to Execute a Permit on Behalf of the Commonwealth Transportation Board with the National Park Service, a Federal Entity, Relating to Activities on Federal Land Relating to Joplin Road Bridge Repairs/Replacement (10/20/2020)

- Authorization for the Commissioner of Highways to Enter into an Agreement with the West Virginia Department of Transportation, Division of Highways Relating to a Highway Improvement Project on United States 340 (6/17/2020)

- Authorizing the Issuance and Sale of Revenue Refunding Bonds (6/17/2020)

- Authorization for the Commissioner of Highways to Enter into an Agreement with the Federal Highway Administration, Eastern Federal Lands Highway Division (FHWA-EFLHD) Relating to the Arlington National Cemetery Southern Expansion (ANCSE) Project in Arlington County (3/17/2020)

- Approval of Second Amended and Restated Memorandum of Agreement with the Northern Virginia Transportation Commission Relating to the Transform66: Inside the Beltway Project (2/19/2020)

- Authorization for the Commissioner of Highways to Enter into a Second Supplement of the Ownership Agreement between the Virginia Department of Transportation and the Maryland State Highway Administration Relating to the Woodrow Wilson Memorial Bridge (1/15/2020)

- Authorization for the Commissioner of Highways to Enter into a Special Use Permit Between the Virginia Department of Transportation and the National Park Service Regarding Temporary Construction Rights on Fredericksburg and Spotsylvania National Military Park Property.(1/15/2020)

- Delegation of Authority for Commissioner of Highways to Enter into an Amendment and Termination of Standard Project Agreement Between VDOT and Hampton Roads Transportation Accountability Commission (HRTAC) for the Route 460/58/13 Connector Study/Project (UPC 106694) (12/11/2019)

- Authorization for the Commissioner of Highways to Enter into a Project Agreement for Funding and Administration Relating to a Study of Traffic Operations and Safety at Route 28 and Dulles Toll Road/ Dulles Greenway (9/18/2019)

- Highway Lighting Replacement Project Award Pursuant to Energy Performance Contracting (7/17/2019)

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- Periodic Regulatory Review (7/17/2019)
- Authorization for the Commissioner of Highways to Enter into the Project Agreement for Funding and Administration with the Hampton Roads Transportation Accountability Commission Relating to the I-64 Hampton Roads Bridge-Tunnel Expansion Project (3/21/2019)
- Designation of the I-95 Express Lanes Fredericksburg Extension as HOT Lanes and Authorization for the Commissioner of Highways to Enter into an Updated Memorandum of Understanding with the Federal Highway Administration Concerning Tolling of the I-95 HOV/HOT Lanes, as Extended. (1/16/2019)
- Designation of Secretary to the Commonwealth Transportation Board (9/18/2018)
- Approval and Authorization for the Commissioner of Highways to execute a letter agreement with the Washington Metropolitan Area Transit Authority (WMATA) to provide funding for WMATA's reimbursable costs, and a project Principles agreement between WMATA, the Virginia Department of Transportation, I-66 Express Mobility Partners, and FAM Construction LLC for the Transform 66 Outside the Beltway Project (9/18/2018
- Delegation to the Commissioner of Highways or his designee(s) authority to enter into and execute agreements on behalf of the Commonwealth Transportation Board with U.S. Governmental entities concerning Section 14 erosion protection projects (9/18/2018)
- Utilization of Available Federal Funds and Obligation Authority (9/20/2017)
- Delegation of Authority for the Commissioner of Highways to Enter into a Memorandum of Understanding (MOU) between the Virginia Department of Transportation (VDOT) and the Virginia Port Authority (VPA) to provide berth availability to the Jamestown-Scotland Ferry (Ferry) at Richmond Marine Terminal during significant weather events (7/19/2017)
- Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Interstate 264 Interchange Improvement Project (UPC's 17630/108041) (7/19/2017)
- Federal Transportation Grant Anticipation Revenue Notes (GARVEE) Memorandum of Agreement (MOA) Update (7/19/2017)
- Authorization for the Commissioner of Highways to Enter into a Memorandum of Understanding Among the Virginia Department of Transportation, the Federal Highway Administration, 95 Express Lanes, LLC, and Capital Beltway Express, LLC Regarding Testing of Connected Vehicles (7/19/2017)
- Authorization for the Commissioner of Highways to Enter into a Memorandum of Agreement between the Virginia Department of Transportation and FHWA-Eastern Federal Lands Highway Division (EFLHD) for a project receiving funds through the Federal Lands Access Program, Roanoke River Greenway Extension, Roanoke County, Located in the Salem District (5/17/2017)
- Authorization for the Commissioner of Highways to Enter into a Memorandum of Agreement Between the Virginia Department of Transportation and the United States Department of Defense Regarding Multimodal Improvements on and near the Pentagon for the I-395 Express Lanes Northern Extension (5/17/2017)

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- Authorization for the Commissioner of Highways to Enter into a Memorandum of Understanding with the Federal Highway Administration Relating to Tolling of the I-66 HOT Lanes, Outside the Beltway (4/19/2017)
- Authorization for the Commissioner of Highways to Enter into a MOU with the Hampton Roads Transportation Accountability Commission (HRTAC) and the Hampton Roads Transportation Planning Organization Concerning the Study of Components not Included in the Selected Hampton Roads Crossing Study SEIS Alternative and to Execute a Standard Project Agreement with HRTAC Relating to the Bowers Hill Study (4/19/2017)
- Authorization for the Commissioner of Highways to Enter into a Memorandum of Understanding with the Federal Highway Administration Relating to Tolling of the Interstate 64 HOT (Express) Lanes (4/19/2017)
- Interstate 64 Express Lanes Tolling System and Services Contract Award and TFRA Funding Authorization (3/15/2017)
- Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Hampton Roads Crossing Study Preferred Alternative Refinement (UPC 110577) (3/15/2017)
- Authorization for the Commissioner of Highways to Enter into a Memorandum of Understanding with the Federal Highway Administration Concerning Tolling of the I-95 HOV/HOT Lanes, as Extended (2/16/2017)
- Approval of an Amended and Restated Memorandum of Agreement with the Northern Virginia Transportation Commission Relating to the Transform66: Inside the Beltway Project (12/7/2016)
- Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Segment III of the Interstate 64 Widening Project (UPC's 106689/109790) (12/7/2016)
- Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Preliminary Engineering for the Interstate 64/Interstate 264 Interchange- Phase III Project (UPC 106693) (12/7/2016)
- A Resolution Authorizing a Loan from the State Infrastructure Bank to I-66 Express Mobility Partners LLC, for the Transform 66 P3 Project in Virginia (12/7/2016)
- Delegation of Authority for the Commissioner of Highways to Enter into a Memorandum of Agreement between the Virginia Department of Transportation (VDOT) and the Transportation District Commission of Hampton Roads D/B/A Hampton Roads Transit (HRT) for the improvements in the vicinity of the HRT Light Rail corridor as part of the Route 264 Interchange Improvements – 64 WB Ramp to 264 EB project (I-64/I-264 Interchange Improvements Project), UPC 57048 (10/19/2016)
- Statewide Advanced Traffic Management Systems (ATMS) Contract Award (9/21/2016)

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- Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Regarding I-64 Southside Widening and High Rise Bridge Project- Phase I (UPC 106692) (9/21/2016)
- Utilization of Available Federal Funds and Obligation Authority (9/21/2016)
- Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Regarding Preliminary Engineering Relating to the Route 460/58/13 Connector Project (UPC 106694) (7/28/2016)
- VDOT I-66 Inside the Beltway Toll System and Services Contract Award (6/14/2016)
- Addition of Segment III of the Interstate-64 Widening Project (UPC 106689) to the Six-Year Improvement Program for Fiscal Years 2016-2021 and Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to the Project. (3/16/2016)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series 2016 (3/16/2016)
- Delegation of Authority to Execute a Project Development and Related Agreements, and Delegation of Authority to the Commissioner of Highways for Approval of Award and Execution of Design-Build Contract, for the Greater Richmond Transit Company (GRTC) Bus Rapid Transit Project, City of Richmond and County of Henrico (3/16/2016)
- Authorization to Enter Into a Memorandum of Understanding and a Subrecipient Agreement between VDOT and the Williamsburg Area Transit Authority (WATA) - Jamestown-Scotland Ferry Grant Implementation (2/17/2016)
- Authorization for the Commissioner of Highways to Enter into a Project Agreement between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Phase I of the I-64/ I-264 Interchange Improvements Project- UPC 57048 (2/17/2016)
- Authorization to Impose Tolls on I-66 Inside the Beltway, Advancement/Allocation of Toll Facilities Revolving Account Funds, and Approval of a Memorandum of Agreement with the Northern Virginia Transportation Commission Relating to the Transform66: Inside the Beltway Project (12/9/2015)
- Utilization of Available Federal Funds and Obligation Authority (9/16/2015)
- Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Segment II of the Interstate-64 Widening Project (9/16/2015)
- Authorization to Enter Into a Memorandum of Agreement (MOA) between the Virginia Department of Transportation (VDOT), Department of the Army Fort Lee Garrison, and the Department of Transportation Federal Highway Administration Eastern Federal Lands Highway Division (FHWA-EFLHD) for the Fort Lee Back Gate – Lee Avenue and State Route 36 Intersection Improvement Project in Prince George County (7/15/2015)
- Delegation to the Commissioner of Highways or His Designee(s) Authority to Execute Agreements on Behalf of the Commonwealth Transportation Board (CTB) with U. S. Governmental Entities Concerning Environmental Clearances and Environmental Program Objectives for Transportation Projects (7/15/2015)

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- Authorization for the Commissioner of Highways to enter into a Joint Funding Agreement between Virginia Department of Transportation and the U.S. Geological Survey (5/20/2015)
- Authorization for the Commissioner of Highways to enter into Certain Project Agreements between VDOT and the Hampton Roads Transportation Accountability Commission (4/16/2015)
- Delegation of Authority for Commissioner to Enter Into Agreements with Certain Entities for Specified Activities (1/14/2015)
- Authorization for the Commissioner of Highways to enter into Standard Project Agreements between VDOT and the Northern Virginia Transportation Authority for NVTA Funded Projects (11/12/2014)
- Authorization for the Commissioner of Highways to Execute Federal Lands Access Program Project Agreements (9/17/2014)
- Authorization to Update Commonwealth Transportation Board Websites, Regulations, Guidelines, Manuals, Policies, and Other Documents Based on Chapter 805 of the 2014 Acts of Assembly (5/14/2014)
- Designation of Secretary to the Commonwealth Transportation Board (5/14/2014)
- Confidentiality Agreement with the Surface Transportation Board for Use of the Confidential Rail Waybill Sample (5/14/2014)
- Delegation of Authority to the Commissioner of Highways to Enter into a Partnership Agreement Between the Virginia Department of Transportation and the Federal Highway Administration for the Administration of the I-81 Multistate Corridor Operation and Management Program Grant (5/14/2014)
- VDOT Infrastructure Protection and Resiliency Enhancements Program (VIPREP) Contract Award (5/14/2014)
- Tolling of the Downtown/Midtown/Martin Luther King Expressway Project (1/15/2014)
- Approval of an Agreement for the Funding and Administration of an Extension of Pacific Boulevard in Loudoun County, Virginia (12/4/2013)
- Delegation of Authority to the Commissioner of Highways for Approval of Award and Execution of Contract for the Interstate 66 Widening, Prince William County (7/17/2013)
- Designation of Secretary to the Commonwealth Transportation Board (6/19/2013)
- Transportation Operation Center and Statewide Advanced Traffic Management Systems Service Contract Award (5/15/2013)
- Memorandum of Understanding, Potomac Heritage National Scenic Trail, Northern Virginia and Fredericksburg Districts (5/15/2013)
- Authorizing the Issuance and Sale of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series 2013 (4/17/2013)
- Authorization to Enter into a Memorandum of Agreement between Virginia Department of Transportation (VDOT), and the United States Department of the Army Regarding Removal of Munitions at and in Association with the Gilmerton Bridge Replacement Project (4/17/2013)

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- Authorization to Enter into a Memorandum of Agreement between the Virginia Department of Transportation (VDOT), the United States Department of the Navy (NAVY), and the Federal Highway Administration (FHWA) for the Construction of the I-564 Intermodal Connector and Other Related Improvements in Norfolk, Virginia (4/17/2013)

- Delegation of Authority to the Commissioner of Highways for Approval of Bids, Award and Execution of Contract for I-581/Valley View Boulevard Interchange, Roanoke County (2/20/2013)

- Authorization to Enter into a Memorandum of Agreement (MOA) between the Virginia Department of Transportation (VDOT), Marine Corps Base Quantico, the Defense Security Service and the Department of Transportation Federal Highway Administration (FHWA) for the U.S. 1/VA-637 (Telegraph Road) Intersection Improvement Project (1/16/2013)

- Authorization to Enter Into a Memorandum of Understanding Between VDOT and the Washington Metropolitan Area Transit Authority (12/5/2012)

- Virginia Department of Transportation Agreement to Provide Funding for the Development of a Multi-Use Greenway Corridor Study Adjacent to the Proposed Southeast High Speed Rail Corridor (9/19/2012)

- Authorization to Enter into a Memorandum of Agreement (MOA) between the Virginia Department of Transportation (VDOT), the Department of the Army (DOA), the Federal Highway Administration (FHWA) and the County of Fairfax, Virginia for the Design and Construction of Transportation Improvements on Fort Belvoir and U.S. Route 1 Between Telegraph Road and Mount Vernon Memorial Highway (6/20/2012)

- Authorization to Enter into a Memorandum of Understanding among Virginia Department of Transportation (VDOT), Maryland State Highway Administration (SHA), and West Virginia DOT (West Virginia), to perform a traffic operations/engineering feasibility study, for the purpose of improving the operational efficiency and safety of the US 340 National Highway System Corridor between West Washington Street in Harpers Ferry West Virginia and MD 67 (Rohersville Road) in Weverton, Maryland (4/18/2012)

- Delegating Authority to the Chairman of the Commonwealth Transportation Board, the Commissioner of Highways and the Chief Financial Officer of the Virginia Department of Transportation to Declare the Official Intent of the Commonwealth Transportation Board to Reimburse Itself from Proceeds of Tax-Exempt GARVEES Financings (3/14/2012)

- Authorization to Enter into a Memorandum of Agreement Between the Virginia Department of Transportation (VDOT), the Department of the Army (DOA), the Federal Highway Administration (FHWA) and the City of Alexandria, Virginia (City) for the Design and Construction of Roadway Improvements Near Fort Belvoir Mark Center (2/15/2012)

- Update to CTB regulations due to enactment of Chapters 36 and 152, 2011 Acts of Assembly (9/21/2011)

- Authorization to Enter into a Memorandum of Agreement between the Virginia Department of Transportation (VDOT), the National Park Service (NPS), and the Federal Highway Administration (FHWA) for the Jones Point Park (JPP) Lighthouse Interior Renovations (9/21/2011)

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- Utilization of Available Federal Funds and Obligation Authority (9/21/2011)
- Authorization to Enter into Memorandum of Agreement between VDOT and the US Army (7/20/2011)
- Delegation of Authority to the Commissioner to Authorize Bids and Execute Contracts (7/20/2011)
- Delegation of Authority to the Commissioner to Approve Bids, Award and Execution of Contract for Route 27/244 Interchange Modifications Project in Arlington County (7/20/2011)
- Delegation of Authority to the Commonwealth Transportation Commissioner for Approval of Bids and Execution of Contract Concerning the Route 50 Widening Project in Fairfax and Loudoun Counties (2/16/2011)
- Authorization to Enter into a Memorandum of Understanding among the Virginia Department of Transportation (VDOT), Maryland State Highway Administration (MSHA), and the City of Alexandria for the Woodrow Wilson Bridge (WWB) Fire Protection System Upgrade Design Phase (12/8/2010)
- Authorization to Enter into a Memorandum of Agreement between the Virginia Department of Transportation (VDOT) and the United States Department of the Army for the Construction of Road Improvements and Granting of an Easement on U.S. Route 1 at Fort Belvoir, Virginia (9/15/2010)
- Utilization of Available Federal Funds and Obligation Authority (9/15/2010)
- Approval of ARRA Projects by the Commonwealth Transportation Commissioner (7/14/2010)
- Designation of Secretary to the Commonwealth Transportation Board (7/14/2010)
- Federal Transfer Agreement Between VDOT and United States Forest Service (7/14/2010)
- Approval of ARRA Projects by the Commonwealth Transportation Commissioner (10/15/2009)
- Authority to Award Certain Contracts in Staunton District (CTB Minutes, July 16, 2009) (7/16/2009)
- Approval of ARRA Projects by the Commonwealth Transportation Commissioner (5/21/2009)
- Authority to Accept Funding and Enter into Cooperative Agreements for Research and Evaluation (10/18/2007)
- Federal Earmark Transfer Agreements between VDOT and Federal Agencies (9/20/2007)
- Appointment of Assistant Secretaries to the Commonwealth Transportation Board (7/19/2007)
- Authority to Accept Funding and Enter into Cooperative Agreements for Research and Evaluation (11/15/2001)
- Authorization to Enter into Contracts (8/19/1982)
- Federal Capital and Operation Grants for Local Applicants (9/20/1979)

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

1221 East Broad Street
Richmond, Virginia 23219

(804) 482-5818

Agenda item # 16

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 16, 2026

MOTION

Made By: Mr. Stant, Seconded By: Mr. Good
Action: Motion Carried, Unanimously

Title: Approval and Authorization for the Commissioner of Highways to Execute a Side Letter Amending the Amended and Restated Project Agreement for Funding and Administration for the I-64 Hampton Roads Bridge-Tunnel Expansion Project

WHEREAS, the Virginia Department of Transportation ("VDOT") and the Hampton Roads Transportation Accountability Commission ("HRTAC") are parties to that certain Amended and Restated Project Agreement for Funding and Administration for the I-64 Hampton Roads Bridge-Tunnel Expansion Project (as amended, amended and restated, or supplemented from time to time, the "PAFA"); and

WHEREAS, VDOT has entered into the Comprehensive Agreement Relating to the I-64 Hampton Roads Bridge-Tunnel Expansion Project dated as of April 3, 2019 (as amended, amended and restated, or supplemented from time to time, the "Comprehensive Agreement") with Hampton Roads Connector Partners (the "Design-Builder"), pursuant to which the Design-Builder is designing and constructing the Hampton Roads Bridge-Tunnel Expansion Project (the "Project"); and

WHEREAS, HRTAC is providing the primary source of funding for the design and construction of the Project; and

WHEREAS, the PAFA governs the administration and funding of the Project as between VDOT and HRTAC; and

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WHEREAS, pursuant to the terms of the Comprehensive Agreement, VDOT intends to enter into a work order (the "Work Order") with the Design-Builder to: (i) address certain entitlements to an increase in the contract price and a modification of the construction completion deadlines specified in the Comprehensive Agreement arising from certain changes in the work directed by VDOT and (ii) extend by sixty (60) calendar days the dates associated with the no excuses incentive payment that may be earned by HRCP for achieving substantial completion of the Project ahead of the construction completion deadlines specified in the Comprehensive Agreement; and

WHEREAS, in conjunction with the Work Order, VDOT and HRTAC have negotiated, and VDOT has requested that the Board authorize the Commissioner of Highways to enter into/execute, a side letter amending the PAFA (the "Side Letter"), attached hereto as Attachment A, to (i) clarify certain procedures under the PAFA for HRTAC's reimbursement to VDOT of all or any portion of the no excuses incentive payment earned by the Design-Builder and (ii) modify certain dates relating to the no excuses incentive payment set forth in the PAFA to align with the terms of the Work Order.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes the Commissioner of Highways to enter into/execute, the Side Letter amending the PAFA, in the form set out in Attachment A, with such changes and modifications deemed necessary by the Commissioner of Highways.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

1221 East Broad Street
Richmond, Virginia 23219

(804) 482-5818

Agenda item # 15

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 16, 2026

MOTION

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

Authorizing the Issuance of Commonwealth of Virginia I-81 Corridor Program Revenue Bonds

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Transportation Revenue Bond Act"), Sections 33.2-1700 et seq. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue its revenue bonds to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds;

WHEREAS, pursuant to the Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020, enactment clause 15 of Chapter 1230 of the Acts of the General Assembly of the Commonwealth of Virginia, 2020 Reconvened Session (the "I-81 Bond Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Transportation Revenue Bond Act, revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated "Commonwealth of Virginia Interstate 81 Corridor Program Revenue Bonds, Series …." (the "Bonds") at one or more times in an aggregate principal amount not to exceed $1 billion, after all costs, excluding refunding bonds and excluding pre-project completion interest convertible to principal associated with certain federal programs of the U.S. Department of Transportation;

WHEREAS, the Board is required pursuant to the I-81 Bond Act to use proceeds of any Bonds, including any premium received on the sale thereof, for the exclusive purpose of paying costs incurred or to be incurred in relation to the Interstate 81 Corridor Improvement Plan (the

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"I-81 Plan") and the Interstate 81 Corridor Improvement Program (the "I-81 Program"), as such terms are defined in Section 33.2-3600 of the Virginia Code, which costs include financing and issuance expenses;

WHEREAS, Section 33.2-3601 of the Virginia Code creates the Interstate 81 Corridor Improvement Fund (the "I-81 Fund") in the state treasury as a special non-reverting fund which shall be established on the books of the Comptroller of the Commonwealth and provides that all revenues dedicated to the I-81 Fund pursuant to Sections 33.2-372 and 58.1-2299.20 of the Virginia Code, any other funds that may be appropriated by the General Assembly, and any funds that may otherwise be received for credit to the I-81 Fund from any other sources shall be paid into the state treasury and credited to the I-81 Fund;

WHEREAS, Section 11 of the I-81 Bond Act requires the Board to establish a fund either in the state treasury with the cooperation of the State Treasurer or with a trustee in accordance with the provisions of Section 33.2-1716 of the State Transportation Revenue Bond Act to secure and be used for the payment of the Bonds to the credit of which there shall be deposited such amounts, subject to appropriation by the General Assembly, necessary to pay principal, purchase price, redemption premium, if any, and interest on the Bonds, as and when such costs become due and payable; provided that such costs shall be paid from the revenues deposited into the I-81 Fund pursuant to Section 58.1-2299.20 of the Virginia Code from the receipt of regional fuels tax levied pursuant to Section 58.1-2295 of the Virginia Code;

WHEREAS, Section 12 of the I-81 Bond Act permits the Board, in connection with the issuance or planned issuance of any Bonds, to pay any necessary and appropriate support costs, including debt service or deposits to reserve funds from the revenues deposited into the I-81 Fund from the receipt of regional fuels tax revenues levied as referenced above;

WHEREAS, Section 10 of the I-81 Bond Act permits the Board to receive other funds that may be made available to pay project costs and, subject to appropriation by the General Assembly, to make such funds available for the payment of the principal, purchase price, redemption premium, if any, and interest on Bonds authorized under the I-81 Bond Act;

WHEREAS, in furtherance of the purposes of the I-81 Bond Act, the Board, with the assistance of the Virginia Department of Transportation (the "Department"), caused to be prepared a Master Indenture of Trust dated as of August 21, 2021 ("Master Indenture") between the Board and U.S. Bank National Association, as trustee, predecessor to U.S. Bank Trust Company, National Association (the "Trustee") to provide for the issuance from time to time of Bonds under series supplemental indentures ("Supplemental Indentures") to the Master Indenture to finance or refinance the costs of I-81 Program projects and to provide for the security for and sources of payment of the debt service on such Bonds from Revenues (as defined in the Master Indenture) and other funds and accounts established for such purpose;

WHEREAS, in furtherance of the purposes of the I-81 Bond Act, the Board, with the assistance of the Department, caused to be prepared a Payment Agreement dated as of August 1, 2021 between the Board, the Secretary of Finance of the Commonwealth and the Treasury Board

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of the Commonwealth (the "Payment Agreement"), to establish a process for seeking appropriations from the General Assembly and the payment of appropriated funds to provide for payment of funding requirements under the Master Indenture, including payment of the debt service on the Bonds and other obligations issued from time to time under the Master Indenture;

WHEREAS, pursuant to the Master Indenture of Trust and Supplemental Indentures, the Board has previously issued Bonds to fund I-81 Program project costs, and desires to issue additional Bonds ("TIFIA Bond(s)") for such purpose to evidence one or more loans from the United States Department of Transportation, an agency of the United States of America, acting by and through the Executive Director of the Build America Bureau (the "TIFIA Lender");

WHEREAS, the TIFIA Lender will require the Board to enter into one or more loan agreements setting forth the terms and details of such loans (the "TIFIA Loan Agreements"), which loans may be extended under the TIFIA Lender's regular or rural loan programs (the "TIFIA Loan Programs"), and the Board desires to enter into such TIFIA Loan Agreements when and as required and to enter into one on more Supplemental Indentures with the Trustee in connection therewith in accordance with the Master Indenture;

WHEREAS, the TIFIA Bonds, which may be issued in one or more series, may be in the maximum aggregate principal amount (excluding convertible pre-project completion interest) herein authorized to finance a portion of certain eligible I-81 Program project costs under the TIFIA Loan Programs;

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board approves the following actions in support of the issuance of Commonwealth of Virginia I-81 Corridor Program Revenue Bonds.

1. Authorization of TIFIA Loan Agreements. The Board hereby determines that it is in the best interests of the Commonwealth and the Board for the Board to enter into one or more TIFIA Loan Agreements to provide funding for a portion of the costs of the eligible I-81 Program projects. The Board authorizes the Chairperson of the Board (the "Chairperson") in cooperation with VDOT to prepare the forms of the TIFIA Loan Agreements, and to approve, execute, and deliver the final forms of the TIFIA Loan Agreements. Such documents shall bear dates as the Chairperson may approve. Execution and delivery of the TIFIA Loan Agreements shall constitute conclusive evidence of the approval thereof by the Chairperson on behalf of the Board. The final executed form of each TIFIA Loan Agreement and related TIFIA Bond and Supplemental Indenture shall be filed with the Board together with any supporting documentation.

2. Authorization of Terms of TIFIA Bonds. The Board hereby determines that it is in the best interests of the Commonwealth and the Board for the Board (i) to enter into one or more Supplemental Indentures to provide for the issuance of one or more TIFIA Bonds and (ii) to issue the TIFIA Bonds to the TIFIA Lender for the purposes authorized under and in accordance with the provisions of the I-81 Bond Act, the Master Indenture, the TIFIA Loan Agreements and the Supplemental Indentures. The aggregate principal amount of all TIFIA Bonds authorized in this Resolution shall not exceed $196,000,000 (excluding convertible pre-project completion interest).

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Pre-project completion interest convertible to principal as permitted by the I-81 Bond Act for federal financing programs of the U.S. Department of Transportation shall be limited in the aggregate to $9,000,000 in converted principal for the TIFIA Bonds and related Loan Agreements. In accordance with the I-81 Bond Act, the final maturity date of any TIFIA Bond shall not exceed 39 years from the first scheduled payment of principal, which first principal payment shall not be more than 5 years from the initial advancement of funds under the related TIFIA Agreement. The true interest cost of any TIFIA Bond shall not exceed the maximum true interest cost approved by the Treasury Board for such TIFIA Bond, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the General Assembly. In accordance with the I-81 Bond Act, the Board expects the debt service payments to be made from appropriations by the General Assembly from the I-81 Fund.

3. Limited Obligations. The TIFIA Bonds shall be a limited obligation of the Board and the Commonwealth, payable from and secured by the Revenues pledged under and in accordance with the terms of the Master Indenture, TIFIA Loan Agreements and the Supplemental Indentures and amounts in certain funds established in relation thereto. Nothing in this Resolution, the TIFIA Bonds, Master Indenture, TIFIA Loan Agreements or the Supplemental Indentures shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

4. Determination of Details of the TIFIA Bonds and TIFIA Loan Agreements. The Board authorizes the Chairperson, subject to the criteria set forth in paragraph 2 of this Resolution, to determine the details of the TIFIA Bonds and TIFIA Loan Agreements, including, without limitation, the principal amounts to be borrowed, the payment and maturity schedules, interest rates, redemption and prepayment provisions, and any series or other designation for the TIFIA Bonds.

5. Supplemental Indentures. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final forms of the Supplemental Indentures to effect the issuance of the TIFIA Bonds to the TIFA Lender, as the Chairperson may approve. Execution and delivery of the Supplemental Indentures shall constitute conclusive evidence of the approval thereof by the Chairperson on behalf of the Board.

6. Execution and Delivery of the TIFIA Bonds. The Board authorizes and directs the Chairperson and the Secretary of the Board (the "Secretary") to have the TIFIA Bonds prepared and to execute the TIFIA Bonds in accordance with the Master Indenture and the Supplemental Indentures, to deliver the TIFIA Bonds to the Trustee for authentication, and to cause the TIFIA Bonds so executed and authenticated to be delivered to or for the account of the TIFIA Lender, all in accordance with the Master Indenture, TIFIA Loan Agreements and the Supplemental Indentures. Execution and delivery by the Chairperson and the Secretary of the TIFIA Bond shall constitute conclusive evidence of the approval thereof by the Chairperson and the Secretary on behalf of the Board.

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7. Authorization of Further Action. The Board authorizes the Department staff (i) to request the Treasury Board to approve the terms and structure of the TIFIA Bonds in accordance with Section 2.2-2416(7) of the Virginia Code and the I-81 Bond Act, (ii) to request the Governor of the Commonwealth to approve the issuance of the TIFIA Bonds in accordance with the I-81 Bond Act, and (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the TIFIA Bonds or reserves therefor and to execute such contract, together with any other documents related to such credit facility. The Board further authorizes (i) the Chairperson to execute and deliver all documents and certificates and to take all such further action as such officer may consider necessary or desirable in connection with the issuance of the TIFIA Bonds and (ii) the Department staff to take such further action, including the execution and delivery of such documents and instruments as may be necessary or appropriate to undertake, carryout and perform the Board's obligations under the TIFIA Loan Agreements, including without limitation, submitting requisitions for the disbursement of funds and providing all reports, notices, certifications and other filings as determined to be necessary or appropriate under the TIFIA Loan Agreements. All actions of the Department and staff in connection with the application on behalf of the Board to the TIFIA Lender related to the TIFA Loans is hereby ratified and affirmed.

8. Designation of Authorized Representatives. The Chairperson and the Chief Financial Officer of the Department are designated authorized representatives of the Board for purposes of the TIFIA Loan Agreements. Either of the Chairperson or Chief Financial Officer of the Department are authorized to designate any other officer or staff of the Department to act as an authorized representative of the Board for such purpose.

9. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairperson or to the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairperson or to an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairperson or the Secretary.

10. Effective Date. This Resolution shall be effective immediately and shall remain in force and effective through September 30, 2027.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

1221 East Broad Street
Richmond, Virginia 23219

(804) 482-5818

Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 22, 2026

MOTION
Made By: Mr. Gribbin**, Seconded By:** Mr. Good

Action: Motion Carried, Unanimously

Title: Revisions to the FY 2027 Commonwealth Transportation Fund Budget, the FY 2027 Department of Rail and Public Transportation Budget and the Fiscal Years 2027 – 2032 Six-Year Improvement Program

WHEREAS, the Commonwealth Transportation Board (the Board) is required by §§ 33.2-214(B) and 33.2-221(C) of the *Code of Virginia (Code)* to administer and allocate funds in the Transportation Trust Fund based on the most recent official Commonwealth Transportation Fund revenue forecast; and

WHEREAS, § 33.2-1524.1 of the *Code* requires a portion of the funds in the Transportation Trust Fund to be set aside and distributed to construction programs pursuant to § 33.2-358, the Commonwealth Mass Transit Fund, Commonwealth Rail Fund, the Commonwealth Port Fund, the Commonwealth Aviation Fund, the Commonwealth Space Flight Fund, the Priority Transportation Fund and a special fund within the Commonwealth Transportation Fund to be used to meet the necessary expenses of the Department of Motor Vehicles; and

WHEREAS, § 33.2-358(A) of the *Code* requires the Board to allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the interstate system of highways, the primary system of state highways, the secondary system of state highways and for city and town street maintenance payments made pursuant to § 33.2-319 and payments made to counties which have withdrawn or elect to withdraw from the secondary system of state highways pursuant to § 33.2-366; and

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WHEREAS, §33.2-358(B) of the *Code* requires the Board to allocate available funds for construction and other non-maintenance activities by formula; and

WHEREAS, other sections of the *Code of Virginia* and the current Appropriation Act require certain allocations; and

WHEREAS, § 2.2-2100 of the *Code* allows the Board to review and comment on budget items not specifically enumerated to the Board by statute; and

WHEREAS, § 33.2-214(B) of the Code of Virginia requires the 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 Board approved the Fiscal Year 2027 budgets for the Commonwealth Transportation Fund, Department of Rail and Public Transportation, and the Department of Transportation on June 17, 2026; and

WHEREAS, the Board approved the Fiscal Year 2027 – 2032 Six-Year Improvement Program on June 17, 2026; and

WHEREAS, the Fiscal Year 2027-2028 biennial budget of the Commonwealth enacted by the General Assembly and Governor on June 29, 2026, (after the June CTB meeting) included additional General Fund allocations that were not accounted for in the Commonwealth Transportation Fund and Department of Rail and Public Transportation budgets adopted by the Board; and

WHEREAS, the Fiscal Year 2027 budgets for the Commonwealth Transportation Fund and Department of Rail and Public Transportation have subsequently been revised to incorporate the additional General Fund allocations; and

WHEREAS, the Fiscal Year 2027 – 2032 Six-Year Improvement Program has been revised to incorporate the additional General Fund allocations.

NOW, THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that the recommended allocations and expenditures required by the various statutes as contained in the revised budgets for the Commonwealth Transportation Fund and the Department of Rail and Public Transportation for Fiscal Year 2027 are approved.

BE IT FUTHER RESOLVED by the Commonwealth Transportation Board that the revised Fiscal Year 2027 – 2032 Six-Year Improvement Program is approved.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

1221 East Broad Street
Richmond, Virginia 23219

(804) 482-5818

Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 16, 2026

MOTION

Made By: Ms. Sellers**, Seconded By:** Mr. Good

Action: Motion Carried, Unanimously

Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2027 – 2032

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, each 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 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

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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 transfer up to fifty percent (50%) of the balance in the Commonwealth Rail Fund to the Shortline Railway Preservation and Development Fund pursuant to Section 33.2-1602 effective July 1, 2025 (Acts of Assembly 2025, Chapters 4 and 24); 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 of each year 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, the 2025 Appropriation Act (Item 438 M of Chapter 725 of the 2025 Acts of the Assembly Reconvened Session) provides that the Board may advance preliminary engineering and right-of-way activities prior to full funding for construction for projects in the Interstate 81 Corridor Improvement Program as adopted by the Board provided that the anticipated funding for the construction of the project must be planned for within the subsequent three years after the Six-Year Improvement Program and provided that the Department of Transportation shall report to the Chairs of the House Appropriations, House Transportation, Senate Finance and Appropriations, and Senate Transportation Committees on any projects advanced in this manner; 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 to make 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

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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 2027 – 2032 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 2027 – 2032 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 2027 – 2032 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; 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, at its April 21, 2026 Workshop, the Board was presented the Draft FY 2027 – 2032 Six-Year Improvement; and

WHEREAS, the Draft Six-Year Improvement Program for Fiscal Years 2027 – 2032 was made available for review and comment; and

WHEREAS, nine public meetings were held, April 20, 2026 for Fredericksburg, April 28, 2026 for Staunton, April 30, 2026 for Hampton Roads, May 5, 2026 for Culpeper, May 7, 2026 for Bristol, May 11, 2026 for Richmond, May 13, 2026 for Salem, May 19, 2026 for Northern Virginia, and May 26, 2026 for Lynchburg; and

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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 2027 – 2032 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 2026, attached hereto as Attachment A.

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 2027 – 2032 as amended herein are approved.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Six-Year Improvement Program of projects and programs for Fiscal Years 2027 – 2032 as amended herein for Interstate, Primary and Urban Highway Systems, and Rail and Public Transportation are approved.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that, if Hampton Roads Transit (HRT) no longer operates and manages a vanpool program as of July 1, 2026, then the DRPT FY2027 Temporary Application ID 44662/Vanpool Assistance – Hampton Roads for $100,000 ($80,000 state, and $20,000 local match) submitted by the Transportation District Commission of Hampton Roads (TDCHR) is removed from the FY2027-2032 SYIP.

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 2027 and prior within the Six-Year Improvement Program satisfactory to the Commissioner and the Director, to the extent otherwise consistent with authorities set forth in the Code of Virginia.

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 or their designees, in order to effectively maximize the use of federal transportation funds, are hereby delegated the authority to enter into federal grant agreements with federal entities that fund, in whole or in part, respective programmed projects.

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

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reflected in the Six-Year Improvement Program of projects and programs for Fiscal Years 2027 – 2032, 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 2027 – 2032 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 2027 – 2032 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 de-obligate 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.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

1221 East Broad Street
Richmond, Virginia 23219

(804) 482-5818

Agenda item # *2*

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 16, 2026

MOTION

Made By: Ms. Sellers**, Seconded By:** Mr. Gribbin

Action: Motion Carried, Unanimously

AUTHORIZING THE ONGOING ISSUANCE AND SALE OF REVENUE REFUNDING BONDS

WHEREAS, Section 33.2-1727 of the Code of Virginia of 1950, as amended (the "Virginia Code"), authorizes the Commonwealth Transportation Board (the "Board") to issue revenue refunding bonds to refund any revenue bonds issued pursuant to the State Revenue Bond Act, Sections 33.2-1700 et seq. of the Virginia Code (the "Act"); and

WHEREAS, the Board proposes to authorize the issuance of one or more series of revenue refunding bonds (the "Bonds") to refund, redeem and/or defease some or all of the revenue bonds, notes or other obligations previously issued by the Board (the "Outstanding Bonds");

NOW THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of Bonds. The Board determines that it is in the best interest of the Commonwealth to authorize the issuance of Bonds to refund, redeem and/or defease some or all of the Outstanding Bonds pursuant to the criteria set forth in this Paragraph 1 (the Outstanding Bonds to be refunded, redeemed and/or defeased shall be referred to as the "Refunded Bonds"). The Board authorizes the issuance and sale of the Bonds in one or more series from time to time, pursuant to the following terms and conditions: (a) the minimum debt service savings threshold for any series of Bonds shall be (i) no less than three percent (3%) savings on a present value basis compared to the existing debt service

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on the Refunded Bonds or (ii) such other threshold as may be approved by the Treasury Board of the Commonwealth (the "Treasury Board"); and (b) the fiscal year in which occurs the final maturity date of the Bonds of any series shall be no later than the fiscal year in which occurs the final maturity date of the respective Refunded Bonds. The Chairperson of the Board (the "Chairperson"), in collaboration with the Board's financial advisor (the "Financial Advisor"), is authorized from time to time to (a) review the terms of the Outstanding Bonds, (b) determine which Outstanding Bonds may be refunded under the criteria set forth in this Paragraph 1 and (c) select the Refunded Bonds. For each Refunded Bond so selected, the Chairperson shall prepare a memorandum identifying the Refunded Bonds and setting forth the proposed terms and structure of the Bonds, including details demonstrating that the Bonds are expected to satisfy the criteria set forth in this Paragraph 1. Such memorandum shall be submitted to the Board and to the Treasury Board. The submission of such memorandum plus a copy of this Resolution shall constitute notice to the Treasury Board of the Board's intention to issue such Bonds.

2. Limited Obligations. The Bonds shall be limited obligations of the Board, payable from and secured by such revenues and property as were pledged to the respective Refunded Bonds, plus such funds or accounts as may be established and pledged for such purpose pursuant to the respective indenture, trust agreement or other authorizing document. Nothing in this Resolution or the Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of Bonds. The Board authorizes the Chairperson, subject to the criteria set forth in Paragraph 1, to determine the details of the Bonds, including without limitation the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices.

4. Sale of Bonds. The Board authorizes the Chairperson to solicit and consider proposals for a negotiated sale of any series of Bonds and to negotiate the terms of such sale. The Chairperson is authorized to execute and deliver a purchase contract or agreement reflecting such proposal; provided that no such purchase contract or agreement may be executed prior to approval of the particular series of Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairperson to be in the best interest of the Commonwealth, the Chairperson is also authorized to sell any series of Bonds pursuant to a competitive sale, private placement or direct bank placement and to prepare and to publish and/or distribute a Notice of Sale or Request for Proposals in connection therewith; provided, however that no Notice of Sale or Request for Proposals authorized hereunder may be distributed prior to the approval of the particular series of Bonds by resolution of the Treasury Board.

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5. Preliminary Official Statement. The Board authorizes the Chairperson, in collaboration with the staff of the Virginia Department of Transportation (the "Department") and the Financial Advisor, to prepare a Preliminary Official Statement (a "POS") in connection with the offering of each series of Bonds authorized hereunder. The Board authorizes the Chairperson to deem the POS to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof; provided, however that no POS authorized hereunder may be distributed prior to approval of the particular series of Bonds by resolution of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairperson, in collaboration with the Department staff, Bond Counsel and the Financial Advisor, to complete the POS as an official statement in final form (the "Official Statement") to reflect the provisions of the executed purchase contract or the winning bid, as appropriate, for the purchase and sale of each series of the Bonds. The Board authorizes the Chairperson to execute the Official Statement, which execution shall constitute conclusive evidence of approval of the Official Statement on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs the Department staff to arrange for delivery to the underwriters or winning bidders, as appropriate, within seven business days after the date thereof, of a sufficient number of copies of the Official Statement, for the underwriters or winning bidders to distribute copies to each potential investor requesting a copy and to each person to whom the underwriters or winning bidders initially sell Bonds. The Board authorizes and approves the distribution by the underwriters or winning bidders of the Official Statement as executed.

7. Financing Documents. The Board authorizes and directs the Chairperson to prepare and execute any supplemental or amendatory indentures or trust agreements, escrow agreements and any other documents necessary or desirable to effect the issuance of the particular series of Bonds and the refunding of the particular Refunded Bonds.

8. Execution and Delivery of Bonds. The Board authorizes and directs the Chairperson and the Secretary of the Board to have the Bonds prepared and to execute the Bonds in accordance with the respective indenture, trust agreement or other authorizing document executed in connection with the Bonds and/or the Refunded Bonds, to deliver them to the trustee for authentication if required and to cause the Bonds so executed and authenticated to be delivered to or for the account of the underwriters, winning bidders or other purchasers upon payment of the purchase price therefore, all in accordance with the executed purchase contract or notice of sale, as appropriate.

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9. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "material event notices" for the benefit of holders of Bonds issued hereunder, to assist the underwriters or the winning bidders, as appropriate, in complying with the Rule, including executing and delivering a Continuing Disclosure Agreement in connection with each issuance of Bonds hereunder. The Board authorizes and directs the Chairperson to execute the Continuing Disclosure Agreement in substantially the form previously provided in similar financings, with such completions, omissions, insertions and changes as the Chairperson may approve, as appropriate. The Chief Financial Officer of the Department may be designated as the Dissemination Agent under any Continuing Disclosure Agreement executed hereunder.

10. Authorization of Further Action. The Board authorizes the Department staff (a) to request the Treasury Board to approve the terms and structure of the Bonds authorized hereunder in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (b) to request the Governor of the Commonwealth to approve issuance of the Bonds authorized hereunder in accordance with the Act, (c) if determined by Department staff to be cost beneficial, to procure and negotiate a commitment for a bond insurer to issue municipal bond insurance with respect of some or all of the Bonds, and to execute such commitment together with any other documents related to such insurance, and (d) to procure and/or negotiate investments and investment contracts for any of the proceeds of the Bonds or the Refunded Bonds. The Board further authorizes the Chairperson to execute and deliver all documents and certificates and to take all such further action as the Chairperson may consider necessary or desirable in connection with the issuance and sale of the Bonds authorized hereunder, including without limitation (a) the execution and delivery of a certificate setting forth the expected use and investment of the proceeds of the Bonds and Refunded Bonds to show that such expected use and investment will not violate the provisions of Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and the Treasury Regulations hereunder applicable to "arbitrage bonds" and (b) providing for the rebate of any "arbitrage rebate amounts" earned on investment of proceeds of the Bonds and Refunded Bonds to the United States. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to any series of the Bonds or any Refunded Bonds as the Chairperson may deem to be in the best interest of the Commonwealth in consultation with bond counsel to the Board and the Financial Advisor.

11. Report of Chairperson. Within sixty days following each date of issuance of Bonds, the Chairperson shall submit a written report to the Board (a) identifying the Refunded Bonds actually refunded, (b) describing the final terms and conditions of such Bonds and (c) demonstrating that each of the criteria set forth in Paragraph 1 above was satisfied with respect to such Bonds.

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12. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairperson or the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairperson or an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairperson or Secretary.

13. Effective Date. Termination. This Resolution shall be effective July 1, 2026. The authority to issue Bonds pursuant to this Resolution shall terminate on June 30, 2028.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

1221 East Broad Street
Richmond, Virginia 23219

(804) 482-5818

Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 22, 2026

MOTION

Made By: Mr. Fowlkes, **Seconded By:** Ms. Sellers

Action: Motion Carried, Unanimously

Title: AUTHORIZING THE ISSUANCE AND SALE OF COMMONWEALTH OF VIRGINIA FEDERAL TRANSPORTATION GRANT ANTICIPATION REVENUE AND REFUNDING NOTES

WHEREAS, from time to time the Commonwealth of Virginia (the "Commonwealth") receives federal-aid highway construction reimbursements and other federal highway assistance under or in accordance with Title 23 of the United States Code, or any successor program established under federal law, from the Federal Highway Administration ("FHWA") or any successor or additional federal agencies ("Federal Highway Reimbursements");

WHEREAS, the receipt of Federal Highway Reimbursements is expected to continue;

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.2-1700 *et seq.* of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds or notes to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly") and revenue refunding bonds or notes to refund any revenue bonds or notes issued pursuant to the State Revenue Bond Act, including any financing costs or other financing expenses related to such bonds or notes;

WHEREAS, the Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011, Article 4, Chapter 15, Title 33.2 of the Virginia Code (the "GARVEEs Act" and, together with the State Revenue Bond Act, the "Acts"), authorizes the Board, by and with the consent of the Governor of the Commonwealth (the "Governor"), to issue, pursuant to the provisions of the State Revenue Bond Act, in one or more series from time

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to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series ....." (the "GARVEEs"); provided that the aggregate principal amount outstanding shall not exceed $1,200,000,000, exclusive of (i) the amount of any revenue obligations that may be issued to refund GARVEEs previously issued under the GARVEEs Act in accordance with Section 33.2-1512 of the Virginia Code, and (ii) any amounts issued for financing expenses (including, without limitation, any original issue discount);

WHEREAS, Section 33.2-1520 of the Virginia Code provides that in connection with each series of GARVEEs issued, the Board shall establish a fund in accordance with Section 33.2-1720 of the Virginia Code either in the state treasury or with a trustee in accordance with Section 33.2-1716 of the Virginia Code, which fund secures and is used for the payment of such series of GARVEEs to the credit of which there shall be deposited such amounts, appropriated therefor by the General Assembly, as are required to pay the principal, or purchase price of, and redemption premium, if any, and interest on GARVEEs, as and when due and payable, and the amounts deposited in such fund shall be derived (i) first from Federal Highway Reimbursements received by the Commonwealth from time to time only with respect to the specifically identified project or projects to be financed by such GARVEEs (the "Project-Specific Reimbursements"); (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, which are designated by the General Assembly for such purpose;

WHEREAS, the Board has entered into a Master Trust Indenture (as supplemented and amended, the "Master Indenture") dated as of February 1, 2012, between the Board and U.S. Bank Trust Company, National Association, formerly U.S. Bank National Association, as trustee (the "Trustee");

WHEREAS, the Board has the authority to issue one or more series of GARVEEs to be known as the "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue [and Refunding] Notes," (as more particularly described below, the "2026 GARVEEs") with one or more series designations, as appropriate, and to take such action as may be necessary or advisable in order to effect the issuance and sale of the 2026 GARVEEs;

WHEREAS, under the Acts, the net proceeds of the GARVEEs shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs incurred or to be incurred for construction or funding of such projects to be designated by the Board or refunding outstanding GARVEEs, and the Board intends that a portion of the net proceeds of the 2026 GARVEEs are to be used to pay costs of the projects (the "New Money GARVEEs") as described on Schedule 1 to this Resolution (collectively, the "Projects") and the remaining portion of the net proceeds of the 2026 GARVEEs are to be used to refund certain outstanding GARVEEs (the "Refunded GARVEEs") as determined in accordance with this Resolution (the "Refunding GARVEEs" and together with the New Money GARVEEs, the "2026 GARVEEs"); and

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WHEREAS, the provisions for the foregoing arrangements and transactions will be set forth in the following documents, forms of which have been presented to the Board at this meeting:

(1) a Ninth Supplemental Trust Indenture expected to be dated as of June 1, 2026 (the "Ninth Supplemental Indenture" and together with the Master Indenture, the "Indenture"), between the Board and the Trustee;

(2) a Preliminary Official Statement of the Board related to the offering for sale of the 2026 GARVEEs, containing, among other things, information relating to the Commonwealth, the Board, the Virginia Department of Transportation (the "Department") and the terms of the 2026 GARVEEs to be used in the public offering for sale of the 2026 GARVEEs (the "Preliminary Official Statement");

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2026 GARVEEs (the "Continuing Disclosure Agreement" and, together with the Ninth Supplemental Indenture and the Preliminary Official Statement, the "Basic Documents").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD THAT:

1. Authorization of the 2026 GARVEEs. The Board hereby finds and determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Ninth Supplemental Indenture to provide for the issuance of the 2026 GARVEEs, (ii) to issue the 2026 GARVEEs in accordance with the provisions of the Act, the Indenture and the Basic Documents, (iii) to sell the 2026 GARVEEs in the manner provided herein, (iv) to use a portion of the proceeds of the New Money GARVEEs to pay costs of the Projects, including such other project or projects as may be designated in a resolution adopted by the Board and approved in writing by FHWA and (v) to use a portion of the proceeds of the Refunding GARVEEs to refund the Refunded GARVEEs. The Board authorizes the issuance and sale of the 2026 GARVEEs within the following parameters: (i) the aggregate principal amount of the New Money GARVEEs, including any original issue premium in excess of a *de minimis* amount as required by Section 2.2-5002.1 of the Virginia Code, shall not exceed $70,000,000, (ii) the final maturity date of the New Money GARVEEs shall not exceed 20 years from their date of issuance, (iii) the aggregate true interest cost of the New Money GARVEEs shall not exceed the maximum true interest cost approved by the Treasury Board of the Commonwealth (the "Treasury Board"), (iv) the minimum debt service savings threshold for the Refunding GARVEEs shall be no less than two percent (2%) savings on a present value basis compared to existing debt service on the Refunded GARVEEs, and (v) the fiscal year in which occurs the final maturity date of the Refunding GARVEEs shall be no later than the fiscal year in which occurs the final maturity date of the respective Refunded GARVEEs. The Treasury Board is required, pursuant to Section 2.2-2416 of the Virginia Code, to approve the terms and structure of the 2026 GARVEEs. The Board hereby finds and determines that the issuance and sale of the 2026 GARVEEs in

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accordance with this Resolution conforms with the purposes set forth in the Act and the Indenture. The Board authorizes the Chairperson of the Board (the "Chairperson"), in collaboration with Public Resources Advisor Group, the Board's financial advisor (the "Financial Advisor") to determine which outstanding GARVEEs may be refunded under the criteria set forth in this Paragraph 1 and select the Refunded GARVEEs.

2. Limited Obligations. The 2026 GARVEEs shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the Federal Highway Reimbursements and the other Revenues (as defined in the Indenture) and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution, the 2026 GARVEEs, the Indenture or the Basic Documents shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of the 2026 GARVEEs. The Board authorizes the Chairperson, subject to the parameters set forth in paragraph 1 of this Resolution, to determine the final terms and details of the 2026 GARVEEs, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. The Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department (either of whom may act) are authorized to effect the Chairperson's award of the 2026 GARVEEs. Upon the Chairperson's determination of the final terms and details of the 2026 GARVEEs, the Chairperson and the Assistant Secretary of the Board (the "Assistant Secretary") are authorized and directed (i) to have the 2026 GARVEEs prepared and executed in accordance with the Indenture, (ii) to deliver the 2026 GARVEEs to the Trustee for authentication, and (iii) to cause the 2026 GARVEEs so executed and authenticated to be delivered by the Trustee to the purchaser or purchasers thereof upon payment of the purchase price of the 2026 GARVEEs. Execution and delivery by the Chairperson and the Assistant Secretary of the 2026 GARVEEs shall constitute conclusive evidence of the approval of the 2026 GARVEEs and the terms and details thereof by the Chairperson and the Assistant Secretary on behalf of the Board.

4. Sale of the 2026 GARVEEs. The Chairperson is authorized to sell the 2026 GARVEEs pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2026 GARVEEs by resolution of the Treasury Board. Alternatively, if in consultation with the Financial Advisor, the Chairperson determines a negotiated sale of the 2026 GARVEEs is in the best interest of the Commonwealth, the Board authorizes the Chairperson to solicit and consider proposals for such sale and to negotiate the terms thereof not inconsistent with the terms of this Resolution with an underwriter or group of underwriters (the "Underwriter"); provided, however, no purchase contract or agreement may be executed prior to the approval of the terms and details of the 2026 GARVEEs by resolution of the Treasury Board. In addition to the Chairperson, any such purchase contract or agreement may be executed and delivered by either of the Chief Financial Officer of the Department or the Director, Financial Planning Division of the Department.

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5. Preliminary Official Statement. The Board approves the Preliminary Official Statement in substantially the form presented at this meeting. The Board authorizes and directs the Chairperson, in collaboration with Department staff, Bond Counsel, any Underwriter and the Financial Advisor, to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2026 GARVEEs, as the Chairperson may approve. The Board authorizes the Chairperson to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2026 GARVEEs in accordance with a resolution adopted by the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairperson, in collaboration with Department staff, Bond Counsel, any Underwriter, and the Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") to reflect the provisions of the winning bid or an executed purchase contract, as appropriate, with respect to the purchase and sale of the 2026 GARVEEs. The Board authorizes and directs the Chairperson to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairperson on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery of a sufficient number of copies of the Official Statement to the winning bidder or Underwriter, as appropriate, for distribution to each potential investor requesting a copy and to each initial purchaser of the 2026 GARVEEs from the winning bidder or Underwriter, as appropriate, and to the Municipal Securities Rulemaking Board ("MSRB") via the MSRB's Electronic Municipal Market Access system. The Board authorizes and approves the distribution by the winning bidder or Underwriter of the Official Statement as executed by the Chairperson.

7. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2026 GARVEEs and to assist the winning bidder or Underwriter, as applicable, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Chairperson is authorized and directed to prepare, execute and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions and changes as are necessary or desirable to effect the issuance and sale of the 2026 GARVEEs, as the Chairperson may approve. The Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department (either of whom may act) are designated as the initial Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairperson of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairperson on behalf of the Board.

8. Ninth Supplemental Indenture. The Board approves the Ninth Supplemental Indenture in substantially the form presented at this meeting. The Chairperson is authorized and

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directed to prepare, execute and deliver the final form of the Ninth Supplemental Indenture with such completions, omissions, insertions and changes as are necessary or desirable to effect the issuance and sale of the 2026 GARVEEs, including without limitation changes to the dated date thereof, as the Chairperson may approve. Execution and delivery by the Chairperson of the Ninth Supplemental Indenture shall constitute conclusive evidence of the approval of the Ninth Supplemental Indenture by the Board.

9. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2026 GARVEEs in accordance with Section 2.2-2416 of the Virginia Code and the Act, (ii) to request the Governor to approve the issuance of the 2026 GARVEEs in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2026 GARVEEs and to execute such contract, together with any other documents related to such credit facility, and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2026 GARVEEs or the Refunded GARVEEs. The Board further authorizes the Chairperson to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2026 GARVEEs, including, without limitation, the execution and delivery of documents, certificates or instruments that include without limitation (a) agreements or amendments to existing agreements concerning Federal Highway Reimbursements or the GARVEEs generally to account for the 2026 GARVEEs or the proceeds of the 2026 GARVEEs or other GARVEEs in a manner consistent with the intent of this Resolution, (b) an escrow agreement between the Board and an escrow agent to be determined by the Chairperson, providing for the deposit of the proceeds of the Refunding GARVEEs in amounts sufficient, when invested as set forth in the escrow agreement, to provide for the payment of the principal of, premium, if any, and interest on the Refunded GARVEEs and (c) certificates or agreements concerning tax items related to the 2026 GARVEEs, such as: (I) the expected use and investment of the proceeds of the 2026 GARVEEs to show that such expected use and investment will not cause the 2026 GARVEEs to be deemed to be "private activity bonds" or "arbitrage bonds" under Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and (II) providing for the computation and payment to the United States of any arbitrage rebate liability under Section 148(f) of the Tax Code. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2026 GARVEEs as the Chairperson may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

10. Authorizations and Directions to Certain Officers. Any authorization of or direction to the Chairperson or the Assistant Secretary under this Resolution shall also be deemed to be an authorization of or a direction to (i) the Vice-Chairperson of the Board and (ii) any other officer or employee of the Board or the Department designated for such purpose by the

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Chairperson or the Assistant Secretary, respectively, including without limitation the Commonwealth's Commissioner of Highways or the Chief Financial Officer of the Department.

11. Report of Chairperson. Within sixty days following the issuance of any Refunding GARVEEs, the Chairperson shall submit a written report to the Board (a) identifying the Refunded GARVEEs actually refunded, (b) describing the final terms and conditions of such Refunding GARVEEs, and (c) demonstrating that each of the criteria set forth in Paragraph 1 above was satisfied with respect to such Refunding GARVEEs.

12. Effective Date. This Resolution is effective upon adoption and shall remain in effect for one year after adoption.

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SCHEDULE 1

List of Projects

Project	Description	District
13558	Route 95- Relocation of Interchange at Route 630	Fredericksburg
100937	Route 58/Holland Road Corridor Improvements	Hampton Roads
108906	I-81 Auxiliary Lanes from Exit 141 to Exit 143	Salem
108810	Route 11 S. Valley Pike Roadway Improvements	Staunton
111466	I-95 Aux Lanes (NB & SB) between Route 288 and Route 10	Richmond
111485	Potomac Town Center Commuter Garage	Northern Virginia
111725	Route 286 Popes Head Interchange	Northern Virginia
115460	Route 419 & Route 220 Diverging Diamond Interchange	Salem
115540	Progress Park Connector	Bristol
120509	Route 29 Widening Phase II	Northern Virginia

(each as described in the Board's Six-Year Improvement Program, as amended from time to time)

If any of the foregoing identified projects or the related financing plan is delayed, altered, or terminated, such other project or projects as approved in the Six-Year Improvement Program, as amended from time to time, and approved in writing by FHWA shall be added to this Schedule 1 and will become eligible for Project Specific Reimbursements.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

1221 East Broad Street
Richmond, Virginia 23219

(804) 482-5818

Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 18, 2026

MOTION

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

Action: Motion Carried, Unanimously

Title: Approval and Authorization for the Commissioner of Highways to Execute a Project Partnership and Financing Agreement Between the Virginia Department of Transportation and the Virginia Passenger Rail Authority for the Long Bridge Project

WHEREAS, the General Assembly of the Commonwealth of Virginia (the "Commonwealth") (i) declared in Enactment Clause 12 of the 2020 Acts of Assembly, Chapter 1275 that the development, expansion, and continuation of commuter and intercity passenger rail service and the development of rail infrastructure, rolling stock, and support facilities to support commuter and intercity passenger rail service are important elements of a balanced transportation system in the Commonwealth and are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets, and (ii) specified various rail and other infrastructure improvements leading from Virginia into Washington, D.C., are required for such development, expansion and continuation (as further specified in such Enactment Clause 12, the "Rail Improvements"); and

WHEREAS, the Virginia Department of Transportation (VDOT) owns and operates the tolled express lanes on I-66 inside the I-495 beltway (the "Toll Facility") and utilizes the revenues therefrom to pay for transportation and other infrastructure improvements in and around the I-66 corridor, which revenues are currently applied in accordance with the *Third Amended and Restated Memorandum of Agreement Transform 66: Inside the Beltway Project* (the "Toll MOA") dated May 19, 2021, by and among the Commonwealth Transportation Board (CTB), VDOT, the Northern Virginia Transportation Commission, and Department of Rail and Public Transportation (DRPT); and

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WHEREAS, pursuant to the Commonwealth of Virginia Passenger Rail Facilities Bond Act of 2020, codified in Enactment Clause 14 of the 2020 Acts of Assembly, Chapter 1275 (hereinafter referred to as the "Bond Act"), the General Assembly has authorized the CTB by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (d) of the Constitution of Virginia, bonds of the Commonwealth in an aggregate principal amount not exceeding $1 billion, plus amounts needed to fund issuance costs, reserve funds, capitalized interest, and other financing expenses, secured, in part, by a pledge of certain net toll revenues from the Toll Facility collected by the Commonwealth and appropriated by the General Assembly, to finance the costs of (i) acquiring, constructing, renovating, expanding, enlarging, improving, installing, and equipping the Rail Improvements and the various rail facilities, structures, and equipment constructed or acquired in connection therewith; (ii) acquiring any lands, structures, fixtures, rights-of-way, franchises, easements, and other property rights and interests related to the Rail Improvements; and (iii) demolishing, removing, or relocating any buildings, structures, or fixtures on lands acquired for the Rail Improvements; and

WHEREAS, VDOT and the Virginia Passenger Rail Authority (VPRA) wish to collaborate in order to facilitate the financing and construction of the Long Bridge Project (the "Project"), the scope of which is set forth in Exhibit 2 to Exhibit A attached hereto; and

WHEREAS, VDOT and VPRA wish to obtain financing to support, in accordance with the Bond Act and the Toll MOA, the design and construction of the Project, which such financing may include: the issuance of bonds of the Commonwealth; the issuance of bond anticipation notes; federal credit assistance, likely in the form of a loan from the United States Department of Transportation under the Railroad Rehabilitation and Improvement Financing program or the Transportation Infrastructure Finance and Innovation Act; or any combination of the foregoing; and

WHEREAS, VDOT and VPRA have negotiated a *Project Partnership and Financing Agreement* (the "PPFA"), a draft of which is attached hereto as Exhibit A, that establishes the parties' rights and obligations with respect to the financing, design, and construction of the Project; and

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby approves and authorizes the Commissioner of Highways to execute, and take all actions necessary under, the PPFA by and between VDOT and VPRA relating to the financing, design, and construction of the Project, with such changes and modifications deemed necessary by the Commissioner of Highways.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1221 East Broad Street
Richmond, Virginia 23219

(804) 482-5818

Agenda item # 14

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 6, 2026

MOTION

Made By: Mr. Davis**, Seconded By:** Mr. Lawson
Action: Motion Carried, Unanimously

Next Gen Traffic Operations Data Service (Next Gen) Contract Award

WHEREAS, the Virginia Department of Transportation (VDOT) currently cannot rely on fully automatic detection of incidents on interstates in order to deploy incident response and lacks comprehensive real-time data and analytics; and

WHEREAS, technology solutions are available in the industry to automatically detect such incidents and inform traffic operations center staff; and

WHEREAS, high-fidelity, low-latency data would enable VDOT to deploy incident responders more quickly for the well-being of those involved in the incident and to minimize safety risks and traffic congestion impacts to the travelling public; and

WHEREAS, data provided from systems will also leverage predictive analytics to assist VDOT in more effective staging of incident responders prior to highly probable incident locations and times; and

WHEREAS, data provided from systems can be provided to third parties and be consumable by the travelling public through in-vehicle alerting systems or mobile phone applications; and

WHEREAS, more accurate and timely incident and traffic information provided to the public may reduce congestion and increase safety on the roadway; and

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WHEREAS, in order to realize these benefits, VDOT conducted a competitive procurement for a Next Gen Traffic Operations Data Service to be provided to the Richmond District Traffic Operations Center for approximately eight (8) miles of I-95 between Exit 78 (Arthur Ashe Blvd) and Exit 86 (Sliding Hill Rd); and

WHEREAS, eight (8) Offerors responded to the Request for Proposals and provided details on their experience working with and providing requested data, qualifications, functional and technical capabilities, project plan and implementation, and small business subcontracting plan. Through consensus scoring and negotiations, the VDOT Selection Committee selected one (1) recommended Offeror; and

WHEREAS, VDOT has determined that Cavnue, LLC, 1100 Wilson Boulevard, Suite 1100, Arlington, VA 22209 (hereinafter "Cavnue") is the Offeror that made the best proposal and provides the best value; and

WHEREAS, the Department of General Services and the Office of Attorney General approved the Next Gen contract package on December 17th, 2026; and

WHEREAS, VDOT recommends award of the Contract for the Next Gen Traffic Operations Data Service (Next Gen) to Cavnue; and

WHEREAS, Commonwealth Transportation Board (CTB) approval of this contract is required by § 33.2-209 of the *Code of Virginia* as a contract for "… construction, maintenance, and improvement of the highways comprising systems of state highways … in excess of $5 million."

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby concurs with VDOT's recommendation and hereby agrees to award the Contract for this Project to Cavnue.

BE IT FURTHER RESOLVED, that the Commissioner of Highways, or his designee, is granted the authority to execute the Contract and all other documents necessary to effectuate the award of this Contract to Cavnue.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1221 East Broad Street
Richmond, Virginia 23219

(804) 482-5818

Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 6, 2026
MOTION

Made By: Mr. Coleman**, Seconded By:** Ms. Sellers
Action: Motion Carried, Unanimously

Title: Delegation of Authority to Correct Virginia Manual on Uniform Traffic Control Devices (MUTCD), Version 11.0

WHEREAS, pursuant to the resolution titled *Adoption of Virginia Manual on Uniform Traffic Control Devices and Virginia Work Area Protection Manual, Adoption of Regulatory Amendments, and Completion of Periodic Regulatory Review* adopted on September 17, 2025, the Commonwealth Transportation Board (Board) adopted the Virginia Manual on Uniform Traffic Control Devices, which includes the Work Area Protection Manual (Virginia MUTCD), version 11.0, as the standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in Virginia, and approved the regulatory action to incorporate that document into 24VAC30-315, Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways; and

WHEREAS, the Virginia MUTCD, version 11.0, is based on the Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices (national MUTCD), 11th edition, which was adopted in December 2023; and

WHEREAS, pursuant to 23 CFR 655.603, the national MUTCD is the national standard for traffic control devices, except that states may adopt a state MUTCD that is in substantial conformance with the national MUTCD, which Virginia has done through adoption of the Virginia MUTCD to account for Virginia law and Virginia-specific signs; and

WHEREAS, FHWA has identified numerous minor errors in the national MUTCD and is expected to take action to correct the errors in the national MUTCD, and as such, the Virginia MUTCD must be amended to reflect correction of the national MUTCD and to correct any other minor errors identified in the Virginia MUTCD by the Virginia Department of Transportation (VDOT).

