



The Authority
for Transportation in Northern Virginia

AGENDA
Thursday, May 8, 2008
7:30 pm
Fairfax City Hall
Fairfax, Virginia

- | | | |
|-------------|--|--------------------|
| I. | Call to Order | Chairman Zimmerman |
| II. | Roll Call | Clerk |
| III. | Approval of Minutes of the April 10 Meeting | |

Action Items

- | | | |
|-------------|---|----------------------|
| IV. | Approval of Testimony for CTB Hearing | Ms. Ashby/Mr. Foster |
| V. | Approval of Revised Meetings Calendar for CY2008 | Mr. Mason |
| VI. | Approval of Audit Policy | Mr. Mason |
| VII. | Confirmation of Appointment to VTrans Update Study | Mr. Mason |

Added Action Item

**Approval of Letters Expressing Appreciation to Governor Kaine,
Senator Warner, and Congressman Wolf for Their Efforts on
Rail to Dulles** Mr. Mason

Discussion Items

- | | | |
|--------------|---|----------------------|
| VIII. | Update on General Assembly and Advocacy Activities | Ms. Ashby |
| IX. | Update on Six Year Program | Ms. Ashby/Ms. Massie |
| X. | Guidance/Assumptions for FY09 Budget | Mr. Mason |
| XI. | Proposed Changes to NVTB Bylaws | Mr. Mason |
| XII. | VDOT Update | |

XIII. DRPT Update

A. Virginia Statewide Rail Plan Mr. Hill

XIV. Update on Refund Process Mr. Mason

Information Items

XV. TIP/CLRP Update Ms. Ashby

XVI. Air Quality Update Ms. Ashby

XVII. Ozone Action Free Ride Program Update Ms. Ashby

XVIII. Status of Major Transportation Studies and Projects in Northern Virginia

XIX. Executive Director's Report Mr. Mason

XX. Correspondence

- A. DRPT memorandum on Performance Review Program
- B. Letter from Governor Kaine – Response to NVTa letters on transportation funding and town representative
- C. Virginia Transit Association letter urging support for transit funding
- D. NVTa letter to Virginia Chamber of Commerce in support of Ad Hoc Business Coalition's funding advocacy
- E. Amendment to the September 27, 2007, MOU for Transportation Planning in Northern Virginia by the NVTa [Extends VDOT financial assistance to June 30, 2008]

Adjournment

XXI. Adjournment

Next Meeting: June 12, 2008

Fairfax City Hall – 7:30 pm
Fairfax, Virginia

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

**SUMMARY MINUTES
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

April 10, 2008

**Fairfax City Hall
Fairfax, Virginia 22030**

NVTA Members Present:

Voting Members:

Christopher Zimmerman, Chairman	Arlington County
Martin Nohe, Vice Chairman	Prince William County
Sharon Bulova (representing Gerry Connolly)	Fairfax County
Judy Connally	Governor's Appointee (CTB)
William Euille	Alexandria
Sharon Pandak	Governor's Appointee
Harry J. Parrish, II	City of Manassas
David F. Snyder	City of Falls Church
Mary Margaret Whipple	Virginia Senate

Non-Voting Members:

Cory Hill	DRPT
Morteza Salehi	No. Va. District, VDOT

Staff:

John Mason	Executive Director
Jurisdictional Staffs and Clerk	

Item I: Call to Order

Chairman Zimmerman called the meeting to order at 8:19. (Start was delayed while waiting for a quorum to be satisfied.)

Item II: Roll Call

The roll was called and members present or absent were noted for the record. Note: Mr. Euille was not present for roll call but arrived shortly thereafter.

Item III. Minutes for Meetings of January 10, February 7, and March 6, 2008

Mr. Nohe moved to approve the minutes for the meetings held on January 10, 2008, February 7, 2008 and March 6, 2008. The motion was seconded by Mr. Parrish. The motion was carried unanimously with Ms. Bulova and Ms. Whipple abstaining as they had not been present at those meetings.

Item IV: Statement of Principles

Mr. Nohe moved, and Ms. Bulova seconded, a motion to approve the “Statement of Principles” to guide NVTa advocacy for regional transportation funding.

Chairman Zimmerman announced that the draft of the principles had also been approved by the Northern Virginia Transportation Commission.

Mr. Snyder asked what the plan is for engagement and if the NVTa was going to support a purely Northern Virginia taxes or a state maintenance plan.

Chairman Zimmerman responded that the transportation crisis is still in the same position as before and that the Northern Virginia needs somewhere over \$400 million to get anywhere. He stressed that the State needs to be responsible. Chairman Zimmerman also noted that the NVTa was willing to work with anyone willing to work with the NVTa and that the NVTa was willing to hear ideas.

Mr. Snyder then stressed that one more day shouldn’t go by without funding, let alone the weeks and months that we must now face.

Mr. Nohe then observed that the questions to be answered by the General Assembly are: Will the funding package be purely regional or will it be state-wide? Will it be linked to maintenance or separately? He also observed that any of the mentioned frameworks can easily fit within the Principles but the issue is that the revenue is needed and it is needed now, not years from now. Ms. Connally then stated that she is very pleased with Principle 8.

The motion carried unanimously.

As a related matter, Mr. Mason remarked that he had been working with the Virginia Chamber of Commerce’s Transportation Roundtable with respect to its advocacy position for funding. He drew attention to a draft statement by Chamber’s Ad Hoc Business Group. Mr. Mason mentioned that it might be appropriate for the NVTa to indicate appreciation for the Chamber’s initiative.

Ms. Whipple pointed out that a cents per gallon tax does not have the potential that a percentage increase has. She mentioned that such previous measures are showing diminishing funds. She also stated in regards to the 1% sales tax that if a sales tax is raised for transportation purposes it is lost to other services such as as police, fire, schools, etc.

Chairman Zimmerman then reiterated that he is willing to work with anyone with the same goals as the NVTa. He is willing to support the cents per gallon tax as at least something.

Ms. Whipple stated that the General Assembly is likely to endorse revenues that are broad based state wide, sustainable and long term and that the NVTa should stress that in the letter of support.

Mr. Snyder suggested that the support of the Ad Hoc Business Coalition ideas should be in addition to a reform package and not in lieu of.

Without objection, Chairman Zimmerman requested that executive director draft a letter to the Ad Hoc Business Coalition and circulate it to members for approval.

Chairman Zimmerman observed that an opportunity exists to advocate with Governor Kaine hosting a “Town Hall” meeting on Saturday at 1:30 pm at Luther Jackson Middle School.

Item V. Amendment to Agreement with VDOT for initial start start-up costs

Mr. Biesiadny updated the Authority on the situation regarding the VDOT loan to NVTa. An extension for the pay date has been granted until June 30, 2008 in order to give the NVTa and VDOT time to work out the details for operation beyond that date.

Mr. Parrish moved to approve the amendment, which was seconded by Ms. Pandak. The motion carried unanimously.

Item VI. Letter to the Secretary of Transportation Regarding Start-up Costs

Mr. Euille moved to approve a letter to the Secretary of Transportation based on recommendation of the Finance Committee to state formally that the NVTa should not be held responsible for the start-up costs of the NVTa in the event that revenues for the NVTa are not secured. The motion was seconded by Mr. Parrish and carried unanimously.

Item VII. Letter to the Secretary of Transportation regarding the HOT Lanes Project

Mr. Biesiadny updated the Authority regarding issues with the HOT Lanes Project, specifically regarding the safety analysis as it relates to the shoulders, the shoulder widths, the average speed and the analysis of a bus only lane. The safety analysis is underway now but VDOT will not seek a NEPA finding with the project until the safety analysis project is complete. Additionally, while the federal standard for speed is a minimum of 45 mph, the facility currently operates between 55 and 60 mph and that it is envisioned that a future facility will also operate at those speeds and that would be part of the agreement that would be signed with the contractor. Finally, the bus analysis is very close to being able to be released. The letter is to document those observations and conversations and to urge the State to make good on its promises.

Mr. Nohe stated that the proposed letter is consistent with the position that PRTC and Prince William County have taken. He also stated that these are also the concerns raised by the PRTC, moving from requesting that things be this way to insistence.

A motion was made by Mr. Nohe and seconded by Mr. Euille to approve a letter to the Secretary of Transportation regarding the HOT Lanes Project. The motion carried unanimously.

Item VIII. Liability Insurance

Mr. Mason presented a proposal for liability insurance at a cost of \$600 (\$100 for membership and \$500 pro-rated to cover from mid-April to June 30) to cover the NVTa insurance requirements required by our lease.

Ms. Whipple moved approval of the insurance and the motion was seconded by Mr. Nohe. The motion carried unanimously, with Mr. Synder abstaining.

Item IX. Outreach Campaign

Mr. Nohe stated that he was very excited about the new outreach programs but very sad that the NVTa was back in this position [of having to advocate for funding]. He stated that many look at the problems on a macro scale but at the end of the day it is about getting people home to their families. He stated that the NVTa needs to connect macro to the small scale. That it was not about getting the message home but rather getting people home.

Continuing, Mr. Nohe commented that the outreach campaign is asking people to record their commute and send to the General Assembly via YouTube. He stated that the campaign was launching on April 14, 2008 and hoping that all videos would be in by May 14, 2008. He stressed that all videos will be reviewed for content before being posted to the web. He noted that this was a chance for the public to talk to the General Assembly.

The second aspect of the campaign was a full page ad titled “Got congestion? Got Transportation Funding?” to get the idea out that we need help.

Thirdly, there is a petition for transportation funding available to be signed.

Finally, there will be black ribbon ceremonies. Mr. Nohe stated that there are projects primed and ready to go and that it was thought that in April and May there would be red-ribbon cutting ceremonies. Since most of that framework is already in place, instead of cutting red ribbons we will be cutting black ribbons to show what cannot be done now that there is no funding.

Ms. Bulova mentioned that she is already hearing stories on the radio and feels that the personal stories are the most compelling and commends the NVTa on these initiatives.

Chairman Zimmerman agreed that the personal aspect is good and stated that the projects could still happen if the Assembly approves a funding plan.

Mr. Euille stated that a conversation with a General Assembly member led to the suggestion that people take to the streets and be visible during the General Assembly meetings.

Mr. Nohe stated that a GMU [George Mason University] media class will be helping with the YouTube effort in addition to other projects.

Mr. Snyder asked if still images were also acceptable. Mr. Nohe responded in the affirmative, is yes, old media as well as new media will be acceptable.

Item X. VDOT Update

A power point presentation was given by Mr. Dittbemer (VDOT) regarding a proposal for extending the hours that the shoulder lanes are open to traffic on I-66 outside the Beltway. The

result of VDOT studies regarding the safety, existing traffic patterns and geometry of the roads is a recommendation that the safety lanes remain open to drivers one hour later in the morning (inbound) and open one hour earlier in the afternoon (outbound).

After the presentation, Chairman Zimmerman posed a question stating that it is not just the rate of crashes but what about if someone needs the shoulder as a refuge?

Mr. Dittbemer agreed that it is a concern but said there is a balance and tradeoff between having that lane as a refuge and allowing more space for traffic to flow. VDOT felt that the tradeoff was worth it.

Chairman Zimmerman then questioned why VDOT had not looked into the shoulders being used for public transit only and mentioned that Minnesota had over 200 miles of just such a network. He felt that there seemed to be support to fill the shoulder lanes with more cars but not busses.

Mr. Salehi responded that that VDOT will look at the geometric design of the shoulder lands, the width and the structural capacity of the shoulders, as well as safety related issues; following that, on a case-by-case basis, and as needed and feasible, VDOT will use the should lane for buses and/or cars.

Mr. Salehi called for further comment from Mr. Steeg (VDOT) who remarked that VDOT is also looking at video management where disabled vehicles would be identified by video and VDOT could respond more quickly. He also concurred that there are other options but that there are controls (such as pavement, routes, etc) that must be considered. He believed it was proper to think broader and not preclude bus only lanes but that this particular project was started in 2006 so it takes time. He also stated that there was limited capability for a dynamic use of the lanes and that the extended hours was a concession.

Chairman Zimmerman stated that he was glad to hear that there was openness but stressed that it would be better to look at moving people as opposed to simply moving vehicles.

Mr. Snyder then brought up the safety issue and wanted to hear that it is absolutely stated that the fire, police and rescue unequivocally agree with this plan and do not simply see it as an option of the lesser of two evils.

Mr. Steeg assured Mr. Snyder that the support from police, fire and rescue was there.

Mr. Snyder also noted that there is a link between transit use and safety with transit being the safer option. He also requested to see the data to ensure that what accidents did occur when the lanes were open weren't worse than when they were closed.

Item XI. DRPT Update

Mr. Hill stated that it was time for the State to update its transportation plan (Va Trans 2035). He also stated that there will be a NOVA team and a ROVA team (affectionate term for "Rest of Virginia"). Finally he stated that the draft of the 6 year improvement plan is almost ready for release and that there will be a hearing on May 14, 2008.

Item XII. Refund

Mr. Mason updated the Authority on the refund process, stating that it is well underway. He reported that the Grantor's tax previously remitted to the NVTa is back with the clerks of courts, that the DMV has begun refunding the fees collected by the agency, and that the remaining four fees will be handled by the State Treasurer and should begin shortly. Finally, Mr. Mason stated that all funds submitted to the NVTa will be remitted to the proper agency within a week to 10 days.

Item XIII. TIP/CLRP Update

Mr. Biesadny updated the members regarding the TIP and CLRP developments. He presented a summary sheet showing all of the projects that will be affected if funding is not received by the NVTa. He also stated that if a funding plan is not approved the NVTa will have to go back and amend the plans approved on January 10, 2008.

In light of the uncertainty, he stated that the TPB is running two parallel studies one with the approved projects and the other without considering the NVTa projects.

Ms. Connally asked if this would put us in greater concern about the overall air quality. Mr. Biesadny responded that the TPB has to determine that the projects that are included will allow the region to be within the mobile emissions budget. The action to be taken next Wednesday [April 16] is to set up a parallel analysis and if in either case the region is above the mobile emissions budget we would have to adopt TERMS to bring the region back down. The answer won't be known until probably the July timeframe. The purpose of the current analysis is to find out where we are now.

Chairman Zimmerman remarked that air quality may not be a problem if Northern Virginia loses jobs because of the traffic congestion problems.

Mr. Snyder then pointed out that the EPA has raised the standards for air quality and that the effect of that is there will be more red and orange days despite improvement from 5yrs ago. He recommended that we start working now to meet the new standards (to be effective in 2015). He also recommends that more attention be paid to air quality as projects go forward.

Items XIV- XIX. Information Items

These items were not discussed.

Item XX. Adjournment

The meeting was adjourned at 9:36 pm.



**Northern Virginia Transportation
Authority Testimony
at the
CTB FY 2009-2014 SIX YEAR IMPROVEMENT PROGRAM
SPRING TRANSPORTATION MEETING**

**Northern Virginia Community College
May 14, 2008**

Background



- ❖ The Northern Virginia Transportation Authority (NVTA) was created in 2002 (SB 576) to provide Northern Virginia communities with a regional organization responsible for 1) developing a long range transportation plan, 2) supporting initiatives and TDM programs aimed at improving air quality and relieving congestion, and 3) advocating for transportation needs before State and Federal Governments.
- ❖ NVTA has remained active in Northern Virginia transportation matters by completing its regional long range plan, advocating for additional transportation funding, developing a Six Year Program and process, supporting efforts to improve pedestrian safety, encouraging growth near transit, allocating CMAQ and RSTP funding annually, and developing an annual legislative program.
- ❖ NVTA continues to provide a forum for discussing and coalescing Northern Virginia's positions on regional transportation matters.

