



# COMMONWEALTH of VIRGINIA

## *Commonwealth Transportation Board*

Shannon Valentine  
Chairperson

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Richmond, Virginia 23219

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*Agenda item # 6*

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

**June 23, 2021**

#### **MOTION**

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

**Action:** Motion carried, unanimously

#### **Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2022 – 2027**

**WHEREAS**, Section 33.2-214 (B) of the *Code of Virginia* requires the Commonwealth Transportation Board (Board) to adopt by July 1st of each year a Six-Year Improvement Program (Program) of anticipated projects and programs and that the Program shall be based on the most recent official revenue forecasts and a debt management policy; and

**WHEREAS**, the Appropriations Act authorizes the Secretary and all agencies within the Transportation Secretariat to take all actions necessary to ensure that federal transportation funds are allocated and utilized for the maximum benefit of the Commonwealth; and

**WHEREAS**, the Board is required by Section 33.2-214 (B) and 33.2-221 (C) of the *Code of Virginia* to administer and allocate funds in the Transportation Trust Fund based on the most recent official Commonwealth Transportation Fund revenue forecast; and

**WHEREAS**, the Board is required by Section 33.2-221 (C) of the *Code of Virginia* to ensure that total funds allocated to any highway construction project are equal to total project expenditures within 12 months following completion of the project; and

**WHEREAS**, Sections 33.2-1526 and 33.2-1526.1 of the *Code of Virginia* authorize the Board to allocate funds for mass transit in accordance with the statutory formula set forth therein; and

**WHEREAS**, Section 58.1-1741 of the *Code of Virginia* sets aside funds for the Transportation Trust Fund and for the Washington Metropolitan Area Transit Authority; and

**WHEREAS**, Section 33.2-1526.4 of the *Code of Virginia* establishes the Commonwealth Rail Fund, providing that 93 percent of the Fund shall be distributed to the Virginia Passenger Rail Authority and the remaining 7 percent shall remain in the Fund for the Department of Rail and Public Transportation for planning purposes and for grants for rail projects not administered by the Virginia Passenger Rail Authority (VPRA); and the Department of Rail and Public

Transportation may use up to \$4 million of their portion for the purposes of the Shortline Railway Preservation and Development Fund pursuant to 33.2-1602; and

**WHEREAS**, Section 33.2-1602 of the *Code of Virginia* authorizes the Board to allocate funds from the Shortline Railway Preservation and Development Fund in accordance with Board established policies and procedures; and

**WHEREAS**, Section 33.2-1600 of the *Code of Virginia* requires the Board to administer and spend or commit such funds necessary for constructing, reconstructing, or improving industrial access railroad tracks and related facilities; and

**WHEREAS**, Section 33.2-358 of the *Code of Virginia* requires the Board to allocate funds for maintenance on the Interstate, Primary, Urban and Secondary Highway Systems; and

**WHEREAS**, Section 33.2-358 of the *Code of Virginia* requires the Board to allocate funds on and after July 1, 2021 for state of good repair purposes as set forth in Section 33.2-369, the High-Priority Projects Program established pursuant to Section 33.2-370, the Highway Construction District Grant Program established pursuant to Section 33.2-371; the Interstate Operations and Enhancement Program established pursuant to Section 33.2-372, and the Virginia Highway Safety Improvement Program established pursuant to Section 33.2-373; and

**WHEREAS**, Section 33.2-1527 of the Code of Virginia governs the allocation of funds in the Priority Transportation Fund; the moneys in this fund shall first be used for making debt service payments on bonds or obligations for which the Fund is expressly required for making debt service payments, to the extent needed; it is the desire of the Board that priority in the allocation of any remaining funds after meeting debt service requirements and then after existing project commitments, be provided to Transforming Rail in Virginia Initiative to expedite the completion of that effort through Phase 4; and

**WHEREAS**, the Final Six-Year Improvement Program for Fiscal Years 2022 through 2027 accounts for and includes allocations to projects selected through the Project Prioritization Process in accordance with the requirements of Section 33.2-214.4, and the Commonwealth Transportation Board's Policy for the Implementation of Performance Based State Transit Operating Allocation; and

