COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

1401 East Broad Street
Richmond, Virginia 23219

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AGENDA
MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

VDOT Central Auditorium
1221 East Broad Street
Richmond, Virginia 23219

July 18, 2012
10:00 a.m. or upon adjournment of the July 18, 2012 Workshop Meeting.

Public Comments:

Approval of Minutes June 20, 2012

MAINTENANCE DIVISION: ***Presenting: Emmett Heltzel***
Division Administrator

1. Action on Commemorative Naming of the Bridge on Route 645 over the South Fork Holstein River, Smyth County, Located in the Bristol District, as the "Edward 'Bud' Ashby Memorial Bridge".

2. Action on Abandonment of Frontage Road F-654 Located in the Southwest Quadrant of the Intersection of Interstate 85 and U.S. Route 1 at Exit 15 Along Interstate 85 in South Hill, Located in the Richmond District.

3. Action on Discontinuance of Maintenance of Route 7485 (Mount Vernon Government Drive) from its juncture with Route 3500 (Holland Road) to its juncture with Route 628 (Parkers Lane) in Fairfax County, Located in the Northern Virginia District.

4. Action on Transfer of Route 863 in Pittsylvania County, Located in the Lynchburg District, From the Secondary Highway System to the Primary Highway System.

LOCAL ASSISTANCE DIVISION: ***Presenting: Jennifer DeBruhl***
Division Administrator

5. Action on Recreational Access Specifically:

Bristol District
Grayson County
Matthews State Forest
Project RECR-038-731, M501

6. Action on Economic Development Access (De-allocation) Specifically:

Richmond District
Henrico County
(Rescinding September 21, 2011 CTB Action)
Bank of America
Project 9999-043-761, M501

7. Action on Revision of the Policy and Guidelines for the Revenue Sharing Program.

PROGRAMMING DIVISION: ***Presenting: Reta Busher***
Chief of Planning and Programming

8. Action on FY12-17 Six-Year Improvement Program Transfers for June 18, 2012, through June 29, 2012.

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION:

Presenting: Kevin Page
Chief Operating Officer

9. Action on Rail Industrial Access Specifically:

Hampton Roads District
Southampton County
Greenwood RRST

10. Action on Rail Industrial Access Specifically:

Richmond District
Hanover County
Houff Feed and Fertilizer

FINANCIAL PLANNING:

Presenting: John Lawson
Chief Financial Officer

11. Action on Authorization for the Issuance and Sale of Revenue Refunding Bonds.

OFFICE OF PUBLIC PRIVATE PARTNERSHIPS:

Presenting: Dusty Holcombe
Deputy Director

12. Action on Authority for the Formulation of a 63-20 Non-profit Corporation to Develop and Finance the Route 460 Corridor Improvements Project.

LOCATION AND DESIGN :

Presenting: Mohammad Mirshahi. P.E.
Division Administrator

13. Action on Location Approval and Proposed Limited Access Control and Changes for Interstate RouteI-81 and Route 220 (Exit 150) Interchange Access Management Improvement Project in Botetourt County, located in the Salem District.

SCHEDULING AND CONTRACT:

Presenting: Mark Cacamis, P.E.
State Construction Engineer

14. Action on Bids.

NEW BUSINESS:

ADJOURNMENT:

###

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106
Richmond, Virginia 23219

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Agenda item # 1

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2012

MOTION

Made By: Seconded By: Action:

Title: "Edward 'Bud' Ashby Memorial Bridge"
Commemorative Naming of the bridge on Route 645 over the South Fork Holstein River, Smyth County.

WHEREAS, the Smyth County Board of Supervisors wants to memorialize the life of Edward "Bud" Ashby; and

WHEREAS, in accordance with §33.1-12(4) the Smyth County Board of Supervisors has requested, by resolution, that the Commonwealth Transportation Board, in memory of Mr. Ashby, name the bridge on Route 645 over the South Fork Holstein River, Smyth County as the "Edward 'Bud' Ashby Memorial Bridge"; and

WHEREAS, the Smyth County Board of Supervisors has agreed to reimburse the Virginia Department of Transportation for the costs associated with providing and installing the necessary signs; and

NOW, THEREFORE, BE IT RESOLVED, pursuant to § 33.1-12(4), *Code of Virginia*, 1950, as amended, the Commonwealth Transportation Board hereby names the bridge on Route 645 over the South Fork Holstein River, Smyth County as the "Edward 'Bud' Ashby Memorial Bridge"; and

BE IT FURTHER RESOLVED, the Department of Transportation is hereby directed to fabricate and erect appropriate signs and to invoice the Smyth County Board of Supervisors for the costs related to this commemorative naming.

####

CTB Decision Brief

Bridge Naming: "Edward 'Bud' Ashby Memorial Bridge"

Issue: Commemorative naming of the bridge on Route 645 over the South Fork Holstein River, Smyth County.

Facts: On April 10, 2012, the Smyth County Board of Supervisors passed a resolution requesting the bridge on Route 645 over the South Fork Holstein River be named the "Edward 'Bud' Ashby Memorial Bridge".

Mr. Edward "Bud" Ashby was a resident of Smyth County, Virginia. He lived a mile and a half from the bridge and traveled over the bridge for many years. He was involved and proud of his contribution in the construction of the bridge.

Recommendations: VDOT recommends this request be approved.

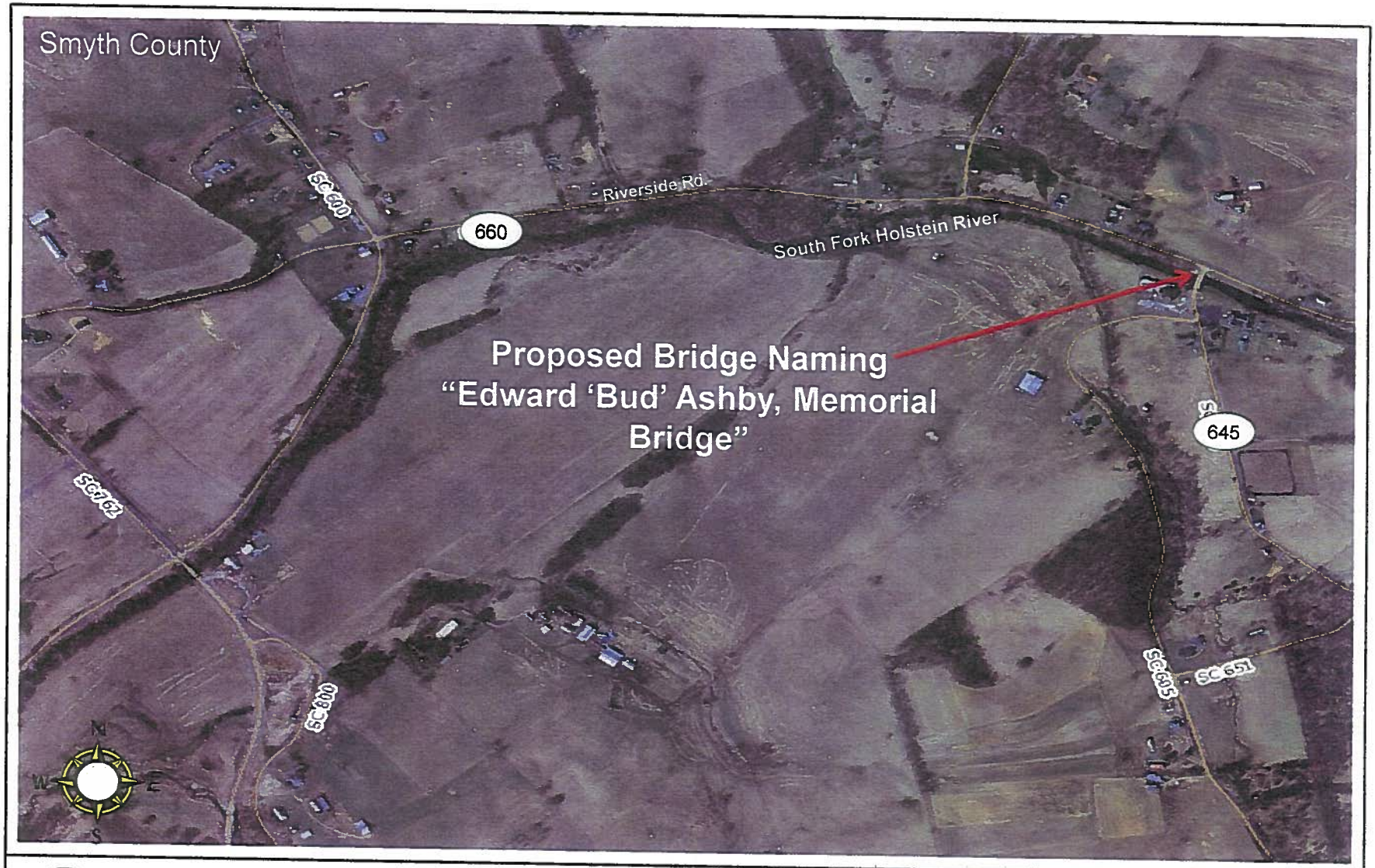
Action Required by CTB: The *Code of Virginia* requires a majority of the CTB members to approve a resolution naming the bridge. A resolution will be provided for the Board's consideration.

Result if Approved: Route 645 over the South Fork Holstein River, Smyth County will be known and signed as the "Edward 'Bud' Ashby Memorial Bridge".

In accordance with law, the County will reimburse the costs associated with providing and installing the necessary signs and VDOT will invoice accordingly.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: VDOT is not aware of any opposition to this proposal.



Virginia Department of Transportation
Maintenance Division
CTB MEETING: July 18, 2012

Smyth County

Proposed Bridge Naming:

"Edward 'Bud' Ashby, Memorial Bridge"

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Richmond, Virginia 23219

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Agenda item # 2

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2012

MOTION

Made By: **Seconded By:** **Action:**

Title: Abandonment of Frontage Road F-654 Located in the Southwest Quadrant of the Intersection of Interstate 85 and U.S. Route 1 at Exit 15 Along Interstate 85 in South Hill, Virginia

WHEREAS, Frontage Roads are constructed in conjunction with limited access highways to preserve service to properties that would otherwise be deprived of access to a public road; and

WHEREAS, Frontage Road F-654 was constructed as part of the Interstate 85 project to provide access to a lot that would otherwise have been landlocked by the limited access of the interstate; and,

WHEREAS, the lot has been combined with others into one parcel so that it now has access off of Route 1, thereby eliminating the need for F-654; and

WHEREAS, the owner of the property requested that Frontage Road F-654 be abandoned; and

WHEREAS, Department staff completed the public involvement process prescribed by §33.1-145, *Code of Virginia*, by publishing two requisite notices and conducting a public hearing at the South Hill Residency Office on May 10, 2012, to receive public input; and

WHEREAS, the Department received no objections to the proposed abandonment and recommends the road be abandoned.

