Approved February 9, 2017

Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

Thursday, January 12, 2017
7:00pm
3040 Williams Drive, Suite 200
Fairfax, VA 22031

MEETING MINUTES

Annual Organizational Meeting

I. Call to Order Chairman Nohe

- Chairman Nohe called the meeting to order at 7:16pm.

II. Roll Call Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Chairman Bulova; Chair Randall; Mayor Silberberg; Chair Fisette; Mayor Parrish; Mayor Stombres (arrived 7:28pm); Council Member Snyder (arrived 8:05pm); Mayor Rishell; Ms. Hynes; Mr. Kolb.
- Non-Voting Members: Mayor Burk; Mr. Horsley.
- Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Keith Jasper (Principal, Transportation Planning and Programming); Sree Nampoothiri (Transportation Planner); Harun Rashid (Transportation Planner); Carl Hampton (Investment & Debt Manager); Peggy Teal (Assistant Finance Officer); Camela Speer (Clerk); Tracy Baynard (McGuireWoods Consulting); various jurisdictional staff.

- Chairman Nohe moved item XIII to this point in the meeting.

XIII. Appointment of Town Representative for Calendar Year 2017
Chairman Nohe

- Chairman Nohe stated that the coalition of town Mayors requested the appointment of Leesburg Mayor Kelly Burk as Town Representative to the Authority for Calendar Year 2017.

- Chair Randall moved the appointment of Kelly Burk as Town Representative to the Authority for Calendar Year 2017; seconded by Chairman Bulova. Motion carried unanimously.

III. Minutes of the December 8, 2016 Meeting

- Chairman Bulova moved approval of the December 8, 2016 minutes; seconded by Mayor Parrish. Motion carried unanimously.

Public Comment

- Rob Whitfield, representing the Fairfax County Taxpayers Alliance, made several comments:
  - ✓ Thanked the Authority for the good work it has done in the past year.
  - ✓ Expressed serious concern for Washington Metropolitan Area Transit Authority (WMATA) and the issues it is facing.
  - ✓ Expressed concerns that the I-66 Outside the Beltway public-private partnership agreement could result in tolls over the next 50 years of approximately $6 billion.
  - ✓ Noted the $300 million that NVTA allocated to the I-66/Route 28 Interchange as part of the I-66 Outside the Beltway project is no longer needed and questioned what will be done with those funds.

Presentations

IV. 2016 Annual Report Ms. Backmon, Executive Director

- Ms. Backmon presented the 2016 Annual Report to the Authority. She noted the major accomplishments of the year:
  - ✓ Unanimous adoption of the FY2017 Program, including 12 multi-modal projects totaling approximately $466 million.
  - ✓ All NVTA jurisdictions met the requirements to receive their 30% Local Revenue Distribution funds (approximately $95 million) for local projects.
  - ✓ The Authority commitment of $1.1 billion to regional and local projects from FY2014-17.
  - ✓ The double centerfold map showing the projects funded in the FY2017 Program with the 70% regional revenues and the projects localities are programming with their 30% revenues.
  - ✓ Major groundbreakings held for Fairfax County's West Ox Bus Garage Expansion and Loudoun County's Belmont Ridge Road Construction projects.
  - ✓ Ribbon Cuttings held for the City of Fairfax's Jermantown Road project and for Loudoun County Transit's bus purchase.
  - ✓ The ongoing TransAction update efforts including extensive public outreach.
- Ms. Backmon introduced the Annual Report to the Authority and reviewed this year's contents.

(Mayor Stombres arrived.)

- Chairman Nohe stated that the double centerfold maps showing Regional and Local Revenue Fund projects are great. He noted that the Authority finally has maps to show the transportation challenges NVTA is solving in our region.
- Ms. Backmon noted that the Annual Report will be distributed and is posted electronically to the NVTA website for easy access.

- Chairman Bulova commended Authority staff for the report, the maps and the photos. She asked if the electronic map on the website would be interactive. Ms. Backmon responded that this is a feature staff plans to incorporate into next year's report.
- Ms. Backmon expressed appreciation to Tom Wampler, Fairfax County Department of Transportation, for his production of the maps for the Annual Report.