Snapshot of NVRTA Activities (2007-2008)



- ❖ NVRTA established five working groups, composed of regional stakeholders, to assist it in implementing HB 3202.
- ❖ On July 12, 2007, the NVRTA voted to approve all seven taxes and fees authorized by the General Assembly in HB3202 and a bond validation suit to issue the debt to fund the list of approved “ready to go” projects.
- ❖ In Fall 2007, NVRTA, and its member local jurisdictions, worked to quickly identify projects that could be implemented in the first two years of the six-year plan.
- ❖ On January 10, 2008, NVRTA approved the Six-Year Plan which included regional and local transportation projects valued at \$93M.
- ❖ On February 29, 2008, the Virginia Supreme Court invalidated NVRTA’s taxes and fees and bond projects; NVRTA immediately ordered the cessation of the collection of all taxes and fees and developed a process for issuing refunds.
- ❖ NVRTA resolution urges the General Assembly to restore funding for critical transportation infrastructure, and eight principles to guide its review of any transportation funding proposals that might be introduced in the upcoming General Assembly special session on transportation funding.

NVRTA is ready to move forward with implementing projects should funding be reestablished.

Working With Our Partners



Eight Principles for Transportation Funding



1. **Transportation is fundamentally a state responsibility**; therefore, enactment of new Northern Virginia transportation revenue sources must include a substantial state financial commitment. Any regional/local funding effort should include a broad array of options for choosing among a number of revenue sources.
2. NVTa is comfortable with the seven taxes and fees previously approved for Northern Virginia; however, **NVTa is willing to consider alternatives**. Any changes in the **regional funding packages for Northern Virginia** and Hampton Roads should be coordinated with both regions.
3. Northern Virginia's adopted **TransAction 2030 long-range transportation plan requires approximately \$700 million annually** in new funding to achieve the 2030 goals. Therefore, **exclusive Northern Virginia revenues in the range of \$300 million annually**, as well as Northern Virginia's portion of additional statewide revenues, are needed.
4. Any legislation must provide significant increases in **transportation funding for all modes from a stable, reliable, and permanent source (s)**.
5. NVTa appreciates the importance of "buy-in" from all jurisdictions – large and small – to achieve regionally agreed goals. With that in mind, **any Northern Virginia transportation revenue package should include both a regional and a local component** to allow local jurisdictions to achieve transportation improvements of their choosing (many of which will contribute to overall regional goals).
6. If a statewide package is also enacted, **Northern Virginia should receive at least the share that it receives under existing formulas**.
7. **Continue to match federal interstate and primary road earmarks with state funds**, not shift this responsibility to Northern Virginia regional funds.
8. **Provide an on-going revenue stream of capital funding** for the Washington Metropolitan Area Transit Authority (WMATA) with no sunset, and no federal match requirement. This will provide flexibility beyond matching federal funds, and will ensure that WMATA's on-going capital needs will be funded. It should also provide dedicated operating and capital funding for the Virginia Railway Express (VRE).

Air Quality Status/Projects



- ❖ While transportation funding is decreasing, air quality standards for mobile sectors are becoming more strict.
 - ❑ The Environmental Protection Agency proposed more stringent national ambient air quality standards (NAAQS) for ground-level ozone on March 27, 2008.
 - ❑ The Region developed and submitted to the EPA a State Implementation Plan (SIP) demonstrating its ability to meet Ozone standards by September 2010. A particulate matter (PM 2.5) SIP was recently submitted to the EPA for review.
 - ❑ Washington's Council of Governments' (COG's) "Climate Change" Steering Committee is developing recommendations of specific activities and best practices to achieve greenhouse gas reduction in the region.
 - ❑ Due to EPA's new ozone standards there will be more forecast Code Red and Code Orange Air Quality alerts this summer.

- ❖ NVTa & local jurisdictions contribute to air quality improvement efforts by:
 - ❑ Providing local subsidies for transit service and encouraging telework
 - ❑ Supporting the purchase of hybrid vehicles for "official government business"
 - ❑ Retrofitting diesel buses with lower emission equipment
 - ❑ Subsidizing free transit trips on Code Orange and Code Red days
 - ❑ Administering CMAQ funds

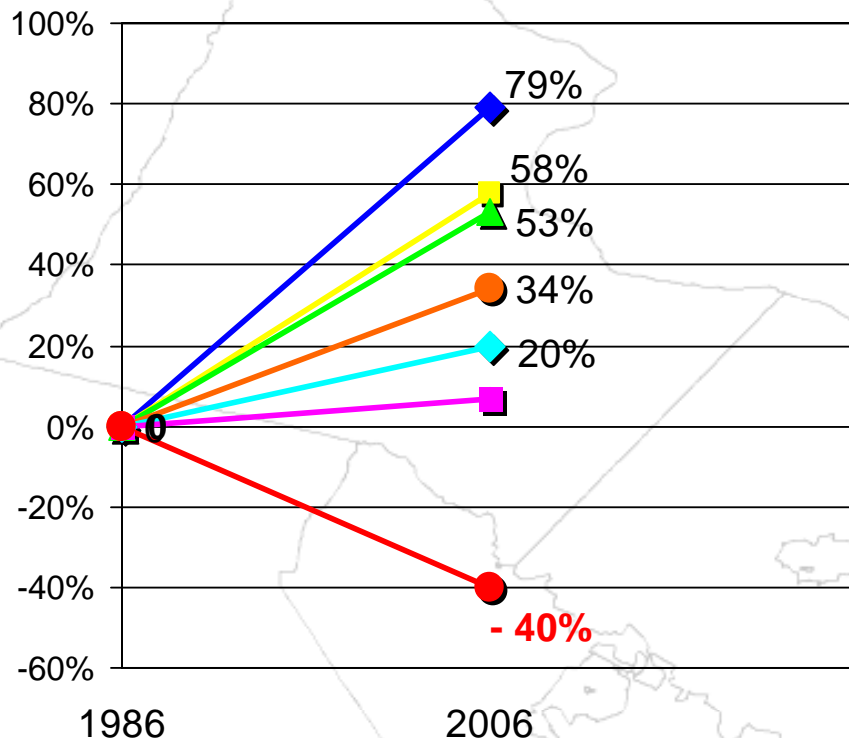
Economic Factors

Since Last Gas Tax Increase (1986)

- ✓ Population
- ✓ VMT
- ✓ Registered Vehicles
- ✓ State Road Miles



- ✓ Purchase Power
- ✓ Gas Tax Value



- ◆ Miles of Travel (212 million/day; +79%)
- Transit Riders (161million; 58%)
- ▲ Registered Vehicles (6.7 million; +53%)
- Licensed Drivers (5.2 million; +34%)
- ◆ Population (7.4 million; +20%)
- Miles of State Roads (58,000; +7%)
- Buying Power of Transportation Dollars (-40%)

Between 2003 and 2007, the cost of materials for highway and road contractors has increased 43 percent, compared to a 12.7 percent increase in the consumer price index.*

"In 1986, the gas tax was set at 17.5 cents per gallon. Today, 22 years later, considering inflation and cost increases, the purchasing power to construct, maintain, and operate transportation facilities have decreased." (citing op-ed piece in Richmond Times)

The 2005 data from FHWA's Highway Statistics publication show only nine states with lower state gas taxes than Virginia. The mean is 20.3 cents per gallon so at 17.5 cents we are 14% below the mean.

Opportunities For CTB



- ❖ With the loss of NVRTA funding, a 44% reduction in secondary road maintenance funding, and a 10% reduction in transit funding, the need for new transportation funding is particularly acute.
- ❖ With any new funding, it is critical to ensure that Northern Virginia continues to receive its share of existing transportation funding, using the existing formulas.
- ❖ Keep existing regionally significant projects on track, particularly those that have completed the design phase, by maintaining allocations throughout all project phases.
- ❖ Continue to provide funding for VRE Track Leases and support VRE's applications for the Rail Enhancement Program.
- ❖ Allocate funding under the "Revenue Sharing Program," to participating towns, cities, and counties on an annual basis.
- ❖ Allow NVRTA to help set priorities in the event that excess federal funding becomes available to Virginia prior to the end of the current federal fiscal year.
- ❖ Encourage VDOT to continue to provide local staffs and developers with additional training on Chapter 527 land use review regulations in order to address process and regulatory issues in a timely manner.

Opportunities For CTB



- ❖ Consider comments from local and regional agencies as the requirements for Secondary Street Acceptance and Access Management Standards are finalized.
- ❖ Continue to streamline the environmental reviews now required for locally administered projects even though the General Assembly's has increased the threshold for the application of these reviews.
- ❖ Request state funds to offset the transportation impacts in connection with Base Realignment and Closure (BRAC) Commission recommendations.
- ❖ On the I-95/395 HOT Lanes:
 - We appreciate the state working closely with local governments to develop an enhanced transit plan for the corridor, however, we urge the state to proceed carefully to ensure that the lanes continue to function efficiently, facilitating the maximum person throughput.
 - Additionally, the state and its private partners must consider the impacts on local streets, and work with local governments to mitigate these impacts. To date, very little information has been shared with regard to these impacts, of concern to several local jurisdictions.
 - Finally, advocate for the completion of outstanding project deliverables which include the Bus-only Lane Study, Safety Study, and Vehicle Speed Maintenance agreement.

Summary



- ❖ NVTa has reached regional consensus on a transportation plan to improve mobility in Northern Virginia between now and 2030.
- ❖ NVTa continues to support increases in transportation funding for all modes derived from the remaining fund mechanisms in HB 3202.
- ❖ NVTa members believe that any regional transportation package is not a substitute for statewide funding.
- ❖ NVTa is ready to begin implementing transportation projects with our local and regional partners; however, transportation funding must be restored.



Thank You!



The Authority
for Transportation in Northern Virginia

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

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

FROM: John Mason, Executive Director

SUBJECT: Revised CY 2008 Calendar

DATE: May 1, 2008

ISSUE(S): The loss of NVTa funding requires a revision of CY 2008 meetings calendar.

RECOMMENDATION: Approve revised CY 2008 calendar.

PROPOSED MOTION: *Mr. Chairman, I move approval of the revised CY 2008 calendar.*

SUMMARY:

- With loss of dedicated funding for NVTa, it is necessary to revise the NVTa meetings calendar for CY 2008.
- The revised calendar is based on the assumption that funding will be resumed in FY09.

FISCAL IMPACT: None (as direct result of calendar change).

COORDINATION:

- Meeting Coordination Group (JACC, VDOT, DRPT, NVTC, PRTC, NVRC, Finance Committee, Council of Counsels, K. Quintana)

ATTACHMENT: Projected CY 2008 Monthly Items for Authority (Revised)

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

Projected CY 2008 Monthly Items for Authority¹

- **May 8**

- Action:

- Approval of testimony for CTB's Six Year Program public hearing (JACC)
- Approval of revised calendar for NVTa meeting items (ED)
- Approval of audit policy (ED)

- Discussion:

- Update on General Assembly activities (JACC)
- Update on NVTa's public outreach/advocacy strategy
- Development of next NVTa Six Year Program (JACC)
- Bylaws revision ("first reading") (ED)
- Assumptions for FY09 budget development (ED)
- VDOT update (VDOT)
- DRPT update (DRPT)

- Information:

- Refund status (ED)
- TIP/CLRP (JACC)
- Air quality (JACC)
- Ozone Action Free Ride Program (JACC)
- Executive Director's report (ED)
- Correspondence (ED)

- **June 12**

- Action:

- Appointment of Nominating Committee (Chairman)
- Appointment of Committee to Recommend Town Representative (Chairman)
- Approval of Bylaws revision (ED)
- Approval of Revised Six Year Plan Project Submittal Form, Schedule, and Call for Projects (JACC)
- Approval of operating budget for FY09 (ED)

- Discussion:

- Update on General Assembly activities (JACC)
- VDOT update (VDOT)
 - ✓ Capital Beltway Southside Mobility Study (R. McDonald)
- DRPT update (DRPT)

- Information:

- TIP/CLRP (JACC)

¹ Assumes funding issue resolved, with effective date of July 1.

- Air quality (JACC)
 - Plan for staffing (ED)
 - BRAC transportation considerations (JACC)
 - Executive Director's report (ED)
 - Correspondence (ED)
- **July 19 (Organizational Meeting)**
 - Public information session on Six Year Plan, Transportation Issues and Legislative Program
 - Action:
 - Election of officers (FY08 Chairman)
[FY09 chairman assumes chair]
 - Appointment of town representative (Chairman)
 - Appointment of TAC and PCAC chairmen (Chairman)
 - Approval of JACC chairman (selected by JACC) (Chairman)
 - Approval of FY 2010 CMAQ/RSTP process and schedule (JACC)
 - Discussion:
 - Bond considerations (CFO – if hired by this time)
 - VDOT update (VDOT)
 - DRPT update (DRPT)
 - Information:
 - TIP/CLRP update (JACC)
 - Air quality (JACC)
 - Status of dedicated funding for Metro (JACC)
 - Executive Director's report (ED)
 - Correspondence (ED)
- **August** [No meeting scheduled]
- **September 11**
 - Action:
 - Approval of financial management policy
 - Approval of policy on public records
 - Discussion:
 - Draft testimony for CTB's pre-allocation hearing (JACC)
 - Draft FY2010 update to Six Year Plan (JACC)
 - Initial discussion of 2009 legislative program (JACC)
 - VDOT update (VDOT)
 - DRPT update (DRPT)
 - ✓ I-66 Inside the Beltway Study/Multimodal Study
 - Information:
 - Financials (CFO)
 - Update on bond (CFO)

- TIP/CLRP (JACC)
- Air quality (JACC)
- Administrative regulations (ED)
- Executive Director's report (ED)
- Correspondence (ED)

• **October 9**

- Action:
 - FY 2008 audit (ED)
 - Approval of testimony for CTB pre-allocation hearing (JACC)
- Discussion:
 - Legislative program for 2009 (JACC)
 - VDOT update (VDOT)
 - DRPT update (DRPT)
- Information:
 - TIP/CLP (JACC)
 - Air quality (JACC)
 - Executive Director's report (ED)
 - Correspondence (ED)

• **November**

- Public hearing:
 - Six Year Program (FY10 – FY15) (JACC)
- Action:
 - Approval of legislative program for 2009 (JACC)
 - FY 2010 to FY 2015 Six Year Program (JACC)
 - Adoption of FY 2010 CMAQ/RSTP project list (JACC)
- Discussion:
 - CY 2009 work program and meeting schedule (ED)
 - VDOT update (VDOT)
 - DRPT update (DRPT)
 - Briefing on major regional transportation project or study
- Information:
 - TIP/CLRP (JACC)
 - Air quality (JACC)
 - Executive Director's report (ED)
 - Correspondence (ED)

• **December**

- Action:
 - Approval of FY 2010 to FY 2015 Six Year Program (JACC)
 - CY 2009 work program and schedule
- Discussion:

- VDOT update (VDOT)
- DRPT update (DRPT)
- Briefing on a major regional transportation project or study
- Information:
 - Status of NVTA-funded projects (?)
 - TIP/CLRP (JACC)
 - Air quality (JACC)
 - Status of major regional studies (JACC/VDOT)
 - Executive Director's report (ED)
 - Correspondence (ED)

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

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

FROM: John Mason, Executive Director

SUBJECT: Audit Policy

DATE: May 1, 2008

ISSUE(S): To establish policy guidelines for NVTa's annual audit.

RECOMMENDATION: Approve attached audit policy.