NOW, THEREFORE, BE IT RESOLVED, pursuant to § 33.1-145, *Code of Virginia*, 1950, as amended, the Commonwealth Transportation Board hereby orders the abandonment of Frontage Road F-654 as a public road in the State Highway System, from U.S. Route 1 to its end, a distance of 0.06 miles.

####

CTB Decision Brief

Abandonment of Frontage Road F-654

Issue: Abandonment of Frontage Road F-654 Located in the Southwest Quadrant of the Intersection of Interstate 85 and U.S. Route 1 at Exit 15 along Interstate 85 in South Hill, Virginia

Facts: §33.1-145, *Code of Virginia*, 1950 as amended, provides the Commonwealth Transportation Board the authority to abandon roads in the State Highway System that are no longer necessary for transportation purposes. The frontage road in question, from U.S. Route 1 to its end, a distance of 0.06 miles, is a part of the State Highway System and was constructed with the interstate to serve a lot that would otherwise have been landlocked by the limited access of the interstate. That lot, as well as others, has been combined into one parcel that has access off of U.S. Route 1. Accordingly, the owner of the property, Love's Travel Stops & County Stores, Inc., in accordance with the provisions of §33.1-145 of the *Code of Virginia*, requested the frontage road be abandoned. Department staff completed the public involvement process prescribed by §33.1-145 of the *Code of Virginia,* by publication of notices in the Richmond Times Dispatch on April 10, 2012, and May 3, 2012, and in the South Hill Enterprises on April 11, 2012, and May 2, 2012 and holding a public hearing in the South Hill Residency Office on May 10, 2012. The Department, having concluded the prescribed public involvement process for such abandonments and having received no objections, supports the abandonment of Frontage Road F-654.

Recommendations: VDOT supports this abandonment.

Action Required by CTB: The *Code of Virginia* requires a majority of the CTB members to approve a resolution abandoning a road. A resolution will be provided for the Board's consideration.

Result if Approved: The frontage road in the southwest quadrant of the intersection of Interstate 85 and U.S. Route 1 at Exit 15 along Interstate 85 in South Hill, Virginia will cease to be a public way.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: VDOT is not aware of any opposition to this proposal.

Virginia Department of Transportation
VDOT
Maintenance Division
CTB MEETING: July 18, 2012

South Hill, Virginia

Proposed Abandonment of Frontage Road F-654

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD
July 18, 2012

MOTION

Made By: **Seconded By:** **Action:**

Title: Discontinuance of Maintenance of Rte. 7485 (Mount Vernon Government Drive) from its juncture with Route 3500 (Holland Road) to its juncture with Route 628 (Parkers Lane) in Fairfax County

WHEREAS, pursuant to §33.1-150, *Code of Virginia,* 1950, as amended, the Board may discontinue Department services and jurisdiction over roadways, public landings, or crossings comprising the secondary system of state highways that no longer provide sufficient public convenience to warrant maintenance at public expense; and

WHEREAS, discontinuance of any such element of the secondary system of state highways causes jurisdiction over that portion, which remains a public road, to be returned to the local government of the county within which the facility is located; and

WHEREAS, due to a County approved plan for reconstruction of the Inova Mount Vernon Hospital Campus, realignment of Route 7485 is to occur; and,

WHEREAS, the Fairfax County Board of Supervisors has passed a resolution requesting discontinuance of this route based on the realignment; and,

WHEREAS, on behalf of the Commonwealth Transportation Board, the Virginia Department of Transportation published the Notice of Intent to discontinue Route 7485 and no comments were received; and,

WHEREAS, after considering all information available, this Board is satisfied that the Department has properly concluded that due to the reconstruction of the Inova Mount Vernon Hospital Campus and realignment of Route 7485, continued maintenance Route 7485 is no longer warranted.

NOW, THEREFORE, BE IT RESOLVED, pursuant to § 33.1-150, *Code of Virginia*, this Board hereby discontinues as part of the state system of secondary highways Route 7485, also known as Mount Vernon Government Drive, from its juncture with Route 3500 (Holland Road) to its juncture with Route 628 (Parkers Lane), a distance of 0.20 miles.

###

CTB Decision Brief

Proposed Discontinuance of Mount Vernon Government Drive (Route 7485) in Fairfax County, Virginia

Issue: The Fairfax County Board of Supervisors approved a plan for reconstruction of the Inova Mount Vernon Hospital Campus which includes realignment of Route 7485, a distance of 0.20 miles. Therefore, the Fairfax County Board of Supervisors is requesting discontinuance of Route 7485 from its juncture with Route 3500 (Holland Road) and its juncture with Route 628 (Parkers Lane).

Facts: In the case Ord v. Fugate, 207 Va. 752, 152 S.E.2d 54 (1967), the Virginia Supreme Court ruled that:

1. The Commonwealth Transportation Board could discontinue VDOT services and jurisdiction over roads, landings and crossings of the secondary system of state highways when the service provided was no longer sufficient to warrant maintenance at public expense.
2. The effect of discontinuance is not to eliminate it as a public road or to render it unavailable for public use.

Pursuant to Va. Code §33.1-152.1, whenever a secondary system highway or road is discontinued under Va. Code §33.1-150, the highway or road continues to be available for use by the public as a road unless it has been abandoned pursuant to Title 33.1 or its use has been modified by a local ordinance.

In accordance with Va. Code §33.1-150, the Virginia Department of Transportation published the Notice of Intent to discontinue Route 7485 and no comments were received. The Fairfax County Board of Supervisors passed a resolution on December 6, 2011, requesting the discontinuance of Route 7485 (Mount Vernon Government Drive) from its juncture with Route 3500 (Holland Road) to its juncture with Route 628 (Parkers Lane).

Recommendations: VDOT recommends the Board approve the discontinuance of Route 7485 from its juncture with Route 3500 (Holland Road) and its juncture with Route 628 (Parkers Lane).

Action Required by CTB: The *Code of Virginia* requires a majority of the Board's members to approve the discontinuance. A resolution will be provided for the Board's consideration.

Result if Approved: The Virginia Department of Transportation will suspend maintenance of Route 7485 in Fairfax County.

Options: Approve, Deny or Defer

Public Comments/Reactions: None

Virginia Department of Transportation

Maintenance Division

CTB MEETING: July 18, 2012

Fairfax County, Virginia

Proposed Discontinuance of Mount Vernon Government Drive (Rte. 7485)

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 4

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2012

MOTION

Made By: Seconded By: Action:

Title: Transfer of Route 863, Pittsylvania County From Secondary Highway System to Primary Highway System

WHEREAS, the North Carolina Department of Transportation (NCDOT) has requested the Virginia Department of Transportation's participation in its proposal to extend U.S. Route 311 from Eden, North Carolina to U.S. 58, near Danville, Virginia; and

WHEREAS, in order to fulfill the request made by NCDOT, Virginia's Route 863 in Pittsylvania County must first be transferred from the Secondary System of Highways to the Primary System of Highways before it can be re-designated as U.S. Route 311; and

WHEREAS, transfers of highways from the Secondary System of Highways to the Primary System of Highways by the Commonwealth Transportation Board are governed by §33.1-34 (A), Code of Virginia, 1950, as amended, and Department Policy Memorandum (DPM) 8-1; and

WHEREAS, Route 863 appears to meet a majority of the criteria laid out in DPM 8-1 for transfer to the Primary System of Highways; and

WHEREAS, the Pittsylvania County Board of Supervisors passed a resolution supporting transfer of Route 863 from the Secondary System of Highways to the Primary System of Highways and extending the designation of U.S. Route 311 from Eden, North Carolina to U.S. Route 58 in Pittsylvania County.

NOW, THEREFORE, BE IT RESOLVED, pursuant to § 33.1-34(A), Code of Virginia, this Board hereby orders the transfer of Route 863 in Pittsylvania County from the State line to U.S. Route 58, a distance of 7.5 miles, from the Secondary System of Highways to the Primary System of Highways.

####

CTB Decision Brief

Transfer of Rte. 863 Pittsylvania County Secondary Highway to Primary Highway System

Issue: In order to fulfill the request made by the North Carolina Department of Transportation (NCDOT) and have Virginia's Route 863 in Pittsylvania County re-designated as U.S. Route 311, Rte. 863 must first be transferred from the secondary system of highways to the primary system of highways by the Commonwealth Transportation Board (CTB).

Facts: At the end of October 2011, NCDOT contacted the Virginia Department of Transportation regarding their interest in having NC Route 770 and its Virginia extension, VA Route 863, re-designated as U.S. 311 between Eden, North Carolina, and Route 58 in Virginia. Currently, U.S. Route 311 runs from Winston-Salem to Eden. In order for Virginia to support this action , Route 863 from the state line to Route 58 Business will need to be transferred from the secondary system of highways to the primary system of highways. The Pittsylvania County Board of Supervisors passed a resolution supporting the transfer of Route 863 from the secondary system of highways to the primary system of highways and extending the designation of U.S. Route 311 from Eden, North Carolina to U.S. Route 58 in Pittsylvania County. After this road segment is transferred to the primary system, VDOT and NCDOT must obtain approval from the American Association of State Highway Transportation Officials to have the roadway designated as a US route pursuant to 23 CFR 470.113.

Transfers of highways from the secondary system to the primary system are controlled by §33.1-34 of the Code of Virginia and Department Policy Memorandum (DPM) 8-1. The final authority to make non-project related changes rests with the CTB under subsection A of §33.1-34. There is a 50 mile annual limit for roads transferred under subsection A of §33.1-34. As the CTB transferred almost 50 miles of secondary highways to the primary system in FY2012, the approximately 7.5 miles of Route 863 could not be transferred until now, FY2013.

