



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
Fax: (804) 786-2940

AGENDA

MEETING OF THE COMMONWEALTH TRANSPORTATION BOARD

Hotel 24 South
24 South Market Street
Staunton, VA 24401
September 21, 2022

8:00 a.m. or upon adjournment of the September 20, 2022 Workshop Meeting should that meeting carry over September 21, 2022

Public Comments:

Approval of Minutes July 20, 2022

OFFICE OF LAND USE:

Presenting: Kevin Gregg
Chief of Maintenance and Operations

1. Action on Discontinuance in the Secondary System of State Highways
Route 844 in Bedford County Located within the Salem District.

MAINTENANCE DIVISION:

Presenting: Kevin Gregg
Chief of Maintenance and Operations

2. Action on Commemorative naming of the Bridge on U.S. Route 58, Jones Street, over Town Branch, Lee County within the Bristol District as the "Eddie Ramey Memorial Bridge".

INFRASTRUCTURE INVESTMENT DIVISION:

Presenting: Kimberly Pryor
Division Administrator

3. Action on FY23-28 Six-Year Improvement Program Transfers
For June 18, 2022 through August 19, 2022.
4. Action on Addition of Projects to the Six-Year Improvement Program for
Fiscal Years 2023-2028.

LOCAL ASSISTANCE DIVISION:

Presenting: Angel Deem
Chief of Policy

5. Action on Recreational Access to Rose Dale Park, Project RECR-003-703 located in Alleghany County within the Staunton District.

ENVIRONMENTAL DIVISION:

6. Action on Location Decision Policy Adoption.

GOVERNANCE AND LEGISLATIVE AFFAIRS DIVISION:

Presenting: Jo Anne Maxwell
Division Administrator

7. Action on Authorization for the Commissioner of Highways to enter into Standard Project Agreements between VDOT and the Central Virginia Transportation Authority for Segments of the Fall Line Trail Project within the Richmond District.
8. Action on Continued Action on Content of Commonwealth Transportation Board Policy Index

LOCATION AND DESIGN DIVISION:

Presenting: Bart Thrasher
Chief Engineer

9. Action on Limited Access Control Changes (LACCs) for Crosstrail Boulevard Segment C at the Interchange with the Dulles Greenway Loudoun County Located in the Northern Virginia District.

VIRGINIA DEPARTMENT OF TRANSPORTATION:

Presenting: Stephen C. Brich
Commissioner

10. Action on Approval of Virginia Highway Safety Investment Strategy.

VIRGINIA DEPARTMENT OF TRANSPORTATION:

Presenting: Laura Farmer
Chief Financial Officer

11. Action On Interstate 64 Hampton Roads Express Lanes Network Toll Facility Revolving Account (TFRA) Funding Authorization

OFFICE INTERMODAL PLANNING AND INVESTMENT

Presenting: Margie Ray
Performance Management Manager

12. Action on Approval of Asset Condition and System Performance Targets.

SCHEDULING AND CONTRACT:

Presenting: Bart Thrasher
Chief Engineer

13. Bids.

NEW BUSINESS:

Presenting: John Lawson
Deputy Secretary of Transportation

New Business 1: Action Regarding Funding for Pre-Scoping Activities for Priority Trails

ADJOURNMENT:

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Agenda item # 1

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: _____ **Seconded By:** _____

Action: _____

Title: Discontinuance – Secondary System of State Highways Route 844 in Bedford County

WHEREAS, Route 844, located in Bedford County, measuring approximately 0.18 of a mile, is no longer necessary for the uses of the Secondary state highway system, and therefore no longer provides a public convenience that warrants maintenance at public expense, rendering it eligible for discontinuance; and

WHEREAS, the Bedford County Board of Supervisors has approved a resolution on July 11, 2022, attached hereto as Exhibit A, supporting the discontinuance described as the 0.18 of a mile length of Route 844, as seen in the map attached hereto as Exhibit B; and

WHEREAS, pursuant to § 33.2-908 of the *Code of Virginia*, a section of highway may be discontinued from the Secondary state highway system by the Commissioner of Highways, with the approval of the Commonwealth Transportation Board, if the highway is deemed to be no longer necessary for the uses of the Secondary state highway system when a part of the highway no longer provides a public convenience that warrants maintenance at public expense; and

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves the discontinuance of the roadway segment identified below and as depicted on Exhibit B attached hereto, as part of the Secondary system of state highways, pursuant to §33.2-908, *Code of Virginia*, as the roadway is no longer necessary for the uses of the Secondary state highway system and is no longer providing sufficient public convenience to warrant maintenance at public expense.

Secondary System of State Highways

Discontinuance

Salem District

Bedford County

- Route 844 0.18 Mi.

Total Mileage Discontinued from the Secondary System: 0.18 Mi.

####

CTB Decision Brief

Discontinuance - Secondary System of State Highways: Route 844 in Bedford County

Issue: The Bedford County Board of Supervisors has requested the discontinuance of Route 844 in Bedford County. Pursuant to §33.2-908 of the *Code of Virginia*, said discontinuance must be approved by the Commonwealth Transportation Board (Board).

Facts: Upon review of the area, VDOT staff determined that the 0.18 of a mile length of Route 844 should be discontinued as a part of the Secondary System of State Highways, pursuant to § 33.2-908 of the *Code of Virginia*, as it no longer provides a public convenience that warrants maintenance at state expense.

The Bedford County Board of Supervisors requested, by resolution on July 11, 2022 (Exhibit A, attached), the discontinuance of the 0.18 mile length of Route 844 (road noted in “Blue” on Exhibit B, attached).

In accordance with §33.2-908, notice of the discontinuance was published in the *Bedford Bulletin* on May 11, 2022 (Exhibit C, attached). Section 33.2-908 requires that notice be provided to the County Board of Supervisors and property owners with land abutting the section of roadway considered for discontinuance. As the only owner of property abutting Route 844 is the County, VDOT staff provided notice to the County Board of Supervisors via certified mail.

Recommendation: VDOT recommends the Board approve the discontinuance of the 0.18 mile length of Route 844 referenced above.

Action Required by CTB: The *Code of Virginia* requires a majority of the Board’s members to approve the proposed discontinuance. A resolution describing the proposed road to be discontinued is provided for the Board’s consideration.

Result if Approved: If approved, VDOT will suspend all of its maintenance activity on the roadway segment.

Options: Approve, Deny or Defer

Public Comments/Reaction: There was no request for a public hearing made to the Bedford County Board of Supervisors regarding this proposed discontinuance and there were no requests for a public hearing received by VDOT in response to the notices provided.

Exhibit A Bedford County Resolution

Resolution # R 071122-01



At a regular meeting of the Board of Supervisors of the County of Bedford, Virginia held at the Bedford County Administration Building on the 11th day of July 2022 beginning at 7:00 p.m.

<u>MEMBERS:</u>	<u>VOTE:</u>
John Sharp, Chairman	Yes
Edgar Tuck, Vice-Chairman	Yes
Mickey Johnson	Yes
Tammy Parker	Yes
Charla Bansley	Yes
Bob Davis	Yes
Tommy Scott	Yes

On motion of Supervisor Parker, seconded by Vice Chairman Tuck, which carried by a vote of 7-0, the following was adopted:

WHEREAS, the Bedford County Board of Supervisors supports the discontinuance of VDOT Secondary Route 844, Recycle Road, as follows:

WHEREAS, the Virginia Department of Transportation has notified the Bedford County Board of Supervisors of its intent to discontinue Route 844, Recycle Road from Route 43 to Cul-de-sac, a distance of 0.18 miles; and

WHEREAS, the sketch attached and incorporated herein as a part of this resolution, defines the adjustment required in the secondary system of state highways as a result of the discontinuance of said portion of Route 844; and

NOW, THEREFORE, BE IT RESOLVED, this Board hereby concurs with and supports the Commonwealth Transportation Board's changes to the secondary system of state highways as identified on the attached sketch, pursuant to Code of VA 33.2-908B of the Code of Virginia; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

A Copy-Teste:

A handwritten signature in blue ink, appearing to read "Robert Hiss", is written over a horizontal line.

Robert Hiss
County Administrator

Exhibit B
Sketch of Proposed Road to be Discontinued

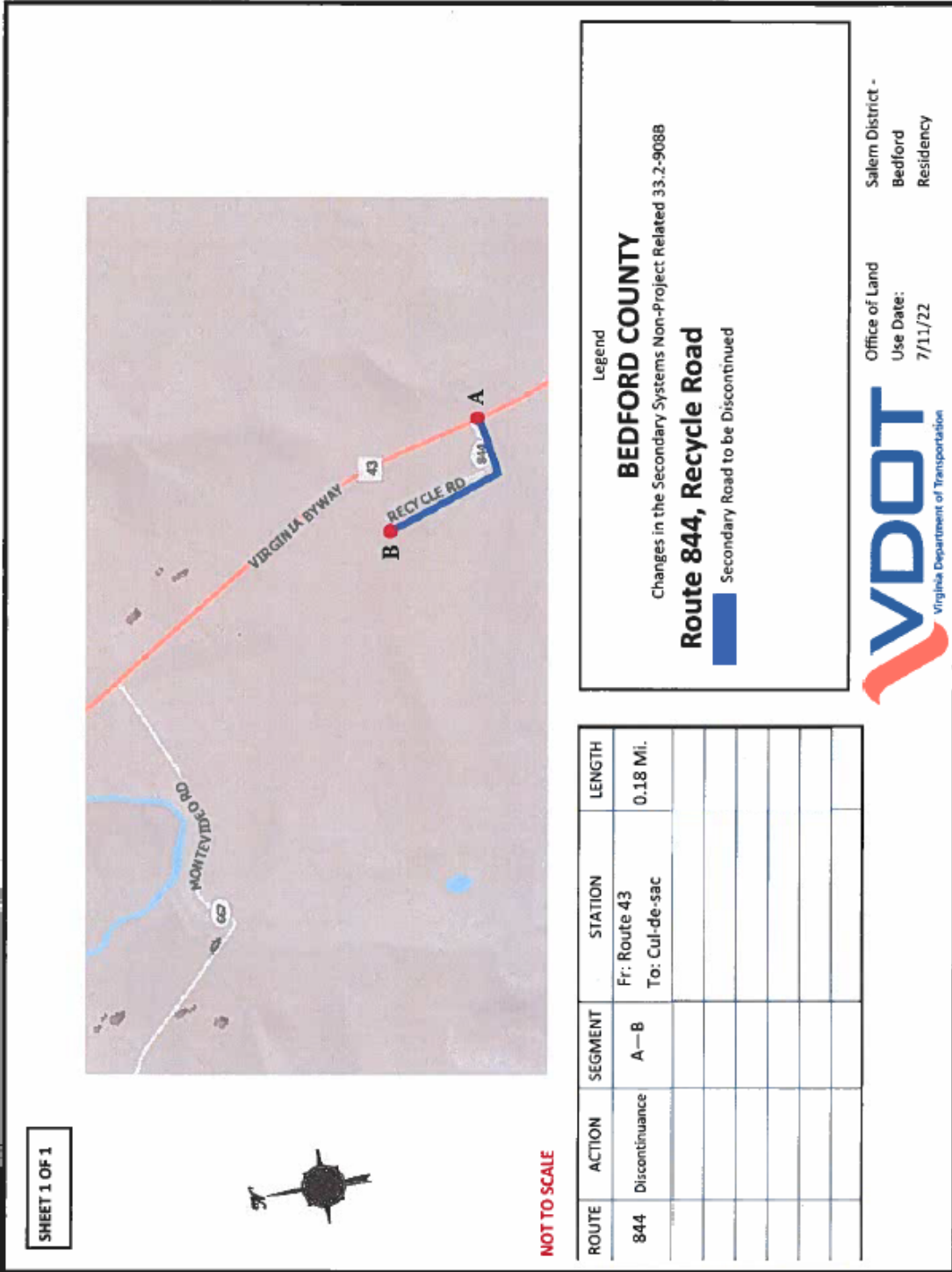


Exhibit C

Public Notice of Discontinuance Published in the *Bedford Bulletin* on May 11, 2022



Route 844 (Recycle Road) Bedford County

Willingness to Hold a Public Hearing Notice of Intent to Discontinue Maintenance of a Public Road Segment

Pursuant to the provisions of §33.2-908 of the Code of Virginia, the Virginia Department of Transportation (VDOT) will consider discontinuance of the segment of Route 844 (Recycle Road) in Bedford County between Route 43 and the cul-de-sac. The total length of the discontinuance is 0.18 mile.

This matter is being considered by VDOT because the road segment does not provide sufficient public service to warrant maintenance at public expense.

VDOT is willing to hold a public hearing prior to considering the discontinuance if the county or one or more landowners whose property is impacted by the discontinuance makes a request. A public hearing may be requested in writing to J.P. Morris, VDOT Bedford Residency, PO Box 446, Bedford, VA 24523 or by email at john.morris@vdot.virginia.gov on or prior to **June 10, 2021**.

Additional information about the proposed discontinuance is available at VDOT's Bedford Residency Office at 2022 East Lynchburg Salem Turnpike in Bedford, 540-586-7941, 1-800-367-7623, TTY/TDD 711. Please call ahead so VDOT can make arrangements for personnel to share more information or answer your questions.

VDOT ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you need special assistance for persons with disabilities or limited English proficiency, contact VDOT at 540-387-5552, 1-800-367-7623, TTY/TDD 711.



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Agenda item # 2

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: _____ Seconded By:

Action:

Title: Bridge Naming: "Eddie Ramey Memorial Bridge"

WHEREAS, in accordance with § 33.2-213 of the *Code of Virginia*, the Lee County Board of Supervisors has requested, by resolution dated May 17, 2022, that the Commonwealth Transportation Board (CTB), to honor the life, sacrifices and outstanding commitment to his community and country of Eddie Lee Ramey, name the bridge on U.S. Route 58, Jones Street, over Town Branch, Lee County, as the "Eddie Ramey Memorial Bridge"; and

WHEREAS, Lee County, by letter dated June 2, 2022 has agreed to be responsible for payment of all sign costs billed by the Virginia Department of Transportation calling attention to this naming, which will include the costs to produce, place, and maintain the signs; and

WHEREAS, § 33.2-213 provides that the Virginia Department of Transportation (VDOT) shall place and maintain appropriate signs indicating the names of highways, bridges, interchanges, and other transportation facilities named by the CTB and requires that the costs of producing, placing, and maintaining such signs shall be paid by the localities in which they are located or by the private entity whose name is attached to the transportation facility so named.

NOW THEREFORE BE IT RESOLVED, pursuant to § 33.2-213 of the *Code of Virginia*, the CTB hereby names the bridge on U.S. Route 58, Jones Street, over Town Branch, Lee County, as the "Eddie Ramey Memorial Bridge".

Resolution of the Board
Bridge Naming: "Eddie Ramey Memorial Bridge"
September 21, 2022
Page 2 of 2

BE IT FURTHER RESOLVED, that VDOT is directed to produce, place, and maintain the signs calling attention to this naming, and secure payment from Lee County for these costs as required by law.

#####

CTB Decision Brief

Bridge Naming: "Eddie Ramey Memorial Bridge"

Issue: Commemorative naming of the bridge on U.S. Route 58, Jones Street, over Town Branch, Lee County, as the "Eddie Ramey Memorial Bridge".

Facts: The Lee County Board of Supervisors enacted a resolution on May 17, 2022 to honor the life, sacrifices and service to his community and country of Eddie Lee Ramey.

According to that resolution, Mr. Ramey was born on October 12, 1946 near Jonesville, Virginia. He attended Oak Grove and Jonesville Elementary Schools and graduated from Jonesville High School where he played football and ran track.

He volunteered for the United States Marine Corps, serving from 1966-1968 and volunteered for one tour of duty in Vietnam. Lance Corporal Ramey was wounded on February 20, 1967 while working with the 3rd Battalion Marines in Quang Ngai Province, suffering the loss of his right leg, right eye, and many other wounds, which he endured for the remainder of his life. He spent 13 months recovering in Naval hospitals and was awarded the Purple Heart Medal.

After his discharge from the Marine Corps, he married Geraldine Shuler Ramey and raised three children. He continued to Lincoln Memorial University where he graduated in 1975 with a degree in Business and Accounting. His work career included running a newspaper route with his wife, working as an insurance agent, co-owner and operator of Ramey Gun Shop, working for District I Employment Training and at his death was a bookkeeper for a local contractor.

Mr. Ramey was active in his community as a member of Mount Hope Baptist Church serving as a deacon and Sunday School teacher. He was also a charter member of Boone Trail Archery Club and served as Secretary for the Lee County Horse and Hunting Club.

Mr. Ramey departed this life on December 3, 2021.

Recommendations: The Virginia Department of Transportation (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 a highway or bridge, as appropriate. A resolution will be provided for the Board's consideration.

Result if Approved: The bridge on U.S. Route 58, Jones Street, over Town Branch, Lee County, will be known as the "Eddie Ramey Memorial Bridge". In accordance with law and by letter dated June 2, 2022, Lee County agrees to pay the costs of producing, placing, and maintaining the signs calling attention to this naming.

Options: Approve, Deny, or Defer.

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

RESOLUTION
22-009

WHEREAS, Eddie Lee Ramey was born October 12, 1946 near Jonesville, Virginia, the son of Clarence and Zollic Ramey; and

WHEREAS, Mr. Ramey attended Oak Grove and Jonesville Elementary Schools and graduated from Jonesville High School in 1965 where he played football and ran track; and

WHEREAS, Mr. Ramey volunteered for the U.S. Marine Corps, serving from 1966-1968 and volunteered for a tour of duty in Vietnam. Lance Corporal Ramey was wounded on February 20, 1967 while working with the 3rd Battalion Marines in Quang Ngai Province suffering the loss of his right leg, right eye and many other wounds that he endured for the remainder of his life; and

WHEREAS, Lance Corporal Ramey spent 13 months recuperating in Naval hospitals and was awarded the Purple Heart medal; and

WHEREAS, after his discharge from the Marine Corp, Mr. Ramey married Geraldine Shuler Ramey and raised three children, son Jordan and daughters Melissa and Brooke. He commuted to Lincoln Memorial University graduating in 1975 with a degree in Business and Accounting. Mr. Ramey's work career included running a newspaper route with his wife, working as an insurance agent, co-owner and operator of Ramey Gun Shop along with his brother Audrey, he worked for District 1 Employment Training, and at his death was a bookkeeper for a local contractor; and

WHEREAS, Mr. Ramey was active in his community as a member of Mount Hope Baptist Church serving as a Deacon and Sunday School teacher, he was a charter member of the Christianaires Gospel Quartet singing tenor, was a charter member of Boone Trail Archery Club and served as Secretary for the Lee County Horse and Hunting Club; and

WHEREAS, Mr. Ramey departed this life on December 3, 2021. Preceded in death by his wife and one brother, he was survived by his three children, four grandchildren, one great-grandchild, one sister and five brothers.

NOW, THEREFORE, BE IT RESOLVED, to commemorate the life of Eddie Lee Ramey, the Lee County Board of Supervisors respectfully requests the Commonwealth Transportation Board and the Virginia Department of Transportation formally designate the U.S. Highway 58 bridge over Town Branch just east of Route T648 as the "Eddie Ramey Memorial Bridge".

Adopted this the 17th day of May, 2022.




CLERK OF THE BOARD

Proposed Bridge Naming

Proposed Eddie Ramey Memorial Bridge

Lee County

GPS: 36.411473 -83.061231

Route 58 - Wilderness Road

Structure Number: 1044

Over: Town Branch

Legend



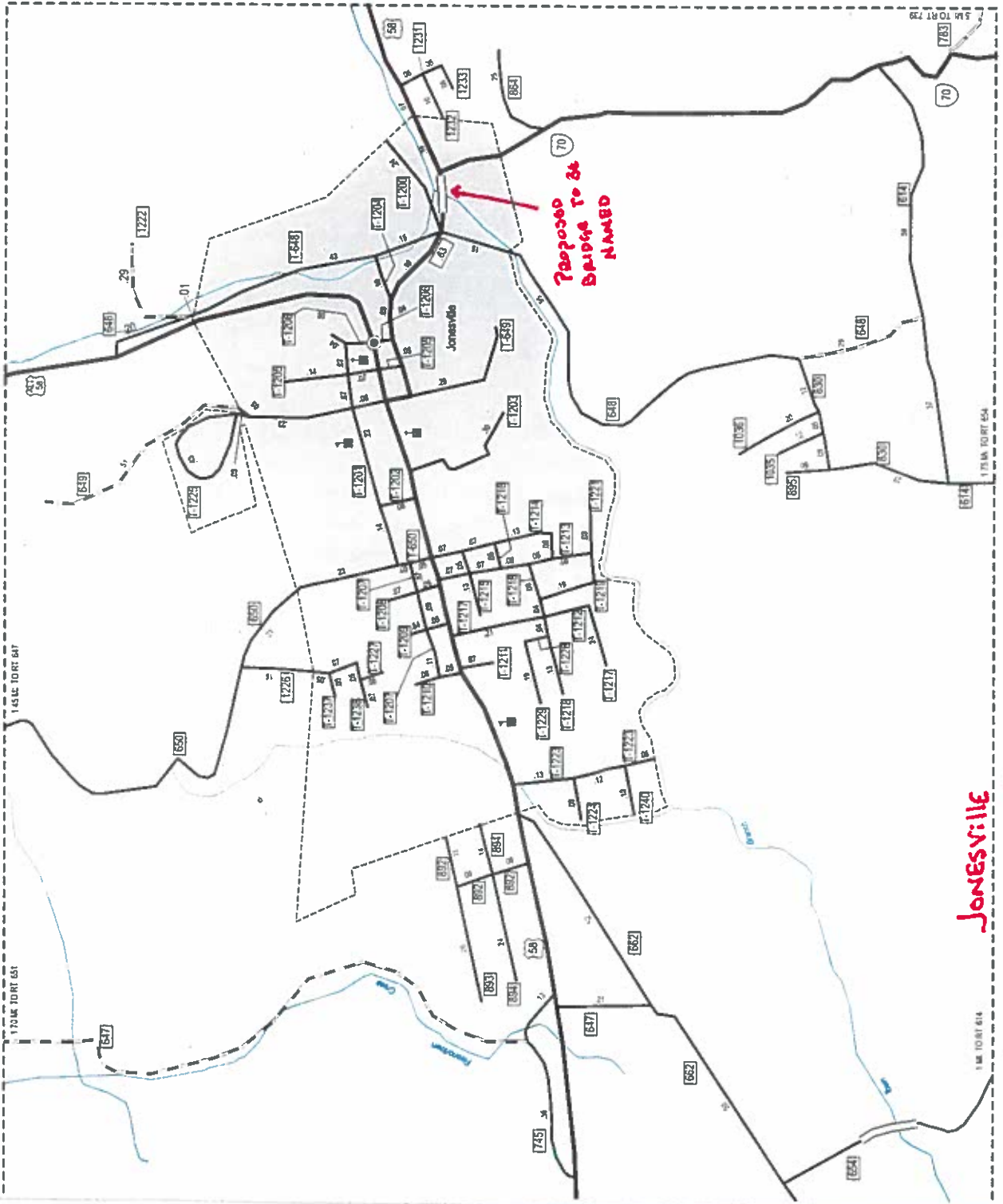
Proposed Bridge to be Named



OLINGER AREA

four times map scale
see notation on map cover for distance annotation

AREA
ile
lance annotation



JONESVILLE
LEE COUNTY



Lee County Board of Supervisors

LEE COUNTY
P.O. Box 367
Jonesville, Virginia 24263-0367

COUNTY ADMINISTRATOR
Telephone 276-346-7714
Fax 276-346-7712
www.leecova.org

June 2, 2022

Mr. Paul Matticks, Resident Administrator
Wise Residency
Virginia Department of Transportation
703 Hurricane Road, N.E.
Wise, Virginia 24293-0060

Dear Mr. Matticks:

Enclosed please find a copy of a resolution adopted by the Lee County Board of Supervisors on May 17, 2022 requesting the naming of the U.S. Highway 58 bridge over Town Branch, just east of Route 1648 in the Town of Jonesville, as the Eddie Ramey Memorial Bridge. The Jonesville Town Council has concurred in this action since it is physically located within the town limits.

We also acknowledge that the Lee County Board of Supervisors will be responsible for payment of all sign costs billed by the Department of Transportation.

If you should have any questions or need further information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "D. Dane Poe".

D. Dane Poe
County Administrator

Enclosure



Virginia Department of Transportation
Maintenance Division

CTB MEETING: September 21, 2022

Lee County

Proposed Bridge Naming:

"Eddie Ramey Memorial Bridge"



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Agenda item # 3

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: _____ **Seconded By:** _____

Action: _____

Title: FY2023-2028 Six-Year Improvement Program Transfers For June 18, 2022 through August 19, 2022

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. After due consideration, the Board adopted a Final Fiscal Years 2023-2028 Program on June 21, 2022; and

WHEREAS, the Board authorized the Commissioner, or his designee, to make transfers of allocations programmed to projects in the approved Six-Year Improvement Program of projects and programs for Fiscal Years 2023 through 2028 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 2023 through 2028 consistent with Commonwealth Transportation Board priorities for programming funds, federal/state eligibility requirements, and according to the following thresholds based on the recipient project; and

Total Cost Estimate	Threshold
<\$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

WHEREAS, the Board directed that (a) the Commissioner shall notify the Board on a monthly basis should such transfers or allocations be made; and (b) the Commissioner shall bring requests for transfers of allocations exceeding the established thresholds to the Board on a monthly basis for its approval prior to taking any action to record or award such action; and

WHEREAS, the Board is being presented a list of the transfers exceeding the established thresholds 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 the established thresholds is approved and the specified funds shall be transferred to the recipient project(s) as set forth in the attached list to meet the Board's statutory requirements and policy goals.

###

CTB Decision Brief

FY2023-2028 Six-Year Improvement Program Transfers For June 18, 2022 through August 19, 2022

Issue: Each year the Commonwealth Transportation Board (CTB) must adopt a Six-Year Improvement Program (Program) 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 Program.

Facts: On June 21, 2022, the CTB granted authority to the Commissioner of Highways (Commissioner), or his designee, to make transfers of allocations programmed to projects in the approved Six-Year Improvement Program of projects and programs for Fiscal Years 2023 through 2028 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 2023 through 2028 consistent with Commonwealth Transportation Board priorities for programming funds, federal/state eligibility requirements, and according to the following thresholds based on the recipient project:

Total Cost Estimate	Threshold
<\$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

In addition, the CTB resolved that the Commissioner should bring requests for transfers of allocations exceeding the established thresholds to the CTB on a monthly basis for its 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 the established thresholds. The list of transfers from June 18, 2022 through August 19, 2022 is attached.

Recommendations: VDOT recommends the approval of the transfers exceeding the established thresholds from donor projects to projects that meet the CTB'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 Program for Fiscal Years 2023– 2028 that include transfers of allocated funds exceeding the established thresholds from donor projects to projects that meet the CTB's statutory requirements and policy goals.

Result, if Approved: If approved, the funds will be transferred from the donor projects to projects that meet the CTB's statutory requirements and policy goals.

Options: Approve, Deny, or Defer.

Decision Brief

FY23-28 Six-Year Improvement Program Transfers for June 18, 2022 through August 19, 2022

September 21, 2022

Page 2 of 2

Public Comments/Reactions: None

**Six-Year Improvement Program Allocation Transfer Threshold Report
Transfers Requiring CTB Approval**

Row	Donor District	Donor Description	Donor UPC	Recipient District	Recipient Description	Recipient UPC	Fund Source	Transfer Amount	Total Allocation	Total Estimate	Transfer Percent	Comments
1	Bristol	Rte. 619 - High Knob Access Enhancements, Visitor/Destination Center-High Knob Access Enhancements	116833, 116836	Bristol	Multi-Use Connector Trail - High Knob Access Enhancements	112664	Federal Lands Access Program (CF7110), Local Project Contributions - Access (NOP023)	\$666,104	\$1,798,305	\$1,798,305	58.8%	Transfer of surplus funds recommended by District and Local Assistance Division from scheduled projects to fund a scheduled project.
2	Bristol, Statewide	GLADE SPRING PAVILION POINT SIDEWALK, STATEWIDE TAP BALANCE ENTRY-UNALLOCATED	118216, 70466	Bristol	Greenbelt Trail and Walking Tour	113427	Accounts Receivable - Access (CNL222), Local Funds for Enhancement Projects (NPL206), TAP Statewide (CF6100)	\$178,536	\$897,024	\$897,024	24.8%	Transfer of surplus funds recommended by District and Local Assistance Division from a cancelled project and the Statewide TAP Balance Entry line item to fund a scheduled project.
3	Bristol	GLADE SPRING PAVILION POINT SIDEWALK	118216	Bristol	Russell County - Dante Depot Restoration	113499	Local Funds for Enhancement Projects (NPL206), Local Project Contributions - Access (NOP023), TAP Statewide (CF6100)	\$162,156	\$426,060	\$426,060	61.4%	Transfer of surplus funds from recommended by District and Local Assistance Division from a cancelled project to fund an underway project.
4	Bristol	RURAL RETREAT SIDEWALKS, PHASE 9 & 10	107921	Bristol	CONSTRUCT SIDEWALKS AND BICYCLE LANES-RURAL RETREAT	114773	Local Funds for Enhancement Projects (NPL206), TAP <5K (CF6700)	\$6,214	\$26,214	\$26,214	31.1%	Transfer of surplus funds recommended by District and Local Assistance Division from an underway project to an underway project.
5	Bristol, Statewide	Rte. 657 Blade, Ditch and Surface; Rte. 703 Grade, Drain and Pave; RTE. 702 - Blade, Ditch and Surface-treat; FOREST HIGHWAY BALANCE ENTRY	113656, 111266, 114037, 73245	Bristol	FLAP - HIGH KNOB CAPITAL IMPROVEMENTS	118964	Federal Lands Access Program (CF7110), Secondary Formula - Telecommunications : Scott (CNS606)	\$479,250	\$562,500	\$562,500	>100%	Transfer of surplus funds recommended by District and Local Assistance Division from an underway project, completed projects and the Statewide Forest Highway Balance Entry line item to fund a scheduled project.
6	Statewide	FOREST HIGHWAY BALANCE ENTRY, STATEWIDE SYIP UPDATE BALANCE ENTRY	T1179, 73245	Bristol	FLAP - WHITETOP TRAIL CROSSING AT INTERSECTION	120693	Bond Proceeds - Capital Projects Revenue (CNB267), Federal Lands Access Program (CF7110)	\$1,222,500	\$1,222,500	\$1,222,500	100.0%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide Forest Highway and SYIP Balance Entry line items to fund a scheduled project.
7	Bristol	#SGR Bristol - VDOT SGR Paving - Balance Entry, #SGR23VP CY23 SMYTH BLAND WYTHE IS SGR PM1H, #SGR23VP CY23 SMYTH WASHINGTON PRIMARY SGR PM1J	T13918, 120962, 120963	Bristol	#SGR23VP CY23 SMYTH BLAND WYTHE IS SGR PM1H	120962	SGR Paving State (SSP700)	\$1,002,742	\$4,822,040	\$4,822,040	26.3%	Transfer of surplus funds recommended by District and Maintenance Division from the District SGR Paving Balance Entry line item and scheduled projects to fund a scheduled project.
8	Statewide	STATEWIDE SYIP UPDATE BALANCE ENTRY	T1179	Bristol	#BF Bristol Super and Substructure Task Order Year 1	121245	Bridge Formula Allocation-Federal (CFB700), Bridge Formula Allocation-Soft Match (CFB701)	\$1,310,089	\$4,335,089	\$3,025,000	43.3%	Transfer of surplus funds recommended by District and Structure and Bridge Division from the Statewide SYIP Balance Entry line item to a scheduled project.
9	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Culpeper	Rte. 250 Runaway Truck Ramp	T27425	Safety (statewide) (CF3100), Safety Soft Match (statewide) (CF3101)	\$1,500,000	\$1,500,000	\$1,500,000	100.0%	Transfer of surplus funds recommended by District and Traffic Engineering Division from the Statewide Highway Safety Balance Entry line item to fund a scheduled project.
10	Statewide	#ITTF STATEWIDE BALANCE ENTRY	T21588	Fredericksburg	#ITTF22 VSL - DATA PROGRAMMING ALGORITHM	118638	ITTF (HS7100)	\$504,278	\$2,404,278	\$2,404,278	26.5%	Transfer of surplus funds recommended by District from the Statewide ITTF Balance Entry line item to an underway project.

**Six-Year Improvement Program Allocation Transfer Threshold Report
Transfers Requiring CTB Approval**

Row	Donor District	Donor Description	Donor UPC	Recipient District	Recipient Description	Recipient UPC	Fund Source	Transfer Amount	Total Allocation	Total Estimate	Transfer Percent	Comments
11	Fredericksburg	#SGR Fredericksburg-VDOT SGR Paving-Balance Entry	T13516	Fredericksburg	#SGR23VP - PM-6S-23 Asphalt Resurfacing Primary System	121834	SGR Paving State (SSP700)	\$1,150,677	\$4,343,944	\$4,343,944	36.0%	Transfer of surplus funds recommended by District and Maintenance Division from the District Paving Balance Entry line item to fund a scheduled project.
12	Fredericksburg	#SGR Fredericksburg-VDOT SGR Paving-Balance Entry	T13516	Fredericksburg	#SGR23VP - PM-6R-23 Asphalt Resurfacing Primary System	121844	SGR Paving State (SSP700)	\$2,590,766	\$2,590,766	\$2,590,766	100.0%	Transfer of surplus funds recommended by District and Maintenance Division from the District Paving Balance Entry line item to fund a scheduled project.
13	Hampton Roads	HAMPTON DGP DEALLOCATION BALANCE ENTRY	T21763	Hampton Roads	#SMART18 - Brambleton Ave/Park Ave Intersection Improvements	111019	DGP - State (GS0100), DGP-STP STWD (GF2100), DGP-STP STWD Soft Match (GF2101)	\$745,077	\$1,339,077	\$1,339,077	>100%	Transfer of surplus funds recommended by District from the District DGP Deallocation Balance Entry line item to a scheduled project.
14	Hampton Roads	#SGR22LP CITY OF NORFOLK AZALEA GARDEN RD	119249	Hampton Roads	#SGR22LP CITY OF NORFOLK KEMPSVILLE ROAD	119238	SGR - State (SS0100)	\$86,056	\$300,653	\$300,653	40.1%	Transfer of surplus funds recommended by District and Local Assistance Division from a cancelled project to a scheduled project.
15	Statewide	PRIMARY EXTENSIONS PROGRAM	T15494	Hampton Roads	#SGR22LP CITY OF WILLIAMSBURG RICHMOND ROAD	119243	CTB Formula - Paving for Primary Extensions (CS0170)	\$300,000	\$619,722	\$319,722	93.8%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide Primary Extension Balance Entry line item to an underway project.
16	Hampton Roads	#SGR22LP CITY OF NORFOLK AZALEA GARDEN RD	119249	Hampton Roads	#SGR22LP CITY OF NORFOLK KEMPSVILLE RD	119247	SGR - State (SS0100)	\$84,056	\$249,229	\$249,229	50.9%	Transfer of surplus funds recommended by District and Local Assistance Division from a cancelled project to a scheduled project.
17	Hampton Roads	#SGR22LP CITY OF NORFOLK AZALEA GARDEN RD	119249, 119258	Hampton Roads	#SGR22LP CITY OF NORFOLK 986 KEMPSVILLE RD	119255	SGR - State (SS0100)	\$84,056	\$375,535	\$375,535	28.8%	Transfer of surplus funds recommended by District and Local Assistance Division from cancelled projects to a scheduled project.
18	Hampton Roads	#SGR Hampton Roads-VDOT SGR Paving-Balance Entry	T13509	Hampton Roads	#SGR23VP 2023 I-95SB PLANT MIX	120978	SGR Paving State (SSP700)	\$2,499,361	\$5,591,187	\$5,591,187	80.8%	Transfer of surplus funds recommended by District and Maintenance Division from the District SGR Paving Balance Entry line item to a scheduled project.
19	Hampton Roads	#SGR Hampton Roads-VDOT SGR Paving-Balance Entry	T13509	Hampton Roads	#SGR23VP 2023 ISLE OF WIGHT PLANT MIX SCHEDULE, PRIM PART	121631	SGR Paving State (SSP700)	\$2,682,605	\$2,682,605	\$2,682,605	100.0%	Transfer of surplus funds recommended by District and Maintenance Division from the District SGR Paving Balance Entry line item to a scheduled project.
20	Statewide	FOREST HIGHWAY BALANCE ENTRY	73245	Hampton Roads	DISMAL SWAMP ENVIRONMENTAL AND ACCESS STUDY	121735	Federal Lands Access Program (CF7110), Project Contributions - Misc	\$160,000	\$200,000	\$200,000	>100%	Transfer of surplus funds recommended by District and Local Assistance Division from the Forest Highway Balance Entry line item to a scheduled project.
21	Statewide	STATEWIDE TAP BALANCE ENTRY- UNALLOCATED	70466	Hampton Roads	COLLEGE WOODS CIRCUIT - PH 2	122177	Local Funds for Enhancement Projects (NPL206), TAP >200K : Hampton Roads (CF6M30)	\$732,408	\$732,408	\$2,277,199	100.0%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide TAP Balance Entry line item to a scheduled project.

**Six-Year Improvement Program Allocation Transfer Threshold Report
Transfers Requiring CTB Approval**

Row	Donor District	Donor Description	Donor UPC	Recipient District	Recipient Description	Recipient UPC	Fund Source	Transfer Amount	Total Allocation	Total Estimate	Transfer Percent	Comments
22	Lynchburg	#SGR Lynchburg - Local SGR Paving - Balance Entry	T9603	Lynchburg	#SGR23LP RTE 501 (ID 8680) RESURFACING (CAMPBELL AVE)	121061	SGR - State (SS0100)	\$20,484	\$100,938	\$100,938	25.5%	Transfer of surplus funds recommended by District and Local Assistance Division from the District SGR Paving Balance Entry line item to fund a scheduled project.
23	Lynchburg	#SGR23LP BUS 58 WBL (ID 8766) RESURFACING (RIVERSIDE DR)	121081	Lynchburg	#SGR23LP BUS 58 EBL (ID 8765) RESURFACING (RIVERSIDE DR)	121067	SGR - State (SS0100)	\$35,599	\$193,427	\$193,427	22.6%	Transfer of surplus funds recommended by District and Local Assistance Division from a scheduled project to fund a scheduled project.
24	Lynchburg	#SGR23LP BUS 460 (ID8800) RESURFACING (EAST THIRD ST), #SGR23LP BUS 58 WBL (ID 8766) RESURFACING (RIVERSIDE DR)	121085, 121081	Lynchburg	#SGR23LP RTE 360 EBL (ID 8806) RESURFACING (JAMES D HAGOOD	121070	SGR - State (SS0100)	\$4,536	\$24,895	\$24,895	22.3%	Transfer of surplus funds recommended by District and Local Assistance Division from scheduled projects to fund a scheduled project.
25	Lynchburg	#SGR Lynchburg - VDOT SGR Paving - Balance Entry	T17837	Lynchburg	#SGR23VP PM3D23 PRINCE EDWARD-CHARLOTTE COUNTY PLANT MIX (P)	121880	SGR Paving State (SSP700)	\$3,937,992	\$3,937,992	\$3,937,992	100.0%	Transfer of surplus recommended by District and Maintenance Division from the District SGR Paving Balance Entry line item to a scheduled project.
26	Northern Virginia	NOVA SYSTEMIC PEDESTRIAN CROSSINGS PH4	122205	Northern Virginia	NOVA SYSTEMIC PEDESTRIAN CROSSINGS PH1	116721	VA Safety State - State (CS3SS0)	\$1,000,000	\$3,550,001	\$3,550,000	39.2%	Transfer of surplus funds recommended by District and Traffic Engineering Division from a scheduled project to an underway project.
27	Northern Virginia	#SGR22LP - KING STREET MILL AND REPAVE, #SGR22LP - KING STREET RESURFACING	118956, 118955	Northern Virginia	#SGR22LP - DUKE STREET MILL AND REPAVE	118953	SGR - State (SS0100)	\$103,710	\$183,710	\$183,710	>100%	Transfer of surplus funds recommended by District and Local Assistance Division from scheduled projects to fund a scheduled project.
28	Northern Virginia	#SGR22LP - KING STREET MILL AND REPAVE	118956	Northern Virginia	#SGR22LP - DUKE STREET RESURFACING	118954	SGR - State (SS0100)	\$68,062	\$142,347	\$142,347	91.6%	Transfer of surplus funds recommended by District and Local Assistance Division from a scheduled project to an underway project.
29	Statewide	FOREST HIGHWAY BALANCE ENTRY	73245	Northern Virginia	POTOMAC NATIONAL HERITAGE SCENIC TRAIL (PNHST) GAP STUDY	122033	Federal Lands Access Program (CF7110), Local Project Contributions - Access (NOP023)	\$360,000	\$360,000	\$360,000	100.0%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide Forest Highway Balance Entry line item to a scheduled project.
30	Statewide	STATEWIDE TAP BALANCE ENTRY- UNALLOCATED	70466	Northern Virginia	G STREET SIDEWALK IMPROVEMENTS	122041	Local Funds for Enhancement Projects (NPL206), Local Project Contributions - Access (NOP023), TAP >200K : Northern Virginia (CF6M10)	\$2,824,221	\$2,824,221	\$2,824,221	100.0%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide TAP Balance Entry line item to a scheduled project.
31	Statewide	STATEWIDE TAP BALANCE ENTRY- UNALLOCATED	70466	Northern Virginia	ELLCOTT STREET (OCCOQUAN GREENWAY CONNECT)	122042	Local Funds for Enhancement Projects (NPL206), TAP >200K : Northern Virginia (CF6M10)	\$2,494,338	\$2,494,338	\$2,494,338	100.0%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide TAP Balance Entry line item to a scheduled project.
32	Northern Virginia	I395 AUXILIARY LANE - SOUNDWALLS	110729	Northern Virginia	I-395 EXPRESS SEMINARY ROAD RAMP PROJECT - VDOT OVERSIGHT	122227	CTB Formula - High Priority State (CS0120)	\$18,000	\$18,000	\$18,000	100.0%	Transfer of surplus funds recommended by District from a completed project to a scheduled project.

