



**APPALACHIAN  
REGIONAL  
COMMISSION**

*A Proud Past,  
A New Vision*

*Office of the Executive Director*

Date: October 11, 2012  
Subject: Mail Ballot Approval of Attached Resolutions  
To: Appalachian Regional Commission State Alternates

Attached for mail ballot approval are the three Resolutions reviewed at the October 3, 2012 Commission meeting in Huntsville, Alabama:

- A Resolution Concerning Appalachian State Development Planning for FY 2013.
- A Resolution Concerning the Allocation of Appropriated Funds for Fiscal Year 2013.
- A Resolution Concerning the Appalachian Development Highway System and Local Access Roads.

Thank you for forwarding the mail ballots to your Governor for signature as soon as possible.

THOMAS M. HUNTER  
Executive Director and Secretary to the Commission

Enclosures

cc: ARC Program Managers

**GRANTS**

OCT 15 2012

**ADMINISTRATION**

# APPALACHIAN REGIONAL COMMISSION

## Special Ballot

### A Resolution Concerning Appalachian State Development Planning for FY 2013

*This ballot is presented to each Commission Governor Member and the Federal Co-Chair for consideration. The attached Resolution was reviewed at the October 3, 2012 Commission meeting in Huntsville, Alabama. Each Member is requested to complete the ballot and return to the Secretary of the Commission, Thomas M. Hunter as soon as possible.*

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**A Resolution Concerning Appalachian State Development Planning for 2013.** The attached Resolution approves the State Appalachian Development Plans and annual Strategy Statements for the Appalachian States that have submitted their Plans and Strategy Statements for FY 2013, and to authorize other actions related to Appalachian plans and their implementation.

Affirmative ☐

Negative ☐

\_\_\_\_\_  
Governor Member

\_\_\_\_\_  
Date

1  
2 **APPALACHIAN REGIONAL COMMISSION**

3 **RESOLUTION NUMBER**

4  
5 **A RESOLUTION Concerning Appalachian State Development Planning for FY 2013**

6  
7 **Section 1. Background and Purpose.** In accordance with the requirements of the Appalachian  
8 Regional Development Act, the Commission annually reviews plans for the development of the area  
9 within the Appalachian Region of its member states. The ARC Code requires the Governor of each  
10 Appalachian State to submit a State Appalachian Development Plan within 10 months after the  
11 beginning of his or her term in office. The Development Plans should reflect the Commission's  
12 Strategic Plan, its goals, objectives, and guiding principles, and set forth the Governors' goals,  
13 objectives and priorities for the Appalachian portion of their states and identify the needs on which  
14 they are based. The Development Plans are supplemented annually by Strategy Statements  
15 describing the states' programs for achieving the goals and objectives contained in their  
16 Development Plans using ARC funds and other resources.

17 At the Governor Quorum Meeting on February 26, 2012 the Commission authorized the use  
18 of a mail ballot to consider and approve Development Plans and annual Strategy Statements for FY  
19 2013. It is the purpose of this resolution to approve the State Appalachian Annual Implementing  
20 Strategy Statements for the Appalachian States that have submitted their Strategy Statements to this  
21 date, and to authorize other actions related to Appalachian plans and their implementation.

22 **Section 2. Review and Approval.** Having reviewed and considered the State Appalachian Strategy  
23 Statements of Alabama, North Carolina and South Carolina and having considered each State's  
24 goals, objectives and priorities and the relationship of investment strategies to them; and having

1 found that such Strategy Statements are in conformity with the provisions of Section 225 of the  
2 Appalachian Regional Development Act (40 U.S.C. 14525), the Commission, pursuant to Sections  
3 101 (b) and 303 of the Act (40 U.S.C. 14302 and 14322), hereby approves the Appalachian State  
4 Annual Implementing Strategy Statements for the States named above.

5 **Section 3. Continuing Effect.** The Strategy Statements approved by this Resolution shall continue  
6 in effect until the date of approval of new statements required to be submitted under Chapter 5 of the  
7 ARC Code.

8 **Section 4. Amendments.** Mail ballots are hereby authorized to consider and approve modifications  
9 and amendments to State Development Plans and to consider as necessary changes to Commission  
10 policy affecting implementation of ARC programs and the administration of the Commission.  
11 Amendments to Strategy Statements that are not inconsistent with a State's Development Plan may  
12 be approved at any Commission meeting.

