

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

FOR: Chair Phyllis J. Randall and Members
Northern Virginia Transportation Authority

FROM: Monica Backmon, Chief Executive Officer

DATE: September 1, 2022

SUBJECT: Approval to Recommend the Reallocation of Transform 66 Outside the Beltway Concession Payment Funds for Fairfax County

1. **Purpose:** To seek Northern Virginia Transportation Authority recommendation to reallocate Transform 66 Outside the Beltway Concession Payment Funds for Fairfax County.
2. **Suggested Motion:** *I move Authority recommendation to the Commonwealth Transportation Board, to approve transfer of \$814,022 in Transform-66 Concession funds from Balance Entry (UPC 113539) to Lee Highway Pedestrian Improvements (UPC 113518) and \$314,728 from Balance Entry (UPC 113539) to Route 50 and Waples Mill Road Intersection Improvements (UPC 113517).*
3. **Background:**
 - As part of the Transform 66 Outside the Beltway Project, the Concessionaire paid the Virginia Department of Transportation (VDOT) a Concession Fee/Payment to fund additional transportation improvements in the corridor (Concession Payment).
 - Virginia Code specifies that allocations from the Concession Payments may be used to pay or finance all or part of the costs of programs or projects, but that (i) the allocations must be limited to programs and projects that are reasonably related to or benefit the users of the qualifying transportation facility that was the subject of a concession pursuant to the Public-Private Transportation Act (PPTA); and (ii) the priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Commonwealth Transportation Board (CTB) in making project allocations from moneys in the Account.
 - On July 13, 2017, the Authority, with input from local jurisdictions, developed a list of projects for presentation to and consideration by the CTB as projects that may be funded with funds from the Concession Payment. The Virginia Department of Transportation also recommended that the funding be used to support to fund, in whole or part, several Route 29 Projects in Fairfax County. On December 6, 2017, the CTB endorsed the list of projects recommended by the Authority and the Route 29 Projects. Both projects to which fund transfers are requested were approved by CTB.

- On August 25, 2022, Fairfax County requested the following transfers:
 - \$814,022 in Transform 66 Concession funds from Balance Entry (UPC 113539) to Lee Highway Pedestrian Improvements (UPC 113518); and
 - The Lee Highway Pedestrian Improvements project was previously approved by both the Authority and the CTB to receive I-66 Concessionaire funding. Additional funding is required to address design changes related to the reevaluation of the method for controlling stormwater runoff for the project.
 - \$314,728 from Balance Entry (UPC 113539) to Route 50 and Waples Mill Road Intersection Improvements (UPC 113517).
 - Additional funding is required to meet the increase in low bid over the engineer's estimate.
- The RJACC recommended approval of the transfer request at their August 25, 2022, meeting.

4. Next Steps: Upon Authority recommendation of approval, the transfer request will be sent to the CTB to include in the transfer report.

Attachments:

- A. Fairfax County Request for Concession Payment Funds Transfer
- B. Draft Letter Recommending Approval of Concession Payment Funds Transfer for Fairfax County

Coordination: Regional Jurisdiction and Agency Coordinating Committee



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

August 24, 2022

Ms. Monica Backmon, Chief Executive Officer
Northern Virginia Transportation Authority
3040 Williams Drive, Suite 200
Fairfax, Virginia 22031

Re: I-66 Concession Funds Transfer Request

Dear Ms. Backmon :

Fairfax County was awarded a total of \$3,325,000 in I-66 Concession Fee funds for the projects listed below. As these projects have advanced through preliminary engineering and design, the cost estimates have increased. Fairfax County requests that the Northern Virginia Transportation Authority (NVTa) approve the transfers of the I-66 Concessionaire funds described below:

- Transfer \$814,022 in I-66 Concession Fee funds from the Concession Balance Entry Account (UPC 113539) for Fairfax County to Lee Highway Pedestrian Improvements (UPC 113518). The Lee Highway Pedestrian Improvements project was previously approved by both the Authority and the Commonwealth Transportation Board to receive I-66 Concessionaire funding. Additional funding is required to address design changes related to the reevaluation of the method for controlling stormwater runoff for the project.
- Transfer \$314,728 in I-66 Concession Fee funds from the Concession Balance Entry Account (UPC 113539) for Fairfax County to Route 50 and Waples Mill Road Intersection Improvements (UPC 113517). Additional funding is required to meet the increase in low bid over the engineer's estimate.

Thank you for your consideration. If you have any questions or concerns about this request, please contact Christina Cain at 703-877-5929.

Sincerely,

Tom Biesiadny
Director

cc: Gregg Steverson, Deputy Director, Fairfax County Department of Transportation (FCDOT)
Todd Wigglesworth, Coordination and Funding Division Chief, FCDOT
Noelle Dominguez, Coordination Section Chief, FCDOT
Martha Coello, Special Projects Division Chief, FCDOT
Ray Johnson, Funding Section Chief, FCDOT

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Carole Bondurant, Manager, Northern Virginia Program Management Virginia Department
of Transportation (VDOT)
Susan, Shaw, Mega Projects Director, Northern Virginia, VDOT



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

September 8, 2022

Mr. John Lynch
NOVA District Administrator
Virginia Department of Transportation
4975 Alliance Dr. Suite 4E-342
Fairfax, Virginia 22030

Re: Reallocate Transform 66 Outside the Beltway Concession Payment funds for Fairfax County

Dear Mr. Lynch;

As part of the Transform 66 Outside the Beltway Project, the Concessionaire paid the Virginia Department of Transportation (VDOT), a Concession Fee/Payment to fund additional transportation improvements in the corridor (Concession Payment). Virginia Code specifies that allocations from the Concession Payments may be used to pay or finance all or part of the costs of programs or projects, but that (i) the allocations must be limited to programs and projects that are reasonably related to or benefit the users of the qualifying transportation facility that was the subject of a concession pursuant to the PPTA; and (ii) the priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Commonwealth Transportation Board (CTB) in making project allocations from moneys in the Account.

On July 13, 2017, the Northern Virginia Transportation Authority (the Authority), with input from local jurisdictions, developed a list of projects for presentation to and consideration by the Commonwealth Transportation Board (CTB) as projects that may be funded with funds from the Concession Payment. On December 6, 2017, the CTB endorsed the list of projects recommended by the Authority.

On August 25, 2022, Fairfax County requested the following transfers:

- \$814,022 in Transform-66 Concession funds from Balance Entry (UPC 113539) to Lee Highway Pedestrian Improvements (UPC 113518):
 - The Lee Highway Pedestrian Improvements project was previously approved by both the Authority and the Commonwealth Transportation Board to receive I-66 Concessionaire funding. Additional funding is required to address design changes related to the reevaluation of the method for controlling stormwater runoff for the project.
- \$314,728 from Balance Entry (UPC 113539) to Route 50 and Waples Mill Road Intersection Improvements (UPC 113517):

- Additional funding is required to meet the increase in low bid over the engineer's estimate.

On September 8, 2022, the Authority recommended approval of the transfer. Thank you in advance for your time and attention on this matter.

Sincerely,

Phyllis J. Randall
Chair

cc: Monica Backmon, Chief Executive Officer, NVTA
Tom Biesiadny, Director of Transportation, Fairfax County Department of Transportation

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