COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106
Richmond, Virginia 23219

(804) 786-1830
Fax: (804) 225-4700

Agenda item # 9

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

June 21, 2007

MOTION

Made By: Mr. Davies Seconded By: Ms. Connally Action: Motion Carried

Title: Six-Year Improvement Program and Rail and Public Transportation Allocations For Fiscal Years 2008 - 2013

WHEREAS, Section 33.1-12 (9)(b) of the *Code of Virginia*, requires the Commonwealth Transportation Board (Board) to adopt by July 1 of each year a Six-Year Improvement Program of anticipated projects and programs and that the Program shall be based on the most recent official revenue forecasts and a debt management policy; and

WHEREAS, the Board is required by *Code of Virginia* Section 33.1-12 (9) and (11) to administer and allocate funds in the Transportation Trust Fund; and

WHEREAS, the Board is required by *Code of Virginia* Section 33.1-12 (11) to ensure that total funds allocated to any highway projects are equal to expenditures within 12 months following completion of the project; and

WHEREAS, Section 33.1-23.03:2 of the *Code of Virginia* sets aside funds for the Commonwealth Port Fund, the Commonwealth Airport Fund and the Commonwealth Mass Transit Fund and for capital improvements of highways; and

WHEREAS, Section 58.1-638 of the *Code of Virginia* requires the Board to allocate funds from the Commonwealth Port Fund and the Commonwealth Airport Fund in accordance with the statutory formula; and

WHEREAS, Section 58.1-638 (4) (c) of the *Code of Virginia* requires the Board to allocate funds for mass transit in accordance with the statutory formula set forth therein; and,

WHEREAS, Section 58.1-2425 of the *Code of Virginia* sets aside funds for the Rail Enhancement Fund for capital improvements of railways; and

WHEREAS, Section 33.1-221.1:1.1 of the *Code of Virginia* requires the Board to allocate funds from the Rail Enhancement Fund in accordance with Board established policies and procedures under the advisement of the Rail Advisory Board and the Director of the Department of Rail and Public Transportation as established by 33.1-391.3:1; and

WHEREAS, Section 33.1-221.1:1.2 of the *Code of Virginia* requires the Board to allocate funds from the Shortline Railway Preservation and Development Fund in accordance with Board established Rail Preservation Program policies and procedures; and

WHEREAS, The Amtrak *Cardinal* intercity passenger rail service utilizes the Buckingham Branch Railroad shortline sections between Orange and Clifton Forge, and the Buckingham Branch Railroad has applied for Rail Preservation Program funds to assist in track and roadbed improvements that will contribute to the continuation of safe and efficient passenger services through maintaining these rail sections to Federal Railroad Administration Class 3 Track Safety Standards; and,

WHEREAS, Rail Preservation Program adopted Board policies and procedures sets a goal to bring and maintain shortline railroads at a Class 2 Track Safety Standard, and the Buckingham Branch projects to benefit Amtrak *Cardinal* service require the Board to make exception to adopted Board policies and procedures to allow these projects to assist and maintain Class 3 Track Safety Standards; and,

WHEREAS, Section 33.1-23.1 of the *Code of Virginia* requires the Board to allocate funds for the construction and improvements on the Interstate, Primary, Urban and Secondary Highway Systems; and

WHEREAS, during the Fall of 2006, public meetings were held in nine geographic areas of the Commonwealth to provide information on a prioritization process for recommending construction, maintenance, and operations to be used in the development of the FY2008-2013 Six-Year Improvement Program and to receive public comments on the allocation of funds for the Interstate, Primary and Urban Road Systems, Rail, and Public Transportation; and

WHEREAS, the Board has considered the comments received at the nine public meetings in the development of a Working Draft - Six-Year Improvement Program of projects for Fiscal Years 2008 through 2013 for Interstate, Primary and Urban Highway Systems, Rail and Public Transportation; and

WHEREAS, the Working Draft - Six-Year Improvement Program for Fiscal Years 2008 through 2013 was made available for review and comments; and

WHEREAS, statewide public hearings were held on May 16th, 22nd, 23rd, 29th, and May 31, 2007, to receive public comments prior to the Board's adoption of the final Six-Year Improvement Program; and

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

NOW THEREFORE BE IT RESOLVED, by the Commonwealth Transportation Board that the allocations from the Commonwealth Port Fund, and the Commonwealth Airport Fund are approved; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Commissioner, upon written recommendation by the Virginia Department of Transportation's Chief Financial Officer and after consultation with the Commonwealth Transportation Board member for the district, is granted the authority to transfer up to ten percent of funds allocated to a project within a transportation construction district and system to another project(s) within the same transportation construction district and system to meet the Board's statutory requirements; and

BE IT FURTHER RESOLVED, that the Director of the Department of Rail and Public Transportation, upon written recommendation by the Department of Rail and Public Transportation's Chief Financial Officer is authorized to approve federal and state public transportation and rail grants as set out in the approved Six-Year Improvement Program and is authorized to reallocate funds among the line items of existing grants, to allocate additional funds to existing grants up to $200,000 per grant and to award additional federal and state grants for rail and public transportation up to $200,000, as may be necessary to meet the goals of the Board; and

BE IT FURTHER RESOLVED, that the Commissioner and Director shall notify the Board on a monthly basis should such transfer or allocation be made; and

BE IT FURTHER RESOLVED, that if such request for transfer or allocation exceeds ten percent or $200,000 as applicable, the Commissioner and Director shall bring such request to the Board on a monthly basis for their approval prior to taking any action to record or award such action; and

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the allocations of Interstate, Primary, Secondary and Urban road construction funds and Rail and Public Transportation funds for Fiscal Years 2008 through 2013 are approved; and

BE IT FURTHER RESOLVED, that the Board grants an exception to its adopted Rail Preservation Program policies and procedures and approves the Buckingham Branch Railroad projects that will assist in track and roadbed improvements to maintain Class 3 Track Safety Standards contributing to the continuation of safe and efficient Amtrak *Cardinal* intercity passenger rail service between Orange and Clifton Forge contained in the Fiscal Year 2008 through 2013 Six-Year Improvement Program; and,

BE IT FURTHER RESOLVED, by the Commonwealth Transportation Board that the Six-Year Improvement Program of projects and programs for Fiscal Years 2008 through 2013 for Interstate, Primary and Urban Highway Systems and Rail and Public Transportation are approved.

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