



RESOLUTION #2443

SUBJECT: Approve the Third Amended and Restated MOA to the Memorandum of Agreement Transform66: Inside the Beltway Project

WHEREAS: The Transform66: Inside the Beltway Project consists of dynamic tolling, conversion from HOV-2 to HOV-3, transit service, technology upgrades and infrastructure improvements to increase the number of people traveling in the corridor; and an evaluation of project effectiveness on I-66 and its related arterials;

WHEREAS: In 2015, Virginia Secretary of Transportation Aubrey Layne designated NVTC as the regional authority to identify and facilitate the delivery of the multimodal components of this project to maximize the transportation benefits of this project, as measured by the number of persons that are able to travel through the corridor;

WHEREAS: In January 2016, NVTC and the Commonwealth of Virginia entered into a Memorandum of Agreement (MOA) allowing NVTC to use toll revenues from I-66 Inside the Beltway to fund multimodal components that support the toll payers of this facility, which program is branded as Commuter Choice on the I-66 Corridor;

WHEREAS: In October 2016, NVTC and the Commonwealth of Virginia amended and restated the MOA to remove references to the use of tolls for widening the facility; modify language to enhance the credit-worthiness of the toll revenues; clarify the use of funds for transit operations; and address technical corrections identified by the Commonwealth, NVTC staff and NVTC jurisdictions;

WHEREAS: In January 2020, NVTC and the Commonwealth of Virginia again amended and restated the MOA to identify a minimum annual payment schedule over the life of the agreement for Commuter Choice on the I-66 Corridor while also allowing toll revenues to support two rail capital projects that support the movement of people along the I-66 Inside the Beltway Corridor and satisfy the requirements for use of toll revenue by benefitting the toll paying users of I-66, namely a new bridge structure that crosses the Potomac River to expand the capacity for commuter and intercity passenger rail service and new Metrorail-related improvements to, and serving, the Rosslyn Metrorail Station that would facilitate the movement of passengers and relieve train congestion on the Blue, Orange, and Silver Metrorail lines;

WHEREAS: The Commonwealth recently identified language in the Second Amended and Restated MOA that would unintentionally constrain the amount that the Commonwealth could expend on debt service for the rail capital projects; and

WHEREAS: The Commonwealth has identified clarifying text, reviewed by NVTC legal counsel, that sufficiently protects the toll revenue payments due to NVTC for Commuter Choice on the I-66 Corridor.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby approves the attached Third Amended and Restated Memorandum of Agreement Transform66: Inside the Beltway Project and authorizes the executive director to execute the agreement on behalf of the Commission.

Approved this 6th day of May 2021.



Katie Cristol
Chair



Dalia Palchik
Secretary-Treasurer