



AGENDA
Thursday, April 10, 2008
7:30 pm
Fairfax City Hall
10455 Armstrong Street
Fairfax, Virginia

- | | | |
|-------------|--|----------------------------|
| I. | Call to Order | Chairman Zimmerman |
| II. | Roll Call | Clerk (Nicolette Driggers) |
| III. | Minutes of the January 10, 2008 Meeting | |
| | Minutes of February 7, 2008 Meeting | |
| | Minutes of March 6, 2008 Meeting | |
| | <u>Recommended Action: Approval</u> | |

Action Items

- | | | |
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| IV. | Approval of "Statement of Principles" to Guide NVT A Advocacy for Regional Transportation Funding | Mr. Biesiadny |
| V. | Approval of Amendment to Agreement with VDOT For Initial Start-up Costs | Mr. Biesiadny |
| VI. | Approval of Letter to Secretary of Transportation With Respect to NVT A Administrative Costs | Mr. York
Chairman, Finance Committee |
| VII. | Approval of Letter to Secretary of Transportation With Respect to I-95/395 HOT Lanes Project | Mr. Biesiadny |
| VIII. | Approval of Contract for Liability Insurance | Mr. Mason |

Discussion Items

- | | | |
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| IX. | "Piece of Your Commute" Outreach Campaign | Mr. Nohe |
| X. | VDOT Update | |
| | A. I-66 Shoulder Lanes | Mr. Dittbamer, VDOT |
| XI. | DRPT Update | |
| | A. Statewide Transit Plan | Mr. Hill |

XII. Refund Process Mr. Mason

Information Items

XIII. Update on TIP/CLRP Development Mr. Biesiadny

XIV. Update on Air Quality Mr. Biesiadny

XV. Update on Ozone Action Ride Free Mr. Biesiadny

XVI. I-95/395 HOT Lanes Transit Inputs Mr. Biesiadny

XVII. Update on Start-up Costs for FY08 Mr. Mason

XVIII. Executive Director's Report Mr. Mason

XIX. Correspondence

- A. Letter to Governor Kaine – Update on NVTa
- B. Letter to General Assembly Delegation – Update on NVTa
- C. Letter to Senator Whipple – Welcome to Authority
- D. Letter to Deputy Secretary of Transportation Barbara Reese – Vehicle Inspection Fee
- E. Update on Transportation Revenues and Program Impacts
- F. Resolution 20-08 – Cessation of Taxes and Fees
- G. Letter to Governor – Resolution 21-08
- H. Letter to Governor Kaine – SB 451 (Town Representation)
- I. “Close to Home” article by Chairman Zimmerman and Vice Chairman Nohe
- J. Memorandum to Inspection Station Managers on Refunding Process
- K. NVTC Resolution #2100 – Urging General Assembly to Take Prompt Action to Provide Transportation Funding
- L. Letter to Governor, et. al. from PRTC Urging Funding

Adjournment

XX. Adjournment Chairman Zimmerman

Next Meeting: May 8, 2008

Fairfax City Hall – 7:30 pm
Fairfax, Virginia

Northern Virginia Transportation Authority
4031 University Drive (Ste 200)
Fairfax, Virginia 22030
www.TheNovaAuthority.org

III.

**SUMMARY MINUTES
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY
THURSDAY, JANUARY 10, 2008
George Mason High School, 7124 Leesburg Pike, Falls Church, Virginia 22043**

NVTA MEMBERS PRESENT (Voting):

Christopher Zimmerman, Chairman	Arlington County
Martin Nohe, Vice Chairman	Prince William County
Judy Connally	Governor's Appointee (CTB)
Gerald E. Connolly	Fairfax County
Robert Lederer	City of Fairfax
Timothy B. Lovain	City of Alexandria
Sharon Pandak	Governor's Appointee
Harry J. Parrish, II	City of Manassas
Bryan Polk	City of Manassas Park
David F. Snyder	City of Falls Church

NVTA MEMBERS PRESENT (Non-voting):

Matthew Tucker, Director, VDRPT
Morteza Salehi, Administrator, No. Va. District, VDOT

STAFF:

John Mason, Executive Director
Jurisdictional Staffs and Clerk

1. **Call to Order:** Chairman Zimmerman called the meeting to order at 6:13 p.m.
2. **Roll Call:** Upon direction of Chairman Zimmerman, the Clerk called the roll as follows:

Voting

Christopher Zimmerman, Chairman	Yes
Martin Nohe, Vice Chairman	Yes
Judy Connally	Yes
Gerald E. Connolly	Yes
Robert Lederer	Yes
Timothy B. Lovain	Yes
Sharon Pandak	Yes
Harry J. Parrish, II	Yes
Bryan Polk	Yes

(David F. Snyder was not present for roll but arrived at 6:26 p.m.)

Non-Voting

Matthew Tucker	Yes
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Morteza Salehi

Yes

Chairman Zimmerman welcomed Sharon Pandak, the Governor's new appointee who replaced Margaret Vanderhye.

3. **Approval of the Minutes of the December 6, 2007 Meeting**

FINAL ACTION: On motion by Mr. Connolly, seconded by Mr. Parrish, and carried unanimously, the Authority approved the minutes of the December 6, 2007, meeting as presented.

4. **Appointment of Executive Director**

FINAL ACTION: On motion by Mr. Connolly, seconded by Mr. Nohe, and carried unanimously, the Authority approved a resolution appointing John Mason as NVTa's Executive Director and approved his employment contract.

Mr. Mason expressed his appreciation for being appointed.

5.A. **Presentation of NVTa Six Year Program for FY 2008 to FY 2010**

Tom Biesiadny (Fairfax County) and Betsy Massie (PRTC) gave a presentation (in PowerPoint) on the proposed Initial NVTa Six Year Program.

5.B. **Public Hearing on NVTa Six Year Program (6:33 p.m.)**

The Chairman directed the Clerk to call speakers:

ELECTED OFFICIALS

1. Kristen Umstattd, Mayor, Town of Leesburg: Spoke about the regional impacts of Route 15. It is an interstate road from Maryland to Charlottesville and truck traffic on Route 15 is traffic that would otherwise be on I-81 or the Beltway. The town appreciates the inclusion of \$4.5 million for this project in the NVTa Six Year Program. Also, the interchange at Edwards Ferry Road will relieve significant congestion. Route 15 South handles over 17,000 per day. This section in Leesburg handles about 53,000 a day. She noted that her colleague from Purcellville was not present, but he supports funding for the Southern Collector Road Project.
2. Jane Seeman, Mayor, Town of Vienna: She is glad to see platform improvements at Vienna Metrorail station on list, and she thinks that escalators at the station need to be updated. She would like improved lighting at the Dunn Loring and Vienna Metrorail station parking lots to be included, due to number of incidents nearby. Mr. Connolly offered to sit down with Ms. Seeman and staff to discuss.

THREE MINUTE SPEAKERS

3. James Parmelee, Resident of Centerville, Virginia: The 2002 referendum on a half cent sales tax for transportation was overwhelmingly rejected by voters. Instead [you] went to General Assembly and convinced them to give powers without going to voters. Rather than wait for courts you decided that NVTa has the legal authority to impose taxes NVTa proceeded to impose them. The NVTa should have waited for court to work their magic on whether such an imposition is constitutional. Question is what would happen, if the Supreme Court says some of these taxes are unconstitutional. How do you return the money? Can see how car registration returned, but how do you return money to those who had cars repaired, rented cars or sold houses?

4. Bruce Wright, Fairfax Advocates for Better Bicycling: Handed in written testimony. He said that he saw very little bicycle/pedestrian friendly projects in Fairfax County. We are living in different age than few years ago. Thanks to internet people have more flexibility on where [they] work, live and shop. He thinks in future that we must rely less on traditional transportation. The computer is a transportation system in some way. He questioned the ranking of #1 project – Prince William County Parkway. In his opinion it ranks zero. Regarding projects in Fairfax County he found that only .06% of the funding was dedicated to on-road bicycle facilities. The region already has a connected road network. The best option is to improve bicycle facilities.

5. Jane Quill, Chairman, Board of Northern Virginia Association of Realtors: As member of Northern Virginia Transportation Alliance, we worked hard to bring together large coalition. The money was hard earned and must be well spent. Taxpayers and Richmond legislators will look closely at first set of regional projects chosen. The issue is how best to spend regional transportation dollars, not local. Choose wisely and invest in projects such as - I-66/Vienna accessibility and capacity improvements, Connector buses, widenings, and the Route 20 overpass. Projects that failed regional significance [test] relate to parking garages, bicycles, sidewalks, streetscape, traffic calming and landscaping. They provide too little regional return for limited dollars. It is a bad precedent not to use these dollars for regional transportation [improvements]. Local regional and state funds should be leveraged for projects of regional significance.

6. Eleanor Anderson, Great Falls Citizens Association: Appreciate concerns raised. Would like that you consider not funding truncated Route 7 widening project at this time. Only public hearing she participated in was Route 7 from Rolling Holly Drive to Tysons. That would have had completely different impact than truncated road. There are two problems. The double left turn lanes coming into Georgetown Pike that would be extended. Quadruple capacity of left turn vehicles going onto Georgetown Pike. Second, the Route 7 project would end at Old Reston Parkway or Reston Avenue. That means bottleneck at that intersection where three lanes go down to two. You will see lights on cars breaking. See those lights when you

decide whether or not to turn onto Georgetown Pike and avoid bottleneck. Will invite great deal of traffic on Georgetown Pike, all lanes of which go down to a single lane in very short distance. She pointed out that there had been no opportunity at the public hearing to discuss and provide comments on truncated project. Her organization has been opposed to two left turn lanes since beginning of the design process.

7. Edson Tennyson: NVTA should take into consideration federal debt, global warming, traffic congestion and safety and movement. Everything tonight should be subsidiary to these major issues. There have been surveys, and transit has to come first. Transit is not more expensive. In Charlotte, citizens voted 70% not to repeal transit taxes. Regarding the Columbia Pike streetcar – people don't understand the increased traffic on the Pike. The increase in Metro rail fares is causing people to shift to bus. The region has to provide money to have Metrorail running safely. Operating expenses can't be raised completely from the fare box. He has no problem taking care of highways.

8. Walt Wufel, Resident of City of Falls Church: The proposed parking lot would be very important plus. Also bus stops and sidewalks and bicycle routes all very important and coincide with a pedestrian friendly community.

9. Geoffrey Allen, Resident of Bailey's Crossroads: Please wait to authorize projects until constitutionality of Authority established. He recognizes that it is easier to ask forgiveness than ask permission. In this case, it is not always best to go easy route. Sometimes it's best to go the right route. It would be a pretty big mess to have to return money. He would like NVTA to wait until the court case is resolved.

10. Ina Malis, Resident of Arlington County: Supports Columbia Pike streetcar project. She is a long-time resident and former president of civic association and past chairman of Planning Commission. Growth in region, specifically in eastern Fairfax and Arlington County, must be addressed. Studies show that street cars are cost effective and can be implemented quickly. There has been significant study on effectiveness by WMATA and Arlington. They have been proven effective throughout country. Implementation of project has some obvious benefits that come along with transit projects in general. They are a reduction of street congestion, improving air quality, support of regional development and serve as model. Something in toolbox to consider for other regions.

11. Lander Allin, Resident along Columbia Pike in Arlington County, and current president of the Columbia Pike Revitalization Organization: She is in favor of Columbia Pike streetcar project. It is needed to move people more efficiently up and down the Pike. There is a great deal of density on and near the Pike. Ongoing and planned development in Bailey's Crossroads will bring significant density. The Pike already has congested areas which needs a transportation system that gets people out of cars. Streetcars move more people than buses, have a more comfortable ride, and people will ride them even if they won't take a bus. She has travelled to

Portland, Oregon. Their system is model for Columbia Pike. It was constructed in an efficient manner in a short period of time and has been a tremendous success. It has been expanded three times, and Portland is embarking on a project to double size of existing system. It's time to bring street cars to Northern Virginia. We need to get people out of cars.

12. Joseph Warren, Resident of Arlington County, and retired transportation economist from U.S. Government Accountability Office: He has consulted on light rail projects. He is a member of Arlington Transit Advisory Committee (TAC). The TAC voted against the Columbia Pike streetcar project. He urged NVTA to remove streetcar project from 2009 and 2010. Of \$31 million to be collected from seven taxes and fees about \$16 million available for Arlington projects. Most of the funds will likely be used on Columbia Pike. This is not transportation project, but an urban redevelopment project. Transportation and mobility have not been mentioned. A July 2005 detailed consultant's study did not consider a modified BRT alternative that would be about one-quarter the cost. The project does not increase bus frequency. The study violated several professional project evaluation standards such as dissimilar operating plans and routes. The cost for BRT alternative includes \$30 million in unnecessary streetscape and utility costs. This done to make cost appear less than is. The Federal Transit Administration turned down Arlington's request for money. This would mean those who benefited from increased valuation would pay the cost of streetcar. The taxes should go to justifiable transportation projects such as new Ballston Metrorail station access elevator.

13. Roger Diedrich, Resident of Fairfax County: He has a lot of questions. He indicated that the process has been unclear. He was not sure what the public is invited to comment on. Is this final project list or is this draft? He doesn't know if the NVTA can consider public comment. How can this possibly be meaningful? He believes NVTA needs to be more clear on how public process works and how to translate the scores. He wanted to know where the detail is found. What is assigned to each project? Are these moons assigned by the jurisdictions? Issue of weighting the criteria raised – he thinks it's a good idea but need public discussion on what values are given to the weights. He said that when evaluating the affect on congestion it matters where boundary is. He believes the degree of cost effectiveness built in is not clear. He thinks NVTA needs information about that. He is encouraged that there seems to be emphasis on transit. He is dismayed some important projects not on horizon – transit other than Dulles rail that would serve Tysons. He supports light rail on Columbia Pike.

FIVE MINUTES

14. Leo Schefer, Washington Airports Task Force: Provided written testimony. Airport access is important. Projects which offer real regional benefit also improve airport access for the region. Never thought I would find myself asking you to slow down. Looking at list of projects, I really feel I must do that. Hope you would defer action today, not by very much but defer and ask staff under new leadership to

rapidly come back to you with list that does two things -- regional and not local in nature and whose completion would produce greatest reduction in trip time for largest number of people. Took more than two decades to get local funding source for Northern Virginia. Many would like for you to fail. It is vital that money collected be used on projects that produce the most benefit for the region. Many across regional lines. Much of list indicated, sadly, is really local in nature. Forty percent of money goes to jurisdictions for local projects. The money collected must be spent in best possible way to move forward and succeed. Urge you to defer action until you gather a truly regional project list. Transit gets a lot of money off top. Sixty percent needs to be applied very highly for highway component and provided for those projects which would produce greater reduction in trip time for largest number of people.

15. Jon Peterson, National Association of Industrial and Office Properties, and with Peterson Companies: Chairman of NAIOP for number of years and more involved with executive committee. Vice chair of Board of Trade. On Commercial Real Estate Board. Very involved with transportation coalition. Involved with regard to how Northern Virginia will move forward. In Northern Virginia transportation was bad enough to take drastic measures so we agreed with the commercial property tax. The prioritization of projects on existing list is a little disheartening. Urge the NVTa to change emphasis and criteria used for prioritization. Change the way in which projects are prioritized. He would hate to have Richmond legislators see we are spending dollars on smaller projects. The region has been ranting and raving about not enough dollars in Northern Virginia. If they take note of smaller projects might say that we have been crying wolf all these years. I would not go far as Leo Schefer and say stop.

16. David Edwards, Vice President of Committee for Dulles: The group was founded in 1966. It promotes airports as regional assets. Think all understand that it is important to establish sense of momentum by taking small projects that are smaller and easier to implement. However, as the NVTa goes to next phase, it should be looking at regional projects of regional significance that accomplish regional ends. With a small pie and small slices and everyone getting a piece, we are not going to solve problems. Establish cost-benefit means to evaluate projects more effectively. Committee is very pleased with John Mason's appointment to lead work in coming years.

17. Charles Langalis, Vice Chair of Citizens Advisory Committee on Transportation in the City of Falls Church: Our committee speaks in favor of all projects in the City. They are in a unique position because both blessed and cursed by geographic location. Lee Highway and Leesburg Pike receive heavy punishment by every type of vehicle. There is a need for reconstruction of these roads. They are important for trade and commerce in Northern Virginia. It has finally have come to the point where city is reinventing itself. Doing by way of mixed use projects – condos with ground floor commercial. City center off Washington and Route 7 coming up. This would be phase one and the second phase would be on other side of street. There

is a lot of movement in and about the city. Want to be safe, convenient and appealing. Call on NMTA to improve pedestrian reliance on walkability and bike trails to make welcoming to those coming to do business, seeking entertainment, etc. Falls Church needs to have homogenized, harmonized municipality.

18. Stewart Schwartz, Executive Director for Coalition for Smarter Growth: Wants to echo Bruce Wright's comments on the importance of on-road bicycle transportation. Local dollars and complete streets movement. Commends NMTA for using criteria that emphasizes multi-modal use. Second issue -- need to have integrated process that is transparent on website between local transportation and approval, NMTA six year plan, and COG regional process. It is important to have an understanding of entryways for public input. Put a system schematic on website. As we look to future in Northern Virginia, we could try to widen roads to 10 lanes but we'll only end up in same place. These strategies are the interconnection of local streets, 10 minute walk to services, walkability, and others key to reducing congestion. All more important because of rising energy prices. People are looking to save on energy and travel costs. Green buildings and walkability key core of what we do. His organization is happy with plan. Supports the Columbia Pike project, recognizing bike community and Arlington has had some challenges. The project connects high density communities of Arlington and Fairfax and its smart growth. In Portland, Oregon light rail contributed to economic development. Think what is shaping us is 1950s versus 21st century approach. We have tried 1950 and it did not work. Also focusing on long distance at high speed. Very hard to make that happen.

19. Edwin Henderson, President of Tinner Hill Heritage Foundation: Supports Falls Church projects. Lives in the only house on Maple Avenue. On one side there is a large condo built and on other end they are building a hotel. Falls Church needs to build infrastructure to support this type of development. As we move from low density to high density, this one project is going on at Broadway or Spectrum. It is massive. It is very high on the density chart. Tinner Hill is proposing to build civil rights memorial park on Tinner Hill Road. It will be visible from Lee Highway. Heritage Foundation and its project -- Virginia African American Heritage Trail -- qualify for funding. Has not given up on building a cultural center. Part of it is going to the memorial park. There is a lot of rich history in Falls Church. Our goal is to educate. The park will educate and make citizens aware of the City's history. His grandfather created first Falls Church NAACP. Fairfax County branch has reputation of being one of the best. They will also be part of this initiative. In a couple of years, I'll come back to you and talk about transportation issues.