**Six-Year Improvement Program Allocation Transfer Threshold Report
Transfers Requiring CTB Approval**

Row	Donor District	Donor Description	Donor UPC	Recipient District	Recipient Description	Recipient UPC	Fund Source	Transfer Amount	Total Allocation	Total Estimate	Transfer Percent	Comments
33	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Richmond	SYSTEMIC PEDESTAL TO MAST ARM SIGNAL IMPROVEMENTS - URBAN	110841	Safety (statewide) (CF3100), Safety Soft Match (statewide) (CF3101)	\$420,476	\$2,295,717	\$2,295,716	22.4%	Transfer of surplus funds recommended by District and Traffic Engineering Division from the Statewide Highway Safety Balance Entry line item to an underway project.
34	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Richmond	PHASE 2 - PEDESTRIAN SAFETY IMPROVEMENTS - CITYWIDE	110844	Safety (statewide) (CF3100), Safety Match (statewide) (CS3101)	\$572,033	\$2,417,633	\$2,417,633	31.0%	Transfer of surplus funds recommended by District and Traffic Engineering Division from the Statewide Highway Safety Balance Entry line item to a scheduled project.
35	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Richmond	PEDESTRIAN SAFETY IMPROVEMENTS WITH HAWKS AND RRFBS	110880	Open Container Funds - Statewide (CNF221), Safety (statewide) (CF3100), Safety Match (statewide) (CS3101)	\$296,084	\$1,321,686	\$1,321,686	28.9%	Transfer of surplus funds recommended by District and Traffic Engineering Division from the Statewide Highway Safety Balance Entry line item to an underway project.
36	Richmond	RICHMOND MPO CMAQ BALANCE ENTRY	70719	Richmond	#SMART18 - Route 1 (Marina Dr. to Merriewood Rd.) SW #FLT	111712	CMAQ Federal: Richmond MPO (CNF214), CMAQ Match: Richmond MPO (CNS214)	\$751,447	\$3,692,655	\$3,692,655	25.5%	Transfer of surplus funds recommended by District and MPO from the District CMAQ Balance Entry line item to a scheduled project.
37	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Richmond	Bus Transfer Center - Pedestrian Improvements @US360 SR161	113813	Safety (statewide) (CF3100), Safety Soft Match (statewide) (CF3101)	\$915,011	\$1,555,352	\$1,555,352	>100%	Transfer of surplus fund recommended by District and Traffic Engineering Division from the Statewide Highway Safety Balance Entry line item to a scheduled project.
38	Richmond, Statewide	RTE 147 - INSTALL PEDESTRIAN LIGHTING - HUGUENOT BRIDGE, STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	107037, 70700	Richmond	WRONG WAY MITIGATION AT RAMPS - DISTRICTWIDE	113867	Open Container Funds - Statewide (CNF221), Safety (statewide) (CF3100), Safety Soft Match (statewide) (CF3101), VA Safety HSIP - Federal (CF3HS0), VA Safety HSIP - Softmatch (CF3HS1)	\$1,110,292	\$1,498,050	\$1,656,937	>100%	Transfer of surplus funds recommended by District and Traffic Engineering Division from a cancelled project and the Statewide Highway Safety Balance Entry line item to a scheduled project.
39	Richmond	RICHMOND MPO CMAQ BALANCE ENTRY	70719	Richmond	Patterson Avenue Sidewalks	115201	CMAQ : Richmond (CF5M20), CMAQ Match : Richmond (CS5M21)	\$578,373	\$3,443,311	\$3,443,311	20.2%	Transfer of surplus funds recommended by District and MPO from the District CMAQ Balance Entry line item to a scheduled project.
40	Richmond	RICHMOND MPO CMAQ BALANCE ENTRY	70719	Richmond	I-64 Express Barge Service Expansion	115815	CMAQ : Richmond (CF5M20), CMAQ Match : Richmond (CS5M21)	\$604,441	\$2,999,999	\$3,000,000	25.2%	Transfer of surplus funds recommended by District and MPO from the District CMAQ Balance Entry line item to a scheduled project.
41	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Richmond	PEDESTRIAN IMPROVEMENTS - CITY WIDE - PHASE 1B	116746	Safety (statewide) (CF3100), Safety Match (statewide) (CS3101)	\$181,554	\$812,357	\$812,357	28.8%	Transfer of surplus funds recommended by District and Traffic Engineering Division from the Statewide Highway Safety Balance Entry line item to an underway project.
42	Richmond	RICHMOND MPO CMAQ BALANCE ENTRY	70719	Richmond	Richmond Signal System – Phase IV	118148	CMAQ : Richmond (CF5M20), CMAQ Match : Richmond (CS5M21)	\$1,142,347	\$5,487,999	\$5,488,000	26.3%	Transfer of surplus funds recommended by District and MPO from the District CMAQ Balance Entry line item to a scheduled project.

**Six-Year Improvement Program Allocation Transfer Threshold Report
Transfers Requiring CTB Approval**

Row	Donor District	Donor Description	Donor UPC	Recipient District	Recipient Description	Recipient UPC	Fund Source	Transfer Amount	Total Allocation	Total Estimate	Transfer Percent	Comments
43	Richmond	RICHMOND TRI-CITIES CMAQ BALANCE ENTRY	70722	Richmond	ART - Patton Park at the Southern End of Fall Line Trail	118948	CMAQ : Tri-Cities (CF5MB0), CMAQ Federal - Secondary : Tri-Cities MPO (CNF214), CMAQ Match - Secondary : Tri-Cities MPO (CNS214), CMAQ Match : Tri-Cities (CS5MB1)	\$130,555	\$557,450	\$557,450	30.6%	Transfer of surplus funds recommended by District and MPO from the District CMAQ Balance Entry line item to a scheduled project.
44	Richmond, Statewide	#ITTF STATEWIDE BALANCE ENTRY	T21588	Richmond	#ITTF23 - RICHMOND AREA TRANSPORTATION NAVIGATOR VERSION 2.0	122193	Federal - NO POST, Federal Grant: NO POST (NOP999), ITTF (HS7100)	\$100,500	\$201,000	\$201,000	100.0%	Transfer of surplus funds recommended by District from the Statewide ITTF Balance Entry line item to a scheduled project.
45	Richmond	BICYCLE LANE CONNECTIONS (MULTIPLE ROUTES) - TAP	113448	Richmond	W RANDOLPH ROAD SHARED USE PATH	122203	Local Funds for Enhancement Projects (NPL206), Local Project Contributions - Urban (NOP723), TAP Statewide (CF6100)	\$2,183,574	\$2,183,574	\$2,183,574	100.0%	Transfer of surplus funds recommended by District and Local Assistance Division from a scheduled project to fund a scheduled project.
46	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Salem	PEDESTRIAN SIGNAL UPGRADES - TOWN OF VINTON	114766	Bike/Pedestrian (CNF207), VA Safety State - State (CS3SS0)	\$50,259	\$288,709	\$288,709	21.1%	Transfer of surplus funds recommended by District and Traffic Engineering Division from the Statewide Highway Safety Balance Entry line item to a completed project.
47	Salem	#SGR Salem - VDOT SGR Paving - Balance Entry, #SGR23VP FY23 Plant Mix Patrick County Primaries	T13517, 121705	Salem	#SGR23VP FY23 Plant Mix Carroll & Franklin Primaries	121709	SGR Paving State (SSP700)	\$1,059,617	\$2,127,704	\$2,127,704	99.2%	Transfer of surplus funds recommended by District and Maintenance Division from the District SGR Paving Balance Entry line item and a scheduled project to fund a scheduled project.
48	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Staunton	TRENCH WIDEN SHOULDERS AND INSTALL RUMBLE STRIPS RTE 259	109062	HSIP - Bike & Pedestrian (CNF053), HSIP - Highways (CNF052), HSIP - State Match (CNS251), Open Container Funds - Statewide (CNF221), Safety (statewide) (CF3100), Safety Soft Match (statewide) (CF3101)	\$1,265,000	\$4,165,000	\$4,165,000	43.6%	Transfer of surplus funds recommended by District and Traffic Engineering Division from the Statewide Highway Safety Balance Entry line item to fund an underway project.
49	Statewide	HIGH VOLUME UNPAVED ROAD PROGRAM	T15493	Staunton	Rte 842 Reconstruct Non-Hard surfaced Rd (RH)	111587	CTB Formula - High Volume Unpaved Roads (CS0180)	\$215,920	\$390,000	\$390,000	>100%	Transfer of surplus funds recommended by District from the Statewide High Volume Unpaved Road Balance Entry line item to fund an underway project.
50	Statewide	PRIMARY EXTENSIONS PROGRAM	T15494	Staunton	#SGR21LP New Street (Formerly Sunnyside)	116962	CTB Formula - Paving for Primary Extensions (CS0170)	\$130,424	\$285,000	\$285,000	84.4%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide Primary Extensions Balance Entry line item to a scheduled project.
51	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Staunton	INSTALL TRAFFIC SIGNAL - ROUTE 340 AND ROUTE 649	122124	High Risk Rural - Federal (CF3630), High Risk Rural - Federal (CNF263), High Risk Rural - Soft Match (CF3641), High Risk Rural - State Match (CNS251)	\$927,500	\$927,500	\$927,500	100.0%	Transfer of surplus funds recommended by District and Traffic Engineering Division from the Statewide Highway Safety Balance Entry line item to a scheduled project.
52	Statewide	#I95CIP O&M SAFETY SERVICE PATROL FY23-25 - PROGRAM UPC	120395	Statewide	#I95CIP CRO SSP FY23-26	118193	I-95 Corridor Funds - State (CS9195)	\$7,831,938	\$10,291,938	\$10,291,938	>100%	Transfer of surplus funds recommended by District from a cancelled project to a scheduled project.

**Six-Year Improvement Program Allocation Transfer Threshold Report
Transfers Requiring CTB Approval**

Row	Donor District	Donor Description	Donor UPC	Recipient District	Recipient Description	Recipient UPC	Fund Source	Transfer Amount	Total Allocation	Total Estimate	Transfer Percent	Comments
53	Statewide	#195CIP O&M SAFETY SERVICE PATROL FY23-25 - PROGRAM UPC	120395	Statewide	#195CIP NRO SSP FY23-26	118194	I-95 Corridor Funds - State (CS9195)	\$7,831,939	\$9,471,939	\$9,471,939	>100%	Transfer of surplus funds recommended by District from a cancelled project to a scheduled project.

**Six-Year Improvement Program Allocation Transfer Threshold Report
Transfers Not Requiring CTB Approval**

Row	Donor District	Donor Description	Donor UPC	Recipient District	Recipient Description	Recipient UPC	Fund Source	Transfer Amount	Total Allocation	Total Estimate	Transfer Percent	Comments
A	Bristol	Bridge Repl-Skydusky Rd over Walker Crk (Fed ID 3071)	104901	Bristol	Rte. 65 Scott Co. Str. #1098 Fed. ID #16600	114410	CTB Formula - Bridge State (CS0110)	\$70,000	\$1,370,000	\$1,370,000	5.4%	Transfer of surplus funds recommended by District and Structure and Bridge Division from a completed project to fund a scheduled project.
B	Statewide	FOREST HIGHWAY BALANCE ENTRY	73245	Bristol	Wayfinding - High Knob Access Enhancements	116834	Federal Lands Access Program (CF7110), Local Project Contributions - Access (NOP023)	\$28,900	\$183,460	\$183,460	18.7%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide Forest Highway Balance Entry line item to a scheduled project.
C	Statewide	FOREST HIGHWAY BALANCE ENTRY	73245	Bristol	Trail Master Plan - High Knob Access Enhancements	116835	Federal Lands Access Program (CF7110)	\$148,347	\$927,271	\$927,271	19.0%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide Forest Highway Balance Entry line item to a scheduled project.
D	Statewide	FOREST HIGHWAY BALANCE ENTRY	73245	Bristol	Rte. 619 - High Knob Access Enhancements	116836	Federal Lands Access Program (CF7110), Local Project Contributions - Access (NOP023)	\$89,509	\$570,828	\$570,828	18.6%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide Forest Highway Balance Entry line item to a scheduled project.
E	Statewide	STATEWIDE TAP BALANCE ENTRY- UNALLOCATED	70466	Bristol	PEDESTRIAN CONNECTOR - PHASE II	116944	Accounts Receivable - Access (CNL222), Local Funds for Enhancement Projects (NPL206), Project Contributions - Misc, TAP <5K (CF6700), TAP Statewide (CF6100)	\$99,895	\$622,203	\$622,202	19.1%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide TAP Balance Entry line item to a scheduled project.
F	Statewide	PRIMARY EXTENSIONS PROGRAM	T15494	Bristol	#SGR23LP - Freedom Ave. - mill, surface pave, pvmt. mkg.	120958	CTB Formula - Paving for Primary Extensions (CS0170)	\$21,268	\$240,759	\$240,759	9.7%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide Primary Extension Balance Entry line item to a scheduled project.
G	Statewide	STATEWIDE SYIP UPDATE BALANCE ENTRY	T1179	Bristol	#BF Bristol Overlay and Repair Task Order Year 1	121241	Bridge Formula Allocation-Federal (CFB700), Bridge Formula Allocation-Soft Match (CFB701)	\$733,685	\$4,950,685	\$4,950,685	17.4%	Transfer of surplus funds recommended by District and Structure and Bridge Division from the Statewide SYIP Balance Entry line item to a scheduled project.
H	Bristol	#SGR23VP CY23 SMYTH WASHINGTON PRIMARY SGR PM1J	120963	Bristol	#SGR23VP CY23 WASHINGTON SMYTH IS SGR PM1K	121353	SGR Paving State (SSP700)	\$402,570	\$3,035,162	\$3,035,162	15.3%	Transfer of surplus funds recommended by District and Maintenance Division from a scheduled project to fund a scheduled project.
I	Culpeper	#SGR Culpeper - VDOT SGR Bridge - Balance Entry	T13916	Culpeper	#SGR18VB - RT 641 FRAYS MILL RD STR 709 OVER MARSH RUN	110000	SGR Bridge State (SSB700)	\$315,403	\$1,915,403	\$1,915,403	19.7%	Transfer of surplus funds recommended by the District and Structure and Bridge Division from the District SGR VDOT Bridge Balance Entry line item to fund a scheduled project.

**Six-Year Improvement Program Allocation Transfer Threshold Report
Transfers Not Requiring CTB Approval**

Row	Donor District	Donor Description	Donor UPC	Recipient District	Recipient Description	Recipient UPC	Fund Source	Transfer Amount	Total Allocation	Total Estimate	Transfer Percent	Comments
J	Culpeper	#SGR23LP - RTE 15 NB BUSINESS SGR PAVING	121848	Culpeper	#SGR23LP - RTE 15 NB BUSINESS SGR PAVING	121849	SGR - State (SS0100)	\$20,259	\$273,586	\$273,586	8.0%	Transfer of surplus funds recommended by District and Local Assistance Division from a scheduled project to fund a scheduled project.
K	Culpeper	#SGR23LP - RTE 15 NB BUSINESS SGR PAVING	121848	Culpeper	#SGR23LP - RTE 15 SB BUSINESS SGR PAVING	121850	SGR - State (SS0100)	\$19,201	\$295,324	\$295,324	7.0%	Transfer of surplus funds recommended by District and Local Assistance Division from a scheduled project to fund a scheduled project.
L	Fredericksburg	FREDERICKSBURG DGP DEALLOCATION BALANCE ENTRY	T21762	Fredericksburg	#HB2.FY17 -- PEDESTRIAN IMPROVEMENTS ON RTE 17 SB	109468	DGP - State (GS0100)	\$183	\$604,495	\$604,495	0.0%	Transfer of surplus funds recommended by District from the District DGP Deallocation Balance Entry line item to fund a completed project.
M	Hampton Roads	West End Suffolk Bypass Interchange IMR Study	107057	Hampton Roads	Suffolk Bypass ITS Improvements	102994	Local Project Contributions – Urban (NOP723), RSTP : Hampton Roads (CF2M30), RSTP Match : Hampton Roads (CS2M31)	\$155,000	\$2,403,026	\$2,403,026	6.9%	Transfer of surplus funds recommended by District and MPO from a completed project to an underway project.
N	Hampton Roads	N. King Street Improvements - Phase IV, Pembroke Ave (3A) - Reconstruct C&G, sidewalk, crosswalks	107340, 110008	Hampton Roads	Grant Street New Roadway	117115	Revenue Sharing Local Match (CNL201), Revenue Sharing State Match (CNS202)	\$613,714	\$6,393,450	\$6,393,450	10.6%	Transfer of surplus funds recommended by District and Local Assistance Division from an underway and completed project to fund a scheduled project.
O	Lynchburg	#SGR Lynchburg - Local SGR Paving - Balance Entry	T9603	Lynchburg	#SGR23LP BUS 29 NBL (ID 8682) RESURFACING (LYNCHBURG EXPY)	121062	SGR - State (SS0100)	\$21,378	\$270,597	\$270,597	8.6%	Transfer of surplus funds recommended by District and Local Assistance Division from the District Paving Balance Entry line item to fund a scheduled project.
P	Lynchburg	#SGR23LP BUS 58 WBL (ID 8766) RESURFACING (RIVERSIDE DR)	121081	Lynchburg	#SGR23LP RTE 86 NBL (ID 8836) RESURFACING (CENTRAL BLVD)	121068	SGR - State (SS0100)	\$4,090	\$66,765	\$66,765	6.5%	Transfer of surplus funds recommended by District and Local Assistance Division from a scheduled project to fund a scheduled project.
Q	Lynchburg	#SGR Lynchburg - Local SGR Paving - Balance Entry, #SGR23LP BUS 460 (ID8800) RESURFACING (EAST THIRD ST), #SGR23LP RTE 304 (ID 8808) RESURFACING (SEYMOUR DR), #SGR23LP RTE 360 WBL (ID 8807) RESURFACING (JAMES D HAGOOD)	T9603, 121085, 121071, 121083	Lynchburg	#SGR23LP BUS 29 (ID 8764) RESURFACING (MEMORIAL DR)	121069	SGR - State (SS0100)	\$34,778	\$448,146	\$448,146	8.4%	Transfer of surplus funds recommended by District and Local Assistance Division from the District SGR Paving Balance Entry line item and scheduled projects to fund a scheduled project.
R	Lynchburg	#SGR23LP BUS 460 (ID8800) RESURFACING (EAST THIRD ST)	121085	Lynchburg	#SGR23LP RTE 86 NBL (ID 8812) RESURFACING (CENTRAL BLVD)	121082	SGR - State (SS0100)	\$1,138	\$326,238	\$326,238	0.4%	Transfer of surplus funds recommended by District and Local Assistance Division from a scheduled project to fund a scheduled project.

**Six-Year Improvement Program Allocation Transfer Threshold Report
Transfers Not Requiring CTB Approval**

Row	Donor District	Donor Description	Donor UPC	Recipient District	Recipient Description	Recipient UPC	Fund Source	Transfer Amount	Total Allocation	Total Estimate	Transfer Percent	Comments
S	Lynchburg	#SGR23LP BUS 460 (ID8800) RESURFACING (EAST THIRD ST)	121085	Lynchburg	#SGR23LP RTE 34 (ID 8755) RESURFACING (HODGES ST)	121084	SGR - State (SS0100)	\$3,244	\$133,174	\$133,174	2.5%	Transfer of surplus funds recommended by District and Local Assistance Division from a scheduled project to fund a scheduled project.
T	Northern Virginia	PEDESTRIAN, BICYCLE, BRIDGE AND TRAFFIC CALMING IMPROVEMENTS	100411	Northern Virginia	#SMART18 - BROAD STREET MULTIMODAL IMPROVEMENTS	111483	RSTP : Northern Virginia (CF2M10), RSTP Match : Northern Virginia (CS2M11)	\$440,000	\$3,440,000	\$3,960,950	14.7%	Transfer of surplus funds recommended by District and MPO from the Pedestrian, Bicycle and Traffic Calming line item to a scheduled project.
U	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Northern Virginia	FRANCONIA RD AND ROSE HILL DR SIGNAL	112484	HSIP - Highways (CNF052), HSIP - State Match (CNS251)	\$59,390	\$534,390	\$534,390	12.5%	Transfer of surplus funds recommended by District and Traffic Engineering Division from the Statewide Highway Safety Balance Entry line item to a scheduled project.
V	Northern Virginia	NURSERY AVENUE DRAINAGE IMPROVEMENTS	105581	Northern Virginia	INTERSECTION IMPROVEMENTS @ MAIN ST & MAPLE AVE - PHASE 2	112558	Revenue Sharing Local Match (NPL201), Revenue Sharing State Match (CNS202)	\$96,068	\$1,241,068	\$1,525,039	8.4%	Transfer of surplus funds recommended by District and Local Assistance Division from a completed project to a scheduled project.
W	Northern Virginia	#SGR22LP - KING STREET MILL AND REPAVE, #SGR22LP - KING STREET MILLING, #SGR22LP - KING STREET RESURFACING, #SGR22LP - N WASHINGTON STREET RESURFACING	118956, 118960 118957, 118958	Northern Virginia	#SGR22LP - S WASHINGTON STREET RESURFACING	118959	SGR - State (SS0100)	\$56,427	\$435,183	\$435,183	14.9%	Transfer of surplus funds recommended by District and Local Assistance Division from scheduled projects to fund a schedule project.
X	Richmond	CEDAR LEVEL ROAD WIDENING, RICHMOND TRI- CITIES REGIONAL STP (RSTP) BALANCE ENTRY	1436, 70725	Richmond	CEDAR LEVEL RD - WIDENING	90018	RSTP : Tri-Cities (CF2MB0), RSTP Match : Tri-Cities (CS2MB1)	\$215,027	\$9,516,238	\$9,512,003	2.3%	Transfer of surplus funds recommended by District and MPO from a completed project and the MPO RSTP Balance entry line item to fund a completed project.
Y	Statewide	#ITTF STATEWIDE BALANCE ENTRY	T21588	Richmond	ITS DEPLOYMENT - RICHMOND DISTRICT	107818	ITTF State (HS7100)	\$75,000	\$3,441,250	\$3,441,250	2.2%	Transfer of surplus funds recommended by District from the Statewide ITTF Balance Entry line item to fund a completed project.
Z	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Richmond	CURVE REALIGNMENT - RTE 675 - LUNENBURG COUNTY	108886	Safety (statewide) (CF3100), Safety Soft Match (statewide) (CF3101)	\$186,000	\$1,546,000	\$1,546,000	13.7%	Transfer of surplus funds recommended by District and Traffic Engineering Division from the Statewide Balance Entry line item to a scheduled project.
AA	Richmond	Richmond Region-wide Traffic/Operations Improvements, RICHMOND MPO CMAQ BALANCE ENTRY	101492, 70719	Richmond	Henrico County Automated Traffic Management System (ATMS)	109951	CMAQ : Richmond (CF5M20), CMAQ Federal - Urban : Richmond MPO (CNF214), CMAQ Match - Urban : Richmond MPO (CNS214), CMAQ Match : Richmond (CS5M21)	\$637,668	\$9,799,600	\$9,799,600	7.0%	Transfer of surplus funds recommended by District and approved by MPO from a scheduled project and the District CMAQ Balance Entry line item to a scheduled project.

**Six-Year Improvement Program Allocation Transfer Threshold Report
Transfers Not Requiring CTB Approval**

Row	Donor District	Donor Description	Donor UPC	Recipient District	Recipient Description	Recipient UPC	Fund Source	Transfer Amount	Total Allocation	Total Estimate	Transfer Percent	Comments
AB	Richmond	RICHMOND DGP DEALLOCATION BALANCE ENTRY	T21766	Richmond	#SMART18 - Cogbill/Hopkins/Chippenham - Park and Ride Lot	111714	DGP Supplemental (HB1414) - State (GS0000)	\$294,500	\$3,239,500	\$3,239,500	10.0%	Transfer of surplus funds recommended by District from the District DGP Deallocation Balance Entry line item to a scheduled project.
AC	Richmond	Rehabilitate existing pavement on Western Mill Road	113314	Richmond	Fort Hill Road (State Route 686)	117071	Revenue Sharing Local Match (CNL201), Revenue Sharing State Match (CNS202)	\$97	\$100,097	\$100,097	0.1%	Transfer of surplus funds recommended by District and Local Assistance Division from a completed project to a scheduled project.
AD	Statewide	STATEWIDE SYIP UPDATE BALANCE ENTRY	T1179	Salem	#SGR21VB - RT 608 OVER NSRR (STR 2685) - BRIDGE REPLACEMENT	104179	CTB Formula - Bridge State (CS0110)	\$730,025	\$6,308,576	\$5,578,551	13.1%	Transfer of surplus funds recommended by District and Structure and Bridge Division from the SYIP Balance Entry line item to an underway project.
AE	Statewide	STATEWIDE TAP BALANCE ENTRY- UNALLOCATED	70466	Salem	HANGING ROCK BATTLEFIELD TRAIL - TRANSPORTATION ALTERNATIVES	106268	Local Funds for Enhancement Projects (NPL206), TAP Statewide (CF6100)	\$200,000	\$1,424,135	\$1,424,135	16.3%	Transfer of surplus funds recommended by District and Local Assistance Division from the Statewide TAP Balance Entry line item to an underway project.
AF	Salem	SALEM DGP DEALLOCATION BALANCE ENTRY	T21767	Salem	#HB2.FY17 Cranberry Road Improvements	108898	DGP - State (GS0100)	\$85,000	\$2,279,922	\$2,279,922	3.9%	Transfer of surplus funds recommended by District from the District DGP Deallocation Balance Entry line item to fund a completed project.
AG	Statewide	STATEWIDE HIGHWAY SAFETY BALANCE ENTRY	70700	Salem	PEDESTRIAN SIGNAL UPGRADES - CITY OF ROANOKE	114767	Hazard Elimination (CNF227), VA Safety State - State (CS35S0)	\$151,481	\$902,481	\$902,481	19.5%	Transfer of surplus funds recommended by District and Traffic Engineering Division from the Statewide Highway Safety Balance Entry line item to fund a completed project.
AH	Statewide	INTERSTATE CORRIDOR IMPROVEMENT PLAN SYIP BALANCE ENTRY	115762	Salem	#I81CIP DETOUR IMPROVEMENTS - CITY OF SALEM & CITY OF RNKE	117972	I-81 Corridor Funds - State (CS9181)	\$88,408	\$2,888,408	\$2,800,000	3.2%	Transfer of surplus funds recommended by District from the Statewide Interstate Corridor Improvement Program Balance Entry line item to an underway project.
AI	Salem	Deyerle Road Drainage Improvements	115310	Salem	FY19 RS Curb, Gutter & Sidewalk - Huntington Blvd Site 6	118619	Revenue Sharing Local Match (CNL201), Revenue Sharing State Match (CNS202)	\$189,002	\$2,551,904	\$2,551,904	8.0%	Transfer of surplus fund recommended by District and Local Assistance Division from a completed project to a scheduled project.
AJ	Salem	#SGR Salem - VDOT SGR Paving - Balance Entry	T13517	Salem	#SGR23VP FY23 Plant Mix Pulaski Co. Primaries	121706	SGR Paving State (SSP700)	\$189,296	\$2,122,170	\$2,122,170	9.8%	Transfer of surplus funds recommended by District and Maintenance Division from the District SGR Paving Balance Entry line item to a scheduled project.
AK	Salem	#SGR Salem - VDOT SGR Paving - Balance Entry	T13517	Salem	#SGR23VP FY23 Plant Mix Bedford Co. Primaries	121707	SGR Paving State (SSP700)	\$301,839	\$2,312,873	\$2,312,873	15.0%	Transfer of surplus funds recommended by District and Maintenance Division from the District SGR Paving Balance Entry line item to a scheduled project.

**Six-Year Improvement Program Allocation Transfer Threshold Report
Transfers Not Requiring CTB Approval**

Row	Donor District	Donor Description	Donor UPC	Recipient District	Recipient Description	Recipient UPC	Fund Source	Transfer Amount	Total Allocation	Total Estimate	Transfer Percent	Comments
AL	Salem	#SGR Salem - VDOT SGR Paving - Balance Entry	T13517	Salem	#SGR23VP FY23 Plant Mix Roanoke & Craig Primaries	121708	SGR Paving State (SSP700)	\$127,262	\$1,595,016	\$1,595,016	8.7%	Transfer of surplus funds recommended by District and Maintenance Division from the District SGR Paving Balance Entry line item to a scheduled project.



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

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Agenda item # 4

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: _____ **Seconded By:** _____

Action: _____

Title: Addition of Projects to the Six-Year Improvement Program for Fiscal Years 2023-2028

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, after due consideration the Board adopted a Final Fiscal Years 2023-2028 Program on June 21, 2022; and

WHEREAS, the Board is required by §§ 33.2-214(B) and 33.2-221(C) of the *Code of Virginia* to administer and allocate funds in the Commonwealth Transportation Fund and the Transportation Trust Fund, respectively; and

WHEREAS, § 33.2-214(B) of the *Code of Virginia* provides that the Board is to coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and is to allocate funds for these needs pursuant to §§ 33.2-358 and Chapter 15 of Title 33.2 (33.2-1500 et seq.) of the *Code of Virginia*, by adopting a Program; and

WHEREAS, §§ 33.2-1526 and 33.2-1526.1 authorize allocations to local governing bodies, transportation district commissions, or public service corporations for, among other things, capital project costs for public transportation and ridesharing equipment, facilities, and associated costs; and

WHEREAS, the projects shown in Appendix A were not included in the FY 2023-2028 Program adopted by the Board on June 21, 2022; and

WHEREAS, the Board recognizes that the projects are appropriate for the efficient movement of people and freight and, therefore, for the common good of the Commonwealth.

NOW THEREFORE, BE IT RESOLVED, by the Commonwealth Transportation Board, that the projects shown in Appendix A are added to the Six-Year Improvement Program of projects and programs for Fiscal Years 2023 through 2028 and are approved.

#####

CTB Decision Brief

Addition of Projects to the Six-Year Improvement Program for Fiscal Years 2023 – 2028

Issue: Each year the Commonwealth Transportation Board (CTB) must adopt a Six-Year Improvement Program (Program) and allocations in accordance with the statutory formula.

Facts: The CTB must adopt a Program of anticipated projects and programs by July 1st of each year in accordance with § 33.2-214(B) of the *Code of Virginia*. On June 21, 2022, after due consideration, the CTB adopted a Final FY 2023-2028 Program.

Recommendations: The Virginia Department of Transportation (VDOT) recommends the addition of the projects in Appendix A to the Program for FY 2023–2028.

Action Required by CTB: The CTB will be presented with a resolution for a formal vote to add the projects listed in Appendix A to the Program for FY 2023–2028 to meet the CTB’s statutory requirements.

Result, if Approved: If the resolution is approved, the projects listed in Appendix A will be added to the Program for FY 2023-2028.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None

Appendix A
Amendments to the Revised FY2023-2028 SYIP

Row	UPC	District	Jurisdiction	Route	Project Description	Total Cost	Total Allocation	Balance	Major Fund Source	Fully Funded
6	120693	Bristol	Grayson County	0726	Whitetop Trail Crossing at Intersection	\$1,222,500	\$1,222,500	\$0	FLAP	Yes
NA	T26118	Fredericksburg	Stafford County	0654	Modular Roundabout at Int. of Celebrate VA/Banks Ford Pkwy	\$700,000	\$700,000	\$0	Accounts Receivable	Yes
NA	119182	Fredericksburg	Gloucester County	0017	Rte. 17 Widening Short Ln. to Main St. (Bus)-Study Only	\$250,000	\$250,000	\$0	RSTP	Yes
NA	122279	Fredericksburg	Spotsylvania	0674	Rte. 674-Chancellor Rd.-Site Distance Impr. at Ashby Dr.	\$120,550	\$120,550	\$0	Accounts Receivable	Yes
19	121631	Hampton	Isle of Wight	0258	#SGR23VP 2023 Isle of Wight Plant Mix Schedule, Primary	\$2,682,605	\$2,682,605	\$0	SGR	Yes
21	122177	Hampton	Williamsburg	0616	College Woods Circuit - Phase 2	\$ 2,277,199	\$ 732,408	\$1,544,791	TAP	No
25	121880	Lynchburg	Districtwide	9999	#SGR23VP PM3D23 Prince Edward-Charlotte Co.Mix	\$3,937,992	\$3,937,992	\$0	SGR	Yes
NA	T27413	Northern Virginia	Fairfax County	9999	Bus on Shoulder and Transit Zone 2022	\$100,000	\$100,000	\$0	DRPT	Yes
29	122033	Northern Virginia	Prince William County	9999	Potomac National Heritage Scenic Trail (PNHST) Gap Study	\$360,000	\$360,000	\$0	FLAP	Yes
30	122041	Northern Virginia	Town of Purcellville	0015	G Street Sidewalk Improvements	\$2,824,221	\$2,824,221	\$0	TAP	No
31	122042	Northern Virginia	Town of Occoquan	1201	Ellicott Street (Occoquan Greenway Project)	\$2,494,338	\$2,494,338	\$0	TAP	Yes
44	122193	Richmond	City of Richmond	9999	#ITTF - Richmond Area Transportation Navigator Version 2.0	\$201,000	\$201,000	\$0	FTA Grant; ITTF State	Yes
45	122203	Richmond	City of Hopewell	EN00	W. Randolph Road Shared Use Path	\$2,183,574	\$2,183,574	\$0	TAP	Yes
51	122124	Staunton	Rockingham County	0340	Install Traffic Signal - Rte. 340 and Rte. 649	\$927,500	\$927,500	\$0	HRRR	Yes
Total						\$20,281,479	\$18,736,688	\$1,544,791		



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 5

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: _____ Seconded By: _____

Action: _____

**Title: Recreational Access to Rose Dale Park
Project RECR-003-703 – Alleghany County**

WHEREAS, § 33.2-1510 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 to public recreational areas and historical sites be provided . . .” and sets aside highway funds for such purpose, “. . . [w]hen 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 § 33.2-1510 of the *Code of Virginia*; and

WHEREAS, the Alleghany County Board of Supervisors has, by appropriate resolution, requested Recreational Access funds to provide roadway access to adequately serve recreational facilities located off of Midland Trail (Virginia State Route 60) and said roadway access is estimated to cost \$250,000; and

WHEREAS, this request has been considered by the Director of DCR and has been found to comply with the provisions of § 33.2-1510 of the *Code of Virginia* and has designated the site a public recreation area.

NOW, THEREFORE, BE IT RESOLVED, that from the Recreational Access Fund \$250,000 be allocated to construct the access road to Rose Dale Park, Project RECR-003-703, 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 Alleghany County and VDOT to provide for the:
 - a. design, administration, construction and maintenance of this project;
 - b. payment of all ineligible project costs, and of any eligible project costs in excess of the allocation amount for the roadway access project from sources other than those administered by VDOT.

#####

CTB Decision Brief

Recreational Access – Alleghany County Rose Dale Park

Issue: Pursuant to § 33.2-1510 of the *Code of Virginia*, the Alleghany County Board of Supervisors has requested funds from the Recreational Access Program to provide adequate roadway access to facilities within Rose Dale Park.

Facts: Section 33.2-1510 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. CTB Policy requires that the locality provide all rights of way, utility adjustments, and environmental assessments and remediation at no cost to the Commonwealth. 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 locality 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 the public recreational area as such and recommends to the CTB that an access road be provided to that area.

Alleghany County owns and operates Rose Dale Park off of Midland Trail (Virginia State Route 60). Rose Dale Park is a 14.4-Acre public park with athletic fields, open space, river access, and parking. The County recently constructed a pavilion at the park and has plans to construct public use restrooms in the coming months. The existing park entrance road is not wide enough for two vehicles to pass each other safely and the County proposes to construct a recreational access project reconstructing and improving the existing 0.11-mile long entrance road from Route 60 to the park's parking area. The Virginia Department of Transportation's (VDOT's) Staunton District staff has estimated the cost of the road access project to be \$250,000. VDOT will administer the design and construction of the proposed road access project and the road shall continue to be a portion of the primary state highway system.

VDOT's Local Assistance Division has coordinated with DCR staff to confirm support for the project. The Director of DCR has designated Rose Dale Park as a public recreational area (attached) and recommends utilization of Recreational Access funds to provide adequate access to the park.

Recommendations: VDOT recommends that Recreational Access Program funding in amount of \$250,000 for the construction of roadway access be approved, subject to certain contingencies.

Action Required by the CTB: Prior to expending funds set aside 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: The aforementioned allocations will be made and VDOT and Alleghany County will proceed with the recreational access roadway project.

Options: Approve, Deny, or Defer.

Public Comments/Reaction: None



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

June 28, 2022

Mr. Stephen C. Birch, P. E.
Commonwealth Transportation Commissioner
1401 East Broad Street
Richmond, Virginia 23219

Dear Commissioner Birch:

In accordance with §33.2-1510 of the *Code of Virginia*, I am designating the Rose Dale Park in Alleghany County as a public recreational area. Rose Dale park is 14 acres and provides riverfront access, has athletic fields & open space, a pavilion and there are plans to construct bathrooms this summer. The address for Rose Dale Park is 100 Stoughton Lane in Covington and is adjacent to the Jackson River and the Alleghany Highlands Blueway.

I hereby recommend to the Virginia Department of Transportation that Recreational Access Road funds be provided to this area as allowable under §33.2-1510 of the *Code of Virginia* to provide safe access to this recreation area.

Your Local Assistance Division can provide further details regarding the project.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew S. Wells".

Matthew S. Wells
Director

CC: Jonathan Liss, Virginia Department of Transportation, Local Assistance Division
Michael Fulcher, Virginia Department of Transportation
Chad Willims, Alleghany County
Kelly McClary, Division Director of Planning & Recreation Resources



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 6

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: _____ Seconded By:

Action:

Title: Location Decision Policy (Adoption)

WHEREAS, on January 15, 2020, the Commonwealth Transportation Board (CTB) approved a location for a preferred alternative for the Martinsville Southern Connector Study, documented in a Draft Environmental Impact Statement (EIS) developed in accordance with the National Environmental Policy Act (NEPA); and

WHEREAS, in its location approval action, CTB directed the Virginia Department of Transportation (VDOT) to review and recommend to the CTB whether location decisions issued by the CTB should remain valid after a period of three years from the completion of NEPA unless full funding for construction is secured; and

WHEREAS, in response to CTB direction, VDOT reviewed location decisions made by the CTB and determined that the completion of NEPA is not an appropriate milestone by which project progress is assessed; and

NOW, THEREFORE, BE IT RESOLVED the CTB hereby adopts the Location Decision Policy to address the directive from January 15, 2020 and issues noted herein, and adopts the following policy and process to assess location decisions pursuant to Section 33.2-208 of the Code of Virginia:

1. CTB shall review all CTB location decisions three years after their respective approval date.
2. VDOT shall present and recommend location decisions meeting the conditions under Item 1 requesting that they be affirmed, modified, or rescinded by resolution of the CTB. Recommendations shall be timed to align as close to the three years as practicable.
3. Should the CTB modify or affirm a location decision for a project, the location decision will be valid for another three years unless otherwise directed by the CTB.

