



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
Fax: (804) 225-4700
Agenda item # 11

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 18, 2009

MOTION

Made By: Mr. Schwartz Seconded By: Mr. Koelemay Action: Motion Carried

**Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For
Fiscal Years 2010 - 2015**

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 FY09-14 Six-Year Improvement Program on June 19, 2008 and a Revised FY09-14 Six-Year Improvement Program on February 13, 2009; and

WHEREAS, the commonwealth's official revenue forecasts have been reduced significantly as a result of current economic conditions; and

WHEREAS, due to reductions in the urban allocation, project schedules have been lengthened substantially, making projects infeasible; and

WHEREAS, the Board and the municipalities have determined that the financial circumstances are such that cancelling these infeasible projects and transferring funding to viable projects is the appropriate action; and

WHEREAS, cancellation and transfer of available funding to more viable projects has subsequently been requested by the municipalities; and

WHEREAS, Section 33.1-44 of the Code of Virginia, provides that a municipality requesting a project cancellation is required to reimburse the Board all funds expended by the Board, but that the Board shall have the authority to waive all or any portion of such reimbursement at its discretion; and

WHEREAS, since the decision to cancel and transfer has been made jointly and cooperatively, the Commonwealth Transportation Board does not believe the Section 33.1-44 reimbursement requirement is applicable; and

WHEREAS, Item 436 of Chapter 781 of the 2009 Virginia Acts of the Assembly authorizes the Secretary 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 *Code of Virginia* Section 33.1-12 (9) and (11) to administer and allocate funds in the Transportation Trust Fund; and

WHEREAS, the Board is required by *Code of Virginia* Section 33.1-12 (11) to ensure that total funds allocated to any highway projects are equal to expenditures within 12 months following completion of the project; and

WHEREAS, Section 33.1-23.03:2 of the *Code of Virginia* sets aside funds for the Commonwealth Port Fund, the Commonwealth Airport Fund and the Commonwealth Mass Transit Fund and for capital improvements of highways; and

WHEREAS, Section 58.1-638 of the *Code of Virginia* requires the Board to allocate funds from the Commonwealth Port Fund and the Commonwealth Airport Fund in accordance with the statutory formula; and

WHEREAS, Section 58.1-638 (A) (4) (c) of the *Code of Virginia* requires the Board to allocate funds for mass transit in accordance with the statutory formula set forth therein; and,

WHEREAS, Section 58.1-2425 of the *Code of Virginia* sets aside funds for the Rail Enhancement Fund for capital improvements of railways; and

WHEREAS, Section 33.1-221.1:1.1 of the *Code of Virginia* requires the Board to allocate funds from the Rail Enhancement Fund in accordance with Board established policies and procedures under the advisement of the Rail Advisory Board and the Director of the Department of Rail and Public Transportation as established by 33.1-391.3:1; and

WHEREAS, Section 33.1-221.1:1.2 of the *Code of Virginia* requires the Board to allocate funds from the Shortline Railway Preservation and Development Fund in accordance with Board established policies and procedures; and

WHEREAS, Section 33.1-23.1 of the *Code of Virginia* requires the Board to allocate funds for maintenance, construction, and improvements on the Interstate, Primary, Urban and Secondary Highway Systems; and

WHEREAS, the Draft Six-Year Improvement Program for Fiscal Years 2010 through 2015 was made available for review and comments; and

WHEREAS, statewide public hearings were held on June 1st, 2nd, 3rd, and 4th, 2009, to receive public comments prior to the Board's adoption of the Final Six-Year Improvement Program; and

WHEREAS, the Board recognizes that all projects, whether public transportation, rail or highway, are appropriate for the efficient movement of people and freight and, therefore, for the common good of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Commonwealth Transportation Board that the allocations from the Commonwealth Port Fund, the Commonwealth Airport Fund and the Commonwealth Mass Transit Fund are approved; and

BE IT FURTHER RESOLVED, that for the projects listed on Appendix A, the Commonwealth Transportation Board is hereby waiving the requirement for reimbursement of expenditures thus providing each municipality the opportunity to replace these projects with more financially feasible projects; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Commissioner, upon written recommendation by the Virginia Department of Transportation's Chief Financial Officer and after consultation with the Commonwealth Transportation Board member for the district, is granted the authority to transfer up to ten percent of funds allocated to a project within a transportation construction district and system to another project(s) within the same transportation construction district and system to meet the Board's statutory requirements; and

BE IT FURTHER RESOLVED, that the Director of the Department of Rail and Public Transportation, upon written recommendation by the Department of Rail and Public Transportation's Chief Financial Officer and after consultation with the Commonwealth Transportation Board member for the district, is authorized to approve federal and state public transportation and rail grants as set out in the approved Six-Year Improvement Program and is

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authorized to reallocate funds among the line items of existing grants, to allocate additional funds to existing grants up to \$200,000 per grant, and to award additional federal and state grants for rail and public transportation up to \$200,000, as may be necessary to meet the goals of the Board; and

BE IT FURTHER RESOLVED, that the Commissioner and Director shall notify the Board on a monthly basis should such transfer or allocation be made; and

BE IT FURTHER RESOLVED, that if such request for transfer of allocation exceeds ten percent or \$200,000 as applicable, 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; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the transfer of previous allocations on the interstate system between districts necessary to maximize the use of federal transportation funds as set forth in Appendix B listing of district transfers and attached hereto is approved; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the allocations of Interstate, Primary, Secondary and Urban road construction funds, Maintenance and Operations funds, and Rail and Public Transportation funds in the Six-Year Improvement Program for Fiscal Years 2010 through 2015 are approved; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Six-Year Improvement Program of projects and programs for Fiscal Years 2010 through 2015 for Interstate, Primary and Urban Highway Systems, and Rail and Public Transportation are approved.

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Appendix A

Cancelled Urban Projects for Waiver

Bristol District

Town of Marion - South Church Street Widening (UPC 15757)
 City of Norton - Rte 23 – Park Avenue Widening (UPC 16492)

Hampton Roads District

City of Emporia - Sunnyside Road Construction (UPC 59353)
 City of Franklin - Hunterdale Road Widening (UPC 52057)
 Town of Smithfield - South Church Street Widening (UPC 9786)
 City of Suffolk - Finney Avenue Construction (UPC 15826)

Salem District

City of Radford - Park Road Construction (UPC 76558 & 76559)

Staunton District

City of Buena Vista - Rte 60 – Curb and Gutter (UPC 68088)
 Town of Elkton - Spotswood Avenue Reconstruction (UPC 64649)
 City of Lexington - Rte 60 Interchange Improvements (UPC 64650)
 Town of Luray - Reservoir Avenue Reconstruction (UPC 56266)

Appendix B

Interstate Transfers (Previous Allocations)

Bristol	\$ 8,733,501
Culpeper	886,480
Fredericksburg	3,069,790
Hampton Roads	39,254,095
Northern Virginia	6,682,414
Richmond	20,973,913
Salem	7,209,393
Staunton	10,974,413
Statewide	<u>400,000</u>
	\$98,183,999