20. Bob Chase, Northern Virginia Transportation Alliance: Provided written testimony. Taxpayers and Richmond should look carefully at projects chosen. The issue is how to best spend regional transportation dollars. These dollars need to meet regional needs. The alliance finds many projects have merit, including I-66/Vienna Metrorail accessibility, Prince William County Parkway widening, Route 7, Fairfax Connector buses, etc. (see testimony). Projects that failed the regional test include \$36 million to replace Columbia Pike bus system with trolley which I believe

is 19th century. Metro elevators are not good – receive \$50 million a year off top every year for such improvements. Parking lots and garages, streetscape, landscape, etc., together these local expenditures total more than 25% of proposed funding. Far too little regional return. Critics warned this would happen. NVTa is considering spending hard earned money on things that don't meet regional needs. Far better to limit regional investment to projects that really matter and hold funding in reserve until better projects come online than the insignificant ones. Many major regional needs will go unmet. Identification of short list of projects should be objective. Regional local and state funds should be leverage for projects of regional significance. Scheduling of final vote immediately after this hearing leaves no time for consideration of public input. Narrowing of list would meet transportation needs and build public confidence. The public also wants you to succeed. To do that have to check local hats at door and put on 10 gallon regional hats and spurs. The precedent set tonight will have serious long term consequence.

21. Daniel Flores, Senior Regional Director for Government Affairs of Greater Washington Board of Trade: Provided written testimony. It took 20 years for Commonwealth and Northern Virginia to secure funding. Northern Virginia business community has been in forefront to trying to secure the funding. Now that it has been secured, it is important that funds be carefully managed and well spent to address transportation challenges in region. Relief from congestion is an expectation of residents and businesses now paying new or increased taxes to reach this goal. Traffic congestion is a regional problem. Most impact in reducing congestion and delays in improving travel time for most people in most cost-effective manner. Regional dollars solely focused on regional projects. I-66/Vienna Metrorail Accessibility and Capacity Improvements; Route 7 / Route 659 interchange; Route 1 widening would help large numbers of commuters. Projects of local impact should be paid from local funds.

At 7:36 p.m., after the final speaker, the Chairman concluded the public hearing and confined discussion to the Authority.

5.C. NVTa Six Year Program for FY 2008 to FY 2010

Mr. Nohe moved and Mr. Lovain seconded that the NVTa approve the initial NVTa Six Year Program encompassing the balance of FY 2008, FY 2009 and FY 2010, as shown in Attachment I to Mr. Biesiadny's January 4, 2008, memorandum.

Mr. Snyder requested that the municipal parking garage [in Falls Church] "design and finance" project be changed to "build the project". Without objection,, this item was incorporated into the main motion. The project amount did not change.

Mr. Connolly asked Mr. Salehi of VDOT whether a public hearing would be held by VDOT on the Route 7 project. Mr. Salehi responded that VDOT would hold a

public meeting. Mr. Connolly also requested that Mr. Salehi take a fresh look at the signal at Seneca Road to which Mr. Salehi agreed.

FINAL ACTION: The motion, with the understandings requested by Mr. Snyder and Mr. Connolly, to approve the initial NVTA Six Year Program for FY 2008 to FY 2010 carried unanimously.

Other Action Items

6.A. Approval of NVTA Debt Policy

Presentation by Leonard Wales – Debt Manager for Fairfax County. See PowerPoint.

FINAL ACTION: On motion by Mr. Connolly, seconded by Ms. Connolly, and carried unanimously, the Authority approved the Debt Policy included as Attachment I to Mr. Biesiadny's January 7, 2008, memorandum.

6.B. Approval of Procedures for Allocating NVTA Revenues

Mr. Biesiadny made a presentation on procedures for allocating NVTA revenues..

Kevin Greenlief, Director of the Department of Tax Administration in Fairfax County, responded to questions.

FINAL ACTION: On motion by Mr. Connolly, seconded by Mr. Parrish, and carried unanimously, the Authority approved the Procedures for Allocating Revenues as shown in Attachment I to Mr. Biesiadny's January 4, 2008, memorandum, with a correction noted by Mr. Biesiadny on the 2nd page of the Procedures, 2nd paragraph, 2nd line, changing word "....(PRTC) based on the percentage of **ridership** attributable to each VRE jurisdiction...." to "**subsidy**".

6.C. Approval of an NVTA Finance Committee

Mr. Biesiadny dedicad the recommendation for a Finance Committee.

FINAL ACTION: On motion by Mr. Connolly, seconded by Mr. Parrish and carried unanimously, the Authority established a permanent Finance Committee consisting of five NVTA members appointed by the NVTA chairman for staggered two year terms, with the chairman and vice chairman of the Finance Committee selected by the NVTA chairman, and the jurisdictional financial staffs continuing to participate at least until such time as the NVTA staff can support the committee.

6.D. Approval of CY 2008 Meeting Schedule

FINAL ACTION: On motion by Mr. Connolly, seconded by Mr. Nohe and carried unanimously, the Authority approved the 2008 meeting schedule attached to Mr. Biesiadny's January 7, 2008, memorandum, which includes the future dates of February 7, 2008; March 13, 2008; April 10, 2008; May 8, 2008; June 12, 2008; July 10, 2008; August – no meeting; September 11, 2008; October 9, 2008; November 13, 2008; and December 11, 2008.

ADDITIONAL FINAL ACTION – RESOLUTION RELATING TO STAFF

APPRECIATION: On motion by Mr. Connolly, seconded by Mr. Zimmerman and carried unanimously, the Authority expressed its deep gratitude to staff in the respective jurisdictions for their hard work on the NVTa work program. The Authority agreed to determine ways to recognize the extraordinary efforts of each staff member in the future.

Approval of 2008 Work Program

FINAL ACTION: On motion by Mr. Connolly, seconded by Ms. Connally and carried unanimously, the Authority approved the 2008 Work Program attached to Mr. Biesiadny's January 7, 2008, memorandum

6.E. Approval of Interim Procurement Policy

FINAL ACTION: On motion by Mr. Connolly, seconded by Mr. Nohe and carried unanimously, the Authority approved the Interim Procurement Policy for NVTa as outlined in Attachment I to Mr. Mason's January 7, 2008, memorandum.

Discussion Items

7.A. Presentation of I-95/395 HOT Lanes Project and Transit/TDM Study

Mr. Corey Hill of the Virginia Department of Rail and Public Transportation gave a presentation on the Transit/TDM study associated with the project. See PowerPoint.

7.B. Update on Supreme Court Testimony – January 8, 2008

Ellen Posner of NVTa's Council of Counsels gave a brief update. She said that a ruling is anticipated in the near future.

7.C. 2008 General Assembly Session

Mr. Biesiadny gave a presentation on pending legislation before the 2008 Virginia General Assembly. He spoke specifically in reference to legislation related to the collection of auto dealer fees, changing the vehicle repair service fee, and increasing membership on the NVTa to include a town representative. Mr. Biesiadny agreed to keep the Authority updated on legislation and, at Ms.

Connolly's request, agreed to send an email to the Authority clarifying the issue of the collection of auto dealer fees.

7.D. **Other Business**

There was no other business discussed under this agenda item.

8. **Information Items**

There were no informational items discussed under this agenda item.

9. **Adjournment.**

Without objection, the hearing was adjourned at 9:20 p.m.

**SUMMARY MINUTES(Not Verbatim)
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

**General Assembly Building – Richmond, Virginia
February 7, 2008**

NVTA MEMBERS PRESENT (Voting):

Christopher Zimmerman, Chairman
Martin Nohe, Vice Chairman
Judy Connally
Gerald Connolly
William Eulle
Jeffrey Frederick
Sharon Pandak
David Snyder
Scott York

NVTA MEMBERS PRESENT (Non-voting):

Morteza Salehi, VDOT
Corey Hill, VDRPT

STAFF PRESENT:

John Mason, Executive Director
Various jurisdictional, agency and state staffs

Item I. Call to Order

Chairman Zimmerman called the meeting to order at 5:50 P.M.

Item II. Roll Call

Roll call was taken. Members present were recorded as noted above.

Chairman Zimmerman acknowledged the presence of Secretary of Transportation Pierce Homer.

Item III Minutes of January 10, 2008 Meeting

Chairman Zimmerman stated that, without objection, the minutes will be carried over to the next meeting. There were no objections.

[Note: Sequence of addressing items was altered to provide for discussion of General Assembly item at the end of meeting in conjunction with Northern Virginia Transportation Commission meeting. The numbering of items below continues with the numbering identified on agenda.]

Item V. Allocation of RSTP Funds for Prince William County

Ms. Pandak moved, with a second by Mr. York, to approve the reallocation of RSTP funds for Prince William County. The motion was approved unanimously.

Item VI. Information Items

Mr. Mason stated that NVT A is beginning to get “up and running” with its office operations.

Item IV. Update on General Assembly Activities

Chairman Zimmerman stated that there are a number of bills that have emerged during the General Assembly session that NVT A may want to take a position on. Mr. Mason reviewed Agenda Item IV that dealt with legislative items. He stated that Mr. Biesiadny recommends NVT A support of the pedestrian safety legislation.

In reviewing a list of bills staff prepared for NVT A to consider taking position on, Chairman Zimmerman stated that the first four bills are all, in the opinion of staff, consistent with NVT A legislative positions.

Mr. Connolly moved, with a second by Mr. York, to approve staff recommendations under bills specifically addressing items in NVT A’s legislative recommendations. The vote in favor was unanimous.

Mr. Mason stated that the bill dealing with vehicle towing and storage charges has a negative impact of \$600,0000 annually.

Mr. Connolly urged NVT A to oppose any legislation that starts to whittle away at its revenue sources. Such legislation will severely disrupt NVT A’s ability to get a bond rating if the revenue picture remains clouded, because it is continually being chipped away. This is not the only bill that is doing it. There is another bill that was introduced at the behest of towns that could eliminate their transient occupancy tax within the Town of Herndon, resulting in lost NVT A revenue. It all begins to add up to larger amounts being taken away. There was general agreement with this concern.

Mr. Connolly moved, with a second by Mr. Snyder, that NVT A oppose any legislation that would divert or diminish NVT A's resources. Chairman Zimmerman clarified that this action refers to HB 361, 519 and 1120. The motion carried unanimously.

I believe that NVT A supports HB111/SB 99 and opposed SB 724

Mr. Connolly also recommended that NVT A oppose HB 451, which would give towns representation on NVT A. He stated that the issue of town participation was resolved when the Northern Virginia Regional Commission voted to recommend itself to be the NVT A's Planning Coordination Advisory Committee to include towns. The composition of NVT A was carefully worked through by the General Assembly and local elected officials. Chairman York and he already represent the towns since they are elected by the town voters. The towns have a voice on NVT A. This legislation would raise questions about quorum issues and continuity. Mr. Connolly stated that NVT A members were not consulted about this legislation before it was introduced.

Mr. Connolly moved that NVT A oppose HB 451, 957, and SB 453. Mr. York seconded. Mr. Frederick asked about the status of these bills. Mr. Connolly stated that the Petersen bill is before the [Senate] Transportation Committee right now. The Authority then voted and the motion passed. Mr. Frederick voted no.

Mr. Mason asked for clarification of the previous motions. Mr. Connolly stated that his intention for the original motion was to act and approve the staff legislative recommendation in its entirety. The second motion was to oppose HB 361, 519 and 1120. The third motion was to oppose the second bullet of the agenda item. (Not sure what this sentence means). The Authority has not yet addressed SB 728.

Mr. Snyder stated that HB 649 was a recommended discussion item and not an action item. Chairman Zimmerman clarified that staff did not make a recommendation on this legislation, so by implication NVT A did not take a position on it.

Mr. Snyder moved to affirm NVT A's opposition to HB 649, 1524 and SB 728. Mr. Connolly asked that SB 728 be taken out of the motion. Mr. Snyder agreed and changed his motion to oppose HB 649 and 1524. Mr. Connolly seconded the revised motion. The vote passed, with Mr. Frederick voting in opposition.

Mr. Connolly stated that it was his understanding that SB 728 is permissive and does not violate NVT A's principles. It does not take away anything NVT A currently has now. It provides for a substitute source of revenue. If NVT A chooses to use this source of revenue, the other sources would go away. Chairman Zimmerman stated that this is his understanding of the bill as well. He stated that it is permissive, but in order to do something, the Authority might have a bond validation issue.

Secretary Homer observed that there may be a mistake on the agenda which lists two SB 728 bills. There is legislation introduced by Senator Saslaw that would restrict the collection of initial vehicle registration fees, while the other bill which is permissive would allow alternative

sources of funding. Mr. Biesiadny clarified that SB 729 has the sales tax option and SB 728 deals with the registration fee restriction. Mr. Connolly stated that SB 729 should be monitored and SB 728 opposed. Chairman Zimmerman asked if it the understanding of Authority members that NVT A opposes SB 728. Everyone agreed. Chairman Connolly will likely not agree to this language.

Mr. Biesiadny reported that Delegate Rust has proposed an amendment to HB 761 that would exempt NVT A, but leave Fairfax County in the bill. No change was made to NVT A's earlier position.

Mr. Connolly asked for a report on what just happened at the Senate Transportation Committee meeting. Mr. Noye stated that SB 453 failed in committee. It would have opened the door to other changes to NVT A. Mr. Biesiadny stated that HB 957 was not heard by the committee, which will not meet again, so the legislation is basically dead. Delegate Rust's bill HB 451 will be heard in the Counties and Cities Committee on February 8. Delegate Rust has acknowledged that NVT A opposes this legislation. Mr. Connolly reported that he just heard that the Homestead Amendment bill failed by a tie vote of 8-8 in the Senate Finance Committee. (Is this relevant?)

Chairman Zimmerman noted that information items have been distributed to members.

Chairman Zimmerman thanked Secretary Homer for attending the meeting and also for the Commonwealth's tremendous assistance in helping NVT A get started. Secretary Homer stated that there are still some battles ahead to keep what NVT A has. NVT A has a very strong partner in Governor Kaine. The next 45-60 days will be a challenge.

Mr. Frederick asked about the movement by homebuilders to get rid of proffers and replace them with impact fees. This would drop the local ability to collect on new homes by significant amounts. It would also raise the grantor tax, which would make it more difficult for people to purchase a home. Chairman Zimmerman stated that he generally agrees with Mr. Frederick's statement regarding the effects of this legislation. Mr. Frederick moved, with a second by Mr. Connolly, to have NVT A oppose this legislation (SB 768).

Mr. Euille stated that the Virginia Municipal League (VML) Executive Committee discussed this legislation. Although it didn't necessarily like it, VML could support it if there was a higher cap. VML suggested language for an amendment. Mr. Connolly stated that this legislation could be disastrous for the region's communities. Chairman Zimmerman agreed and stated that this type of legislation is pernicious (??). It does not directly affect his jurisdiction, but it is bad.

The Authority then voted on the motion and it passed unanimously.

Chairman Zimmerman turned the gavel over the NVTC Chairman Euille at 6:15 pm, in effect adjourning the formal meeting of NVT A.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

Special Meeting

DRAFT Summary Minutes

March 6, 2008

**Fairfax City Hall
City Council Work Session Room
10455 Armstrong Street, Room 111 A&B
Fairfax, Virginia 22030**

NVTA Members Present:

Voting Members

Christopher Zimmerman, Chairman	Arlington County
Martin Nohe, Vice Chairman	Prince William County
Judy Connally	Governor's Appointee – CTB
Gerald E. Connolly	Fairfax County Board of Supervisors
Robert Lederer	City of Fairfax
Daniel Maller	City of Falls Church
Sharon Pandak	Governor's Appointee
Harry Parrish	City of Manassas
Scott York	Loudoun Board of Supervisors

Non-Voting Members

JoAnne Sorenson	Northern Virginia District, VDOT
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Staff

John Mason	Executive Director
Various jurisdictional staff	

Call to Order:

Chairman Zimmerman called meeting to order at 9:12 am.

Roll Call:

The roll was called and members present or absent were noted for the record.

Item III: Resolution 20-08 Providing for Cessation of NVTA Taxes and Fees and Direction for Refunding Process.

Mr. Mason presented a brief staff report.

Mr. Connolly moved to approve the resolution. Mr. Parrish seconded the motion.

Mr. York requested that the last sentence of Section 3 of Attachment A: Conceptual Approach to Refunding of Taxes and Fees with respect to costs is deleted. Without objection, Chairman Zimmerman ruled to delete the sentence.

The motion to approve Resolution 20-08 carried unanimously.

Item IV: Resolution 21-08 Urging the General Assembly to Take Expedition Action to Provide Funding for the Northern Virginia Transportation Authority.

Chairman Zimmerman initiated discussion of the item by stating that a lot of work had gone into the creating the NVT A and its project list, none of which can happen without a funding stream. He stated the General Assembly must act. Mr. Zimmerman also pointed out that in addition to the funds taken away by the Supreme Court ruling, the funding that would have come from the abusive driver fees has been lost. Mr. Zimmerman pointed out that the General Assembly was to adjourn on Saturday.

Mr. Connolly then asked the Council of Counsels [Ross Horton, Steve MacIsaac, Ellen Posner, Chris Spera] to clarify how ruling that an unelected body cannot collect fees that are akin to taxes affects water and sewage authorities and other similar bodies. The Council responded that the ruling casts a shadow over any future such organizations or bonds and that it has the potential to create a serious problem. Since no effort was made to carve out NVT A, people will be compelled to look at everything in light of this ruling.

Ms. Pandak asked if there was a rehearing scheduled. The Council responded that the NVT A would have to be the one to ask for the rehearing and it would need to be done by Monday. Neither the State nor any other entities can ask. At this point, however, the ruling affects other bodies more than the NVT A. Ms. Pandak recommended that discussion be continued in closed session.

Mr. Tom Biesiadny updated the members on transportation funding, stating that the Supreme Court ruling invalidates approximately \$300 million. As a result of the removal of the abusive driving fees plus the lowering of other fees, urban and secondary programs will be cut significantly. The Department of Rail and Public Transportation will have to cut almost 10% from its budget. Also, the governor deferred \$180 million from 2009 to the 2010 budget.

Mr. Biesiadny distributed a handout listing the projects most likely to be delayed or cancelled due to the decrease of funds.

Mr. Connolly recommended having a press release drafted and that the project list be attached.

Mr. Nohe pointed out that many local projects are also in danger because they were based on the NVT A regional projects or were to receive funding from the NVT A program. He also pointed out that people who live in jurisdictions that are not under the NVT A funding – for example, people living in Stafford County -- also stood to gain from the projects and will now lose out on the benefits as well.

Chairman Zimmerman then briefly explained the 60/40 policy of the NVT A funds for the benefit of the audience.

Ms. Connolly stated that the State is severely stressed in this fiscal year and it is only getting worse. Primary, secondary and urban projects are not being funded and are in major decline. She stated that it is a grim situation this year but will get worse if nothing is done. She pointed out that in addition to the declining revenue, the needs of the area are increasing due to increased population and costs are increasing as well due to the price of gas and materials.