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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
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Agenda item # 7

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: _____ **Seconded By:** _____

Action: _____

Title: Authorization for the Commissioner of Highways to enter into Standard Project Agreements between VDOT and the Central Virginia Transportation Authority for Segments of the Fall Line Trail Project

WHEREAS, the 2020 Virginia General Assembly adopted and enacted into law House Bill 1541, (2020 Va. Acts Chapter 1235) (“Chapter 1235”); and

WHEREAS, Chapter 1235 provides for imposition of certain state taxes in localities comprising Planning District 15, and further provides that the revenues derived from such taxes be deposited in the Central Virginia Transportation Fund (the “Fund”) and used solely for transportation purposes benefiting the localities comprising Planning District 15 (“CVTA Projects and Purposes”), and certain administrative and operating expenses pursuant to Va. Code §33.2-3706(B); and

WHEREAS, Chapter 1235 established the Central Virginia Transportation Authority (“CVTA”), providing the CVTA with the authority and duty to, among other things, determine and approve appropriate uses of the CVTA Revenues; and

WHEREAS, the CVTA and the Virginia Department of Transportation (“VDOT”) determined that it is desirable to work cooperatively to ensure the most effective and efficient delivery and implementation of CVTA Projects and Purposes with CVTA Revenues and other state and federal transportation funding sources; and

Resolution of the Board

Authorization for the Commissioner of Highways to enter into Standard Project Agreements between VDOT and the Central Virginia Transportation Authority for Segments of the Fall Line Trail Project

September 21, 2022

Page Two

WHEREAS, on December 9, 2020, in order to memorialize and effectuate said cooperation between CVTA and VDOT, the Commonwealth Transportation Board authorized the Commissioner of Highways to enter into a Memorandum of Agreement (MOA) between VDOT and the CVTA and on 12/21/2020, VDOT and the CVTA entered into the MOA; and

WHEREAS, the MOA, among other things, contemplates and provides a standard template for agreements between VDOT and the CVTA, which outlines the funding and administration of projects funded in whole or in part by the CVTA and administered by VDOT; and

WHEREAS, the CVTA has now allocated funding for a segment of the Fall Line Trail Project and may be funding other segments of the Fall Line Trail, a 43-mile multi-purpose trail that will be designed and constructed in several smaller segments across multiple localities; and

WHEREAS, it is anticipated that VDOT will be administering the design and construction of multiple segments of the Fall Line Trail that traverse Hanover County, Henrico County, Chesterfield County, Colonial Heights, City of Petersburg, and sections of the City of Richmond; and

WHEREAS, accordingly, it is recommended that the Commissioner of Highways be granted authority to enter into individual Standard Project Agreements with the CVTA for those segments of the Fall Line Trail funded in whole or in part with CVTA funding.

NOW, THEREFORE, BE IT RESOLVED, the Commonwealth Transportation Board hereby authorizes the Commissioner of Highways to enter into one or more Standard Project Agreements with CVTA relating to VDOT's administration of projects for all segments of the Fall Line Trail funded in whole or part by the CVTA, substantively similar to Attachment A, with such changes and additions as the Commissioner deems necessary.

####

CTB Decision Brief

Title: Authorization for the Commissioner of Highways to Enter into Standard Project Agreements Between VDOT and the Central Virginia Transportation Authority for Segments of the Fall Line Trail Project

Issue: The 2020 Virginia General Assembly adopted and enacted into law House Bill 1541, (2020 Va. Acts Chapter 1235) (“Chapter 1235”), which among other things, established the Central Virginia Transportation Authority (CVTA) and CVTA Fund. The Virginia Department of Transportation (“VDOT”) and the CVTA entered into a Memorandum of Agreement on 12/21/2020, which provided for a standard project agreement template (SPA) to be used by the parties for CVTA-funded projects administered by VDOT. The CVTA has now allocated and may allocate in the future CVTA funds for purposes of funding segments of the Fall Line Trail Project. VDOT will be administering various segments of the Fall Line Trail Project, and in order for VDOT to administer projects for those segments of the Trail to be funded by CVTA, it is necessary for VDOT to enter into SPAs with the CVTA. Pursuant to section §33.2-214 C of the *Code of Virginia*, authorization by the Commonwealth Transportation Board (CTB) for the Commissioner of Highways to enter into/execute individual SPAs between VDOT and the CVTA for segments of the Fall Line Trail, funded in whole or in part by the CVTA, is sought.

Facts:

- Chapter 1235 enacted Chapter 37 of title 33.2 of the *Code of Virginia*, establishing the CVTA and the CVTA Fund, providing for imposition of certain state taxes in localities comprising Planning District 15, and providing that the revenues derived from such taxes be deposited in the Fund. The CVTA Revenues are to be used solely for CVTA Projects and Purposes and for certain administrative and operating expenses pursuant to Va. Code § 33.2-3706(B).
- The CVTA is provided with the authority and duty to, among other things, determine and approve appropriate uses of the CVTA Revenues.
- Pursuant to §33.2-3708, the CVTA may enter into contracts or agreements necessary or convenient for the performance of its duties and the exercise of its powers under Chapter 37 of Title 33.2.
- The CVTA and VDOT have determined a need to work cooperatively to ensure the efficient administration of the CVTA Revenues and the most effective and efficient delivery and implementation of CVTA Projects and Purposes using CVTA Revenues and other state and federal transportation funding sources and to that end, developed and were duly authorized to enter into a Memorandum of Agreement (MOA). Among other things, the MOA provided for a SPA template to be used by the parties for administration and funding of projects funded in whole or in part by the CVTA.
- The CVTA has now allocated funding for a segment of the Fall Line Trail and may be funding other segments of the Fall Line Trail in the future.
- VDOT will be administering the design and construction of multiple segments of the Fall Line

CTB Decision Brief

Authorization for the Commissioner of Highways to Enter into Standard Project Agreements
Between VDOT and the Central Virginia Transportation Authority for Segments of the Fall Line
Trail Project

September 20, 2022

Page Two

Trail that traverse Hanover County, Henrico County, Chesterfield County, Colonial Heights, City of Petersburg, and sections of the City of Richmond, and in order to administer segments funded by the CVTA, will need to enter into SPAs with the CVTA.

- Section 33.2-214(C) of the Code of Virginia empowers the CTB to enter into contracts with local districts, commissions, agencies, or other entities created for transportation purposes.

Recommendation: VDOT recommends, pursuant to §33.2-214(C) of the *Code of Virginia*, that the CTB authorize the Commissioner of Highways enter into one or more Standard Project Agreements relating to VDOT's administration of projects for all segments of the Fall Line Trail funded in whole or in part by the CVTA, substantively similar to Attachment A, with such changes and additions as the Commissioner deems necessary.

Action Required by CTB: Approve by majority vote the resolution providing the authorization recommended herein.

Result, if Approved: VDOT/the Commissioner of Highways will have the requisite authority to enter into Standard Project Agreements with the CVTA for all CVTA-funded segments of the Fall Line Trail Project.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: N/A

**Standard Project Agreement for Funding and Administration
between
Central Virginia Transportation Authority
and
Virginia Department of Transportation**

Project: UPC Number (If Applicable):

This Standard Project Agreement for Funding and Administration (the "Agreement") is made in duplicate and effective on the date of last execution below, as between the Central Virginia Transportation Authority ("CVTA") and the Virginia Department of Transportation ("VDOT").

WITNESSETH

WHEREAS, the 2020 Virginia General Assembly adopted and enacted into law House Bill 1541, 2020 Va. Acts Chapter 1235 ("Chapter 1235"); and

WHEREAS, Chapter 1235 establishes CVTA pursuant to Chapter 37 of Title 33.2 of the Code of Virginia (the "CVTA Act"); and

WHEREAS, Chapter 1235 provides for imposition of certain state taxes in localities comprising Planning District 15, and further provides that the revenues derived from such taxes be deposited in the Central Virginia Transportation Fund (the "Fund") and used solely for transportation purposes benefiting the localities comprising Planning District 15, and certain administrative and operating expenses pursuant to Va. Code § 33.2-3706(B); and

WHEREAS, Chapter 1235 establishes the Fund and specifies that all revenues dedicated to the Fund pursuant to Va. Code § 58.1-638 and Va. Code §§ 58.1-2291 *et seq.* shall be paid into the state treasury, credited to the Fund, and the amounts so dedicated deposited monthly by the Comptroller (such amounts, together with interest earned thereon, are the "CVTA Revenues"); and

WHEREAS, CVTA and VDOT have determined it is desirable to work cooperatively to ensure the most effective and efficient delivery and implementation of CVTA projects with CVTA Revenues and other state and federal transportation funding sources; and

WHEREAS, VDOT is the Virginia state agency responsible for building, maintaining and operating the interstate, primary, and secondary state highway systems ("VDOT Highways"); and

WHEREAS, in light of VDOT's responsibilities with respect to VDOT Highways, and CVTA's responsibilities with respect to CVTA Revenues, VDOT and CVTA entered into a Memorandum of Agreement dated December 21, 2020 (the "MOA"); and

WHEREAS, the MOA contemplates that CVTA and VDOT may, using the form of this Agreement (referred to as the “CVTA Model SPA” within the MOA), agree to undertake specific projects developed and/or administered by VDOT, and funded (in whole or in part) by CVTA Revenues; and

WHEREAS, CVTA desires to proceed with the project set forth and described on Appendix A to this Agreement (the “Project”), and has determined that such Project would benefit the cities and counties that are embraced by CVTA and it otherwise satisfies the requirements of the CVTA Act; and

WHEREAS, VDOT agrees to administer and/or develop the Project in accordance with the budget (the “Project Budget”) and cashflow and construction schedule (the “Project Schedule”) set forth and described on Appendices A & B to this Agreement; and

WHEREAS, CVTA desires to provide funding for the administration and/or development of the Project out of CVTA Revenues, subject to the terms, conditions, and limitations set forth herein; and

WHEREAS, the Commonwealth Transportation Board (“CTB”) has the authority, pursuant to Va. Code § 33.2-214, to cause VDOT to enter into this Agreement and has authorized the Commissioner of Highways (the “Commissioner”) to enter into agreements with CVTA for project administration and development purposes, and Va. Code § 33.2-3708 authorizes CVTA to enter into this Agreement; and

WHEREAS, CVTA’s governing body and the CTB have each authorized their respective designee(s) to execute this Agreement on their respective behalf(s) as evidenced by copies of each such entity’s clerk’s minutes or such other official authorizing documents, which are appended hereto as Appendix E.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises, covenants, and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, VDOT and CVTA (each a “Party” and together, the “Parties”) agree as follows:

ARTICLE I – Affirmative Covenants and Responsibilities of VDOT

1. Diligent Work. VDOT shall complete or perform or cause to be completed or performed all work relating to the Project, as described in Appendix A, advancing such work diligently and ensuring that all work is completed in accordance with (i) any and all applicable federal, state, and local laws and regulations (“Applicable Law”), and (ii) all terms and conditions of this Agreement, including, without limitation, the Project Budget and Project Schedule reflected in Appendices A & B.
2. Intended Purposes. Subject to and consistent with the requirements of **Article VII** of this Agreement, upon final payment to all contractors for the Project, if the Project is or is part of a VDOT Highway, VDOT shall use the Project for its intended purposes for the duration of the Project’s useful life. If the Project is or is part of a VDOT Highway, VDOT shall be responsible to operate and/or maintain the Project after its completion (including responsibility to correct any defects or to cause any defects to be corrected), and under no circumstances will CVTA have any responsibility or obligation to operate and/or maintain the Project (or correct

defects with respect to the Project). The provisions in this **Section I.2** will survive the completion of the Project under this Agreement and/or the expiration or termination of this Agreement.

3. Selection of Contractors. VDOT shall select contractors, contract with contractors, and administer and enforce contracts all in a manner that is consistent in all material respects with the policies, procedures, and practices that VDOT uses where the state or VDOT bears the cost of a project; for example, VDOT shall use its customary policies, procedures, and practices relating to requesting bids/proposals, negotiating/finalizing terms and conditions of contracts (using VDOT's standard terms/forms where applicable), and monitoring and enforcing performance of contracts.
4. Performance Standards. VDOT shall perform or have performed in accordance with VDOT's standards for highways, bridges, and tunnels all design and engineering, all environmental work, and all right-of-way acquisition, construction, contract administration, testing services, inspection services, or capital asset acquisitions, as is required by this Agreement or that may be necessary for completion of the Project pursuant to the terms of this Agreement. If VDOT determines that a delay will more likely than not prevent the completion of a material phase of the Project (e.g., preliminary engineering or right-of-way acquisition), or the entire Project, in accordance with the Project Schedule, VDOT shall notify CVTA in writing and provide CVTA with such information as CVTA may reasonably request, including information pertaining to potential corrective measures and remedies against the contractor.
5. Unsatisfactory Bids and Proposals. If bids or proposals received for any portion of the Project are not qualitatively consistent with VDOT's standards for that work or quantitatively within VDOT's projections for that work, each as determined by VDOT in its good faith judgment, VDOT shall seek the advice and consent of the CVTA Authorized Representative to (i) undertake a new procurement, or (ii) recommend alternative measures to CVTA, and seek CVTA's advice and consent regarding pursuit of those alternative measures. If CVTA grants its written consent to a modification to the Project Budget and/or Project Schedule to permit VDOT to enter into a contract to perform the work, VDOT and CVTA will work reasonably and in good faith to amend Appendices A & B to reflect the modified Project Budget and Project Schedule.
6. Multiple Funding Phases. VDOT recognizes that, if the Project contains multiple funding phases (as reflected on Appendices A & B), for which CVTA will provide funding (as scheduled on Appendix B), CVTA may not have sufficient cash flows to accelerate scheduled Project funding. In any circumstance where VDOT seeks to accelerate funding for the Project to the next funding phase, VDOT shall submit a written request to the CVTA Authorized Representative explaining VDOT's reasons why CVTA should authorize acceleration to the next funding phase. The CVTA Authorized Representative will thereafter review the circumstances underlying the request in conjunction with Appendices A & B and CVTA's current and projected cash flow position and make a determination whether to authorize

the requested accelerated funding. The foregoing shall not prohibit VDOT, with prior notice to and authorization from the CVTA Authorized Representative, which notice and authorization may be communicated via electronic mail, from providing its own funds to accelerate a future funding phase of the Project and from requesting reimbursement from CVTA for having advance funded the relevant funding phase of the Project. However, VDOT further recognizes that the timing of CVTA's reimbursement to VDOT for having advance funded a funding phase of the Project will be dependent upon CVTA's cash flow position at the time such a request for reimbursement is submitted and may be dependent upon the extent to which the reimbursement of any such advanced funding is otherwise consistent with the terms of this Agreement, including Appendix B.

7. Updating Cash Flow Estimates. VDOT and CVTA shall regularly update cashflow estimates for the Project with the objective of keeping those estimates accurate throughout the life of the Project. VDOT shall provide all available information reasonably required by CVTA so as to ensure and facilitate accurate cash flow estimates and accurate updates to those cash flow estimates throughout the life of the Project as described in Appendix B.
8. Payment Requisitions; Reports. VDOT shall provide to the CVTA Authorized Representative:
 - a. No more frequently than monthly, payment requisitions consistent with Appendix C (and the most recently approved CVTA cash flow estimates) that include (i) CVTA's standard payment requisition(s), containing detailed summaries of actual Project costs incurred with supporting documentation as determined by CVTA, and (ii) certifications that all such costs were incurred in the performance of work for the Project as authorized by this Agreement. Each payment requisition shall be in substantially the same form as set forth in Appendix C of this Agreement; VDOT will endeavor to submit payment requisitions within 90 days after the corresponding eligible project expenses are incurred by VDOT, however, CVTA will not be relieved of its duty to pay VDOT for payment requisitions submitted more than 90 days after the corresponding expenses were incurred by VDOT.
 - b. All monthly reports described on Appendix D.
9. Use of Assets and CVTA's Interest in Same. VDOT shall use the real property and appurtenances and fixtures thereto, capital assets, equipment and all other transportation facilities that are part of the Project and funded by CVTA under this Agreement ("Assets") for the designated transportation purposes of the Project and in accordance with Applicable Law throughout the useful life of each such Asset. If VDOT intends to sell, convey, or dispose any Asset funded with CVTA funds or intends to use any Asset for a purpose inconsistent with this Agreement, VDOT shall notify the CVTA Authorized Representative in writing of any such intent before further action is taken by VDOT in furtherance thereof. The Parties shall, thereafter, meet and confer to discuss what measures need to be taken regarding

VDOT's proposed sale, conveyance, disposition, or use of any such Asset(s) so as to ensure compliance with all applicable requirements of the CVTA Act. All recommendations and/or proposed remedial actions developed by the Parties' Authorized Representatives during the meet and confer process shall be formally presented to CVTA and the Commissioner for their respective approvals.

10. Return of Unexpended Funds. VDOT shall release or return any unexpended funds to CVTA no later than ninety (90) days after final payment has been made in respect of the Project.
11. Accurate Financial Records. VDOT shall maintain complete and accurate financial records relative to the Project for all time periods as may be required by the Virginia Public Records Act and by all other Applicable Law.
12. Original Drawings. VDOT shall maintain all original conceptual drawings and renderings, architectural and engineering plans, site plans, inspection records, testing records, and as built drawings for the Project for the time periods required by the Virginia Public Records Act and any other applicable records retention laws or regulations. Throughout the project development process, VDOT will provide to CVTA the most recent plans and electronic design files (i) at key milestones (*i.e.*, conceptual design, final construction, and as-built) and (ii) at any time upon CVTA's written request.
13. Reimbursements. VDOT shall not use any funds provided by CVTA, including the funds specified on Appendix B, to pay any Project cost if the CVTA Act does not permit such Project cost to be paid with CVTA funds. VDOT shall reimburse CVTA (or such other entity as may have provided funds) for all funds provided by CVTA (or on behalf of CVTA) and, to the extent applicable and permitted by Applicable Law, with interest earned at the rate earned by CVTA, that VDOT misapplied, used, or requisitioned in contravention of the CVTA Act or any other Applicable Law, or any term or condition of this Agreement.
14. Compliance with Applicable Law. VDOT shall comply with all Applicable Law.
15. Certification after Final Payment. VDOT shall provide a certification to CVTA no later than ninety (90) days after final payment for the Project that VDOT adhered to all Applicable Law and all requirements of this Agreement.

ARTICLE II – Negative Covenants of VDOT

1. Selection of Contracts; Use of Funds. VDOT shall not enter into any contract to perform the work related to the Project if (i) the cost of that contract would exceed the portion of the Project Budget reflected in Appendix B that is allocated to the work covered by that contract, (ii) the cost of that contract, when aggregated with the cost of all other contracts relating to the Project that have been, or are expected to be, entered into would exceed the Project Budget reflected in Appendix B, or (iii) the schedule in the contract for performing and paying for the work related to the Project would be materially different (whether accelerated or delayed) from the Project Schedule set forth in Appendix B.

2. Prohibition Against More Favorable Provisions. VDOT shall not include in any contract with a contractor working on the Project any term, condition or remedy in respect of Additional Costs that is more favorable to the contractor than the terms, conditions, or remedies VDOT includes in standard contracts where the state or VDOT bears the cost of the project.

ARTICLE III – Representation and Warranties of VDOT

1. VDOT represents and warrants that each of the Project Budget and Project Schedule (Appendices A & B) have been prepared in good faith, in accordance with the practices and procedures that VDOT uses for projects where the state or VDOT bears the cost of the project (including, without limitation, the practices used to price and budget services that may be internally sourced, such as Construction Engineering Inspection).
2. VDOT represents that it is not acting as a partner or agent of CVTA; and nothing in this Agreement shall be construed as making any Party a partner or agent with any other Party.

ARTICLE IV – VDOT Acknowledgments

1. VDOT hereby acknowledges that VDOT is solely responsible for the administration and/or development of the Project and all engagements, commitments, and agreements with contractors. VDOT shall ensure that VDOT's contractors maintain surety bonds (or other project security) and insurance in amounts and with coverages that VDOT requires under its Road and Bridge Specifications for all work to be performed for the Project, and name CVTA and its members, officers, employees and, if applicable, any CVTA bond trustee as additional insureds on any such insurance policy, and present CVTA with satisfactory evidence thereof before any work on the Project commences.
2. VDOT hereby acknowledges and recognizes that VDOT or its contractors are solely responsible for obtaining, and shall obtain, all permits, permissions and approvals necessary to construct and/or operate the Project, including, but not limited to, obtaining all required VDOT and local land use permits, zoning approvals, environmental permits, and regulatory approvals.
3. VDOT hereby acknowledges and recognizes if the Project is being funded, in whole or in part, with federal and/or state funds (in addition to CVTA Revenues), that VDOT shall (a) take any and all necessary actions to satisfy any conditions to such additional federal and/or state funding (provided that such actions are within the control of VDOT) and to enforce any commitments made in connection therewith, (b) comply with all applicable federal and state funding requirements within the control or purview of VDOT, and (c) include in its contracts with contractors provisions that permit such contracts to be terminated, without penalty, if the funding is rescinded or otherwise becomes unavailable (for clarification, a provision shall not be deemed to include a penalty solely as a result of terms that require payment of compensation due and owing at the time of cancellation and

reasonable costs associated with cancellation provided that such costs are consistent with costs paid pursuant to VDOT's standard contract terms relating to contract cancellation and termination). VDOT acknowledges and agrees that if funding from such an additional federal or state source is rescinded or otherwise becomes unavailable CVTA (i) shall not be responsible for any amount in excess of its commitment set forth on Appendix B, and (ii) may (A) replace said reduced funding with CVTA Revenues or (B) may request VDOT to immediately suspend or discontinue all work relating to the Project, provided if CVTA requests suspension, CVTA shall be responsible for the costs reasonably incurred in connection with such suspension. Should CVTA neither replace the rescinded or unavailable funding, nor request VDOT to suspend or discontinue work, VDOT may reduce the Project scope or take any other actions needed to reduce the Project costs to fit within the Project Budget.

ARTICLE V – Affirmative Covenants and Responsibilities of CVTA

1. Reimbursement Basis. Subject to the limitations as to amounts set forth in Appendix B (and subject to **Article VII** of this Agreement), CVTA shall provide to VDOT the funding authorized by CVTA for the Project, on a reimbursement basis as set forth in this Agreement and as specified in Appendix B to this Agreement or the most updated amendment thereto, as approved by CVTA.
2. Program Coordinator. CVTA shall assign a person to serve as a Program Coordinator for the Project, who will be responsible for review of the Project on behalf of CVTA for purposes of ensuring it is being completed in compliance with this Agreement and all CVTA requirements. CVTA's Program Coordinator will be responsible for overseeing, managing, reviewing, and processing, in consultation with the CVTA Authorized Representative, all payment requisitions submitted by VDOT for the Project. CVTA's Program Coordinator will have no independent authority to direct changes or make additions, modifications, or revisions to the scope, budget or schedule of the Project as set forth on Appendices A & B.
3. Payment Requisitions. The CVTA Authorized Representative or Program Coordinator shall review all payment requisitions and supporting documentation for the Project to determine the submission's legal and documentary sufficiency. If the payment requisition is sufficient as submitted, payment will be made within thirty (30) days from receipt. Approved payments may be made by means of electronic transfer of funds from CVTA to or for the account of VDOT. If the payment requisition is, in CVTA's reasonable judgment, deemed insufficient, within twenty (20) days from receipt, CVTA's Program Coordinator will notify VDOT in writing and set forth the reasons why the payment requisition was declined or why and what specific additional information is needed to authorize the payment request. Payment will be withheld until all deficiencies identified by CVTA have been corrected to CVTA's reasonable satisfaction. Under no circumstances will CVTA authorize payment for any work performed by or on behalf of VDOT that is not in conformity with the requirements of the CVTA Act or this Agreement.

4. Accelerated or Supplemental Requests for Funding. CVTA's Finance Committee shall review all of VDOT's accelerated or supplemental requests for funding from CVTA under **Section I.6** and **Section X.4**, respectively, of this Agreement. CVTA's Finance Committee will thereafter make a recommendation on any such request to CVTA for final determination by CVTA.
5. Periodic Compliance Reviews. CVTA shall conduct periodic compliance reviews scheduled in advance for the Project so as to assess whether the work being performed likely remains within the scope of this Agreement, the CVTA Act, and other Applicable Law. Such compliance reviews may entail review of VDOT's financial records for the Project and on-Project site inspections.
6. Records Retention. Upon making final payment to VDOT for the Project, CVTA shall retain copies of all contracts, financial records, design, construction, and as-built project drawings and plans, if any, developed pursuant to or in association with the Project for the time periods required by the Virginia Public Records Act and as may be required by other Applicable Law.
7. CVTA Funds Determinations. CVTA shall be the sole determinant of the amount and source of CVTA funds to be provided and allocated to the Project and the amounts of any CVTA funds to be provided in excess of the amounts specified in Appendix B.

ARTICLE VI – CVTA Acknowledgments

1. CVTA hereby acknowledges that if, as a result of CVTA's review of any payment requisition or of any CVTA compliance review, CVTA determines that VDOT is required under **Section I.13** of this Agreement to reimburse funds to CVTA, CVTA will promptly advise VDOT's Authorized Representative in writing. VDOT will thereafter have thirty (30) days to respond in writing to CVTA's initial findings. CVTA's Finance Committee will review VDOT's response and make a recommendation to CVTA. If CVTA makes a final determination that VDOT is required under **Section I.13** of this Agreement to reimburse funds to CVTA, the Parties should engage in dispute resolution as provided in **Article VIII** of this Agreement. Pending final resolution of the matter, CVTA will not withhold further funding on the Project. Nothing herein shall, however, be construed as denying, restricting or limiting the pursuit of either Party's legal rights or available legal remedies.

ARTICLE VII – Mutual Acknowledgments Regarding Appropriations

1. The Parties hereby acknowledge and agree that nothing herein shall require or obligate CVTA to commit or obligate funds to the Project beyond those funds that have been duly authorized and appropriated by its governing body for the Project.
2. The Parties hereby acknowledge and agree that all funding provided by CVTA pursuant to Chapter 1235 is subject to appropriation by the Virginia General

Assembly. The Parties further acknowledge that: (i) the moneys allocated to the Fund pursuant to applicable provisions of the Code of Virginia and any other moneys that the General Assembly appropriates for deposit into the Fund are subject to appropriation by the General Assembly and (ii) CVTA's obligations under this Agreement are subject to such moneys being appropriated to the Fund by the General Assembly.

3. The Parties hereby acknowledge and agree that VDOT's obligations under this Agreement are subject to funds being appropriated by the General Assembly and allocated by the Commonwealth Transportation Board and otherwise legally available to VDOT for CVTA projects.
4. Should VDOT be required to provide additional funds in order to proceed or complete the funding necessary for the Project, VDOT shall certify to CVTA that such additional funds have been allocated and authorized by the CTB and/or appropriated by the Virginia General Assembly as may be applicable or have been obtained through another independent, lawful source.

ARTICLE VIII — Dispute Resolution

1. In the event of a dispute under this Agreement, the Parties agree to meet and confer promptly to ascertain if the dispute can be resolved informally without the need of a third party or judicial intervention. First, CVTA's Authorized Representative and the VDOT Program Manager are authorized to conduct negotiations on behalf of their respective entities. If a resolution of the dispute cannot be reached via the aforesaid meet and confer dispute resolution method, the dispute will be elevated to the CVTA Chair and the Commissioner to conduct negotiations on behalf of their respective entities. Upon reaching any resolution to a dispute, if required by law, the Parties will seek the consent of their respective governing bodies with respect to the resolution reached. However, if, after discussions between the CVTA Chair and the Commissioner have concluded, the Parties are unable to reach a satisfactory resolution, either Party is free to pursue any and all remedies it may have at law or in equity, including all judicial remedies. The foregoing dispute resolution method shall not bar either Party's right to seek equitable relief on an emergency basis.

ARTICLE IX – Modification or Amendment of the Agreement

1. This Agreement may not be modified or amended, except pursuant a written agreement that is duly authorized, executed, and delivered by both Parties.
2. If CVTA is able to obtain a source of funding for the Project that would reduce or replace the amount of CVTA Revenues expended on the Project, VDOT and CVTA will work in good faith to amend this Agreement so it takes into account that other funding.
3. If CVTA proposes to issue bonds, VDOT and CVTA will work in good faith to adopt such amendments to this Agreement as VDOT and CVTA may mutually agree are necessary and desirable in connection with the bond offering and to otherwise

cooperate to support and facilitate the bond offering.

4. The Parties acknowledge that each of the Project Budget and Project Schedule may be amended pursuant to **Article X** of this Agreement, or as follows:
 - a. If VDOT determines, after receipt of proposals or bids for any work related to the Project, that the cost of the contract for said work will result in a significant reduction in costs associated with a portion of the Project Budget reflected in Appendix B that is allocated to work covered by the contract, then VDOT shall promptly notify the CVTA Authorized Representative of the significant reduction in costs. For purposes of this **Section IX.4(a)**, CVTA and VDOT agree that a “significant reduction in costs” shall mean a reduction in costs that has the effect of reducing, in Appendix B, (x) the costs for the particular portion of the Project Budget allocated to work covered by the contract by more than 20 percent or (y) the entire Project Budget either by more than 10 percent or \$10,000,000, whichever applies. In the event there is a significant reduction in costs, VDOT and CVTA will work reasonably and in good faith to amend Appendix B fairly to reflect the effect of the reduction, with the goal of applying the savings to supplant state and CVTA funding commitments, and to maximize the use of federal funds on the project.
 - b. If any federal or state funding not previously available for the Project becomes available for any portion of the Project Budget reflected in Appendix B, then VDOT and CVTA will work reasonably and in good faith to amend Appendix B fairly to reflect the benefit of the additional funding, with the goal of applying the additional funding to supplant state and CVTA funding commitments, and to maximize the use of federal funds on the project.

ARTICLE X – Additional Costs

1. Notice of Additional Costs. VDOT shall promptly notify the CVTA Authorized Representative if VDOT determines that any additional, unbudgeted costs (*i.e.*, in excess of the Project’s initial budget, inclusive of any contingency reserve) may be incurred to perform and complete the Project (“Additional Costs”), which notice shall include a description of the Additional Costs, an explanation of how they arose and the assumptions in the initial budget regarding those costs, and a detailed estimate of the Additional Costs.
2. VDOT Recommendations on Additional Costs. VDOT shall make recommendations regarding any curative actions that may be available relating to any identified Additional Costs, including any potential modification or reduction that may be made to the Project scope or design, or any other action, to stay within the initial budget for the Project.
3. Absorbable Additional Costs. If the Additional Costs can be absorbed in the Project

Budget by modifying or reducing the scope or design of the Project (or avoided by cancelling the Project or any portion thereof), CVTA may, in its sole discretion, elect to (i) authorize VDOT to proceed with such modifications or reductions, (ii) authorize the Additional Costs (or if a combination of (i) and (ii) is feasible, CVTA may elect such combination), or (iii) elect to cancel the Project or a portion thereof; provided, however, in any case, the respective obligations of VDOT and CVTA, as modified by the elected alternative, shall be set forth in an amendment to this Agreement (VDOT and CVTA shall work in good faith to finalize and execute such amendment).

4. Non-Absorbable Additional Costs. If the Additional Costs cannot be absorbed in the initial budget by modifying or reducing the scope or design of the Project then CVTA may, in its sole discretion, elect to (i) authorize the Additional Costs, or (ii) cancel the Project or a portion thereof. If CVTA elects to authorize the Additional Costs then, subject to **Article VII** of this Agreement, such Additional Costs shall be paid from federal, state, and/or CVTA Revenues, in proportions as agreed by the parties at the time, with the goal of expending federal funds first before expending state and/or CVTA Revenues.
5. Termination for Additional Costs. If CVTA elects to cancel the Project (or any portion thereof) pursuant to **Section X.3 or X.4**, (A) all compensation due and owing to any and all contractors for work on the Project that has been completed at the time of cancellation, shall be paid in accord with Appendix B, and (B) subject to **Article VII** of this Agreement, all reasonable costs associated with the cancellation due and owing to said contractors pursuant to the terms of the contracts with the contractors, which terms shall be consistent with VDOT's standard contract terms relating to contract cancellation and termination, and any amounts of federal funds that must be repaid because of the cancellation (any such amounts, collectively, the "Breakage Compensation"), shall be paid (or repaid) with CVTA Revenues, unless VDOT and CVTA mutually determine that cancellation of the Project is necessary or warranted, in which case, the Breakage Compensation shall be paid from federal, state, and/or CVTA Revenues, in proportions as agreed by the parties at the time, with the goal of expending federal funds first before expending state and/or CVTA Revenues.
6. Additional Costs from Right-of-Way Condemnation Resolution. Additional Costs may include costs incurred by VDOT as a result of eminent domain proceedings, including such costs incurred following construction completion. Until all such proceedings are resolved, VDOT shall provide the CVTA with quarterly reports of outstanding proceedings to include offer amounts at the time of right-of-way certificate filing and the anticipated schedule for resolution. Additional costs associated with right-of-way settlements or judgements shall be paid from available federal, state, and/or CVTA funds in proportions as agreed by the parties at the time, with the goal of expending federal funds first before expending state and/or CVTA Revenues.
7. Additional Costs from Contractor Claims. Notwithstanding the foregoing, Additional Costs may include costs incurred by VDOT as a result of contractor claims relating

to the Project made pursuant to the *VDOT Roads and Bridge Specifications* and Va. Code §§ 33.2-1101 through 33.2-1105. VDOT shall promptly notify CVTA if any such claims are made or VDOT receives a notice of intent to file a claim or other written communication from a contractor relating to a claim or contractual dispute that could result in increased contract costs, and whether in each such case the claimed amount is expected to become, or result in, Additional Costs (and the estimate thereof) or is expected to have a material adverse effect on the contingency reserves established as part of the Project Budget (and the estimated effect thereon). VDOT shall be responsible to handle all such claims and notices of intent, but VDOT may not settle any claim or notice of intent to file a claim and thereafter submit it as an Additional Cost pursuant to this **Section X.7** unless the settlement has been approved by CVTA. Funding for the settlement will be paid from available federal, state, and/or CVTA funds in proportions as agreed by the parties at the time, with the goal of expending federal funds first before expending state and/or CVTA Revenues. Should the claim not be settled, any final judgment from a court of competent jurisdiction shall be paid in accordance with the funding rule set forth in the preceding sentence. Notwithstanding anything to the contrary set forth herein, if any Additional Cost (including, without limitation, any Additional Cost relating to a contractor claim described in this **Section X.7**) arises out of or results from VDOT's negligence or breach of contract, CVTA shall not be responsible for such Additional Costs.

ARTICLE XI - Term and Termination

1. Term. This Agreement shall be effective upon adoption and execution by both Parties and shall expire when all claims relating to the Project have been resolved or are barred.
2. Termination for Cause.
 - a. Termination for Cause by VDOT. VDOT may terminate this Agreement, for cause, in the event of a material breach by CVTA of this Agreement. VDOT will provide CVTA with sixty (60) days written notice that VDOT is exercising its rights to terminate this Agreement and the reasons for termination, thereby allowing CVTA an opportunity to investigate and cure any such alleged breach. Upon termination neither Party shall have any further obligations under this Agreement except that CVTA shall pay for Project costs incurred in accordance with the terms of this Agreement through the date of termination and all reasonable costs incurred by VDOT to terminate all Project-related contracts. The Virginia General Assembly's failure to appropriate funds to CVTA as described in **Article VII** of this Agreement and/or repeal or amendment of the legislation establishing the Fund or CVTA's powers shall not be considered material breaches of this Agreement by CVTA if such failure to appropriate or such repeal or amendment eliminates funds in the Fund to be used for the Project or renders CVTA without legal authority to provide funding for the Project. Before initiating any proceedings to terminate under this **Section XI.2(a)**,

VDOT shall give CVTA sixty (60) days' written notice of any claimed material breach of this Agreement and the reasons for termination, thereby allowing CVTA an opportunity to investigate and cure any such alleged breach.

- b. Termination for Cause by CVTA. CVTA may terminate this Agreement, for cause, resulting from VDOT's material breach of this Agreement. CVTA will provide VDOT with sixty (60) days written notice that CVTA is exercising its rights to terminate this Agreement and the reasons for termination, thereby allowing VDOT an opportunity to investigate and cure any such alleged breach. Upon termination neither Party shall have any further obligations under this Agreement except that obligations accruing prior to the termination of this Agreement, including VDOT's duty to refund misapplied funds, shall survive termination of this Agreement.
- c. Return of CVTA Funds. Upon expiration or termination, and payment of all eligible expenses as set forth in **Section XI.2(b)** above, VDOT will release or return to CVTA all unexpended CVTA funds and, to the extent permitted by Applicable Law, with interest earned at the rate earned by CVTA, no later than sixty (60) days after the date of termination.

ARTICLE XII – Miscellaneous

- 1. Outside Counsel. If in connection with the work described herein, VDOT engages outside legal counsel approved by the Attorney General (as opposed to utilizing the services of the Office of the Attorney General), VDOT will give CVTA notice of the engagement so as to ensure that no conflict of interest may arise from any such representation.
- 2. Notices. Any notices required to be provided under this Agreement to either Party shall be in writing and forwarded to the other Party by United States Postal Service by certified mail, care of the following "Authorized Representatives":

If to CVTA:

CVTA Executive Director (the "CVTA
Authorized Representative") with a copy to the

CVTA Chair at:

Central Virginia Transportation Authority
9211 Forest Hill Avenue, Suite 200
Richmond, VA 23235

If to VDOT:

District Engineer, Virginia Department of Transportation
2430 Pine Forest Drive
Colonial Heights, VA 23834

with a copy to:

Commissioner, Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

3. Assignment. This Agreement shall not be assigned by either Party unless express written consent is given by the other Party.
4. Sovereign Immunity. This Agreement shall not be construed as a waiver of either Party's sovereign immunity rights.
5. No Personal Liability; No Creation of Third-Party Rights. This Agreement shall not be construed as creating any personal liability on the part of any officer, member, employee, or agent of the Parties. This Agreement shall not be construed as giving any rights or benefits to anyone other than the Parties hereto.
6. Governing Law. This Agreement is governed by the laws of the Commonwealth of Virginia, without giving effect to any choice of law or conflict of law provision or rule (whether of the Commonwealth of Virginia or any other jurisdiction) that would cause the application of the laws of any jurisdiction other than the Commonwealth of Virginia. THE PARTIES HEREBY KNOWINGLY, IRREVOCABLY, VOLUNTARILY AND INTENTIONALLY WAIVE ANY RIGHTS THAT ANY MAY HAVE TO A TRIAL BY JURY WITH RESPECT TO ANY ACTION, PROCEEDING, COUNTERCLAIM, OR DEFENSE BASED ON THIS AGREEMENT.
7. Incorporation of Recitals and Appendices; Section Headings. The recitals and Appendices to this Agreement are hereby incorporated into this Agreement and are expressly made a part hereof. The parties to this Agreement acknowledge and agree that the recitals are true and correct. The section and other headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretations of this Agreement.
8. Mutual Preparation and Fair Meaning. The Parties acknowledge that this Agreement has been prepared on behalf of all Parties thereto and shall be construed in accordance with its fair meaning and not strictly construed for or against either Party.
9. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original, and such counterparts shall together constitute but one and the same instrument. The exchange of copies of this Agreement and of signature pages by facsimile or PDF transmission shall

constitute effective execution and delivery of this Agreement as to the Parties hereto and may be used in lieu of the original, manually executed Agreement for all purposes. Signatures of the Parties hereto transmitted by facsimile or PDF shall be deemed to be their original signatures for all purposes.

10. Severability. If any provision of this Agreement is held to be illegal, invalid or unenforceable under any present or future Applicable Law, then: (a) such provision shall be fully severable, (b) this Agreement shall be construed and enforced as if such illegal, invalid, or unenforceable provision had never comprised a part hereof, and (c) the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid, or unenforceable provision or by its severance herefrom.

11. Entire Agreement. This Agreement, collectively with all Appendices hereto contains the entire agreement by and between the Parties with respect to the transactions contemplated hereby and supersede all prior agreements, understandings, promises, and representations, whether written or oral, between the Parties with respect to the subject matter hereof.

[Signature page follows]

IN WITNESS WHEREOF, each Party hereto has caused this Agreement to be executed by their duly authorized signatories, on the date set forth below.