PROPOSED MOTION: *Mr. Chairman, I move approval of the proposed NVTa audit policy.*

SUMMARY:

- Virginia Code requires that authorities have an audit performed within three months of the end of its fiscal year.
- The proposed policy sets the general standards for auditing process and delineates NVTa responsibilities.

FISCAL IMPACT: Estimated cost for initial audit is in range of \$10 – 20,000.

COORDINATION:

- Finance Committee
- Scott Kalkwarf
- Mike Longhi

ATTACHMENT: Proposed audit policy

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

Audit Policy

I. **General.** This audit policy provides for Northern Virginia Transportation Authority (NVTa) implementation of the auditing requirements of Virginia Code (§30-140) and the NVTa Bylaws (Article VIII.B).

II. **Requirements.**

- A. **Reporting.** Virginia Code requires that “each authority . . . shall annually, within three months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report . . .”
- B. **Public Notice.** Audited authorities are required to publish a summary statement of financial condition in a newspaper of general circulation in the locality of the entity. Statement should include, at a minimum, total assets, liabilities, and fund balances; total revenues, expenditures, and other sources or uses; and the resulting net change in fund balances.
- C. **Standards.** Audits must be conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* issued by the Comptroller General of the United States.
- D. **Financial Reporting Requirements.** Financial statements must be prepared in accordance with the provisions of the Government Accounting Standards Board (GASB).

III. **Responsibilities.**

A. **Executive Director.**

- Establishment, maintenance and security of financial records
- Preparation of records for audit
- Providing records and support to Finance Committee
- Within guidance provided by Finance Committee, soliciting bids for auditing
- Review of audit result and resolution of any issues.

B. **Finance Committee** (in its role overseeing NVTa audit activities).

- Independent review of NVTa’s financial reporting processes, internal controls, and audit process
- Review and approval of audit work plan
- Selection of auditing firm

- Receiving and reviewing audit report, to include management letter comments (if applicable) and any other concerns that did not rise to the level of being reported
- Advising the Authority on the results of the audit, addressing any issues to/with the Authority, and on the Authority's behalf (and at its direction) work with the auditor/auditing firm to resolve issues.

C. The Authority.

- Ultimate responsibility for the Authority's financial management
- Review and acceptance of audit report and report of Finance Committee
- Providing guidance as necessary to the Executive Director.

Approved: [Date of NVTA approval]

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

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

FROM: John Mason, Executive Director

SUBJECT: NVTA Appointment to VTrans Study

DATE: May 1, 2008

ISSUE(S): Secretary of Transportation Homer has requested a NVTA representative on update of VTrans2025 plan.

RECOMMENDATION: Consistent with Secretary Homer's suggestion of re-appointing Mr. Biesiadny, confirm Chairman Zimmerman's nomination of Mr. Biesiadny.

PROPOSED MOTION: *Mr. Chairman, I move confirmation of Chairman Zimmerman's nomination of Mr. Biesiadny as the NVTA representative on the Multimodal Advisory Committee of VTrans update study.*

SUMMARY:

- Secretary of Transportation Homer has requested a NVTA representative on the Multimodal Advisory Committee supporting update of VTrans 2025.
- Mr. Biesiadny has previously served in this position, is familiar with the issues, understands Northern Virginia transportation issues, and is suggested by the Secretary.

FISCAL IMPACT: None significant (perhaps travel costs to/from Richmond for meetings).

COORDINATION:

- Council of Counsels (concur in Chairman Zimmerman nominating with formal confirmation by NVTA)

ATTACHMENT(S):

- Attachment A: Letter from Chairman Zimmerman to Secretary Homer nominating Mr. Biesiadny
- Attachment B: Letter from Secretary Homer requesting appointment



NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

The Authority for Transportation in Northern Virginia

4031 UNIVERSITY DRIVE ♦ SUITE 200 ♦ FAIRFAX, VA 22030

TEL: (703) 766-4650 ♦ WWW.THENOVAAUTHORITY.ORG

April 29, 2008

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

Dear Secretary Homer:

Thank you for inviting Northern Virginia Transportation Authority's continued participation in update of VTrans2025. This initiative is critical to agreeing a long range transportation plan for the Commonwealth that is comprehensive and accommodates the anticipated growth over the next several years.

On behalf of the NVTA, I am pleased to nominate Mr. Tom Biesiadny as NVTA's representative on the Multimodal Advisory Committee. His continued involvement in the VTrans initiative and his in-depth understanding of the Northern Virginia regional transportation challenges – across the modes – will be an invaluable assist in this important effort.

Sincerely,

A handwritten signature in black ink, reading 'Christopher Zimmerman', with a long, sweeping underline.

Christopher Zimmerman
Chairman



COMMONWEALTH of VIRGINIA

Office of the Governor

Pierce E. Homer
Secretary of Transportation

P.O. Box 1475
Richmond, Virginia 23219

Phone: (800) 755-3272
Fax: (804) 656-4643
TDD: (800) 552-1732

March 28, 2008

Mr. Christopher Zimmerman
Chairman, Northern Virginia Transportation Authority
4301 University Drive- Suite 200
Fairfax, Virginia 22030

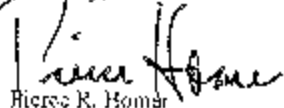
Dear Mr. Zimmerman:

As required by both state and federal legislation, the Commonwealth of Virginia will soon embark on the update of the statewide long-range multimodal transportation plan. It is our intention to build upon the work accomplished through VTrans2025, the last such plan developed for the state in 2004. Much was accomplished through that effort, not to mention the cooperative spirit that was fostered through the Multimodal Advisory Committee that was charged with the development of the plan.

With that effort in mind, I am reconstituting the Multimodal Advisory Committee and once again asking you to name one person from your organization. This person will be responsible for attending monthly meetings and should have a high enough position to fairly represent the interests of the NVTAA. It will also be necessary for your representative to be involved in the activities surrounding the development of the plan including outreach activities, data collection and providing agency information. This is not a time consuming undertaking but it is one that needs a strong commitment from you.

In the past, Mr. Tom Biesiadny very ably represented the Northern Virginia Transportation Authority on this committee. I ask for your consideration to allow him to continue as we move forward. If you decide to nominate someone else, please let me know the name of the person you wish to represent your organization. I would appreciate hearing from you regarding this matter as soon as possible.

Sincerely,


Pierce E. Homer

PRIT: mgr

Cc: Deputy Secretary Ralph M. Davis

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

MEMORANDUM

TO: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority

Members
Northern Virginia Transportation Authority

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

SUBJECT: Update on General Assembly Activities (Agenda Item VIII.)

DATE: May 2, 2008

The General Assembly held their annual reconvene (veto) session on April 23, 2008, to consider Governor Kaine's amendments to the biennium budget and to individual bills. There was only one bill that the Governor amended that had transportation implications. It was SB 464 (Whipple) which establishes the Virginia Commission on Energy and Environment. One of the Governor's amendments would have provided that the Department of Environmental Quality request that the Virginia Department of Transportation (VDOT) annually provide information to maintain a greenhouse gas emissions inventory for roads throughout the Commonwealth, including information regarding annual vehicle miles traveled, traffic trends, and characteristics of vehicles. The Governor's amendments to this bill were not accepted by the Senate.

In addition, the Governor made one transportation related amendment to the budget. That amendment to Item 458 encourages VDOT to promote the construction and improvement of primary and secondary roads by counties, whether or not those improvements are contained in the Six Year Program.

No action was taken regarding the restoration of NVTa's funding or to address statewide transportation funding needs. The Governor is expected to release a transportation funding plan. He is indicated publicly that the plan will include both a statewide transportation funding piece and provisions related to Northern Virginia and Hampton Roads. He has also indicated that following the release of his plan, he will call a special session of the General Assembly approximately 30 days later. He has said he hope such a special session can be held this "Spring."

In the meantime, NVTa's efforts to keep the issue before the public are beginning to bear fruit. Several videos describing commuting conditions in Northern Virginia have been submitted. In addition, more than 100 people have signed NVTa's petition on line.

Christopher Zimmerman, Chairman

Members, Northern Virginia Transportation Authority
May 2, 2008
Page Two

Jurisdiction and Agency Coordination Committee members will be available at the May 8, 2008, NVTa meeting to answer questions.

cc: Members, NVTa Jurisdiction and Agency Coordinating Committee
John Mason, Executive Director

IX.

Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

MEMORANDUM

TO: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority

Members
Northern Virginia Transportation Authority

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

SUBJECT: Update to the NVTa Six-Year Plan (Agenda Item IX.)

DATE: May 2, 2008

After holding a Public Hearing, the Northern Virginia Transportation Authority approved the first two and half years of the NVTa Six-Year Plan at its January 10, 2008 meeting. There were several comments from the Public Hearing that night that focused on the need for more public involvement in the six-year plan process, and quite a few requests for the NVTa to approve the plan at a meeting other than the Public Hearing.

As the Jurisdictional and Agency Coordinating Committee (JACC) developed the draft schedule for this year's update to the NVTa Six Year Plan, these comments were taken into consideration, along with the timeline for VDOT's process and the Transportation Planning Board's (TPB) deadline for submittal of projects subject to air conformity analysis. The JACC also included opportunities for coordination with the Technical Advisory Committee (TAC) and the Planning Coordination Advisory Committee (PCAC) in the schedule.

Working backwards from the TPB deadline for the FY09 Constrained Long Range Plan (CLRP) and the FY2010-2015 Transportation Improvement Plan (TIP), and incorporating all other considerations mentioned above, the JACC developed the attached draft schedule for the update of the NVTa Six-Year Plan (Attachment I).

However, until NVTa funding has been restored, this process cannot begin and this schedule will have to move out several months. However, if funding is not restored in the upcoming months, it will be difficult to meet the TPB's deadline of January 9, 2009. For those projects subject to air quality analysis, this will mean another year of delay.

**Northern Virginia Transportation Authority
Proposed Schedule for the FY 2010 Update of Six Year Plan
(Draft 3/31/2008)**

- June 12, 2008:** **NVTA Approves Revised Six Year Plan Project Submittal Form, Schedule, and Call for Projects**
- June 13, 2008:** **Call for Projects issued**
- July 2008:** **NVTA Public Information Session on Six-Year Plan, Coordination with Technical Advisory Committee (TAC) and Planning Coordination Advisory Committee (PCAC)**
- August 1, 2008:** **Project Submissions for FY 2010 through 2015 with prioritization matrix are due**
- September 17, 2008:* *TPB Reviews Draft Call for Projects*
- September 25, 2008:** **JACC Proposes Draft FY2010 Update to Six Year Plan following coordination with VDOT and DRPT**
- October 1, 2008:** **Begin Federal Fiscal year – 2009**
- October 15, 2008:* *TPB Releases Final Call for Projects--
Transportation Agencies Begin Submitting Project Information through On-Line Database*
- Oct/Nov 2008:** **CTB's – Fall Transportation Public Hearing in NoVA.**
- October 2008:** **Coordination with and Review by Technical Advisory Committee and Planning Coordination Advisory Committee of Draft FY2010 Update to Six Year Plan**

October 30, 2008:	JACC Finalizes Draft FY2010 Update to Six Year Plan
November 13, 2008:	Draft FY2010 Update to Six Year Plan is Released by NVTa for Public Comment
December 11, 2008:	NVTa holds Public Hearing on Draft FY2010 Update to Six Year Plan
December 19, 2008:	Public Comment Period closes on Draft FY2010 Update to Six Year Plan
January 8, 2009:	NVTa Reviews Public Comments and is Asked to Approve FY2010 Update to Six Year Plan
<i>January 9, 2009:</i>	<i><u>DEADLINE:</u> Transportation Agencies Complete On-Line Project Submissions for MPO's Air Quality Conformity Analysis of the 2009 CLRP and FY2010-2015 TIP</i>
<i>January 21, 2009:</i>	<i>TPB Briefed on CLRP and TIP Project Submissions and Releases for Public Comment</i>
<i>February 18, 2009:</i>	<i>TPB reviews Public Comments and is asked to Approve Project Submissions for FY10-15 TIP and Plan and draft Scope of Work</i>
<i>April 2009:</i>	<i><u>VDOT presents draft FY10-15 SYIP to CTB</u></i>
<i>April/May 2009:</i>	<i><u>VDOT Holds Public Hearings on draft FY10-15 SYIP</u></i>
<i>April ?, 2009</i>	<i><u>DEADLINE:</u> Transportation Agencies Complete TIP Project Submissions (Submissions must not impact conformity inputs which were due January 9, 2009)</i>
<i>May 20, 2009:</i>	<i>TPB Receives Status Report on Draft Plan, TIP and Conformity Assessment</i>

June 2009:	<u>FY10-15 SYIP adopted by the CTB</u>
<i>June 17, 2009:</i>	<i>TPB releases Conformity Assessment for Public Comment</i>
<i>July 15, 2009:</i>	<i>TPB Reviews Public Comments and Adopts Plan, FY10-15 TIP, and Conformity Assessment</i>
July 2009:	<u>State Transportation Improvement Program (STIP) submitted to FHWA/FTA for approval</u>
September 2009:	FHWA/FTA approval of STIP (Anticipated)
October 1, 2009	Begin Federal Fiscal Year 2010

Bolded items pertain to the NVTB

Underlined items pertain to VDOT

Italic items pertain to TPB

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

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

FROM: John Mason, Executive Director

SUBJECT: Guidance/Assumptions for FY09 Budget

DATE: May 1, 2008

ISSUE(S): In order to have a budget in place for FY 09, it is essential that Authority agree guidance and assumptions.

RECOMMENDATION: Approve the attached guidance/assumptions for developing FY09 operating budget.

PROPOSED MOTION: *Mr. Chairman, I move approval of the proposed guidance and assumptions for development of the FY09 operating budget.*

SUMMARY:

- While there may be uncertainty with respect to the funding of NVTa in FY09, it is essential to have a budget ready to be approved once the funding issue has been resolved.
- The attached guidance and assumptions are based on experience to date and the expected pace to building a staff once funding is resolved.

FISCAL IMPACT: The budget to be presented at June meeting will provide operating costs for FY09; however, it will be less than \$1 million.

COORDINATION:

- Finance Committee
- JACC

ATTACHMENT: Guidance/Assumptions for FY09 Budget

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

FY09 Budget Guidance/Assumptions

1. Mission

No change in mission.

2. Revenue

- a. Revenue to NVTa in range of \$250 – 300 million annually, with assumption that \$1,000,000 will be budgeted for NVTa operating expenses
- b. Appropriations Act provides \$50,000 grant
- c. Refund process may not be complete; must ensure any receipts based on HB 3202 are segregated
- d. Will have interest earned on NVTa FY08 funds (approximately \$????).

3. Commitments

- a. VDOT assistance in FY08 to be repaid (approximately \$250,000)
- b. Accrued, but unpaid, expenses from FY08
 - Legal/litigation (\$364,000) [Note: Bond counsel agreement provides for payment from proceeds of bond.]
 - Financial advice (\$64,000)
- c. FY08 year-end and audit costs (\$20,000) [Note: Estimate is higher than routine audit because it will NVTa's first audit.]

