



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

Thursday, January 14, 2016
7:00 pm
3040 Williams Drive, Suite 200
Fairfax, Virginia 22031

MEETING MINUTES

Annual Organizational Meeting

I. Call to Order Chairman Nohe

- Chairman Nohe called the meeting to order at 7:08pm.
- Chairman Nohe introduced and welcomed the new Authority members.

II. Roll Call Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Chairman Bulova; Chair Randall; Board Member Fisetete; Mayor Silberberg; Mayor Parrish; Mayor Silverthorne; Council Member Rishell; Council Member Oliver; Mr. Garczynski and Miss Bushue.
- Non-Voting Members: Mayor Foreman; Ms. Cuervo; Mr. Horsley.
- Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Keith Jasper (Program Coordinator); Sree Nampoothiri (Program Coordinator); Peggy Teal (Assistance Finance Officer); Camela Speer (Clerk); various jurisdictional staff.

III. Minutes of the December 10, 2015 Meeting

- Chairman Bulova moved approval of the December 10, 2015 minutes; seconded by Mayor Parrish. Motion carried with four (4) yeas and seven (7) abstentions [with Chair Randall, Mayor Silberberg, Board Member Fisetete, Mayor Silverthorne, Council Member Oliver, Mr. Garczynski and Miss Bushue abstaining as they were not at the December 10 meeting].

Public Comment

- Nancy Smith, Policy Director for the Northern Virginia Transportation Alliance and also speaking for the Northern Virginia Business Transportation Coalition, stated that the Coalition's top priority is ensuring that new and existing transportation dollars are wisely invested. She suggested that the region lacks regional transportation priorities that are based on investments

that are likely to do the most to reduce congestion and reduce travel times. She highlighted key points in the Coalition's policy statement:

- ✓ Recommends funding be based on a set of criteria.
- ✓ Identifies nine projects believed to be the investments of greatest regional significance for Northern Virginia.
- ✓ Transportation investments need to be regional in nature.
- ✓ Investments should be made on performance based criteria, not on political boundaries.
- ✓ Goal of resolution was to initiate and promote a discussion among political officials and the business community to build consensus around a framework of ideas to move forward on the focus of truly fixing our regional network.
- ✓ Added that the Coalition appreciated that the decision of the Authority to increase the congestion reduction criteria rating in the NVTAs Project Selection Process to 45%.
- Rob Whitfield, representing the Fairfax County Taxpayers Alliance, made several comments:
 - ✓ Expressed concern, that over the last year, the Washington Metropolitan Area Transit Authority (WMATA) has continued to experience declines in operating results.
 - ✓ Noted that WMATA's expenses are growing at 6% a year, while revenues are only projected to grow at 1% per year.
 - ✓ Suggested that a special study committee is needed, comprised of federal, state and local officials to look at how to fix the financial performance at WMATA.
 - ✓ Stated that the Authority's plan is to spend as much as \$400 million for the Rt 28/I-66 interchange. He noted that Delegate Minchew had stated that this is a federal interstate and therefore is uncertain why Northern Virginia should commit to spend so much of its money on this project. Mr. Whitfield stated that he does not understand either.
- Mr. Purvis, with the Fairfax County Taxpayers Alliance, signed up to speak, but was not present during the public comment period.

Presentations

IV. 2015 Annual Report Ms. Backmon, Executive Director

- Ms. Backmon presented the 2015 Annual Report to the Authority members. She highlighted the new and updated sections of the report, including the listing of 30% Local Funding projects.

V. WMATA Update Mr. Wiedefeld, WMATA GM

- Mr. Wiedefeld highlighted his transportation background for the Authority and briefed the Authority on his immediate priorities as the new General Manager for WMATA.

- Mayor Parrish wished Mr. Wiedefeld great fortune as he works hard to accomplish WMATA's goals and thanked him for his service.
- Chairman Bulova expressed appreciation to Mr. Wiedefeld for his outreach and presence for the Metro riders by being at platforms, being at stations, listening to what riders have to say; as well as county officials and jurisdiction staff; but also to the work force. Chairman Bulova added that we have a wonderful system in WMATA and that it is a system that has united the region. However, it is getting older and is suffering from age and some neglect over the years. She stated it is important that we not lose sight of the fact that it is a valuable asset for our region and it is important that we continue to invest in and support the system. Chairman Bulova noted that WMATA has a great workforce and it is important that they, too, are supported. She expressed appreciation that there has been outreach to the workforce and to those that are in the trenches providing the service. She noted this is the 40th Anniversary of Metro and suggested this be a year of renewal and an opportunity to envision where we are going in the future.
- Chairman Nohe thanked Mr. Wiedefeld for briefing the Authority. He stated that it is clear that Mr. Wiedefeld understands that what WMATA does is key to everything the region does. He stated that several years ago at a PRTC meeting, there was discussion about what the PRTC Board could do to help WMATA. Several members objected, stating that Metro was not their problem. Chairman Nohe added that the observation that was ultimately decided by the group was that it doesn't matter how well each of the transit agencies are running, or how well the roads are being built, if our core transit system is not working properly. He expressed appreciation to Mr. Wiedefeld for the commitments he and WMATA are making to help us all deliver the services our constituents need.
- Chairman Nohe welcomed Boy Scout Michael Cohen to the meeting, noting that he is the first Boy Scout to attend an Authority meeting. Mr. Cohen introduced himself as a Star Scout who attends Bishop O'Connell High School and is working on his citizenship in the community merit badge.

