



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

W. Sheppard Miller, III  
Chairperson

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*Agenda item # 9*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

March 19, 2024

#### MOTION

**Made By:** Mr. Kasprovicz, **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 1<sup>st</sup> 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

Adoption of Updated Six-Year Improvement Program Development  
and Management Policy

March 19, 2024

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**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.”

###

## **Attachment A**

### **Updated Six-Year Improvement Program Development and Management Policy**

#### **I. Overview**

The Six-Year Improvement Program (SYIP) is developed annually and identifies the planned use of funds available for highway construction and rail and public transportation. For highway construction, the SYIP identifies for each project, the timing, amount, and type of funding planned to be available over the upcoming six years. The rail and transit programs in the SYIP identify the planned uses of available funding for transit and rail capital, as well as the planned support for transit operations and other programs administered by DRPT for the next year.

§ 2.2-229 of the Code of Virginia charges the Office of Intermodal Planning and Investment (OIPI) to oversee and coordinate with the Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) the development of, for the Commonwealth Transportation Board's approval, the SYIP of the Board pursuant to § [33.2-214](#). Furthermore, VDOT and DRPT shall coordinate in the development of the SYIP regarding items of mutual responsibility. The SYIP shall be based on the most recent official revenue forecasts and a debt management policy.

The basis for the Draft Six-Year Financial Plan (SYFP) and Draft SYIP is driven by the official December revenue forecast provided by the Department of Taxation and program assumptions in the Governor's proposed budget. A Draft SYFP and Draft SYIP, based on these program assumptions as well as other data and programmatic assumptions are generally presented to the Commonwealth Transportation Board (Board) in April of each year. This is followed by a series of public meetings across the state. Data and assumptions that form the basis for the Draft SYFP and Draft SYIP are revised based on General Assembly actions and the Commonwealth's final biennial budget approved by the General Assembly and signed by the Governor and incorporated into the Final SYFP and Final SYIP presented to the Board for adoption in June of each year.

#### **II. Key Funding Programs Included in the SYIP**

##### **A. Highway Construction Funding Programs**

- State of Good Repair Program (SGR) pursuant to § 33.2-369; and
- High Priority Projects Program (HPP through SMART SCALE) pursuant to § 33.2-370; and
- Innovation and Technology Transportation (ITTF) pursuant to § 33.2-1531; and
- Highway Construction District Grant Programs (DGP through SMART SCALE) pursuant to § 33.2-371; and
- Unpaved Roads pursuant to § 33.2-359; and
- Interstate Operations and Enhancement Program (IOEP) pursuant to § 33.2-372; and

- Virginia Highway Safety Improvement Program (VHSIP) pursuant to § 33.2-373; and
- Special Structures Program pursuant to §33.2-374; and
- Revenue Sharing Program (RS) pursuant to §33.2-357; and
- Surface Transportation Block Grant Program set-aside for Transportation Alternatives (TAP) pursuant to § 11109 of the Infrastructure Investment and Jobs Act (IIJA); 23 U.S.C. 133; and
- Bridge Rehabilitation and Replacement Program pursuant to Title VIII of Division J of the Infrastructure Investment and Jobs Act (Public Law 117-58, 135 STAT. 429, 1420); and
- Carbon Reduction Program pursuant to § 11403 of the IIJA; 23 U.S.C. 175; and
- PROTECT Program pursuant to §11405 of the IIJA; 23 U.S.C. 176; and
- National Electric Vehicle Infrastructure Program pursuant to Title VIII of Division J of the Infrastructure Investment and Jobs Act (Public Law 117-58, 135 STAT. 429, 1421); and
- Congestion Mitigation and Air Quality Improvement Program (CMAQ) pursuant to § 11115 of the IIJA; 23 U.S.C. 149; and
- Regional Surface Transportation Program (RSTP) pursuant to § 11109; 23 U.S.C. 133.

**B. Rail and Public Transportation Programs**

- Transit programs pursuant to §33.2-1526.1 and 33.2-3401, including statewide operating assistance; statewide capital assistance; special; ridership incentive; WMATA operating and capital assistance; commuter assistance; human service transportation; planning, regulation, and safety; and WMATA dedicated; and
- Rail programs pursuant to §33.2-1526.4 and 33.2-1602, including rail preservation and planning and freight rail.
- Formula grant and discretionary funding distributed to DRPT and its rail and transit partners by the Federal Transit Administration and the Federal Railroad Administration.