Central Virginia Transportation Authority

By: _____

Name: _____

Title: _____

Date: _____

Virginia Department of Transportation

By: _____

Name: _____

Title: _____

Date: _____

APPENDIX A

PROJECT SCOPE, VDOT SCOPE OF SERVICES, & SCHEDULE

CVTA PROJECT:

UPC NUMBER (IF APPLICABLE):

VDOT PROGRAM MANAGER:

CVTA PROGRAM COORDINATOR:

PROJECT SCOPE:

VDOT SCOPE OF SERVICES:

SCHEDULE:

<u>MILESTONE</u>	<u>ANTICIPATED DATE</u>
<u>PROJECT SCOPING MEETING</u>	<u>[N/A]</u>
<u>SURVEY</u>	<u>[N/A]</u>
<u>GEOTECHNICAL DATA REPORT</u>	<u>[N/A]</u>
<u>APPROVED NEPA DOCUMENT</u>	<u>[N/A]</u>
<u>PUBLIC HEARING</u>	<u>[N/A]</u>
<u>RELEASE RFP</u>	<u>[N/A]</u>
<u>LETTER OF SUBMITTAL</u>	<u>[N/A]</u>
<u>AWARD CONTRACT</u>	<u>[N/A]</u>
<u>END CONSTRUCTION</u>	<u>[N/A]</u>

APPENDIX B
PROJECT BUDGET & CASH FLOW

CVTA PROJECT:

VDOT PROGRAM MANAGER:

<u>ESTIMATED PROJECT COST AND REIMBURSEMENT</u>							
<u>PHASE</u>	<u>FY23</u>	<u>FY24</u>	<u>FY25</u>	<u>FY26</u>	<u>FY27</u>	<u>FY28</u>	<u>TOTAL</u>
<u>PRELIMINARY ENGINEERING (PE)</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>FEDERAL</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>STATE</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>CVTA</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>OTHER</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<u>RIGHT OF WAY & UTILITIES (RW)</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>FEDERAL</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>STATE</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>CVTA</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>OTHER</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<u>CONSTRUCTION (CN)</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>FEDERAL</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>STATE</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>CVTA</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
- <u>OTHER</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<u>TOTAL</u>	\$0	\$0	\$0	\$0	\$0	\$0	\$0

***IF ADDITIONAL YEARS ARE NEEDED, PLEASE SUBMIT A SEPARATE FORM WITH ADDITIONAL COLUMNS.**

THIS APPENDIX B IS CERTIFIED AND MADE AN OFFICIAL ATTACHMENT TO THE STANDARD PROJECT AGREEMENT DOCUMENTED BY THE PARTIES OF THIS AGREEMENT

Commissioner

CVTA Chair

Signature

Signature

Printed Name

Printed Name

Date

Date

APPENDIX C

FORM OF PAYMENT REQUISITION

CVTA Project: _____
UPC Number (If Applicable): _____
Project Scope/Services Description: [From Appendix B]: _____
Draw Request Number: _____

Date: _____, 20____

Central Virginia Transportation Authority

CVTA Executive Director

Attention _____, Program Coordinator:

This requisition is submitted in connection with the Standard Project Agreement for Funding and Administration for the project services noted above and dated _____, 20____ (the "Agreement") between the Central Virginia Transportation Authority ("CVTA") and the Virginia Department of Transportation ("VDOT"). VDOT hereby requests \$_____ of CVTA funds, to pay the costs of the project services described and set forth in Appendices A and B of the Agreement ("Project Services") and in accordance with the Agreement. Also included are copies of each invoice relating to the items for which this requisition is requested.

The undersigned certifies (i) the amounts included within this requisition will be applied solely and exclusively for the payment or the reimbursement of VDOT's costs of the Project Services, (ii) VDOT is responsible for payment to vendors/contractors, (iii) VDOT is not in breach or default with respect to any of its obligations under the Agreement, including without limitation (but only if applicable) the tax covenants set forth in another Appendix to the Agreement, (iv) the representations and warranties made by VDOT in the Agreement are true and correct as of the date of this Requisition and (v) to the knowledge of VDOT, no condition exists under the Agreement that would allow CVTA to withhold the requested advance.

VIRGINIA DEPARTMENT OF TRANSPORTATION

By: _____
Name: _____
Title: _____

Recommended For Payment

By: _____
Name: _____
Title: CVTA Program Coordinator

DETAILED PAYGO REQUEST

Draw Request Number: _____ CVTA Project: _____
 Request Date: _____ Project Title: _____
 UPC Number (If Applicable): _____

Cost Category	CVTA Approved Project Costs	Total PayGo Requests Previously Received	PayGo Requisition Amount this Period	Remaining PAYGO Project Budget (Calculation)
Project Starting Balance	\$ -			\$ -
Design Work	\$ -	\$ -	\$ -	\$ -
Engineering	-	-	-	\$ -
Environmental Work	-	-	-	\$ -
Right-of-Way Acquisition	-	-	-	\$ -
Construction	-	-	-	\$ -
Contract Administration	-	-	-	\$ -
Testing Services	-	-	-	\$ -
Inspection Services	-	-	-	\$ -
Capital Asset Acquisitions	-	-	-	\$ -
Other (please explain)	-	-	-	\$ -
TOTALS	\$ -	\$ -	\$ -	\$ -

LISTING OF ATTACHED INVOICES

Vendor/Contractor Name	Item Number	Invoice Number	Cost Category	Amount
	1			\$ -
	2			-
	3			-
	4			-
	5			-
	6			-
	7			-
	8			-
	9			-
	10			-
	11			-
	12			-
Requisition Amount				\$ -

Instructions

1. Column B-Please list approved PayGo Project Cost per category.
2. Column C-Please list Total PayGo Amounts per Category Previously Reimbursed by CVTA
3. Column D- Please list invoice amounts summarized by Category from the Listing of Attached Invoices
4. Column E - Is a calculation of the Remaining PAYGO Budget per Category

Instructions-Listing of Attached Invoices: (please list each invoice separately)

1. Column A- Please list the name as it appears on the Invoice
2. Column B- Please manually number the invoices attached with the corresponding Item number in this schedule.
3. Column C- Please list the invoice number as it appears on the Invoice

4. Column D- Please list the appropriate Cost Category based on the Project Category breakout above
5. Column E- Please enter the dollar amount listed on the invoice.
6. The calculated Requisition Amount should equal the total in Column D in the Schedule above.

APPENDIX D

REPORTS TO BE PROVIDED BY VDOT

- 1) Monthly Project Expenditure Report which lists, by category of expense (*e.g.*, engineering, ROW, utility relocations, construction), (a) information regarding expenditures to date against the budget, both monthly and for the life of the project, and a statement of the percent completed; and (b) such other information as VDOT customarily provides with monthly expenditure reports.

- 2) Monthly Project Report which provides (a) an overview of progress on major project tasks; (b) information regarding the budget (such as, the baseline planned forecast, any approved changes thereto, the monthly expenditures, the cumulative expenditures, and the cumulative forecasted expenditures); (c) future key tasks; and (d) significant issues.

- 3) Quarterly Right-of-Way Acquisition Report demonstrating then- outstanding proceedings to include offer amounts at the time of right-of- way certificate filing and the anticipated schedule for resolution for each parcel in question.

APPENDIX E

OFFICIAL AUTHORIZING DOCUMENTS



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
Fax: (804) 786-2940

Agenda item # 8

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: _____ Seconded By:

Action:

Title: Continued Action on Content of Commonwealth Transportation Board Policy Index

WHEREAS, in August, 2017, the then-Secretary of Transportation, Aubrey L. Layne, directed that the Commonwealth Transportation Board (CTB) Policy Index be re-evaluated to identify obsolete or redundant policies and actions to be repealed, and to identify for retention those policies and actions that reflect current operating needs and statutory responsibilities (i.e., are currently in effect/valid); and

WHEREAS, at its December 6, 2017 action meeting, (pursuant to the resolution entitled *Action on Content of Commonwealth Transportation Board Policy Index –Repeal of Obsolete Policies/Actions and Retention of Current Policies/Actions* and hereinafter referred to as the December 2017 Resolution) the CTB approved recommendations prepared by the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) concerning those policies and actions that were clearly obsolete or unnecessary/redundant and that warranted repeal and those policies and actions that were clearly still in effect/valid and that warranted retention; and

WHEREAS, at its January 10, 2018 action meeting, (pursuant to the resolution entitled *Continued Action on Content of Commonwealth Transportation Board Policy Index* and hereinafter referred to as the January 2018 Resolution) the CTB approved additional recommendations prepared by VDOT and DRPT concerning several of the remaining policies and actions that (i) were clearly obsolete or unnecessary/redundant and warranted repeal and (ii) were clearly still in effect/valid and warranted retention; and

WHEREAS, at its January 10, 2018 action meeting, the CTB also instructed VDOT and DRPT to further evaluate those policies and actions that still warranted additional review and evaluation that were not included for action in the December 2017 or January 2018 resolutions, for purposes of determining whether they should be repealed or retained and to make recommendations regarding final disposition of said policies and actions at a subsequent CTB action meeting; and

WHEREAS, VDOT has performed further research on those remaining policies and actions and has prepared lists of policies and actions, identified by title and adoption date, consisting of those policies and actions that are obsolete or unnecessary/redundant and that warrant repeal (see Attachment A2) and those policies and actions that are still in effect/valid and that warrant retention (see Attachment B2).

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby repeals the policies/actions set forth in Attachment A2, and directs that the policies/actions set forth in Attachment B2 be retained in the CTB Policy Index.

BE IT FURTHER RESOLVED, that the CTB hereby directs VDOT to take all actions necessary to document this action, by removing from the CTB Policy Index and adding to the electronic archive, those policies and actions repealed herein.

BE IT FURTHER RESOLVED, that the CTB hereby directs VDOT to continue to regularly review all policies set out in the Policy Index for purposes of determining whether they remain valid or are obsolete and should be presented to the CTB for disposition at a future action meeting.

BE IT FURTHER RESOLVED, that the CTB directs VDOT to maintain and update the CTB Policy Index, in consultation with DRPT, as necessary, to ensure that its content reflects an inventory of current policies and actions by adding new policies and actions as they are adopted by the CTB and repealing and archiving those policies and actions that are repealed or explicitly superseded by subsequent actions of the CTB.

BE IT FURTHER RESOLVED, that repeal of any policy or action pursuant to this action shall in no way affect the validity of any actions taken pursuant to the policy or action, prior to its repeal hereunder.

#####

CTB Decision Brief

Continued Action on Content of Commonwealth Transportation Board Policy Index

Issue: Commonwealth Transportation Board (CTB) approval and action is required to implement additional proposed revisions to the content of the CTB Policy Index so that it contains only those policies that are currently in effect/valid and to repeal and archive policies that are no longer in effect.

Facts: At an August 2017 CTB Retreat, the then-Secretary of Transportation, Aubrey L. Layne, directed that the CTB Policy Index be re-evaluated to identify obsolete or redundant policies and actions to be repealed, and to identify, for retention, those policies and actions that reflect current operating needs and statutory responsibilities (are currently in effect/valid).

At its December 6, 2017, action meeting, pursuant to the resolution entitled *Action on Content of Commonwealth Transportation Board Policy Index –Repeal of Obsolete Policies/Actions and Retention of Current Policies/Actions* (December 2017 Resolution) the CTB approved recommendations prepared by the Virginia Department of Transportation (VDOT) and Department of Rail and Public Transportation (DRPT) concerning those policies and actions that were clearly obsolete or unnecessary/redundant and that warranted repeal and those policies and actions that were clearly still in effect/valid and that warranted retention. In addition, the CTB instructed VDOT and DRPT to further evaluate those policies and actions warranting additional review and evaluation (set out in an Attachment (C) to the December 2017 Resolution) for purposes of determining whether they should be repealed or retained and to make recommendations regarding final disposition of said policies and actions at the January 2018 CTB action meeting or thereafter.

At its January 10, 2018 action meeting, (pursuant to the resolution entitled *Continued Action on Content of Commonwealth Transportation Board Policy Index* and hereinafter referred to as the January 2018 Resolution) the CTB approved additional recommendations prepared by VDOT and DRPT concerning several of the remaining policies and actions that (i) were clearly obsolete or unnecessary/redundant and warranted repeal and (ii) were clearly still in effect/valid and warranted retention. The CTB also instructed VDOT and DRPT to further evaluate those policies and actions that still warranted additional review and evaluation that were not included for action in the December 2017 or January 2018 resolutions, for purposes of determining whether they should be repealed or retained and to make recommendations regarding final disposition of said policies and actions at a subsequent CTB action meeting.

VDOT has performed further research on those policies and actions, and have prepared new attachments for the CTB's consideration containing policies and actions recommended for repeal and policies and actions recommended to be retained (Attachments A2 and B2, respectively).

Attachments A2 and B2 were presented to the CTB at its July 2022 workshop meeting. Based on feedback from one or more CTB members and further research by VDOT staff, one policy (Grade Crossing Protective Devices, adopted in July 1966) has been moved from Attachment B2 to Attachment A2 and is now also recommended for rescission.

Recommendations: VDOT recommends that the policies/actions contained in Attachment A2 be repealed and the policies/actions in Attachment B2 be retained. To be consistent with the December 2017 and January 2018 actions, it is also recommended that the CTB clarify that the repeal of any policy/action in no way affects the validity of actions taken pursuant to the

policy/action, prior to its repeal.

Action Required by CTB: A resolution will be provided for the CTB's consideration (i) to repeal and retain the policies and actions listed by title and date in Attachments A2 and B2, respectively, and to direct VDOT to take all actions necessary to document the action, (ii) to direct VDOT to continue to regularly review all policies set out in the Policy Index for purposes of determining whether they remain valid or are obsolete, and (iii) to direct VDOT to maintain and update the CTB PolicyIndex, in consultation with DRPT, as necessary, to ensure that its content reflects an inventory of current policies and actions by adding new policies and actions as they are adopted by the CTB and repealing and archiving those policies and actions that are repealed or explicitly superseded by subsequent actions of the CTB. The resolution will also clarify that the repeal of any policy or action pursuant to this CTB action does not affect the validity of actions taken pursuant to the policy/action prior to its repeal.

Result if Approved: The Policy Index will be revised according to the action taken by the CTB, with repealed policies and actions being archived in a separate document and retained policies remaining within the Policy Index.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: N/A

POLICIES TO BE RESCINDED September 2022

Overheads and Underpasses 34' Wide in Towns and Cities on Streets Not in the Primary System

Approved: 6/1/1938

Moved by Mr. East, seconded by Mr. Rawls, that the State Highway Commission agree to the construction of overhead or underpass within the corporate limits of cities and towns over 3,500 population, of a width of not less than 34 feet on streets not in the primary system. Motion carried.

Primary Roads and the Blue Ridge Parkway

Approved: 9/14/1939

Moved by Mr. Rawls, seconded by Mr. Massie, that the right to cross the Blue Ridge Parkway with new State Highway primary roads, be not given up as requested by the Federal Government. Motion carried.

Roads in the Grounds of State Institutions

Approved: 6/22/1956

WHEREAS, by virtue of Chapter 263 of the Acts of Assembly of 1932, roads within the grounds of state institutions were included in the primary system of highways; and

WHEREAS, Section 33-26 of the *Code of Virginia* of 1950, as amended, authorizes the State Highway Commission to add additional mileage to the primary system each year; and

WHEREAS, it becomes desirable that the State Highway Commission express a policy with respect to addition of new roads to the primary system of highways within the grounds of state institutions, now, therefore

BE IT RESOLVED: That it is the sense of the State Highway Commission that the following policy shall apply to the grounds of state institutions, after present commitments have been fulfilled.

Attachment A2

(1) Within the limitations fixed by law, roads which meet the design standards hereinafter defined and set out will be eligible for inclusion in the primary system:

(a) The roadway shall be of a width not less than 20' exclusive of ditches.

(b) Drainage facilities shall be adequate.

(c) The pavement shall consist of stone, gravel, or other suitable material not less than five (5) inches in depth, sixteen (16) feet in width, and surface treated its full width with bituminous material or its equivalent.

(2) Prior to additions, new roads must be improved by non-highway funds.

(3) The Commission, upon request, may provide at cost, engineering services to the state institutions in the location, design and construction of all major roads within the grounds of state institutions. The Commission hereby directs that a copy of this resolution be sent to the administrative heads of all state institutions. Motion carried.

Rules and Regulations to Comply with the Set-Off Debt Collection Act

Approved: 9/15/1983

WHEREAS, House Bill 590, Chapter 258, Acts of Assembly of 1983, mandates that all State Agencies take advantage of the Set-Off Debt Collection Act pursuant to Section 58-19:8 of the act, the Department promulgates these Rules and Regulations under authority of § 58-19.13 and § 33.1-12(7) of the Code and in accordance with the Administrative Process Act § 9:6.14:7 (sic) of the Code to comply with above said House Bill No. 590.

WHEREAS, the State Highway and Transportation Commission on June 16, 1983 and again on July 21, 1983, directed the Department to conduct a public hearing to receive public comment on these Rules and Regulations.

WHEREAS, pursuant to § 9-6.14:7 of the *Code of Virginia* (1950), as amended; Mr. J. T. Warren, the Commissioner's specially designated subordinate, conducted a public hearing in Richmond, Virginia on Wednesday, September 7, 1983.

Attachment A2

WHEREAS, pursuant to Section 9-6 14:7 and 9-6 14:9, a revised statement as to the basis, purpose, impact and summary of the regulation together with a description and comment on public hearing presentations has been enclosed, which is to be incorporated herein.

WHEREAS, these Rules and Regulations of the Virginia Department of Highways and Transportation, have been formulated.

WHEREAS, the Notice of Hearing left the Hearing Docket open for ten days after the Public Hearing or until September 17, 1983.

WHEREAS, no member of the public attended the Public Hearing held September 7, 1983.

WHEREAS, it is important that these regulations be in place by January 1, 1984 and the next Commission Meeting is October 1983.

NOW, THEREFORE, BE IT RESOLVED, that the Rules and Regulations now formulated are adopted as requested this date subject to the receipt of any written material by the Department within 10 days of September 7, 1983. A mail ballot shall be circulated on September 20th to confirm the adoption of these regulations after the expiration of the time for receipt of written comments. If any material is received, it shall be circulated to Member of the Commission forthwith along with the Hearing Officer's recommendation and the mail ballot.

The Rules and Regulations will become effective, January 1, 1984, or as soon thereafter as the Administrative Process Act will allow whichever is later in time.

Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, see entry for [VAC 24 VAC 30-160](#) in the Virginia Administrative Code (VAC).

Cost of Sidewalks in Towns with Population Less than 3,500

Approved: 6/25/1947

Moved by Mr. Wysor, seconded by Mr. Rawls, that it will be the policy of the State Highway Commission in carrying out the provisions of Chapter 83, Acts of 1946, where it involves the construction of sidewalks in incorporated towns having population less than 3,500, to bear 50% of the cost of such sidewalks where they are found necessary, provided the town agrees to pay fifty per cent. The cost to mean the cost of construction and the cost of the acquisition of the necessary right of way. Maintenance of the sidewalks to be at the expense of the Department of Highways so long as the town has the rights of a municipality having less than 3,500 population. Motion carried.

Sidewalk Construction in Rural Areas

Approved: 8/26/1952

Moved by Mr. Barrow, seconded by Mr. Watkins, that beginning with the allocations for the year 1953-54 all petitioners requesting the construction of sidewalks in rural areas be advised that an allocation will be considered only if the said petitioners guarantee free right of way for the sidewalk. Motion carried.

Authorizing the Issuance and Sale of Revenue Refunding Bonds

Approved: 12/7/2016

WHEREAS, Section 33.2-1727 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 33.2-1700 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") 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. 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.

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10. 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.

11. 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.

12. 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.

13. 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 Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairman or Secretary.

Effective Date. Termination. This Resolution shall be effective immediately. The authority to issue Bonds pursuant to this Resolution shall terminate on June 30, 2018.

Authorizing the Issuance and Sale of Revenue Refunding Bonds

Approved: 10/15/2014

WHEREAS, Section 33.2-1727 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 33.2-1700 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

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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.

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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.

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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 Commissioner of Highways, 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, 2016.

Approval of Turnpikes
Approved: 11/3/1955

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WHEREAS, the General Assembly has authorized the construction and operation of certain turnpikes in this state by Turnpike Authorities, and

WHEREAS, such turnpikes are to become parts of the State Highway System upon retirement of the toll revenue bonds issued to pay for such turnpikes, and

WHEREAS, the acts creating such Turnpike Authorities provide for approval of the location of such turnpikes by the State Highway Commission, and

WHEREAS, the State Highway Commission is primarily concerned with the location of such turnpikes only to the extent of determining if such turnpikes will not injure the State Highway System,

NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commission will either approve or disapprove the location of such turnpikes based on the sole consideration of whether the general location of such turnpikes is so projected as not to injure the State Highway System.

Construction of Service Roads

Approved: 6/16/1942

Moved by Mr. Wysor, seconded by General Anderson, that it is the policy of the Commission to permit the building of Service Roads along the main highways which are being thickly settled, under the following conditions;- The width required for the road, including the necessary grading, be such that it will not interfere with the future development to a predetermined standard, including the required area for landscape purposes of the main highway which such service roads parallel; surfaced width to be not less than 12 feet. That all drainage from such roads be carried in culverts to the corresponding culverts under the main highway and all utilities to be placed below the ground and as close as possible to the right of way line. The maintenance of such Service Roads to be taken care of by assessment of the property owner or by the county. The determination of what can be done in connection with the Service Road to be the responsibility of the Landscape Engineer. Before such Service Roads be permitted that a reasonable guarantee be given that provision has been made for their maintenance. In the event such roads are not properly maintained the right to use them on our right of way be discontinued. Motion carried.

Design and Construction of Roads to Federal Defense Installations

Approved: 5/26/1961

WHEREAS, it is necessary to construct access roads to certain Federal Defense installations, which roads are to be funded entirely by Federal funds; and

WHEREAS, the Bureau of Public Roads is not properly equipped to handle such projects and has requested the State Highway Department to handle the engineering, supervision and financing of these projects subject to reimbursement by the Federal Government; and

WHEREAS, these projects are of considerable benefit to the State in that they handle normal highway traffic in addition to the traffic to the defense installation.

NOW, THEREFORE, BE IT RESOLVED: That the policy of the State Highway Commission shall be to handle the engineering, supervision and financing of Defense Access Projects when requested by the Bureau of Public Roads with the understanding that the Federal Government will reimburse the State Highway Department for the entire cost of such projects.

Design and Construction of Roads in Government Reservations

Approved: 9/5/1940

Moved by Mr. Massie, seconded by Mr. Wysor, that the Commissioner be authorized to cooperate with the Federal Government in building roads within Government Reservations, provided the Government pays all costs. Motion carried.

Debarring Members of Legislature from Bidding on Contracts

Approved: 1/15-17/1923

Moved by Mr. Truxtun, seconded by Mr. Sproul, it having come to the attention of the State Highway Commission, that certain members of firms of contractors doing work for the Department are members of the General Assembly and it is the opinion of the State Highway Commission that such is detrimental to public interest and should be discontinued. Motion carried.

VTrans Action Plan – Virginia’s Implementation Plan for VTrans2035

Approved: 10/19/2011

WHEREAS, pursuant to § 33.1-23.03 of the *Code of Virginia*, the General Assembly of Virginia has directed the Commonwealth Transportation Board (CTB), with assistance from the Office of Intermodal Planning and Investment, to develop a Statewide Transportation Plan setting forth assessment of capacity needs

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for all corridors of statewide significance and regional networks; and improvements to promote urban development areas established pursuant to § 15.2- 2223.1 of the Code of Virginia; and

WHEREAS, the Statewide Transportation Plan (also known as VTrans2035) was accepted by the CTB in December 2009; and

WHEREAS, the Office of Intermodal Planning and Investment under the direction of the Secretary of Transportation developed an action plan to implement the VTrans2035 recommendations; and

WHEREAS, stakeholder and agency coordination has been conducted as part of the VTrans Action Plan development; and

WHEREAS, the CTB believes the action plan developed by the Office of Intermodal Planning and Investment should be officially accepted as the VTrans Action Plan.

NOW, THEREFORE, BE IT RESOLVED by the CTB that the VTrans Action Plan is hereby accepted.

BE IT FURTHER RESOLVED, that the VTrans Action Plan shall be updated annually.

Expenditure of Federal Aid Funds on Secondary Extensions

Approved: 3/24/1955

WHEREAS a City of the Commonwealth has requested the expenditure of Federal-Aid Urban and State Matching Funds on a City street which is an extension of a State secondary route and which is in the Federal-Aid secondary system, and

WHEREAS Federal-Aid Urban and State Matching Funds are allocated to the several Districts rather than to the Urban places within the Districts, and have heretofore been used entirely for the relief of urban congestion on extensions of the primary system,

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NOW, THEREFORE, BE IT RESOLVED, that it be the policy of the Commission not to expend such funds on other than primary extensions in a District until such time as the needs on all primary extensions within the District have been reasonably provided for.

Conveyance of Lands and Disposal of Improvements

Approved: 2/15/1962

WHEREAS, this Commission, acting under the provisions of Sec. 33-76.6 and 33-76.11 of the 1950 *Code of Virginia* as amended, authorizes the conveyance from time to time of lands not needed for the uses of the State Highway System, to the owner or owners of record of adjacent lands; and,

WHEREAS, some problems have been encountered by certain beneficiaries under deeds of trust encumbering such adjacent lands, and other difficulties have arisen in connection with land titles, all as a consequence of such conveyances;

NOW, THEREFORE BE IT RESOLVED, that whenever in the future this Commission authorizes the conveyance of lands or interest in lands to owners of record of adjoining lands, the said owners or record must furnish the Right of Way Division of the Department of Highways with a certification of title signed by a qualified attorney, indicating the exact manner and names in which title to such adjoining lands stand, and including details of any deeds of trust or other encumbrances upon such lands, such certification to be furnished before the delivery of any deed executed by the State Highway Commissioner pursuant to the provisions of the Code sections aforesaid; and

BE IT FURTHER RESOLVED, that any such conveyance be made subject to the same deeds of trust or other encumbrances as in the adjoining land.

Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, which has been amended administratively without CTB involvement, see [24 VAC 30-540](#).

Grade Crossing Elimination Program

Approved: 6/13/1935

Moved by Mr. Wysor, seconded by Mr. East, that the Chairman be instructed that in carrying out the grade crossing elimination program that the railroads furnish fifty percent of the cost of right of way. Motion carried.

Policy for Federal, State and City Participation in Construction of Storm Sewers

Approved: 8/18/1966

WHEREAS; there has developed over a number of years a Highway Department policy for Federal, State and municipal participation in storm sewer construction costs; and

WHEREAS; the increasing complexities and attendant high costs of adequate urban storm sewer systems is placing a heavy financial burden on cities and towns under presently employed cost participation factors; and

WHEREAS; these cost participation factors are not consistent with the intent or the wording of § 33-35.5 of the *Code of Virginia*, enacted in 1964, now

THEREFORE, BE IT RESOLVED; that the following policy providing an equitable sharing of storm sewer construction costs in cities and towns is hereby adopted by the State Highway Commission.

POLICY FOR FEDERAL, STATE AND CITY PARTICIPATION IN THE CONSTRUCTION OF STORM SEWERS

Towns Under 3,500 Population

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1. All storm sewers both parallel and transverse and all appurtenances, such as drop inlets, manholes, etc., that fall within the right of way limits of primary route construction or improvement projects and are considered necessary for adequate project drainage by department engineers will be financed 100 per cent from Federal and/or State funds.
2. All storm sewers and outfalls constructed outside of the right of way limits of such projects that are considered necessary for adequate project drainage by department engineers will be financed 50 per cent from Federal and/or State funds and 50 per cent on a run-off ratio basis between State and Town funds.

Cities and Towns With a Population in Excess of 3,500

1. All storm sewers both parallel and transverse and all appurtenances, such as drop inlets, manholes, etc., that fall within the right of way limits of urban improvement or construction projects on existing or new locations and are considered necessary for adequate project drainage by department engineers will be financed 85 per cent from Federal and/or State funds and 15 per cent City or Town funds; provided that all storm water to be conveyed is normal to the project limits and is not diverted from another watershed.
2. All storm sewers and outfalls constructed outside of the normal right of way limits of urban projects that are considered necessary for adequate project drainage by department engineers will be financed 50 per cent from Federal and/or State funds and 50 per cent on a run-off ration basis between State and City or Town funds; provided that the City or Town's participation is not less than 15 per cent of the total cost of such sewers or outfalls.
3. Whenever parallel storm sewers, manholes, etc., within an urban project or outfalls beyond the project limits are utilized by a City or Town for the conveyance of diverted storm drainage, then the cost of such storm sewers, outfalls, etc., shall be financed on a run-off basis between Federal and/or State funds and City or Town funds.

Policy for Local Participation in the Construction of Sidewalks and the Construction of Storm Sewers Outside Cities and Towns

Approved: 8/18/1966

1. Where new sidewalks are desired and justified by traffic studies, all rights of way necessary for the construction of the sidewalks, including the necessary widths for future road improvements, shall be furnished at no cost to the Secondary road funds.
2. One-half the construction cost of new sidewalks shall be borne by Secondary road funds allotted for use in the county and one-half from funds other than highway funds.
3. The adjustment of any utilities necessitated by the construction of these sidewalks will be borne by Secondary road funds, except where the utilities are located on public property which has been dedicated or acquired for street or road purposes, including uses incidental thereto or other

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provisions whereby the utility owner would have to bear the expense of such relocation or adjustment.

4. Where the construction of curb and gutter is desired and results in the necessity for storm sewers, the cost of these storm sewers shall be financed from Secondary road funds and other sources on the basis of runoff ratios and percentages of participation as listed below:

State

- Runoff from within rights of way, 100%
- Runoff from areas outside the road rights of way and within the watershed common to the project, 25%.

Others

- Runoff from areas outside the road rights of way and within the watershed common to the project, 75%.

5. Diverted drainage from watersheds not common to the project shall be financed from Secondary road funds and other sources on the runoff ratios and percentages of participation as indicated below:

State

- Runoff from the State rights of way within the area of the diverted watershed, 100%.

Others

- Runoff from all areas in the diverted watershed, exclusive of State rights of way, 100%

6. All storm sewer outfalls that are found necessary or desirable shall be financed from Secondary road funds and other sources on the runoff ratios and percentages of participation as indicated below:

State

- Runoff from the State's right of way within the area being drained, 100%

Other

- Runoff from all areas other than the State's right of way in the area being drained, 100%

7. Where through zoning and development control ordinances a county requires participation in off-site drainage, and where their plan from an over-all standpoint reasonably conforms to the above-

established policy, the county's plan shall become the Highway Commission's policy for that county.
(p. 75)

Safety Slogan Signs

Approved: 4/21/1960

WHEREAS, the Highway Department has had requests in the past has a request now pending, and anticipates request in the future, for permits to erect safety slogan signs on the State's rights of way; and

WHEREAS, the Department's engineers after studying the requests feel that the rights of way should be reserved for the ever increasing number of official signs required to be erected on the right of way; and

WHEREAS, it is a desirable for the State Highway Commission to set forth its policy in reference to such sign;

NOW, THEREFORE, BE IT RESOLVED; That no safety slogan signs of any description shall be erected or placed within the right of way of any highway under the jurisdiction of the State Highway Department except such signs as are expressly authorized by statute or by this Commission.

BE IT FURTHER RESOLVED; That any permits issued prior to this resolution be revoked by the State Highway Commission under Section 3 of the Rules and Regulations of the State Highway Commission of Virginia.

Free Passage on Toll Facilities

Approved: 6/21/1990

WHEREAS, Section 33.1-252 of the *Code of Virginia*, relating to the free use of toll facilities, grants the Commonwealth Transportation Board the authority to issue rules and regulations concerning such use, and

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WHEREAS, Section 33.1-252 of the *Code of Virginia* has been amended twice by the 1990 Session of the General Assembly, once relating to the free toll passage on the Chesapeake Bay Bridge-Tunnel by sheriffs and deputy sheriffs, and once relating to the free passage on certain toll facilities by certain handicapped persons, with the amendments to take effect July 1, 1990; and

WHEREAS, existing State law and Departmental policy provided for free passage on certain toll facilities for certain categories of individuals;

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board amends its policy providing for free passage on toll facilities to include the following:

- A. Local sheriffs and deputy sheriffs traveling on official business may use the Chesapeake Bay Bridge-Tunnel without payment of a toll.
- B. Any vehicle operated by the holder of a valid driver's license issued by Virginia or any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in Virginia, except the Norfolk-Virginia Beach Expressway, the Chesapeake Bay Bridge-Tunnel, and facilities operated by the Richmond Metropolitan Authority, if:
 - 1. The vehicle is specifically equipped to permit its operation by a handicapped person;
 - 2. The driver of the vehicle has been certified as being severely physically disabled and having permanent upper limb mobility or dexterity impairment which substantially impair his ability to deposit coins in toll baskets; certification may be made by either a physician licensed by Virginia or any other state, or by the Adjudication Office of the United States Veterans Administration;
 - 3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and
 - 4. Such identifying window sticker is properly displayed in the vehicle.

The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls as specified in subsection B1 of Section 33.1-252. Likewise, the Department shall accept any payments made by such persons. The Department shall post a copy of the law at all toll bridges, toll roads, and other toll facilities in Virginia.

The provisions of this section, Section 33.1-251, or Section 33.1-285 shall not affect the provisions of Section 22.1-187. In addition, the amendment removes references to the Elizabeth River Tunnel, and makes minor changes which will be reflected in revised Departmental policy.

BE IT FURTHER RESOLVED, that the Department is directed to consider holding a public hearing to be held to receive input on this policy approximately six months after final action on this proposal to determine if modifications are necessary.

Special Toll Rates for Commuting Students

Approved: 3/29/1956

WHEREAS, the General Assembly of Virginia by House Joint Resolution Number 107 has requested the State Highway Commission to study the feasibility of establishing special commutation rates for students required to use revenue bond act toll facilities, and WHEREAS, in compliance with said resolution the Commission authorized the traffic engineers named under Section 706 of the Trust Indenture securing the \$95,000,000 issue of State of Virginia Toll Revenue Bonds (Series of 1954) to study the possibility of revising the toll schedules required under Section 501 of the Indenture to provide special student commutation rates, and

WHEREAS, in reports dated March 19, 1956 , and March 20, 1956, the traffic engineers have recommended establishing certain special rates for commuting students required to use the toll facilities for regular attendance at state supported or privately endowed educational institutions approved by the State Board of Education;

NOW, THEREFORE, BE IT RESOLVED by the State Highway Commission that the toll schedules required under Section 501 of the Trust Indenture are revised to include the special commutation rates for students recommended by the traffic engineers.

Maintenance Funding Requests Involving Plant Mixes for Cities of 3,500 Population and Over

Approved: 5/9/1950

Moved by Mr. Rawls, seconded by Mr. Wysor, that where cities of 3,500 population and over request construction funds on a 50-50 basis, it be the policy of the Commission that where plant mix surfaces exist on a street it be maintained from the \$4,000 per mile fund annually set aside for that purpose. That if plant mix is requested for a change in type of surface and an improvement in the riding qualities of the street, such as plant mix on old brick, granite block, rough concrete, etc., the expenditure be on a 50-50 basis. Motion carried.

Maintenance of Arterial Highways
Approved: 5/7/1969

WHEREAS, the State Highway Commission is constructing a 1,740 mile system of arterial highways under authority of Section 33-23.1 of the *Code of Virginia*; and

WHEREAS, the four-lane divided highways comprising this system are being developed in rural areas by constructing a new roadway parallel to and separated by a median from the existing two-lane highway and for the most part in urban areas by constructing limited access four-lane divided bypasses or arterials on new location; and

WHEREAS, the system in its final form will comprise very little of the existing street system now under the jurisdiction of towns and cities of over 3,500 population; and

WHEREAS, the Highway Commission believes it will be in the best interests of the Commonwealth for all of the mileage in the finally developed arterial network system to be under the maintenance and control of the State Highway Department; now therefore

BE IT RESOLVED, that a policy is adopted of establishing or retaining maintenance and control of completed sections of the arterial network without regard to municipal boundaries as authorized by sections 33-23.2, 33-23.5 and other applicable provisions of the *Code of Virginia*.

Rail Industrial Access Policy
Approved: 7/19/1990

WHEREAS, railways and rail corridors are important elements of a transportation system; and

WHEREAS, the Staggers Act allows railroads greater freedom in abandoning lines. The rail route-mile network in the Commonwealth, exclusive of yards and sidings, totaled approximately 3,322 miles as of June 30, 1989. The total network mileage in 1970 was approximately 4,021 with 1,072 of these miles

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classified as light density rail service. Of this light density mileage, 531 miles have been abandoned, which is equivalent to 50 percent of the total. During the last two years, approximately 155 miles of track have been abandoned with the granting of 14 abandonments. Each of the railroads have been eliminated due to the abandonment of lines or the failure to meet Amtrak guidelines for service; and

WHEREAS, the loss of viable light density lines could be damaging to Virginia because they accommodate local freight service, are instrumental in the economic development of various sections of Virginia, and provide some relief to the highway system in transporting freight, particularly in the case of heavy freight shipments which can severely damage secondary roadways and urban streets and can create safety problems. In many cases, they also perform a vital service to Virginia's agricultural industry by transporting bulk commodities which cannot be transported either economically or practically by other modes.

WHEREAS, the Commonwealth Transportation Board, by resolution at its meeting on December 21, 1989, directed the Department of Transportation staff to develop a comprehensive policy for the purchase, rehabilitation, and preservation of rail corridors potentially subject to abandonment or vital to the economic stability of an area; and

WHEREAS, the staff was also directed to particularly consider the current critical situation on the Eastern Shore and in the Shenandoah Valley; and

WHEREAS, the 1990 General Assembly, through enactment of an amendment to House Bill 30, provided one million dollars in funding for this purpose within the Rail Industrial Access Program budget.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board does hereby approve the following policy statements:

It shall be the policy of the Commonwealth Transportation Board to consider railways and rail corridors as important elements of the Statewide transportation system. Such consideration shall include the acquisition, lease, improvement, or assistance to appropriate entities in the acquisition, lease or improvement of railways and the purchase of abandoned rail rights-of-way for transportation purposes which the Board determines are for the common good of the Commonwealth or a region of the Commonwealth. The Commonwealth Transportation Commissioner shall administer and expend or commit, subject to the approval of the Commonwealth Transportation Board, such funds as may be set forth in the Appropriations Act for this purpose. Such funds may be expended or provided in the form of

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grants or loans to others to improve rail lines and related facilities specific to rail operations on public or private property and to acquire or lease rail properties for transportation purposes. Any properties purchased can be leased to others for continuation of rail service. No funds shall be used for general railroad operating expenses. Costs incurred for the administration of approved projects shall be an eligible expense under this policy. In allocating funds for improvement, the board shall consider the project cost in relation to the prospective use and the economic and public benefits. In allocating funds for purchase, the Board shall consider the potential for future public use of the properties. The Board shall adopt procedures for the allocation and distribution of the funds as may be provided, including provisions for safeguarding the Commonwealth's interest in all projects.

Editor's Note: This regulation was transferred to the jurisdiction of the Department of Rail and Public Transportation when it was established as a separate agency in 1992. DRPT filed documentation to repeal the regulation Policy and Procedures for Rail Industrial Access Program (24 VAC 25-10). Contact [DRPT](#) for further information on this subject.

Abandoned Mileage in the Secondary System

Approved: 3/30/1938

Moved by Mr. Massie, seconded by Mr. Rawls, that in any county where mileage is abandoned from the secondary system by order of the Board of Supervisors, the same or any portion thereof can be applied to new roads be added during the calendar year. Motion Carried.

Drainage Structures

Approved: 10/7/1954

That with regard to drainage structures at private entrances, it be the policy of this Commission where bridges, or other drainage structures, are placed for private entrances, it shall be the responsibility of the adjoining property owner to maintain such bridge or drainage structure. The property owner to be so advised at the time of securing right of way or otherwise contacting him at time of placing structure.

Reconstructing Light Surface Roads

Approved: 9/23/1937

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Moved by Mr. Wysor, seconded by Mr. Rawls, that in the future it be the policy of the Commission in reconstructing light surface roads in the State, wherever there is sufficient right of way, to preserve as far as possible the present surface of the road for a passing strip and add a heavy duty pavement on either side thereof, thereby making a four lane road instead of resurfacing the center strip. Motion carried.

Conveyance of Right of Way

Approved: 1/21/1965

WHEREAS, rights of way and other real estate incident to the construction, operation and maintenance of the several Highway Systems are acquired pursuant to the provisions of Section 33-57 et seq. and Section 33-117.2 et seq. of the 1950 *Code of Virginia* as amended; and

WHEREAS, certain areas of such rights of way or portions of such real estate may be deemed by the State Highway Commissioner to be no longer necessary for the uses of the several Highway Systems and he may recommend transfer or conveyance of same to private ownership in accordance with the provisions of Sections 33-76.6, 33-76.11 or 33-117.4 of the said Code, as amended,

NOW, THEREFORE, BE IT RESOLVED, that it is the desire of the State Highway Commission that in each instance of such proposed transfer or conveyance a report and recommendation be submitted to the Commission by the Commissioner and his staff for its consideration; and that where the area of the parcel proposed to be transferred or conveyed is not large enough to permit its independent use and development; that consideration be given first to the sale of same to the owner of record of the adjoining lands; and should there be more than one such adjoining owner, then preference should be given to the owner of the tract of land from which the said area was originally acquired.

Disposal of Surplus Parcels of Right of Way

Approved: 5/15/1975

WHEREAS, the State Highway and Transportation Commission was advised at its meeting held on the 17th day of April, 1975, that there are 193 parcels of surplus property owned by the Department throughout the State; and

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WHEREAS, in order to recover our investment, we propose to dispose of these parcels as rapidly as we feel the market will absorb them and recommend that the following procedures be approved:

- 1-A. Refer each parcel to the District Engineer in whose territory the parcel in question may be located for a review and report as to whether or not the area is needed for present or future highway and transportation needs. If the District Engineer advises the area is needed, he must give specific need and estimated time of need in writing.
- 1-B. Refer to the various divisions of the Department of Highways and Transportation the parcels proposed for sale and have them certify not needed, or advise in writing the specific need and estimated time of need, if recommendation to retain is made.
- 1-C. Refer to other State Agencies the parcels to be disposed of and give them thirty (30) days to reply. Also, advise if any agency needs any specific parcel, it can be acquired for appraised value.
2. We propose to have the parcels that can be disposed of appraised and reviewed to establish the market value in accordance with the Department's policies and procedures.
3. The parcels will be advertised for public sale, either by sealed bids or auction as the Department may deem appropriate in each individual case.
4. Sale will be made to the highest bidder, providing the bid is equal to or greater than the appraised value.
5. When public bids do not equal the appraised value, we would then attempt to sell by negotiation for the appraised value or adjusted value, if revision in value is deemed advisable.
6. When the Department is in a position to make final sale, approval of the Commission, if required, will be requested.