VI. VRE Gainesville-Haymarket Extension Study Update

Mr. Allen, VRE CEO

- Mr. Allen and Ms. Hoeffner briefed the Authority on the process and status of the Virginia Railway Express (VRE) Gainesville-Haymarket Extension Study to which the Authority allocated \$1.5M in the FY2015-2016 Program.
- Mr. Garczynski asked about the coordination with Norfolk Southern, noting this is key in this extension study. Mr. Allen explained that VRE has an agreement with Norfolk Southern and is funding their analysis, being done by Dewberry, to help Norfolk Southern figure out what they need to make this work. Simultaneously, the AECOM team that is working on the VRE study is also looking at what Norfolk Southern needs. The goal is to compare the two analyses. He added that there have already been some good meetings and

dialogue. Mr. Allen stated that train operational modeling is being done to ensure that the capacity that VRE is asking to add to their railroad will not interfere with Norfolk Southern's business. He noted that Norfolk Southern has to approve the expansion plans in order for VRE to proceed. Mr. Garczynski asked if this approval will come in 2016. Mr. Allen responded that it could happen in 2016, but the goal is to have it happen before VRE gets too far into the engineering phase.

- Board Member Fisetta asked if the plan is to add a single track, with a passing siding at Gainesville, or if the proposal is for two full tracks. Mr. Allen responded that, ultimately, VRE expects to end up with two tracks to begin, with enough right-of-way to add a third track and perhaps in some locations more than three. He added that VRE does not necessarily expect to build all three tracks, but that this is part of the analysis with Norfolk Southern. Mr. Allen stated there will definitely be two tracks and enough right-of-way to build a third, although it is unknown if all three tracks will be needed.
- Board Member Fisetta asked about VRE's consideration of eliminating the Broad Run Station. He expressed concern regarding the riders who use that station. Mr. Allen responded that VRE is studying this and the analysis should identify if this is necessary or a good idea. He added that based on current ridership at that station, the new stations will be more convenient for most of the riders that use the Broad Run Station. Mr. Allen acknowledged there could be some concern from riders, but that this is part of the process that VRE wants to work through.
- Mayor Parrish stated that Manassas is supportive of this project and believes it is the right thing to do from a regional perspective. He suggested that in the consideration of closing the Broad Run Station, it is important to take into account the Manassas Regional Airport which serves the region and is growing. He added that the VRE service at this station could potentially allow for greater intermodal service, including air traffic, particularly for business flights to and from the Manassas Regional Airport.
- Chairman Nohe stated that while it is important to the Federal Transportation Administration (FTA) that there is a demonstrated commitment to providing operating funds for the new capital investment, it is also important to the NVTA. He suggested the NVTA has a similar policy and asked about the procedures that the FTA uses to determine an agency's commitment to operating funds. Mr. Allen responded that the FTA reviews the agency's financial plans and they need to demonstrate that there are funds to operate the new assets. Mr. Allen added that VRE would be going through the same process and analysis even if they were not applying for federal funds. Chairman Nohe suggested that a large amount of the increased operating costs will be borne by Prince William riders, adding that riders from Fauquier and Culpepper do not figure into this calculation. Chairman Nohe suggested to Ms. Backmon that the Authority needs to develop a similar framework to the FTA to define what demonstrates a commitment to funding operations. He suggested it should be as close to the FTA requirements as possible, so that agencies do not have to complete two different processes. Chairman Nohe

added that projects approved for NVTA funding have been withdrawn due to agencies determining that they cannot obtain the operational funding for these projects.

Action Items

VII. Election of NVTA Chairman and Vice-Chairman for Calendar Year 2016
Nominating Committee

- Mayor Parrish stated that the Nominating Committee nominates Marty Nohe as the continuing NVTA Chairman for another year, and Scott Silverthorne as NVTA Vice-Chairman for calendar year 2016.
- Mayor Parrish moved the election of Marty Nohe as Chairman and Scott Silverthorne as Vice-Chairman of the NVTA for calendar year 2016; seconded by Board Member Fisette. Motion carried unanimously.

IX. Appointment of Town Representative for Calendar Year 2016
Chairman Nohe

- Chairman Nohe stated that the Coalition of Towns recommended to the Authority that Mayor Foreman be the Town Representative for calendar year 2016.
- Chairman Bulova moved the appointment of Mayor Foreman as the Town Representative to the NVTA for calendar year 2016; seconded by Mayor Parrish. Motion carried unanimously.

VIII. Adoption of Amendments to the Bylaws Ms. Backmon, Executive Director

- Ms. Backmon briefed the Authority on the proposed amendments to the Bylaws. She highlighted the recommended changes:
 - ✓ Sections that were more appropriate for procedures were removed and will be contained in a procedures document.
 - ✓ Updated Virginia codes due to recodification.
 - ✓ Included a placeholder to allow for remote participation in Authority meetings. The policy for this is being developed.
 - ✓ Creates a provision for a secondary designee to the Authority.
 - ✓ Creates two new standing committees:
 1. Planning and Programming Committee (PPC), which supersedes the current Project Implementation Working Group.
 2. Governance and Personnel Committee (GPC).
- Chairman Nohe asked if all the NVTA's working groups have been formally dissolved. Ms. Backmon responded that they have been formally dissolved at various times.