**III. Projects in the SYIP**

VDOT and DRPT solicit applications on an annual basis, evaluate and prioritize potential projects based upon Board policies, and selected projects are reflected within the six-year horizon of the SYIP.

Highway Construction Program

Projects are included in the highway construction portion of the SYIP if they are funded through one or more of the Board's funding programs and/or administered by VDOT.

In general, it is the Board's intent to demonstrate commitment to projects selected for funding in the SYIP through one of the Board's funding programs by fully funding the

projects through construction. Section 33.2-214 of the Code of Virginia states that the Board shall only include a project or program wholly or partially funded with funds from the State of Good Repair Program pursuant to § 33.2-369, the High Priority Projects Program pursuant to § 33.2-370, the Highway Construction District Grant Programs pursuant to § 33.2-371, the Interstate Operations and Enhancement Program pursuant to § 33.2-372, or capital projects funded through the Virginia Highway Safety Improvement Program pursuant to § 33.2-373 in the Six-Year Improvement Program if the allocation of funds from those programs 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.

#### Rail and Public Transportation Program

Projects are included in the SYIP if they are funded through the Commonwealth Mass Transit Fund, the Washington Metropolitan Area Transit Authority Capital Fund, the Commonwealth Rail Fund, FREIGHT (Rail Grant), or the Shortline Railway Preservation and Development program.

#### **IV. Timing of Updates to Various Funding Programs in the SYIP**

Updates to various funding program in the SYIP will be as follows:

- A. Allocations available in the following funding programs will be programmed in the SYIP annually:
  - Transit Programs pursuant to §33.2-1526.1(D); and
  - Freight Rail Programs pursuant to §33.2-1526.4 (DRPT share only) and §33.2-1602; and
  - State of Good Repair Program pursuant to §33.2-369; and
  - Regional Surface Transportation Program funds provided to metropolitan planning organizations pursuant to § 11109 of the IJA; 23 U.S.C. 133; and
  - Congestion Mitigation Air Quality funds pursuant to § 11115 of the IJA; 23 U.S.C. 149; and
  - Highway Safety Improvement Program pursuant to § 33.2-373; and
  - Special Structures Fund pursuant to §33.2-1532.
  
- B. Allocations at least equivalent to those available in the fifth and sixth year of the SYIP under development for the following funding programs will be programmed in even-numbered fiscal year SYIP updates:
  - High Priority Projects Program pursuant to §33.2-370; and
  - Highway Construction District Grants Program pursuant to §33.2-371.
  
- C. Development of the SMART SCALE program will be in accordance with the Board's Policy and Guide for Implementation of the SMART SCALE Project Prioritization Process according to the following schedule:
  - October – Release of list of submitted projects to the Board and the public.
  - No later than the December Board meeting

- Consideration of a resolution to identify up to two additional projects to be evaluated and considered for funding, if necessary.
  - January Board meeting
    - Release the results of the screening and analysis of candidate projects and strategies, including the weighting factors and the criteria used to determine the value of each factor no later than 150 days prior to a vote on such projects or strategies to the Board and the public pursuant to § 33.2-214.2.
    - Release and discussion of a preliminary funding scenario determined as follows
      - For purposes of determining priorities, scores will be based on benefit relative to SMART SCALE request. Scores based on benefit relative to total cost will also be provided to the Board for their consideration.
      - Step 1 – Fund top scoring projects within each district eligible for Highway Construction District Grant Program funds using Highway Construction District Grant Program funds until remaining funds are insufficient to fund the next highest scoring project.
      - Step 2 – Fund top scoring projects statewide eligible for High Priority Projects Program funds using High Priority Projects Program funds until funds are insufficient to fund the next highest scoring project.
      - Remaining balances will be reserved for allocation in a subsequent round or to address budget adjustments on selected projects according to the thresholds established in the SMART SCALE Prioritization Policy.
  - April Board meeting
    - Release of the Draft SYIP, incorporating the preliminary funding scenario, for review and comment.
  - May Board meeting
    - Consideration of proposed modifications to the preliminary funding scenario.
  - June Board Meeting
    - Consideration of the proposed Final SYIP, incorporating approved modifications to the preliminary funding scenario, for adoption.
- D. Allocations equivalent to those available in the first and second year of the SYIP under development for the following funding program will be programmed in odd-numbered fiscal year SYIP updates:
- Surface Transportation Block Grant set-aside for Transportation Alternatives pursuant to § 11109; 23 U.S.C. 133.
- E. Allocations at least equivalent to those available in the third and fourth year of the SYIP under development for the following funding program will be programmed in odd-numbered fiscal year SYIP updates:
- Revenue Sharing Program pursuant to §33.2-357.