4. Responsibilities

- a. NVTa assumes operational responsibilities for:
 - Coordination of NVTa activities and meetings
 - Administrative support
 - Financial (operational budget and dedicated revenues, bonding)
 - Support to TAC and PCAC
 - Oversight of jurisdictional/agency projects that are based on NVTa funding
 - Web site
- b. Responsibilities retained by others:
 - Public relations/outreach (with NVTC/K. Quintana)
 - Legal advice by Council of Counsels
 - Staff support to JACC (retained by jurisdictions)

5. Staffing

- a. CFO; assume \$120,000 – starting August
- b. Accountant; assume \$70,000 – September

- a. Planner; assume \$65,000 - September
- b. Project implementation oversight; assume \$75,000 with PE - September
- c. Office manager; assume \$55,000 - July

1. NVTa provided benefits' costs

- a. Health/dental insurance: \$200 per person (family rate)
- b. FICA (6.2%) and Medicare (1.45%) taxes
- c. Life insurance: TBD (use VRS as exemplar)
- d. Short term accident/sickness insurance: \$1.50 per pay period
- e. Retirement: TBD (use VRS as exemplar)
- f. Unemployment (\$300 per employee)

2. Office space/operations (spread to reflect projected hire rate above)

- a. Retain current site
- b. Add 3 offices (July, August, September)
- c. Add PC hardware and software for 3 offices
- d. Payroll services
- e. Increase in liability insurance to cover additional offices
- f. Office equipment (computers, etc.) to be added
- g. Annual audit, etc.
- h. Banking fees (operational account)
- i. Web site support
- j. Risk insurance
- k. Office support (routine items and supplies)

3. Public hearings costs

- a. Three public hearings per year

4. Legal/Financial advisor costs

- a. Bond validation suit: \$25,000
- b. Financial advisor: \$50,000

5. Incidentals

- a. Staff travel (use Government rate)
- b. Staff certification/training (GFOA/CPA, CPE certifications, etc.)

XI.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

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

FROM: John Mason, Executive Director

SUBJECT: Revision of NVTB Bylaws

DATE: May 1, 2008

ISSUE(S): The NVTB Bylaws need revision to bring them into line with current practice and structure of NVTB.

RECOMMENDATION: Review and comment on attached draft revision.

PROPOSED MOTION: N/A

SUMMARY:

- The current NVTB Bylaws were adopted January 9, 2003. With experience of five years, HB3202, and anticipated structural approaches for NVTB, it is appropriate to bring Bylaws up to date.
- The Bylaws require two “readings” to approve any changes. This item is the first “reading”. The second is anticipated to be at the June meeting.
- The attached “clean draft with comments” maintains much of the previously approved Bylaws.
- The key substantive changes include:
 - Addition of non-voting town representative.
 - Shifting annual organizational meeting from July to January (thereby aligning with most other regional bodies).
 - Deleting requirement for Authority members to “adopt” agenda at the beginning of each meeting. Given the advance notification of agenda, this seems unnecessary and has not been a practice to date.
 - New article created to define roles of standing committees (Finance, JACC, TAC, and PCAC).
 - CEO position has been redefined as Executive Director. No doubt the General Assembly’s use of CEO was with the notion that NVTB would/could become an operating agency. If it does, then it would be appropriate to implement the CEO title.
- Differing views exist in one area – Article VI.A(1). NVTB Long Range Transportation Plan (page 11). Some members of the JACC urged that a phrase be added to this section to require that LRTP be consistent with jurisdictional

comprehensive plans. It has been suggested that a sentence be added along these lines: “In achieving regional consensus, it is desirable that NVTA secure the formal approval of each of its member jurisdictions before adoption of the plan.” After considering, I have not included for two key reasons: (1) The language shown is statutory; and (2) NVTA’s charge is to think regionally – “The Authority shall prepare a regional transportation plan . . . , to include . . . transportation improvements of regional significance” (emphasis added).

- Stylistic changes include:
 - Change from “Chair” to “Chairman”. This is based on NVTA practice and pattern often followed in region. It is understood that a female chairman would be referred to as “Madam Chairman”.
 - When referring to Long Range Transportation Plan and Six Year Program, “NVTA” has been inserted before each. This is to ensure clarity between NVTA plans and programs and those done by others (e.g., VDOT).
- The Bylaws will be brought forward in June for adoption.

FISCAL IMPACT: None as a result of the Bylaws themselves. Holding a separate public hearing prior to adoption of budget will entail a small cost.

COORDINATION:

- Finance Committee (No comments)
- Council of Counsels (Comments incorporated)
- JACC (See “differing view” comment above)

ATTACHMENT(S):

- A. Proposed Revision of Bylaws
- B. Bylaws adopted in 2003

BYLAWS
OF
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

ARTICLE I

POWERS AND DUTIES

The Northern Virginia Transportation Authority, (the “Authority”) shall have all of the rights, powers and duties, and shall be subject to the limitations and restrictions, set forth in Chapter 48.2 of Title 15.2 of the Code of Virginia, the Northern Virginia Transportation Authority Act, §15.2-4829 *et seq. Va. Code Ann.*, as such may be amended from time to time.

ARTICLE II

MEMBERSHIP

A. **Jurisdictions Embraced by Authority.** The Authority shall embrace the counties of Arlington, Fairfax, Loudoun, and Prince William, and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

B. **Authority Members.** The Authority shall consist of seventeen (17) members as follows:

Comment [JM1]: Added town representative.

- (1) The chief elected officer of the governing body of each of the counties and cities embraced by the Authority. The chief elected officer may, in his or her discretion, appoint a designee upon written notice signed by the chief elected officer provided to the Chairman, which designee shall be a current elected officer of the same governing body as the chief elected officer, to serve as a member of the Authority in the place and stead of the chief elected officer and who shall serve until the designee resigns as the designee or ceases to be an elected officer of the governing body, the chief elected officer making the appointment leaves office, the chief elected officer replaces the designee, or the duration of the designation expires.
- (2) Two members of the House of Delegates who reside in different counties or cities embraced by the Authority. The House members shall be appointed to the Authority by the Speaker of the House and shall be, to the extent practicable, from

the membership of the House Committee on Appropriations, the House Committee on Finance, or the House Committee on Transportation.

- (3) One member of the Senate who resides in a county or city embraced by the Authority. The Senate member shall be appointed by the Senate Committee on Privileges and Elections and shall be, to the extent practicable, from the membership of the Senate Committee on Finance and the Senate Committee on Transportation.
- (4) Two citizens appointed by the Governor. One of the citizens shall be a member of the Commonwealth Transportation Board who resides in a county or city embraced by the Authority. The other citizen appointed by the Governor shall be a person who has significant experience in transportation planning, finance, engineering, construction, or management who resides in a county or city embraced by the Authority but who is not a resident of the same county or city as the other citizen appointed by the Governor to the Authority.
- (5) The Director of the Virginia Department of Rail and Public Transportation, or his or her designee, shall be a non-voting member of the Authority.
- (6) The Commonwealth Transportation Commissioner, or his or her designee, shall be a non-voting member of the Authority.
- (7) The chief elected officer of one town in a county which the Authority embraces to be chosen by the Authority shall be a non-voting member of the Authority.

Comment [JM2]: Added for town representative

ARTICLE III

OFFICERS AND DUTIES

- A. **Officers.** The Authority shall annually elect from its members a Chairman and a Vice Chairman. The Authority may further elect such other subordinate officers from among its members as it may from time to time deem appropriate. The election of officers shall be conducted in accordance with the voting procedures set forth in Article IV, section L.
- B. **Terms of Office.** Officers of the Authority shall be elected at the annual organizational meeting of the Authority to serve for a term of one (1) year, unless sooner removed by the Authority, the officer ceases to be a member of the Authority, or until a successor is elected. All officers shall be eligible for re-election. Any vacancy occurring in an office will be filled for the unexpired term by the Authority at the next regular meeting following the occurrence of such vacancy.
- C. **Appointment.** At a regular meeting held preceding the annual organizational meeting at which the election of officers will be held, the Chairman shall appoint a nominating

committee. At the annual organizational meeting, the nominating committee shall submit the name or names of one or more persons for each office to be filled. Further nominations may be made by any member at the annual meeting.

- D. **Chairman.** The Chairman shall preside over all meetings of the Authority at which he or she is present, and shall vote as any other member. The Chairman shall be responsible for the implementation of the actions taken and policies established by the Authority, shall have all of the powers and duties customarily pertaining to the office of Chairman, and shall perform such other duties as may from time to time be established by the Authority.
- E. **Vice Chairman.** In the event of the absence of the Chairman, or the inability of the Chairman to perform any of the duties of the office or to exercise any of the powers thereof, the Vice Chairman shall perform such duties and possess such powers as are conferred on the Chairman, and shall perform such other duties as may from time to time be assigned to the Vice Chairman by the Chairman or be established by the Authority.

ARTICLE IV

MEETINGS

- A. **Annual Organizational Meeting.** Effective with calendar year 2009, the Authority hereby establishes as its annual organizational meeting the first meeting held by the Authority in the month of January.
- B. **Regular Meetings.** At its annual organizational meeting, the Authority shall adopt a schedule of times, dates, and places of its regular meetings for the relevant calendar year, and shall assess the need for adoption of, or revisions to, meeting procedure rules for the Authority.
- C. **Changing Meetings.** The Authority may change the date, time, or place of any regular meeting to another, when such change is deemed necessary by the Authority, or it may establish additional regular meetings in any month. The Authority may eliminate any regular meetings shown on its annual schedule of meeting dates in the event that it determines that it can successfully complete its work in fewer meetings.
- D. **Special Meetings.** Special meetings shall be held when requested by two or more Authority members. Such request shall be in writing, addressed to the Chairman, and shall specify the matter(s) to be considered at the meeting. Upon receipt of such request, the Chairman shall immediately ensure the necessary coordination for a meeting site and time and cause notice to be provided to each member of the Authority to attend the special meeting at the time and place specified. Such notice shall specify the matter(s) to be considered at the meeting, and shall be sent by electronic (e.g., email) or telephonic means. No matter not specified in the notice

Comment [JM3]: Shifted annual organizational meeting from July to January.

Comment [JM4]: Paragraph slightly revised – rather than requestor designating time and place, Chairman is given responsibility.

shall be considered at such meeting unless all of the members of the Authority are present.

E. **Adjourned Meetings.** Any regular or special meeting may be adjourned to a date and time certain.

F. **Public Notice.** All meetings of the NVTa shall be preceded by public notice of at least three business days. Public notice shall include, as a minimum, providing the date, time and place, as well as the agenda, for all meetings on the NVTa website and available in the office of the Executive Director. Notice shall be posted on the NVTa website and at the NVTa office site.

Comment [JM5]: New item. Previously, 5 day notice was included in one of the subsections. Should be a separate item so it's clearly applicable to all meetings.

G. **Public Hearing.** Public hearings may be held at the direction of the Authority and shall, unless otherwise specified by the Authority or these Bylaws, be upon notice provided on the NVTa website and in a newspaper or newspapers having general circulation in the geographic area encompassed by the Authority.

Comment [JM6]: Added NVTa website.

Comment [JM7]: Previously required notice in newspapers for two weeks. Specific number of times not required by FOIA.

H. **Open Meetings.** All Authority meetings shall be open to the public in accordance with The Virginia Freedom of Information Act (§2.2-3700 *et seq. Va. Code Ann*), provided that the Authority may meet in closed session for those purposes authorized by, and held in accordance with the requirements of The Virginia Freedom of Information Act, to include requirements for public notice.

I. **Quorum.** A majority of the Authority, which majority shall include at least a majority of the representatives of the counties and cities embraced by the Authority and a majority of the members of the Authority, shall constitute a quorum. The three nonvoting members of the Authority shall be included for purposes of constituting a quorum.

Comment [JM8]: Added "majority of members" (left out in original).

Comment [JM9]: Changed from 2 to 3 based on additional of town representative.

J. **Temporary Absence.** No decision shall be made by the Authority unless a quorum is present; provided, however, that the temporary absence from the meeting room of members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations or the discussion of matters submitted to the Authority. The Chairman or any other Authority member may suggest the absence of a quorum prior to the taking of any action by the Authority, but a failure to suggest the absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as a prerequisite to any decision.

K. **Decisions of the Authority.** The Authority shall act in one of the following ways:

(1) **Resolution** - The Authority may act upon adoption of a resolution. Resolutions shall be in writing, and a copy shall be delivered to all members of the Authority, to the extent practicable, at least one week before the resolution is proposed for adoption.

Comment [JM10]: "to the extent practicable" added to allow for unusual circumstances.

- (2) Motion - The Authority may act on oral motion made by a voting member of the Authority.

L. Voting.

- (1) Votes - Votes shall be taken only upon motions made and seconded. Each member of the Authority, with the exception of the Director of the Virginia Department of Rail and Public Transportation, or his designee, the Commonwealth Transportation Commissioner, or his designee, and the town representative, shall be entitled to one (1) vote in all matters requiring action by the Authority. Decisions of the Authority shall require the affirmative vote of two-thirds of the Authority members present and voting, and two-thirds of the representatives of the counties and cities embraced by the Authority who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Authority. However, no vote to fund a specific facility or service shall fail because of the aforesaid population criterion if such facility or service is not located or to be located, or provided or to be provided within the county or city whose representative's sole negative vote caused the facility or service to fail to meet the population criterion. For purposes of the foregoing, the population of the counties and cities embraced by the Authority shall be determined in accordance with Article VIII, section D of these Bylaws.
- (2) Methods of Voting - All voting shall be taken by voice or by roll call if requested by any voting member of the Authority.
- (3) Restating the Question - The Chairman shall restate the question prior to the taking of a vote, provided, however, that at the request of the Chairman, an Authority member may restate the question if it is the opinion of the Chairman that such procedure will expedite the decision of the question.
- (4) Reconsideration - Action on a resolution or motion may be reconsidered only upon motion of a member voting with the prevailing side on the original vote, which motion must be made at the same or immediately subsequent regular meeting. A motion to reconsider may be seconded by any member. Any such matter defeated by a tie vote may be reconsidered upon motion by any Authority member having voted to defeat the matter at the same or the next regularly scheduled meeting.

Comment [JM11]: Added town representative.

- M. Commencement of Meetings.** At the times specified for the commencement of regular meetings, and at the hour specified for adjourned or special meetings, the Chairman shall call the meeting to order, and shall ensure that the presence or absence of Authority members is noted. A quorum shall be required for the commencement of any meeting.

- N. Agenda.** The Chairman shall cause to have prepared an agenda for each meeting. Any member having matters to be considered by the Authority shall submit them to the Chairman for inclusion on an appropriate agenda. The agenda for an upcoming

Comment [JM12]: Previously, there was a requirement for members to adopt the agenda at each meeting. This has not been NVTA's practice.

meeting shall be sent to the Authority members at least one (1) week prior to the meeting date.

- O. **Minutes.** Minutes of the meetings of the Authority shall be kept, which minutes shall be a public record, except closed sessions. Copies of the minutes shall be provided to each member of the Authority prior to the meeting at which the minutes are to be presented for approval by the Authority.

Comment [JM13]: Deleted requirement for electronic version. Not required by §2.2-3707.1, Va. Code.

Comment [JM14]: Requirement for electronic version deleted as not required by FOIA. Good practice, so we'll do; but not required.

- P. **Closed Sessions.** If a closed session is required at a meeting, consistent with the purposes permitted by *Va. Code Ann. §2.2-3711*, the agenda shall specify a time or position on the agenda, generally after all public business has concluded, for such a closed session properly called and conducted in accordance with The Virginia Freedom of Information Act §2.2-3712. When so requested, the Chairman may permit a closed session at any other time prior to consideration of any agenda item.

Comment [JM15]: Added "or position on the agenda" as it's challenging to project a time.