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NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board authorizes the Commissioner of Highways, or his designees, to amend the Virginia MUTCD to correct minor errors as identified by VDOT or to reflect correction of the national MUTCD by FHWA, with major revisions to the Virginia MUTCD to continue to be brought to the Board for approval and action.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board authorizes the Commissioner of Highways, or his designees, to submit regulatory action(s) on the Virginia Regulatory Town Hall to amend 24VAC30-315, Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways, to reflect the correction of errors in the Virginia MUTCD.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 17, 2025

MOTION

Made By: Mr. Stant**, Seconded By:** Dr. Smoot
Action: Motion Carried, Unanimously

Title: Approval and Authorization for the Commissioner of Highways to Execute a TIFIA Direct Agreement Between the Virginia Department of Transportation, the Hampton Roads Transportation Accountability Commission, and the United States Department of Transportation for the Hampton Roads Express Lanes Network

WHEREAS, the Virginia Department of Transportation ("VDOT") and the Hampton Roads Transportation Accountability Commission ("HRTAC") have entered into a series of Standard Project Agreements for segments of the I-64 Hampton Roads Express Lanes Network, (as amended, amended and restated, supplemented, or otherwise modified from to time); and

WHEREAS, VDOT, HRTAC, and the Commonwealth Transportation Board ("CTB") have entered into the Master Agreement for Development and Tolling of the Express Lanes Network, dated August 18, 2020, (the "MTA"); and

WHEREAS, VDOT has entered into a Contract for VDOT I-64 Express Lanes Toll System and Services, dated as of March 21, 2017, with TransCore, LP; and

WHEREAS, VDOT has entered into the Contract Relating to the I-64 Express Lanes Expansion, dated as of June 17, 2021, with Conduent State & Local Solutions, Inc.; and

WHEREAS, in reliance on the support for the Hampton Roads Express Lanes Network Project (the "Project") provided by VDOT pursuant to the foregoing agreements, together with each electronic toll collection agreement and each violation processing services agreement entered into by HRTAC and VDOT pursuant to the MTA and construction contracts entered into by VDOT pursuant to the HRELN SPAs to support construction of the Project (collectively the "VDOT

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Support Agreements"), the United States Department of Transportation ("USDOT") will grant to HRTAC a loan under the Transportation Infrastructure Finance and Innovation Act Program (the "TIFIA Loan") for the purpose of financing certain costs in connection with the construction and development of the Project and which will be repaid by HRTAC from toll revenues generated by the Project; and

WHEREAS, as a condition of granting HRTAC the TIFIA Loan, USDOT requires VDOT and HRTAC to agree to and execute a Direct Agreement (the "Direct Agreement," a draft of which is attached hereto as Exhibit A) whereby, among other things, VDOT makes certain warranties and representations with regard to the VDOT Support Agreements and VDOT's roles relating the Project but is not liable for repayment of the TIFIA Loan; and

WHEREAS, at the September 2025 CTB Workshop, the CTB was briefed on the Direct Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby approves and authorizes the Commissioner of Highways to execute, and take all actions necessary under, the Direct Agreement by and among VDOT, HRTAC, and USDOT relating to the TIFIA Loan to HRTAC for the Project, a draft of which is set forth in Exhibit A, with such changes and modifications deemed necessary by the Commissioner of Highways.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 24, 2025

MOTION

Made By: Dr. Smoot, **Seconded By:** Ms. Green
Action: Motion Carried, Unanimously

Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2026 – 2031

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

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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 transfer up to fifty percent (50%) of the balance in the Commonwealth Rail Fund to the Shortline Railway Preservation and Development Fund pursuant to Section 33.2-1602 effective July 1, 2025 (Acts of Assembly 2025, Chapters 4 and 24); 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 of each year 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, Item 438 M of Chapter 725 of the 2025 Acts of the Assembly Special Session I provides that the Board may advance preliminary engineering and right-of-way activities prior to full funding for construction for projects in the Interstate 81 Corridor Improvement Program as adopted by the Board provided that the anticipated funding for the construction of the project must be planned for within the subsequent three years after the Six-Year Improvement Program and provided that the Department of Transportation shall report to the Chairs of the House Appropriations, House Transportation, Senate Finance and Appropriations, and Senate Transportation Committees on any projects advanced in this manner; 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 to make 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

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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 2026 – 2031 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 2026 – 2031 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 2026 – 2031 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; 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, at its April 15, 2025 Workshop, the Board was presented the Draft FY 2026 – 2031 Six-Year Improvement; and

WHEREAS, the Draft Six-Year Improvement Program for Fiscal Years 2026 – 2031 was made available for review and comment; and

WHEREAS, nine public meetings were held, April 22, 2025 for Richmond, April 23, 2025 for Lynchburg, April 24, 2025 for Hampton Roads, May 6, 2025 for Fredericksburg, May 7, 2025 for Culpeper, May 8, 2025 for Northern Virginia, May 13, 2025 for Bristol, May 14, 2025 for Salem, and May 15, 2025 for Staunton; and

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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 2026 – 2031 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 2025, attached hereto as Attachment A.

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 2026 – 2031 as amended herein are approved.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Six-Year Improvement Program of projects and programs for Fiscal Years 2026 – 2031 as amended herein 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 2026 and prior within the Six-Year Improvement Program satisfactory to the Commissioner and the Director, to the extent otherwise consistent with authorities set forth in the Code of Virginia.

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 or their designees, in order to effectively maximize the use of federal transportation funds, are hereby delegated the authority to enter into federal grant agreements with federal entities that fund, in whole or in part, respective programmed projects.

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 2026 – 2031, are approved.

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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 2026 – 2031 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 2026 – 2031 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.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 24, 2025

MOTION

Made By: Ms. Sellers, **Seconded By:** Dr. Smoot
Action: Motion Carried, Unanimously

Title: Approval of Federal Transportation Grant Anticipation Revenue Notes (GARVEE) Memorandum of Understanding (MOU)

WHEREAS, by resolution dated October 19, 2011, the Commonwealth Transportation Board ("Board") approved and authorized issuance and sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series 2011 ("2011 GARVEES"); and

WHEREAS, the Board, in its resolution authorizing issuance and sale of the 2011 GARVEES, among other things, approved and authorized execution of certain "Basic Documents", one of which included a memorandum of agreement among the Virginia Division of the Federal Highway Administration ("FHWA"), the Virginia Department of Transportation ("Department"), and the Board, required by the FHWA and related to the processes to execute and manage the Commonwealth of Virginia's GARVEE program; and

WHEREAS, on December 28, 2011, FHWA, the Department, and the Board executed the memorandum of agreement, which included a provision requiring review of the document every five years to determine needed changes or updates; and

WHEREAS, on July 19, 2017, the Board approved and authorized execution of, and on August 21, 2017, FHWA, the Department, and the Board executed a revised memorandum of agreement, which was determined to be necessary after the initial five-year review period; and

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WHEREAS, subsequent to execution of the revised memorandum of agreement in 2017, the document has been reviewed periodically and following the most recent review, it has been determined that an update to the memorandum is needed to more clearly define the parties' roles and responsibilities, processes, and timeframes for updates and revisions, based on knowledge and experience gained since implementation of the GARVEE program; and

WHEREAS, FHWA and the Department have prepared a revised memorandum in the form of a memorandum of understanding addressing execution and management of the Commonwealth of Virginia's GARVEE program, which incorporates the needed updates and is attached hereto as Attachment A ("GARVEE MOU"); and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the GARVEE MOU, in substantially the form as set forth in Attachment A, with such changes and additions as the Commissioner of Highways and Chairman deem necessary. The Board authorizes and directs the Commissioner of Highways to execute the GARVEE MOU on behalf of the Department, and the Chairman to prepare, execute, and deliver the final form of the GARVEE MOU on behalf of the Board.

BE IT FURTHER RESOLVED, that the Chairman's execution and delivery of the GARVEE MOU shall constitute conclusive evidence of the approval of the final form of the GARVEE MOU by the Chairman on behalf of the Board.

BE IT FURTHER RESOLVED, that the Board authorizes the Commissioner of Highways and Chairman to execute future revisions to the GARVEE MOU deemed necessary by the Chairman, the Department and FHWA to administer the GARVEE program, and to deliver the final form of any revised GARVEE MOU on behalf of the Board.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 14, 2025

MOTION

Made By: Mr. Kasprowicz, **Seconded By:** Ms. Sellers

Action: Motion Carried, Unanimously

Title: Authorization for the Director of the Department of Rail and Public Transportation to Enter into an Agreement with the North Carolina Department of Transportation and the Virginia-North Carolina Interstate High-Speed Rail Compact Relating to the Receipt of Federal Funding for the Virginia-North Carolina High-Speed Rail Interstate Compact

WHEREAS, the Federal Railroad Administration ("FRA") awarded the North Carolina Department of Transportation ("NCDOT") and the Virginia Department of Rail and Public Transportation ("DRPT"), on behalf of the Virginia-North Carolina High-Speed Rail Interstate Compact ("Compact"), a $200,000 Fiscal Years 2022-2023 Interstate Rail Compact Grant to continue efforts to improve passenger and freight rail in both states and the Southeast; and

WHEREAS, Virginia and North Carolina have proposed entering into an agreement (the "Agreement"), which specifies the terms and conditions for the coordination between the two agencies for the project;

WHEREAS, the Compact was established in 2004 to study, develop, and promote a plan for the design, construction, financing, and operation of interstate high-speed rail service through and between points in the Commonwealth of Virginia and the State of North Carolina and adjacent states; to coordinate efforts to establish high-speed rail service at the federal, state, and local governmental levels; to advocate for federal funding to support the establishment of high-speed rail service within and through Virginia and North Carolina and to receive federal funds made available for rail development; and to provide funding and resources to the Virginia-North Carolina High-Speed Rail Compact Commission from funds that are or may become available and are appropriated for that purpose; and

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WHEREAS, the FRA awarded the funds for a Southeast Rail Network Analysis to evaluate the Southeast rail network constraints and identify opportunities to improve the fluidity of the network to benefit passenger and freight rail and for administrative and operational expenses related to the Compact and other technical coordination among states, Amtrak, FRA, and railroads to advance rail connections throughout the Southeast; and

WHEREAS, Virginia and North Carolina committed $100,000 each for the non-federal match for the grant, which is to be memorialized in a memorandum of agreement between DRPT and NCDOT; and

WHEREAS, DRPT's Fiscal Year 2025 Six Year Improvement Program allocates $461,700 in funds for "federal grant match"; and

WHEREAS, the Commonwealth Transportation Board approved the "Six-Year Improvement Program and Rail and Public Transportation Allocations for Fiscal Years 2025-2030" resolution on June 18, 2024, stating that the DRPT Director "is authorized up to $200,000 to reallocate funds among existing grants"; and

WHEREAS, the Agreement states that DRPT, NCDOT, and the Compact shall be responsible for the administration of the grant, including:

1. Preparation, review, and approval of the project work plan, budget, and schedule.
2. Participation in meetings with the Southeast Rail Corridor Commission ("SEC") Technical Committee and additional project stakeholders.
3. Preparation, review, and approval of an existing conditions review and analysis and screening results memoranda to evaluate and report on previous rail network analysis, document identified network capacity constraints and identify project opportunities for passenger and freight rail growth, screening methodologies, and other SEC stakeholder priorities.
4. Development, review, and approval of a report that summarizes the existing conditions, analysis and screening results, and recommendations for next steps.
5. Submission to FRA of a final performance report describing the cumulative activities of the Project as required by the grant agreement.

WHEREAS, the Agreement states that NCDOT will submit itemized invoices to DRPT no more than once every thirty days with appropriate supporting documentation to DRPT for reimbursement of Project costs; and

WHEREAS, §33.2-221 B of the Code of Virginia empowers the Commonwealth Transportation Board to enter into all contracts and agreements with other states necessary for the proper coordination of the location, construction, maintenance, improvement, and operation

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of transportation systems, including the systems of state highways, with the highways of such other states, and where necessary, seek the approval of such contracts by the Congress of the United States.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Director of the Department of Rail and Public Transportation to enter into an Agreement, attached hereto as Exhibit A, with the North Carolina Department of Transportation and the Virginia-North Carolina Interstate High-Speed Rail Compact relating to the receipt of federal funding for the Southeast Rail Network Analysis and administrative and operational expenses related to the Compact with such changes and additions as the Director deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD
[as amended]

October 22, 2024

MOTION

Made By: Mr. Davis**, Seconded By**: Mr. Good,

Action: Motion Carried, Unanimously

Title: Delegation of Authority for the Commissioner of Highways to Enter into an Agreement between the Virginia Department of Transportation (VDOT) and the Capital Region Airport Commission (CRAC) relating to the Airport Drive Construction Improvements Project (UPC#126403)

WHEREAS, CRAC is a political subdivision of the Commonwealth of Virginia vested with certain powers set forth in Chapter 380 of the Acts of Assembly of 1980, as amended; and

WHEREAS, CRAC is composed of representatives of the Counties of Chesterfield, Hanover and Henrico and the City of Richmond, and is the administrative authority for Richmond International Airport located in Henrico County, Virginia; and

WHEREAS, Airport Drive, which serves Richmond International Airport, is currently in need of curb, gutter, and drainage improvements (the "Project"); and

WHEREAS, VDOT, in coordination with CRAC, has selected the Project as eligible to receive approximately $201,000 in funds remaining from a federal earmark for the Construct South Airport Connector Road, Richmond International Airport Project (UPC 66786) completed in 2008; and

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WHEREAS, CRAC proposes to administer the Project and apply the funds remaining from the earmark to preliminary engineering, which is expected to begin in Fall 2024 with an initial reimbursement request to be submitted by CRAC to VDOT in December 2024; and

WHEREAS, VDOT and CRAC have developed an agreement that sets forth the responsibilities of the parties for funding and administration of the Project, currently addresses the preliminary engineering phase of the Project and will require subsequent amendment to address all remaining phases of the Project; and

WHEREAS, the total estimated cost of all phases of the Project is estimated to be $2,350,000 and the agreement requires that CRAC commit to identifying other eligible partners and/or funding to provide the additional funds needed to complete the Project; and

WHEREAS, § 33.2-214(C) of the *Code of Virginia* authorizes the Commonwealth Transportation Board to enter into agreements with local districts, commissions, agencies, and other entities created for transportation purposes.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to § 33.2-214(C) of the Code of Virginia, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into the Agreement with CRAC (attached hereto as Exhibit A), relating to the Project, in substantially the same form as Exhibit A, with such changes and additions as the Commissioner deems necessary, including but not limited to those needed to address remaining phases of the Project.

Amendment directed by the Commonwealth Transportation Board at the October 22, 2024 Action Meeting:

[**BE IT FURTHER RESOLVED,** that upon completion of the Project and satisfaction of all requirements by the Parties to the Agreement approved herein, the Commissioner, acting through VDOT staff, shall remove from the active Commonwealth Transportation Board's Policy Index and place in archives maintained by VDOT, this authorization/delegation.]

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 16, 2024

MOTION

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

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission for the Interstate 64/Interstate 264 Interchange (Interchange) Phase IIIA Improvement Project and future Standard Project Agreements with HRTAC related to the Interchange.

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the Code of Virginia, has established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to § 33.2-2600 of the Code of Virginia, has also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to § 33.2-2608, HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, subsection C of § 33.2-214 of the Code of Virginia empowers the Commonwealth Transportation Board (CTB) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

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WHEREAS, VDOT completed an Interchange Modification Report (IMR) in 2011 that evaluated the safety, operations and congestion of the Interstate 64/Interstate 264 interchange (Interchange) in the City of Norfolk; and

WHEREAS, the Federal Highway Administration (FHWA), in 2011, approved the IMR, which identified multiple phases of improvements necessary for this Interchange to address safety concerns and congestion within this corridor; and

WHEREAS, VDOT completed phases I and II of this Interchange in October 2019 and November 2022; and

WHEREAS, an additional IMR, completed and approved by FHWA in 2020, prioritized the remaining 6 subprojects/phases for this Interchange and the Phase IIIA Improvement Project was identified as the next priority phase to improve safety, operations and congestion concerns at this Interchange; and

WHEREAS, the Phase IIIA improvements identified for this interchange are included in the region's 2045 Long Range Transportation Plan and HRTAC's 2045 Long Range Plan of Finance; and

WHEREAS, the CTB, on December 7, 2016, authorized the Commissioner to enter into a Standard Project Agreement with HRTAC for Preliminary Engineering work in the amount of $7.5M for the I-64/I-264 Interchange Phase III Improvement Project; and

WHEREAS, on December 19, 2016 VDOT and HRTAC executed the Standard Project Agreement for the advanced Preliminary Engineering for the I-64/I-264 Interchange Phase III Improvement Project; and

WHEREAS, HRTAC, on April 18, 2024, approved the FY2025-FY2030 HRTAC Highway Regional High Priority Projects Funding Plan of Finance and Debt Management Plan Update to allocate an additional $474,836,463 for the remaining design, right of way acquisition, and construction for the Interchange's Phase IIIA Improvement Project; and

WHEREAS, VDOT has requested that the CTB (i) approve and authorize the Commissioner of Highways to execute a Standard Project Agreement (SPA) with HRTAC relating to design and right of way acquisition as well as preliminary details for construction of the I-64/I-264 Interchange Phase IIIA Improvement Project, as set forth in Exhibit A, which will require amendment in the future to fully address construction of the Project, and (ii) further authorize the Commissioner to execute all future SPAs with HRTAC necessary for the funding and administration of any and all improvements to the I-64/I-264 Interchange, and any associated activities.

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NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby approves and authorizes the Commissioner of Highways to enter into and execute the SPA with HRTAC, attached hereto as Exhibit A, regarding the funding and administration of the I-64/I-264 Interchange Phase IIIA Improvement Project, with such changes and additions as the Commissioner deems necessary as well as any future amendments thereto.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into and execute all future SPAs with HRTAC and any amendments thereto, necessary for funding and administration of any and all improvements to the I-64/I-264 Interchange, and any associated activities and improvements.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item #14

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 16, 2024

MOTION
Made By: Mr. Davis, **Seconded By:** Mr. Laird

Action: Motion Carried, Unanimously

AUTHORIZING THE ISSUANCE AND SALE OF COMMONWEALTH OF VIRGINIA FEDERAL TRANSPORTATION GRANT ANTICIPATION REVENUE NOTES, SERIES 2024 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $140,000,000

WHEREAS, from time to time the Commonwealth of Virginia (the "Commonwealth") receives federal-aid highway construction reimbursements and other federal highway assistance under or in accordance with Title 23 of the United States Code, or any successor program established under federal law, from the Federal Highway Administration ("FHWA") or any successor or additional federal agencies ("Federal Highway Reimbursements");

WHEREAS, the receipt of Federal Highway Reimbursements is expected to continue;

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.2-1700 *et seq*. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds or notes to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds or notes;

WHEREAS, the Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011, Article 4, Chapter 15, Title 33.2 of the Virginia Code (the "GARVEEs Act" and, together with the State Revenue Bond Act, the "Act"), authorizes the Board, by and with the consent of the Governor of the Commonwealth (the "Governor"), to issue, pursuant to the

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provisions of the State Revenue Bond Act, in one or more series from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series …." (the "GARVEEs"); provided that the aggregate principal amount outstanding shall not exceed $1,200,000,000, exclusive of (i) the amount of any revenue obligations that may be issued to refund GARVEEs previously issued under the GARVEEs Act in accordance with Section 33.2-1512 of the Virginia Code, and (ii) any amounts issued for financing expenses (including, without limitation, any original issue discount);

WHEREAS, Section 33.2-1520 of the Virginia Code provides that in connection with each series of GARVEEs issued, the Board shall establish a fund in accordance with Section 33.2-1720 of the Virginia Code either in the state treasury or with a trustee in accordance with Section 33.2-1716 of the Virginia Code, which fund secures and is used for the payment of such series of GARVEEs to the credit of which there shall be deposited such amounts, appropriated therefor by the General Assembly, as are required to pay the principal, or purchase price of, and redemption premium, if any, and interest on GARVEEs, as and when due and payable, and the amounts deposited in such fund shall be derived (i) first from Federal Highway Reimbursements received by the Commonwealth from time to time only with respect to the specifically identified project or projects to be financed by such GARVEEs (the "Project-Specific Reimbursements"); (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, which are designated by the General Assembly for such purpose;

WHEREAS, the Board has entered into a Master Trust Indenture (as supplemented and amended, the "Master Indenture") dated as of February 1, 2012, between the Board and U.S. Bank Trust Company, National Association, formerly U.S. Bank National Association, as trustee (the "Trustee");

WHEREAS, the Board has the authority to issue one or more series of GARVEEs to be known as the "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes," with one or more series designations, as appropriate (collectively, the "2024 GARVEEs") and to take such action as may be necessary or advisable in order to effect the issuance and sale of the 2024 GARVEEs;

WHEREAS, Section 33.2-1513 of the Virginia Code provides that the net proceeds of the 2024 GARVEEs shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs incurred or to be incurred for construction or funding of such projects to be designated by the Board, and the Board intends that the net proceeds of the 2024 GARVEEs are to be used to pay costs of the projects listed on Schedule 1 to this Resolution (collectively, the "Projects"); and

WHEREAS, the provisions for the foregoing arrangements and transactions will be set forth in the following documents, forms of which have been presented to the Board at this meeting:

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(1) an Eighth Supplemental Trust Indenture expected to be dated as of October 1, 2024 (the "Eighth Supplemental Indenture" and together with the Master Indenture, the "Indenture"), between the Board and the Trustee;

(2) a Preliminary Official Statement of the Board related to the offering for sale of the 2024 GARVEEs containing, among other things, information relating to the Commonwealth, the Board, the Virginia Department of Transportation (the "Department") and the terms of the 2024 GARVEEs to be used in the public offering for sale of the 2024 GARVEEs (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2024 GARVEEs (the "Continuing Disclosure Agreement" and, together with the Eighth Supplemental Indenture and the Preliminary Official Statement, the "Basic Documents").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD THAT:

1. Authorization of the 2024 GARVEEs. The Board hereby finds and determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Eighth Supplemental Indenture to provide for the issuance of the 2024 GARVEEs, (ii) to issue the 2024 GARVEEs in accordance with the provisions of the Act, the Indenture and the Basic Documents, (iii) to sell the 2024 GARVEEs in the manner provided herein, and (iv) to use a portion of the proceeds of the 2024 GARVEEs to pay costs of the Projects, including such other project or projects as may be designated in a resolution adopted by the Board and approved in writing by FHWA. The issuance and sale of the 2024 GARVEEs within the following parameters is authorized: (i) the aggregate principal amount of the 2024 GARVEEs, including any original issue premium in excess of a de minimis amount as required by Section 2.2-5002.1 of the Virginia Code, shall not exceed $140,000,000, (ii) the final maturity date of the 2024 GARVEEs shall not exceed 20 years from their date of issuance, and (iii) the aggregate true interest cost of the 2024 GARVEEs shall not exceed the maximum true interest cost approved by the Treasury Board of the Commonwealth (the "Treasury Board"). The Treasury Board is required pursuant to Section 2.2-2416 of the Virginia Code to approve the terms and structure of the 2024 GARVEEs. The Board hereby finds and determines that the issuance and sale of the 2024 GARVEEs in accordance with this Resolution conforms with the purposes set forth in the Act and the Indenture.

2. Limited Obligations. The 2024 GARVEEs shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the Federal Highway Reimbursements and the other Revenues (as defined in the Indenture) and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution, the 2024 GARVEEs, the Indenture or the Basic Documents shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

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3. Determination of Details of the 2024 GARVEEs. The Chairperson of the Board (the "Chairperson") is authorized, subject to the parameters set forth in paragraph 1 of this Resolution, to determine the final terms and details of the 2024 GARVEEs, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. The Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department (either of whom may act) are authorized to effect the Chairperson's award of the 2024 GARVEEs. Upon the Chairperson's determination of the final terms and details of the 2024 GARVEEs, the Chairperson and the Secretary of the Board (the "Secretary") are authorized (i) to have the 2024 GARVEEs prepared and executed in accordance with the Indenture, (ii) to deliver the 2024 GARVEEs to the Trustee for authentication, and (iii) to cause the 2024 GARVEEs so executed and authenticated to be delivered by the Trustee to the purchaser of purchasers thereof upon payment of the purchase price of the 2024 GARVEEs. Execution and delivery by the Chairperson and the Secretary of the 2024 GARVEEs shall constitute conclusive evidence of the approval of the 2024 GARVEEs and the terms and details thereof by the Chairperson and the Secretary on behalf of the Board.

4. Sale of the 2024 GARVEEs. The Chairperson is authorized to sell the 2024 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2024 GARVEEs by resolution of the Treasury Board. Alternatively, if in consultation with Public Resources Advisory Group, the Board's financial advisor (the "Financial Advisor"), the Chairperson determines a negotiated sale of the 2024 GARVEEs is in the best interest of the Commonwealth, the Chairperson is authorized to solicit and consider proposals for such sale and to negotiate the terms thereof not inconsistent with the terms of this Resolution with an underwriter or group of underwriters (the "Underwriter"); provided, however, no purchase contract or agreement may be executed prior to the approval of the terms and details of the 2024 GARVEEs by resolution of the Treasury Board. In addition to the Chairperson, any such purchase contract or agreement may be executed and delivered by either of the Chief Financial Officer of the Department or the Director, Financial Planning Division of the Department.

5. Preliminary Official Statement. The Preliminary Official Statement in substantially the form presented at this meeting is approved. The Chairperson is authorized, in collaboration with Department staff, Bond Counsel and the Financial Advisor, to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2024 GARVEEs, as the Chairperson may approve. The Chairperson is authorized to deem the Preliminary Official Statement final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2024 GARVEEs in accordance with a resolution adopted by the Treasury Board.

6. Official Statement. The Chairperson is authorized, in collaboration with Department staff, Bond Counsel and the Financial Advisor, to complete the Preliminary Official

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Statement as an official statement in final form (the "Official Statement") to reflect the provisions of the winning bid or an executed purchase contract, as appropriate, with respect to the purchase and sale of the 2024 GARVEEs. The Chairperson is authorized to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairperson on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Department staff is authorized and directed to arrange for delivery of a sufficient number of copies of the Official Statement to the winning bidder or Underwriter, as appropriate, for distribution to each potential investor requesting a copy and to each initial purchaser of the 2024 GARVEEs from the winning bidder or Underwriter, as appropriate, and to the Municipal Securities Rulemaking Board ("MSRB") via the MSRB's Electronic Municipal Market Access system. The distribution by the winning bidder or Underwriter of the Official Statement as executed by the Chairperson is authorized.

7. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2024 GARVEEs and to assist the winning bidder or Underwriter, as applicable, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Chairperson is authorized and directed to prepare, execute and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions and changes as are necessary or desirable to effect the issuance and sale of the 2024 GARVEEs, as the Chairperson may approve. The Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department (either of whom may act) are designated as the initial Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairperson of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairperson on behalf of the Board.

8. Eighth Supplemental Indenture. The Eighth Supplemental Indenture is approved in substantially the form presented at this meeting. The Chairperson is authorized and directed to prepare, execute and deliver the final form of the Eighth Supplemental Indenture with such completions, omissions, insertions and changes as are necessary or desirable to effect the issuance and sale of the 2024 GARVEEs, including without limitation changes to the dated date thereof, as the Chairperson may approve. Execution and delivery by the Chairperson of the Eighth Supplemental Indenture shall constitute conclusive evidence of the approval of the Eighth Supplemental Indenture by the Board.

9. Authorization of Further Action. The Department staff is authorized (i) to request the Treasury Board to approve the terms and structure of the 2024 GARVEEs in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor to approve the issuance of the 2024 GARVEEs in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2024 GARVEEs and to execute such contract, together with any other documents related to such credit facility, and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2024 GARVEEs.

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The Chairperson is authorized to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2024 GARVEEs, including, without limitation, the execution and delivery of documents, certificates or instruments that include without limitation (a) agreements or amendments to existing agreements concerning Federal Highway Reimbursements or the GARVEEs generally to account for the 2024 GARVEEs or the proceeds of the 2024 GARVEEs or other GARVEEs in a manner consistent with the intent of this Resolution, and (b) certificates or agreements concerning tax items related to the 2024 GARVEES, such as: (I) the expected use and investment of the proceeds of the 2024 GARVEEs to show that such expected use and investment will not cause the 2024 GARVEEs to be deemed to be "private activity bonds" or "arbitrage bonds" under Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and (II) providing for the computation and payment to the United States of any arbitrage rebate liability under Section 148(f) of the Tax Code. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2024 GARVEEs as the Chairperson may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

10. Authorizations and Directions to Certain Officers. Any authorization of or direction to the Chairperson or the Secretary under this Resolution shall also be deemed to be an authorization of or a direction to (i) the Vice-Chairperson of the Board or any Assistant Secretary of the Board, respectively, and (ii) any other officer or employee of the Board or the Department designated for such purpose by the Chairperson or the Secretary, respectively, including without limitation the Commonwealth's Commissioner of Highways or the Chief Financial Officer of the Department.

11. Effective Date. This Resolution is effective upon adoption and shall remain in effect for one year after adoption.

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SCHEDULE 1

List of Projects

1. Route 58/Holland Road Corridor Improvements
2. Route 95- Relocation of Interchange at Route 630
3. Route 7 Corridor Improvements Phase II
4. Route 277 Widening
5. I-66 Inside the Beltway Initiatives
6. Interchange Construction Route 15/17/29 at Route 15/17/29 Business
7. I-81 Northbound Auxiliary Lane from Exit 141 to 143
8. Route 7 Corridor Improvements – Phase I and Phase II
9. Route 11 S. Valley Pike Roadway Improvements
10. I-81 at State Route 75 (Exit 17) Interchange Modification
11. Route 10 (Bermuda Triangle Road to Meadowville Road)
12. Route 682 Reconstruction
13. 81 Southbound Auxiliary Lane from Exit 143 to 141
14. I-95 Rappahannock River Crossing (Southbound)
15. I-95 Aux Lanes (NB & SB) between Route 288 and Route 10
16. Route 419 & Route 220 Diverging Diamond Interchange
17. Potomac Town Center Commuter Garage
18. Progress Park Connector

(each as described in the Board's Six-Year Improvement Program, as amended from time to time)

If any of the foregoing identified projects or the related financing plan is delayed, altered, or terminated, such other project or projects as approved in the Six-Year Improvement Program, as amended from time to time, and approved in writing by FHWA shall be added to this Schedule I and will become eligible for Project-Specific Reimbursements.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Richmond, Virginia 23219

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Agenda item # *5*

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 18, 2024

MOTION

Made By: Ms. Hynes, **Seconded By:** Mr. Merrill
Action: Motion carried, unanimously.

AUTHORIZING THE ONGOING ISSUANCE AND SALE OF REVENUE REFUNDING BONDS

WHEREAS, Section 33.2-1727 of the Code of Virginia of 1950, as amended (the "Virginia Code"), authorizes the Commonwealth Transportation Board (the "Board") to issue revenue refunding bonds to refund any revenue bonds issued pursuant to the State Revenue Bond Act, Sections 33.2-1700 et seq. of the Virginia Code (the "Act"); and

WHEREAS, the Board proposes to authorize the issuance of one or more series of revenue refunding bonds (the "Bonds") to refund, redeem and/or defease some or all of the revenue bonds, notes or other obligations previously issued by the Board (the "Outstanding Bonds");

NOW THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. **Authorization of Bonds.** The Board determines that it is in the best interest of the Commonwealth to authorize the issuance of Bonds to refund, redeem and/or defease some or all of the Outstanding Bonds pursuant to the criteria set forth in this Paragraph 1 (the Outstanding Bonds to be refunded, redeemed and/or defeased shall be referred to as the "Refunded Bonds"). The Board authorizes the issuance and sale of the Bonds in one or more series from time to time, pursuant to the following terms and conditions: (a) the minimum debt service savings threshold for any series of Bonds shall be (i) no less than three percent (3%) savings on a present value basis compared to the existing debt service

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on the Refunded Bonds or (ii) such other threshold as may be approved by the Treasury Board of the Commonwealth (the "Treasury Board"); and (b) the fiscal year in which occurs the final maturity date of the Bonds of any series shall be no later than the fiscal year in which occurs the final maturity date of the respective Refunded Bonds. The Chairperson of the Board (the "Chairperson"), in collaboration with the Board's financial advisor (the "Financial Advisor"), is authorized from time to time to (a) review the terms of the Outstanding Bonds, (b) determine which Outstanding Bonds may be refunded under the criteria set forth in this Paragraph 1 and (c) select the Refunded Bonds. For each Refunded Bond so selected, the Chairperson shall prepare a memorandum identifying the Refunded Bonds and setting forth the proposed terms and structure of the Bonds, including details demonstrating that the Bonds are expected to satisfy the criteria set forth in this Paragraph 1. Such memorandum shall be submitted to the Board and to the Treasury Board. The submission of such memorandum plus a copy of this Resolution shall constitute notice to the Treasury Board of the Board's intention to issue such Bonds.

2. Limited Obligations. The Bonds shall be limited obligations of the Board, payable from and secured by such revenues and property as were pledged to the respective Refunded Bonds, plus such funds or accounts as may be established and pledged for such purpose pursuant to the respective indenture, trust agreement or other authorizing document. Nothing in this Resolution or the Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of Bonds. The Board authorizes the Chairperson, subject to the criteria set forth in Paragraph 1, to determine the details of the Bonds, including without limitation the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices.

4. Sale of Bonds. The Board authorizes the Chairperson to solicit and consider proposals for a negotiated sale of any series of Bonds and to negotiate the terms of such sale. The Chairperson is authorized to execute and deliver a purchase contract or agreement reflecting such proposal; provided that no such purchase contract or agreement may be executed prior to approval of the particular series of Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairperson to be in the best interest of the Commonwealth, the Chairperson is also authorized to sell any series of Bonds pursuant to a competitive sale, private placement or direct bank placement and to prepare and to publish and/or distribute a Notice of Sale or Request for Proposals in connection therewith; provided, however that no Notice of Sale or Request for Proposals authorized hereunder may be distributed prior to the approval of the particular series of Bonds by resolution of the Treasury Board.

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5. Preliminary Official Statement. The Board authorizes the Chairperson, in collaboration with the staff of the Virginia Department of Transportation (the "Department") and the Financial Advisor, to prepare a Preliminary Official Statement (a "POS") in connection with the offering of each series of Bonds authorized hereunder. The Board authorizes the Chairperson to deem the POS to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof; provided, however that no POS authorized hereunder may be distributed prior to approval of the particular series of Bonds by resolution of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairperson, in collaboration with the Department staff, Bond Counsel and the Financial Advisor, to complete the POS as an official statement in final form (the "Official Statement") to reflect the provisions of the executed purchase contract or the winning bid, as appropriate, for the purchase and sale of each series of the Bonds. The Board authorizes the Chairperson to execute the Official Statement, which execution shall constitute conclusive evidence of approval of the Official Statement on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs the Department staff to arrange for delivery to the underwriters or winning bidders, as appropriate, within seven business days after the date thereof, of a sufficient number of copies of the Official Statement, for the underwriters or winning bidders to distribute copies to each potential investor requesting a copy and to each person to whom the underwriters or winning bidders initially sell Bonds. The Board authorizes and approves the distribution by the underwriters or winning bidders of the Official Statement as executed.

7. Financing Documents. The Board authorizes and directs the Chairperson to prepare and execute any supplemental or amendatory indentures or trust agreements, escrow agreements and any other documents necessary or desirable to effect the issuance of the particular series of Bonds and the refunding of the particular Refunded Bonds.

8. Execution and Delivery of Bonds. The Board authorizes and directs the Chairperson and the Secretary of the Board to have the Bonds prepared and to execute the Bonds in accordance with the respective indenture, trust agreement or other authorizing document executed in connection with the Bonds and/or the Refunded Bonds, to deliver them to the trustee for authentication if required and to cause the Bonds so executed and authenticated to be delivered to or for the account of the underwriters,

winning bidders or other purchasers upon payment of the purchase price therefore, all in accordance with the executed purchase contract or notice of sale, as appropriate.

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9. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "material event notices" for the benefit of holders of Bonds issued hereunder, to assist the underwriters or the winning bidders, as appropriate, in complying with the Rule, including executing and delivering a Continuing Disclosure Agreement in connection with each issuance of Bonds hereunder. The Board authorizes and directs the Chairperson to execute the Continuing Disclosure Agreement in substantially the form previously provided in similar financings, with such completions, omissions, insertions and changes as the Chairperson may approve, as appropriate. The Chief Financial Officer of the Department may be designated as the Dissemination Agent under any Continuing Disclosure Agreement executed hereunder.

10. Authorization of Further Action. The Board authorizes the Department staff (a) to request the Treasury Board to approve the terms and structure of the Bonds authorized hereunder in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (b) to request the Governor of the Commonwealth to approve issuance of the Bonds authorized hereunder in accordance with the Act, (c) if determined by Department staff to be cost beneficial, to procure and negotiate a commitment for a bond insurer to issue municipal bond insurance with respect of some or all of the Bonds, and to execute such commitment together with any other documents related to such insurance, and (d) to procure and/or negotiate investments and investment contracts for any of the proceeds of the Bonds or the Refunded Bonds. The Board further authorizes the Chairperson to execute and deliver all documents and certificates and to take all such further action as the Chairperson may consider necessary or desirable in connection with the issuance and sale of the Bonds authorized hereunder, including without limitation (a) the execution and delivery of a certificate setting forth the expected use and investment of the proceeds of the Bonds and Refunded Bonds to show that such expected use and investment will not violate the provisions of Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and the Treasury Regulations hereunder applicable to "arbitrage bonds" and (b) providing for the rebate of any "arbitrage rebate amounts" earned on investment of proceeds of the Bonds and Refunded Bonds to the United States. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to any series of the Bonds or any Refunded Bonds as the Chairperson may deem to be in the best interest of the Commonwealth in consultation with bond counsel to the Board and the Financial Advisor.

11. Report of Chairperson. Within sixty days following each date of issuance of Bonds, the Chairperson shall submit a written report to the Board (a) identifying the Refunded Bonds actually refunded, (b) describing the final terms and conditions of such Bonds and (c) demonstrating that each of the criteria set forth in Paragraph 1 above was satisfied with respect to such Bonds.

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12. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairperson or the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairperson or an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairperson or Secretary.

13. Effective Date. Termination. This Resolution shall be effective July 1, 2024. The authority to issue Bonds pursuant to this Resolution shall terminate on June 30, 2026.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 18, 2024

MOTION

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

Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2025 – 2030

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

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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 up to $4 million of their portion for the purposes of the Shortline Railway Preservation and Development Fund pursuant to Section 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, Item 438 L of Chapter 2 of the 2024 Acts of the Assembly Special Session I provides that the Board may advance preliminary engineering and right-of-way activities prior to full funding for construction for projects in the Interstate 81 Corridor Improvement Program as adopted by the Board provided that the anticipated funding for the construction of the project must be planned for within the subsequent three years after the Six-Year Improvement Program and provided that the Department of Transportation shall report to the Chairs of the House Appropriations, House Transportation, Senate Finance and Appropriations, and Senate Transportation Committees on any projects advanced in this manner; 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 to make 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

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WHEREAS, the Final Six-Year Improvement Program for Fiscal Years 2025 – 2030 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 2025 – 2030 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 2025 – 2030 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; and

WHEREAS, on May 14, 2024, the Board was presented recommended Revenue Sharing Program allocations, pursuant to 33.2-357, for purposes of preparing the Final 2025 – 2030 Six-Year Improvement Program; and

WHEREAS, on May 14, 2024, the Board was presented recommended Transportation Alternatives Program allocations, pursuant to § 11109 of the Infrastructure Investment and Jobs Act (IIJA); 23 U.S.C. 133, for purposes of preparing the Final 2025 – 2030 Six-Year Improvement Program; 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, at its April 16, 2024 Workshop, the Board was presented the Draft FY 2025 – 2030 Six-Year Improvement; and

WHEREAS, the Draft Six-Year Improvement Program for Fiscal Years 2025 – 2030 was made available for review and comment; and

WHEREAS, ten public meetings were held, April 18, 2024 for Richmond, April 24, 2024 for Staunton, April 25, 2024 for Northern Virginia, May 1, 2024 for Lynchburg, May 2,

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2024 for Hampton Roads, May 6, 2024 for Bristol, May 7, 2024 for Salem, May 8, 2024 for Culpeper, and May 9, 2024 for Fredericksburg, and May 16, 2024 virtually; 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 2025 – 2030 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 2024, attached hereto as Attachment A.

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 2025 – 2030 as amended herein are approved.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Six-Year Improvement Program of projects and programs for Fiscal Years 2025 – 2030 as amended herein 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 2025 and prior within the Six-Year Improvement Program satisfactory to the Commissioner and the Director, to the extent otherwise consistent with authorities set forth in the Code of Virginia.

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 or their designees, in order to effectively maximize the use of federal transportation funds, are hereby delegated the authority to enter into federal grant agreements with federal entities that fund, in whole or in part, respective programmed projects.

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 2025 – 2030, are approved.

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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 2025 – 2030 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 2025 – 2030 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.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda Item # 1

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

April 16, 2024

MOTION

Made By: Ms. Hynes **Seconded By:** Mr. Yates

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into an Agreement with the Maryland Department of Transportation State Highway Administration Relating to Certain Works Required in the State of Maryland for the Completion of the I-495 Express Lanes Northern Extension Project

WHEREAS, the Virginia Department of Transportation has entered into an existing comprehensive agreement with a developer for the design, construction, financing, operation, and maintenance of certain improvements to I-495 in Virginia ("I-495 Express Lanes Northern Extension Project"); and

WHEREAS, to complete the I-495 Express Lanes Northern Extension Project, certain works will be required to be performed in the State of Maryland, including (i) the design, construction, installation, operation, and maintenance of certain I-495 Express Lanes Northern Extension Project-related signage (the "I-495 Signage"); (ii) the installation of power and communications infrastructure to support the I-495 Signage; and (iii) the potential relocation of utilities to facilitate the I-495 Signage and its accompanying power and communications infrastructure (together, the "I-495 Signage Facilitation Work"); and

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WHEREAS, Virginia, acting by and through the Virginia Department of Transportation and the State of Maryland, acting by and through the Maryland Department of Transportation State Highway Administration ("Maryland"), wish to enter into an agreement to define the duties, responsibilities, and obligations of Virginia and Maryland with respect to the I-495 Signage Facilitation Work ("I-495 NEXT Maryland Works Agreement"); and

WHEREAS, pursuant to the I-495 NEXT Maryland Works Agreement, Virginia will: (i) design, construct, and maintain the I-495 Signage and related infrastructure; (ii) bear the cost obligations relating to the installation of the I-495 Signage and associated work; (iii) obtain and maintain all governmental approvals and third party agreements as set forth in the Agreement (including NEPA-related approvals); and (iv) coordinate and perform the I-495 Signage Facilitation Work through Capital Beltway Express LLC, the developer acting as concessionaire for the I-495 Express Lanes Northern Extension Project; and

WHEREAS, pursuant to the I-495 NEXT Maryland Works Agreement, Maryland will: (i) have inspection and maintenance responsibility for two of the six signs comprising the I-495 Signage; (ii) be required to coordinate, cooperate, and provide necessary access with respect to Virginia's performance of the I-495 Signage Facilitation Work; and (iii) have general design/construction materials review, inspection, and oversight rights with respect to the I-495 Signage Facilitation Work, with its exercise of such rights during design and construction to be at Virginia's cost; and

WHEREAS, Va. Code § 33.2-221(B) empowers the Board to enter into all contracts and agreements with other states necessary for the proper coordination of the location, construction, maintenance, improvement, and operation of transportation systems, including the systems of state highways, with the highways of such other states.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes the Commissioner of Highways to enter into the I-495 NEXT Maryland Works Agreement with Maryland, substantially in the form as attached hereto as Exhibit A, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 4, 2023

MOTION

Made By: Mr. Davis **Seconded By:** Ms. Sellers

Action: Motion Carried, Unanimously

Title: Amendment to Memorandum of Agreement Between VDOT and the Central Virginia Transportation Authority and Revised Standard Project Agreement Template

WHEREAS, the 2020 Virginia General Assembly adopted and enacted into law House Bill 1541, (2020 Va. Acts Chapter 1235) ("Chapter 1235"); and

WHEREAS, Chapter 1235 provides for imposition of certain state taxes in localities comprising Planning District 15, and further provides that the revenues derived from such taxes be deposited in the Central Virginia Transportation Fund (the "Fund") and used solely for transportation purposes benefiting the localities comprising Planning District 15 ("CVTA Projects and Purposes"), and certain administrative and operating expenses pursuant to Va. Code § 33.2-3706(B); and

WHEREAS, Chapter 1235 establishes the Fund and specifies that all revenues dedicated to the Fund pursuant to Va. Code § 58.1-638 and Va. Code §§ 58.1-2291 et seq. shall be paid into the state treasury, credited to the Fund, and the amounts so dedicated deposited monthly by the Comptroller (such amounts, together with interest earned thereon, are the "CVTA Revenues"); and

WHEREAS, Chapter 1235 establishes the Central Virginia Transportation Authority ("CVTA"), providing the CVTA with the authority and duty to, among other things, determine and approve appropriate uses of the CVTA Revenues; and

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WHEREAS, the CVTA and the Virginia Department of Transportation ("VDOT") have determined that it is desirable to work cooperatively to ensure the most effective and efficient delivery and implementation of CVTA Projects and Purposes with CVTA Revenues and other state and federal transportation funding sources; and

WHEREAS, to facilitate said cooperation, on December 9, 2020, the Commonwealth Transportation Board ("Board") approved and authorized the Commissioner of Highways to execute a Memorandum of Agreement between VDOT and the CVTA to identify and memorialize their respective roles and responsibilities with regard to the Fund, CVTA Revenues, and CVTA Projects and Purposes, including but not limited to administration of the CVTA funds disbursed to CVTA and financial reporting, project planning and delivery for the CTB's Six-Year Improvement Program and provision for VDOT administration of CVTA funded projects ("VDOT/CVTA MOA"); and

WHEREAS, the VDOT/CVTA MOA approved by the CTB incorporated a template for a Standard Project Agreement ("SPA") for Funding and Administration to be used for VDOT administration of CVTA-funded projects ("VDOT/CVTA SPA template"); and

WHEREAS, CVTA and its member localities have developed an agreement template for locality administration of CVTA-funded projects ("Locality/CVTA Agreement template") that is more streamlined than the VDOT/CVTA SPA template and it has been determined that uniformity and standardization of agreements for administration of all CVTA-funded projects would benefit administration of said projects; and

WHEREAS, VDOT and the CVTA have developed a revised VDOT/CVTA SPA template ("Revised SPA Template") that is similar to the Locality/CVTA Agreement template and VDOT is recommending that the CTB approve the Revised SPA Template and approve an amendment to the VDOT/CVTA MOA to incorporate the new template; and

WHEREAS, pursuant to §33.2-3708, the CVTA may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 37 of Title 33.2; and

WHEREAS, Section 33.2-214 C of the *Code of Virginia* empowers the CTB to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves the Revised SPA Template, attached hereto as Exhibit A, for VDOT-administered CVTA-funded projects.

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BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to execute an amendment to the VDOT/CVTA MOA, attached hereto as Exhibit B, addressing and incorporating the Revised SPA Template, with such changes and additions as the Commissioner deems necessary.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner to enter into agreements with the CVTA, substantively similar to the Revised SPA Template set forth in Exhibit A, with such changes and additions as the Commissioner deems necessary, for administration of any projects funded in whole or in part by the CVTA that have been included in the CTB's Six Year Improvement Program.

BE IT FURTHER RESOLVED, that, from this point forward, the authorization provided herein hereby supersedes any prior authorization/requirement of the CTB relating to use of a specific template for a Standard Project Agreement between VDOT and the CVTA for administration of CVTA-funded projects.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 18, 2023

MOTION
Made By: Mr. Stant **Seconded By:** Mr. Coleman
Action: Motion Carried, Unanimously

Title: Approval and Authorization for the Commissioner of Highways to Execute a TIFIA Direct Agreement Between the Virginia Department of Transportation, the Hampton Roads Transportation Accountability Commission, and the United States Department of Transportation for the Hampton Roads Express Lanes Network, Segment 4C Project

WHEREAS, the Virginia Department of Transportation ("VDOT") and the Hampton Roads Transportation Accountability Commission ("HRTAC") have entered into a Standard Project Agreement for the I-64 Hampton Roads Express Lanes Network, Segment 4C Project, dated as of December 16, 2021 (as amended, amended and restated, supplemented, or otherwise modified from to time); and

WHEREAS, VDOT, HRTAC, and the Commonwealth Transportation Board ("CTB") have entered into the Master Agreement for Development and Tolling of the Express Lanes Network, dated August 18, 2020, (the "MTA"); and

WHEREAS, VDOT has entered into a Contract for VDOT I-64 Express Lanes Toll System and Services, dated as of March 21, 2017, with TransCore, LP (the "Segment 1 Toll System Contract"); and

WHEREAS, VDOT has entered into the Contract Relating to the I-64 Express Lanes Expansion, dated as of June 17, 2021, with Conduent State & Local Solutions, Inc. (the "Segment 2 Toll System Contract"); and

WHEREAS, in reliance on the support for the Hampton Roads Express Lanes Network Segment 4C Project (the "Project") provided by VDOT pursuant to the foregoing agreements, together with each electronic toll collection agreement and each violation processing services agreement entered into by HRTAC and VDOT pursuant to the MTA (collectively the "VDOT Support Agreements"), the United States Department of Transportation ("USDOT") will grant to HRTAC a loan under the Transportation Infrastructure Finance and Innovation Act Program (the "TIFIA Loan") for the purpose of financing certain costs in connection with the construction and

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development of the Project and which will be repaid by HRTAC from sales tax revenues dedicated to the Hampton Roads Transportation Fund; and

WHEREAS, as a condition of granting HRTAC the TIFIA Loan, USDOT requires VDOT and HRTAC to agree to and execute a Direct Agreement (the "Direct Agreement," a draft of which is attached hereto as Exhibit A) whereby, among other things, VDOT makes certain warranties and representations with regard to the VDOT Support Agreements and VDOT's roles relating the Project but is not liable for repayment of the TIFIA loans; and

WHEREAS, at the September 2023 CTB Workshop, the CTB was briefed on the Direct Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby approves and authorizes the Commissioner of Highways to execute, and take all actions necessary under, the Direct Agreement between VDOT, HRTAC, and USDOT relating to the TIFIA Loan to HRTAC for the Project, a draft of which is set forth in Exhibit A, with such changes and modifications deemed necessary by the Commissioner of Highways.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 20, 2023

MOTION

Made By: Mr. Stant, **Seconded By:** Mr. Coleman
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission for the Interstate 64/Denbigh Boulevard Interchange Project

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the Code of Virginia, has established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to § 33.2-2600 of the Code of Virginia, has also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to § 33.2-2608, HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, subsection C of § 33.2-214 of the Code of Virginia empowers the Commonwealth Transportation Board to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, VDOT completed an Interchange Justification Report (IJR) in 2021 that evaluated the need to a new interchange on I-64 in the City of Newport News between the Jefferson Avenue and Fort Eustis Boulevard Interchanges; and

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WHEREAS, the Federal Highway Administration (FHWA), in September 2021, approved the IJR, which found providing a new interchange on I-64 at Denbigh Boulevard in the City of Newport News to be acceptable in relieving safety concerns and congestion within this corridor; and

WHEREAS, the identified improvements for this new interchange are included in the region's 2045 Long Range Transportation Plan and HRTAC's 2045 Long Range Plan of Finance; and

WHEREAS, due to funding limitations, and in order to mitigate schedule concerns and expedite the westbound I-64 on- and off-ramp construction at Denbigh Boulevard to relieve congestion and improve safety at the I-64/Jefferson Avenue Interchange, VDOT and FHWA have agreed with a phased approach to the design, right of way acquisition, and construction of this new interchange; and

WHEREAS, the Commonwealth Transportation Board, on May 19, 2021, adopted a resolution approving $46,592,997 in Round 4 Smart Scale allocations for the design, right of way acquisition and construction for the westbound I-64 off-ramp to Denbigh Boulevard for Phase 1 of this interchange project; and

WHEREAS, the Commonwealth Transportation Board, on December 8, 2021, adopted a resolution approving $27,210,755 in Priority Transportation Funding to cover the additional costs to fund the design, right of way acquisition, and construction of the Denbigh Boulevard on-ramp to westbound I-64, thus completing funding for Phase 1 of this interchange project, in accord with the FHWA requirement to include both the on-and off-ramps in Phase 1 of the project; and

WHEREAS, on June 15, 2023, HRTAC adopted (i) a FY2024-FY2030 HRTAC Highway Regional High Priority Projects Funding Plan of Finance that allocated $26,643,026 for preliminary engineering and right of way acquisition, and (ii) a 2045 Long Range Plan of Finance which also included a preliminary planning cost estimate of $161,420,044 for construction of Phase 2 East Bound of the project, which amount will be refined once preliminary engineering, right of way, and cost estimation work is completed to enable, subject to identification of legally available funds and amendment of the Funding Plan of Finance, construction to proceed; and

WHEREAS, VDOT has requested that the Commonwealth Transportation Board approve and authorize the Commissioner of Highways to execute a Standard Project Agreement (SPA) with HRTAC relating to design and right of way acquisition as well as preliminary details for construction of the I-64/Denbigh Boulevard Interchange, Phase 2 Project, as set forth in Exhibit A, which will require amendment in the future to fully address construction of the Project.

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NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby approves and authorizes the Commissioner of Highways to enter into and execute the SPA with HRTAC, attached hereto as Exhibit A, regarding the funding and development of the I-64/Denbigh Boulevard Interchange, Phase 2 Project, with such changes and additions as the Commissioner deems necessary as well as any future amendments thereto.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into and execute all future SPAs with HRTAC necessary for funding and administration of any and all improvements to the I-64/Denbigh Boulevard Interchange, Phase 2 Project, and any associated activities and improvements, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 20, 2023

MOTION

Made By: Ms. Hynes, **Seconded By:** Mr. Kasprowicz

Action: Motion Carried, Unanimously

Artificial Intelligence-Based Decision Support System (AI-DSS) for Enhancing Transportation Incident Management Contract Award

WHEREAS, due to a lack data-driven, real-time analytical and prediction capabilities, current transportation incident coordination/response is reactive, responding to incidents that have already taken place, rather than being proactive with a focus on predicting and preventing incidents; and

WHEREAS, coordination and collaboration among agencies and across different highway and transit modes in responding to transportation incidents occurs only on an ad-hoc basis or manually, giving rise to a gap in multi-modal and multi-agency incident response plan coordination; and

WHEREAS, in order to transform how agencies manage dynamic transportation systems effectively through a data-driven technology solution, the Virginia Department of Transportation (VDOT) has proposed deploying AI-DSS to recommend effective response plans to operating agencies for the management of congestion, incidents, and events across different highway and transit modes; and

WHEREAS, integrating AI-DSS and demand management results in more balanced and cohesive transportation systems management and operations; and

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WHEREAS, Offerors prequalified through the Request for Qualification were invited to respond to the Request for Proposal for this contract. Offerors provided details on software experience and qualifications, functional and technical capabilities, project plan and implementation, and small business subcontracting plan. Through consensus scoring and negotiations, the VDOT Selection Committee selected one (1) recommended Offeror; and

WHEREAS, VDOT has determined that Arup US, Inc., 77 Water Street, New York, NY 10005 (hereinafter "Arup") is considered the best suited and lowest cost Offeror of eight (8) initial Offerors; and

WHEREAS, the Virginia Information Technologies Agency and the Office of Attorney General approved the AI-DSS contract package on July 12, 2023; and

WHEREAS, VDOT recommends award of the Contract for the Artificial Intelligence-Based Decision Support System (AI-DSS) for Enhancing Transportation Incident Management to Arup; and

WHEREAS, Commonwealth Transportation Board (CTB) approval of this contract is required by § 33.2-209 of the *Code of Virginia* as a contract for "… construction, maintenance, and improvement of the highways comprising systems of state highways … in excess of $5 million."

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby concurs with VDOT's recommendation and hereby agrees to award the Contract for this Project to Arup.

BE IT FURTHER RESOLVED, that the Commissioner of Highways, or his designee, is granted the authority to execute the Contract and all other documents necessary to effectuate the award of this Contract to Arup.

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COMMONWEALTH of VIRGINIA

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Agenda item # 13

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 20, 2023

MOTION

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

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Execute an Amendment to the PAFA for the Hampton Roads Bridge-Tunnel Expansion Project Between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission

WHEREAS, the Virginia Department of Transportation ("**VDOT**") and the Hampton Roads Transportation Accountability Commission ("**HRTAC**") have entered into that certain Amended and Restated Project Agreement for Funding and Administration for the I-64 Hampton Roads Bridge-Tunnel Expansion Project (the "**HRBT Expansion Project**"), dated as of December 16, 2021, and effective as of the dates set forth therein (the "**HRBT PAFA**"); and

WHEREAS, VDOT has entered into that certain Comprehensive Agreement Relating to the I-64 Hampton Roads Bridge-Tunnel Expansion Project, dated as of April 3, 2019 (the "**Comprehensive Agreement**"), with Hampton Roads Connector Partners (the "**Design-Builder**"); and

WHEREAS, the Design-Builder has presented to VDOT schedule updates and requests for contract adjustment time and price adjustments asserting that the planned substantial completion of the HRBT Expansion Project has been impacted by delays and the unexpected escalation of costs of various commodities; and

WHEREAS, VDOT has engaged in negotiations with the Design-Builder regarding such impacts to the planned substantial completion of the HRBT Expansion Project; and

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WHEREAS, to resolve the certain outstanding matters as between VDOT and the Design-Builder and to facilitate the success of the HRBT Expansion Project and the timely completion of the necessary design and construction work, VDOT intends to amend the Comprehensive Agreement (such amendment, the "**CA Amendment**"); and

WHEREAS, VDOT and HRTAC seek to modify the HRBT PAFA, substantially in the form as shown in the amendment to the HRBT PAFA attached as Exhibit A hereto, to support the successful completion of the HRBT Expansion Project, and as necessary to facilitate through a modification of the Comprehensive Agreement; and

WHEREAS, at the September 2023 Board Workshop, the Board was briefed on the status of the HRBT Expansion Project and the basis for a CA Amendment, as well as the proposed amendment to the HRBT PAFA.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves and authorizes the Commissioner of Highways to: (i) execute and deliver an amendment to the HRBT PAFA, which incorporates modifications to the HRBT PAFA substantially similar to those set forth in Exhibit A hereto, with such changes and modifications deemed necessary by the Commissioner of Highways; and (ii) execute and deliver such other documents as may be necessary to implement the matters addressed in such amendment to the HRBT PAFA.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2023

MOTION

Made By: Dr. Smoot, **Seconded By:** Ms. Sellers
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into an Agreement and a Special Use Permit with the National Park Service Regarding the Construction and Maintenance of a Pedestrian Bridge Carrying the Appalachian Trail over Virginia State Route 311 (UPC #111066).

WHEREAS, the United States Department of the Interior National Park Service ("NPS") owns and protects the Appalachian National Scenic Trail (the "Trail" or the "Park"); and

WHEREAS, hikers on the Trail must traverse over Virginia State Route 311 through live traffic at an on-grade crossing near McAfee Knob and Scenic Overview, one of the most photographed sections of the Park with approximately 50,000 visitors annually; and

WHEREAS, the Virginia Department of Transportation ("VDOT") intends to construct a new pedestrian bridge carrying the Trail over Route 311, beginning approximately one tenth of a mile west of Route 864 (Old Catawba Rd) and extending approximately one and nine hundredths of a mile east of Route 698 (Keffer Rd), as well as retaining walls and approaches for the new pedestrian bridge (UPC #111066) (the "Project"); and

WHEREAS, VDOT will construct the Project, estimated to cost $3.2 million, with federal Highway Safety Improvement Program funds to improve the safety of both motorists on Route 311 and Park visitors/Trail users; and

WHEREAS, upon completion of construction by VDOT, NPS shall accept ownership of the pedestrian bridge and, along with the support from NPS' partners, the Appalachian Trail

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Conservancy ("ATC") and the Roanoke Appalachian Trail Club ("RATC"), maintain the structure in a way that does not adversely affect the operation and integrity of Route 311, with VDOT having no further responsibility for future maintenance; and

WHEREAS, VDOT and NPS have developed an agreement (the "Agreement"), set forth as Attachment A hereto, providing for the roles and responsibilities related to the construction and future maintenance of the Project; and

WHEREAS, delivery of the Project requires VDOT to have temporary construction access to the Park, and NPS requires that VDOT enter into a Special Use Permit, set forth as Attachment B hereto, to govern such access rights and duties relating to the work performed on and near the Park for the Project; and

WHEREAS, the Commonwealth Transportation Board ("CTB") is authorized under Va. Code § 33.2-221(A) to enter into all contracts and agreements with the United States government, including the NPS; and

WHEREAS, VDOT requests that the CTB approve, and authorize the Commissioner of Highways to enter into and execute, the Agreement with NPS and its partners ATC and RATC in order to implement the Project; and

WHEREAS, VDOT further requests that the CTB approve, and authorize the Commissioner of Highways to execute, a Special Use Permit between VDOT and NPS granting VDOT temporary access rights to the Park required for the Project.

NOW THEREFORE, BE IT RESOLVED, that the CTB hereby approves, and authorizes the Commissioner of Highways to execute, the Agreement among VDOT, NPS, ATC, and RATC establishing the coordination of construction and future maintenance of the Project, substantively similar to Attachment A, with such changes as the Commissioner deems necessary or appropriate.

BE IT FURTHER RESOLVED, that the CTB hereby approves, and authorizes the Commissioner of Highways to execute, the Special Use Permit between VDOT and NPS, governing access rights and duties relating to the work and improvements on Park property concerning the Project, substantively similar to Attachment B, with such changes as the Commissioner deems necessary or appropriate.

BE IT FURTHER RESOLVED, the Commissioner of Highways is authorized to take all actions and execute any and all other documents necessary to implement the Project.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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***Agenda item #* 6**

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2023

Made By: Mr. Byers, **Seconded By**: Ms. Hynes
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Cooperative Agreement with the Federal Highway Administration (FHWA) for a Surface Transportation System Funding Alternatives (STSFA) Program Grant.

WHEREAS, Congress passed the Fixing America's Surface Transportation (FAST) Act (Pub L. 114-94) and established the STSFA Program requiring the U.S. Secretary of Transportation "to establish a program to provide grants to States to demonstrate user-based alternative revenue mechanisms that utilize a user fee structure to maintain the long-term solvency of the Highway Trust Fund" (Section 6020); and

WHEREAS, the Virginia General Assembly passed legislation in the 2020 Session establishing Virginia's Highway Use Fee (HUF) and Mileage-Based User Fee (MBUF) Program, to be administered by the Department of Motor Vehicles (DMV) for the purpose of ensuring more equitable contributions to the Commonwealth Transportation Fund from alternative fuel vehicles, electric motor vehicles, and fuel-efficient vehicles using highways in the Commonwealth (Va. Code § 46.2-770 et seq.); and

WHEREAS, the flat HUF was imposed by law on all alternative fuel, electric, and fuel efficient vehicles on July 1, 2020, and voluntary participation in the MBUF became available as an option in lieu of the HUF on July 1, 2022; and

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WHEREAS, in November 2021, at the request of DMV, the Virginia Department of Transportation (VDOT) submitted a grant application to FHWA pursuant to § 6020 of the FAST Act for DMV's implementation of the MBUF Program in which DMV would act as the day-to-day project oversight lead while VDOT would administer the STSFA grant funding; and

WHEREAS, on March 10, 2023, FHWA approved the grant application and awarded $3,314,800 to VDOT for the reimbursement of 50 percent of eligible costs incurred by DMV in the implementation and administration the MBUF Program; and

WHEREAS, the terms of the STSFA grant require VDOT, as the funding administrator, to enter into a Cooperative Agreement with FHWA; and

WHEREAS, if VDOT is hereby authorized to enter into the Cooperative Agreement with FHWA, DMV and VDOT intend to enter into a separate Interagency Agreement to document their respective responsibilities regarding the details of the project oversight, fund administration, reporting, and other grant award requirements; and

WHEREAS, section 33.2-221 (A) of the *Code of Virginia* provides the Commonwealth Transportation Board with the authority to enter into contracts and agreements with the United States government.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways or his designee to enter into the Cooperative Agreement between FHWA and VDOT regarding STSFA grant funds for Virginia's MBUF Program, substantively similar to Exhibit A, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Richmond, Virginia 23219

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***Agenda item #* 7**

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2023

Made By: Mr. Stant, **Seconded By:** Mr. Coleman
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into Memoranda of Understanding with the Federal Highway Administration ("FHWA") Relating to the Expansion of Tolling of the Interstate 64 HOT (Express) Lanes Comprising the Hampton Roads Express Lanes Network ("HRELN")

WHEREAS, on October 19, 2016, pursuant to Va. Code §§ 33.2-502 and 33.2-309, and 23 USC § 166, the Commonwealth Transportation Board ("CTB") authorized dynamic tolling on designated lanes ("Express Lanes") of Interstate 64 between the I-564 Interchange in Norfolk and the I-264 Interchange in Virginia Beach, which comprises Segment 1 of the HRELN; and

WHEREAS, on April 19, 2017, pursuant to Va. Code § 33.2-221(A), the CTB approved and authorized the Virginia Department of Transportation ("VDOT") to enter into a memorandum of understanding with FHWA relating to the tolling of Interstate 64 Express Lanes between the I-564 Interchange and the I-264 Interchange ("Tolling MOU Segment 1"); and

WHEREAS, on September 20, 2017, pursuant to Va. Code §§ 33.2-502 and 33.2- 309, and 23 USC § 166, the CTB further designated Express Lanes on Interstate 64 between the I-664/I-264 Interchange at Bowers Hill and the I-264 Interchange; and

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WHEREAS, on January 10, 2018, pursuant to Va. Code §§ 33.2-502, 33.2-309, and 33.2-119, and 23 USC §§ 129 and 166, the CTB designated Express Lanes on Interstate 64 between the I-664 Interchange in Hampton and the I-564 Interchange; and

WHEREAS, on July 14, 2020, pursuant to Va. Code §§ 33.2-502 and 33.2-119, and 23 USC §§ 129 and 166, the CTB designated and authorized Express Lanes on Interstate 64 beginning in the vicinity of the I-664 Interchange in Hampton and extending to the vicinity of the intersection of Interstate 64 and Jefferson Avenue in Newport News; and

WHEREAS, on June 18, 2021, after completion of negotiations and other activities necessary for award, the Commissioner of Highways executed a contract, pursuant to the authorization and delegation issued by the CTB on May 19, 2021, with Conduent State and Local Solutions, Inc., for the Interstate 64 Hampton Roads Express Lanes Tolling System and Services Contract (the "Contract"); and

WHEREAS, on June 23, 2021, pursuant to Va. Code § 33.2-209, the CTB affirmed and ratified the Commissioner of Highways' award and execution of the Contract for the HREL Tolling System and Services to Conduent State and Local Solutions, Inc., and reiterated its authorization for the Commissioner of Highways to exercise any and all options under the Contract; and

WHEREAS, both 23 USC §166, which provides that a public authority may allow vehicles not meeting, and not otherwise exempt from, high-occupancy ("HOV") requirements to use an HOV facility by paying a toll, and 23 USC § 129, which sets out the requirements for federal participation on tolled highway projects, apply to all segments of the HRELN; and

WHEREAS, FHWA recommends, as additional segments of the HRELN approach operational status, that VDOT enter into further memoranda of understanding relating to the tolling for those portions of the I-64 Express Lanes not covered by the initial Tolling MOU Segment 1, due to the potential consequences of noncompliance, including the discontinuation of toll collection; and

WHEREAS, section 33.2-221(A) of the *Code of Virginia* provides the CTB with the authority to enter into contracts and agreements with the United States government, including FHWA.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, and authorizes the Commissioner of Highways to execute, a memorandum of understanding between VDOT and FHWA, substantively similar to Exhibit A and relating to the tolling of the I-64 Express Lanes from the I-264 Interchange in Virginia Beach to the I-264/I-664 Interchange at Bowers Hill, with such changes as the Commissioner deems necessary or appropriate.

