

**RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD**

~~July 28, 2016~~
October 24, 2017

MOTION

Made By: Seconded By:

Action:

Title: Adoption of Revised Policy and Approval of ~~Guides~~Guide for Implementation of the SMART SCALE Project Prioritization Process

WHEREAS, Section 33.2-214.1 of the *Code of Virginia*, provides that the Commonwealth Transportation Board (Board) shall develop a statewide prioritization process for certain projects funded by the Board, including those projects allocated funds pursuant to sections 33.2-358, 33.2-370 and 33.2-371 of the *Code of Virginia*, and

WHEREAS, Section 33.2-358 sets forth requirements relating to the allocations and establishment of a High Priority Projects Program established pursuant to section 33.2-370 and a Highway Construction District Grant Program established pursuant to section 33.2-371; and

WHEREAS, Chapter 726 of the 2014 Acts of Assembly, required the Board to select projects for funding utilizing the project prioritization process established pursuant to section 33.2-214.1 ~~beginning July 1, 2016~~; and

WHEREAS, Section 33.2-214.1 (B) requires the Board to solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process; and

WHEREAS, Section 33.2-214.2 requires the Office of Intermodal Planning and Investment to make public, in an accessible format, a recommended list of projects and strategies for inclusion in the Six-Year Improvement Program based on results of the evaluation of submitted projects and the results of screening and evaluation of such projects no later than 150 days prior to the Board's vote to adopt the Six-Year Improvement Plan.

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WHEREAS on June 17, 2015 the Board adopted a statewide prioritization policy and process pursuant to Section 33.2-214.1 and directed the Commissioner of Highways, the Department of Rail and Public Transportation (DRPT) and the Office of Intermodal Planning and Investment (OIPI) to take all actions necessary to implement and administer the policy and process adopted on June 17, 2015 (collectively the HB2 Prioritization Policy and Process), including but not limited to issuance of a Policy Guide consistent with the intent of the policy and process; and

WHEREAS on July 28, 2016, the Board rescinded the HB2 Prioritization Policy and Process previously adopted on June 17, 2015 and adopted a revised policy and process to govern screening, scoring and selecting projects for funding pursuant to Section 33.2-214.1 (SMART SCALE Prioritization Process); and

WHEREAS since adoption of the ~~HB2~~SMART SCALE Prioritization ~~Policy and~~ Process, VDOT, OIPI and DRPT have conducted extensive outreach to identify opportunities to improve the prioritization process in subsequent rounds; and

WHEREAS, in its ~~May 17, 2016 workshop~~June 21, 2017 and July 18, 2017 workshops, the Board was presented with information and recommendations relating to the ~~HB2~~SMART SCALE Prioritization Policy and Process, gathered from internal and external stakeholders, to include the following proposed key changes: encourage adjust the schedule to allow a longer application intake period and more time for evaluation and scoring; require basic information for early ereationscreening and eligibility determinations; increase project readiness requirements; require, for all applicants, resolutions of support from the relevant governing body; require a resolution of support from the metropolitan planning organization for candidate projects within metropolitan planning organization boundaries; establish a two-tiered population based limit on the number of applications; require documentation of other sources of funding used to leverage funding requests- that can be submitted for prioritization; clarify pröcesseligibility of asset management projects; clarify eligibility that project components must be contiguous or of the same improvement type; clarify requirements of the Board's policy for fully funded projects; further clarify requirements of reevaluation if the project scope changes significantly or thecost estimate exceeds the sliding scale requiring re-scoring; scale the Environmental Factor score based on changes; require applicant to cover the additional cost attributable to the increase in scope regardless of budget impact-to-the-environment; modify Land Use Factor to include a measure for the population and employment located in areas with high non-work accessibility and a measure of the increase in population and employment located in areas with high non-work accessibility, between present day and the horizon year of 2025; modify the Safety Measures to remove fatalities caused by driving under the influence and utilize a blended rate for fatalities and severe injuries; modify the Economic Development Factor to further limit the distance around certain types of projects where benefits may be considered for the Project Support for Economic Development Measure and eliminate the extra scaling point for having zoning in place, adjust the Travel Time Reliability Measure where there is no data, require zoned properties must get primary access from project, modify the points available and include a scaling factor based on vehicle miles traveled, and adjust the for projects that are consistent with local and regional plans, modify points for project specifically referenced in local comprehensive plan or regional economic development strategy, add points for projects within an economically distressed area, modify points depending on status of site plans, and scale the Intermodal Access and Efficiency Measure to adjust tonnage for ramps; modify the