**WHEREAS**, the Final Six-Year Improvement Program for Fiscal Years 2022 through 2027 accounts for and includes allocations to projects selected through the Project Prioritization Process in accordance with the requirements of Section 33.2-214.4, and the Commonwealth Transportation Board's Policy for the Implementation of State Transit Capital Prioritization (MERIT Prioritization Process); and

**WHEREAS**, the Final Six-Year Improvement Program for Fiscal Years 2022 through 2027 accounts for and includes allocations to projects selected for funding through the project selection processes developed in accordance with the State of Good Repair Program as set forth in Section 33.2-369, the High-Priority Projects Program established pursuant to Section 33.2-

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370, the Highway Construction District Grant Program established pursuant to Section 33.2-371; the Interstate Operations and Enhancement Program established pursuant to Section 33.2-372, and the Virginia Highway Safety Improvement Program established pursuant to Section 33.2-373; and

**WHEREAS**, Section 33.2-202 of the *Code of Virginia* states that for a transportation project valued in excess of \$25 million that is located wholly within a single highway construction district, the Board shall hold at least one hearing in the highway construction district where such project being considered is located to discuss such project prior to a meeting at which a vote to program funds will be taken; and

**WHEREAS**, the Draft Six-Year Improvement Program for Fiscal Years 2022 through 2027 was made available for review and comment; and

**WHEREAS**, nine public meetings were held virtually on April 22, 2021 for Culpeper, April 27, 2021 for Bristol and Fredericksburg, April 29, 2021 for Staunton and Lynchburg, May 3, 2021 for Richmond and Northern Virginia, and May 5, 2021 for Salem and Hampton Roads to receive public comments prior to the Board's adoption of a Final Six-Year Improvement Program; and

**WHEREAS**, the Board recognizes that all projects, whether public transportation, rail or highway, are appropriate for the efficient movement of people and freight and, therefore, for the common good of the Commonwealth; and

**WHEREAS**, after due consideration the Board has now developed a Final Fiscal Years 2022 through 2027 Six-Year Improvement Program; and

**WHEREAS**, pursuant to the Board's Systematic Review of Funding Policy, as amended on February 18, 2015, the Chief Financial Officers of VDOT and DRPT must annually certify that unused funds are timely reallocated and said certifications have been provided to the Board for FY 2021, attached hereto as Attachment A; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Commonwealth Transportation Board that the allocations of construction funds provided by Section 33.2-358, Maintenance and Operations funds, and Rail and Public Transportation funds in the Final Six-Year Improvement Program for Fiscal Years 2022 through 2027 are approved.

**BE IT FURTHER RESOLVED**, by the Commonwealth Transportation Board that the Six-Year Improvement Program of projects and programs for Fiscal Years 2022 through 2027 for Interstate, Primary and Urban Highway Systems, and Rail and Public Transportation are approved.

**BE IT FURTHER RESOLVED**, by the Commonwealth Transportation Board that the Commissioner of Highways and the Director of the Department of Rail and Public Transportation are authorized to enter into agreements for respective programmed projects for Fiscal Year 2022 and prior within the Six-Year Improvement Program satisfactory to the Commissioner and the Director.

**BE IT FURTHER RESOLVED**, by the Commonwealth Transportation Board that the transfers of previous allocations necessary to maximize the use of federal transportation funds as reflected in the Six-Year Improvement Program of projects and programs for Fiscal Years 2022 through 2027, are approved.

**BE IT FURTHER RESOLVED**, by the Commonwealth Transportation Board that the Commissioner and Director, or their designees, are granted the authority to make transfers of allocations programmed to projects in the approved Six-Year Improvement Program of projects and programs for Fiscal Years 2022 through 2027 to release funds no longer needed for the delivery of the projects and to provide additional allocations to support the delivery of eligible projects in the approved Six-Year Improvement Program of projects and programs for Fiscal Years 2022 through 2027 consistent with Commonwealth Transportation Board priorities for programming funds, federal/state eligibility requirements, and according to the following thresholds based on the recipient project:

<b>Total Cost Estimate</b>	<b>Threshold</b>
<\$5 million	up to a 20% increase in total allocations
\$5 million to \$10 million	up to a \$1 million increase in total allocations
>\$10 million	up to a 10% increase in total allocations up to a maximum of \$5 million increase in total allocations

**BE IT FURTHER RESOLVED**, that the Commissioner and Director shall notify the Board on a monthly basis should such transfers or allocations be made.

