



## Legislation Text

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**File #:** 19-0158, **Version:** 1

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Resolution to Amend and Restate the City's Request to the Virginia Department of Transportation to Program Two (2) Capital Projects into its 6-Year Improvement Plan with Transportation Alternatives Set Aside Funds

**PURPOSE/BACKGROUND:**

The purpose of this resolution is to amend and restate a prior request to the Virginia Department of Transportation ("VDOT"), based on specific direction from VDOT.

**Discussion:**

In 2017, the City Council approved a resolution to endorse seven (7) transportation alternative set-aside projects in accordance with the Commonwealth Transportation Board's construction allocation procedures. That 2017 resolution provides that the City agrees to provide a minimum of 20% funding for each project. At that time, it was anticipated that each of those projects would be approved and ultimately funded by 80% of federal funds, with the remaining 20% being the City's responsibility (the "80/20 Formula"). In 2018, the City Council further requested that the Virginia Department of Transportation ("VDOT") incorporate in its Six-Year Improvement Plan three (3) of those seven projects, and specifically requested in that resolution that those projects be funded using the 80/20 Formula. VDOT has since advised the City that for two (2) of those projects, the required local match will be 21%, and has therefore asked the City to approve another resolution to remove reference to the 80/20 Formula, and replace it with more flexible language regarding the percentage allocation between the parties prior to the execution of the programmatic agreements necessary to bring those projects to fruition. The projects currently known to be affected by this issue are:

1) Mercury Boulevard Road Diet & Improvements - Segment I from Mallory Street to Willard Avenue (\$594,000 Total Funding; anticipated to be funded by 79% federal funds; 21% local funds)

2) Mercury Boulevard Road Diet & Improvements - Segment II from Willard Avenue to Mellen Street (\$298,000 Total Funding; anticipated to be funding by 79% federal funds; 21% local funds )

This current action will be followed by any additional appropriation resolutions that may be necessary, which will be best known once the specific programmatic agreements are executed.

**Impact:**

The projects improve bike and pedestrian access and safety in the Phoebus area. The 79% federal funds are paid on a reimbursement basis following city expenditure. It is anticipated at this time that the City's 21% match will be transferred from other projects.

**Recommendation:**

Approve Resolution.

**WHEREAS**, in accordance with the Commonwealth Transportation Board (“CTB”) construction allocation procedures, in 2017, the City Council endorsed by resolution a request that the CTB establish seven (7) transportation alternative set-aside projects in support of the City of Hampton's (the "City") adopted Bike Walk Hampton plan;

**WHEREAS**, in 2018, the City Council of the City of Hampton requested that the Virginia Department of Transportation (“VDOT”) program into its Six-Year Improvement Plan three (3) of those seven (7) projects, each of which were specifically asked to be funded with 80% federal funds and 20% City funds; and

**WHEREAS**, VDOT has since advised the City that the required local match for two (2) of those projects will be 21%, and have asked that the City approve another resolution to replace the express funding allocation included in the 2018 resolution with more flexible language, allowing for the specific allocation to be stated in the applicable program agreements without the need for further City Council action.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA**, as follows:

A. That it hereby requests that the Virginia Department of Transportation program the following construction projects into its 6-Year Improvement Plan:

1) Mercury Boulevard Road Diet & Improvements - Segment I from Mallory Street to Willard Avenue (\$594,000 total funding from all sources); and

2) Mercury Boulevard Road Diet & Improvements - Segment II from Willard Avenue to Mellen Street (\$298,000 total funding from all sources);

B. That it hereby agrees to enter into project administration agreements with VDOT and to provide the necessary oversight to ensure the projects are developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the project;

C. That it hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way, construction, and future maintenance and operating for the upkeep of the completed projects in accordance with the project administration agreements and other financial documents, subject to appropriation;

D. That if the City subsequently elects to cancel a project, the City agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation and also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT;

E. That it authorizes the City Manager or her authorized designee to apply for funds and execute any and all project administration agreement documents and any other contracts, agreements, or documents relating to the projects identified above; and

F. That to the extent this resolution conflicts with any prior resolutions of the City Council of the City of Hampton with respect to those projects identified above, those prior resolutions shall be deemed to be amended and restated by this resolution.