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to execute any further tolling-related memoranda of understanding with FHWA for the HRELN as future segments approach operational status.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 21, 2023

MOTION

Made By: Ms. Sellers, **Seconded By**: Mr. Lawson
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to enter into a Program Coordination Agreement and Project Specific Special Interagency Agreements with the Virginia Passenger Rail Authority for the Transforming Rail in Virginia Program

WHEREAS, in 2020, pursuant to Chapters 1230 and 1275, the Virginia General Assembly enacted the Virginia Passenger Rail Authority Act pursuant to Va. Code § 33.2-287 et seq. (the Act); and

WHEREAS, the Act established the Virginia Passenger Rail Authority (VPRA) for the purposes of promoting, sustaining, and expanding the availability of passenger and commuter rail service in the Commonwealth and for purposes of increasing ridership and availability of such service throughout the Commonwealth; and

WHEREAS, pursuant to the Act, VPRA is specifically authorized to, among other things, make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this article, including agreements with any person, federal agency, other state, or political subdivision of the Commonwealth; and

WHEREAS, Va. Code § 33.2-293(C) authorizes the Commonwealth and any of its

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agencies to provide services to VPRA for the design, acquisition, construction, equipping, maintenance, and operation of rail facilities; and

WHEREAS, VPRA is leading a program of capital projects known as Transforming Rail in Virginia (TRV Program), which will expand railroad capacity and increase and improve passenger rail service throughout the Commonwealth, reducing congestion on many of the Commonwealth's highways operated by VDOT; and

WHEREAS, VPRA is currently standing up the TRV Program to include acquisition of resources and development of processes necessary for VPRA to deliver the program; and

WHEREAS, until VPRA has had reasonable time to become fully operational in delivery of the TRV Program, it furthers the public interest for VDOT to provide VPRA with certain services and assistance in support of projects or work necessary for the Program pursuant to an overall program coordination agreement, and

WHEREAS, VPRA has further advised, with VDOT's concurrence, that it desires to administer certain highway projects necessary for a more efficient and consistent delivery of the TRV Program, having staff capable of performing a majority of the work necessary for project planning, design, construction, and management but noting that it intends to consult with VDOT for that work performed by VPRA and may also require certain services from VDOT, which services VDOT is able to provide; and

WHEREAS, Item 453 of the Appropriations Act authorizes VDOT, notwithstanding any other provision of law, to assess and collect the costs of providing services to other entities, public and private, requiring VDOT to take all actions necessary to ensure that all such costs are reasonable and appropriate, recovered, and understood as a condition to providing such service; and

WHEREAS, VPRA has agreed to provide all funding necessary to reimburse VDOT for the services provided by VDOT pursuant to an overall program coordination agreement and to pay all project costs for the highway projects administered by VPRA; and

WHEREAS, VDOT and VPRA have developed the Program Coordination Agreement for Transforming Rail in Virginia to address their responsibilities and duties in coordinating delivery of the TRV Program, a draft of which is attached hereto as Exhibit A; and

WHEREAS, VDOT and VPRA have also developed a template for a Special Interagency Agreement for Project Administration and Funding to address VPRA's administration of the Leeland Road Bridge Project (in Stafford County) and Washington Highway Bridge Project (in Hanover County), a draft of which is attached hereto as Exhibit B; and

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WHEREAS, §33.2-214 C of the Code of Virginia empowers the CTB to enter into contracts with local districts, commissions, agencies, or other entities, such as the VPRA created for transportation purposes; and

WHEREAS, the CTB received a briefing on this matter on April 18, 2023, being advised that VDOT recommends that the CTB approve the Project Coordination Agreement and the Special Interagency Agreement for Project Administration and Funding template to facilitate delivery of the TRV Program.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves and authorizes the Commissioner of Highways or his designee to enter into the Program Coordination Agreement for Transforming Rail in Virginia, between VDOT and VPRA, substantively similar to Exhibit A, with such changes and additions, as well as any addenda, the Commissioner deems necessary.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby approves and authorizes the Commissioner of Highways or his designee to enter into Special Interagency Agreements with VPRA for the administration of the Leeland Road Bridge and Washington Highway Bridge projects necessitated by the TRV Program, using a template substantively similar to Exhibit B, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 21, 2023

MOTION

Made By: Ms. Hynes, **Seconded By**: Mr. Merrill
Action: Motion Carried, Unanimously

Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2024 – 2029

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 Resolution of the Board

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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 up to $4 million of their portion for the purposes of the Shortline Railway Preservation and Development Fund pursuant to Section 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 to make 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 2024 through 2029 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

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WHEREAS, the Final Six-Year Improvement Program for Fiscal Years 2024 through 2029 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 2024 through 2029 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; 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, at its April 18, 2023 Workshop, the Board was presented the Draft FY 2024-2029 Six-Year Improvement Program taking into consideration the Staff Recommended Funding Scenario for the fifth round of the Project Prioritization Process pursuant to Section 33.2-214.1; and

WHEREAS, the Draft Six-Year Improvement Program for Fiscal Years 2024 through 2029 was made available for review and comment; and

WHEREAS, nine public meetings were held, April 20, 2023 for Hampton Roads, April 24, 2023 for Richmond, May 1, 2023 for Northern Virginia, May 2, 2023 for Culpeper, May 3, 2023 for Staunton, May 8, 2023 for Fredericksburg, May 15, 2023 for Bristol, May 16, 2023 for Salem, and May 17, 2023 for Lynchburg, to receive public comments prior to the Board's adoption of a Final Six-Year Improvement Program; and

WHEREAS, on May 24, 2023 the Board approved a resolution for the Adoption of SMART SCALE Recommendations for Preparation of the Final FY 2024-2029 Six- Year Improvement Program (Consensus Scenario) as the approach to be used in funding projects Resolution of the Board

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scored in the fifth round of the Project Prioritization Process pursuant to Section 33.2-214.1 for purposes of preparing the Final FY 2024-2029 Six-Year Improvement Program; and

WHEREAS, Application 9350 was submitted by the Middle Peninsula Planning District Commission for Route 17 Woods Cross Road – Davenport Road Roadway Improvements in Gloucester County for $4,037,924 and was included in both the Staff Recommended Scenario and Consensus Scenario approved by the Board with statewide High Priority Projects Program funds; and

WHEREAS, on May 24, 2023, the Middle Peninsula Planning District Commission passed a resolution requesting the application for funding be withdrawn due to significant public opposition to the project; 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 2024 through 2029 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 2023, attached hereto as Attachment A.

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board that Application 9350 submitted by the Middle Peninsula Planning District Commission for Route 17 Woods Cross Road – Davenport Road Roadway Improvements in Gloucester County for $4,037,924 be removed from the Consensus Scenario and not included in the Final 2024-2029 Six-Year Improvement Program.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the $4,037,924 in High Priority Projects Program funds previously allocated to Application 9350 submitted by the Middle Peninsula Planning District Commission for Route 17 Woods Cross Road – Davenport Road Roadway Improvements in Gloucester County be returned to the statewide High Priority Projects Program balance entry (UPC -15993).

BE IT FURTHER 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 2024 through 2029 as amended herein are approved.

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BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Six-Year Improvement Program of projects and programs for Fiscal Years 2024 through 2029 as amended herein 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 2024 and prior within the Six-Year Improvement Program satisfactory to the Commissioner and the Director, to the extent otherwise consistent with authorities set forth in the Code of Virginia.

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 2024 through 2029, 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 2024 through 2029 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 2024 through 2029 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

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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.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 19, 2023

MOTION

Made By: Mr. Fowlkes, **Seconded By:** Ms. Sellers,

Action: Motion Carried, Unanimously

AUTHORIZING THE ISSUANCE AND SALE OF
COMMONWEALTH OF VIRGINIA
TRANSPORTATION REVENUE BONDS, SERIES 2023
(U.S. ROUTE 58 CORRIDOR DEVELOPMENT PROGRAM)

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.2-1700 *et seq*. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds;

WHEREAS, the General Assembly has declared its intent in Section 33.2-2301 of the Virginia Code that there shall be developed an adequate, modern, safe and efficient highway system generally along Virginia's southern border through the U.S. Route 58 Corridor Development Program (the "Program");

WHEREAS, pursuant to Chapters 8 and 12 of the Acts of Assembly of 1989, Special Session II, as amended by Chapter 538 of the Acts of Assembly of 1999 and Chapter 296 of the Acts of Assembly of 2013, Regular Session, and as amended and reenacted by Chapter 1230 of the Acts of Assembly of 2020, Regular Session (the "Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act, revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated "Commonwealth of Virginia Transportation Revenue Bonds, Series….." (the "Bonds") at one or

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more times in an aggregate principal amount not to exceed $1,300,000,000, to finance the costs of the Program plus an amount for issuance costs, reserve funds and other financing expenses;

WHEREAS, pursuant to the Act, an authorized unissued balance of approximately $465,090,200 of Bonds remains after accounting for previously issued Bonds;

WHEREAS, pursuant to Section 2.2-5002.1 of the Virginia Code, after July 1, 2012, any net original issue premium in excess of a *de minimis* amount received on Bonds must be treated as principal for purposes of determining compliance with the aggregate principal amount limitation to which the Bonds are subject;

WHEREAS, Section 33.2-1701 of the Virginia Code provides that the Bonds shall be secured (i) by revenues received from the U.S. Route 58 Corridor Development Fund, subject to their appropriation by the General Assembly; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds that have been appropriated by the General Assembly;

WHEREAS, the Board has entered into a Master Agreement of Trust dated as of November 1, 1989, as previously supplemented and amended (the "Master Agreement") with U.S. Bank National Association, as successor trustee (the "Trustee");

WHEREAS, the Board wishes to authorize the issuance of one or more series of Bonds to be known as the "Commonwealth of Virginia Transportation Revenue Bonds," with one or more series designations, as appropriate (the "2023 Bonds"); and

WHEREAS, the following documents that provide for the issuance and sale of the 2023 Bonds have been prepared by Bond Counsel and the staff of the Virginia Department of Transportation (the "Department") at the direction of the Board, and forms of such documents have been presented at this meeting and will be filed with the records of the Board:

(1) an Eighteenth Supplemental Agreement of Trust (the "Eighteenth Supplement," together with the Master Agreement, the "Agreement"), between the Board and the Trustee, providing for the terms and structure of the 2023 Bonds;

(2) a Preliminary Official Statement of the Board relating to the offering for sale of the 2023 Bonds (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2023 Bonds (the "Continuing Disclosure Agreement").

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NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2023 Bonds. The Board hereby determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Eighteenth Supplement to provide for the issuance of the 2023 Bonds, (ii) to issue the 2023 Bonds for the purposes authorized under and in accordance with the provisions of the Act and the Agreement and (iii) to sell the 2023 Bonds. The aggregate principal amount of the 2023 Bonds shall not exceed $250,000,000 the final maturity date of the 2023 Bonds shall not exceed 26 years from their date of issuance, and the aggregate true interest cost of the 2023 Bonds shall not exceed the maximum aggregate true interest cost approved by the Treasury Board, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the Commonwealth. The Board expects the debt service payments to be made from appropriations of the Commonwealth.

2. Limited Obligations. The 2023 Bonds shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the revenues pledged under the Agreement ("Revenues") and amounts in certain funds established pursuant to the Agreement. Nothing in this Resolution or the 2023 Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of the 2023 Bonds. The Board authorizes the Chairperson of the Board (the "Chairperson"), subject to the criteria set forth in paragraph 1 of this Resolution, to determine the details of the 2023 Bonds, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. The Board authorizes the Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department (either of whom may act) to effect the Chairperson's award of the 2023 Bonds if the 2023 Bonds or any portion thereof are sold by competitive bid or arrange for the sale of the 2023 Bonds if the 2023 Bonds or any portion thereof are sold by negotiated sale.

4. Sale of the 2023 Bonds. The Chairperson is authorized to sell the 2023 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2023 Bonds by resolution or otherwise of the Treasury Board. Alternatively, if determined by the Chairperson, in collaboration with the staff of the Department and the Board's financial advisor (the "Financial Advisor"), to be in the best interest of the Commonwealth, the Board authorizes the

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Chairperson to solicit and consider proposals for a negotiated sale of the 2023 Bonds and to negotiate the terms of such sale. The Chairperson, along with the Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department, are each authorized to execute and deliver a purchase contract or an agreement reflecting such proposal, provided that no such purchase contract or agreement may be executed prior to approval of the terms and structure of the 2023 Bonds by resolution or otherwise of the Treasury Board.

5. Preliminary Official Statement. The Board approves the Preliminary Official Statement in substantially the form presented at this meeting. The Board authorizes and directs the Chairperson, in collaboration with the staff of the Department and the Financial Advisor and Bond Counsel, to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2023 Bonds, as the Chairperson may approve. The Board authorizes the Chairperson to deem the Preliminary Official Statement final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2023 Bonds by resolution or otherwise of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairperson, in collaboration with Bond Counsel, Department staff and Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the winning bid or the executed purchase contract, as appropriate, for the purchase and sale of the 2023 Bonds. The Board authorizes and directs the Chairperson to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairperson on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the winning bidders or underwriters, as appropriate, within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the winning bidders or underwriters to distribute to each potential investor requesting a copy and to each person to whom the winning bidders or underwriters initially sell the 2023 Bonds. The Board authorizes and approves the distribution by the winning bidders or underwriters of the Official Statement as executed by the Chairperson.

7. Eighteenth Supplement. The Board approves the Eighteenth Supplement in substantially the form presented at this meeting. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final form of the Eighteenth Supplement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2023 Bonds, including without limitation changes to the dated dates thereof, as the Chairperson may approve. Execution and delivery of the Eighteenth Supplement shall constitute conclusive evidence of the approval of such documents by the Chairperson on behalf of the Board.

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8. Execution and Delivery of the 2023 Bonds. The Board authorizes and directs the Chairperson and the Secretary of the Board (the "Secretary") to have the 2023 Bonds prepared and to execute the 2023 Bonds in accordance with the Agreement, to deliver the 2023 Bonds to the Trustee for authentication, and to cause the 2023 Bonds so executed and authenticated to be delivered to or for the account of the winning bidders or underwriters upon payment of the purchase price of the 2023 Bonds, all in accordance with the Notice of Sale or executed purchase contract, as appropriate. Execution and delivery by the Chairperson and the Secretary of the 2023 Bonds shall constitute conclusive evidence of the approval of the 2023 Bonds by the Chairperson and the Secretary on behalf of the Board.

9. Continuing Disclosure. The Board approves the Continuing Disclosure Agreement in substantially the form presented at this meeting. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2023 Bonds and to assist the winning bidders or the underwriters, as appropriate, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2023 Bonds, as the Chairperson may approve. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairperson of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairperson on behalf of the Board.

10. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2023 Bonds in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor of the Commonwealth to approve the issuance of the 2023 Bonds in accordance with the Act, (iii) if determined by Department staff in collaboration with the Financial Advisor to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2023 Bonds and to execute such contract, together with any other documents related to such credit facility and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2023 Bonds. The Board further authorizes the Chairperson to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2023 Bonds, including, without limitation, execution and delivery of a document (i) setting forth the expected application and investment of the proceeds of the 2023 Bonds and the expected use of the property financed or refinanced thereby to show that such expected application, investment and use will not violate the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and the Treasury Regulations promulgated thereunder including the provisions applicable to "arbitrage

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bonds" (as defined in the Tax Code) and (ii) providing for the rebate of any "arbitrage rebate amounts" (as defined in the Tax Code) earned on the investment of the proceeds of the 2023 Bonds to the United States. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2023 Bonds as the Chairperson may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

11. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairperson or to the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairperson or to an Assistant Secretary. The Commissioner of Highways and any officer or employee of the Board or the Department designated for such purpose by the Chairperson or the Secretary are authorized to take such action as may be necessary or appropriate to carry out the approvals herein authorized. Any actions previously taken in conformity with this Resolution are ratified and confirmed.

12. Effective Date. This Resolution shall be effective immediately upon adoption and shall remain in effect until December 31, 2023.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 11

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

MARCH 29, 2023

MOTION

Made By: Mr. Coleman, **Seconded By:** Ms. Sellers,

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission Relating to the Transportation Management Plan for the Hampton Roads Express Lane Network

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the Code of Virginia, has established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the Code of Virginia, has also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608, the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214 C of the Code of Virginia empowers the Commonwealth Transportation Board (CTB) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, the Hampton Roads Transportation Planning Organization identified and adopted the Regional Express Lanes Network, consistent with the HREL Network concept, (providing for continuous HOT lanes travel on Interstate 64 in Hampton Roads between the interchange of Interstate 64 and Jefferson Avenue in Newport News and the interchange of Interstates 64, 264, and 664 in the Bowers Hill section of Chesapeake) “as a component of the

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Regional Priority Projects… identified by the HRTPO in its 2040 Long Range Transportation Plan to collectively provide the greatest impact on reducing congestion for the greatest number of citizens residing in Hampton Roads", recommending that HRTAC pursue funding, development, and implementation of the network; and

WHEREAS, HRTAC, on May 28, 2020, voted to fund the HREL Network in the FY21-FY26 Plan of Finance – Six Year Operating and Capital Program and on June 18, 2020 approved the FY2021-FY2026 Plan of Finance and the HRTAC Debt Management Plan to fund the HREL Network; and

WHEREAS, the CTB adopted the HREL Network concept of operation and approved the *Master Agreement for Development and Tolling of Hampton Roads Express Lanes Network* with HRTAC (MTA) at its August 14, 2020 meeting; and

WHEREAS, HRTAC, at its August 18, 2020 meeting approved and authorized the execution and delivery of the MTA; and

WHEREAS, pursuant to the MTA, VDOT and HRTAC are to enter into a Standard Project Agreement for Funding and Administration (SPA) to address design and construction of any element (or sub-element) of the HREL Network, whereupon VDOT will procure all goods and services necessary to design and construct the applicable element of the HREL project; and

WHEREAS, the Commissioner has, pursuant to authorization granted by the CTB, entered into SPAs with HRTAC relating to design and construction of various segments of the HREL Network; and

WHEREAS, recognizing that it will be necessary and critical for VDOT to develop and implement a Transportation Management Plan (TMP) to provide for the coordinated and effective management of traffic, operations and incidents, enhance safety and mobility and minimize delays and congestion during construction of the various segments of the HREL Network, VDOT and HRTAC have developed a SPA to address delivery of a TMP for said purposes and HRTF funding therefor; and

WHEREAS, VDOT has requested that the CTB approve and authorize the Commissioner of Highways to execute a SPA with HRTAC relating to the development of, and HRTF funding for, development/implementation of the TMP for the HREL Network.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into/execute the Standard Project Agreement with HRTAC, attached hereto as Exhibit A, regarding the funding for the HREL Network TMP Project, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 21, 2023

MOTION

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

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission (HRTAC) for the I-264/Independence Boulevard Interchange Access Report and future Standard Project Agreements with HRTAC related to the Interchange

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the Code of Virginia, has established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to § 33.2-2600 of the Code of Virginia, has also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to § 33.2-2608, HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, subsection C of § 33.2-214 of the Code of Virginia empowers the Commonwealth Transportation Board to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

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WHEREAS, VDOT, in March 2020, completed a Strategically Targeted and Affordable Roadway Solutions Study for the I-264/Independence Boulevard Interchange in the City of Virginia Beach that identified possible improvements at this interchange; and

WHEREAS, the identified improvements for this interchange are included in the region's 2045 Long Range Transportation Plan and HRTAC's 2045 Long Range Plan of Finance; and

WHEREAS, prior to moving forward with any improvements at this interchange, VDOT and the City of Virginia Beach are recommending that HRTAC fund an Interstate Access Report to evaluate the full build of the I-264/Independence Boulevard Interchange including the I-264 mainline widening improvements as defined in the region's Long Range Transportation Plan; widening I-264 from the Independence Boulevard Interchange to the Witchduck Road Interchange in the City of Virginia Beach; and

WHEREAS, HRTAC, on December 15, 2022, amended its FY2023-FY2028 Funding Plan to redirect $1,250,000 for the development of the I-264/Independence Boulevard Interchange Improvements – Full Interchange Access Report; and

WHEREAS, VDOT has requested that the Commonwealth Transportation Board approve and authorize the Commissioner of Highways to execute a Standard Project Agreement (SPA) with HRTAC relating to the development of the I-264/Independence Boulevard Interchange Full Interchange Access Report, and to further authorize the Commissioner to execute all future SPAs with HRTAC necessary for the funding and administration of any and all improvements to the I-264/Independence Boulevard Interchange and any associated activities.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby approves and authorizes the Commissioner of Highways to enter into and execute the SPA with HRTAC, attached hereto as Exhibit A, regarding the funding and development of the I-264/ Independence Boulevard Interchange Improvements – Full Interchange Access Report, with such changes and additions as the Commissioner deems necessary.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into and execute all future SPAs with HRTAC necessary for funding and administration of any and all improvements to the I-264/Independence Boulevard Interchange and any associated activities and improvements, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 21, 2023

Made By: Ms. Hynes, **Seconded By:** Mr. Yates,

Action: Motion Carried

Title: Authorization for the Commissioner of Highways to Enter into a Memorandum of Agreement with the United States of America, acting by and through the Department of the Interior's National Park Service (NPS), the Department of Transportation's Federal Highway Administration Eastern Federal Lands Highway Division (FHWA-EFL), and the County of Arlington, Virginia for the Mount Vernon Trail North Enhancements Project (UPC 119478 #SMART22).

WHEREAS, the United States Department of the Interior National Park Service administers the national park system of the United States and George Washington Memorial Parkway, a unit of the NPS, maintains and operates the 18 mile Mount Vernon Trail (MVT); and

WHEREAS, NPS' *George Washington Memorial Parkway: Mount Vernon Trail Corridor Study*, conducted by the US Department of Transportation's Volpe National Transportation Systems Center and released in May 2020, identified opportunities to improve the MVT; and

WHEREAS, Arlington County, in collaboration with NPS and pursuant to § 33.2-214.1 of the *Code of Virginia,* submitted an application to request funding for the Mount Vernon Trail North Enhancements project to SMART SCALE, the Commonwealth's transportation project prioritization process; and

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WHEREAS, VDOT shall provide funding in an amount of up to $28,980,424, as allocated by the Commonwealth Transportation Board (CTB) in the Fiscal Year 2023-2028 Six-Year Improvement Program for the implementation of the Project (UPC 119478), and have no further obligation to pay Project costs in excess of $28,980,424; and

WHEREAS, NPS shall provide funding in the amount of $4,000,000 for the implementation of the Project and, subject to the availability of funds appropriated by Congress, identify and allocate any funds needed to complete the Project in excess of the Project's estimated cost of $32,980,424; and

WHEREAS, NPS and Arlington County have requested that FHWA-EFL, using funds provided by NPS and the CTB, design and construct the Project; and

WHEREAS, subsection A of § 33.2-221 of the Code of Virginia authorizes the CTB to enter into all contracts or agreements with the United States government; and

WHEREAS, VDOT requests that the CTB approve and authorize the Commissioner of Highways to enter into and execute the Memorandum of Agreement among VDOT, NPS, FHWA-EFL, Arlington County, and, potentially, the City of Alexandria, to implement the Project.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to § 33.2-221(A) of the *Code of Virginia*, the CTB hereby authorizes the Commissioner of Highways or his designee to enter into the Memorandum of Agreement for the Project, attached hereto as Exhibit A, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 21, 2023

MOTION

Made By: Mr. Fowlkes, **Seconded By:** Ms. Sellers,
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to enter into Standard Project Agreements with the West Virginia Department of Transportation–Division of Highways for Improvements to the East River Mountain Tunnel

WHEREAS, on December 18, 1964, the Commonwealth of Virginia and the State of West Virginia entered into an *Agreement for the Handling of Maintenance of an Interstate Tunnel under East River Mountain* (the "1964 Agreement"); and

WHEREAS, the 1964 Agreement apportioned costs between Virginia and West Virginia for both routine maintenance and major repairs to the East River Mountain Tunnel (ERMT), twin rock bore tunnels that accommodate Interstate Route 77 and connect Bland County, Virginia, with Mercer County, West Virginia; and

WHEREAS, in accordance with the 1964 Agreement, for costs other than routine maintenance, the Virginia Department of Transportation (VDOT) shall bear the costs for the portion of the tunnel in Virginia and the West Virginia Department of Transportation–Division of Highways (WVDOH) shall bear the costs for the portion of the tunnel in West Virginia; and

WHEREAS, VDOT and WVDOH have determined that ERMT, a special structure as defined by subsection A of § 33.2-374 of the Code of Virginia, is in need of rehabilitation and the replacement of components, and that such improvements shall be conducted incrementally as individual projects pursuant to one or more Standard Project Agreements (collectively, the "Project"); and

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WHEREAS, as recently as December 6, 2022, the Commonwealth Transportation Board updated and provided an annual approval for the Special Structures Program 50-Year Long-Term Plan, which included a risk-based prioritization of needed work planned for ERMT over the next fifty years; and

WHEREAS, VDOT is agreeable, to the extent permissible by the laws of the Commonwealth of Virginia and the State of West Virginia, to cause the Project to be performed and to share costs with WVDOH apportioned on the basis of the ratio of the tunnel's length in each state to the total length thereof; and

WHEREAS, subsection B of § 33.2-221 of the Code of Virginia empowers the Commonwealth Transportation Board to enter into all contracts and agreements with other states necessary for the proper coordination of the location, construction, maintenance, improvement, and operation of transportation systems; and

WHEREAS, accordingly, it is recommended that this Board authorize the Commissioner of Highways to enter into one or more Standard Project Agreements with WVDOH to implement the Project.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into and execute one or more Standard Project Agreements with WVDOH, for funding and administration of the Project, substantively similar to the attached Exhibit A, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 19

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 25, 2022

MOTION

Made By: Mr. Coleman **Seconded By:** Mr. Stant
Action: Motion carried, unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission (HRTAC) for the I-464/I-64 Interchange Access Report (IAR) and future Standard Project Agreements with HRTAC related to the Interchange

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the Code of Virginia, has established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the Code of Virginia, has also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608, the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214 C of the Code of Virginia empowers the Commonwealth Transportation Board (CTB) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, the CTB, on September 15, 2021, approved $140,000,000 in Interstate Operations & Enhancement Program (IOEP) funds to install a flyover ramp from I-64 eastbound to I-464 southbound and perform improvements to separate I-464 southbound traffic en route to Route 17 to Route 168 north of the interchange; and

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WHEREAS, these improvements are in addition to the loop ramp replacements to this interchange that are included in the Region's 2045 Long Range Transportation Plan (LRTP) and HRTAC's 2045 Long Range Plan of Finance.

WHEREAS, prior to moving forward with the loop ramp replacements, VDOT is recommending that an Interstate Access Report (IAR) be funded by HRTAC to evaluate the full build of the I-464/I-64 Interchange and Route 168 ramp configuration; and

WHEREAS, HRTAC, on September 15, 2022, amended their FY2023-FY2028 Funding Plan to redirect $2,500,000 to develop the I-464/I-64 Interchange Improvements – Full Interchange Access Report (IAR); and

WHEREAS, VDOT has requested that the CTB approve and authorize the Commissioner of Highways to, execute a Standard Project Agreement (SPA) with HRTAC relating to the development of the I-464/I-64 Interchange Full Interchange Access Report (IAR) and the HRTF funding therefore and further, to authorize the Commissioner to execute all future SPAs with HRTAC necessary for funding and administration of any and all improvements to the I-464/I-64 Interchange and any associated activities.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into/execute the Standard Project Agreement with HRTAC, attached hereto as Exhibit A, regarding the funding of the I-464/I-64 Interchange Improvements – Full Interchange Access Report (IAR) development funding, with such changes and additions as the Commissioner deems necessary.

BE IT FURTHER RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into/execute all future SPAs with HRTAC necessary for funding and administration of any and all improvements to the I-464/I-64 Interchange and any associated activities.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 25, 2022

MOTION

Made By: Ms. Hynes **Seconded By:** Ms. Sellers
Action: Motion carried, unanimously

AUTHORIZING THE DEFEASANCE OF ALL OR A PORTION OF THE OUTSTANDING ROUTE 28 TRANSPORTATION CONTRACT REVENUE REFUNDING BONDS AND SETTING FORTH THE DETAILS AND PROVISIONS FOR THE REDEMPTION THEREOF

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act, Sections 33.2-1700 et seq. of the Code of Virginia of 1950, as amended, the Commonwealth Transportation Board (the "Board") has previously issued its Commonwealth of Virginia Transportation Contract Revenue Refunding Bonds, Series 2012 (Route 28 Project) (the "2012 Bonds") under a Master Indenture of Trust dated as of October 1, 2002, as previously supplemented and amended (the "Master Indenture"), between the Board and U.S. Bank Trust Company, National Association, as successor trustee (the "Trustee") and a Second Supplemental Agreement of Trust dated as of May 1, 2012 (the "Second Supplement," and, together with the Master Indenture, the "Indenture") between the Board and the Trustee.

WHEREAS, the Board has determined that it is desirable to defease and/or redeem all or a portion of the 2012 Bonds.

NOW THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

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1. Defeasance Authorized. The defeasance of all or a portion of the 2012 Bonds (collectively, the "Targeted Bonds"), is authorized and approved. The Targeted Bonds may be defeased all at one time or in portions from time to time. The Targeted Bonds shall be defeased to the applicable maturity date or any available call date specified by the Chairperson and are authorized to be called for redemption on any available call date specified by the Chairperson in accordance with the Indenture. The Chairperson is authorized to select the particular Targeted Bonds to be defeased and/or redeemed and the redemption dates for the selected Targeted Bonds.

2. Transfer of Funds. The Chairperson is authorized to apply, at one time or from time to time, amounts received from the State Route 28 Highway Transportation Improvement District Commission (the "Commission") under the District Contract (as defined in the Indenture) representing Excess Revenues (as defined in the District Contract) to the Debt Service Fund pursuant to Section 506 of the Master Indenture sufficient to defease the Targeted Bonds to the redemption or maturity of the Targeted Bonds or to transfer any of such amounts to the Trustee or an escrow agent selected by the Chairperson to defease and/or redeem the Targeted Bonds in accordance with the terms of this Resolution and the Indenture. The Chairperson is authorized to engage escrow agents and verification agents as may be necessary or desirable, in the opinion of the Chairperson, to effect the defeasance and/or redemption of the Targeted Bonds in accordance with the terms of this Resolution.

3. Approval of Escrow Agreement. If the Chairperson deems it necessary or desirable to effect the defeasance and/or redemption of any selected Targeted Bonds, the Chairperson is authorized to execute and deliver on behalf of the Board an Escrow Agreement between the Board and such escrow agent to be selected by the Chairperson, and such Escrow Agreement may be approved by the Chairperson, whose approval will be evidenced conclusively by the execution and delivery of such document. The Board hereby authorizes each officer of the Board to execute and deliver on behalf of the Board such other instruments, documents or certificates, and to do and perform such other things and acts, as he or she deems necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Targeted Bonds or the Indenture, including without limitation to procure and/or negotiate investments and investment contracts related to the defeasance of the Targeted Bonds, and all of the foregoing, previously done or performed by any such officer of the Board, are in all respects approved, ratified and confirmed.

4. Effective Date. This Resolution will take effect immediately.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 25, 2022

MOTION

Made By: Mr. Merrill **Seconded By:** Mr. Stant
Action: Motion carried, unanimously

AUTHORIZING THE ISSUANCE OF COMMONWEALTH OF VIRGINIA I-81 CORRIDOR PROGRAM REVENUE BONDS, SERIES 2022 TO BE ISSUED TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO EVIDENCE A SUBORDINATE LIEN REGULAR LOAN IN THE INITIAL PRINCIPAL AMOUNT UP TO $83,000,000 AND SENIOR LIEN RURAL LOAN IN THE INITIAL PRINCIPAL AMOUNT UP TO $15,000,000, TO BE ISSUED AS ADDITIONAL BONDS UNDER THE EXISTING I-81 CORRIDOR PROGRAM MASTER INDENTURE AND PURSUANT TO CERTAIN LOAN AGREEMENTS AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND UNDERTAKINGS IN CONNECTION WITH SUCH ISSUANCE

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Transportation Revenue Bond Act"), Sections 33.2-1700 et seq. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue its revenue bonds to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds;

WHEREAS, pursuant to the Commonwealth Transportation Interstate 81 Corridor Bond Act of 2020, enactment item 15 of Chapter 1230 of the Acts of the General Assembly of the Commonwealth of Virginia, 2020 Reconvened Session (the " I-81 Bond Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Transportation Revenue Bond Act, revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated "Commonwealth of Virginia Interstate 81 Corridor Program Revenue Bonds, Series …." (the "Bonds") at one or more times in an aggregate principal amount not to exceed $1 billion, after all costs, excluding refunding bonds and excluding pre-

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project completion interest convertible to principal associated with certain federal programs of the U.S. Department of Transportation;

WHEREAS, the Board is required pursuant to the I-81 Bond Act to use proceeds of any Bonds, including any premium received on the sale thereof, for the exclusive purpose of paying costs incurred or to be incurred in relation to the Interstate 81 Corridor Improvement Plan (the I-81 Plan") and the Interstate 81 Corridor Improvement Program (the "I-81 Program"), as such terms are defined in Section 33.2-3600 of the Virginia Code, which costs include financing and issuance expenses;

WHEREAS, Section 33.2-3601 of the Virginia Code creates the Interstate 81 Corridor Improvement Fund (the "I-81 Fund") in the state treasury as a special non-reverting fund which shall be established on the books of the Comptroller of the Commonwealth and provides that all revenues dedicated to the I-81 Fund pursuant to Sections 33.2-372 and 58.1-2299.20 of the Virginia Code, any other funds that may be appropriated by the General Assembly, and any funds that may otherwise be received for credit to the I-81 Fund from any other sources shall be paid into the state treasury and credited to the I-81 Fund;

WHEREAS, Section 11 of the I-81 Bond Act requires the Board to establish a fund either in the state treasury with the cooperation of the State Treasurer or with a trustee in accordance with the provisions of Section 33.2-1716 of the State Transportation Revenue Bond Act to secure and be used for the payment of the Bonds to the credit of which there shall be deposited such amounts, subject to appropriation by the General Assembly, necessary to pay principal, purchase price, redemption premium, if any, and interest on the Bonds, as and when such costs become due and payable; provided that such costs shall be paid from the revenues deposited into the I-81 Fund pursuant to Section 58.1-2299.20 of the Virginia Code from the receipt of regional fuels tax levied pursuant to Section 58.1-2295 of the Virginia Code;

WHEREAS, Section 12 of the I-81 Bond Act permits the Board, in connection with the issuance or planned issuance of any Bonds, to pay any necessary and appropriate support costs, including debt service or deposits to reserve funds from the revenues deposited into the I-81 Fund pursuant to Section 58.1-2299.20 of the Virginia Code from the receipt of regional fuels tax levied pursuant to Section 58.1-2295 of the Virginia Code;

WHEREAS, Section 10 of the I-81 Bond Act permits the Board to receive other funds that may be made available to pay project costs and, subject to appropriation by the General Assembly, to make such funds available for the payment of the principal, purchase price, redemption premium, if any, and interest on Bonds authorized under the I-81 Bond Act;

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WHEREAS, in furtherance of the purposes of the I-81 Bond Act, the Board, with the assistance of the Virginia Department of Transportation (the "Department"), caused to be prepared a Master Indenture dated as of August ~~[2]~~1, 2021 ("Master Indenture") between the Board and U.S. Bank National Association, as trustee, predecessor to U.S. Bank Trust Company, National Association (the "Trustee") to provide for the issuance from time to time of Bonds under series supplemental indentures to the Master Indenture to finance or refinance the costs of I-81 Program projects and to provide for the security for and sources of payment of the debt service on such Bonds from Revenues (as defined in the Master Indenture) and other funds and accounts established for such purpose;

WHEREAS, in furtherance of the purposes of the I-81 Bond Act, the Board, with the assistance of the Department, caused to be prepared a Payment Agreement dated as of August 1, 2021 between the Board, the Secretary of Finance of the Commonwealth and the Treasury Board of the Commonwealth (the "Payment Agreement"), to establish a process for seeking appropriations from the General Assembly and the payment of appropriated funds to provide for payment of funding requirements under the Master Indenture, including payment of the debt service on the Bonds and other obligations issued from time to time under the Master Indenture;

WHEREAS, pursuant to the Master Indenture of Trust and a First Supplemental Indenture of Trust dated as of August 1, 2021 (the "First Supplemental Indenture"), the Board previously issued its $80,990,000 Commonwealth of Virginia Interstate 81 Corridor Program Revenue Bonds (Senior Lien) Series 2021 (the "Series 2021 Senior Lien Bonds"), the initial series of bonds issued under the Master Indenture;

WHEREAS, the Board and the United States Department of Transportation, an agency of the United States of America, acting by and through the Executive Director of the Build America Bureau (the "TIFIA Lender"), propose to enter into a TIFIA Loan Agreement (2022 Regular Project) (the "TIFIA Regular Subordinate Lien Project Loan Agreement"), and a TIFIA Loan Agreement (2022 Rural Project) (the "TIFIA Rural Senior Lien Project Loan Agreement"), pursuant to which the TIFIA Lender has agreed to extend loans to the Board, the proceeds of which shall be used to fund a portion of eligible I-81 Program project costs as permitted by the TIFIA Lender's Regular Loan Program and the TIFIA Lender's Rural Loan Program, respectively;

WHEREAS, as evidence of the loans extended by the TIFIA Lender and to provide for the repayment thereof, the Board has determined to issue and deliver a Series of Bonds under the Master Indenture to be issued as (a) a Subordinate Obligation respecting TIFIA Regular Subordinate Lien Project Loan Agreement and designated the Commonwealth of Virginia Interstate 81 Corridor Program Revenue Bond, Series 2022 (TIFIA Subordinate Lien) (the "TIFIA Subordinate Lien Bond") and (b) a Senior Bond respecting TIFIA Rural Senior Lien Project Loan

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Agreement and designated the Commonwealth of Virginia Interstate 81 Corridor Program Revenue Bond, Series 2022 (TIFIA Senior Lien) (the " TIFIA Senior Lien Bond");

WHERAS, the TIFIA Subordinate Lien Bond shall be in the initial aggregate principal amount (excluding convertible pre-project completion interest) of up to $83,000,000 to finance a portion of certain eligible I-81 Program project costs under the TIFIA Regular Loan Program and the TIFIA Senior Lien Bond shall be in the initial aggregate principal amount (excluding convertible pre-project completion interest) of up to $15,000,000 to finance a portion of certain eligible I-81 Program project costs under the TIFIA Rural Loan Program;

WHEREAS, the Master Indenture permits the issuance of additional Series of Bonds from time to time pursuant to series supplemental indentures and further provides for their issuance, among others, as Senior Bonds secured by Revenues on parity with outstanding Senior Bonds and also provides for the issuance of Subordinate Obligations secured by Revenues on a subordinate basis together with other funds and accounts in accordance with the Master Indenture and related series supplemental indentures;

WHEREAS, the Master Indenture permits certain amendments without bondholder consent to correct inconsistent provisions and in any manner not prejudicial to holders of outstanding bonds, and certain amendments of such nature were requested by the TIFIA Lender;

WHEREAS, the Master Indenture requires, as a condition to the issuance and authentication of any Series of Bonds, the delivery by the Board of a series supplemental indenture to the Trustee, and the Board desires to enter into a Second Supplemental Indenture and Amendment to Master Indenture and a Third Supplement Indenture as series supplemental indentures under the Master Indenture in connection with the TIFIA Regular Subordinate Lien Project Loan Agreement and the TIFIA Rural Senior Lien Project Loan Agreement, respectively, to effect the borrowing with the TIFIA Lender;

WHEREAS, in addition to the existing Master Indenture and the Payment Agreement, the following documents, which shall be filed with the records of the Board, providing for the issuance of the TIFIA Subordinate Lien Bond and TIFIA Senior Lien Bond have been prepared by Bond Counsel and the staff of the Department at the direction of the Board and have been presented at this meeting in their substantially final forms:

(1) a Second Supplemental Indenture and Amendment to Master Indenture between the Board and the Trustee, providing for the terms and structure of the TIFIA Subordinate Lien Bond (the "Second Supplemental Indenture);

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(2) the TIFIA Regular Project Subordinate Lien Loan Agreement between the Board and the TIFIA Lender, providing for the terms of the TIFIA Regular Project Loan as evidenced by the TIFIA Subordinate Lien Bond;

(3) a Third Supplemental Indenture between the Board and the Trustee, providing for the terms and structure of the TIFIA Senior Lien Bond (the "Third Supplemental Indenture"); and.

(4) the TIFIA Rural Senior Lien Project Loan Agreement between the Board and the TIFIA Lender, providing for the terms of the TIFIA Rural Project Loan as evidenced by the TIFIA Senior Lien Bond.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of TIFIA Loan Agreements. The Board hereby determines that it is in the best interests of the Commonwealth and the Board for the Board to enter into the TIFIA Regular Subordinate Lien Project Loan Agreement and the TIFIA Rural Senior Lien Project Loan Agreement (collectively, the TIFIA Loan Agreements") to provide funding for a portion of the costs of the eligible I-81 Program projects. The Board approves the TIFIA Loan Agreements in the substantially final forms presented at this meeting. The Board authorizes and directs the Chairperson of the Board (the "Chairperson") to prepare, execute, and deliver the final forms of the TIFIA Loan Agreements with such completions, omissions, insertions, and changes as are necessary or desirable to consummate the lending transactions contemplated by such agreements. Such documents shall bear dates as the Chairperson may approve. Execution and delivery of the TIFIA Loan Agreements or any of them shall constitute conclusive evidence of the approval of the document so executed and delivered by the Chairperson on behalf of the Board.

2. Authorization of Terms of TIFIA Bonds. The Board hereby determines that it is in the best interests of the Commonwealth and the Board for the Board (i) to enter into the Second Supplemental Indenture and the Third Supplemental Indenture (together, the "Supplemental Indentures") to provide for the issuance of the TIFIA Subordinate Lien Bond and the TIFIA Senior Lien Bond (together, the TIFIA Bonds), respectively, and , (ii) to issue the TIFIA Bonds to the TIFIA Lender for the purposes authorized under and in accordance with the provisions of the I-81 Bond Act, the Master Indenture, the TIFIA Loan Agreements and the Supplemental Indentures. The initial principal amount of the TIFIA Subordinate Lien Bond shall not exceed $83,000,000 (excluding convertible pre-project completion interest), and the initial principal amount of TIFIA Senior Lien Bond shall not exceed $15,000,000 (excluding convertible pre-project completion interest). Pre-project completion interest convertible to principal as permitted by the I-81 Bond Act for federal financing programs of the U.S. Department of Transportation shall be limited to

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$13,000,000 in converted principal for the TIFIA Subordinate Lien Bond and related TIFIA Regular Subordinate Lien Project Loan Agreement and $600,000 in converted principal for the TIFIA Senior Lien Bond and related TIFIA Rural Senior Lien Project Loan Agreement. In accordance with the I-81 Bond Act, the final maturity date of the TIFIA Subordinate Lien Bond shall not exceed 39 years from the first scheduled payment of principal, which first principal payment shall not be more than 5 years from the initial advancement of funds under the related TIFIA Regular Subordinate Lien Project Loan Agreement and the final maturity date of the TIFIA Senior Lien Bond shall not exceed 39 years from the first scheduled payment of principal, which first principal payment shall not be more than 5 years from the initial advancement of funds under the related TIFIA Rural Senior Lien Project Loan Agreement. The true interest cost of the TIFIA Subordinate Lien Bond and TIFIA Senior Lien Bond shall not exceed the maximum true interest cost approved by the Treasury Board for such TIFIA Bonds, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the General Assembly. In accordance with the I-81 Bond Act, the Board expects the debt service payments to be made from appropriations by the General Assembly from the I-81 Fund.

3. Limited Obligations. The TIFIA Bonds shall be limited obligations of the Board and the Commonwealth, payable from and secured by the Revenues pledged under and in accordance with the terms of the Master Indenture, TIFIA Loan Agreements and Supplemental Indentures and amounts in certain funds established in relation thereto. Nothing in this Resolution, the TIFIA Bonds, Master Indenture, TIFIA Loan Agreements or Supplemental Indentures shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

4. Determination of Details of the TIFIA Bonds and TIFIA Loan Agreements. The Board authorizes the Chairperson of the Board (the "Chairperson"), subject to the criteria set forth in paragraph 2 of this Resolution, to determine the details of the TIFIA Bonds and TIFIA Loan Agreements, including, without limitation, the principal amounts to be borrowed, the payment and maturity schedules, interest rates, redemption and prepayment provisions, and any series or other designation for the TIFIA Bonds.

5. Supplemental Indentures. The Board approves the Supplemental Indentures in the substantially final forms presented at this meeting. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final forms of the Supplemental Indentures with such completions, omissions, insertions, and changes, including the dates thereof, as are necessary or desirable to effect the issuance of the TIFIA Bonds to the TIFA Lender, as the Chairperson may

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approve. Execution and delivery of the Supplemental Indentures or any of them shall constitute conclusive evidence of the approval of the document so executed and delivered by the Chairperson on behalf of the Board.

6. Execution and Delivery of the TIFIA Bonds. The Board authorizes and directs the Chairperson and the Secretary of the Board (the "Secretary") to have the TIFIA Bonds prepared and to execute the TIFIA Bonds in accordance with the Master Indenture and Supplemental Indentures, to deliver the TIFIA Bonds to the Trustee for authentication, and to cause the TIFIA Bonds so executed and authenticated to be delivered to or for the account of the TIFIA Lender, all in accordance with the Master Indenture, TIFIA Loan Agreements and Supplemental Indentures. Execution and delivery by the Chairperson and the Secretary of the TIFIA Bonds or any of them shall constitute conclusive evidence of the approval of the TIFA Bond so executed and delivered by the Chairperson and the Secretary on behalf of the Board.

7. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the TIFIA Bonds in accordance with Section 2.2-2416(7) of the Virginia Code and the I-81 Bond Act, (ii) to request the Governor of the Commonwealth to approve the issuance of the TIFIA Bonds in accordance with the I-81 Bond Act, and (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the TIFIA Bonds or reserves therefor and to execute such contract, together with any other documents related to such credit facility. The Board further authorizes (i) the Chairperson to execute and deliver all documents and certificates and to take all such further action as such officer may consider necessary or desirable in connection with the issuance of the TIFIA Bonds and (ii) the Department and Staff to take such further action, including the execution and delivery of such documents and instruments as may be necessary or appropriate, to undertake, carryout and perform the Board's obligations under the TIFIA Loan Agreements, including without limitation, submitting requisitions for the disbursement of funds and providing all reports, notices, certifications and other filings as determined to be necessary or appropriate under the TIFIA Loan Agreements. All actions of the Department and staff in connection with the application on behalf of the Board to the TIFIA Lender related to the TIFA Loans is hereby ratified and affirmed.

8. Designation of Authorized Representatives. The Chairperson and the Chief Financial Officer of the Department are designated authorized representatives of the Board for purposes of the TIFIA Loan Agreements. Either of the Chairperson or Chief Financial Officer of the Department are authorized to designate any other officer or staff of the Department to act as an authorized representative of the Board for such purpose.

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9. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairperson or to the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairperson or to an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairperson or the Secretary.

10. Effective Date. This Resolution shall be effective immediately and shall remain in force for a period of one year after adoption.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 17

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 25, 2022

MOTION

Made By: Mr. Merrill **Seconded By:** Mr. Kasprowicz
Action: Motion carried, unanimously

Title: Delegation of Authority for the Commissioner of Highways to Enter into Interagency Agreement between the Virginia Department of Transportation (VDOT) and the Virginia Port Authority (VPA) relating Funding and Administration of the Rockland Road Improvement Project (UPC#112945)

WHEREAS, VPA is a body corporate and political subdivision of the Commonwealth of Virginia vested with certain powers set forth in Title 62.1, Chapter 10 of the *Code of Virginia* (1950) as amended; and

WHEREAS, the Virginia Inland Port (VIP) is an intermodal container transfer facility in Front Royal, Virginia (Warren County) owned by VPA; and

WHEREAS, VPA sought, and was awarded, a FY 2018 BUILD Transportation Discretionary Grant from MARAD for a rail/highway grade separation and intersection realignment at Route 658 (Rockland Road) and the Norfolk Southern Railroad tracks serving the VIP (the "Project"); and

WHEREAS, VPA and VDOT have determined that VDOT is best suited to administer the Project; and

WHEREAS, VDOT and VPA have developed an interagency agreement that sets forth the responsibilities of the parties for funding and administration of the Project; and

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WHEREAS, § 33.2-214(C) of the *Code of Virginia* authorizes the Commonwealth Transportation Board to enter into agreements with local districts, commissions, agencies, and other entities created for transportation purposes.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to § 33.2-214(C) of the Code of Virginia, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into an Interagency Agreement with the VPA (attached hereto as Exhibit A), relating to funding and administration of the Rockland Road Improvement Project, in substantially the same form as Exhibit A, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: Ms. Hynes **Seconded By:** Mr. Merrill

Action: Motion carried, unanimously

Title: Authorization for the Commissioner of Highways to enter into Standard Project Agreements between VDOT and the Central Virginia Transportation Authority for Segments of the Fall Line Trail Project

WHEREAS, the 2020 Virginia General Assembly adopted and enacted into law House Bill 1541, (2020 Va. Acts Chapter 1235) ("Chapter 1235"); and

WHEREAS, Chapter 1235 provides for imposition of certain state taxes in localities comprising Planning District 15, and further provides that the revenues derived from such taxes be deposited in the Central Virginia Transportation Fund (the "Fund") and used solely for transportation purposes benefiting the localities comprising Planning District 15 ("CVTA Projects and Purposes"), and certain administrative and operating expenses pursuant to Va. Code §33.2-3706(B); and

WHEREAS, Chapter 1235 established the Central Virginia Transportation Authority ("CVTA"), providing the CVTA with the authority and duty to, among other things, determine and approve appropriate uses of the CVTA Revenues; and

WHEREAS, the CVTA and the Virginia Department of Transportation ("VDOT") determined that it is desirable to work cooperatively to ensure the most effective and efficient delivery and implementation of CVTA Projects and Purposes with CVTA Revenues and other state and federal transportation funding sources; and

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WHEREAS, on December 9, 2020, in order to memorialize and effectuate said cooperation between CVTA and VDOT, the Commonwealth Transportation Board authorized the Commissioner of Highways to enter into a Memorandum of Agreement (MOA) between VDOT and the CVTA and on 12/21/2020,VDOT and the CVTA entered into the MOA; and

WHEREAS, the MOA, among other things, contemplates and provides a standard template for agreements between VDOT and the CVTA, which outlines the funding and administration of projects funded in whole or in part by the CVTA and administered by VDOT; and

WHEREAS, the CVTA has now allocated funding for a segment of the Fall Line Trail Project and may be funding other segments of the Fall Line Trail, a 43-mile multi-purpose trail that will be designed and constructed in several smaller segments across multiple localities; and

WHEREAS, it is anticipated that VDOT will be administering the design and construction of multiple segments of the Fall Line Trail that traverse Hanover County, Henrico County, Chesterfield County, Colonial Heights, City of Petersburg, and sections of the City of Richmond; and

WHEREAS, accordingly, it is recommended that the Commissioner of Highways be granted authority to enter into individual Standard Project Agreements with the CVTA for those segments of the Fall Line Trail funded in whole or in part with CVTA funding.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into one or more Standard Project Agreements with CVTA relating to VDOT's administration of projects for all segments of the Fall Line Trail funded in whole or part by the CVTA, substantively similar to Attachment A, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item 16

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 21, 2022

MOTION

Made By: Ms. Hynes **Seconded By:** Mr. Rucker
Action: Motion carried, unanimously

AUTHORIZING THE DEFEASANCE OF ALL OR A PORTION OF THE OUTSTANDING NORTHERN VIRGINIA TRANSPORTATION DISTRICT PROGRAM BONDS AND SETTING FORTH THE DETAILS AND PROVISIONS FOR THE REDEMPTION THEREOF

WHEREAS, pursuant to the State Revenue Bond Act, Sections 33.2-1700 et seq. of the Code of Virginia of 1950, as amended, the Commonwealth Transportation Board (the "Board") has previously issued its (a) Commonwealth of Virginia Transportation Revenue Refunding Bonds, Series 2012A (Northern Virginia Transportation District Program) (the "2012A Bonds") under a Master Agreement of Trust dated as of August 15, 1993, as previously supplemented and amended (the "Master Agreement of Trust"), between the Board and U.S. Bank Trust Company, National Association, as successor trustee (the "Trustee") and a Twelfth Supplemental Agreement of Trust dated as of February 1, 2012 (the "Twelfth Supplement") between the Board and the Trustee, (b) Commonwealth of Virginia Transportation Revenue Refunding Bonds, Series 2016B (Northern Virginia Transportation District Program) (the "2016B Bonds") under the Master Agreement of Trust and a Fourteenth Supplemental Agreement of Trust dated as of February 1, 2016 (the "Fourteenth Supplement") and (c) Commonwealth of Virginia Transportation Revenue Refunding Bonds, Series 2019A (Northern Virginia Transportation District Program) (the "2019A Bonds") under the Master Agreement of Trust and a Sixteenth Supplemental Agreement of Trust dated as of May 1, 2019 (the "Sixteenth Supplement" and the Master Agreement of Trust as supplemented and amended by the Twelfth Supplement, the Fourteenth Supplement and the Sixteenth Supplement, the "Master Agreement") between the Board and the Trustee.

WHEREAS, the Board has determined that it is desirable to defease and/or redeem all or a portion of the 2012A Bonds, the 2016B Bonds and the 2019A Bonds.

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NOW THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. **Defeasance Authorized**. The defeasance of all or a portion of the 2012A Bonds, the 2016B Bonds and the 2019A Bonds (collectively, the "Targeted Bonds"), is authorized and approved. The Targeted Bonds may be defeased all at one time or in portions from time to time. The Targeted Bonds shall be defeased to the applicable maturity date or any available call date specified by the Chairperson and are authorized to be called for redemption on any available call date specified by the Chairperson in accordance with the Master Agreement. The Chairperson is authorized to select the particular Targeted Bonds to be defeased and/or redeemed and the redemption dates for the selected Targeted Bonds.

2. **Transfer of Funds**. The Chairperson is authorized to apply, at one time or from time to time, amounts in the Northern Virginia Transportation District Fund sufficient to defease the Targeted Bonds to the redemption or maturity of the Targeted Bonds or to transfer any of such amounts to the Trustee or an escrow agent selected by the Chairperson to defease and/or redeem the Targeted Bonds in accordance with the terms of this Resolution and the Master Agreement. The Chairperson is authorized to engage escrow agents and verification agents as may be necessary or desirable, in the opinion of the Chairperson, to effect the defeasance and/or redemption of the Targeted Bonds in accordance with the terms of this Resolution.

3. **Approval of Escrow Agreement**. If the Chairperson deems it necessary or desirable to effect the defeasance and/or redemption of any selected Targeted Bonds, the Chairperson is authorized to execute and deliver on behalf of the Board an Escrow Agreement between the Board and such escrow agent to be selected by the Chairperson, and such Escrow Agreement may be approved by the Chairperson, whose approval will be evidenced conclusively by the execution and delivery of such document. The Board hereby authorizes each officer of the Board to execute and deliver on behalf of the Board such other instruments, documents or certificates, and to do and perform such other things and acts, as he or she deems necessary or appropriate to carry out the transactions authorized by this Resolution or contemplated by the Targeted Bonds or the Master Agreement, including without limitation to procure and/or negotiate investments and investment contracts related to the defeasance of the Targeted Bonds, and all of the foregoing, previously done or performed by any such officer of the Board, are in all respects approved, ratified and confirmed.

4. **Effective Date**. This Resolution will take effect immediately.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 17

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 21, 2022

MOTION

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

AUTHORIZING THE ISSUANCE AND SALE OF REVENUE REFUNDING BONDS

WHEREAS, Section 33.2-1727 of the Code of Virginia of 1950, as amended (the "Virginia Code"), authorizes the Commonwealth Transportation Board (the "Board") to issue revenue refunding bonds to refund any revenue bonds issued pursuant to the State Revenue Bond Act, Sections 33.2-1700 et seq. of the Virginia Code (the "Act"); and

WHEREAS, the Board proposes to authorize the issuance of one or more series of revenue refunding bonds (the "Bonds") to refund, redeem and/or defease some or all of the revenue bonds, notes or other obligations previously issued by the Board (the "Outstanding Bonds");

NOW THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of Bonds. The Board determines that it is in the best interest of the Commonwealth to authorize the issuance of Bonds to refund, redeem and/or defease some or all of the Outstanding Bonds pursuant to the criteria set forth in this Paragraph 1 (the Outstanding Bonds to be refunded, redeemed and/or defeased shall be referred to as the "Refunded Bonds"). The Board authorizes the issuance and sale of the Bonds in one or more series from time to time, pursuant to the following terms and conditions: (a) the minimum debt service savings threshold for any series of Bonds shall be (i) no less than three percent (3%) savings on a present value basis compared to the

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existing debt service on the Refunded Bonds or (ii) such other threshold as may be approved by the Treasury Board of the Commonwealth (the "Treasury Board"); and (b) the fiscal year in which occurs the final maturity date of the Bonds of any series shall be no later than the fiscal year in which occurs the final maturity date of the respective Refunded Bonds. The Chairperson of the Board (the "Chairperson"), in collaboration with the Board's financial advisor (the "Financial Advisor"), is authorized from time to time to (a) review the terms of the Outstanding Bonds, (b) determine which Outstanding Bonds may be refunded under the criteria set forth in this Paragraph 1 and (c) select the Refunded Bonds. For each Refunded Bond so selected, the Chairperson shall prepare a memorandum identifying the Refunded Bonds and setting forth the proposed terms and structure of the Bonds, including details demonstrating that the Bonds are expected to satisfy the criteria set forth in this Paragraph 1. Such memorandum shall be submitted to the Board and to the Treasury Board. The submission of such memorandum plus a copy of this Resolution shall constitute notice to the Treasury Board of the Board's intention to issue such Bonds.

2. Limited Obligations. The Bonds shall be limited obligations of the Board, payable from and secured by such revenues and property as were pledged to the respective Refunded Bonds, plus such funds or accounts as may be established and pledged for such purpose pursuant to the respective indenture, trust agreement or other authorizing document. Nothing in this Resolution or the Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of Bonds. The Board authorizes the Chairperson, subject to the criteria set forth in Paragraph 1, to determine the details of the Bonds, including without limitation the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices.

4. Sale of Bonds. The Board authorizes the Chairperson to solicit and consider proposals for a negotiated sale of any series of Bonds and to negotiate the terms of such sale. The Chairperson is authorized to execute and deliver a purchase contract or agreement reflecting such proposal; provided that no such purchase contract or agreement may be executed prior to approval of the particular series of Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairperson to be in the best interest of the Commonwealth, the Chairperson is also authorized to sell any series of Bonds pursuant to a competitive sale, private placement or direct bank placement and to prepare and to publish and/or distribute a Notice of Sale or Request for Proposals in connection therewith; provided, however that no Notice of Sale or Request for Proposals authorized hereunder may be distributed prior to the approval of the

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particular series of Bonds by resolution of the Treasury Board.

5. Preliminary Official Statement. The Board authorizes the Chairperson, in collaboration with the staff of the Virginia Department of Transportation (the "Department") and the Financial Advisor, to prepare a Preliminary Official Statement (a "POS") in connection with the offering of each series of Bonds authorized hereunder. The Board authorizes the Chairperson to deem the POS to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof; provided, however that no POS authorized hereunder may be distributed prior to approval of the particular series of Bonds by resolution of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairperson, in collaboration with the Department staff, Bond Counsel and the Financial Advisor, to complete the POS as an official statement in final form (the "Official Statement") to reflect the provisions of the executed purchase contract or the winning bid, as appropriate, for the purchase and sale of each series of the Bonds. The Board authorizes the Chairperson to execute the Official Statement, which execution shall constitute conclusive evidence of approval of the Official Statement on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs the Department staff to arrange for delivery to the underwriters or winning bidders, as appropriate, within seven business days after the date thereof, of a sufficient number of copies of the Official Statement, for the underwriters or winning bidders to distribute copies to each potential investor requesting a copy and to each person to whom the underwriters or winning bidders initially sell Bonds. The Board authorizes and approves the distribution by the underwriters or winning bidders of the Official Statement as executed.

7. Financing Documents. The Board authorizes and directs the Chairperson to prepare and execute any supplemental or amendatory indentures or trust agreements, escrow agreements and any other documents necessary or desirable to effect the issuance of the particular series of Bonds and the refunding of the particular Refunded Bonds.

8. Execution and Delivery of Bonds. The Board authorizes and directs the Chairperson and the Secretary of the Board to have the Bonds prepared and to execute the Bonds in accordance with the respective indenture, trust agreement or other authorizing document executed in connection with the Bonds and/or the Refunded Bonds, to deliver them to the trustee for authentication if required and to cause the Bonds so executed and authenticated to be delivered to or for the account of the underwriters,

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winning bidders or other purchasers upon payment of the purchase price therefore, all in accordance with the executed purchase contract or notice of sale, as appropriate.

9. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "material event notices" for the benefit of holders of Bonds issued hereunder, to assist the underwriters or the winning bidders, as appropriate, in complying with the Rule, including executing and delivering a Continuing Disclosure Agreement in connection with each issuance of Bonds hereunder. The Board authorizes and directs the Chairperson to execute the Continuing Disclosure Agreement in substantially the form previously provided in similar financings, with such completions, omissions, insertions and changes as the Chairperson may approve, as appropriate. The Chief Financial Officer of the Department may be designated as the Dissemination Agent under any Continuing Disclosure Agreement executed hereunder.

10. Authorization of Further Action. The Board authorizes the Department staff (a) to request the Treasury Board to approve the terms and structure of the Bonds authorized hereunder in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (b) to request the Governor of the Commonwealth to approve issuance of the Bonds authorized hereunder in accordance with the Act, (c) if determined by Department staff to be cost beneficial, to procure and negotiate a commitment for a bond insurer to issue municipal bond insurance with respect of some or all of the Bonds, and to execute such commitment together with any other documents related to such insurance, and (d) to procure and/or negotiate investments and investment contracts for any of the proceeds of the Bonds or the Refunded Bonds. The Board further authorizes the Chairperson to execute and deliver all documents and certificates and to take all such further action as the Chairperson may consider necessary or desirable in connection with the issuance and sale of the Bonds authorized hereunder, including without limitation (a) the execution and delivery of a certificate setting forth the expected use and investment of the proceeds of the Bonds and Refunded Bonds to show that such expected use and investment will not violate the provisions of Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and the Treasury Regulations hereunder applicable to "arbitrage bonds" and (b) providing for the rebate of any "arbitrage rebate amounts" earned on investment of proceeds of the Bonds and Refunded Bonds to the United States. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to any series of the Bonds or any Refunded Bonds as the Chairperson may deem to be in the best interest of the Commonwealth in consultation with bond counsel to the Board and the Financial Advisor.

11. Report of Chairperson. Within sixty days following each date of

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issuance of Bonds, the Chairperson shall submit a written report to the Board (a) identifying the Refunded Bonds actually refunded, (b) describing the final terms and conditions of such Bonds and (c) demonstrating that each of the criteria set forth in Paragraph 1 above was satisfied with respect to such Bonds.

12. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairperson or the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairperson or an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairperson or Secretary.

13. Effective Date. Termination. This Resolution shall be effective immediately. The authority to issue Bonds pursuant to this Resolution shall terminate on June 30, 2024.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Richmond, Virginia 23219

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Agenda Item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 12, 2022

MOTION

Made By: Ms. Hynes **Seconded By:** Ms. DeTuncq

Action: Motion carried, unanimously

AUTHORIZING THE ISSUANCE AND SALE OF
COMMONWEALTH OF VIRGINIA
TRANSPORTATION REVENUE BONDS, SERIES 2022
(U.S. ROUTE 58 CORRIDOR DEVELOPMENT PROGRAM)

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.2-1700 *et seq*. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds;

WHEREAS, the General Assembly has declared its intent in Section 33.2-2301 of the Virginia Code that there shall be developed an adequate, modern, safe and efficient highway system generally along Virginia's southern border through the U.S. Route 58 Corridor Development Program (the "Program");

WHEREAS, pursuant to Chapters 8 and 12 of the Acts of Assembly of 1989, Special Session II, as amended by Chapter 538 of the Acts of Assembly of 1999 and Chapter 296 of the Acts of Assembly of 2013, Regular Session, and as amended and reenacted by Chapter 1230 of the Acts of Assembly of 2020, Regular Session (the "Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act, revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated

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"Commonwealth of Virginia Transportation Revenue Bonds, Series….." (the "Bonds") at one or more times in an aggregate principal amount not to exceed $1,300,000,000, to finance the costs of the Program plus an amount for issuance costs, reserve funds and other financing expenses;

WHEREAS, pursuant to the Act, an authorized unissued balance of approximately $595,700,000 of Bonds remains after accounting for previously issued Bonds;

WHEREAS, pursuant to Section 2.2-5002.1 of the Virginia Code, after July 1, 2012, any net original issue premium in excess of a *de minimis* amount received on Bonds must be treated as principal for purposes of determining compliance with the aggregate principal amount limitation to which the Bonds are subject;

WHEREAS, Section 33.2-1701 of the Virginia Code provides that the Bonds shall be secured (i) by revenues received from the U.S. Route 58 Corridor Development Fund, subject to their appropriation by the General Assembly; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds that have been appropriated by the General Assembly;

WHEREAS, the Board has entered into a Master Agreement of Trust dated as of November 1, 1989, as previously supplemented and amended (the "Master Agreement") with U.S. Bank National Association, as successor trustee (the "Trustee");

WHEREAS, the Board wishes to authorize the issuance of one or more series of Bonds to be known as the "Commonwealth of Virginia Transportation Revenue Bonds," with one or more series designations, as appropriate (the "2022 Bonds"); and

WHEREAS, the following documents that provide for the issuance and sale of the 2022 Bonds have been prepared by Bond Counsel and the staff of the Virginia Department of Transportation (the "Department") at the direction of the Board, and forms of such documents have been presented at this meeting and will be filed with the records of the Board:

(1) a Seventeenth Supplemental Agreement of Trust (the "Seventeenth Supplement," together with the Master Agreement, the "Agreement"), between the Board and the Trustee, providing for the terms and structure of the 2022 Bonds;

(2) a Preliminary Official Statement of the Board relating to the offering for sale of the 2022 Bonds (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2022 Bonds (the "Continuing Disclosure Agreement").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2022 Bonds. The Board hereby determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the

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Seventeenth Supplement to provide for the issuance of the 2022 Bonds, (ii) to issue the 2022 Bonds for the purposes authorized under and in accordance with the provisions of the Act and the Agreement and (iii) to sell the 2022 Bonds. The aggregate principal amount of the 2022 Bonds shall not exceed $140,000,000, the final maturity date of the 2022 Bonds shall not exceed 26 years from their date of issuance, and the aggregate true interest cost of the 2022 Bonds shall not exceed the maximum aggregate true interest cost approved by the Treasury Board, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the Commonwealth. The Board expects the debt service payments to be made from appropriations of the Commonwealth.

2. Limited Obligations. The 2022 Bonds shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the revenues pledged under the Agreement ("Revenues") and amounts in certain funds established pursuant to the Agreement. Nothing in this Resolution or the 2022 Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of the 2022 Bonds. The Board authorizes the Chairperson of the Board (the "Chairperson"), subject to the criteria set forth in paragraph 1 of this Resolution, to determine the details of the 2022 Bonds, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. The Board authorizes the Chief Financial Officer of the Department and the Director, Budget and Funds Management Division of the Department (either of whom may act) to effect the Chairperson's award of the 2022 Bonds (if the 2022 Bonds are sold by competitive bid) or execute a purchase contract of the 2022 Bonds (if the 2022 Bonds are sold by negotiated sale).

4. Sale of the 2022 Bonds. The Chairperson is authorized to sell the 2022 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2022 Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairperson to be in the best interest of the Commonwealth, the Board authorizes the Chairperson to solicit and consider proposals for a negotiated sale of the 2022 Bonds and to negotiate the terms of such sale. The Chairperson is authorized to execute and deliver a purchase contract or an agreement reflecting such proposal, provided that no such purchase contract or agreement may be executed prior to approval of the terms and structure of the 2022 Bonds by resolution of the Treasury Board.

5. Preliminary Official Statement. The Board approves the Preliminary Official Statement in substantially the form presented at this meeting. The Board authorizes and directs the Chairperson, in collaboration with the staff of the Department

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and the Board's financial advisor (the "Financial Advisor") and Bond Counsel, to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2022 Bonds, as the Chairperson may approve. The Board authorizes the Chairperson to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2022 Bonds by resolution of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairperson, in collaboration with Bond Counsel, Department staff and Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the winning bid or the executed purchase contract, as appropriate, for the purchase and sale of the 2022 Bonds. The Board authorizes and directs the Chairperson to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairperson on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the winning bidders or underwriters, as appropriate, within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the winning bidders or underwriters to distribute to each potential investor requesting a copy and to each person to whom the winning bidders or underwriters initially sell the 2022 Bonds. The Board authorizes and approves the distribution by the winning bidders or underwriters of the Official Statement as executed by the Chairperson.

7. Seventeenth Supplement. The Board approves the Seventeenth Supplement in substantially the form presented at this meeting. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final form of the Seventeenth Supplement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2022 Bonds, including without limitation changes to the dated dates thereof, as the Chairperson may approve. Execution and delivery of the Seventeenth Supplement shall constitute conclusive evidence of the approval of such documents by the Chairperson on behalf of the Board.

8. Execution and Delivery of the 2022 Bonds. The Board authorizes and directs the Chairperson and the Secretary of the Board (the "Secretary") to have the 2022 Bonds prepared and to execute the 2022 Bonds in accordance with the Agreement, to deliver the 2022 Bonds to the Trustee for authentication, and to cause the 2022 Bonds so executed and authenticated to be delivered to or for the account of the winning bidders or underwriters upon payment of the purchase price of the 2022 Bonds, all in accordance with the Notice of Sale or executed purchase contract, as appropriate. Execution and delivery by the Chairperson and the Secretary of the 2022 Bonds shall constitute conclusive evidence of the approval of the 2022 Bonds by the Chairperson and the Secretary on behalf of the Board.

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9. Continuing Disclosure. The Board approves the Continuing Disclosure Agreement in substantially the form presented at this meeting. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2022 Bonds and to assist the winning bidders or the underwriters, as appropriate, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2022 Bonds, as the Chairperson may approve. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairperson of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairperson on behalf of the Board.

10. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2022 Bonds in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor of the Commonwealth to approve the issuance of the 2022 Bonds in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2022 Bonds and to execute such contract, together with any other documents related to such credit facility and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2022 Bonds. The Board further authorizes the Chairperson to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2022 Bonds, including, without limitation, execution and delivery of a document (i) setting forth the expected application and investment of the proceeds of the 2022 Bonds and the expected use of the property financed or refinanced thereby to show that such expected application, investment and use will not violate the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and the Treasury Regulations promulgated thereunder including the provisions applicable to "arbitrage bonds" (as defined in the Tax Code) and (ii) providing for the rebate of any "arbitrage rebate amounts" (as defined in the Tax Code) earned on the investment of the proceeds of the 2022 Bonds to the United States. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2022 Bonds as the Chairperson may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

11. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairperson or to the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairperson or to an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairperson or the Secretary.