V. TransAction Update: Public Engagement Summary

Mr. Keith Jasper, Principal Planner

- Ms. Backmon stated that public involvement has been a very important and continuous element of the TransAction update. She noted that the consultants were charged with bringing new and different public engagement ideas to this project to encourage the public input. She reviewed the public engagement activities that have taken place to date, adding that valuable input has been gained.
- Mr. Jasper introduced Ms. Joyce Tsepas (AECOM) and Ms. Susan Sharp (Sharp & Company) as the project leaders on the TransAction public engagement activities.
- Ms. Sharp presented the TransAction Public Engagement Summary to the Authority. She reviewed the spring and fall public engagement activities and their results. She highlighted:
  - ✓ The spring engagement, which was intended to gain awareness. Activities involved going to places and events such as churches, fairs, malls, etc., to engage citizen participation and garnered over 1400 responses.
  - ✓ The fall engagement, which was intended to gain technical feedback. Activities included: an electronic survey that garnered over 2700 responses; focus groups involving detailed conversations with 40 Northern Virginians; community and stakeholder workshops; and additional pop-in events. Social media promotion was very successful in engaging new participants.
  - ✓ Ms. Sharp noted that regardless of demographics, the priority measures identified by participants were:
    - Reduce delays during commute hours.
    - Increase travel time reliability throughout the day.
    - Increase number of travel options.
    - Increase access to rail.
    - Increase connections between business and residential centers.
  - ✓ Location-based measures identified:
    - Outside the Beltway – Improve roadway safety to reduce vehicular crashes.
    - Inside the Beltway – Reduce crowding on bus and rail.
  - ✓ Lower priority measures identified:
    - Reduce impacts of transportation on the environment.
    - Reduce transportation costs.

- Reduce Single Occupancy Vehicles (SOVs) during peak hours.

✓ Key ideas learned from participants:
- They have regional outlooks and want regional solutions.
- They want innovative approaches, both big and small, but want to see results.
- They want technology solutions, not just transportation solutions.
- They want flexibility in work arrangements.
- They really care about transportation.
- They want a regional website with information on all projects.
- They feel they are not communicated with enough.
- They really appreciated the opportunity to provide input.

Consent Agenda

VI. Standard Project Agreement for Fairfax County–Regional Funding 059-10751 (Route 7 Widening: Colvin Forest Drive to Jarrett Valley Drive)

VII. Standard Project Agreement for Fairfax County –Regional Funding 059-50771 (Route 286 Fairfax County Parkway Widening: Route 123 to Route 29)

VIII. Standard Project Agreement for Fairfax County –Regional Funding 059-30761 (Route 28 Widening: Prince William County Line to Route 29)

IX. IRS Section 125 Premium Only Plan

X. Investment Safekeeping and Custody Service Agreement

XI. FY2018 Regional Revenue Fund Budget

XII. FY2018 Local Distribution Fund Budget

- Chair Randall moved approval of the consent agenda, to include the specific motions in items VI - XII; seconded by Chairman Bulova.

- Mayor Parrish disclosed that he is a member of the Advisory Board for BB&T, therefore to ensure no conflict of interest with the Investment Safekeeping and Custody Services Agreement, he stated that would support the balance of the consent agenda, but would abstain from item X.

- Motion carried unanimously, with the exception of an abstention from Mayor Parrish for item X.