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~~Safety Factor to include fatal and all injury crashes and to recognize higher social impacts of fatalities and severe injuries; adjust the Land Use Factor to address future density and the change in density between today and the future; and for fixed guideway projects analyze the full corridor improvements and take ten percent of the ultimate benefit~~Factor for freight tonnage-based on the length of the improvement; modify the Congestion Factor to utilize existing year traffic volumes to determine person throughput and delay.

WHEREAS, a revised draft ~~policy guide (2016 SMART SCALE Policy Guide) and draft~~ technical guide (~~2016~~2017 SMART SCALE Technical Guide) has been developed, based on said information and recommendations; and

WHEREAS in ~~June 2016~~August 2017, the draft ~~2016 SMART SCALE Policy Guide and draft~~ ~~2016~~ 2017 SMART SCALE Technical Guide containing a proposed revised prioritization ~~policy and~~ process ~~were~~was issued and posted at SmartScale.org for purposes of gathering public review and comment; and

WHEREAS, nine public meetings were held on August 28, 2017 in Fredericksburg, September 11, 2017 in Culpeper, September 14, 2017 in Chesapeake, September 18, 2017 in Fairfax, October 2, 2017 in Colonial Heights, October 4, 2017 in Lynchburg, October 10, 2017 in Weyers Cave, October 12, 2017 in Roanoke, and October 17, 2017 in Bristol to receive public comments prior to the Board's adoption of the SMART SCALE policy and process.

WHEREAS, such draft ~~2016 SMART SCALE Policy Guide and draft~~ ~~2016~~2017 SMART SCALE Technical Guide incorporate the requirements and factors identified in Section 33.2-214.1 (B); and

WHEREAS, after due consideration of comments received, changes were made to the draft prioritization policy and process as set forth in the draft ~~2016 SMART SCALE Policy Guide and draft~~ ~~2016~~2017 SMART SCALE Technical Guide and the Board believes the prioritization policy and process as set forth below should be adopted.

NOW THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board hereby adopts the following policy and process to govern screening, scoring and selecting projects for funding pursuant to Section 33.2-214.1 (SMART SCALE Prioritization Process):

1. Application for funding through the SMART SCALE Prioritization Process must be made by qualifying entities based on project type and as follows:

Eligibility to Submit Projects

Project Type	Regional Entity (MPOs, PDCs)	Locality* (Counties, Cities, and Towns)	Public Transit Agencies
Corridor of	Yes	Yes, with a resolution of	Yes, with

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Statewide Significance		support from relevant regional entity	resolution of support from relevant regional entity
Regional Network	Yes	<u>Yes, with a resolution of support from the MPO*</u>	Yes, with resolution of support from relevant regional entity
Urban Development Area	No	<u>Yes, with a resolution of support from the MPO*</u>	No
<u>Safety</u>	<u>No</u>	<u>Yes, with a resolution of support from the MPO*</u>	<u>No</u>

Note*: For Regional Networks, Urban Development Areas, and Safety projects the resolution of support is required for projects within an MPO boundary. Projects within established MPO study areas that are not identified in or consistent with the regionally adopted Constrained Long Range Plan (CLRP) must include a resolution of support from the respective MPO Policy Board.