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12. Effective Date. This Resolution shall be effective immediately upon adoption and shall remain in effect until December 31, 2022.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda Item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 12, 2022

MOTION

Made By: Ms. Hynes **Seconded By:** Mr. Merrill

Action: Motion carried, unanimously

Title: Action on the Second Amended District Contract by and Among the Commonwealth Transportation Board, the Fairfax County Economic Development Authority and the State Route 28 Highway Transportation Improvement District Commission

WHEREAS, the Commonwealth Transportation Board **(**the "Board"), the Fairfax County Economic Development Authority **(**the "Authority"), and the State Route 28 Highway Transportation Improvement District Commission **(**the "Commission" and referred to collectively with each of the Board and the Authority, the "Parties") have entered into an Amended and Restated District Contract, dated as of May 1, 2012 **(**including previous amendments and collectively, the "District Contract"**)**, a copy of which is attached hereto as Exhibit A, which includes, among other things, an agreement to undertake certain modifications to State Route 28, including the construction of ten (10) interchanges and two (2) additional lanes for Route 28 between its intersection with Route 50 in Fairfax County and its intersection with Sterling Boulevard in Loudoun County (the "District Project"), an agreement regarding the method of financing the District Project and the procedures to follow for requesting the Boards of Supervisors of the Counties (as defined below) to levy a special improvements tax and collect special tax revenues in accordance with the District Act; and

WHEREAS, the Board of Supervisors of Fairfax County, Virginia ("Fairfax County"), and the Board of Supervisors of Loudoun County, Virginia ("Loudoun County", together with Fairfax County, the "Counties"), and the Commission have entered into an Amended and Restated Local Contract, dated November 1, 2006 (the "Local Contract"), which provides, among other things, the duty of the Commission to make requests to the Board of Supervisors for the levy of a special improvements tax and the collection of special tax revenues; and

WHEREAS, the Board under a Master Indenture of Trust dated as of October 1, 2002 (the "Board Master Indenture"), has issued Commonwealth of Virginia Transportation Contract Revenue Bonds (Route 28 Project) Series 2002 and Series 2012 (the "Board Bonds"), to provide

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funding for certain transportation projects on State Route 28 and to refund obligations incurred by the Board for such purposes; and

WHEREAS, the Authority under an Amended and Restated Trust Agreement dated as of November 1, 2006 (as supplemented, the "Authority Trust Agreement") with U.S. Bank National Association in its capacity as trustee (the "Authority Trustee") has issued Fairfax County Economic Development Authority Transportation Contract Revenue Bonds (Route 28 Project) Series 2003, Series 2004, Series 2007A, Series 2008, Series 2012 and Series 2016 (each a series of "Authority Bonds") to provide funding for certain transportation projects on State Route 28 and to refund obligations incurred by the Authority for such purposes; and

WHEREAS, the Counties and U.S. Bank National Association in its capacity as fiscal agent (in such capacity, the "Fiscal Agent") have entered into an Amended and Restated Fiscal Agent Agreement dated as of November 1, 2006 (the "Fiscal Agent Agreement") in order to allocate appropriately the special tax revenues collected in the District and provide for the application thereof to the payment of the Board Bonds and Authority Bonds in the manner contemplated in the District Contract; and

WHEREAS, there has been presented to the Board the proposed form of a Second Amended and Restated District Contract by and among the Board, the Commission and the Authority the terms of which would amend the District Contract such that the terms and conditions of the District Contract allow for increased flexibility for structuring the refunding of Authority Bonds, including allowing a portion of funds in the District Project Completion Fund to be transferred to fund the Reserve Subfund in connection with the issuance of refunding Authority Bonds, including a Series 2022 refunding issue of Authority Bonds (the "2022 Authority Bonds"), as well as incorporating the prior amendments to the District Contract (the "Second Amended and Restated District Contract"), a copy of which is attached hereto as Exhibit B; and

WHEREAS, the Counties and the Fiscal Agent propose to execute a Second Amended and Restated Fiscal Agent Agreement (the "Second Amended and Restated Fiscal Agent Agreement"), the terms of which would amend the Fiscal Agent Agreement to contemplate the refunding of certain Authority Bonds, the issuance of the 2022 Authority Bonds and related transfer of a portion of funds in the District Project Completion Fund to the Reserve Subfund for 2022 Authority Bonds, a copy of which is attached hereto as Exhibit C.

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NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. The Board hereby approves of and endorses the Second Amended and Restated District Contract and authorizes the Chair, and Secretary of Transportation, or his/her designee to execute the Second Amended and Restated District Contract on behalf of the Board and any and all Resolution of the Board documents required to comply with this resolution, with such additions and changes deemed necessary by the Chair, and Secretary of Transportation, or his/her designee.

2. The Board hereby approves the Second Amended and Restated Fiscal Agent Agreement substantially in the form presented to this meeting.

3. This resolution shall take effect immediately upon its adoption.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 17

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 12, 2022

MOTION
Made By: Ms. Hynes **Seconded By:** Mr. Yates
Action: Motion carried, unanimously

Title: Approval of Second Amended and Restated Memorandum of Agreement with the Northern Virginia Transportation Commission and Potomac Rappahannock Transportation Commission Relating to the I-395 Express Lanes Annual Transit Investment

WHEREAS, the Commonwealth and the Northern Virginia Transportation Commission (NVTC) and Potomac Rappahannock Transportation Commission (PRTC) previously negotiated the terms of a Memorandum of Agreement (MOA) between the Virginia Department of Transportation (VDOT), the Commonwealth Transportation Board (CTB), the Virginia Department of Rail and Public Transportation (DRPT), the PRTC, and the NVTC relating to the I-395 Express Lanes Annual Transit Investment (Project), and

WHEREAS, the original MOA, which was approved by the CTB on December 7, 2017, set forth the responsibilities of the Parties relating to the Project and provided for, among other things, the transfer to and use by NVTC and PRTC of specified funds collected from the tolling of the I-395 Express Lanes for certain Project Components; and

WHEREAS, there is a need to amend the MOA to include technical amendments to the provisions to modify and conform language to make the agreement more similar to the 2021 Third Amended and Restated Memorandum of Agreement, Transform 66: Inside the Beltway Project for the calculation of funding eligible to support transit operations;

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WHEREAS, the Commonwealth, NVTC, and PRTC have negotiated amendments to the MOA addressing this matter, which are reflected in the *Second Amended and Restated Memorandum of Agreement, I-395 Express Lanes*, attached hereto as Exhibit A, and approved by the Northern Virginia Transportation Commission on January 6, 2022, and pending approval by the Potomac Rappahannock Transportation Commission on January 13, 2022.

NOW THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board, that the *Second Amended and Restated Memorandum of Agreement, I-395 Express Lanes*, attached hereto as Exhibit A, is hereby approved and the Secretary, Commissioner of Highways and the Director of the Department of Rail and Public Transportation are authorized to execute the Amended and Restated MOA on behalf of the Board, VDOT and DRPT, respectively.

BE IT FURTHER RESOLVED that the Secretary is authorized to make and/or approve such changes to the Second Amended and Restated MOA as she deems necessary, provided such changes do not change the overall substance of the terms of the Second Amended and Restated MOA.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 11

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 8, 2021

MOTION

Made By: Ms. DeTuncq **Seconded By:** Mr. Johnsen
Action: Motion carried, unanimously

AUTHORIZING THE ISSUANCE AND SALE OF
COMMONWEALTH OF VIRGINIA
TRANSPORTATION CAPITAL PROJECTS REVENUE BONDS, SERIES 2022

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.2-1700 *et seq.* of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds;

WHEREAS, pursuant to the Commonwealth Transportation Capital Projects Bond Act of 2007, enactment clause 2 of Chapter 896 of the Acts of the General Assembly of the Commonwealth of Virginia, 2007 Regular Session, as amended (the "Bond Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act, revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series ….." (the "Chapter 896 Bonds") at one or more times in an aggregate principal amount not to exceed $3,000,000,000, subject to certain annual limitations;

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WHEREAS, pursuant to Item 456.H. of Chapter 874 of the Acts of the General Assembly of the Commonwealth of Virginia, 2010 Regular Session, as amended (collectively, the "Appropriation Act" and, together with the Bond Act, as amended, the "Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the State Revenue Bond Act, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" (the "Appropriation Act Bonds") at one or more times in an aggregate principal amount not to exceed $180,000,000, after all costs, with the net proceeds of the Appropriation Act Bonds to be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of the General Assembly, 2007 Regular Session, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction and related improvements; and any financing costs and other financing expenses;

WHEREAS, pursuant to Chapter 854 of the Acts of the General Assembly of the Commonwealth of Virginia, 2018 Regular Session, the Bond Act was amended to authorize the Board, with the consent of the Governor, to issue, pursuant to the State Revenue Bond Act, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" (the "Chapter 854 Bonds" and, together with the Chapter 896 Bonds and the Appropriation Act Bonds, the "Bonds") at one time in an aggregate principal amount not to exceed an additional $50 million, after all costs, with the net proceeds to be used exclusively to match federal funds provided for capital projects by the Washington Metropolitan Area Transit Authority;

WHEREAS, pursuant to the Act, authorization to issue $3,230,000,000 in aggregate principal amount of Bonds has been granted, consisting of $3,000,000,000 in aggregate principal amount of Chapter 896 Bonds (having an authorized unissued balance of approximately $243,233,804, after accounting for previously issued Bonds), $50,000,000 in aggregate principal amount of Chapter 854 Bonds (none of which has heretofore been issued) and $180,000,000 in aggregate principal amount of Appropriation Act Bonds (all of which has heretofore been issued);

WHEREAS, pursuant to Section 2.2-5002.1 of the Virginia Code, after July 1, 2012, any net original issue premium in excess of a *de minimis* amount received on Bonds must be treated as principal for purposes of determining compliance with the aggregate and annual principal amount limitations to which the Bonds are subject;

WHEREAS, Section 33.2-1701 of the Virginia Code provides that the Bonds shall be secured, subject to their appropriation by the General Assembly, (i) by revenues deposited into the Priority Transportation Fund created under Section 33.2-1527 of the Virginia Code (the "Priority

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Transportation Fund"), (ii) to the extent required, by revenues legally available from the Transportation Trust Fund and (iii) to the extent required, by any other legally available funds;

WHEREAS, the Board has entered into a Master Indenture of Trust dated as of May 1, 2010, as previously supplemented and amended (the "Master Indenture") with Wells Fargo Bank, National Association, as trustee (the "Trustee");

WHEREAS, the Board wishes to authorize the issuance of one or more series of Bonds to be known as the "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds," with one or more series designations, as appropriate (the "2022 Bonds"); and

WHEREAS, the following documents that provide for the issuance and sale of the 2022 Bonds have been prepared by Bond Counsel and the staff of the Virginia Department of Transportation (the "Department") at the direction of the Board, and forms of such documents have been presented at this meeting and will be filed with the records of the Board:

(1) a Tenth Supplemental Indenture of Trust (the "Tenth Supplement," together with the Master Indenture, the "Indenture"), between the Board and the Trustee, providing for the terms and structure of the 2022 Bonds;

(2) a Preliminary Official Statement of the Board relating to the offering for sale of the 2022 Bonds (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2022 Bonds (the "Continuing Disclosure Agreement").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2022 Bonds. The Board hereby determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Tenth Supplement to provide for the issuance of the 2022 Bonds, (ii) to issue the 2022 Bonds for the purposes authorized under and in accordance with the provisions of the Act and the Indenture and (iii) to sell the 2022 Bonds. The aggregate principal amount of the 2022 Bonds shall not exceed $100,000,000, the final maturity date of the 2022 Bonds shall not exceed 25 years from their date of issuance, and the aggregate true interest cost of the 2022 Bonds shall not exceed the maximum aggregate true interest cost approved by the Treasury Board, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the

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Commonwealth. The Board expects the debt service payments to be made from appropriations of the Commonwealth.

2. Limited Obligations. The 2022 Bonds shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the revenues pledged under the Indenture ("Revenues") and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution or the 2022 Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of the 2022 Bonds. The Board authorizes the Chairperson of the Board (the "Chairperson"), subject to the criteria set forth in paragraph 1 of this Resolution, to determine the details of the 2022 Bonds, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. In addition, the Board authorizes the Chairperson to allocate portions of the 2022 Bonds to the authorizations provided by the Bond Act, as amended, and the Appropriations Act, respectively, in accordance with the actual or projected application of the proceeds of the 2022 Bonds as provided by law and as she shall deem to be in the best interests of the Board, the Department and the Commonwealth. The Board authorizes the Chief Financial Officer of the Department and the Director, Financial Planning Division of the Department (either of whom may act) to effect the Chairperson's award of the 2022 Bonds (if the 2022 Bonds are sold by competitive bid) or execute a purchase contract of the 2022 Bonds (if the 2022 Bonds are sold by negotiated sale).

4. Sale of the 2022 Bonds. The Chairperson is authorized to sell the 2022 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2022 Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairperson to be in the best interest of the Commonwealth, the Board authorizes the Chairperson to solicit and consider proposals for a negotiated sale of the 2022 Bonds and to negotiate the terms of such sale. The Chairperson is authorized to execute and deliver a purchase contract or an agreement reflecting such proposal, provided that no such purchase contract or agreement may be executed prior to approval of the terms and structure of the 2022 Bonds by resolution of the Treasury Board.

5. Preliminary Official Statement. The Board approves the Preliminary Official Statement in substantially the form presented at this meeting. The Board authorizes and directs the Chairperson, in collaboration with the staff of the Department and the Board's financial advisor (the "Financial Advisor") and Bond Counsel, to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the

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2022 Bonds, as the Chairperson may approve. The Board authorizes the Chairperson to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2022 Bonds by resolution of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairperson, in collaboration with Bond Counsel, Department staff and Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the winning bid or the executed purchase contract, as appropriate, for the purchase and sale of the 2022 Bonds. The Board authorizes and directs the Chairperson to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairperson on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the winning bidders or underwriters, as appropriate, within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the winning bidders or underwriters to distribute to each potential investor requesting a copy and to each person to whom the winning bidders or underwriters initially sell the 2022 Bonds. The Board authorizes and approves the distribution by the winning bidders or underwriters of the Official Statement as executed by the Chairperson.

7. Tenth Supplement. The Board approves the Tenth Supplement in substantially the form presented at this meeting. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final form of the Tenth Supplement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2022 Bonds, including without limitation changes to the dated dates thereof, as the Chairperson may approve. Execution and delivery of the Tenth Supplement shall constitute conclusive evidence of the approval of such documents by the Chairperson on behalf of the Board.

8. Execution and Delivery of the 2022 Bonds. The Board authorizes and directs the Chairperson and the Secretary of the Board (the "Secretary") to have the 2022 Bonds prepared and to execute the 2022 Bonds in accordance with the Indenture, to deliver the 2022 Bonds to the Trustee for authentication, and to cause the 2022 Bonds so executed and authenticated to be delivered to or for the account of the winning bidders or underwriters upon payment of the purchase price of the 2022 Bonds, all in accordance with the Notice of Sale or executed purchase contract, as appropriate. Execution and delivery by the Chairperson and the Secretary of the 2022 Bonds shall constitute conclusive evidence of the approval of the 2022 Bonds by the Chairperson and the Secretary on behalf of the Board.

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9. Continuing Disclosure. The Board approves the Continuing Disclosure Agreement in substantially the form presented at this meeting. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2022 Bonds and to assist the winning bidders or the underwriters, as appropriate, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Board authorizes and directs the Chairperson to prepare, execute, and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2022 Bonds, as the Chairperson may approve. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairperson of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairperson on behalf of the Board.

10. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2022 Bonds in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor of the Commonwealth to approve the issuance of the 2022 Bonds in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2022 Bonds and to execute such contract, together with any other documents related to such credit facility and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2022 Bonds. The Board further authorizes the Chairperson to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2022 Bonds, including, without limitation, execution and delivery of (a) an amendment to the Payment Agreement dated as of May 1, 2010, between the Board, the Treasury Board, and the Secretary of Finance of the Commonwealth, if necessary, to provide for the issuance and payment of debt service of the 2022 Bonds and (b) a document (i) setting forth the expected application and investment of the proceeds of the 2022 Bonds and the expected use of the property financed or refinanced thereby to show that such expected application, investment and use will not violate the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and the Treasury Regulations promulgated thereunder including the provisions applicable to "arbitrage bonds" (as defined in the Tax Code) and (ii) providing for the rebate of any "arbitrage rebate amounts" (as defined in the Tax Code) earned on the investment of the proceeds of the 2022 Bonds to the United States. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2022 Bonds as the Chairperson may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

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11. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairperson or to the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairperson or to an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairperson or the Secretary.

12. Effective Date. This Resolution shall be effective immediately upon adoption and shall remain in effect until December 31, 2022.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 16

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 21, 2021

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Johnsen
Action: Motion carried, unanimously

Title: Authorization for the Commissioner of Highways to Enter Into and Execute the Standard Project Agreement with the Hampton Roads Transportation Accountability Commission for the Segment 3 Capital Improvements Tolling Infrastructure Project for the HREL Network

WHEREAS, the Virginia Department of Transportation (VDOT) has made briefings to the Commonwealth Transportation Board (CTB), Hampton Roads Transportation Accountability Commission (HRTAC), and Hampton Roads Transportation Planning Organization (HRTPO), demonstrating the operational benefits of the Hampton Roads Express Lane (HREL) Network providing for continuous HOT lanes travel on Interstate 64 in Hampton Roads between the interchange of Interstate 64 and Jefferson Avenue in Newport News and the interchange of Interstates 64, 264, and 664 in the Bowers Hill section of Chesapeake; and

WHEREAS, on May 21, 2020, the HRTPO identified and adopted the Regional Express Lanes Network, consistent with the HREL Network concept, "as a component of the Regional Priority Projects… identified by the HRTPO in its 2040 Long Range Transportation Plan to collectively provide the greatest impact on reducing congestion for the greatest number of citizens residing in Hampton Roads", recommending the HRTAC pursue funding, development, and implementation for the network; and

WHEREAS, on May 28, 2020, HRTAC voted to endorse inclusion of the HREL Network in the FY21-FY26 Plan of Finance – Six Year Operating and Capital Program and at their June 18, 2020 meeting approved the HRTAC Debt Management Plan to fund the HREL Network; and

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WHEREAS, the CTB and HRTAC developed and adopted the HREL Network concept of operation and VDOT, the CTB and HRTAC have entered into the Master Agreement for Development and Tolling of Hampton Roads Express Lanes Network (MTA), dated August 18, 2020, to address both development and tolling of the HREL Network; and

WHEREAS, pursuant to Article 3 of the MTA, "[a]t such time as the Parties are prepared to commence the design and construction of any element of the HREL Project, the Department and the Commission shall enter into a Standard Project Agreement for Funding and Administration, substantially in the form attached hereto as Exhibit 9, for such element (or sub-element), whereupon the Department shall procure all goods and services necessary to design and construct the applicable element of the HREL Project in accordance with (i) any and all applicable federal, state, and local laws and regulations, and (ii) all terms and conditions of the applicable Standard Project Agreement for Funding and Administration (each an "HREL SPA"), including all terms and conditions applicable to the Definitive Project Budget set forth therein"; and

WHEREAS, at the July 2021 CTB Workshop, the CTB was briefed on the following element of the HREL Project, the Segment 3 Capital Improvements – Tolling Infrastructure Project (UPC 118376); and

WHEREAS, VDOT and HRTAC have developed a SPA, consistent with the HREL SPA as set forth in the MTA, for the Segment 3 Capital Improvements – Tolling Infrastructure Project (UPC 118376), attached hereto as Exhibit A.

NOW THEREFORE BE IT RESOLVED, that the CTB hereby approves and authorizes the Commissioner of Highways to enter into and execute a SPA for the HREL Segment 3 Capital Improvements Tolling Infrastructure Project, substantially in the form set out in Exhibit A, with such modifications and changes as deemed necessary by the Commissioner.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 15

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 21, 2021

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Miller
Action: Motion carried, unanimously

Title: Approval and Authorization for the Commissioner of Highways to Execute a TIFIA Direct Agreement Between the Virginia Department of Transportation, the Hampton Roads Transportation Accountability Commission and the United States Department of Transportation and Related Amendments to the PAFA for the Hampton Roads Bridge Tunnel Expansion Project

WHEREAS, the Virginia Department of Transportation (VDOT) and Hampton Roads Transportation Accountability Commission (HRTAC) have entered into the Project Agreement for Funding and Administration for the I-64 Hampton Roads Bridge-Tunnel Expansion Project (HRBT Expansion Project), dated as of April 2, 2019 (HRBT PAFA); and

WHEREAS, VDOT has entered into the Comprehensive Agreement Relating to the I-64 Hampton Roads Bridge-Tunnel Expansion Project, dated as of April 3, 2019, with Hampton Roads Connector Partners; and

WHEREAS, VDOT, HRTAC, and the Commonwealth Transportation Board (CTB) have entered into the Master Agreement for Development and Tolling of the Express Lanes Network, dated August 18, 2020, (MTA); and

WHEREAS, VDOT has entered into a Contract for VDOT I-64 Express Lanes Toll System and Services, dated as of March 21, 2017, with TransCore, LP (the Segment 1 Toll System Contract); and

WHEREAS, VDOT has entered into the Contract Relating to the I-64 Express Lanes Expansion, dated as of June 17, 2021, with Conduent State & Local Solutions, Inc. (the Segment 2 Toll System Contract); and

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WHEREAS, in reliance on the support for the HRBT Expansion Project provided byVDOT pursuant to the foregoing agreements, together with each electronic toll collection agreement and each violation processing services agreement entered into by HRTAC and VDOT pursuant to the MTA (collectively the VDOT Support Agreements), the United States Department of Transportation (USDOT) will grant to HRTAC two loans under the Transportation Infrastructure Finance and Innovation Act Program (TIFIA Loans) for the purpose of financing certain costs in connection with the construction and development of the HRBT Expansion Project and which will be repaid from toll revenues of the Hampton Roads Express Lane (HREL) Network and sales tax revenues dedicated to the Hampton Roads Transportation Fund, respectively; and

WHEREAS, as a condition of granting HRTAC the two TIFIA Loans, USDOT requires VDOT and HRTAC to agree to and execute a Direct Agreement (a draft of which is attached hereto as Exhibit A) whereby, among other things, VDOT makes certain warranties and representations with regard to the VDOT Support Agreements and VDOT's roles relating to the HRBT Expansion Project and HREL Network, but is not liable for repayment of the TIFIA loans; and

WHEREAS, requirements in the Direct Agreement necessitate certain modifications to the HRBT PAFA, the substance of which are illustrated in the attached "illustrative" HRBT PAFA (Exhibit B), and

WHEREAS, HRTAC and VDOT also seek to modify the HRBT PAFA to provide that a portion of HRTAC-supported contingency funds from the HRBT Expansion Project will be used to pay for tolling infrastructure pursuant to the Standard Project Agreement for the Segment 3 Capital Improvements-Tolling Infrastructure Project - UPC 118376; and that should additional HRBT Expansion Project costs be identified after the contingency funds are expended, the additional costs will be funded using specified funds and the process set out in Section 3.09 of the PAFA, with said modifications also reflected in the attached "illustrative" HRBT PAFA (Exhibit B); and

WHEREAS, the above-referenced modifications to the HRBT PAFA will be incorporated into a separate, stand-alone amendment to the PAFA for purposes of execution by VDOT and HRTAC (HRBT PAFA Amendment); and

WHEREAS, at the July 2021 CTB Workshop, the CTB was briefed on the Direct Agreement relating to the TIFIA Loans to HRTAC for the HRBT Expansion Project as well as the amendments to the HRBT PAFA.

NOW THEREFORE BE IT RESOLVED, that the CTB hereby approves and authorizes the Commissioner of Highways to execute, and take all actions necessary under, the Direct Agreement between VDOT, HRTAC and USDOT relating to the TIFIA Loans to HRTAC for the HRBT Expansion Project, a draft of which is set forth in Exhibit A, with such changes and modifications deemed necessary by the Commissioner.

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BE IT FURTHER RESOLVED, that the CTB hereby approves, and authorizes the Commissioner of Highways to execute, a separate, stand-alone HRBT PAFA Amendment, which incorporates modifications to the HRBT PAFA substantially similar to those set forth in Exhibit B, with such changes and modifications deemed necessary by the Commissioner.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 19, 2021

MOTION

Made By: Mr. Malbon, **Seconded By:** Mr. Yates

Action: Motion Carried, Unanimously

Title: Interstate 64 Hampton Roads Express Lanes Network Tolling System and Services Contract Award and TFRA Funding Authorizations

WHEREAS, the Virginia Department of Transportation (VDOT) has made briefings to the Commonwealth Transportation Board (CTB), Hampton Roads Transportation Accountability Commission (HRTAC), and Hampton Roads Transportation Planning Organization (HRTPO), demonstrating the operational benefits of the Hampton Roads Express Lane (HREL) Network providing for continuous HOT lanes travel on Interstate 64 in Hampton Roads between the interchange of Interstate 64 and Jefferson Avenue in Newport News and the interchange of Interstates 64, 264, and 664 in the Bowers Hill section of Chesapeake; and

WHEREAS, on May 21, 2020, the HRTPO identified and adopted the Regional Express Lanes Network, consistent with the HREL Network concept, "as a component of the Regional Priority Projects… identified by the HRTPO in its 2040 Long Range Transportation Plan to collectively provide the greatest impact on reducing congestion for the greatest number of citizens residing in Hampton Roads", recommending the HRTAC pursue funding, development, and implementation for the network; and

WHEREAS, on May 28, 2020, HRTAC voted to endorse inclusion of the HREL Network in the FY21-FY26 Plan of Finance – Six Year Operating and Capital Program and at their June 18, 2020 meeting approved the HRTAC Debt Management Plan to fund the HREL Network; and

WHEREAS, the CTB and HRTAC developed and adopted the HREL Network concept of operation and VDOT, the CTB and HRTAC have entered into the Master Agreement for

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Development and Tolling of Hampton Roads Express Lanes Network (MTA), dated August 18, 2020, to address both development and tolling of the HREL Network; and

WHEREAS, pursuant to Article 4 of the MTA, VDOT is responsible to perform certain tolling duties and functions before the Transition Date (the date after which HRTAC will be responsible for tolling operation and maintenance duties) and among those duties, VDOT may contract for the provision of such services in a manner consistent with its past practice, subject to certain conditions; and

WHEREAS, in accord with the MTA, VDOT issued a request for proposals (RFP) on October 6, 2020 seeking proposals from qualified firms for the purpose of establishing a contract to provide for design, integration, implementation, on-going maintenance and operation of a system for the dynamic tolling on, and that meets VDOT's business and system requirements for, the I-64 Hampton Roads Express Lanes (HREL Tolling System and Services) and in response, received three proposals; and

WHEREAS, after evaluating the proposals and engaging in negotiations, VDOT has determined, based on the evaluation factors included in the RFP, that one offeror, who is fully qualified to deliver the HREL Tolling System and Services and whose proposal provides good value, should be awarded the contract for the HREL Tolling System and Services (Contract); and

WHEREAS, VDOT, after completion of mandatory reviews by the Virginia Information Technologies Agency and the Office of the Attorney General, issued a Notice of Intent to Award the Contract on May 17, 2021; and

WHEREAS, pursuant to § 33.2-209 of the *Code of Virginia*, the CTB has authority to award contracts for "…construction, maintenance, and improvement of the highways comprising systems of state highways…in excess of $5 million…"; and

WHEREAS, in order to ensure the timely delivery of the HREL Tolling System and Services necessary for operation and tolling of all or a portion of the HREL Network on the intended commencement date, it is necessary that the Contract be awarded and executed without delay and prior to the June 2021 CTB meeting; and

WHEREAS, on September 20, 2017, the CTB advanced an amount of up to $10,000,000 from the Toll Facility Revolving Account (TFRA) and allocated the same to pay the costs associated with work necessary to begin the engineering, analysis and construction of the needed tolling infrastructure and related services on Segment 2 of what is now the HREL Network, and directed that requests for additional funding from the TFRA or other sources for tolling infrastructure and related services be presented to the CTB for its approval; and

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WHEREAS, on January 15, 2020, the CTB authorized an additional amount of up to $28,000,000 to be advanced from the TFRA and allocated to support the construction and tolling integration on Interstate 64 from the I-664/I-264 Interchange to Interstate 264, including tolling integration costs for the High Rise Bridge, and related efforts for a regional Express Lanes Network in Hampton Roads; and

WHEREAS, VDOT has determined that of the $10,000,000 allocated pursuant to the September 20, 2017 TFRA Allocation, and the $28,000,000 allocated in the January 15, 2020 TFRA Allocation, $12,786,320 has not been expended and remains available to fund the work for the design, construction, installation, implementation, operation and/or maintenance of the HREL Tolling System and Services.

NOW, THEREFORE BE IT RESOLVED, by the CTB that, due to the potential delay in operation and tolling of all or a portion of the HREL Network if award of the Contract for the HREL Tolling System and Services is delayed until the June 2021 CTB meeting, the Commissioner of Highways is hereby authorized and delegated the CTB's authority to award the Contract and to execute the Contract, as well as all other documents necessary to effectuate award of the Contract, provided the necessary tasks and activities related to award of the Contract are appropriately completed.

BE IT FURTHER RESOLVED, that the Commissioner of Highways is further authorized to exercise any and all options under the Contract.

BE IT FURTHER RESOLVED, that the Commissioner of Highways shall present the final Contract at the next CTB meeting for the CTB's affirmation.

BE IT FURTHER RESOLVED by the CTB, pursuant to 33.2-1529, that the unexpended portion of the $10,000,000 allocated pursuant to the September 20, 2017 TFRA Allocation, and the unexpended portion of the $28,000,000 allocated pursuant to the January 15, 2020 TFRA Allocation, (collectively, $12,786,320), is authorized and allocated to pay costs of the work performed pursuant to the HREL Tolling System and Services Contract.

BE IT FURTHER RESOLVED by the CTB that the toll revenues collected from the HREL Network will be used in accord with § 33.2-309, including the reimbursement of funding advanced from the Toll Facilities Revolving Account authorized herein in accord with § 33.2-1529 of the *Code of Virginia*.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 11

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 21, 2021

MOTION
Made By: Ms. Hynes **Seconded By:** Mr. Rucker

Action: Motion Carried, Unanimously

Title: Authority to Award Surveying Services for Delineation of Right of Way for the I-95 CSX Transportation, Inc. Rail Corridor between Petersburg, VA and Washington, DC

WHEREAS, Section 33.2-209 of the Code grants the Commonwealth Transportation Board ("CTB") the power and duty to let all contracts to be administered by the Department of Rail and Public Transportation ("DRPT") for all activities related to passenger and freight rail in excess of $5M; and

WHEREAS, DRPT has entered into an agreement with CSX Transportation, Inc. ("CSXT") to acquire rail track and Right of Way ("ROW") and desires to obtain surveying services for the ROW delineation including the I-95 CSXT rail corridor between Petersburg, VA and Washington, DC; and

WHEREAS, DRPT issued a solicitation for surveying services for the ROW for the I-95 CSXT rail corridor; and

WHEREAS, DRPT desires to award a contract to AECOM with a term beginning the date of the award and ending at the completion of the project; and

WHEREAS, the desired contract will procure services of a consultant capable of rendering a comprehensive surveying oversight related to the ROW delineation for the I-95 CSXT rail corridor; and

WHEREAS, the desired contract includes detail to establish land surveying and mapping from a contractor with specific experience in performing property boundary surveys and rail profile surveys for property located in a corridor with active freight and passenger rail; and

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WHEREAS, DRPT will assign this contract to the Virginia Passenger Rail Authority ("VPRA") once it is mobilized;

WHEREAS, DRPT recommends that the CTB approve DRPT to complete its procurement for the ROW delineation of the I-95 CSXT rail corridor;

NOW THEREFORE, BE IT RESOLVED that the Board authorizes DRPT to complete its procurement on behalf of the Authority and award a resulting contract for the ROW delineation for the Petersburg to DC I-95 CSXT rail corridor.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 17, 2021

MOTION

Made By: Mr. Malbon **Seconded By:** Mr. Miller

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into an Amendment of the Standard Project Agreement between the Virginia Department of Transportation and the Hampton Roads Transportation Accountability Commission for the Expanded Bowers Hill Interchange Study (UPC 111427)

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the Code of Virginia, has established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the Code of Virginia, has also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608, the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214 C of the Code of Virginia empowers the Commonwealth Transportation Board (CTB) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

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WHEREAS, at its April 19, 2017 meeting, the CTB approved and authorized the Commissioner of Highways to, among other things, execute the execute a Standard Project Agreement (SPA) with HRTAC relating to the Bowers Hill Study and the HRTF funding therefore; and

WHEREAS, in accord with said approval and delegation by the CTB, the Commissioner of Highways executed a Standard Project Agreement, dated as of August 28, 2017, between VDOT and HRTAC for Funding and Administration of the Bowers Hill Interchange Study (UPC 111427) (the "Project" or "Study"), whereby HRTAC provided $4,000,000 in funding for the Project; and

WHEREAS, based on extensive study and coordination between the Hampton Roads Transportation Planning Organization (HRTPO) and its Bowers Hill Interchange Study Working Group, VDOT, and HRTAC, it was determined that the Bowers Hill Interchange Study scope of work needed to be modified to include the segment of I-664 between Bowers Hill Interchange and the College Drive Interchange due to the significant congestion along I-664 that extends to the Bowers Hill Interchange; and

WHEREAS, on May 21, 2020, the HRTPO approved the expansion of the Bowers Hill Interchange Study to incorporate an express lane component; and

WHEREAS, HRTAC, on December 10, 2020, amended the FY2021-FY2026 Funding Plan to redirect an additional $3,904,630 (previously released from the Route 460/58/13 Connector Study) to extend the scope and budget of the Bowers Hill Interchange Study and authorized the Chair to finalize and execute the appropriate amendment to the funding agreement between VDOT and HRTAC; and

WHEREAS, provision of the additional funding by HRTAC for the expanded Bowers Hill Interchange Study/Project requires amendment of the SPA for the Bowers Hill Interchange Study and pursuant to §33.2-214 C, VDOT has requested that the CTB authorize the Commissioner to execute a proposed Amendment to the SPA with HRTAC for the expanded Bowers Hill Interchange Study; and

WHEREAS, the proposed Amendment to the SPA will address an issue previously noted by the CTB relating to language in the SPA regarding the opportunity for VDOT to cure alleged material breaches of the SPA.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into/execute the Amendment to the Standard Project Agreement with HRTAC, attached hereto as Exhibit A, regarding the additional funding and expanded scope of the Bowers Hill Interchange Study funding, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item NB 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 17, 2021

MOTION

Made By: Mr. Kasprowicz, **Seconded By:** Dr. Smoot
Action: Motion Carried, Unanimously

Title: Authorization for the Director of DRPT to Enter into a Passenger Rail Improvement Funding and Partnership Agreement Between the Virginia Department of Rail and Public Transportation and Amtrak

WHEREAS, the Virginia Department of Rail and Public Transportation ("DRPT") plans to acquire the following three rail corridors now owned by CSX Transportation, Inc. to improve intercity and commuter passenger rail service within the Commonwealth:

1. **Segment 1** – about half of a rail corridor (divided longitudinally) extending approximately 144.8 miles between milepost CFP 112.4 in Washington, D.C. and milepost CFP A 29.04 in the County of Dinwiddie, Virginia;

2. **Segment 2** – an abandoned rail corridor extending approximately 75.13 miles between milepost CFP A 29.04 in the County of Dinwiddie, Virginia and milepost CFP S 100.1 at Ridgeway, North Carolina; and

3. **Segment 3** – a rail corridor extending approximately 164.3 miles between milepost CFP 276.0 in Clifton Forge, Virginia and milepost CFP 111.7 at Doswell, Virginia; and

WHEREAS, after acquiring Segment 1, DRPT plans to undertake a program of rail infrastructure improvements within and adjacent to Segment 1, which will increase rail capacity for both freight and passenger operations; and

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WHEREAS, the additional capacity will permit DRPT and the National Railroad Passenger Corporation ("Amtrak") to add six additional daily state-supported Amtrak roundtrip, resulting in nearly hourly Amtrak service between Richmond and Washington, D.C.; and

WHEREAS, DRPT and Amtrak have negotiated a passenger rail improvement funding and partnership agreement under which Amtrak will provide $944,000,000 to DRPT in support of DRPT's program of rail infrastructure improvements, and under which Amtrak may obtain certain rights, including among other rights, train dispatching rights over certain sections of Segment 1; and

WHEREAS, DRPT has updated and briefed the Commonwealth Transportation Board ("CTB") during the negotiation period with respect to the major business terms of the passenger rail improvement funding and partnership agreement, sometimes in closed session, including updates and briefings on the following dates: September 16, 2020; October 20, 2020; November 24, 2020; and February 17, 2021; and

WHEREAS, as of February 17, 2021, DRPT has briefed the CTB with respect to the final, major business terms of the passenger rail improvement funding and partnership agreement; and

WHEREAS, pursuant to Va. Code § 33.2-284(1) and (2), DRPT is empowered to, among other things, accept grants from any source and to execute agreements as necessary, convenient, or desirable in connection with such funding; and

WHEREAS, pursuant to Va. Code § 33.2-209(A), the Commonwealth Transportation Board ("CTB") has the power and duty to let all contracts to be administered by DRPT for all activities related to passenger and freight rail in excess of $5,000,000.

NOW, THEREFORE, BE IT RESOLVED: that the CTB hereby authorizes the Director of DRPT to execute a passenger rail improvement funding and partnership agreement between DRPT and Amtrak, including ancillary agreements required to implement the passenger rail improvement funding and partnership agreement, which passenger rail improvement funding and partnership agreement is consistent with the final major business terms presented by DRPT to the CTB on February 17, 2021.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item NB 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 17, 2021
MOTION

Made By: Mr. Kasprowicz, **Seconded By:** Mr. Rucker
Action: Motion Carried, Unanimously

Title: Authorization for the Director of DRPT to Enter into a Comprehensive Rail Agreement Between the Virginia Department of Rail and Public Transportation and CSX Transportation, Inc.

WHEREAS, the Virginia Department of Rail and Public Transportation ("DRPT") desires to acquire three rail corridors now owned by CSX Transportation, Inc. ("CSXT") to improve intercity and commuter passenger rail service within the Commonwealth; and

WHEREAS, DRPT has negotiated with CSXT a comprehensive rail agreement under which DRPT would acquire the following rail corridors in exchange for five hundred twenty-five million dollars ($525,000,000):

1. **Segment 1** – about half of a rail corridor (divided longitudinally) extending approximately 144.8 miles between milepost CFP 112.4 in Washington, D.C. and milepost CFP A 29.04 in the County of Dinwiddie, Virginia;

2. **Segment 2** – an abandoned rail corridor extending approximately 75.13 miles between milepost CFP A 29.04 in the County of Dinwiddie, Virginia and milepost CFP S 100.1 at Ridgeway, North Carolina; and

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3. **Segment 3** – a rail corridor extending approximately 164.3 miles between milepost CFP 276.0 in Clifton Forge, Virginia and milepost CFP 111.7 at Doswell, Virginia; and

WHEREAS, with respect to Segments 1 and 3, CSXT would continue freight operations within those corridors after DRPT's acquisition; and

WHERAS, the comprehensive rail agreement would require CSXT and DRPT to collaborate, after DRPT's acquisition of Segment 1, with respect to a program of rail construction projects intended to expand rail infrastructure, increase passenger rail service, and to shift highway traffic to rail transportation; and

WHEREAS, the comprehensive rail agreement would also govern the continued operations and maintenance over Segments 1 and 3 after DRPT's acquisition; and

WHEREAS, DRPT has updated and briefed the Commonwealth Transportation Board ("CTB") during the negotiation period with respect to the major business terms of the comprehensive rail agreement, sometimes in closed session, including updates and briefings on the following dates: June 17, 2020; September 16, 2020; October 20, 2020; and February 17, 2021; and

WHEREAS, as of February 17, 2021, DRPT has briefed the CTB with respect to the final, major business terms of the comprehensive rail agreement; and

WHEREAS, pursuant to Va. Code § 33.2-284(5), DRPT is empowered to, among other things, acquire and hold title to land necessary to construct railway lines to reduce traffic congestion on highways; and

WHEREAS, pursuant to Va. Code § 33.2-209(A), the CTB has the power and duty to let all contracts to be administered by DRPT for all activities related to passenger and freight rail in excess of $5,000,000.

NOW, THEREFORE, BE IT RESOLVED: that the CTB hereby authorizes the Director of DRPT to execute a comprehensive rail agreement between DRPT and CSXT, including ancillary agreements required to implement the comprehensive rail agreement, which comprehensive rail agreement is consistent with the final major business terms presented by DRPT to the CTB on February 17, 2021.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda Item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 19, 2021

Made By: Ms. Hynes, Seconded By: Mr. Rucker
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Memorandum of Agreement (MOA) with the Department of the Army, as represented by Arlington National Cemetery, the Arlington County Board, and the Federal Highway Administration, Eastern Federal Lands Highway Division (FHWA- EFLHD) Relating to the Arlington National Cemetery Southern Expansion (ANCSE) Defense Access Roads (DAR) Project in Arlington County

WHEREAS, the National Defense Authorization Acts of 2016 and 2017 collectively authorize the Secretary of the Army to take actions necessary to realign and replace the road network in Arlington County, Virginia around Arlington National Cemetery to increase the amount of land available for burials, and to maintain traffic flow through the vicinity of Arlington National Cemetery, the Pentagon Reservation and Joint Base Myer-Henderson Hall, and further, to acquire all right, title and interest in certain lands sufficient for the expansion of Arlington National Cemetery; and

WHEREAS, the United States, Department of the Army and FHWA-EFLHD, have entered into an agreement (DTFH71-16- X-50032) establishing roles, responsibilities, funding, and procedures among and between the Army and FHWA-EFLHD for the execution of the Arlington National Cemetery Southern Expansion and Defense Access Roads (ANCSE DAR) Project ; and

WHEREAS, the Virginia Department of Transportation (VDOT) currently owns and maintains the interchange at South Washington Boulevard (Route 27) and Columbia Pike (Route 244), and a section of Columbia Pike between South Washington Boulevard and South Joyce Street, which are the subject of improvements necessary for the ANCSE DAR Project; and

WHEREAS, Arlington County currently owns and maintains Columbia Pike west of South Joyce Street which is the subject of improvements necessary for the ANCSE DAR project; and

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WHEREAS, VDOT has entered into a Federal-Aid Project Agreement (PR-2) with FHWA-EFLHD for reimbursement of VDOT expenses incurred providing coordination, design reviews and construction inspection services for the ANCSE DAR Project; and

WHEREAS, FHWA-EFLHD, in cooperation with the parties, has prepared a Memorandum of Agreement (MOA) that establishes the roles, responsibilities, funding, and procedures by which the Army, FHWA-EFLHD, VDOT, and the County of Arlington will jointly participate in the environmental planning, design, and construction of the ANCSE DAR Project (ANCSE DAR Project MOA, attached hereto as Exhibit A); and

WHEREAS, the U.S. Government, represented by the U.S. Army Corps of Engineers, and the Commonwealth of Virginia, represented by VDOT, have prepared an agreement that sets forth the terms, conditions and consideration to paid for the Army's acquisition of portions of VDOT Route 244 (Columbia Pike) and the Route 27/244 (Columbia Pike) interchange right of way that will be necessary for the expansion of Arlington National Cemetery; and

WHEREAS, The Army is authorized to enter into this Agreement pursuant to 10 U.S.C. § 7721 *et seq.* and is the agency with administrative jurisdiction, custody and control over the Arlington National Cemetery; and

WHEREAS, FHWA-EFLHD, is authorized by 23 U.S.C. § 308(a) to perform engineering and other services in connection with the survey, design, construction, and improvements of highways for other Federal or State cooperating agencies; and

WHEREAS, Section 33.2-221 of the *Code of Virginia* empowers the CTB to comply fully with federal-aid acts, to enter into all contracts or agreements with the United States government and do all other things necessary to carry out fully the cooperation contemplated and provided for by present or future acts of Congress related to transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways or his designee to enter into the ANCSE DAR Project MOA between the Army, Arlington National Cemetery, the Arlington County Board, VDOT and FHWA-EFLHD relating to the Arlington National Cemetery Southern Expansion Defense Access Roads Project in Arlington County, attached hereto as Exhibit A, with such changes as the Commissioner deems necessary or appropriate. .

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 19, 2021

MOTION
Made By: Mr. Johnsen, Seconded By: Mr. Rucker

Action: Motion Carried, Unanimously

Title: Authority to Award Consulting Services for Preliminary Engineering for the Long Bridge Project – Washington, DC to Arlington, Virginia

WHEREAS, Section 33.2-209 of the Code grants the Commonwealth Transportation Board (CTB) the power and duty to let all contracts to be administered by the Department of Rail and Public Transportation (DRPT) for all activities related to passenger and freight rail in excess of $5M; and

WHEREAS, DRPT desires to obtain architectural/engineering services in support of the Long Bridge Project between Washington, DC and Arlington, Virginia (Project) for preliminary engineering and design for all elements of the Project to be advanced from the conceptual design completed during the Long Bridge Project Environmental Impact Study to 30% design; and

WHEREAS, DRPT issued a solicitation for consultant services for Preliminary Engineering to 30% design of the Project; and

WHEREAS, DRPT desires to award a contract to Vanasse Hangan Brustlin (VHB) with a term beginning the date of the award and ending at the completion of the project; and

WHEREAS, the desired contract will procure services of a consultant capable of rendering a comprehensive architectural and engineering oversight related to implementation of the Long Bridge Preliminary Engineering Project; and

WHEREAS, the desired contract would include detail to establish proof of concept and update footprint and limits of disturbance of the Project to identify ROW needs, probable construction costs, wetland permitting; and

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WHEREAS, DRPT recommends that the CTB approve DRPT to complete its procurement for the Preliminary Engineering and design to 30% of the Project;

NOW THEREFORE, BE IT RESOLVED that the Board authorizes DRPT to complete its procurement and award a resulting contract for Preliminary Engineering for the Long Bridge Project – Washington, DC to Arlington, Virginia.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item # 18

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 9, 2020
Made By: Mr. Rucker, Seconded By: Dr. Smoot
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Contract for Relocation or Alteration of Facilities (Relocation Agreement) for the Arlington National Cemetery Southern Expansion Defense Access Road Project in Arlington County, Virginia

WHEREAS, the National Defense Authorization Acts of 2016 and 2017 collectively authorize the Secretary of the Army to take actions necessary to realign and replace the road network in Arlington County, Virginia around Arlington National Cemetery to increase the amount of land available for burials, and to maintain traffic flow through the vicinity of Arlington National Cemetery, the Pentagon Reservation and Joint Base Myer-Henderson Hall, and further, to acquire all right, title and interest in certain lands sufficient for the expansion of Arlington National Cemetery; and

WHEREAS, the United States, Department of the Army and Federal Highway Administration, Eastern Federal Lands Highway Division (FHWA-EFLHD), have entered into an agreement (DTFH71-16- X-50032) establishing roles, responsibilities, funding, and procedures among and between the Army and FHWA-EFLHD for the execution of the Arlington National Cemetery Southern Expansion and Defense Access Roads (ANCSE DAR) Project; and

WHEREAS, the Virginia Department of Transportation (VDOT) currently owns and maintains the interchange at South Washington Boulevard (Route 27) and Columbia Pike (Route 244), and a section of Columbia Pike between South Washington Boulevard and South Joyce Street, which are the subject of improvements necessary for the ANCSE Project; and

WHEREAS, Arlington County currently owns and maintains Columbia Pike west of South Joyce Street which is the subject of improvements necessary for the ANCSE project; and

WHEREAS, VDOT has entered into a Federal-Aid Project Agreement (PR-2) with FHWA-EFLHD for reimbursement of VDOT expenses incurred providing coordination, design reviews and construction inspection services for the ANCSE DAR project; and

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WHEREAS, FHWA-EFLHD has prepared a Memorandum of Agreement (MOA) that establishes the roles, responsibilities, funding, and procedures by which Army, FHWA-EFLHD, VDOT, and the County of Arlington will jointly participate in the environmental planning, design, and construction of the ANCSE DAR Project; and

WHEREAS, the U.S. Government, represented by the U.S. Army Corps of Engineers and the Commonwealth of Virginia, represented by VDOT, have prepared an agreement entitled *Contract for Relocation or Alteration of Facilities, Arlington National Cemetery* (Relocation Agreement), attached hereto as Exhibit A, that sets forth the terms and conditions under which the Army Corps of Engineers will acquire from VDOT portions of Route 244 (Columbia Pike) and Route 27/244 (South Washington Boulevard/Columbia Pike) interchange right of way, to enable the southern expansion of Arlington National Cemetery; and

WHEREAS, in exchange for the portions of right of way to be conveyed to the Army Corps of Engineers, certain substitute facilities and replacement lands will be conveyed to VDOT for continued operation of the affected portions of Columbia Pike and the interchange; and

WHEREAS, the Army is authorized to enter into this Agreement pursuant to 10 U.S.C. § 7721 *et seq.* and is the agency with administrative jurisdiction, custody and control over the Arlington National Cemetery; and

WHEREAS, FHWA-EFLHD is authorized by 23 U.S.C. § 308(a) to perform engineering and other services in connection with the survey, design, construction, and improvements of highways for other Federal or State cooperating agencies; and

WHEREAS, Section 33.2-221 of the *Code of Virginia* empowers the CTB to comply fully with federal-aid acts, to enter into all contracts or agreements with the United States government and do all other things necessary to carry out fully the cooperation contemplated and provided for by present or future acts of Congress related to transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways or his designee to enter into the Relocation Agreement with the Army Corps of Engineers for the Arlington National Cemetery Southern Expansion Defense Access Road Project in Arlington County, Virginia, attached hereto as Exhibit A, with such changes as the Commissioner deems necessary or appropriate.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 17

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 9, 2020

MOTION

Made By: Mr. Brown, Seconded By: Mr. Merrill
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to enter into a Memorandum of Agreement between VDOT and the Central Virginia Transportation Authority

WHEREAS, the 2020 Virginia General Assembly adopted and enacted into law House Bill 1541, (2020 Va. Acts Chapter 1235) ("Chapter 1235"); and

WHEREAS, Chapter 1235 provides for imposition of certain state taxes in localities comprising Planning District 15, and further provides that the revenues derived from such taxes be deposited in the Central Virginia Transportation Fund (the "Fund") and used solely for transportation purposes benefiting the localities comprising Planning District 15 ("CVTA Projects and Purposes"), and certain administrative and operating expenses pursuant to Va. Code § 33.2-3706(B); and

WHEREAS, Chapter 1235 establishes the Fund and specifies that all revenues dedicated to the Fund pursuant to Va. Code § 58.1-638 and Va. Code §§ 58.1-2291 *et seq.* shall be paid into the state treasury, credited to the Fund, and the amounts so dedicated deposited monthly by the Comptroller (such amounts, together with interest earned thereon, are the "CVTA Revenues"); and

WHEREAS, Chapter 1235 establishes the Central Virginia Transportation Authority ("CVTA"), providing the CVTA with the authority and duty to, among other things, determine and approve appropriate uses of the CVTA Revenues; and

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WHEREAS, the CVTA and the Virginia Department of Transportation ("VDOT") have determined that it is desirable to work cooperatively to ensure the most effective and efficient delivery and implementation of CVTA Projects and Purposes with CVTA Revenues and other state and federal transportation funding sources; and

WHEREAS, to facilitate said cooperation, the CVTA and VDOT have developed a Memorandum of Agreement (a draft of which is attached hereto as Attachment A) to identify and memorialize their respective roles and responsibilities with regard to the Fund, CVTA Revenues, and CVTA Projects and Purposes, including but not limited to administration of the CVTA funds disbursed to CVTA and financial reporting, project planning and delivery for the CTB's Six-Year Improvement Program and provision for VDOT administration of CVTA-funded projects; and

WHEREAS, pursuant to §33.2-3708, the CVTA may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 37 of Title 33.2; and

WHEREAS, §33.2-214 C of the *Code of Virginia* empowers the CTB to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into a memorandum of agreement with CVTA, substantively similar to Attachment A, addressing VDOT's and CVTA's respective roles and responsibilities with regard to the Fund, CVTA Revenues, and CVTA Projects and Purposes, including but not limited to administration of the funds disbursed to CVTA and financial reporting, project planning and delivery for the CTB's Six-Year Improvement Program and provision for VDOT administration of CVTA-funded projects, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 20, 2020

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Rucker
Action: Motion Carried, Unanimously

Delegation to the Commissioner of Highways or His Designee(s) Authority to Execute a Permit on Behalf of the Commonwealth Transportation Board with the National Park Service, a Federal Entity, Relating to Activities on Federal Land Relating to Joplin Road Bridge Repairs/Replacement

WHEREAS, it is frequently necessary for the Virginia Department of Transportation (VDOT) to coordinate with various federal entities, agencies and installations for rights of access, rights of way and duties relating to activities performed on or in federal lands and facilities pursuant to VDOT's transportation programs, projects and services; and

WHEREAS, such coordination and activities make it necessary for VDOT to obtain and/or enter into permits and other agreements with federal entities, agencies and installations addressing access, rights of way, conveyance of property rights and performance of duties on or in federal lands and facilities necessary to construct, maintain, operate or deliver VDOT transportation programs, projects, and services; and

WHEREAS, in order to complete an emergency repair/replacement project for the Joplin Road Bridge located along a portion of Route 619, crossing over Quantico Creek (Project), VDOT, contractors and utilities must access Prince William Forest Park property owned by the National Park Service (NPS) and VDOT is required to obtain from the NPS a permit in order to obtain the necessary access to such property; and

WHEREAS, the permit addresses the requirements and conditions applicable to activities and work that will be undertaken on Prince William Forest Park property in association with the Project; and

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WHEREAS, § 33.2-221 (A) of the *Code of Virginia* authorizes the Commonwealth Transportation Board (CTB) to enter into all contracts or agreements with the United States Government; and

NOW THEREFORE, BE IT RESOLVED, that the CTB hereby approves, and delegates to the Commissioner of Highways or his designee(s) authority to execute and/or enter into, a permit with the National Park Service for the Joplin Road Bridge Project, as set forth in Attachment A, with such changes, additions and renewals as the Commissioner deems appropriate.

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COMMONWEALTH of VIRGINIA

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RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

Agenda item # 3

June 17, 2020

MOTION

Made By: Mr. Whitworth, Seconded By: Ms. DeTuncq

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into an Agreement with the West Virginia Department of Transportation, Division of Highways Relating to a Highway Improvement Project on United States 340

WHEREAS, the Virginia Department of Transportation ("Virginia") and the West Virginia Department of Transportation ("West Virginia") propose a highway improvement project to improve the existing two-lane section of United States Route 340 ("US 340"), which is between the existing four-lane roadway section of US 340 in Clarke County, Virginia and the existing four-lane section of US 340 known as the Charles Town Bypass in Jefferson County, West Virginia (the "Project"). More specifically, the Project is referenced as Virginia Project UPC 111615 State Project 0340-21-736, a length of approximately 0.19 miles and as West Virginia Project U319-340-0.00, a length of approximately 4.10 miles; and

WHEREAS, Virginia and West Virginia have additionally proposed entering into an agreement (the "Agreement"), which specifies the terms and conditions for the coordination between the two agencies on the Project; and

WHEREAS, West Virginia would be the lead agency who would design and construct the Project under the West Virginia Highways Design Build Program, where the Design Build Contractor would be responsible for maintenance of the Project during the construction phase and Virginia and West Virginia will be responsible for the continuing maintenance of their respective sections of the Project once complete; and

WHEREAS, West Virginia shall be responsible for the lead construction supervision of the Project and shall provide for construction engineering means, including the review of shop drawings as required, and Virginia shall have approval of contractors or materials in that portion of the Project situated within Virginia; and

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WHEREAS, Virginia and West Virginia shall each bear 100% of the cost of construction of the portion of the Project within their respective states in accordance with the terms of the Agreement; and

WHEREAS, the total estimated cost of construction of the project is Thirty-Five Million Six Hundred Seventy-Four Thousand Six Hundred Forty-Two dollars ($35,674,642), which amount includes the design and construction costs; and

WHEREAS, any additional Right of Way or Utility cost will be handled by work order for the respective state and added to the total cost of construction; and

WHEREAS, Virginia's prorated share of the cost of construction is anticipated to be One Million Six Hundred Twelve Thousand Four Hundred Ninety-Four dollars ($1,612,494); and

WHEREAS, no additional Right of Way or Utility Costs on the portion of the Project in Virginia are anticipated; and

WHEREAS, the Agreement states that West Virginia shall invoice Virginia annually beginning on or about July 1, 2020, or after the Project is successfully let and awarded and substantial work is underway/completed in Virginia, whichever occurs later, and for each subsequent year on July 1st for a period of up to five-years for Virginia's share of the Project, in accordance with the terms of the Agreement; and

WHEREAS, the Agreement states that if the Project is finished prior to the five-year period identified for payments, West Virginia will bill Virginia for the balance of Virginia's share of the Project within one year after the completion of the work in Virginia; and

WHEREAS, once the work is complete and has been inspected and achieves final acceptance by Virginia, Virginia will add the modified mileage into the Primary System of highways for future maintenance; and

WHEREAS, §33.2-221 B of the Code of Virginia empowers the Commonwealth Transportation Board to enter into all contracts and agreements with other states necessary for the proper coordination of the location, construction, maintenance, improvement, and operation of transportation systems, including the systems of state highways, with the highways of such other states, and where necessary, seek the approval of such contracts by the Congress of the United States.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into an Agreement, attached hereto as

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Exhibit A, with the West Virginia Department of Transportation, Division of Highways, relating to a Highway Improvement Project on US 340 with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 17, 2020

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Yates
Action: Motion Carried, Unanimously

AUTHORIZING THE ISSUANCE AND SALE OF REVENUE REFUNDING BONDS

WHEREAS, Section 33.2-1727 of the Code of Virginia of 1950, as amended (the "Virginia Code"), authorizes the Commonwealth Transportation Board (the "Board") to issue revenue refunding bonds to refund any revenue bonds issued pursuant to the State Revenue Bond Act, Sections 33.2-1700 et seq. of the Virginia Code (the "Act"); and

WHEREAS, the Board proposes to authorize the issuance of one or more series of revenue refunding bonds (the "Bonds") to refund, redeem and/or defease some or all of the revenue bonds, notes or other obligations previously issued by the Board (the "Outstanding Bonds");

NOW THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of Bonds. The Board determines that it is in the best interest of the Commonwealth to authorize the issuance of Bonds to refund, redeem and/or defease some or all of the Outstanding Bonds pursuant to the criteria set forth in this Paragraph 1 (the Outstanding Bonds to be refunded, redeemed and/or defeased shall be referred to as the "Refunded Bonds"). The Board authorizes the issuance and sale of the Bonds in one or more series from time to time, pursuant to the following terms and conditions: (a) the minimum debt service savings threshold for any series of Bonds shall be (i) no less than three percent (3%) savings on a present value basis compared to the existing debt service on the Refunded Bonds or (ii) such other threshold as may be approved by the Treasury Board of the Commonwealth (the "Treasury Board"); and (b) the fiscal year in which occurs the final maturity date of the Bonds of any series shall be no later than the fiscal year in which occurs the final maturity date of the respective Refunded Bonds. The

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year in which occurs the final maturity date of the respective Refunded Bonds. The Chairperson of the Board (the "Chairperson"), in collaboration with the Board's financial advisor (the "Financial Advisor"), is authorized from time to time to (a) review the terms of the Outstanding Bonds, (b) determine which Outstanding Bonds may be refunded under the criteria set forth in this Paragraph 1 and (c) select the Refunded Bonds. For each Refunded Bond so selected, the Chairperson shall prepare a memorandum identifying the Refunded Bonds and setting forth the proposed terms and structure of the Bonds, including details demonstrating that the Bonds are expected to satisfy the criteria set forth in this Paragraph 1. Such memorandum shall be submitted to the Board and to the Treasury Board. The submission of such memorandum plus a copy of this Resolution shall constitute notice to the Treasury Board of the Board's intention to issue such Bonds.

2. Limited Obligations. The Bonds shall be limited obligations of the Board, payable from and secured by such revenues and property as were pledged to the respective Refunded Bonds, plus such funds or accounts as may be established and pledged for such purpose pursuant to the respective indenture, trust agreement or other authorizing document. Nothing in this Resolution or the Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of Bonds. The Board authorizes the Chairperson, subject to the criteria set forth in Paragraph 1, to determine the details of the Bonds, including without limitation the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices.

4. Sale of Bonds. The Board authorizes the Chairperson to solicit and consider proposals for a negotiated sale of any series of Bonds and to negotiate the terms of such sale. The Chairperson is authorized to execute and deliver a purchase contract or agreement reflecting such proposal; provided that no such purchase contract or agreement may be executed prior to approval of the particular series of Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairperson to be in the best interest of the Commonwealth, the Chairperson is also authorized to sell any series of Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith; provided, however that no Notice of Sale authorized hereunder may be distributed prior to the approval of the particular series of Bonds by resolution of the Treasury Board.

5. Preliminary Official Statement. The Board authorizes the Chairperson, in collaboration with the staff of the Virginia Department of Transportation (the "Department") and the Financial Advisor, to prepare a Preliminary Official Statement (a "POS") in connection with the offering of each series of Bonds authorized hereunder. The Board authorizes the Chairperson to deem the POS to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution

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thereof; provided, however that no POS authorized hereunder may be distributed prior to approval of the particular series of Bonds by resolution of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairperson, in collaboration with the Department staff, Bond Counsel and the Financial Advisor, to complete the POS as an official statement in final form (the "Official Statement") to reflect the provisions of the executed purchase contract or the winning bid, as appropriate, for the purchase and sale of each series of the Bonds. The Board authorizes the Chairperson to execute the Official Statement, which execution shall constitute conclusive evidence of approval of the Official Statement on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs the Department staff to arrange for delivery to the underwriters or winning bidders, as appropriate, within seven business days after the date thereof, of a sufficient number of copies of the Official Statement, for the underwriters or winning bidders to distribute copies to each potential investor requesting a copy and to each person to whom the underwriters or winning bidders initially sell Bonds. The Board authorizes and approves the distribution by the underwriters or winning bidders of the Official Statement as executed.

7. Financing Documents. The Board authorizes and directs the Chairperson to prepare and execute any supplemental or amendatory indentures or trust agreements, escrow agreements and any other documents necessary or desirable to effect the issuance of the particular series of Bonds and the refunding of the particular Refunded Bonds.

8. Execution and Delivery of Bonds. The Board authorizes and directs the Chairperson and the Secretary of the Board to have the Bonds prepared and to execute the Bonds in accordance with the respective indenture, trust agreement or other authorizing document executed in connection with the Bonds and/or the Refunded Bonds, to deliver them to the trustee for authentication if required and to cause the Bonds so executed and authenticated to be delivered to or for the account of the underwriters or winning bidders upon payment of the purchase price therefore, all in accordance with the executed purchase contract or notice of sale, as appropriate.

9. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "material event notices" for the benefit of holders of Bonds issued hereunder, to assist the underwriters or the winning bidders, as appropriate, in complying with the Rule, including executing and delivering a Continuing Disclosure Agreement in connection with each issuance of Bonds hereunder. The Board authorizes and directs the Chairperson to execute the Continuing Disclosure Agreement in substantially the form previously provided in similar financings, with such completions, omissions, insertions and changes as the Chairperson may approve. The Chief Financial Officer of the Department may be designated as the Dissemination Agent under any Continuing Disclosure Agreement executed hereunder.

10. Authorization of Further Action. The Board authorizes the Department staff (a) to request the Treasury Board to approve the terms and structure of the Bonds

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authorized hereunder in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (b) to request the Governor of the Commonwealth to approve issuance of the Bonds authorized hereunder in accordance with the Act, (c) if determined by Department staff to be cost beneficial, to procure and negotiate a commitment for a bond insurer to issue municipal bond insurance with respect to some or all of the Bonds, and to execute such commitment together with any other documents related to such insurance, and (d) to procure and negotiate investments and investment contracts for any of the proceeds of the Bonds or the Refunded Bonds. The Board further authorizes the Chairperson to execute and deliver all documents and certificates and to take all such further action as the Chairperson may consider necessary or desirable in connection with the issuance and sale of the Bonds authorized hereunder, including without limitation (a) the execution and delivery of a certificate setting forth the expected use and investment of the proceeds of the Bonds and Refunded Bonds to show that such expected use and investment will not violate the provisions of Section 148 of the Internal Revenue Code of 1986, as amended (the 'Tax Code"), and the Treasury Regulations hereunder applicable to "arbitrage bonds" and (b) providing for the rebate of any "arbitrage rebate amounts" earned on investment of proceeds of the Bonds and Refunded Bonds to the United States. The Chairperson is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to any series of the Bonds or any Refunded Bonds as the Chairperson may deem to be in the best interest of the Commonwealth in consultation with bond counsel to the Board and the Financial Advisor.

11. Report of Chairperson. Within sixty days following each date of issuance of Bonds, the Chairperson shall submit a written report to the Board (a) identifying the Refunded Bonds actually refunded, (b) describing the final terms and conditions of such Bonds and (c) demonstrating that each of the criteria set forth in Paragraph 1 above was satisfied with respect to such Bonds.

12. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairperson or the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairperson or an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairperson or Secretary.