Action

XIV. Standard Project Agreement for WMATA–Regional Funding 996-80821 (Blue Line Traction Power Upgrades) Mr. Longhi, CFO

- Mr. Longhi briefed the Authority on the Standard Project Agreement (SPA) for WMATA–Regional Funding 996-80821 (Blue Line Traction Power Upgrades). He stated that the SPA was consistent with the Project Description and that, based on the review of the NVTA Council of Counsels, there were no legal issues. However, the NVTA staff sought to address concerns regarding the matching funds required for this project from the State of Maryland and the District of the Columbia. He noted that the WMATA staff has been very cooperative throughout this process. Mr. Longhi stated that as a result of NVTA concerns, WMATA adopted two resolutions:
  1. WMATA Resolution 2015-66 noting WMATA's application for NVTA FY2017 funding for the Blue Line Traction Power Upgrades is subject to a future decision by WMATA as to whether the project will receive necessary matching funding in WMATA's FY2017 Annual Work Plan. WMATA additionally acknowledged in this resolution that no NVTA funds will be released to WMATA for the funding of this project unless and until such time as WMATA formally approves the project as part of the WMATA FY2017 Annual Work Plan that includes necessary matching funding for the project.
  2. WMATA Resolution 2016-48 noting WMATA's conditional approval of the project, subject to approval of a WMATA FY2017-2022 Capital Improvement Program (CIP) that includes the necessary matching funding. Resolution 2016-48 also modified the FY2017-2022 CIP to accept the NVTA award for Blue Line traction power upgrades and dedicate $44.7 million of matching funds from the District of Columbia and the State of Maryland in FY2018 and FY2019.
- Mr. Longhi stated that based on the contingencies within the WMATA resolutions, NVTA staff wanted to ensure the Authority that these contingencies will be fulfilled as the project reimbursement requests are received and evaluated. He added that reimbursement for this project will only occur if the contingencies in these two resolutions are met. These steps were guided by NVTA Resolution 14-08, which requires that when distributing 70% regional revenues to projects being built/managed in concert with extra-territorial funding partners, the extra-territorial funding partners pay or officially commit to pay their share to advance the project.
- Chairman Nohe asked if this is the first project that NVTA Resolution 14-08 has been relevant to the adoption of an SPA. Ms. Backmon responded that the Authority had previously funded WMATA Orange Line Traction Power Upgrades in FY2014 and FY2015-16. Chairman Nohe added that the FY2014 WMATA Orange Line Traction Power Upgrades SPA was prior to the adoption of the resolution. He stated this is the first time the Authority has discussed this resolution in response to a SPA approval.

- Chairman Nohe directed Ms. Backmon to draft a letter to Delegate Albo to inform him that the NVTA had taken this action based on Resolution 14-08.
- Mayor Rishell asked if safety is a significant part of the WMATA Work Plan that includes the Blue Line traction power upgrades. Mr. Longhi responded that WMATA is working with the Federal Transit Administration (FTA) to incorporate the safety aspects of the traction power upgrades. Ms. Hynes stated that the power traction upgrades are required for two reasons:
    1. The traction power systems are aging and many are original.
    2. The 7000 series can only run as an 8-car train, which needs more power.
- Ms. Hynes concluded that although the project is related to safety and moving the trains efficiently, it is a capacity enhancement as it specifically relates to NVTA funding.
- Mayor Rishell asked if the traction power upgrades are necessary to make it safe to run longer trains to carry more people. Ms. Hynes responded affirmatively.
- Mayor Rishell asked if there is a prioritization process for addressing safety issues in WMATA's Work Plan. Mr. Mark Phillips (WMATA Office of Planning) stated that traction power is a large program which has both state-of-good-repair and capacity upgrade components. He noted this is part of a system wide effort on each service line, intended to replace all existing cables and upgrade where needed to support 8-car operations.
- Mayor Rishell asked if the new Capital Needs Inventory (CNI) will determine the prioritization of the lines, to determine which line needs work first. Mr. Phillips responded that prioritization is determined by the extent of the problem that exists on a line, as well as the resources currently in place. He added that the traction power department has a multiyear plan for the traction power upgrades that spans through 2025. The plan is staggered depending on staff and financial resources.
- Ms. Backmon emphasized that the traction power upgrade project that the Authority is funding is for capacity enhancements.

- Ms. Hynes moved approval of the proposed Standard Project Agreement 996-80821 (WMATA – Blue Line Traction Power Upgrades), in accordance with the NVTA's approved FY2017 Project Description Form; and subject to the special provisions noted in the staff report; and authorize the Executive Director to sign on behalf of the Authority; seconded by Chairman Bulova. Motion carried unanimously.