Ms. Sorenson cautioned that the list of local projects to be delayed or canceled was still an open matter to be discussed and that Mr. Biesiadny's list should be only of "at risk" projects. Mr. Biesiadny confirmed that the list was in fact of "likely" projects to be delayed or canceled.

Mr. Maller then cautioned the members to take a deep breath and review the list before releasing it to the public. Mr. Maller also reiterated Ms. Connolly's point regarding rising costs. He related it to the cost of steel and that due to world markets it is completely out of control of the NVT A. The costs were just going to get steeper. He remarked that this made it unrealistic to say an increase of 3% in revenue addresses problems.

Mr. Connolly confirmed that there were five places in which transportation was losing money.

1. Supreme Court ruling
2. Abusive driver fees cut and not replaced
3. A 30-40% decline in secondary project funding
4. General transit funding cuts
5. Lost one time funds.

The above were due in part to legislative actions and in part to economic reasons.

After the above discussion, Mr. Connolly moved to approve Resolution 21-08. The motion was seconded by Mr. York.

Mr. Connolly stated that nothing was more imperative than getting a budget approved. The General Assembly came up with HB 3202 to address transportation needs and did not fund it. They in essence sloughed off the responsibility to the jurisdictions. The Court threw it back at them and stated clearly that the State is responsible. He declared that the NVT A should force it back onto the State and keep it off of the jurisdictions.

Mr. Nohe pointed out that putting it back on the jurisdictions is against the spirit of the legislation. "Traffic jams do not respect boundaries." He fears that if the jurisdictions raised money for projects they would keep it and not care about the regional aspect of it. He believes that they need to keep it regionalized to stay in the spirit of the legislation.

Chairman Zimmerman reiterated the point that a regional solution is imperative. The General Assembly has the responsibility, means and powers to fund transportation of both the State and region. He believes if the jurisdictions were to raise the funds the State would be in a position of either trying to force the money to the region or get a patchwork of issues and solutions. He stated that the only way to get regional cooperation is to have the State create funding. He ended by encouraging people to pressure the General Assembly to solve the problem.

The motion to approve Resolution 21-08 carried unanimously.

Additionally, the chairman directed staff to draft a letter for him to sign and add a list of projects likely to be jeopardized to send to the General Assembly.

Ms. Connolly posed the question "What are Metro's views" to Mr. Zimmerman.

Chairman Zimmerman responded that Virginia is now embarrassed because we have to raise our own funds. Since there is no more dedicated funding, the NVT A funds would have greatly helped Metro. Mr. Zimmerman went on to explain that one of the projects is to replace the Metro cars. However it takes 3-5 years to do so. Additionally, Metro needs to have the funds available and be ready to move when building projects are completed. If no source of funding is found, it will have a significant impact on the Metro system.

Mr. Connolly also pointed out that other places in the world are aggressively expanding their metros and that there are a limited number of places which make Metro cars. One of the unseen costs is that without funding Metro can't even get into line to order the cars.

Mr. Zimmerman continued by saying that not all companies even bid for projects because other areas in the world have bigger projects that they are competing for. If you don't have a sustained reliable funding source, companies won't compete for the business.

Item V: Update on General Assembly Activity. The Authority was updated on transportation-related activities in the General Assembly.

Tom Biesiadny noted that there are two schools of thought regarding the fixing of the funding. The first school of thought is to fix regional packages. There is some sentiment in this camp that the localities should take care of it while others want to share the responsibility. There is also a split between some who want to keep the same taxes and others who wish to create new tax packages. The second school of thought is to fix both regional and state projects. There is a mixed sentiment here as well that some say State should impose fees while others say not.

Mr. Biesiadny also stated that there is a significant amount of mistrust right now and it is unknown as to whether a solution can be reached in this session. There are currently a number of issues related to the budget and it is not clear if those can be solved before Saturday. If the General Assembly extends the session, there may be a window of opportunity for NVT A but it is highly unknown as to what will happen.

Mr. Nohe confirmed that Mr. Biesiadny gave an accurate assessment of the situation in Richmond. He feels that there does seem to be a clear recognition in the General Assembly that there is a major problem and that the Assembly has some responsibility toward it. There is some talk of going back to earlier "pay to play" versions of the HB3202 but it is just talk right now. He feels that the NVT A area reps see the need to have money dedicated directly to the region and not spent through a formula. The big question is when to take it up. There is a forward motion but it is slow.

Mr. Connolly brought up HB 451, which has passed the House and Senate that adds a non-voting member to the NVT A. Mr. Connolly moved, and the motion was seconded by Mr. York, to urge the governor to veto HB 451. He expressed concern that this legislation could lead to a voting member at a later date and this would disrupt the delicate balance currently enjoyed by the NVT A. The motion carried unanimously. The staff was directed to draft a letter to the governor urging that he veto this legislation.

Mr. Maller then questioned Mr. Biesiadny as to what the best case scenario timing would be. Mr. Biesiadny replied that the Assembly does not want to hold a special session unless there is a feasible fix. He also stated that it was highly possible that the NVT A would have to repeat many of the same steps as last year. Whereas an emergency clause might allow things to happen quicker, the soonest regular session legislation would take effect would be July 1, 2008.

Mr. Nohe asked whether monies already collected by the various garages should be submitted to the NVT A.

Mr. Mason confirmed that all monies in the pipeline need to be remitted to the NVT A.

Mr. Nohe also inquired whether the NVT A is required to make refunds even to those who do not wish it. Mr. Zimmerman responded yes.

Following a brief discussion on the legal implications associated with the Supreme Court ruling, Chairman Zimmerman moved, and Vice Chairman Nohe seconded, a motion to go into closed session under the provisions of Virginia Code, Section 2.2-3711 to address legal matters relating to the implementation of HB 3202 and litigation associated with recent Supreme Court case. The motion carried unanimously. The Authority convened its closed session at 10:15 am.

The open meeting reconvened at 10:43 a.m. at which time Chairman Zimmerman moved, and Vice Chairman Nohe seconded, a motion certifying that only public business matters lawfully exempted from Virginia's opening meetings requirements and only public business matters that were identified in the motion by which the closed session was convened were heard, discussed, or considered by NVT A during closed session. The motion carried unanimously.

Chairman Zimmerman announced the Authority will not be requesting a rehearing or other action with respect to the Supreme Court of February 29.

Item VI: Adjournment.

Prior to adjournment, Chairman Zimmerman noted that a decision would be made within the next few days on whether the scheduled meeting on March 13 would be held.

The meeting was adjourned at 10:45 am.

AMENDMENT TO THE SEPTEMBER --, 2007, MEMORANDUM OF
UNDERSTANDING FOR TRANSPORTATION PLANNING IN NORTHERN VIRGINIA BY
THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

WHEREAS on February 1, 2005, a Memorandum of Understanding was executed and entered into by and among the Commonwealth of Virginia, Department of Transportation, ("the Department"), the Northern Virginia Transportation Authority ("the Authority"), and the Northern Virginia Regional Commission ("the Commission") for the purpose of identifying and outlining the roles and responsibilities for conducting certain transportation planning activities in Northern Virginia;

WHEREAS the 2007 Virginia General Assembly adopted and enacted into law House Bill 3202, now codified at 2007 Va. Acts Ch. 896 ("Chapter 896");

WHEREAS Chapter 896 substantially broadened the powers, duties, and responsibilities of the Authority;

WHEREAS in accordance with Va. Code Ann. §§15.2-4830 through 4840, as amended, and Chapter 896, the Authority's powers and duties now include planning, financing transportation projects and facilities, construction and operational oversight of transportation projects and facilities, as well as the powers to impose taxes and fees, manage funds, and make appropriate disbursements for transportation projects and facilities as may be authorized by law;

WHEREAS in accordance with a resolution duly adopted by the Authority at its meeting held July 12, 2007, and in accordance with the recommendations of the Financial Working Group and the Authority's Council of Counsels, the Authority authorized its Chairman to sign a Memorandum of Understanding and enter into an agreement, on behalf of the Authority, with the Northern Virginia Transportation District Commission to provide short-term accounting support to the Authority.

WHEREAS on September --, 2007, the Authority, the Department and the Commission signed an amendment to the Memorandum of Understanding through which the Department agreed to provide up to \$1,000,000 in financial assistance to the Authority, and

WHEREAS the Authority used this financial assistance to begin to hire staff, procure office space and undertake collection of the taxes and fees authorized by Chapter 896 on January 1, 2008, and

WHEREAS the Virginia Supreme Court ruled on February 29, 2008, that the General Assembly did not have the authority to delegate its taxing powers to the Authority, and

WHEREAS, collection of these taxes and fees ceased on March 3, 2008, and

WHEREAS, the General Assembly has not yet adopted legislation to restore funding to the Authority,

NOW THEREFORE, the parties do hereby agree to amend their September --, 2007, a Memorandum of Understanding as follows:

1. In accordance with the thirteenth enactment clause of Chapter 896, and in further accordance with a resolution duly adopted by the Authority at its meeting held July 12, 2007, the Authority authorized its Chairman, acting on behalf of the Authority, to request from the Commonwealth of Virginia certain financial assistance in an amount not to exceed \$1,000,000.00. Such funds are to be accessed by the Authority on a reimbursement basis and are to be fully repaid to the Commonwealth of Virginia by no later than June 30, 2008. Such financial assistance will be limited to and set aside for the payment of authorized expenditures for the Authority, until such time as the tax and fee revenue collections are posted. All funds provided by and subject to the provisions of the thirteenth enactment clause of Chapter 896, shall be provided from the Commonwealth, directly to the Authority for use in accordance with Chapter 896, other applicable provisions of law, and as hereby agreed.

2. The provisions of this Amendment shall supersede and be considered controlling over any conflicting provisions or terms set forth in the February 1, 2005, a Memorandum of Understanding, and the September --, 2007, Amendment to the Memorandum of Understanding.

6. To the extent not superseded or otherwise modified by this Amendment, the terms and conditions of the parties' February 1, 2005, a Memorandum of Understanding and the September --, 2007, Memorandum of Understanding shall remain in full force and effect.

IN WITNESS WHEREOF, all concerned parties have executed this AMENDMENT on the day and year set forth below.

ATTESTED:

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

By: _____
Date: _____

ATTESTED:

NORTHERN VIRGINIA
TRANSPORTATION AUTHORITY

By: _____
Date: _____

VI.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

M E M O R A N D U M

TO: The Honorable C. Zimmerman, and Members
Northern Virginia Transportation Authority

FROM: S. York, Chairman, Finance Committee

SUBJECT: NVT A Administrative Costs

DATE: April 1, 2008

ISSUE: Responsibility for NVT A administrative expenses.

RECOMMENDATION: **Approve attached letter to the Secretary of Transportation.**

PROPOSED MOTION: *Mr. Chairman, I move approval of the attached letter on NVT A administrative costs and its forwarding to the Secretary of Transportation.*

SUMMARY:

- By June 30, NVT A will have incurred approximately \$300,000 in administrative costs. Additionally, McGuire Woods will have incurred approximately \$364,00 in bond-related expenses, anticipating payment from sale of bond.
- Currently, payment of administrative expenses is based on financial assistance from VDOT.
- HB 3202 requires that administrative expenses be allocated to jurisdictions.
- The Finance Committee is concerned that, if the NVT A funding issue is not resolved within 60 days, local jurisdictions may absorb significant costs.
- Given that the loss of NVT A dedicated funding is not due to any action on the part of the NVT A and the funds from which these costs would have been covered is not available, the Committee's perspective is that the State should absorb administrative costs.

FISCAL IMPACT: An adverse impact on NVT A jurisdictions will result if State does not cover costs.

COORDINATION:

- Council of Counsels
- J. Mason, Executive Director
- T. Biesiadny, Chairman, JACC

ATTACHMENT: Letter to Secretary of Transportation – NVT A Administrative Costs



The Authority
for Transportation in Northern Virginia

The Northern Virginia Transportation Authority

April 11, 2008

The Honorable Pierce Homer
Secretary of Transportation
202 North 9th Street (5th floor)
Richmond, Virginia 23219

Dear Secretary Homer:

The Northern Virginia Transportation Authority (NVTa) appreciates the financial support that the Virginia Department of Transportation (VDOT) provided to us in FY 2008 as we initiated start-up activities predicated on the anticipated revenue streams provided in HB 3202. In our financial plan for FY 2008, we anticipated paying off the VDOT financial assistance with new revenues generated by the HB 3202 authorized taxes and fees.

With the Supreme Court's ruling that declared the General Assembly's delegation of taxing authority to NVTa unconstitutional and the General Assembly's inaction to date in developing an alternative approach, it is incumbent on us to consider a "worst case" scenario in which the funding issue for NVTa is not resolved prior to June 30. In such case, we anticipate that NVTa will have incurred approximately \$300,000 in operating expenses in FY 2008. Additionally, there are approximately \$364,000 in bond-related expenses incurred by McGuire Woods, our bond counsel. The contractual arrangements with McGuire Woods note that, as is normal for bond counsel, their fees would be paid from the proceeds in the sale of bonds. Being prudent, however, requires us to note the potential implications for NVTa. Since NVTa's expenses were incurred based on the General Assembly's authorization of a funding stream (HB 3202), we believe that the state should absorb these costs if regional revenues for Northern Virginia are not reinstated. This could be accomplished by converting the existing financial assistance to a grant that is sufficient to cover FY 2008 costs.

Solid fiscal planning requires us to ensure that there will be sufficient state funding for us to continue operations in FY 2008 and plan for FY 2009. In the event that the General Assembly does not resolve the funding issue before June, we have no recourse other than to cease operations. The implications for Northern Virginia are enormous. With this in mind, we would appreciate your confirmation that, in the event that the funding for NVTa is not resolved by June, the state will absorb the FY 2008 costs. Under this scenario, unless additional funds were allocated for FY 2009, we anticipate ceasing NVTa operations on June 30, 2008.

Sincerely,

Christopher Zimmerman
Chairman

cc: Members, Northern Virginia Transportation Authority

Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

MEMORANDUM

TO: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority

Members
Northern Virginia Transportation Authority

FROM: Tom Biesiadny, Chairman
Jurisdiction and Agency Coordinating Committee
Northern Virginia Transportation Authority

SUBJECT: I-95/395 HOT Lanes Letter

DATE: April 3, 2008

Recommendation:

The Jurisdiction and Agency Coordinating Committee (JACC) recommends that the Northern Virginia Transportation Authority (NVTA) approve the attached letter regarding the safety analysis, bus-only lane and average speed on the I-95/395 HOT Lanes project.

Background:

Recently, there has been some discussion regarding the VDOT-initiated Halcrow safety analysis and the average minimum speed on the HOT lanes project. In response, VDOT staff provided a technical briefing at the February JACC meeting to respond to questions on these two subjects. This attached letter is intended to confirm staff's understanding of the briefing, which is that:

- VDOT anticipates requesting that the Federal Highway Administration (FHWA) to make a National Environmental Policy Act (NEPA) finding for the northern segment of the project late this summer, after the Halcrow safety analysis is complete; and
- The state considers the 45 mph federal requirement to be a minimum threshold, and anticipates that the average speed will be closer to 55-60 mph; this commitment will be reflected in the final I-95/395 HOT Lanes agreement.

In addition, the letter again requests the results of the "bus-only lane" analysis, and requests that this alternative be included in the Halcrow safety evaluation.

Christopher Zimmerman, Chairman

Members, Northern Virginia Transportation Authority
Draft: April 1, 2008
Page Two

JACC members and I will be available at the April 10, 2008, NVT A meeting to answer questions.

Cc: Members, NVT A Jurisdiction and Agency Coordinating Committee
John Mason, Executive Director



The Authority
For Transportation in Northern Virginia

The Northern Virginia Transportation Authority

April 11, 2008

The Honorable Pierce Homer
Secretary of Transportation
1111 East Broad Street, Third Floor
Richmond, Virginia 23219

Dear Secretary Homer:

On behalf of the Northern Virginia Transportation Authority, I am writing to follow-up with you on the progress of the I-95/395 HOT Lanes project, and more specifically on the safety and operational aspects of the proposed facility. In particular, the NVTa would like to ensure that all aspects of the safety analysis are complete before final National Environmental Policy Act (NEPA) documentation is submitted to the Federal Highway Administration (FHWA). In addition, we would like to make certain that the average minimum speed of the HOT lanes facility remains as high as the speeds experienced on the HOV facility today.

As you know, the NVTa has previously raised concerns about the safety and operations of the proposed I-95/395 HOT Lanes facility. We are very pleased to hear that the state has retained Halcrow, Inc., to develop operational and performance requirements that will be incorporated into the public-private agreement. We feel this analysis is imperative for the safe and efficient operation of this facility.

Since safety is an important component of the NEPA documentation, and the Halcrow findings could cause changes to the scope and design of the HOT Lanes project, we urge the state to wait until the Halcrow analysis is complete before submitting the final NEPA documentation for this project. According to VDOT staff, this is, in fact, the case. The state anticipates requesting that the FHWA to make a NEPA finding for the northern segment of the project late this summer, after the Halcrow safety analysis is complete. The NVTa is supportive of this approach and would like confirmation that this is the planned course of action. In addition, we expect that the Halcrow findings and recommendations will be a matter of public record, and we will have an opportunity to react to them before actions are taken.

We have also been waiting for over a year for the operational and funding analysis of a bus-only lane as part of the I-95/395 HOT Lanes project. We strongly urge the state to release this analysis for review by the local jurisdictions and regional agencies. Since transit is an integral part of moving people in this corridor, this alternative must also be included in the safety analysis being performed by Halcrow.

The Honorable Pierce Homer
April 11, 2008
Page Two

Finally, we were also disappointed to hear that during some General Assembly discussions, VDOT staff stated that an average minimum speed on 55 mph on the HOT lanes would be too difficult to maintain and might discourage public-private partnerships on this facility. According to VDOT data, the HOV facility today operates at an average speed of 56 mph in the am peak period northbound (49 mph inside the Beltway, and 62 mph outside), and 67 mph southbound in the afternoon peak (68 mph inside the

Beltway, and 67 outside the Beltway). We hope that an average minimum speed of at least 55 mph on the HOT Lanes would be achievable considering today's data. If this is not the case, this project will degrade service for all users of the facility, including transit, vanpool and carpool commuters. As we have stated before, that is unacceptable.

According to VDOT staff, the state considers the 45 mph federal requirement to be a minimum threshold, and anticipates that the average speed will be closer to 55-60 mph. We would like confirmation that this commitment will be reflected in the final I-95/395 HOT Lanes agreement.

We hope you will take these concerns into consideration as you continue to move forward with the I-95/395 HOT Lanes project. Please do not hesitate to contact me should you wish to discuss this further.

