



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of May 22, 2010**

DATE: May 5, 2010

SUBJECT: Authorize Execution of Arlington County Commuter Services Program Grant Agreement between the Commonwealth of Virginia, Virginia Department of Transportation (VDOT) and the Arlington County Board and Appropriate Grant Funds to the Commuter Services Program.

C. M. RECOMMENDATIONS:

1. Approve the attached Agreement between the County Board and Commonwealth of Virginia, Department of Transportation for use of Congestion Mitigation and Air Quality Improvement (CMAQ) Funds.
2. Authorize the County Manager to execute the Agreement and all related documents subject to approval of the Agreement and documents as to form by the County Attorney, and accept any funds awarded.
3. Appropriate \$10,150 in grant revenues (\$10,150 for 101.364005.41150) to the FY 2010 Commuter Services Program, Transportation Planning (101.456000.41150).

ISSUES: Additional State and Federal funds cannot be accepted and appropriated for specified activities until these recommendations are approved.

SUMMARY: The Arlington County Commuter Services (“ACCS”) program is funded primarily using State and Federal transportation funds. Each year, ACCS staff submits grant applications to fund various projects and programs that influence people to increase use of transportation options such as transit, walking, bicycling, car/vanpooling, carsharing, and telecommuting. The Project Agreement recommended for execution has been approved by the Department of Transportation (“VDOT”). The grant monies will fund on-going operational expenses.

BACKGROUND: The grant is a Transportation Control Measure (TCM)-47c that was adopted in the FY95-00 Transportation Improvement Program (TIP) by the Transportation Planning Board (TPB) of the National Capital Region and has provided localities funding to encourage private sector employers with more than 100 employees to voluntarily implement alternative commute (trip reduction) programs annually since then. The program is now classified as a Transportation Emission Reduction measure (TERM). Localities in Northern Virginia receive these funds through VDOT.

County Manager: BMD

County Attorney: BAH/SM

Staff: Chris Hamilton, Dept. of Environmental Services – Transportation Division

DISCUSSION: Attached is the Agreement for execution to help fund the ACCS program. The Agreement is entitled “An Agreement for the utilization of Congestion Mitigation Air Quality (CMAQ) Funds” and will provide \$75,150 to the County. These funds will pay for outreach services directly to employers in Arlington, which will help promote commute alternatives, create new or expanded alternative commute programs, maintain existing programs, and provide a means to evaluate the impact of these employer efforts. This Federal grant is matched by the State, so there is no required local match.

The Agreement contains a provision (Article X) concerning settlement of disputes which gives the VDOT Commissioner the final decision on factual disputes concerning the Agreement. As to legal disputes, the Commissioner’s decision also is final, unless adjudicated in court. This provision ordinarily is unacceptable, but VDOT is unwilling to revise the provision. If the County does not agree to this provision, the County would forgo the grant funding. We understand that other Northern Virginia jurisdictions have signed CMAQ Agreements containing this provision.

FISCAL IMPACT: The total grant funds awarded to Arlington County Commuter Services (ACCS) for the grants discussed in this board report is \$75,150, of which \$65,000 has already been approved by the County Board in the FY 2010 Adopted Budget.