13. Effective Date. Termination. This Resolution shall be effective immediately. The authority to issue Bonds pursuant to this Resolution shall terminate on June 30, 2022.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 6

RESOLUTION
OF THE
COMMMONWEALTH TRANSPORTATION BOARD

March 17, 2020

Made By: Mr. Yates, Seconded By: Mr. Williams
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into an Agreement with the Federal Highway Administration, Eastern Federal Lands Highway Division (FHWA-EFLHD) Relating to the Arlington National Cemetery Southern Expansion (ANCSE) Project in Arlington County

WHEREAS, the National Defense Authorization Acts of 2016 and 2017 collectively authorize the Secretary of the Army to realign and replace the road network in Arlington County, Virginia around Arlington National Cemetery to increase the amount of land available for burials and to maintain traffic flow through the vicinity of Arlington National Cemetery, the Pentagon Reservation and Joint Base Myer-Henderson Hall, and further, to acquire all right, title and interest in certain lands sufficient for the expansion of Arlington National Cemetery; and

WHEREAS, the Arlington National Cemetery is proposing to develop approximately sixty-five acres of land referred to as the Southern Expansion Site to increase Arlington National Cemetery's contiguous land area and expand its burial capacity to meet the demands of eligible Veterans into the future; and

WHEREAS, the United States, Department of the Army, has entered into an agreement with FHWA-EFLHD (DTFH71-16-X-50032) establishing roles, responsibilities, funding, and procedures among and between the Army and FHWA-EFLHD for transportation improvements necessary for execution of the ANCSE Project (attached hereto as Exhibit A); and

WHEREAS, VDOT currently owns and maintains the interchange at South Washington Boulevard and Columbia Pike, and a section of Columbia Pike between South Washington

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Boulevard and South Joyce Street, which are the subject of improvements necessary for the ANCSE Project; and

WHEREAS, VDOT completed review of 35% plans for the ANCSE Project, submitted by the Army, and 40% plans for the realignment of Columbia Pike and modifications to the interchange at South Washington Boulevard and Columbia Pike, submitted by FHWA-EFLHD; and

WHEREAS, several agreements between VDOT, Arlington County, Department of Defense Washington Headquarters Services, FHWA-EFLHD and/or the U.S. Army Corps of Engineers to coordinate execution of, and to address the relocation or alteration of existing facilities to accommodate, the ANCSE Project are under development; and

WHEREAS, in the interim, FHWA-EFLHD has requested that VDOT provide various services for the Project, such as project design reviews more immediately and construction inspections at some point in the future, for which FHWA-EFLD will compensate VDOT; and

WHEREAS, it is believed to be in the best interest of the Commonwealth for VDOT to commence providing the services requested, so as to facilitate acceptance of the subject improvements upon completion and in order for VDOT to be compensated for said services, it is necessary for VDOT and FHWA-EFLHD to enter into a Federal-Aid Project Agreement relating to the work ; and

WHEREAS, Section 33.2-221 of the *Code of Virginia* empowers the CTB to comply fully with federal-aid acts, to enter into all contracts or agreements with the United States government and do all other things necessary to carry out fully the cooperation contemplated and provided for by the present or future acts of Congress in the area of transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways or his designee to enter into the Federal Aid Project Agreement with FHWA-EFLHD, attached hereto as Exhibit B, so that VDOT may commence services on the ANCSE Project and receive compensation therefor.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 19, 2020

MOTION
Made By: Ms. Hynes, Seconded By: Mr. Rucker
Action: Motion Carried, Unanimously

Title: Approval of Second Amended and Restated Memorandum of Agreement with the Northern Virginia Transportation Commission Relating to the Transform66: Inside the Beltway Project

WHEREAS, the Commonwealth and the Northern Virginia Transportation Commission (NVTC) previously negotiated the terms of a Memorandum of Agreement (MOA) between the Virginia Department of Transportation (VDOT), the Commonwealth Transportation Board (CTB) and the NVTC relating to the Transform66: Inside the Beltway (Project), and

WHEREAS, the MOA, which was approved by the CTB on December 9, 2015 and entered into by the Parties in January, 2016, set forth the responsibilities of the Parties relating to the Project and provided for, among other things, the transfer to and use by NVTC of specified funds collected from the CTB's/VDOT's tolling of the I-66 Inside the Beltway Facility (Facility) for certain Project Components; and

WHEREAS, the Parties subsequently negotiated an Amended and Restated Memorandum of Agreement (Amended and Restated MOA), which was approved by the CTB on December 7, 2016 and entered into by the Parties in January 2017, that: (i) addressed the time frame and funding for the eastbound widening of the Facility, (ii) documented an increase in the allocation to NVTC from $5 million to $10 million, (iii) modified terms relating to payback of borrowed funds to the Toll Facilities Revolving Account, (iv) clarified the duration and nature of tolling for the Project, (vi) addressed debt financing by NVTC to fund certain Project Components, and (v) addressed certain technical issues; and

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WHEREAS, there is now a need to amend the Amended and Restated MOA to: (i) add the Virginia Department of Rail and Public Transportation (DRPT) as a signatory and party to the agreement and to document its formal role, (ii) to permit the Commonwealth to use toll revenues for debt service and pay-go expenses for specific Rail Components, including improvements to the Long Bridge and the Rossyln Metrorail Station, (iii) to provide NVTC with a guaranteed minimum payment of $10 million per year (with a 2.5% annual escalation) for the I-66 Commuter Choice Program, (iv) to provide an additional $5 million per year (with a 2.5% annual escalation) to NVTC for the I-66 Commuter Choice Program from annual transit funding payments made to the Commonwealth by I-66 Express Mobility Partners, LLC as required by the "Amended and Restated Comprehensive Agreement Relating to the Transform 66 P3 Project" with such payments to NVTC beginning in FY 22, (vi) to eliminate the existing restriction on the use of funds for transit operations beyond five years for those projects that cross jurisdictional lines or that connect to a VRE or Metrorail station and to allow NVTC to have the discretion to set the duration of funding for transit operations, and (v) to modify and conform language to make the agreement more similar to the 2017 "MOA Regarding the Annual Transit Investment from the 395 HOT Lanes" between the CTB, VDOT, DRPT, NVTC and the Potomac and Rappahannock Transportation Commission (PRTC); and

WHEREAS, the Commonwealth and NVTC have negotiated amendments to the Amended and Restated MOA addressing the above referenced matters, which are reflected in the *Second Amended and Restated Memorandum of Agreement, Transform66: Inside the Beltway Project*, attached hereto as Exhibit A.

NOW THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board, that the *Second Amended and Restated Memorandum of Agreement, Transform66: Inside the Beltway Project*, attached hereto as Exhibit A, is hereby approved and the Secretary, Commissioner of Highways and the Director of the Department of Rail and Public Transportation are authorized to execute the Amended and Restated MOA on behalf of the Board, VDOT and DRPT, respectively.

BE IT FURTHER RESOLVED that the Secretary is authorized to make and/or approve such changes to the Second Amended and Restated MOA as she deems necessary, provided such changes do not change the overall substance of the terms of the Second Amended and Restated MOA.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 15, 2020

MOTION

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

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Second Supplement of the Ownership Agreement between the Virginia Department of Transportation and the Maryland State Highway Administration Relating to the Woodrow Wilson Memorial Bridge

WHEREAS, on or about June 15, 2001, Maryland (acting through the Maryland State Highway Administration) and Virginia (acting through the Virginia Department of Transportation), together with the United States Department of Transportation and the Federal Highway Administration and the District of Columbia, entered into the Agreement Covering the Ownership, Operation, Inspection, Maintenance, and Rehabilitation of the Woodrow Wilson Memorial Bridge (Ownership Agreement); and

WHEREAS, under the Ownership Agreement, Maryland and Virginia jointly own and share maintenance responsibility for the Woodrow Wilson Memorial Bridge, while Maryland owns and is responsible for certain non- Bridge portions of highways in Maryland leading to the Bridge, and Virginia owns and is responsible for certain non-Bridge portions of highways in Virginia leading to the Bridge (collectively, the Bridge Project); and

WHEREAS, on September 17, 2009, the Maryland State Highway Administration (MDSHA) and the Virginia Department of Transportation (VDOT) entered into a First Supplement to the Ownership Agreement addressing the maintenance of the Bridge Project (First Supplement); and

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WHEREAS, pursuant to the First Supplement, VDOT entered into the Woodrow Wilson Bridge Turnkey Asset Management Services (WWB TAMS) contract; and

WHEREAS, the WWB TAMS contract addressed in the First Supplement is expiring on April 14th, 2020 and the First Supplement, because its term runs concurrent with the WWB TAMS contract, will also be expiring; and

WHEREAS, in consultation with MDSHA and as authorized by the Commonwealth Transportation Board (Board), VDOT has let a new contract for operation, maintenance and inspection of the Bridge Project namely, the Woodrow Wilson Bridge Bundled Interstate Maintenance Services contract; and

WHEREAS, §33.2-221 B of the Code of Virginia empowers the Board to enter into all contracts (agreements) with other states necessary for the proper coordination of the location, construction, maintenance, improvement, and operation of transportation systems, including the systems of state highways with the highways of such other states, and where necessary, seek the approval of such contracts by the Congress of the United States; and

WHEREAS, VDOT has requested that the Board authorize the Commissioner to enter into the Second Supplement to the Ownership Agreement between VDOT and MDSHA to address operation, maintenance and inspection of the Woodrow Wilson Memorial Bridge Project, attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into the Second Supplement to the Ownership Agreement between VDOT and MDSHA addressing operation, maintenance and inspection of the Woodrow Wilson Memorial Bridge Project, attached hereto as Exhibit A, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 15, 2020

MOTION

Made By: Mr. Rucker, Seconded By: Ms. Hynes
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Special Use Permit Between the Virginia Department of Transportation and the National Park Service Regarding Temporary Construction Rights on Fredericksburg and Spotsylvania National Military Park Property.

WHEREAS, the Virginia Department of Transportation ("VDOT") intends to rehabilitate the Chatham Bridge, located along a portion of Route 3, crossing over the Rappahannock River, beginning approximately a tenth mile west of the Fredericksburg City (the "City") line, and extending approximately a quarter mile east of the City line (the "Project"); and

WHEREAS, the Project requires temporary construction access on Fredericksburg and Spotsylvania National Military Park (the "Park") property which is owned by the National Park Service ("NPS"), which is a bureau of the United States Department of the Interior; and

WHEREAS, the Department and NPS desire to enter into a special use permit to govern temporary access rights and duties relating to the work performed on and near the Park for the Project; and

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

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NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, and authorizes the Commissioner of Highways to execute, a special use permit between the Department and NPS, governing access rights and duties relating to the work and improvements on Park property related to the Chatham Bridge Project, as set out in Attachment A, with such changes as the Commissioner deems necessary or appropriate.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 11, 2019

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Miller
Action: Motion Carried, Unanimously

Title: Delegation of Authority for Commissioner of Highways to Enter into an Amendment and Termination of Standard Project Agreement between VDOT and Hampton Roads Transportation Accountability Commission (HRTAC) for the Route 460/58/13 Connector Study/Project (UPC 106694)

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the Code of Virginia, established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the Code of Virginia also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608 the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214 (C) of the Code of Virginia empowers the Commonwealth Transportation Board (Board) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

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WHEREAS, in accord with approval and delegation by the Board, dated July 28, 2016, the Commissioner of Highways executed a Standard Project Agreement, dated as of November 9, 2016, between VDOT and HRTAC for Funding and Administration of the Route 460/58/13 Connector Study (UPC 106694) (the "Project" or "Study"), whereby HRTAC provided $5,000,000 in funding for the Study; and

WHEREAS, VDOT utilized a portion of the HRTAC Funding to perform a traffic analysis relating to the Route 460/58/13 Connector Study and concluded that the existing facilities accommodate travel demands through 2040 and no further study is required at this time; and

WHEREAS, VDOT has notified HRTAC that all invoices arising from work on the Project have been paid and that there remains $3,904,632.42 in unexpended HRTAC-controlled funds that were obligated for the Study; and

WHEREAS, HRTAC and VDOT staff have developed an Amendment and Termination document, which makes technical amendments to the Standard Project Agreement, to allow and provide for termination of the Standard Project Agreement and release of the unexpended funding for the Study to HRTAC for other uses ("Amendment and Termination of Standard Project Agreement"); and

WHEREAS, the Amendment and Termination of Standard Project Agreement was approved by the HRTAC on November 21, 2019; and

WHEREAS, VDOT has requested that the Board authorize the Commissioner to execute the Amendment and Termination of Standard Project Agreement, attached hereto as Exhibit A, in order to terminate the Standard Project Agreement with HRTAC regarding preliminary engineering relating to the Route 460/58/13 Connector Study and to release the unexpended portion of the HRTAC-controlled funds, totaling $3,904,632.42, for other uses.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby approves and authorizes the Commissioner of Highways to execute the Amendment and Termination of Standard Project Agreement, in substantially the same form as Exhibit A with such changes and additions as the Commissioner deems necessary, in order to terminate the Standard Project Agreement with HRTAC regarding administration and funding for the Route 460/58/13 Connector Study and to release the unexpended portion of the HRTAC-controlled funds obligated thereto, totaling $3,904,632.42, for other uses.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item # 1

RESOLUTION OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 18, 2019

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Kasprowicz
Action: Motion Carried, Unanimously

AUTHORIZATION FOR THE COMMISSIONER OF HIGHWAYS TO ENTER INTO A PROJECT AGREEMENT FOR FUNDING AND ADMINISTRATION RELATING TO A STUDY OF TRAFFIC OPERATIONS AND SAFETY AT ROUTE 28 AND DULLES TOLL ROAD/DULLES GREENWAY

WHEREAS, §33.2-214(C) of the *Code of Virginia* empowers the Commonwealth Transportation Board ("Board") to enter into contracts with entities created for transportation purposes; and

WHEREAS, §33.2-209 of the *Code of Virginia* empowers the Commissioner of Highways ("Commissioner") to enter into contracts with localities, among others, for the purpose of administering projects; and

WHEREAS, the Metropolitan Washington Airports Authority ("MWAA") is an entity created for transportation purposes that operates and maintains the Dulles Toll Road and the Dulles Access Road; and

WHEREAS, Toll Road Investors Partnership II ("TRIP II") is a private entity that operates the Dulles Greenway; and

WHEREAS, the Virginia Department of Transportation (the "Department") is procuring a study of traffic operations and safety at the Route 28 & Dulles Toll Road/Dulles Greenway Interchange (the "Project"); and

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WHEREAS, the Department, Fairfax County, Loudoun County, MWAA and TRIP II will provide funding for the Project; and

WHEREAS, the Department will administer the Project; and

WHEREAS, the Department, Fairfax County, Loudoun County, MWAA and TRIP II have negotiated and the Department has requested that the Board authorize the Commissioner to enter into/execute a Project Agreement for Funding and Administration ("PAFA"), attached hereto as Attachment A, governing the administration and funding of the Project; and

WHEREAS, pursuant to §33.2-214(C) of the *Code of Virginia*, the Board has the power to enter into the PAFA with MWAA; and

WHEREAS, pursuant to §33.2-209 of the *Code of Virginia*, the Commissioner has the power to enter into the PAFA with Fairfax County, Loudoun County, and TRIP II.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes the Commissioner or his designee to enter into/execute the PAFA between the Department and MWAA, among others, governing the administration and funding of the Project, in the form set out in Attachment A, with such changes as the Commissioner deems necessary or appropriate.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item #8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 17, 2019

MOTION

Made By: Mr. Kasprowicz, Seconded By: Mr. Johnsen
Action: Motion Carried

HIGHWAY LIGHTING REPLACEMENT PROJECT AWARD PURSUANT TO ENERGY PERFORMANCE CONTRACTING

WHEREAS, the 2018 Virginia Energy Plan, endorsed by Governor Northam and developed pursuant to §67-201 of the *Code of Virginia*, specifically endorses Energy Performance Contracting (EPC) with Energy Services Companies (ESCOs), stating that EPC "is a budget neutral, cost-effective tool that allows state agencies and publicly-owned facilities to reduce their deferred maintenance backlogs without adding any financial burden to the taxpayer. In addition, EPC is an effective mechanism to finance capital improvements using leveraged energy savings to reduce both energy costs and consumption;" and,

WHEREAS, Governor Terence McAuliffe issued Executive Order Number 31 in October 2014, directing state agencies to "proactively pursue energy efficiency measures, especially Energy Performance Contracting (EPC), to reduce energy consumption;" and,

WHEREAS, legislative direction in the 2019 Appropriation Act (Chapter 854, Item 77G) required the Department of General Services (DGS) and the Virginia Department of Transportation (VDOT) "to maximize the use of light-emitting diodes (LEDs) instead of traditional incandescent light bulbs when any state agency installs new outdoor lighting fixtures or replaces nonfunctioning light bulbs on existing outdoor lighting fixtures as long as the LEDs lights are determined to be cost effective;" and

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WHEREAS, §11-34.3 of the *Code of Virginia* authorizes state agencies to enter into energy performance-based contracts, using the services of an energy performance contractor; and,

WHEREAS, in accordance with §11-34.3, DGS, in coordination with the Department of Mines, Minerals and Energy (DMME), has established a statewide EPC program and a pre-approved list of ESCOs to serve all public bodies in Virginia that use the EPC program; and,

WHEREAS, after evaluation of proposals received from pre-approved ESCOs, VDOT selected Trane, Inc. (Trane) to provide EPC Services. In April 2015, VDOT and Trane executed a Memorandum of Understanding (MOU) for energy audit services, including, but not limited to an audit of roadway lighting technology throughout the four eastern VDOT Construction Districts; and

WHEREAS, Trane performed the scope of services required by the MOU, and based on those energy audit results VDOT has identified a candidate EPC project to replace approximately 9,627 existing roadway lighting fixtures with LED fixtures throughout Fredericksburg, Richmond, and Hampton Roads Districts, plus a portion of Northern Virginia District; and to implement a lighting controls system for all proposed LED fixtures (LED Project); and,

WHEREAS, VDOT has analyzed Trane's proposal for a contract pursuant to the EPC methodology as compared to the alternative of delivering these lighting improvements using traditional design-bid-build contracting methods, and has determined that the proposed contract under EPC best serves the interests of the Commonwealth; and

WHEREAS, as per standard EPC procedures, Trane assumes the risk should future energy consumption reductions fall short of modeled energy savings; and

WHEREAS, VDOT has ensured that the proposed LED Project has been designed to minimize lighting impacts to the environment and adjacent residents and property owners, including use of luminaires with a Correlated Color Temperature of 3000K where appropriate, while still providing proper illumination of the road in a way that best benefits road user safety and incident response; and

WHEREAS, as per standard EPC program procedures and other requirements, the proposed Trane contract has been or will be submitted for review and approval by DMME, the Virginia Department of Treasury, Office of the Attorney General and the Governor's Office; and

WHEREAS, pursuant to §33.2-209, the Commonwealth Transportation Board has the power and duty to let all contracts to be administered by the Department of Transportation for the construction, maintenance, and improvement of the highways comprising systems of state highways in excess of $5 million.

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NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby concurs with VDOT's recommendation and hereby agrees to award the contract for this project to Trane, subject to the following:

(1) Receipt of required approvals by the Department of Mines, Minerals and Energy, Virginia Department of the Treasury, Office of the Attorney General and the Governor's Office;
(2) Agreement on all technical terms and conditions between the parties to the contract; and
(3) Financing of the project by the Virginia Department of the Treasury via the Virginia Energy Leasing Program.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that the Commissioner of Highways, or his designee, is granted the authority to execute a contract for the LED Project, with substantively the same terms and conditions as presented to the Commonwealth Transportation Board with such technical/non-substantive additions or modifications deemed necessary by the Commissioner, and to take all steps and execute all other documents necessary to effectuate the award of this contract to Trane, Inc. once the above-referenced conditions have been met.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 17, 2019

MOTION

Made By: Mr. Miller, Seconded By: Mr. Brown
Action: Motion Carried, Unanimously

Title: Periodic Regulatory Review

WHEREAS, the Virginia Administrative Process Act (the APA), particularly in §§ 2.2-4007.1 and 2.2-4017 of the *Code of Virginia*, requires that all state agencies that adopt regulations periodically review those regulations, including consideration of: 1) the extent to which regulations remain supported by statutory authority and do not duplicate, overlap, or conflict with state or federal law; 2) the nature of complaints or comments received from the public; 3) whether the regulations are necessary for the protection of public health, safety and welfare; 4) whether the regulations are clearly written and easily understandable; 5) whether the regulations' economic impacts on small businesses and families are minimized as much as possible; and 6) the length of time since the regulation has been evaluated; and

WHEREAS, Executive Order Number 14 (2018, amended) requires all regulations to be so reviewed every four years and specifies the procedures for conducting such review; and

WHEREAS, the Virginia Department of Transportation (VDOT) conducted a periodic review of the regulations listed in the table below, and pursuant to the requirements set forth in the APA and the process established in the Executive Order, notified the public of the regulations' ongoing periodic review on the Virginia Regulatory Town Hall website and solicited comment from the public for a minimum of 21 days; and

WHEREAS, VDOT has completed all facets of the regulatory review of the regulations listed in the table below in accordance with the Executive Order 14 and the APA, including the completion of a Periodic Review Report of Findings for each regulation (attached as Exhibits A through G); and

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WHEREAS, no public comments were submitted regarding the regulations under periodic review and based upon the results of the review, VDOT recommends action for each regulation as determined in the relevant Periodic Review Report of Findings for each regulation and set forth in the table below:

Chapter	Title	Proposed Disposition
24 VAC 30-11	Public Participation Guidelines	Amend
24 VAC 30-91	Subdivision Street Requirements	Retain as is
24 VAC 30-92	Secondary Street Acceptance Requirements	Retain as is
24 VAC 30-160	Regulations to Comply with Setoff Debt Collection Act	Repeal
24 VAC 30-325	Urban Maintenance and Construction Policy	Retain as is
24 VAC 30-380	Public Hearings for Location and Design of Highway Projects	Retain as is
24 VAC 30-610	List of Differentiated Speed Limits	Repeal

; and

WHEREAS, the Commonwealth Transportation Board originally adopted the regulations listed in the table below pursuant to its authority in § 33.2-210 of the *Code of Virginia* and other relevant sections of the *Code of Virginia*.

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves and adopts the respective Periodic Review Report of Findings for each of the regulations listed in the table above, including the proposed disposition for each regulation.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all actions necessary to complete the periodic reviews for the regulations listed in the table above, and for those regulations for which repeal is approved, to complete the process necessary to repeal said regulations.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees, for the regulation for which amendment is approved, 24 VAC 30-11 (Public Participation Guidelines), to take all actions necessary to amend said regulation such that it substantively conforms to the Model Public Participation Guidelines issued by the Department of Planning and Budget.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item #11

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD
March 21, 2019

MOTION

Made By: Mr. Johnsen, Seconded By: Mr. Miller
Action: Motion Carried, Unanimously

AUTHORIZATION FOR THE COMMISSIONER OF HIGHWAYS TO ENTER INTO THE PROJECT AGREEMENT FOR FUNDING AND ADMINISTRATION WITH THE HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION RELATING TO THE I-64 HAMPTON ROADS BRIDGE-TUNNEL EXPANSION PROJECT

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the *Code of Virginia*, ("Chapter 26") established the Hampton Roads Transportation Accountability Commission ("HRTAC"), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the *Code of Virginia,* also established the Hampton Roads Transportation Fund ("HRTF") to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608, HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214 (C) of the *Code of Virginia* empowers the Commonwealth Transportation Board ("Board") to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, the Virginia Department of Transportation (the "Department") is procuring, pursuant to the Public- Private Transportation Act of 1995, (§33.2-1800, et seq. of the *Code of Virginia*), a design-builder for the I-64 Hampton Roads Bridge-Tunnel Expansion Project (the "Project"); and

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WHEREAS, HRTAC will provide the primary source of funding for the Project pursuant to Chapter 26; and

WHEREAS, the Department will administer the Project; and

WHEREAS, the Department and HRTAC have negotiated and the Department has requested that the Board authorize the Commissioner to enter into/execute a Project Agreement for Funding and Administration ("PAFA"), attached hereto as Attachment A, governing the administration and funding of the Project; and

WHEREAS, pursuant to Va. Code § 33.2-214(C), the Board has the power to enter into the PAFA with HRTAC.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes the Commissioner of Highways to enter into/execute the PAFA between the Department and HRTAC governing the administration and funding of the Project, in the form set out in Attachment A, with such changes as the Commissioner deems necessary or appropriate.

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COMMONWEALTH of VIRGINIA

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Agenda Item # 6

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

January 16, 2019

MOTION

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

Action: Motion Carried, Unanimously

Title: Designation of the I-95 Express Lanes Fredericksburg Extension as HOT Lanes and Authorization for the Commissioner of Highways to Enter into an Updated Memorandum of Understanding with the Federal Highway Administration Concerning Tolling of the I-95 HOV/HOT Lanes, as Extended.

WHEREAS, pursuant to the Public-Private Transportation Act of 1995 (the "PPTA"), (Va. Code §§ 33.2-1800*, et seq*.), the Virginia Department of Transportation (the "Department") may allow private entities to develop and/or operate qualifying transportation facilities; and

WHEREAS, on July 31, 2012, pursuant to the PPTA, the Department and 95 Express Lanes, LLC entered into a comprehensive agreement (the "Comprehensive Agreement") relating to the I-95 HOV/HOT Lanes Project to develop, design, finance, construct, maintain, and operate 29 continuous miles of High Occupancy Toll ("HOT") lanes on Interstates 95 and 395 between Turkeycock Run (milepost 2.0 on Interstate 395) and Garrisonville Road (VA Route 610) (the "Original 95 HOT Lanes"); and

WHEREAS, on May 2, 2016, the Department entered into the First Amendment to the Comprehensive Agreement to extend the HOT lanes on Interstate 95 south 2.2 miles (near milepost 142.5 on Interstate 95) (the "I-95 Express Lanes Southern Terminus Extension"); and

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WHEREAS, on June 8, 2017, the Department entered into the Amended and Restated Comprehensive Agreement (the "First ARCA") to extend the HOT lanes on Interstate 395 for approximately 8 miles north to the Washington D.C. line (the "I-395 Express Lanes Northern Extension"); and

WHEREAS, the Department anticipates amending and restating the First ARCA to extend the HOT lanes on Interstate 95 approximately ten additional miles farther south to Route 17 in Fredericksburg (the "I-95 Express Lanes Fredericksburg Extension"); and

WHEREAS, Va. Code § 33.2-502 provides that the Commonwealth Transportation Board (the "CTB") may designate one or more lanes of any highway including lanes previously classified as High Occupancy Vehicle ("HOV") lanes, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as HOT lanes; and

WHEREAS, pursuant to Va. Code § 33.2-502, in making HOT lanes designations, the CTB is required to also specify the high-occupancy requirement and conditions for use of such HOT lanes or may authorize the Commissioner of Highways to make such determination consistent with the terms of a comprehensive agreement executed pursuant to Va. Code § 33.2-1808, however, the high-occupancy requirement for a HOT lanes facility constructed or operated as a result of the PPTA shall not be less than three; and

WHEREAS, by Resolution dated September 17, 2014, the CTB designated as HOT lanes the Original 95 HOT Lanes; and

WHEREAS, by Resolution dated February 16, 2017, the CTB designated as HOT lanes both the (i) I-95 Express Lanes Southern Terminus Extension, and (ii) I-395 Express Lanes Northern Extension; and

WHEREAS, the Department intends for the I-95 Express Lanes Fredericksburg Extension to be tolled using congestion pricing.

WHEREAS, pursuant to authority granted by the CTB on February 16, 2017, the Department entered into a memorandum of understanding with the Federal Highway Administration ("FHWA") on April 10, 2017 (the "Existing Toll MOU") permitting the Department to toll certain HOT lanes on Interstates 95 and 395 from I-395 just south of the Washington D.C. line, at the northern terminus, to approximately mile marker 142.5 on I-95, approximately 0.9 miles south of the Garrisonville Road overpass, at the southern terminus (the "Existing 95/395 Toll Facility"); and

WHEREAS, given the Department's intention to extend and expand the Existing 95/395 Toll Facility ten miles farther south to Route 17 in Fredericksburg (the entire span from Route 17

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to just south of the Washington D.C. line hereinafter referred to as the "Extended 95/395 Toll Facility") the FHWA requires the Department to enter into a tolling memorandum of understanding governing tolling for the Extended 95/395 Toll Facility (the "Updated Toll MOU"), attached hereto as Attachment A, to replace the Existing Toll MOU; and

WHEREAS, the Updated Toll MOU will require the Department to comply with mandatory federal requirements related to tolling and applicable to the Extended 95/395 Toll Facility; and

WHEREAS, the CTB is authorized under Va. 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 designates the I-95 Express Lanes Fredericksburg Extension as HOT lanes in accordance with Va. Code § 33.2-502, to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to the First ARCA, as amended and restated.

BE IT FURTHER RESOLVED that the CTB hereby specifies the high-occupancy requirement for the I-95 Express Lanes Fredericksburg Extension as HOV-3, in accordance with Va. Code § 33.2-502, to be implemented upon issuance of a "Service Commencement Notice to Proceed" pursuant to the First ARCA, as amended and restated.

BE IT FURTHER RESOLVED that the CTB hereby authorizes the Commissioner of Highways to establish the conditions for use of the I-95 Express Lanes Fredericksburg Extension in accordance with the terms and conditions of the First ARCA, as amended and restated.

BE IT FURTHER RESOLVED that the CTB hereby authorizes the Commissioner of Highways to execute the Updated Toll MOU between the Department and FHWA, governing the tolling of the Extended 95/395 Toll Facility, in the form set out as Attachment A, with such changes as the Commissioner deems necessary or appropriate.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # NB1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 18, 2018

MOTION

Made By: Mr. Whitworth Seconded By: Ms. Hynes

Action: Motion Carried, Unanimously

Title: Designation of Secretary to the Commonwealth Transportation Board

WHEREAS, there are numerous legal documents and other instruments which must be attested to by an individual on behalf of the Board; and

WHEREAS, it is not always possible to have said documents or instruments attested to by the Chairman.

NOW, THEREFORE, BE IT RESOLVED, that Alison DeTuncq be appointed as Secretary to the Commonwealth Transportation Board, with the power to attest the Chairman's signature and documents of the Board.

BE IT FURTHER RESOLVED, that this appointment serves to rescind all prior appointments to the position of Secretary of the Board.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 21

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 18, 2018

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Kasprowicz
Action: Motion Carried

Title: Approval and Authorization for the Commissioner of Highways to Execute a Letter Agreement with the Washington Metropolitan Area Transit Authority (WMATA) to provide funding for WMATA's Reimbursable Costs, and a Project Principles Agreement between WMATA, the Virginia Department of Transportation, I-66 Express Mobility Partners, and FAM Construction, LLC for the Transform 66 Outside the Beltway Project

WHEREAS, the Transform 66 Outside the Beltway Project (Project) entails multimodal transportation improvements on the approximately 22-mile corridor on I-66 between U.S. Route 29 near Gainesville in Prince William County and the I-495 Capital Beltway in Fairfax County (Outside the Beltway Component) and is designed to address existing and future transportation challenges in the I-66 Corridor in a cost-effective and timely manner, to improve multimodal mobility by providing diverse travel choices through an efficient network of park-and-ride, HOV, transit, and Express Lane opportunities, and to enhance transportation safety and travel reliability for the public; and

WHEREAS, the Project will be designed, built, financed, maintained, and operated by I-66 Express Mobility Partners LLC (the Concessionaire or Developer), pursuant to a Comprehensive Agreement developed under the Public Private Transportation Act of 1995 (PPTA) and entered into on December 8, 2016 (Transform 66 Comprehensive Agreement); and

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WHEREAS, Ferrovial Agroman/Allan Myers (FAM) Construction, LLC is responsible for designing and buildng the Project pursuant to a design-build contract with I-66 Express Mobility Partners; and

WHEREAS, pursuant to that certain "Easement Between Washington Metropolitan Area Transit Authority and Virginia Department of Transportation" (Department) made and executed as of November 25, 1991 (the Easement Agreement), VDOT granted to WMATA within the median of Interstate Route 66 (I-66) a permanent easement for its transit facilities in the locations (Easement Areas) and on the terms and conditions set forth therein; and

WHEREAS, certain portions of the Project will require work within the Easement Areas or require access to WMATA facilities located outside of the Easement Areas that are used in connection with the facilities located in the Easement Areas; and

WHEREAS, based upon the current Project design, impacts to WMATA's operations and facilties may include, but are not limited to Project Work directly over tracks and station platforms, relocation of the Dunn Loring Traction Power Substation, modification of the Dunn Loring Station Platform, relocation of the Prosperity Tiebreaker Station, relocation of Orange Line power and communication conduits and cables; and

WHEREAS, WMATA resources will be required for plan reviews, plan approvals, coordination and support of station closures, station access adjustments, bus detours, bus bridges, non-revenue work hours and special work sequencing, single tracking, and shut-down events and WMATA will incur costs associated with these activities, the reimbursement of which is addressed in the Transform 66 Comprehensive Agreement; and

WHEREAS, the Transform 66 Comprehensive Agreement stipulates that the Developer will be solely responsible for reimbursing WMATA for WMATA Reimbursable Costs up to $10 million, the Parties (the Department and Developer) will share equally in the next $10 million of WMATA Reimbursable Costs, and the Department will be solely responsible for WMATA Reimbursable Costs over $20 million and there is a need to document details concerning said reimbursement; and

WHEREAS, WMATA, the Department, I-66 Express Mobility Partners, and FAM Construction seek to ensure public safety (including all modes of travel) regardless of property, Right-of-Way, or easement ownership impacted by the Transform 66 Project to create a project team that is empowered to deliver the project for the benefit of all organizations, and to document overarching principles to guide the project team and the manner in which it will accomplish the Project.

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NOW THEREFORE, BE IT RESOLVED, that the Board hereby approves and authorizes the Commissioner of Highways or his designee to execute a letter agreement between the Department and WMATA establishing a WMATA Reimbursable Project for the payment of WMATA Reimbursable Costs, attached hereto as Appendix A, with such changes as the Commissioner deems appropriate; and

BE IT FURTHER RESOLVED, that the Board hereby approves and authorizes the Commissioner of Highways or his designee to execute a Project Principles Agreement between the Department, WMATA, I-66 Express Mobility Partners, and FAM Construction, LLC establishing the manner in which the Parties will work together to accomplish the Transform 66 Project, attached hereto as Appendix B, with such changes as the Commissioner deems appropriate.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 18, 2018

MOTION
Made By: Mr. Kasprowicz, Seconded By: Mr. Johnsen
Action: Motion Carried, Unanimously

Title: Delegation to the Commissioner of Highways or His Designee(s) Authority to Enter into and Execute Agreements on Behalf of the Commonwealth Transportation Board with U.S. Governmental Entities Concerning Section 14 Erosion Protection Projects.

WHEREAS, Section 14 of the Flood Control Act of 1946, as amended and regulations promulgated pursuant thereto (33 CFR 263.25), authorize the U.S. Secretary of the Army to undertake the construction, repair, restoration and modification of emergency streambank and shoreline protection works to prevent damage to highways, bridges, approaches, public works, churches, hospitals, schools and other nonprofit public services, not specifically authorized by Congress; (Section 14 Erosion Protection Projects) and

WHEREAS, Section 105(a) of the Water Resources Development Act of 1986, Public Law 99-662, as amended (33 U.S.C. 2215(a)), specifies the cost-sharing requirements for the feasibility studies necessary for such Section 14 Erosion Protection Projects; and

WHEREAS, highways and other transportation facilities maintained by the Virginia Department of Transportation (VDOT) are often located or situated near stream banks or shorelines that may require emergency repairs or protection measures from time to time to prevent damage to the nearby highway or transportation facility; and

WHEREAS, opportunities may arise in which partnering with the Army or other U.S. governmental entities would serve to facilitate Section 14 Erosion Protection Projects and related feasibility studies for those VDOT highways and transportation facilities located near streambanks and shorelines, in which cases, cost sharing agreements between VDOT and the

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U.S. governmental entity would be necessary in order to effectuate said Projects and/or feasibility studies; and

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

WHEREAS, the CTB recognizes the need for and benefits of making delegations to the Commissioner of Highways or his designee(s) in situations where such delegations would facilitate timely coordination of Section 14 Erosion Protection Projects and/or feasibility studies in order to protect highways and other transportation facilities maintained by VDOT from flooding or washout by nearby streambanks and shorelines.

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby delegates to the Commissioner of Highways or his designee(s) authority to execute contracts and agreements between VDOT and entities of the U. S. Government related to Section 14 Erosion Protection Projects and feasibility studies, provided the value of the contract or agreement does not exceed $5 Million.

BE IT ALSO RESOLVED, that the Commissioner shall make a quarterly report to the CTB describing the contracts and agreements executed under this delegation

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 20, 2017

MOTION

Made By: Ms. Valentine, Seconded By: Ms. DeTuncq

Action: Motion Carried, Unanimously

Title: Utilization of Available Federal Funds and Obligation Authority

WHEREAS, § 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 (SYIP) of anticipated projects and programs and that the SYIP shall be based on the most recent official revenue forecasts and a debt management policy; and

WHEREAS, the Board adopted the FY 2018-2023 SYIP and the Virginia Department of Transportation (VDOT) FY 2018 Budget (Budget) on June 20, 2017; and

WHEREAS, at the end of each federal fiscal year, the Federal Highway Administration (FHWA) makes available unused obligation authority, otherwise known as August Redistribution; and

WHEREAS, VDOT has requested additional obligation authority from the FHWA through the August Redistribution process in support of the Federal-Aid Highway Program; and

WHEREAS, it is the desire of the Board to ensure the maximum use of all available federal funds.

NOW, THEREFORE, BE IT RESOLVED, by the Board that authority is delegated to the Secretary of Transportation to take the necessary actions to provide for the utilization of additional federal allocations and obligation authority received that are not accounted for in the Budget and SYIP in compliance with Board policies.

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COMMONWEALTH of VIRGINIA

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Agenda item #13

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 19, 2017

MOTION

Made By: Mr. Malbon, Seconded By: Ms. Valentine.

Action: Motion Carried, Unanimously

Title: Delegation of Authority for the Commissioner of Highways to Enter into a Memorandum of Understanding (MOU) between the Virginia Department of Transportation (VDOT) and the Virginia Port Authority (VPA) to provide berth availability to the Jamestown-Scotland Ferry (Ferry) at Richmond Marine Terminal during significant weather events.

WHEREAS, the VPA is a body corporate and political subdivision of the Commonwealth of Virginia vested with certain powers set forth in Title 62.1, Chapter 10 of the Code of Virginia (1950) as amended; and

WHEREAS, the VPA, through its operating subsidiary, Virginia International Terminals, LLC (VIT), operates the port facilities known as Richmond Marine Terminal located at 5000 Deepwater Terminal Road in the City of Richmond, Virginia; and

WHEREAS, VDOT operates the Ferry, an automobile and bus ferry service crossing the James River in the Commonwealth of Virginia; and

WHEREAS, VDOT wishes to secure berth space for the Ferry in the event of significant weather events; and

WHEREAS, VDOT and VPA have developed an MOU which sets forth the responsibilities of the parties relating to berth availability at the Richmond Marine

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Terminal, and to VDOT's ability to access and use the available berths in a significant weather event; and

WHEREAS, § 33.2-214(C) of the *Code of Virginia* authorizes the Commonwealth Transportation Board to enter into agreements with local districts, commissions, agencies, and other entities created for transportation purposes.

NOW, **THEREFORE, BE IT RESOLVED**, that pursuant to § 33.2-214(C) of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into a Memorandum of Understanding with the VPA (attached hereto as Exhibit A), relating to berth availability for the Ferry during significant weather events, in substantially the same form as Exhibit A, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 19, 2017

MOTION
Made By: Mr. Malbon, Seconded By: Mr. Williams

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Interstate 264 Interchange Improvement Project (UPC's 17630/108041)

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the *Code of Virginia*, established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the *Code of Virginia*, also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608 the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercises of its powers under Chapter 26; and

WHEREAS, §33.2-214 C of the *Code of Virginia* empowers the Commonwealth Transportation Board (Board) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, on January 14, 2015 the Board authorized the Commissioner of Highways to enter into an agreement with HRTAC relating to the use of funds from the HRTF for preliminary engineering and right-of-way acquisition for Phase II of the I-64/I-264 Interchange Improvements Project – UPC's 17630/108041; and on January 8, 2015

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HRTAC approved use of funds from the HRTF and execution of agreement between VDOT and HRTAC for such work; and on April 3, 2015, VDOT and HRTAC entered into said agreement; and

WHEREAS, HRTAC approved the use of funds from the HRTF and execution of an agreement between VDOT and HRTAC for additional work on Phase II of the I-64/I-264 Interchange Improvements Project, including but not limited to construction of the Project, on June 15, 2017; and

WHEREAS, VDOT has requested that the Board authorize the Commissioner to enter into an agreement with HRTAC, attached hereto as Exhibit A, relating to the use of funding from the HRTF for work necessary for advancement and construction of the Phase II of the I-64/I-264 Interchange Improvements Project.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into the agreement with HRTAC relating to the use of HRTF funds for advancement of the Phase II of the I-64/I-264 Interchange Improvements Project including but not limited to construction and other phases of said Project, in substantially the same form as Exhibit A, with such changes and additions as the Commissioner deems necessary, provided HRTAC approves execution of the agreement and use of funds from the HRTF for said purpose.

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COMMONWEALTH of VIRGINIA

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 19, 2017

MOTION

Made By: Ms. Valentine, Seconded By: Mr. Williams

Action: Motion Carried, Unanimously

Title: Federal Transportation Grant Anticipation Revenue Notes (GARVEE) Memorandum of Agreement (MOA) Update

WHEREAS, by resolution dated October 19, 2011, the Commonwealth Transportation Board ("Board") approved and authorized issuance and sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series 2011 ("2011 GARVEES"), and

WHEREAS, the Board, in its resolution authorizing issuance and sale of the 2011 GARVEES, among other things, approved and authorized execution of certain "Basic Documents", one of which included a memorandum of agreement between the Virginia Division of the Federal Highway Administration ("FHWA"), the Virginia Department of Transportation ("Department"), and the Board, required by the FHWA and related to the processes to execute and manage the Commonwealth of Virginia's GARVEE program; and

WHEREAS, on December 28, 2011, FHWA, the Department, and the Board executed the memorandum of agreement, which includes a provision requiring review of the document every five years to determine needed changes or updates; and

WHEREAS, the five year review has been completed and resulted in a determination that an update to the memorandum of agreement is needed to more clearly define the parties' roles and responsibilities, processes, and timeframes, based on knowledge and experience gained

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over the last five years in implementing the GARVEE program, and to incorporate FHWA's 2014 GARVEE Guidance; and

WHEREAS , FHWA and the Department have prepared a revised memorandum of agreement addressing execution and management of the Commonwealth of Virginia's GARVEE program, which incorporates the needed updates and is attached hereto as Attachment A ("GARVEE MOA"); and

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

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. **Approval of the GARVEE MOA and Authorization to Execute:** The Board approves the GARVEE MOA, in substantially the form as set forth in Attachment A. The Board authorizes and directs the Commissioner of Highways to execute the GARVEE MOA on behalf of the Department and the Chairman to prepare, execute, and deliver the final form of the GARVEE MOA on behalf of the Board. The Chairman's execution and delivery of the GARVEE MOA shall constitute conclusive evidence of the approval of the final forms of the MOA by the Chairman on behalf of the Board.

2. **Effective Date.** This Resolution is effective upon adoption.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

JULY 19, 2017

MOTION

Made By: Ms. Valentine, Seconded By: Mr. Garczynski

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Memorandum of Understanding Among the Virginia Department of Transportation, the Federal Highway Administration, 95 Express Lanes, LLC, and Capital Beltway Express, LLC Regarding Testing of Connected Vehicles.

WHEREAS, to improve traveler safety and mobility the Federal Highway Administration of the United States Department of Transportation (the "FHWA") desires to research and test connected vehicle and vehicle automation technologies; and

WHEREAS, 95 Express Lanes, LLC operates and maintains the I-95 HOT Lanes within the Commonwealth, and Capital Beltway Express, LLC operates and maintains the I-495 HOT Lanes within the Commonwealth (together, the "HOT Lanes Facilities"); and

WHEREAS, the Virginia Department of Transportation (the "Department") owns the HOT Lanes Facilities and desires to permit the FHWA, in coordination with 95 Express Lanes, LLC and Capital Beltway Express, LLC, to research and test connected vehicle and vehicle automation technologies on the HOT Lanes Facilities; and

WHEREAS, the Department, FHWA, 95 Express Lanes, LLC, and Capital Beltway Express, LLC have developed an MOU (set out in Attachment A) that sets forth the purpose of, and that will govern access rights, security, safety, and other rights and duties that apply to, the

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research and testing of connected vehicle and vehicle automation technologies on the HOT Lanes Facilities; and

WHEREAS, the Commonwealth Transportation Board ("CTB") is authorized under Virginia Code § 33.2-221(A) to enter into contracts and agreements with the United States government and the Department seeks CTB approval of, and authorization for the Commissioner of Highways to execute, the MOU.

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby approves, and authorizes the Commissioner of Highways to execute, a memorandum of understanding among the Department, FHWA, 95 Express Lanes, LLC, and Capital Beltway Express, LLC, governing their rights and duties relating to the research and testing of connected vehicles and vehicle automation technologies, in substantially the form set out in Attachment A, with such changes as the Commissioner deems necessary or appropriate.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 17, 2017

MOTION

Made By: Mr. Fralin, Seconded By: Mr. Rosen
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Memorandum of Agreement Between the Virginia Department of Transportation and FHWA-Eastern Federal Lands Highway Division (EFLHD) for a project receiving funds through the Federal Lands Access Program, Roanoke River Greenway Extension, Roanoke County, Located in the Salem District

WHEREAS, the Fixing America's Surface Transportation Act (FAST Act) authorizes use of federal transportation funds and state or local matching funds for projects that improve access to federal lands through the Federal Lands Access Program (FLAP); and

WHEREAS, the Federal Highway Administration Eastern Federal Lands Highway Division (FHWA/EFLHD) requires VDOT to enter into an agreement for the management of FLAP projects; and

WHEREAS, on July 22, 2016, the Virginia Programming Decisions Committee selected a project in Roanoke County for the design and construction of an extension of the Roanoke River Greenway (Project) using FLAP funds; and

WHEREAS, VDOT and FHWA/EFLHD have prepared an agreement, identified as Attachment A, outlining the general responsibilities and obligations of each party for administration of the identified project under FLAP; and

WHEREAS, it is believed to be in the best interest of the Commonwealth to take advantage of the funding provided through FLAP and execute the agreement; and

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WHEREAS, Section 33.2-221 of the *Code of Virginia* empowers the CTB to comply fully with federal-aid acts, to enter into all contracts or agreements with the United States government and do all other things necessary to carry out fully the cooperation contemplated and provided for by present or future acts of Congress in the area of transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways or his designee to enter into the agreement for the Project set forth as Attachment A and to take all other actions needed to comply with this resolution.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 17, 2017

MOTION

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

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Memorandum of Agreement Between the Virginia Department of Transportation and the United States Department of Defense Regarding Multimodal Improvements on and near the Pentagon for the I-395 Express Lanes Northern Extension.

WHEREAS, the Virginia Department of Transportation (the "Department") intends to extend existing high-occupancy toll lanes on Interstates 95 and 395 approximately eight miles north from Turkeycock Run to the Washington D.C. line (the "Project"); and

WHEREAS, the Project includes certain multimodal improvements on and near the Pentagon, which is the headquarters of the United States Department of Defense ("DoD"); and

WHEREAS, the Department and DoD desire to enter into a memorandum of agreement to govern their rights and duties relating to (i) the work on and near the Pentagon and (ii) the long-term maintenance of the multimodal improvements, attached hereto as Attachment A; and

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

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NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby approves, and authorizes the Commissioner of Highways to execute, a memorandum of agreement between the Department and DoD, governing their rights and duties relating to the work and improvements on or near the Pentagon as part of the Project in substantially the form set out in Attachment A, with such changes as the Commissioner deems necessary or appropriate.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 19, 2017

MOTION

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

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 the I-66 HOT Lanes, Outside the Beltway

WHEREAS, the Commonwealth Transportation Board ("CTB"), on June 14, 2016, pursuant to § 33.2-502 of the *Code of Virginia*, designated two lanes in each direction on I-66 from University Boulevard in [Gainesville]/Prince William County to I-495 in Fairfax County as HOT lanes with such designation to be implemented upon the issuance of a "Service Commencement Notice to Proceed" pursuant to any fully executed Comprehensive Agreement with a selected private developer to design, finance, construct, maintain, and operate the I-66 HOV/HOT Lanes Project, but no earlier than January 2, 2020, and on July 28, 2016, reiterated and made certain technical clarifications to the June 14, 2016 designation; and

WHEREAS, by resolution dated December 7, 2016, the CTB endorsed the Commissioner's final Finding of Public Interest and supported the Commissioner's execution of a Comprehensive Agreement with I-66 Express Mobility Partners, LLC pursuant to the Public-Private Transportation Act of 1995 (Virginia Code §§ 33.2-1800 *et seq.)*, for design, finance, construction, maintenance, and operation, to include dynamic or congestion priced tolling, of High Occupancy Toll Lanes (or Express Lanes) on Interstate 66, Outside the Beltway between U.S. Route 29 (near Gainesville) in Prince William County and Interstate 495 in Fairfax County, (the "Transform 66 Outside the Beltway Express Lanes Project") and on December 8, 2016, the Virginia Department of Transportation ("Department") and I-66 Express Mobility Partners, LLC entered into the Comprehensive Agreement; and

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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 Department to enter into a memorandum of understanding relating to tolling on the High Occupancy Toll Lanes (or Express Lanes) on Interstate 66, Outside the Beltway for the Transform 66 Outside the Beltway Express Lanes Project ("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 the High Occupancy Toll Lanes (or Express Lanes) on Interstate 66, Outside the Beltway in furtherance of the Transform 66 Outside the Beltway Express Lanes Project, as set out in Attachment A, with such changes as the Commissioner deems necessary or appropriate.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item # 8

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

April 19, 2017

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Rosen

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a MOU with the Hampton Roads Transportation Accountability Commission (HRTAC) and the Hampton Roads Transportation Planning Organization Concerning the Study of Components not Included in the Selected Hampton Roads Crossing Study SEIS Alternative and to Execute a Standard Project Agreement with HRTAC Relating to the Bowers Hill Study

WHEREAS, on December 7, 2016, the Commonwealth Transportation Board ("CTB") approved as the location for the Hampton Roads Crossing Study/Project, Alternative A, as set forth in the Draft SEIS approved by FHWA on July 25, 2016 ("Preferred HRCS SEIS Alternative") and, among other things, directed the Virginia Department of Transportation ("VDOT") to continue to work with the Hampton Roads Transportation Planning Organization ("HRTPO"), Hampton Roads Transportation Accountability Commission ("HRTAC"), U.S. Army Corps of Engineers ("USACE"), U.S. Navy, the Port of Virginia and other parties to advance separate studies to identify appropriate access options around Craney Island to include I-564/I-664 Connectors, I-664/MMMBT and VA 164/164 Connector ("Additional Corridors Studies"), which were HRCS SEIS components not included in the Preferred HRCS SEIS Alternative; and

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WHEREAS, on December 7, 2016, the CTB also directed VDOT to continue to work with the HRTPO, HRTAC, USACE and other parties to advance a separate study of the Bowers Hill Interchange at I-664 and I-264 in Chesapeake ("Bowers Hill Study") which also was an HRCS SEIS component not included in the Preferred HRCS SEIS Alternative; and

WHEREAS, HRTAC, on March 16, 2017, amended the HRTAC 2016-2022 Funding Plan to provide $7,000,000 for study of HRCS SEIS components not included in the Commonwealth Transportation Board's Preferred HRCS SEIS Alternative; and

WHEREAS, VDOT, HRTAC and HRTPO have identified a need to develop a Memorandum of Understanding between the parties to identify a framework and specify the various responsibilities of each of the parties in order to advance the additional studies noted herein ("HRCS Additional Studies MOU"); and

WHEREAS, the HRCS Additional Studies MOU contemplates that VDOT will bear responsibility for managing the Bowers Hill Study, HRTAC will provide $ 4 million in funding to VDOT from the Hampton Roads Transportation Fund (HRTF) for the study, and HRTAC will require execution of a Standard Project Agreement relating to said funding; and

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the Code of Virginia, established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the Code of Virginia, also established the HRTF to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608 the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214 (C) of the Code of Virginia empowers the CTB to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, VDOT has requested that the CTB approve and authorize the Commissioner to enter into/execute the HRCS Additional Studies MOU and further, to authorize

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the Commissioner to execute a Standard Project Agreement with HRTAC regarding the Bowers Hill Study and use of HRTF funds for the study, upon approval by HRTAC of the Standard Project Agreement.

NOW, THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves and authorizes the Commissioner of Highways to execute the HRCS Additional Studies MOU between VDOT, HRTAC and the HRTPO concerning the Additional Corridors Studies and Bowers Hill Study, as set out in Attachment A, with such changes as the Commissioner deems necessary or appropriate.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board hereby approves and authorizes the Commissioner of Highways to execute a Standard Project Agreement with HRTAC relating to the Bowers Hill Study and the HRTF funding therefor in substantially the same form as Attachment B with such changes as the Commissioner deems necessary, upon approval by HRTAC of said Agreement.

BE IT FURTHER RESOLVED, that the Commissioner is directed to report back to the CTB upon execution of the Standard Project Agreement relating to the Bowers Hill Study by HRTAC and the Commissioner.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

April 19, 2017

Made By: Mr. Malbon, Seconded By: Mr. Williams

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 the Interstate 64 HOT (Express) Lanes

WHEREAS, on October 19, 2016, pursuant to § 33.2-502 and § 33.2- 309 of the *Code of Virginia* and 23 USC §166, the Commonwealth Transportation Board (CTB) authorized dynamic tolling of vehicles utilizing the HOV reversible lanes on Interstate 64 from Interstate 564 to Interstate 264, 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 said portion of I-64 are determined by the Commissioner of Highways to be completed and ready for operation; and

WHEREAS, on March 21, 2017, in furtherance of the I-64 HOT Lanes-2 designation, the Virginia Department of Transportation (the Department) and TransCore, LP, a Tennessee Corporation, entered into a contract (hereinafter Contract) to provide for design, integration, implementation, on-going maintenance and operation of the tolling system for the dynamic tolling of the HOT lanes on Interstate 64 (I-64 "HOT Lanes" or "Express Lanes")pursuant to the CTB's action under § 33.2-209 of the *Code of Virginia* on March 15, 2017, awarding and authorizing the Commissioner to execute the Contract; and

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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 Department to enter into a tolling memorandum of understanding relating to tolling for the Interstate 64 Express Lanes (Tolling MOU); and

WHEREAS, the CTB is authorized under Va. 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 the I-64 Express Lanes, as set out in Attachment A, with such changes as the Commissioner deems necessary or appropriate.

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ATTACHMENT A

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FHWA VIRGINIA DIVISION OFFICE (Division) AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

WHEREAS, VDOT desires to convert the existing Interstate 64 High Occupancy Vehicle (HOV) reversible lanes from Interstate 564 to Interstate 264 to High occupancy Toll (HOT) lanes in Norfolk, Virginia (hereinafter referred to as the "Toll Project"); and

WHEREAS, VDOT desires to implement tolls using dynamic tolling of vehicles on I-64 from Interstate 564 to Interstate 264 in Norfolk, Virginia (hereinafter referred to as the “Toll Facility”); and

WHEREAS, the Division and VDOT desire to enter into this MOU in order to reflect the mutual understanding that 23 U.S.C. 129(a) and 23 U.S.C. 166 apply to the Toll Project; and

WHEREAS, 23 U.S.C. 166(b)(4), as amended by the FAST Act, provides that a public authority may allow vehicles not otherwise exempt pursuant to 23 U.S.C. 166(b) to use an HOV facility by paying a toll:

NOW THEREFORE, the Division and the VDOT hereby agree as follows:

1. The Toll Project meets the relevant toll eligibility requirements of 23 U.S.C. 129(a)(1) and 23 U.S.C. 166.

2. VDOT shall comply with all requirements of 23 U.S.C. 129(a) and 23 U.S.C. 166, as amended by the FAST Act or as may be amended from time to time, with respect to the Toll Project and the operation of the Toll Facility.

IN WITNESS THEREOF, the parties hereto have caused this MOU to be duly executed, on the date of the last signature below. (Signatures on following page).

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COMMONWEALTH OF VIRGINIA
VIRGINIA DEPARTMENT OF TRANSPORTATION

BY: _____,
Charles A. Kilpatrick, PE
Commissioner of Highways

DATE: _____

FEDERAL HIGHWAY ADMINISTRATION
VIRGINIA DIVISION

BY: _____,
Jessie Yung
Division Administrator

DATE: _____

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 6

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

March 15, 2017

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Williams

Action: Motion Carried, Unanimously

Title: Interstate 64 Express Lanes Tolling System and Services Contract Award and TFRA Funding Authorization

WHEREAS, on October 19, 2016, pursuant to §§ 33.2-502 and 33.2-309 of the *Code of* Virginia and 23 USC §166 (a)(4), the Commonwealth Transportation Board ("CTB") designated the existing Interstate 64 HOV-2 reversible lanes from Interstate 564 to Interstate 264 as HOT-2 and authorized dynamic tolling of vehicles utilizing the HOV reversible lanes on Interstate 64 from Interstate 564 to Interstate 264, during the Westbound AM peak period of 5:00 a.m. to 9:00 a.m. on weekdays and during the Eastbound PM peak period of 2:00 p.m. to 6:00 p.m. 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 said portion of I-64 are determined by the Commissioner of Highways to be completed and ready for operation; and

WHEREAS, on October 19, 2016**,** pursuant to §33.2-1529 of the *Code of Virginia,* the CTB authorized an amount up to $5,000,000 to be advanced from the Toll Facilities Revolving Account (TFRA) and allocated to pay the costs associated with work necessary to prepare for and administer the procurement of the needed tolling infrastructure and related services associated with conversion of these lanes from HOV-2 to HOT-2 (the October 19, 2016 TFRA Allocation), and directed that requests for additional funding from the TFRA or other sources be

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presented to the CTB prior to or at such time that the contract for the tolling infrastructure and related services is presented to the CTB for its approval; and

WHEREAS, the Virginia Department of Transportation ("VDOT") issued a request for proposals (RFP) on November 23, 2016 seeking proposals from qualified firms for the purpose of establishing a contract (hereinafter "Contract") to provide for design, integration, implementation, on-going maintenance and operation of the tolling system for the dynamic tolling of the HOT lanes on Interstate 64 that meets VDOT's business and system requirements (I-64 Tolling System); and

WHEREAS, in response to the RFP relating to the I-64 Tolling System, VDOT received one proposal; and

WHEREAS, after evaluating the proposal and subsequent negotiations, VDOT has determined TransCore, LP, a Tennessee Corporation, (hereinafter "TransCore") is fully qualified, on the basis of the evaluation factors included in the RFP, to deliver the I-64 Tolling System and that their proposal provides good value; and

WHEREAS, VDOT issued a Notice of Intent to Award this Contract to TransCore, on March 6, 2017; and

WHEREAS, VDOT recommends award of the Contract for the I-64 Tolling System to TransCore and requests that the CTB award the $19,946,538 Contract pursuant to § 33.2-209 of the *Code of Virginia*; and

WHEREAS, VDOT has determined that of the $5,000,000 allocated pursuant to the October 19, 2016 TFRA Allocation, $2,000,000 was not expended and remains available to partially fund the work necessary to design, construct, install, implement, operate and/or maintain the I-64 Tolling System and additional funding from the TFRA will be needed to fully fund this project.

NOW, THEREFORE BE IT RESOLVED, that the CTB hereby concurs with VDOT's recommendation and hereby awards the Contract for the I-64 Tolling System to TransCore, subject to the terms negotiated between VDOT and TransCore.

BE IT FURTHER RESOLVED, that the Commissioner of Highways, or his designee, is granted the authority to execute the Contract and all other documents necessary to effectuate the award of the Contract to TransCore.

BE IT FURTHER RESOLVED by the CTB, pursuant to §33.2-1529, that (i) the unexpended portion of the $5,000,000 allocated pursuant to the October 19, 2016 TFRA Allocation, $2,000,000, is authorized and allocated to pay the costs of work necessary for design,

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construction, installation, implementation, operation and/or maintenance of the I-64 Tolling System and (ii) an additional amount of $14,000,000 be advanced from the Toll Facilities Revolving Account and also allocated for said purposes.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that the toll revenues collected from this facility will be used in accord with section 33.2-309, including the reimbursement of funding advanced from the Toll Facilities Revolving Account authorized herein in accord with section 33.2-1529 of the Code of Virginia.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 15, 2017

MOTION
Made By: Mr. Malbon, Seconded By: Mr. Rosen
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Hampton Roads Crossing Study Preferred Alternative Refinement (UPC 110577)

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the *Code of Virginia*, established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the *Code of Virginia*, also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608 the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214 (C) of the *Code of Virginia* empowers the Commonwealth Transportation Board (Board) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, it is anticipated that HRTAC, at its March 16, 2017 meeting, will approve use of funds from the HRTF in the amount of $25,000,000 and execution of an agreement between VDOT and HRTAC, attached hereto as Exhibit A, that has been prepared by VDOT staff and HRTAC's Executive Director for the use of said funds for

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preliminary work on the Hampton Roads Crossing Study (HRCS) Preferred Alternative Refinement; and

WHEREAS, VDOT has requested that the Board authorize the Commissioner to enter into an agreement with HRTAC, attached hereto as Exhibit A, relating to the use of funding from the HRTF to advance preliminary work for the HRCS Preferred Alternative Refinement, provided that HRTAC approves execution of the agreement and use of funds from the HRTF for said purpose.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into the agreement with HRTAC relating to the use of HRTF funds for advancement of preliminary work for the HRCS Preferred Alternative Refinement, in substantially the same form as Exhibit A (the Agreement), with such changes and additions as the Commissioner deems necessary, provided HRTAC approves execution of the Agreement in substantially the same form and use of funds from the HRTF for said purpose.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item #1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 16, 2017

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Rosen
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Memorandum of Understanding with the Federal Highway Administration Concerning Tolling of the I-95 HOV/HOT Lanes, as Extended

WHEREAS, on July 31, 2012, pursuant to the Public Private Transportation Act of 1995 (Va. Code 33.2-1800 *et seq)*, the Virginia Department of Transportation (the "Department") and 95 Express Lanes, LLC entered into a comprehensive agreement (the "Comprehensive Agreement"), relating to the I-95 HOV/HOT Lanes Project to develop, design, finance, construct, maintain, and operate 29 continuous miles of HOT lanes (or Express Lanes) on Interstates 95 and 395 (the "95 HOT or Express Lanes") in Virginia; and

WHEREAS, on June 27, 2012, the Department and United States Department of Transportation entered into an agreement ("Agreement") to permit tolls to be charged for the I-95 HOV/HOT Lanes Project; and

WHEREAS, the Department now desires to extend the 95 HOT/Express Lanes 2.2 miles to the south (the "I-95 Express Lanes Southern Terminus Extension") and eight miles to the north (the "I-395 Express Lanes Northern Extension) collectively, the I-95/395 HOV/HOT Lanes Project; and

WHEREAS, the Federal Highway Administration ("FHWA") requires the Department to enter into a tolling memorandum of understanding (Tolling MOU) collectively governing tolling for the existing I-95 HOT/Express Lanes and the I-95/395 HOV/HOT Lanes Project; and

WHEREAS, a Tolling MOU would require the Department to comply with mandatory federal requirements that apply to tolling of the I-95/395 HOT Lanes; and

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WHEREAS, this Tolling MOU will replace the Agreement signed on June 27, 2012; and

WHEREAS, the Commonwealth Transportation Board ("CTB") is authorized under Va. 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 authorizes the Commissioner of Highways to execute a Tolling MOU between the Department and FHWA, governing the tolling of the 95/395 HOT Lanes, to include existing 95 HOT/Express Lanes as well the I-95 Express Lanes Southern Terminus Extension and I-395 Express Lanes Northern Extension, as set out in Attachment A, with such changes as the Commissioner deems necessary or appropriate.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

MOTION

Made By: Ms. Hynes, Seconded By: Mr. Garczynski
Action: Motion Carried, Unanimously

Title: Approval of an Amended and Restated Memorandum of Agreement with the Northern Virginia Transportation Commission Relating to the Transform66: Inside the Beltway Project

WHEREAS, the Commonwealth and the Northern Virginia Transportation Commission (NVTC) previously negotiated the terms of an Memorandum of Agreement (MOA) between the Virginia Department of Transportation (VDOT), the Commonwealth Transportation Board (CTB) and the NVTC relating to Transform66: Inside the Beltway (Project), and

WHEREAS, the MOA, which was approved by the CTB on December 9, 2015 and entered into by the Parties in January, 2016, sets forth the responsibilities of the Parties relating to the Project and provides for, among other things, the transfer to and use by NVTC of specified funds collected from the CTB's/VDOT's tolling of the I-66 Inside the Beltway Facility (Facility) for certain Project Components; and

WHEREAS, there is a need to amend the MOA (i) to address the time frame and funding for the eastbound widening of the Facility, (ii) to document an increase in the allocation to NVTC from $5 million to $10 million, (iii) to modify terms relating to payback of borrowed funds to the Toll Facilities Revolving Account, (iv) to clarify the duration and nature of tolling for the Project, (vi) to address debt financing by NVTC to fund certain Project Components, and (v) to address certain technical issues; and

WHEREAS, NVTC and VDOT have negotiated amendments to the MOA addressing the above referenced matters, which are reflected in the *Amended and Restated Memorandum of Agreement, Transform66: Inside the Beltway Project*, attached hereto as Exhibit A.

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NOW THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board, that the *Amended and Restated Memorandum of Agreement, Transform66: Inside the Beltway Project* (Amended and Restated MOA) attached hereto as Exhibit A is hereby approved and the Secretary and Commissioner of Highways are authorized to execute the Amended and Restated MOA on behalf of the Board and VDOT, respectively.

BE IT FURTHER RESOLVED, that the Secretary is authorized to make and/or approve such changes to the Amended and Restated MOA as he deems necessary, provided such changes do not change the overall substance of the terms of the Amended and Restated MOA.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 7, 2016

MOTION
Made By: Mr. Williams, Seconded By: Mr. Brown
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Segment III of the Interstate 64 Widening Project (UPC's 106689/109790)

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the *Code of Virginia*, established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the *Code of Virginia,* also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608 the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercises of its powers under Chapter 26; and

WHEREAS, §33.2-214 C of the *Code of Virginia* empowers the Commonwealth Transportation Board (Board) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, on March 16, 2016 the Board authorized the Commissioner of Highways to enter into an agreement with HRTAC relating to the use of funds from the HRTF for preliminary engineering for Segment III of the I-64 Widening Project (Segment III Widening Project); and

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WHEREAS, on March 17, 2016 HRTAC approved use of funds from the HRTF and execution of an agreement between VDOT and HRTAC for such work; and VDOT and HRTAC entered into said agreement; and

WHEREAS, it is anticipated that HRTAC will approve use of funds from the HRTF and execution of an agreement between VDOT and HRTAC for additional work on the Segment III Widening Project, including but not limited to construction of the Project, at its December 15, 2016 meeting; and

WHEREAS, VDOT has requested that the Board authorize the Commissioner to enter into an agreement with HRTAC, attached hereto as Exhibit A, relating to the use of funding from the HRTF for work necessary for advancement and construction of the Segment III Widening Project.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into the agreement with HRTAC relating to the use of HRTF funds for advancement of Segment III of the I-64 Widening Project, including but not limited to construction and other phases of said Project, in substantially the same form as Exhibit A, with such changes and additions as the Commissioner deems necessary, provided HRTAC approves execution of the agreement and use of funds from the HRTF for said purpose.

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Commonwealth Transportation Board

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RESOLUTION OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 7, 2016

MOTION
Made By: Mr. Williams, Seconded By: Mr. Brown
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Preliminary Engineering for the Interstate 64/Interstate 264 Interchange- Phase III Project (UPC 106693)

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the *Code of Virginia*, established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the *Code of Virginia* also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608 the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214.C of the *Code of Virginia* empowers the Commonwealth Transportation Board (Board) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, it is anticipated that HRTAC will approve the use of funds from the HRTF and execution of an agreement between VDOT and HRTAC for preliminary engineering work for the Interstate 64/Interstate 264 Interchange – Phase III Project (UPC 106693) (Project) at its December 15, 2016 meeting; and

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WHEREAS, VDOT has requested that the Board authorize the Commissioner to enter into an agreement with HRTAC, attached hereto as Exhibit A, to advance preliminary engineering for the Interstate 64/Interstate 264 Interchange– Phase III Project.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into the agreement with HRTAC relating to the use of HRTF funds for preliminary engineering relating to the Interstate 64/Interstate 264 Interchange – Phase III Project, in substantially the same form as Exhibit A, with such changes and additions as the Commissioner deems necessary, provided HRTAC approves execution of the agreement and use of funds from the HRTF for said purpose.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 16

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD
December 7, 2016

MOTION

Made By: Ms. Valentine, Seconded By: Ms. Hynes
Action: Motion Carried

Title: A RESOLUTION AUTHORIZING A LOAN FROM THE STATE INFRASTRUCTURE BANK TO I-66 EXPRESS MOBILITY PARTNERS LLC, FOR THE TRANSFORM 66 P3 PROJECT IN VIRGINIA

WHEREAS, on March 25, 1995, the Governor of the Commonwealth of Virginia signed into law, effective July 1, 1995, the Public-Private Transportation Act (as amended, the "PPTA"). In enacting the PPTA as amended, the Virginia General Assembly has declared, among other things, that (i) there is a public need for timely development and/or operation transportation facilities within the Commonwealth that address the needs identified by the appropriate state, regional or local transportation plan, (ii) such public need may not be wholly satisfied by existing ways in which transportation facilities are developed and/or operated; and (iii) authorizing private entities to develop and/or operate one or more transportation facilities may result in the development and/or operation of such transportation facilities to the public in a more timely, more efficient, or less costly fashion, thereby serving the public safety and welfare; and

WHEREAS, the PPTA grants the Virginia Department of Transportation (the "Department") the authority to allow private entities to develop and/or operate qualifying transportation facilities if the Department determines there is a need for the facilities and private involvement would provide the facilities to the public in a timely and cost-effective fashion, thereby serving the public safety and welfare; and

WHEREAS, the Commonwealth Transportation Board (the "CTB") is authorized by §33.2-1529 of the Code of Virginia to make allocations from funds in the Toll Facilities Revolving Account of the Transportation Trust Fund to make a loan to a private operator to pay any cost of a qualifying transportation facility pursuant to the terms of a comprehensive or interim agreement entered into under the PPTA between a responsible public entity and a private operator; and

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WHEREAS, on September 27, 1996, the CTB, the Department, the Federal Highway Administration and the Federal Transit Administration entered into a Cooperative Agreement providing for the establishment of the Toll Facilities Revolving Account as a State Infrastructure Bank (the "SIB") pursuant to section 350 of the National Highway System Designation Act of 1995 (the "NHS Act"), Public Law 104-59, 23 U.S.C. § 101 note, dedicated solely to providing loans and other forms of financial assistance consistent with the NHS Act and as permitted under State law; and

WHEREAS, pursuant to a Request for Proposals dated July 29, 2016 (the "RFP"), the Department selected I-66 Express Mobility Partners LLC (the "Developer" or the "SIB Borrower") as the Preferred Proposer (as defined in the RFP and the PPTA Implementation Manual); and

WHEREAS, pursuant to the PPTA, the Department and the SIB Borrower intend to enter into a Comprehensive Agreement to develop, design, finance, build, operate and maintain the Transform 66 P3 Project in Virginia (the "Comprehensive Agreement"), to deliver high occupancy/toll lanes ("Express Lanes") and associated facilities and services along the I-66 corridor between U.S. Route 15 in Prince William County and Interstate 495 in Fairfax County (as more particularly described in the Comprehensive Agreement as the "Project"); and

WHEREAS, pursuant to Article 7 of the contemplated Comprehensive Agreement, the SIB Borrower will solely be responsible for obtaining and repaying each and every financing, at its own cost and risk without recourse to any State Party (as defined in the Comprehensive Agreement), necessary to develop, build, construct, maintain and operate the Project.