XV. Adoption of FY2018 Operating Budget

Mayor Parrish, Chair, Finance Committee

- Mayor Parrish thanked the Finance Committee for their work to advance the FY2018 Operating Budget to the Authority for approval. He added that the Committee had unanimously recommended the budget and asked NVTA staff to meet with jurisdictional staff to brief them on the budget.
- Mr. Longhi noted that the budget process began in September with a discussion of prior year budget guidance and confirmation of guidance for FY2018. The Finance Committee received briefing proposals on the budget in November and the final draft budget in December. He added that unspent funds in the Operating Budget are automatically used to off-set the operating costs for the next year, there is no additional reserve.
- Mr. Longhi stated that the Operating Budget is typically paid through the jurisdictions 30% Funds. The Authority is estimated to receive $327.1 million in revenue, of which the Regional Revenue Fund will receive 70% or $228.9 million and member jurisdictions will receive approximately $98.1 million, or 30%. He highlighted details of the Operating Budget:
  - ✓ The base budget is what it will take for the Authority to operate in FY2018 as it did in FY2017. This budget shows both the proposed base budget contributions and the proposed budget contributions by jurisdiction.
  - ✓ Proposed budget additions include:
    - ➢ Communication/Public Outreach – proposed resource for either a part-time employee or a contract service, noting in the first year there is only a $2,000 difference between these approaches. There was consensus and a distinct preference among the Finance Committee members for a direct hire due to the flexibility and continuity it would provide. Under a direct hire approach, $27,000 of the first year expenses are for fixed costs, and of that $6000 are one-time start-up costs and will not be necessary in future years. It was noted the budget estimate under a direct hire includes compensation and the above expenses, clarifying the budget request amount is not entirely employee compensation.
    - ➢ Multimodal Transportation Trends in Northern Virginia – funds the ability to include a supplement to next year's Annual Report which will serve as a baseline to show year-to-year progress in addressing congestion.
    - ➢ Custody and Safekeeping Services and Portfolio Tracking – contract firm for safekeeping services will have responsibilities for approximately $600 million of Authority investments. Portfolio tracking software is necessary for complex investment tracking and reporting requirements. It was noted that there was a great amount of collaboration from investment staff at Fairfax, Arlington, Prince William and Loudoun Counties to develop these programs.

- Planning Technology – This effort will be the start of a multi-year technology plan which will utilize the significant amount of data developed though the TransAction Update. The Geographic Information System (GIS) component will allow detailed project mapping, to include limited modeling and analysis. NVTA staff has worked with NVRC staff to share costs and capabilities to reduce the program expense.
- Transportation Planning Intern Program – program will provide valuable experience for students, while supporting staff initiatives. Students will have a front row seat, through their support of NVTA committees to watch regional elected leaders work together to achieve transportation solutions through regional consensus.

(Council Member Snyder arrived.)

- Mayor Parrish moved adoption of the proposed FY2018 NVTA Operating Budget; seconded by Mayor Rishell.

- Chairman Bulova expressed her appreciation for the budget presentation and the breakdown by jurisdiction. She added that the 4% increase for employee compensation is a placeholder and will be adjusted to reflect the average jurisdictional staff increases. Mr. Longhi confirmed that the Finance Committee had requested this regional salary analysis prior to the start of the Fiscal Year.
- Ms. Hynes expressed her appreciation for the clear descriptions for the budget changes.
- Appreciation was expressed by several Authority members for the transparency and clarity of the budget presentment.

- Motion carried unanimously.

XVI. Amendment of Policy 18 – Electronic Participation in Meetings

Ms. Hynes, Chair, Governance and Personnel Committee

- Ms. Hynes briefed the Authority on the amendment to Policy 18 – Electronic Participation in Meetings. She noted that there is an existing Authority policy allowing for electronic participation in Authority meetings, but not for Committee meetings. She reviewed the policy changes, noting that a physical quorum at the meeting location is required for members to be able to participate electronically. Ms. Hynes stated that the policy amendments had been reviewed and approved by the NVTA Council of Counsels.

- Ms. Hynes moved approval of proposed amendments to Policy 18 – Electronic Participation in Meetings; seconded by Mayor Parrish. Motion carried unanimously.

- Mayor Parrish stated that the same provision applies to electronic participation in Authority meetings, that there must be a physical quorum present at the meeting location to allow for electronic participation. The NVTA Council of Counsels confirmed this was true.

XVII. Adoption of Policy 19 – Political Activity by Staff Members
Ms. Hynes, Chair, Governance and Personnel Committee

- Ms. Hynes briefed the Authority on Policy 19 – Political Activity by Staff Members, noting it outlines how staff can express their opinions and engage in political activities without interfering with their job or NVTA polices.
- Chairman Nohe added this policy is basically consistent with most jurisdictional policies. Ms. Hynes confirmed this is correct.

- Ms. Hynes moved adoption of Policy 19 – Political Activity by Staff Members; seconded by Mayor Parrish.

- Mayor Rishell asked about the redress of grievance if an employee feels a determination is not correct, particularly in regard to the statement that "nothing in this section shall prohibit the NVTA from determining whether any employee's participation in the foregoing interferes with such employee's job performance". She asked if an employee does not agree with this determination, is there a next step, or is the determination binding. Mr. Longhi responded that there is a provision to file a grievance, and noted that there is a step-up discipline procedure in the Employee Handbook. He added that all staff have access to the Executive Director in the event of any grievances. Mayor Rishell suggested the provision to file a grievance in the policy relates specifically to terminated employees, not instances where an employee received a determination they did not agree with. Ms. Backmon responded that based on previous policies and in most instances, Mr. Longhi, as CFO/Human Resource Manager, would make the determinations. If any employee disagreed with the determination, they would be able to appeal to the Executive Director and the potentially the Authority.

