



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 15

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

October 30, 2018

MOTION

Made By: Mr. Malbon, Seconded By: Mr. Connors
Action: Motion Carried, Unanimously

Title: Annual (Biennial) Reports by the Commissioner of Highways and the Office of Intermodal Planning and Investment

WHEREAS, Section 33.2-232 of the *Code of Virginia* which, prior to 2018, set forth requirements relating to the annual report of the Commissioner of Highways (Commissioner's Annual Report), was amended pursuant to Chapter 828 of the 2018 Session of the Virginia General Assembly (Chapter 828); and

WHEREAS, § 33.2-232, as amended by Chapter 828, now requires the Commissioner of Highways to provide a written report (the Commissioner's Biennial Report) to the Governor, the General Assembly and the Commonwealth Transportation Board (Board) no later than November 1 of each even-numbered year; and

WHEREAS, § 33.2-232 further provides that the Board shall specify the content of the Commissioner's Biennial Report, which shall contain, at a minimum, the information set forth in § 33.2-232(B); and

WHEREAS, § 33.2-232, as amended by Chapter 828, also requires the Office of Intermodal Planning and Investment to provide a written report (OIPI's Biennial Report) to the Governor, the General Assembly and the Board no later than November 1 of each odd-numbered year; and

WHEREAS, § 33.2-232 further provides that the Board shall specify the content of OIPI's Biennial Report, which shall contain, at a minimum, the information set forth in § 33.2-232(C).

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NOW, THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board, that the Commissioner's Biennial Report shall contain, at a minimum, the information required by § 33.2-232(B) of the *Code of Virginia*.

BE IT FURTHER RESOLVED, that OIPI's Biennial Report shall contain, at a minimum, the information required by § 33.2-232(C) of the *Code of Virginia*.

BE IT FURTHER RESOLVED, that the Board's resolution, dated September 16, 2015, specifying the content of the Commissioner's Annual Report is hereby rescinded.

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CTB Decision Brief

Annual (Biennial) Reports by the Commissioner of Highways and the Office of Intermodal Planning and Investment

Issue: Section 33.2-232 of the *Code of Virginia* which, prior to 2018, set forth requirements relating to the annual report of the Commissioner of Highways, was amended pursuant to Chapter 828 of the 2018 Session of the Virginia General Assembly. As a result, §33.2-232 now requires the Commissioner of Highways (Commissioner) to produce a report in even-numbered years and the Office of Intermodal Planning and Investment (OIFI) to produce a report in odd-numbered years the contents of which are to be established by the Commonwealth Transportation Board (the Board) and must, at a minimum, contain information set forth in the statute. To meet the statutory requirements, the Board is being requested to specify the contents of the reports that must be produced by the Commissioner and OIFI.

Facts: Prior to the 2018 session of the General Assembly, § 33.2-232 required the Commissioner to provide an annual report (Commissioner's Annual Report) to the Governor, the General Assembly, the Joint Legislative Audit and Review Commission, and the Board no later than November 30 each year, with the contents to be specified by the Board and to contain certain minimum information set forth in the statute. On September 16, 2015, in compliance with the law, the Board passed a resolution specifying that the "Annual Report shall contain the information required by § 33.2-232."

Section 33.2-232 now directs the Commissioner to provide a report to the Governor, the General Assembly, and the Commonwealth Transportation Board by November 1 of each even-numbered year (Commissioner's Biennial Report). The statute directs the Board to specify the contents of the Commissioner's Biennial Report, which shall contain, at a minimum, the following information, set forth in § 33.2-232(B):

1. The methodology used to determine maintenance needs, including an explanation of the transparent methodology used for the allocation of funds from the Highway Maintenance and Operating Fund pursuant to subsection A of § [33.2-352](#);
2. The methodology approved by the Board for the allocation of funds for state of good repair purposes as defined in § [33.2-369](#) and, if necessary, an explanation and rationale for any waiver of the cap provided for in subsection B of § [33.2-369](#);
3. The expenditures from the Highway Maintenance and Operating Program for the past fiscal year by asset class or activity and by construction district as well as the planned expenditure for the current fiscal year;
4. A description of transportation systems management and operations in the Commonwealth and the operating condition of primary and secondary state highways, including location and average duration of incidents;

5. A listing of prioritized pavement and bridge needs based on the priority ranking system developed by the Board pursuant to § [33.2-369](#) and a description of the priority ranking system;
6. A description of actions taken to improve highway operations within the Commonwealth, including the use of funds in the Innovation and Technology Transportation Fund established pursuant to § [33.2-1531](#); and
7. A review of the Department's collaboration with the private sector in delivering services.

In addition, § 33.2-232 directs OIPI to provide a report to the Governor, the General Assembly and the Board by November 1 of each odd-numbered year (OIPI's Biennial Report) and requires the Board to specify the contents of the OIPI Biennial Report, which shall contain, at a minimum, the following information set forth in § 33.2-232(C):

1. A list of transportation projects approved or modified during the prior fiscal year, including whether each such project was evaluated pursuant to § [33.2-214.1](#) and the program from which each such project received funding;
2. The results of the most recent project evaluations pursuant to § [33.2-214.1](#), including a comparison of (i) projects selected for funding with projects not selected for funding, (ii) funding allocated by district and by mode of transportation, and (iii) the size of projects selected for funding;
3. The current performance of the Commonwealth's surface transportation system, the targets for future performance, and the progress toward such targets based on the measures developed pursuant to § [2.2-229](#);
4. The status of the Virginia Transportation Infrastructure Bank, including the balance in the Bank, funding commitments made over the prior fiscal year, and performance of the current loan portfolio;
5. The status of the Toll Facilities Revolving Account, including the balance in the account, project commitments from the account, repayment schedules, and the performance of the current loan portfolio; and
6. Progress made toward achieving the performance targets established by the Commonwealth Transportation Board.

Recommendations: It is recommended that the Board specify the contents of both the Commissioner's Biennial Report and OIPI's Biennial Report as set forth in the Code of Virginia §§ 33.2-232 (B) and (C), respectively and further, that the resolution dated September 16, 2015, specifying contents of the Commissioner's Annual Report, be rescinded.

Action Required by CTB: A resolution to specify the report contents as indicated in the Recommendations will be presented to the Board.

Result, if Approved: The statutory requirement that the Board specify the contents of the Commissioner's Biennial Report and OIPI's Biennial Report will be satisfied.

Options: N/A.

Public Comments/Reactions: N/A