- Application for funding through the SMART SCALE Prioritization Process must be made for a qualifying need and, pursuant to Section 33.2-214.1 (B)(2) and 33.2-358, for the High Priority Projects Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for all corridors of statewide significance and regional networks, and for the construction District Grant Program applications must be consistent with the assessment of needs undertaken in the Statewide Transportation Plan in accordance with Section 33.2-353 for corridors of statewide significance, and regional networks, improvements to promote urban development areas established pursuant to Section 15.2-2223.1, and safety improvements.
- Applications for funding through either the High Priority Projects Program or the Construction District Grant Programs must relate to projects located within the boundaries of the qualifying entity. Localities and regional planning bodies may submit joint applications for projects that cross boundaries.
- By majority vote of the Board, the Board may choose to submit up to two projects to be evaluated for funding in each biennial application cycle.
- The factors specified in Section 33.2-214.1 will be measured and weighted according to the following metrics:

ID	Measure Name	Measure Weight
	Safety Factor	

ID	Measure Name	Measure Weight
S.1	Number of Fatal and Injury Crashes*	50%
S.2	Rate of Fatal and Injury Crashes	50%
Congestion Mitigation Factor		
C.1	Person Throughput	50%
C.2	Person Hours of Delay	50%
Accessibility Factor		
A.1	Access to Jobs	60%
A.2	Access to Jobs for Disadvantaged Populations	20%
A.3	Access to Multimodal Choices	20%
Environmental Quality Factor		
E.1	Air Quality and Energy Environmental Effect	50%
E.2	Impact to Natural and Cultural Resources	50%
Economic Development Factor		
ED.1	Project Support for Economic Development	60%
ED.2	Intermodal Access and Efficiency	20%
ED.3	Travel Time Reliability	20%
Land Use Factor		
L.1	Transportation Efficient Land Use	100 70%
L.2	Increase in Transportation Efficient Land Use	30%

Note*: 100% for Transit [and Transportation Demand Management](#) Projects

- The factors will be evaluated according to the following typology categories and weighting frameworks within the state’s highway construction districts:

Region in which the Project is Located	Typology	Construction District
Accomack-Northampton PDC	Category D	Hampton Roads
Bristol MPO	Category D	Bristol
Central Shenandoah PDC	Category D	Staunton
Central Virginia MPO	Category C	Lynchburg/Salem
Charlottesville-Albemarle MPO	Category B	Culpeper
Commonwealth RC	Category D	Lynchburg/Richmond

Region in which the Project is Located	Typology	Construction District
Crater PDC	Category D	Richmond/Hampton Roads
Cumberland Plateau PDC	Category D	Bristol
Danville MPO	Category D	Lynchburg
Fredericksburg Area MPO (FAMPO)	Category A	Fredericksburg
George Washington RC	Category D	Fredericksburg
Hampton Roads PDC	Category D	Hampton Roads
Hampton Roads TPO (HRTPO) ¹	Category A	Hampton Roads/Fredericksburg
Harrisonburg-Rockingham MPO	Category C	Staunton
Kingsport MPO	Category D	Bristol
Lenowisco PDC	Category D	Bristol
Middle Peninsula PDC ⁱ	Category D	Fredericksburg
Mount Rogers PDC	Category D	Bristol/Salem
New River Valley MPO	Category C	Salem
New River Valley PDC	Category C	Salem
Northern Neck PDC	Category D	Fredericksburg
Northern Shenandoah Valley RC	Category D	Staunton
Northern Virginia Transportation Authority (NVTA) / Transportation Planning Board (TPB) ²	Category A	Northern Virginia/Culpeper/ Staunton
Rappahannock-Rapidan RC ⁱⁱ	Category D	Culpeper
Region 2000 LGC	Category D	Salem/Lynchburg
Richmond Regional PDC	Category D	Richmond
Richmond Regional TPO (RRTPO)	Category B	Richmond
Roanoke Valley TPO (RVTPO)	Category B	Salem
Roanoke Valley-Alleghany PDC	Category D	Salem/Staunton
Southside PDC	Category D	Lynchburg/Richmond
Staunton-Augusta-Waynesboro MPO	Category C	Staunton
Thomas Jefferson PDC	Category C	Culpeper/Lynchburg
Tri-Cities MPO	Category C	Richmond
West Piedmont PDC	Category D	Salem/Lynchburg
WinFred MPO	Category C	Staunton