**BE IT FURTHER RESOLVED**, that if such request for transfer of allocation exceeds the thresholds established herein, the Commissioner and Director shall bring such request to the Board on a monthly basis for their approval prior to taking any action to record or award such action.

####

## CTB Decision Brief

### **Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2022 – 2027**

**Issue:** Each year the Commonwealth Transportation Board (CTB) must adopt a Six-Year Improvement Program (Program or SYIP) and allocations for anticipated projects and programs based on the most recent official revenue forecasts and debt management policy, and other funds available as set forth in the Final Fiscal Years 2022-2027 Six-Year Improvement Program in accordance with policy or statutory formula.

**Facts:** The CTB must adopt a Six-Year Improvement Program of anticipated projects and programs by July 1<sup>st</sup> of each year in accordance with Section 33.2-214 (B). The Program shall be based on the most recent official revenue forecasts and debt policy.

The Final Six-Year Improvement Program for Fiscal Years 2022-2027 accounts for and includes allocations to projects selected for funding through the project selection processes developed in accordance with the State of Good Repair Program as set forth in Section 33.2-369, the High-Priority Projects Program established pursuant to Section 33.2-370, the Highway Construction District Grant Program established pursuant to Section 33.2-371; the Interstate Operations and Enhancement Program established pursuant to Section 33.2-372, and the Virginia Highway Safety Improvement Program established pursuant to Section 33.2-373.

The Final Six-Year Improvement Program for Fiscal Years 2022 through 2027 accounts for and includes allocations to projects selected through the Project Prioritization Process in accordance with the requirements of Section 33.2-214.4, and the Commonwealth Transportation Board's Policy for the Implementation of Performance Based State Transit Operating Allocation and the Board's Policy for the Implementation of State Transit Capital Prioritization (MERIT Prioritization Process).

Pursuant to the Board's Systematic Review of Funding Policy, as amended on February 18, 2015, the Chief Financial Officers of VDOT and DRPT must annually certify that unused funds are timely reallocated and said certifications are attached hereto as Attachment A.

**Recommendations:** VDOT and DRPT recommend the adoption of the Program and that authority be granted to the Commissioner and Director, or their designees, to make transfers of allocations programmed to projects in the approved Program to release funds no longer needed for the delivery of the projects and to provide additional allocations to support the delivery of eligible projects in the approved Program consistent with Commonwealth Transportation Board priorities for programming funds, federal/state eligibility requirements, and according to the following thresholds based on the recipient project:

<b>Total Cost Estimate</b>	<b>Threshold</b>
<\$5 million	up to a 20% increase in total allocations
\$5 million to \$10 million	up to a \$1 million increase in total allocations
>\$10 million	up to a 10% increase in total allocations up to a maximum of \$5 million increase in total allocations

The CTB shall receive a report on a monthly basis regarding any such transfers.

If a request for a transfer of allocation exceeds the thresholds above, the Commissioner and Director shall bring such request to the Board on a monthly basis for their approval prior to taking any action to record or award such action.

Priority Transportation Funds shall first be used for making debt service payments on bonds or obligations for which the Fund is expressly required for making debt service payments, to the extent needed. The Board will give priority in the allocation of any remaining funds after meeting debt service requirements and then after existing project commitments to Transforming Rail in Virginia Initiative to expedite the completion of that effort through Phase 4.