- Chairman Nohe asked if the Financial Working Group (FWG) had been formally dissolved, noting that for a while the FWG had operated at the same time as the Finance Committee. Ms. Backmon responded that the Authority had decided that Mayor Euille, who was the Chair of the FWG, would come to the Authority and state that the work of the FWG was done. Chairman Nohe stated that before he left office, Mayor Euille had told him that the work of the FWG was done.
- Ms. Backmon continued highlighting the amendments to the Bylaws:
 - ✓ Recommended quorum changes to the Planning Coordination Advisory Committee due to difficulty achieving quorum with a quorum requirement of 14 members.
 - ✓ New sentence added stating that the Authority will strive in the appointment of new members to committees that represent various perspectives.
- Chairman Nohe observed that under the current Bylaws we have one standing committee, the Finance Committee. He stated that membership is composed of five members of the Authority to be appointed by the Chairman, including the Chairman and Vice-Chairman of the Committee. He noted that the proposed amendments to the Bylaws create two new committees, the GPC and the PPC. He added that the membership of these committees is also made up of five members to be appointed by the Chairman, including a Chairman and Vice-Chairman. Chairman Nohe stated that there are additional rules regarding the composition of these two committees that are not applied to the Finance Committee. He asked about the rationale for having different rules for the structure of these two committees and suggested that the standing committees should all have the same structure. Ms. Backmon noted that the difference in structure is that the two new committees are proposed to be composed of a Chairman, a Vice-Chairman, two NVTA Committee Chairs and a General Assembly Member.
- Chairman Nohe expressed concern that if two standing committees must have two other committee chairs as members, the Chairman of the Finance Committee must serve on all three committees. He suggested this was probably not the intent. Ms. Backmon confirmed it was not the intent. Chairman Nohe observed that this membership rule is not helpful to the PPC because it puts members on multiple committees that may not have the time or inclination for these committees.
- Chairman Nohe suggested that the structure for the PPC be changed to be the same as the existing Finance Committee structure, five members of the Authority to be appointed by the Chairman, to include a Chairman and Vice-Chairman. He proposed this as an amendment to the proposed Bylaws.
- Board Member Fiset as if we should include a General Assembly member as a requirement in the committee structure. Chairman Nohe suggested we not include this requirement either, adding that this does not preclude General Assembly members from serving on these committees.
- Ms. Backmon asked if the verbiage should be stricken from both committees. Chairman Nohe suggested that it should be struck from the PPC. He suggested

there may be value to having the Chair of Finance and the Chair of the PPC on the GPC, due to the work of the GPC. He asked for opinions of the membership. Board Member Fisette suggested consistency in the composition of the membership, adding that this composition can still be suggested, even if not mandated. Mayor Parrish expressed agreement.

- Board Member Fisette moved approval of the recommended amendments to the NVTA Bylaws; seconded by Mayor Parrish.
- Chair Randall asked about the quorum for the committees and whether a member calling in by phone would be considered as part of the quorum. Mr. MacIsaac stated that members must be present at the meeting to be included in the quorum. Chairman Nohe explained that the State law currently requires the organization to have a policy about this and the policy must recognize that there must be a physical quorum, but upon achieving a physical quorum, then members can participate by phone. Chairman Nohe asked if those participating by phone must also be in a public place. Mr. MacIsaac responded that there is no requirement regarding this.
- Chairman Nohe added that the amendments to the Bylaws also clarifies that a member of the Authority can now have a secondary member appointed. He asked if this rule allows the secondary member to serve in the regular member's place at the committee level. Ms. Backmon responded that a secondary member cannot serve on committees as a full member of the committee. Chairman Nohe asked if they could serve as an alternate. Ms. Posner responded that this would need to be a subsequent amendment to the Bylaws. Chairman Nohe reviewed the Bylaw statement and acknowledged that it does not specifically state that secondary members can serve on committees. Mr. MacIsaac stated that a procedure will be developed so that an Authority member can designate a secondary member. He added that for the secondary member to then attend committee meetings that the regular member is a member of would require a Bylaws amendment that cannot be adopted tonight under the current Bylaws and procedures. Chairman Nohe clarified that as the Bylaws are proposed tonight, the secondary member cannot attend committee meetings, but that we may want to consider this in the future. Ms. Posner responded that this could be a future amendment.
- Board Member Fisette asked for clarification that anyone (including the secondary alternative) can attend the committee meetings, they just cannot be a voting member. Chairman Nohe responded affirmatively. Board Member Fisette also asked for clarification that the secondary designee does have a vote on the Authority's governing body. Chairman Nohe clarified that they do have a vote, when attending in lieu of the primary designee. Mr. MacIsaac responded affirmatively. Board Member Fisette added that the proposed Bylaws amendments then presume that the secondary designee has a vote on the Authority, but not on the committees. Mr. MacIsaac responded that this is correct because the committee members are appointed specifically, by name.

- Ms. Backmon added that if the amendments are adopted this evening, then the GPC could undertake this amendment in the future.
- Chairman Nohe asked the maker and seconder of the original motion if the amendment he proposed is accepted as a friendly amendment to the motion. Board Member Fisette accepted the amendment, noting that it applies to Article 5, C.2. and D.1. and removes everything after “vice-chairman” in the second sentence. This was also accepted by Mayor Parrish. Motion carried unanimously.

X. Reappointment of Two Technical Advisory Committee Members for Three Year Terms Chairman Nohe

- Chairman Nohe reappointed Randy Boice and Meredith Judy to the NVTAs Technical Advisory Committee for three year terms.

XIV. CMAQ/RSTP Reallocation Request for the Town of Vienna Ms. Backmon, Executive Director

- Mr. Holloman stated that the Town of Vienna has requested a CMAQ reallocation of \$130,000 from project UPC 100489 to UPC 105283, as the original project received other funding. He stated that the Regional Jurisdiction and Agency Coordinating Committee (RJACC) has reviewed this request and recommends approval.
- Mayor Parrish moved approval of the reallocation of Congestion Mitigation and Air Quality funds for the Town of Vienna; seconded by Board Member Fisette. Motion carried unanimously.

IX. Appointment of Finance Committee Chairman and Vice Chairman, Two New Members and Reappointment of One Member for Two Year Terms Chairman Nohe

- Chairman Nohe stated that appointments are now necessary to the three NVTAs standing committees. He suggested that this had not been done in advance, to ensure the appointments would not be superseded by the Bylaw amendments. He suggested that Ms. Backmon contact the Authority members next week to solicit information as to which committees they would like to serve on. Chairman Nohe added that the appointments will be made via email and posted to the website. There was consensus to this approach. Chairman Nohe added that any member desiring to be Chairman or Vice-Chairman of a committee should indicate that as well.
- Appointments were deferred.

XV. Appointment of Five Governance and Personnel Committee Members for Staggered Two Year Terms Chairman Nohe

- Appointments were deferred.

XVI. Appointment of Five Planning and Programming Committee Members for Staggered Two Year Terms Chairman Nohe

- Appointments were deferred.