## V. Management of the SYIP

- A. Subject to the provisions governing each funding programs, the Board may adjust the timing of funds programmed to projects from previously adopted programs to meet the cash flow needs of the individual projects, maximize the use of federal funds, or to address revised revenue projections and project priorities.
- B. Consistent with the Board's Systematic Review of Funding Policy, as last amended on February 18, 2015, and subject to federal/state eligibility requirements and the provisions governing each of these funding programs, as part of the annual SYIP update, funds no longer needed for the delivery of a project will be reallocated.
- C. In the event of a reduced revenue forecast that impacts the funds available to support the projects previously committed to by the Board, the Board will maintain its commitment to previously approved projects by committing funds from a subsequent solicitation cycle. In the event of an increased revenue forecast that impacts the funds available for a previous solicitation cycle, the additional funds will be reserved to address budget adjustments on existing projects selected within those programs or reserved for allocation in the next solicitation cycle for those programs.
- D. Subject to the provisions governing each of these programs, the scope of a project selected for funding by the Board should not be substantially modified in such a manner that the selected project no longer accomplishes substantially similar purpose and benefits as the original scope.
- E. Subject to the provisions governing each of these programs, in the event the anticipated cost to deliver a project exceeds the approved budget, efforts must be made to review the scope of the project for opportunities to modify or reduce scope to bring the cost back in line with the original budget while maintaining similar benefits.
- F. Subject to the provisions governing each of these programs, 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.
- G. In the event a locally-administered project is not advanced to the next phase of construction when requested by the Board, the locality may be required, pursuant to §33.2-214 of the Code of Virginia, to reimburse VDOT for all state and federal funds expended on the project.
- H. Transfers of allocations programmed to projects in the approved SYIP necessary to release funds no longer needed for the delivery of the projects or to provide additional allocations to support the delivery of eligible projects in the approved

SYIP consistent with Board priorities for programming funds and federal/state eligibility requirements, will be provided to the Board on a monthly basis, per the Board's resolution to adopt the Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2024 – 2029, as revised.



## CTB Decision Brief

### Adoption of Updated Six-Year Improvement Program Development and Management Policy

**Issue:** Commonwealth Transportation Board (Board) policies are systematically reviewed on an ongoing basis to identify those that are outdated or obsolete. The Six-Year Improvement Program (SYIP) Development Policy was adopted by the Board in December 2016. Since December 2016, various modifications to Board policy and state and federal code related to transportation revenues and funding have occurred. Updates to the SYIP Development Policy are needed.

**Facts:** 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. On December 7, 2016, the Board adopted a Six-Year Improvement Program Development Policy. The current policy sets out the timing for allocating key funding programs, establishes the Board's general intent to fully fund projects through construction, and establishes certain programmatic requirements specific to SMART SCALE.

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.

At its February 20, 2024 meeting, the Board was [presented](#) with proposed revisions to the SYIP Development Policy and a draft revised policy. Proposed revisions include the following items:

- Organizational changes
- Addition of DRPT funding programs
- New and updated federal and state code references to various funding programs
- Updates related to certain CTB Policies
- Conformed policy language regarding the availability of Revenue Sharing allocations in Years 1 and 2 for programming to current practice, which is Years 3 and 4
- SMART SCALE specific changes based on the Board's updated policy

Aside from those noted for Revenue Sharing and SMART SCALE, the Draft Revised Policy does not include any new or revised provisions not already included in another CTB Policy, federal or state code, or existing funding program requirements.

The Board was provided a Draft Revised Six-Year Improvement Program Development and Management Policy and a summary of the proposed revisions. Since the February Board meeting, minor technical edits were made to the Draft Revised Six-Year Improvement Program Development and Management Policy as shown in Attachment A.