NOW, THEREFORE, BE IT RESOLVED, these procedures for the selling of these parcels of land are hereby approved.

Lease of Right of Way

Approved: 3/21/1963

WHEREAS, at its meeting on March 26, 1959 this Commission, in accordance with the provisions of Section 33-57.1 of the 1950 *Code of Virginia* as amended did authorize the State Highway Commissioner to enter into leases with the owners of improved lands acquired in advance of proposed highway construction; and

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WHEREAS, certain lands so acquired are under lease to tenants of the owners thereof at the time of acquisition, and such tenants have indicated a desire to continue their occupancy of same by leasing directly from the Commonwealth; and

WHEREAS, Section 33-117.4 of the said Code as amended authorizes this Commission to lease such parcels of land to others than the former owner in the event the said former owner does not request such leasing in his own name.

NOW, THEREFORE, in accordance with the provisions of Section 33-57.1 and 33-117.4 aforesaid the State Highway Commissioner is hereby authorized to enter into leases with either the owners or lessees of improved lands acquired in advance of proposed highway construction, whenever the State Highway Commissioner deems that the facts justify same, such leases to be upon such terms and such considerations as may be approved by the State Highway Commissioner as being in the public interest, and to be revocable on not more than sixty days notice whenever it appears to the State Highway Commissioner that such revocation is justified or is required for the uses of any of the Highway Systems.

Right of Way on the Secondary System

Approved: 1/21/1965

WHEREAS, it is realized that the funds to improve secondary roads are very limited; and

WHEREAS, the cost to make the needed and demanded improvements far exceeds the funds available; and

WHEREAS, it is the opinion of this Commission that all available funds possible should be spent for actual improvements to the secondary roads and bridges; and

WHEREAS, the increasing cost of right of way on the Secondary System is causing great concern in view of the fact that highway revenue generated generally by secondary roads is not sufficient to cover the cost of maintenance and improvement, and further in view of the substantial benefits to adjoining landowners by the improvement; and

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WHEREAS, it is the opinion of this Commission that, generally, the right of way for secondary improvements should be donated.

NOW, THEREFORE, BE IT RESOLVED: That, for right of way purposes, all roads in the Secondary System be placed in one of the two following classifications:

1. Roads serving purely local traffic and
2. Roads serving a large volume of through traffic in addition to local traffic.

That the determination of the classification of each road will be made after proper study and consultation.

That for roads in Classification (1) the right of way should be donated, except under extenuating or unusual circumstances; damage payments made where necessary, and that fencing in kind be constructed or for by the state.

That for roads in Classification (2) the right of way which is not donated may be purchased for a consideration based on fair market value; damage payments made where necessary, and that fencing in kind be constructed or paid for by the State.

That for roads in both classifications an estimate of the cost of the right of way for an improvement be made prior to negotiations and, if it develops that the right of way cost will be excessive, consideration will be given to eliminating the project and transferring the funds to other work.

BE IT FURTHER RESOLVED: That, where compatible with the Highway Department's plans and where economically feasible, priority should ordinarily be given to those improvements where the additional right of way is donated.

Right of Way on the Secondary System

Approved: 9/22/1932

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Moved by Mr. Massie, seconded by Mr. East, that right of way on the Secondary System will not be paid for by the State Highway Commission, but that fences be will be set back at the expense of the Department to secure the proper width, and where changes in location are required, the State will make such changes and build the road, provided the right of way is given. Motion carried.

Taking Possession of Property for Highway Purposes **Approved: 5/16/1956**

WHEREAS, in obtaining rights of way for the construction or improvement of highways, it often becomes necessary to proceed with construction prior to reaching an agreement or prior to the institution or termination of condemnation proceedings; and,

WHEREAS, under the circumstances aforementioned, the State Highway Commissioner is authorized by Section 33-70 of the *Code of Virginia* of 1950, as amended, to enter upon and take possession of such property for rights of way necessary for such construction or improvement upon filing a certificate with the proper court as prescribed in Section 33-74 of the *Code of Virginia*, the recordation of which vests title to such property or interest therein in the Commonwealth; and, Whereas, some of the property for rights of way so acquired is encumbered by buildings, dwellings or other fixtures, of which the Commonwealth has no need, and which must be removed or demolished prior to the construction or improvement; and,

WHEREAS, it is recognized that property owners or persons entitled to the amount of compensation deposited by the State Highway Commissioner pursuant to law for payment for the land or interest taken or damaged, may, upon petition to the court, obtain their pro rata share of ninety (90) per centum of the amount deposited.

NOW, THEREFORE, BE IT RESOLVED, that it is the policy of the State Highway Commission that the following procedure is to be employed on or after July 1st, 1956, when taking possession of land pursuant to Section 33-70 of the *Code of Virginia*, as amended: (1) At least ten (10) days notice shall be given to the owner or tenant of the freehold, if known, that the State Highway Commissioner is to take possession of the land, or interest therein, necessary for highway purposes. Such notice shall be mailed by registered mail to such person or persons if known. If no such person be known, written notice shall be posted in a conspicuous location upon the land or fixture affected at least ten (10) days prior to the filing of the certificate authorized by law. (2) If any building, dwelling, fixture or other fixed appurtenance is to be removed or demolished by the construction or improvement, at least sixty (60) days notice shall be given to the owner or tenant of the freehold in the manner prescribed in Paragraph (1) above.

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BE IT FURTHER RESOLVED, that it is the policy of the State Highway Commission to resort to taking possession of land encumbered by buildings, dwellings or other fixtures, prior to reaching an agreement or termination of condemnation proceedings, only in cases where it appears to the State Highway Commissioner to be extremely necessary for prosecution of the project or when long delays may be avoided in the letting of the construction contract.

Flood Gates

Approved: 11/10/1932

Moved by Mr. Shirley, seconded by Mr. East, that permission be granted to property holders to hang flood gates under the various bridges on the down stream side where it is necessary to fence the fields for stock; that the gates be so made they will operate freely with the pressure of water and the hooks or hinges be of such size that if debris lodges against them they will give way. Motion carried.

Credit for Cost of Right of Way

Approved: 3/16/1961

WHEREAS, the State Highway Commission at its meeting of February 16, 1961, adopted a resolution requiring towns of less than 3,500 population to provide rights of way for improvements on the Primary System within such towns, where the cost of urban-type construction is relatively high and the improvements result in substantial benefits to the adjoining properties and to the community as a whole; now, therefore,

BE IT RESOLVED that, when improvements are requested by a town, priority will be given to requests accompanied by a guarantee that the required additional rights of way will be provided at no cost to the State, except for the credit authorized in the above cited resolution of February 16, 1961.

Reimbursement for Right of Ways for Federal-Aid Urban Highway Projects

Approved: 3/25/1952

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Moved by Mr. Rawls, seconded by Mr. Rogers, that the Commission confirm its letter ballot action as follows:

“That where cities desire to acquire needed rights of way for the eventual construction of Federal-Aid Urban highway projects in advance of the availability of detail construction and right of way plans, it be our policy to guarantee to them reimbursement in the permissible ratios from funds available to the State Highway Department for such rights of way needed for such projects if and when such projects are constructed, subject to the presentation of properly supported claims for reasonable and proper cost paid from public funds.”

Securing Right of Way in Cities and Towns

Approved: 10/7/1954

That with regard to the securing of rights of way in cities and towns, the procedure be as follows:

(a) Towns under 3500 population:

In towns having a population less than 3500, the Highway Department, Right of Way Division, in collaboration with the Town Council, will make a careful estimate of the cost of right of way, including land, damages, readjustments of buildings, etc. When the right of way is guaranteed and secured by a town, the Highway Department will participate in the cost up to the amount of the estimate. The Right of Way Division will assist the town in securing the right of way and deeds will be taken in the name of the Commonwealth. The deeds will be prepared by the Commonwealth. The local attorney representing the Highway Department will handle the closing of deeds, examination of title, and conduct condemnation proceedings when necessary. The Commonwealth will pay the legal cost incurred.

(b) Cities and Town over 3500 Population:

In cities and towns with a population of 3500 and over, the Highway Department, Right of way Division, in collaboration with the proper municipal officials, will make a careful estimate of the cost of right of way, including land, damages, readjustment of buildings, etc. The municipality will be expected to conduct all negotiations, prepare all deeds and legal papers, institute and carry through

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to conclusion all condemnations that may be necessary. The title to all right of way to be taken in the name of the municipality. The Commonwealth will pay on projects financed from State funds 50% of the cost of each property where the cost is within the estimate. On projects financed with Federal, State, and City Funds, the Commonwealth will pay the percentage of the cost of each property where the cost is within the estimate, that is set by Federal law for the participation of the different governmental bodies. Legal fees will be paid in the same ratio as payment for property and damage.

(c) **Utility Policy in cities and towns, regardless of population:**

Whenever a project for the construction or improvement of a route on the Primary and/or Secondary System of Highways is undertaken within towns and cities, the towns and cities shall agree to relocate or readjust all publicly or privately owned utilities located either above ground or below ground, as may be necessary so as not to delay or interfere with the work on the project. The relocation or readjusting of the publicly or privately owned utilities to be done without expense to the Commonwealth.

Right of Way Through Towns

Approved: 5/3/1946

Moved by General Anderson, seconded by Mr. Rawls, that in securing right of way through towns of more 3500 or less that the Right of Way Division make a careful estimate of the fair cost of same, including land, damages, moving buildings, etc., and then agree to pay the town in question up to the amount of the estimate when the right of way is secured and guaranteed by the said town. Motion carried.

Policy Book

Approved: 10/7/1954

At the meeting of the State Highway Commission held on March 25, 1954, it was resolved that the Commission review its policies as contained in the Manual (Policy Book) and elsewhere, deleting or amending such policies as may require deletion or amendment and enacting such policies as may be required to meet present highway needs. Such policies have been reviewed and given due consideration.

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BE IT RESOLVED, that the following policies be, and the same are, hereby rescinded,

- (1) Relating to “Right of Way Cost in Elimination”. Adopted June 15, 1935, Page 135 of the Minutes. Policy Book, Page 12. This refers to the elimination of highway-railroad grade crossings and required the R.R. companies to pay 50% of the cost of right of way. The payment of such cost is now provided for by Sections 56-366.1 and 56-369 of the *Code of Virginia*, as amended.
- (2) Relating to “Pole and Power Lines – Distance from Property Line”. Adopted October 8, 1925, Page 136 of the Minutes. Policy Book, Page 56. This required that all poles erected along any State highway be set back not more than two feet from the property line (right of way line). This is in conflict with the General Policy Agreement as set out in the Manual on Permits, Pages 57 to 66, inclusive.
- (3) Relating to “Policy on Erection”. Adopted March 30, 1935, Page 96 of the Minutes. Reaffirmed June 25, 1936, Page 369 of the Minutes. Policy Book, Page 57. This provided that no pole lines be permitted on new highways or on highways where no pole lines were then located, etc. This is in conflict with the General Policy Agreement previously referred to.
- (4) Relating to “Costs – Award of Commission”. Adopted December 3, 1928, Page 73 of the Minutes. Policy Book, Page 61. This provided that in cases where rights of way could not be secured by agreement, the Chairman ask for the appointment of Commissioners, and that if their award appeared to be excessive, the appointment of a second Commission be requested and their findings accepted. This can no longer be followed in practice or in law.
- (5) Relating to “Widths” (Right of Way). Adopted November 4, 1926, Page 38 of the Minutes and February 17, 1927, Page 74 of the Minutes. Policy Book, Page 61. These provided for three standards of widths of rights of way and for the purchase of rights of way as shown on a certain map. These widths and this map are obsolete.
- (6) Relating to “New Right of Way Policy (1942)”. Adopted September 15, 1942, Pages 20 and 21 of the Minutes. First amendment adopted Nov. 17, 1943, Page 120 of the Minutes. Second amendment adopted April 18, 1944, Page 149 of the Minutes. Third and last amendment adopted March 4, 1947, Page 75 of the Minutes. Policy Book, Page 62. These set up certain standard widths of rights of way for the types of pavement (divided and undivided) and classes of roads designated. For the purpose of clarification, it is desirable that a new policy be adopted as hereinafter set out.
- (7) Relating to “Fences – Secondary System Widths”. Adopted Sept. 21, 1932, Page 228 of the Minutes. Policy Book, Page 64. This provided that right of way on the Secondary System would not be paid for by the State Highway Commission, but that fences would be set back at the expense of the State. This is no longer practicable or possible, in view of changed conditions, including requirements in connection with the Federal Aid Secondary Road Program.
- (8) Relating to the volume of traffic on Secondary Roads, etc. Adopted October 11, 1944, Page 29 of the Minutes. Policy Book, Page 64. This provided that on roads carrying an average traffic in normal times of more than 100 vehicles per day and revisions or additional right of way became desired, that not to exceed 5% of the estimated construction cost could be used if necessary to assist local authorities in the acquisition of such right of way. This is no longer practicable for the reasons previously stated.
- (9) Relating to the volume of traffic on Secondary Roads and width of right of way. Adopted October 11, 1944, Page 29 of the Minutes. Policy Book, Page 64. This provided that on Secondary Roads carrying an average traffic in normal times of more than 100 vehicles per day, or where

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topographic conditions justified, that the standard width of right of way be 50 feet, with slope easements where necessary. This is no longer practicable for the reasons previously stated.

AND BE IT FURTHER RESOLVED, that the following policies be, and that the same are, hereby reaffirmed and continued:

- (1) Relating to "Securing from mortgaged land". Adopted February 24, 1937, Page 141 of the Minutes. Policy Book, Page 8. This provides that in securing material from land, or right of way, that inquiry be made to ascertain whether there is a mortgage on the property and by whom held, and that no payments be made for materials or land taken until the Commission (or the Department of Highways) has been advised in writing that it is satisfactory to the mortgagor to make payment to the landowner; otherwise, funds are to be withheld.
- (2) Relating to "Right of Way for Federal Aid Urban Highway Projects Acquired in Advance by Cities Reimbursable Under Certain Conditions". Adopted March 25, 1952, Page 262 of the Minutes. Policy Book, Page 25-B. This provides that where cities desire to acquire needed rights of way for the future construction of Federal Aid Urban Highway Projects in advance of the availability of detail construction and right of way plans, that the policy be to guarantee to the cities reimbursement in the permissible ratios from funds available to the State Highway Department for such rights of way if and when such projects are constructed, subject to the presentation of properly supported claims for reasonable and proper cost paid from public funds.
- (3) Relating to "Right of Way – Use of land by adjoining property owners for installation of gasoline pumps and/or advertising signs". Adopted May 24, 1948, Page 222 of the Minutes. Policy Book, Page 61-A. This sets out that inasmuch as wider rights of way are being acquired for the future development of highways, when funds available, etc. the State Highway Commission does not consider it advisable to lease, rent or otherwise grant permission for the use of any rights of way so acquired, except in extreme or emergency cases, and then for a limited period. However, in cases where the land adjoining the highway (and such rights of way) is to be used for commercial purposes such as a filling station, store, etc., and subject to certain conditions existing, the owner of such place of business may, under certain conditions, as set out, locate his driveways and pumps and/or essential advertising signs on such rights of way. In such cases, agreements for "Commercial Uses" may be entered into for temporary or limited periods under the governing policies and conditions as set out.
- (4) Relating to "Springs, Wells, etc. on Acquired Land". Adopted March 29, 1949, Page 62 of the Minutes. Policy Book, Page 64-A. This provides that in acquiring right of way on which is located springs, wells and their facilities, the landowner having previous use of these may be granted a permit, to be issued by the Right of Way Division, to use these where desired until the Highway Commissioner shall by written notice advise that the permit is terminated.
- (5) Relating to "Use of Land by Adjoining Property Owners – Fencing". Adopted November 17, 1943, Pages 118 and 119 of the Minutes. Policy Book, Page 86. This sets out that inasmuch as wider rights of way are being acquired for the ultimate development of highways, when funds are available, etc., the State Highway Commission does not consider it advisable to lease, rent or otherwise grant permission for the use of any rights of way so acquired, except in extreme or emergency cases, and then for a limited period. However, in cases where such rights of way are being used (when acquired) for agricultural purposes, which would necessitate the former owners preparing other areas for the same use, "Agreements for Agricultural Uses" may be entered into

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for the use of portions of such rights of way for temporary or limited periods under the governing policies and conditions as set out.

- (6) Relating to "Secondary System – Federal Aid Secondary Funds". Adopted June 25, 1947, Page 104 of the Minutes. Policy Book, Page 84-A. This states the sense of the Commission, that where the Board of Supervisors do not aid in securing the right of way and do not want the State Secondary Federal Aid expended on a specific route, it may be transferred to some other county in the district.
- (7) Relating to "Excessive Costs" (right of way). Adopted May 27, 1925, Page 116 of the Minutes. Policy Book, Page 61. This provided that the Chairman do not proceed with any construction work where the cost of rights of way was in excess of the sum available, or where, in the opinion of the Commission, such cost was exorbitant.

AND BE IT FURTHER RESOLVED, that the following policies be, and the same are, hereby adopted:

- (1) That the standard minimum widths of rights of way being, and to be, acquired for Primary State Highways be as follows:
 - (a) 200-300 feet for Limited Access Highways.
 - (b) 160 feet for Class 1 roads – 4 lane pavement, divided or undivided.
 - (c) 110 feet for Class 2 roads – 2 lane pavement.
 - (d) 80 feet for Class 3 roads – 2 lane pavement.
 - (e) 50 feet for Class 4 roads – 2 lane pavement.

Provided that in cases where topographic or other conditions justify a variation from these standard minimum widths, the Chairman is hereby authorized to designate such normal minimum widths as he may deem proper; and provided further that in cases where conditions require or justify the acquisition of rights of way in excess of 160 feet in width for roads designed or designated to have 4 or more lanes of pavement, the Chairman is hereby authorized to designate such normal minimum widths as he may deem proper.

- (2) That with regard to securing rights of way in cities and towns, the procedure be as follows:

- (a) Towns Under 3,500 Population:

In towns having a population of less than 3,500, the Highway Department, Right of Way Division, in collaboration with the Town Council, will make a careful estimate of the cost of right of way, including land, damages, readjustment of buildings, etc. When the right of way is guaranteed and secured by the town, the Highway Department will participate in the cost up to the amount of the estimate. The Right of Way Division will assist the town in securing the right of way and deeds will be taken in the name of the Commonwealth. The deeds will be prepared by the

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Commonwealth. The local attorney representing the Highway Department will handle the closing of deeds, examination of title, and conduct condemnation proceedings where necessary. The Commonwealth will pay the legal costs incurred.

(b) Cities and Towns over 3500 Population:

In cities and towns with a population of 3500 and over, the Highway Department, Right of Way Division, in collaboration with the proper municipal officials, will make a careful estimate of the cost of right of way, including land, damages, readjustment of buildings, etc. the municipality will be expected to conduct all negotiations, prepare all deeds and legal papers, institute and carry through to the conclusion all condemnations that may be necessary. The title to all right of way to be taken in the name of the municipality. The Commonwealth will pay on projects financed from State funds 50% of the cost of each property where the cost is within the estimate. On projects financed with Federal, State and City funds, the Commonwealth will pay the percentage of the cost of each property, where the cost is within the estimate, that is set by Federal law for the participation in the different governmental bodies. Legal fees will be paid in the same ratio as payment for property and damages.

(c) Utility Policy in Cities and Towns, Regardless of Population

Whenever a project for the construction or improvement of a route on the Primary and/or Secondary System of Highways is undertaken within towns and cities, the towns and cities shall agree to relocate or readjust all publicly or privately owned utilities located either above ground or below ground, as may be necessary so as not to delay or interfere with the work on the project. The relocating or adjusting of the publicly or privately owned utilities to be done without expense to the Commonwealth.

- (3) That with regard to drainage structures at private entrances, it be the policy of this Commission where bridges, or other drainage structures, are placed for private entrances, it shall be the responsibility of the adjoining property owner to maintain such bridge or drainage structure. The property owner to be so advised at the time of securing right of way or otherwise contacting him at time of placing the structure.
- (4) That with regard to cattle passes, it be the policy of this Commission that on two-lane highways with right of way of 110 feet or less, cattle passes will not be built, except in widening highways existing structures will be widened. If the property owner desires a cattle pass and pays the

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difference between such a structure and the structure that is required for drainage, then a cattle pass may be constructed.

Where the right of way width is over 110 feet and the plans for the present or future construction provide for a four-lane divided highway, cattle passes may be constructed under certain conditions. If the land on each side of the highway is under the same ownership and at least forty (40) head or horses or cattle are to be passed from one side of the right of way to the other at least daily and the construction of a cattle pass is recommended by the Right of Way Engineer, approved as to location by the Location and Design Engineer, a cattle pass may be constructed upon approval of the Chief Engineer.

- (5) That with regard to the construction and maintenance of public utility pole lines and facilities on rights of way 110 feet or more in width, the governing procedure and conditions be as set out on Pages 57 to 66, inclusive, of the Manual on Permits in cases where the owners of such lines and facilities have executed or will execute the agreement.
- (6) That with regard to all public or private installations, exclusive of highway and roads facilities, on State owned rights of way, Primary and Secondary, the governing procedure and conditions be as set out in the Manual on Permits, revised August 1952; the Chairman having been authorized to issue a revised Manual on Permits by a resolution adopted by the Commission at the meeting held on August 26, 1952 (Page 36 of the Minutes).

Approval of National Fire Protection Association 502 Standard for State-Owned Roadway Bridges and Tunnels

Approved: 3/16/2011

WHEREAS, Chapter 341 of the 2005 Acts of Assembly exempted roadway tunnels and bridges owned by the Virginia Department of Transportation (VDOT) from the Commonwealth's Building Code and the Statewide Fire Prevention Code Act (§ 27-94 et seq. of the Code of Virginia); and

WHEREAS, § 36-98.1 (B) of the Code of Virginia requires roadway tunnels and bridges to be designed, constructed, and operated to comply with fire safety standards based on nationally recognized model codes and standards to be developed by VDOT in consultation with the State Fire Marshal and approved by the Commonwealth Transportation Board; and

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WHEREAS, in consultation with the State Fire Marshal, VDOT has determined that the National Fire Protection Association (NFPA) 502: Standard for Road Tunnels, Bridges, and Other Limited Access Highways, 2011 Edition, as they may be amended from time to time, are the appropriate fire safety standards for roadway tunnels and bridges owned by VDOT/the Commonwealth.

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves the National Fire Protection Association (NFPA) 502 Standard for Road Tunnels, Bridges, and Other Limited Access Highways, 2011 Edition, and any subsequent amendments or updates thereto, as the fire safety standards that are appropriate for, and that VDOT will utilize, in the design, construction and operation, including but not limited to emergency response operations, of roadway tunnel structures and bridges owned by VDOT/the Commonwealth.

Grade Crossing Protective Devices

Approved: 7/21/1966

WHEREAS, § 56-406.2 of the 1950 *Code of Virginia* as amended provides that the State Highway Commissioner may agree with the railroad companies operating railroad lines in Virginia as to the amount and the proportion of the cost of maintenance of signal devices erected on the grade crossings of such railroads and highways and roads in the State Highway Systems;

WHEREAS, an agreement was reached in 1956 whereby 50% of the average annual cost of maintenance of such devices would be borne by the railroads and 50% by the Department of Highways, based upon the then estimated average annual cost of maintaining the several devices of various classifications then in existence;

WHEREAS, the railroads operating in Virginia have indicated that costs of maintenance of such devices have risen considerably in the time that has elapsed since the date of the original agreement and have requested that future payments of the State's share of the maintenance of such devices be predicated upon such increased costs;

NOW, THEREFORE, in accordance with the provisions of, § 56-406.2 of the 1950 *Code of Virginia* as amended, this Commission hereby approves annual maintenance payments to the several railroads for such protective devices on the several highway systems in Virginia in accordance with the following schedule:

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Class	Type	Present Payment	Proposed Payment
I	Flashing Signals protecting one track	\$550.00	\$675.00
II	Flashing Signals protecting multiple tracks	\$700.00	\$860.00
III	Flashing signals with gates protecting one track	\$825.00	\$1,015.00
IV	Flashing signals with gates protecting multiple tracks	\$1,000.00	\$1,230.00

With the understanding that 50% of the total cost of each type of device in accordance with said schedule is to be borne by the State and 50% thereof to be borne by the railroad, with billings to be made on the basis of calendar years or the proportional part thereof that the device is in service.

POLICIES TO BE RETAINED September 2022

Revised Clarification of Prior Designation of Qualifying Federal-Aid Primary Highways Accessible by Larger Trucks Under the Surface Transportation Assistance Act of 1982
Approved: 5/17/1984

WHEREAS, by resolution dated March 15, 1984, this Commission clarified its earlier designation of Qualifying highways for use by the larger trucks mandated by the Surface Transportation Assistance Act of 1982; and

WHEREAS, as a result of that resolution, this Commission designated a system of Qualifying highways exclusively comprised of Federal-aid primary highways and a system of Access highways comprised of non-Federal-aid primary highways that can safely accommodate the larger vehicles; and

WHEREAS, as a result of further contact with the Federal Highway Administration, it is advisable to again clarify the designation of Qualifying highways to exclude Federal-aid Urban highways that are not urban extensions of Federal-aid primary routes;

NOW, THEREFORE, BE IT RESOLVED, that the March 15, 1984 designation of Qualifying highways, and subsequent additions thereto, is hereby withdrawn, and

BE IT FURTHER RESOLVED, that the attached routes listed in Attachment "D" can safely accommodate the larger vehicles and are necessary to provide reasonable access as provided by law and so are therefore redesignated as Access highways in addition to the one-half mile of access from the Qualifying highways; and

BE IT FURTHER RESOLVED, that this action in no way affects the prior designation of the Interstate System and that from time to time and with due notice other highways may be added to the Qualifying highways or Access highways upon action of this Commission if such highways can safely accommodate the larger vehicles.

Editor's Note: Procedures to consider the inclusion of routes into the non-interstate

qualifying network and the Virginia Access System were not approved by the CTB, but were approved by the FHWA. They have been filed by description as an Administrative Process Act-exempt regulation as 24 VAC 30-570. Specific For the current official version of this regulation and Attachment D referenced above, contact the Governance and Legislative Affairs Division.

Naming of Roads and Bridges

Approved: 6/2/1926

Moved by Mr. Sproul, seconded by Mr. Shirley, that the Commissioner adhere to their former policy in not naming roads or bridges after living persons. Motion carried

Authorizing the Withdrawal of Funds from the Revenue Stabilization Fund Established for Commonwealth of Virginia Transportation Capital Projects Revenue Bonds

Approved: 10/27/2015

WHEREAS, on March 16, 2011, the Commonwealth Transportation Board (the "Board") adopted a resolution (the "2011 CPR Bond Resolution") to issue revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated the "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series 2011" (the "2011 CPR Bonds");

WHEREAS, on May 25, 2011, the Board issued the 2011 CPR Bonds under the provisions of the Master Indenture of Trust dated as of May 1, 2010, as previously supplemented (the "Master Indenture"), between the Board and Wells Fargo Bank, National Association (the "Trustee"), and the Second Supplemental Indenture of Trust dated as of May 1, 2011 (the "Second Supplement" and, together with the Master Indenture, the "Indenture"), between the Board and the Trustee;

WHEREAS, in the 2011 CPR Bond Resolution the Board also authorized the establishment of a fund (the "Revenue Stabilization Fund") pursuant to the Indenture and the transfer thereto of up to \$50,000,000 from the Priority Transportation Fund created under Section 33.2-1527 of the Code of Virginia of 1950, as amended, to provide an additional source of payment and security for the 2011 CPR Bonds and the other bonds issued and outstanding under the Indenture (collectively, the "CPR Bonds");

WHEREAS, the Board established the Revenue Stabilization Fund to set aside funds from the Priority Transportation Fund to ensure compliance with the requirement under subdivision C of Section 33.2-1527 of the Code of Virginia of 1950, as amended, that the revenues then in the Priority Transportation Fund or reasonably anticipated to be deposited into the Priority Transportation Fund pursuant to the law then in effect not be insufficient to make

100% of the contractually required debt service payments on the CPR Bonds and all other bonds, obligations, or other evidences of debt that expressly require as a source for debt service payments or for the repayment thereof the revenues of the Priority Transportation Fund (the "Coverage

Requirement"), and the Second Supplement provides for the application of amounts in the Revenue Stabilization Fund to pay debt service on the CPR Bonds and the exclusion of such debt service in computing the Coverage Requirement;

WHEREAS, Section 5.1(b) of the Second Supplement provides in pertinent part that the Board may direct the Trustee to reduce the balance in the Revenue Stabilization Fund to any amount, including zero, at any time, by delivering to the Trustee an Officer's Certificate (as defined in the Master Indenture) stating that the reduction will not cause a failure to satisfy the Coverage Requirement;

WHEREAS, due to the increased amount of revenues flowing into the Priority Transportation Fund pursuant to Chapter 766 of the Acts of the General Assembly of the Commonwealth of Virginia, 2013 Regular Session, as amended, the finance staff of the Virginia Department of Transportation (the "Department") has advised the Board that the balance in the Revenue Stabilization Fund is no longer required to assure compliance with the Coverage Requirement and such balance may be reduced to zero;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Reduction of Balance in Revenue Stabilization Fund. The Board determines that it is in the best interest of the Commonwealth and the Board for the balance in the Revenue Stabilization Fund to be reduced to zero and the balance now in such fund to be returned to the Priority Transportation Fund.
2. Authorization of Further Action. The Board authorizes (i) Department finance staff to prepare the Officer's Certificate required under Section 5.1(b) of the Second Supplement to cause the balance in the Revenue Stabilization Fund to be reduced to zero and the balance now in such fund to be returned to the Priority Transportation Fund and (ii) the Chief Financial Officer of the Department to act as the Board Representative (as defined in the Master Indenture) for such Officer's Certificate.
3. Effective Date. This Resolution shall be effective immediately.

**Authorizing the Issuance and Sale of the Commonwealth of Virginia Transportation
Capital Projects Revenue Bonds, Series 2014**
Approved: 4/16/2014

WHEREAS, pursuant to the Commonwealth Transportation Capital Projects Bond Act of 2007, enactment clause 2 of Chapter 896 of the Acts of the General Assembly of the Commonwealth of Virginia, 2007 Regular Session, as amended (the "Bond Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act, revenue obligations of the Commonwealth of Virginia (the "Commonwealth") to be designated

"Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series" (the "Chapter 896 Bonds") at one or more times in an aggregate principal amount not to exceed \$3,000,000,000, subject to certain annual limitations;

WHEREAS, pursuant to Item 456.H. of Chapter 874 of the Acts of the General Assembly of the Commonwealth of Virginia, 2010 Regular Session, as amended (collectively, the "Appropriation Act" and, together with the Bond Act, the "Act"), the Board is authorized, by and with the consent of the Governor, to issue, pursuant to the State Revenue Bond Act, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" (the "Appropriation Act Bonds" and, together with the Chapter 896 Bonds, the "Bonds") at one or more times in an aggregate principal amount not to exceed \$180,000,000, after all costs, with the net proceeds of the Appropriation Act Bonds to be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of the General Assembly, 2007 Regular Session, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction and related improvements; and any financing costs and other financing expenses;

WHEREAS, pursuant to the Act, the aggregate principal amount of Bonds that may be issued is \$3,180,000,000, consisting of \$3,000,000,000 in aggregate principal amount of Chapter 896 Bonds and \$180,000,000 in aggregate principal amount of Appropriation Act Bonds, and the Appropriation Act Bonds are not subject to the annual limitations to which the Chapter 896 Bonds are subject;

WHEREAS, bond counsel to the Board ("Bond Counsel") and the staff of the Virginia Department of Transportation (the "Department") have advised that any Bonds issued after July 1, 2012, will be subject to the requirement of Section 2.2-5002.1 of the Virginia Code that any net original issue premium in excess of a *de minimis* amount received on such Bonds be treated as principal for purposes of determining compliance with the aggregate and annual principal amount limitations to which the Bonds are subject;

WHEREAS, Section 33.1-269 of the Virginia Code provides that the Bonds shall be secured, subject to their appropriation by the General Assembly, (i) by revenues deposited into the Priority Transportation Fund created under Section 33.1-23.03:8 of the Virginia Code (the "Priority Transportation Fund"), (ii) to the extent required, by revenues legally available from the Transportation Trust Fund and (iii) to the extent required, by any other legally available funds;

WHEREAS, the Board has entered into a Master Indenture of Trust dated as of May 1, 2010, as previously supplemented and amended (the "Master Indenture") with Wells Fargo Bank, National Association, as trustee (the "Trustee");

WHEREAS, the Board wishes to authorize the issuance of one or more series of Bonds to be known as the "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds," with one or more series designations, as appropriate (the "2014 Bonds"); and

WHEREAS, the following documents that provide for the issuance and sale of the 2014 Bonds, which shall be filed with the records of the Board, have been prepared by Bond Counsel and the staff of the Department at the direction of the Board and have been presented at this meeting in substantially final form:

(1) a Fourth Supplemental Indenture of Trust (the "Fourth Supplement," together with the Master Indenture, the "Indenture"), between the Board and the Trustee, providing for the terms and structure of the 2014 Bonds;

(2) a Preliminary Official Statement of the Board relating to the offering for sale of the 2014 Bonds (the "Preliminary Official Statement"); and

(3) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2014 Bonds (the "Continuing Disclosure Agreement").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2014 Bonds. The Board hereby determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Fourth Supplement to provide for the issuance of the 2014 Bonds, (ii) to issue the 2014 Bonds for the purposes authorized under and in accordance with the provisions of the Act and the Indenture and (iii) to sell the 2014 Bonds. The aggregate principal amount of the 2014 Bonds shall not exceed \$300,000,000, the final maturity date of the 2014 Bonds shall not exceed 25 years from their date of issuance, and the aggregate true interest cost of the 2014 Bonds shall not exceed the maximum aggregate true interest cost approved by the Treasury Board, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the Commonwealth. The Board expects the debt service payments to be made from appropriations of the Commonwealth.

2. Limited Obligations. The 2014 Bonds shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the revenues pledged under the Indenture ("Revenues") and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution or the 2014 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 the 2014 Bonds. The Board authorizes the Chairman of the Board (the "Chairman"), subject to the criteria set forth in paragraph 1 of this Resolution, to determine the details of the 2014 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. In addition, the Board authorizes the Chairman to allocate portions of the 2014 Bonds to the authorizations provided by the Bond Act and the Appropriations Act, respectively, in accordance with the actual or projected application of the proceeds of the 2014 Bonds as shall be in accordance with law and as the Chairman shall deem to be in the best interests of the Board, the Department and the Commonwealth.

4. Sale of the 2014 Bonds. The Chairman is authorized to sell the 2014 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2014 Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairman to be in the best interest of the Commonwealth, the Board authorizes the Chairman to solicit and consider proposals for a negotiated sale of the 2014 Bonds and to negotiate the terms of such sale. The Chairman is authorized to execute and deliver a purchase contract or an agreement reflecting such proposal, provided that no such purchase contract or agreement may be executed prior to approval of the terms and structure of the 2014 Bonds by resolution of the Treasury Board.

5. Preliminary Official Statement. The Board approves the Preliminary Official Statement in the substantially final form presented at this meeting. The Board authorizes and directs the Chairman, in collaboration with the staff of the Department and the Board's financial advisor (the "Financial Advisor") and Bond Counsel, to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2014 Bonds, as the Chairman may approve. The Board authorizes the Chairman to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2014 Bonds by resolution of the Treasury Board.

6. Official Statement. The Board authorizes and directs the Chairman, in collaboration with Bond Counsel, Department staff and Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the winning bid or the executed purchase contract, as appropriate, for the purchase and sale of the 2014 Bonds. The Board authorizes and directs the Chairman to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairman on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and

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directs Department staff to arrange for delivery to the winning bidders or underwriters, as appropriate, within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the winning bidders or underwriters to distribute to each potential investor requesting a copy and to each person to whom the winning bidders or underwriters initially sell the 2014 Bonds.

The Board authorizes and approves the distribution by the winning bidders or underwriters of the Official Statement as executed by the Chairman.

7. Fourth Supplement. The Board approves the Fourth Supplement in its substantially final form presented at this meeting. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final form of the Fourth Supplement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2014 Bonds, including without limitation changes to the dated dates thereof, as the Chairman may approve. Execution and delivery of the Fourth Supplement shall constitute conclusive evidence of the approval of such documents by the Chairman on behalf of the Board.

8. Execution and Delivery of the 2014 Bonds. The Board authorizes and directs the Chairman and the Secretary of the Board (the "Secretary") to have the 2014 Bonds prepared and to execute the 2014 Bonds in accordance with the Indenture, to deliver the 2014 Bonds to the Trustee for authentication, and to cause the 2014 Bonds so executed and authenticated to be delivered to or for the account of the winning bidders or underwriters upon payment of the purchase price of the 2014 Bonds, all in accordance with the Notice of Sale or executed purchase contract, as appropriate. Execution and delivery by the Chairman and the Secretary of the 2014 Bonds shall constitute conclusive evidence of the approval of the 2014 Bonds by the Chairman and the Secretary on behalf of the Board.

9. Continuing Disclosure. The Board approves the Continuing Disclosure Agreement in the substantially final form presented at this meeting. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2014 Bonds and to assist the winning bidders or the underwriters, as appropriate, in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final form of the Continuing Disclosure Agreement, with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2014 Bonds, as the Chairman may approve. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairman of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairman on behalf of the Board.

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10. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2014 Bonds in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor of the Commonwealth to approve the issuance of the 2014 Bonds in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility any other documents related to such credit facility and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2014 Bonds and amounts in the Revenue Stabilization Fund (as defined in the Indenture). 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 2014 Bonds, including, without limitation, execution and delivery of (a) an amendment to the Payment Agreement dated as of May 1, 2010, between the Board, the Treasury Board, and the Secretary of Finance of the Commonwealth, if necessary, to provide for the issuance and payment of debt service of the 2014 Bonds and the application of the Revenue Stabilization Fund and (b) a document (i) setting forth the expected application and investment of the proceeds of the 2014 Bonds and the expected use of the property financed or refinanced thereby to show that such expected application, investment and use will not violate the provisions of Sections 103 and 141-150 of the Tax Code, and the Treasury Regulations promulgated thereunder including the provisions applicable to "arbitrage bonds" (as defined in the Tax Code) and (ii) providing for the rebate of any "arbitrage rebate amounts" (as defined in the Tax Code) earned on the investment of the proceeds of the 2014 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 the 2014 Bonds as the Chairman may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

11. Authorizations and Directions to Certain Officers. Any authorization or direction to the Chairman or to the Secretary under this Resolution shall also be deemed to be an authorization or a direction to the Vice-Chairman or to an Assistant Secretary, respectively, the Commissioner of Highways, and any officer or employee of the Board or the Department designated for such purpose by the Chairman or the Secretary.