- Motion carried unanimously.

XVIII. Adoption of Policy 20 – Responses to Information Requests from Candidates for Political Office Ms. Hynes, Chair, Governance and Personnel Committee

- Ms. Hynes briefed the Authority on Policy 20 – Responses to Information Requests from Candidates for Political Office, noting it provides guidance to staff regarding providing information to candidates requesting information about the Authority during a political campaign. She noted this is additional guidance beyond the requirements of the Freedom of Information Act (FOIA).

Ms. Hynes added that many, if not all, jurisdictions have a practice or policy similar to this in place. She noted two key points:

1. Staff will not develop new information as a result of any requests.
2. If a meeting is scheduled, there is a provision to open that meeting to other candidates interested. Written information will be shared with all other candidates for office.

- Ms. Hynes moved adoption of the proposed Policy 20 – Responses to Information Requests from Candidates for Political Office; seconded by Chairman Bulova.

- Chairman Bulova inquired as to whether candidates are required to make their requests in writing to ensure an understanding of discussion topics. Ms. Backmon responded that information requests will be requested in writing to ensure there is no misinterpretation of the request and to provide a record of the request.
- Chairman Bulova asked if any information requested by one candidate will be shared with other candidates running for the same office. Ms. Hynes responded affirmatively, noting the information will be shared, even if other candidates do not request the information. Chairman Bulova inquired as to how difficult this is anticipated to be, based on our small staff, and do we have the capacity to provide this level of information. Ms. Backmon responded that all information inquiries and responses would be posted to the NVTA website. She noted that the policy states assistance will be solicited from the jurisdictions in acquiring information about candidates running for office. She added that this has not yet been a problem and that we have not been inundated with requests for information from candidates running for office. Ms. Backmon stated that these requests are not currently taking away staff from their duties, but the proposed policy seeks to guide staff in being non-partisan and impartial when requests for information are received. Chairman Bulova suggested being cautious regarding implication of staff time to support these inquires. Ms. Hynes responded that the Committee did discuss this issue and determined that the Executive Director should track how much time information requests are taking and if it becomes burdensome, report this to the Chairman or the Authority.
- Chair Randall stated that this policy appears to be a departure from jurisdictional policies regarding these types of requests. She added that when these requests are made in Loudoun County, no new information can be generated, and staff is not tasked with providing this information to other candidates for office. Chairman Nohe stated that many members of the Authority are elected officials, and therefore, sometimes candidates for office. He noted that responses to questions asked by Authority members, in the regular order of doing Authority business, do not get provided to other candidates. However, if candidates who are not Authority members ask questions about the Authority, those answers are shared with all candidates running for that office to ensure that the NVTA cannot be accused of aiding a

campaign, or being partisan. Chairman Nohe suggested this policy is similar to Prince William and Arlington Counties' policies. He added that if an Authority member asked a question that was political in nature, this policy could apply. Chair Randall suggested that providing the information to all candidates could be interpreted as helping the candidates who did not request the information.