**Recommendation:** VDOT recommends that the Board approve the Revised Six-Year Improvement Program Development and Management Policy.

**Action Required by CTB:** The CTB will be presented with a resolution for a formal vote to approve the Revised Six-Year Improvement Program Development and Management Policy and to replace and supersede the December 7, 2016 resolution titled “Six-Year Improvement Program Development Policy.”

**Result, if Approved:** If approved, the Revised Six-Year Improvement Program Development and Management Policy will replace and supersede the December 7, 2016 resolution titled “Six-Year Improvement Program Development Policy.”

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

**Public Comments/Reactions:** None

## Summary of Proposed Revisions to the Six-Year Improvement Program (SYIP) Development Policy

### Organizational Changes

- Separated the CTB resolution from the policy language, which is now an attachment.
- Organized related content into separate sections.

### New Content

- Included an overview section with background information related to the Six-Year Financial Plan (SYFP) and SYIP ([§33.2-214](#)). The SYFP identifies the planned funding for allocation to Highways, Rail, Transit, Ports, Aviation, DMV, and Space Flight. The SYIP identifies the planned use of funds available for highway construction and rail and public transportation. (Draft SYIP Policy Section I)
- Included information on DRPT funding programs. (Draft SYIP Policy Section II.B)
- Included references to new federal and state funding programs (e.g., Bridge Rehabilitation and Replacement Program, Special Structures Program, etc.). (Draft SYIP Policy Section II.A)

### Removed Items

- Deleted SMART SCALE specific content related to the following items, which is already included elsewhere in the Draft Revised Six-Year Improvement Program Development and Management Policy and/or in the [Revised SMART SCALE Policy](#) to avoid overlap and potential conflict:
  - Eligibility for both High Priority Projects Program (HPP) and Highway Construction District Grant Program (DGP) for CTB submitted applications (SMART SCALE Appendix A I.6)
  - Adjustments to DGP and/or HPP allocations (SMART SCALE Appendix A V.7)
  - Commitment to previously selected projects in the event of revenue changes (Draft SYIP Policy Section V.C)
  - Cancellation of previously selected projects (SMART SCALE Appendix A V.3)
  - Requirement for full funding of projects ([§33.2-214 E](#))
  - Determination of surplus funds (SMART SCALE Appendix A V.8)
- Removed reference to the allocation of funds from the High Priority Projects Program to the Innovation and Technology Transportation Fund, which is considered by the Board in January with the Preliminary Commonwealth Transportation Fund (CTF) Six-Year Financial Plan. (January 2024 [SYFP Presentation Slide 11](#))
- Removed reference to the allocation of funds from the Highway Construction District Grant Funds to the Unpaved Roads Program, which is considered by the Board in January with the Preliminary Commonwealth Transportation Fund (CTF) Six-Year Financial Plan. (January 2024 [SYFP Presentation Slide 11](#))

### Updated Items

- Updated state and federal code references to existing funding programs (e.g., Virginia Highway Safety Improvement Program, Regional Surface Transportation Program, etc.). (Draft SYIP Policy Section II.A)

## Revised Items

- Restated the Board’s intent to demonstrate commitment to fully funding projects through construction and expanded the list of programs required to demonstrate full funding based on [§33.2-214 E](#).
- Expanded list of allocations to be programmed annually to include DRPT programs and Special Structures. (Draft SYIP Policy Section IV.A)
- Revised the timing of Revenue Sharing allocations to be programmed in odd-numbered fiscal years to the third and fourth years of the SYIP to conform to current practice. ([January 2022 SYFP Presentation](#))
- Restated the Board’s commitment to previously selected projects included in the SYIP in the event of revenue reductions. (Draft SYIP Policy Section V.C)
- Restated requirement to release SMART SCALE scores, etc. for candidate projects no later than 150 days prior to a vote on such projects per [§33.2-214.2](#).
- Restated provisions related to SYIP management that are already included in federal or state code, other CTB policies, or funding program requirements:
  - Limitation on scope changes (various provisions in individual funding program requirements)
  - Addressing cost over runs (various provisions in individual funding program requirements)
  - Project initiation ([Appropriation Act Item B](#))
  - Reimbursement of expended funds ([§33.2-214 F](#))
  - Transfer of funds ([SYIP Adoption Resolution 6<sup>th</sup> Be It Further Resolved Clause](#))