12. Effective Date. This Resolution shall be effective immediately.

Links to bond documents here:

- [Continuing disclosure agreement](#)
- [Fourth supplemental indenture of trust between Board and Wells Fargo Bank, National Association, as Trustee](#)
- [Transportation Capital Projects Revenue Bonds, Series 2014 - Preliminary Statement](#)

Authorizing The Issuance and Sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series 2016 in an Aggregate Principal Amount not to Exceed \$400,000,000

Approved: 9/21/2016

WHEREAS, from time to time the Commonwealth of Virginia (the "Commonwealth") receives federal-aid highway construction reimbursements and other federal highway assistance under or in accordance with Title 23 of the United States Code, or any successor program established under federal law, from the Federal Highway Administration ("FHWA") or any successor or additional federal agencies ("Federal Highway Reimbursements");

WHEREAS, the receipt of Federal Highway Reimbursements is expected to continue;

WHEREAS, pursuant to the Transportation Development and Revenue Bond Act (the "State Revenue Bond Act"), Sections 33.2-1700 et seq. of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Commonwealth Transportation Board (the "Board") has the power to issue revenue bonds or notes to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds or notes;

WHEREAS, the Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011, Article 4, Chapter 15, Title 33.2 of the Virginia Code (the "GARVEEs Act" and, together with the State Revenue Bond Act, the "Act"), authorizes the Board, by and with the consent of the Governor of the Commonwealth (the "Governor"), to issue, pursuant to the provisions of the State Revenue Bond Act, in one or more series from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series" (the "GARVEEs"); provided that the aggregate amount outstanding shall not exceed \$1,200,000,000, exclusive of (i) the amount of any revenue obligations that may be issued to refund GARVEEs issued under the GARVEEs Act in accordance with Section 33.2-1512 of the Virginia Code, and (ii) any amounts issued for financing expenses (including, without limitation, any original issue discount);

WHEREAS, bond counsel to the Board, McGuireWoods LLP ("Bond Counsel"), and the staff of the Virginia Department of Transportation (the "Department") have advised that any GARVEEs issued after July 1, 2012, will be subject to the requirement of Section 2.2-5002.1 of the Virginia Code that any net original issue premium in excess of a de minimis amount received on such GARVEEs be treated as principal for purposes of determining compliance with the principal amount limitations to which the GARVEEs are subject;

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WHEREAS, Section 33.2-1520 of the Virginia Code provides that in connection with each series of GARVEEs issued, the Board shall establish a fund in accordance with Section 33.2-1720 of the Virginia Code either in the state treasury or with a trustee in accordance with Section 33.2-1716 of the Virginia Code, which fund secures and is used for the payment of such series of GARVEEs to the credit of which there shall be deposited such amounts, appropriated therefor by the General Assembly, as are required to pay principal or purchase price of, and redemption premium, if any, and interest on GARVEEs, as and when due and payable, and the amounts deposited in such fund shall be derived (i) first from Federal Highway Reimbursements received by the Commonwealth from time to time only with respect to the project or projects to be financed by the GARVEEs (the "Project-Specific Reimbursements"); (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, which are designated by the General Assembly for such purpose;

WHEREAS, the Board has entered into a Master Trust Indenture (as supplemented and amended, the "Master Indenture") dated as of February 1, 2012, between the Board and U.S. Bank National Association, as trustee (the "Trustee");

WHEREAS, the Board wishes to authorize the issuance of one or more series of GARVEEs to be known as the "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes," with one or more series designations, as appropriate (collectively, the "2016 GARVEEs") and to take such action as may be necessary or advisable in order to effect the issuance and sale of the 2016 GARVEEs;

WHEREAS, Section 33.2-1513 of the Virginia Code provides that the net proceeds of the GARVEEs shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs incurred or to be incurred for construction or funding of such projects to be designated by the Board, and the Board intends that the net proceeds of the 2016 GARVEEs are to be used to pay costs of the projects listed on Schedule 1 to this

Resolution (collectively, the "Projects"); and

WHEREAS, the provisions for the foregoing arrangements and transactions will be set forth in the following documents, forms of which have been presented to the Board at this meeting:

(1) a [Fourth Supplemental Trust Indenture](#) expected to be dated as of November 1, 2016 (the "Fourth Supplement" and together with the Master Indenture, the "Indenture"), between the Board and the Trustee;

(2) a [Preliminary Official Statement](#) of the Board containing, among other things, information relating to the Commonwealth, the Board, the Virginia Department of Transportation (the

"Department") and the terms of the 2016 GARVEEs to be used in the public offering for sale of the 2016 GARVEEs (the "Preliminary Official Statement");

(3) a [Note Purchase Agreement](#), to be dated as of the sale date of the 2016 GARVEEs (the "Note Purchase Agreement"), between the Board and the underwriters of the 2016 GARVEEs (collectively, the "Underwriters"), to be used if the 2016 GARVEEs are sold at a negotiated sale; and

(4) a [Continuing Disclosure Agreement](#) of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2016 GARVEEs (the "Continuing Disclosure Agreement" and, together with the Fourth Supplement, the Preliminary Official Statement and the Note Purchase Agreement, the "Basic Documents").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD THAT:

1. Authorization of the 2016 GARVEEs. The Board finds and determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Fourth Supplement to provide for the issuance of the 2016 GARVEEs, (ii) to issue the 2016 GARVEEs in accordance with the provisions of the Act, the Indenture and the Basic Documents, (iii) to sell the 2016 GARVEEs in the manner provided herein, and (iv) to use a portion of the proceeds of the 2016 GARVEEs to pay costs of the Projects, including such other project or projects as may be designated by the Board and approved by FHWA. The Board authorizes the issuance and sale of the 2016 GARVEEs within the following parameters: (i) the aggregate principal amount of the 2016 GARVEEs shall not exceed \$400,000,000, (ii) the final maturity date of the 2016 GARVEEs shall not exceed 20 years from their date of issuance, and (iii) the aggregate true interest cost of the GARVEEs shall not exceed the maximum true interest cost approved by the Treasury Board of the Commonwealth (the "Treasury Board"). The Treasury Board is required pursuant to Section 2.2- 2416 of the Virginia Code to approve the terms and structure of the 2016 GARVEEs. The Board hereby finds and determines that the issuance and sale of the 2016 GARVEEs in accordance with this Resolution conforms with the purposes set forth in the Act and the Master Indenture
2. Limited Obligations. The 2016 GARVEEs shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the Federal Highway Reimbursements and the other Revenues (as defined in the Indenture) and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution, the 2016 GARVEEs, the Indenture or the Basic Documents 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.

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3. Determination of Final Terms and Details and Delivery of the 2016 GARVEEs. The Board authorizes the Chairman of the Board (the "Chairman"), subject to the parameters set forth in paragraph 1 of this Resolution, to determine the final terms and details of the 2016 GARVEEs, including, without limitation, the final series designation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the offering prices. Further, once the terms and details of the 2016 GARVEEs have been determined, the Board authorizes and directs the Chairman and the Secretary of the Board (the "Secretary") (i) to have the 2016 GARVEEs prepared and executed in accordance with the Indenture, (ii) to deliver the 2016 GARVEEs to the Trustee for authentication, and (iii) to cause the 2016 GARVEEs so executed and authenticated to be delivered to or for the account of the Underwriters upon payment of the purchase price of the 2016 GARVEEs, all in accordance with the executed Note Purchase Agreement. Execution and delivery by the Chairman and the Secretary of the 2016 GARVEEs shall constitute conclusive evidence of the approval of the 2016 GARVEEs and the terms and details thereof by the Chairman and the Secretary on behalf of the Board.
4. Basic Documents. The Board approves each of the Basic Documents in substantially the form presented at this meeting. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final forms of the Basic Documents with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2016 GARVEEs, including without limitation changes to the dated dates thereof, as the Chairman may approve. The Chairman's execution and delivery of the Basic Documents shall constitute conclusive evidence of the approval of the final forms of such documents by the Chairman on behalf of the Board.
5. Sale of the 2016 GARVEEs. The Chairman is authorized to sell the 2016 Bonds pursuant to a competitive sale and to prepare, publish and distribute a Notice of Sale in connection therewith (the "Notice of Sale"), provided that the Notice of Sale may not be published or distributed prior to the approval of the 2016 Bonds by resolution of the Treasury Board. Alternatively, if determined by the Chairman to be in the best interest of the Commonwealth, the Board authorizes the Chairman to solicit and consider proposals for a negotiated sale of the 2016 Bonds and to negotiate the terms of such sale. Subject to paragraph (4), the Chairman is authorized to execute and deliver the Note Purchase Agreement, provided that no such purchase contract or agreement may be executed prior to approval of the terms and structure of the 2016 Bonds by resolution of the Treasury Board.
6. Preliminary Official Statement. The Board approves the Preliminary Official Statement in substantially the form presented at this meeting. The Board authorizes and directs the Chairman, in collaboration with Department staff, "Bond Counsel, the Underwriters, and Public Resources Advisory Group, the Board's financial advisor (the "Financial Advisor"), to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2016 GARVEEs, as the Chairman may approve. The Board authorizes the Chairman to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2016 GARVEEs in accordance with a resolution of the Treasury Board.

7. Official Statement. The Board authorizes and directs the Chairman, in collaboration with Department staff, Bond Counsel, the Underwriters, and the Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in accordance with the Rule and any Note Purchase Agreement. The Board authorizes and directs the Chairman to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairman on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the Underwriters within seven business days after the sale date of the 2016 GARVEEs, a sufficient number of copies of the Official Statement for the Underwriters to distribute to each potential investor requesting a copy and to each person to whom the Underwriters initially sell the 2016 GARVEEs. The Board authorizes and approves the distribution by the Underwriters of the Official Statement as executed by the Chairman.
8. Continuing Disclosure. The Board covenants to undertake ongoing disclosure and to provide "annual financial information" and "event notices" for the benefit of holders of the 2016 GARVEEs and to assist the Underwriters in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Chief Financial Officer of the Department is designated as the initial Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairman of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairman on behalf of the Board.
9. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2016 GARVEEs in accordance with Section 2.2-2416 of the Virginia Code and the Act, (ii) to request the Governor to approve the issuance of the 2016 GARVEEs in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2016 GARVEEs and to execute such contract, together with any other documents related to such credit facility, and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2016 GARVEEs. 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 2016 GARVEEs, including, without limitation, the execution and delivery of documents, certificates or instruments that include without limitation (x) agreements or amendments to existing agreements concerning Federal Highway Reimbursements or the GARVEEs generally to account for the 2016 GARVEEs or the proceeds of the 2016 GARVEEs or other GARVEEs in a manner consistent with the intent of this Resolution, and (y) certificates or agreements concerning tax items related to the 2016 GARVEEs, such as: (A) the expected use and investment of the proceeds of the 2016 GARVEEs to show that such expected use and investment will not cause the 2016 GARVEEs to be deemed to be "private activity bonds" or "arbitrage bonds" under Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and (B) providing for the computation and payment to the United States of any arbitrage rebate liability under Section 148(f) of the Tax Code. The Chairman is further authorized to make on behalf of the Board such elections under the Tax Code and the applicable Treasury Regulations with

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respect to the 2016 GARVEEs as the Chairman may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

10. Authorizations and Directions to Certain Officers. Any authorization of or direction to the Chairman or the Secretary under this Resolution shall also be deemed to be an authorization of or a direction to (i) the Vice-Chairman of the Board or any Assistant Secretary of the Board, respectively, and (ii) any other officer or employee of the Board or the Department designated for such purpose by the Chairman or the Secretary, respectively, including without limitation the Commonwealth's Commissioner of Highways or the Chief Financial Officer of the Department.

11. Effective Date. This Resolution is effective upon adoption.

SCHEDULE 1

List of Projects

1. I-64 Capacity Improvements
2. Route 29/460 Interchange and Extension
3. UR-6056 Widening
4. I-66/Route 15 Interchange Reconstruction
5. Route 95 Relocation of Interchange
6. Fall Hill Avenue Bridge
7. Route 165/Route 13
8. I-95 Southern Extension Express Lanes
9. I-66 Inside the Beltway
10. Oddfellows Rd
11. Route 7 Corridor Improvements Phase 1 and 2
12. Route 58/Holland Rd Corridor
13. Transform I-66 Outside the Beltway
14. Route 682 Reconstruction
15. Emmet St Corridor

16. Route 10 Bermuda Triangle Rd to Meadowville Rd
17. Route 64 Widening
18. I-81 Northbound Auxiliary Lane from Exit 141 to 143
19. Route 277 Widening
20. Route 11 S. Valley Pike Roadway
21. I-81 at State Route 75 Interchange Mod
22. Construction Inter Route 15/17/29 at Route 15/17/29
23. Route 3 Passing Lanes Potomac Mills/Flat Iron
24. Indian River Rd Ph 7A

(each as described in the Board's Six-Year Improvement Plan, as amended from time to time) if any of the foregoing or the related financing plan is delayed, altered, or terminated, such other project or projects as may be designated by the Board and approved by FHWA.

Authorizing the Issuance and Sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series 2011A

Approved: 10/19/2011

WHEREAS, from time to time the Commonwealth of Virginia (the "Commonwealth") receives federal-aid highway construction reimbursements and other federal highway assistance under or in accordance with Title 23 of the United States Code, or any successor program established under federal law, from the Federal Highway Administration ("FHWA") and any successor or additional federal agencies ("Federal Highway Reimbursements");

WHEREAS, the receipt of Federal Highway Reimbursements is expected to continue;

WHEREAS, the State Revenue Bond Act (the "State Revenue Bond Act"), Article 5, Chapter 3, Title 33.1 of the Code of Virginia of 1950, as amended (the "Virginia Code"), empowers the Commonwealth Transportation Board (the "Board") to issue revenue bonds or notes to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds or notes;

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WHEREAS, the Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011, Article 1.3, Chapter 1, Title 33.1 of the Virginia Code (the "GARVEEs Act" and, together with the State Revenue Bond Act, the "Act"), authorizes the Board, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act, in one or more series from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series" (the "GARVEEs"), provided that the aggregate principal amount outstanding at any time shall not exceed the amount authorized pursuant to the second enactments of Chapters 1019 and 1044 of the Acts of Assembly of 2000 as amended by Chapter 655 of the Acts of Assembly of 2005, less any principal amounts outstanding from revenue obligations issued pursuant to those enactments prior to July 1, 2011 (which revenue obligations are commonly called, and will be referenced below as, the "FRANs"), and exclusive of (i) the amount of any revenue obligations that may be issued to refund GARVEEs issued under the GARVEEs Act or the FRANs in accordance with Section 33.1-293 of the Virginia Code, and (ii) any amounts issued for financing expenses (including, without limitation, any original issue discount);

WHEREAS, Section 33.1-23.23 of the Virginia Code provides that in connection with each series of GARVEEs issued, the Board shall establish a fund in accordance with Section 33.1-286 of the Virginia Code either in the state treasury or with a trustee in accordance with Section 33.1-283 of the Virginia Code, which secures and is used for the payment of such series of GARVEEs to the credit of which there shall be deposited such amounts, appropriated therefore by the General Assembly, as are required to pay principal or purchase price of, and redemption premium, if any, and interest on GARVEEs, as and when due and payable, (i) first from Federal Highway Reimbursements received by the Commonwealth from time to time only with respect to the project or projects to be financed by the GARVEEs or any series thereof (the "Project-Specific Reimbursements"); (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, which are designated by the General Assembly for such purpose;

WHEREAS, Section 33.1-268 of the Virginia Code provides that with respect to bonds or notes issued pursuant to the State Revenue Bond Act, such as the GARVEEs, revenues include any moneys received or pledged by the Board pursuant to the State Revenue Bond Act, including, without limitation, legally available Transportation Trust Fund revenues and any Federal Highway Reimbursements, including Project-Specific Reimbursements and Federal Highway Reimbursements other than the Project-Specific Reimbursements (the "Indirect Reimbursements");

WHEREAS, Section 33.1-23.03:5 of the Virginia Code establishes the Transportation Trust Fund on the books of the Comptroller of the Commonwealth (the "Comptroller");

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WHEREAS, Section 33.1-23.03:1 of the Virginia Code provides that the Transportation Trust Fund shall consist of, among other moneys, (i) revenues derived from the projects financed or refinanced pursuant to the provisions of Title 33.1 of the Virginia Code, including the Act, which are payable into the state treasury and shall be held in separate subaccounts of the Transportation Trust Fund to the extent required by law or the Board and (ii) all amounts required by contract to be paid over to the Transportation Trust Fund;

WHEREAS, in accordance with Sections 33.1-23.03:1 and 33.1-23.03:5 of the Virginia Code, the Board and the Comptroller have established within the Transportation Trust Fund a subaccount designated as the "Federal Fund" (the "Federal Fund"), into which all Federal Highway Reimbursements are deposited;

WHEREAS, Section 33.1-12 of the Virginia Code vests the Board with the power and duty (i) to coordinate the planning for financing of transportation needs, (ii) to allocate funds for these needs by adoption of a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year, which program shall be based on the most recent official Transportation Trust Fund revenue forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury, (iii) to administer, distribute, and allocate funds in the Transportation Trust Fund as provided by law, and (iv) to enter into payment agreements with the Treasury Board of the Commonwealth (the "Treasury Board") related to payments on bonds or notes issued by the Board;

WHEREAS, Section 33.1-23.22 of the Virginia Code authorizes the Board to receive any other funds that may be made available to pay costs of the projects to be financed by the GARVEEs and, subject to appropriation by the General Assembly or allocation or designation by the Board, as the case may be, to make available the same to the payment of the principal or purchase price of, and redemption premium, if any, and interest on GARVEEs and to enter into the appropriate agreements to allow for those funds to be paid into the state treasury, or to a trustee in accordance with Section 33.1-283 of the Virginia Code to pay a part of the costs of such projects or to pay principal or purchase price of, and redemption premium, if any, and interest on GARVEEs;

WHEREAS, the Board is authorized to provide that the pledge of Federal Highway Reimbursements and any other federal highway assistance received for all or any series of the GARVEEs will be subordinate to any prior pledge thereof to the FRANS, and that the obligation to make transfers of Federal Highway Reimbursements and any other federal highway assistance received or other amounts into any fund established under subsection A of Section 33.1-23.23 of the Virginia Code will be subordinate to the obligation to make any required payments or deposits on or with respect to the FRANS;

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WHEREAS, pursuant to the authority granted to the Board described in the foregoing, the Board now proposes (i) to authorize the issuance of the first series of GARVEEs (the "2011 GARVEEs") for certain purposes authorized under and in accordance with the provisions of the GARVEEs Act, and (ii), to the extent authorized and permitted by the Act, to enter into certain covenants to maintain the Federal Fund and a debt service fund for the GARVEEs to be held by the below-defined Trustee (the "GARVEEs Debt Service Fund") and to make certain deposits therein to provide for the security and source of payment of the GARVEEs;

WHEREAS, Section 33.1-23.16 of the Virginia Code provides that the net proceeds of the GARVEEs shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs incurred or to be incurred for construction or funding of such projects to be designated by the Board, and the Board intends that the net proceeds of the 2011 GARVEEs are to be used to pay costs of the Downtown Tunnel/Midtown Tunnel/MLK Extension Project (the "Project") and, if the Project or the financing plan therefor is delayed, altered, or terminated, costs of such other project or projects as may be designated by the Board and approved by FHWA; and

WHEREAS, the provisions for the foregoing arrangements and transactions will be set forth in the following documents, forms of which have been presented to the Board at this meeting: (1) a Master Trust Indenture (the "Master Indenture"), dated as of November 1, 2011, between the Board and U.S. Bank National Association, as trustee (the "Trustee"); (2) a First Supplemental Trust Indenture, dated as of November 1, 2011, between the Board and the Trustee (the "First Supplement" and, together with the Master Indenture, the "Indenture"); (3) a Preliminary Official Statement of the Board containing, among other things, information relating to the Commonwealth, the Board, the Virginia Department of Transportation (the "Department") and the terms of the 2011 GARVEEs to be used in the public offering for sale of the 2011 GARVEEs (the "Preliminary Official Statement"); (4) a Note Purchase Agreement, dated as of the sale date of the 2011 GARVEEs (the "Note Purchase Agreement"), between the Board and Merrill Lynch Pierce Fenner & Smith Incorporated, as the representative of the underwriters of the 2011 GARVEEs (the "Underwriters"); (5) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2011 GARVEEs (the "Continuing Disclosure Agreement"); (6) a Payment Agreement, dated as of November 1, 2011, among the Board, the Treasury Board, and the Secretary of Finance of the Commonwealth of Virginia (the "Payment Agreement"); and (7) a Memorandum of Agreement by and among the Board, the Department, and FHWA, establishing procedures related to GARVEE transactions, including the budgeting of GARVEE proceeds and the billing and payment of debt service payments on the GARVEEs (the "Memorandum of Agreement" and, together with the Indenture, the Continuing Disclosure Agreement and the Payment Agreement, the "Basic Documents").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2011 GARVEEs. The Board determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Master Indenture to provide for the issuance of the GARVEEs from time to time, (ii) to issue the 2011 GARVEEs in accordance with the provisions of the Act and the Indenture, (iii) to sell the 2011 GARVEEs in the manner provided herein and (iv) to use the net proceeds of the 2011 GARVEEs to pay costs of the Project and, if the Project or the financing plan therefor is delayed, altered, or terminated, costs of such other project or projects as may be designated by the Board and approved by FHWA. The aggregate principal amount of the 2011 GARVEEs shall not exceed \$400,000,000, the final maturity date of the 2011 GARVEEs shall not exceed 20 years from their date of issuance, and the aggregate true interest cost of the GARVEEs shall not exceed the maximum true interest cost approved by the Treasury Board, which is empowered pursuant to Section 2.2-2416(7) of the Virginia Code to approve the terms and structure of all proposed bond issues by state agencies, boards or authorities where debt service payments are expected by such agency, board or authority to be made, in whole or in part, directly or indirectly, from appropriations of the Commonwealth. The Board expects debt service payments on the GARVEEs to be made from appropriations of the Commonwealth.

2. Federal Fund and Federal Highway Reimbursements. To the extent permitted by the Act, the Board hereby agrees that, for so long as any GARVEEs remain outstanding under the Indenture, the Board will (i) maintain the Federal Fund and deposit all Federal Highway Reimbursements therein for as long as any GARVEEs are outstanding, (ii) treat and consider all of the Federal Highway Reimbursements flowing through the Federal Fund (net of the FRANs debt service amounts) as "legally available revenues of the Transportation Trust Fund" within the meaning of the GARVEEs Act, (iii) provide for the deposit of Federal Highway Reimbursements (net of the FRANs debt service amounts) into the GARVEEs Debt Service Fund similar to the current requirement for the FRANs set forth in the trust indenture for the FRANs, (iv) provide for the deposit into the GARVEEs Debt Service Fund of Project-Specific Reimbursements received on or before the corresponding payment dates on the GARVEEs; and (v) provide that all Indirect Reimbursements deposited into the GARVEEs Debt Service Fund shall be released and transferred back to the Federal Fund if and to the extent the Project-Specific Reimbursements are received and available for the timely payment of the corresponding debt service on the GARVEEs.

3. Limited Obligations. The 2011 GARVEEs shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the Revenues (as defined in the Indenture) and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution or the 2011 GARVEEs 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.

4. Determination of Details of the 2011 GARVEEs. The Board authorizes the Chairman, subject to the criteria set forth in paragraph 1 of this Resolution, to determine the details of the 2011 GARVEEs, including, without limitation, the final series designation (if, for example, the 2011 GARVEEs are issued in calendar year 2012), the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices.

5. Sale of the 2011 GARVEEs. The Chairman is authorized to sell the 2011 GARVEEs pursuant to a negotiated sale with the Underwriters and to negotiate the terms of such sale, as substantially set forth in the form of the Note Purchase Agreement presented at this meeting. The Chairman is authorized to execute and deliver the Note Purchase Agreement with the Underwriters, provided that the Note Purchase Agreement may not be executed prior to approval of the terms and structure of the 2011 GARVEEs in accordance with a resolution of the Treasury Board.

6. Preliminary Official Statement. The Board approves the Preliminary Official Statement in the substantially final form presented at this meeting. The Board authorizes and directs the Chairman, in collaboration with Department staff, McGuireWoods LLP, the Board's bond counsel ("Bond Counsel"), the Underwriters, and Public Resources Advisory Group, the Board's financial advisor (the "Financial Advisor"), to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2011 GARVEEs, as the Chairman may approve. The Board authorizes the Chairman to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2011 GARVEEs in accordance with a resolution of the Treasury Board.

7. Official Statement. The Board authorizes and directs the Chairman, in collaboration with Department staff, Bond Counsel, the Underwriters, and the Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the executed purchase contract for the purchase and sale of the 2011 GARVEEs. The Board authorizes and directs the Chairman to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairman on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the Underwriters within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the underwriters to distribute to each potential investor requesting a copy and to each person to whom the Underwriters initially sell the 2011 GARVEEs. The

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Board authorizes and approves the distribution by the Underwriters of the Official Statement as executed by the Chairman.

8. Basic Documents. The Board approves each of the Basic Documents in substantially the form presented at this meeting. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final forms of the Basic Documents with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2011 GARVEEs, including without limitation changes to the dated dates thereof, as the Chairman may approve. The Chairman's execution and delivery of the Basic Documents shall constitute conclusive evidence of the approval of such documents by the Chairman on behalf of the Board.

9. Execution and Delivery of the 2011 GARVEEs. The Board authorizes and directs the Chairman and the Secretary of the Board (the "Secretary") to have the 2011 GARVEEs prepared and to execute the 2011 GARVEEs in accordance with the Indenture, to deliver the 2011 GARVEEs to the Trustee for authentication, and to cause the 2011 GARVEEs so executed and authenticated to be delivered to or for the account of the Underwriters upon payment of the purchase price of the 2011 GARVEEs, all in accordance with the executed Note Purchase Agreement. Execution and delivery by the Chairman and the Secretary of the 2011 GARVEEs shall constitute conclusive evidence of the approval of the 2011 GARVEEs and the terms and details thereof by the Chairman and the Secretary on behalf of the Board.

10. 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 the 2011 GARVEEs and to assist the Underwriters in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Chief Financial Officer of the Department is designated as the Dissemination Agent under the Continuing Disclosure Agreement. Execution and delivery by the Chairman of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairman on behalf of the Board.

11. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2011 GARVEEs in accordance with Section 2.2-2416(7) of the Virginia Code and the Act, (ii) to request the Governor of the Commonwealth to approve issuance of the 2011 GARVEEs in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2011 GARVEEs and to execute such contract, together with any other documents related to such credit facility, and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts

for any of the proceeds of the 2011 GARVEEs. 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 2011 GARVEEs, including, without limitation, execution and delivery of a document setting forth, among other things, (i) the expected use and investment of the proceeds of the 2011 GARVEEs to show that such expected use and investment will not cause the 2011 GARVEEs to be deemed to be "private activity bonds" or "arbitrage bonds" under Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), and (ii) providing for the computation and payment to the United States of any arbitrage rebate liability under Section 148(f) of the Tax Code. 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 the 2011 GARVEEs as the Chairman may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

12. Authorizations and Directions to Certain Officers. Any authorization of or direction to the Chairman or the Secretary under this Resolution shall also be deemed to be an authorization of or a direction to the Vice-Chairman of the Board or an Assistant Secretary of the Board, respectively, and any officer or employee of the Board or the Department designated for such purpose by the Chairman or the Secretary, respectively, including without limitation the Commonwealth's Commissioner of Highways or the Chief Financial Officer of the Department.

13. Effective Date. This Resolution shall be effective immediately.

Authorizing the Issuance and Sale of Commonwealth of Virginia Federal Transportation Grand Anticipation Revenue Note, Series 2012B in an Aggregate Principal Amount not to Exceed \$200,000,000

Approved: 5/16/2012

WHEREAS, from time to time the Commonwealth of Virginia (the "Commonwealth") receives federal-aid highway construction reimbursements and other federal highway assistance under or in accordance with Title 23 of the United States Code, or any successor program established under federal law, from the Federal Highway Administration ("FHWA") or any successor or additional federal agencies ("Federal Highway Reimbursements");

WHEREAS, the receipt of Federal Highway Reimbursements is expected to continue;

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WHEREAS, the State Revenue Bond Act (the "State Revenue Bond Act"), Article 5, Chapter 3, Title 33.1 of the Code of Virginia of 1950, as amended (the "Virginia Code"), empowers the Commonwealth Transportation Board (the "Board") to issue revenue bonds or notes to finance the costs of transportation projects authorized by the General Assembly of Virginia (the "General Assembly"), including any financing costs or other financing expenses related to such bonds or notes;

WHEREAS, the Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes Act of 2011, Article 1.3, Chapter 1, Title 33.1 of the Virginia Code (the "GARVEEs Act" and, together with the State Revenue Bond Act, the "Act"), authorizes the Board, by and with the consent of the Governor of the Commonwealth (the "Governor"), to issue, pursuant to the provisions of the State Revenue Bond Act, in one or more series from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes, Series" (the "GARVEEs"), provided that the aggregate principal amount outstanding at any time shall not exceed the amount authorized pursuant to the second enactments of Chapters 1019 and 1044 of the Acts of Assembly of 2000 as amended by Chapter 655 of the Acts of Assembly of 2005, less any principal amounts outstanding from revenue obligations issued pursuant to those enactments prior to July 1, 2011 (which revenue obligations are commonly called, and will be referenced below as, the "FRANs"), and exclusive of (i) the amount of any revenue obligations that may be issued to refund GARVEEs issued under the GARVEEs Act or the FRANs in accordance with Section 33.1-293 of the Virginia Code, and (ii) any amounts issued for financing expenses (including, without limitation, any original issue discount);

WHEREAS, Section 33.1-23.23 of the Virginia Code provides that in connection with each series of GARVEEs issued, the Board shall establish a fund in accordance with Section 33.1-286 of the Virginia Code either in the state treasury or with a trustee in accordance with Section 33.1-283 of the Virginia Code, which fund secures and is used for the payment of such series of GARVEEs to the credit of which there shall be deposited such amounts, appropriated therefor by the General Assembly, as are required to pay principal or purchase price of, and redemption premium, if any, and interest on GARVEEs, as and when due and payable, and the amounts deposited in such fund shall be derived (i) first from Federal Highway Reimbursements received by the Commonwealth from time to time only with respect to the project or projects to be financed by the GARVEEs (the "Project-Specific Reimbursements"); (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and (iii) then from such other funds, if any, which are designated by the General Assembly for such purpose;

WHEREAS, Section 33.1-268 of the Virginia Code provides that with respect to bonds or notes issued pursuant to the State Revenue Bond Act, such as the GARVEEs, revenues include any moneys received or pledged by the Board pursuant to the State Revenue Bond Act, including, without limitation, legally available Transportation Trust Fund revenues and any Federal Highway Reimbursements, including

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Project-Specific Reimbursements and Federal Highway Reimbursements other than the Project-Specific Reimbursements (the "Indirect Reimbursements");

WHEREAS, Section 33.1-23.03:5 of the Virginia Code establishes the Transportation Trust Fund on the books of the Comptroller of the Commonwealth (the "Comptroller");

WHEREAS, Section 33.1-23.03:1 of the Virginia Code provides that the Transportation Trust Fund shall consist of, among other moneys, (i) revenues derived from the projects financed or refinanced pursuant to the provisions of Title 33.1 of the Virginia Code, including the Act, which are payable into the state treasury and shall be held in separate subaccounts of the Transportation Trust Fund to the extent required by law or the Board and (ii) all amounts required by contract to be paid over to the Transportation Trust Fund;

WHEREAS, in accordance with Sections 33.1-23.03:1 and 33.1-23.03:5 of the Virginia Code, the Board and the Comptroller have established within the Transportation Trust Fund a subaccount designated as the "Federal Fund" (the "Federal Fund"), into which all Federal Highway Reimbursements are deposited;

WHEREAS, Section 33.1-12 of the Virginia Code vests the Board with the power and duty (i) to coordinate the planning for financing of transportation needs, (ii) to allocate funds for these needs by adoption of a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year, which program shall be based on the most recent official Transportation Trust Fund revenue forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury, (iii) to administer, distribute, and allocate funds in the Transportation Trust Fund as provided by law, and (iv) to enter into payment agreements with the Treasury Board of the Commonwealth (the "Treasury Board") related to payments on bonds or notes issued by the Board;

WHEREAS, Section 33.1-23.22 of the Virginia Code authorizes the Board to receive any other funds that may be made available to pay costs of the projects to be financed by the GARVEEs and, subject to appropriation by the General Assembly or allocation or designation by the Board, as the case may be, to make available the same to pay the principal or purchase price of, and redemption premium, if any, and interest on GARVEEs and to enter into the appropriate agreements to allow for those funds to be paid into the state treasury, or to a trustee in accordance with Section 33.1-283 of the Virginia Code, to pay a part of the costs of such projects or to pay principal or purchase price of, and redemption premium, if any, and interest on GARVEEs;

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WHEREAS, the Board is authorized to provide that the pledge of Federal Highway Reimbursements and any other federal highway assistance received for all or any series of the GARVEEs will be subordinate to any prior pledge thereof to the FRANS, and that the obligation to make transfers of Federal Highway Reimbursements and any other federal highway assistance received or other amounts into any fund established under subsection A of Section 33.1-23.23 of the Virginia Code will be subordinate to the obligation to make any required payments or deposits on or with respect to the FRANS;

WHEREAS, at its October 19, 2011 meeting, the Board adopted a resolution (the "October 2011 Resolution") that authorized the issuance of the first series of GARVEEs (the "2012A GARVEEs"), and the 2012A GARVEEs were issued on March 1, 2012 pursuant to the Master Trust Indenture (the "Master Indenture"), as supplemented by the First Supplemental Trust Indenture (the "First Supplement") each dated as of February 1, 2012 and each between the Board and U.S. Bank National Association, as trustee (the "Trustee");

WHEREAS, pursuant to the authority granted to the Board described herein, the Board now proposes (i) to authorize the issuance of the second series of GARVEEs (the "2012B GARVEEs") for certain purposes authorized under and in accordance with the provisions of the GARVEEs Act, and (ii) to take such action as may be necessary or advisable in order to effect the issuance and sale of the 2012B GARVEEs;

WHEREAS, Section 33.1-23.16 of the Virginia Code provides that the net proceeds of the GARVEEs shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs incurred or to be incurred for construction or funding of such projects to be designated by the Board, and the Board intends that the net proceeds of the 2012B GARVEEs are to be used to pay costs of the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project (the "Hampton Roads Project"), the costs of the Interstate 95 HOV/HOT Lanes Project (the "Northern Virginia Project", and together with the Hampton Roads Project, the "Projects") and, if either Project or the financing plan for either is delayed, altered, or terminated, costs of such other project or projects as may be designated by the Board and approved by FHWA; and

WHEREAS, the provisions for the foregoing arrangements and transactions will be set forth in the following documents, forms of which have been presented to the Board at this meeting:

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(1) a Second Supplemental Trust Indenture, expected to be dated as of July 1, 2012, between the Board and the Trustee (the "Second Supplement" and together with the Master Indenture and the First Supplement, the "Indenture");

(2) a Preliminary Official Statement of the Board containing, among other things, information relating to the Commonwealth, the Board, the Virginia Department of Transportation (the "Department") and the terms of the 2012B GARVEEs to be used in the public offering for sale of the 2012B GARVEEs (the "Preliminary Official Statement");

(3) a Note Purchase Agreement, to be dated as of the sale date of the 2012B GARVEEs (the "Note Purchase Agreement"), between the Board and Citigroup Global Markets, Inc., as the representative of the underwriters of the 2012B GARVEEs (collectively, the "Underwriters"); and

(4) a Continuing Disclosure Agreement of the Board relating to the obligations of the Board to disclose certain information on an ongoing basis in connection with the 2012B GARVEEs (the "Continuing Disclosure Agreement" and, together with the Second Supplement, the Preliminary Official Statement and the Note Purchase Agreement, the "Basic Documents").

NOW, THEREFORE, BE IT RESOLVED BY THE COMMONWEALTH TRANSPORTATION BOARD:

1. Authorization of the 2012B GARVEEs. The Board determines that it is in the best interest of the Commonwealth and the Board for the Board (i) to enter into the Second Supplement to provide for the issuance of the 2012B GARVEEs, (ii) to issue the 2012B GARVEEs in accordance with the provisions of the Act, the Indenture and the Basic Documents, (iii) to sell the 2012B GARVEEs in the manner provided herein, and (iv) to use the net proceeds of the 2012B GARVEEs to pay costs of the Projects and, if either Project or the financing plan for either is delayed, altered, or terminated, costs of such other project or projects as may be designated by the Board and approved by FHWA. The Board authorizes the issuance and sale of the 2012B GARVEEs within the following parameters: (i) the aggregate principal amount of the 2012B GARVEEs shall not exceed \$200,000,000, (ii) the final maturity date of the 2012B GARVEEs shall not exceed 20 years from their date of issuance, and (iii) the aggregate true interest cost of the GARVEEs shall not exceed the maximum true interest cost approved by the Treasury Board. The Treasury Board is required pursuant to Section 2.2-2416 of the Virginia Code to approve the terms and structure of the 2012B GARVEEs.

Attachment B2

2. Federal Fund and Federal Highway Reimbursements. The Board affirms its commitment to (i) maintain the Federal Fund, (ii) provide for the deposit of Federal Highway Reimbursements into the Federal Fund and the debt service fund (the "GARVEEs Debt Service Fund") created under the Indenture to pay the debt service due on the GARVEEs, (iii) provide for payment of debt service on all GARVEEs (including the 2012B GARVEEs) from the GARVEEs Debt Service Fund all as more particularly set forth in the October 2011 Resolution and memorialized in the Indenture and the Payment Agreement (as defined in the Indenture).

3. Limited Obligations. The 2012B GARVEEs shall be limited obligations of the Board and the Commonwealth, payable from and secured by a pledge of the Federal Highway Reimbursements and the other Revenues (as defined in the Indenture) and amounts in certain funds established pursuant to the Indenture. Nothing in this Resolution, the 2012B GARVEEs, the Indenture, the Payment Agreement or the Basic Documents 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.

4. Determination of Final Terms and Details and Delivery of the 2012B GARVEEs. The Board authorizes the Chairman of the Board (the "Chairman"), subject to the parameters set forth in paragraph 1 of this Resolution, to determine the final terms and details of the 2012B GARVEEs, including, without limitation, the final series designation, the aggregate principal amount, the maturity schedule, the interest rates, the redemption provisions, the sale date, the sale price and the reoffering prices. Further, once the terms and details of the 2012B GARVEEs have been determined, the Board authorizes and directs the Chairman and the Secretary of the Board (the "Secretary") (i) to have the 2012B GARVEEs prepared and executed in accordance with the Indenture, (ii) to deliver the 2012B GARVEEs to the Trustee for authentication, and (iii) to cause the 2012B GARVEEs so executed and authenticated to be delivered to or for the account of the

Underwriters upon payment of the purchase price of the 2012B GARVEEs, all in accordance with the executed Note Purchase Agreement. Execution and delivery by the Chairman and the Secretary of the 2012B GARVEEs shall constitute conclusive evidence of the approval of the 2012B GARVEEs and the terms and details thereof by the Chairman and the Secretary on behalf of the Board.

5. Basic Documents. The Board approves each of the Basic Documents in substantially the form presented at this meeting. The Board authorizes and directs the Chairman to prepare, execute, and deliver the final forms of the Basic Documents with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2012B GARVEEs, including without limitation changes to the dated dates thereof, as the Chairman may approve. The Chairman's execution and delivery of the Basic Documents shall constitute conclusive evidence of the approval of the final forms of such documents by the Chairman on behalf of the Board.

6. Sale of the 2012B GARVEEs. The Chairman is authorized to sell the 2012B GARVEEs pursuant to a negotiated sale with the Underwriters and to negotiate the terms of such sale, as substantially set forth in the form of the Note Purchase Agreement presented at this meeting. The Chairman is authorized to execute and deliver the Note Purchase Agreement with the Underwriters, provided that the Note Purchase Agreement may not be executed prior to approval of the terms and structure of the 2012B GARVEEs in accordance with a resolution of the Treasury Board.

7. Preliminary Official Statement. The Board approves the Preliminary Official Statement in the substantially final form presented at this meeting. The Board authorizes and directs the Chairman, in collaboration with Department staff, McGuireWoods LLP, the Board's bond counsel ("Bond Counsel"), the Underwriters, and Public Resources Advisory Group, the Board's financial advisor (the "Financial Advisor"), to prepare the final form of the Preliminary Official Statement with such completions, omissions, insertions, and changes as are necessary or desirable to effect the issuance and sale of the 2012B GARVEEs, as the Chairman may approve. The Board authorizes the Chairman to deem the Preliminary Official Statement to be final for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule") and to approve the distribution thereof, provided that the Preliminary Official Statement may not be distributed prior to approval of the terms and structure of the 2012B GARVEEs in accordance with a resolution of the Treasury Board.

8. Official Statement. The Board authorizes and directs the Chairman, in collaboration with Department staff, Bond Counsel, the Underwriters, and the Financial Advisor, to complete the Preliminary Official Statement as an official statement in final form (the "Official Statement") in order to reflect the provisions of the executed purchase contract for the purchase and sale of the 2012B GARVEEs. The Board authorizes and directs the Chairman to execute the Official Statement, which execution shall constitute conclusive evidence of the approval of the Official Statement by the Chairman on behalf of the Board and that it has been deemed final within the meaning of the Rule. The Board authorizes and directs Department staff to arrange for delivery to the Underwriters within seven business days after the date thereof, a sufficient number of copies of the Official Statement for the Underwriters to distribute to each potential investor requesting a copy and to each person to whom the Underwriters initially sell the 2012B GARVEEs. The Board authorizes and approves the distribution by the Underwriters of the Official Statement as executed by the Chairman.

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 the 2012B GARVEEs and to assist the Underwriters in complying with the Rule, all in accordance with the Continuing Disclosure Agreement. The Chief Financial Officer of the Department is designated as the Dissemination Agent under

Attachment B2

the Continuing Disclosure Agreement. Execution and delivery by the Chairman of the Continuing Disclosure Agreement shall constitute conclusive evidence of the approval of the Continuing Disclosure Agreement by the Chairman on behalf of the Board.