Discussion/Information

XVII. 2016 Legislative Update Ms. Dominguez, Chairman, RJACC

- Mr. Biesiadny noted that Ms. Dominguez is in Richmond and presented the 2016 Legislative Update, highlighted the key proposed bills in the General Assembly that may impact the NVTA. Chairman Nohe requested that Mr. Biesiadny review the bills that may affect the Authority and that questions be taken as each bill is reviewed.
 - ✓ HB 190/HB 403/ SB 413 changes the code that affects the NVTA's required use of population projections. Currently the code requires the Authority to use population projections prepared by Weldon Cooper Center for Public Service in allocating the Authority's administrative budget and in its voting procedures. The proposed bills would change the use of population projections to the use of population estimates. Mr. Biesiadny noted that the Authority's Legislative Committee did have a discussion about these bills and chose not to recommend any position to the Authority. He added that the concern raised during those discussions was that this provides the opportunity for other changes to be made to the NVTA's code requirements.
 - Chairman Nohe added that as Chairman of the Legislative Committee, Miss Bushue has reviewed many of these bills. Miss Bushue stated that Arlington County has the biggest issue with this. She added that the projections are based on a 20 year horizon and the estimates are a little more accurate. Miss Bushue stated that Arlington County is adversely impacted by the current projections. Board Member Fisette added that the projections show Arlington as losing population. Chairman Nohe stated that another jurisdiction must then benefit from the projections. Miss Bushue suggested that is not wise for the Authority to weigh into this issue, because it pits one jurisdiction against another. She added that the Legislative Committee felt it was best not to take a position on this issue.
 - Chairman Nohe noted that benefit versus adversity is a double-edged sword on this issue, adding that increased population gives a

- jurisdiction more voting strength, but also requires a larger contribution to the operating budget of the NVTA.
- Board Member Fisetto stated that he was unaware of this issue and suggested regional coordination with the patron. Chairman Bulova suggested that the bill's patron may not be aware that there is an adverse effect on Arlington and suggested Arlington reach out to the patron to ensure he understands the issue.
 - The difference between projections versus estimates were explained. Mr. Biesiadny confirmed that the difference is not significant for any of the jurisdictions, but if the population estimate is higher than the projection, the jurisdiction would receive additional voting strength and pay a higher percentage of the NVTA operating budget.
 - Ms. Backmon stated that the largest increase in contributions to the NVTA's operating budget, due to the population increase in using estimates, would come from Prince William and Loudoun Counties.
 - Miss Bushue added that one concern about these proposed bills is that there is a risk of the NVTA statute being opened up and other changes could be proposed. Mr. Biesiadny confirmed this.
 - Chairman Nohe suggested that the Authority take no position on these bills, but if asked, express a concern that this may be used as leverage to open the statute. There was general consensus on this position.
- ✓ HB 718 requires the Commonwealth Transportation Board (CTB) to solicit input from the localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process. The NVTA is one of the groups specifically mentioned. Staff has reviewed this and the CTB does currently have a public hearing process and now with the HB 2 process, the only projects that are being considered for the bulk of the money are projects that have been submitted by local governments or transportation agencies. The bill gives the CTB specific direction to include a variety of organizations, including NVTA, in getting input on their program prior to adoption.
- Chairman Bulova clarified that this is already happening. Chairman Nohe added that the passage of this bill will not change our procedures.
 - No position was taken.
- ✓ HB 723 transfers the powers and duties of the Northern Virginia Transportation Commission (NVTC) to the NVTA. A study on this has been previously done by the Northern Virginia Agency Efficiency and Consolidation Task Force.
- Chairman Nohe stated that the study recommended this consolidation was not a good idea.
 - Chairman Bulova concurred, adding that it is a bad idea.
 - Board Member Fisetto asked if the Authority would send a letter stating its position on this.
 - Chairman Nohe suggested sending a letter, with the Task Force report attached, to the General Assembly members reminding them that this

- study was done a few years ago and consolidation was determined not to be feasible and would create more bureaucracy, not less.
- ✓ HB 724 imposes the NVTA voting requirements on the NVTC. This bill does not have a direct impact on the NVTA, but applies its voting techniques to another agency.
 - Board Member Fisette suggested the NVTC should communicate its position on this bill. Chairman Nohe added that the NVTA position would be to suggest a conversation with the NVTC.
 - ✓ HB 726 states all monies collected from tolls in Planning District 8 that exceed amounts necessary for the design, development and operation, maintenance, or financing of the highway where the toll is collected will be deposited in a fund and the money will be distributed to the NVTA to be used to alleviate highway congestion. This would provide additional money to the Authority. However, this proposed bill is in conflict with the way the I-66 Inside Beltway project agreement as structured, as the tolls on I-66 Inside the Beltway would go to the NVTC for planning purposes.
 - Chairman Bulova suggested this would take away funding that would otherwise be used to help operate and reimburse the project partner. Mr. Biesiadny responded affirmatively, noting that the money would come to NVTA. Chairman Bulova noted this would create a deficit.
 - Mayor Parrish asked what the definition of excess toll revenue is. Mr. Biesiadny responded that it is technically the money greater than what the operating costs are and paying off the debt service.
 - Chairman Nohe clarified that currently the expectation is that excess revenues on I-66 Outside the Beltway will be managed by the NVTA. Excess revenues generated on I-66 Inside the Beltway will be managed by the NVTC. He stated that some jurisdictions have supported this legislation, and likely there are others that oppose it. Chairman Nohe stated that he has already been approached by legislators about this and he has responded that there is likely division within the Authority, based on parochial perspectives.
 - Board Member Fisette suggested this was not parochial, it is a broader question. He stated that the decision on the tolls on I-66 Inside the Beltway was very much to have the NVTC, and the local governments involved in that body, make the decisions about the prioritization of the use of those funds. He acknowledged that I-66 Outside the Beltway was a very different project and there was a distinct conversation about how these funds would be dedicated. Board Member Fisette also suggested that there will be similar conversations with the NVTC and Potomac and Rappahannock Transportation Commission (PRTC) about having the responsibility for the discussions of use of those funds. He suggested that these decisions have already been established and this would undermine, or tear apart, agreements that have already been agreed to throughout the region.