Q. **Order in Conduct of Business.**

- (1) Persons Addressing the Authority – Prior to public comment and public hearings, the Authority will provide guidelines for length of presentations by individuals and group representatives. Persons speaking at public hearings shall confine their remarks to the subject of the public hearing. At the discretion of the Chairman, the conduct of business by the Authority may be reordered to allow earlier consideration of matters about which a substantial number of persons desire to address the Authority. Persons addressing the Authority may furnish the Chairman and members of the Authority with a written copy of their remarks, at or before the meeting.
- (2) Recognition - Recognition shall be given only by the Chairman. No person shall address the Authority without first having been recognized.
- (3) Questions - Questions by members of the Authority shall be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process, and duplicating ground the speaker may cover.
- (4) Authority Discussion - Discussion and debate by the Authority shall be conducted following the presentation of the item of business pending. Members shall not speak to the item until recognized by the Chairman.

Comment [JM16]: Deleted specified 3 minute and 5 minute limits to allow for flexibility.

R. **Decorum.**

- (1) Authority Members - Decorum of Authority members shall be maintained in order to expedite disposition of the business before the Authority. Questions and remarks shall be limited to those relevant to the pending business. Members shall address all remarks to the Chairman.

- (2) Others - Decorum of persons other than members shall be maintained by the Chairman, who may request such assistance as may appear necessary. Persons addressing the Authority shall first be recognized by the Chairman and shall audibly state their name and address, and, if applicable, who they represent. Speakers shall limit their remarks to those relevant to the pending items and to answering questions. They shall address the Authority as a whole unless answering an individual member's questions. Persons whose allotted time to speak has expired shall be warned by the Chairman to conclude after which such person shall leave, unless he or she is asked to remain to answer questions from the Authority. The Chairman shall call the speaker to order if out-of-order remarks are made or other indecorous conduct occurs. If such persists, the Chairman shall rule the speaker out of order and direct the speaker to leave. Groups or a person in the audience creating an atmosphere detrimental or disturbing to the conduct of the meeting will be asked to leave by the Chairman.

ARTICLE **V**

Comment [JM17]: Created new article to define committees and their roles.

COMMITTEES

- A. Open Meeting Requirement.** Consistent with § 2.2-3701 and § 2.2-3707Va Code Ann., all committees and subcommittees of the Authority shall comply with the open meeting requirements of the The Virginia Freedom of Information Act.

Comment [JM18]: Added to conform to FOIA requirement. It may be argued that the JACC is not required to comply, however it is good practice.

B. Finance Committee.

- (1) Charge. This committee shall be responsible for advising the Authority on all financial matters and overseeing financial activities undertaken by the NVTa professional staff, including:
- (a) Reviewing, commenting on, and recommending the annual budget presented by the Executive Director
 - (b) Reviewing, commenting on, and recommending any budget amendments presented by the Executive Director
 - (c) Overseeing the NVTa's financial policies (e.g, bond, investment, procurement, risk management) and making appropriate recommendations
 - (d) Monitoring contracts for incidental services, including incidental financial services, and recommending task orders
 - (e) Monitoring NVTa's expenditures for compliance with policies and guidance of the NVTa
 - (f) Reviewing annual revenue estimates

(g) Approving the selection of an audit firm and audit work plan supporting the annual preparation of financial statements

Comment [JM19]: Added phrase.

(h) Assisting with other financial activities as may be directed by the NVTa.

(2) Membership. The Committee shall consist of five (5) members of the NVTa appointed by the Chairman for staggered two year terms.

(3) Chairman. The chairman and the vice chairman of the Committee shall be appointed by the Chairman of the NVTa.

(4) Staff Support. Staff support will be provided by the NVTa staff. As requested by the committee chairman, additional support may be provided by jurisdictional or agency staffs.

(5) Quorum and Voting. A quorum shall consist of a majority (3) of the committee members. The committee shall strive for consensus when developing recommendations. Approval of recommendations or actions shall require an affirmative vote of a majority of the members present, which shall include at least three jurisdictional representatives in the affirmative.

Comment [JM20]: Not previously defined.

C. Jurisdictional and Agency Coordinating Committee (JACC).

(1) Charge. This committee shall be responsible for providing principal technical analysis, advice and recommendations to the NVTa on:

(a) Transportation projects and services and related financial considerations

(b) Regional transportation planning

(c) Long range planning

(d) Air quality

(e) Legislation

(f) Testimony to the Commonwealth Transportation Board (CTB).

(g) Development of the NVTa Six Year Program in collaboration with the Planning Coordination Advisory Committee (PCAC) and the Technical Advisory Committee (TAC).

Additionally, the Committee shall provide inter-jurisdictional/agency coordination in coordination with the NVTa professional staff.

- (2) Membership. The committee shall consist of one staff person from each of the embraced Northern Virginia jurisdictions, towns that receive road maintenance funding, and relevant agencies (e.g., VDOT, DRPT, WMATA, VRE, NVTC, PRTC, NVRC, MWAA). Members (and, if desired, **alternatives**) shall be appointed by the chief administrative officer or the chief executive officer of each of the jurisdictions or agencies or his/her designee.
- (3) Chairman. The chairman (to be selected from a member jurisdiction) and vice chairman (to be selected from a different member jurisdiction) shall be selected by the members of the committee and approved by the NVTa.
- (4) Staff **Support**. Staff support shall be provided by jurisdictional and agency staffs.
- (5) Quorum and Voting. A quorum shall consist of a majority of the committee members. For voting purposes, only one member per jurisdiction or agency will represent that jurisdiction or **agency**. The committee shall strive for consensus when developing recommendations. In the event that consensus cannot be achieved, approval of recommendations or other actions shall require an affirmative vote of two-thirds of the members, including two-thirds of the jurisdictional members present representing two-thirds of the NVTa's regional population. For purposes of such votes, town populations shall be subtracted from county populations and voted independently. If consensus is not achieved, communication to the NVTa should discuss both majority and minority positions.

Comment [JM21]: Added to provide for alternates.

Comment [JM22]: Resolution 14C-08 states that staff support shall be provided by the NVTa executive director. Given guidance to have a small NVTa staff, it is not realistic (at least for several years) to envision an NVTa staff of the competence and depth to support JACC.

Comment [JM23]: Typically, there may be multiple attendees from a jurisdiction or agency. Sentence added for clarity.

D. Technical Advisory Committee (TAC).

- (1) Charge. This committee of individuals with multi-modal expertise and regional focus shall be responsible for reviewing the development of major projects and potential funding strategies and providing recommendations to the NVTa. "Development of projects" means the identification of projects for the NVTa Long Range Transportation Plan and the NVTa Six Year Program, and the application of performance-based criteria to the projects identified.
- (2) Membership. The committee shall consist of nine (9) individuals who reside or are employed in counties and cities embraced by the Authority and have experience in transportation planning, finance, engineering, construction, or management. An effort shall be made to have multi-modal representation, to include highway, transit, pedestrian, and bicycle expertise as well as being balanced regionally. The NVTa will recommend a list of members each year and request that the chief elected officer from relevant jurisdictions appoint selected persons to the **committee**. Initially, half the locally appointed members will serve a one (1) year term. The other half will serve two (2) year terms. Subsequently, members will serve three (3) year terms. The chairman

Comment [JM24]: Statue requires that local jurisdictions appoint. Sentence added to provide process.

of the Commonwealth Transportation Board (CTB) will appoint three members to three (3) year terms. Locally appointed members may be removed by the Chairman of the NVTA for failure to attend three consecutive meetings or if the member no longer resides or is employed in an NVTA jurisdiction.

- (3) Chairman. The chairman and vice chairman shall be appointed by the Chairman of the NVTA.
- (4) Staff Support. Staff support shall be provided by NVTA professional staff, with additional support as may be needed from time to time from the Jurisdictional and Agency Coordinating Committee (JACC).
- (5) Quorum and Voting. A quorum shall consist of a majority (5) of members. The committee shall strive for consensus when developing recommendations. If consensus cannot be achieved, majority and minority reports that identify issues that need to be addressed shall be presented to the NVTA.

E. Planning Coordination Advisory Committee (PCAC).

- (1) Charge. This committee shall be responsible for advising the NVTA on broad policy issues related to the periodic update of the NVTA's Long Range Transportation Plan (e.g., TransAction 2030) and the development of the NVTA's Six Year Program with special consideration to regional transportation, land use and growth issues and provide advisory recommendations to the NVTA.
- (2) **Membership.** All members shall be elected officials from jurisdictions embraced by the NVTA. Such membership shall include, as a minimum, one elected official from each town that is located in any county embraced by the NVTA and receives street maintenance payments. [Remaining membership TBD.]
- (3) Chairman. The chairman and vice chairman shall be appointed by the Chairman of the NVTA.
- (4) Staff Support. Staff support shall be provided by the NVTA staff. The chairman may request additional support from jurisdictional and agency staffs as needed.
- (5) Quorum and Voting. A quorum shall consist of a majority of the committee members. The committee shall strive for consensus when developing recommendations. In the event that consensus cannot be attained, approval of an advisory recommendation or other actions shall require an affirmative vote of two thirds of the members present representing two thirds of the region's

Comment [JM25]: Membership TBD.

population. For purposes of such votes, town populations shall be subtracted from county populations and voted independently.

- F. **Ad Hoc Committees.** As needed, the chairman of the NVTa may appoint ad hoc committees to pursue specific tasks (e.g., nominating committee).

ARTICLE VI

NVTa TRANSPORTATION PLAN

- A. **NVTa Regional Transportation Plan.** The Authority shall adopt a NVTa Regional Transportation Plan for Northern Virginia. The Plan shall consist of the NVTa Long Range Transportation Plan and the NVTa Six Year Program.

- (1) NVTa Long Range Transportation Plan. The Authority shall adopt an unconstrained NVTa Long Range Transportation Plan (*TransAction 2030* or its successor) for Northern Virginia. In carrying out this responsibility, the Authority shall, on the basis of regional consensus, set regional transportation policies and priorities for regional transportation projects. The policies and priorities shall be guided by performance-based criteria such as the ability to improve travel times, reduce delays, connect regional activity centers, improve safety, improve air quality, and move the most people in the most cost-effective manner.

- (2) NVTa Six Year Program. The Authority shall adopt a NVTa Six Year Program for Northern Virginia that includes, but not necessarily be limited to, transportation improvements of regional significance and those improvements necessary or incidental thereto. The NVTa Six Year Program shall include all transportation improvements to be funded from NVTa-generated funding over a six (6) year period. The Authority shall from time to time, not less than annually, review and, as necessary, revise and amend the Six Year Program. The provisions of §§15.2-4527 *et seq.*, *Va Code* shall apply to preparation and adoption of the Six Year Program.

- B. **Procedure for Adoption and Amendment of Long Range Transportation Plan and Six Year Program.** The Long Range Transportation Plan and the Six Year Program, separately or at the same time, shall be adopted, altered, revised or amended only after a public hearing held upon thirty (30) days' notice consistent with NVTa public notice procedures.

ARTICLE VII

ADMINISTRATION

Comment [JM26]: "NVTa" added to plans to make clear that these are NVTa plans (therefore, do not, by definition, include VDOT plans).

Comment [JM27]: JACC has suggested the insertion of a new sentence: "In achieving regional consensus, it is desirable that NVTa secure the formal approval of each of its member jurisdictions before adoption of the plan." ED comment: Recommend that this sentence not be added. It creates an additional hurdle when attempting to develop a regional approach to a regional plan. As each jurisdiction is represented on the Authority and each jurisdiction is represented on the JACC committee, it does not seem necessary and sends the wrong signal with respect to NVTa's intent to think regionally.

- A. **Executive Director.** The Authority shall employ an Executive Director who shall have direct authority for the employment, retention, and supervision of all of the other employees of the Authority. The Executive Director shall have direct control, subject to the Authority, of the management of the day-to-day administrative affairs of the Authority. The Executive Director shall propose activities to the Authority and shall carry out policies, programs and projects approved by the Authority, and shall be responsible for preparing and presenting the annual budget. The Executive Director may not contemporaneously serve as a member of the Authority.
- B. **Staff.** The Authority may employ such staff of qualified professional and other persons as the Authority determines to be necessary to carry out its duties and responsibilities. Staff of the Authority may not contemporaneously serve as a member of the Authority.
- C. **Execution of Instruments.** The Executive Director, on specific authorization by the Authority, shall have the power to sign or countersign in its behalf any agreement or other instrument to be executed by the Authority including checks and vouchers in payment of obligations of the Authority.

Comment [JM28]: Legislation creating NVTa calls for a chief executive officer. As a practical matter, until such time as the Authority may become an operating agency, the characterization as executive director is more appropriate.

ARTICLE VIII

FINANCES

- A. **Finances and Payments.** The monies of the Authority shall be deposited in a separate bank account or accounts in such banks or trust companies as the Authority designates, and all payments (with the exception of those from petty cash) shall be made in the most practicable manner as determined by the Authority. Checks and drafts shall be signed in the name of the Authority by the Executive Director or, in the Executive Director's absence, those authorized from time to time by vote of the Authority. An Authority financial policy shall be developed that prescribes threshold requiring any countersignatures.
- B. **Audits.** At least once each year, the Authority shall cause an audit to be made by an independent certified public accountant of all funds of the Authority. Such audits will, at a minimum, obtain an opinion as to the accuracy of the annual financial statements from a certified public accounting firm. Additional audit activity may be obtained by the Finance Committee as it deems prudent.
- C. **Budget and Fiscal Year.** After a duly convened public hearing held in accordance with the requirements of these Bylaws, the Authority shall adopt an annual budget prior to the start of its fiscal year which budget shall provide for all of the revenues and the operating, capital, and administrative expenses of the Authority for the fiscal year. The fiscal year of the Authority will commence on July 1st each year and will terminate on the following June 30th.

Comment [JM29]: Two sentences added.

Comment [JM30]: NVTa has included consideration of budget in the context of Six Year Program approval. As budgets and Six Year Programs may be adopted at different times, this will require a third public hearing annually.

- D. **Administrative Expenses.** The administrative expenses of the Authority, as provided for in the Authority's annual budget, and which shall not include funds for construction or acquisition of transportation facilities and/or the performance of any transportation service, shall be allocated, to the extent funds for such expenses are not provided for from other sources, among the component counties and cities on the basis of relative population as determined by the most recently preceding decennial census, except that on July 1 of the fifth (5th) year following such census, the population of each county and city shall be adjusted based on population projections made by the Weldon Cooper Center for Public Service of the University of Virginia.
- E. **Per Diem Payments.** The Authority may pay its members for their services to the Authority a per diem in either: (1) the amount provided in the general appropriations act for members of the General Assembly engaged in legislative business between sessions, or (2) a lesser amount determined by the Authority.
- F. **Bond of Officers and Others.** The officers of the Authority and such employees as the Authority so designates, may, prior to taking office or starting employment, respectively, be required by the Authority to give bond payable to the Authority conditioned upon the faithful discharge of that officer or employee's duties, in such amount as the Authority may require. The premium for each such bond shall be paid by the Authority and the bond(s) shall be filed with the Authority. The Authority may fulfill this bonding requirement through plans or agreements offered by the Commonwealth of Virginia.

Comment [JM31]: Final sentence added.

ARTICLE IX

AMENDMENTS

Any proposed amendment, repeal or alteration, in whole or in part, of these Bylaws shall be presented in writing and read for a first time at a regular meeting of the Authority. Such proposal may be considered and amended at such meeting, but shall not be acted on by the Authority until a subsequent regular meeting or a special meeting called for the purpose. At such subsequent meeting, such proposal shall be read a second time, shall be subject to further consideration and amendment germane to the section or sections affected by such proposal, and shall thereafter be acted on in accordance with the voting requirements of these Bylaws.