Sincerely,

Christopher Zimmerman
Chairman

Cc: Members, Northern Virginia Transportation Authority
John Mason, NVT A Executive Director

VIII.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

M E M O R A N D U M

TO: The Honorable C. Zimmerman, Chairman, and Member
Northern Virginia Transportation Authority

FROM: John Mason, Executive Director

SUBJECT: Liability and Property Insurance ; Workers' Compensation

DATE: April 1, 2008

ISSUE: To provide appropriate insurance for NVT A office and staff.

RECOMMENDATION: Approval of VML proposal for liability, property, and automobile insurance and workers compensation at Attachment A.

PROPOSED MOTION: *Mr. Chairman, I move to approve the VML insurance proposal at Attachment A and to authorize executive director to sign on behalf of the Authority.*

SUMMARY:

- Lease for NVT A office space does not include liability and property insurance ; leasees are required to provide .
- While workers' compensation issue may not arise, given the small cost (\$384 annually), it makes sense to obtain at the same time.
- As there are no NVT A-owned vehicles, employees will use their privately owned vehicles. Typically, first call on insurance will be on the owner's personal insurance . The purpose of a modest policy with VML is to provide backup to that in the event that owner's insurance is not sufficient.
- Many jurisdictions/agencies in Northern Virginia use Virginia Municipal League insurance programs.
- Proposed coverage includes comprehensive general liability, auto liability (when NVT A employee using private vehicle) and workers' compensation.

FISCAL IMPACT: Annual costs are approximately \$2,700. Costs for FY08 will be pro-rated (\$500 from April 15 – June 30).

COORDINATION:

- Council of Counsels (E. Posner/V. Garcia)
- Finance Committee (Recommends approval)

ATTACHMENTS:

- Attachment A: Proposal from VML



**PROPOSAL FOR
PROPERTY and LIABILITY COVERAGE
For**

Northern Virginia Transportation Authority

July 1, 2007 to July 1, 2008



Virginia Municipal League
Insurance Programs
P. O. Box 71420
Richmond, Virginia 23255
800-883-5800
804-273-5033
Fax: 804-273-0560
www.vmlins.org



January 28, 2008

Mr. John Mason
Director
Northern Virginia Transportation Authority
3845 Barr Oak Circle
Fairfax, VA 22033

Dear John:

VML INSURANCE PROGRAMS is pleased to provide the enclosed proposal for property and liability coverages. VML Insurance Programs consists of two separate self insurance programs, the Virginia Municipal Liability Pool and the Virginia Municipal Group Self Insurance Association. These pools are nonprofit, tax exempt associations which provide efficient, cost effective and dependable coverage and service.

The VIRGINIA MUNICIPAL LIABILITY POOL (VMLP) began operation July 1, 1986. The VMLP provides general liability, automobile, excess liability, property, inland marine, boiler and machinery and crime/hond coverages. The program currently has more than 540 members.

The VIRGINIA MUNICIPAL GROUP SELF INSURANCE ASSOCIATION (VMGSA) is a workers' compensation program, which began operation July 1, 1980. It is the largest group self insurance association in Virginia. The program, now in its 27th year, has over 430 members and remains a cost effective alternative to traditional insurance placement.

There are several benefits of membership in VMLP & VMGSA, among them:

- VMGSA & VMLP are member owned,
- Provide opportunity to lower net cost,
- Provide long-term market stability,
- Provide risk management services tailored to member needs.

If you have questions regarding the proposal, contact me at 1-800-963-6300. We look forward to your participation in the Virginia Municipal Liability Pool.

Sincerely,

A handwritten signature in cursive script, reading 'Cathie Mearland-Hasty'.

Cathie Mearland-Hasty
Director of Underwriting

Enclosures

ADVANTAGES OF VMIP MEMBERSHIP

VMIP has:

- Assets in excess of \$45.4 million
- Members' equity (surplus funds) of \$13.5 million
- Customized Loss Control services tailored to meet **YOUR** needs
- Human Resources Helpline available 24/7 on-line or toll free

VMIP provides:

- Coverage and risk management services tailored to meet the needs of Virginia independent
- A fully dedicated staff of risk management professionals, with extensive knowledge of Virginia local
- Stable pricing which is exposure and loss, rather than market, driven.
- Coverages include:
 - ◊ Public Official Liability
 - ◊ Comprehensive General Liability
 - ◊ Auto Liability
 - ◊ Property and Inland Marine
 - ◊ Law Enforcement Liability
 - ◊ Excess Liability
 - ◊ Boiler and Machinery
 - ◊ Crime and Bond

THE VMLP PROMISE: SUPERIOR SERVICE YOU CAN COUNT ON

One Customer Base: Virginia Local Governments

- Staff that knows, talks to and visits with members on a regular basis
- All services based in Virginia
- All phone inquiries acknowledged within 24 hours
- Emergency claims service 24 hours a day
- Big enough to share the risks but small enough to receive personal attention

Specialized Underwriting Services

- Risk Management consultation
- Contract review
- Risk Management seminars and workshops
- Property Valuation
- Sample Property and Casualty bid specifications
- Certificates of Insurance

Claims Management Services

- Property and Liability claims management provided by experienced in-house staff
- On line access to claims reports through VML's website www.vmlins.org
- Each member assigned one claims professional to investigate all claims from start to finish
 - ◊ Investigate all claims
 - ◊ Provide fair and prompt settlement
 - ◊ Defend claims where appropriate
 - ◊ Keep members fully informed of claims
- Knowledgeable, effective defense counsel

Safety Consulting Services

- Each member is assigned a Safety Consultant to determine the best approach for development or enhancement of safety services that best meets the members' needs
- Regional Safety Workshops **FREE** to members
- On site visits annually or more frequent for members requiring more consultation
- Safety Resource Library
 - Hundreds of high quality safety videos, CD's, DVDs and print materials on a variety of safety topics available **FREE** of charge to members
- Safety Module Program
 - Thirty CD programs to help you prepare to do your own training. All materials are included for the training and available **FREE** of charge to members
 - Few samples of the programs available are Back Injury Prevention, Driver Training Program, Fall Protection, Slips, Trips & Falls, Kitchen Safety and many more

Northern Virginia Transportation Authority

CONTRIBUTION SUMMARY

	Annual Contribution
Automobile Coverage	\$106
Local Government Liability	\$2,272

Total Cost	\$2,378
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Quarterly installments available.

Member Fee (One time only)	\$100
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Northern Virginia Transportation Authority

LOCAL GOVERNMENT LIABILITY

(includes General Liability, Public Officials)

POLICY PERIOD:

07/01/07 - 07/01/08

LIMITS AND COVERAGES:

Each occurrence limit	\$1,000,000
Damages to Premises Rented to You	\$100,000 <i>Any one fire</i>
Medical expense limit	\$20,000 <i>Any one person</i>
Deductible	None

POLICY FORM:

Occurrence - covers claims which occur during the period 07/01/07 through 07/01/08.

TOTAL CONTRIBUTION (NON-AUDITABLE):

LGL \$2,272 Annual premium

Constitutional officers are excluded from coverage.



Northern Virginia Transportation Authority

AUTOMOBILE COVERAGE

POLICY PERIOD:

07/01/07 - 07/01/08

LIMITS AND COVERAGES:

\$1,000,000 CSL for bodily injury & property damage
\$10,000 Medical Payments

Statutory uninsured motorist - minimum limits \$25,000/\$50,000/\$20,000 per occurrence.

VMI-P provides uninsured motorist coverage at the minimum limits required by law. It is in the member's best financial interest as a member to limit this coverage to what is required by law. Unlike liability coverage, you do not owe any money beyond the limits that are insured.

Garage and Garagekeepers Liability, Hired, Non-Owned Automobile Physical Damage, and Rental Reimbursement coverages included.

POLICY FORM:

Occurrence - covers claims which occur during the period 07/01/07 through 07/01/08.

TOTAL AUTOMOBILE CONTRIBUTION:

	Annual
Automobile Liability	\$106
Medical Payments	included
Uninsured Motorist	included
Comprehensive	NA
Collision	NA
TOTAL	\$106

**VIRGINIA MUNICIPAL GROUP SELF INSURANCE ASSOCIATION**

P.O. Box 71420, Richmond, VA, 23256

1-800-968-6800 (Phone); 1-804-968-4662 (Fax); www.vmlins.org**WC QUOTATION**

Member Name: Northern Virginia Transportation Authority

Member Address: 3845 Farr Oak Circle

Fairfax, VA 22030

Policy Period: 07/01/2007 to 07/01/2008

Policy Number: Q-2007-2008-VML-1

Classification	Code	Estimated Payroll	Rate 2007	Manual Premium
Clerical	8810	5240,000	0.10	\$384

Total Manual Premium \$384

Minimum Premium of \$100 may apply.

Experience Modification 1.00

Estimated Modified Premium \$384

Premium Discount 00

1st Dollar Premium \$384

Deductible Modifier

RMWIG Credit

Total Estimated Premium \$384

* Employers Liability Included \$1,000,000/\$1,000,000/\$1,000,000

**Public Outreach Working Group
Northern Virginia Transportation Authority**

MEMORANDUM

TO: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority

Members
Northern Virginia Transportation Authority

FROM: Martin Nohe, Vice-Chairman
Kala Quintana, Interim Public Information Officer (NVTA)
Elizabeth Rodgers, NVTC
Ryan Touhill, City of Alexandria

SUBJECT: "Give Virginia's Legislators a Piece of Your Commute" Outreach Campaign

DATE: April 3, 2008

It is important that the Northern Virginia Transportation Authority and its member jurisdictions continue to advocate for new transportation funding to replace the funding sources that were invalidated by the Virginia Supreme Court action on February 29, 2008, and additional cuts in transportation funding VDOT and DRPT will be required to make to the Six Year Program.

To that end, NVTA must maintain pressure on the Governor and the General Assembly to convene in a special session and adequately fund transportation in Northern Virginia while providing an outlet for area residents and businesses to express their concerns and to play a key role in re-establishing the necessary funding mechanisms to keep Northern Virginia moving.

The proposed campaign will include outreach to jurisdictions, special interest groups, the business community, bloggers, home owners associations, college and university students, area residents, etc. The tools are designed to be easily accessed and electronically portable.

This goal can be achieved using four different tools:

- 1) Through the use of "You Tube" (See Attachments 1A-C)
- 2) Electronic Web Ad: Got Congestion?
- 3) On line Petition linked to the "Eight Principles" (See Attachments 3A-B)
- 4) "Black Ribbon Tying" events in Springfield (Fairfax County) and the Prince William Parkway (Prince William County)

Projected launch date for all initiatives: April 14, 2008

Projected Cost of Initiatives: Staff Time Only

Christopher Zimmerman, Chairman
Members, Northern Virginia Transportation Authority
April 3, 2008
Page Two

You Tube “Piece of My Commute” Campaign

This initiative will invite the general public to create original content videos and upload them to a special NVT A You Tube Channel. Instructions and guidance have been posted to You Tube and will be posted to NVT A’s web site asking Northern Virginia residents, businesses owners, students, families—anyone who suffers from daily gridlock woes—to “share their commute” with members of the Virginia General Assembly.

The You Tube Channel can be found at: www.youtube.com/NVTAmymycommute
The You Tube Group can be found at: www.youtube.com/group/NVTAPOMC

NVT A has total control of which videos and what kind of content can be posted to the Channel and the Group. Links to NVT A’s You Tube Channel will be e-mailed to legislators when videos are available for viewing.

Mr. Nohe will have a sample “My Commute” video to show to NVT A members.

Electronic Web Ad - “Got Congestion?”

This is a one page electronic ad that can be e-mailed and distributed. It will also tie into the You Tube campaign and the on-line petition. The web ad will be converted to a PDF document with active links to the Authority web site, the You Tube campaign and the “Eight Principles” petition and distributed electronically.

On Line Petition - The Eight Principles

Since the “Repeal the Driver Abuser Fee” petition garnered so much media attention, NVT A can also take advantage of this free on line tool and link it to the “Eight Principles.” Anyone can sign on to this petition in support of the “Eight Principles.” The “Eight Principles” will also be converted to a PDF document with an active link to the petition web site so it can be e-mailed and distributed electronically.

Black “Ribbon Tying” Ceremonies

The Authority will hold two ribbon tying ceremonies in the region between April 21 and May 15, 2008, at the following locations:

- **Franconia-Springfield Metrorail Station.** This event will highlight the loss of substantial Metro and VRE funding as well as the funding for transportation improvements associated with BRAC, the Central Business District and Engineering Proving Grounds.
- **Prince William County Parkway.** This event will highlight the various Prince William County roadway improvements that are now lost or delayed due to the reduction in funding.

Christopher Zimmerman, Chairman

Members, Northern Virginia Transportation Authority
April 3, 2008
Page Three

Mr. Nohe will be available at the April 10, 2008, NVT A meeting to answer questions.

Cc: Members, NVT A Jurisdiction and Agency Coordinating Committee
John Mason, Executive Director



Search



NVTA Piece of My Commute

Edit Channel



NVTArmycommute

Joined: March 31, 2008
Last Login: 5 seconds ago
Videos Watched: 0
Subscribers: 0
Channel Views: 0

Give Virginia's Legislators a "Piece of Your Commute"

Northern Virginians, who are sick of traffic and gridlock, are encouraged to share their commuting nightmares with legislators by creating original content and uploading original video's to this group.

Northern Virginians are encouraged to share images of their daily commute and the impact that traffic and gridlock has on their job, business, family, environment and quality of life.

By using YouTube to urge Virginia's General Assembly to provide adequate and sustainable funding for transportation construction, maintenance and operations it is our hope that Virginia's legislators will take immediate action and find the funding necessary to ensure that Northern Virginia's economy continues to grow and thrive, ultimately benefitting the commonwealth and all Virginians.

This outreach campaign is organized by the Northern Virginia Transportation Authority (NVTA).

Video Log

You have nothing in your video log.

Did you know that you don't have to post your own videos to have a video log? You can [create a video log](#) by collecting and commenting on other people's videos, or you use a [playlist](#) you already have.

Favorites

You haven't chosen any favorites.

You can easily add any video you're watching to your favorites by clicking the "Save to Favorites" link underneath it.



Subscribers

Start broadcasting yourself!

You can attract subscribers by [uploading interesting videos](#), and by participating in the community through comments and video responses..



Friends

Make new connections



For "Piece of My Commute" Video guidelines go to:



Website: <http://www.youtube.com/group/NVTAPOMC>

Share videos with friends and family by [inviting them](#)
to join you on YouTube..



Connect with NVT Amycommute



<http://www.youtube.com/NVTAmycommute>

Bulletins (1)

From	Bulletin
NVTAmycommute March 31, 2008	Don't forget to sign the on-line petition!
	See all bulletins
	Broadcast a message to all your friends!



[My Account](#) / [Groups](#)

The groups you own and belong to are shown below.

[All Your Groups](#)

[Groups You Own](#)

Create a Group



[NVTAA Piece of My Commute Campaign](#)

Here's how to create your video.

Getting Started:

1. Get out a video camera, web cam or camera phone.
2. Start your video by identifying yourself by first name and the city where you live.
3. Document your daily commute—sitting in traffic, waiting to get on a Metro train, trying to find a space in the commuter lot, sharing slug rides, boarding crowded buses, etc.

!WARNING! PLEASE DON'T USE CAMERAS WHILE DRIVING and TRIPODS ARE PROHIBITED in Metro stations – please use hand-held cameras only on Metro.

What you should share:

1. Gather your family and friends together and ask them to describe how traffic and gridlock negatively affect their lives, jobs, business, the environment, and quality of life.

2. Demonstrate the toll that traffic congestion takes on your life and your pocketbook.
3. Then tell Virginia's Legislators what you want them to do about it.
4. Please make sure that your video is respectful and honest.

How to Post your Video:

1. After you've completed your video, log in to your YouTube account or sign up for a new YouTube account for free at <http://www.youtube.com/signup>.
2. Make sure you TAG your video with the following: NVTAG, Traffic, Congestion, Gridlock, Transportation.
3. Then, post your video BEFORE MAY 15, 2008 to the following Group: [http://www.youtube.com/group/](http://www.youtube.com/group/NVTAPOMC)

[NVTAPOMC](http://www.youtube.com/group/NVTAPOMC).

4. Last, but not least, tell your friends, co-workers, family members, fellow students and neighbors to join in this effort.

We are ALL negatively impacted by traffic congestion and gridlock and if the General Assembly does not take action NOW it will only get WORSE!

We're all in this together so let's get Virginia moving again!

CREATE YOUR VIDEO BEFORE MAY 15, 2008 and UPLOAD IT ON THIS PAGE <http://www.youtube.com/group/NVTAPOMC> TODAY!


(ess)


Tags: [NVTAG](#), [traffic](#), [gridlock](#), [congestion](#), [transportation](#)

Created: March 31, 2008

Video(s): 0 | Members: 1 | Discussions: 0

You are the owner of this group. Member since March 31, 2008


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Give Northern Virginia's Legislators a Piece of Your Commute!

Are you sick and tired of sitting in traffic?

Do you think that some legislators in Richmond just don't get it?

Do you want to SHOW Virginia's legislators what the impact of congestion and gridlock has on our everyday lives here in Northern Virginia?

Do you want to give legislators REAL images of what you go through every day just to get to work, take the kids to soccer practice, finish grocery shopping or reach school on time?



Now Northern Virginians can generate original content for YouTube that documents the impact that traffic congestion and gridlock has on our jobs, businesses, family, environment, air quality, economy and quality of life. All you have to do is use a video camera, camera phone or web camera to document your commute or to show how traffic congestion and gridlock affects your life in very personal ways. Be creative!

Here's how to create your video (along with a few rules and basic instructions we suggest you follow):

1. Get out a video camera, web cam or camera phone.
2. Start your video by identifying yourself by name and where you live (*your first name and city will do*).
3. Document your daily commute—sitting in traffic, waiting to get on a Metro train, trying to find a space in the commuter lot, sharing slug rides, boarding crowded buses, etc. **PLEASE DON'T USE CAMERAS WHILE DRIVING** and **TRIPODS ARE PROHIBITED** in Metro stations—please use hand-held cameras only on Metro.
4. Gather your family and friends together and ask them to describe how traffic and gridlock negatively affect their lives, jobs, business, the environment, and quality of life.
5. Show and talk about the toll that traffic congestion takes on your life and your pocketbook.
6. Then tell Virginia's Legislators what you want them to do about it.
7. Please make sure that your video is **respectful and honest**.
8. After you've completed your video, log in to your YouTube account or sign up for a new YouTube account for free at <http://www.youtube.com/signup>.
9. Make sure you "tag" your video with the following: NVTa; Traffic; Congestion; Gridlock; Northern Virginia.
10. Then, post your video BEFORE MAY 15, 2008 to the following Group: <http://www.youtube.com/group/NVTAPQMC>.
11. Last, but not least, tell your friends, co-workers, family members, fellow students and neighbors to join in this effort. We are ALL negatively impacted by traffic congestion and gridlock and if the General Assembly does not take action NOW it will only get WORSE!
12. **We're all in this together so let's get Virginia moving again! CREATE YOUR VIDEO before May 1, 2008 and POST IT to: <http://www.youtube.com/group/NVTAPQMC> TODAY!**



THE EIGHT PRINCIPLES

The Northern Virginia Transportation Authority (NVT A) appreciates the significant efforts made by the Governor and the General Assembly during the 2007 session to provide a dedicated transportation funding for Northern Virginia (HB 3202). Unfortunately, on February 29, 2008, the Virginia Supreme Court ruled that the General Assembly did not have a constitutional basis to delegate taxing authority to the NVT A. As a result, Northern Virginia is unable to address its worsening congestion. The implications for the region's and the state's economies are potentially disastrous.