In 1998, the CTB adopted criteria for evaluating highways to be transferred from the secondary system to the primary system. These criteria were adopted into DPM 8-1 and are as follows:

- Serves as a link between interstate or intrastate highways, or both;
- Serves a site of historic or scenic interest:
- Connects county seats;
- Has a minimum traffic volume of 2,000 vehicles per day;
- Carries a minimum of 7% out-of-state vehicles;
- Carries a minimum of 20% light and medium duty trucks;
- Carries a minimum of 2% tractor-trailers and buses;
- Carries a minimum of 20% of traffic on trips of 25 miles or more; and
- Carries a minimum of 5% of traffic on trips of 100 miles or more.

Pursuant to DPM 8-1, roads being considered for additions to the Primary System should fully conform to a majority of the foregoing criteria. A VDOT study of Route 863 using maps and public records determined that it meets a majority of the criteria.

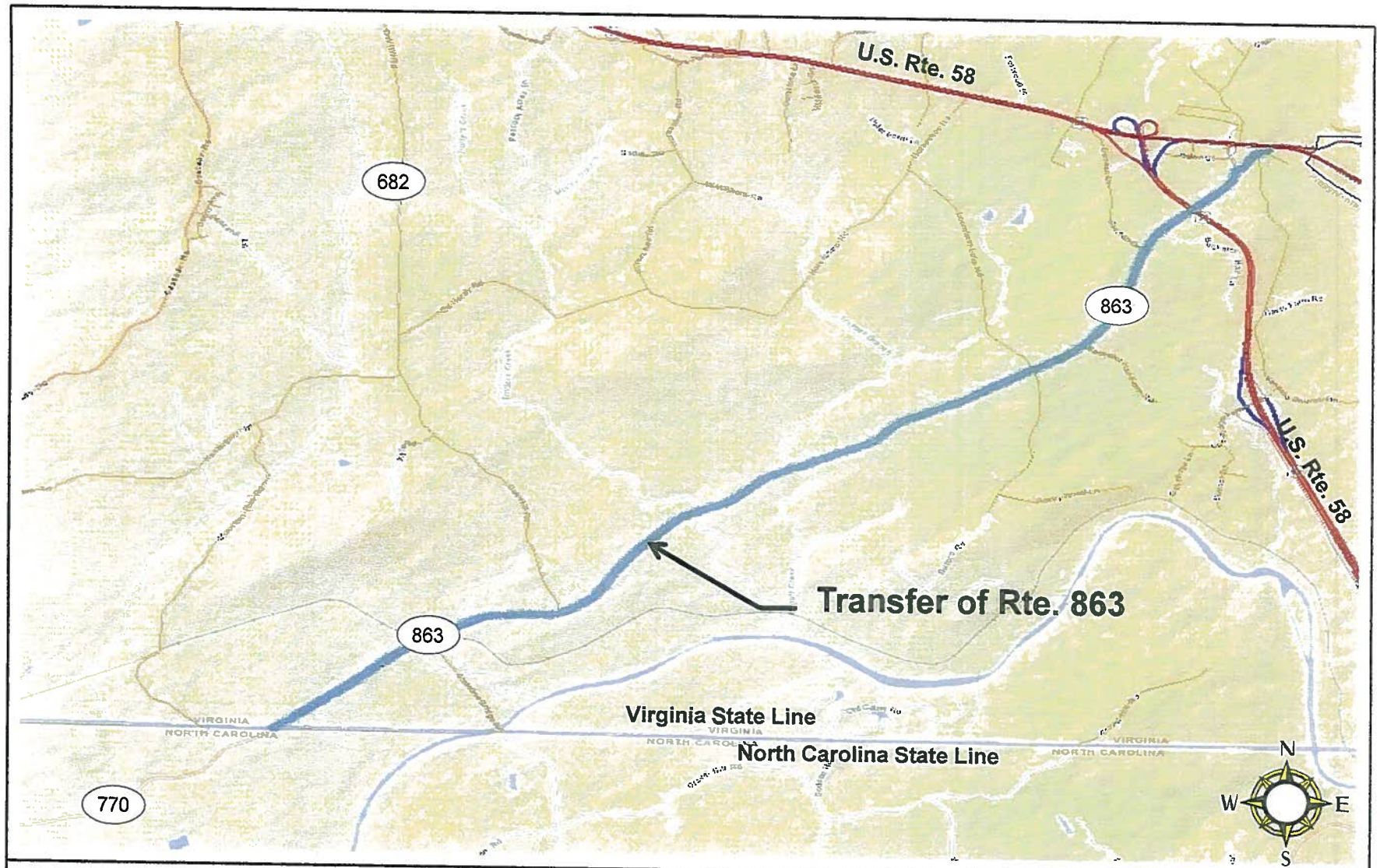
Recommendations: VDOT recommends the approval of the transfer of Route 863 to the primary highway system.

Action Required by CTB: The *Code of Virginia* requires a majority of the Board's members to approve the transfer of Route 863 from the secondary system of highways to the primary system of highways. A resolution will be provided for the Board's consideration.

Result if Approved: Roadway transferred between highway systems will continue to be operated and maintained by the Department.

Options: Approve, Deny or Defer

Public Comments/Reactions: A comment was received that suggested instead of designating Route 863 as Route 311 to tie into NC Route 311, it should instead be designated U.S. Route 360. The basis for this is that U.S. 360 is already a much longer highway than U.S. 311, it already follows a distinct northeast-to-southwest corridor and Danville is currently the terminus of it. VDOT staff contacted NCDOT to ascertain their position regarding this suggestion. NCDOT indicated that their intent was to continue to pursue the re-designation of Route 311.



Virginia Department of Transportation

Maintenance Division

CTB MEETING: July 18, 2012

Pittsylvania County, Virginia

Transfer of Rte. 863 from Secondary Highway System to Primary Highway System

PITTSYLVANIA COUNTY BOARD OF SUPERVISORS

RESOLUTION
2012-06-02

VIRGINIA: At a regular meeting of the Pittsylvania County Board of Supervisors on Monday, June 4, 2012 in the General District Courtroom of the Edwin R. Shields Courthouse Addition the following resolution was presented and adopted:

WHEREAS, Berry Hill Road (Route 863) serves as an important link between Pittsylvania County, the City of Danville and the City of Eden in North Carolina and provides access to a regionally important industrial development area; and

WHEREAS, Berry Hill Road (Route 863) was originally constructed and accepted by the Virginia Department of Transportation as a secondary road in the State system of highways; and

WHEREAS, the State of North Carolina desires to extend the designation of United States Route 311 from its current terminus in the City of Eden to United States Route 58 in Pittsylvania County; and

WHEREAS, the extension of United States Route 311 would involved the transfer of Berry Hill Road (Route 863) from the Virginia Department of Transportation secondary highway system to the primary highway system; and

WHEREAS, Berry Hill Road (Route 863) meets a majority of the criteria established by the Commonwealth Transportation Board governing the transfer of secondary highways to the primary highway system; and

WHEREAS, Pittsylvania County requests that all existing access and any existing improvement projects be grandfathered to follow prior classification standards; then

NOW, THEREFORE, BE IT RESOLVED that the Pittsylvania County Board of Supervisors does hereby support the request that the Commonwealth Transportation Board reclassify Berry Hill Road (Route 863) from the North Carolina State Line to its intersection with United States Route 58 as a primary highway.

Given under my hand this 4th day of June, 2012.

Tim R. Barber, Chairman
Pittsylvania County Board of Supervisors

William D. Sleeper, Clerk
Pittsylvania County Board of Supervisors

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
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Agenda item # 5

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2012

MOTION

Made By: **Seconded By:** **Action:**

Title: Recreational Access to Matthews State Forest
Project RECR-038-731, M501, Grayson County

WHEREAS, Section 33.1-223 of the *Code of Virginia* sets forth that the General Assembly of Virginia has found and declared that it is "... in the public interest that access roads and bikeways for public recreational areas and historical sites be provided..." and sets aside highway funds for such purpose, "… when the Director of the Department of Conservation and Recreation has designated a public recreational area as such … and recommends to the Commonwealth Transportation Board that an access road or bikeway be provided or maintained to that area"; and

WHEREAS, the Director of the Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB) have adopted a joint policy to govern the use of the Recreational Access Fund pursuant to Section 33.1-223 of the *Code of Virginia*; and

WHEREAS, the Grayson County Board of Supervisors has, by appropriate resolution, requested Recreational Access funds to provide adequate public access off of U. S. Highway 58 to serve Matthews State Forest located in eastern Grayson County, approximately 0.50 miles east of Route 94, just west of the City of Galax, and said access is estimated to cost $499,180; and

WHEREAS, this request is being considered by the Director of DCR for full compliance with the provisions of Section 33.1-223 of the *Code of Virginia*; and

WHEREAS, it is anticipated that the Director of DCR will recommend the construction of the aforementioned access roadway.

NOW, THEREFORE, BE IT RESOLVED, that from the Recreational Access Fund $400,000 be allocated to construct the access roadway to provide adequate access off of U. S. Highway 58 to the Matthews State Forest, located in eastern Grayson County, approximately 0.50 miles east of Route 94, just west of the City of Galax, Project RECR-038-731, M501, contingent upon:

1. The Director of DCR designating Matthews State Forest as a public recreational area and recommending the use of the Recreational Access Fund for the construction of the access roadway; and

2. All right of way, environmental assessments and remediation, and utility adjustments being provided at no cost to the Commonwealth; and

3. Execution of an appropriate agreement between the Virginia Department of Forestry and the Virginia Department of Transportation to provide for:

   a. design, administration, construction and maintenance of this project; and

   b. payment of all ineligible project costs, and of any eligible project costs in excess of the $400,000 allocation for the access roadway construction from sources other than those administered by VDOT.

####

CTB Decision Brief

Recreational Access – Grayson County
Matthews State Forest

Issue: Pursuant to Section 33.1-223 of the *Code of Virginia*, the Grayson County Board of Supervisors has requested funds from the Recreational Access Program to provide adequate access to Matthews State Forest.

Facts: Section 33.1-223 of the *Code of Virginia* provides that the Commonwealth Transportation Board (CTB) shall expend from funds set aside for the construction of access roads and bikeways to public recreational areas and historical sites. Further, this section of the *Code of Virginia* grants the CTB the authority to construct access roads and bikeways to public recreational areas and historical sites when the governing body of the county in which the access road is to be provided passes a resolution requesting the road and, when the Director of the Department of Conservation and Recreation (DCR) has designated a public recreational area as such and recommends to the CTB that an access road be provided to that area.