# APPALACHIAN REGIONAL COMMISSION

## Special Ballot

### A Resolution Concerning the Allocation of Appropriated Funds for Fiscal Year 2013

*This ballot is presented to each Commission Governor Member and the Federal Co-Chair for consideration. The attached Resolution was reviewed at the October 3, 2012 Commission meeting in Huntsville, Alabama. Each Member is requested to complete the ballot and return to the Secretary of the Commission, Thomas M. Hunter as soon as possible.*

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**A Resolution Concerning the Allocation of Appropriated Funds for Fiscal Year 2013.** The purpose of this resolution is to make interim allocations of FY 2013 funds made available by Congress through the Continuing Resolution process in order to assure the availability of needed program and administrative funds until a final appropriation for FY 2013 is approved by Congress. These interim allocations will be incorporated in the FY 2013 final allocations to be made at the conclusion of the Congressional appropriation process.

Affirmative ☐

Negative ☐

\_\_\_\_\_  
Governor Member

\_\_\_\_\_  
Date

1                                   **APPALACHIAN REGIONAL COMMISSION**

2                                   **RESOLUTION NUMBER**

3                                   **A RESOLUTION Concerning the Allocation of**  
4                                   **Appropriated Funds for Fiscal Year 2013**

5  
6   **Section 1. Purpose of Resolution.** The purpose of this resolution is to make interim allocations of  
7   FY 2013 funds made available by Congress through the Continuing Resolution process in order to  
8   assure the availability of needed program and administrative funds until a final appropriation for FY  
9   2013 is approved by Congress. These interim allocations will be incorporated in the FY 2013 final  
10   allocations to be made at the conclusion of the Congressional appropriation process.

11   **Section 2. Interim Allocations for Commission Non-Highway Programs.** Funds made  
12   available to the Commission under the Continuing Resolution process shall be allocated as follows:

13           (1)   To fund Appalachian State projects under the General Area Development Program,  
14   the Distressed Counties Program, and Local Development District Administrative Grant Program, a  
15   total of ..... **85% of Appropriated Funds;**

16           **PROVIDED,** such funds may be approved for projects on an as needed basis, subject to  
17   availability, and amounts applied to projects from this interim allocation shall be charged against  
18   the appropriate State suballocation when the FY 2013 Allocation is made final; and

19           (2)   To fund the Administration and Technical Assistance categories, including,  
20   Technical Assistance, Program Evaluation and Research, the Co-Chairs' Committee Fund and  
21   ARC and Federal Staff Administration and, subject to the approval of the Co-Chairs' Committee, to  
22   fund Special Projects, Regional Priorities and Commission support for Regional Initiatives, a total  
23   of .....**15% of Appropriated Funds.**

1 In the event that additional funds for FY 2013 are appropriated to the Commission by the  
2 Continuing Resolution process, such funds shall be allocated among the Commission programs  
3 in proportion to the allocations made by this Section consistent with Congressional instructions.  
4 The Co-Chairs' Committee is authorized to adjust the above percentage allocations as necessary  
5 to prevent disruptions of Commission operations.

6 **Section 3. Continuing Effect.** The provisions in Resolution 731 affecting the expenditure of  
7 funds allocated for FY 2012 continue in effect for funds allocated by this Resolution.

# APPALACHIAN REGIONAL COMMISSION

## Special Ballot

### A Resolution Concerning the Appalachian Development Highway System and Local Access Roads

*This ballot is presented to each Commission Governor Member and the Federal Co-Chair for consideration. The attached Resolution was reviewed at the October 3, 2012 Commission meeting in Huntsville, Alabama. Each Member is requested to complete the ballot and return to the Secretary of the Commission, Thomas M. Hunter as soon as possible.*

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**A Resolution Concerning the Appalachian Development Highway System and Local Access Roads.** The attached Resolution approves the 2012 Appalachian Development Highway System (ADHS) Cost-to-Complete Estimate and confirms the relative percentage of each State's estimated remaining need to complete the System. The Resolution also establishes the apportionment percentages for the Appalachian Development Public Transportation Assistance Program authorized under the recently enacted Federal transportation bill, Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21). Finally, the Resolution amends the ARC Code with provisions relating to the use of ADHS funds for Local Access Roads and the redistribution of ADHS balances after a State has completed construction of its ADHS corridors.