10. Authorization of Further Action. The Board authorizes Department staff (i) to request the Treasury Board to approve the terms and structure of the 2012B GARVEEs in accordance with Section 2.2-2416 of the Virginia Code and the Act, (ii) to request the Governor to approve issuance of the 2012B GARVEEs in accordance with the Act, (iii) if determined by Department staff to be cost beneficial, to procure and negotiate a contract with a credit facility provider to issue a credit facility with respect to some or all of the 2012B GARVEEs and to execute such contract, together with any other documents related to such credit facility, and (iv) to collaborate with the staff of the Department of the Treasury of the Commonwealth or the State Treasurer to procure and to negotiate investments and investment contracts for any of the proceeds of the 2012B GARVEEs. 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 2012B GARVEEs, including, without limitation, the execution and delivery documents, certificates or instruments that include without limitation (i) agreements or amendments to existing agreements concerning Federal Highway Reimbursements or the GARVEEs generally to account for the 2012B GARVEEs or the proceeds of the 2012B GARVEEs or other GARVEEs in a manner consistent with the intent of this Resolution, and (ii) certificates or agreements concerning tax items related to the 2012B GARVEES, such as: (A) the expected use and investment of the proceeds of the 2012B GARVEEs to show that such expected use and investment will not cause the 2012B GARVEEs to be deemed to be "private activity bonds" or "arbitrage bonds" under Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), (B) providing for the computation and payment to the United States of any arbitrage rebate liability under Section 148(f) of the Tax Code. 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 the 2012B GARVEEs as the Chairman may deem to be in the best interests of the Commonwealth and the Board, in consultation with Bond Counsel and the Financial Advisor.

11. Authorizations and Directions to Certain Officers. Any authorization of or direction to the Chairman or the Secretary under this Resolution shall also be deemed to be an authorization of or a direction to (i) the Vice-Chairman of the Board or any Assistant Secretary of the Board, respectively, and (ii) any other officer or employee of the Board or the Department designated for such purpose by the Chairman or the Secretary, respectively, including without limitation the Commonwealth's Commissioner of Highways or the Chief Financial Officer of the Department.

12. Effective Date. This Resolution shall be effective immediately.

Cattle Passes on Two-Lane Highways

Approved: 10/7/1954

That with regard to cattle passes, it be the policy of this Commission that on two-lane highways with the right of way of 110 feet or less, cattle passes will not be built, except in widening highways existing structures will be widened. If the property owner desires a cattle pass and pays the difference between such a structure and the structure is required for drainage, then a cattle pass may be constructed.

When the right of way is over 110 feet and the plans for the present or future construction provide for a four-lane divided highway, cattle passes may be constructed under certain conditions. If the land on each side of the highway is under the same ownership and at least forty (40) head of horses or cattle are to be passed from one side of the right of way to the other at least daily and the construction of a cattle pass is recommended by the Right of Way Engineer, approved as to location by the Location and Design Engineer, a cattle pass may be constructed upon approval of the chief Engineer.

Criteria for Junkyard Control

Approved: 4/25/1968

WHEREAS, the 1966 session of the General Assembly passed legislation to regulate and control junkyards adjacent to all highways of the Commonwealth in conformity with the Federal Highway Beautification Act of 1965; and

WHEREAS, this legislation provided, among other matters, for the existence of junkyards in unzoned industrial areas as determined by the State Highway Commission; and

WHEREAS, the engineers and attorneys for the Highway Department have selected a proposed criteria for the selection of such unzoned industrial areas which criteria have been substantially approved by the Federal Government.

NOW, THEREFORE, BE IT RESOLVED, that the State Highway Commission, for the purpose of regulating junkyards pursuant to § 33.1-279.3 of the *Code of Virginia* in areas that are not covered by any State or local zoning regulations, hereby adopts the following criteria for selection of unzoned industrial areas:

Attachment B2

Unzoned industrial areas shall mean those areas which are not predominantly used for residential or commercial purposes and on which there is located one or more permanent structures devoted to an industrial activity or on which an industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 500 feet from and beyond the edge of such activity. This definition shall not apply to any areas which are covered by local or State zoning ordinances, and each side of the highway will be considered separately in applying this definition.

All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway.

Industrial activities for the purpose of the above definition shall mean those activities generally recognized as industrial by zoning authorities in this Commonwealth, except that none of the following activities shall be considered industrial:

1. Outdoor advertising structures.
2. Junkyards as defined in § 44-279.3 of the *Code of Virginia* (1950), as amended.
3. Agricultural, forestry, grazing, farming and related activities, including, but not limited to, wayside fresh produce stands.
4. Transient or temporary activities.
5. Activities not visible from the main traveled way.
6. Activities more than 300 feet from the nearest edge of the right of way.
7. Activities conducted in a building principally used as a residence.
8. Railroad tracks, minor sidings and passenger depots.

The Highway Commissioner is authorized to submit the above definition to the Federal Government for its approval as required under the Federal Highway Beautification Act.

Operation and Maintenance of Roads in Incorporated Towns of Less than 3,500 Approved: 5/14/1958

Moved by Mr. Rawls, seconded by Mr. Barrow, that WHEREAS, accelerated and extensive urban development in Virginia since 1951 has brought about changed conditions in street development in incorporated towns having thirty-five hundred inhabitants or less, and

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WHEREAS, because of these changes the policy of the Commission adopted October 16, 1951, authorizing such incorporated towns to elect to operate under the provisions of Section 33-50.1, 33-50.2 or 33-50.4 of the *Code of Virginia*, as amended, is in need of revision,

NOW, THEREFORE BE IT RESOLVED, that the policy of the Commission adopted October 16, 1951, relating to incorporated towns having thirty-five hundred inhabitants or less exercising a choice to operate under the provisions of Section 33-50.1, 33-50.2 or 33-50.4 is hereby rescinded; and

BE IT FURTHER RESOLVED, that the following policy is adopted:

WHEREAS, incorporated towns having thirty-five hundred inhabitants or less are permitted to elect to operate under the provisions of Section 33-50.1, 33-50.2 or 33-50.4 as set forth in the State Highway Commissioner's letter of May 7, 1950, addressed to all towns of this class, and

WHEREAS, it is believed that once an election has been made by a town of this class it is to the best interests of the parties concerned not to make any changes therein unless good cause to the contrary be shown by the town,

NOW, THEREFORE BE IT RESOLVED, that once an election has been made by a town having thirty-five hundred inhabitants or less to adopt either Section 33-50.1, 33-50.2 or 33-50.4 of the *Code of Virginia*, as amended, that thereafter no change shall be made in such election unless the town shows good cause to the contrary, which in the opinion of the Commission justifies such a change. Motion carried.

Editor's Note: The Virginia Administrative Code (VAC) was established to capture all existing regulations promulgated by state agencies. For the current official version of this regulation, which was filed by description as 24 VAC 30-420, contact the Governance and Legislative Affairs Division.

Sale of Right of Way Improvements
Approved: 2/15/1962

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WHEREAS, incident to the acquisition of right of way for the Interstate, Primary and Secondary Systems, it is necessary to acquire many improvements located on that right of way, and

WHEREAS, a number of these improvements are disposable and can be sold to interested parties with the understanding that they will be removed from the right of way at no further cost to the Department; thus giving a credit in those cases where improvements can be sold.

NOW, THEREFORE, be it resolved that the State Highway Commission hereby grants to the Commissioner the power to dispose of such improvements that may be located on and acquired with any rights of way in such a manner as he may deem most expedient and in the best interest of the Commonwealth.

Securing Materials from Land or Right of Way

Approved: 2/24/1937

Moved by Mr. Rawls, seconded by Mr. East, that it will be the policy of the State Highway Commission in securing material from land, or right of way, to inquire whether there is a mortgage on the property and by whom it is held, and no payments be made for the materials or land taken until we have been advised in writing that it is satisfactory to the mortgagor to make payment to the land owner. Otherwise funds will be held. Motion carried.



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
Fax: (804) 786-2940

Agenda item # 9

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: Seconded By: Action:

Title: Limited Access Control Changes (LACCs) for Crosstrail Boulevard Segment C at the Interchange with the Dulles Greenway Loudoun County

WHEREAS, on November 19, 1988, the Commonwealth Transportation Board (CTB), designated the Dulles Greenway (previously the “Dulles Toll Road Extension”) to be a Limited Access Highway in accordance with then Article 4, Chapter 1, Title 33.1, Section 33.1-34 of the 1950 *Code of Virginia*, as amended; and

WHEREAS, Loudoun County Project CRCP 2021-0002 provides for the extension of Crosstrail Boulevard Segment C from Sycolin Road and the Dulles Greenway as a four-lane median divided roadway to include a bridge over the south tributary to Sycolin Creek, curb and gutter, and a shared use path along each side (the “Project”); and

WHEREAS, the existing limited access line along the Dulles Greenway will be modified to accommodate the connection of Crosstrail Boulevard Segment C, the connection of Shreve Mill Road with the Dulles Greenway will be closed, and a portion of Shreve Mill Road will be abandoned as shown on the Limited Access Line Exhibits and the Limited Access Control Point Stations and Offsets Table (attached); and

WHEREAS, Loudoun County posted a Willingness for Public Comments (“Willingness”) for the proposed LACCs for the Project, including the current and proposed locations of the limited access lines, in the *Loudoun Now* on July 14, 2022, and July 21, 2022; in the *Loudoun Times-Mirror* on July 15, 2022, and July 22, 2022; and in the *El Tiempo Latino* on July 14, 2022, and July 21, 2022, and allowed public input to be collected concerning the request. The Willingness expired on July 30, 2022, with no limited access related comments or other input from the public; and

WHEREAS, the economic, social and environmental effects of the Project have been duly examined and given proper consideration and this evidence, along with all other relevant evidence, has been carefully reviewed; and

WHEREAS, the Virginia Department of Transportation’s (VDOT’s) Northern Virginia District Office has reviewed and approved the traffic analysis report completed August 16, 2022, and found that it adequately addresses the impacts from the Project and the proposed LACCs; and

WHEREAS, the Project is funded using entirely local funds, with no state or federal funds being applied, thus no National Environmental Policy Act document is required; and

WHEREAS, the Project is located within a non-attainment area per the U.S. Environmental Protection Agency’s Green Book. Therefore, a project-specific analysis is not required in accordance with the current Programmatic Agreement for Project-Level Air Quality Analysis for Carbon Monoxide between the Federal Highway Administration (FHWA) and VDOT; and

WHEREAS, the Project is in Loudoun County and the proposed design features and the LACCs were endorsed by the County Board of Supervisors at their monthly business meeting on May 17, 2022 (attached); and

WHEREAS, the concessionaire for the Dulles Greenway, Toll Road Investors Partnership II, LP, provided approval for the Project and the proposed LACCs on July 19, 2022 (attached); and

Resolution of the Board
Proposed Limited Access Control Change (LACCs)
Crosstrail Boulevard Segment C at the Interchange with the Dulles Greenway
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September 21, 2022
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WHEREAS, VDOT's Chief Engineer has determined that the proposed LACCs will not adversely affect the safety or operation of the highways; and

WHEREAS, VDOT has reviewed the requested LACCs and determined that all are in compliance with § 33.2-401 of the *Code of Virginia* and that the requirements of 24 VAC 30-401-20 have been met; and

WHEREAS, VDOT recommends approval of the LACCs as shown on the Limited Access Line Exhibits and the Limited Access Control Point Stations and Offsets Table (attached).

NOW, THEREFORE, BE IT RESOLVED, in accordance with § 33.2-401 of the *Code of Virginia* and 24 VAC 30-401-10 *et seq.*, that the CTB hereby finds and concurs in the determinations and recommendations of VDOT made herein, and directs that the Dulles Greenway continue to be designated as a Limited Access Highway with the boundaries of limited access control being modified from the current locations as shown on the Limited Access Line Exhibits and the Limited Access Control Point Stations and Offsets Table (attached).

BE IT FURTHER RESOLVED, the location of the shared use path within the area designated as limited access and its construction and maintenance is approved as proposed and presented at the Public Hearing on October 21, 2021 by Loudoun County, as the same may be modified during ongoing design review.

BE IT FURTHER RESOLVED, that pedestrians and bicyclists are authorized to use the proposed shared use path along Crosstrail Boulevard, within the areas designated as limited access.

BE IT FURTHER RESOLVED, the Commissioner of Highways is authorized to take all actions and execute any and all documents necessary to implement such changes.

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CTB Decision Brief
Proposed Limited Access Control Changes (LACCs)
Crosstrail Boulevard Segment C at the Interchange with the Dulles Greenway
Loudoun County Project CRCP 2021-0002
Loudoun County

Issues: Limited access currently extends along the Dulles Greenway with a break to accommodate Shreve Mill Road to the north and east of the Dulles Greenway. Loudoun County Project CRCP 2021-0002 (the “Project”) will close the connection of Shreve Mill Road with the Dulles Greenway and abandon a portion of Shreve Mill Road. The extension of Crosstrail Boulevard Segment C will realign the connection at the limited access line. The limited access adjustment includes extending the limited access line across Shreve Mill Road and along both sides of Crosstrail Boulevard to a point further to the north. These improvements will complete the ultimate roadway network adjacent to the Dulles Greenway, consistent with the Loudoun County *Countywide Transportation Plan*. These changes require the approval of the Commonwealth Transportation Board (CTB) pursuant to § 33.2-401 of the *Code of Virginia*, and 24 VAC 30-401-10 *et seq.*

Facts:

- On November 19, 1988, the Commonwealth Transportation Board (CTB), designated the Dulles Greenway (previously the “Dulles Toll Road Extension”) to be a Limited Access Highway in accordance with then Article 4, Chapter 1, Title 33.1, Section 33.1-34 of the 1950 *Code of Virginia*, as amended.
- The Project provides for the extension of Crosstrail Boulevard Segment C from Sycolin Road to the Dulles Greenway as a four-lane median divided roadway to include a bridge over the south tributary to Sycolin Creek, curb and gutter, and a shared use path along each side.
- The Project is consistent with Loudoun County’s *Countywide Transportation Plan*, and includes closing the connection of Shreve Mill Road with the Dulles Greenway and abandoning a portion of Shreve Mill Road. These improvements will impact the existing limited access control lines, as shown on the Limited Access Line Exhibits and the Limited Access Control Point Stations and Offsets Table (attached).
- Loudoun County posted a Willingness for Public Comments (“Willingness”) for the proposed LACCs for the Project, including the current and proposed locations of the limited access lines, in the *Loudoun Now* on July 14, 2022, and July 21, 2022; in the *Loudoun Times-Mirror* on July 15, 2022, and July 22, 2022; and in the *El Tiempo Latino* on July 14, 2022, and July 21, 2022, and allowed public input to be collected concerning the request. The Willingness expired on July 30, 2022, with no limited access related comments or other input from the public.
- The economic, social, and environmental effects of the Project have been duly examined and given proper consideration and this evidence, along with all other relevant evidence, has been carefully reviewed.

- The Virginia Department of Transportation's (VDOT's) Northern Virginia District Office has reviewed and approved the traffic analysis report on August 16, 2022, and found that it adequately addresses the impacts from the Project and the proposed LACCs.
- The Project is funded using entirely local funds, with no state or federal funds being applied, thus no National Environmental Policy Act document is required.
- The Project is located within a non-attainment area per the U.S. Environmental Protection Agency's Green Book. Therefore, a project-specific analysis is not required in accordance with the current Programmatic Agreement for Project-Level Air Quality Analysis for Carbon Monoxide between the Federal Highway Administration (FHWA) and VDOT.
- The Project is in Loudoun County and the proposed design features and the LACCs were endorsed by the County Board of Supervisors at their monthly business meeting on May 17, 2022 (attached).
- The concessionaire for the Dulles Greenway, Toll Road Investors Partnership II, LP, provided approval for the Project and the proposed LACCs on July 19, 2022 (attached).
- VDOT's Chief Engineer has determined that the proposed LACCs will not adversely affect the safety or operation of the highways.
- The proposed LACCs are in compliance with § 33.2-401 of the *Code of Virginia* and with the policies and requirements of the CTB contained in 24 VAC 30-401-10 *et seq.*

Recommendations: It is recommended, pursuant to § 33.2-401 of the *Code of Virginia*, and 24 VAC 30-401-10 *et seq.*, that the Dulles Greenway continue to be designated as a Limited Access Highway with the LACCs modified as shown on the Limited Access Line Exhibits and the Limited Access Control Point Stations and Offsets Table (attached). This action will modify the limited access line previously approved by the Commonwealth Transportation Board on November 19, 1988.

Action Required by CTB: The *Code of Virginia* § 33.2-401 and 24 VAC 30-401-10 *et seq.* require a majority vote of the CTB to approve the recommended LACCs. The CTB will be presented with a resolution for a formal vote to approve the LACCs for the Project and to provide the Commissioner of Highways with the requisite authority to execute all documents necessary to implement the LACCs.

Result, if Approved: The Commissioner of Highways will be authorized to execute any and all

CTB Decision Brief
Proposed Limited Access Control Changes (LACCs)
Crosstrail Boulevard Segment C at the Interchange with the Dulles Greenway
Loudoun County
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documents needed to comply with the resolution, and the Project will move forward.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: There were no limited access related comments or other input received from the public as a result of the posting of the Willingness for the Project.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.
Commissioner

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
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September 1, 2022

The Honorable W. Sheppard Miller, III
The Honorable Stephen C. Brich, P. E.
The Honorable Jennifer DeBruhl
The Honorable Darrell Byers
The Honorable Burwell W. Coleman
The Honorable Tom Fowlkes
The Honorable Mary Hughes Hynes
The Honorable Bert Dodson, Jr.
The Honorable Carlos M. Brown
The Honorable H. Randolph Laird
The Honorable Thomas Lawson
The Honorable Mark H. Merrill
The Honorable E. Scott Kasprowicz
The Honorable Laura Sellers
The Honorable Raymond D. Smoot, Jr.
The Honorable Frederick T. Stant, III
The Honorable Greg Yates

Subject: Approval of Limited Access Control Changes (LACCs) for the Crosstrail Boulevard Segment C at the Interchange with the Dulles Greenway in Loudoun County.

Dear Commonwealth Transportation Board Members:

The Department has initiated the above request for LACCs for your consideration. The proposed LACCs on Loudoun County Project CRCP 2021-0002 have been determined as a necessary design feature and recommended for approval by the Department's staff.

I have reviewed the staff's recommendations and determined that approving these LACCs will not adversely affect the safety or operation of the affected highway network. I have determined that this request should be considered by the Board.

Sincerely,

Bart Thrasher
2022.08.25 08:37:53-04'00'

Barton A. Thrasher, P.E.
Chief Engineer



Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, May 17, 2022, at 5:00 p.m.

IN RE: Location and Design, and Limited Access Control Change Endorsement– Crosstrail Boulevard Segment C (Catoctin)

Chair Randall moved that the Board of Supervisors endorse the proposed location and major design elements for the Crosstrail Boulevard Segment C Project, from Sycolin Road to the Dulles Greenway, as presented in the May 17, 2022, Board of Supervisors Business Meeting Action Item and direct staff to proceed with the completion of the final design and construction documents.

Seconded by Supervisor Letourneau.

Voting on the Motion: Supervisors Buffington, Glass, Kershner, Letourneau, Randall, Saines, Turner, and Umstadd – Yes; None – No; Supervisor Briskman – Abstained.

COPY TESTE:

DEPUTY CLERK TO THE LOUDOUN COUNTY
BOARD OF SUPERVISORS

11/19/88

WHEREAS, the Department currently has a Memorandum of Agreement with the firm of Modjeski and Masters, and it has been determined that a change in the scope of services is necessary. Additional location studies are being analyzed due to geological problems that have been encountered on the approved corridor location.

6220-011-106, PE-101
6220-011-105, PE-101
6220-003-107, PE-101

WHEREAS, after careful review of the additional services required, a firm proposal has been received and just compensation for these additional services has been established and are outlined in this Supplemental Agreement No. 1.

NOW, THEREFORE, BE IT RESOLVED, that the Board authorize the execution of this Supplemental Agreement and it shall become a part of the original agreement which currently has a maximum compensation of \$1,045,458.44.

This Supplemental Agreement No. 1 is in the amount of \$152,717.23 for services and expenses plus a net fee of \$11,355.87 making the total for this supplement \$164,073.10. The total maximum compensation of the agreement including this and all prior supplements is now \$1,209,531.54.

Motion carried.

Moved by Mr. Waldman, seconded by Dr. Howlette, that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Location Public Hearing was held in the Westpark Hotel on August 30, 1988, at 7:00 p.m., for the purpose of considering the proposed location of the Dulles Toll Road Extension (Route 267) from Route 28 (Sully Road) to Route 7/15 in Leesburg in Fairfax and Loudoun County, State Project 0267-053-101, PE-101; and

11/19/88

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, in the Virginia Highway Corporation Act of 1988, the General Assembly finds it is in the public interest to encourage construction of additional, safe, convenient, and economic highway facilities by private parties; and

WHEREAS, the Virginia Toll Road Corporation pursuant to the Virginia Highway Corporation Act of 1988 is in the process of developing and proposing a Dulles Toll Road Extension location; and

WHEREAS, 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;

NOW, THEREFORE, BE IT RESOLVED, that the location of this project be approved in accordance with the plan as proposed and presented at the said Location Public Hearing by the Department's Engineers beginning as Alignment B at Route 28, connecting with Alignment A to Route 772, Alignment A-2 to Route 659, Alignment A to Route 648, and Alignment B to Route 7/15; and

BE IT FURTHER RESOLVED, that this roadway be designated as a Limited Access Highway as presented at the Location Public Hearing in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board; and

BE IT FURTHER RESOLVED, that in the interest of public safety, (1) pedestrians, (2) persons riding bicycles or mopeds, (3) horse-drawn vehicles, (4) self-propelled machinery or equipment, and (5) animals led, ridden, or driven on the hoof be prohibited from using this Limited Access Highway in accordance with the statutes of the Commonwealth of Virginia.

11/19/88

BE IT FURTHER RESOLVED, that the above project location determination shall not foreclose this Board from subsequent, timely consideration of a project location for the Dulles Toll Road Extension proposed by an operator pursuant to the Virginia Highway Corporation Act of 1988.

Motion carried.

Moved by Mr. Quicke, seconded by Mr. Beyer, that

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board, a Location and Design Public Hearing was held in the Tidewater Community College on August 24, 1988, at 7:00 p.m., for the purpose of considering the proposed location and design of Route 165 (Princess Anne Road) from the intersection of Windsor Oaks Boulevard to 0.16 mile east of the intersection of Landstown Road, in the City of Virginia Beach, State Project 0165-134-104,C-502; 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, 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;

NOW, THEREFORE, BE IT RESOLVED, that the location and major design features of this project be approved in accordance with the plan as proposed and presented at the said Location and Design Public Hearing by the Department's Engineers with minor design changes as necessary to provide a safe and efficient corridor; and

BE IT FURTHER RESOLVED, that this roadway be designated as a Limited Access Highway as presented at the Location and Design Public Hearing in accordance with the statutes of the Commonwealth of Virginia and policies of the Commonwealth Transportation Board.



22375 Broderick Drive, Suite 260, Sterling, VA 20166
www.dullesgreenway.com

(703) 707-8870
Fax (703) 707-8876

July 19, 2022

County of Loudoun
Department of Transportation & Capital Infrastructure
101 Blue Seal Drive SE, Suite 102
P.O. Box 7500, MSC #64
Leesburg, Virginia 20177-7500

Re: Crosstrail Boulevard Segment C
Proposed Limited Access Control Change at Dulles Greenway/Shreve Mill Road Interchange

Dear Ms. Boyd,

In response to your letter dated March 17, 2022, to TRIP II requesting confirmation that the proposed Limited Access Control Change (LACC) at the intersection of the Dulles Greenway Off-Ramp and Shreve Mill Road in association with the extension of Crosstrail Boulevard (Segment C) from the Dulles Greenway to Sycolin Road is acceptable. TRIP II is in support of the LACC and finds the proposed changes as displayed in Attachment 1 – Crosstrail Boulevard Segment C Limited Access Adjustment Exhibit included with your letter acceptable.

Please don't hesitate to contact me if you need anything else.

Sincerely,

Don Cohrs
Chief Operating Officer

Re: LACC CRCP 2021-002 Crosstrail Boulevard Segment C at the Interchange with the Dulles Greenway



Rogerson, George <george.rogerson@vdot.virginia.gov> 12:33 PM (July 27, 2022)

to Lori, Neil

Thank you both.



George T. Rogerson, Jr.
*Policies & Procedures Section Manager
Location & Design Division / Central Office*
Virginia Department of Transportation
804-350-1571 (cell)
george.rogerson@vdot.virginia.gov

On Wed, Jul 27, 2022 at 10:16 AM Lori Snider <lori.snider@vdot.virginia.gov> wrote:

I approve this LACC from a right of way and utilities standpoint.

Lori

From: Hord, Neil <neil.hord@vdot.virginia.gov>

Sent: Wednesday, July 27, 2022 9:40 AM

To: Lori Snider <Lori.Snider@vdot.virginia.gov>

Cc: George Rogerson <george.rogerson@vdot.virginia.gov>

Subject: Fwd: LACC CRCP 2021-002 Crosstrail Boulevard Segment C at the Interchange with the Dulles Greenway

Hi Lori,

I have received and reviewed the attached project related LACC request from L&D. I recommend your approval from a Right of Way and Utilities perspective. If you concur, please indicate your approval with a response to George, who is cc'd. Thank you

Neil

Neil M. Hord
Program Manager Property Management
Right of Way & Utilities Division
1401 E. Broad Street, 5th Floor
Richmond, Virginia 23219
Phone: (804) 786-4079
Fax: (804) 786-1706
<http://pmi.vdot.virginia.gov/>

----- Forwarded message -----

From: **Rogerson, George** <george.rogerson@vdot.virginia.gov>

Date: Tue, Jul 26, 2022 at 11:45 AM

Subject: Fwd: LACC CRCP 2021-002 Crosstrail Boulevard Segment C at the Interchange with the Dulles Greenway

To: Hord, Neil <neil.hord@vdot.virginia.gov>

Neil,

I have attached the LACC documents for the above-mentioned project for your review and comments for the **September 21, 2022 CTB Meeting**. If you have no comments, please send an email to Lori recommending your approval of the LACCs. Please reply no later than the **COB August 3, 2022**.

If you have any questions or concerns, please contact me.

Thank you,



George T. Rogerson, Jr.

Policies & Procedures Section Manager

Location & Design Division / Central Office

Virginia Department of Transportation

804-350-1571 (cell)

george.rogerson@vdot.virginia.gov

PROJECT MANAGER, Yuliyu Esmond - (703) 771-5908 Loudoun County (DIC)
SURVEYED BY, Dewberry Engineers, Inc. (703) 289-4796_04/2021
DESIGNED BY, Dewberry Engineers, Inc. (703) 849-0100
SUBSURFACE UTILITY BY, SAM, LLC (703) 361-6005, 2021

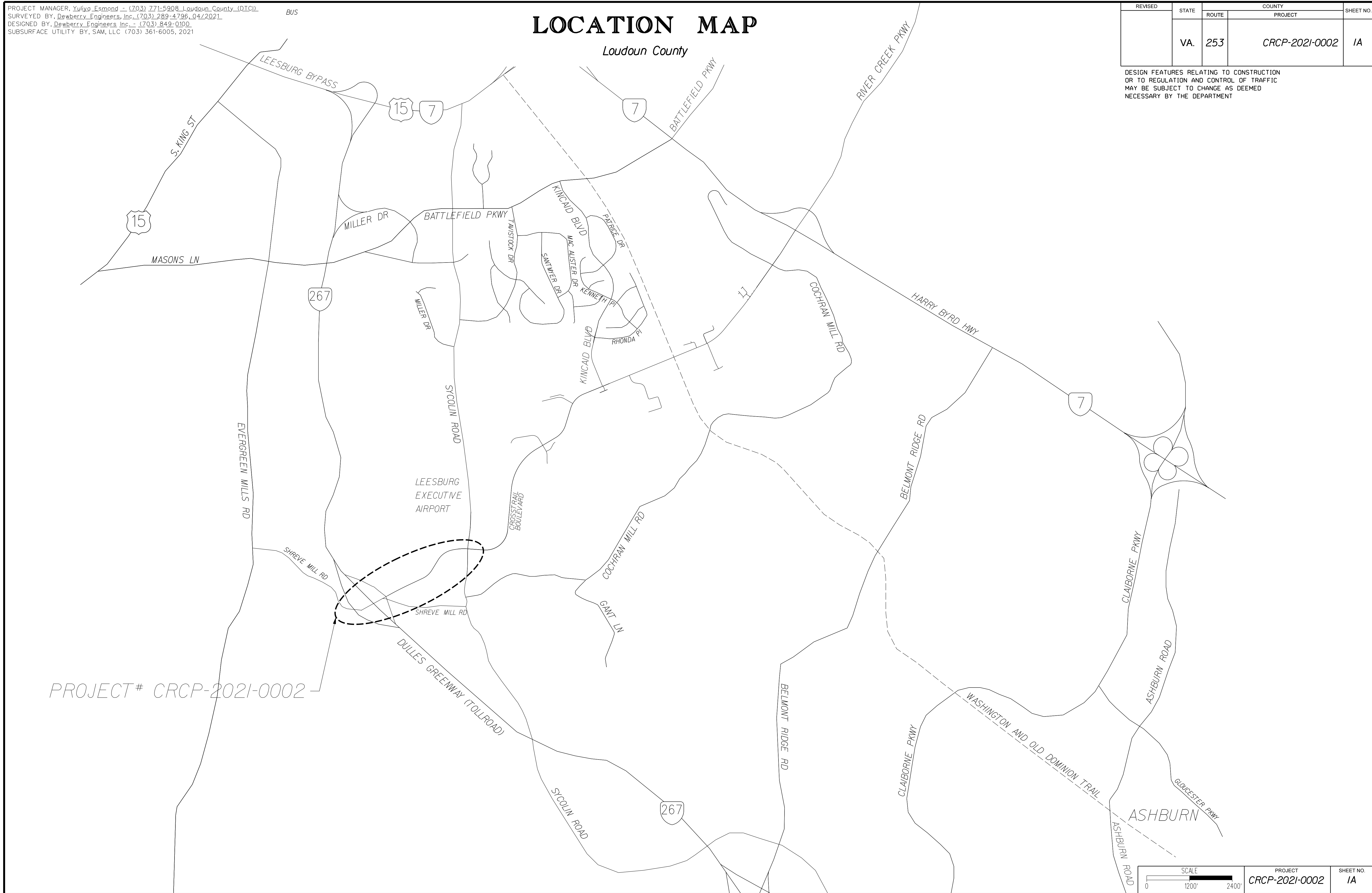
BUS

LOCATION MAP

Loudoun County

REVISED	STATE	COUNTY		SHEET NO.
	ROUTE	PROJECT		
	VA.	253	CRCP-2021-0002	1A

DESIGN FEATURES RELATING TO CONSTRUCTION OR TO REGULATION AND CONTROL OF TRAFFIC MAY BE SUBJECT TO CHANGE AS DEEMED NECESSARY BY THE DEPARTMENT

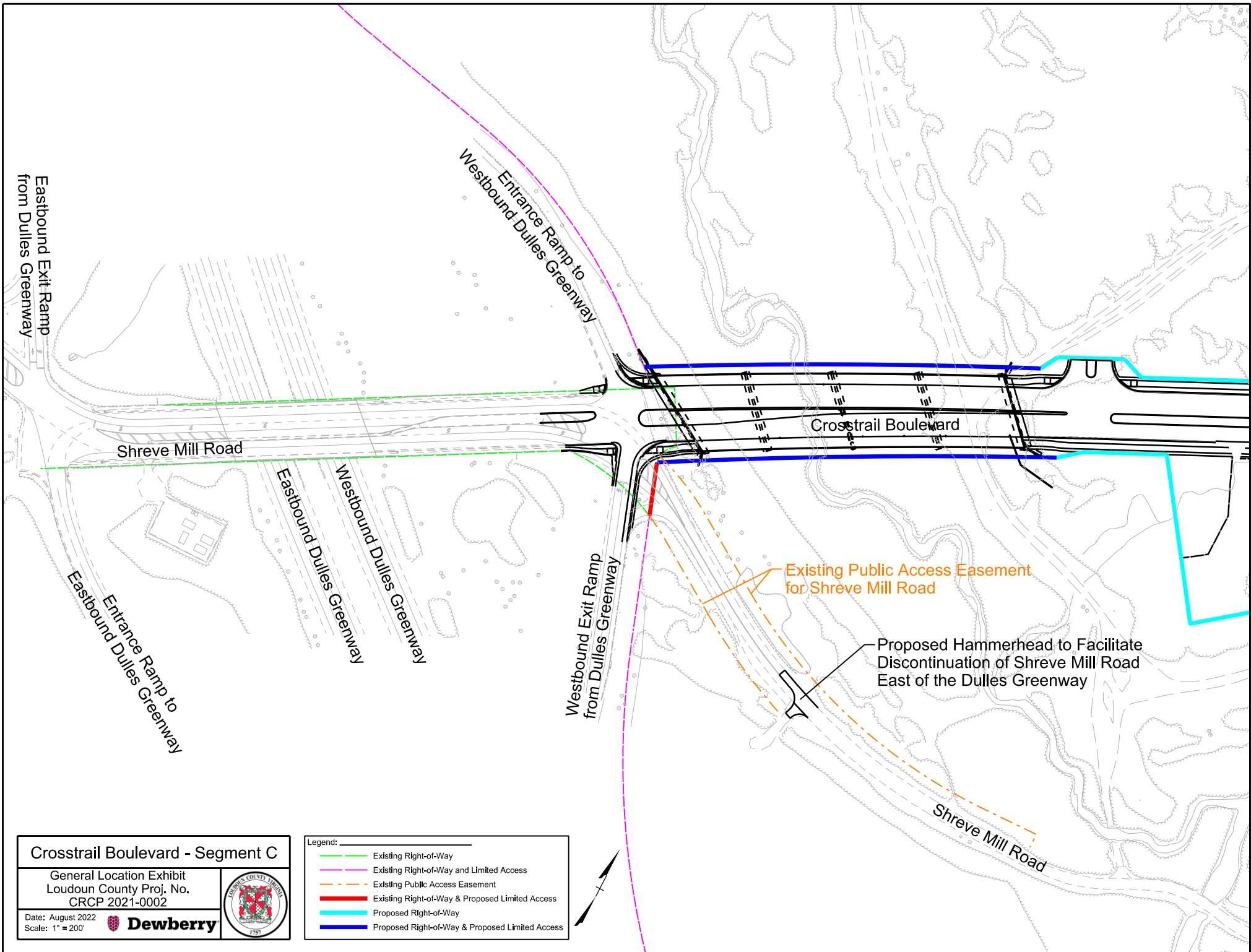


PROJECT# CRCP-2021-0002

SCALE
0 1200' 2400'

PROJECT
CRCP-2021-0002

SHEET NO.
1A



Eastbound Exit Ramp
from Dulles Greenway

Entrance Ramp to
Westbound Dulles Greenway

Shreve Mill Road

Crosstrail Boulevard

Eastbound Dulles Greenway
Westbound Dulles Greenway

Westbound Exit Ramp
from Dulles Greenway

Existing Public Access Easement
for Shreve Mill Road

Proposed Hammerhead to Facilitate
Discontinuation of Shreve Mill Road
East of the Dulles Greenway

Shreve Mill Road

Crosstrail Boulevard - Segment C

General Location Exhibit
Loudoun County Proj. No.
CRCP 2021-0002

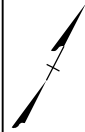
Date: August 2022
Scale: 1" = 200'



Dewberry

Legend:

- Existing Right-of-Way
- Existing Right-of-Way and Limited Access
- - - Existing Public Access Easement
- Existing Right-of-Way & Proposed Limited Access
- Proposed Right-of-Way
- Proposed Right-of-Way & Proposed Limited Access



Microsoft Corp.
Parcel ID # 235-29-7431

Begin Proposed R/W & L/A
Sta. 15+35.78, 86.32' Left

End Proposed L/A
Sta. 21+97.87, 80.37' Left

Prop. R/W & L/A

Prop. R/W & L/A

Prop. R/W

Proposed Shared Use Path

Exist. R/W

Exist. R/W

Crosstrail Boulevard

Proposed Shared Use Path

Prop. R/W & L/A

Prop. R/W & L/A

Prop. R/W

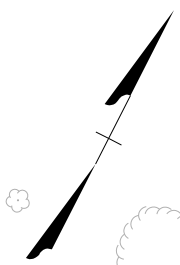
End Proposed L/A
Sta. 22+28.82, 68.92' Right

Microsoft Corp.
Parcel ID # 235-29-7431

Begin Proposed L/A
Sta. 14+16.38, 47.75' Right

Legend:

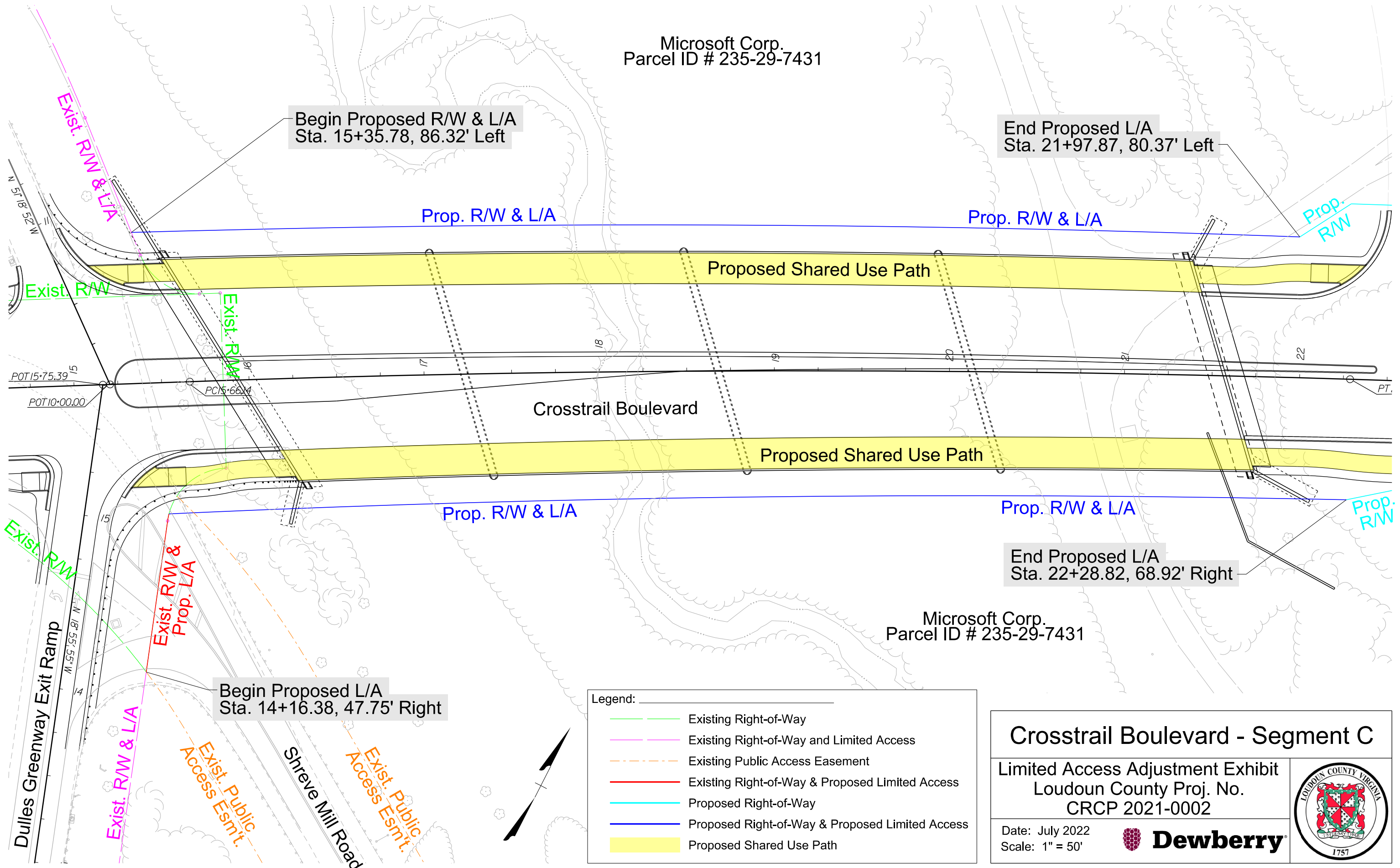
- Existing Right-of-Way
- Existing Right-of-Way and Limited Access
- - - Existing Public Access Easement
- Existing Right-of-Way & Proposed Limited Access
- Proposed Right-of-Way
- Proposed Right-of-Way & Proposed Limited Access
- Proposed Shared Use Path



Crosstrail Boulevard - Segment C

Limited Access Adjustment Exhibit
Loudoun County Proj. No.
CRCP 2021-0002

Date: July 2022
Scale: 1" = 50'



Dulles Greenway Exit Ramp

Exist. R/W & L/A

Exist. R/W & Prop. L/A

Exist. Public Access Esmt.

Shreve Mill Road

Exist. Public Access Esmt.

N 25° 18' 15"

POT 15+75.39
POT 10+00.00

PC 15+66.14

PT.