The Virginia Department of Forestry manages the 566-acre Matthews State Forest and is developing the area with additional recreational opportunities. The overall plan for Matthews State Forest includes a network of hiking, horseback riding, and mountain biking trails as well as other recreational activities such as hunting, fishing and archery. Public access to the facility is currently not adequate. The Department of Forestry will administer the construction project.

Local Assistance Division has coordinated with DCR staff. It is anticipated that the Director of DCR will designate Matthews State Forest as a public recreation area and will recommend utilization of Recreational Access Program funds to provide access to the site.

Recommendations: The access project recommended by staff as adequate to serve Matthews State Forest Park involves construction of a 20-foot wide asphalt roadway with appropriate shoulders and ditches from U.S. Route 58 south 0.16 miles terminating at an intersection near the first parking area for the Matthews State Forest facility, and intersection improvements on U.S. Route 58. Bristol District concurs in the project and estimated roadway cost of $499,180. The Department of Forestry will be responsible for financial arrangements to fully-fund estimated project costs exceeding the Recreational Access Program allocation. The Local Assistance Division recommends that Recreational Access Program funding in the amount of $400,000 for construction of the access road be approved subject to certain contingencies.

Action Required by the CTB: Prior to expending funds set aside by the CTB for access roads to public recreational areas and historical sites, the *Code of Virginia* specifies that the CTB shall declare by resolution that the access road project be provided. A resolution is provided for formal vote.

Result, if Approved: VDOT and the Virginia Department of Forestry will proceed with the recreational access road project.

Options: Approve, Deny, or Defer.

Public Comments/Reaction: None.

Grayson County

Grayson County
Board of Supervisors

Commonwealth
of Virginia

RESOLUTION
NEW ROADWAY OR EXISTING ROADWAY IMPROVEMENT
MATTHEWS STATE FOREST

WHEREAS, the Matthews State Forest is owned and is to be developed by the Virginia Department of Forestry as a state forest educational, demonstration, passive recreation, and conference facility serving the residents of Grayson County and adjoining localities; and

WHEREAS, the existing public road network does not provide for adequate access to the recreational facilities within Matthews State Forest and it is deemed necessary that improvements be made to construct a suitable access to US Route 58 as depicted on the attached sketch; and

WHEREAS, the Commonwealth Transportation Board concurred with the need for better public access to Matthews State Forest in December 2010 by granting a Break in Limited Access of US Route 58 for a new entrance, and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section 33.1-223 of the *Code of Virginia* requires joint action by the Director and the Department of Conservation & Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access roads to publicly-owned recreational or historical areas; and

WHEREAS, the Board has duly adopted a zoning ordinance pursuant to Article 7 (Section 15.2-2280 et seq), Chapter 22, Title 15.2 of the *Code of Virginia*; and

WHEREAS, it appears to this Board that all requirements of the law have been met to permit the Director of the Department of Conservation & Recreation to designate a public recreational area containing certain recreational facilities within the Matthews State Forest and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.1-223 of the *Code of Virginia*; and

WHEREAS, the Virginia Department of Forestry has provided a letter of assurance to this Board, to use its good offices to reasonably protect the aesthetic or cultural value of this road leading to or within areas of historical, natural or recreational significance; and

WHEREAS, the Virginia Department of Forestry has also acknowledged to this Board that no land disturbance activities may occur within the limits of the proposed access project without the permission of the Department of Transportation as a condition of the use of the Recreational Access Fund.

WHEREAS, the Virginia Department of Forestry has also guaranteed to this Board that the necessary environmental analysis, mitigation, and right of way for this improvement, and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation; and

NOW, THEREFORE BE IT RESOLVED, that the Grayson County Board of Supervisors hereby requests the Director of the Department of Conservation and Recreation to designate a public recreational area containing certain recreational facilities within the Matthews State Forest and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an adequate access road to serve said area containing recreational facilities within the Matthews State Forest; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Virginia Department of Forestry – State Forester has agreed to execute any and all documents necessary to secure the funding sought through the Recreational Access Program up to, but not exceeding, $400,000 state funds.

NOW, THEREFORE BE IT FURTHER RESOLVED THAT: The Grayson County Board of Supervisors hereby agrees that the new roadway so constructed will be added to, and become a part of, the secondary system of highways.

Adopted, this 12th day of January, 2012, in Grayson County, Virginia.

David Sexton, Chairman
Board of Supervisors

ATTEST:

Jonathan D. Sweet, Clerk
Board of Supervisors

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Richmond, Virginia 23219

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Agenda item # 6

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2012
MOTION

Made By: **Seconded By:** **Action:**

Title: Economic Development Access (De-allocation) – Henrico County
(Rescinding September 21, 2011 CTB Action)
Project 9999-043-761, M501
Bank of America

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 economic development sites on which 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 will be built under firm contract or are already constructed …" or, "in the event there is no such establishment …, a county, city, or town may guarantee to the Board by bond or other acceptable device that such will occur and, should no establishment or airport acceptable to the Board be constructed or under firm contract within the time limits of the bond, such bond shall be forfeited"; and

WHEREAS, by resolution of September 21, 2011, the Commonwealth Transportation Board allocated $650,000 from the Economic Development, Airport and Rail Access Fund to construct access, Project 9999-043-761, M501, to Bank of America Corporation located off Technology Boulevard in Henrico County, subject to certain contingencies; and

WHEREAS, Henrico County has acknowledged to VDOT that the Bank of America is constructing the road with its own funding; and

WHEREAS, it is deemed that the administration of the Economic Development Access Program can best be served by the return of this allocation to the Economic Development, Airport and Rail Access Fund.

NOW, THEREFORE, BE IT RESOLVED, that the action of the Commonwealth Transportation Board on September 21, 2011, allocating Economic Development, Airport and Rail Access funds for the access Project 9999-043-761, M501, is hereby rescinded and the $650,000 project allocation shall be returned to the Economic Development, Airport, and Rail Access Fund.

####

CTB Decision Brief

Economic Development Access – Henrico County
Bank of America – De-allocation of Funds

Issue: Economic Development Access funds previously allocated for a project in Henrico County are no longer needed because the company decided to use its funds to construct the road.

Facts: Section 33.1-221 of the *Code of Virginia* provides for the Commonwealth Transportation Board (CTB) to expend funds set aside for constructing access roads to eligible development sites on which manufacturing, processing or other qualifying establishments will be built under firm contract.

The Henrico County Board of Supervisors requested funds from the Economic Development Access Program to assist in providing road access to Bank of America Corporation located off Technology Boulevard in Henrico County. On September 21, 2011, the CTB allocated $650,000 for the project. No charges have been made against the project's Economic Development Access Program allocation. Henrico County has notified VDOT that Bank of America is constructing the access road with Bank of America funds. Rescinding the CTB's September 21, 2011 action will effectively make the funds from that allocation available for new projects.

Recommendations: VDOT recommends Project 9999-043-761, M501 be cancelled and the $650,000 allocated for this project be returned to the Economic Development, Airport and Rail Access Fund.

Action Required by the CTB: The *Code of Virginia* and the CTB's Economic Development Access Policy specifies the CTB shall approve the allocation of funds for the construction of access road projects. Having established the Bank of America access road project and allocated funding by resolution of September 21, 2011, the CTB has been requested to rescind its original action. A resolution is provided for a formal vote. The September 21, 2011 CTB resolution is also attached for reference.

Result, if Approved: The $650,000 allocated to this project will be returned to the Economic Development, Airport and Rail Access Fund and made available for allocation to new projects.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 3

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

September 21, 2011

MOTION

Made By: Mr. Bowie **Seconded By: Dr. Davis**

Action: Motion Carried, Unanimously

Title: Economic Development Access to Bank of America
Project 9999-043-761, M501, Henrico County

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 economic development sites on which 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 will be built under firm contract or are already constructed and to licensed, public-use airports;" and

WHEREAS, the Henrico County Board of Supervisors has, by appropriate resolution, requested Economic Development Access Program funds to serve the proposed Bank of America bank operations processing center off Technology Boulevard, in the White Oak Technology Park, and said access is estimated to cost $817,000; and

WHEREAS, the proposed Bank of America Corporation facility has been determined by the Virginia Economic Development Partnership in consultation with the Virginia Department of Business Assistance to be a qualifying establishment meeting the basic employer criteria under the provisions of Section 33.1-221 of the *Code of Virginia*; and

WHEREAS, the proposed Bank of America Corporation facility is expected to result in at least $3,250,000 of eligible capital investment on the site served by this project; and

WHEREAS, by resolution adopted by this Board on July 16, 2009, not more than $500,000 of unmatched Economic Development Access Program funds and, in addition to the maximum unmatched funds, not more than $150,000 matched funds may be allocated in any fiscal year for use

in any locality and the maximum eligibility of unmatched and matched funds shall be limited to 20% of the capital outlay of the designated eligible establishments; and,

WHEREAS, it appears that this request falls within the intent of Section 33.1-221 of the *Code of Virginia* and complies with the provisions of the Commonwealth Transportation Board's (CTB) policy on Economic Development Access.

NOW, THEREFORE, BE IT RESOLVED, that $650,000 ($500,000 unmatched, $150,000 matched) of the Economic Development, Airport and Rail Access Fund be allocated to provide adequate access to Bank of America Corporation located off Technology Boulevard in Henrico County, Project 9999-043-761, M501 contingent upon:

1. All right of way, environmental assessments and remediation, and utility adjustments being provided at no cost to the Commonwealth; and
2. Execution of an appropriate contractual agreement between the County of Henrico (LOCALITY) and the Virginia Department of Transportation (VDOT), to provide for the:
   a. design, administration, construction and maintenance of this project; and
   b. payment of all ineligible costs, and of any eligible costs in excess of this allocation, from sources other than those administered by VDOT; and
   c. Provision of the required matching funds, up to $150,000, by the LOCALITY for appropriately documented eligible project costs; and
3. Provision by the LOCALITY of either a) documentation for at least $3,250,000 of eligible capital outlay by Bank of America Corporation on the site served by this project, or b) an appropriate bond, or other acceptable surety device, by the LOCALITY to VDOT, not to expire before December 21, 2016, without written permission of VDOT. Such surety device shall provide for reimbursement to VDOT of any expenses incurred by the Economic Development, Airport and Rail Access Fund for this project's construction not justified by the eligible capital outlay of establishments served by the project. If, by September 21, 2016, at least $3,250,000 of eligible capital outlay on parcels served exclusively by this project has not been expended or committed by firm contract by a qualified establishment or establishments, then an amount equal to 20% of the eligible capital outlay of up to $3,250,000 will be credited toward the allocation utilized in the project's construction and the balance of the utilized allocation not justified by eligible capital outlay will be returned to VDOT and the Economic Development, Airport and Rail Access Fund. This surety may be released or reduced accordingly at an earlier date upon provision of documentation of eligible capital outlay by a qualified establishment, or establishments; and
4. Determination by VDOT of eligible capital outlay in accordance with current policy and procedures for administering the Economic Development Access Program.