## Related References

- Six-Year Improvement Program
  - State Code: [§33.2-214](#)
  - [Six-Year Improvement Program Development Policy](#), December 2016
- State of Good Repair
  - State Code: [§33.2-369](#)
  - [State of Good Repair Program Policy](#), February 2021
- SMART SCALE
  - State Code: [§33.2-214.1](#) (Statewide Prioritization Process); [§33.2-370](#) (High Priority Projects Program), [§33.2-371](#) (Construction District Grant Program)
  - [SMART SCALE Prioritization Process](#), December 2023, and [as revised](#) in January 2024
- Interstate Operations and Enhancement Program
  - State Code: [§33.2-372](#)
  - [Interstate Operations and Enhancement Program Policy](#), June 2021
- Virginia Highway Safety Improvement Program
  - State Code: [§33.2-373](#)
  - [Virginia Highway Safety Improvement Program Policy](#), September 2022
- Revenue Sharing Program July 2023
  - State Code: [§33.2-357](#)
  - [Revenue Sharing Policy](#), July 2023

- Transportation Alternatives Program Policy
  - [Transportation Alternatives Program Policy](#), July 2023

**RESOLUTION  
OF THE  
COMMONWEALTH TRANSPORTATION BOARD**

**March 19, 2024**

**MOTION**

**Made By:**

**Seconded By:**

**Action:**

**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 1<sup>st</sup> 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.

**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.”

###

## Attachment A

### Updated Six-Year Improvement Program Development and Management Policy

#### I. Overview

The Six-Year Improvement Program (SYIP) is developed annually and identifies the planned use of funds available for highway construction and rail and public transportation. For highway construction, the SYIP identifies for each project, the timing, amount, and type of funding planned to be available over the upcoming six years. The rail and transit programs in the SYIP identify the planned uses of available funding for transit and rail capital, as well as the planned support for transit operations and other programs administered by DRPT for the next year.

§ 2.2-229 of the Code of Virginia charges the Office of Intermodal Planning and Investment (OIPI) to oversee and coordinate with the Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) the development of, for the Commonwealth Transportation Board's approval, the SYIP [of the Board](#) pursuant to § [33.2-214 for the Commonwealth Transportation Board](#). Furthermore, VDOT and DRPT shall coordinate in the development of the SYIP regarding items of mutual responsibility. The SYIP shall be based on the most recent official revenue forecasts and a debt management policy.

The basis for the Draft Six-Year Financial Plan (SYFP) and Draft SYIP is driven by the official December revenue forecast provided by the Department of Taxation and program assumptions in the Governor's proposed budget. A Draft SYFP and Draft SYIP, based on these program assumptions as well as other data and programmatic assumptions are generally presented to the Commonwealth Transportation Board ([BoardCTB](#)) in April of each year. This is followed by a series of public meetings across the state. Data and assumptions that form the basis for the Draft SYFP and Draft SYIP are revised based on General Assembly actions and the Commonwealth's final biennial budget approved by the General Assembly and signed by the Governor and incorporated into the Final SYFP and Final SYIP presented to the [BoardCTB](#) for adoption in June of each year.

#### II. Key Funding Programs Included in the SYIP

##### A. Highway Construction Funding Programs

- State of Good Repair Program ([SGR](#)) pursuant to § 33.2-369; and
- High Priority Projects Program ([HPP through SMART SCALE](#)) pursuant to § 33.2-370; and
- Innovation and Technology Transportation ([ITTF](#)) pursuant to § 33.2-1531; and
- Highway Construction District Grant Programs ([DGP through SMART SCALE](#)) pursuant to § 33.2-371; and
- Unpaved Roads pursuant to § 33.2-359; and
- Interstate Operations and Enhancement Program ([IOEP](#)) pursuant to § 33.2-372; and



