



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Aubrey L. Layne, Jr.  
Chairman

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*Agenda item # 13*

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

**December 6, 2017**

#### **MOTION**

**Made By: Ms. Hynes, Seconded By: Mr. Garczynski**

**Action: Motion Carried, Unanimously**

#### **Title: Endorsement of Activities Relating to NVT A Selection and Proposal of Projects to be Funded With Transform 66 Outside the Beltway Concession Payment**

**WHEREAS**, the Transform 66 Outside the Beltway Project (Project) entails improvements on the approximately 22-mile corridor on I-66 between U.S. Route 29 near Gainesville in Prince William County and the I-495 Capital Beltway in Fairfax County and is designed to address existing and future transportation challenges in the I-66 Corridor in a cost-effective and timely manner, to improve multimodal mobility by providing diverse travel choices through an efficient network of park-and-ride, HOV, transit, and Express Lane opportunities, and to enhance transportation safety and travel reliability for the public; and

**WHEREAS**, the Project will be designed, built, financed, maintained, and operated by I-66 Express Mobility Partners LLC (the Concessionaire), pursuant to a Comprehensive Agreement developed under the Public Private Transportation Act of 1995 (PPTA) and entered into on December 8, 2016; and

**WHEREAS**, upon financial close of the Project on November 9, 2017, in accord with the terms of the Comprehensive Agreement, the Concessionaire paid the Virginia Department of Transportation (VDOT), a Concession Fee/Payment of \$578,919,450, to fund additional transportation improvements in the corridor (Concession Payment); and

**WHEREAS**, pursuant to §33.2-1528 of the *Code of Virginia*, Concession Payments to the Commonwealth from qualifying transportation facilities developed and/or operated pursuant to the PPTA must be held in a separate subaccount to be designated the Concession Payments Account, together with all interest, dividends, and appreciation that accrue to the Account, and said sums may only be used for the purposes specified; and

**WHEREAS**, §33.2-1528 specifies that allocations from the Concession Payments Account may be used to pay or finance all or part of the costs of programs or projects, but that (i) the allocations must be limited to programs and projects that are reasonably related to or benefit the users of the qualifying transportation facility that was the subject of a concession pursuant to the PPTA; and (ii) the priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from moneys in the Account; and

**WHEREAS**, VDOT has been advised by the Federal Highway Administration that projects funded with the Concession Payment must be “federal-aid eligible” pursuant to Title 23 of the U.S. Code and if federal funds are used on any such project, federal-aid requirements must be met; and

**WHEREAS**, the Northern Virginia Transportation Authority (NVTA) has, with input from local jurisdictions, developed a list of projects (NVTA-selected Projects) for presentation to and consideration by the Commonwealth Transportation Board (Board) as projects that may be funded with funds from the Concession Payment Account established for the Transform 66 Outside the Beltway Project and on December 5, 2017, the Board was briefed regarding the matter, and presented with the list of projects (see December 5, 2017 workshop item entitled: *I-66 Outside the Beltway Concession Fee Projects*), which list is included in Appendix A; and

**WHEREAS**, based on a recommendation from VDOT, it is the sense of the Board that funds from the Concession Payment Account established for the Transform 66 Outside the Beltway Project should also be used to fund, in whole or part, the Route 29 Projects consisting of improvements that extend from Shirley Gate Road to the vicinity of Pickwick Road in Fairfax County (Route 29 Projects), which projects are currently included in the Six Year Program and have also been included in the list of projects set forth in Appendix A; and

**WHEREAS**, the parties intend to enter into a memorandum of agreement to establish the roles and responsibilities of VDOT, the Board and the NVTA with regard to the selection, funding and delivery of the NVTA-selected Projects.

**NOW THEREFORE, BE IT RESOLVED**, that the Board hereby endorses the list of projects set forth in Appendix A, consisting of the NVTA-selected projects presented to the Board and the Route 29 Projects and will consider allocating funds from the Concession Payment Account to said projects and adding the NVTA-selected projects to the Six Year Program at its January meeting or thereafter, provided that VDOT has documentation evidencing that each project satisfies all applicable requirements set forth in federal and state law, including but not limited to those set forth in §33.2-1528.

**BE IT FURTHER RESOLVED**, that the Board hereby directs VDOT to work with NVTA to develop and submit to the Board in its January 2018 meeting a memorandum of agreement, for the Board's approval, that will establish the roles and responsibilities of VDOT, the Board and the NVTA with regard to the selection, funding and delivery of any NVTA-selected projects to which the Board allocates funds from the Concession Payment Account.

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**Appendix A**  
**Transform 66 Outside the Beltway**  
**Concession Fee Projects**

Jurisdiction	Project	Request - Millions
Arlington County	East Falls Church Metrorail Station Bus Bay Expansion	\$4.8
Fairfax County	Jermantown Road Bridge over I-66: Widen to four lanes	\$11.0
	Route 50 and Waples Mill Road intersection improvements	\$2.0
	Monument Drive bridge pedestrian facility improvement	\$3.8
	Commuter parking structure at Government Center/Fairfax Corner	\$38.5
	Lee Highway pedestrian improvements: Completion of missing segments of pedestrian walkway on the south side of Lee Highway from Nutley Street to Vaden Drive	\$1.3
	Poplar Tree Road bridge construction to four lanes	\$6.0
	I-66 median widening (Lee Highway (Route 29) to Route 28) for WMATA Orange Line accommodation	\$40.0
Prince William County	Route 234 at Balls Ford Road interchange including Balls Ford Road improvements*	\$145.0
	Balls Ford Road widening: Groveton Road to Route 234 Business (Sudley Road)	\$67.4
City of Fairfax	George Snyder Trail: From Chain Bridge Road (Route 123) to Fairfax Boulevard (Route 50) at Draper Drive	\$13.6
Town of Vienna	Nutley Street SW mixed-use trail: From Marshall Road SW to Tapawingo Road SW	\$0.3
PRTC	Western bus maintenance & storage facility	\$11.1
VRE	VRE Manassas Line capacity expansion and real-time multimodal traveler information project (rolling stock, Broad Run station/parking/expansion, South Manassas 3rd track, Manassas Station platform extension, Manassas Park parking/bridge, real-time traveler info)	\$128.5
Fairfax County	Route 29 Improvements: From Pickwick Road to Shirley Gate Road, various phases	\$26.7
	<b>Total</b>	<b>\$500.0</b>