####

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2012

MOTION

Made By: **Seconded By:** **Action:**

Title: Policy and Guidelines for the Revenue Sharing Program (Revision)

WHEREAS, the General Assembly, during the 2012 general session, amended § 33.1-23.05 of the *Code of Virginia* (1950) relating to revenue-sharing funds for systems in certain counties, cities and towns of the Commonwealth; and

WHEREAS, § 33.1-23.05, as amended, specifically stipulates that the Commonwealth Transportation Board (CTB) shall establish guidelines for the purpose of distributing and administering revenue-sharing program funds allocated by the CTB; and

WHEREAS, the CTB approved a Revenue Sharing Program Policy on April 20, 2011 to comply with changes to the revenue-sharing program made by the General Assembly that year; and

WHEREAS, it is the sense of the CTB that its existing Revenue Sharing Program Policy and the accompanying guidance should be amended to reflect the changes made by the 2012 General Assembly to the revenue-sharing program.

NOW, THEREFORE, BE IT RESOLVED that the CTB hereby adopts the following policy to govern the use of revenue-sharing funds pursuant to Section 33.1-23.05, as amended, of the *Code of Virginia* (1950):

1. The Revenue Sharing Program shall provide a matching allocation up to $10 million to any county, city or town for projects designated by the locality for improvement, construction or reconstruction of highway systems within such locality with up to $5 million for use by the county, city or town for maintenance projects for highway systems within such county, city or town.

2. Revenue-sharing funds shall be prioritized and allocated in accordance with the provisions of § 33.1-23.05 B. of the *Code of Virginia* and then, as further outlined in the Revenue Sharing Program Guidelines.

3. Application 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 other 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. Funds may be administratively transferred by the Department of Transportation from one revenue-sharing project to another existing revenue-sharing project upon request of the locality. If approved by the CTB, revenue-sharing funds may also be transferred to an existing project in the Six Year Improvement Program or Secondary Six Year Plan if needed to meet the approved federal obligation schedule or to ensure that a scheduled advertisement date can be met or accelerated. Requests for all transfers must be made in writing by the County Administrator or City/Town Manager. All requests must include the reasons for the request and the status of both projects.

5. 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 amounts 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. If a project having funds allocated under this program has not been initiated so that a portion of such funds have been expended within two subsequent fiscal years of allocation, the funds may be reallocated at the discretion of the CTB.

BE IT FURTHER RESOLVED that the CTB approves the Revenue Sharing Program Guidelines as attached hereto.

BE IT FURTHER RESOLVED that the above policy shall become effective July 1, 2012, and all revenue-sharing program policies previously adopted heretofore by the CTB governing the use of revenue-sharing funds shall be rescinded simultaneously.

####

CTB Decision Brief

Policy and Guidelines for the Revenue Sharing Program

Issue: Section 33.1-23.05 of the *Code of Virginia* was amended during the 2012 session of the General Assembly and the revised legislation substantially affects the procedures for administration of the Revenue Sharing Program. The revised legislation necessitates the revision of the Commonwealth Transportation Board's Revenue Sharing Program Policy and specifically directs the Commonwealth Transportation Board to distribute and administer funds under this section of the *Code* in accordance with guidelines established by the Board.

Facts: Pursuant to Section 33.1-23.05 of the *Code of Virginia*, the Commonwealth Transportation Board (CTB) makes matching allocations of revenue-sharing funds to counties, cities and towns for the improvement, construction, reconstruction, or maintenance of highway systems within such jurisdictions.

The attached policy resolution addresses the revisions to the program that were included in the 2012 legislation. Also, revisions to the Revenue Sharing Guide (2011) are proposed for the CTB's consideration in establishing the guidelines of the Board as prescribed in the 2012 legislation.

Recommendations: The Local Assistance Division recommends that the Commonwealth Transportation Board adopt the policy resolution and approve the Revenue Sharing Program Guidelines to provide detailed information on program requirements and administrative processes.

Action Required by the CTB: A resolution is provided for formal vote.

Result, if Approved: The guidelines and accompanying revision of the CTB's policy will reflect current legislation regarding the establishment of guidelines in the administration of the Revenue Sharing Program.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 8

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2012

MOTION

Made By: **Seconded By:** **Action:**

Title: FY12-17 Six-Year Improvement Program Transfers
For June 18, 2012 through June 29, 2012

WHEREAS, Section 33.1-12 (9)(b) of the *Code of Virginia*, requires the Commonwealth Transportation Board to adopt by July 1 of each year a Six-Year Improvement Program of anticipated projects and programs. On June 20, 2012 a resolution was approved to allocate funds for the Fiscal Years 2013 through 2018 Six-Year Improvement Program; and

WHEREAS, the Commonwealth Transportation Board resolved that the Commissioner should bring requests for transfers of allocations exceeding ten percent of the funds allocated to the donor project to the Board on a monthly basis for their approval prior to taking any action to record or award such action; and

WHEREAS, the Commonwealth Transportation Board is being presented a list of the projects and transfers exceeding ten percent attached to this resolution and agrees that the transfers are appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board that the attached list of transfer requests exceeding ten percent of the funds allocated to the donor project is approved and the specified funds shall be transferred to the project(s) as set forth in the attached list to meet the Board's statutory requirements and policy goals.

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Commissioner, or his designee, is granted the authority to transfer up to ten percent of funds allocated to a project to another eligible project(s) to meet the Board's statutory requirements and policy goals.

####

CTB Decision Brief

FY13-18 Six-Year Improvement Program Transfers
For June 18, 2012 through June 29, 2012

Issue: Each year the Commonwealth Transportation Board (CTB) must adopt a Six-Year Improvement Program (SYIP) in accordance with statutes and federal regulations. Throughout the year, it may become necessary to transfer funds between projects to have allocations available to continue and/or initiate projects and programs adopted in the SYIP.

Facts: On June 15, 2011 and June 20, 2012, the CTB granted authority to the Commissioner, upon written recommendation by the Virginia Department of Transportation's Chief of Planning and Programming and after consultation with the Commonwealth Transportation Board member for the district, to transfer up to ten percent of funds allocated to one or more interstate or primary projects within a transportation construction district and system to another (other) interstate or primary project(s) within the same transportation construction district and system to meet the Board's statutory requirements and policy goals. In addition, the CTB resolved that the Commissioner should bring requests for transfers of allocations exceeding ten percent of the funds allocated to the donor project to the Board on a monthly basis for their approval prior to taking any action to record or award such action.

The CTB will be presented with a resolution for formal vote to approve the transfer of funds exceeding ten percent of the funds allocated to the donor project. The resolution also clarifies that the CTB continues its grant of authority to the Commissioner, or his designee, to transfer up to ten percent of the funds allocated to a project to another eligible project, to meet the Board's statutory requirements and policy goals. The list of transfers from June 18, 2012 through June 29, 2012 is attached.

Recommendations: The Virginia Department of Transportation (VDOT) recommends the approval of the transfers exceeding ten percent from donor projects to projects that meet the Board's statutory requirements and policy goals.

Action Required by CTB: The CTB will be presented with a resolution for a formal vote to adopt changes to the SYIP for Fiscal Years 2013 – 2018 that include transfers of allocated funds exceeding ten percent from donor projects to projects that meet the Board's statutory requirements and policy goals.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: Given the need to have allocations available to continue and/or initiate projects and programs in the SYIP, the public expects the CTB to fulfill its duty by approving the transfers for June 18, 2012 through June 29, 2012 to the Six-Year Improvement Program for Fiscal Years 2013 – 2018.

CTB Monthly Transaction Report
June 2012

Transfers Greater Than 10%												
Row	District Donor Project	System Donor Project	Description Donor Project	Donor UPC	District Recipient Project	System Recipient Project	Description Recipient Project	Recipient UPC	Fund Type	Amount of Transfer from Donor UPC	% of Change	Reason for Transfer
1	Hampton Roads	Primary	Sign Sheeting Upgrade to Clearview Font	89533	Hampton Roads	Interstate	Upgrade Sign Panels to Clearview Font	103433	Statewide; Safety Funds:Hazard Elimination: Maintenance Match Funds	$ 150,460	27%	Transfer of surplus funds recommended by district and Traffic Engineering Division to financially close out a completed project and fund a scheduled project
2	Hampton Roads	Primary	Statewide Upgrade of Pavement Markings to B6 Tape	89534	Hampton Roads	Interstate	Upgrade Sign Panels to Clearview Font	103433	Statewide; Safety Funds:Hazard Elimination: Maintenance Match Funds	$ 292,875	44%	Transfer of surplus funds recommended by district and Traffic Engineering Division to financially close out a completed project and fund a scheduled project
3	Salem	Interstate	Fog countermeasure pavement markings on I-77 in Carroll Co.	97585	Salem	Interstate	Overhead Signs - Salem District	102638	Interstate:Federal; Interstate:State Match	$ 958,865	49%	Transfer recommended by district to fund scheduled project and close a cancelled project

