

MEMORANDUM OF UNDERSTANDING CONCERNING  
INTERSTATE 95 TRANSIT AND TRANSPORTATION DEMAND MANAGEMENT PLAN  
IMPLEMENTATION AND FUNDING OF TRANSIT SERVICE RECOMMENDATIONS

This Memorandum of Understanding (“MOU”) Concerning Interstate 95 Transit and Transportation Demand Management (“Transit and TDM Plan”) Implementation and Funding of Transit Service Recommendations is entered into \_\_\_\_\_, 2013 by and between the Virginia Department of Rail and Public Transportation (“DRPT”) and the Potomac and Rappahannock Transportation Commission (PRTC).

WHEREAS, the Commonwealth of Virginia is committed to addressing the transportation needs for the Interstate 95 (“I-95”) corridor through a comprehensive package of improvements, including I-95 HOT/HOV Lanes, construction of a HOV/transit only ramp at Seminary Road, and increased transit service (as described in the I-95 Corridor Transit and TDM Plan (“Plan”) developed by DRPT in cooperation with transit and TDM providers in November 2011) to complement the I-95 HOT/HOV Lanes; and

WHEREAS, DRPT has developed a long-range Transit and TDM Plan for I-95 that is focused on the needs for commuter trips originating within the I-95 travel corridor and south of the Interstate 495 (“I-495”) beltway; and

WHEREAS, the Plan recommendations are limited to improvements that directly maximize the capacity of the I-95 HOT/HOV lanes and service to major destinations within the I-495 beltway; and

WHEREAS, item 441 of the Appropriation Acts of Fiscal Year 2013 and Fiscal Year 2014, Va. Acts ch. 3 and 2013 Va. Acts ch. 806, provided that prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board (“CTB”) may allocate funding from the Commonwealth Mass Transit Fund to implement the transit and transportation demand management improvements identified for the I-95 corridor and that such costs shall include direct transit capital and operating costs as well as transportation demand management activities; and

WHEREAS, the Plan contains recommendations for implementing the Appropriation Act language; and

WHEREAS, PRTC wishes to receive funding as contemplated by the Plan; and

WHEREAS, the parties wish to memorialize the parameters for the allocation of financial assistance for the implementation of the Plan recommendations.

NOW THEREFORE, the parties agree that the process will work as follows:

A. To receive 100 percent state capital assistance for the implementation of the Plan recommendations, the following provisions shall apply:

1. Request for 100 percent state capital assistance to purchase the recommended vehicles in accordance with the DRPT capital application period and adhere to all state requirements concerning the request, which can be found on [www.drpt.virginia.gov](http://www.drpt.virginia.gov).

2. The number of buses purchased for any five-year increment must not exceed the number recommended in Table 3-4 of the I-95 Transit and TDM Technical Memorandum #3, hereto attached, marked as Attachment A and made a part of this MOU. To define the precise number of buses purchased each year, PRTC shall propose, as a separate part of its annual Transit Development Plan (“TDP”) update, the anticipated service start dates and associated bus acquisition needs for the next state grant application cycle, which may be used in discussions concerning PRTC applications for bus acquisitions. A cumulative record of buses acquired in each five-year increment shall be maintained by PRTC, with the total number acquired not to exceed the number specified in Table 3-4 of the I-95 Transit and TDM Technical Memorandum #3 for that five-year period.

3. Bus purchases must be made in a timeframe sufficient to provide the recommended service within the appropriate five-year increment as found in the Transit and TDM Technical Memorandum # 3.

4. The request for 100 percent capital assistance to purchase buses for any five-year increment must not exceed the year of expenditure capital cost estimates as identified in Appendix A of the I-95 Transit and TDM Technical Memorandum #3.

4. Buses purchased with 100 percent state capital assistance will be made available and utilized to operate the specific service recommended in Table 3-6 of the I-95 Transit and TDM Technical Memorandum #3.

5. Buses purchased must provide the requisite comfort, reliability and capacity to accommodate the projected demand for the recommended service in the Plan.

6. Major midlife overhauls and replacement of buses purchased with 100 percent state capital assistance will be done at the capital assistance tier 1 percentage specified by the CTB for the year in which funding for overhauls or replacement is sought by PRTC.

7. Execute an agreement concerning the funding that is acceptable to DRPT.

B. To receive 55 percent state operating assistance for the implementation of the Plan recommendations, the following provisions shall apply:

1. PRTC shall propose, as a separate part of its annual Transit Development Plan (“TDP”) update, the anticipated service start dates and associated bus acquisition needs for the next state grant application cycle, which may be used in discussions about the service start dates and associated additional revenue hours PRTC will apply for in that year. State operating assistance is subject to all state requirements concerning the request, which can be found on [www.drpt.virginia.gov](http://www.drpt.virginia.gov).

2. Ridership, revenue miles and revenue hours for each route must be reported on a quarterly and annual basis to DRPT. The data will not be included in the ridership count or the operating expenses used to calculate state operating assistance for PRTC’s other operations.

3. Transit service operations and route origin and destinations must be provided as recommended in Table 3-5 of the I-95 Transit and TDM Technical Memorandum #3. Deviation of these service recommendations without DRPT’s approval will not be permitted and are grounds for termination of capital and operating assistance. PRTC may seek DRPT’s approval for deviations PRTC believes are necessary as part of each year’s TDP update, or at other times when circumstances necessitate a deviation request DRPT will consider such requests, decide what deviations are allowable and provide a letter outlining its decision to PRTC within 60 days of the request. DRPT’s decision will be final. If DRPT

grants a request the Transit service operations and route origin and destinations in Table 3-5 of the I-95 Transit and TDM Technical Memorandum #3 will be modified accordingly.

4. If the route, origin or destination of the service deviates from what is recommended in Table 3-5 of the I-95 Transit and TDM Plan, and as refined on an annual basis as specified in Sections A.2 and B.1, without DRPT's prior assent, and DRPT exercises the right to terminate the service, any operating assistance provided by the CTB for the time during which the service was not operated shall be repaid as specified in the DRPT project agreement. In the event DRPT exercises the right to terminate the service, PRTC shall also be responsible for selling the buses and remitting to DRPT their auctioned yield, or if DRPT directs, for conveying the buses to DRPT for use in a location determined by DRPT.

5. Execute a funding agreement that is acceptable to DRPT.

C. It is understood that all funding from the Commonwealth of Virginia that is the subject of this MOU is subject to appropriation by the General Assembly and allocation by the CTB. Similarly, it is understood that all funding from PRTC that is the subject of this MOU is subject to appropriation by PRTC.

IN TESTIMONY THEREOF, the parties have caused this Memorandum of Understanding to be executed in triplicate, each by its duly authorized officers.

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF RAIL  
AND PUBLIC TRANSPORTATION

\_\_\_\_\_  
WITNESS

BY: \_\_\_\_\_  
Thelma Drake  
Director

POTOMAC AND RAPPAHANNOCK  
TRANSPORTATION COMMISSION

\_\_\_\_\_  
WITNESS

BY: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_