Note*: PDC is defined as the remainder of the region outside the MPO boundary. In many cases, these regions include partial counties (e.g. Goochland County is partially within RRTPO and the Richmond Regional PDC). If a project is within the MPO boundary in a partial county, the project shall use the weighting associated with the MPO with the following exceptions:

- i. The portion of Gloucester County within the Hampton Roads TPO boundary shall use the weighting associated with the Middle Peninsula PDC.
- ii. The portion of Fauquier County within the Transportation Planning Board Boundary shall use the weighting associated with the Rappahannock-Rapidan Regional Commission.

Note** For projects that cross multiple typology boundaries, the project shall use the weighting associated with the typology for which the majority of the project is located.

Weighting Frameworks

Factor	Congestion Mitigation	Economic Development	Accessibility	Safety	Environmental Quality	Land Use
Category A	45%**	5%	15%	5%	10%	20%*
Category B	15%	20%	25%	20%	10%	10%*
Category C	15%	25%	25%	25%	10%	
Category D	10%	35%	15%	30%	10%	

Note* - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause, for certain metropolitan planning areas with a population over 200,000, the prioritization process shall also include a factor related to Land Use.

Note** - Pursuant to Chapter 726 of the 2014 Acts of Assembly, 6th enactment clause, for certain highway construction districts congestion mitigation must be weighted highest among the factors.

7. Qualifying entities are limited in the number of applications they may submit. The limits are based on population thresholds as defined in the table below. A Board member may allow one additional application from one county within their district if (i) the project is located within a town that is ineligible to submit projects and (ii) the county in which the town is located submitted the maximum number of applications allowed. Only one such additional application is allowed per district.

Application Limits

<u>Tier</u>	<u>Localities*</u>	<u>MPOs/PDCs/</u>	<u>Maximum Number of</u>
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		<u>Transit Agencies*</u>	<u>Applications</u>
<u>1</u>	<u>Less than 200K</u>	<u>Less than 500K</u>	<u>4</u>
<u>2</u>	<u>Greater than 200K</u>	<u>Greater than 500K</u>	<u>10</u>

Note* - The source of population data for localities, MPOs and PDCs is the last preceding United States census (2010). Application limits for transit agencies were determined based on service area population in the 2010 National Transit Database (NTD). If service area population was not available in NTD, Census 2010 population was used to determine population in jurisdictions served by transit agency.

~~7.8.~~ Candidate projects will be scored based on the factors and weights identified above relative to other projects submitted for evaluation, the cost of the project and based on information included in the project application.

~~8.9.~~ The final project score is determined by calculating the anticipated benefits relative to the amount of funding requested pursuant to section 33.2-358 of the *Code of Virginia*.

~~9.10.~~ A project that has been selected for funding must be re-scored and the funding decision re-evaluated if there are significant changes to either the scope or cost of the project, such that the anticipated benefits relative to funding requested would have substantially changed.

- a. If an estimate increases prior to project advertisement or contract award that exceeds the following thresholds, and the applicant is not covering the increased cost with other funds, Board action is required to approve the budget increase:
 - i. Total Cost Estimate <\$5 million: 20% increase in funding requested
 - ii. Total Cost Estimate \$5 million to \$10 million: \$1 million or greater increase in funding requested
 - iii. Total Cost Estimate > \$10 million: 10% increase in funding requested; \$5 million maximum increase in funding requested.
- b. If the project scope is reduced or modified such that the revised score is less than the lowest ranked funded project in the district for that cohort of projects, Board action is required to approve the change in scope.
- c. If the project scope is increased ~~in a manner that results in an associated budget increase, then~~ the applicant is responsible for ~~funding the increase~~additional cost attributable to the increase in scope regardless of budget impact. The scope of a project may not be substantially modified in such a manner that the proposed improvements do not accomplish the same benefits as the original scope.