6/18/2012 - 6/29/2012

CTB Monthly Transaction Report
June 2012

Transfers Less Than 10%												
Row	District Donor Project	System Donor Project	Description Donor Project	Donor UPC	District Recipient Project	System Recipient Project	Description Recipient Project	Recipient UPC	Fund Type	Amount of Transfer from Donor UPC	% of Change	Reason for Transfer
A	District-wide	Miscellaneous	STATEWIDE STP SAFETY/RAIL BALANCE ENTRY	70704	Richmond; Hampton Roads	Urban	Bells Rd - Interconnect RR signals with Hwy Signals; WARWICK BLVD-INSTALL LIGHTS, GATES & CONCRETE X-ING SURFACE	86551; 56604	Rail Highway Crossings:Federal; Rail Highway Crossings:State Match; Safety Funds:Rail Safety	$ 139,238	1%	Transfer recommended by District and Traffic Engineering Division from balance entry to complete funding on completed projects
B	Hampton Roads	Urban	Construct sidewalk along South side of Norfolk Ave	86509	Hampton Roads	Urban	Construct sidewalk to existing sidewalk along VA Beach Blvd	86504	Highway Safety Improvements:State Match	$ 1,090	2%	Transfer of required matching funds recommended by District and Traffic Engineering Division between completed projects
C	Lynchburg	Primary	New Interchange Extending Odd Fellows Road Over Route 29/460	100023	Culpeper	Urban	HILLSDALE DRIVE EXTENDED (3 LANES)	60233	Federal STP Primary under 200k; Softmatch STP under 200k	$ 1,250,000	1%	Transfer of FY16 allocations to complete funding on scheduled project
D	Northern Virginia	Urban	BUILD INTERCHANGE-RT 28/WELLINGTON RD&ELIMINATE @GRADE	17689	Northern Virginia	Urban	Route 28 Overpass Landscaping	102675	Minimum Guarantee:Federal; Urban Formula Local Match; Urban	$ 150,000	1%	Transfer of surplus funds on project underway recommended by District to fund scheduled project
E	Salem	Interstate	RTE. 81 - Districtwide Guardrail and Shoulder Improvements	97670	Salem	Interstate	ARRA - C RTE. 581 - AT ELM AVE (DESIGN BUILD)	97231	Interstate:Federal; Interstate:State Match	$ 266,840	5%	Transfer of surplus funds recommended by District from a completed project to fund scheduled project for award
F	Salem	Primary	RTE 460 - Southgate Dr. Interchange & Connector	99425	Culpeper	Urban	HILLSDALE DRIVE EXTENDED (3 LANES)	60233	Federal STP Primary under 200k; Softmatch STP under	$ 2,000,000	1%	Transfer of FY16 allocations to complete funding on scheduled project
G	Staunton	Primary	RTE 340 - BRIDGE REPLMNT & APPR OVR S F SHENANDOAH RV &NSRR	76469	Culpeper	Urban	HILLSDALE DRIVE EXTENDED (3 LANES)	60233	Federal STP Statewide; Softmatch STP Statewide	$ 5,211,756	1%	Transfer of FY18 allocations to complete funding on scheduled project
H	Staunton	Primary	RTE 340 - BRIDGE REPLMNT & APPR OVR S F SHENANDOAH RV &NSRR	76469	Lynchburg; Salem, Staunton; Statewide	Primary; Statewide; Urban	New Interchange Extending Odd Fellows Road Over Route 29/460; RTE 460 - Southgate Dr. Interchange & Connector; Bridge & Appr Replacement - Rte. 340 over the South River; PUBLIC-PRIVATE TRANSPORTATION INITIATIVES	100023; 99425; 90185; 81327	Federal STP Statewide; Softmatch STP Statewide	$ 4,785,962	1%	Transfer of surplus FY18 allocations to backfill scheduled donor projects and future PPTA initiatives
I	Staunton	Urban	Bridge & Appr Replacement - Rte 340 over the South River	90185	Culpeper	Urban	HILLSDALE DRIVE EXTENDED (3 LANES)	60233	Federal STP Primary under 200k; Softmatch STP under 200k	$ 1,250,000	1%	Transfer of FY17 allocations to complete funding on scheduled project

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item# 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2012

MOTION

Made By: **Seconded By:**

Action:

Title: Rail Industrial Access – Greenwood RRST, LLC

Location: Southampton County, VA

WHEREAS, Section 33.1-221.1:1 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, Southampton County Board of Supervisors has, by resolution dated April 23, 2012, shown support for the application of up to $142,000 in Industrial Access Railroad Track funds for assistance in construction of track to serve the Greenwood RRST asphalt and propane storage facility rail spur extension; and

WHEREAS, the Virginia Economic Development Partnership has, by letter dated April 25, 2012, shown support for the project and the application for rail access funds; and

WHEREAS, Greenwood RRST's expanding facility is located in Southampton County, in the town of Branchville; and

WHEREAS, this request falls within the intent of Section 33.1-221.1:1 and is in accordance with the provisions of the Commonwealth Transportation Board's policy on the use of Industrial Access Railroad Track funds; and

WHEREAS, in accordance with the funding formula established by said policy, funding may be allocated to this project; and

WHEREAS, pursuant to the 2011 Acts of Assembly, funding is provided by the General Assembly for Industrial, Airport, and Rail Access projects; and

WHEREAS, the Board believes that this project is for the common good of a region of the Commonwealth and serves a public purpose; and

NOW THEREFORE, BE IT RESOLVED, that the Board hereby approves that $142,000 of the Industrial, Airport, and Rail Access Fund with no requirement for local match, be provided to construct 2,400 feet of track to serve the Greenwood RRST asphalt and propane storage facility located in Southampton County, Virginia contingent upon:

1. All necessary right of way and utility adjustments being provided at no cost to the Commonwealth.
2. All costs above $142,000 which is allocated herein as an industrial rail access grant, being borne by Greenwood RRST or sources other than those administered by the Virginia Department of Rail and Public Transportation.
3. Execution of an agreement acceptable to the Virginia Department of Rail and Public Transportation.

####

CTB Decision Brief

Rail Industrial Access Applicant

Location: Southampton County

Greenwood RRST

Issue: Greenwood RRST has submitted an application for Rail Industrial Access funding in the amount of $142,000 to add approximately 2,400 feet of new track to serve their expanding asphalt and propane storage facility in Southampton County.

Because the amount of funding requested in Greenwood RRST's application is less than $300,000, local matching funds are not required for this project. The Rail Industrial Access program specifies that no more than $300,000 of unmatched funds may be allocated to any one project in any fiscal year. Rail Industrial Access funds in excess of $300,000 are matched dollar-for-dollar by the grantee or from other non-program sources. The estimated project costs for the rail spur is $491,475, which means that there will be a local match of $349,475 in this instance even though local matching funds are not required.. Greenwood RRST is located in Branchville, Virginia. The company received a Rail Industrial Access Grant in 2009 for its asphalt storage facility. Greenwood RRST's new business development, associated with this grant application, will receive and distribute propane coming out of the Marcellus shale deposits in West Virginia and Pennsylvania. Rail car is the preferred method of transportation for natural gas liquids coming out of the mounts from fracking.

This project will be constructed in two phases. Phase I, which is the subject of Greenwood RRST's application, will include the length of the track and the number of tracks to store rail cars full of propane. Phase 2 does not include work on rail facilities. In addition to handling increased rail car traffic, the project will alleviate congestion associated with unloading propane and asphalt rail cars simultaneously.

Facts: DRPT has evaluated the project in accordance with Rail Industrial Access board policy. The project scores 60 points. The total capital outlay for the project is $950,000. With this investment, a total of four additional jobs will be created. The facility will generate approximately 500 railcar shipments annually after completion.

Southampton County, by resolution, endorsed the Greenwood RRST application on April 23, 2012. The Virginia Economic Development Partnership endorsed the project by letter on April 25, 2012. CSX Transportation, Inc. has approved preliminary design of the rail spur and confirmed their commitment to provide rail access to serve the facility in a letter dated May 9, 2012. There will be a claw-back provision in the agreement for failure to meet performance requirements.

Source of State Funds: FY 2013 Industrial, Airport, and Rail Access Fund.

Recommendation: In accordance with the CTB Rail Industrial Access policy, DRPT recommends $142,000 with no requirement of local match for this project.

Action Required by CTB: CTB policy for Rail Industrial Access requires Board action on the resolution.

Options: Approve, Deny, or Defer

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda Item# 10

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2012

MOTION

Made By: **Seconded By:**

Action:

Title: Rail Industrial Access – Houff's Feed & Fertilizer, Co., Inc.

Location: Hanover County, VA

WHEREAS, Section 33.1-221.1:1 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, Hanover County Board of Supervisors has, by resolution dated June 27, 2012, shown support for the application of up to $127,500 in Industrial Access Railroad Track funds for assistance in construction of track to serve the Houff's Feed & Fertilizer Co, Inc. rail spur extension at the Buckingham Branch transload facility in Doswell, Virginia; and

WHEREAS, the Buckingham Branch Railroad Company has, by letter dated June 20, 2012, shown support for the project and the application for rail access funds, committing to a 15 year lease for the duration of the grant period; and

WHEREAS, Houff's Feed & Fertilizer Co., Inc.'s proposed transload facility isl located in Hanover County in the town of Doswell; and

WHEREAS, this request falls within the intent of Section 33.1-221.1:1 and is in accordance with the provisions of the Commonwealth Transportation Board's policy on the use of Industrial Access Railroad Track funds; and

WHEREAS, in accordance with the funding formula established by said policy, funding may be allocated to this project; and

WHEREAS, pursuant to the 2011 Acts of Assembly, funding is provided by the General Assembly for Industrial, Airport, and Rail Access projects; and

WHEREAS, the Board believes that this project is for the common good of a region of the Commonwealth and serves a public purpose; and

NOW THEREFORE, BE IT RESOLVED, that the Board hereby approves that $127,500 of the Industrial, Airport, and Rail Access Fund with no requirement for local match, be provided to construct 1,200 feet of track to serve the proposed transload facility at Doswell for Houff's Feed & Fertilizer in Hanover County, Virginia contingent upon:

1. All necessary right of way and utility adjustments being provided at no cost to the Commonwealth.
2. All costs above $127,500 which is allocated herein as an industrial rail access grant, being borne by Houff's Feed & Fertilizer, Inc. or sources other than those administered by the Virginia Department of Rail and Public Transportation.
3. Execution of an agreement acceptable to the Virginia Department of Rail and Public Transportation.

####

CTB Decision Brief

Rail Industrial Access Applicant

Location: Hanover County

Houff's Feed & Fertilizer Co., Inc.

Issue: Houff's Feed & Fertilizer Co., Inc. has submitted an application for Rail Industrial Access funding in the amount of $127,500 to add approximately 1,200 feet of new track to the Buckingham Branch Railroad yard at Doswell, creating a transload facility for moving Bentonite Clay from rail to trucks to be transported to a site in King William County.

Local matching funds are not required for this project. The Rail Industrial Access program specifies that no more than $300,000 of unmatched funds may be allocated to any one project in any fiscal year. Rail Industrial Access funds in excess of $300,000 are matched dollar-for-dollar by the grantee or from other non-program sources. The estimated project cost for the transload rail spurs is $303,750. With an application for $127,500 in grant funds, the Applicant will have a local match of $176,250 which exceeds the required match amount.