- Ms. Hynes stated that most requests for information will likely be answered by pointing the inquirer to the NVTA website. She noted that, occasionally, there are requests for meetings from candidates who want to understand the complexity of the Authority. These requests for a particular meeting will require the staff to provide a brief written summary of the meeting discussion to share with other candidates. She suggested that this particular situation could present a risk to the NVTA staff of appearing to be partisan. Chairman Nohe added that while congestion relief is an important responsibility of the Authority, transparency is the most important responsibility. He stated that there is very little that can be asked about the Authority that cannot be found on the NVTA website. He complimented NVTA staff on providing a very informative and up-to-date website. He concluded that, at its inception, the Authority determined it would be a highly transparent organization and not providing information is what causes problems.
- Mayor Parrish asked for clarification that, as with FOIA, there is no requirement to develop new information in response to an information request. Ms. Hynes confirmed this.
- Chairman Bulova clarified that most requests can be answered by referring inquirers to the NVTA website. Ms. Backmon affirmed this.
- Chair Fisette questioned the legal definition of a candidate, suggesting that all candidates for office should be treated as candidates, to include Authority members. He further suggested this might need to be clarified in the policy. Mayor Rishell supported the suggestion for clarification. Ms. Hynes agreed.
- Chairman Nohe stated that the purpose of this policy is not to create a burden for NVTA staff, but to give clear guidance in responding to these requests for information. He noted that in all instances, the NVTA needs to comply with FOIA and give the information requested, whether we have this policy or not. This policy is intended to prevent NVTA staff from being asked why this information was not shared. He added that if there are grey areas, NVTA staff has shown great judgement in the past and will in the future. Chairman Nohe stated that if the policy needs to be clarified, we should do so.
- Chairman Bulova suggested that during an election cycle, a statement could be provided on the NVTA website noting that questions received from candidates, and their responses, are posted on the NVTA website. She stated that Fairfax County does budget questions and answers this way.
- Chair Fisette suggested that sending the information to additional candidates is not necessary, posting the information to the NVTA website could be sufficient. He also suggested adding a permanent page on the website for this information.

- Chairman Nohe deferred Policy 20 to the Governance and Personnel Committee to review after the General Assembly Session.

XIX. Appointment/Reappointment of Two Finance Committee Members for Two Year Terms Chairman Nohe

- Chairman Nohe deferred all Committee appointments to the next Authority meeting.

XX. Appointment/Reappointment of Two Governance and Personnel Committee Members for Two Year Terms Chairman Nohe

XXI. Appointment/Reappointment of Two Planning and Programming Committee Members for Two Year Terms Chairman Nohe

- Chairman Nohe moved item XXII to after Closed Session.

Discussion/Information

XXIII. Governance and Personnel Committee Report Ms. Hynes, Chair

- **2017 Legislative Update**

- Ms. Hynes introduced Ms. Baynard to give a brief legislative update to the Authority.
- Ms. Baynard reviewed the proposed General Assembly bills that directly impact the Authority.
  - ✓ HB 2120/SB 921 - proposes increasing the Authority members from 17 to 18, giving an additional voting seat to a town representative. Chairman Nohe explained the challenge of this bill, noting that it is probably unconstitutional. He explained that giving a voting seat to a town member gives the citizens of one town a vote and not the citizens of the other four towns. He stated that additionally, each town is part of a county already represented on the Authority. Therefore, unless the voting weight of the county whose town has a vote on the Authority is lessened, then the citizens of that town have two votes. Chairman Nohe added that the Planning Coordination Advisory Committee (PCAC) was legislatively mandated for the purpose of giving a voice to each town and to create a level of peer review from fellow elected officials.
  - ✓ HB 2121 – allows 30% Local Distribution Funds or 70% Regional Revenue Funds to be used for sidewalk projects. Ms. Baynard added that this has received much opposition from members of the General Assembly who created HB 2313 and the Authority. Chairman Nohe stated that sidewalks can be funded now, provided they undergo the project level evaluation and rating process including HB 599, or funded as 30% projects.
  - ✓ HB 2137 – development of regional transportation plan:
    - Requires the Authority to update the plan every 5 years.

- Requires the Authority to explain how the plan achieves congestion reduction objectives.
- Requires the Authority to note any obstacles to achieving congestion reduction objectives, and if there is need for additional cooperation from other regional entities.
- Requires posting to the NVTA website of any reports from localities stating an inconsistency between the localities' transportation plans and the Authority's regional transportation plan.