- Virginia Highway Safety Improvement Program ([VHSIP](#)) pursuant to § 33.2-373; and
- Special Structures Program pursuant to §33.2-374; and
- Revenue Sharing Program ([RS](#)) pursuant to §33.2-357; and
- Surface Transportation Block Grant [Program](#) set-aside for Transportation Alternatives ([TAP](#)) pursuant to § 11109 [of the Infrastructure Investment and Jobs Act \(IIJA\)](#); 23 U.S.C. 133; and
- Bridge Rehabilitation and Replacement Program pursuant to [Title VIII of Division J of the Infrastructure Investment and Jobs Act \(Public Law 117-58, 135 STAT. 429, 1420\)](#) ~~Division J, title VIII, Highway Infrastructure Program heading, paragraph (1)~~; and
- Carbon Reduction Program pursuant to § 11403 [of the IIJA](#); 23 U.S.C. 175; and
- PROTECT Program pursuant to §11405 [of the IIJA](#); 23 U.S.C. 176~~(e)~~; and
- National Electric Vehicle Infrastructure Program pursuant to [Title VIII of Division J of the Infrastructure Investment and Jobs Act \(Public Law 117-58, 135 STAT. 429, 1421\)](#) ~~Division J, title VIII, Highway Infrastructure Program heading, paragraph (2)~~; and
- Congestion Mitigation and Air Quality Improvement Program ([CMAQ](#)) pursuant to § 11115 [of the IIJA](#); 23 U.S.C. 149; and
- Regional Surface Transportation Program ([RSTP](#)) pursuant to § 11109; 23 U.S.C. 133.

#### B. Rail and Public Transportation Programs

- Transit programs pursuant to §33.2-1526.1 and 33.2-3401, including statewide operating assistance; statewide capital assistance; special; ridership incentive; WMATA operating and capital assistance; commuter assistance; human service transportation; planning, regulation, and safety; and WMATA dedicated; and
- Rail programs pursuant to §33.2-1526.4 and 33.2-1602, including rail preservation and planning and freight rail.
- Formula grant and discretionary funding distributed to DRPT and its rail and transit partners by the Federal Transit Administration and the Federal Railroad Administration.

### III. Projects in the SYIP

[VDOT and DRPT solicits applications on an annual basis, evaluates and prioritizes potential projects based upon Board policies, and selected such projects are reflected in the SYIP within the six-year horizon of the SYIP.](#)

#### Highway Construction Program

Projects are included in the highway construction portion of the SYIP if they are funded through one or more of the Board’s funding programs and/or administered by VDOT.

In general, it is the Board's intent to demonstrate commitment to projects selected for funding in the SYIP through one of the Board's funding programs by fully funding the projects through construction. Section 33.2-214 of the Code of Virginia states that the Board shall only include a project or program wholly or partially funded with funds from the State of Good Repair Program pursuant to § 33.2-369, the High Priority Projects Program pursuant to § 33.2-370, the Highway Construction District Grant Programs pursuant to § 33.2-371, the Interstate Operations and Enhancement Program pursuant to § 33.2-372, or capital projects funded through the Virginia Highway Safety Improvement Program pursuant to § 33.2-373 in the Six-Year Improvement Program if the allocation of funds from those programs 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.

#### Rail and Public Transportation Program

Projects are included in the SYIP if they are funded through the Commonwealth Mass Transit Fund, the Washington Metropolitan Area Transit Authority Capital Fund, the Commonwealth Rail Fund, FREIGHT (Rail Grant), or the Shortline Railway Preservation and Development program. ~~DRPT solicits applications on an annual basis, evaluates and prioritizes potential projects based upon Board policies, and such projects are reflected in the SYIP within the six-year horizon of the SYIP.~~

#### **IV. Timing of Updates to Various Funding Programs in the SYIP**

Updates to various funding program in the SYIP will be as follows:

- A. Allocations available in the following funding programs will be programmed in the SYIP annually:
  - Transit Programs pursuant to §33.2-1526.1(D); and
  - Freight Rail Programs pursuant to §33.2-1526.4 (DRPT share only) and §33.2-1602; and
  - State of Good Repair Program pursuant to §33.2-369; and
  - Regional Surface Transportation Program funds provided to metropolitan planning organizations pursuant to § 11109 [of the IIJA](#); 23 U.S.C. 133; and
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  - Highway Safety Improvement Program pursuant to § 33.2-373; and
  - Special Structures Fund pursuant to §33.2-1532.
  
- B. Allocations at least equivalent to those available in the fifth and sixth year of the SYIP under development for the following funding programs will be programmed in even-numbered fiscal year SYIP updates:
  - High Priority Projects Program pursuant to §33.2-370; and
  - Highway Construction District Grants Program pursuant to §33.2-371.