NOW, THEREFORE, BE IT RESOLVED THAT subject to the successful completion of final negotiation, execution and delivery of the Comprehensive Agreement and of the SIB Loan Agreement, the CTB authorizes:

1. A SIB Loan to be made to the SIB Borrower in the maximum principal amount not to exceed $30,000,000 for the Project in accordance with the provisions of the SIB Loan Agreement, which is approved in substantially the form presented to this meeting of the CTB with such changes as may be approved by the Commissioner of Highways (the "Commissioner").

2. The Commissioner to execute the SIB Loan Agreement on behalf of the CTB, his execution conclusively evidencing his approval, on behalf of the CTB, of any changes from the draft presented to this meeting of the CTB.

3. The Chief Financial Officer, and any other person designated by the Commissioner, to take all actions necessary to effect the SIB Loan in accordance with the SIB Loan Agreement.

4. This resolution to take effect immediately.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item #1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 19, 2016

MOTION

Made By: Mr. Williams, Seconded By: Ms. Valentine
Action: Motion Carried, Unanimously

Title: Delegation of Authority for the Commissioner of Highways to Enter into a Memorandum of Agreement between the Virginia Department of Transportation (VDOT) and the Transportation District Commission of Hampton Roads D/B/A Hampton Roads Transit (HRT) for the improvements in the vicinity of the HRT Light Rail corridor as part of the Route 264 Interchange Improvements – 64 WB Ramp to 264 EB project (I-64/I-264 Interchange Improvements Project), UPC 57048

WHEREAS, VDOT proposes to construct the I-64/I-264 Interchange Improvements project beginning at I-64 at the Twin Bridges over the Elizabeth River and ending at I-264 before the Newtown Road interchange in Norfolk, VA, Project No. 0264-122-108, UPC 57048 ("Project"); and

WHEREAS, the HRT Light Rail corridor is within the proposed Project limits, crossing Interstate 64 just south of the I-64/I-264 interchange; and

WHEREAS, VDOT proposes to install a two-lane ramp on a bridge structure and a sound barrier structure adjacent to I-64 and over the HRT Light Rail tracks crossing Interstate 64, and to install a 60-inch Reinforced Concrete Pipe (RCP) culvert under the HRT Light Rail tracks; and

WHEREAS, HRT has reviewed the Project design plans and specifications pertaining to the work in the vicinity of the HRT Light Rail corridor and does not have any objection to the proposed improvements; and

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WHEREAS, all necessary easements have been acquired from HRT for the Project; and

WHEREAS, VDOT, its employees, assigns, and/or contractors will be responsible for the construction of the Project, including work within the HRT Light Rail corridor; and

WHEREAS, VDOT and HRT have developed a Memorandum of Agreement which sets forth the responsibilities of the parties relating to Project work that will be performed within the HRT Light Rail right of way and/or that will impact HRT Light Rail operations; and

WHEREAS, § 33.2-214(C) of the *Code of Virginia* authorizes the Commonwealth Transportation Board to enter into agreements with local districts, commissions, agencies, and other entities created for transportation purposes.

NOW, **THEREFORE, BE IT RESOLVED**, that pursuant to the § 33.2-214(C) of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into a Memorandum of Agreement, attached hereto as Exhibit A, with the Transportation District Commission of Hampton Roads D/B/A Hampton Roads Transit for the completion of improvements to the I-64/I-264 Interchange Improvements Project in the vicinity of the HRT Light Rail corridor, in substantially the same form as Exhibit A, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2016

MOTION

Made By: Ms. Valentine, Seconded By: Ms. DeTuncq
Action: Motion Carried, Unanimously

Title: Statewide Advanced Traffic Management Systems (ATMS) Contract Award

WHEREAS, VDOT currently operates five regional Transportation Operations Centers (TOCs) throughout the state, utilizing the Q-Free Open Roads OpenTMS system in its Salem, Staunton, Northern Virginia and Richmond TOCs, and the Kapsch DYNAC system in its Hampton Roads TOC; and

WHEREAS, each TOC monitors and manages traffic and disseminates real-time traffic/roadway conditions to the traveling public, supporting agencies and media outlets, with maintenance for the existing systems currently provided under two Transportation Operations Technology Support Services (TOTSS) contracts that expire in September 2016; and

WHEREAS, in order to promote efficiency, improve communication, and enhance consistency, VDOT proposes to consolidate all of its transportation operational systems into a single statewide ATMS that will be available to all of VDOT's TOCs, providing TOC interoperability, reducing the number of systems and infrastructure, and allowing for critical technology upgrades needed to improve and enhance current functionality and integration; and

WHEREAS, VDOT has determined that Open Roads Consulting, Inc. dba Q-Free, a Virginia Corporation, (hereinafter "Q-Free") is currently the only practically available provider of the software upgrades and consulting services needed to maintain existing operations while simultaneously consolidating functions, eliminating legacy systems, and enhancing operational capabilities; and

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WHEREAS, VDOT recommends award of the Contract for this Project to Q-Free as a sole source provider of software and consulting services, subject to the contingencies set out below; and

WHEREAS, Commonwealth Transportation Board (CTB) approval of this contract is required by § 33.2-209 of the *Code of Virginia* as a contract for "…construction, maintenance, and improvement of the highways comprising systems of state highways…in excess of $5 million…"

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby concurs with VDOT's recommendation and hereby agrees to award the Contract for this Project to Q-Free, subject to the following:

(1) VITA approval is received for the sole source procurement.

(2) Agreement between the Commissioner and Q-Free on final terms and conditions for the contract.

BE IT FURTHER RESOLVED, by the CTB, that the Commissioner of Highways, or his designee, is granted the authority to execute the Contract and all other documents necessary to effectuate the award of this Contract to Q-Free once these conditions have been met.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2016

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Williams
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Regarding I-64 Southside Widening and High Rise Bridge Project-Phase I (UPC 106692)

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the *Code of Virginia*, established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHERAS, the Virginia General Assembly, pursuant to §33.2-2600 of the *Code of Virginia* also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHERAS, pursuant to §33.2-2608 the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214 (C) of the *Code of Virginia* empowers the Commonwealth Transportation Board (Board) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, HRTAC approved use and allocation of $580,000,000 from the HRTF for Right of Way and Construction of the I-64 Southside Widening and High Rise Bridge Project-Phase I (UPC 106692) (Project) at its June 16, 2016 meeting, authorizing the Executive Director of HRTAC and HRTAC counsel to work with VDOT to prepare

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and finalize a Project Agreement for HRTAC's review, consideration and approval at HRTAC's September, 2016 meeting; and

WHEREAS, VDOT and HRTAC's Executive Director and counsel prepared a Project Agreement that was considered and approved by HRTAC at its September, 2016 meeting; and

WHEREAS, VDOT has requested that the Board authorize the Commissioner to enter into an agreement with HRTAC, attached hereto as Exhibit A, regarding right of way and construction for the I-64 Southside Widening and High Rise Bridge Project-Phase I, using funds from the HRTF provided by HRTAC for said purpose.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into the agreement with HRTAC relating to the use of HRTF funds for right of way and construction for the I-64 Southside Widening and High Rise Bridge Project- Phase I, in substantially the same form as Exhibit A (the Agreement), with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2016

MOTION

Made By: Mr. Garczynski, Seconded By: Mr. Kasprowicz
Action: Motion Carried, Unanimously

Title: Utilization of Available Federal Funds and Obligation Authority

WHEREAS, § 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 (SYIP) of anticipated projects and programs and that the SYIP shall be based on the most recent official revenue forecasts and a debt management policy; and

WHEREAS, the Board adopted the FY 2017-2022 SYIP and the Virginia Department of Transportation (VDOT) FY 2017 Budget (Budget) on June 14, 2016; and

WHEREAS, at the end of each federal fiscal year, the Federal Highway Administration (FHWA) makes available unused obligation authority, otherwise known as August Redistribution; and

WHEREAS, it is the desire of VDOT to request and be able to utilize additional allocations and obligation authority received as a result of August Redistribution; and

WHEREAS, it is the desire of the Board to ensure the maximum use of all available federal funds**;** and

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NOW, THEREFORE, BE IT RESOLVED, by the Board that authority is delegated to the Secretary of Transportation to take the necessary actions to provide for the utilization of additional federal allocation/prior unused balances and obligation authority received that are not accounted for in the Budget and SYIP; and

BE IT FURTHER RESOLVED, by the Board that authority is delegated to the Secretary of Transportation to take the necessary actions for VDOT to request additional federal funds and obligation authority from the August Redistribution conducted by the FHWA and to utilize such federal funds and obligation authority received and utilize prior unused balances in compliance with Commonwealth Transportation Board policies.

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COMMONWEALTH of VIRGINIA

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RESOLUTION OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 28, 2016

Made By: Mr. Malbon, Seconded By: Mr. Williams
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Regarding Preliminary Engineering Relating to the Route 460/58/13 Connector Project (UPC 106694)

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the *Code of Virginia*, established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHERAS, the Virginia General Assembly, pursuant to §33.2-2600 of the *Code of Virginia* also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHERAS, pursuant to §33.2-2608 the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214 (C) of the *Code of Virginia* empowers the Commonwealth Transportation Board (Board) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, HRTAC approved use of funds from the HRTF and execution of an agreement between VDOT and HRTAC, for preliminary engineering relating to the Route 460/58/13 Connector Project (UPC 106694) (Project) at its June 16, 2016 meeting; and

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WHEREAS, VDOT has requested that the Board authorize the Commissioner to enter into an agreement with HRTAC, attached hereto as Exhibit A, regarding preliminary engineering relating to the Route 460/58/13 Connector Project, using funds from the HRTF provided by HRTAC for said purpose.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into the agreement with HRTAC relating to the use of HRTF funds for preliminary engineering relating to the Route 460/58/13 Connector Project, in substantially the same form as Exhibit A (the Agreement), with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

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Agenda item # 13

RESOLUTION

OF THE

COMMONWEALTH TRANSPORTATION BOARD

June 14, 2016

MOTION

Made By: Mr. Garczynski, Seconded By: Mr. Dyke
Action: Motion Carried, Unanimously

Title: VDOT I-66 Inside the Beltway Toll System and Services Contract Award

WHEREAS, the Commonwealth Transportation Board ("CTB"), the Virginia Department of Transportation ("VDOT"), and the Virginia Department of Rail and Public Transportation ("DRPT") have embarked upon a multimodal transportation program, Transform66, which includes, in part, the Transform66: Inside the Beltway Project ("Transform66: Inside the Beltway Project" or "Project"); and

WHEREAS, pursuant to section 33.2-309 of the Code of Virginia, the CTB may, in accord with federal and state statutes and requirements, impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate System within the Commonwealth; and

WHEREAS, one of the Components of this Project is to convert Interstate 66 (I-66) beginning at the Capital Beltway (Interstate 495) and ending at U.S. Route 29 in the Rosslyn area of Arlington County, Virginia to a tolled facility with dynamic tolling during the peak periods in the peak direction to deliver free-flowing and more reliable travel, and support multimodal improvements that benefit the users of the I-66 corridor; and

WHEREAS , on April 15, 2015, the CTB authorized an amount up to $5,000,000 to be advanced from the Toll Facilities Revolving Account and allocated to complete the concept development and feasibility work and prepare for the procurement of the needed tolling infrastructure and related services for the Project; and

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WHEREAS, on December 9, 2015, the CTB authorized an amount up to $60 million to be advanced from the Toll Facilities Revolving Account and allocated for purposes of constructing, implementing maintaining and operating tolling facilities on the Facility and for development and implementation of other Project Components; and

WHEREAS, on December 9, 2015 the CTB approved a Memorandum of Agreement (MOA) between the CTB, VDOT and the Northern Virginia Transportation Commission (NVTC) relating to implementation of Transform66: Inside the Beltway; and

WHEREAS, one component of that program is "…to convert the existing Facility to a tolled facility with dynamic tolling during the peak periods in peak direction to deliver free-flowing and more reliable travel, and support multimodal improvements that benefit the users of the I-66 corridor…" ; and

WHEREAS, VDOT is responsible for implementing the construction of cost-effective infrastructure, equipment, and services to minimize the cost of collecting these tolls, and processing toll violations, thereby maximizing the monies available for multimodal improvements within the corridor; and

WHEREAS, in order to implement dynamic tolling for the Project, VDOT needs toll system design, integration, documentation, testing, training, and installation services; tolling operations and tolling system maintenance work; and the hardware and software for related field equipment; and

WHEREAS, VDOT issued a Request for Proposal (RFP) on February 5, 2016 seeking proposals from qualified firms for the purpose of establishing a contract (hereinafter "Contract") to provide design, integration, implementation, on-going maintenance and operation of the tolling system that meets VDOT's business and system requirements; and

WHEREAS, VDOT encouraged offerors to bring innovative ideas and solutions that will result in cost and operational efficiencies with respect to converting the existing High Occupancy Vehicle lanes along I-66 into dynamically tolled lanes; and

WHEREAS, in response to the RFP relating to this Project, VDOT has received proposals from several entities; and

WHEREAS, after evaluating the various proposals, conducting interviews and negotiations, VDOT has determined that TransCore, LP, a Tennessee Corporation, (hereinafter "TransCore") is fully qualified and best-suited among all offerors submitting proposals, on the basis of the evaluation factors included in the RFP, to deliver this Project; and

WHEREAS, VDOT issued a Notice of Intent to Award this Contract to TransCore, on June 3, 2016; and

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WHEREAS, VDOT recommends award of the Contract for this Project to TransCore and requests CTB approval of the award pursuant to *Virginia Code* §33.2-209.

NOW, THEREFORE BE IT RESOLVED, that the CTB hereby concurs with VDOT's recommendation and hereby agrees to award the Contract for this Project to TransCore, subject to the terms negotiated between VDOT and TransCore.

BE IT FURTHER RESOLVED, that the Commissioner of Highways, or his designee, is granted the authority to execute the Contract and all other documents necessary to effectuate the award of the Contract to TransCore.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item #7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 16, 2016

MOTION
Made By: Mr. Malbon, Seconded By: Mr. Kasprowicz
Action: Motion Carried, Unanimously

Title: Addition of Segment III of the Interstate-64 Widening Project (UPC 106689) to the Six-Year Improvement Program for Fiscal Years 2016-2021 and Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to the Project.

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 ofthe *Code of Virginia*, has established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the *Code of Virginia* has also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608 the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercises of its powers under Chapter 26; and

WHEREAS, §33.2-214 C of the *Code of Virginia* empowers the Commonwealth Transportation Board (Board) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, it is anticipated that HRTAC will approve use of funds from the HRTF and execution of an agreement between VDOT and HRTAC, for certain preliminary engineering work for Segment III of the Interstate 64 Widening project (UPC 106689) at its March 17, 2016 meeting (Project); and

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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, after due consideration the Board adopted a Final Fiscal Years 2016-2021 Program on June 17, 2015; and

WHEREAS, the Board is required by sections 33.2-214(B) and 33.2-221(C) of the *Code of Virginia* to administer and allocate funds in the Transportation Trust Fund; and

WHEREAS, Section 33.2-214(B) of the *Code of Virginia* provides that the Board is to coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and is to allocate funds for these needs pursuant to Sections 33.2-358 and 58.1-638 of the Code of Virginia, by adopting a Program; and

WHEREAS, Segment III of the I-64 Widening Project was not included in the FY 2016-2021 Program adopted by the Board on June 17, 2015; and

WHEREAS, the Board recognizes that the Project is appropriate for the efficient movement of people and freight and, therefore, is for the common good of the Commonwealth.

WHEREAS, VDOT has requested that the Board add the Project to the FY 2016-2021 Program and authorize the Commissioner to enter into an agreement with HRTAC, attached hereto as Exhibit A, to advance certain preliminary engineering for Segment III of the Interstate 64 Widening Project provided that HRTAC approves at its March meeting use of funds from the HRTF and execution of an agreement relating to such work.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby approves and authorizes addition of Segment III of the I-64 Widening Project (UPC 106689) to the Six-Year Improvement Program of projects and programs for Fiscal Years 2016 through 2021 and further, authorizes the Commissioner of Highways to enter into an agreement with HRTAC relating to the use of HRTF funds for advancement of Segment III of the Interstate 64 Widening Project, in substantially the same form as Exhibit A (the Agreement), with such changes and additions as the Commissioner deems necessary, provided that HRTAC agrees to provide funding for all or a portion of the Project and authorizes execution of the Agreement between HRTAC and VDOT relating to the Project at its March 17, 2016 meeting.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 16, 2016

MOTION
Made By: Mr. Kasprowicz, Seconded By: Mr. Williams
Action: Motion Carried

AUTHORIZING THE ISSUANCE AND SALE OF
COMMONWEALTH OF VIRGINIA
TRANSPORTATION CAPITAL PROJECTS REVENUE BONDS, SERIES 2016

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.2-1700 *et seq*. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds;

WHEREAS, pursuant to the Commonwealth Transportation Capital Projects Bond Act of 2007, enactment clause 2 of Chapter 896 of the Acts of the General Assembly of the Commonwealth of Virginia, 2007 Regular Session, as amended (the "Bond Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act, revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series ….." (the "Chapter 896 Bonds") at one or more times in an aggregate principal amount not to exceed $3,000,000,000, subject to certain annual limitations;

WHEREAS, pursuant to Item 456.H. of Chapter 874 of the Acts of the General Assembly of the Commonwealth of Virginia, 2010 Regular Session, as amended (collectively, the "Appropriation Act" and, together with the Bond Act, the "Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the State Revenue Bond Act, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" (the "Appropriation Act Bonds" and, together with the Chapter 896 Bonds, the "Bonds") at one or more times in an aggregate principal amount

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not to exceed $180,000,000, after all costs, with the net proceeds of the Appropriation Act Bonds to be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of the General Assembly, 2007 Regular Session, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction and related improvements; and any financing costs and other financing expenses;

WHEREAS, pursuant to the Act, the aggregate principal amount of Bonds that may be issued is $3,180,000,000, consisting of $3,000,000,000 in aggregate principal amount of Chapter 896 Bonds and $180,000,000 in aggregate principal amount of Appropriation Act Bonds, and the Appropriation Act Bonds are not subject to the annual limitations to which the Chapter 896 Bonds are subject;

WHEREAS, bond counsel to the Board ("Bond Counsel") and the staff of the Virginia Department of Transportation (the "Department") have advised that any Bonds issued after July 1, 2012, will be subject to the requirement of Section 2.2-5002.1 of the Virginia Code that any net original issue premium in excess of a *de minimis* amount received on such Bonds be treated as principal for purposes of determining compliance with the aggregate and annual principal amount limitations to which the Bonds are subject;

WHEREAS, Section 33.1-1701 of the Virginia Code provides that the Bonds shall be secured, subject to their appropriation by the General Assembly, (i) by revenues deposited into the Priority Transportation Fund created under Section 33.2-1527 of the Virginia Code (the "Priority Transportation Fund"), (ii) to the extent required, by revenues legally available from the Transportation Trust Fund and (iii) to the extent required, by any other legally available funds;

WHEREAS, the Board has entered into a Master Indenture of Trust dated as of May 1, 2010, as previously supplemented and amended (the "Master Indenture") with Wells Fargo Bank, National Association, as trustee (the "Trustee");

WHEREAS, the Board wishes to authorize the issuance of one or more series of Bonds to be known as the "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds," with one or more series designations, as appropriate (the "2016 Bonds"); and

WHEREAS, the following documents that provide for the issuance and sale of the 2016 Bonds, which shall be filed with the records of the Board, have been prepared by Bond Counsel and the staff of the Department at the direction of the Board and have been presented at this meeting in substantially final form:

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(1) a Fifth Supplemental Indenture of Trust (the "Fifth Supplement," together with the Master Indenture, the "Indenture"), between the Board and the Trustee, providing for the terms and structure of the 2016 Bonds;

(2) a Preliminary Official Statement of the Board relating to the offering for sale of the 2016 Bonds (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2016 Bonds (the "Continuing Disclosure Agreement").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2016 Bonds. The Board hereby determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Fifth Supplement to provide for the issuance of the 2016 Bonds, (ii) to issue the 2016 Bonds for the purposes authorized under and in accordance with the provisions of the Act and the Indenture and (iii) to sell the 2016 Bonds. The aggregate principal amount of the 2016 Bonds shall not exceed $300,000,000, the final maturity date of the 2016 Bonds shall not exceed 25 years from their date of issuance, and the aggregate true interest cost of the 2016 Bonds shall not exceed the maximum aggregate true interest cost approved by the Treasury Board, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the Commonwealth. The Board expects the debt service payments to be made from appropriations of the Commonwealth.

2. Limited Obligations. The 2016 Bonds shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the revenues pledged under the Indenture ("Revenues") and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution or the 2016 Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of the 2016 Bonds. The Board authorizes the Chairman of the Board (the "Chairman"), subject to the criteria set forth in paragraph 1 of this Resolution, to determine the details of the 2016 Bonds, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. In addition, the Board authorizes the Chairman to allocate portions of the 2016 Bonds to the authorizations

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provided by the Bond Act and the Appropriations Act, respectively, in accordance with the actual or projected application of the proceeds of the 2016 Bonds as provided by law and as he shall deem to be in the best interests of the Board, the Department and the Commonwealth.

4. Sale of the 2016 Bonds. The Chairman is authorized to sell the 2016 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2016 Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairman to be in the best interest of the Commonwealth, the Board authorizes the Chairman to solicit and consider proposals for a negotiated sale of the 2016 Bonds and to negotiate the terms of such sale. The Chairman is authorized to execute and deliver a purchase contract or an agreement reflecting such proposal, provided that no such purchase contract or agreement may be executed prior to approval of the terms and structure of the 2016 Bonds by resolution of the Treasury Board.

5. Preliminary Official Statement. The Board approves the Preliminary Official Statement in the substantially final form presented at this meeting. The Board authorizes and directs the Chairman, in collaboration with the staff of the Department and the Board's financial advisor (the "Financial Advisor") and Bond Counsel, to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2016 Bonds, as the Chairman may approve. The Board authorizes the Chairman to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2016 Bonds by resolution of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairman, in collaboration with Bond Counsel, Department staff and Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the winning bid or the executed purchase contract, as appropriate, for the purchase and sale of the 2016 Bonds. The Board authorizes and directs the Chairman to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairman on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the winning bidders or underwriters, as appropriate, within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the winning bidders or underwriters to distribute to each potential investor requesting a copy and to

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each person to whom the winning bidders or underwriters initially sell the 2016 Bonds. The Board authorizes and approves the distribution by the winning bidders or underwriters of the Official Statement as executed by the Chairman.

7. Fifth Supplement. The Board approves the Fifth Supplement in its substantially final form presented at this meeting. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final form of the Fifth Supplement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2016 Bonds, including without limitation changes to the dated dates thereof, as the Chairman may approve. Execution and delivery of the Fifth Supplement shall constitute conclusive evidence of the approval of such documents by the Chairman on behalf of the Board.

8. Execution and Delivery of the 2016 Bonds. The Board authorizes and directs the Chairman and the Secretary of the Board (the "Secretary") to have the 2016 Bonds prepared and to execute the 2016 Bonds in accordance with the Indenture, to deliver the 2016 Bonds to the Trustee for authentication, and to cause the 2016 Bonds so executed and authenticated to be delivered to or for the account of the winning bidders or underwriters upon payment of the purchase price of the 2016 Bonds, all in accordance with the Notice of Sale or executed purchase contract, as appropriate. Execution and delivery by the Chairman and the Secretary of the 2016 Bonds shall constitute conclusive evidence of the approval of the 2016 Bonds by the Chairman and the Secretary on behalf of the Board.

9. Continuing Disclosure. The Board approves the Continuing Disclosure Agreement in the substantially final form presented at this meeting. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2016 Bonds and to assist the winning bidders or the underwriters, as appropriate, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2016 Bonds, as the Chairman may approve. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairman of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairman on behalf of the Board.

10. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2016 Bonds in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor of the Commonwealth to approve the issuance of the 2016 Bonds in

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accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2016 Bonds and to execute such contract, together with any other documents related to such credit facility and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2016 Bonds. The Board further authorizes the Chairman to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2016 Bonds, including, without limitation, execution and delivery of (a) an amendment to the Payment Agreement dated as of May 1, 2010, between the Board, the Treasury Board, and the Secretary of Finance of the Commonwealth, if necessary, to provide for the issuance and payment of debt service of the 2016 Bonds and (b) a document (i) setting forth the expected application and investment of the proceeds of the 2016 Bonds and the expected use of the property financed or refinanced thereby to show that such expected application, investment and use will not violate the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and the Treasury Regulations promulgated thereunder including the provisions applicable to "arbitrage bonds" (as defined in the Tax Code) and (ii) providing for the rebate of any "arbitrage rebate amounts" (as defined in the Tax Code) earned on the investment of the proceeds of the 2016 Bonds to the United States. The Chairman is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2016 Bonds as the Chairman may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

11. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairman or to the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairman or to an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairman or the Secretary.

12. Effective Date. This Resolution shall be effective immediately.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 13

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 16, 2016

MOTION

Made By: Mr. Brown, Seconded By: Mr. Williams
Action: Motion Carried, Unanimously

Title: Delegation of Authority to Execute a Project Development and Related Agreements, and Delegation of Authority to the Commissioner of Highways for Approval of Award and Execution of Design-Build Contract, for the Greater Richmond Transit Company (GRTC) Bus Rapid Transit Project, City of Richmond and County of Henrico

WHEREAS, the Greater Richmond Transit Company ("GRTC") was awarded a 2014 TIGER Grant from the Federal Transit Administration in the amount of $24.9 million to develop and construct a 7.6 mile Bus Rapid Transit ("BRT") system ("GRTC Bus Rapid Transit Project" or "Project"); and

WHEREAS, the proposed BRT route passes through the right-of-way of the Virginia Department of Transportation ("VDOT"), Henrico County, and the City of Richmond, from the Willow Lawn area of Henrico County, through downtown Richmond to the Rocketts Landing area of the City of Richmond; and

WHEREAS, Henrico County, the City of Richmond, and the Department of Rail and Public Transportation ("DRPT") are providing matching funds, including $16.9 million from the DRPT Capital Grant Funding Program, bringing the total committed funding to $49.8 million; and

WHEREAS, the parties involved intend for VDOT to procure and administer the design and construction of the BRT facilities; and

WHEREAS, VDOT, GRTC, DRPT, the City of Richmond, and Henrico County have negotiated a Project Development Agreement (attached hereto as Exhibit A), which sets forth the

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rights and obligations of those parties in the funding, procurement and construction of the Project, in which VDOT will act as Project Manager; and

WHEREAS, VDOT and/or DRPT may be required to execute other agreements associated with administration of the Project or funding for the Project; and

WHEREAS, section 33.2-214 (C) of the *Code of Virginia* provides that the Board shall have the power and duty to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, § 33.2-209 (B) of the *Code of Virginia* authorizes the Commonwealth Transportation Board (CTB) to award Design-Build transportation construction contracts; and

WHEREAS, VDOT previously developed a Finding of Public Interest for the Greater Richmond Transit Company Bus Rapid Transit Project detailing the nature and scope of the project, and the Commissioner made his written determination on September 23, 2015 that (i) the proposed design-build project meets the Objective Criteria for a Design-Build Project, and (ii) the Design-Build method of procurement will expedite the completion of an urgently needed transportation improvement and (iii) will best serve the public interest; and

WHEREAS, the Federal Transit Administration has previously approved environmental impacts for the project; and

WHEREAS, it is advantageous to award the design-build contract as soon as practical in order to take full advantage of the Design-Build Proposals (price proposals) to be opened on March 17, 2016; and

WHEREAS, it is desirable to award the design-build contract as soon as practical in order to further accomplish the desired objective and public interest in completing this project in the most expeditious manner and further the public interest by improving transit service, increasing quality of life, enhancing economic opportunity, revitalizing commercial properties, improving environmental sustainability, and stimulating economic development; and

WHEREAS, it is expedient to award the design-build contract as soon as practical, and the Board is not scheduled to meet again for a regular action meeting until April 20, 2016.

NOW THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that the Commissioner of Highways and the Director of DRPT are hereby authorized and delegated the authority to approve and execute the Project Development Agreement relating to the GRTC Bus Rapid Transit Project attached hereto as Exhibit A, with such changes and

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additions as they deem necessary, as well as other agreements that may be necessary to effectuate administration of or funding for the Project.

BE IT FURTHER RESOLVED, that the Commissioner of Highways is hereby authorized and delegated the Board's authority to approve the Design-Build award, and execute the Design-Build contract, for this Project, provided the necessary proposal evaluation tasks and activities related to award of the contract are appropriately completed.

BE IT FURTHER RESOLVED, that the Commissioner shall present the Design-Build Project and the evaluation of the Design-Build Proposals at the next Board action meeting for its affirmation of this Design-Build contract award.

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 17, 2016

MOTION

Made By: Mr. Malbon, Seconded By: Ms. Valentine.
Action: Motion Carried, Unanimously

Title: Authorization to Enter Into a Memorandum of Understanding and a Subrecipient Agreement between VDOT and the Williamsburg Area Transit Authority (WATA) - Jamestown-Scotland Ferry Grant Implementation

WHEREAS, VDOT owns and operates the Jamestown-Scotland Ferry (the "Ferry"), which provides vehicle and pedestrian ferry services across the James River connecting two portions of Virginia State Route 31 and serving as a link in the local transit bus service; and

WHEREAS, Williamsburg Area Transit Authority (WATA) buses use the Ferry to link service between Surry County, Virginia and James City County/Williamsburg, Virginia; and

WHEREAS, the Ferry fleet presently consists of four ferry boats: the *Virginia*, the *Surry*, the *Williamsburg,* and the largest boat, the *Pocahontas*; collectively, they service a 2015 Average Daily Traffic volume of 2,710 vehicles, with peaks of up to 4,560 vehicles per day on summer weekends; and

WHEREAS, due to their age, parts for the existing engines and propulsion drive systems in the *Pocahontas* are becoming increasingly difficult to find; furthermore, the engines no longer meet Environmental Protection Agency standards for emissions, nor are they as fuel efficient as more modern engines, leading VDOT to conclude that replacement of these systems is necessary to preserve reliable service; and

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WHEREAS, WATA, as a Designated Recipient in accordance with Federal Transit Administration (FTA) Circular 9030.1E (Final Rule, January, 2014) and Title 49 of the United States Code § 5302, sponsored an application for the replacement of the two engines and the two drive systems used in the *Pocahontas* (the "Project") to the Passenger Ferry Grant Program ("Ferry Program") on behalf of VDOT in October 2013; and

WHEREAS, the United States Department of Transportation announced the award of a Ferry Program grant in the amount of $2.68 million to WATA, the Designated Recipient, on behalf of VDOT, the Grant Recipient; and

WHEREAS, VDOT will provide $670,000 in state funding which represents 20 percent of the total Project funding - ($3.35 million) addressed pursuant to a Memorandum of Agreement negotiated by WATA and VDOT, attached hereto; and

WHEREAS, WATA, VDOT and the FTA have agreed upon the roles, responsibilities and rights of each party, and the terms and conditions for administration of the Project under the FTA Master Agreement; and

WHEREAS, WATA, VDOT, and the FTA have agreed upon a Subrecipient Agreement, also attached hereto, wherein WATA agrees to permit VDOT to receive and dispense the Ferry Grant funds as described in the FTA Master Agreement and the Subrecipient Agreement, WATA is not responsible for reimbursement of FHWA funds, and VDOT, as the Grant Recipient, agrees to assume all responsibilities set forth in the FTA Master Agreement and Subrecipient Agreement; and

WHEREAS, the Commonwealth Transportation Board believes it to be in the best interest of the Commonwealth to enter into such agreements; and

WHEREAS, § 33.2-214(C) of the *Code of Virginia* authorizes the Commonwealth Transportation Board to enter into contracts with local districts, commissions, agencies, and other entities created for transportation purposes.

NOW, THEREFORE BE IT RESOLVED, that pursuant to § 33.2-214(C) of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner to enter into the Memorandum of Agreement and a Subrecipient Agreement with WATA attached hereto collectively as Attachment A [*Note: the Subrecipient Agreement is labeled as Attachment B on the CTB website*], with such additions and changes as necessary, to effectuate implementation of the Project as described herein.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 17, 2016

MOTION
Made By: Mr. Rosen, Seconded By: Mr. Dyke
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Phase I of the I-64/I-264 Interchange Improvements Project- UPC 57048

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the *Code of Virginia*, has established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHERAS, the Virginia General Assembly, pursuant to §33.2-2600 of the *Code of Virginia* has also established the Hampton Roads Transportation Fund to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHERAS, pursuant to §33.2-2608 the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercises of its powers under Chapter 26; and

WHEREAS, §33.2-214 C of the *Code of Virginia* empowers the Commonwealth Transportation Board (Board) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, on January 14, 2015 this Board authorized the Commissioner of Highways to enter into an agreement with HRTAC relating to the use of funds from the HRTF for preliminary engineering and right-of-way acquisition for Phase I of the I-64/I-264 Interchange Improvements Project- UPC 57048; on January 8, 2015 HRTAC

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approved use of funds from the HRTF and execution of an agreement between VDOT and HRTAC for such work; and on April 3, 2015, VDOT and HRTAC entered into said agreement; and

WHEREAS, HRTAC, at its December 16, 2015 meeting approved use of additional funds from the HRTF and execution of an agreement relating to use of said funds for additional work on Phase I of the I-64/I-264 Interchange Improvements Project, including construction of the Project; and

WHEREAS, VDOT has requested that the Board authorize the Commissioner to enter into an agreement with HRTAC, attached hereto as Exhibit A, for work necessary for advancement and construction of Phase I of the I-64/I-264 Interchange Improvements Project using funds from the HRTF provided by HRTAC.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into the agreement with HRTAC relating to the use of HRTF funds for advancement of Phase I of the I-64/I-264 Interchange Improvements Project, including construction of said Project, in substantially the same form as Exhibit A, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 16

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 9, 2015

MOTION
Made By: Mr. Kasprowicz, Seconded By: Mr. Dyke
Action: Motion Carried, Unanimously

Title: Authorization to Impose Tolls on I-66 Inside the Beltway, Advancement/Allocation of Toll Facilities Revolving Account Funds, and Approval of a Memorandum of Agreement with the Northern Virginia Transportation Commission Relating to the Transform66: Inside the Beltway Project

WHEREAS, the Commonwealth Transportation Board ("CTB"), the Virginia Department of Transportation ("VDOT"), and the Virginia Department of Rail and Public Transportation ("DRPT") have embarked upon a multimodal transportation program, Transform66, which includes, in part, the Transform66: Inside the Beltway Project ("Transform66: Inside the Beltway Project" or "Project"); and

WHEREAS, I-66 Inside the Beltway is unique in that it is the only interstate in the United States that consists solely of HOV lanes during rush hours in the peak direction: and

WHEREAS, the Project involves multimodal transportation improvements in the I-66 corridor benefitting I-66 from I-495 (the Capital Beltway) to U.S. Route 29 in the Rosslyn area of Arlington County, Virginia; and

WHEREAS, the goals of the Transform66: Inside the Beltway Project are to (1) move more people; (2) enhance transportation connectivity; (3) improve transit service; (4) reduce roadway congestion; and (5) increase travel options (collectively, the "Improvement Goals"), all of which are reasonably expected to benefit the users of the portion of I-66 beginning at the Capital Beltway and ending at U.S. Route 29 in the Rosslyn area of Arlington County, Virginia (the"Facility"); and

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WHEREAS, the Transform66: Inside the Beltway Project is intended to achieve the Improvement Goals by (1) converting the existing Facility to a tolled facility with dynamic tolling during the rush hours in the peak direction; (2) allowing mass transit and commuter buses to ride free at all times (3) permitting HOV-2 vehicles to ride free at all times until the later of 2020 or until any increase to HOV-3 occupancy requirements for HOV lanes of I-66 Outside the Beltway; (4) thereafter permitting HOV-3 vehicles to ride free at all times; (5) improving transit services; and (6) improving the Facility, including widening of I-66 eastbound from two lanes to three lanes between Exit 67 at the Dulles Connector Road ("Exit 67") and Exit 71, the Fairfax Drive/Glebe Road exit ("Exit 71") when necessary; and

WHEREAS, the Project will facilitate implementation of recommendations from VDOT's June 2012 *Final Report of the I-66 Multimodal Study Inside the Beltway*, and the further refinements found in the *August 2013 Supplemental Report,* as well as recommendations from DRPT's 2009 Transportation Demand Management/Transit Report, and projects in the region's constrained long range plan, as such plan may be updated from time to time, including but not limited to multimodal transportation improvements to the roadways and associated transportation and transit facilities in the vicinity of the Facility ("Components") as described in the aforesaid VDOT and DRPT reports (such area together with the Facility, the "Corridor"); and

WHEREAS, the National Capital Region Transportation Planning Board has maintained a policy, since 2010, of increasing the occupancy requirements on all HOV lanes, including along I-66 during morning eastbound and evening westbound rush hours from 2 to 3 passengers, which is included in the Constrained Long Range Plan for 2020 and further, there are plans for discontinuing use of the HOV lanes by non-HOV clean fuel vehicles throughout the I-66 Corridor because portions of the roadway demonstrate a degraded condition in regards to operating speed, as defined by federal law, during rush hour periods; and

WHEREAS, widening of I-66 as proposed in the Transform66: Inside the Beltway project is limited to between Exit 67 at the Dulles Connector Road and Exit 71, the Fairfax Drive/Glebe Road exit due to travel patterns that demonstrate a plurality of eastbound commuters travel to Arlington, significant physical constraints in the Rosslyn area, and operational and physical constraints on the Roosevelt Bridge and in the District; and

WHEREAS, analysis has found that the Transform66: Inside the Beltway project will help move 40,000 more people per day through the I-66 corridor by 2040 compared to the region's constrained long-range plan; and

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WHEREAS, the Transform66: Inside the Beltway project has been evaluated through the HB599 Congestion Rating process and the evaluation found that the project (i) will reduce more than 26,000 person hours of delay a day in 2040 and (ii) has a high level of congestion benefits compared to other key regional projects; and

WHEREAS, pursuant to section 33.2-309 of the *Code of Virginia*, the CTB may, in accord with federal and state statutes and requirements, impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate System within the Commonwealth; and

WHEREAS, one of the Components of this Project is to convert the existing Facility to a tolled facility with dynamic tolling during the peak periods to deliver free-flowing and more reliable travel, and support multimodal improvements that benefit the users of the I-66 corridor; and

WHEREAS, the CTB desires to delegate to the Northern Virginia Transportation Commission (NVTC) the authority to select and administer the implementation of Components designed specifically to attain the Improvement Goals to be financed from a portion of the toll revenues of the Facility transferred to NVTC pursuant to a Memorandum of Agreement (MOA) between VDOT, the CTB and the NVTC; and

WHEREAS, it is contemplated that VDOT, on behalf of the CTB, will control and manage tolling on the Facility, with the toll revenues being utilized and distributed to support the tolling operations and tolling maintenance of the Facility, and to fund Components selected by NVTC and approved by the CTB for the Project designed specifically to attain the Improvement Goals; and

WHEREAS, the NVTC and the Commonwealth have negotiated the terms of a MOA outlining the duties of the CTB, VDOT and the NVTC relating to Transform66: Inside the Beltway, which is attached hereto as Exhibit A; and

WHEREAS, as a potential toll facility, the Commonwealth Transportation Board may provide advance funding for this effort from the Toll Facilities Revolving Account pursuant to Section 33.2-1529 of the *Code of Virginia*; and

NOW THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board, that dynamic tolling of the I-66 corridor beginning at the intersection of I-66 and the

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Capital Beltway and ending at U.S. Route 29 in the Rosslyn area of Arlington County is hereby authorized at such rates as are necessary to comply with federal law.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that an amount up to $60 million be advanced from the Toll Facilities Revolving Account and allocated for purposes of constructing, implementing, maintaining and operating tolling facilities on the Facility and for development and implementation of other Project Components.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that the Toll Facilities Revolving Account shall be reimbursed for the advanced funding authorized herein in accord with section 33.2-1529 of the *Code of Virginia* out of toll revenues.

BE IT FURTHER RESOLVED by the Commonwealth Transportation Board that the MOA between the CTB, VDOT and the NVTC relating to implementation of Transform66: Inside the Beltway attached hereto as Exhibit A is hereby approved and the Secretary and Commissioner are authorized to execute the MOA on behalf of the Board and VDOT, respectively, and further, that the Secretary is authorized to make such changes to the MOA as are necessary, provided such changes do not change the overall substance of the terms of the MOA.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 16, 2015

MOTION

Made By: Mr. Garczynski, Seconded By: Mr. Williams
Action: Motion Carried, Unanimously

Title: Utilization of Available Federal Funds and Obligation Authority

WHEREAS, § 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 (SYIP) of anticipated projects and programs and that the SYIP shall be based on the most recent official revenue forecasts and a debt management policy; and

WHEREAS, the Board adopted the FY 2016-2021 SYIP and the Virginia Department of Transportation (VDOT) FY 2016 Budget (Budget) on June 17, 2015; and

WHEREAS, at the end of each federal fiscal year, the Federal Highway Administration (FHWA) makes available unused obligation authority, otherwise known as year end redistribution; and

WHEREAS, it is the desire of VDOT to request and be able to utilize additional allocations and obligation authority received as a result of year end redistribution; and

WHEREAS, it is the desire of the Board to ensure the maximum use of all available federal funds**;** and

WHEREAS, it is the desire of VDOT to utilize unused obligation authority as a part of the project close out procedures.

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NOW, THEREFORE, BE IT RESOLVED, by the Board that authority is delegated to the Secretary of Transportation to take the necessary actions to provide for the utilization of additional federal allocation/prior unused balances and obligation authority received that are not accounted for in the Budget and SYIP; and

BE IT FURTHER RESOLVED, by the Board that authority is delegated to the Secretary of Transportation to take the necessary actions for VDOT to request additional federal funds and obligation authority from the year end redistribution conducted by the FHWA and to utilize such federal funds and obligation authority received and utilize prior unused balances in compliance with Commonwealth Transportation Board policies.

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COMMONWEALTH of VIRGINIA

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Agenda item # 7

RESOLUTION OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 16, 2015

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Williams

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Enter into a Project Agreement Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to Segment II of the Interstate-64 Widening Project

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the *Code of Virginia*, has established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the *Code of Virginia*, has also established the Hampton Roads Transportation Fund (HRTF) to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608, the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214 C of the *Code of Virginia* empowers the Commonwealth Transportation Board (Board) to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, on April 15, 2015 this Board authorized the Commissioner of Highways to enter into an agreement with HRTAC relating to the use of funds from the HRTF for preliminary engineering for Segment II of the I-64 Widening Project (Segment II Widening Project); on April 16, 2015, HRTAC approved use of funds from the HRTF and execution of an agreement between VDOT and HRTAC for such work; and on April 23, 2015, VDOT and HRTAC entered into said agreement; and

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WHEREAS, HRTAC, at its August 20, 2015 meeting approved use of additional funds from the HRTF and execution of an agreement relating to use of said funds for additional work on the Segment II Widening Project, including but not limited to construction of the Project; and

WHEREAS, VDOT has requested that the Board authorize the Commissioner to enter into an agreement with HRTAC, attached hereto as Exhibit A, for work necessary for advancement and construction of the Segment II Widening Project using funds from the HRTF provided by HRTAC.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into the agreement with HRTAC relating to the use of HRTF funds for advancement of Segment II of the I-64 Widening Project, including but not limited to construction and other phases of said Project, in substantially the same form as Exhibit A, with such changes and additions as the Commissioner deems necessary.

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COMMONWEALTH of VIRGINIA

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Agenda item #11

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 15, 2015

MOTION

Made By: Mr. Williams, Seconded By: Mr. Rosen
Action: Motion Carried, Unanimously

Title: Authorization to Enter Into a Memorandum of Agreement (MOA) between the Virginia Department of Transportation (VDOT), Department of the Army Fort Lee Garrison, and the Department of Transportation Federal Highway Administration Eastern Federal Lands Highway Division (FHWA-EFLHD) for the Fort Lee Back Gate – Lee Avenue and State Route 36 Intersection Improvement Project in Prince George County.

WHEREAS, the 2005 Federal Base Realignment and Closure Act (BRAC) resulted in the construction of over 7,000,000 square feet of new building space and the relocation of over 16,000 persons to Fort Lee, Virginia between 2005 and 2015; and

WHEREAS, to assist in offsetting the transportation impact of this BRAC-related action, improvements at the intersection of Route 36 and Lee Avenue will be made to facilitate traffic movement from Route 36 onto Lee Avenue and at the intersection overall, thereby improving the traffic operations of the Lee Avenue/Back Gate at Fort Lee (Project) in Prince George County: and

WHEREAS, the FHWA-EFLHD has agreed to provide over $1.77 million in Federal Demonstration Funds for this Project, and the Tri-Cities Metropolitan Planning Organization (MPO) has prioritized and allocated over $977,000 in federal Regional Surface Transportation Program (RSTP) funding for this Project; and

WHEREAS, the Commonwealth is expected to provide additional funding of $244,469 as state match to the RSTP funds for the Project; and

WHEREAS, the FHWA-EFLHD has agreed to administer the Project on behalf of Fort Lee; and

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WHEREAS, a MOA, a draft of which is attached hereto, was prepared to identify the responsibilities of the FHWA-EFLHD, VDOT, and the Department of the Army relating to this Project; and

WHEREAS, VDOT's responsibilities include development developing, approving, and, if necessary, revising roadway and traffic design plans; obtaining the Virginia Pollutant Discharge Elimination System (VPDES) permit for the project; monitoring construction and accepting the completed project for maintenance; and securing from the Commonwealth Transportation Board authorization to enter into a Memorandum of Agreement between VDOT, the Department of the Army and FHWA-EFLHD between the Parties referenced above for the State Route 36/ Lee Avenue Intersection Improvement Project; and

WHEREAS, the FHWA-EFLHD has agreed to administer, prepare and obtain approvals of environmental documentation; relocate utilities; advertise the project, evaluate bids, and award construction contracts; and administer construction of the Project; and

WHEREAS, VDOT is the State agency with administrative oversight, maintenance and jurisdictional authority for State Route 36; and

WHEREAS, all Parties have agreed to cooperate to ensure satisfactory and timely completion of the project;

NOW, THEREFORE BE IT RESOLVED, pursuant to authority granted by § 33.2-221(A) of the *Code of Virginia*, the Board authorizes the Commissioner of Highways to enter into a Memorandum of Agreement, with such additions and changes as necessary, with FHWA-EFLHD and the Department of the Army for the execution of the Project described herein.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 15, 2015

MOTION

Made By: Mr. Garczynski, Seconded By: Mr. Williams
Action: Motion Carried

Title: Delegation to the Commissioner of Highways or His Designee(s) Authority to Execute Agreements on Behalf of the Commonwealth Transportation Board (CTB) with U. S. Governmental Entities Concerning Environmental Clearances and Environmental Program Objectives for Transportation Projects

WHEREAS, it is frequently necessary for the Virginia Department of Transportation (VDOT) to coordinate complex or wide-ranging environmental activities related to the Commonwealth's transportation programs and services with, among others, various entities of the U.S. government, including, but not limited to, the U. S. Army Corps of Engineers, the Federal Highway Administration, the Fish and Wildlife Service, and the Environmental Protection Agency; and

WHEREAS, it is convenient and appropriate to document responsibility for these activities utilizing various types of contracts or agreements between VDOT and the aforementioned entities; and

WHEREAS, § 33.2-221 (A) of the *Code of Virginia* authorizes the Commonwealth Transportation Board (CTB) to enter into all contracts or agreements with the United States government; and

WHEREAS, the CTB recognizes the need for and benefits of making delegations to the Commissioner of Highways or his designee(s) in situations where such delegations would facilitate coordination of transportation activities with other entities and would ensure that project schedules are not adversely impacted due to delays in securing necessary approvals.

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NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby delegates to the Commissioner of Highways or his designee(s) authority to execute contracts and agreements between VDOT and entities of the U. S. Government related to the environmental clearances and environmental program objectives for transportation projects, and any revisions thereto.

BE IT ALSO RESOLVED, that the Commissioner make a quarterly report to the CTB describing the contracts and agreements executed under this delegation.

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Commonwealth Transportation Board

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 20, 2015

MOTION
Made By: Mr. Rosen, Seconded By: Ms. Valentine
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to enter into a Joint Funding Agreement between Virginia Department of Transportation and the U.S. Geological Survey

WHEREAS, §33.2-221 (A) of the *Code of Virginia* authorizes the Commonwealth Transportation Board (Board) to enter "into all contracts or agreements with the United States government" and enables the Board to "do all other things necessary to carry out fully the cooperation contemplated and provided for by present or future acts of Congress related to transportation"; and

WHEREAS, the U.S. Geological Survey (USGS) and the Virginia Department of Transportation (VDOT) have developed a joint funding agreement which is intended to support hydrologic and hydraulic studies of interest to the USGS and VDOT and to further serve the mission of VDOT to efficiently design and maintain the Commonwealth's network of roadways; and

WHEREAS, the Agreement will cover ongoing efforts by USGS which currently includes a continuation of a study to explore developing guidance regarding hydrologic methods necessary to apply a new technique for estimating bridge scour; and

WHEREAS, the Agreement will also lead to published urban runoff regression equations, peak flow monitoring network maintenance, preliminary maximum likelihood probabilities of peak flow events, and other equations that will be used by VDOT for hydrologic and hydraulic analysis.

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NOW, THEREFORE, **BE IT RESOLVED,** that the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways, or his designee, to enter into the joint funding agreement with the U.S. Geological Survey attached hereto, with any necessary technical changes or additions, as well as any renewals of the agreement.

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Agenda Item #10

RESOLUTION OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 15, 2015

MOTION
Made By: Mr. Malbon, Seconded By: Mr. Williams

Action: Motion Carried, Unanimously
Title: Authorization for the Commissioner of Highways to enter into Certain Project Agreements between VDOT and the Hampton Roads Transportation Accountability Commission

WHEREAS, the Virginia General Assembly, pursuant to Chapter 26 of Title 33.2 of the *Code of Virginia*, has established the Hampton Roads Transportation Accountability Commission (HRTAC), a political subdivision of the Commonwealth; and

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2600 of the *Code of Virginia*, has also established the Hampton Roads Transportation Fund to fund new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23; and

WHEREAS, pursuant to §33.2-2608, the HRTAC may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 26; and

WHEREAS, §33.2-214 C of the *Code of Virginia* empowers the CTB to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, it is anticipated that HRTAC will approve use of HRTAC funds and execution of an agreement between VDOT and HRTAC, for certain preliminary engineering work for Segment II of the Interstate 64 Widening project at its April 16, 2015 meeting; and

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WHEREAS, VDOT has requested that the Board authorize the Commissioner to enter into an agreement with HRTAC to advance certain preliminary engineering for Segment II of the Interstate 64 Widening Project using funds provided by HRTAC and it would be beneficial to execute an agreement prior to the May meeting of the Board.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into an agreement with HRTAC relating to the use of HRTAC funds for preliminary engineering for Segment II of the I-64 Widening Project.

BE IT FURTHER RESOLVED, that any agreement between HRTAC and VDOT for the above-referenced project shall provide that overruns or other additional project costs shall be prorated between HRTAC and VDOT so that each party bears a proportionate share of the additional costs based on each party's percentage responsibility of the initial project budget.

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Agenda item # 20

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 14, 2015

MOTION

Made By: Mr. Williams, Seconded By: Ms. Valentine

Action: Motion Carried

Title: Delegation of Authority for Commissioner to Enter Into Agreements with Certain Entities for Specified Activities

WHEREAS, section 33.2-214 (C) of the *Code of Virginia,* as amended, provides that the Commonwealth Transportation Board ("Board") shall have the power and duty to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes; and

WHEREAS, section 33.2-221 (A) provides that the Board may enter into all contracts or agreements with the United States government and may do all other things necessary to carry out fully the cooperation contemplated and provided for by present or future acts of Congress related to transportation; and

WHEREAS, section 33.2-221 (B) of the *Code of Virginia*, as amended, provides for the Board to enter into all contracts with other states which are necessary for the coordination of location, construction, maintenance, improvement, and operational activities; and

WHEREAS, the requirement to obtain the Board's review and approval in each instance when an administrative, ministerial, data sharing or operational activity necessitates an agreement or memorandum of understanding (MOU) with other entities set forth in §§ 33.2-214 (C), 33.2-221 (A) and 33.2-221 (B) constrains the timely completion and delivery of routine transportation services and programs and emergency/incident-related operations; and

WHEREAS, delegation to the Commissioner or his designee of the Board's authority to enter into contracts and agreements with the above-referenced entities for certain administrative, ministerial, data sharing and operational matters, specifically traffic

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control; incident and emergency response; work zone establishment and coordination; ITS device maintenance and related activities; and data and information access and sharing, would facilitate coordination of transportation activities with such entities and would ensure timely delivery of routine transportation services and programs and emergency/incident-related operations.

NOW, THEREFORE, BE IT RESOLVED, that the Board delegates to the Commissioner of Highways or his designee(s), the authority to enter into contracts and agreements, up to $5 million in value, with local districts, commissions, agencies, or other entities created for transportation purposes, other states, and the federal government, as necessary, relating to the following activities: traffic control; incident and emergency response; work zone establishment and coordination; ITS device maintenance and related activities; and data and information access and sharing.

BE IT FURTHER RESOLVED, that the Commissioner shall report to the Board on a quarterly basis listing all such contracts and agreements executed pursuant to this delegation of authority.

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

November 12, 2014

MOTION

Made By: Mr. Garczynski, Seconded By: Ms. Valentine

Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to enter into Standard Project Agreements between VDOT and the Northern Virginia Transportation Authority for NVTA Funded Projects

WHEREAS, the Virginia General Assembly, pursuant to Chapter 25 of Title 33.2 of the *Code of Virginia*, has established the Northern Virginia Transportation Authority (NVTA), a political subdivision of the Commonwealth; and,

WHEREAS, the Virginia General Assembly, pursuant to §33.2-2509 of the *Code of Virginia*, has also established the Northern Virginia Transportation Authority Fund to fund transportation projects benefitting the counties, cities and towns embraced by the NVTA; and,

WHEREAS, pursuant to § 33.2-2500, the NVTA may enter into contracts or agreements with any federal, state, local or private entity to provide, or cause to be provided, transportation facilities to the area embraced by the NVTA; and,

WHEREAS, §33.2-214 C of the *Code of Virginia* empowers the CTB to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes;

WHEREAS, VDOT and NVTA have jointly prepared a standard project agreement template for the administration of those projects that are funded by NVTA and are located wholly or in part on the state-maintained system of highways, identified as attachment A, outlining the general responsibilities of each party relating to the use of NVTA funds and administration of the transportation project; and,

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WHEREAS, given the similarities between administration of the NVTA funded projects and locality funded projects administered by VDOT, and the need to ensure timely execution of the NVTA-funded project agreements, it is believed to be in the best interest of the Commonwealth to delegate to the Commissioner of Highways authority to enter into agreements as may be necessary with the NVTA based on the standard project agreement template.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into agreements with NVTA as may be necessary to undertake the design, and construction of those transportation projects that are funded with NVTA funds as are deemed necessary and are located wholly or in part on the state-maintained system of highways within the area encompassed by the Northern Virginia Transportation Authority, utilizing the template set forth in attachment A, with changes necessary to address project-specific details and to effectuate funding for such projects which shall be included in the Six-Year Plan.

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Commonwealth Transportation Board

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 17, 2014

MOTION

Made By: Ms. DeTuncq, Seconded By: Ms. Valentine
Action: Motion Carried, Unanimously

Title: Authorization for the Commissioner of Highways to Execute Federal Lands Access Program Project Agreements

WHEREAS, The federal Moving Ahead for Progress in the 21st Century Act (MAP-21), provides for a Federal Lands Access Program, using Federal Transportation funds and state or local matching funds: and

WHEREAS, The Federal Highway Administration Eastern Federal Lands Highway Division has identified/selected 12 projects for funding under the Federal Lands Access Program as identified on Attachment A; and

WHEREAS, The Federal Highway Administration Eastern Federal Lands Highway Division has requested that the Virginia Department of Transportation enter into an agreement for the management of Federal Lands Access Program projects that have been selected for funding; and

WHEREAS, VDOT and FHWA/EFLHD have prepared an agreement template, identified as Attachment B, outlining the general responsibilities and obligations of each party for project administration under the Federal Lands Access Program; and

WHEREAS, it is believed to be in the best interest of the Commonwealth to take advantage of the funding provided through the Federal Lands Access Program and execute the requested agreements; and

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WHEREAS, Section 33.1-12(5) of the *Code of Virginia* empowers the CTB to comply fully with federal-aid acts, to enter into all contracts or agreements with the United States government and do all other things necessary to carry out fully the cooperation contemplated and provided for by present or future acts of Congress in the area of transportation.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways or his designee to enter into agreements for those projects described in Attachment A, utilizing the template set forth in Attachment B, with any changes necessary to effectuate funding under the Federal Lands Access Program for said projects.

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 14, 2014

MOTION

Made By: Mr. Martin Seconded By: Ms. DeTuncq

Action: Motion Carried, Unanimously

Title: Authorization to Update Commonwealth Transportation Board Websites, Regulations, Guidelines, Manuals, Policies, and Other Documents Based on Chapter 805 of the 2014 Acts of Assembly

WHEREAS, since last recodified in 1970, Title 33.1 (Highways, Bridges and Ferries) of the *Code of Virginia* has been amended by the addition of new powers and duties for the Commonwealth Transportation Board (CTB) and the Virginia Department of Transportation (VDOT) and by the creation of the Department of Rail and Public Transportation (DRPT), changes to existing or establishment of new funding formulas, the introduction of new transportation programs, creation of new transportation entities, imposition of new mandates, and repeal of other sections; and

WHEREAS, the Virginia Code Commission, in light of these changes, proposed a revision to the *Code of Virginia* (House Bill 311) in order to (i) organize the laws in a more logical manner; (ii) remove obsolete and duplicative provisions; (iii) improve the structure and clarity of the laws pertaining to highways, bridges, ferries, rail and public transportation, transportation funding, and local and regional transportation; and (iv) include in a single transportation-related title, additional laws dealing with the closely related subject matters of transportation funding and local and regional transportation located in other parts of the *Code*; and

WHEREAS, under the provisions of HB 311, enacted as Chapter 805 of the 2014 Acts of Assembly, as of October 1, 2014, Title 33.1 and portions of other Titles in the *Code of Virginia* will be repealed and replaced with Title 33.2; and

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WHEREAS, as a result, all websites, regulations, guidelines, manuals, policies and other similar documents of, and/or previously approved by the CTB that reference statutes affected by the recodification will need to be updated; and

WHEREAS, given that the document revisions necessitated by HB 311 are technical in nature and that it would be inefficient to bring such revised documents to the CTB for approval as they are updated, the CTB finds that it would be appropriate and expedient to authorize the Commissioner and the DRPT Director or his/her designees to make the necessary revisions/updates to said documents.

NOW, THEREFORE BE IT RESOLVED that the Commissioner of Highways and the Director of the Department of Rail and Public Transportation or his/her designees are authorized to develop, implement and administer a plan and take all other actions necessary to revise/update as appropriate and on behalf of the CTB, all websites, regulations, guidelines, manuals, policies and other similar documents of, and/or previously approved by the CTB to reflect changes rendered necessary by recodification of Title 33.1 and other portions of the *Code of Virginia* pursuant to Chapter 805 of the 2014 Acts of Assembly.

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 14, 2014

MOTION

Made By: Mr. Cole Seconded By: Mr. Martin

Action: Motion Carried, Unanimously

Title: Designation of Secretary to the Commonwealth Transportation Board

WHEREAS, there are numerous legal documents and other instruments which must be attested to by an individual on behalf of the Board; and

WHEREAS, it is not always possible to have said documents or instruments attested by the Chairman.

NOW, THEREFORE, BE IT RESOLVED, that Gary Garczynski be appointed as Secretary to the Commonwealth Transportation Board, with the power to attest the Chairman's signature and documents of the Board.

BE IT FURTHER RESOLVED, that this appointment serves to rescind all prior appointments to the position of Secretary of the Board.

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COMMONWEALTH of VIRGINIA

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Agenda item #6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 14, 2014

MOTION

Made By: Mr. Martin **Seconded By: Ms. DeTuncq**
Action: Motion Carried, Unanimously

Title: Confidentiality Agreement with the Surface Transportation Board for Use of the Confidential Rail Waybill Sample

WHEREAS, the Surface Transportation Board (STB), the successor agency to the Interstate Commerce Commission, has jurisdiction over railroad rate and service issues and rail restructuring transactions (mergers, line sales/construction, and line abandonments); and

WHEREAS, as part of its railroad activities, the STB has custody of the Confidential Rail Waybill Sample, a database used primarily by federal and state agencies containing rail shipment data (such as origin and destination points, type of commodity, number of cars, tons, revenue, length of haul, participating railroads, and interchange locations); and

WHEREAS, the Office of Intermodal Planning and Investment (OIPI), the Virginia Department of Transportation (VDOT), the Department of Rail and Public Transportation (DRPT), and its consultants have previously used data pertinent to Virginia for such purposes as the study of rail freight traffic for the Statewide Multimodal Freight Study (an ongoing effort), and for corridor truck to rail diversions studies (e.g., I-81); and

WHEREAS, the STB has granted a request for continued access to the 2004 data, as well as access to the 2012 data when it becomes available; and

WHEREAS, in compliance with confidentiality requirements imposed by 49 CFR 1244.9, a new agreement must be executed so that VDOT and DRPT can maintain access to this valuable resource.

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NOW, THEREFORE BE IT RESOLVED, pursuant to authority granted by § 33.1-12 (5) of the *Code of Virginia*, the Board authorizes the Secretary of Transportation, the Director of the Department of Rail and Public Transportation, and the Commissioner of Highways or their designees to execute the necessary agreement with the STB attached hereto with any necessary technical changes thereto, for continued access to the Confidential Rail Waybill Sample, as well as any annual renewals of said agreement.

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

MOTION

Made By: Mr. Fralin **Seconded By: Mr. Martin**

Action: Motion Carried, Unanimously

Title: Delegation of Authority to the Commissioner of Highways to Enter into a Partnership Agreement Between the Virginia Department of Transportation and the Federal Highway Administration for the Administration of the I-81 Multistate Corridor Operation and Management Program Grant

WHEREAS, the I-81 Corridor Coalition and its member agencies have established a framework for cooperation and coordination of public and private stakeholders along the I-81 Corridor through the I-81 Corridor Coalition Project and the I-81 Multistate Corridor Operation and Management (MCOM) Program; and,

WHEREAS, the I-81 Corridor Coalition and its member agencies have jurisdictional authority and maintenance responsibility for the I-81 Corridor; and,

WHEREAS, a grant proposal was submitted to the Federal Highway Administration (FHWA) seeking funding for the I-81 MCOM Program and the I-81 Corridor Coalition Project in accordance with SAFETEA-LU Section 5101 and FHWA has approved the proposal and agreed to provide grant funding for the I-81 MCOM Program and the I-81 Corridor Coalition Project ("MCOM Program grant") in the form of reimbursements to Virginia for 80% of the allowable costs incurred in the performance of work consistent with the grant application; and

WHEREAS, the Virginia Department of Transportation (VDOT) is the agency designated as the administrative entity for the I-81 Corridor Coalition to oversee the administration of the MCOM Program grant; and,

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WHEREAS, VDOT has agreed to obtain federal funds through FHWA, and use said funds for the I-81 Corridor Coalition Project and for the oversight and administration of the I-81 MCOM Program grant; and,

WHEREAS, various entities, including the I-81 Corridor Coalition member agencies, have been identified as sources for contribution of 20% of the allowable costs incurred in the performance of work, the non-Federal/ state match required under the I-81 MCOM Program grant; and,

WHEREAS, all parties, including the I-81 Coalition and its members, have agreed to cooperate to ensure the satisfactory and timely coordination of the I-81 Corridor Coalition Project and administration of the I-81 MCOM Program grant; and,

WHEREAS, VDOT and the Federal Highway Administration are jointly drafting/developing a Partnership Agreement between VDOT and FHWA indicating the responsibilities of each party in executing the I-81 MCOM Program grant, a preliminary draft of which is attached hereto; and,

WHEREAS, pursuant to §33.1-12 of the *Code of Virginia,* the Commonwealth Transportation Board is authorized to enter into contracts and agreements with the United States government and other states.

NOW THEREFORE, BE IT RESOLVED that pursuant to §33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways or his designee to enter into a Partnership Agreement, with such changes and additions deemed necessary by the Commissioner, with the Federal Highway Administration for VDOT's administration and oversight of the I-81 MCOM Program grant.

BE IT FURTHER RESOLVED, that pursuant to §33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways or his designee to enter into agreements with other I-81Corridor Coalition member states, to the extent necessary, to effectuate the Partnership Agreement with FHWA and to procure the non-Federal/ state match funding required for the MCOM Program grant.

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 14, 2014

MOTION

Made By: Mr. Garczynski Seconded By: Mr. Cole

Action: Motion Carried, Unanimously

Title: VDOT Infrastructure Protection and Resiliency Enhancements Program (VIPREP) Contract Award

WHEREAS, VDOT issued a Request for Proposal (RFP) on February 28, 2014 seeking proposals from qualified firms for the purpose of establishing a VDOT Infrastructure Protection and Resiliency Enhancements Program (VIPREP) contract (hereinafter, the "Contract"); and

WHEREAS, this Contract is to provide as needed on-call protection and resiliency services to ensure VDOT's transportation infrastructure is protected and resilient from natural and manmade disasters through task order based turnkey projects; and

WHEREAS, VDOT is establishing this Contract to replace the current VDOT Infrastructure Physical Security Enhancements Program (VIPSEP) contract which expires June 17, 2014; and

WHEREAS, this Contract is a cooperative Contract and available for use by all state agencies, county and local governmental bodies, authorities, and institutions (hereinafter, "additional users"); and

WHEREAS, this Contract will allow VDOT and additional users to continue protecting their infrastructure by making it more secure and resilient as required by the intent, goals and objectives of the Commonwealth of Virginia's *Virginia Critical Infrastructure Protection and Resiliency Strategic Plan* and any subsequent plans developed to promulgate and adhere to the tenets of the *National Infrastructure Protection Plan*; and

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WHEREAS, this Contract provides critical services to support VDOT's various statewide security systems that must be fully functional at all times, without fail, to protect VDOT employees, visitors, and the travelling public; and

WHEREAS, VDOT has a need to install and maintain uniformed and interoperable security systems throughout the Commonwealth of Virginia which are integrated into statewide operations and procedures to achieve greater efficiencies and to improve mobility and safety on the highways and roads of the Commonwealth; and

WHEREAS, after reviewing the response to the RFP and conducting negotiations, VDOT has determined that Elite Contracting Group, Inc, a Virginia Corporation, (hereinafter, "Elite") is fully qualified and best-suited, on the basis of the evaluation factors included in the RFP, to deliver this Project; and

WHEREAS, VDOT has issued a Notice of Intent to Award this Contract to Elite, based upon the foregoing determination and the terms and conditions negotiated between VDOT and Elite; and

WHEREAS, VDOT recommends award of the Contract to Elite.

NOW, THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby concurs with VDOT's recommendation and hereby agrees to award the Contract to Elite, subject to the terms negotiated between VDOT and Elite.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board, that the Commissioner, or his designee, is granted the authority to execute the Contract and all other documents necessary to effectuate the award of this Contract to Elite.