In addressing this challenge, the NVT A will use the following principles to guide it in assessing proposed solutions:

- I) Transportation is fundamentally a state responsibility; therefore, enactment of new Northern Virginia transportation revenue sources must include a substantial state financial commitment.
- II) There is general comfort with the seven taxes and fees previously approved for Northern Virginia; however, NVT A is willing to consider alternatives. Any changes in the regional funding packages for Northern Virginia and Hampton Roads should be coordinated with both regions.
- III) Northern Virginia's adopted *TransAction 2030* long-range transportation plan requires approximately \$700 million annually in new funding to achieve the 2030 goals. Therefore, restoring exclusive Northern Virginia revenues of at least \$300 million annually, as well as providing at least \$400 million annually from Northern Virginia's portion of additional statewide revenues, are needed to meet this requirement.
- IV) Any legislation must provide significant increases in transportation funding for all modes from a stable, reliable, and permanent source(s).
- V) Involvement and support from all jurisdictions – large and small – is important to achieve regionally agreed upon goals. With that in mind, any Northern Virginia transportation revenue package should include both a regional and a local component to allow local jurisdictions to achieve transportation improvements of their choosing (many of which will contribute to overall regional goals).
- VI) If a statewide package is also enacted, Northern Virginia should receive at least the share that it receives under existing formulas.
- VII) The state should also continue to match federal interstate and primary road earmarks with state funds, not shift this responsibility to Northern Virginia regional funds.
- VIII) Any Northern Virginia regional transportation funding package should provide an on-going revenue stream of capital funding for the Washington Metropolitan Area Transit Authority (WMATA) with no sunset, and no federal match requirement. This will provide flexibility beyond matching federal funds, and will ensure that WMATA's on-going capital needs will be funded. It should also provide dedicated operating and capital funding for the Virginia Railway Express (VRE).

The Northern Virginia Transportation Authority stands ready to assist with the development of a meaningful, responsive transportation funding package that will aggressively move the region forward in implementing its transportation plan.

Sign the Eight Principles petition to show your support:
<http://www.ipetitions.com/petition/8principles/>



NVTAs Eight Principles for Transportation Funding

petition text signatures email friends



The petition

The Northern Virginia Transportation Authority (NVTAs) along with Northern Virginians like me, appreciate the significant efforts made by the Governor and the General Assembly in their 2007 provision of a dedicated funding source for Northern Virginia (HB 3202).

Unfortunately, on February 29, 2008, the Virginia Supreme Court ruled that the General Assembly did not have a constitutional basis for delegating taxing authority to the NVTAs.

As a result, Northern Virginia is unable to address its worsening congestion. The implications for the region's and the state's economies is potentially disastrous.

I support the Authority's Eight Principles which should be used to shape all future transportation funding in Northern Virginia.

These Eight Principles can be found at: <http://www.thenovaauthority.org...>

Sign the petition

Fields marked * are required.

* Name :

* Email :

Comments :

☐ Display my name as anonymous on the signatures list

☒ Yes, I want petitions to contact me on similar campaigns or petitions.

[Sign petition >>](#)

Petition sponsor

The Northern Virginia Transportation Authority

Links

The Authority web site: <http://www.thenovaauthority.org...>

Give Virginia's Legislators a Piece of Your Commute! Create a video message for your legislator and post to: <http://www.youtube.com/groups/...>

The views expressed in this petition are solely those of the petition's sponsor and do not in any way reflect the views of petitions. petitions is solely a provider of technical services to the petition sponsor and cannot be held liable for any damages or any other harm arising from this petition. In the event of adequate sponsor's named, petitions will consider the individual associations with which the petition was created as the lawful sponsor.

STATUS OF MAJOR TRANSPORTATION STUDIES AND PROJECTS IN NORTHERN VIRGINIA (Information as of April 2nd, 2008)

Route 95/395 High-Occupancy Toll (HOT) Lanes PPTA

- Study website address is www.virginiadot.org/projects/const-project.asp?ID=296
- On October 24, 2006, an Interim Agreement was signed between Fluor-Transurban and VDOT for 56 miles of High-Occupancy Toll Lanes on I-95 and I-395. The interim agreement with Fluor-Transurban under the Public-Private Transportation Act of 1995 will advance the required preliminary work on the project.
- The proposed 56-mile HOT lanes project between Massaponax and Arlington will expand the existing high-occupancy vehicle (HOV) lanes and will extend HOV lanes south to Massaponax. HOT lanes allow drivers of low-occupancy vehicles to pay a toll to use HOV lanes. Carpoolers, buses and other transit operators would use the lanes for free.
- The interim agreement requires Fluor-Transurban to complete required preliminary engineering work, an operation plan including enhancements to transit infrastructure such as park-and-ride lots and bus stations, and an in-depth traffic and revenue study. Private partners will use the toll revenue to finance construction and operation of the HOT lanes, as well as to provide funding for additional transit in the corridor.
- Fluor / Transurban continues working to develop environmental, transit, and traffic study requirements, and has received (January 16, 2008) TPB formal action approving the project in the 2007 CLRP.

Route 495 High-Occupancy Toll (HOT) Lanes PPTA

- Study website is www.virginiahottlanes.com
- On April 28, 2005, a Comprehensive Agreement was signed between Fluor-Transurban and VDOT for 14 miles of the Capital Beltway. Fluor is the contractor and Transurban is the Toll Operator and Investor. The Comprehensive Agreement includes the development, design, finance, construct, maintenance and operation of HOT lanes on the Capital Beltway.
- The project includes adding two General Purpose Lanes to the outside (and converting two inner lanes to HOT lanes) in each direction of the Capital Beltway generally located between Old Dominion Drive in the north and Phase VIII of the Springfield Interchange in the south. The typical section consists of a continuous 12-lane system made up of eight general-purpose lanes and four HOT lanes.
- Interchange Justification Reports have been submitted for the Beltway Mainline (all interchanges) and I-66 Interchange. The JRs have been conditionally approved by VDOT and FHWA pending satisfactory response to certain requirements for further analysis. These responses have been provided in the form of Addenda to the JRs and are currently under FHWA's review.
- A subsequent Environmental Summary document is being prepared to update environmental impacts due to design refinements since the Environmental Reevaluation.
- A Design Public Hearing is scheduled for May 6 and 7, 2008.
- Financial Close occurred on December 31, 2007.
- Heavy construction is anticipated to begin by late mid summer 2008. Early start area will be the Little River Turnpike Interchange.
- An Amended and Restated Comprehensive Agreement (ARCA), as well as sub-agreements focused on Technical Requirements, Performance Points and Joint Operating and Maintenance Protocols, were agreed to by FTU and VDOT in late December, 2007.
- FTU is now advancing design in preparation for Design Public Hearing. Design is being reviewed by VDOT via a series of Technical Review Meetings arranged by technical discipline. The design as it stands on April 4, 2008 will be placed in the public arena at VDOT facilities and online for public review prior to the Design Public Hearing.
- The Detailed Proposals, Comprehensive Agreement and additional information may be found on the project web site located at www.virginiadot.org/projects/ppta-defaultHOTLANESCapitalBeltway.asp. A new website, www.virginiahottlanes.com, is also in development by FTU.
- The project team continues to meet regularly with local elected officials and their constituencies. Recent meetings have included a town hall meeting with Supervisor Bulova and her constituency near Little River Turnpike interchange; meetings with Supervisor Smyth and her staff; a meeting with Supervisor Faust and his

staff; and a town hall meeting with Supervisor Faust's constituency. Current focus of these meetings includes the business community and local citizens groups.

- Field Survey and test boring within existing VDOT ROW is currently being performed. In early April, very limited staging of equipment at a specific location within ROW will occur.

Capital Beltway South Side Mobility Study (CBSSMS)

- Study website address is www.southsidecapitalbeltway.org
- VDOT & Maryland SHA jointly undertaking 2 Beltway mobility studies to identify possible measures for congestion reduction; MD SHA study examining westside of Beltway (VA 193 to I-270 & along I-270 to I-370); VDOT study examining Beltway from MD 5 (Branch Avenue) west to Springfield Interchange;
- CBSSMS proposes to examine Beltway lane geometry between WWO Bridge and Springfield Interchange ("gap" study) to identify discontinuities, and develop recommendations for near-term & long-term modal use of median lanes on Bridge (structurally designed to support heavy rail loading);
- CBSSMS findings and recommendations will help guide design of Beltway / US 1 interchange ramps;
- Study includes 2 phases: Phase 1 (collection of completed studies and transportation recommendations & examination of modal recommendations) is essentially complete; Phase 2 includes travel demand forecasting and result in mobility suggestions.
- Since there will not be connecting HOV /transit systems in place on both sides of the bridge when the remaining span of the bridge opens, the Maryland and Virginia Secretaries of Transportation have agreed that the median lanes will be initially striped out and used only for incident management or maintenance of traffic, per the FHWA Record of Decision. A separate follow-on study to determine transit ridership demand has been suggested in order to provide data needed to pursue any FTA New Starts initiative determined to be feasible. Study team consultant staff are coordinating with MWCOC staff regarding use of the new regional travel demand model to develop initial market demand information for use in any follow-on study.
- A Technical Committee meeting was held March 6th to discuss the planned transit demand market study. The regional travel forecast model (Version 2.2) has been obtained from MWCOC and will be used in the market study.

I-66 Spot Improvements

- The study web site is located at I-66spotimprovements.com and is also linked via VDOT's web site under Projects and Studies in Northern Virginia.
- There are three spot improvements identified to ease the congestion within the study area:
 - Extension of the Fairfax Drive on-ramp to Sycamore Street
 - Extension of the Washington Blvd on-ramp to the Dulles Airport Access Road
 - Extension of the Lee Highway/Spout Run on-ramp to Glebe Road
- The right of way verification has been completed and may be viewed upon request at Suite 900 in Arlington Co and the plan room at VDOT (Chantilly). Contact Tamara Ashby in Arlington County at 703-228-3833 or Jeff Daily in VDOT at 703-383-2205.
- IDEA-66 has evolved into I-66 Spot Improvements, the preliminary engineering phase of the implementation of three spot improvements on I-66 westbound inside the Capital Beltway. For more information about the I-66 spot improvements, please visit our new website at www.I-66spotimprovements.com.

U. S. Route 1 Location Study

- Study website address is www.virginiadot.org/projects/study/route-rt1.asp.
- VDOT's NoVA District is managing the study.
- Project is broken into three sections for environmental analyses and documentation.
 - Project A: South of Russell Road to Route 123 (Prince William County)
 - Project B: Route 123 to Telegraph Road (Prince William and Fairfax Counties)
 - Project C: Telegraph Road to Capital Beltway (Fairfax County)
- CTB Approved Project B on April 15, 2004. Federal Highway Administration issued Finding of No Significant Impact (FONSI) for Study B on May 28, 2004.

- CTB Approved Project A on July 15, 2004. Federal Highway Administration issued Finding of No Significant Impact (FONSI) for Study A on March 19, 2007.
- Project C is on hold pending the conclusions of a separate transit study.
- Cost estimates for final reports for Projects A and B are underway.

Dulles Corridor Metrorail Project

- The project website address is www.dullesmetro.com.
- The Metropolitan Washington Airports Authority and Virginia Governor Tim Kaine continue to work with the Federal Transit Administration and the US Department of Transportation in the wake of recent issues raised by US DOT. For copies of recent letters go to <http://www.mwa.com/corridor>.
- Washington Gas has now completed the bulk of its relocations in the service roads along the south side of Route 7 between Gosnell Road and Route 123 in Tysons Corner. It is the first utility to do work in the corridor. Utility relocation traffic impacts have been minimal. Access to all businesses will be maintained throughout all utility relocations. All utilities are being placed belowground.
- The project team submitted its News Starts request for the project to the Federal Transit Administration in mid-September 2007.
- The Metropolitan Washington Airports Authority and Dulles Transit Partners, a partnership of Bechtel and Washington Group Inc., signed the design-build contract for the 11 mile extension on June 19, 2007. Phase 1 of the extension includes an aerial alignment through Tysons Corner, the long-standing locally preferred route.
- When completed, the 23-mile extension of the existing Metrorail line will run from just west of the East Falls Church Metro Station to Route 772 in Loudoun County. The project will be built in two phases. The first will connect East Falls Church with Wiehle Avenue and includes four stations in Tysons Corner. Phase 2 runs from Wiehle Avenue on the Eastern edge of Reston through Washington Dulles International Airport westward into Eastern Loudoun.
- The estimated cost of Phase 1 is approximately \$2.55 billion.
- All stations are served by pedestrian access bridges and have escalators and elevators in the bridge access structures and in the stations.
- The project anticipates getting a Full Funding Grant Agreement that will provide \$900 million for construction in mid-2008.

I-495 (Capital Beltway) Environmental Study

- The study website address is project1.parsons.com/capitalbeltway/
- In March 2002, VDOT issued a Draft Environmental Impact Statement (EIS) for improvements to the 14-mile section of the Capital Beltway between Springfield Interchange and the American Legion Bridge.
- Three alternative roadway concepts were evaluated for the Beltway mainline, including: (1) concurrent HOV, (2) Barrier-separated HOV, and (3) Express/local configuration with HOV.
- On January 19, 2005, the CTB selected the 12-lane HOV/HOT Candidate Build Alternative as the preferred alternative. A reevaluation of the Draft EIS was accepted by FHWA on September 8, 2005.
- The Final FEIS was approved by the FHWA on April 18th, 2006 and is posted on the project's website. The Record of Decision was signed on June 29, 2006.

Woodrow Wilson Bridge Project

- Project website address is www.wilsonbridge.com/
- The Wilson Bridge Project is comprised of a 7-1/2 mile Beltway (I-95/I-495) reconstruction, including the replacement of the 40-year old, 6-lane, one-mile long bridge to a 12-lane bridge. The project also includes reconstruction of four interchanges: Telegraph Road and U.S. Route 1 in Virginia, and I-295 and MD Route 210 (Indian Head Highway) interchanges in Maryland.
- US Route 1 Interchange: Of the 9 contracts, five have been completed and three are under construction, with the last US Route 1 contract, the Jones Point Park contract, not due to be advertised until 2008. Traffic adjustments continue at the US Route 1 interchange as interim and temporary ramps are located and shifts are made to advance the construction. The new southbound Route 1 Bridge is scheduled for completion by June 2008.
- Telegraph Road Interchange: Of the 3 contracts, one is complete (VB-1), one is nearing completion (VB-5) and one received NTB in February 2008 (VB-2/3/6). The VB-2/3/6 contract includes grade separated improvements south of the beltway that were not in the original plans. These improvements add significant value and extend the W000B program

completion to 2013.

- In aggregate, construction for the entire WWW Bridge program (including VDOT, MSHA and DDOT elements) is 78% complete. In December 2007, SHA and VDOT agreed to advance the schedule to open the Inner Loop Local lanes from mid July 2008 to the first week of June 2008. Over the remaining months of 2008, traffic will shift to its final alignment with the opening of the express lanes on both the Inner Loop and Outer Loop Bridges.
- The construction of the Virginia environmental mitigation is complete, with five - year monitoring for the four contracts to continue.

I-66 Multimodal Transportation & Environmental Study (outside the Beltway)

- Study website is www.virginiadot.org/projects/studynova-rt66.asp.
- Funding has been obtained to re-start the study; TIP/STIP approvals have been obtained. VDOT has also obtained FHWA authorization to access the funds, and the project has been reopened.
- Study manager is updating the study approach (including consideration of HOT lanes per the 2004 General Assembly) and determining data needs (what is on-hand, what needs to be updated).
- Study manager to develop study timeline following study approach and data evaluation.

Tri-County Parkway Study

- Study website address is www.virginiadot.org/projecttcp.asp
- Proposed termini for the TCP Study includes a northern terminus at the intersection of US 50 and Route 606 (Loudoun County Parkway, formerly, Old Ox Road), and a southern terminus at the VA 28/VA 234 Bypass Interchange.
- On November 17th, 2005 the Commonwealth Transportation Board approved the West Two Alternative as the location for the Tri-County Parkway. The West Two alternative begins at the I-66 and Route 234 interchange and ends at Route 50 in Loudoun County.
- Currently, the project team is preparing the Final Environmental Impact Statement (FEIS). The anticipated completion date for the Final EIS is December 2008.
- Record of Decision is anticipated April 2009.

Route 28 improvements – Public-Private Partnership Act (PPTA) project

- The PPTA team currently maintains a web page on the project at www.28freeway.com
- The proposed improvements on Route 28 include design and construction at 6 interchanges: Waxpool Road, Sterling Boulevard, Old Ox Road, Bamsfield Road, McLearen Road, and Westfields Boulevard; and design and construction of several parallel road segments including Davis Drive, Loudoun County Parkway, Centreville Road, and Pacific Boulevard. All 6 interchanges were opened to traffic by December 2006.
- Design and construction of four additional interchanges at a total cost of approximately \$111 Million is now underway, with construction to be completed by 2009 as follows: Nokes Boulevard, full clover interchange; Innovation Avenue, partial interchange; Frying Pan Road, trumpet style interchange; and Willard Road, urban diamond interchange. Construction of the Frying Pan Road interchange commenced in October.

Information compiled by VDOT NoVA District Transportation Planning Section

XI.

Statewide Transit Plan

[Handout at meeting]

XII.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

M E M O R A N D U M

TO: The Honorable C. Zimmerman, Chairman, and Members
Northern Virginia Transportation Authority

FROM: John Mason, Executive Director

SUBJECT: Refund Process

DATE: April 4, 2008

Attached is an information paper that outlines the refund process. It describes it step-by-step so that we are able to answer questions about the process.

From a taxpayer perspective, the simplified version of attached is:

- Grantor's tax. Will be refunded by settlement agents. **Anticipate having all grantor's tax refunds completed by April 10.**
- DMV fees. Refunds will be paid out by DMV. Under way.
- Remaining four. Refunds will be paid out by State Treasurer's division of unclaimed property. Payee will need to apply. **Anticipate remitting transient occupancy tax receipts to State Treasurer in mid-April**

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

Refund of Taxes and Fees (HB 1578 Final/ Chapter 652 of the Acts of the Assembly)

- **Concept**

All vendors, agencies, clerks, or other entities authorized to collect the previously authorized taxes and fees for Northern Virginia (under HB 3202) “shall cease collection of such fees and taxes immediately and shall remit or refund any such fees or taxes collected”.