- Board Member Fisette suggested that this does affect the Authority and we should submit a letter with a statement of opposition. Chairman Bulova expressed agreement.
- Chairman Nohe asked if the Legislative Committee had taken a vote on this issue. Ms. Backmon responded that the Committee did not recommend a specific position, but had discussed that if this bill did advance, it should specifically state which facility it was referencing. She added that as currently worded, the excess tolls of any toll road in Planning District 8 would come to the NVTA.
- Chairman Nohe stated that the recommendation from the Legislative Committee was to propose an amendment that is explicit to the excess tolls on I-66 Outside the Beltway. He suggested that this probably not the purpose of the bill as it is currently drafted, but that position would obviate the concern of the NVTA.
- Board Member Fisette stated that he would stand with Fairfax on this issue, but that for other members, it is a broader regional issue.
- Mr. Biesiadny suggested that amending the bill to state I-66 Outside the Beltway would likely change the patron's intent of the bill, but it might be something on which the Authority could reach a consensus. Ms. Backmon added that she had spoken to the patron and expressed some of the concerns of the Legislative Committee, adding that he seemed to be understanding.
- Chairman Bulova suggested opposing this bill, not trying to fix it, as this is not what the patron of the bill is trying to accomplish. Chairman Bulova restated that it is her inclination to oppose this bill.
- Miss Bushue suggested that if the I-66 Outside the Beltway project is built with a P3, this cannot work anyway. The private sector has to make money, which is why they are investing. Therefore, if this cannot apply to I-66 Outside the Beltway due to the reality of the P3 agreement, it would then only apply to other toll roads in Planning District 8.
- It was clarified that the I-66 Inside the Beltway corridor is located in Falls Church, Fairfax and Arlington, however, the funding would not be limited to those jurisdictions and that everyone on the NVTC would have a role in determining the use of the funds.
- Chairman Nohe stated that some of the jurisdictions in the region do not have representation on the NVTC, that there is very good reason for this and that they have representation on the PRTC. He added that a not insignificant portion of the tolls being paid on the I-66 Inside the Beltway project will be paid by Prince William, Manassas or Manassas Park residents, but then allocated to projects on which the elected officials from those jurisdictions have no voice. Chairman Nohe stated that the position of the Prince William Board is that since the tolls are being paid by representatives of every jurisdiction, the allocation of those tolls should be administered by a body that has representation from everything jurisdiction. He added that there are certainly different

jurisdictional perspectives on this. He suggested there is not likely a clear consensus of the NVTAs membership on this issue.

- Chairman Bulova stated that she is sympathetic to the issue that the PRTC members have and suggested that when choosing projects to be funded through the toll revenues, there needs to be a way for PRTC to have a voice in those decisions. She suggested this could be a procedural mechanism, adding that we do not yet know that we will have toll revenues. However, if this does happen, there does not need to be legislation, but a procedural mechanism to ensure that projects are evaluated and chosen in a way that all jurisdictions who are contributing to the tolls will have an opportunity to participate. Chairman Nohe suggested that this is further complicated due to Stafford, Fredericksburg and Spotsylvania members being on the PRTC, but their residents will not likely be paying tolls on I-66 Inside the Beltway.

- Chairman Bulova moved submittal of a letter of opposition to HB 726 to the Northern Virginia Members of the General Assembly; seconded by Board Member Fisette.

- Mayor Parrish stated he will likely vote similarly to the way he voted last time. He added that he recognizes and appreciates the potential for money paid by citizens of Prince William, Manassas and Manassas Park to be used by the NVTC in a way that benefits those that would be paying the tolls from the jurisdictions that are members of the NVTC.

- Chairman Nohe called for a roll call vote.

Chairman Nohe	nay
Mayor Silberberg	yea
Chairman Bulova	yea
Chair Randall	yea
Board Member Fisette	yea
Mayor Parrish	nay
Mayor Silverthorne	yea
Council Member Oliver	yea
Council Member Rishell	yea
Mr. Garczynski	nay
Miss Bushue	nay

- Motion failed with seven (7) yeas and four (4) nays.

(Editor's Note - The motion failed as it did not achieve a 2/3 majority.)

- Chairman Nohe recognized that many of the jurisdictions and agencies have or will express their individual positions on this issue. He proposed that when speaking on behalf of the Authority he state that

- the Authority was divided on this issue, although numerically, the majority opposed it and concerns were raised.
- Council Member Rishell suggested the Authority send a formal letter of concern. Chairman Bulova suggested making it clear that there was division, but that all elements that are required for passage of a motion were not met. Chairman Nohe responded affirmatively.
 - Chairman Nohe made another proposal. He requested permission to make a phone call to the patron, Delegate LeMunyon, to explain how the vote went. He added that based on the response from Delegate LeMunyon, staff could draft a letter expressing the Authority's concerns and send it to the membership for approval before sending. There was consensus to this approach.
- ✓ HB 727 requires the Authority to make certain information – the HB 599 score, total cost of the project, total cost Authority is considering allocating to the project, and ratings from any other scoring that may be done – available publically at least 30 days prior to a funding decision by the Authority. Mr. Biesiadny added that this is essentially already the Authority's practice, so this would merely codify the expectation with a 30 day timeframe.
- Chairman Nohe noted that we already do this, except that Authority meetings are sometimes less than 30 days apart. He suggested asking the bill patron to shorten the timeframe to 20 days so that the NVTa will not need to delay action for an extra month just because our meetings are not 30 days apart.
 - Mayor Parrish stated that this seems like a good approach.
 - Chairman Nohe added that he believes the patron will be amenable.
- ✓ HB 728 requires the Virginia Department of Transportation review all proposed local comprehensive plan amendments for issues related specifically to homeland security and to provide that information concurrently to the submitting locality and the Northern Virginia Transportation Authority. Mr. Biesiadny added that the current code does require this analysis, but it is silent as to whom the analysis should be submitted to.
- Chairman Nohe noted that this bill just states the analysis be sent to the NVTa, it does not require us to do anything specific with the information.
 - No position was taken.
- ✓ HB 901 requires that 50% of the funds the Northern Virginia Transportation Authority has remaining after distribution to localities be used for bus rapid transit on I-66, expansion of VRE or I-66 construction outside the Beltway.
- Chairman Nohe stated that this bill is in conflict with almost every clause in HB 2313. He suggested the Authority strongly oppose this bill.
- ✓ HB 949/SB 113 increases the membership of the NVTa by one member and provides that the member be a represent of the towns that receive funds