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Agenda item # New Business 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 15, 2014

MOTION

Made By: Mr. Miller **Seconded By: Mr. Garczynski**

Action: Motion Carried, Unanimously

Title: Tolling of the Downtown/Midtown/Martin Luther King Expressway Project

WHEREAS, in December, 2011, the Department of Transportation ("VDOT") and Elizabeth River Crossings OPCO LLC ("ERC") entered into a Comprehensive Agreement addressing the rehabilitation and construction of a project known as the Downtown Tunnel/Midtown Tunnel/Martin Luther King Extension Project ("Project"); and,

WHEREAS, pursuant to the terms of that Comprehensive Agreement a toll rate schedule was established which provided for toll rates to be charged to various classifications of vehicles for various times of the day, including a peak hour toll rate; and,

WHEREAS, the toll rate schedule and the timeline for initiating toll collection established a beginning date prior to construction of the project being complete in order to make the project financially feasible; and,

WHEREAS, at the Commonwealth Transportation Board meeting in March, 2012, the Board passed a resolution providing additional funding to support the Commonwealth's contribution to the Project; and,

WHEREAS, following the CTB resolution, VDOT and ERC entered into Amendment number 1 to the Comprehensive Agreement which amended the tolling provision within the Comprehensive Agreement to add a new subsection which allowed for the option to postpone the tolling of the existing project assets; and,

WHEREAS, in June, 2012, the Department gave notice to ERC of its intent to exercise its option to postpone the tolling commencement date; and,

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WHEREAS, the June 2012 letter provided that in consideration of the postponement of the tolling commencement date until January 31, 2014, the Department would pay into the Public Fund Account of the Comprehensive Agreement the amount of $112,500,000.00 to support the design and construction of the Project; and,

WHEREAS, the Secretary of Transportation has presented a proposal to the Board, as summarized in attachment "A" hereto, in which he has proposed to reduce the toll rates beginning February 1, 2014,; and,

WHEREAS, the Board believes that the proposal lessens the financial impact of the tolls to the citizens and businesses in Hampton Roads, particularly in Portsmouth and Norfolk and offers appropriate mitigation to those financial impacts; and,

WHEREAS, the Board concurs with the Secretary's proposal and believes funding should be transferred as set forth by the Secretary in order to reduce the toll rate beginning February 1, 2014; and,

WHEREAS, the proposed funding which would increase the public contribution to the design and construction of the Project will be transferred from the GARVEE Balance Entry in the amount of $25,295,962.00. The balance of $57,246,038.00 will be funded from the Priority Trust Fund Revenue in the FY 2015-2020 Six Year Improvement Program update, for a total of $82,542,000.00 to be added to the Downtown Tunnel/Midtown Tunnel/Martin Luther King Extension Project .

NOW, THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that it hereby concurs with the proposal made this day by the Secretary of Transportation to increase the public contribution to support a reduced toll rate beginning on February 1, 2014; and,

BE IT FURTHER RESOLVED, that the Board directs that the funds as set forth above be transferred, and further directs the Commissioner to enter into whatever amendment to the Comprehensive Agreement is necessary in order to carry out the Secretary's proposal**.**

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # New Business Item 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 4, 2013

MOTION

Made By: Mr. Garczynski **Seconded By: Ms. Fisher**

Action: Motion Carried, Unanimously

\=Title: Approval of an Agreement for the Funding and Administration of an Extension of Pacific Boulevard in Loudoun County, Virginia

WHEREAS, the County of Loudoun, Virginia ("Loudoun") and NA Dulles Real Estate Investor LLC ("NA Dulles") are proposing construction of Gloucester Parkway and the extension of Pacific Boulevard at the southwest quadrant of the intersection of Route 7 and Route 28 in Loudoun; and

WHEREAS, the Economic Development Authority of Loudoun County (formerly known as the Industrial Development Authority of Loudoun County) (the "EDA"), in collaboration with NA Dulles, submitted an application dated December 23, 2011, as subsequently revised in February 2012 (the "Original Application"), requesting a $80,000,000 loan from the Virginia Transportation Infrastructure Bank ("VTIB") to finance the construction of Gloucester Parkway and an extension and expansion of Pacific Boulevard (the "Original Project"); and

WHEREAS, on June 20, 2012, on the recommendation of the VTIB Advisory Panel, the CTB approved the Original Application for $80,000,000; and

WHEREAS, the EDA (in collaboration with Loudoun and NA Dulles) submitted an amendment to the application on April 2, 2013 (the "Amended Application"), revising the $80,000,000 Original Application loan request to a $36,000,000 loan request from VTIB to finance the extension and expansion of Pacific Boulevard (the "Project"), a component of the Original Project; and

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WHEREAS, Loudoun will construct the Gloucester Parkway component of the Original Project with cash, to be reimbursed later by cash contributions under existing proffers; and

WHEREAS, on April 17, 2013, the CTB approved the EDA's Amended Application to provide financial assistance in the form of a loan to the EDA for the Project up to $36,000,000 (the "VTIB Loan"); and

WHEREAS, on April 17, 2013, the CTB authorized the Virginia Department of Transportation ("VDOT") and the Virginia Resources Authority ("VRA") to negotiate with the EDA acceptable terms and conditions and to structure/restructure terms to utilize the VTIB assistance in the most viable and efficient manner; and

WHEREAS, during the course of the negotiations for the VTIB Loan, it became apparent that having VDOT carry out the design and construction of the Project would accelerate the work, thereby allowing for the most efficient utilization of the VTIB assistance; and

WHEREAS, on September 25, 2002, VDOT executed a Comprehensive Agreement pursuant to the Public-Private Transportation Act of 1995 to develop, design, and construct improvements to the Route 28 corridor in Loudoun County, Virginia (the "Comprehensive Agreement") and the Project is consistent with the scope of the Comprehensive Agreement; and

WHEREAS, VDOT intends to carry out the design and construction of the Project through a change order to the Comprehensive Agreement; and

WHEREAS, the EDA, the VRA, and NA Dulles will provide in the VTIB Loan documents that the proceeds of the VTIB Loan are to be made available to VDOT to pay the costs of the Project; and

WHEREAS, NA Dulles, on behalf of the EDA and the VRA, agrees to be responsible for any Project costs that might exceed the amount of the VTIB Loan; and

WHEREAS, VDOT, the EDA, and NA Dulles are negotiating an agreement that sets forth terms related to the administration of the design and construction of the Project and delineates responsibility for the payment of all costs for the design and construction of the Project (a substantially complete form of such agreement is attached hereto as Exhibit A); and

WHEREAS, VDOT, the EDA, the VRA, and NA Dulles currently are working to finalize all the documents necessary to close on the VTIB Loan, including the form of the agreement attached hereto as Exhibit A; and

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WHEREAS, § 33.1-12 of the Code of Virginia gives the CTB the power to enter into agreements related to the Commonwealth's transportation systems, including the systems of state highways.

NOW, THEREFORE, BE IT RESOLVED, that, consistent with the CTB's April 17, 2013, approval of the VTIB Loan and authorization to VDOT and the VRA to negotiate with the EDA acceptable terms and conditions and to structure/restructure such terms to utilize the VTIB assistance in the most viable and efficient manner, the CTB authorizes the Commissioner of Highways to finalize and enter into an agreement with the EDA and NA Dulles for the administration of the design and construction of the expansion and extension of Pacific Boulevard, such final agreement to be substantially in conformance with the form of agreement attached hereto as Exhibit A.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 17, 2013

MOTION

Made By: Mr. Garczynski **Seconded By: Ms. Fisher**

Action: Motion Carried, Unanimously

Title: Delegation of Authority to the Commissioner of Highways for Approval of Award and Execution of Contract for the Interstate 66 Widening, Prince William County

WHEREAS, § 33.1-12(2) (b) of the Code of Virginia authorizes the Commonwealth Transportation Board (CTB) to award Design-Build transportation construction contracts; and

WHEREAS, VDOT previously developed a Finding of Public Interest for the Interstate 66 Widening Project from U.S. Route 15 in Haymarket to Route 29 in Gainesville detailing the nature and scope of the project and the Commissioner made his written determination on June 24, 2011 that the proposed design-build project meets the Objective Criteria for a Design-Build Project, and the Design-Build method of procurement will expedite the completion of an urgently needed transportation improvement and will best serve the public interest; and

WHEREAS, the Federal Highway Administration has previously approved environmental impacts and design requirements for the project, as well as release of the Request for Proposals for the project; and

WHEREAS, the work for the Interstate 66 Widening is fully funded; and

WHEREAS, it is advantageous to award the contract as soon as practical in order to take full advantage of the Design-Build Proposals received June 3, 2013; and

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WHEREAS, it is desirable to award the contract as soon as practical in order to further accomplish the desired objective and public interest in completing this project in the most expeditious manner and further the public interest by aiding in the alleviation of traffic congestion; and

WHEREAS, it is expedient to award the contract as soon as practical after Federal Highway Administration approval of said project and the Board is not scheduled to meet again until September 17-18, 2013.

NOW THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that the Commissioner of Highways is hereby authorized and delegated the Board's authority to approve the Design-Build award, and execute the Design-Build contract, for this Project, provided the necessary proposal evaluation tasks and activities related to award of the contract are appropriately completed; and

BE IT FURTHER RESOLVED, that the Commissioner shall present the Design-Build Project and the evaluation of the Design-Build Proposals at the next Board meeting for its affirmation of this Design-Build contract award.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 13

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 19, 2013

MOTION

Made By: Mr. Dana Martin Seconded By: Mr. Miller
Action: Motion Carried, Unanimously

Title: Designation of Secretary to the Commonwealth Transportation Board

WHEREAS, there are numerous legal documents and other instruments which must be attested to by an individual on behalf of the Board; and

WHEREAS, it is not always possible to have said documents or instruments attested by the Chairman;

NOW, THEREFORE, BE IT RESOLVED, that Cord A. Sterling be appointed as Secretary to the Commonwealth Transportation Board, with the power to attest the Chairman's signature and documents of the Board.

BE IT FURTHER RESOLVED, that this appointment serves to rescind all prior appointments to the position of Secretary of the Board.

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COMMONWEALTH of VIRGINIA

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Agenda item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD
May 15, 2013

MOTION

Made By: Mr. Miller **Seconded By: Mr. Layne**

Action: Motion Carried, Unanimously

Title: Transportation Operation Center and Statewide Advanced Traffic Management Systems Service Contract Award

WHEREAS, VDOT issued a Request for Proposal (RFP) on July 10, 2012 seeking proposals from qualified firms for the purpose of establishing a contract (hereinafter "Contract") to operate, integrate and innovate the state's Safety Service Patrol (SSP), Transportation Operations Center (TOC) Floor Operations, Intelligent Transportation System (ITS) Infrastructure and Field Network Maintenance, a Statewide Advanced Traffic Management System (ATMS) Solution and Technology Support, Program Management and Governance, and General Support Services (collectively, the "Project"); and

WHEREAS, VDOT has encouraged offerors to bring innovative ideas and solutions that result in cost and operational efficiencies with respect to TOC operations, and to provide a Statewide ATMS Solution that is interoperable and enhances the services VDOT delivers to the traveling public; and

WHEREAS, this Project provides mission critical services to VDOT that must be fully functional at all times, without fail; and

WHEREAS, VDOT currently operates five regional TOCs across the Commonwealth and utilizes numerous contracts to manage and provide SSP, TOC Floor Operations, ITS Infrastructure and Field Network Maintenance, Statewide ATMS Solution and Technology Support, Program Management and General Support Services; and

WHEREAS, there are now two different ATMSs among the five TOCs, together with various types of field devices and field communications infrastructure; and

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WHEREAS, VDOT desires to implement consistent, integrated statewide operations and procedures at all TOC locations, governed by a unified management structure to achieve greater efficiencies and to improve mobility and safety on the highways and roads of the Commonwealth; and

WHEREAS, VDOT needs a consistent method of operation for SSP programs across the Commonwealth; and

WHEREAS, VDOT needs a consistent method for managing TOC operations across the Commonwealth, which increases TOC interoperability and leverages technology; and

WHEREAS, VDOT desires a consistent method for maintaining ITS Field Maintenance Assets across the state; and

WHEREAS, VDOT needs to replace the current ATMS technology, including the VaTraffic and LCAMS applications, with a common, statewide ATMS solution; and

WHEREAS, VDOT requires the ability to incorporate continuous improvement and innovation over time in each TOC; and

WHEREAS, in response to the RFP relating to this Project, VDOT has received proposals from several entities and, after evaluating the various proposals, conducted negotiations; and

WHEREAS, after reviewing proposals and conducting negotiations, VDOT has determined that SERCO, INC, a New Jersey Corporation, (hereinafter "SERCO) is fully qualified and best-suited among all offerors submitting proposals, on the basis of the evaluation factors included in the RFP, to deliver this Project; and

WHEREAS, VDOT has issued a Notice of Intent to Award this Contract to SERCO, based upon the foregoing determination and the terms and conditions negotiated between VDOT and SERCO; and

WHEREAS, VDOT recommends award of the Contract for this Project to SERCO.

NOW, THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby concurs with VDOT's recommendation and hereby agrees to award the Contract for this Project to SERCO, subject to the terms negotiated between VDOT and SERCO.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board, that the Commissioner of Highways, or his designee, is granted the authority to execute the Contract and all other documents necessary to effectuate the award of this Contract to SERCO.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 15, 2013

MOTION

Made By: Mr. Sterling **Seconded By: Mr. Dana Martin**

Action: Motion Carried, Unanimously

Title: Memorandum of Understanding, Potomac Heritage National Scenic Trail, Northern Virginia and Fredericksburg Districts

WHEREAS, The Potomac Heritage National Scenic Trail was established in 1983 by an act of Congress that amended the National Trails System Act; and

WHEREAS, the Virginia Department of Conservation and Recreation (DCR) has requested an MOU as part of their long-distance trail effort outlined in the 2007 Virginia Outdoors Plan and the 2009 Greenways and Trails Task Force report; and

WHEREAS, an MOU will establish a formal means of cooperation between VDOT, specifically the Northern Virginia and Fredericksburg Districts, DCR, the Virginia Tourism Authority, the Virginia Department of Historic Resources, and the Potomac Heritage National Scenic Trail Office, which is part of the National Parks Service (NPS), Department of the Interior;

WHEREAS, the goal of the MOU is to provide and promote a seamless experience of the Trail network within the Commonwealth for both residents and visitors, grounded in the national significance of the Trail corridor; and establishing physical and thematic continuity between and among segments of the Trail in the Commonwealth; and

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WHEREAS, the Northern Virginia district staff have twice sent letters of support to the NPS for this trail, in 2008 and 2010; and

WHEREAS, the MOU will provide support for this trail for a ten year period, rather than requiring letters of support to be written every two years.

NOW, THEREFORE, **BE IT RESOLVED,** in accordance with the provisions of Section 5.(a)(11) of the National Trails System Act, as amended in 1983 and codified at 16 U.S.C. § 1244 (a) (11), designating a general alignment for the Potomac Heritage National Scenic Trail; Section 7. (e) of the same Act, codified at 16 U.S.C. 1246, authorizing the Secretary of the Interior to "enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes…"; Section 814(g) of Div. I, Title VIII, of P.L. 104-333 (Nov. 12, 1996), codified at 16 U.S.C. §1; the Federal Grant and Cooperative Agreement Act of 1977, 92 Stat. 3 (1978); Section 204 of Title II of the National Parks Omnibus Act of 1998, codified at 16 U.S.C. §5934 as amended; and §33.12 (5) of the *Code of Virginia*, that the entry of the Virginia Department of Transportation into a Memorandum of Understanding with the agencies named above, is approved and the Commonwealth Commissioner of Highways is hereby authorized to execute, in the name of the Commonwealth, this Memorandum of Understanding and any and all other documents necessary to comply with this resolution.

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COMMONWEALTH of VIRGINIA

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Agenda Item # 13

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 17, 2013

AUTHORIZING THE ISSUANCE AND SALE OF
COMMONWEALTH OF VIRGINIA
TRANSPORTATION CAPITAL PROJECTS REVENUE BONDS, SERIES 2013

Made By: Mr. Miller Seconded By: Mr. Ellis
Action: Motion Carried, Unanimously

WHEREAS, pursuant to the State Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.1-267 *et seq*. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds;

WHEREAS, pursuant to the Commonwealth Transportation Capital Projects Bond Act of 2007, enactment clause 2 of Chapter 896 of the Acts of the General Assembly of the Commonwealth of Virginia, 2007 Regular Session, as amended (the "Bond Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act, revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series ….." (the "Chapter 896 Bonds") at one or more times in an aggregate principal amount not to exceed $3,000,000,000, subject to certain annual limitations;

WHEREAS, pursuant to Item 456.H. of Chapter 874 of the Acts of the General Assembly of the Commonwealth of Virginia, 2010 Regular Session, as amended (collectively, the "Appropriation Act" and, together with the Bond Act, the "Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the State Revenue Bond Act, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" (the "Appropriation Act Bonds" and, together with the Chapter 896 Bonds, the "Bonds") at one or more times in an aggregate principal amount not to exceed $180,000,000, after all costs, with the net proceeds of the Appropriation Act Bonds

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to be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of the General Assembly, 2007 Regular Session, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction and related improvements; and any financing costs and other financing expenses;

WHEREAS, pursuant to the Act, the aggregate principal amount of Bonds that may be issued is $3,180,000,000, consisting of $3,000,000,000 in aggregate principal amount of Chapter 896 Bonds and $180,000,000 in aggregate principal amount of Appropriation Act Bonds, and the Appropriation Act Bonds are not subject to the annual limitations to which the Chapter 896 Bonds are subject;

WHEREAS, bond counsel to the Board ("Bond Counsel") and the staff of the Virginia Department of Transportation (the "Department") have advised that any Bonds issued after July 1, 2012, will be subject to the requirement of Section 2.2-5002.1 of the Virginia Code that any net original issue premium in excess of a *de minimis* amount received on such Bonds be treated as principal for purposes of determining compliance with the aggregate and annual principal amount limitations to which the Bonds are subject; and

WHEREAS, Section 33.1-269 of the Virginia Code provides that the Bonds shall be secured, subject to their appropriation by the General Assembly, (i) by revenues deposited into the Priority Transportation Fund created under Section 33.1-23.03:8 of the Virginia Code (the "Priority Transportation Fund"), (ii) to the extent required, by revenues legally available from the Transportation Trust Fund and (iii) to the extent required, by any other legally available funds;

WHEREAS, the Board has entered into a Master Indenture of Trust dated as of May 1, 2010, as previously supplemented and amended (the "Master Indenture") with Wells Fargo Bank, National Association, as trustee (the "Trustee");

WHEREAS, the Board wishes to authorize the issuance of one or more series of Bonds to be known as the "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds," with one or more series designations, as appropriate (the "2013 Bonds"); and

WHEREAS, the following documents that provide for the issuance and sale of the 2013 Bonds, which shall be filed with the records of the Board, have been prepared by Bond Counsel and the staff of the Department at the direction of the Board and have been presented at this meeting in substantially final form:

(1) a Fourth Supplemental Indenture of Trust (the "Fourth Supplement," together with the Master Indenture, the "Indenture"), between the Board and the Trustee, providing for the terms and structure of the 2013 Bonds;

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(2) a Preliminary Official Statement of the Board relating to the offering for sale of the 2013 Bonds (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2013 Bonds (the "Continuing Disclosure Agreement").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2013 Bonds. The Board hereby determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Fourth Supplement to provide for the issuance of the 2013 Bonds, (ii) to issue the 2013 Bonds for the purposes authorized under and in accordance with the provisions of the Act and the Indenture and (iii) to sell the 2013 Bonds. The aggregate principal amount of the 2013 Bonds shall not exceed $600,000,000, the final maturity date of the 2013 Bonds shall not exceed 25 years from their date of issuance, and the aggregate true interest cost of the 2013 Bonds shall not exceed the maximum aggregate true interest cost approved by the Treasury Board, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the Commonwealth. The Board expects the debt service payments to be made from appropriations of the Commonwealth.

2. Limited Obligations. The 2013 Bonds shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the revenues pledged under the Indenture ("Revenues") and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution or the 2013 Bonds shall be deemed to create or constitute a debt or a pledge of the faith and credit of the Commonwealth or any political subdivision thereof.

3. Determination of Details of the 2013 Bonds. The Board authorizes the Chairman of the Board (the "Chairman"), subject to the criteria set forth in paragraph 1 of this Resolution, to determine the details of the 2013 Bonds, including, without limitation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. In addition, the Board authorizes the Chairman to allocate portions of the 2013 Bonds to the authorizations provided by the Bond Act and the Appropriations Act, respectively, in accordance with the actual or projected application of the proceeds of the 2013 Bonds as he shall deem to be in the best interests of the Board, the Department and the Commonwealth; provided, however, that the aggregate principal amount of the 2013 Bonds and the other Bonds

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previously issued under the Indenture to be allocated to the Appropriations Act authorization shall not exceed $180,000,000.

4. Sale of the 2013 Bonds. The Chairman is authorized to sell the 2013 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2013 Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairman to be in the best interest of the Commonwealth, the Board authorizes the Chairman to solicit and consider proposals for a negotiated sale of the 2013 Bonds and to negotiate the terms of such sale. The Chairman is authorized to execute and deliver a purchase contract or an agreement reflecting such proposal, provided that no such purchase contract or agreement may be executed prior to approval of the terms and structure of the 2013 Bonds by resolution of the Treasury Board.

5. Preliminary Official Statement. The Board approves the Preliminary Official Statement in the substantially final form presented at this meeting. The Board authorizes and directs the Chairman, in collaboration with the staff of the Department and the Board's financial advisor (the "Financial Advisor"), to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2013 Bonds, as the Chairman may approve. The Board authorizes the Chairman to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2013 Bonds by resolution of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairman, in collaboration with Bond Counsel, Department staff and Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the winning bid or the executed purchase contract, as appropriate, for the purchase and sale of the 2013 Bonds. The Board authorizes and directs the Chairman to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairman on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the winning bidders or underwriters, as appropriate, within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the winning bidders or underwriters to distribute to each potential investor requesting a copy and to each person to whom the winning bidders or underwriters initially sell the 2013 Bonds. The Board authorizes and approves the distribution by the winning bidders or underwriters of the Official Statement as executed by the Chairman.

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7. Fourth Supplement. The Board approves the Fourth Supplement in its substantially final form presented at this meeting. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final form of the Fourth Supplement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2013 Bonds, including without limitation changes to the dated dates thereof, as the Chairman may approve. Execution and delivery of the Fourth Supplement shall constitute conclusive evidence of the approval of such documents by the Chairman on behalf of the Board.

8. Execution and Delivery of the 2013 Bonds. The Board authorizes and directs the Chairman and the Secretary of the Board (the "Secretary") to have the 2013 Bonds prepared and to execute the 2013 Bonds in accordance with the Indenture, to deliver the 2013 Bonds to the Trustee for authentication, and to cause the 2013 Bonds so executed and authenticated to be delivered to or for the account of the winning bidders or underwriters upon payment of the purchase price of the 2013 Bonds, all in accordance with the Notice of Sale or executed purchase contract, as appropriate. Execution and delivery by the Chairman and the Secretary of the 2013 Bonds shall constitute conclusive evidence of the approval of the 2013 Bonds by the Chairman and the Secretary on behalf of the Board.

9. Continuing Disclosure. The Board approves the Continuing Disclosure Agreement in the substantially final form presented at this meeting. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "material event notices" for the benefit of holders of the 2013 Bonds and to assist the winning bidders or the underwriters, as appropriate, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2013 Bonds, as the Chairman may approve. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairman of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairman on behalf of the Board.

10. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2013 Bonds in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor of the Commonwealth to approve the issuance of the 2013 Bonds in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2013 Bonds and to execute such contract, together with

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any other documents related to such credit facility and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2013 Bonds and amounts in the Revenue Stabilization Fund (as defined in the Indenture). The Board further authorizes the Chairman to execute and deliver all documents and certificates and to take all such further action as he may consider necessary or desirable in connection with the issuance and sale of the 2013 Bonds, including, without limitation, execution and delivery of (a) an amendment to the Payment Agreement dated as of May 1, 2010, between the Board, the Treasury Board, and the Secretary of Finance of the Commonwealth, if necessary, to provide for the issuance and payment of debt service of the 2013 Bonds and the application of the Revenue Stabilization Fund and (b) a document (i) setting forth the expected application and investment of the proceeds of the 2013 Bonds and the expected use of the property financed or refinanced thereby to show that such expected application, investment and use will not violate the provisions of Sections 103 and 141-150 of the Tax Code, and the Treasury Regulations promulgated thereunder including the provisions applicable to "arbitrage bonds" (as defined in the Tax Code) and (ii) providing for the rebate of any "arbitrage rebate amounts" (as defined in the Tax Code) earned on the investment of the proceeds of the 2013 Bonds to the United States. The Chairman is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with respect to the 2013 Bonds as the Chairman may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

11. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairman or to the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairman or to an Assistant Secretary, respectively, the Commonwealth Transportation Commissioner, and any officer or employee of the Board or the Department designated for such purpose by the Chairman or the Secretary.

12. Effective Date. This Resolution shall be effective immediately.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
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Agenda item # 16

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD
April 17, 2013

MOTION

Made By: Mr. Layne Seconded By: Mr. Ellis
Action: Motion Carried, Unanimously

Title: Authorization to Enter into a Memorandum of Agreement between Virginia Department of Transportation (VDOT), and the United States Department of the Army Regarding Removal of Munitions at and in Association with the Gilmerton Bridge Replacement Project.

WHEREAS, in its meeting dated September 17, 2009, the Commonwealth Transportation Board approved the award of a contract for a design, bid, build project for the replacement of the Gilmerton Bridge ("Gilmerton Bridge Replacement Project") which carries Route 13 (South Military Highway) over the Southern Branch of the Elizabeth River in an industrial area of the City of Chesapeake; and

WHEREAS, VDOT commenced construction and other activities associated with Gilmerton Bridge Replacement Project in approximately November of 2009; and

WHEREAS, during the course of dismantling/demolishing the counterweight of the existing Gilmerton Bridge, a number of military ordnance items (munitions and explosives of concern or "MEC") were discovered in the east side counterweight pockets; and

WHEREAS, the US Navy's Explosive Ordnance Disposal Team (EOD) investigated the MEC and while they concluded the loose and encased munitions were inert, they recommended, in consultation with the Federal Bureau of Investigation, that VDOT consult with explosives experts specializing in remediation of munitions at the US Army Corp of Engineers (USACE); and

WHEREAS, explosive safety representatives/experts will need to be onsite full time during performance of any work which potentially may encounter MEC and demolition of the counterweights and remediation of any MEC can continue only once such safety representatives/experts are on site; and

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WHEREAS, based on discussions with USACE, VDOT has been advised that, pursuant to guidance outlined in current Department of Defense (DoD), Department of the Army (DA) and USACE Explosive Safety Regulations, the site should be classified as a "low" probability for encountering MEC and that the DA's Explosive Safety Team in Baltimore could provide fully qualified Unexploded Ordnance (UXO) personnel to provide recommended explosive safety oversight and guidance during the demolition of the counterweight and extraction of remaining MEC for the Gilmerton Bridge Replacement Project; and

WHEREAS, VDOT and the Department of the Army have entered into negotiations and jointly drafted a Memorandum of Agreement (MOA), which is attached hereto, setting forth the responsibilities of each of the parties for purposes of demolishing the counterweights and extracting the remaining MEC for the Gilmerton Bridge Replacement Project, and

WHEREAS, among other things, the Department of the Army will provide qualified personnel who will make recommendations/provide guidance on safe extraction of potential MEC items during counterweight demolition, inspect all extracted items to ensure that they are safe, and immediately notify local law enforcement officials, EOD and USACE in the event live MEC is recovered; and

WHEREAS, given the exigencies of this matter, and to prevent further delay to the completion of the Gilmerton Bridge Replacement Project, the Commissioner took action prior to the date of this meeting to effectuate the services contemplated hereunder, including but not limited to execution of the MOA.

NOW THEREFORE BE IT RESOLVED, that pursuant to §33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board, hereby affirms and ratifies the Commissioner's entering into the Memorandum of Agreement with the Department of the Army for the provision of Army personnel and services relating to demolition of the counterweights and extraction of MEC for the Gilmerton Bridge Replacement Project.

BE IT FURTHER RESOLVED, that the Commissioner is authorized to agree to any changes or additions to, and to execute any and all other any documents necessary to effectuate administration of the Memorandum of Agreement described herein.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

1401 East Broad Street
Richmond, Virginia 23219

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 17, 2013

MOTION

Made By: Mr. Layne Seconded By: Mr. Miller

Action: Motion Carried, Unanimously

Title: Authorization to Enter into a Memorandum of Agreement between the Virginia Department of Transportation (VDOT), the United States Department of the Navy (NAVY), and the Federal Highway Administration (FHWA) for the Construction of the I-564 Intermodal Connector and Other Related Improvements in Norfolk, Virginia

WHEREAS, VDOT and the NAVY entered into a Memorandum of Agreement, dated June 28, 2006, for the I-564 Intermodal Connector, Route 337 Underpass (Back Gate and Front Gate) and Fleet Recreation Park, (hereinafter, "I-564 Intermodal Connector Project") and amended such Memorandum of Agreement on December 27, 2012, to, among other things, describe elements of consideration to be provided by the Commonwealth to the NAVY for certain rights of way and other interests in land necessary to construct transportation projects listed in section 2858(d) of the FY 2000 National Defense Authorization Act; and

WHEREAS, the I-564 Intermodal Connector Project consists of construction of a four-lane divided connector from I-564 to the Naval Base and to the Virginia Port Authority Norfolk International Terminal (I-564 Intermodal Connector) and reconstruction and realignment of existing transportation facilities and other transportation improvements and construction on Naval Station Norfolk and Naval Support Activity Norfolk (Naval Base); and

WHEREAS, VDOT is the state agency with administrative oversight, maintenance and jurisdictional authority for Interstate 564 and the proposed I-564 Intermodal Connector, including the proposed interchange between Interstate 564 and the I-564 Intermodal Connector ; and,

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WHEREAS, the road and bridge improvements to be constructed are intended to improve the flow of persons, goods, materials, and international cargo to and from the NAVY and Virginia Port Authority waterfronts; and,

WHEREAS, the road and bridge improvements to be constructed are intended to remove truck traffic from local streets within the City of Norfolk; and,

WHEREAS, the NAVY has requested better access to the bases located in northwest Norfolk to help mitigate the impact of relocating employees and improve security readiness; and,

WHEREAS, the NAVY has agreed to provide a right-of-entry and ultimately an easement on Naval Base property sufficient in width to the Commonwealth of Virginia for the maintenance and operation of the completed road improvements and preservation for future widening associated with a Third Crossing of Hampton Roads Harbor; and,

WHEREAS, it has been negotiated and determined that the FHWA-Eastern Federal Lands Highway Division (EFLHD) is well-suited to construct the I-564 Intermodal Connector and other related project improvements and accordingly, FHWA-EFLHD will advertise and construct the I-564 Intermodal Connector Project by means of a design-build procurement method for both NAVY and VDOT facilities using the appropriate federal design and construction standards; and

WHEREAS, VDOT, the NAVY, and FHWA-EFLHD have jointly developed a Memorandum of Agreement for the Design and Construction of the I-564 Intermodal Connector and Other Related Improvements setting forth the scope of work and division of responsibilities amongst all parties, a draft of which is attached hereto.

NOW, **THEREFORE BE IT RESOLVED**, that pursuant to § 33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner to enter into a Memorandum of Agreement, with such additions and changes as necessary, with the United States NAVY and the Federal Highway Administration for the design and construction of I-564 Intermodal Connector and other related improvements.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board authorizes the Commissioner to enter into all subsequent amendments to the Memorandum of Agreement necessary to complete the I-564 Intermodal Connector Project.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 20

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 20, 2013

MOTION

Made By: Mr. Dana Martin **Seconded By: Mr. Miller**

Action: Motion Carried, Unanimously

Title: Delegation of Authority to the Commissioner of Highways for Approval of Bids, Award and Execution of Contract for I-581/Valley View Boulevard Interchange, Roanoke County

WHEREAS, § 33.1-12(2) (b) of the Code of Virginia authorizes the Commonwealth Transportation Board (CTB) to award Design-Build transportation construction contracts; and

WHEREAS, VDOT previously developed a Finding of Public Interest for the I-581/Valley View Boulevard Interchange Project detailing the nature and scope of the project and the Commissioner made his written determination on May 20, 2011 that: the proposed design-build project meets the Objective Criteria for a Design-Build Project, and the Design-Build method of procurement will expedite the completion of an urgently needed transportation improvement and will best serve the public interest; and,

WHEREAS, the Federal Highway Administration has previously approved environmental impacts for the project but has not offered its final approval of the project at the present time but final approval is expected later this month; and,

WHEREAS, the work for the I-581/Valley View Boulevard Interchange, is fully funded; and ,,

WHEREAS, in order to take full advantage of the Design-Build Proposals received November 7, 2012; and,

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WHEREAS, in order to further accomplish the desired objective and public interest in completing this project in the most expeditious manner and further the public interest by aiding in the alleviation of traffic congestion; and,

WHEREAS, it is expedient to award the contract as soon as practical after Federal Highway Administration approval of said project.

NOW THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that the Commissioner of Highways is hereby authorized and delegated the Board's authority to approve the Design-Build proposals, award and execute the Design-Build contract for this Project provided the necessary proposal evaluation tasks and activities related to award of the contract are appropriately completed; and,

BE IT FURTHER RESOLVED, that the Commissioner shall present the Design-Build Project and the evaluation of the Design-Build Proposals at the next Board meeting for its affirmation of this Design-Build contract award.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item #1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 16, 2013

MOTION

Made By: Mr. Garczynski **Seconded By: Ms. Fisher**
Action: Motion Carried, Unanimously

Title: Authorization to Enter into a Memorandum of Agreement (MOA) between the Virginia Department of Transportation (VDOT), Marine Corps Base Quantico, the Defense Security Service and the Department of Transportation Federal Highway Administration (FHWA) for the U.S. 1/VA-637 (Telegraph Road) Intersection Improvement Project

WHEREAS, the 2005 Federal BRAC decision included the relocation of over 2,700 employees and the construction of over 700,000 square feet of new office space to Marine Corps Base Quantico, Virginia; and

WHEREAS, Department of Defense Access Road (DAR) Program allocated $4 million to design and construct intersection improvements at the U.S. 1/Telegraph Road intersection in Stafford County, Virginia to help mitigate the impact of the 2005 BRAC action; and

WHEREAS, the Federal Highway Administration – Eastern Federal Lands Highway Division agreed to administer the improvement project on behalf of Marine Corps Base Quantico; and

WHEREAS, a MOA, a draft of which is attached hereto, was prepared to identify the responsibilities of FHWA, VDOT, Marine Corps Base Quantico and the Defense Security Service; and

WHEREAS, VDOT's responsibilities include review and approval of design plans, assisting the design build contractor with acquisition of rights of way, monitoring construction and accepting the completed project for maintenance; and

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WHEREAS, the FHWA has agreed to administer, prepare and obtain approvals of environmental documentation, design, relocate utilities and construct the intersection improvement project; and

WHEREAS, VDOT is the State agency with administrative oversight, maintenance and jurisdictional authority for U.S. 1; and

WHEREAS, all Parties have agreed to cooperate to ensure satisfactory and timely completion of the project;

NOW, **THEREFORE BE IT RESOLVED**, that pursuant to the § 33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner to enter into a Memorandum of Agreement, with such additions and changes as necessary, with FHWA, Marine Corps Base Quantico and the Defense Security Service for the execution of the U.S. 1/Telegraph Road Intersection Improvement Project in Stafford County.

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AGREEMENT No. DTFH71-13-X-50001

Memorandum of Agreement

among the

Marine Corps Base Quantico

the

Defense Security Service

the

Commonwealth of Virginia
Virginia Department of Transportation

and the

Department of Transportation
Federal Highway Administration
Eastern Federal Lands Highway Division

for

U.S.-1/VA-637 (Telegraph Road) Intersection Improvement Project

in

Stafford County, Virginia

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PURPOSE

The purpose of this Memorandum of Agreement (Agreement or MOA) is to establish the roles, responsibilities, funding, and procedures by which the Marine Corps Base Quantico (Marine Corps); the Defense Security Service (DSS); the Commonwealth of Virginia (Commonwealth), Virginia Department of Transportation (VDOT); and the Federal Highway Administration (FHWA) (hereinafter referred to as Parties), will jointly participate in the design and construction of transportation improvementsin Stafford County, Virginia. The transportation improvements consist of turn lane improvements at the Telegraph Road intersection with U.S. Route 1 (Project).

AUTHORITIES

WHEREAS, Section 210 of title 23 United States Code authorizes the Secretary of Transportation to provide for the construction and maintenance of defense access roads to military reservationswhen such roads are certified to the Secretary as important to the National Defense by the Secretary of Defense;

WHEREAS, the Military Traffic Management Command (MTMC)under the Secretary of Defense, has determined the Project to be eligible for financing either in whole or in part with defense access road funds and has certified the project as important to the national defense and has authorized expenditure of defense access road funds;

WHEREAS, the roadway has been certified important to National Defense, and the Defense Security Service, the Marine Corpsis authorized to enter into this Agreement pursuant to the authority contained in 10 U.S.C. §3001 *et seq.*;

WHEREAS, the Commander, Marine Corps Quantico has operational control and jurisdiction over the Marine Corps Base Quantico (MCBQ) and the Department of Navy (DoN) is owner of the MCBQ property;

WHEREAS, the Commissioner of Highways, acting pursuant to the decision of the Commonwealth Transportation Board, is authorized to enter into this Agreement pursuant to §§ 33.1-12 and 33.1-13 of the Code of Virginia. VDOT is the state agency with administrative oversight, maintenance, and jurisdictional authority for the Project once the Project is completed and accepted into the systems of state highways;

WHEREAS, 23 U.S.C. §308(a) authorizes the FHWA to perform engineering and other services in connection with the survey, design, construction, and improvements of highways for other Federal or State cooperating agencies;

WHEREAS, approximately $4 Million from Defense Access Road (DAR) Program will be allocated to the FHWA to perform environmental compliance, acquire right-of-way, relocate utilities, design and construct this Project**;**

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WHEREAS, although this agreement is subject to the provisions of the Anti-Deficiency Act (31 U.S.C. §1341(a)(1)), the Parties understand, recognize and agree that VDOT is not responsible for any percentage part of the cost of this Project;

NOW THEREFORE, the Marine Corps, the Commonwealth Transportation Board acting by and through the Commissioner of Highways and VDOT, the County, and the FHWA do hereby mutually agree by the authority contained in 23 U.S.C. §308(a), §33.1-12 and §33.1-13 of the Code of Virginia 1950, as amended, and other authorities applicable to the Parties, as follows:

ARTICLE I: SCOPE OF WORK (Obligations, Responsibilities, and Funding)

A. The Defense Security Service agrees to:

1. Subject to the approval of the other parties to this agreement, cause the design and construction of the Project to be undertaken. In order to accomplish this, the Parties agree that the design and construction of the Project will be executed by FHWA;

2. Cause the FHWA to design and construct the Project in accordance with applicable American Association of State Highway and Transportation Officials (AASHTO) and VDOT standards, regulations and guides and the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, current edition, as amended;

3. Pay for all necessary costs and expenses (project alternatives to be designed and executed in a manner so that all project costs are not to exceed the $4 million appropriated in FY12) of environmental compliance, right–of-way acquisition, utility relocation, design and construction of the Project, and property maintenance and management prior to acceptance of the Project into the system of state highways;

4. Assign and designate a Project Manager for the Project so that all communication regarding the Project will be coordinated and managed through this identified person;

5. Conduct its required processes and activities in accordance with this Project concurrent and in accordance with the Project development schedule and cooperate to maintain the Project schedule and funding established for the Project;

6. Cooperatewith the parties in applicable project activities to accomplish the goal of substantially completing the DAR Projects by the end of June 2014 in accordance with a detailed schedule to be agreed to among the Parties.

B. The Marine Corps agrees to:

1. Be responsible for guiding the decisions associated with improvements to Marine Corps-owned or maintained roadways or where Marine Corps interests are involved;

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2. Review and provide comments (as needed) on the utility relocation plans;

3. Approve the final design standards for any impacts related to Marine Corps-owned facilities (including utilities);

4. Assign and designate a Project Coordinator for the Project so that all communication regarding the Project will be coordinated and managed through this identified person;

5. To participate in NEPA documentation activities; design activities; hazardous materials studies and remediation; right-of-way transfers; public involvement; construction field reviews; and any other project activities as applicable;

6. To review and provide comments on the utility relocation plans;

7. Participate in all design and construction field reviews and other Project development activities and milestones as applicable, and approve the final plans;

8. Assist the FHWA during construction to coordinate scheduling of utility outages with Marine Corps owned facilities;

9. Cooperate in applicable Project activities to ensure satisfactory completion of the Project;

10. Participate in the final inspection of the constructed facility, and provide acceptance of the completed project;

11. To cooperate in applicable project activities to work together toward goal of substantial completion of the DAR Projects by summer 2014 in accordance with a detailed schedule to be agreed to among the Parties;

12. This agreement does not require MCBQ to provide any funding for the Project or funding in excess of the DAR Project Funds previously appropriated from OSD.

B. <u>VDOT agrees to:</u>

1. Assign and designate a Project Manager from its Fredericksburg District Office for the Project so that all communication regarding the design of the Project will be coordinated and managed through that identified person;

2. Enter into a separate Federal-Aid Project Agreement (PR-2) with FHWA to receive funding to complete tasks that are assigned to VDOT in this Agreement;

3. Participate in NEPA environmental studies and documentation activities, design activities; right-of-way transfers; public involvement; and any other Project activities as applicable;

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4. Review the final plans and specifications for advertisement of the Project;

5. Review and provide comments on the utility relocation plans;

6. At its option, perform hazardous materials studies for all properties to support highway right-of-way acquisitions on a schedule mutually agreeable to VDOT and the FHWA, excluding any asbestos and/or lead-based paint inspections or abatement for any structures;

7. When required by the issuer of the permit, and in conjunction with the FHWA, fulfill the obligations as "owner" of the land property for obtaining any environmental permits, regulatory clearances, or approvals necessary under applicable federal, state, or local law or regulation for construction of the Project;

8. Cooperatively participate in all design and construction field reviews (including pre-construction and progress meetings) and other Project development activities and milestones as applicable;

9. Coordinate with FHWA and its contractors on all right-of-way services for the Project in accordance with Attachment B of this Agreement and the following provisions:

   a. Provide support, in coordination with FHWA, for all necessary right-of-wayfunctions and activities by FHWA to acquire Project right-of-way both on-MCBQ Land and off-MCBQ Land required for the construction of the Project. Review federal lands transfer and/or right-of-way and/or easementdocuments for both federal and non-federal lands as applicable. Plans, plats, and metes and bounds descriptions will be provided by FHWA. Review and approve documents required for right-of-way acquisition including, but not limited to, rights-of-entry, title reports, appraisals, owner/tenant relocations, property owner negotiations, property closings, and preparation of Certificates of Take. In the event a property owner is not willing to convey property for the Project, execute condemnation packages prepared by FHWA including filing with the appropriate Circuit Court any Certificates of Take. Review all subsequent Agreement After Certificates. VDOT will pursue cases requiring court action with assistance from the FHWA and its contractor, until final case resolution;

   b. VDOT will either assign VDOT staff or will hire a contractor to represent VDOT to work on the Project. This staff or contractor will serve as VDOT's Project Right of Way Coordinator, and will manage the right-of-way services contractor and coordinate all right-of-way functions and activities to maintain project schedule and clear right-of-way for construction. Expenses for VDOT's staff and/or Project Right of Way Coordinator will be paid for using Project funds;

   c. The VDOT Project Right of Way Coordinator will coordinate with Stafford County staff to determine what, if any, proffers may exist within the project limits that would result in the dedication of right-of-way to the project, rather than purchase or take;

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d. Coordinate with FHWA to establish objectives for negotiation;

e. For those properties deemed necessary to be acquired through the power of eminent domain, prepare, review, and approve condemnation packages and execute condemnation process. Record the appropriate Certificate of Deposit or Certificate of Take. Assign cases to fee counsel approved by the Office of the Attorney General, Commonwealth of Virginia, review and approve invoices, and provide copies of all invoices to FHWA and the County. Approved invoices provided to FHWA for payment will be paid within 30 days of receipt from Project funds;

f. Provide written monthly progress reports to FHWA detailing the status of condemnation proceedings including impacts to schedule and cost;

g. Any property remaining as residue parcels after completion of design and acquisition shall be deeded to the Parties to the Agreement or adjacent owners as mutually agreed by the Parties to the Agreement. Residue parcels shall be used, in order of priority:

i. To provide for Project requirements (storm water management, access, utilities, etc.);

ii. To provide permanent space for maintenance of improvements constructed by the Project;

iii. To reduce Project cost by offsetting impacts to property owners whose property was either given or taken in order to complete the Project; or

iv. Other reasons determined by VDOT with input from the Parties to the Agreement.

h. Grant read-only access to FHWA, and grant full access to the design-builder, to VDOT's Right of Way and Utilities Management System (RUMS) to manage and track the acquisition process. Training in the use of RUMS and technical assistance will be provided by VDOT.

10. After approval of Project construction plans, and upon receipt of complete permit applications from the FHWA, issue land use permits for access necessary for construction;

11. Issue land use permits as appropriate for utilities under or across Route 1 and connecting to adjacent properties as required for the development of the Project. FHWA or its designee will coordinate with VDOT to ensure agreement on location of the facilities and the method of construction;

12. Participate in all design and construction field reviews, including pre-construction and progress meetings, and other Project development activities and milestones as applicable;

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13. Participate in the final inspection of the constructed Project;

14. If the completed Project improvements, or any phase of independent utility, meet VDOT standards and specifications, approve the Project, or any phase of independent utility work within 60 days of its completion;

15. Upon FHWA completion of environmental cleanup obligations as stipulated herein and when VDOT has certified that the completed Project meets or exceeds VDOT and FHWA requirements and standards in order to allow VDOT to approve, operate, and maintain the completed Project, initiate the acceptance of the road as part of the system of state highways to be maintained by VDOT;

16. Regulate and control future access connections to Route 1 through review and approval of proposed future connections to ensure that the roadway continues to operate in a manner acceptable to VDOT;

C. The FHWA agrees to:

1. Be the lead agency for and provide for overall coordination of the Project and designate a Project Manager;

2. Provide the Federal funding from Defense Access Road sources for this Project;

3. Coordinate a project schedule with the Parties;

4. Be the lead agency and conduct all necessary work for the coordination, preparation, and approval of the environmental documentation required pursuant to the NEPA and 49 U.S.C. §303 (as well as environmental documentation and Section 4(f) Evaluation), including public involvement and obtaining all necessary clearances and permits. Prior to, and as a part of, any public meetings concerning this project, FHWA will brief the Stafford County Board of Supervisors on the nature and goals of the public meeting. This briefing should occur at such time that any comments offered by the Stafford County Board of Supervisors can be adequately considered in the final plans for the public meeting. All public meetings related to this project will be conducted in Stafford County, preferably within Boswell's Corner;

5. Serve as the lead agency for compliance with Section 106 of the National Historic Preservation Act (16 U.S.C 470s) in accordance with 36 CFR 800.2(a)(2) and be responsible for treatment of post-review discoveries of potentially affected historic properties in accordance with 36 CFR 800.13(b);

6. Provide VDOT and Stafford County with copies of all reports, agency correspondence, and other documentation resulting from studies and consultation conducted for compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470s);

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7. Select and procure consulting services, as appropriate, for NEPA environmental studies and documentation, design, environmental permitting and approvals, utility relocation, construction assistance, and construction using procurement procedures in accordance with the Federal Acquisition Regulation (FAR), and the Transportation Acquisition Manual (TAM). The FHWA will be the contracting office;

8. Design and construct the Project in accordance with applicable AASHTO and VDOT standards, guides, and regulations including, but not limited to, the VDOT Road and Bridge Specifications, current edition, as amended; the Stafford County Comprehensive Plan including, but not limited to, the Boswell's Corner Redevelopment Plan; the Preliminary Engineering Study for Route 1 Corridor at Marine Corps Base Quantico (FHWA Contract DTFH71-09-D-000001, Task Order 11-012), as may be extended by VDOT and/or Stafford County; and the Department of Defense Office of Economic Adjustment funded Joint Land Use Study for the area surrounding Marine Corps Base Quantico. Obtain written comments and concurrence from the Parties for the following activities and/or products:

    a. RFQ and RFP (for D-B contract);

    b. Design reviews as appropriate for design-build;

    c. Plan changes—including plans, specifications, and estimates;

    d. Alternative analysis to evaluate impacts to affected residents and businesses within Boswell's Corner;

    e. Schedules and schedule updates;

    f. Budget and budget updates;

    g. Completed construction project.

9. Obtain all necessary environmental permits for construction and perform all owner/operator responsibilities for all off-MCBQ properties until all permit conditions have been completed and permit agency termination statements have been submitted;

10. Prior to acquisition of the Project right-of-way, perform all environmental investigations, property assessments, or studies for releases of petroleum or any hazardous substance on all non-Federal properties located off-MCBQ and for any Federal properties as otherwise agreed to with MCBQ, that are necessary to complete the Project as specified in the plans, as required under applicable Federal and State laws and regulations, and as appropriate under the standards of environmental due diligence;

11. Prior to, or concurrent with, construction, perform environmental response to releases of petroleum or any hazardous substances, as required under applicable Federal and State laws and regulations on the non-Federal properties located off-MCBQ and for Federal properties as otherwise agreed to with MCBQ, that are required for the completion of the

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design and construction of the Project. The affirmative obligation does not apply if a release of petroleum or any hazardous substance on off-MCBQ property has been caused by MCBQ;

12. Provide the reports of MCBQ and the FHWA hazardous materials and MEC investigations and remediation, and remediation plans both on-MCBQ and off-MCBQ sufficient to support right-of-way acquisition, to VDOT for Commonwealth review and approval/concurrence prior to VDOT's initiation of right-of-way acquisition activities;

13. Perform any asbestos and/or lead-based paint inspections and abatement as required by State and Federal law and regulation for any structures present on off-MCBQ acquisitions;

14. Complete any remediation activities for off-MCBQ properties and for on-MCBQ properties, as otherwise agreed to with the Marine Corps, and any hazardous materials clearance studies and any approved remediation plans;

15. Provide all right-of-way services for the Project and include in the scope of services to be provided by the D-B contractor all right-of-way services required to complete the Project. Through the D-B contractor, provide all necessary right-of-way functions and activities to acquire Project right-of-way. Services shall be provided in accordance with the provisions of "Appendix B: Right-of-Way Acquisition by Design-Builder";

16. Be the lead agency for utility relocation by coordinating with utility owners, preparing utility relocation plans, obtaining utility agreements and performing other activities as required;

17. Apply for and obtain all required environmental permits and approvals;

18. Provide plans for any hazardous materials and MEC remediation activities to VDOT for review and approval by the Commonwealth;

19. Advertise, evaluate proposals, and award construction contracts;

20. Administer any construction contracts, including construction inspection;

21. Provide the documented results of all completed hazardous materials and MEC remediation activities to VDOT, including Federal and State Regulatory agency approvals, both on-MCBQ and off-MCBQ, prior to VDOT's acceptance of the improvements for maintenance;

22. Conduct and document the final inspection, with the Marine Corps, and VDOT attending;

23. Be responsible for the administrative settlement or adjudication of claims arising from contracts awarded by the FHWA and covered by this Agreement in accordance with the FAR and TAM, and subject to the availability of Project funds;

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24. Prepare periodic written status reports on the Project for all parties as appropriate; and

25. Obtain a minimum five-year warranty satisfactory to VDOT from the Project contractor that warrants work performed under the Project contract is free of any defect in equipment, material or workmanship performed by the contractor, any subcontractor, or any supplier.

26. Provide monthly status reports on the project.

27. Maintain all records of all actions, contracts and expenditures on the Project in sufficient level of detail to allow identification of the nature of the expenditures made. The FHWA will retain these records for a period after the Project records are closed out to provide complete information in response to an audit of either its own records or of the partners' records of the Project; and

28. Promptly initiate project close-out and return unexpended funds to all parties as soon as final costs are known.

ARTICLE II: DISBURSEMENT OF FUNDS

A. Defense Access Road funds will be allocated directly to the FHWA for use on the Project. All funds and activities are subject to the requirements of Title 23 of the United States Code and Title 23 of the Code of Federal Regulations and standard Federal-aid procedures.

B. All costs associated, directly or indirectly, with any and all Project responsibilities including, but not limited to: right-of-way acquisition, traffic studies, hazardous materials studies, design review, inspection, meetings, and Project administration shall be paid for using federal funds provided to FHWA by the Defense Security Service for the Telegraph Road intersection DAR project. EFL reserves the right to employ private consultants to assist in its responsibilities outlined in this Agreement. EFLwill establish a method by which personnel and/or consultant costs and other costs and expenses on Project-related activities can be measured and billed to the FHWA. VDOT's Project Manager will review all submitted billings from VDOT staff before presenting them to the FHWA for reimbursement and will submit a monthly invoice and report to the FHWA describing the activities, costs and expenses for which payment is being requested.

C. It is understood that although nothing in this MOA may be deemed to require violation of the Anti-Deficiency Act, that Act applies and that completion of certain commitments made in this MOA is subject to the availability of Federal appropriated funds (as provided for in Article V of this MOA), and funding for all costs associated with the approved DAR related scope of the Project is the responsibility of the Defense Security Service. Funding to cover these costs has already been transferred by DSS to the FHWA. VDOT and the County are not responsible for any of the costs for approved Project scope.

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D. It is the understanding and agreement of all Parties that the approved DAR Project will be constructed entirely with Federal funding. The parties acknowledge that four million dollars appropriated for military construction has already been transferred to FHWA for the Project, prior to the effective date of this MOA.

E. The schedule for this Project is hereto attached, marked as Exhibit A, and made a part of this Agreement.

ARTICLE III: KEY OFFICIALS AND CONTACTS

Designated points of contact for the coordination of this Project are as follows:

Key Official | **Point of Contact**

A. For the Marine Corps:

Colonel David W. Maxwell
Commander
Marine Corps Base Quantico
3250 Catlin Avenue
Quantico,VA 22134-5000
Phone: 703-784-5902
Email: david.w.maxwell@usmc.mil

Mr. Joseph Winterer
Community Planner
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B. For Defense Security Service:

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Email: Kristin.York@dss.mil

C. For the VDOT:

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Chief Engineer
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219
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Virginia Department of Transportation
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D. For the FHWA:

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Mr. Robert A.Morris
Senior Project Manager
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Federal Highway Administration
Eastern Federal Lands Highway Division
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Email: Robert.Morris@dot.gov

ARTICLE IV: GENERAL TERMS AND CONDITIONS

A. This Agreement contains the entire agreement and understanding of the Parties, and may not be amended, modified, or discharged nor may any of its terms be waived except by an instrument in writing signed by all of the Parties.

B. The failure of a Party to insist in any instance upon strict performance of any of the terms, conditions, or covenants contained, referenced, or incorporated into this Agreement shall not be construed as a waiver or a relinquishment of the Party's rights to the future performance of such terms, conditions, or covenants.

C. The headings and captions herein are inserted for convenient reference only and the same shall not limit or construe the Articles, paragraphs, sections, or subsections to which they apply or otherwise affect the interpretation thereof.

D. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each such term and provision of the Agreement shall be valid and be enforced to the fullest extent permitted by applicable law.

E. Nothing set out in this Agreement shall constitute a waiver of the Parties' rights to seek any and all damages to the extent authorized by law, nor shall anything in this Agreement limit any defenses that the Parties may have with respect to such claims for damages.

F. Nothing in this Agreement shall be construed as creating any rights of enforcement by any person or entity that is not a Party hereto, nor any rights, interest, or third party beneficiary status for any entity or person other than the Parties hereto.

G. Unless otherwise expressly provided herein, terms used in this Agreement have the

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meaning and are defined as they are in CERCLA or in regulations promulgated under CERCLA and shall have the meaning assigned to them in CERCLA or in such regulations.

H. This Agreement has been drafted jointly by the Parties hereto with advice of counsel. As a result, the language used in this Agreement shall be deemed to be the language chosen by the Parties to express their mutual intent and no rule of strict construction shall be applied against any Party.

I. All parties to the Agreement will be afforded the opportunity to inspect, review and comment on, at any time, work in progress, the financial records, and any other supporting documentation related to this Agreement; and to participate in all meetings and field reviews.

J. This Agreement is assignable; however, no transfer or assignment of this Agreement, or any part thereof or interest therein, directly or indirectly, voluntarily or involuntarily, shall be made unless such transfer or assignment is first approved in writing by all Parties, which approval shall not be unreasonably withheld.

K. The Parties accept full responsibility for any property damage, injury, or death caused by the acts or omissions of their respective employees, acting within the scope of their employment, or their contractors' scope of work, to the extent allowed by the law. All claims shall be processed pursuant to applicable governing law.

L. Any claim filed alleging an injury during the performance of this Agreement, which may be traced to a party, shall be received and processed by the party(s) having responsibility for the particular injury-causing condition, under the law that governs such party(s).

M. Nothing in this Agreement shall be construed as limiting or affecting the legal authorities of the Parties, or as requiring the Parties to perform beyond their respective legal authorities. Nothing in this Agreement shall be deemed to bind any Party to expend funds in excess of available appropriations.

N. The Parties shall not discriminate in the selection of employees or participants for any employment or other activities undertaken pursuant to this Agreement on the grounds of race, creed, color, sex, or national origin, and shall observe all of the provisions of Titles VI and VII of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000(d) et. seq.). The Parties shall take positive action to ensure that all applicants for employment or participation in any activities pursuant to this Agreement shall be employed or involved without regard to race, creed, color, sex, or national origin.

O. No member of, or Delegate to, or Resident Commissioner in Congress shall be admitted to any share or part of this Agreement, or to any benefits that may arise therefrom, unless the share or part or benefit is for the general benefit of a corporation or company.

P. The Parties will abide by the provisions of 18 U.S.C. §1913 (Lobbying with Appropriated Monies).

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Q. Contracts entered into by any Federal Agency pursuant to this Agreement are subject to all laws governing federal procurement and to all regulations and rules promulgated there under, whether now in force or hereafter enacted or promulgated, except as specified in this Agreement.

R. Nothing in this Agreement shall be construed as in any way impairing the general powers of the parties for supervision, regulation, and control of its property under such applicable laws, regulations, and rules.

S. This Agreement shall be in force and effect and shall remain in effect until the work, including payment, has been completed to the mutual satisfaction of all Parties. This Agreement will terminate when all transfers of funds are completed and all work associated with this Agreement has been approved by the Parties in writing.

T. This Agreement is not a real estate agreement and shall not be construed to authorize or commit MCBQ/DoN to transfer or allow use of Federal property by any part to this agreement without separate authorization being obtained from MCBQ and DoN.

ARTICLE V: FUNDING LIMITATIONS

A. It is the expectation of the Parties to this Agreement that all obligations of the Marine Corps, DSS, FHWA, and VDOT arising under this Agreement will be fully funded. The Parties agree to seek sufficient funding through the budgetary process to fulfill their obligations under this Agreement.

B. The obligation of the Marine Corps, DSS, and the FHWA to expend, pay, or reimburse any funds under this Agreement is subject to the availability of appropriated funds, and nothing in this Agreement shall be interpreted to require obligations or payments by the Marine Corps, DSS, or the FHWA in violation of the Anti-Deficiency Act, 31 U.S.C. 1341.

C. VDOT's obligation to expend, pay, or reimburse any funds under this Agreement is subject to the availability of appropriations by the Virginia General Assembly and allocations by the Commonwealth Transportation Board.

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IN WITNESS THEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives.

MARINE CORPS BASE QUANTICO

_____

David Maxwell
Colonel, U.S. Marine Corps
Commander

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DEFENSE SECURITY SERVICE

_____

Barry Sterling Date
Director, Business Enterprise
Chief Financial Officer

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DEPARTMENT OF TRANSPORTATION
COMMONWEALTH OF VIRGINIA

Gregory A. Whirley, Sr. Date
Commissioner of Highways

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DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
EASTERN FEDERAL LANDS
HIGHWAY DIVISION

_____

Karen A. Schmidt Date
Director of Program Administration

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Attachment A
Project Schedule

1. National Environmental Policy Act Documentation (Environmental Assessment – EA or Categorical Exclusion (CE))	December, 2012
4. Project MOA approval by VA Commonwealth Transportation Board Approval (CTB)	January, 2013
5. Award Design-Build Contract	April 2013
6. Issue Notice To Proceed	May 2013
7. Initiate Right of Way Acquisition	September, 2013
8. Final Design Approval	TBD
9. Start Construction	TBD
10. Complete Construction	June 2014

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Attachment B
Right-of-Way Acquisition by Design-Builder

The design-builder, under contract to the Federal Highway Administration (FHWA), acting as agent on behalf of the Virginia Department of Transportation (VDOT), shall provide all right-of-way acquisition services for the Project's acquisition of fee right-of-way and permanent, temporary and utility easements, including survey plats. Right of way acquisition services shall include certified title reports, appraisal, appraisal review, negotiations, relocation assistance services and parcel closings, to include an attorney's final certification of title. The design-builder's lead right-of-way acquisition consultant shall be a member of VDOT's prequalified right-of-way contracting consultants, listed on VDOT's web site, and the design-builder's right-of-way team shall include VDOT prequalified appraisers and review appraisers, also listed on VDOT's web site. FHWA, in consultation with VDOT, will retain authority for approving appraisal scope and appraiser, just compensation, relocation benefits, and settlements. VDOT must issue a Notice to Proceed for right-of-way acquisition to the design-builder prior to any offers being made to acquire the property. This represents a hold point in the design-builder's baseline schedule. FHWA must also issue a Clearance for Construction to the design-builder once the property has been acquired prior to commencing construction on the property. This also represents a hold point in the design-builder's baseline schedule. The design-builder will not be responsible for the right-of-way acquisition costs. As used in this RFP, the term "right-of-way acquisition costs" means the actual purchase price paid to a landowner for right-of-way, including fee, any and all easements, and miscellaneous fees associated with closings as part of the Project. All right-of-way acquisition costs will be paid by VDOT and shall not be included in the offeror’s lump sum bid. Notwithstanding the foregoing provision, should additional right-of-way, whether fee or easements, be required to accommodate design-builder's unique solution and/or contractor's means, methods and resources used during construction above and beyond the right-of-way limits depicted on the preliminary drawings included in the RFP information package, then all right-of-way acquisition costs for such additional fee or easements shall be paid by the design-builder. These costs would include, but not be limited to, the costs of any public hearings that may be required, actual payments to property owners, all expenses related to the additional acquisitions and associated legal costs, and any additional monies paid the landowners to reach a settlement or pay for court award. In the event additional right-of-way is needed as a result of an approved scope change request by the design-builder, the design-builder shall follow the procedures indicated in the "Right of Way Acquisition Guidelines" included in the RFP information package. Additionally, the design-builder is solely responsible for any schedule delays due to additional right-of-way acquisition associated with the design-builder's design changes and no time extensions shall be granted.

The following responsibilities shall be carried out by either the design-builder or VDOT as specified in each bulleted item below:

- The design-builder shall acquire property in accordance with all federal and state laws and regulations, including but not limited to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the "Uniform Act") and Titles 25.1 and 33.1 of the Code of Virginia. The acquisition of property shall follow the

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guidelines as established by VDOT, state and federal guidelines, the VDOT Right of Way Manual of Instructions, the VDOT Utilities Manual of Instructions, and IIM-LD-243.4 and Chapter 12 of the VDOT Survey Manual, which require individual plats to be prepared and recorded with each deed, easement agreement, certificate, or other instrument relating to the acquisition of any interest in real property required for this Project. All conveyance documents for the acquisition of any property interest shall also be accompanied by properly marked plan sheets and profile sheets.

- VDOT shall designate a hearing officer to hear any relocation assistance appeals. VDOT agrees to assist with any out-of-state relocation by persons displaced within the rights of way by arranging with any such other state for verification of the relocation assistance claim.

- The design-builder shall submit a Project specific Acquisition and Relocation Plan (Plan) to FHWA for approval, in consultation with VDOT, prior to commencing right-of-way activities. No offers to acquire property shall be made prior to Plan approval. This represents a hold point in the design builder's CPM Schedule. The Plan shall describe the design builder's methods, including the appropriate steps and workflow required for title examinations, appraisals, review of appraisals, negotiations, acquisition, and relocation, and shall contain the proposed schedule of right-of-way activities including the specific parcels to be acquired and all relocations. The schedule shall include activities and time associated with FHWA’s review and approval of just compensation, relocation benefits, and administrative settlements. The Plan shall allow for the orderly relocation of displaced persons based on time frames not less than those provided by the Uniform Act. This plan shall be updated as necessary during the life of the Project.

- Both a FHWA Representative and a VDOT Representative will be available to make timely decisions concerning establishing review and approval of just compensation, approval of relocation benefits, and approval of administrative settlements on behalf of VDOT. The FHWA Representative, in consultation with VDOT, is committed to issuing decisions on approval requests within twenty one (21) days. The commitment is based on the Plan providing a reasonable and orderly workflow and the work being provided to the FHWA representative as completed.

- The design-builder shall obtain access to and use VDOT's Right of Way and Utilities Management System (RUMS) to manage and track the acquisition process. RUMS will be used for Project status reporting. Entries in RUMS shall be made at least weekly to accurately reflect current Project status. VDOT standard forms and documents, as found in RUMS, will be used to the extent possible. Training in the use of RUMS and technical assistance will be provided by VDOT. Stafford County shall have read-only access to the RUMS system for the purposes of monitoring right-of-way acquisition progress.

- The design-builder shall provide a current title examination, no older than sixty (60) days, for each parcel at the time of the initial offer to the landowner. Each title examination report shall be prepared by a VDOT approved attorney or title company. If any title examination report has an effective date that is older than sixty (60) days, an update is required prior to making an initial offer to the landowner. A title insurance

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policy in favor of the Commonwealth in form and substance satisfactory to the FHWA and VDOT shall be provided by the design-builder for every parcel acquired.

- The design-builder shall prepare appraisals in accordance with VDOT's Appraisal Guidelines.

- The design-builder shall provide appraisal reviews complying with technical review guidelines. The design-builder shall submit a scope of work detailing the type of appraisal to be prepared for each parcel and the name of the proposed appraiser for FHWA review and approval prior to commencing the individual parcel appraisal. The proposed appraiser shall be of an appropriate qualification level to match the complexity of the appraisal scope.

- The design-builder shall provide appraisal reviews complying with technical review guidelines found in VDOT's Right of Way Utilities Manual of Instructions and shall make a recommendation of just compensation. The design-builder's right-of-way consultant shall be a member of the VDOT pre-qualified contracting consultant list, and such team shall include a VDOT pre-qualified fee appraiser. The reviewer shall be approved by FHWA, in consultation with VDOT, and shall also be on VDOT's approved fee appraiser list. VDOT shall have the responsibility to recommend final approval of all appraisals to FHWA.

- The design-builder shall make direct payments of benefits to property owners for negotiated settlements, relocation benefits, and payments to be deposited with the court. Payment documentation is to be prepared and submitted with the Acquisition Report (RW-24). VDOT will process vouchers and issue state warrants for all payments and send to the design-builder, who will be responsible for disbursement and providing indefeasible title to VDOT.

- The design-builder shall prepare, obtain execution of, and record documents conveying title to such properties to the Commonwealth and deliver all executed and recorded general warranty deeds to FHWA and VDOT. For all property purchased in conjunction with the Project, title will be acquired in fee simple (except that VDOT may, in its sole discretion, direct the acquisition of a right-of-way easement with respect to any portion of the right of way) and shall be conveyed to the "Commonwealth of Virginia, Grantee" by a VDOT-approved general warranty deed, free and clear of all liens and encumbrances, except encumbrances expressly permitted by VDOT in writing in advance. All easements, except for private utility company easements shall be acquired in the name of "Commonwealth of Virginia, Grantee." Private utility company easements will be acquired in the name of each utility company when the private utility company has prior recorded easements.

- Because these acquisitions are being made on behalf of the Commonwealth, VDOT shall make the ultimate determination in each case as to whether the recommendation for settlement is appropriate or whether the filing of any eminent domain action is necessary, taking into consideration the recommendations of the design-builder. When VDOT recommends the filing of a certificate to FHWA, the design-builder shall prepare a Notice

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of Filing of Certificate and the certificate assembly. All required documents necessary to file a certificate shall be forwarded to the FHWA and VDOT Project managers. VDOT will review and execute the certificate, provide the money as appropriate and will return the assembly to the design-builder. The design-builder shall update the title examination and shall file the certificate.

- When FHWA, in consultation with VDOT, determines that it is appropriate, the design-builder shall be responsible for continuing further negotiations for a minimum of sixty (60) days in order to reach settlement after the filing of certificate. After that time the case will be assigned to an outside attorney appointed by VDOT and the Office of the Attorney General. When requested, the design-builder shall provide the necessary staff and resources to work with VDOT and its attorney throughout the entire condemnation process until the property is acquired by entry of a final non-appealable order, by deed, or by an Agreement After Certificate executed and approved by VDOT and the appropriate Circuit Court. The design-builder will provide updated appraisals *(i.e.,* appraisal reports effective as of the date of taking) and expert testimony supporting condemnation proceedings upon request by FHWA and VDOT. Services performed by the design-builder or its consultants after an eminent domain action is assigned to an outside attorney will be paid, if and when necessary, under a contract modification.