- C. Development of the SMART SCALE program will be in accordance with the Board's Policy and Guide for Implementation of the SMART SCALE Project Prioritization Process according to the following schedule:
- October – Release of list of submitted projects to the Board and the public.
  - No later than the December Board meeting
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    - Release the results of the screening and analysis of candidate projects and strategies, including the weighting factors and the criteria used to determine the value of each factor no later than 150 days prior to a vote on such projects or strategies to the [CTB-Board](#) and the public pursuant to § 33.2-214.2.
    - Release and discussion of a preliminary funding scenario determined as follows
      - For purposes of determining priorities, scores will be based on benefit relative to SMART SCALE request. Scores based on benefit relative to total cost will also be provided to the Board for their consideration.
      - Step 1 – Fund top scoring projects within each district eligible for Highway Construction District Grant Program funds using Highway Construction District Grant Program funds until remaining funds are insufficient to fund the next highest scoring project.
      - Step 2 – Fund top scoring projects statewide eligible for High Priority Projects Program funds using High Priority Projects Program funds until funds are insufficient to fund the next highest scoring project.
      - Remaining balances will be reserved for allocation in a subsequent round or to address budget adjustments on selected projects according to the thresholds established in the SMART SCALE Prioritization Policy.
  - April Board meeting
    - Release of the Draft SYIP, incorporating the preliminary funding scenario, for review and comment.
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    - Consideration of proposed modifications to the preliminary funding scenario.
  - June Board Meeting
    - Consideration of the proposed Final SYIP, incorporating approved modifications to the preliminary funding scenario, for adoption.
- D. Allocations equivalent to those available in the first and second year of the SYIP under development for the following funding program will be programmed in odd-numbered fiscal year SYIP updates:
- Surface Transportation Block Grant set-aside for Transportation Alternatives pursuant to § 11109; 23 U.S.C. 133.

- E. Allocations at least equivalent to those available in the third and fourth year of the SYIP under development for the following funding program will be programmed in odd-numbered fiscal year SYIP updates:
- Revenue Sharing Program pursuant to §33.2-357.

## V. Management of the SYIP

- A. Subject to the provisions governing each [of these funding](#) programs, the Board may adjust the timing of funds programmed to projects from previously adopted programs to meet the cash flow needs of the individual projects, maximize the use of federal funds, or to address revised revenue projections and project priorities.
- B. Consistent with the Board's Systematic Review of Funding Policy, as [last](#) amended on February 18, 2015, and subject to federal/state eligibility requirements and the provisions governing each of these funding programs, as part of the annual SYIP update, funds no longer needed for the delivery of a project will be reallocated.
- C. In the event of a reduced revenue forecast that impacts the funds available to support the projects previously committed to by the Board, the Board will maintain its commitment to previously approved projects by committing funds from a subsequent solicitation cycle. In the event of an increased revenue forecast that impacts the funds available for a previous solicitation cycle, the additional funds will be reserved to address budget adjustments on existing projects selected within those programs or reserved for allocation in the next solicitation cycle for those programs.
- D. Subject to the provisions governing each of these programs, the scope of a project selected for funding by the Board should not be substantially modified in such a manner that the selected project no longer accomplishes substantially similar purpose and benefits as the original scope.
- E. Subject to the provisions governing each of these programs, in the event the anticipated cost to deliver a project exceeds the approved budget, efforts must be made to review the scope of the project for opportunities to modify or reduce scope to bring the cost back in line with the original budget while maintaining similar benefits.
- F. Subject to the provisions governing each of these programs, 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.
- G. In the event a locally-administered project is not advanced to the next phase of construction when requested by the Board, the locality may be required, pursuant

to §33.2-214 of the Code of Virginia, to reimburse VDOT for all state and federal funds expended on the project.

- H. Transfers of allocations programmed to projects in the approved SYIP necessary to release funds no longer needed for the delivery of the projects or to provide additional allocations to support the delivery of eligible projects in the approved SYIP consistent with [BoardCTB](#) priorities for programming funds and federal/state eligibility requirements, will be provided to the Board on a monthly basis, per the Board's resolution to adopt the Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2024 – 2029, as revised.