Affirmative ☐

Negative ☐

\_\_\_\_\_  
Governor Member

\_\_\_\_\_  
Date



1                                   **APPALACHIAN REGIONAL COMMISSION**

2                                   **RESOLUTION NUMBER**

3                   **A RESOLUTION Concerning the Appalachian Development Highway System**  
4                                   **and Local Access Roads**

5  
6   **Section 1. Purpose of Resolution.** The purpose of this resolution is to adopt the 2012  
7   Appalachian Development Highway System (ADHS) Cost-to-Complete Estimate and confirm the  
8   relative percentage of each State's estimated remaining need to complete the System. The  
9   Resolution also establishes the apportionment percentages for the Appalachian Development Public  
10   Transportation Assistance Program authorized under the recently enacted Federal transportation  
11   bill, Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21). Finally, the Resolution amends the  
12   ARC Code with provisions relating to the use of ADHS funds for Local Access Roads and the  
13   redistribution of ADHS balances after a State has completed construction of its ADHS corridors.

14   **Section 2. 2012 ADHS Cost-to-Complete Estimate.** In accordance with its responsibilities  
15   under Section 201 of the Appalachian Regional Development Act (40 USC 14501), the  
16   Commission authorizes the preparation of revised cost-to-complete estimates for the ADHS at  
17   approximate five year intervals. Resolution 720, approved on September 15, 2010, directed the  
18   preparation of a revised cost estimate before the end of fiscal year 2012. That estimate has now  
19   been completed and it represents the combined effort of the ARC Highway staff and personnel  
20   from the Departments of Transportation of the 13 ARC States. The estimate, a summary of  
21   which is attached to this Resolution, was prepared in accordance with Federal Highway  
22   Administration procedures and criteria for highway cost estimates. Accordingly, the  
23   Commission hereby adopts the 2012 Appalachian Development Highway System (ADHS) Cost-

to-Complete Estimate and confirms the following percentages as each State's relative share of the estimated remaining need to complete the entire System.

ALABAMA	35.66%
GEORGIA	1.97%
KENTUCKY	7.89%
MARYLAND	2.20%
MISSISSIPPI	0.28%
NORTH CAROLINA	6.30%
OHIO	3.85%
PENNSYLVANIA	23.94%
TENNESSEE	4.59%
VIRGINIA	4.79%
WEST VIRGINIA	8.53%

(New York and South Carolina have current balances of ADHS funds sufficient to complete their respective remaining segments of ADHS Corridor construction.)

**Section 3. Apportionment of Funds for the Appalachian Development Public Transportation**

**Assistance Program.** Under Section 20010 of MAP-21 (Public Law 112-141), the Secretary of Transportation is directed to carry out a public transportation assistance program in the Appalachian region, for which \$20M are authorized to be appropriated. The Secretary is required to apportion funds for this program among the Appalachian States in accordance with the highway allocation provisions contained in Section 9.5 of the ARC Code. That section calls for a distribution to be based on each State's remaining need to complete the ADHS with upper and lower limits to be determined by the Commission. In accordance with its long-standing practice, the Commission establishes the following percentages based on the 2012 Cost to Complete Estimate with a minimum share of 1% of available funds for each State and a maximum share of no more than 25% of available funds for any State and authorizes their transmittal to the Secretary of Transportation for the purpose of apportioning funds for the Appalachian Development Public Transportation Assistance Program:

1		
2	ALABAMA	25.00%
3	GEORGIA	2.96%
4	KENTUCKY	8.82%
5	MARYLAND	3.18%
6	MISSISSIPPI	1.27%
7	NEW YORK	1.00%
8	NORTH CAROLINA	7.25%
9	OHIO	4.82%
10	PENNSYLVANIA	23.94%
11	SOUTH CAROLINA	1.00%
12	TENNESSEE	5.55%
13	VIRGINIA	5.75%
14	WEST VIRGINIA	9.46%
15		
16		

17 **Section 4. ARC Code Amendments.** The following amendments to the ARC Code are made in

18 Chapter 9, Highways:

19 (a) Subsection 9.5.c, Local Access Road Authority, is amended to read:

20  
21 “Each State is authorized to use for local access roads up to \$3,000,000  
22 annually from balances of funds that have been allocated to it for the  
23 Appalachian Development Highway Program, except funds specially  
24 designated by Congress for Corridor construction. Additional funding for  
25 access roads is permitted with Area Development funds or with funds from  
26 non-ARC sources unless otherwise restricted.”

27  
28 (b) Subsection 9.5.d, Reallocation, is amended to read:

29  
30 “Upon a declaration by an Appalachian State that it will not need all or some  
31 portion of the balance of funds in its ADHS account at the Federal Highway  
32 Administration (FHWA), such funds shall be redistributed among those  
33 States that indicate their willingness to receive them on a pro-rata basis in  
34 accordance with the allocation principles set forth in Subsection 9.5.b of the  
35 ARC Code, Basis of Allocations. The Executive Director is instructed to  
36 arrange such redistribution and to provide timely notification to FHWA of  
37 the amounts to be redistributed.”