- The design-builder will be responsible for all contacts with landowners for rights of way or construction items.

- The design-builder shall maintain access at all times to properties during construction.

- The design-builder shall use reasonable care in determining whether there is reason to believe that property to be acquired for rights of way may contain concealed or hidden wastes or other materials or hazards requiring remedial action or treatment. When there is reason to believe that such materials may be present, the design-builder shall notify FHWA within three (3) calendar days. The design-builder shall not proceed with acquiring such property until they receive written notification from FHWA.

- During the acquisition process and for a period of three years after final payment is made to the design-builder for any phase of the work, and until the Commonwealth has indefeasible title to the property, all Project documents and records not previously delivered to FHWA and VDOT, including but not limited to design and engineering costs, construction costs, cost of acquisition of rights of way, and all documents and records necessary to determine compliance with the laws relating to the acquisition of rights of way and the costs of relocation of utilities, shall be maintained and made available to FWHA and VDOT for inspection and/or audit. Throughout the design, acquisition and construction phases of the Project, copies of all documents and correspondence shall be submitted to FHWA, and both the VDOT Central Office and respective VDOT Regional Right of Way office.

- Prior to Project completion, the design-builder shall provide and set VDOT RW-2 right-of-way monuments within the Project Limits.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 5, 2012

MOTION

Made By: Mr. Garczynski Seconded By: Mr. Sterling
Action: Motion Carried, Unanimously

TITLE: AUTHORIZATION TO ENTER INTO MEMORANDUM OF UNDERSTANDING BETWEEN VDOT AND THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)

WHEREAS, the Washington Metropolitan Area Transit Authority (WMATA) and the Virginia Department of Transportation (VDOT) have agreed for the need to upgrade the traffic signal equipment along the Route 7 corridor in order to implement Transit Signal Priority (TSP); and

WHEREAS, WMATA has been tasked with the implementation of TSP at 15 VDOT controlled intersections along Route 7 as part of a TIGER I grant awarded to the Metropolitan Washington Council of Governments; and

WHEREAS, VDOT has agreed to upgrade the existing traffic signal controllers and communications and to install new traffic signal controller firmware and new traffic monitoring cameras along the Route 7 corridor; and

WHEREAS, WMATA has agreed to reimburse VDOT for the initial installation of the signal controllers and the new traffic monitoring cameras and to install TSP on the VDOT traffic signals along the Route 7 corridor once the upgrades are completed; and

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WHEREAS, WMATA and VDOT have jointly prepared a Memorandum of Understanding, identified as Attachment A, outlining the responsibilities and obligations of each party in the upgrade of signal equipment and the installation and maintenance of a TSP system along the Route 7 corridor, including WMATA's agreement to reimburse VDOT for specific aspects of the project; and

WHEREAS, the Commonwealth Transportation Board believes it to be in the best interest of the Commonwealth to enter into such agreement; and,

WHEREAS, § 33.1-12(9) of the *Code of Virginia* authorizes the Commonwealth Transportation Board to enter into contracts with local districts, commissions, agencies, and other entities created for transportation purposes .

NOW, **THEREFORE BE IT RESOLVED**, that pursuant to § 33.1-12 (9) of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner to enter into a Memorandum of Understanding with WMATA, with such additions and changes as necessary, to effectuate implementation of the Route 7 TSP project as described herein.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 19, 2012

MOTION

Made By: Mr. Miller Seconded By: Mr. Layne
Action: Motion Carried, Unanimously

Title: Virginia Department of Transportation Agreement to Provide Funding for the Development of a Multi-Use Greenway Corridor Study Adjacent to the Proposed Southeast High Speed Rail Corridor

WHEREAS, The North Carolina Department of Transportation (NCDOT) and the Virginia Department of Transportation (VDOT) have expressed a need to identify funding for an amendment to the scope of work for the current Southeast High Speed Rail (SEHSR) II Final Environmental Impact Statement to include the development of a Greenway Corridor Study; and

WHEREAS, the Greenway Corridor Study can be used as the basis for future environmental documents for a proposed multi-use greenway adjacent to the portion of the SESHR corridor in Virginia from Burgess, VA to the Virginia/North Carolina State Line; and

WHEREAS, VDOT has worked with NCDOT to develop a scope of work for this initiative with a cost estimate of $305,270.80; and

WHEREAS, NCDOT and VDOT have jointly prepared an Interagency Agreement, identified as Attachment A, outlining the responsibilities and obligations of each party in development of a Greenway Corridor Study, including VDOT's agreement to pay NCDOT for the project; and

WHEREAS, the Commonwealth Transportation Board believes it to be in the best interest of the Commonwealth to enter into such agreement; and,

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WHEREAS, § 33.1-12(10) of the *Code of Virginia* authorizes the Commonwealth Transportation Board to enter into contracts with other states.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby approves this agreement and authorizes the Commissioner of Highways, acting on behalf of the Commonwealth Transportation Board, to execute the Interagency Agreement, or amendments thereto, between NCDOT and VDOT regarding the development of a Greenway Corridor Study.

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Funding for the Development of a Multi-Use Greenway Corridor Study Adjacent to the Proposed Southeast High Speed Rail (SEHSR) Corridor from Burgess, VA to the Virginia / North Carolina State Line

Interagency Agreement between the North Carolina Department of Transportation (NCDOT) and the Virginia Department of Transportation (VDOT)

The North Carolina Department of Transportation (NCDOT) and the Virginia Department of Transportation (VDOT) have expressed a need to identify funding for an amendment to the scope of work for the current SEHSR Tier II Final Environmental Impact Statement to include the development of a Greenway Corridor Study that can be used as the basis for future environmental documents for a proposed multi-use greenway adjacent to the portion of the SEHSR corridor in Virginia from Burgess, VA to the Virginia/ North Carolina State Line.

The goal of this proposed initiative is to develop and finalize a feasibility study-level document that can be used as the basis for future documents prepared under federal, state, or local guidelines (i.e. – NEPA or SEPA) and will result in a final location of a proposed greenway alternative parallel to the SEHSR corridor. VDOT has worked with NCDOT to develop a scope of work for this initiative, with a cost estimate of $305,270.80 (prior billings on the project amounted to $65,752.20 under the previous NCDOT-VDCR greenway agreement).

This agreement shall encompass the scope of work, project deliverables and schedule set forth in Attachment A dated July 2012 (SEHSR Scope of Work-Greenway Corridor Study along SEHSR in VA) (collectively, "Work Related to These Funds". Please refer to Attachment A, for more information).

NCDOT will work cooperatively with VDOT on the above effort and make available to VDOT copies of all associated agreements and timelines/schedules. NCDOT agrees to make related files available to the either state's Inspector General upon request. VDOT agrees to allow six months from the signing of this agreement for NCDOT to initiate the use of these funds, and until December 31st, 2014 for completion of all "Work Related to These Funds". Funding not expended within the allocated time frame and any funding remaining after completion of all Work Related to These Funds will be returned to VDOT within a 30-day period after completion of all such work, but should all work not be completed by December 31, 2014, then funds thus far not expended shall be returned to VDOT no later than January 30, 2015. NCDOT agrees to provide VDOT a final summary of the use of these funds and an accomplishment report within 30 days of the completion of "Work Related to These Funds", or expenditure of all funds, whichever is sooner.

PARTICIPATION IN THE STUDY: NCDOT will include representatives from VDOT and DRPT on the study team for the multi-use greenway. These representatives will be

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invited to participate in all meetings related to the multi-use greenway portion of the SEHSR Tier II Final Environmental Impact Statement.

REPORTING OF PROGRESS: NCDOT will provide a quarterly progress report for this study to the Division Administrator of VDOT's Transportation and Mobility Planning Division. The first quarter will begin after the execution of this agreement. Each quarter thereafter, a progress report will be submitted to VDOT and NCDOT. The progress report should contain the status of work in the scope of work, and a one-number cost summary for each task for the project, as to funds spent. This should include percent physically complete versus percent of budget expended. It should also be reported whether or not the project is on target for on-time, on-budget completion.

PAYMENT: VDOT agrees to transfer $305,270.80 to NCDOT as payment for the project listed in this agreement. Any funds not needed to complete the scope of work as originally defined will be returned to VDOT within 30 days after completion of the Work Related to These Funds along with the final progress report. NCDOT agrees that the total amount available for transfer from VDOT is limited to $305,270.80, which represents the original amount of funds identified for the work, $371,023, less prior billings of $65,752.20.

The Parties agree that VDOT's agreement to transfer the funds specified herein is subject to the legal availability of said funds.

EXECUTION: The parties have caused the Agreement to be duly executed intending to be bound thereby.

Gene Conti, Secretary
North Carolina Department of Transportation

_____ Date: _____

Gregory A. Whirley, Commissioner
Virginia Department of Transportation

_____ Date: _____

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 20, 2012

MOTION

Made By: Mr. Koelemay **Seconded By: Mr. Layne**
Action: Motion Carried, Unanimously

Title: Authorization to Enter into a Memorandum of Agreement (MOA) between the Virginia Department of Transportation (VDOT), the Department of the Army (DOA), the Federal Highway Administration (FHWA) and the County of Fairfax, Virginia for the Design and Construction of Transportation Improvements on Fort Belvoir and U.S. Route 1 Between Telegraph Road and Mount Vernon Memorial Highway

WHEREAS, Section 8110 of Public Law 112-10, the Department of Defense and Full-Year Continuing Appropriations Act, 2011 provided up to $300 million "for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment (BRAC) Commission"; and,

WHEREAS, the 2005 Federal BRAC decision included the construction of a 1.2 million square foot community hospital on Fort Belvoir, Virginia; and,

WHEREAS, on October 7, 2011 VDOT and Fairfax County jointly submitted a grant application for $180 million to widen U.S. Route 1 between Telegraph Road (Route 611) and Mount Vernon Highway (Route 235); and,

WHEREAS, on November 1, 2011 VDOT and Fairfax County were notified by Department of Defense – Office of Economic Adjustment (OEA) the U.S. Route 1 widening project between Telegraph Road and Mount Vernon Memorial was selected to receive $180 million of Department of Defense funding; and,

WHEREAS, a MOA, a draft of which is attached hereto, was prepared to identify the responsibilities of FHWA, VDOT, Fairfax County and the DOA; and,

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WHEREAS, VDOT's responsibilities include review and approval of design plans, assisting the design build contractor with acquisition of rights of way, monitoring construction and accepting the completed project for maintenance; and,

WHEREAS, the FHWA has agreed to administer, prepare and obtain approvals of environmental documentation, design, relocate utilities and construct the U.S. Route 1 widening project; and,

WHEREAS, VDOT is the State agency with administrative oversight, maintenance and jurisdictional authority for U.S. Route 1; and,

WHEREAS, all Parties have agreed to cooperate to ensure satisfactory and timely completion of the project.

NOW, **THEREFORE BE IT RESOLVED**, that pursuant to the § 33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner to enter into a Memorandum of Agreement, with such additions and changes as necessary, with DOA, FHWA, and Fairfax County for the execution of the U.S. Route 1 widening project.

# # #

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

April 18, 2012

MOTION

Made By: Mr. Koelemay **Seconded By: Mr. Garczynski**
Action: Motion Carried, Unanimously

Title: Authorization to Enter into a Memorandum of Understanding among Virginia Department of Transportation (VDOT), Maryland State Highway Administration (SHA), and West Virginia DOT (West Virginia), to perform a traffic operations/engineering feasibility study, for the purpose of improving the operational efficiency and safety of the US 340 National Highway System Corridor between West Washington Street in Harpers Ferry West Virginia and MD 67 (Rohersville Road) in Weverton, Maryland.

WHEREAS, the US 340 National Highway System Corridor serves as a trade and commerce highway route between Maryland, Virginia, and eastern West Virginia; and

WHEREAS, the Virginia Department of Transportation (VDOT), Maryland State Highway Administration (SHA) and West Virginia Department of Transportation, Division of Highways (West Virginia) are interested in coordinating a three state partnership to perform a traffic operations/engineering feasibility study, hereinafter referred to as the "**STUDY**", for the purpose of improving the operational efficiency and safety of the US 340 National Highway System Corridor between West Washington Street in Harpers Ferry West Virginia and MD 67 (Rohersville Road) in Weverton, Maryland; and

WHEREAS, VDOT, SHA and West Virginia have determined that the lead agency for the scoping, preliminary alternatives and preparation of the required documents for the **STUDY** shall be West Virginia, and that the **STUDY** shall consist of reviewing operational improvement alternatives including a detailed review of potential improvements at the US 340/VA-671 intersection; and

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WHEREAS, West Virginia shall select and contract with a consulting firm for the performance of this work, in accordance with the laws of the State of West Virginia and applicable federal requirements, and West Virginia shall be responsible for all the associated costs of the study, including reimbursing VDOT on **STUDY** related expense;

WHEREAS, VDOT, SHA and West Virginia shall cooperatively develop a scope of work and schedule for the **STUDY** and study area; and

WHEREAS, West Virginia agrees to maintain records in accordance with normal business practice relating to work under this Memorandum of Understanding, and SHA and VDOT shall have the right to inspect such records to verify invoice amounts and compliance with federal procurement policies and regulations, and that all work and procedures in general shall, at all times, conform to all federal and state laws, rules, regulations, policies and guidelines, including but not limited to, specifically the procedures and requirements relating to Labor Standards, Equal Opportunity, Americans with Disabilities Act and Non-discrimination; and

WHEREAS, VDOT, SHA and West Virginia jointly drafted a Memorandum of Understanding indicating the responsibilities of each party in executing the **STUDY**, a draft of which is attached hereto.

NOW THEREFORE BE IT RESOLVED, that pursuant to the §33.1-12 (10) of the *Code of Virginia*, the Commonwealth Transportation Board, by approval of this resolution, authorizes the Commissioner to enter into a Memorandum of Understanding and to execute any and all documents required to comply with this resolution, with such additions and changes as necessary, with SHA and West Virginia to allow for performance of a traffic operations and engineering feasibility study on the US 340 National Highway System Corridor between West Washington Street in Harpers Ferry West Virginia and MD 67 in Weverton, Maryland.

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MEMORANDUM OF UNDERSTANDING

US 340 NATIONAL HIGHWAY SYSTEM CORRIDOR

BY

AND

AMONG

THE WEST VIRIGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

AND

THE MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

AND

THE VIRGINIA DEPARTMENT OF TRANSPORTATION

THIS MEMORANDUM OF UNDERSTANDING (MOU), executed in triplicate, made and entered into this _____ day of _____, 20_____, by and among the Maryland Department of Transportation's State Highway Administration acting on behalf of the State of Maryland, hereinafter called "**SHA**", the Virginia Department of Transportation, hereinafter called "**VDOT**" and the West Virginia Department of Transportation, Division of Highways, hereinafter called "**West Virginia**." When used collectively, **SHA, VDOT and West Virginia** will be referred to as the **PARTIES**.

WITNESSTH:

WHEREAS, the US 340 National Highway System Corridor serves as a trade and commerce highway route between Maryland, Virginia, and eastern West Virginia; and

WHEREAS, the Hagerstown Eastern Panhandle Long Range Transportation **PLAN**, identified the need for future improvements of the US 340 National Highway System Corridor, and

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WHEREAS, the **PARTIES** intend to coordinate with one another to perform a traffic operations/engineering feasibility study, hereinafter called the "**STUDY**", for the purpose of improving the operational efficiency and safety of the US 340 National Highway System Corridor between West Washington Street in Harpers Ferry West Virginia and MD 67 (Rohersville Road) in Weverton, Maryland, hereinafter called the "**STUDY AREA**".

NOW, THEREFORE, in consideration of the foregoing, be it understood that the Parties do hereby agree as follows:

1. The **PARTIES** will jointly undertake the **STUDY**.

2. The **PARTIES** have determined that the lead agency for the scoping, preliminary alternatives and preparation of the required documents for the **STUDY** shall be **West Virginia.** The **STUDY** shall consist of reviewing operational improvement alternatives including a detailed review of potential improvements at the US 340 / VA-671 intersection.

3. **West Virginia** shall select and contract with a consulting firm, pursuant to all relevant procurement provisions, for the performance of this work, in accordance with the laws of the State of West Virginia and applicable federal requirements.

4. **West Virginia** shall be responsible for all associated costs of the **STUDY** that are authorized in advance or subsequently approved by West Virginia, including reimbursing VDOT and SHA on **STUDY** related expense.

5. Any Party may terminate this Memorandum of Understanding upon thirty (30) days' written notice to the other Parties. In the event of termination by **West Virginia**, **West Virginia** shall be responsible for payment of all costs and expenses of **VDOT** and **SHA** that were incurred or unalterably obligated as of the effective date of termination and that

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had been authorized or were subsequently approved by West Virginia.

6. The **PARTIES** shall develop a scope of work and schedule for the **STUDY** for the **STUDY AREA**.

7. The **PARTIES** agree to establish and develop a Preliminary Public Involvement Strategy, which may include, but not be limited to, rights-of-entry, non-impacted/impacted property owner notifications, public meetings and workshops, correspondence, requests for information and newsletters. **West Virginia** shall execute the public involvement plan and **SHA** and **VDOT** will contact any potentially impacted property owners within their respective States.

8. The **PARTIES** agree to coordinate all aerial photography and photogrammetry required for the **STUDY**, in addition to obtaining mapping data (in a scale to be established and agreed to by the **PARTIES**) for the purpose of conducting preliminary studies for compatibility.

9. The **STUDY** shall be developed in accordance with **SHA**, **VDOT** and/or **West Virginia** geometric standards and specifications where applicable and agreed to.

10. The **PARTIES**, at a minimum, shall promptly perform or cause to be performed all tasks necessary to reach agreement on the **STUDY** preferred improvements/project milestone. Tasks to be performed for the **STUDY** shall include but not be limited to, the following:

    a. define purpose and need;
    b. develop preliminary alternates;
    c. develop socio-economic and natural environmental inventory;
    d. perform preliminary engineering assessment;
    e. prepare no-build and future no-build traffic projections within defined corridors;
    f. conduct public involvement
    g. select recommended improvements.

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11. **WEST VIRGINIA** agrees to maintain records in accordance with normal business practice relating to work under this MOU, and **SHA** and **VDOT** shall have the right to inspect such records to verify invoice amounts and compliance with Federal procurement policies and regulations.

12. All work and procedures in general shall, at all times, conform to all Federal and State laws, rules, regulations, policies and guidelines, including but not limited to, specifically the procedures and requirements relating to Labor Standards, Equal Opportunity, Americans with Disabilities Act and Non-discrimination.

13. Upon completion of the **STUDY**, **West Virginia** shall provide **SHA** and **VDOT** each with seven (7) printed copies and an electronic copy of all documents, reports and/or data developed as a product of the **STUDY**.

14. The **PARTIES** agree that the compilation of all traffic related data shall, for the purpose of the **STUDY**, be coordinated by designated representatives of each party.

15. Each of the **PARTIES** hereby agrees and affirms that the person executing this MOU on its respective behalf is authorized and empowered to act on behalf of the respective party Each of the **PARTIES** hereby further warrants and affirms that no cause of action challenging the existence, scope or validity of this MOU shall lie on the grounds that the person signing on behalf of each respective party was neither authorized or empowered to do so.

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IN WITNESS WHEREOF, each party hereto has caused this MOU to be executed by its proper and duly authorized officer on the day and year first above written.

ATTEST:

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS

_____ _____

Title:_____ **State Highway Engineer**

ATTEST:

VIRGINIA DEPARTMENT OF TRANSPORTATION,

_____ _____

Title: _____ **Transportation Commissioner**

ATTEST:

MARYLAND STATE HIGHWAY ADMINISTRATION,

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Title: _____ Administrator Date: _____

APPROVAL AS TO FORM AND LEGAL SUFFICIENCY

RECOMMENDED FOR APPROVAL

Assistant Attorney General

Gregory D. Welker
Deputy Administrator/Chief Engineer
For Operations

Douglas H. Simmons
Deputy Administrator/Chief Engineer
For Planning, Engineering, Real Estate and Environment

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Lisa B. Conners
Director of Finance

(To be executed in triplicate)

Distribution: **Consultant**
Legal Division
Program Planning and
Administration Division

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda Item # 12

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

March 14, 2012

MOTION

Made By: Mr. Bowie **Seconded By: Mr. Keen** **Action: Motion Carried, Unanimously**

DELEGATING AUTHORITY TO THE CHAIRMAN OF THE COMMONWEALTH TRANSPORTATION BOARD, THE COMMISSIONER OF HIGHWAYS AND THE CHIEF FINANCIAL OFFICER OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO DECLARE THE OFFICIAL INTENT OF THE COMMONWEALTH TRANSPORTATION BOARD TO REIMBURSE ITSELF FROM PROCEEDS OF TAX-EXEMPT GARVEES FINANCINGS

WHEREAS, from time to time the Commonwealth of Virginia (the "Commonwealth") receives federal-aid highway construction reimbursements and other federal highway assistance (the "Federal Highway Reimbursements") under or in accordance with Title 23 of the United States Code, or any successor program established under federal law, from the Federal Highway Administration and any successor or additional federal agencies;

WHEREAS, the State Revenue Bond Act, Article 5, Chapter 3, Title 33.1 of the Code of Virginia of 1950, as amended (the "State Revenue Bond Act"), empowers the Commonwealth Transportation Board (the "Transportation Board") to issue revenue bonds or notes to finance the costs of transportation projects authorized by the General Assembly of Virginia, including any financing costs or other financing expenses related to such bonds or notes (each a "Project," and, collectively, the "Projects");

WHEREAS, the Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011, Article 1.3, Chapter 1, Title 33.1 of the Virginia Code of 1950, as amended, authorizes the Transportation Board, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act, in one or more series from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series . . ." (the "GARVEEs");

WHEREAS, from time to time the Transportation Board will make original expenditures (the "Expenditures") with respect to expenses incurred in connection with Projects to be reimbursed with the proceeds of GARVEEs;

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WHEREAS, the Transportation Board wishes to delegate to the Chairman of the Transportation Board (the "Chairman"), the Commissioner of Highways (the "Commissioner") and the Chief Financial Officer of the Virginia Department of Transportation (the "CFO"), any of whom may act, the authority to declare on behalf of the Transportation Board the official intent and reasonable expectation to reimburse the Transportation Board for Expenditures with proceeds of GARVEEs;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

Section 1. Delegation of Authority. The Transportation Board hereby delegates to the Chairman, the Commissioner and the CFO, any of whom may act, the authority to declare on behalf of the Transportation Board the official intent and reasonable expectation of the Transportation Board to reimburse the Transportation Board for Expenditures with proceeds of GARVEEs (each, a "Declaration"), subject to the conditions contained in Section 2 of this Resolution.

Section 2. Conditions of Delegation of Authority. The authority granted to the Chairman, the Commissioner and the CFO, any of whom may act, contained in Section 1 of this Resolution is expressly conditioned upon the following:

(a) All Declarations shall be in writing and signed by the Chairman, the Commissioner and/or the CFO.

(b) All Declarations shall generally describe the Project for which the Expenditure will be paid and state the maximum principal amount of the GARVEEs expected to be issued for such Project.

(c) All Declarations shall contain a statement that such Declaration constitutes a declaration of "official intent" under Treasury Regulations Section 1.150-2.

(d) Each Expenditure on the date made was or will be a capital expenditure (or would be with a proper election) under general federal income tax principles or will otherwise comply with the requirements of Treasury Regulations Section 1.150-2(d)(3).

(e) The Transportation Board shall make a written allocation evidencing the Transportation Board's use of proceeds of the GARVEEs to reimburse an Expenditure no later than 18 months after the later of the date on which the Expenditure is paid or the applicable Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid.

Section 3. Effective Date. This Resolution shall take effect immediately.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 15, 2012

MOTION

Made By: Mr. Koelemay Seconded By: Mr. Sterling
Action: Motion Carried, Unanimously

Title: Authorization to Enter into a Memorandum of Agreement Between the Virginia Department of Transportation (VDOT), the Department of the Army (DOA), the Federal Highway Administration (FHWA) and the City of Alexandria, Virginia (City) for the Design and Construction of Roadway Improvements Near Fort Belvoir Mark Center

WHEREAS, an interim operational improvements analysis performed by VDOT's Mega Projects consultant indicates a significant increase in Department of Defense generated traffic and congestion due to the planned relocation of approximately 6,400 employees to the Mark Center development in the City of Alexandria; and,

WHEREAS, the analysis recommended seven "spot" improvements consisting of additional turn lanes on Seminary Road, Beauregard Street, Mark Center Drive and the I-395/Seminary Road interchange rotary, minor widening of the northbound I-395 off-ramp and southbound on-ramp at Seminary Road and a pedestrian bridge over Seminary Road; and,

WHEREAS, VDOT is the State agency with administrative oversight, maintenance and jurisdictional authority for three of the seven recommended Mark Center Roadway Improvements once completed and accepted into the systems of state highways; and,

WHEREAS, VDOT, DOA, FHWA and the City have agreed that the FHWA, using funds provided by DOA, will design and construct the Mark Center Roadway Improvements in accordance with FHWA, VDOT, and AASHTO road construction standards and specifications; and,

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WHEREAS, the FHWA has agreed to administer, prepare and obtain approvals of environmental documentation, design, utility relocation and construction of the Mark Center Roadway Improvements; and,

WHEREAS, VDOT has agreed to use DOA Project funds to acquire title to property not owned by the Army but necessary for construction of the improvements and to pay for other VDOT costs and expenditures relating to the Mark Center Roadway Improvements; and,

WHEREAS, all Parties have agreed to cooperate to ensure the satisfactory and timely completion of the Mark Center Roadway Improvements; and,

WHEREAS, VDOT, DOA, FHWA and the City jointly drafted a Memorandum of Agreement indicating the responsibilities of each party in executing the Mark Center Roadway Improvements, a draft of which is attached hereto.

NOW, **THEREFORE BE IT RESOLVED**, that pursuant to the § 33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner to enter into a Memorandum of Agreement, with such additions and changes as necessary, with DOA, FHWA, and the City for the execution of the Mark Center Roadway Improvements.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2011

MOTION

Made By: Dr. Davis Seconded By: Mr. Rich
Action: Motion Carried, Unanimously

Title: Update to CTB Regulations Due to Enactment of Chapters 36 and 152 of the 2011 Acts of Assembly

WHEREAS, Chapters 36 and 152 (HB1825/SB1005) of the Acts of Assembly of 2011 made amendments to the *Code of Virginia* relating to the office of Commonwealth Transportation Commissioner, which included replacing the formal title used for VDOT's chief executive officer (Commonwealth Transportation Commissioner) with a new title (Commissioner of Highways); and

WHEREAS, regulations of the CTB and VDOT are listed in the *Virginia Administrative Code* (VAC), a collection of state regulations; and

WHEREAS, the VAC entries for regulations of the CTB and VDOT need to be updated to reflect this change.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby directs the Virginia Department of Transportation to amend the VAC regulatory entries of the CTB listed in Attachment A, as attached hereto, to reflect the Commissioner's change in formal title, and process these amendments, along with those necessary to amend VDOT regulatory entries, as provided for by requirements established by the *Code of Virginia*, Executive Order 14 (10), and the State Registrar of Regulations.

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Editor's Note: The CTB approved only those regulatory amendments for regulations promulgated under its authority. For a complete list of all regulations affected, contact the Governance and Legislative Affairs Division. These regulatory amendments became effective on November 23, 2011.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2011

MOTION

Made By: Mr. Koelemay **Seconded By: Mr. Garczynski**

Action: Motion Carried, Unanimously

Title: Authorization to Enter into a Memorandum of Agreement Between the Virginia Department of Transportation (VDOT), the National Park Service (NPS), and the Federal Highway Administration (FHWA) for the Jones Point Park(JPP) Lighthouse Interior Renovations

WHEREAS, the National Park Service is the owner of certain real property located in the City of Alexandria, Virginia, which comprises the Jones Point Park for whose improvements the Historic Lighthouse Interior Renovations are desired in order to become part of the Jones Point Park Improvement Project; and,

WHEREAS, VDOT is the State agency with administrative oversight and jurisdictional authority to complete the Jones Point Park Improvement Project as requested by NPS pursuant to the 1999 Settlement Agreement between VDOT and FHWA and the City of Alexandria; and,

WHEREAS, the National Park Service has jurisdictional authority and maintenance responsibility for the Jones Point Park; and,

WHEREAS, the Federal Highway Administration has agreed to administer, prepare and obtain approvals of environmental documentation, design, utility relocation and construction of the Jones Point Park Improvement Project; and,

WHEREAS, the National Park Service has agreed to provide funding for design and construction of the Lighthouse Interior Renovations; and,

WHEREAS, VDOT has agreed to obtain NPS funds through FHWA, and use them to complete renovation designs and pay for all construction related costs of the renovations, to be added into the scope of the construction contract work; and,

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WHEREAS, all Parties have agreed to cooperate to ensure the satisfactory and timely completion of the JPP Project; and,

WHEREAS, the Virginia Department of Transportation, the National Park Service, and the Federal Highway Administration jointly drafted a Memorandum of Agreement indicating the responsibilities of each party in executing the Lighthouse Interior Renovations Project, a draft of which is attached hereto.

NOW, **THEREFORE BE IT RESOLVED**, that pursuant to the §33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner to enter into a Memorandum of Agreement, with such additions and changes as necessary, with the National Parks Service and the Federal Highway Administration for the execution of the JPP Lighthouse Interior Renovations.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2011

Made By: Mr. Bowie Seconded By: Mr. Miller
Action: Motion Carried, Unanimously

Title: Utilization of Available Federal Funds and Obligation Authority

WHEREAS, Section 33.1-12 (9)(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 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 Board adopted the FY 2012-2017 Six Year Improvement Program and FY-2012 Budget on June 15, 2011; and

WHEREAS, at the end of each federal fiscal year, the Federal Highway Administration (FHWA) makes available unused obligation authority, otherwise known as year end redistribution; and

WHEREAS, it is the desire of the Virginia Department of Transportation to request and be able to utilize additional allocations and obligation authority received as a result of year end redistribution; and

WHEREAS, it is the desire of the Commonwealth Transportation Board to ensure the maximum use of all available federal funds**;** and

WHEREAS, it is the desire of the Virginia Department of Transportation to utilize unused obligation authority as a part of the project close out procedures.

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board that authority is delegated to the Secretary of Transportation to take the necessary actions to provide for the utilization of additional federal allocation/ prior unused balances and obligation authority received that are not accounted for in the Budget and Six-Year Improvement Program; and

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BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that authority is delegated to the Secretary of Transportation to take the necessary actions for VDOT to request additional federal funds and obligation authority from the year end redistribution conducted by the FHWA and to utilize such federal funds and obligation authority received and utilize prior unused balances in compliance with the Commonwealth Transportation Board policies. and that the Commissioner shall, at the next regularly scheduled meeting of this Board conducted after September 30, 2011, advise the Board of the actions made pursuant to the authorization contained herein.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 20, 2011
MOTION

Made By: Mr. Koelemay Seconded By: Mr. Garczynski
Action: Motion Carried, Unanimously

Title: Authorization to Enter into a Memorandum of Agreement between the Virginia Department of Transportation (VDOT) and the United States Army for Access Improvements for the National Museum of the United States Army

WHEREAS, the United States Army (USA) plans to construct and operate the National Museum of the United States Army (NMUSA) on the North Post of Fort Belvoir adjacent to the Fairfax County Parkway near John Kingman Road; and,

WHEREAS, The USA evaluated eight sites for the NMUSA at Fort Belvoir under the requirements of the National Environmental Protection Act (NEPA) and issued a Finding of No Significant Impact on May 19, 2011 indicating the Gunston Site was the best and most reasonable location; and,

WHEREAS, the USA under a separate request is seeking CTB approval of a limited access control change to allow a direct connection of the NMUSA entrance road to the Fairfax County Parkway; and,

WHEREAS, the USA has agreed to grant VDOT a future easement for the construction of the Fairfax County Parkway/John Kingman Road interchange if the project is funded and the limited access control change for the NMUSA entrance road is approved; and,

WHEREAS, the USA has developed a concept plan for the proposed Fairfax County Parkway/John Kingman Road interchange and performed traffic studies on the proposed at grade intersection at the Museum access road/Fairfax County Parkway intersection acceptable to VDOT.

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NOW, **THEREFORE BE IT RESOLVED**, that pursuant to the § 33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into a Memorandum of Agreement, with such additions and changes as necessary, with the United States Army for the execution of access improvements for the National Museum of the United States Army.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # New Business 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

JULY 20, 2011

MOTION

Made By: Mr. Miller **Seconded By: Mr. Sterling**

Action: Motion Carried Unanimously

Title: Delegation of Authority to the Commissioner to Authorize Bids and Execute Contracts

WHEREAS, it is the Commonwealth Transportation Board's desire to expedite the award of contracts for project in a timely manner, and

WHEREAS, since the Commonwealth Transportation Board meets on a monthly basis there are projects which must wait for the next monthly meeting before the projects can be awarded; and

WHEREAS, the next regularly scheduled meeting of the Commonwealth Transportation Board is on September 21, 2011; and

WHEREAS, to award projects as soon as practicable, and to meet project deadlines, will require that these projects be awarded prior to the next meeting of the Commonwealth Transportation Board.

NOW, THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that the Commonwealth Transportation Commissioner is hereby authorized to approve bids and execute contracts provided the bids are recommended by the Chief Engineer and after consultation with the Commonwealth Transportation Board member for the district, and further provided that it is determined by the Commissioner that the execution of the contract cannot wait until the award of the contract at the next regularly scheduled meeting of the Commonwealth Transportation Board.

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BE IT FURTHER RESOLVED that the Commissioner present those projects and bids at the next regularly scheduled meeting of the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED that this resolution will expire on September 21, 2011, the date of the next regular meeting of the Commonwealth Transportation Board.

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COMMONWEALTH of VIRGINIA

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Agenda item # New Business 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

JULY 20, 2011

MOTION

Made By: Seconded By:

Action:

Title: Delegation of Authority to the Commissioner of Highways for Approval of Bids, Award and Execution of Contract Concerning the Route 27/244 Interchange Modifications Project in Arlington County

WHEREAS, § 33.1-12(2) (b) of the Code of Virginia authorizes the Commonwealth Transportation Board (CTB) to award Design-Build transportation construction contracts; and

WHEREAS, VDOT previously developed a Finding of Public Interest for the Route 27/244 Interchange Modifications Project detailing the nature and scope of the project and the Commissioner made his written determination on April 15, 2008 that the proposed design-build project meets the Objective Criteria for a Design-Build Project, will expedite the completion of an urgently needed transportation improvement and will best serve the public interest; and

WHEREAS, the Federal Highway Administration has previously approved environmental impacts and design requirements for the project, as well as the release of the Request for Proposals (RFP) for the project; and

WHEREAS, the work for the Route 27/244 Interchange Modifications Project is funded by a combination of National Highway System Allocations, Bond Proceeds, Primary Formula Funds, Soft Match, Bonus Obligation Authority, Minimum Guarantee, Regional Surface Transportation Funds (RSTP), Federal Bridge Funds, Bond Match, Non-Formula State Match, Priority Transportation Funds, and Residue Parcel Revenue; and

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WHEREAS, in order to take full advantage of the Design-Build Proposals received April 1, 2011 which will expire on July 30, 2011; and

WHEREAS, in order to accomplish the desired objective and further the public interest by making improvements to safety, mobility and aesthetics at the interchange at Washington Boulevard (Route 27) and Columbia Pike (Route 244), the Route 27/244 Interchange Modifications Project should be awarded as soon as practicable; and

WHEREAS, successful execution of the Design-Build Proposal will require that the Notice of Intent to Award for this project be issued prior to July 30, 2011, and that the contract be awarded as soon as practicable thereafter, and given that the Board is not scheduled to meet again until September 21, 2011.

NOW THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that the Commissioner of Highways, after consultation with the Commonwealth Transportation Board member for the district, is hereby authorized and delegated the Board's authority to approve the Design-Build proposals, award and execute the Design-Build contract for this Project provided the necessary Proposal evaluation tasks and activities related to award of the contract are appropriately completed.

BE IT FURTHER RESOLVED, that the Commissioner shall present the Design-Build Project and the evaluation of the Design-Build Proposals at the next Board meeting for its affirmation of this Design-Build contract award.

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COMMONWEALTH of VIRGINIA

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Agenda item # New Business 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

FEBRUARY 16, 2011

MOTION

Made By: Mr. Keen Seconded By: Mr. Koelemay

Action: Motion Carried, Unanimously

Title: Delegation of Authority to the Commonwealth Transportation Commissioner for Approval of Bids and Execution of Contract Concerning the Route 50 Widening Project in Fairfax and Loudoun Counties

WHEREAS, § 33.1-12(2) (b) of the Code of Virginia authorizes the Commonwealth Transportation Board ("CTB") to award Design-Build transportation construction contracts; and

WHEREAS, VDOT previously developed a Finding of Public Interest for the Route 50 Widening Project detailing the nature and scope of the project and the Commissioner made his written April 15, 2008 determination that the proposed project met the Objective Criteria for a Design-Build Project and will serve the public interest; and

WHEREAS, the Federal Highway Administration has previously approved environmental impacts and design requirements for the project, as well as the release of the Request for Proposals (RFP) for the project; and

WHEREAS, the work for the Route 50 Widening Project is funded by a combination of Transportation Partnership Opportunity Funds (TPOF), Capital Project Revenue (CPR) Bonds, Surface Transportation Program (STP) Funds, Priority Transportation Equity Funds, Primary Formula Funds, and Federal Demo Access Funds; and

WHEREAS, in order to take full advantage of the Technical and Price Proposals received November 08, 2010 which will expire on March 8, 2011; and

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WHERE AS, the desired objective and public interest of increasing the road capacity and improving the safety and operation along Route 50 corridor can be met, the Route 50 Widening Project should be awarded as soon as practicable; and

WHEREAS, successful execution of the RFP bid proposals will require that this project be awarded prior to March 8, 2011, and given that the Board is not scheduled to meet again until March 16, 2011.

NOW THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that the Commonwealth Transportation Commissioner is hereby authorized and delegated the Board's authority to approve the Design Build RFP bid proposals and execute the Design Build contract for this project provided the necessary RFP evaluation tasks and activities related to award of the contract are appropriately completed.

BE IT FURTHER RESOLVED, that the Commissioner shall present the Design Build project and the evaluation of the RFP bid proposals at the next Board meeting for its affirmation of this Design Build contract award.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

December 8, 2010

MOTION

Made By: Dr. Davis **Seconded By: Mr. McCarthy**

Action: Motion Carried, Unanimously

Title: Authorization to Enter into a Memorandum of Understanding among the Virginia Department of Transportation (VDOT), Maryland State Highway Administration (MSHA), and the City of Alexandria for the Woodrow Wilson Bridge (WWB) Fire Protection System Upgrade Design Phase.

WHEREAS, operation of the current fire protection system on the WWB depends on the timely arrival and proper functioning of a fireboat that would pump water from the Potomac River into the standpipe system for use by fire trucks on the bridge; and,

WHEREAS, the City of Alexandria Fire Department is the closest jurisdiction to the attachment point; and,

WHEREAS, ownership, operation, inspection, maintenance, and rehabilitation of the WWB are the joint responsibility of VDOT and MSHA in accordance with the September 7, 2001 Agreement Covering the Ownership, Operation, Inspection, Maintenance, and Rehabilitation of the WWB.

WHEREAS, VDOT will continue to oversee the completion of the WWB Project for the foreseeable future.

WHEREAS, the City of Alexandria Fire Department has requested that VDOT design an upgrade to the standpipe system to include a remotely operable, permanent stay-in-place pump system to charge and pressurize the existing dry standpipe system prior to the arrival of fire trucks.

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WHEREAS, VDOT, MSHA, and the City of Alexandria have negotiated and drafted a MOU, and associated Project Management Plan, that requires VDOT to provide a design which shall include a complete package of plans, specifications, and estimate of the upgrades to the existing fire protection system on the WWB suitable for procurement with the VDOT construction procurement system.

WHEREAS, the DCHSEMA has agreed to provide funding for the design of the upgrades to the existing fire protection system via a subgrant from its Fiscal Year 2008 Homeland Security Grant Program, Urban Areas Security Initiative.

WHEREAS, VDOT, MSHA, and the City of Alexandria will establish a future MOU to address responsibilities for the procurement and installation of the physical system upgrades and the ownership, operation, and maintenance of the complete system and for the funding participation thereof.

NOW, THEREFORE BE IT RESOLVED, that pursuant to the § 33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board, by approval of this Resolution, authorizes the Commissioner to enter into a Memorandum of Agreement and any and all documents required to comply with this resolution, with such additions and changes necessary, with the City of Alexandria and MSHA to allow the design of upgrades to the WWB Fire Standpipe System.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 15, 2010

MOTION

Made By:Mr. Koelemay Seconded By:Mr. Layne
Action:Motion Carried, Unanimously

Title: Authorization to Enter into a Memorandum of Agreement between the Virginia Department of Transportation (VDOT) and the United States Department of the Army for the Construction of Road Improvements and Granting of an Easement on U.S. Route 1 at Fort Belvoir, Virginia

WHEREAS, the Army is the owner of certain real property located in Fort Belvoir, Virginia, which comprises Fort Belvoir and has proposed the design and construction of intersection improvements at U.S. Route 1 and Belvoir Road (Pence Gate) and U.S. Route 1at Pohick Road (Tulley Gate) and replacement of the Army owned Gunston Road Bridge over U.S. Route 1; and,

WHEREAS, VDOT is the state agency with administrative oversight, maintenance and jurisdictional authority for U.S. Route 1, including the intersection improvements at Belvoir Road and Pohick Road; and,

WHEREAS, the Army has designed and will construct the road improvements with FHWA, VDOT, and AASHTO road construction standards and specifications; and,

WHEREAS, the road and bridge improvements to be constructed by the Army are intended to help mitigate the impact of relocating 3,400 employees to the Main Post of Fort Belvoir as a result of the 2005 Federal Base Realignment and Closure (BRAC) recommendations; and,

WHEREAS, the United States Army has agreed to provide an easement sufficient in width to the Commonwealth of Virginia for the maintenance and operation of the completed road improvements, the future widening of U.S. Route 1 to six lanes and the preservation of a future transit corridor; and,

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WHEREAS, the Virginia Department of Transportation and the United States Department of the Army jointly drafted a Memorandum of Agreement indicating the responsibilities of each party in executing the intersection and bridge improvements and future U.S. Route 1 widening project, a draft of which is attached hereto.

NOW, **THEREFORE BE IT RESOLVED**, that pursuant to the § 33.1-12 of the *Code of Virginia*, the Commonwealth Transportation Board hereby authorizes the Commissioner to enter into a Memorandum of Agreement, with such additions and changes as necessary, with United States Army and the Federal Highway Administration for the construction of U.S. Route 1 improvements and the granting of an easement for the future widening of U.S. Route 1.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 13

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 15, 2010

MOTION

Made By:Dr. Davis Seconded By:Mr. Bowie Action: Motion Carried, Unanimously

Title: Utilization of Available Federal Funds and Obligation Authority

WHEREAS, Section 33.1-12 (9)(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 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 Board adopted the FY 2011-2016 Six Year Improvement Program and FY-2011 Budget on June 16, 2010; and

WHEREAS, at the end of each federal fiscal year, the Federal Highway Administration (FHWA) makes available unused obligation authority, otherwise known as year end redistribution; and

WHEREAS, it is the desire of the Virginia Department of Transportation to request and be able to utilize additional allocations and obligation authority received as a result of year end redistribution; and

WHEREAS, it is the desire of the Commonwealth Transportation Board to ensure the maximum use of all available federal funds**;** and

WHEREAS, it is the desire of the Virginia Department of Transportation to utilize unused obligation authority as a part of the project close out procedures.

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board that authority is delegated to the Secretary of Transportation to take the necessary actions to provide for the utilization of additional federal allocation/ prior unused balances and

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obligation authority received that are not accounted for the Budget and Six-Year Improvement Program; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that authority is delegated to the Secretary of Transportation to take the necessary actions for VDOT to request additional federal funds and obligation authority from the year end redistribution conducted by the FHWA and to utilize such federal funds and obligation authority received and utilize prior unused balances in compliance with the Commonwealth Transportation Board policies.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item # New Business 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

MOTION

Made by: Dr. Davis Seconded By: Mr. Martin Action: Motion Carried, Unanimously

Approval of ARRA Projects by the Commonwealth Transportation Commissioner

WHEREAS, it is the Commonwealth Transportation Board's desire to expedite the award of contracts for projects funded pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA); and

WHEREAS, since the ARRA was signed into law by President Obama on February 17, 2009, the Commonwealth Transportation Board has adopted several resolutions awarding ARRA contracts and adding projects to the Six-Year Improvement program; and

WHEREAS, since the Commonwealth Transportation Board meets on a monthly basis there are projects which must wait for the next monthly meeting before the projects can be awarded; and

WHEREAS, the next regularly scheduled meeting of the Commonwealth Transportation Board is on September 15, 2010; and

WHEREAS, to award ARRA projects as soon as practicable, and to meet deadlines associated with ARRA funding, will require that these projects be awarded prior to the next meeting of the Commonwealth Transportation Board.

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NOW, THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that the Commonwealth Transportation Commissioner is hereby authorized to approve bids and execute contracts for ARRA funded projects provided the bids are recommended by the Chief Engineer and further provided that it is determined by the Commissioner that the execution of the contract cannot wait until the award of the contract at the next regularly scheduled meeting of the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED that the Commissioner present those projects and bids at the next regularly scheduled meeting of the Commonwealth Transportation Board for affirmation by the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED that this resolution will expire on September 15, 2010, the date of the next regular meeting of the Commonwealth Transportation Board.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 14, 2010

MOTION

Made By: Mr. Martin Seconded By: Mr. Keen Action: Motion Carried, Unanimously

Title: Designation of Secretary
To the Commonwealth Transportation Board

WHEREAS, there are numerous legal documents and other instruments which must be attested to by someone on behalf of the Board; and

WHEREAS, it is not always possible to have said documents or instruments attested by the Chairman.

NOW, THEREFORE, BE IT RESOLVED, that Gerald McCarthy, is appointed as Secretary to the Board to attest the Chairman's signature and other documents of the Board. This appointment serves to rescind all prior appointments.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 14, 2010

MOTION

Made By: Mr. Keen Seconded By: Mrs. Carter
Action: Motion Carried, Unanimously

Title: Federal Transfer Agreement Between
VDOT and United States Forest Service

WHEREAS, under the provisions of Title 23 United States Code Section 132, as amended by Section 1119 of SAFETEA-LU, a State may enter into an agreement with a Federal agency to have a Federal-aid project "undertaken" by a Federal agency; and ,

WHEREAS, the Congress pursuant to SAFETEA-LU provided funds to BLAND COUNTY for establishment of a multi-use trail network and associated facilities within the Jefferson National Forest; and,

WHEREAS, The Bland County Board of Supervisors desires to transfer the administration of the project and the associated project funds to the United States Forest Service; and,

WHEREAS, it is in the best interest of the Commonwealth to transfer said funds to the United States Forest Service as necessary;

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board that the Commissioner of Transportation is authorized to take all actions and enter into all agreements necessary to grant authority and provide previously allocated SAFETEA-LU Project funds to the US Forest Service to undertake the design and construction of the identified project.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda Item # New Business 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

MOTION

Made by: Mr. Koelemay Seconded By: Dr. Davis Action: Motion Carried, Unanimously

Approval of ARRA Projects by the Commonwealth Transportation Commissioner

WHEREAS, It is the Commonwealth Transportation Board's desire to expedite the award of contracts for projects funded pursuant to the American Recovery and Transportation Act of 2009 (ARRA); and

WHEREAS, since the ARRA was signed into law by President Obama on February 17, 2009, the Commonwealth Transportation Board has adopted several resolutions, awarding ARRA contracts and adding projects to the Six-Year Improvement program for FY2010-2015; and

WHEREAS, since the Commonwealth Transportation Board meets on a monthly basis there are projects which must wait the next monthly meeting before the projects can be awarded; and

WHEREAS, to award these projects as soon as practicable will require that these projects be awarded prior to the next meeting of the Commonwealth Transportation Board.

NOW, THEREFORE, BE IT RESOLVED by the Commonwealth Transportation Board that the Commonwealth Transportation Commissioner is hereby authorized to approve bids and execute contracts for ARRA funded projects provided the bids are within the construction estimate and further provided that it is determined by the Commissioner that the execution of the contract cannot wait until the award of the contract at the next regularly scheduled meeting of the Commonwealth Transportation Board.

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BE IT FURTHER RESOLVED that the Commissioner present those projects and bids at the next regularly scheduled meeting of the Commonwealth Transportation Board for affirmation by the Commonwealth Transportation Board.

BE IT FURTHER RESOLVED that this resolution will expire on December 17, 2009, the date of the next Action Meeting of the Commonwealth Transportation Board.

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MINUTES
OF
MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD
Central Office Auditorium
1221 East Broad Street
Richmond, Virginia

July 16, 2009
9:00 a.m.

The meeting of the Commonwealth Transportation Board was held in the Central Office Auditorium of the Virginia Department of Transportation in Richmond, Virginia on July 16, 2009. The Chairman, Pierce R. Homer, presided and called the meeting to order at 1:56 p.m.

* * *

Present: Messrs. Bowie, Davies, Davis, Dickens, Keen, Koelemay, Layne, Martin, McCarthy, White, Ms. Pandak and; Vice Chairman Ekern and Mr. Badger, ex officio, Director of the Department of Rail and Public Transportation.

Absent: Messrs. Sterling, Schwartz and Mrs. Carter

* * *

Public Comment Period:
Mr. Urchie Ellis addressed the Board regarding a letter he recently sent to the Board containing suggestions he had to obtain additional funding for transportation.

* * *

Mr. Matthew T. Moskitis of the Northern Virginia Transportation Alliance provided the Board with a written statement that he asked be incorporated in the minutes of this meeting, a copy is attached hereto.

* * *

Citing a travel issue at the airport for several Board members, the Chairman took up items 8B, 8D, 11 and 13 out of order, bringing them up first on the agenda, with no objection from the Board.

Approval of Minutes of Prior Meeting:
Action on Approval of the Minutes of the June 17, 2009 meeting. Copy of approved minutes on file with the Virginia Department of Transportation (VDOT) Commissioner's Office and posted on the VDOT Internet website: www.virginiadot.org and the Virginia Regulatory Town Hall.

Made By:Mr. White, Seconded By: Mr. Koelemay.
Motion carried, minutes approved.

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Made By: Mr. Dickens Seconded By: Mr. Layne.
Motion carried, resolution approved as amended.

* * *

SCHEDULING AND CONTRACT:
Agenda Item 13. Action on Bids

Page 1 of the attached report, recommending award of order number B95.
Moved by Mr. McCarthy, seconded by: Mr. Davies.
Motion carried, bid awarded.

* * *

Page 2 of the attached report, recommending award of order number C30.
Moved by Mr. White, seconded by: Dr. Davis.
Motion carried, bid awarded.

* * *

Page 3 of the attached report, recommending rescission of order number 07/08.
Moved by Mr. Bowie, seconded by: Mr. Keen.
Motion carried, bid rescinded.

* * *

Page 4 of the attached report, recommending award of order number 07/09.
Moved by Mr. Keen, seconded by: Mr. Bowie.
Motion carried, bid awarded.

* * *

Page 5 of the attached report regarding order number J69 contained two vendors who bid for the same project. Mr. Byron Coburn indicated to the Board that the low bidder had an issue fulfilling their DBE requirements, the analysis of that issue is scheduled to go through a panel hearing next week. Mr. Coburn indicated that the next Board meeting time of September would mean the results of that panel hearing could not be shared with the Board until that time. Citing time sensitive items in the contract that are important to Staunton, Mr. Coburn asked the Board to authorize the Commissioner to take appropriate action as recommended by the Chief Engineer pending the outcome of next weeks hearing stating the project would be awarded to one of the two firms listed on page 5.

Moved by Dr. Davis, seconded by: Mr. White.
Motion carried, Commissioner granted authority to move forward on the contract as explained and requested by Mr. Coburn.

* * *

NEW BUSINESS:
Action on addition of American Recovery and Reinvestment Act of 2009 Projects Identified by Metropolitan Planning Organizations to the Six-Year Improvement Program for Fiscal Years 2010-2015.

Referenced by attachment of resolution.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # New Business

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

May 21, 2009

MOTION

Made By: Mr. Bowie Seconded By: Mrs. Carter Action: Motion Carried, Unanimously

Approval of ARRA Projects by the Commonwealth Transportation Commissioner

WHEREAS, bids for projects funded by ARRA are expected to be received on May 28, 2009; and

WHEREAS, in order to take full advantage of the construction season and to meet ARRA commitment requirements the Board believes the projects for which bids will be received on May 28th should be awarded as soon as practicable; and

WHEREAS, to award these projects as soon as practicable will require that these projects be awarded prior to the next meeting of the Board.

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board that the Commonwealth Transportation Commissioner is hereby authorized to approve bids and execute contracts for these projects for which bids are received on May 28, provided the bids are within the construction estimate.

BE IT FURTHER RESOLVED, that the Commissioner present those projects and bids at the June meeting of the Board for affirmation by the Board.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

October 18, 2007

MOTION

Made By: Mr. Schwartz Seconded By: Ms. Connally
Action: Motion Carried, Unanimously

Title: Authority to Accept Funding and Enter into Cooperative Agreements for Research and Evaluation

WHEREAS, the Virginia Department of Transportation (VDOT) has a long and successful history of using research and evaluation performed by the Virginia Transportation Research Council (VTRC) to improve the delivery of transportation services in the Commonwealth; and

WHEREAS, VTRC has extensive experience in conducting transportation related research and partnering with universities, government agencies, and other organizations in such research; and

WHEREAS, § 33.1-12 of the *Code of Virginia* authorizes the Commonwealth Transportation Board (CTB) to enter into cooperative agreements with state agencies, the federal government, and other organizations for the purpose of conducting research activities; and

WHEREAS, cooperative agreements for research and evaluation can provide substantial funding for VTRC research and development efforts.

NOW, THEREFORE BE IT RESOLVED, that the CTB authorizes the Commonwealth Transportation Commissioner or his designee to enter into and approve modifications of cooperative agreements for transportation research and evaluation projects with

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state and federal agencies, the American Association of State Highway and Transportation Officials, the Transportation Research Board, the National Cooperative Highway Research Program, and other similar institutions, not to exceed $2 million, including any modifications to such agreements, providing that the research and evaluation projects are consistent with the strategic objectives of VDOT and the policy goals of the CTB.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Commissioner or his designee will provide the Commonwealth Transportation Board with a brief description of the project and the funding level for each agreement that is entered into under this authority.

BE IT FURTHER RESOLVED, that the authority granted to the VTRC Director to enter into certain cooperative agreements pursuant to CTB resolution dated November 15, 2001, Agenda Item # 18, is hereby revoked; except that any current cooperative agreements executed under this authority shall remain valid until such time that the research activities are concluded and the terms of the agreement have been satisfied.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 20, 2007

MOTION

Made By: Mr. Davies **Seconded By: Mr. White**
Action: Motion Carried, Unanimously

Federal Earmark Transfer Agreements Between VDOT and Federal Agencies

WHEREAS, the United States Congress has earmarked Federal funds for certain projects in Virginia, identified in Attachment A, and provided those funds to the Commonwealth through the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59; and

WHEREAS, under the provisions of Title 23 United States Code Section 132, as amended by Section 1119 of SAFETEA-LU, a State may enter into an agreement with a Federal agency to have a Federal-aid project "undertaken" by a Federal agency; and

WHEREAS, federal earmarked funds must be applied to the specified project or activity; and

WHEREAS, it is in the best interest of the Commonwealth to transfer said funds to the appropriate federal agency as necessary and also provide such federal agency the required 20% non-federal match;

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board that the Commissioner of Transportation is authorized to take all actions and enter into all agreements necessary to grant authority to the applicable Federal Agencies to undertake the design, and construction of the identified projects and to authorize the appropriate Federal Agencies to accept, administer and expend the funds that were designated by the Congress.

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Attachment A - Federal Earmark Transfer Agreements Between VDOT and Federal Agencies

Federal Agency	Jurisdiction	UPC #	Scope	Earmark $
USDA Forest Service	Wise County	UPC 81126	High Knob Horse Trails - construct horse trails and facilities in the Jefferson National Forest	$600,000
USDA Forest Service	Washington County	UPC 81124	Green Cove Station - Improvements to Existing Forest Service Facility in the Jefferson National Forest	$80,000
National Park Service	Patrick County	UPC 80431	Rocky Knob Heritage Center - Planning, design, site acquisition for trail system and visitors center on the Blue Ridge Parkway	$1,200,000
USDA Forest Service	Grayson County	UPC 82059	Blue Ridge Music Center - Install lighting, improve trail system, add interpretive signs in the Jefferson National Forest	$1,200,000
USDA Forest Service	Washington County	UPC 81127	Whitetop Station - completion of renovation and trail construction in the Jefferson National Forest	$80,000
USDA Forest Service	Giles County	UPC 80524	Glen Alton - Trail construction, access and visitor center in the Jefferson National Forest	$800,000
National Park Service	Greene County	UPC 80435	Appalachian Trail - Land acquisition in the George Washington National Forest	$500,000

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairman

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Agenda item # 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 19, 2007

MOTION

Made By: Mr. Davies Seconded By: Mr. Bowie Action: Motion Carried, Unanimously

Title: Appointment of Assistant Secretaries to the Commonwealth Transportation Board

WHEREAS, there are numerous legal documents and other instruments which require the signature of the Chairman of the Commonwealth Transportation Board to be attested by someone on behalf of the Board; and

WHEREAS, it is not always possible to have said documents or instruments attested by the Secretary of the Commonwealth Transportation Board;

NOW, THEREFORE, BE IT RESOLVED, that Carol A. Mathis and Brenda P. Crouch be appointed Assistant Secretaries to the Commonwealth Transportation Board, with the power to attest the Chairman's signature.

BE IT FURTHER RESOLVED, that all prior Assistant Secretary appointments are hereby rescinded.

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COMMONWEALTH of VIRGINIA

COMMONWEALTH TRANSPORTATION BOARD
1401 EAST BROAD STREET
RICHMOND, 23219-1939

SHIRLEY J. YBARRA
CHAIRMAN

Agenda item # 18

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

November 15, 2001

MOTION

Made By: Mr. Grubb Seconded By: Mr. Humphreys Action: Motion Carried.

Title: Cooperative Agreement - FHWA
Authority to accept funding and enter into cooperative agreement for research and evaluation of Variable Speed Limits in Work Zones and other such research activities

WHEREAS, the Virginia Department of Transportation (VDOT) has a long and successful history of using research and evaluation to improve the deliver of transportation services in the Commonwealth, and

WHEREAS, the VDOT is committed to substantially improving safety to both the traveling public and highway personnel as part of its strategic objectives; and

WHEREAS, highway work zones remain one of the most dangerous areas for both drivers and workers, and

WHEREAS, the Federal Highway Administration (FHWA) solicited proposals from states for field testing of variable speed limits in work zones as a means of increasing safety, and

WHEREAS, VDOT's Transportation Research Council (VTRC), Intelligent Transportation Systems Division (ITS), and Traffic Engineering Division have cooperated in developing a proposal for improving safety in work zones through the application of variable speed limits, and

WHEREAS, VDOT is one of three states selected under the FHWA competitive process to test and evaluate the effectiveness of variable speed limits in work zones, and

WHEREAS, VDOT has been awarded funding of $517,000 to support this testing and evaluation, and

WHEREAS, these types of competitive solicitations occur frequently and can provide substantial funding for VDOT research and development efforts, which can improve safety, mobility, and delivery of improved transportation services, and

WHEREAS, the primary sources of such grants are the FHWA, the Transportation Research Board (TRB), the National Cooperative Highway Research Program (NCHRP), and other similar institutions whose primary customers are State Departments of Transportation, and

WHEREAS, VTRC is recognized as a national leader in transportation research and evaluation, and VDOT is recognized as leader in the application of research findings to improve mobility and safety,

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves the acceptance of the FHWA funding for the Variable Speed Limits Research and Evaluation Project and directs the VTRC Director to execute the cooperative agreement and any future modifications for this project.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board authorizes the VTRC Director to execute and approve modifications of cooperative agreements for future transportation research and evaluation projects with the FHWA, the TRB, the NCHRP, and other similar institutions, not to exceed $750,000 including any modifications that may arise, providing that the research and evaluation projects are consistent with the strategic objectives of VDOT.

BE IT FURTHER RESOLVED, that the VTRC Director will provide the Commonwealth Transportation Board with a brief description and the funding level for each project that is approved under this authority.

# # #

Authorization to Enter into Contracts

MINUTES
OF
MEETING OF STATE HIGHWAY AND TRANSPORTATION COMMISSION

Kilmarnock , Virginia

August 19, 1982

The monthly meeting of the State Highway and Transportation Commission was held in the Kilmarnock Volunteer Fire Department building in Kilmarnock, Virginia, on August 19, 1982, at 9:50 a.m. The chairman, Mr. Harold C. King, presided.

Present: Messrs. King, Bane, Brydges, Guiffre, Humphreys, Mohr, Quicke, Smalley, Smith, Vaughan and Watkins.

Mr. King recognized Mr. Ralph W. Hundley, chairman of the Board of Supervisors of Northumberland County, who spoke to the need for improving Route 360. Also introduced were Mr. John Houghton, chairman of the Board of Supervisors of Lancaster County; Mr. Edward J. Davis, Mayor of the Town of Kilmarnock; Ms. Kathleen Seefeldt, chairman of the Board of Supervisors of Prince William County; and the Honorable David G. Brickley, member of the House of Delegates.

On motion of Mr. Bane, seconded by Mr. Smalley, the minutes of the meeting of July 15, 1982, were approved.

On motion of Mr. Bane, seconded by Mr. Smalley, permits issued from July 15, 1982, to August 18, 1982, inclusive, as shown by records of the Department, were approved.

Motion was made by Mr. Bane, seconded by Mr. Smalley, that cancellation of permits from July 15, 1982, to August 18, 1982, inclusive, as shown by records of the Department, be approved.

MOTION CARRIED

MOVED BY Mr. Bane, seconded by Mr. Smalley, that the Commission approve additions to the Secondary System from July 15, 1982, to August 18, 1982, inclusive, as shown by records of the Department.

MOTION CARRIED

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WHEREAS, included as a part of the agreement, there is a fee schedule attached indicating the anticipated prices for the coming year. Renewal, cancalling, or modification of prices are permissible on 30 day notice by either party; and

WHEREAS, this contract has been reviewed by our Legal and Fiscal Divisions, as well as the Materials Division and everything has been found satisfactory;

NOW, THEREFORE, BE IT RESOLVED, that the Commission authorize the execution of this Contract Agreement with Froehling and Robertson, Incorporated.

MOTION CARRIED

MOVED BY Mr. Brydges, seconded by Mr. Mohr, that

WHEREAS, the position of Deputy Commissioner and Chief Engineer has been abolished and the duties and responsibilities of the position have been assigned to the newly established position of Deputy Commissioner and the position of Chief Engineer; and

WHEREAS, it is essential to the orderly and effective administration of the Department that the Commission and the Commissioner authorize the Deputy Commissioner and the Chief Engineer to execute certain contracts and agreements on behalf of the Commission and Commissioner;

NOW, THEREFORE, BE IT RESOLVED, that the Deputy Commissioner or the Chief Engineer is authorized to execute on behalf of the Commission or Commissioner any contract, lease, certificate, or agreement which has been approved by the Commission or the Commissioner, pursuant to their authority.

MOTION CARRIED

MOVED BY Guiffre, seconded by Mr. Smith,

WHEREAS, in accordance with the provisions of Section 33.1-46.2 of the Code of Virginia, the State Highway and Transportation Commission may designate one or more lanes of any highway in the Interstate, Primary, or Secondary Systems as commuter lanes for the exclusive use of buses and motor vehicles transporting multiple occupants to facilitate the rapid and orderly movement of traffic to and from urban areas during peak periods; and

WHEREAS, the reversible lanes on I-95/I-395 (Shirley Highway) from their beginning just south of the Springfield interchange to the 14th Street Bridge are currently designated as exclusive bus and carpool lanes; and

WHEREAS, it is the desire of this Commission to maximize the people-moving capacity of this corridor through the promotion of carpool, vanpool, and commuter bus activities;

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Federal Capital and Operation Grants for Local Applicants

MINUTES
OF
MEETING OF STATE HIGHWAY AND TRANSPORTATION COMMISSION

Richmond, Virginia

September 20, 1979

The monthly meeting of the State Highway and Transportation Commission was held at the Central Highway Office in Richmond, Virginia, on September 20, 1979, at 10 a.m. The chairman, Mr. Harold C. King, presided.

Present: Messrs. King, Anderson, Fralin, Hall, Hassell, Landes, Mohr, Robinson, Roos, and Wrench.

Absent: Mr. Hooper.

On motion of Mr. Mohr, seconded by Mr. Robinson, the minutes of the meeting of August 16, 1979, were approved.

On motion of Mr. Mohr, seconded by Mr. Robinson, permits issued from August 16, 1979, to September 19, 1979, inclusive, as shown by records of the Department, were approved.

Motion was made by Mr. Mohr, seconded by Mr. Robinson, that cancellation of permits from August 16, 1979, to September 19, 1979, inclusive, as shown by records of the Department, be approved. Motion carried.

Moved by Mr. Mohr, seconded by Mr. Robinson, that the Commission approve additions to the Secondary System from August 16, 1979, to September 19, 1979, inclusive, as shown by records of the Department. Motion carried.

Mr. T. Ashby Newby, Director of Administration, presented a recommendation of the consulting engineer that the 1979 Budget of the Norfolk-Virginia Beach Toll Road be amended to include the additional sum of $1,200,000 in the Improvement Fund. Mr. Roos made a motion, seconded by Mr. Mohr and carried, that this be done.

Mr. Leo E. Busser, III, Deputy Commissioner and Chief Engineer, presented the 1980-82 Biennium Budget Request, as indicated by the attached sheets. He commented that the Department's financial picture rests largely on the sale of gasoline, and there is some doubt as to whether the Department will collect the predicted gasoline taxes this fiscal year. He stated that the Department will have to cut back on the number and size of construction contracts which are to be advertised during the next several months until the revenue situation improves. On motion of Mr. Hassell, seconded by Mr. Mohr, the Budget was approved, and the Commission directed the Department to bring to the attention of all involved in the review and approval of the request that the estimates of revenues, in light of current conditions, appear to be most optimistic. Furthermore, based on recent years' experience, the need to provide funds for unanticipated storm damage repair expenses will significantly reduce the funds available for construction of new highways.

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Moved by Mr. Mohr, seconded by Mr. Anderson, that

WHEREAS, the Secretary of Transportation of the United States is authorized to make grants for mass transportation projects; and

WHEREAS, contracts for financial assistance will impose certain obligations upon the Virginia Department of Highways and Transportation, including the provision by it for the local share of project costs; and

WHEREAS, it is required by the U.S. Department of Transportation, in accordance with the provisions of the Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance, under the Urban Mass Transportation Act of 1964, as amended, the Virginia Department of Highways and Transportation give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Virginia Department of Highways and Transportation that minority business enterprise be utilized to the fullest extent possible in connection with such projects, and that definitive procedures shall be established and/or administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant or other services; and

WHEREAS, the State Highway and Transportation Commission has been delegated the responsibility for developing and coordinating balanced and unified transportation system plans; and

WHEREAS, it is necessary that the Commission authorize the Commissioner of Highways and Transportation to act in its behalf;

NOW, THEREFORE, BE IT RESOLVED, that the State Highway and Transportation Commission does hereby authorize the Commissioner to:

execute and file applications and grant contracts, on behalf of the Virginia Department of Highways and Transportation with the U.S. Department of Transportation, to aid in the financing of transportation activities within the Commonwealth of Virginia,

execute and file with such applications, assurances, or any other document required by the U.S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964,

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furnish such additional information as the U.S. Department of Transportation may require in connection with the applications or projects,

set forth and execute affirmative minority business policies in connection with each project's procurement needs, and

enter into any necessary contractual agreements in order to carry out these activities.

MOTION CARRIED

The next meeting of the Commission will be held on Thursday, November 1, as a part of the Fall Highway and Transportation Conference at Virginia Military Institute.

The meeting was adjourned at 12:16 p.m.

Approved:

Chairman

Attested:

Secretary

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