



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

1401 East Broad Street  
Richmond, Virginia 23219

(804) 786-2701  
Fax: (804) 786-2940

*Agenda item # 6*

### **RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD**

**November 12, 2014**

#### **MOTION**

**Made By: Mr. Fralin, Seconded By: Mr. Williams**

**Action: Motion Carried, Unanimously**

### **A RESOLUTION TO RECOMMEND ADOPTION OF THE 2014 VIRGINIA PPTA MANUAL AND GUIDELINES BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION**

**WHEREAS**, pursuant to the Public-Private Transportation Act of 1995 (“PPTA”), (*Code of Virginia* §§ 33.2-1800 *et seq.*), the Virginia Department of Transportation (the “VDOT”) and the Department of Rail and Public Transportation (the “DRPT”) are defined as Responsible Public Entities (“RPEs”) and are required, in accordance with §33.2-1803, to develop guidelines that establish a process for acceptance and review of proposals to develop and/or operate qualifying transportation facilities; and

**WHEREAS**, the Commonwealth Transportation Board (the “Board), by resolution dated May 14, 2014, directed the Director of the Office of Transportation Public-Private Partnerships (the “OTP3”) to undertake an extensive and exhaustive review of the processes, policies, manual and guidelines used by the OTP3 in soliciting, developing, negotiating, and implementing public-private transportation projects in order to increase transparency, the competitive process, public involvement and more direct involvement by the Board in the development, negotiation, and implementation of public private transportation projects; and

**WHEREAS**, the OTP3 organized its review through a team that included OTP3, VDOT, Office of the Attorney General and other professionals and has completed a six-month public outreach and comment solicitation process on its existing 2012 version of the Virginia PPTA Implementation Manual and Guidelines (the “PPTA Manual and Guidelines”) that produced more than one hundred responses; and

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**WHEREAS**, stakeholder comments confirmed the value of public-private partnership (P3) transportation project delivery in Virginia, the importance of attracting private capital to invest in transportation infrastructure, the need for greater public engagement and transparency in the process, and the expectation that private equity and risk-sharing would remain important elements of future P3s; and

**WHEREAS**, the OTP3 has, in accord with the direction of this Board and taking into consideration stakeholder comments, made recommendations for an improved, consistent and transparent PPTA process, which are incorporated into the 2014 version of the PPTA Manual and Guidelines, attached hereto as Appendix A; and

**WHEREAS**, an improved, consistent, transparent PPTA process with clear decision points anchored in appropriate oversight boards, as embodied in the 2014 version of the PPTA Manual and Guidelines, will prompt more competitive, successful P3's across all transportation agencies of the Commonwealth.

**NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD**, that the Board hereby, accepts the recommendations of the Director of the OTP3 in response to the Board's May 14, 2014 resolution and endorses the 2014 version of the PPTA Manual and Guidelines as presented to the Board; and

**BE IT FURTHER RESOLVED**, that the Board hereby recommends that the VDOT and the VDRPT, as RPEs pursuant to the PPTA, adopt the 2014 version of the PPTA Manual and Guidelines.

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