Houff's Feed & Fertilizer Co., Inc. is located in Weyers Cave, Virginia. It is a family business that began on a production dairy farm in the mid 1970s. The business has grew to service other farms in the Shenandoah Valley and today employees 40 employees along with sister companies administered by Railside Enterprises. The project in Doswell is in collaboration with the Buckingham Branch Railroad to serve a new customer in their kitty litter production in King William County.

Facts: DRPT has evaluated the project in accordance with Rail Industrial Access board policy. The project scores 58 points. The total capital outlay for the project is $850,000. With this investment, a total of 2.5 additional jobs will be created. The facility will generate approximately 600 railcar shipments of Bentonite Clay annually after completion.

Hanover County, by resolution, endorsed the Houff's Feed & Fertilizer Co., Inc. application on June 28, 2012. Buckingham Branch Railroad has approved preliminary design of the rail spur and confirmed their commitment to provide rail access to serve the facility in a letter dated June 20, 2012. There will be a claw-back provision in the agreement for failure to meet performance requirements.

Source of State Funds: FY 2013 Industrial, Airport, and Rail Access Fund.

Recommendation: In accordance with the CTB Rail Industrial Access policy, DRPT recommends $127,500 with no requirement of local match for this project.

Action Required by CTB: CTB policy for Rail Industrial Access requires Board action on the resolution.

Options: Approve, Deny, or Defer

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda Item # 11

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

MOTION

Made By: **Seconded By:** **Action:**

AUTHORIZING THE ISSUANCE AND SALE OF
REVENUE REFUNDING BONDS

WHEREAS, Section 33.1-293 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 33.1-267 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") in accordance with the Treasury Board Debt Structuring and Issuance Guidelines (the "Treasury Guidelines"); 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 Chairman of the Board (the "Chairman"), 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 Chairman 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 Chairman, 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 Chairman to solicit and consider proposals for a negotiated sale of any series of Bonds and to negotiate the terms of such sale. The Chairman 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 Chairman to be in the best interest of the Commonwealth, the Chairman 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 Chairman, in collaboration with the staff of the Virginia Department of Transportation (the "Department"), Bond Counsel 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 Chairman 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 Chairman, 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 Chairman 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 Chairman 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 Chairman 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 Chairman to execute the Continuing Disclosure Agreement in substantially the form previously provided in similar financings, with such completions, omissions, insertions and changes as the Chairman 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 authorized hereunder in accordance with Section 2.2-2416 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 negotiate investments and investment contracts for any of the proceeds of the Bonds or the Refunded 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 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 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 any series of the Bonds or any Refunded Bonds as the Chairman 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 Chairman. Within sixty days following each date of issuance of Bonds, the Chairman 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 Chairman or the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairman or 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 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, 2014.

###

CTB Decision Brief

THE ISSUANCE AND SALE OF REVENUE REFUNDING BONDS

Issue: Section 33.1-293 of the Code of Virginia authorizes the Commonwealth Transportation Board (CTB) to issue revenue refunding bonds to refund any revenue bonds issued pursuant to the State Revenue Bond Act, Sections 33.1-267 et seq. of the Code of Virginia. Section 2.2-2416 of the Code of Virginia authorizes the Treasury Board to approve financing arrangements executed by state agencies, boards and authorities. With the CTB business meeting scheduled on the third Thursday of each month, and the Treasury Board's meeting scheduled on the third Wednesday of each month, any potential refunding of CTB's bonds approved by the board will have to wait a month before it could be executed. The one month lag between CTB approval and the Treasury Board's approval entails the real possibility the anticipated savings might dissipate between board meetings.

Facts: The CTB draft resolution addresses this issue by authorizing the issuance and sale of revenue refunding bonds that achieve present value savings as set forth in the Treasury Board Debt Structuring and Issuance Guidelines (Treasury Guidelines). The final maturity of the refunding bonds shall not exceed the final maturity on the bonds refunded, and the amortization of the bonds shall also be structured in accordance with the Treasury Guidelines. The resolution further authorizes VDOT staff (a) to request the Treasury Board to approve the terms and structure of the bonds in accordance with Section 2.2-2416 of the Code of Virginia, and (b) to request the Governor to approve the issuance of the bonds. The draft resolution replaces the July 14, 2010 adopted resolution which had a sunset date of June 30, 2012. The authority to issue revenue refunding bonds pursuant to this resolution will terminate on June 30, 2014.

Recommendation: VDOT recommends the adoption of the resolution Authorizing The Issuance And Sale of Revenue Refunding Bonds.

Action Required by CTB: Action on the resolution authorizing the issuance and sale of revenue refunding bonds.

Result, if Approved: The refunding resolution will allow the CTB to timely take advantage of potential refunding opportunities in the market, thereby lowering its cost of borrowing.

Options: Deferring Board action could hamper the CTB in achieving its stated goal of borrowing at the lowest cost possible.

Public Comments/Reactions: Public comment was not solicited.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda Item 17

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 14, 2010
Made By:Mr. Rich Seconded By:Mr. Schwartz
Action: Motion Carried, Unanimously

AUTHORIZING THE ISSUANCE AND SALE OF REVENUE REFUNDING BONDS

WHEREAS, Section 33.1-293 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 33.1-267 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 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") in accordance with the Treasury Board Debt Structuring and Issuance Guidelines (the "Treasury Guidelines"); 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 Chairman of the Board (the "Chairman"), 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 Chairman 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 Chairman, 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 Chairman to solicit and consider proposals for a negotiated sale of any series of Bonds and to negotiate the terms of such sale. The Chairman 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 Chairman to be in the best interest of the Commonwealth, the Chairman 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 Chairman, 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 Chairman 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 Chairman, in collaboration with the Department staff 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 Chairman 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 Chairman 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 Chairman 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 Chairman to execute the Continuing Disclosure Agreement in substantially the form previously provided in similar financings, with such completions, omissions, insertions and changes as the Chairman 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 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 negotiate investments and investment contracts for any of the proceeds of the Bonds or the Refunded 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 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 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 any series of the Bonds or any Refunded Bonds as the Chairman 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 Chairman. Within sixty days following each date of issuance of Bonds, the Chairman 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 Chairman or the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairman or 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 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, 2012.

# # #

OFFICE OF PUBLIC PRIVATE PARTNERSHIPS:

Presenting: Dusty Holcombe
Deputy Director

12. Action on Authority for the Formulation of a 63-20 Non-profit Corporation to Develop and Finance the Route 460 Corridor Improvements Project.

Information for this item is currently unavailable.

COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Sean T. Connaughton
Chairman

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Agenda item # 13

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

July 18, 2012

MOTION

Made By: **Seconded By:**
Action:

Title: Project Location and Proposed Limited Access Control Changes (LACC) for Interstate 81and Route 220 (Exit 150) Interchange, Access Management Improvement Project, Botetourt County

WHEREAS, in accordance with §33.1-18 of the *Code of Virginia* (1950), as amended, and policies of the Commonwealth Transportation Board, a combined Location and Design Hearing was held at the Lord Botetourt High School, in Daleville, Virginia on Thursday, March 8, 2012, between 5:00 p.m. and 7:00 p.m. for the purpose of considering proposed State Highway Project 0081-011-120, P-102, R-202, C-502; and,

WHEREAS, the proposed Project involves access management improvements and location of the new Gateway Crossing roadway, and begins 0.15 miles north of Route 1039 on the Route 220 Alternate, and ends 0.50 miles south of Route 653 on Route 220, with a length of 1.65 miles; and,

WHEREAS, the said Project improvements consist of realigning the I-81 NB entrance ramp; and the construction of a roundabout at the Route 11/I-81 NB ramps intersection; and improvements to the Route 11/Route 220 intersection; and shifting and/ or establishing limited access control along Route 11 from the Route 220 intersection to north of the I-81 northbound ramp's intersections with the said roundabout; and,

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 project as presented, and their statements being duly recorded; and,

WHEREAS, based on statements and recommendations received pursuant to the said Hearing, VDOT has recommended that the proposed project, as presented at the said Hearing be modified to:

- Utilize the hybrid roundabout design which was presented at the public hearing as an alternative to the single lane roundabout, subject to final design details and traffic analysis; and,
- Incorporate signage (and evaluate the suitability of sharrows) along Route 11 to notify motorists that bicyclists should be expected in the area; and ,
- Incorporate pedestrian crossings on both the north and south ends of the project as feasible; and,
- Incorporate a right-in only entrance off Route 11, if determined feasible, to provide enhanced access to businesses near the Country Cooking; and,

WHEREAS, the Botetourt County Board of Supervisors subsequently endorsed the project as presented at that public hearing by a resolution passed at their regular board meeting on April 24, 2012; and,

WHEREAS, this project is in compliance with NEPA requirements based on the findings set forth in the draft Environmental Assessment; 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, on October 4, 1956, the State Highway Commission, predecessor to the Commonwealth Transportation Board, designated the Interstate Highway System to be limited access highways and in accordance with §33.1-58, of the *Code of Virginia*, (1950), as amended, established that the Limited Access Line locations and limits shall be as shown on the final engineering plans for the original highway project construction on the interstates, including I-81; and,

WHEREAS, the 1984 interchange modification for I-81, Project 0081-011-111, RW-201, C-501, changed the Limited Access Control and Right of Way lines, in accordance with the design plans for the said Project; and,

WHEREAS, the FHWA has provided the requisite approval for State Highway Project 0081-011-120, P-102, R-202, C-502, and the proposed LACC; and,

NOW, THEREFORE, BE IT RESOLVED, that pursuant to §33.1-12(1) of the *Code of Virginia,* (1950), as amended, the location of this project is approved in accordance with the proposed modifications stated herein and as presented at the said combined Location and Design Hearing by the Department.

NOW, THEREFORE, BE IT FURTHER RESOLVED, in accordance with the statutes of the Commonwealth of Virginia and policies of the CTB, that the CTB hereby finds and concurs in the determinations and recommendations of VDOT made herein and directs that the I-81 and Route 220 (Exit 150) interchange continue to be designated as a Limited Access Highway with the Limited Access Control being modified from the current locations as follows:

That the existing limited access control line along the south side of Route 220 be shifted to the south, from Route 220 construction baseline Station 14+24.55 and continuing to Route 11 construction baseline Station 14+89.62; and, that the limited access control line be extended along Route 11 northward from the Route 220 and Route 11 intersection, from Route 11 baseline Station 18+11.92, to the intersection of the I-81 northbound exit ramp at Route 11, Route 11 baseline Station 27+30.70; and, that the limited access control line on the north side of the intersection of the I-81 exit / entrance Ramps and Route 11 be shifted and extended northward along the west side of Route 11, from approximate Route 11 baseline Station 31+95 to approximate Route 11 baseline Station 33+95; and, that the existing limited access control line along the east side of the I-81 northbound entrance Ramp be shifted further to the east, from I-81 northbound Ramp baseline Station 16+60.73 and extending to Station 24+58.42. The Commissioner of Highways is authorized to execute any and all documents necessary to implement such changes.