~~10.11.~~ A project that has been selected for funding must be initiated and at least a portion of the programmed funds expended within one year of the budgeted year of allocation or funding

may be subject to reprogramming to other projects selected through the prioritization process. In the event the Project is not advanced to the next phase of construction when requested by the Commonwealth Transportation Board, the locality or metropolitan planning organization may be required, pursuant to § 33.2-214 of the *Code of Virginia*, to reimburse the Department for all state and federal funds expended on the project.

~~11.12.~~ _____ A project that has been selected for funding cannot be resubmitted to address cost increases or loss of other sources of funding.

~~12.13.~~ _____ Once a project is selected for funding, an entity must wait for two rounds of SMART SCALE following the end date of construction before submitting a new project application for the same location that meets the same need as the project that was selected for funding.

~~13.14.~~ _____ Once a project is selected for funding, an entity may not resubmit the project with a revised scope in a subsequent round unless the previously selected project has been cancelled.

~~14.15.~~ _____ In the cases where a project has been selected for funding which identified other sources of funding, the qualifying entity is committed to pay the difference if other sources of funding are not provided. An applicant may only identify State of Good Repair, Transportation Alternatives Set-Aside, Highway Safety Improvement Program and Revenue Sharing funds as committed funds if the funding has already been approved by the Board. Applicants must have an approved or pending application for other sources of committed funds, such as local/regional or other federal funds, at the time of the SMART SCALE application submission.

16. Applications for funding through the SMART SCALE Prioritization Process may not request funding to replace other committed funding sources identified in a local capital improvement program or a transportation improvement program, or required to be paid by a developer as a result of a local zoning process.

a. The CTB may waive this requirement for projects that:

i. have an anticipated total cost in excess of \$1 billion; and

ii. were not eligible for submission in the previous round of SMART SCALE due to readiness considerations, but initiated procurement prior to award of the current round of SMART SCALE.

b. If a fully funded project is submitted with additional features that are not yet funded, the benefits associated with the fully funded or committed project element(s) will be excluded from consideration in evaluating and rating the project benefits for SMART SCALE.

17. The Board may adjust the timing of funds programmed to projects selected in previous SMART SCALE cycles to meet the cash flow needs of the individual projects, but will not (1) reduce the total amount of state and federal funding committed to an individual project unless it is no longer needed for the delivery of the project or the project sponsor is unable to secure permits and environmental clearances for the project or (2) increase the total amount of state and federal funding committed to an individual project beyond the thresholds established in item 10.

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Projects from a subsequent round will not be advanced or accelerated by delaying projects selected in a previous SMART SCALE cycle.

18. In cases where programmed funds are no longer needed for delivery of a project due to estimate decreases, contract award savings, schedule changes, etc., the unexpended surplus funds are SMART SCALE unless superseded by the terms of a signed project agreement.

- a. Surplus Construction District Grant Program funds no longer needed for delivery of a project will remain within the applicable Construction District Grant Program and may not be used in other districts.
- b. Surplus High Priority Projects Program funds will remain within the High Priority Projects Program.
- c. Such surplus funds will be reserved to address budget adjustments on existing SMART SCALE projects or reserved for allocation in the next solicitation cycle for SMART SCALE.

BE IT FURTHER RESOLVED, the methodology outlined in the ~~SMART SCALE Policy Guide and~~ SMART SCALE Technical Guide shall direct the screening, scoring and selection of projects for funding and may continue to evolve and improve based upon advances in technology, data collection and reporting tools, and to the extent that any such improvements modify or affect the policy and process set forth herein, they shall be brought to the Board for review and approval.

BE IT FURTHER RESOLVED, the Board hereby directs the Commissioner of Highways, the Director of the Department of Rail and Public Transportation, and the Office of Intermodal Planning and Investment to take all actions necessary to implement and administer this policy and process, including but not limited to preparation of a Policy Guide consistent with the SMART SCALE Prioritization Process adopted herein.

BE IT FURTHER RESOLVED, that the ~~HB2SMART SCALE~~ SMART SCALE Prioritization Policy and Process previously adopted on ~~June 17, 2015~~ July 28, 2016 by the Board is hereby rescinded.

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