- **Process¹**

- Grantor's Tax.

- ✓ Clerk of circuit courts to develop guidelines for handling overpayments within 60 days (May 23). *Done.*
- ✓ No later than May 1, NVT A remits amounts collected to applicable circuit court clerks. *Will be accomplished by April 10.*
- ✓ Clerks refund taxes to settlement agents within 60 days (May 23)
- ✓ Settlement agents have up to 90 days (August 22) from receipt of taxes from the clerk of the circuit court to complete the return of taxes to persons entitled to receive it
- ✓ Claimants with questions should consult with their settlement agents.

- Regional Registration Fee and Initial Vehicle Registration Fee.

- ✓ Vendors remit fees collected to DMV within 30 business days (May 6)
- ✓ DMV to develop procedures no later than April 1 and make available to public (www.dmvNOW.com)
- ✓ DMV remits fees to payees. Anticipate that this will begin in early April.

- Motor Vehicle Rental Tax.

- ✓ Vendors remit fees collected to DMV within 30 business days (May 6)
- ✓ Payments received by DMV become “unclaimed property”
- ✓ DMV remits “unclaimed property” to State Treasurer within 40 business days (May 20)
- ✓ State Treasurer establishes procedures for claiming property (www.treasury.virginia.gov)
- ✓ Subject to audit and certification by the vendor, the vendor shall be entitled to retain any fees or taxes collected that were paid by the vendor on behalf of the person or entity who is not the vendor.

¹ Unless stated otherwise, all dates reflected are from the enactment of legislation (March 25, 2008).

- Transient Occupancy Tax.
 - ✓ Vendors remit any taxes collected to appropriate local governing body or NVT A within 30 business days (May 6) *Email note sent to jurisdictional financial leads (commissioners of revenue, treasurers) to ensure awareness of process.*
 - ✓ Payments received by NVT A become “unclaimed property”
 - ✓ Local governing bodies and NV TA remit funds collected to State Treasurer within 40 business days (May 20). *Anticipate remitting to State Treasurer in mid-April.*
 - ✓ State Treasurer establishes procedures for claiming property (www.tr.s.virginia.gov).

- Safety Inspection Fee.
 - ✓ Vendors remit fees collected to NVT A within 30 business days (May 6). *NVT A instructions sent to vendors.*
 - ✓ Payments received by NVT A immediately become “unclaimed property”
 - ✓ NVT A remits fees to State Treasurer within 40 days (May 20)
 - ✓ State Treasurer establishes procedures for claiming property (www.tr.s.virginia.gov).

- Sales and Use Tax on Auto Repairs.
 - ✓ Vendors remit taxes collected to the Department of Taxation within 30 business days (May 6)
 - ✓ Department of Taxation treats funds as “unclaimed property”
 - ✓ Department of Taxation remits “unclaimed property” to State Treasurer with 40 business days (May 20)
 - ✓ State Treasurer establishes procedures for claiming property (www.tr.s.virginia.gov).

• **DMV, circuit court and settlement fees not refunded**

If clerks of courts, settlement agents, or DMV are not able to refund any portion of the taxes/fees they received by September 30, 2008, the unreturned taxes/fees shall be deemed “unclaimed property” and remitted to the State Treasurer on/before November 1, 2008. The State Treasurer will establish procedures for payee recovery.

XIII.

Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

MEMORANDUM

TO: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority

Members
Northern Virginia Transportation Authority

FROM: Tom Biesiadny, Chairman
Jurisdiction and Agency Coordinating Committee
Northern Virginia Transportation Authority

SUBJECT: Constrained Long Range Plan (CLRP) and Transportation Improvement Program (TIP) Project Update (Agenda Item XIII.)

DATE: Revised: April 7, 2008

On February 20, 2008, the Transportation Planning Board (TPB) approved the conformity inputs for the 2008 CLRP and FY 2009-2014 TIP.

The inputs included a significant number of new projects in Northern Virginia, due to the anticipated Northern Virginia Transportation Authority funding. In addition, the Virginia submissions reflect the commercial property tax for transportation and increased local vehicle registration fees authorized by the 2007 General Assembly in HB 3202 for jurisdictions that are in the process of adopting them. The significant Virginia additions to the CLRP include:

1. Access to Ft. Belvoir Engineering Proving Grounds (EPG): I-95 and Fairfax County Parkway (BRAC)
2. Widen Segments of US 50 between Eaton Place and Jermantown Road within the City of Fairfax
3. Columbia Pike Streetcar from Skyline to Pentagon City
4. Fairfax Connector Service Transit Development Plan Service Increase

The significant changes to the CLRP include:

1. I-495 Capital Beltway HOV-HOT Lanes
2. I-95/395 HOV-HOT-Bus Lanes Transit Plan Revisions

There are also a number of additional, but less significant, new projects included in the Virginia submissions. TPB staff has begun the process of preparing the air quality conformity analyses using these inputs. Currently, TPB is scheduled to consider adoption of the conformity analysis, as well as the 2008 CLRP and FY 2009-2014 TIP in July 2008.

Federal regulations require that projects included in a CLRP, TIP and its air quality conformity analyses have full funding for its construction/implementation. Unfortunately, the Virginia Supreme Court's ruling of February 29, 2008, creates uncertainty about the funding availability for some of the NVT A projects included in the conformity analysis for the 2008 CLRP and FY 2008-2013 TIP. If the General Assembly does not replace the \$300 million per year in transportation funding NVT A was expecting to collect, the TPB will have to revise its CLRP and conformity analysis to remove those NVT A funded projects whose funding is no longer certain OR not update the CLRP, TIP and conformity until the NVT A funding matter is satisfactorily resolved.

A list of the projects that affect conformity that will likely be delayed or cancelled due to the lack of funding is attached. This list is a subset of the larger list of projects potentially affected by the loss of the NVT A revenues and the anticipated reductions in VDOT's Six Year Program that was reviewed by NVT A on March 6, 2008.

As a result of the loss of NVT A revenues, TPB and VDOT staff are working on two approaches for 2008 CLRP air quality conformity (Plans A and B). Plan A will proceed with the conformity inputs approved by the TPB in February, including all NVT A funded projects. This conformity analyses will be ready to be released for public comments in June 2008 and is scheduled to be adopted by the TPB in July 2008, along with the FY 2009-2014 TIP. Plan A can only be used, if the General Assembly restores the NVT A funding.

TPB and VDOT staff have developed Plan B for use in the event that the NVT A funding is not restored. Plan B would involve revising the 2008 CLRP and the associated air quality conformity inputs to remove those NVT A projects for which funding would not reasonably be available. The attached list is a summary of these changes. TPB will be asked to approve this Plan B list of air quality conformity inputs at its April 16, 2008, meeting. If Plan B is pursued, the air quality conformity analyses for this revised 2008 CLRP and FY 2009-2014 TIP will not be ready by July 2008. In this case, the air quality conformity analysis would likely to be ready for public release in September 2008. TPB's adoption of the TIP and CLRP would be scheduled for October 2008.

In addition, VDOT has decided not to prepare an FY 2008 State Transportation Improvement Program (STIP) and will instead focus on securing FHWA approval of an FY 2009 STIP by September 2008. Currently, the state is operating with an old STIP that expires in September 2008. For VDOT to adopt the FY 2009 STIP, the TPB will have to adopt the FY 2009 TIP by July 2008. This can be achieved with Plan A, but not with Plan B.

If the NVT A funding is not restored, and it is necessary to use Plan B, TPB will be asked to adopt only the FY 2009 – 2014 TIP in July 2008, but not a 2008 CLRP. This TIP would remove all projects that are being added to the FY 2009 – 2014 TIP that affect air quality conformity. The existing the 2007 air quality conformity would remain in place. TPB would continue working on

air quality conformity analyses for the Plan B list of projects. In other words, the FY 2009 TIP that the

Chairman Christopher Zimmerman
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TPB would consider adopting in July 2008 would be an air quality conformity neutral TIP, and would not include all of the new funding obligations provided by VDOT's Programming Division.

This approach will allow VDOT to meet the September deadline to have a FY 2009 STIP adopted for the state. Using this approach, the TPB will consider adopting the 2008 CLRP in October 2008 along with an amended FY 2009 – 2014 TIP which would then include all the projects that were removed from the FY 2009 – 2014 TIP approved in July 2008. This October FY 2009 - 2014 TIP will reflect all of the funding information provided by VDOT's Programming Division. Once the air quality conformity analysis for this TIP is approved (likely in early December) VDOT will amend its STIP and add the new projects into the STIP (this may happen by late Jan 2009).

Jurisdiction and Agency Coordinating Committee members discussed these proposals with TPB and VDOT staff and believe that they represent the best options to move the programming documents forward without knowing the outcome of any General Assembly action later this Spring. JACC members and I will be available at the April 10, 2008, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Coordinating Committee
John Mason, Executive Director

Proposed Changes to Conformity Inputs
Revised: April 7, 2008

These changes are due to the Virginia Supreme Court's decision on February 29, 2008, that the General Assembly did not have the authority under the Virginia Constitution to delegate its taxing powers to NVT. The following Northern Virginia projects included in the conformity analysis may be affected. (Other projects may so be affected, but these projects have not been included in the conformity analysis).

Highway:

Fairfax County:

1. Delay completion of Fairfax County Parkway/Fair Lakes Interchange. **Delayed (2010 to 2011)**

City of Alexandria:

2. Delay Eisenhower Avenue widening. **Delayed (2009 to 2010 / 2011)**

Prince William County:

3. Widening of Route 1 (Neabsco Mills Road to Featherstone Road). **Delayed (was 2013).**
Change project to PE only.
 4. Widening of Route 28 (Fitzwater Drive to Vint Hill Road). **Drop from CLRP/Conformity.**
 5. Widening of Prince William County Parkway (Hoadly Road to Old Bridge Road). **Delayed (was 2013). Change project to PE only.**
 6. Widening of Prince William County Parkway (Old Bridge Road to Minnieville Road). **Delayed (was 2013). Change project to PE only.**
 7. Widening of Minnieville Road (Spriggs Road to Route 234). **Delayed (2012 to 2013)**
 8. Construction of University Boulevard (Hornbaker Road to Wellington Road). **Drop from CLRP**
- Loudoun County:
9. Construction of South Collector Road (Purcellville) from Route 690 to Route 7. Delayed from 2011 to 2015.
 10. Construction of Route 15 Bypass interchange at Edwards Ferry Road. Delayed from 2015 to 2020.
 11. Construction of Route 7/Route 659 interchange. Delayed from 2015 to 2020.
 12. Widening of Route 15 from Evergreen Mill Road to the Leesburg City Limits. Delayed from 2011 to 2015.

Transit

Arlington County/Fairfax County:

1. Delay completion date for the Columbia Pike Streetcar project. **Delayed (2014 to 2016)**

City of Alexandria:

2. Delay implementation of Potomac Yards Transitway. **Delayed (2011 to 2013).**

Fairfax County:

3. Delay implementation of 35 of 76 new Fairfax Connector buses. **Delayed (2010 to 2011).**

V R E:

4. Delay purchase of seven locomotives for the Virginia Railway Express. **(Replacement cars)**

Loudoun County:

5. Delay Sterling-Ashburn Park-and-Ride Lot from 2010 to 2012.

PRTC:

6. Dominion Valley Park-and-Ride Lot. Delayed from 2010 to date uncertain.

Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

MEMORANDUM

TO: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority

Members
Northern Virginia Transportation Authority

FROM: Tom Biesiadny, Chairman
Jurisdiction and Agency Coordinating Committee
Northern Virginia Transportation Authority

SUBJECT: Update on Regional Air Quality (Agenda Item XIV.)

DATE: April 3, 2008

This memorandum is intended to provide the NVTa with a brief update on regional air quality activities.

The U.S. Environmental Protection Agency (EPA) designated the Metropolitan Washington region a nonattainment area for the National Ambient Air Quality Standards (NAAQS) for ground level Ozone and Particulate Matter 2.5 microns or less (PM_{2.5}). The deadline for the region to demonstrate attainment of both standards is 2010. The states in the metropolitan region and the District of Columbia (D.C.) are required to submit a State Implementation Plan (SIP) on how the standards will be attained by the deadline. The following is a summary of recent activities:

- On May 23, 2007, the Metropolitan Washington Area Quality Committee (MWAQC) approved an ozone SIP for the states and D. C. to submit to the EPA.
- This ozone SIP establishes new mobile source emissions budgets for 2008, 2009 and 2010 to be used in transportation conformity analyses. These new budgets are lower than those included in an earlier one-hour ozone SIP. These new emissions budgets for transportation conformity become applicable once the EPA finds the emissions budgets adequate for use in conformity analysis. Such an adequacy finding was anticipated by the end of 2007, but has not yet been received. The EPA is now working on the adequacy determination. Transportation Planning Board (TPB) adopted the 2007 Constrained Long Range Plan (CLRP) and FY 2008-2013 Transportation Improvement Program (TIP) on January 16, 2008, using both an interim set of emissions budgets and these new (yet to be approved) budgets.
- A PM_{2.5} SIP is due to the EPA by April 5, 2008. MWAQC approved this SIP on March 7, 2008, following a discussion about further analysis that the Virginia Department of Environmental Quality will conduct related to the local PM_{2.5} emissions and impacts from the Mirant Potomac River Generating Station (PRGS) in the City of Alexandria. The state air agencies are preparing to submit their portions of this SIP to the EPA.
- This PM_{2.5} SIP establishes mobile source emissions budgets for two additional pollutants: PM_{2.5} and NO_x. The emissions budgets proposed in the SIP were developed in consultation with the state transportation agencies and the TPB. These new emissions budgets for transportation conformity will become applicable once the EPA finds the emissions budgets adequate for use in conformity analysis. An adequacy review is anticipated by this fall. The TPB adopted the 2007 CLRP and the FY 2008-2013 TIP on January 16, 2008, using interim emissions budget tests for these two pollutants.

Mr. Christopher Zimmerman, Chairman
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- On March 12, 2008, the EPA proposed new, stricter national ambient air quality standard for ground-level ozone. The EPA revised the ozone standard from 80 parts per billion to 75 parts per billion. To implement this new standard, States must identify areas of non-attainment and recommend designations (attainment, non-attainment and unclassifiable) for these areas to EPA no later than March 2009. EPA is expected review these recommendations and issue final designations by March 2010. States must then submit new ozone SIPs no later than three years after EPA's final designations. If EPA issues designations in 2010, then these plans would be due in 2013. In addition, Metropolitan Planning Organizations (TPB in this region) will have to conduct air quality conformity tests using the new standards within one year of the designations.

The Metropolitan Washington Council of Governments (COG) has established a Climate Change Steering Committee (CCSC) to review the amount of greenhouse gases (GHG), particularly carbon dioxide, generated by the region, and consider ways to reduce these emissions. CCSC is trying to develop a working list of strategies to try to achieve the following goals:

- Reduce GHG by 10 percent by 2012;
- Reduce GHG by 20 percent below 2005 levels by 2020; and
- Reduce GHG by 80 percent below 2005 levels by 2050.

These strategies are separated into a variety of different categories, including economic development; outreach and education; local governments; energy production; transportation; land use; financing and adaptation. Regarding the transportation category, the CCSC has discussed the fact that TPB is pursuing a new scenario as part of the work of its Scenario Study Task Force. This scenario is called "What would it take?" This scenario is intended to determine the types and magnitude of land use and transportation improvements that will be needed to meet a predetermined regional air quality goal (one consistent with the CCSC goals). The CCSC has asked that more specific transportation strategies to be included on their working list prior to the completion of the scenario work. COG staff will be preparing suggestions for the next CCSC meeting.

JACC members and I will be available at the Authority meeting on April 10, 2008, to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Coordinating Committee
John Mason, Executive Director

XV.

Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

MEMORANDUM

TO: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority

Members
Northern Virginia Transportation Authority

FROM: Tom Biesiadny, Chairman
Jurisdiction and Agency Coordinating Committee
Northern Virginia Transportation Authority

SUBJECT: Update On Ozone Action Ride Free Program Change (Agenda Item XV)

DATE: Revised: April 7, 2008

This memo is intended to update the Northern Virginia Transportation Authority on changes to the 2008 Ride Free Program that the Jurisdictional and Agency Coordinating Committee (JACC) and the project team are considering. Due to funding constraints and a change in the designation of Code Red and Code Orange days, the 2008 Ride Free Program is being modified to offer free rides only on forecast Code Red air quality days (forecast code orange days will not be included in the Ride Free program for summer 2008) and to offer one planned Ride Free day in conjunction with the April 30, 2008, kick-off event.

On March 12, 2008, the EPA revised its Air Quality Index to reflect proposed new ozone standards. As a result, when ozone levels reach 75 parts per billion (ppb) it will be considered Code Orange air quality. Last year, the level for Code Orange was 84 ppb. Code Red air quality standard has also changed from 104 ppb to 95 ppb. Attached is a fact sheet which explains the adjustment in more detail.

Last summer the region had 17 forecast Code Orange days and no forecast Code Red days. If the new standard were applied to the summer of 2007, our region would have had 37 forecast Code Orange days and 3 Code Red days. On average, when the new adjustment is applied to the last several years, there is at least double the number of forecast Code Orange and Code Red days.

For summer 2008, the project team budgeted \$1.5 million for 20 forecast Code Orange days. Since the EPA revision, the budget would essentially need to be doubled to offer free rides as originally planned: forecast Code Orange (until noon) and Code Red (all day).

Mr. Christopher Zimmerman, Chairman
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Revised: April 7, 2008
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As a result of the EPA change, it will be problematic to begin offering free rides on both forecast Code Orange and Red days. However, this does not diminish the need to be part of the regional clean air effort.

The JACC discussed this program and options for the summer of 2008. Representatives from most Northern Virginia jurisdictions attended this meeting. Given the transportation funding situation in Northern Virginia the option of securing additional funding for this project is not feasible. JACC members agreed the best option for this program is to continue offering free rides on forecast Code Red days only and eliminate the free rides on forecast Code Orange days. At a subsequent meeting on April 2, 2008, transit system operators and marketing staffs confirmed this recommendation.

The Ride Free kick-off event is scheduled for April 30, 2008. It will feature free bus rides all day. Additional marketing components for the summer 2008 season include a mass mail out to over 2,000 Northern Virginia employers; interior bus advertisements; a redesigned website; banner advertisements on local media and jurisdictional websites; and media releases.

Later in the summer, NVTC staff and the Ride Free advisory committee will evaluate the need for an additional planned Code Red day to be held in August or September, possibly to coincide with the planned regional Car Free Day in September. Discussions on further marketing will also be revisited later in the summer.