###

CTB Decision Brief

Project Location and Proposed Limited Access Control Changes (LACC)
Interstate 81(I-81) and Route 220 (Exit 150) Interchange
Project 0081-011-120, P-102, R-202, C-502
Botetourt County

Issue: The Virginia Department of Transportation (VDOT) in cooperation with Botetourt County conducted a study of alternative improvements to the I-81 Interchange at Exit 150. The study process indicates modifications and access management improvements are needed as the current I-81 Exit 150 Interchange, and the associated primary roadway intersection's current capacity and geometrics do not meet current VDOT standards for existing and future traffic volumes.

Facts:

- In accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a combined Location and Design Public Hearing was held for the above mentioned project on March 8, 2012, between 5:00 p.m. and 7:00 p.m. at Lord Botetourt High School located in Botetourt County.
- 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 project as presented, with their statements being duly recorded.
- There were a variety of comments received, and a summary of the all comments received and VDOT responses are shown below under Public Comments/Reactions.
- 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.
- The Botetourt County Board of Supervisors subsequently endorsed the proposed Project as presented at that public hearing by a Resolution passed at their regular board meeting on April 24, 2012.
- This project is in compliance with NEPA requirements based on the findings set forth in the draft Environmental Assessment (EA).
- A global traffic analysis has been completed and shows the proposed configuration to function at a desirable level of service.

Recommendations: It is recommended that, pursuant to §33.1-12(1), of the *Code of Virginia* (1950), as amended, the location of this project be approved as proposed and presented at the said Location and Design Public Hearing by the Department with the three modifications noted in the Chief Engineer's Request for Combined Location and Design Public Hearing Approval letter dated _____. It is further recommended that, pursuant to §33.1-58, of the *Code of Virginia* (1950), as amended, and policies of the CTB, that the I-81 and Route 220 interchange continue to be designated as a Limited Access Highway with the limited access control as described herein and that the CTB approve, by Resolution, the limited access right of way presented at the said Location and Design Public Hearing dated March 8, 2012. This will modify the approval previously granted by the CTB.

Action Required by CTB: The *Code of Virginia* requires a majority vote of the CTB to approve the Location of the proposed improvement project and to approve the recommended LACC. The CTB will be presented with a resolution for a formal vote to approve the location

and limited access right of way modification as presented at the Location and Design Public Hearing on March 8, 2012. This Resolution will modify the CTB's previously approved limited access limits and location.

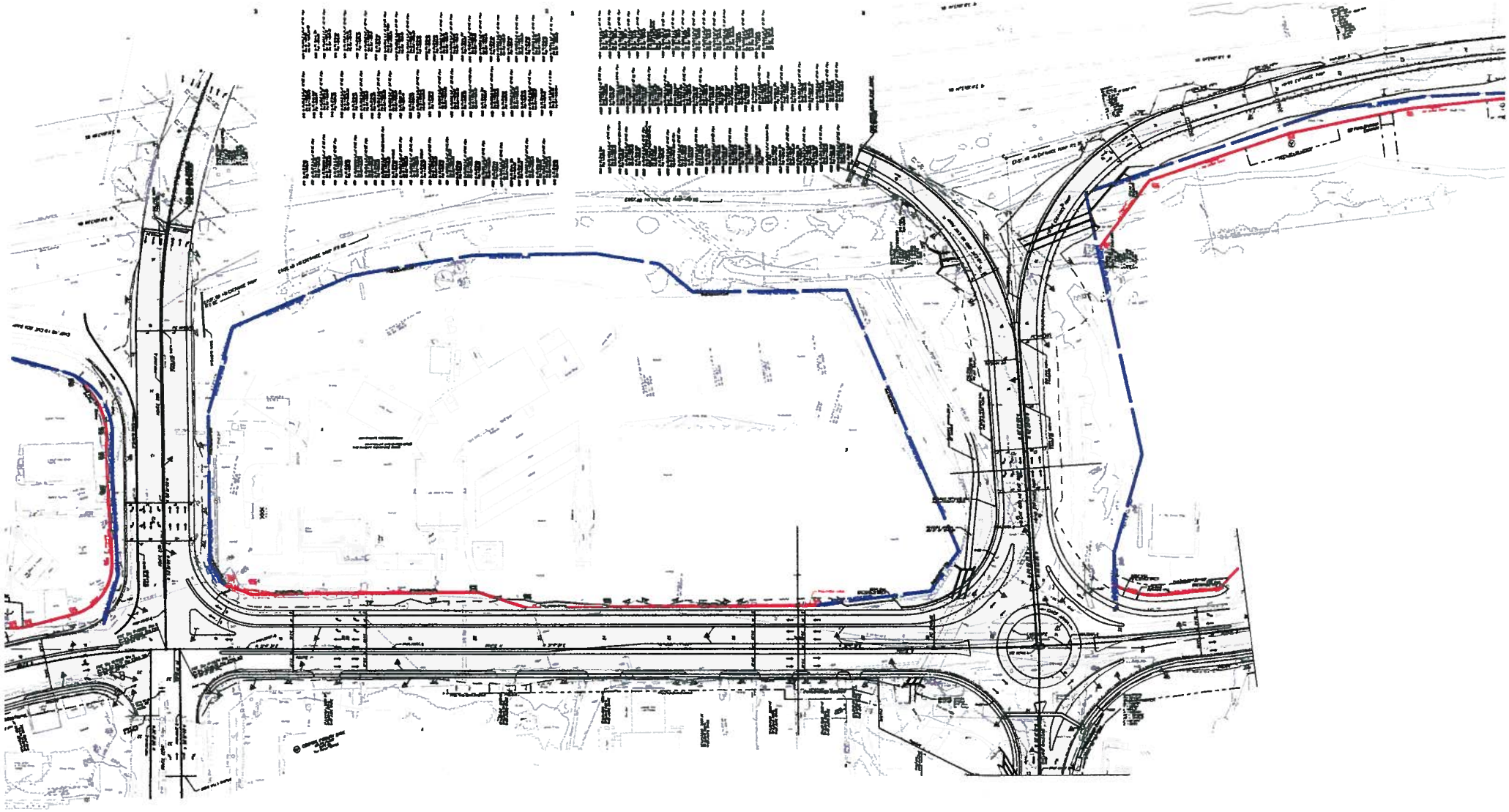
Result, if approved: The Commissioner of Highways will be authorized to execute any and all documents needed to comply with the resolution, and the I-81 and Route 220 Improvements project will move forward.

Options: Approve, Deny, or Defer.

Public Comments/Reactions:

Two hundred thirteen (213) citizens attended the hearing. There were one hundred sixty four (164) written and six (6) oral comments received for the record. Based on the comments received, thirty-nine (39) individuals supported the project, twenty six (26) opposed the project, and one hundred (100) did not state a preference either way.

A detailed list of the comments received is included in the Public Hearing Transcript.



LEGEND

Exist. R/W And Limited Access

Prop. R/W And Limited Access

BID RESULTS FOR THE CTB
JUNE 5, 2012
DESIGN BUILD PROJECT

UPC No. & Project No.	Location and Work Type	RECOMMENDATION	Contractor	Number of Bids	Bid Amount	CN From 6 Year Program
MISCELLANEOUS						
94089 / 97231 **(FO)0581-128-310, RW201, C501, B623, B624** **(FO)0581-128-314, C501** ARRA/BR ARRA-FS09 (164)	I-581 & Elm Avenue Improvements on Elm Avenue and the interchange of I-581 and Elm Ave. City of Roanoke	AWARD	AMERICAN INFRASTRUCTURE – VA, INC. GLEN ALLEN, VA	10	$20,445,413.56*	$22,889,933.00**

***Amount is inclusive of PE, ROW, QA/QC and Construction**
****Amount is inclusive of all phases to include PE, ROW, Construction and expenditures to date**

Purpose & Need: The project entails improvements at the I-581 & Elm Avenue interchange. The project adds pavement width, additional lanes, two bridges and a shoulder bike lane.

1 Recommended for Award: $20,445,413.56

JULY 2012 CTB Meeting

DESIGN BUILD PROJECT

UPC 94089 & 97231
I-581 and Elm Ave. Interchange Improvements **City of Roanoke**

This project, located at the interchange of I-581/US Route 220 from Exit Ramps accessing Elm Avenue to 0.016 miles West of Williamson Rd and 0.045 miles East of 4th Street, southeast on Elm Avenue, includes improvements to traffic operations along Elm Avenue and at the intersection of Elm Avenue and I-581/US Route 220. The project distance is 0.224 miles. The work includes widening the of ramps from I-581/US Route 220 to develop an additional turn lane at the intersections with Elm Avenue and the extension of left turn lanes in each direction on Elm Avenue. This will require widening of the Elm Avenue Bridge over I-581/US Route 220 and the Elm Avenue Bridge over the Norfolk Southern Corporation (NS) Railway. A right turn lane from Elm Avenue onto Williamson Road will be added. The existing substandard vertical clearance over I-581/US Route 220 will be remediated to current standards as part of this project. The existing minimum vertical and horizontal clearances within the NS right of way will not be decreased. Pedestrians are accommodated on Elm Avenue by a five foot wide sidewalk. Cyclists are accommodated by a 14 foot outside lane instead of the standard 12 foot lane.

The anticipated scope of work to be performed by the Contractor will include:

1. Project design.
2. Widening of Elm Avenue and Elm Avenue I-581/US Route 220 off ramps
3. Retaining walls
4. Partial demolition of existing structures
5. Bridge substructure and superstructure widening of both bridges
6. Bridge substructure and superstructure repairs of the bridge over the NS railway
7. Right of Way acquisition
8. Lighting
9. Drainage & Utility relocations
10. Signing, signals and pavement marking
11. Coordination with NS

Portions of project funding were appropriated through ARRA. Thus, the Contractor will be responsible for performing any additional requirements associated with this ARRA funding.

Fixed Completion August 25, 2015