

# **Correspondence Section**



## Northern Virginia Transportation Authority

*The Authority for Transportation in Northern Virginia*

January 23, 2017

The Honorable David B. Albo  
6367 Rolling Mill Place, Suite 102  
Springfield, VA 22152

Dear Delegate Albo:

On January 12, 2017 the Northern Virginia Transportation Authority took action to approve the Standard Project Agreements for the final group of transportation projects approved as part of the Authority's FY2017 Program. Typically this is a rather routine final stage for project sponsors to move forward with implementing the projects funded through HB 2313 70% revenues.

However, the eight-car traction power upgrades on the Washington Metropolitan Area Transit Authority's (WMATA) Blue Line project was pulled from the routine process to receive very specific attention in order to make sure it could move ahead, with clarity and transparency. As you know this type of project requires multi-state funding and crosses multiple jurisdictional boundaries. We remember your early concerns about projects of this nature and your desire to protect the Authority's interests.

In response to those concerns, on January 23, 2014, the Authority passed Resolution 14-8 titled: Northern Virginia Transportation Authority (NVTA) Policy for the Use of 70% Funds under 2013 Va. Acts Ch. 766 Regarding Funding of Projects Undertaken by NVTA or on its Behalf with the District of Columbia, Virginia, any other State or a Political Subdivision thereof, or The United States of America.

I am pleased to share with you that the policy has not sat idle. The Authority and WMATA have made considerable efforts to coordinate the multiple funding and multi-jurisdictional commitments needed to implement and ensure completion of these traction power upgrades, while protecting the NVTA 70% funds committed to the project. Actions include: two WMATA Board Resolutions, multiple documented WMATA funding transfers, tracking provisions in the WMATA multi-year Capital Improvement Plan (CIP) for matching funds from the District of Columbia and the State of Maryland as well as tracking in WMATA's multi-year Work Plan.

These efforts with WMATA have resulted in a clear understanding between all parties. The understanding is that since the Authority remits 70% funds on a reimbursement basis, all the above must be and stay in place until project completion in order for WMATA to receive and retain the \$17.4 million the Authority has committed to this project.

I wanted you to know, in a concrete example, the seriousness with which Authority takes the stewardship of HB 2313 funds and the associated benefits in transparency and clarity to all parties. Thank you for all your efforts in supporting the Northern Virginia Transportation Authority.

Best regards,



Martin E. Nohe  
Chairman

# **NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

## **RESOLUTION 14-08**

### **NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (“NVTA”) POLICY FOR USE OF 70% FUNDS UNDER 2013 VA. ACTS CH. 766 REGARDING FUNDING OF PROJECTS UNDERTAKEN BY NVTA OR ON ITS BEHALF WITH THE DISTRICT OF COLUMBIA, VIRGINIA, ANY OTHER STATE OR A POLITICAL SUBDIVISION THEREOF, OR THE UNITED STATES OF AMERICA**

**WHEREAS**, in its 2013 session, the Virginia General Assembly enacted 2013 Va. Acts Chapter 766 (“Chapter 766”); and therein authorized NVTA’s funding of regional transportation projects with certain taxes and fees imposed in accordance with Chapter 766; and

**WHEREAS**, in accordance with the requirements set forth in Chapter 766, NVTA must use and apply all funds generated by the taxes and fees imposed by Chapter 766 in accordance with all the requirements and restrictions set forth in Chapter 766 and the NVTA Act; and

**WHEREAS**, in accordance with Chapter 766, NVTA is the sole determinant of the funding for regional projects with the revenues set forth by Va. Code Ann. Section 15.2-4838.1(C)(1) (“the 70% Funds”); and

**WHEREAS**, NVTA recognizes that certain projects within NVTA otherwise eligible and approved for funding under Chapter 766 may be part of a larger project, projects, or system undertaken by NVTA or one or more of its member localities in conjunction with other state, local, or federal governmental entities. These entities include but are not limited to the District of Columbia, Washington Metropolitan Area Transit Authority, and Virginia Railway Express (“extra-territorial funding partners”); and

**WHEREAS**, in order to ensure compliance with Va. Code Ann. Section 15.2-4838.1, which states, in part, “A. All moneys received by the Authority and the proceeds of bonds issued pursuant to § 15.2-4839 shall be used by the Authority solely for transportation purposes benefiting those counties and cities that are embraced by the Authority”, and all other applicable requirements of Chapter 766 and the NVTA Act, when distributing the 70% Funds to projects which are built or managed in concert with extra-territorial funding partners, prior to any NVTA funds being released for any such project or system, the NVTA must first ensure that, all NVTA’s extra-territorial funding partners pay or officially commit to pay their appropriate, respective proportionate share or shares of the larger project or system costs commensurate with the benefits to each on a basis agreed upon between the member localities. Furthermore, the NVTA funds must be in addition to the funds that the NVTA member locality is to receive from, or credited with by, the extra-territorial funding partner for the larger project or system;

**NOW, THEREFORE BE IT RESOLVED THAT the NVTA adopts the following policy with regard to all projects funded from the 70% Funds that are built or managed in concert with extra-territorial funding partners:**

1. Prior to any NVTA funds being released for any such project or system, the NVTA must first ensure that all NVTA's extra-territorial funding partners pay or officially commit to pay their appropriate, respective proportionate share or shares of the larger project or system costs commensurate with the benefits to each on a basis agreed upon between the member localities;
2. The NVTA must ensure that the funds being released for any such project or system are in addition to the funds that the NVTA member locality is to receive from, or be credited with by, the extra-territorial funding partner for the project or system;
3. There shall be no funding made available by NVTA until such time as all extra-territorial funding partners for such project or system pay or officially commit to funding their appropriate, respective proportionate shares of such larger project or system commensurate with the benefits to each on a basis agreed upon with NVTA; and
4. NVTA's Standard Project Administration Agreement for the funding of all projects with 70% Funds shall include conditions consistent with and in furtherance of this policy.

Adopted by the Northern Virginia Transportation Authority on this 23<sup>rd</sup> day of January 2014.



**BY:** \_\_\_\_\_  
Chairman

**ATTEST:**   
Clerk