for urban highway systems. Mr. Biesiadny added that the bill requires this be an additional elected official of one of those towns.

- Chairman Nohe clarified that this adds a second town member, but only the second member has a vote. Mayor Foreman added that the current town seat on the Authority does not have a vote. He noted that one of the reasons he was elected was to get the towns a vote. Mr. Biesiadny confirmed that this bill does not affect the current town seat, so there would be two town members, one voting and one non-voting.
- Mayor Foreman recommended that the Authority suggest that the current town member be given a vote, but not add an additional member. He stated that the towns would like the existing seat to be changed to a voting member. Mayor Foreman suggested language to support this could be found in the towns' legislative programs.
- Chair Randall asked about the rationale to make the town member a non-voting member in the first place. Mayor Foreman stated that this was prior to the NVTAs having any funding. Chairman Nohe stated that this seat was added when the Authority had funding in 2007 and gave a brief history of the town representative seat on the NVTAs. He noted that the original draft legislation called for a voting town member, but that the Authority had opposed that for several reasons:
 1. It seems to contradict the one-man, one-vote rule, in that while the town member is presumably elected by the other four towns, as a practical matter, they can ignore the concerns of the other four towns.
 2. The town that holds the town representative seat could be perceived as being a second vote on behalf of the county in which that town is located.
 3. At the time, Leesburg thought they should have the seat and always have the seat, as they were the largest town.
 4. The Authority took the position that this complicates the voting structure too much.
- Chairman Nohe concluded that in the past, the Authority has opposed adding a town vote due to the perception that it does not fit with the one-man, one-vote structure. He added that this would also throw off the weighted voting structure that is currently legislated for the NVTAs.
- Council Member Rishell asked if this would require opening up the original legislation. Chairman Nohe responded that it would open up SB 576, the Authority's enabling legislation. He added that the Authority's bond validation was predicated largely on the fact that the Authority had followed all the rules. He asked if there might still be a concern with the bond validation. Ms. Posner responded that the bond validation did validate the code section that expressed one-person, one-vote and was part of the final order. She added that the bond validation concerns would still exist if this was changed.
- Mayor Foreman stated that over the last three years, the town representative communicates the NVTAs business and funding decisions

back to the towns. He explained the process the towns are using and that the town representative does go to the towns to ask for consensus on positions they should take. He added that this year, the towns picked their representative, instead of it just being a rotation. Mayor Foreman suggested that if the seat was a voting seat, the voting decisions would be made as a collective town group, not one town voting for its position. He suggested again that the Authority recommend changing the non-voting seat to a voting seat and not adding a member.

- Chairman Bulova suggested that the Authority not support the bill and that adding a member is not a good idea. She express concern about making the change to the town vote and suggested it could open up more complications. Chairman Bulova added that things are working pretty well as they are and it is good that the towns are communicating. She stated that the Authority should oppose the bill as written and added it is not a good idea to change the bill to give the existing town member a vote. She suggested that if one of the towns in Fairfax held the voting seat and Fairfax held a voting seat there would be a perception that Fairfax County has more of a vote than it should have, as towns are part of a county.
- Mayor Parrish suggested the Authority oppose HB 949. Chairman Nohe agreed, but suggested one caveat, that if the bill is going to be approved without our support, the fallback position could be that we request it be done the way the towns requested, which is to change the non-voting member to a voting member and not add another seat.
- Chairman Bulova suggested we not complicate things and just oppose the bill as written. There was general consensus for this.
- ✓ SB 112 specifically allows the Authority to fund sidewalk projects on their own. Mr. Biesiadny stated that the Authority already has this power, however, projects must be part of the long-range plan, and therefore, if sidewalks are part of the long-range plan, provided the project undergoes the Authority's evaluation process, no additional authority is needed to fund sidewalk projects.
 - Chairman Bulova suggested communicating this with the bill's patron.
 - Chair Randall asked for clarification that the Authority can fund sidewalks if they are part of the long-range plan and asked how a sidewalk can be a regional improvement. Mr. Biesiadny responded that if the sidewalk was a connection to a Metro or bus station, then maybe it could be a regional project.
 - Chairman Nohe added in requesting funding for a sidewalk project, the jurisdiction would need to persuade the Authority, through its analysis, that the pedestrian facility is regional. He noted that there are jurisdictions that want sidewalks more than roadways or transit improvements, but that reality is that a pedestrian facility that does not tie into something like a Metro station would likely receive a low score when rated for congestion reduction relative to cost.