ARTICLE X

PROCEDURES

Parliamentary Procedure. In all matters of parliamentary procedure not specifically governed by these Bylaws or otherwise required by law, the current edition of *Robert's Rules of Order, newly revised*, shall apply.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

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

FROM: John Mason, Executive Director

SUBJECT: Update on Refund Process

DATE: May 1, 2008

ISSUE(S): Status of refunding revenues based on HB3202 taxes and fees.

RECOMMENDATION: Review status.

PROPOSED MOTION: *N/A*

SUMMARY:

- To date, a total of \$13,883,752 has been remitted from NVTa to circuit courts and the State Treasurer.
- A few funds (e.g., transient occupancy tax) remain “in the pipeline”.
- Anticipate that all taxes and fees will be remitted by mid-May.

FISCAL IMPACT: None.

COORDINATION:

- M. Longhi
- S. Kalkwarf

ATTACHMENT: Statement of Collections by Jurisdiction and Refunds

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY
STATEMENT OF COLLECTIONS BY JURISDICTION AND REFUNDS (Cash Basis)
JANUARY 1, 2008 THROUGH APRIL 29, 2008

	<u>Grantor's Tax</u>	<u>Initial Vehicle Registration Fee</u>	<u>Motor Vehicle Rental Tax</u>	<u>Regional Registration Fee</u>	<u>Safety Inspection Fee</u>	<u>Auto Repairs Sales Tax</u>	<u>Transient Occupancy Tax</u>	<u>Total</u>
Collections:								
Alexandria	\$ 258,017	\$ -	\$ -	\$ -	\$ 160,530	\$ -	\$ -	\$ 418,547
Arlington	1,499,010	-	-	-	135,770	-	-	1,634,780
City of Fairfax	73,487	-	-	-	107,110	-	-	180,597
Fairfax County	4,538,780	-	-	-	824,610	-	-	5,363,390
Falls Church	147,225	-	-	-	29,530	-	-	176,755
Loudoun	2,234,390	-	-	-	246,649	-	127,469	2,608,507
Manassas	270,611	-	-	-	94,668	-	-	365,279
Manassas Park	130,700	-	-	-	14,350	-	-	145,050
Prince William	2,748,592	-	-	-	277,356	-	7,917	3,033,866
Total Collections	11,900,813	-	-	-	1,890,573	-	135,386	13,926,771
Refunds:								
Courts	(11,900,813)	-	-	-	-	-	-	(11,900,813)
VA Division of Unclaimed Property	-	-	-	-	(1,847,553)	-	(135,386)	(1,982,939)
Total Refunds	(11,900,813)	-	-	-	(1,847,553)	-	(135,386)	(13,883,752)
Balance Due	\$ -	\$ -	\$ -	\$ -	\$ 43,020	\$ -	\$ -	\$ 43,020

Note: The schedule represents collections deposited into NVTa's bank accounts through April 29th. Grantor's Tax refunds to the courts occurred during the month of April, while the refunds of the Safety Inspection Fees and Transient Occupancy Taxes to the Commonwealth of Virginia Division of Unclaimed Property reflected above are schedule to occur on May 1st.

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

MEMORANDUM

TO: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority

Members
Northern Virginia Transportation Authority

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

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

DATE: May 2, 2008

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

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

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

The significant changes to the CLRP include:

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

Chairman Christopher Zimmerman
Members, Northern Virginia Transportation Authority
May 2, 2008
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There are also a number of additional, but less significant, new projects included in the Virginia submissions. TPB staff has begun the process of preparing the air quality conformity analyses using these inputs. Currently, TPB is scheduled to consider adoption of the conformity analysis, as well as the 2008 CLRP and FY 2009-2014 TIP in July 2008.

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

The original conformity analysis will proceed with the inputs approved by the TPB in February, including all NVTa funded projects. This original conformity analyses will be ready to be released for public comments in June 2008, and is scheduled to be adopted by the TPB in July 2008, along with the FY 2009-2014 TIP. Plan A can only be used, if the General Assembly restores the NVTa funding. As a result of the loss of NVTa revenues, on April 16, 2008, the TPB approved a second list of projects for a parallel 2008 CLRP air quality conformity effort. This second list deletes projects that were expected to be funded with NVTa revenues (see attachment I).

If second approach is pursued, the air quality conformity analyses for this revised 2008 CLRP and FY 2009-2014 TIP will not be ready by July 2008. In this case, the air quality conformity analysis would likely to be ready for public release in September 2008. TPB's adoption of the TIP and CLRP would be scheduled for October 2008.

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

If the NVTa funding is not restored, and it is necessary to use second analysis, TPB will be asked to adopt only the FY 2009 – 2014 TIP in July 2008, but not a 2008 CLRP. This TIP would remove all projects that are being added to the FY 2009 – 2014 TIP that affect air quality conformity. The existing the 2007 air quality conformity would remain in place. TPB would continue working on air quality conformity analyses for the second list of projects. In other words, the FY 2009 TIP that the TPB would consider adopting in July 2008 would be an air quality conformity neutral TIP, and would not include all of the new funding obligations provided by VDOT's Programming Division.

Chairman Christopher Zimmerman
Members, Northern Virginia Transportation Authority
May 2, 2008
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This approach will allow VDOT to meet the September deadline to have a FY 2009 STIP adopted for the state. Using this approach, the TPB will consider adopting the 2008 CLRP in October 2008 along with an amended FY 2009 – 2014 TIP which would then include all the projects that were removed from the FY 2009 – 2014 TIP approved in July 2008. This October FY 2009 - 2014 TIP will reflect all of the funding information provided by VDOT's Programming Division. Once the air quality conformity analysis for this TIP is approved (likely in early December) VDOT will amend its STIP and add the new projects into the STIP (this may happen by late Jan 2009).

Jurisdiction and Agency Coordinating Committee members discussed these proposals with TPB and VDOT staff and believe that they represent the best options to move the programming documents forward without knowing the outcome of any General Assembly action later this Spring. JACC members will be available at the May 8, 2008, NVTA meeting to answer questions.

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

ITEM 8 - Action

April 16, 2008

Approval of a Contingency Course of Action for the Air Quality Conformity Assessment for the 2008 CLRP and FY 2009-2014 TIP which Does Not Rely on Funding From the Northern Virginia Transportation Authority (NVTa)

Staff

Recommendation: Adopt Resolution R22-2008 to approve a contingency course of action for the air quality conformity assessment for the 2008 CLRP and FY 2009-2014 TIP which does not rely on NVTa funding.

Issues: None

Background: At the February 20 meeting, the Board approved the major projects submitted for inclusion in the air quality conformity assessment for the 2008 CLRP and FY 2009-2014 TIP. On February 29, the Virginia Supreme Court declared that the taxing ability of the NVTa was unconstitutional. Unless the Virginia General Assembly acts by June to restore this NVTa funding, certain projects approved by the TPB on February 20 for inclusion in the conformity assessment will have to be delayed or removed entirely from the 2008 CLRP and FY 2009 -2014 TIP. Due to the uncertainty of the NVTa funding for some of the projects approved by the TPB on February 20, the Board will be briefed on a contingency course of action for the conformity assessment for the 2008

CLRP and FY 2009 -2014 TIP which does not rely on NVTa funding, as described in the attached memorandum.

**NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 NORTH CAPITOL STREET, N.E.,
WASHINGTON, D.C. 20002-4239**

**RESOLUTION TO APPROVE
A CONTINGENCY COURSE OF ACTION
FOR THE AIR QUALITY CONFORMITY ANALYSIS FOR
THE 2008 CONSTRAINED LONG RANGE PLAN (CLRP) AND
FY 2009-2014 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)
WHICH DOES NOT RELY ON FUNDING FROM THE NORTHERN VIRGINIA
TRANSPORTATION AUTHORITY (NVTa)**

WHEREAS, the National Capital Region Transportation Planning Board (TPB), as the metropolitan planning organization for the Washington Metropolitan Area, has the responsibility under the provisions of Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, on February 20, 2008, the TPB adopted resolution R15-2008 approving a set of project submissions, some of which include Northern Virginia Transportation Authority (NVTa) funded projects, for inclusion in the air quality conformity assessment for the 2008 CLRP and FY 2009-2014 TIP ; and

WHEREAS, the schedule calls for the TPB to release the 2008 CLRP, the FY 2009 -2014 TIP and conformity assessment for public comment in June and for adoption in July; and

WHEREAS, on February 29, 2008 the Virginia Supreme Court declared that the taxing ability of the NVTa was unconstitutional; and

WHEREAS, in the attached letter of March 6, 2008 to the Virginia Department of Transportation (VDOT), the Virginia Division of the Federal Highway Administration (FHWA) states that any amendments to the CLRP or TIP must reflect the current revenue situation in order to meet federal fiscal constraint requirements, which means that unless the Virginia General Assembly acts by June to restore NVTa funding, certain projects approved by the TPB on February 20 for inclusion in the conformity assessment will have to be delayed or removed entirely from the 2008 CLRP and FY 2009 -2014 TIP; and

WHEREAS, in the attached letter of March 17, 2008 to Virginia Division of FHWA, VDOT expresses confidence that the Virginia General Assembly will, in the near future, provide a funding mechanism for raising additional transportation revenues for Northern Virginia; and

WHEREAS, if the NVTa funding has been restored by the Commonwealth by June, the

TPB will release the 2008 CLRP, the FY 2009 -2014 TIP and conformity assessment with the projects as approved on February 20 for public comment as scheduled originally; and

WHEREAS, due to the uncertainty of the NVTa funding for some of the projects approved by the TPB on February 20, a contingency course of action is required for the conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP; and

WHEREAS, in the attached letter of April 10, 2008, VDOT requests that the TPB have a contingency course of action for the 2008 CLRP and FY 2009-2014 TIP, with the following two components: (1) that TPB adopt an FY 2009 -2014 TIP in July so the VDOT portion of the TIP can be included in the new FY 2009 VDOT State Transportation Improvement Program (STIP) which needs to be approved by the FHWA and FTA by September of this year when the current STIP expires, and (2) that TPB conduct a conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP with an alternative set of project inputs that do not depend on NVTa funding; and

WHEREAS, a contingency course of action for the conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP with the two components requested by VDOT is described in detail in the attached memorandum to the TPB of April 10, 2008 ; and

WHEREAS, on April 16, 2008, the TPB was briefed on the contingency course of action and schedule, and the contingency set of project submissions that remove from the 2008 CLRP and FY 2009-2014 TIP those project inputs approved by the TPB in February which are dependent on NVTa funding and for which funding may no longer be reasonably expected to be available; and

NOW, THEREFORE, BE IT RESOLVED THAT the National Capital Region Transportation Planning Board approves the contingency course of action and schedule described in the attached memorandum of April 10 2008, and the contingency set of project submissions for inclusion in the air quality conformity assessment for the 2008 CLRP and FY 2009-2014 TIP, as described in the attachment to the VDOT letter of April 10, 2008.



U. S. Department
of Transportation

Virginia Division
(804) 775-3320

400 N. 8th Street, Rm. 750
Richmond, VA 23219

**Federal Highway
Administration**

March 6, 2008

Marsha Fiol, Division Administrator
Transportation and Mobility Planning Division
Virginia Department of Transportation
1401 East Broad Street
Richmond, Virginia 23219

Dear Ms. Fiol,

On Friday, February 29, 2008 the Virginia Supreme Court declared that the taxing ability granted to the regional transportation authorities in the Hampton Roads and Northern Virginia regions of the Commonwealth of Virginia during the 2007 Virginia General Assembly is unconstitutional. The Virginia Division of the Federal Highway Administration wishes to clarify the impact that this ruling may have on the transportation plans and programs in these regions.

As you know, federal transportation planning regulations require that metropolitan transportation plans, metropolitan transportation improvement programs (TIPs), and the statewide transportation improvement program (STIP) demonstrate fiscal constraint as to how projects therein will be implemented using funding sources that are reasonably expected to be available. The recent court ruling regarding the regional authorities established in Hampton Roads and Northern Virginia calls into question the availability of future revenues from these entities that may have been used to fiscally constrain metropolitan transportation plans, TIPs, and subsequently, the STIP.

In cases in which the FHWA and the FTA have found a metropolitan transportation plan, TIP, or the STIP to be fiscally constrained and a revenue source is subsequently removed or substantially reduced, the FHWA and the FTA will not withdraw the original determination of fiscal constraint on these planning documents. However, in such cases, federal action will not be taken on an updated or amended plan that does not reflect the changed revenue situation. Updates or amendments to a TIP, or the STIP would be acceptable as long as they do not include the removed or reduced sources of funding.

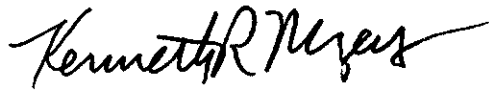
Federal actions include planning and conformity findings on plans and programs and approval of amendments to the STIP. If a plan, TIP or STIP lists revenues from these authorities as funding sources for projects therein, federal action will not be taken on these documents or projects therein until an alternative funding source is identified or the project is removed from the plan or program. Until federal action is deemed necessary on these documents, the fiscal constraint determination previously made is still considered valid.

An amendment is a revision to a long-range statewide or metropolitan transportation plan, TIP, or STIP that involves a major change to a project included in a metropolitan transportation plan, TIP, or STIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope (e.g., changing project termini or the number of through traffic lanes). An amendment requires public review and comment, redemonstration of fiscal constraint, or a conformity determination.

In summary, any amendments to the plans or programs must reflect the current revenue situation in order to meet Federal fiscal constraint requirements.

FHWA is committed to working cooperatively with the state and the MPOs to implement the statewide and metropolitan planning processes in Virginia. If you have additional questions please contact Kenneth Myers of my staff at (804) 775-3353.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth R. Myers".

for Roberto Fonseca-Martinez
Division Administrator

CC: Ms. Diane Mitchell, VDOT Programming Division
Mr. Dennis Heuer, VDOT Hampton Roads District
Mr. Morteza Salehi, VDOT Northern Virginia District
Mr. Author Collins, Hampton Roads Planning District Commission
Mr. Ronald Kirby, Metropolitan Washington Council of Governments



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

David S. Ekern, P.E.
COMMISSIONER

March 17, 2008

Mr. Roberto Fonseca-Martinez
Virginia Division Administrator
Federal Highway Administration
400 N. 8th Street, Room 750
Richmond, VA 23219

Dear Mr. Martinez:

Thank you for your recent response to VDOT regarding the impact of the recent Virginia Supreme Court decision related to the unconstitutionality of regional transportation authorities levying taxes.

While we are certainly disappointed in the ruling and are concerned about the impact on the Commonwealth and the Metropolitan Planning Organizations' (MPOs) ability to amend their metropolitan plans, transportation improvement programs, and the statewide transportation improvement program, we are confident that the General Assembly will, in the near future, provide a funding mechanism for raising additional transportation revenues for these regions. The General Assembly's resolve to provide additional transportation revenues is evidenced by their action taken last year.

We appreciate your commitment to working with the Commonwealth and the MPOs to implement statewide and metropolitan planning processes in Virginia.

Sincerely,

A handwritten signature in dark ink, appearing to read "David S. Ekern".