**Action Required by CTB:** The CTB will be presented with a resolution for a formal vote to adopt the Six-Year Improvement Program of Construction funds, Maintenance and Operations funds, and Rail and Public Transportation funds for Fiscal Years 2022 through 2027, including approval of the transfers of previous allocations completed as part of the update. The resolution will include authorization for the Commissioner and Director or their designees to make transfers of allocations programmed to projects in the approved Six-Year Improvement Program of projects and programs for Fiscal Years 2022 through 2027 necessary to release funds no longer needed for the delivery of the projects and to apply said funds to projects in the approved program needing funds, consistent with Commonwealth Transportation Board priorities for programming funds, federal/state eligibility requirements, and according to the thresholds identified above.

The resolution will also express the Board’s intent to allocate any remaining Priority Transportation Funds remaining after debt service requirements and existing project commitments to the completion of the Transforming Rail in Virginia Initiative through Phase 4.

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The resolution also will acknowledge receipt of certifications by the Chief Financial Officers of VDOT and DRPT which have been submitted pursuant to the Board's Systematic Review of Funding Policy, as amended on February 18, 2015, and which certify that allocations no longer needed for the delivery of projects have been reallocated as appropriate.

**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 Program and Rail and Public Transportation allocations, the public expects the CTB to fulfill its statutory duty by approving the Six-Year Improvement Program and Rail and Public Transportation allocations for Fiscal Years 2022 through 2027.



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219 2000

**Stephen Brich**  
Commissioner

June 1, 2021

## MEMORANDUM

To: The Honorable Shannon Valentine  
Chairperson, Commonwealth Transportation Board

From: Laura Farmer   
Chief Financial Officer

Subject: **Annual Certification - Reallocation of Unused Funds**

In accordance with the Systematic Review of Funding Policy approved by the Commonwealth Transportation Board (CTB) as amended on February 18, 2015, I hereby certify that, to the best of my knowledge, construction project funding balances for the Virginia Department of Transportation (VDOT) have been reviewed, and that allocations no longer needed for the project were reallocated as appropriate. Such reallocations were completed through the monthly transfers approved by the CTB during the year and through the annual update of the SYIP to be presented to the CTB in June 2021.

Project expenditures and allocations are reviewed throughout the year as part of ongoing processes, including VDOT's Project Closeout process, VDOT's Quarterly Financial Certification of projects, and the Federal Highway Administration's (FHWA) Financial Integrity Review and Evaluation process. We continue to take a proactive approach to ensure full utilization of available funds.

C: Members, Commonwealth Transportation Board



# COMMONWEALTH of VIRGINIA

## Office of the Governor

Shannon Valentine  
Secretary of Transportation

June 17, 2021

### MEMORANDUM

**TO:** The Honorable Ralph Northam, Governor of Virginia  
Members of the General Assembly

**FROM:** The Honorable Shannon Valentine 

**SUBJECT:** Allocation of Transportation Funds

In accordance with Item 430 B.2. of Chapter 552 of the 2021 Special Session I Acts of Assembly, this memorandum will certify that all available federal transportation funds will be used in accordance with applicable federal law and in support of the transportation policy goals included in that Chapter. The forecasted federal revenues expected to be provided by the Federal Highway Administration (FHWA) to the Commonwealth in fiscal year 2022 totals \$1.36 billion. Fiscal year 2023 FHWA federal revenues are projected to be \$1.12 billion. The actual funding made available may change based upon Congressional action and final funding distributions by the FHWA. The required matching funds to support the federal revenues are supported by a combination of state and local funds.

On June 23, 2021, the Commonwealth Transportation Board (CTB) will consider adoption of the FY 2022-2027 Six-Year Improvement Program (SYIP) as well as the annual budgets of the Department of Transportation and Department of Rail and Public Transportation. The draft SYIP was presented to the CTB on April 20, 2021 and nine virtual public meetings were held between April 22 and May 5, 2021.

Information on the draft SYIP is available at the Department of Transportation's website, [www.vdot.virginia.gov](http://www.vdot.virginia.gov) or the Department of Rail and Public Transportation's website, [www.drpt.virginia.gov](http://www.drpt.virginia.gov). The final versions of the SYIP and the budgets will be made available at the online address above upon CTB approval.