- Ms. Backmon noted that this is consistent with the NVTA existing process.
- Chairman Nohe concluded that he will communicate that.
- ✓ HB 471 increases the membership on the CTB by adding two new members, one of which would represent the Hampton Roads Transportation Accountability Commission (HRTAC) and the other the NVTA.
 - Chairman Nohe clarified that this would be an additional NVTA member on the CTB, as Mr. Garczynski is already a member of both bodies. He suggested that this new seat would only represent the NVTA if the NVTA chooses the appointee. He expressed concern that if the Governor appoints the NVTA member to the CTB, it gives the Governor the ability to appoint two members to the CTB that represent the Northern Virginia, and neither have to represent the Authority.
 - Board Member Fisette asked if there are other organizations currently represented on the CTB. Mr. Garczynski responded that there are currently representatives from the nine districts and urban and rural-at-large-members. He noted there are currently no CTB members that represent organizations.
 - Board Member Fisette noted that when you start adding to an existing construct, but also picking organizations to change that existing structure, it is more than just adding two members. He suggested that if the intent was to increase the membership of the CTB, it should be an additional member from Northern Virginia and Hampton Roads, not specific organizations. Mr. Garczynski added that this change would create another schism between the legislators when it comes to Northern Virginia and Hampton Roads versus the rest of the state. He suggested this will create problems.
 - Chairman Bulova proposed the NVTA oppose this bill.
- ✓ HB 716 requires the CTB weigh congestion mitigation twice all other factors when evaluating projects in Northern Virginia. Currently the CTB's HB 2 analysis weighs congestion at 45%, so to weigh congestion twice as much as all other factors, it would need to be at least 66%.
 - Chairman Nohe suggested this bill would benefit Northern Virginia, but that it is unlikely to be passed. Mr. Biesiadny noted that this increased weighting would only be required for Northern Virginia. Chairman Nohe stated that if the economic development or the accessibility factors were weighted lower and congestion relief increased, our projects are likely to score higher. Chairman Nohe explained that Northern Virginia and Hampton Roads already have a different evaluation structure in HB 2 than the rest of the state.
 - Board Member Fisette suggested that the Authority has already been involved for the last year in establishing the weightings for the HB 2 process and that since this bill would not impact the rest of the state, it does not help the Authority.

- Chairman Nohe suggested the Authority could take a “no position” on this bill, but that he thinks this will make our scores within our region higher, therefore is good for the Authority. He suggested that the down side of this legislation is that if it is passed, there will be pressure to increase the NVTA’s weighting criteria for congestion relief to 66%. He noted it has already been raised once in response to General Assembly action.
- Board Member Fisette suggested remaining silent or opposing this legislation.
- Chairman Bulova agreed. She added that this has been thoughtfully reviewed by the NVTA and congestion reduction has already been increased. She suggested that going beyond what has already been done is not a good idea.
- Mr. Garczynski suggested that as we visit this on a periodic basis, there will be incremental changes to the percentage, but that this is drastic. He suggested the NVTA take no position on this item.
- Chairman Nohe suggested the NVTA take no position on this legislation. There was consensus for no position.
- Board Member Fisette expressed concern that not expressing a position may be seen as supporting to the legislation.
- Mr. Biesiadny suggesting waiting to see if the bill makes it out of the House, noting that at that time there would still be an opportunity for the Authority to take a position.
- Chairman Nohe suggested taking no position and seeing what happens.
- ✓ HB 717 requires that VDOT evaluate certain projects in Northern Virginia, to include the American Legion Bridge, two Potomac River Crossings, the Bi-County Parkway, widening of I-66 west of the Beltway and the widening of I-66 Inside the Beltway, and to complete that analysis by December 31, 2016. Mr. Biesiadny added that the legislation does not say what evaluation means.
 - Chairman Nohe stated it would seem to imply that these projects be analyzed under HB 599, but that it is not explicit about that. Chairman Nohe expressed concern that this could impact capacity for Authority projects in the HB 599 evaluation process.
 - Ms. Backmon stated that the Authority must use HB 599 as part of its project selection process. The State can request that VDOT do an independent HB 599 analysis. Chairman Nohe stated that the State just did this with Transform I-66, adding that what the value of that outcome remains to be seen.
 - Mr. Garczynski added that the CTB is also able to submit a few projects to the HB 599 analysis and agreed that the State does also put projects into the analysis.
 - Board Member Fisette suggested that this is bad legislation and is not the way to do these things. He added that this is undermining the existing process and that as a body, the Authority should oppose this.

- Chairman Nohe suggested that these are good facilities, but added that no one is currently talking about funding these facilities. He expressed concern that the evaluation of these projects could limit the number of projects the Authority can get evaluated.
- Mayor Parrish suggested that both of these concerns be relayed to the General Assembly by the Authority.
- Chairman Nohe suggested the Authority oppose this bill.
- ✓ HB 719 imposes similar requirements on the CTB that HB 727 would impose on the NVTA.
 - Chairman Nohe suggested that Authority take the same position as the CTB.
 - Mr. Garczynski stated that Governor McAuliffe has made it a priority to depoliticize the CTB and the process of transportation funding. He suggested this is an attempt to undo this.
 - Chairman Nohe suggested the Authority oppose this legislation.
- ✓ HB 1008/SB 477 were introduced in Hampton Roads, but do have an impact in Northern Virginia. When the State raised the gas tax as part of HB 2313, it established a floor for the state gas tax so that there would be a minimum level of revenue for the State. However, they did not do the same for the regional gas tax which impacts NVTC and PRTC, or the gas tax imposed as part of HB 2313 for Hampton Roads. This bill proposes a floor for the revenues for NVTC and PRTC and is supported by NVTC and PRTC.
 - Mr. Garczynski noted that Hampton Roads is very supportive of this. Chairman Nohe added that Hampton Roads took the lead on this and it affects them much more than Northern Virginia.
 - Chairman Nohe suggested the Authority support this item.
- ✓ The Authority was briefed on the proposed legislative items that impact the I-66 Inside and Outside the Beltway projects.
 - As the Authority has not taken a position on the Transform I-66 projects, there was no official position taken on the proposed legislation, with the exception of HB 1067.
 - No position was taken.
- ✓ HB 1067 authorizes the Commonwealth to issue up to \$1.5 billion worth of bonds to move the Transform I-66 project forward. This is intended to authorize the Commonwealth to issue the bonds, with the intent being to keep the private proposers interested in constructing and financing the projects aware that a public finance option remains as a backup plan. This gives the State another option if the P3 proposals are not financially feasible or attractive to the Commonwealth.
 - Mr. Garczynski added that this keeps the public financing option on the table.
 - Chairman Nohe asked for clarification that this bill is necessary to keep multiple options open for the financing of the Transform I-66 projects. Mr. Biesiadny responded that this is the intent of the administration.