David S. Ekern, P.E.
Commissioner

- c: Mr. Paul D. Fraim, Hampton Roads MPO Chairman
Mr. Phil Mendleson, National Capitol Transportation Planning Board Chairman
Mr. Kenneth R. Myers, FHWA
The Honorable Pierce R. Homer, Virginia Secretary of Transportation
Mr. Richard L. Walton, Jr., Chief Policy, Planning, and the Environment
Ms. Marsha C. Fiol, VDOT Planning Division
Ms. Diane Mitchell, VDOT Programming Division
Mr. Dennis Heuer, VDOT Hampton Roads District
Mr. Morteza Salehi, VDOT Northern Virginia District
Mr. Author Collins, Hampton Roads Planning District Commission
Mr. Ronald Kirby, Metropolitan Washington Council of Governments



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

DAVID S. EKERN, P.E.
COMMISSIONER

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

April 10, 2008

National Capital Region
Transportation Improvement Program Amendment

The Honorable Phil Mendelson, Chairman
National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol Street, N.E.; Suite 300
Washington, DC 20002-4201

Dear Chairman Mendelson:

In keeping with the TPB discussions on March 19, 2008, regarding the proposed changes to the previously approved (February 20, 2008) air quality conformity inputs for the 2008 CLRP/FY 2009-2014 TIP, the Virginia Department of Transportation (VDOT) submits the attached list of changes. The changes to the previously approved conformity inputs stem from the February 29, 2008 Virginia Supreme Court ruling that has, at the present time, impacted the funding available to the Northern Virginia Transportation Authority (NVTA) to advance transportation improvements projects/programs. Due to the uncertainty of the NVTA funding for some of the projects approved by the TPB on February 20, VDOT requests that TPB have a contingency course of action for the conformity assessment for the 2008 CLRP and FY 2009-2014 TIP.

Firstly, VDOT requests that the TPB take steps to adopt an FY 2009-2014 TIP in July so the VDOT portion of the TIP can be included in the new FY 2009 VDOT State Transportation Improvement Program (STIP) which needs to be approved by the FHWA and FTA by September of this year when the current STIP expires. This could be accomplished by releasing for public comment in June a FY 2009-2014 TIP that utilizes the conformity determination for the 2007 CLRP and FY 2008-2013 TIP approved by the TPB in January 2008 and only includes project funding and timing changes that do not affect conformity.

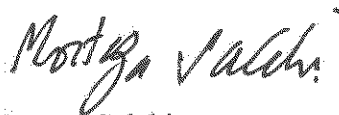
Dear Chairman Mendelson:
April 10, 2008

Secondly, VDOT requests that the TPB develop an alternative set of conformity inputs and conformity analyses for the 2008 CLRP/FY 2009-2014 TIP which would not include any projects depending on NVTA's funding. The projects in the attached list were previously included in the conformity inputs for the 2008 CLRP/FY 2009-2014 TIP and depended, wholly or in part, on NVTA funds. After having reviewed the NVTA list of proposed projects and examined the potential for alternative sources of funding, NVTA member jurisdiction staffs have provided VDOT the attached list of projects whose implementation has either been delayed or rendered uncertain at this time. The NVTA is scheduled to review the attached list of changes at their meeting later this afternoon. On behalf of all of the Northern Virginia jurisdictions and agencies, VDOT requests that TPB reflect the changes on the attached list in its contingency air quality conformity analysis for the 2008 CLRP/FY 2009-2014 TIP.

VDOT notes that the TPB will provide a public comment period once the air quality conformity analysis has been completed and prior to adopting the CLRP and TIP updates. We understand that the conformity analysis for the 2008 CLRP and associated FY 2009-2014 TIP update with this revised set of projects will not be ready for TPB approval in July, as per the previous schedule. VDOT was informed that the air quality conformity analysis will be ready for public comment in September and TPB's approval by October of this year. VDOT recognizes that extra time will be needed to conduct this conformity analysis and looks forward to the adoption of the new CLRP and TIP in October of this year should the contingency course of action be required.

Should you have any questions on the attached list, please do not hesitate to contact Ms. Jo Anne Sorenson, VDOT's Assistant District Engineer for Planning and Development.

Sincerely,



Morteza Salehi
District Administrator
VDOT – Northern Virginia District

cc:	Ms. Jo Anne Sorenson, VDOT- ADE, TPD	(w/ attach.)
	Ms. Marsha Fiol, VDOT- TMPD	“
	Ms. Dianne Mitchell, VDOT – PD	“
	Mr. William Cuttler, VDOT – ADE, PE	“
	Mr. John Lynch, VDOT- L&D	“
	Ms. Helen Cuervo, VDOT - ADE	“
	Mr. Farid Bigdeli, VDOT - ADE	“
	Ms. Renee Hamilton, VDOT - ADE	“
	Mr. Robert McDonald, VDOT-TPS	

Proposed Changes To The Conformity Inputs For The 2008 CLRP/FY 2009-2014 TIP

Highway Projects:

City of Alexandria:

1. Eisenhower Avenue widening. Delayed; 2009 to 2011

Fairfax County:

2. Fairfax County Parkway/Fair Lakes Interchange. Delayed; 2010 to 2011
3. Springfield Connectivity Study Recommendations Delayed; 2011 to 2014

City of Fairfax:

4. Northbound Chain Bridge Road/Willow Crescent Dr. - construct new intersection Delayed; 2009 to 2010

Loudoun County:

5. Construction of South Collector Road (Purcellville) from Route 690 to Route 7. Delayed; 2011 to 2015.
6. Construction of Route 15 Bypass interchange at Edwards Ferry Road. Delayed; 2015 to 2020.
7. Construction of Route 7/Route 659 interchange. Delayed; 2015 to 2020.
8. Widening of Route 15 from Evergreen Mill Road to the Leesburg City Limits. Delayed; 2011 to 2015.

Prince William County:

9. Widening of Route 1 (Neabsco Mills Road to Featherstone Road). Delayed; 2013. Change project to PE only.
10. Widening of Route 28 (Fitzwater Drive to Vint Hill Road). Drop from CLRP/Conformity.
11. Widening of Prince William County Parkway (Hoadly Road to Old Bridge Road). Delayed; 2013. Change project to PE only.
12. Widening of Prince William County Parkway (Old Bridge Road to Minnieville Road). Delayed; 2013. Change project to PE only.
13. Widening of Minnieville Road (Spriggs Road to Route 234). Delayed (2012 to 2013)
14. Construction of University Boulevard (Hombaker Road to Wellington Road). Drop from CLRP

Proposed Changes To The Conformity Inputs For The 2008 CLRP/FY 2009-2014 TIP

Transit Projects:

City of Alexandria:

1. Potomac Yards Transitway.

Delayed; 2011 to 2013

Arlington County/Fairfax County:

2. Columbia Pike Streetcar project.

Delayed; 2014 to 2016

Fairfax County:

3. Fairfax Connector buses (reduced from 76 to 35).
4. Engineering Proving Grounds (EPG) Park-and-Ride Lot
5. Springfield Central Business District (CBD) Park-and-Ride Lot

Delayed; 2010 to 2011.
Delayed; 2011 to 2013
Delayed; 2011 to 2014

Loudoun County:

6. Sterling-Ashburn Park-and-Ride Lot

Delayed; 2010 to 2012.

VRE:

7. Seven locomotives for the Virginia Railway Express. (Replacement locomotives)

Delayed; 2010 to later.

National Capital Region Transportation Planning Board

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3310 Fax: (202) 962-3202

MEMORANDUM

April 10, 2008

TO: Transportation Planning Board

FROM: Ronald F. Kirby
Director, Department of
Transportation Planning

SUBJECT: A Contingency Course of Action for the 2008 CLRP and FY 2009-2014
TIP Conformity Assessment

Background

On February 20, 2008, the TPB approved a set of project submissions for inclusion in the air quality conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP. The draft 2008 CLRP, TIP and conformity assessment are scheduled to be released for public comment in June and adopted by the TPB on July 16.

On February 29, the Virginia Supreme Court declared that the taxing ability of the Northern Virginia Transportation Authority (NVTA) was unconstitutional. Unless the Virginia General Assembly acts by June to restore this NVTA funding, certain projects approved by the TPB on February 20 for inclusion in the conformity assessment will have to be delayed or removed entirely from the 2008 CLRP and FY 2009 -2014 TIP. Due to the uncertainty of the NVTA funding for some of the projects approved by the TPB on February 20, we need a contingency course of action for the conformity assessment for the 2008 CLRP and FY 2009 -2014 TIP.

Original Course of Action

The original course of action utilizes the conformity inputs and schedule approved by the TPB at its February 20 meeting, including all of the NVTA funded projects and the BRAC projects. This conformity analysis will be ready to be released for public comment in June and adopted in July, along with the 2008 CLRP and FY 2009 -2014 TIP. By June, we will know if the NVTA funding has been restored by the Commonwealth. If this funding has been restored, the TPB will be able to proceed in accordance with the original conformity analysis and schedule. If not, we will need a contingency course of action.

Contingency Course of Action

The TPB needs to adopt an FY 2009 -2014 TIP in July so the VDOT portion of the TIP can be included in the FY 2009 VDOT State Transportation Improvement Program (STIP). VDOT did not develop a FY 2008 STIP and is currently working on having a new FY 2009 STIP approved by the FHWA and FTA by September of this year when the current STIP expires. DDOT and MDOT also need to be able to proceed with an FY 2009-2014 TIP in accordance with the original schedule. In order to accomplish these objectives, the contingency course of action will have two components:

(1) Utilizing the conformity determination for the 2007 CLRP and FY 2008-2013 TIP approved by the TPB in January 2008, create an FY 2009-2014 TIP that can be released for public comment in June and adopted in July. This TIP will not include any of the project updates affecting conformity that were submitted for the 2008 CLRP and FY 2009 -2014 TIP conformity assessment, but will include all project funding and timing changes that do not affect conformity. Adopting this FY 2009-2014 TIP in July will allow VDOT to meet the September deadline to have a FY 2009 STIP adopted for the state, and will also allow DDOT and MDOT to proceed with a FY 2009-2014 TIP on the original schedule.

(2) Remove from the proposed 2008 CLRP and FY 2009-2014 TIP those project inputs approved by the TPB in February which are dependent on NVTA funding and for which full funding may no longer be reasonably expected to be available. The TPB will be asked to approve this list of changes to the project submissions for the conformity assessment of the 2008 CLRP at its April 16 meeting. This conformity assessment, the 2008 CLRP and amended FY 2009-2014 TIP will be ready for public release in September, and for adoption by the TPB in October. Once the conformity determination for the 2008 CLRP and amended FY 2009-2014 TIP is approved by FHWA and FTA (likely in early December), DDOT, MDOT and VDOT will be able to amend their FY 2009 STIPs to incorporate updates, changes and new projects.

Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

MEMORANDUM

TO: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority

Members
Northern Virginia Transportation Authority

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

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

DATE: May 2, 2008

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

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

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

Mr. Christopher Zimmerman, Chairman
Members, Northern Virginia Transportation Authority
May 2, 2008
Page Two

The TPB adopted the 2007 CLRP and the FY 2008-2013 TIP on January 16, 2008, using interim emissions budget tests for these two pollutants.

- On March 27, 2008, the EPA proposed new, stricter national ambient air quality standard for ground-level ozone. The EPA revised the ozone standard from 80 parts per billion to 75 parts per billion. To implement this new standard, States must identify areas of non-attainment and recommend designations (attainment, non-attainment and unclassifiable) for these areas to EPA no later than March 2009. EPA is expected review these recommendations and issue final designations by March 2010. States must then submit new ozone SIPs no later than three years after EPA's final designations. If EPA issues designations in 2010, then these plans would be due in 2013. In addition, Metropolitan Planning Organizations (TPB in this region) will have to conduct air quality conformity tests using the new standards within one year of the designations.

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

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

These strategies are separated into a variety of different categories, including economic development; outreach and education; local governments; energy production; transportation; land use; financing and adaptation. Regarding the transportation category, the CCSC has discussed the fact that TPB is pursuing a new scenario as part of the work of its Scenario Study Task Force. This scenario is called "What would it take?" This scenario is intended to determine the types and magnitude of land use and transportation improvements that will be needed to meet a predetermined regional air quality goal (one consistent with the CCSC goals). The CCSC has asked that more specific transportation strategies to be included on their working list prior to the completion of the scenario work. A revised list of the CCSC's draft strategies, including expanded transportation strategies, is attached. The CCSC will be reviewing this list on April 30, 2008.

JACC members will be available at the Authority meeting on May 8, 2008, to answer questions.

cc: Members, NVT Authority Jurisdiction and Agency Coordinating Committee
John Mason, Executive Director

Metropolitan Washington Council of Governments
Climate Change Steering Committee
Final Report Recommendations

Committee Discussion Draft for April 23, 2008

Recommendations' Organizational Structure

- I. Regional Greenhouse Gas Emission Reduction Goals**
- II. COG Climate Change Program**
- III. Economic Development**
- IV. Outreach and Education**
- V. Local Governments: Leading By Example**
- VI. Energy**
- VII. Transportation**
- VIII. Land Use**
- IX. Financing**
- X. Climate Impacts/Adaptation**

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
I. Regional Greenhouse Gas Emission Reduction Goals	<ol style="list-style-type: none"> 1) <u>2012 Regional Goal:</u> Reduce greenhouse gas emissions by 10% by 2012 over "Business as Usual" projections (i.e., return to 2005 emission levels by 2012) 2) <u>2020 Regional Goal:</u> Reduce greenhouse gas emissions by 20% below 2005 levels by 2020. 3) <u>2050 Regional Goal:</u> Reduce greenhouse gas emissions by 80% below 2005 levels by 2020. 4) <u>Goal Implementation:</u> Incorporate greenhouse gas emission reduction goals in all COG long-term planning including Greater Washington 2050 compact and plan. Establish periodic review of goals to reflect latest science.
II. COG Climate Change Program	<ol style="list-style-type: none"> 1) <u>Develop Regional Climate Action Implementation Plan:</u> <ol style="list-style-type: none"> a) Prepare plan by September, 2009 to achieve 2012 goal. b) Prepare plan by September, 2010, to achieve 2020 goal. 2) <u>Tracking Progress:</u> Prepare periodic reports assessing regional progress in meeting goals including annual preparation of regional greenhouse gas emissions inventory. 3) <u>Technical Tools:</u> <ol style="list-style-type: none"> a) Identify and/or develop regional best practices for local government emission inventory calculations and progress tracking system. b) Identify and/or develop regional best practice tool for computing carbon footprint and evaluating reduction options.

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
	<p>4) <u>COG Climate Change Program Governance Structure:</u></p> <p>a) Retain Climate Change Steering Committee through September, 2008.</p> <p>b) Evaluate alternative structural alternatives for COG's Climate Change program including:</p> <ul style="list-style-type: none"> • Establishment of Regional Climate Action Public-Private Partnership housed at COG; OR • Incorporation into the Metropolitan Washington Air Quality Committee; OR • Merger with the Greater Washington 2050 Coalition; OR • Incorporation into a regional COG Environmental Policy Committee; OR • Incorporation into a regional COG Climate and Energy Policy Committee; OR • Other. <p>5) <u>Develop Sustainable Funding Plan for COG Climate Change Program:</u></p> <p>a) Identify major foundation and/or private sector funding partners to support COG's regional climate change program.</p> <p>6) <u>Advocacy:</u></p> <p>a) <u>Federal Climate Policy</u></p> <ul style="list-style-type: none"> • Advocate for recognition of local/regional role in federal climate legislation and allocation of funding. • Advocate for national policies that support achievement of regional greenhouse gas emission reduction goals.