Crosstrail Boulevard Segment C
(Dulles Greenway to Sycolin Road)
Loudoun County Project No. CRCP 2021-0002

Proposed Limited Access Adjustment Locations			
Alignment	Station	Offset (feet)	Description
Dulles Greenway Exit Ramp	14+16.38	47.75 (Right)	Begin Proposed Limited Access
Crosstrail Boulevard	22+28.82	68.92 (Right)	End Proposed Limited Access
Crosstrail Boulevard	15+35.78	86.32 (Left)	Begin Proposed Right-of-Way & Limited Access
Crosstrail Boulevard	21+97.87	80.37 (Left)	End Proposed Limited Access



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
Fax: (804) 786-2940

Agenda item # 10

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: _____ Seconded By:

Action:

Title: Approval of Virginia Highway Safety Investment Strategy

WHEREAS, pursuant to §33.2-373 of the *Code of Virginia*, it is the responsibility of the Commonwealth Transportation Board (the Board) to establish the Virginia Highway Safety Improvement Program (the Program) to reduce motorized and non-motorized fatalities and severe injuries on highways in the Commonwealth, whether such highways are state or locally maintained; and

WHEREAS, pursuant to §33.2-373 of the *Code of Virginia*, the Board shall adopt an investment strategy to guide the investments of the Program, and the investment strategy shall cover a period of at least five years and seek to achieve a significant reduction in the anticipated number of fatalities and severe injuries over the covered period and shall give priority to projects, strategies, and activities based on the expected reduction in fatalities and severe injuries relative to cost, including improvements that are widely implemented based on a high-risk roadway feature that is correlated with a particular crash type, rather than crash frequency; and

WHEREAS, pursuant to §33.2-373 of the *Code of Virginia*, the Board, beginning in Fiscal Year 2024, shall, after program administration costs, allocate safety funds in accordance with its adopted investment strategy that includes allocating at least 54 percent of safety funds for infrastructure projects, 29 percent of funds to address the behavioral causes of crashes, and the remaining amounts for other eligible safety projects pursuant to the investment strategy; and

WHEREAS, the Virginia Department of Transportation (VDOT) and the Department of Motor Vehicles (DMV) have developed a proposed data-driven highway safety investment plan that will deploy Virginia’s limited highway safety resources to projects and efforts with maximum potential to reduce traffic deaths and injuries; and

WHEREAS, a key finding from data-driven analysis demonstrates that systemic and hybrid safety projects—proven low-cost improvements, such as high-visibility backplates, flashing yellow left turn signals, and rumble strips, systemically spread on a roadway network—provide more potential crash reduction benefits for lower costs than do spot improvement projects; and

WHEREAS, in its workshop meeting on December 7, 2021, the Board was presented with the proposed investment strategy and information and recommendations relating to the prioritization and investment of limited Virginia Highway Safety Improvement Program funds to maximize the benefits in crash reductions and make progress toward the Commonwealth’s “Toward Zero Deaths” vision for roadway safety; and

WHEREAS, after due consideration of the information received, the Board believes that the investment strategy, as set forth in Attachment A, should be adopted and used to select projects for highway safety funding in the Six-Year Improvement Program (SYIP) to improve transparency in the project selection process, accelerate delivery of selected projects and investment strategies, and aid in achieving reductions in fatalities, serious injuries, and non-motorized crashes; and

WHEREAS, the federal Infrastructure Investment and Jobs Act (IIJA) signed into law November 15, 2021 provides the largest long-term federal investment in infrastructure in history; and

WHEREAS, the recent uplifts in both federal and state revenues supporting the Virginia Highway Safety Improvement Program have enabled the previously identified systemic and hybrid infrastructure initiatives to be fully funded and their scheduled completion is being accelerated to the maximum extent possible; and

WHEREAS, the recent uplift in both federal and state revenues supporting the Virginia Highway Safety Improvement Program also support the inclusion and acceleration of systemic safety improvements on locally-maintained roads in the Six-Year Improvement Program beginning in Fiscal Year 2023; and

NOW THEREFORE, BE IT RESOLVED, that the Highway Safety Investment Strategy, as set forth in Attachment A, to govern prioritization and selection of highway safety infrastructure and behavioral projects for funding, is approved; and

BE IT FURTHER RESOLVED, that the Board directs the Commissioner of Highways in coordination with the Commissioner of the Department of Motor Vehicles to take all actions necessary to implement and administer this investment strategy, including, but not limited to, the development of Implementation Plans and supporting guidance establishing the process for screening, scoring and selection of projects; and

BE IT FURTHER RESOLVED, that the Highway Safety Improvement Strategy approved herein is hereby effective as of the date of this resolution and replaces and supersedes the January 12, 2022 entitled “Approval of Virginia Highway Safety Improvement Strategy.”

###

Attachment A

Highway Safety Investment Strategy

VDOT shall coordinate with DMV in the development of a Highway Safety Investment Strategy that includes an investment plan for deployment of infrastructure improvements and behavioral countermeasures.

On an annual basis, VDOT will, in cooperation with DMV, report on the following:

- a. Progress on advancement of the infrastructure and behavioral safety implementation plan;
- b. Recommendations for changes to the infrastructure and behavioral portion of the investment plan, as needed.

Infrastructure Investment Plan

VDOT shall develop an infrastructure investment plan for the continued deployment of proven systemic and hybrid safety countermeasures across the roadway network, including VDOT and locally-maintained facilities. The implementation plan shall:

- a. Include, but not be limited to: edge-line rumble strips on the primary system; centerline rumble strips on the primary system; pavement shoulder wedge; chevrons and curve visibility enhancements; high-visibility traffic signal backplates; flashing yellow arrows; unsignalized intersection signage and marking; pedestrian crossing improvements; pavement markings, traffic control devices, and other enhancements on two-lane rural roads; road diets; and other systemic/hybrid safety improvements as identified through research or data-driven analysis;
- b. Be consistent with the emphasis areas included in Virginia's current Strategic Highway Safety Plan and in support of achievement of CTB adopted performance targets;
- c. Include an estimate of the effectiveness of full deployment of the implementation plans; and
- d. Be updated periodically to advance additional systemic safety improvements.

In order to prioritize, accelerate and maximize the deployment of systemic and hybrid infrastructure safety improvements, the Board will not approve new spot improvement projects until existing systemic and hybrid infrastructure initiatives have been fully funded and their scheduled completion is accelerated to the maximum extent possible, including additional systemic safety improvement treatments identified for implementation. In general, spot improvements projects should be implemented or advertised for construction within one year of the budgeted year of allocation or funding may be subject to reprogramming.

Highway safety funding for infrastructure projects will be distributed as follows:

- a. After funds are set aside for program administration (approximately 5 to 10 percent), the remaining funds shall be programmed to projects in accordance with the above safety infrastructure implementation plan through the Six-Year Improvement Program.
- b. Minimum funding levels for locally-maintained roadways shall be based on the proportion of fatalities on locally-maintained versus VDOT-maintained roads with funds available beginning in Fiscal Year 2023 for use on systemic safety improvements.
- c. The funds for VDOT-maintained roads will be programmed based on the risk-based locations of the systemic safety treatments included in the Implementation Plans.
- d. The funds for spot improvement projects on VDOT-maintained roads will be programmed based on a risk assessment and/or benefit cost analysis.

Funding for systemic infrastructure projects on locally-maintained roads will be awarded through a competitive application process with projects that have a higher return on investment receiving priority. If a sufficient number of projects on locally-maintained roadways are not identified and funds remain, the remaining funds may be used to fund and advance projects on VDOT-maintained roadways. VDOT oversight of safety projects on locally-maintained roads will continue to be in accordance with Chapter 7 of VDOT's Highway Safety Improvement Program Implementation Guidelines and other existing Locally Administered Project requirements.

In cases where programmed infrastructure funds are no longer needed for the delivery of a project, or additional funds become available (beyond that assumed in the Implementation Plans), the unexpended surplus and unallocated funds will be reserved and managed centrally by VDOT to address budget adjustments on existing highway safety projects, to further advance systemic safety improvements, or to fund other safety infrastructure projects.

A project that has been selected for funding must be initiated, and at least a portion of the programmed funds expended, within one year of the budgeted year of allocation or funding may be subject to reprogramming. In the event a locally-administered project is not advanced to the next phase of construction when requested by the Board, the locality may be required, pursuant to §33.2-214 of the *Code of Virginia*, to reimburse VDOT for all state and federal funds expended on the project.

Behavioral Strategy Investment Plan

DMV shall develop a behavioral strategy investment plan for the deployment of behavioral countermeasures across the state to address the behavioral causes of crashes. The behavioral safety plan shall:

- a. Include, but not be limited to investments relating to: Occupant Protection Education and Outreach; Impaired Driving Education and Outreach; Speed Education and Outreach; and Pedestrian/Bike Education and Outreach;
- b. Be consistent with the emphasis areas included in Virginia's current Strategic Highway Safety Plan and in support of achievement of CTB adopted performance targets;
- c. Include an estimate of the effectiveness of full deployment of the Implementation Plans; and
- d. Be updated periodically to advance additional behavioral safety improvements.

In cases where programmed behavioral funds are no longer needed for the delivery of a specific initiative, or additional funds become available (beyond that assumed in the Implementation Plans), the unexpended surplus and unallocated funds will be reserved and managed centrally to address budget adjustments or to further advance other behavioral initiatives.



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
Fax: (804) 786-2940

Agenda item # 11

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

SEPTEMBER 21, 2022

MOTION

Made By:

Seconded By:

Action:

Title: Interstate 64 Hampton Roads Express Lanes Network Toll Facility Revolving Account (TFRA) Funding Authorization

WHEREAS, the Virginia Department of Transportation (VDOT) has made briefings to the Commonwealth Transportation Board (CTB), Hampton Roads Transportation Accountability Commission (HRTAC), and Hampton Roads Transportation Planning Organization (HRTPO), demonstrating the operational benefits of the Hampton Roads Express Lane (HREL) Network providing for continuous HOT lanes travel on Interstate 64 in Hampton Roads between the interchange of Interstate 64 and Jefferson Avenue in Newport News and the interchange of Interstates 64, 264, and 664 in the Bowers Hill section of Chesapeake; and

WHEREAS, on May 21, 2020, the HRTPO identified and adopted the Regional Express Lanes Network, consistent with the HREL Network concept, "as a component of the Regional Priority Projects... identified by the HRTPO in its 2040 Long Range Transportation Plan to collectively provide the greatest impact on reducing congestion for the greatest number of citizens residing in Hampton Roads", recommending the HRTAC pursue funding, development, and implementation for the network; and

WHEREAS, on May 28, 2020, HRTAC voted to endorse inclusion of the HREL Network in the FY21-FY26 Plan of Finance – Six Year Operating and Capital Program and at their June 18, 2020 meeting approved the HRTAC Debt Management Plan to fund the HREL Network; and

WHEREAS, the CTB and HRTAC developed and adopted the HREL Network concept of operation and VDOT, the CTB and HRTAC have entered into the Master Agreement for

Development and Tolling of Hampton Roads Express Lanes Network (MTA), dated August 18, 2020, to address both development and tolling of the HREL Network; and

WHEREAS, pursuant to Article 4 of the MTA, VDOT is responsible to perform certain tolling duties and functions before the Transition Date (the date after which HRTAC will be responsible for tolling operation and maintenance duties) and among those duties, VDOT may contract for the provision of such services in a manner consistent with its past practice, subject to certain conditions; and

WHEREAS, in accord with the MTA, VDOT issued a request for proposals (RFP) on October 6, 2020 seeking proposals from qualified firms for the purpose of establishing a contract to provide for design, integration, implementation, on-going maintenance and operation of a system for the dynamic tolling on, and that meets VDOT's business and system requirements for, the I-64 Hampton Roads Express Lanes (HREL Tolling System and Services) and in response, received three proposals; and

WHEREAS, after evaluating the proposals and engaging in negotiations, VDOT determined, based on the evaluation factors included in the RFP, that one offeror, fully qualified to deliver the HREL Tolling System and Services and whose proposal provides good value, should be awarded the contract for the HREL Tolling System and Services (Contract); and

WHEREAS, VDOT, after completion of mandatory reviews by the Virginia Information Technologies Agency and the Office of the Attorney General, issued a Notice of Intent to Award the Contract on May 17, 2021; and

WHEREAS, On May 19, 2021, the CTB authorized the Commissioner of Highways (i) to award the Contract and to execute the Contract and all other documents necessary to effectuate the award of the Contract and (ii) to exercise any and all options pursuant to the Contract, including but not limited to options for development and implementation of tolling on additional segments of the HREL Network; and

WHEREAS, On June 23, 2021, the CTB affirmed and ratified the Commissioner of Highways' award and execution of the Contract for the HREL Tolling System and Services, and reiterated its authorization for the Commissioner of Highways to exercise any and all options under the Contract; and

WHEREAS, the CTB is authorized to allocate funding, whereby such funds allocated shall be considered as an advance of funding, from the Toll Facility Revolving Account (TFRA) pursuant to §33.2-1529 of the Code of Virginia to support these tolling-related construction and tolling integration efforts; and

WHEREAS, on September 20, 2017, the CTB advanced an amount of up to \$10,000,000 from the TFRA and allocated the same (TFRA Allocation) to pay the costs associated with work necessary to begin the engineering, analysis and construction of the needed tolling infrastructure and related services on Segment 2 of what is now the HREL Network, and directed that requests for additional funding from the TFRA or other sources for tolling infrastructure and related services be presented to the CTB for its approval; and

WHEREAS, on January 15, 2020, the CTB authorized an additional amount of up to \$28,000,000 to be advanced from the TFRA and allocated (TFRA Allocation) to support the construction and tolling integration on Interstate 64 from the I-664/I-264 Interchange to Interstate 264, including tolling integration costs for the High Rise Bridge, and related efforts for a regional Express Lanes Network in Hampton Roads; and

WHEREAS, on May 19, 2021, the CTB authorized the use of remaining TFRA funds from the September 20, 2017 TFRA Allocation and the January 15, 2020 TFRA Allocation in the amount of \$12,786,320 to fund the HREL Tolling System and Services Contract; and

WHEREAS, VDOT has determined that the estimated cost to complete the needed tolling infrastructure and related services on Interstate 64 beginning in the vicinity of the I-664/264 Interchange and extending to the vicinity of the I-264 Interchange (“Segment 2”) is approximately \$2,900,000.

NOW THEREFORE, BE IT RESOLVED by the CTB, that pursuant to §33.2-1529, an amount of up to \$2,900,000 be advanced from the TFRA and allocated to support tolling-related construction on Interstate 64 for the HREL Network in Hampton Roads,.

BE IT FURTHER RESOLVED by the CTB that the toll revenues collected from the HREL Network will be used in accord with § 33.2-309, and the MTA, including the reimbursement of funding advanced from the Toll Facilities Revolving Account authorized herein in accord with § 33.2- 1529 of the Code of Virginia.

#####

CTB Decision Brief

Interstate 64 Hampton Roads Express Lanes Network Toll Facility Revolving Account (TFRA) Funding Authorization

Issue: Issue: The Virginia Department of Transportation (VDOT) has initiated steps to develop and implement a dynamic tolling system for the Hampton Roads Express Lane Network in accord with the Master Agreement for Development and Tolling of Hampton Roads Express Lanes Network (MTA), entered into by VDOT, the Commonwealth Transportation Board (CTB) and the Hampton Roads Transportation Accountability Commission (HRTAC) and dated August 18, 2020. Supplemental TFRA Allocations are needed to complete the tolling infrastructure work on Interstate 64 in the vicinity of I-264 and the High Rise Bridge.

Facts:

- VDOT has made briefings to the CTB, HRTAC, and Hampton Roads Transportation Planning Organization (HRTPO), demonstrating the operational benefits of the HREL Network providing for continuous HOT lanes travel on Interstate 64 in Hampton Roads between the interchange of Interstate 64 and Jefferson Avenue in Newport News and the interchange of Interstates 64, 264, and 664 in the Bowers Hill section of Chesapeake.
- On May 21, 2020, the HRTPO identified and adopted the Regional Express Lanes Network, consistent with the HREL Network concept, “as a component of the Regional Priority Projects... identified by the HRTPO in its 2040 Long Range Transportation Plan to collectively provide the greatest impact on reducing congestion for the greatest number of citizens residing in Hampton Roads”, recommending the HRTAC pursue funding, development, and implementation for the network.
- On May 28, 2020, HRTAC voted to endorse inclusion of the HREL Network in the FY21-FY26 Plan of Finance – Six Year Operating and Capital Program and at their June 18, 2020 meeting approved the HRTAC Debt Management Plan to fund the HREL Network.
- The CTB and HRTAC developed and adopted the HREL Network concept of operation and VDOT, the CTB and HRTAC have entered into the MTA to address both development and tolling of the HREL Network.

Toll Facilities Revolving Account Allocation

- On September 20, 2017, the CTB advanced an amount of up to \$10,000,000 from the Toll Facility Revolving Account (TFRA) and allocated the same to pay the costs associated with work necessary to begin the engineering, analysis and construction of the needed tolling infrastructure and related services on Segment 2 of what is now the HREL Network, and directed that requests for additional funding from the TFRA or other sources for tolling infrastructure and related services be presented to the CTB for its approval.
- On January 15, 2020, the CTB authorized an additional amount of up to \$28,000,000 to be advanced from the TFRA and allocated to support the construction and tolling integration on Interstate 64 from the I-664/I-264 Interchange to Interstate 264, including tolling

integration costs for the High Rise Bridge, and related efforts for a regional Express Lanes Network in Hampton Roads, and directed that the advance funding provided by the TFRA be repaid with toll revenues from the network of Express Lanes contemplated, or any portion thereof, or such other funds as may be identified and made available by the CTB.

- On May 19, 2021 the CTB also authorized the use of remaining TFRA funds from the September 20, 2017 TFRA Allocation and the January 15, 2020 TFRA Allocation in the amount of \$12,786,320 to fund the HREL Tolling System and Services Contract.
-
- VDOT has determined that the estimated cost to complete the needed tolling infrastructure and related services on Interstate 64 beginning in the vicinity of the I-664/264 Interchange and extending to the vicinity of the I-264 Interchange (“Segment 2”) is approximately \$2,900,000.
- It is anticipated that once tolling commences on the Hampton Roads Express Lanes Network, tolling revenues will be used to pay the costs associated with operation and maintenance of the Tolling System and serve as a source of funding to repay the TFRA funding in accordance with the Revenues Waterfall defined in the Master Tolling Agreement.

Recommendation: VDOT recommends, pursuant to §33.2-1529, that an additional amount of up to \$2,900,000 be advanced from the TFRA and allocated to support the tolling-related construction and tolling integration on Interstate 64 and related efforts for a regional Express Lanes Network in Hampton Roads, noting that the Mater Tolling Agreement, pursuant to the Revenues Waterfall and other provisions, provides for repayment of the advance funding provided by the TFRA with toll revenues from the network of Express Lanes

Action Required by the CTB: The CTB will be presented with a resolution for a formal vote to authorize the allocation and use of the additional TFRA Allocations in the amount of \$2,900,000 to pay for the additional work necessary to complete the tolling infrastructure, integration and related services on Interstate 64 from the I-664/I-264 Interchange to Interstate 264.

Result, if Approved: The tolling infrastructure on Interstate 64 from the I-664/I-264 Interchange to Interstate 264 will be completed.

Options: Approve, Deny or Defer

Public Comments/Reactions: N/A



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 12

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: _____ Seconded By:

Action:

Title: Approval of Asset Condition and System Performance Targets

WHEREAS, pursuant to §2.2-229 of the *Code of Virginia*, it is the responsibility of the Office of Intermodal Planning and Investment (OIPI) to develop measures and targets related to the performance of the Commonwealth's surface transportation network for the Commonwealth Transportation Board's (Board) approval, including any performance measurement required by Title 23 or 49 of the United States Code (U.S.C.); and

WHEREAS, 23 U.S.C. § 150 provides that, “[p]erformance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming.” Pursuant to 23 § U.S.C. 150, the Federal-aid highway program is to be focused on national transportation goals in the areas of safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays; and

WHEREAS, 23 U.S.C. § 150 also directs the United States Secretary of Transportation, in consultation with State Departments of Transportation, Metropolitan Planning Organizations, and other stakeholders, to promulgate a rulemaking that establishes performance measures and standards relating to the national transportation goals and for each state to set performance targets that reflect the performance measures established in said rule(s); and

WHEREAS, various federal regulations were promulgated to address and set forth the requirements for, among other things, measures and targets relating to asset condition, system performance, congestion, and air quality, including 23 C.F.R. §§ 490.105, 490.307, 490.407, 490.507, 490.607, 490.707, and 490.807, which require State Departments of Transportation and Metropolitan Planning Organizations to set targets for twelve measures; and

WHEREAS, more specifically, 23 C.F.R. §§ 490.307 and 490.407 require the state to set Asset Condition Performance Targets, which apply to the National Highway System (NHS), for the following six measures: percentage of pavement in good condition and percentage of pavement in poor condition on Interstate highways; percentage of pavement in good condition and percentage of pavement in poor condition on Non-Interstate NHS highways; and percentage of deck area of bridges in good condition and percentage of deck area of bridges in poor condition on the NHS; and

WHEREAS, 23 C.F.R. §§ 490.105, 490.507, 490.607, 490.707, and 490.807 set forth measures and require the state to set targets for system performance, congestion, and air quality relating to the highways on the NHS or portions thereof (collectively, System Performance Measures or Targets), which include the following six measures: travel time reliability on Interstate highways and travel time reliability on Non-Interstate NHS highways; freight reliability on Interstate highways; annual hours of peak hour excessive delay per capita on NHS highways (certain areas in Northern Virginia only); percent of non-single occupancy vehicle travel (certain areas in Northern Virginia only); and on-road mobile source emissions reductions from the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (certain areas in Northern Virginia only); and

WHEREAS, pursuant to 23 CFR §§ 490.105 and 490.107, two- and four-year targets for Asset Condition Performance Measures and System Performance Measures were adopted by the Board on September 18, 2018 for the first performance period beginning January 1, 2018 through December 31, 2021; and

WHEREAS, pursuant to 23 CFR § 490.107, Virginia submitted to the Federal Highway Administration (FHWA) its targets for Asset Condition Performance Measures and System Performance Measures in a baseline report for the first performance period on October 1, 2018, and a mid-period progress report on October 1, 2020; and

WHEREAS, pursuant to 23 CFR §§ 490.107, Virginia will submit a final progress report for the first performance period by October 1, 2022; and

WHEREAS, in accordance with 23 CFR §§ 490.105 and 490.107, two- and four-year targets for Asset Condition Performance Measures and System Performance Measures must be established for the second performance period beginning January 1, 2022 through December 31,

2025¹ and must be reported to FHWA by October 1, 2022, with progress reports due by October 1 every two years; and

WHEREAS, OIPI, working collaboratively with the Virginia Department of Transportation (VDOT), has for 2022-2025 established proposed Asset Condition Performance Targets and System Performance Targets set out in Tables A and B, having complied with the target setting and reporting requirements set forth in 23 C.F.R. §§ 490.105, 490.107, 490.307, 490.407, 490.507, 490.607, 490.707, and 490.807; and

WHEREAS, in July 2022, the Board was presented with information for a final progress report for the first performance period ending on December 31, 2021 and proposed Asset Condition Performance Targets and System Performance Targets set forth in Tables A and B for the second performance period; and

WHEREAS, OIPI, in consultation with VDOT, recommends adoption of the proposed Asset Condition Performance Targets and System Performance Targets set forth in Tables A and B, respectively:

Table A

Asset Condition Measures	Scope	2-Year Target¹ (2023)	4-Year Target¹ (2025)
Percentage of Pavement in Good Condition	Interstate	45%	45%
Percentage of Pavement in Poor Condition	Interstate	3%	3%
Percentage of Pavement in Good Condition	NHS (non-Interstate)	25%	25%
Percentage of Pavement in Poor Condition	NHS (non-Interstate)	5%	5%
Percentage of Deck Area of Bridges in Good Condition	NHS	27.2%	25.1%
Percentage of Deck Area of Bridges in Poor Condition	NHS	3.3%	3.6%

¹ All two and 4-year targets cover the time period of Jan. 1, 2022 to Dec. 31, 2025, except for the CMAQ targets which follow the federal fiscal year (Oct. 1, 2022 to Sept. 30, 2025).

Table B

System Performance Measures	Scope	2-Year Target¹ (2023)	4-Year Target¹ (2025)
Percentage of Person-Miles Traveled that are Reliable	Interstate	85%	85%
Percentage of Person-Miles Traveled that are Reliable	NHS (non-Interstate)	88%	88%
Truck Travel Times Reliability Index	Interstate	1.64	1.64
Annual Hours of Peak Hour Excessive Delay Per Capita ²	NHS	22.5 hrs/capita	22.7 hrs/capita
Percentage of Non-SOV Travel ²	NHS	37.4%	37.7%
Total Emission Reductions for Volatile Organic Compounds ³	CMAQ Projects	0.323 kg/day	3.013 kg/day
Total Emission Reductions for Nitrogen Oxides (NOx) ³	CMAQ Projects	0.612 kg/day	4.911 kg/day

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board hereby approves, for each of the performance measures referenced therein, the Asset Condition Performance Targets and System Performance Targets set forth in Tables A and B for 2022-2025.

¹ All two and 4-year targets cover the time period of Jan. 1, 2022 to Dec. 31, 2025, except for the CMAQ targets which follow the federal fiscal year (Oct. 1, 2022 to Sept. 30, 2025).

² Targets apply only to certain urbanized areas designated as nonattainment or maintenance for specified pollutants under National Ambient Air Quality Standards (NAAQS) (the Virginia portion of the Washington, DC-MD-VA 8-hour ozone nonattainment area).

³ Targets apply to CMAQ projects in areas designated as nonattainment or maintenance for certain NAAQS (the Virginia portion of the Washington, DC-MD-VA 8-hour ozone nonattainment area).

CTB Decision Brief

Approval of Asset Condition and System Performance Targets

Issue: In accordance with § 2.2-229 of the *Code of Virginia*, the Commonwealth Transportation Board (CTB) must approve measures and targets related to the performance of the Commonwealth's surface transportation network, including any performance measurement required by Title 23 or 49 of the United States Code. In accordance with 23 C.F.R. §§ 490.105 and 490.107, targets for twelve federally mandated asset condition, system performance, congestion, and air quality measures must be established and reported to the Federal Highway Administration (FHWA) for a four-year performance period beginning in 2018, with progress reports due by October 1 every two years. CTB approval of Office of Intermodal Planning and Investment (OIPI) and Virginia Department of Transportation (VDOT) proposed targets for the aforementioned performance measures is requested for the second four-year performance period beginning January 1, 2022 through December 31, 2025¹.

Facts: In 2012 Congress passed the Moving Ahead for Progress in the 21st Century Act (MAP-21) and in 2015, the Fixing America's Surface Transportation (FAST) Act amending 23 U.S.C. § 150 to mandate/continue the mandate for establishment of performance management to transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decision-making through performance-based planning and programming. The national transportation goals focus on safety, infrastructure condition, congestion reduction, system reliability, freight movement and economic vitality, environmental sustainability, and reduced project delivery delays.

Pursuant to 23 U.S.C. § 150, various federal regulations were promulgated to address and set forth the requirements for, among other things, performance measures and targets relating to asset condition (Asset Condition Measures/Targets) and system performance, congestion, and air quality (collectively, System Performance Measures/Targets), including 23 C.F.R. §§ 490.105, 490.307, 490.407, 490.507, 490.607, 490.707, and 490.807, which require State Departments of Transportation (DOT) and Metropolitan Planning Organizations to set targets for twelve measures. Two- and four-year targets for Asset Condition Measures and System Performance Measures were first established and reported in 2018 with CTB approval for the first performance period from January 1, 2018 to December 31, 2021.

Pursuant to 23 C.F.R. § 490.107, State DOTs must report by October 1 to Federal Highway Administration (FHWA) a baseline report at the beginning of a performance period that includes performance targets with progress reports due by October 1 every two years. The first performance period report was submitted to FHWA on October 1, 2018 with a mid-period progress report submitted on October 1, 2020. At its July 2022 meeting, the CTB was presented

¹ All two and 4-year targets cover the time period of Jan. 1, 2022 to Dec. 31, 2025, except for the Congestion Mitigation and Air Quality Improvement Program (CMAQ) targets which follow the federal fiscal year (Oct. 1, 2022 to Sept. 30, 2025).

with information for a final progress report for the first performance period ending on December 31, 2021. A final progress report is due by October 1, 2022.

The OIPI has coordinated and worked collaboratively with VDOT and agreed on target setting methodologies and proposed targets for the second federal performance period. The proposed targets for the twelve asset condition, system performance, congestion, and air quality measures are set forth in Tables A and B.

At its July 2022 meeting, the CTB was also presented with information and proposed two- and four-year Asset Condition Performance Targets and System Performance Targets for the second performance period representing January 1, 2022 through December 31, 2025. Once adopted, targets must be reported to FHWA by October 1, 2022, with a mid-period progress report due October 1, 2024, and a final report for the second performance period due October 1, 2026.

Table A

Asset Condition Measures	Scope	2-Year Target¹ (2023)	4-Year Target¹ (2025)
Percentage of Pavement in Good Condition	Interstate	45%	45%
Percentage of Pavement in Poor Condition	Interstate	3%	3%
Percentage of Pavement in Good Condition	NHS (non-Interstate)	25%	25%
Percentage of Pavement in Poor Condition	NHS (non-Interstate)	5%	5%
Percentage of Deck Area of Bridges in Good Condition	NHS	27.2%	25.1%
Percentage of Deck Area of Bridges in Poor Condition	NHS	3.3%	3.6%

¹ All two and 4-year targets cover the time period of Jan. 1, 2022 to Dec. 31, 2025, except for the Congestion Mitigation and Air Quality Improvement Program (CMAQ) targets which follow the federal fiscal year (Oct. 1, 2022 to Sept. 30, 2025).

Table B

System Performance Measures	Scope	2-Year Target¹ (2023)	4-Year Target¹ (2025)
Percentage of Person-Miles Traveled that are Reliable	Interstate	85%	85%
Percentage of Person-Miles Traveled that are Reliable	Non-Interstate (NHS)	88%	88%
Truck Travel Time Reliability Index	Interstate	1.64	1.64
Annual Hours of Peak Hour Excessive Delay Per Capita ²	NHS	22.5 hrs/capita	22.7 hrs/capita
Percentage of Non-SOV Travel ²	NHS	37.4%	37.7%
Total Emission Reductions for Volatile Organic Compounds ³	CMAQ Projects	0.323 kg/day	3.013 kg/day
Total Emission Reductions for Nitrogen Oxides (NOx) ³	CMAQ Projects	0.612 kg/day	4.911 kg/day

Recommendations: OIPI in consultation with VDOT recommends the approval of proposed Asset Condition and System Performance Targets.

Action Required by CTB: The CTB will be presented with a resolution for a formal vote to approve the proposed Asset Condition and System Performance Targets for 2022-2025.

Result, if Approved: If approved, targets will be reported to FHWA prior to the October 1 deadline.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None

¹ All two and 4-year targets cover the time period of Jan. 1, 2022 to Dec. 31, 2025, except for the Congestion Mitigation and Air Quality Improvement Program (CMAQ) targets which follow the federal fiscal year (Oct. 1, 2022 to Sept. 30, 2025).

² Targets apply only to certain urbanized areas designated as nonattainment or maintenance for specified pollutants under National Ambient Air Quality Standards (NAAQS) (the Washington, DC-MD-VA 8-hour ozone nonattainment area).

³ Targets apply to CMAQ projects in areas designated as nonattainment or maintenance for certain NAAQS (the Virginia portion of the Washington, DC-MD-VA 8-hour ozone nonattainment area).

BIDS FOR SEPTEMBER CTB ACTION MEETING

 Ben Coaker, P.E.

September 21, 2022

Order No. G39 – Fredericksburg District – UPC 105464, 111456

SCOPE:	SMART SCALE – RTE. 606 (MUDD TAVERN RD) RECON.
LOCATION:	SPOTSYLVANIA
BIDS:	3
LOW BID:	\$16,194,777.00 (exceeds range)
CONTRACTOR:	Allan Myers VA, Inc. (Glen Allen, VA)

Order No. 976 – NOVA District - 119873

SCOPE:	ASPHALT PLANT MIX
LOCATION:	FAIRFAX (VARIOUS ROUTES)
BIDS:	4
LOW BID:	\$5,973,862.31 (exceeds range)
CONTRACTOR:	Arthur Construction Co., Inc. (Dulles, VA)

Order No. 979 – NOVA District – UPC 121512

SCOPE:	ASPHALT PLANT MIX
LOCATION:	FAIRFAX (VARIOUS ROUTES)
BIDS:	6
LOW BID:	\$5,747,283.44 (within range)
CONTRACTOR:	Arthur Construction Co., Inc. (Dulles, VA)

Order No. H35 – NOVA Districts – UPC 105521

SCOPE:	SMART SCALE- EAST SPRING STREET WIDENING
LOCATION:	HERNDON
BIDS:	4
LOW BID:	\$9,966,429.76 (exceeds range)
CONTRACTOR:	Fort Myer Construction Corp., (Washington, DC)

Order No. H06 – Bristol District – UPC 116157

SCOPE:	I81 - TRUCK CLIMBING LANE
LOCATION:	SMYTH (I-81)
BIDS:	3
LOW BID:	\$7,655,716.38 (within range)
CONTRACTOR:	W-L Construction & Paving, Inc. (Chilhowie, VA)

Order No. DB117 –NOVA District –UPC 120460

SCOPE:	Interchange Reconfiguration I-95 (Exit 160)
LOCATION:	Prince William County
BIDS:	3
GMP:	\$65,000,000
CONTRACTOR:	Allan Myers VA, Inc. (Glen Allen, VA)

Lump Sum Price for Phase 1A Service of **\$1,944,693.44**

Allan Myers acknowledges and agrees that the final Contract Price cannot exceed the established **Guaranteed Maximum Price (GMP) of sixty-five million dollars (\$65,000,000) (PE,RW,CN)**. The GMP is the budget approved for the amounts payable to Design-Builder for all services to be performed under this Agreement (i.e., the sum of compensation for Phase 1A Services, Phase 1B Services, Phase 2 Services and any Early Work Packages).



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # NB1

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

September 21, 2022

MOTION

Made By: _____ **Seconded By:** _____

Action: _____

Title: Action Regarding Funding for Pre-Scoping Activities for Priority Trails

WHEREAS, pursuant to Item 447.10 of Chapter 552 of the 2021 Acts of the Assembly (Special Session I, Appropriations Act), the General Assembly directed that up to \$10 million be allocated to regional trails with priority given by the Commonwealth Transportation Board (Board) to developing new regional trails, to projects to improve connectivity of existing trail networks, and to geographic diversity in the use of such funds; and

WHEREAS, subsequently, pursuant to Item 447.10 of Chapter 1 and Item 452 of Chapter 2 of the 2022 Acts of the Assembly (Special Session I, Appropriations Acts), the General Assembly appropriated a total of \$79.0 million in General Fund dollars in Fiscal Years 2022 and 2023 for the planning, development, and construction of multi-use trails throughout the Commonwealth specifying the same priorities as those cited in the 2021 legislation; and

WHEREAS, the General Assembly, pursuant to Item 452 of Chapter 2 of the 2022 Acts of the Assembly (Special Session I), directed further that \$14.0 million in funds received from the Transportation Alternatives Program pursuant to 23 USC 133(h) be set aside by the Board for regional multi-use trails; and

WHEREAS, pursuant to Item 447.10 of Chapter 1 of the 2022 Acts of the Assembly (Special Session 1, Appropriation Act), the General Assembly directed the establishment of a State Trails Office to develop a State Trails Plan and State Trails Information Clearinghouse consistent with the January 2022 "Report of Virginia Multi-Use Trails Initiative" and to coordinate with the State Trails Advisory Committee and the Department of Conservation and Recreation; and

WHEREAS, while none of the foregoing Appropriations Acts prescribed funding for specific trails, during the legislative process the General Assembly considered the funding needs for several specific trails, including the Shenandoah Valley Trail, Craig Valley Trail, Peaks to Creeks Trail, Tobacco Heritage Trail, and Eastern Shore Trail (Priority Trails), and given the early project development status of each of these trails and ongoing uncertainty regarding inflation and supply chain issues, it was necessary to maintain flexibility in the commitment of resources to these trails; and

WHEREAS, allocation of funding to support project pre-scoping activities will facilitate refinement of the scope, schedule, and construction estimate for each trail without jeopardizing flexibility in the overall commitment of resources to these and other trails.

NOW THEREFORE, BE IT RESOLVED, that it is the Board's desire to utilize a portion of the General Fund dollars provided in the Appropriations Acts for multi-use trails to support initial phases of project evaluation and scoping, right of way negotiations, and pre-construction planning for the five trails previously contemplated for funding by the General Assembly.

BE IT FURTHER RESOLVED, that the Board directs up to \$1 million be provided to each of the Priority Trails, as needed, to support project evaluation and scoping, right of way negotiations, and pre-construction planning as part of approval of the revised budgets and SYIP in October

BE IT FURTHER RESOLVED, that prior to expenditure of additional funds beyond those referenced herein for these projects or the initiation of right of way or construction activities, the scope of work and cost estimate for each trail shall be presented to the Board with a request for an additional allocation.

BE IT FURTHER RESOLVED, that the Board directs the Commissioner of Highways to take all actions necessary to effectuate the Board's intent as described herein.

###

CTB Decision Brief

Action Regarding Funding for Pre-Scoping Activities for Priority Trails

Issue: The General Assembly has directed use of General Fund dollars and other federal dollars to support the planning, development, and construction of multi-use trails in throughout the Commonwealth and has identifies certain priority trails. Pre-scoping activities to facilitate refinement of the scope, schedule, and construction estimate for each of the priority trails is necessary but given the early project development status of each of these trails and ongoing uncertainty regarding inflation and supply chain issues, it is necessary to maintain flexibility in the commitment of resources to these trails.

Facts: In Item 447.10 of Chapter 552 of the 2021 Acts of the Assembly (Special Session I, Appropriations Act), the General Assembly directed that up to \$10 million be allocated to regional trails with priority given by the Commonwealth Transportation Board (Board) to developing new regional trails, to projects to improve connectivity of existing trail networks, and to geographic diversity in the use of such funds. Subsequently, pursuant to Item 447.10 of Chapter 1 and Item 452 of Chapter 2 of the 2022 Acts of the Assembly (Special Session I, Appropriations Acts), the General Assembly appropriated a total of \$79.0 million in General Fund dollars in Fiscal Years 2022 and 2023 for the planning, development, and construction of multi-use trails throughout the Commonwealth specifying the same priorities as those cited in the 2021 legislation. The General Assembly, pursuant to Item 452 of Chapter 2 of the 2022 Acts of the Assembly (Special Session I), directed further that \$14.0 million in funds received from the Transportation Alternatives Program pursuant to 23 USC 133(h) be set aside by the Board for regional multi-use trails.

Pursuant to Item 447.10 of Chapter 1 of the 2022 Acts of the Assembly (Special Session 1, Appropriation Act), the General Assembly directed the establishment of a State Trails Office to develop a State Trails Plan and State Trails Information Clearinghouse consistent with the January 2022 "Report of Virginia Multi-Use Trails Initiative" and to coordinate with the State Trails Advisory Committee and the Department of Conservation and Recreation.

While none of the foregoing Appropriations Acts prescribed funding for specific trails, during the legislative process the General Assembly considered the funding needs for several specific trails, including the Shenandoah Valley Trail, Craig Valley Trail, Peaks to Creeks Trail, Tobacco Heritage Trail, and Eastern Shore Trail (Priority Trails). Given the early project development status of each of these trails and ongoing uncertainty regarding inflation and supply chain issues, it was necessary to maintain flexibility in the commitment of resources to these trails.

Allocation of funding to support project pre-scoping activities will facilitate refinement of the scope, schedule, and construction estimate for each trail without jeopardizing flexibility in the overall commitment of resources to these and other trails.

Recommendations: The proposed resolution expresses the Board's desire to utilize a portion of the General Fund dollars provided in the Appropriations Acts for multi-use trails to support initial phases of project evaluation and scoping, right of way negotiations, and pre-construction

planning for the five Priority Trails previously contemplated for funding by the General Assembly.

Specifically, it is recommended that up to \$1 million in General Fund dollars, as needed, be provided to each of the Priority Trails, to support project evaluation and scoping, right of way negotiations, and pre-construction planning as part of approval of the revised budgets and SYIP in October 2022. Prior to expenditure of additional funds beyond those referenced herein for these Priority Trails or the initiation of right of way or construction activities, the scope of work and cost estimate for each trail will need to be presented to the Board with a request for an additional allocation.

Action Required by CTB: The CTB will be presented with a resolution for a formal vote to allocate up to \$1 million in General Fund dollars, as needed, to the five priority trails in the Revised FY2023-2028 Six-Year Improvement Program to be presented to the Board for approval in October 2022.

Result, if Approved: If the resolution is approved, in October, 2022, the Board will be presented with a request to approve allocations of up to \$1 million in General Fund dollars, as needed, for each of the five Priority Trails in the Revised FY2023-2028 Six-Year Improvement Program.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: None