In summary, the Ride Free 2008 program now includes:

1. Free bus rides on forecast Code Red days (forecast Code Orange days will not be included in the Ride Free program for summer 2008)
2. April 30th kick-off event with free bus rides all day.
3. Marketing components:
 - a. Mass mail out to over 2,000 Northern Virginia employers
 - b. Interior bus advertisements
 - c. Redesigned website
 - d. Banner advertisements on local media and jurisdictional websites
 - e. Media releases

JACC Members and I will be available at the Authority meeting on April 10, 2008, to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Coordinating Committee
John Mason, Executive Director

Deleted: While such an approach will conserve budgeted project funds, it does introduce a concern about the cost of the marketing and promotional efforts we have planned. The project team has scheduled the kick-off event for April 10, 2008, individual jurisdictions marketing budgets of \$5,000 each and a total marketing budget of \$30,000 (lower and above the individual grants). The project team is also running Ride Free the private sector for promotion. By reducing the Ride Free program to forecast Code Red days only, there is a very real risk of heavily promoting a program that could provide few if any free rides during the summer.

**Jurisdiction and Agency Coordinating Committee
Northern Virginia Transportation Authority**

MEMORANDUM

TO: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority

Members
Northern Virginia Transportation Authority

FROM: Tom Biesiadny, Chairman
Jurisdiction and Agency Coordinating Committee
Northern Virginia Transportation Authority

SUBJECT: I-95/395 HOT Lanes Transit Inputs (Agenda Item XVI)

DATE: April 3, 2008

Recently a Washington Post article (*Toll-Lane Revenue Proposal Gets a Rewrite in Richmond*, March 23, 2008) asserted that the state has reduced the amount of transit service and improvements that will be funded as part of the I-95/395 HOT Lanes project, and shifted the funding to the southern part of the corridor. In response, the I-95/395 HOT Lanes Transit Advisory Committee (TAC) prepared the attached memo to clarify points contained in the article and provide a more complete picture of the transit improvements included in the Transportation Planning Board (TPB)'s FY 2009-2014 Transportation Improvement Program (TIP) and 2008 Constrained Long Range Plan (CLRP) for this corridor. The memo explains that the TAC was very involved in the development of the revised plan and why it differs from the original submission.

TAC members, Jurisdiction and Agency Coordinating Committee members and I will be available at the April 10, 2008, NVT A meeting to answer questions.

Cc: Members, NVT A Jurisdiction and Agency Coordinating Committee
John Mason, Executive Director

Memo

To: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority (NVTA)

Bill Euille, Chairman
Northern Virginia Transportation Commission (NVTC)

Francis C. Jones, Chairman
Potomac Rappahannock Transportation Commission (PRTC)

Matthew Kelly, Chairman
Fredericksburg Area Metropolitan Planning Organization (FAMPO)

From: I-95/395 HOT Lanes Transit Advisory Committee (TAC)

Cc: NVTA Jurisdiction and Agency Coordinating Committee (JACC), NVTC Management Advisory Committee (MAC)

Date: March 28, 2008

Re: I-95/395 HOT Lanes Transit Inputs

Recently a Washington Post article (*Toll-Lane Revenue Proposal Gets a Rewrite in Richmond*, March 23, 2008) asserted that the state has reduced the amount of transit service and improvements that will be funded as part of the I-95/395 HOT Lanes project, and shifted the funding to the southern part of the corridor. This memo is intended to clarify points contained in the article and provide a more complete picture of the transit improvements included in the Transportation Planning Board (TPB)'s FY 2009-2014 Transportation Improvement Program (TIP) and 2008 Constrained Long Range Plan (CLRP) for this corridor.

As you may recall, in order to ensure that transit was reflected as part of the overall HOT Lanes project, the state included a placeholder for transit service and capital improvements in the TPB's FY 2008-2013 TIP and 2007 CLRP. This was done with the understanding that the specifics of the transit service needs and opportunities associated with the project would be revisited as part of a study that the region's transit operators and local jurisdictions requested and Secretary of Transportation Pierce Homer agreed to conduct.

At the request of NVTA, NVTC, PRTC, FAMPO, and local jurisdictions, the state initiated the I-95/395 Transit/TDM Study to further evaluate the appropriate transit services to be implemented in conjunction with the I-95/395 HOT Lanes project. At that time, the Transit Advisory Committee (TAC), made up of transit and TDM staff from the affected local governments and agencies in the entire corridor, was formed by the Department of Rail and Public Transportation to provide technical input to the study. As such, the TAC represented interests from both the Northern Virginia and Fredericksburg regions. After a year of analysis, the final I-95/395 Transit/TDM Study report recommended:

- 76 buses for service modifications and new routes
- 6 Virginia Railway Express rail cars

Christopher Zimmerman, Chairman, NVTA
Bill Euille, Chairman, NVTC
Francis C. Jones, Chairman, PRTC
Matthew Kelly, Chairman, FAMPO
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- 4 Bus Rapid Transit stations
- 4 Virginia Railway Express station platform extensions and overnight storage 3 new/improved transit centers
- 3,750 additional park-and-ride spaces (above the 3,000 originally recommended)
- 9 Transportation Demand Management (TDM) program enhancements or new programs
- 20 years of operating costs for the proposed service.

These recommendations were the subject of extensive review and discussions by the TAC members. In preparing these recommendations, the TAC reviewed the scope, inputs, demand modeling, and results of the I-95/395 Transit/TDM Study at every stage. The committee members who represent the interested jurisdictions and agencies agreed with the final recommendations of the study.

These recommendations reflect the capital improvements, transit service and TDM programs that performed the best in terms of moving people and meeting travel demand, while respecting the overall fiscal constraint of reasonably expected federal funding and a prescribed estimate of I-95/395 HOT Lanes project resources (\$195 million) that were given to the TAC by the state¹. In addition, new projections of passenger revenues were produced as part of the study, reflecting actual experiences of the region's transit operators with comparable service. The plan prepared by the TAC includes significantly more capital investments than the placeholder plan, thereby reducing the amount of bus service proposed. This results in a substantial reduction in the forecast fare revenues. The TAC plan also incorporates a more comprehensive view of the entire 56 mile corridor, and assumes the extension of the HOT lanes to Spotsylvania County (Phase II of the project).

The state substituted the TAC's plan for the original placeholder plan in submissions for the TPB's FY 2009-2014 TIP and 2008 CLRP. While the revised plan is significantly different from the placeholder plan included in last year's TIP; it is the result of a much greater level of analysis and inter-jurisdictional agency consensus than the placeholder plan it replaced. Comparisons of the two plans that don't acknowledge that the placeholder plan was based on much less rigorous analyses with assumptions that were not developed or reviewed by the service providers are misleading. We anticipate that there will be additional analysis of the specific transit/TDM plan included in this project as it progresses. If you have any questions, we would be happy to provide a briefing to you and/or your agency.

Cc: Pierce Homer, Secretary of Transportation, Commonwealth of Virginia
Corey Hill, Chief of Public Transit, Virginia Department of Rail and Public Transportation
Ronald Kirby, Director, Department of Transportation Planning, Metropolitan Washington Council of Governments

¹ This contribution from the HOT Lanes Project to transit capital projects and service is reflected in both the placeholder plan and the TAC's plan, based on direction from the state. By using this figure, the TAC is not agreeing that it is adequate to support the transit improvements that are warranted in this corridor related to the HOT Lanes Project. While the plan conforms with this estimate, the many jurisdiction and transit agency members of the TAC continue to believe that the issue of what level of project resources will be available for transit is not resolved, and the \$195 million should be considered a floor. A more rigorous toll and revenue study currently being undertaken by Fluor / Transurban may need to be completed, before this issue can be resolved.

XVII.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

M E M O R A N D U M

TO: The Honorable C. Zimmerman, Chairman, and Members
Northern Virginia Transportation Authority

FROM: John Mason, Executive Director

SUBJECT: Estimated NVT A Start Up Costs – FY08

DATE: April 1, 2008

Attached is a spreadsheet that provides updated estimate for FY08 administrative expenses:

- Column 1 lists expenditures by GLA categories.
- Column 2 is based on the budget approved January 12, 2007.
- Column 3 reflects the reduction in budget on January 12, 2008 (in which it was summarized as \$500,000 without categorization).
- Column 4 summarizes costs to date.
- Column 5 provides estimated costs to June 30, 2008.
- Column 6 provides estimated totals for FY08.
- Column 7 provides explanatory remarks.

The estimated total for FY08 is approximately \$239,000 in administrative expenses.

Below the totals line are shown potential additional expenses:

- Repayment of VDOT financial assistance. Assistance has been extended to June 30, 2008. Under Agenda Item VI this issue has been addressed by a letter to Secretary of Transportation.
- McGuire Woods has accrued \$363,996.02 in bond-related expenses that were to be paid from bond sales.
- There may be some expenses outstanding from The PFM Group, our financial advisors. The \$64,000 is a preliminary estimate.

ESTIMATED NVTA START UP COSTS - FY08

Income	Approved 7/12/07	Approved 1/12/08	Totals to Date	Estimated Current - 6/30/08	Est Totals FY08	Remarks
Grant	\$ 50,000.00					
Loan	\$ 606,600.00					
4100 NVTA G & A Contributions	\$ 296,175.00			\$ 100,000.00	\$ 1,000,000.00	Interest
TOTAL INCOME:	\$ 951,775.00	\$				
Expenses						
Payroll and Benefits	\$ 212,500.00					
5101 - Salaries				\$ 66,000.00		
5102 - Temp Employment			\$ 11,886.41	\$ 18,068.00		
5103 - Delegate per diem costs			\$ 2,200.00			
5204 - FICA and Medicare				\$ 4,972.50		6.2% + 1.45% of salaries
5205 - Unemployment				\$ 300.00		\$300 per employee
5206 - Workers Compensation				\$ 50.00		Pro-rated
5207 - Group Health Insurance						
5208 - Employee Life Insurance						
5209 - Long Term Disability						
5210 - Retirement Contribution						
5211 - Car Allowance			\$ 3,000.00			
Totals:	\$ 212,500.00	\$ -	\$ 14,066.41	\$ 91,410.50	\$ 106,496.91	
Operating Expenses	\$ 126,750.00					
5301 - Office Rent			\$ 11,750.00	\$ 4,700.00		\$235.00 is security deposit
5302 - Office Supplies			\$ 1,323.30	\$ 300.00		
5303 - Copier, Duplication & Printing			\$ 2,064.29	\$ 500.00		
5304 - Postage & Delivery			\$ 1,006.22	\$ 370.00		
5305 - Telephone - Local			\$ 520.00	\$ 280.00		
5310 - Computer Hardware/Software			\$ 3,886.52	\$ -		
5312 - Property & Liability Insurance				\$ 500.00		Pro-rated
5313 - Bank Fees			\$ 320.35	\$ 15,650.52		
Totals:	\$ 126,750.00	\$ -	\$ 20,872.68	\$ 22,300.52	\$ 43,173.20	
Travel and Meetings	\$ -					
5407 - Meeting Expenses			\$ 1,698.66			
Totals:	\$ -	\$ -	\$ 1,698.66	\$ -	\$ 1,698.66	
Public Information	\$ 25,000.00					

ESTIMATED NVTAS START UP COSTS - FY08

5501 - Public Information/Outreach				\$ 50,000.00				
5502 - WebSite Hosting				\$ 4,029.44				
5503 - Personnel Recruiting				\$ 858.00				
5504 - Advertising				\$ 68.20				
Totals:	\$ 25,000.00	\$ -	\$ -	\$ 54,955.64	\$ -	\$ -	\$ 54,955.64	
Professional Fees								
5603 - Legal Fees	\$ 125,000.00			\$ 33,921.60				
Totals:	\$ 125,000.00	\$ -	\$ -	\$ 33,921.60	\$ -	\$ -	\$ 33,921.60	
Financial								
Project Implementation	\$ 162,500.00							
Office Space Build-out	\$ 120,000.00							
Vehicle/Transportation	\$ 81,000.00							
Insurance	\$ 5,000.00							
Contingency (10%)	\$ 30,000.00							
	\$ 86,525.00							
Grand Totals (Expenses)	\$ 974,275.00	\$ 500,000.00	\$ 125,534.99	\$ 113,711.02	\$ 239,246.01			
Loan Repayment								
Repayment of VDOT loan								FY09 ?
Bond Expenses								
Legal expenses accrued by McGuire Woods				\$ 363,996.02				FY09 bond?
Financial Advisors								
Expenses accrued by PFM					\$ 64,000.00			Estimate

XVIII.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

Executive Director's Report – April 10, 2008

- **Established office**
 - Computer network, email, etc. up and operating
 - ✓ Set up new computers by updating all of the software and customizing to best advantage
 - ✓ Set up an internal network system for file sharing and ease of using single printer
 - ✓ Set up electronic filing system (parallel to paper file)
 - Established account with Office Depot; acquired needed office supplies
 - Set up paper and electronic filing systems.
- **Hiring staff.** On hold pending funding. In the meanwhile, hired temporary office manager.
- **Responded to queries.**
 - Since early February, have responded to approximately 140 phone calls, of which approximately 35 dealt with Supreme Court decision, 32 with OSI invoices, and another 35 or so with various taxes and fees refunds.
 - Additionally, responded to half dozen letter and email queries.
- **Financial issues**
 - Established financial procedures for administrative/operating account
 - ✓ Set up process for requisitions and payment
 - ✓ Set up/built an Access database to control the process flow and track expenditures and requests
 - ✓ Captured and established up-to-date records of expenditures prior to January 10, 2008
 - ✓ Set up a financial “budget” in Excel to mimic the bank account and account for known future expenses
 - ✓ Determined initial operating costs and clear picture of “where we stand”
 - Procurement card obtained
 - Check procedure updated to provide for ED signing
 - Extensive discussions with Financial Working Group on finances and bond
 - Following Supreme Court decision, coordinating refund process.

- **Administrative issues**
 - Established standardized format for policies (converted 2)
 - Began establishment of SOPs (agenda format and process, etc.)
- **Transition of functions/responsibilities from working groups**
 - Organizational Working Group
 - ✓ Office site selected, leased, and functioning
 - ✓ Meeting location coordinated
 - ✓ ED has assumed staffing function
 - ✓ ED has assumed responsibility for coordination of committees (as they become operational)
 - ✓ ED has assumed responsibility for preparation and coordination of NVT A agenda and meetings
 - ✓ ED has assumed responsibility for preparation of NVT A policy and administrative documents
 - Financial Working Group. Finance Committee established with responsibility for recommendations on financial matters and monitoring financial performance. Additionally,
 - ✓ ED has assumed responsibility for budget development
 - ✓ ED has assumed purchasing function
 - ✓ ED is assuming check function
 - ✓ ED is overseeing coordination of refund activities
 - ✓ Accountant function remains with NV TC (until ED able to hire staff)
 - Legal Working Group. Council of Counsels established.
 - Project Implementation Working Group. JACC is drafting procedures for project implementation.
 - Public Outreach Working Group. Kala Quintana is functioning as Interim Director of Public Outreach for NVT A. Additionally,
 - ✓ Web site management shifted to ED. Cleaned up the back end/code of website
 - ✓ Updated content of website
 - ✓ Single point of contact for queries shifted to ED
- **Initial round of visits to Authority members**
 - Under way, visited or had discussions with 11 members
 - Anticipate completing visits in April
- **Advocacy outreach**
 - Held discussions/presentations with
 - ✓ Virginia ASHE (February 20)
 - ✓ Virginia HCCA (February 27)2

- Met with leadership of Virginia Chamber of Commerce
 - ✓ President (March 25)
 - ✓ Transportation Roundtable (March 31)
- Participated in presentations to Virginia Transportation Construction Association (April 3)

Correspondence



The Northern Virginia Transportation Authority

February 4, 2008

The Honorable Timothy M. Kaine
Governor of Virginia
PO Box 1475
Richmond, VA 23318

Dear Governor Kaine:

On behalf of the members of the Northern Virginia Transportation Authority (NVTA), I would like to extend our appreciation to you for your continued support of the Authority and provide you with a brief update on our activities since last year's approval of HB 3202 which provided funding for needed transportation improvements in Northern Virginia.

First, regarding implementation of the funding sources, we have proceeded with establishing the additional taxes and fees authorized by the General Assembly under HB3202, as well as the mechanisms for collecting the taxes and fees and creating the necessary accounts to track the revenues. We appreciate the outstanding support provided by the Secretary of Transportation and his staff, the Department of Taxation and the Department of Motor Vehicles in implementing these mechanisms so quickly.

Second, central to our work of the past year has been the development of an initial bond package, and NVTA's first Six-Year Program. We are planning a \$102 million bond issuance later this year to fund a set of "ready to go" projects across the region. The aim is to provide rapid, noticeable project implementation to begin addressing our region's transportation challenges. The package represents a balance of transit, roadway and multi-modal projects.

In January, we approved a partial Six Year Program of \$186 million, of which 56% supports roadway projects, 44% transit, bicycle/pedestrian, and multi-modal projects.

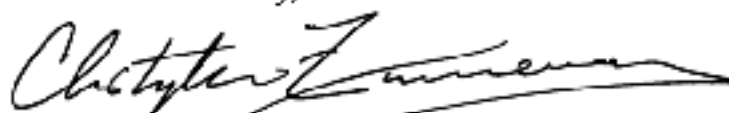
Both the bond package and the initial Six-Year Plan are based on "TransAction 2030", the NVT A's long range transportation plan for the region unanimously approved by the local jurisdictions in September 2006. It is important to remember that the legislation authorizing NVT A provides that, in carrying out its responsibilities for transportation planning, *"policies and priorities shall be guided by performance-based criteria such as the ability to improve travel times, reduce delays, connect regional activity centers, improve safety, improve air quality, and move the most people in the most cost-effective manner."* (§ [15.2-4838](#).) Pursuant to this statutory requirement, TransAction 2030 established criteria for evaluating candidate projects, whether highway, transit, or multi-modal. **Let me emphasize that individual projects were selected for inclusion based on this pre-established criteria for determining their regional significance and relative performance.** Projects approved also reflect the requirement that each jurisdiction in which the revenues are generated benefit from their expenditure, as well as the requirement to provide 40% of revenue return directly to jurisdictions, as specified in HB 3202.

Finally, the program approved provides for the allocation to match an anticipated new regional-federal partnership for WMATA capital renewal (\$50 million annually), and for Virginia Railway Express operating and capital needs (\$25 million annually), as set out in HB 3202.

As we continue to move forward with a focus on the future of the Authority, we will refine our approach to project and program evaluation; draft the key policies that will guide NVT A activities; revisit our long range planning goals; and work closely with VDOT, the local governments and regional transportation agencies to effectively implement the region's transportation plan.

Again, let me extend our appreciation for your leadership in helping Northern Virginia to make significant progress in tackling its transportation challenges and to your agencies and staff for their continued support as we implement the opportunities that emerged from the Transportation Funding and Reform Act of 2007.