- Chairman Bulova suggested that the Authority is generally supportive of this legislation.
- Chairman Nohe clarified that the Authority has not taken any position in support of the Transform I-66 projects.
- ✓ Board Member Fisette suggested it is important how we communicate the Authority's position on each of these legislative items.
- ✓ Chairman Nohe explained that previously, the Authority has not responded to each bill with a specific position unless requested. He noted that the Authority has a legislative program and that jurisdictional legislative staff will often attend General Assembly committee meetings to express concerns or communicate support on behalf of the Authority. Chairman Nohe added that, generally, this legislative conversation becomes relevant when he or Ms. Backmon receive a call asking about the Authority's position on a specific piece of legislation. He concluded that the Authority does not usually make a proactive legislative effort on all of these issues.
- ✓ Board Member Fisette stated that there was a piece of legislation this evening to which the Authority had agreed to send a letter of opposition.
- ✓ Mr. Biesiadny stated that staff will support any request by the Authority members and noted that there was a request to send one letter. He added that in instances in the past, staff has drafted a letter noting the positions that the Authority has taken on specific proposed bills and communicated that to the Northern Virginia Delegation.
- ✓ Board Member Fisette noted that it was HB 723 that the Authority had agreed to send a letter of opposition on. He added that there were at least three other bills that the Authority had agreed to oppose. Chairman Nohe agreed that there were other bills that the Authority had agreed to oppose, but only one that a letter was suggested to communicate the position.
- ✓ Chair Randall suggested that since the Authority has expressed opposition to some bills and agreement with others, not communicating each of those positions should not indicate support.
- ✓ Board Member Fisette suggested there is not a need to communicate the bills that the Authority did not take a position on, but that there is a need to list and communicate those that the Authority did take a position on.
- ✓ Chairman Nohe suggested that unless the NVTa is specifically referenced in the legislation, the General Assembly members do not generally think about the Authority having a position on that legislation, unless a position is proactively communicated. He stated that he does not think that just because we do not express a position that there will be a conclusion that we are in support of any legislation.
- ✓ Chairman Bulova suggested that if Chairman Nohe gets a phone call asking about the Authority's position on a particular piece of legislation, he can relay the conversation and any position taken.
- ✓ Chairman Nohe added that if he is asked a question about a piece of legislation that he is uncertain of the Authority's position, he or Ms. Backmon will send an email to poll the members prior to his response.

- ✓ Ms. Cuervo added that HB 1067 authorizing the State to issue bonds is meant to keep the P3 proposers honest and to keep the price down, which in the end may impact the Authority’s consideration when asked to participate in the I-66 Outside the Beltway project. She noted that the lower the price for the project, the lower the “ask” of the Authority will be.
- ✓ Chairman Bulova suggested the Authority should express support of HB 1067.
- ✓ Chairman Bulova added that the Authority has discussed the desire to have other sources of funding available for the Transform I-66 project, therefore we should be supportive of other funding sources.
- ✓ Chairman Nohe agreed the Authority should express support for HB 1067.
- ✓ Mr. Biesiadny briefed the Authority on a few additional proposed bills on issues that the Authority has previously discussed. No significant conversation resulted and no positions were taken.
- ✓ Mr. Biesiadny advised the Authority that there were a series of bills that only pertain to the HRTAC.
 - Chairman Nohe stated that in the past, when the Authority has been asked to support legislation that only impacts the HRTAC, the Authority’s position has been to support legislation that makes the HRTAC more like the NVT A and does not impact us. He added that we generally do not express an opinion on legislation that does not affect their similarity to the NVT A.
- Mr. Biesiadny stated that there will be additional bills filed and the Authority will be kept informed.
- Chairman Nohe concluded that this is the longest legislative conversation that the Authority has ever had.

XVIII. Technical Advisory Committee Report Mr. Boice, Chairman

- No verbal report.

XIX. Planning Coordination Advisory Committee Mayor Foreman, Chairman

- Mayor Foreman stated that the PCAC does not meet every month and that it had very productive meetings in the first few months last year. He noted that in the last six months, there has been difficulty getting members to attend and achieving a quorum. He asked that the Authority members express to their PCAC members the importance of their attendance at the February meeting so that the committee can discuss its goals and objectives for the year.
- Chairman Nohe added that the quorum requirement for the PCAC under the newly adopted Bylaws is much less, therefore, it is more likely PCAC will have a quorum.
- Mayor Foreman reiterated that there would not likely be a January meeting, but likely a February meeting and asked members to communicate the importance of all PCAC members attending.

XX. Executive Director's Report

Ms. Backmon, Executive Director

a. CMAQ/RSTP Reallocation Request for Prince William County and the Town of Herndon

- No verbal report.

XXI. Chairman's Comments

- Chairman Nohe asked if a February Authority meeting would be necessary. Ms. Backmon responded that there are currently no action items on the agenda for February. She added that she anticipates there will be a need for a legislative update. Chairman Nohe noted that the February NVTA meeting is scheduled for the same day as the VACO meeting in Richmond, so many members will be in Richmond that day and this may create a quorum challenge. He suggested the if there are no action items for the February meeting, we will assume that the February meeting will be cancelled, however, a legislative update will be sent when appropriate. If there are items that require conversation, that will be facilitated electronically. Chairman Nohe added that if something urgent does come up, a short special meeting could be called just before the NVRC meeting at the end of February.

XXII. Adjournment

- Meeting adjourned at 9:49pm.