- Chairman Nohe stated that HB 2137 would be discussed during the NVTA weekly legislative call.
- Ms. Baynard reviewed the proposed General Assembly bills regarding Smart Scale.
  - ✓ HB 1831 – requests the Coalfield Expressway and US Route 460 be exempt from Smart Scale analysis. She noted the administration will likely oppose this.
  - ✓ SB 921 - adds a new criteria, travel time reliability, to the Smart Scale evaluation process. Ms. Hynes stated that this is being driven by the I-81 corridor where congestion is not the issue, but accidents are the main problem. She added this is a safety issue.
- Chairman Nohe added that there will be more bills attempting to change Smart Scale. Ms. Baynard confirmed this probability.
- Ms. Baynard noted the proposed General Assembly bills that impact WMATA.
  - ✓ HB 2316 – Washington Metrorail Safety Commission Interstate Compact. Ms. Baynard suggested there is an understanding that this bill needs to be passed relatively intact, hence there are additional bills to change the existing compact.
  - ✓ HB 617 – requests the Governor engage in conversations with the District of Columbia and Maryland to fix the current compact.
  - ✓ HB 1847 – proposes changes to the existing compact.
- Chair Randall asked how Virginia can amend the contract between Virginia, Maryland and the District of Columbia, without the other jurisdictions passing the same amendments. Ms. Baynard explained that this has happened previously, adding that anything passed by Virginia is attached to the Compact, but is not enforceable unless the other two jurisdictions pass it as well.
- Chair Fisette suggested that any Virginia amendments to the existing Compact would not interfere with the opportunity to reach an agreement with the other jurisdictions regarding a new Safety Compact. Ms. Baynard agreed with this suggestion, adding that the Compact can be amended at any time, but for the amendments to be enforceable, all three jurisdictions would have to approve the same exact amendments.
- Chair Randall stated that the funding sources for WMATA are different between the jurisdictions. Ms. Baynard responded that this is part of the discussion between the regional jurisdictions and the federal government. She noted that if a dedicated revenue source is identified, it might have to be different in each jurisdiction due to jurisdictional differences, and address how the federal government could be included.

- Ms. Hynes suggested there is a concern about Virginia passing amendments to the existing Compact that may impede the negotiations regarding WMATA funding and the new Safety Compact.
- Ms. Baynard stated that there have also been bills proposed to address the gas tax floor issue. She noted these do not directly impact the NVTA funding, but do effect Hampton Roads Transportation Accountability Commission, the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission. She suggested this issue will not likely be resolved this year.
- Ms. Baynard concluded that there will be more bills filed. She added that there may be some statewide tax issues that could bring additional funding to the NVTA, but noted she does not expect them to be adopted.
- Chair Randall asked for an explanation of Delegate LaRock's constitutional amendment. Ms. Baynard responded that Delegate LaRock has proposed that a "lock box" be placed on transportation funding in the Commonwealth to protect it.
- Council Member Snyder stated that there are already many controls and criteria imposed on NVTA funding. He stated that any new proposals regarding the Authority should be very seriously discussed to ensure they do not limit our ability to function and plan.
- Council Member Snyder requested the Authority be as supportive as possible regarding the gas tax floor bills. Chairman Nohe stated that he believes the gas tax floor is the most important issue for transportation in Northern Virginia, but noted that does not translate into optimism. Council Member Snyder stated that the failure by the General Assembly to act on this issue is a tax, because the lost tax revenue has to either be made up from the member locality general fund, or local services have to be cut. He suggested that either way, there is a cost to inaction.

XXIV. Finance Committee Report Mayor Parrish, Chair

- No verbal report.

XXV. Monthly Revenue Report Mr. Longhi, CFO

- No verbal report.

XXVI. Operating Budget Report Mr. Longhi, CFO

- No verbal report.

XXVII. Executive Director's Report Ms. Backmon, Executive Director

- No verbal report.

XXVIII. Chairman's Comments

- Chairman Nohe welcomed Mayor Burk as the Town Representative on the Authority.
- Chairman Nohe stated that this is Mayor Stombres' last meeting and thanked him for his service to the Authority and the City of Fairfax. Mayor Stombres thanked Ms. Sanford, City of Fairfax Transportation Director, for her support during his tenure.

- Chair Randall moved that the Northern Virginia Transportation Authority convene a closed meeting, as authorized by Virginia Code section 2.2-3711.A.1, for the purpose of discussing a personnel matter; seconded by Chairman Bulova. Motion carried unanimously.

- The Authority entered into closed session at 8:52pm.

Closed Session

- The Authority returned to open session at 9:11pm.

- Mayor Parrish moved that the members of the Northern Virginia Transportation Authority certify: (1) that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered by the Authority; seconded by Ms. Hynes. Motion carried unanimously.

XXII. Approval of Executive Director Annual Performance Evaluation
Ms. Hynes, Chair, Governance and Personnel Committee

- Ms. Hynes moved that the Northern Virginia Transportation Authority approve an amendment to the Executive Director's employment agreement, in accordance with the terms discussed by the Authority in its just concluded closed session, and authorize the Chairman to execute the contract amendment reflecting those terms in a form appropriate; seconded by Chairman Bulova. Motion carried unanimously.

XXIX. Adjournment

- Meeting adjourned at 9:12pm.