Sincerely,



Christopher Zimmerman
Chairman

C: Members, Northern Virginia Transportation Authority
Pierce Homer, Secretary of Transportation
John Mason, NVT A Executive Director

[Similar letter send to all Northern Virginia delegation members]

February 6, 2008

The Honorable

....

....

Dear Senator or Mr./Mrs. [for Delegates] ...:

On behalf of the members of the Northern Virginia Transportation Authority (NVTA), I would like to extend our appreciation to you for your continued support of the Authority and provide you with a brief update on our activities since last year's approval of HB 3202 that provided funding for needed transportation improvements in Northern Virginia.

First, regarding implementation of the funding sources, we have proceeded with establishing the additional taxes and fees authorized by the General Assembly under HB3202, as well as the mechanisms for collecting the taxes and fees and creating the necessary accounts to track the revenues. We appreciate the cooperation that we have received from the state agencies that are supporting our efforts.

Second, central to our work of the past year has been the development of an initial bond package, and NVTA's first Six-Year Program. We are planning a \$102 million bond issuance later this year to fund a set of "ready to go" projects across the region. The aim is to provide rapid, noticeable project implementation to begin addressing our region's transportation challenges. The package represents a balance of transit, roadway and multi-modal projects.

In January, we approved a partial Six Year Program of \$186 million, of which 56% supports roadway projects, 44% transit, bicycle/pedestrian, and multi-modal projects.

Both the bond package and the initial Six-Year Plan are based on "TransAction 2030", the NVTA's long range transportation plan for the region unanimously approved by the local jurisdictions in September 2006. As you will recall, the legislation authorizing NVTA provides that, in carrying out its responsibilities for transportation planning, *"policies and priorities shall be guided by performance-based criteria such as the ability to improve travel times, reduce delays, connect regional activity centers, improve safety, improve air quality, and move the most people in the most cost-effective manner."* (§ [15.2-4838](#).) Pursuant to this statutory requirement, TransAction 2030 established criteria for evaluating candidate projects, whether highway, transit, or multi-modal. **Let me emphasize that individual projects were selected for inclusion based on this pre-established criteria for determining their regional significance and relative performance.** Projects approved also reflect the requirement that

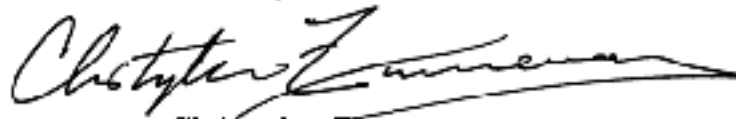
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Finally, the program approved provides for the allocation to match an anticipated new regional-federal partnership for WMATA capital renewal (\$50 million annually), and for Virginia Railway Express operating and capital needs (\$25 million annually), as set out in HB 3202.

As we continue to move forward with a focus on the future of the Authority, we will refine our approach to project and program evaluation; draft the key policies that will guide NVT A activities; revisit our long range planning goals; and work closely with VDOT, the local governments and regional transportation agencies to effectively implement the region's transportation plan.

Again, let me extend our appreciation for your support in helping Northern Virginia to make significant progress in tackling its transportation challenges.

Sincerely,

A handwritten signature in black ink, reading "Christopher Zimmerman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Christopher Zimmerman
Chairman

C: Members, Northern Virginia Transportation Authority
John Mason, NVT A Executive Director



The Northern Virginia Transportation Authority

February 27, 2008

The Honorable Mary Margaret Whipple
3556 North Valley Street
Arlington, Virginia 22207-4445

Dear Senator Whipple:

On behalf of the members of the Northern Virginia Transportation Authority, I would like to extend a warm welcome to the Authority.

As you know from the recent update that we sent you, the Authority is well along in identifying an initial bond package and a partial Six Year Program. Once we receive the Virginia Supreme Court decision (anticipated by the end of this month), we look forward to beginning distribution of the 40% funds to the jurisdictions and preparing for a bond sale. The latter will require considerable work on our part as we are a new agency and will need to establish a bond rating.

Our monthly meetings are on the second Thursday of the month at 7:30 pm. At least for this year, most of these meetings will be held in the Fairfax City Hall. Our new executive director, John Mason, will contact your staff to arrange an orientation at your convenience.

In the meanwhile, if you have any questions, please feel free to contact me at (703) 228-3130 or John Mason at (703) 275-7752. I look forward to working with you as we tackle the tough transportation challenges in the Northern Virginia region.

Sincerely,

Christopher Zimmerman
Chairman

C: John Mason, Executive Director, NVTA

— Great to have you aboard!



The Northern Virginia Transportation Authority

February 21, 2008

Ms. Barbara Reese
Deputy Secretary of Transportation
Commonwealth of Virginia
Patrick Henry Building
1111 East Broad Street, Third Floor
Richmond, Virginia 23219

Reference: Modifications to Guidelines for Collecting Northern Virginia
Transportation Authority's Vehicle Safety Inspection Fee

Dear Ms. Reese:

Thank you for all the help that you and your staff have given to the Northern Virginia Transportation Authority (NVTA) in implementing the taxes and fees authorized by the General Assembly as part of HB 3202. Your assistance has helped the entire implementation process proceed smoothly.

As with any major undertaking, there are often unforeseen consequences, and so it is with implementation of the NVTA taxes and fees. Since the taxes and fees were implemented on January 1, 2008, we have discovered that, as adopted, the \$10 vehicle safety inspection fee must also be applied to vehicles owned and maintained by local governments. The result is that local government funds are simply moving from one department to another within the same jurisdiction, which was never intended.

HB 3202 requires that the guidelines for implementing the taxes and fees be posted for 60 days prior to actual implementation. To correct the oversight related to local government vehicles, we would request that you post a modification to the implementation guidelines that exempts vehicles owned by local government who are members of NVTA and the towns within those local governments from the safety inspection fee. This change was authorized by the NVTA on January 10, 2008.

When the modification to the guidelines has been posted, please notify John Mason, NVTA's Executive Director, or me, so that we may notify local governments as to when the change will be effective.

Ms. Barbara Reese
February 19, 2008
Page Two

If you have any questions, please contact Kevin Greenleaf of NVTAs Financial Working Group at (703) 324-4801 or John Mason at (703) 277-7752.

Thank you again for your continued assistance.

Sincerely,



Christopher Zimmermann
Chairman

- C: Members, Northern Virginia Transportation Authority
John Mason, Executive Director
Kevin Greenleaf, Staff Coordinator, NVTAs Financial Working Group
Pierce Homer, Secretary of Transportation, Commonwealth of Virginia

DRPT

MEMORANDUM

To: Virginia Transit Operators
From: Matthew O. Tucker *Matthew O. T.*
Date: February 22, 2006
Subject: Revised Transportation Revenue Forecast

On February 23rd, Secretary Homer communicated information on the cumulative effect of current reductions in anticipated transportation revenues. In this memo he mentioned that transit allocations will be reduced by approximately 10%.

As a follow-up to this message, the projected impact for the next five years on state mass transit allocations has been posted on the DRPT Web site at www.drpt.virginia.gov. These projections are shown by transportation client and are based on FY 2006 allocations. The spreadsheet provides insight into the current funding outlook, and will guide DRPT as the agency works to update the Five-Year Improvement Program in the coming months. This information is for illustrative purposes. Actual allocations will depend on applications received and eligibility requirements for state funds.

These reductions will challenge our ability to collaboratively advance transit projects. With the state revenue outlook declining and transit operators facing significant cost increases for items such as fuel and health care, together we face some difficult decisions regarding operating and administrative costs as well as the consideration of specific capital projects to advance. DRPT will continue to work with you and your staff to ensure that the Commonwealth's transit resources are maximized to the greatest extent possible.

Please feel free to contact Steve Rhoads, Chief Financial Officer, with any questions at 804/786-2724 or Steve.Rhoads@drpt.virginia.gov.

- cc: The Honorable Mark R. Homer, Secretary of Transportation
Commonwealth Transportation Board Members
David Perry, Commonwealth Virginia Department of Transportation
Linda McElisney, Virginia Transit Association
Ken Pollock, Community Transportation Association of Virginia

DRPT
Decreases in Mass Transit Assistance
by District
FY 2008 - FY 2013

District Name	Year	FY 2008	FY 2010	FY 2011	FY 2012	FY 2013	Total
Bedford	FY 2008 - FY 2013	\$1,746	\$1,201	\$1,294	\$1,287	\$1,268	\$6,137
	FY 2008 - FY 2014	3684	\$1,062	\$1,082	\$1,416	\$1,102	\$2,602
	Difference	(1938)	(5141)	(5187)	(1517)	(1311)	(15731)
Colchester	FY 2008 - FY 2013	\$3,350	\$3,438	\$3,784	\$3,519	\$3,741	\$17,897
	FY 2008 - FY 2014	\$3,080	\$3,155	\$3,240	\$3,288	\$3,447	\$16,112
	Difference	(269)	(322)	(314)	(153)	(184)	(1705)
Freetown/Dorchester	FY 2008 - FY 2013	\$1,048	\$1,097	\$1,137	\$1,197	\$1,106	\$5,685
	FY 2008 - FY 2014	\$210	\$228	\$1,034	\$1,034	\$1,036	\$4,565
	Difference	(838)	(130)	(1197)	(123)	(610)	(1611)
Hampden District	FY 2008 - FY 2013	\$18,083	\$17,110	\$17,023	\$16,661	\$16,144	\$78,081
	FY 2008 - FY 2014	\$18,131	\$16,012	\$16,911	\$16,632	\$16,112	\$73,802
	Difference	(52)	(2,098)	(892)	(279)	(500)	(4,271)
Lyndebury	FY 2008 - FY 2013	\$3,644	\$2,765	\$2,941	\$2,417	\$2,895	\$14,133
	FY 2008 - FY 2014	\$2,567	\$2,527	\$2,585	\$2,612	\$2,761	\$13,012
	Difference	(1,077)	(238)	(356)	(244)	(866)	(1,121)
Northampton	FY 2008 - FY 2013	\$100,290	\$133,119	\$139,964	\$143,862	\$146,074	\$568,060
	FY 2008 - FY 2014	\$113,877	\$122,346	\$125,006	\$123,302	\$123,003	\$508,048
	Difference	(12,587)	(11,227)	(14,842)	(20,564)	(22,971)	(59,992)
Rutland	FY 2008 - FY 2013	\$11,104	\$11,611	\$11,033	\$12,245	\$12,403	\$58,399
	FY 2008 - FY 2014	\$9,632	\$10,936	\$10,814	\$10,910	\$11,284	\$53,741
	Difference	(1,472)	(675)	(219)	(1,325)	(1,119)	(4,658)
Salem	FY 2008 - FY 2013	\$2,405	\$2,052	\$1,818	\$1,796	\$1,818	\$13,189
	FY 2008 - FY 2014	\$2,980	\$2,282	\$2,262	\$2,285	\$2,480	\$13,022
	Difference	(575)	(1,230)	(444)	(489)	(662)	(1,833)
Sturton	FY 2008 - FY 2013	\$1,319	\$1,518	\$1,633	\$1,818	\$1,704	\$8,127
	FY 2008 - FY 2014	\$1,303	\$1,425	\$1,463	\$1,512	\$1,567	\$7,278
	Difference	(16)	(97)	(170)	(294)	(143)	(851)
West Tisbury	FY 2008 - FY 2013	\$120,415	\$130,659	\$135,650	\$139,012	\$140,247	\$565,983
	FY 2008 - FY 2014	\$122,105	\$130,825	\$132,502	\$139,527	\$140,647	\$565,616
	Difference	(1,690)	(1,166)	(2,852)	(1,515)	(1,400)	(4,673)
Mass Transit Total	FY 2008 - FY 2013	\$120,415	\$130,659	\$135,650	\$139,012	\$140,247	\$565,983
	FY 2008 - FY 2014	\$122,105	\$130,825	\$132,502	\$139,527	\$140,647	\$565,616
	Difference	(1,690)	(1,166)	(2,852)	(1,515)	(1,400)	(4,673)

Note: DRPT funds are not currently programmed through years 2 through 6. These projections are calculated on basis on FY 2008 fund by district figures. The revenue decreases were applied to each district on a pro-rata basis to the above reported data.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

- RESOLUTION 20-08 -

PROVIDING FOR THE CESSATION OF TAXES AND FEES IMPOSED BY THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

WHEREAS, the Virginia General Assembly authorized the Northern Virginia Transportation Authority to impose the following taxes and fees in Northern Virginia (the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the counties of Arlington, Fairfax, Loudoun and Prince William): Chapter 896 of the 2007 Acts of Assembly:

- Congestion Relief Fee (Grantor's Tax) at \$1.40 per \$100 evaluation
- Motor Vehicle Rental Tax at 2% of rental rate
- Transient Occupancy Tax at 2% of hotel rate
- Safety Inspection Fee of \$10.00 annually
- Sales and Use Tax on Auto Repairs at 5% of labor charges
- Regional Registration Fee at \$10.00 annually
- Initial Vehicle Registration Fee at 1% (one time); and

WHEREAS, with the adoption of Resolutions 01-08A through 01-08G on July 12, 2007, the Northern Virginia Transportation Authority imposed the above taxes and fees within Northern Virginia; and

WHEREAS, the Northern Virginia Transportation Authority has been collecting these taxes and fees since January 1, 2008; and

WHEREAS, on February 29, 2008, the Virginia Supreme Court ruled that "the General Assembly may not delegate its taxing power to a non-elected body such as NVTAA Therefore, such taxes and fees that NVTAA has already imposed are null and void; and

WHEREAS, consistent with the Commonwealth of Virginia's cessation of state-managed collections (for NVTAA), on March 3 the Northern Virginia Transportation Authority ceased collection of all the listed taxes and fees; and

WHEREAS, the Northern Virginia Transportation Authority intends, in the absence of some intervening legislative resolution, to refund these taxes and fees paid to date; and


WHEREAS, the Northern Virginia Transportation Authority, in collaboration with the Commonwealth of Virginia, is developing a concept for refunding taxes and fees as outlined in Attachment A; and

After careful consideration, and to response to the ruling of the Supreme Court of Virginia,
NOW, THEREFORE, BE IT RESOLVED, BY NVTB THAT:

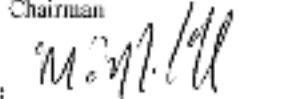
1. The cessation of collection of Northern Virginia taxes and fees (listed above) is hereby confirmed.
2. The executive director of the Northern Virginia Transportation Authority is hereby authorized to proceed with the development and implementation of a refund plan generally consistent with Attachment A.
3. The Northern Virginia Transportation Authority appreciates the collaborative effort from cities, counties and towns, as well as the clerks of circuit courts and business community, in the collection of taxes and fees to date, and it encourages the jurisdictions and other agencies and businesses to continue a similar partnership during the refunding process.

Adopted by the Northern Virginia Transportation Authority on this 6th day of March 2008.

By:


Chairman

Attest:


Vice Chairman

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

Conceptual Approach to Refunding of Taxes and Fees

1. Background

- In 2007, the General Assembly authorized (HB 3202, Chapter 896 of the Acts of Assembly) the Northern Virginia Transportation Authority (NVTa) to impose a set of seven (7) taxes and fees in Northern Virginia, with a view to raising approximately \$300 million per year for transportation projects. The taxes and fees authorized to be imposed were:
 - ✓ Congestion Relief Fee (Grantor's Tax) at \$.40 per \$100 evaluation
 - ✓ Motor Vehicle Rental Tax at 2% of rental rate
 - ✓ Transient Occupancy Tax at 2% of hotel rate
 - ✓ Safety Inspection Fee of \$10.00 annually
 - ✓ Sales and Use Tax on Auto Repairs at 5% of labor charges
 - ✓ Regional Registration Fee at \$10.00 annually
 - ✓ Initial Vehicle Registration Fee at 1% of value (one time)
- With NVTa's adoption of Resolutions 01-08A through 01-08G on July 12, 2007, implementation of the taxes and fees was approved, effective January 1, 2008.
- Collection of the taxes and fees began on January 1, 2008.

2. Current Situation

- On February 29, the Virginia Supreme Court ruled that "the General Assembly may not delegate its taxing power to a non-elected body such as NVTa Therefore, such taxes and fees that NVTa has already imposed are null and void."
- On February 29, the Office of the Governor directed that the Department of Motor Vehicles and the Department of Taxation discontinue collecting taxes and fees imposed by NVTa.
- On March 3, NVTa posted notice of the cessation of the collection of all the relevant taxes and fees.
- To date, approximately \$8.3 million in grantor's tax and safety inspection fees has been received by NVTa. Additional funds have been collected, but have not yet been transmitted to NVTa.
- On March 3, NVTa and working group staff met to consider refunding approaches and Secretary of Transportation Pierce Fomer hosted a teleconference to consider same issue. Both meetings resulted in a generally agreed approach that is a mix of state, NVTa and local responsibilities.

3. Considerations Guiding Refund Process

- Responsibility. NVTa imposed the taxes and fees. NVTa will be seen as the responsible government agency for refunds.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

- RESOLUTION 21-08 -

URGING THE GENERAL ASSEMBLY TO TAKE EXPEDITION S ACTION TO PROVIDE FUNDING FOR THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

WHEREAS, on July 12, 2007, the Northern Virginia Transportation Authority proposed to implement the seven taxes and fees authorized by the General Assembly in Chapter 896 of the 2007 Acts of Assembly; and,

WHEREAS, on February 29, 2008, the Virginia Supreme Court ruled that "the General Assembly may not delegate its taxing power to a non-elected body such as NVTA.... Therefore, such taxes and fees that NVTA had already imposed are null and void"; and,

WHEREAS, the Court's decision invalidated the seven taxes and fees that were anticipated to raise approximately \$100 million per year for transportation projects and services in Northern Virginia;

WHEREAS, without this funding numerous highway, transit, and multi-modal projects and services can not proceed; and

WHEREAS, dedicated funding for the Washington Metropolitan Area Transit Authority and the Virginia Railway Express that the region has worked for years to secure has also been interrupted; and


WHEREAS, delaying these projects will result in increased construction costs and congestion;


NOW THEREFORE BE IT RESOLVED THAT the Northern Virginia Transportation Authority

urges the General Assembly to act expeditiously before adjourning the 2008 Session to implement the seven taxes and fees previously authorized for the Northern Virginia in Chapter 896 of the 2007 Acts of Assembly at the state level or provide alternative funding strategies; and

urges the General Assembly to provide increased transportation funding for all modes from a stable, reliable, and permanent source(s) to address Northern Virginia's and the Commonwealth's transportation needs, including maintenance, not covered by any regional transportation funding packages that might be adopted.

Adopted by the Northern Virginia Transportation Authority on this 6th day of March
2008.

By: 
Chairman

Attest: 
Vice Chairman