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
	<ul style="list-style-type: none"> • Encourage federal government to meet same energy conservation and green power goals as local governments in the Washington region. • Advocate for national financial incentives to promote use of renewable energy implementation. • Advocate for federal support for research on climate impacts and adaptation. • Advocate for federal support for research on mitigation. • Advocate for federal support for transit funding. • Advocate to equalize parking and transit employer benefit caps. • Advocate for support of the CAL LEV II program. <p>b) <u>State Climate Policy:</u></p> <ul style="list-style-type: none"> • Advocate for establishment of a 20% renewable portfolio standard in DC, MD, and VA by 2020. • Advocate for creation of state financial incentives for implementation of renewable energy and energy efficiency. • Encourage state governments to meet same energy conservation and green power goals as local governments in the Washington region. <p>c) <u>Local Energy and Climate Policy:</u></p> <ul style="list-style-type: none"> • Revise local building codes and ordinances to promote energy efficiency. • Examine potential options for removing barriers that may prevent implementation of solar panel or other small scale renewable energy installation.

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
III. Economic Development	<ol style="list-style-type: none"> 1) <u>Green Business and Green Job Promotion:</u> In collaboration with business community, support and identify programs to promote green business and green collar job development in the region. Examine incentives for promotion of green business and develop information database. 2) <u>Eco-business or Green Business Zones:</u> Develop best-practice or model regional policies to promote local government implementation of eco-business or green business zones. 3) <u>Cooperative Purchasing:</u> Examine options to promote cooperative green purchasing. 4) <u>Local Businesses:</u> <ol style="list-style-type: none"> a) Promote local food production options to reduce emissions. Coordinate with Statewide Farm Program. b) Promote local vendors and suppliers to reduce emissions associated with import of goods and services.
IV. Outreach and Education	<ol style="list-style-type: none"> 1) <u>Citizen Outreach and Education: Implement regional public education campaign:</u> <ol style="list-style-type: none"> a) Encourage participation in Cool Capital Challenge. b) Develop "Top 10 things you can do" list that encourage individual energy efficiency activities; alternative commuting; retiring of older, less efficient vehicles, replacing old appliances, replacing incandescent light bulbs with compact fluorescent or LED bulbs, etc.. c) Partner with Clean Air Partners greenhouse gas emission reduction campaign and other existing regional campaigns.

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
	<ul style="list-style-type: none"> d) Partner with Commuter Connections on promotion alternative commuting options to reduce greenhouse gas emissions. e) Establish a regional "Climate Action Week" to coincide with September "Car Free" activities or other appropriate event(s). 2) <u>Develop Partnerships with Private Sector and Other Organizations:</u> <ul style="list-style-type: none"> a) Partner with Greater Washington Board of Trade Green Committee and Potomac Conference to assist businesses with taking action to reduce greenhouse gas emissions and implement best practices. b) Identify regional environmental and community group partners. c) Partner with electric, gas, and water utilities on regional energy conservation and energy efficient outreach. d) Partner with schools, universities, and local governments to establish the region as a leader in Green Teaching. 3) <u>COG Member Outreach:</u> Assist COG members with education and information on climate change, best practices, and related technical assistance. 4) <u>Recognition Program:</u> Create a "Regional Climate Leaders" Annual Awards program to recognize public and private sector leadership. 5) <u>COG Climate Change Web Site</u> Maintain and enhance COG Climate Change website to make it more interactive.

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
V. Local Governments: Leading By Example	<ol style="list-style-type: none"> 1) <u>Regional Green Building Policy:</u> <ol style="list-style-type: none"> a) Implement 2007 COG Regional Green Building Policy: All new government buildings meet "LEED Silver" standard, Energy Star, or equivalent. 2) <u>Energy Use:</u> <ol style="list-style-type: none"> a) Identify best practices to support reducing overall local government energy use by 15% by 2012. b) Examine feasibility of setting regional percentage goal for incorporation of Energy Star Standard in new buildings. c) "Green" Power <ul style="list-style-type: none"> ▪ Evaluate feasibility and cost of setting regional green power utilization goals for local governments. ▪ Evaluate regional cooperative purchase and/or reverse auctions to facilitate green power implementation among COG membership. d) Examine options for a regional street lighting standard that would utilize energy efficient street lighting across the region. e) Promote regional energy performance contracting to reduce energy use in public buildings. f) Consider regional cooperative purchase approach to facilitate cost-effective implementation. g) Develop a long-term goal for carbon neutrality for all government buildings. 3) <u>Regional Green Fleet Policy:</u> Establish Regional Green Fleet Policy with measurable goals and timetables. 4) <u>Recycling Initiative:</u>

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
	Enhance and expand existing recycling programs.
VI. Energy	<ol style="list-style-type: none"> 1) <u>Regional Green Building Policy:</u> <ol style="list-style-type: none"> a) Implement 2007 COG Regional Green Building Policy: All new private sector commercial buildings meet "Regional LEED Certified" standard or equivalent. 2) <u>Energy Conservation and Efficiency:</u> <ol style="list-style-type: none"> a) In collaboration with energy utilities and other stakeholders: <ul style="list-style-type: none"> • Develop regional energy conservation goals and timetables. • Develop regional energy conservation and efficiency plan that supports meeting regional greenhouse gas emission reduction goals. 3) <u>Renewable Energy:</u> Establish the region as a leader in production and use of renewable energy. Promote adoption of a 20% Renewable Portfolio Standard. 4) <u>Regional Greenhouse Gas Reduction Initiative (RGGI):</u> <ol style="list-style-type: none"> a) Examine feasibility for expansion of RGGI to the District of Columbia and Virginia. b) Collaborate with RGGI to support implementation of energy conservation and renewable energy projects in the Washington region.
VII. Transportation	<ol style="list-style-type: none"> 1) <u>Transportation Planning Options for Meeting Regional Greenhouse Gas Emission Reduction Goals:</u> In collaboration with Transportation Planning Board and its "Scenarios Workgroup":

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
	<p>a) Evaluate "What would it take?" alternatives for meeting regional greenhouse gas emission reduction goals in transportation sector.</p> <p>b) Based upon "What would it take?" analysis, develop regional policies and plans to meet regional greenhouse gas emission reduction goals for the transportation sector.</p> <p>CCSC proposes that the following types of measures to reduce emissions of greenhouse gases be considered. CCSC seeks an analysis of the relative impact and cost effectiveness of measures including:</p> <ul style="list-style-type: none"> • Smart Growth/Transit Oriented Development • Alternative Modes of Transportation (e.g., exclusive transit ROW, commuter buses, commuter rail, ferries) • VMT Reduction Strategies (e.g., telecommuting, rideshare) • Value Pricing (e.g., entry fees, HOT lanes) • Clean Vehicles and Fuels • Bicycle/Pedestrian • Idling Reduction • Congestion Management • Traffic Engineering Improvements and Roadway Management • Incentives • No Regrets Options (e.g., options for which useful benefits exist warranting implementation of the measure, regardless of whether significant greenhouse gas emission reductions are achieved)

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
	<p>2) <u>"Conformity" Process for Greenhouse Gas Emissions</u> Collaborate with the Transportation Planning Board to develop a process similar to the one currently used to demonstrate conformity for ozone and particulate matter for greenhouse gas emissions.</p> <p>3) <u>Smart Growth/Transit Oriented Development:</u> Evaluate the benefits from achieving a range of possible goals (up to 95%) for directing new residential and commercial growth to regional activity centers, including growth around transit as well mixed use higher density development. Provide incentives for mixed-use development, including workforce housing, at transit centers to reduce sprawl and VMT.</p> <p>4) <u>Traffic Engineering Improvements and Roadway Management:</u> a) Identify and promote best practices for traffic engineering improvements and roadway management to reduce VMT, congestion, and emissions of greenhouse gases. Identify locations of significant recurrent congestion and prioritize investments to reduce congestion. Implement the Metropolitan Area Transportation Operations Coordination Program (MATOC). b) Promote transit-supportive street designs.</p> <p>5) <u>Promote Clean Vehicles and Fuels:</u> a) Promote adoption of CAL LEV II standards for all jurisdictions in the region. b) Promote/accelerate adoption of efficient clean fuel vehicles,</p>

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
	<p>including hybrids (cars, trucks, buses). Target public and private fleets, transit, taxicabs, rental cars, refuse haulers. Evaluate benefits of specific "green fleet" conversion percentages. Provide incentives for purchase of clean fuel vehicles. Assess benefits from a "Cash-for-Clunkers" Program and rebates or tax incentives for purchase of hybrid vehicles.</p> <p>6) <u>Alternative Modes:</u></p> <p>a) Evaluate greenhouse gas reduction benefits of specific incremental expansion of regional transit capacity, peak commuter rail service. Evaluate funding requirements for purchasing additional transit vehicles, railcars, commuter buses. Evaluate funding requirements for transit incentives and expanded metrocheck program.</p> <p>b) Examine options to promote increased use of existing transit capacity. Consider developing specific targets for shifting modes.</p> <p>c) Expand existing and fund new programs to enhance access to transit and alternative modes, commuter connections, guaranteed ride home, telework programs, bike/ped access, park/ride lots.</p> <p>d) Evaluate greenhouse gas reduction benefits of expand existing and establishment of new exclusive transit routes, lanes, on-ramps, corridors.</p> <p>e) Promote equalization of transit and parking benefits.</p> <p>7) <u>VMT Reduction:</u></p> <p>a) Collaborate with TPB to develop regional goals to reduce VMT by 2012 and 2020.</p> <p>b) Identify the percentage of auto trips under 3, 2, 1, ½ mile</p>

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
	<p>and develop strategy to shift half of these trips to bike or pedestrian modes.</p> <p>c) Evaluate the potential greenhouse gas emission reduction benefits and costs of financial incentives to reduce VMT.</p> <p>d) Promote car-sharing.</p> <p>e) Examine parking policies and relation to VMT. Implement new parking policies to reduce VMT.</p> <p>8) <u>Bicycle/Pedestrian:</u></p> <p>a) Fully fund construction of bicycle/pedestrian paths in the region as outlined in the regional bicycle/pedestrian plan. Provide incentives to developments that speed improvements to bicycle/pedestrian access. This includes improvements to sidewalks, curb ramps, crosswalks, lighting, etc.</p> <p>b) Design regional program to promote bike sharing.</p> <p>9) <u>Idling:</u></p> <p>a) Control Vehicle Idling. No Idling Rule – Restriction. Limits idling to 5 minutes for all non-commercial, consumer operated vehicles within the Washington NAA. Establish exemptions where required.</p> <p>b) Enhanced Enforcement: Idling. Step-up enforcement of existing regulations to prevent extended vehicle idling.</p>
VIII. Land Use	<p>1) <u>Tree canopy preservation:</u> Establish goal and develop program and plan to achieve a “no net loss” in the region’s tree canopy. Consider associated issues related to density and height requirements for buildings.</p> <p>2) <u>Location and Design of New Development:</u></p> <p>a) Research and develop specific regional goals (up to 95%) to significantly increase percentage of new</p>

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
	<p>development located in regional activity centers.</p> <p>b) Promote regional policies that support walkable communities and affordable housing near transit.</p> <p>3) <u>Comprehensive Planning</u>: Identify best practices for local governments to include greenhouse gas reduction and energy as an element in their local comprehensive planning. Such efforts should include practices that address climate change risk reduction to guide local zoning, building codes, site planning and review.</p>
IX. Financing	<p>1) <u>Evaluate Financing Mechanisms</u>: a) Evaluate potential options for financing of greenhouse gas reduction and renewable energy projects in the region: carbon offset fund; redirecting savings from energy efficiency; establishing an energy fee/carbon tax; performance contracting; clean energy fund or utility; participation in cap-and-trade program revenues. b) Develop a regional offset fund that finances tree planting and canopy enhancements in the metropolitan Washington region. c) Identify and secure additional financing for transit. d) Identify and secure additional financing for building retrofits.</p>
X. Climate Impacts/Adaptation	<p>1) <u>2050 Impacts Report</u>: a) Partner with major university to prepare report on expected changes to the region by 2050 as a result of climate change and possible adaptation strategies. b) Develop regional adaptation policies based on results of study for infrastructure, land-use, and emergency response planning.</p> <p>2) <u>Conduct Regional Adaptation Workshops</u>:</p>

Regional Climate Change Policies and Program Recommendations

Sector/Target	Policy/Program Recommendation
	<p>Implement a regional adaptation workshop series for COG members and affiliated water & wastewater utilities covering:</p> <ul style="list-style-type: none">▪ Future water supply, demand & alternative sources▪ Flood and wind risks: vulnerable buildings and infrastructure▪ Public health risks and response strategies▪ Multiple benefits of green infrastructure▪ Development of a local energy demand management strategy

XVII.

Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

MEMORANDUM

TO: Christopher Zimmerman, Chairman
Northern Virginia Transportation Authority

Members
Northern Virginia Transportation Authority

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

SUBJECT: Update On Ozone Action Ride Free Program (Agenda Item XVII.)

DATE: May 1, 2008

This memo is intended to update the Northern Virginia Transportation Authority on the status of the 2008 Ride Free Program. Due to funding constraints and a change in the designation of Code Red and Code Orange days, the 2008 Ride Free Program was modified to offer free rides only on forecast Code Red air quality days.

On March 12, 2008, the EPA revised its Air Quality Index to reflect proposed new stringent ozone standards. On average, when the new adjustment is applied to the last several years, there is at least double the number of forecast Code Orange and Code Red days. Therefore, to insure the integrity of the program, regional partners opted to include only forecast Code Red days this season.

The ozone season began on May 1st and lasts until September 15th. The project team budgeted \$1.5 million for 2008. Under the new EPA standard, this will provide free bus rides for up to 10 forecast Code Red days. Marketing components for this summer include a planned Ride Free day (April 30, 2008), a mass mail out to over 1,600 Northern Virginia employers; interior bus advertisements; a redesigned website; banner advertisements on local media and jurisdictional websites; and media releases.

The 2008 season was kicked-off with a planned Ride Free day on April 30, 2008. Bus rides were free on all Northern Virginia bus routes. Jurisdictional and transit staff were available at regional locations from 6:00 am - 10:00 am to answer questions and promote the Ride Free program. The regional locations included: Franconia/Springfield Metro Station, King Street Metro Station, Vienna Metro Station, West Falls Church Metro Station, Pentagon City Metro Station, and Horner Road Park and Ride Lot. At their request, Loudoun County Transit provided commuter with pre-event promotions on their buses.

Mr. Christopher Zimmerman, Chairman
Members, Northern Virginia Transportation Authority
Date: May 1, 2008
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The planned Ride Free day was heavily promoted by all major television and radio stations. Channel 9 News broadcasted two live morning reports from the Franconia-Springfield Station. The report can be found at: http://www.wusa9.com/rss/local_article.aspx?storyid=71208. The event was also promoted through 1,600 Northern Virginia employers, who received notices of the Ride Free day.

Each location was staffed by the local transit agency, which provided giveaways for commuters. The items included pullout mini maps, lanyards, city guides, sunscreen, SmarTrip cards, ponchos, safety whistles, key chains, tote bags and more.

The planned day proved to be a success. Fairfax Connector reported an all time high weekday ridership of 37,263. This is a 10 percent increase in ridership when compared to FY 2007 average weekday ridership.

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



Franconia-Springfield Metro Station



Vienna (North Side) Metro Station

Mr. Christopher Zimmerman, Chairman
Members, Northern Virginia Transportation Authority
Date: May 1, 2008
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Vienna (South Side) Metro Station



West Falls Church Metro Station



Pentagon City Metro Station



King Street Metro Station

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

STATUS OF MAJOR TRANSPORTATION STUDIES AND PROJECTS IN NORTHERN VIRGINIA (Information as of May 1st, 2008)

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

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

Route 495 High-Occupancy Toll (HOT) Lanes PPTA

- Study website is www.virginiahotlanes.com
- On April 28, 2005, a Comprehensive Agreement was signed between Fluor-Transurban and VDOT for 14 miles of the Capital Beltway. Fluor is the contractor and Transurban is the Toll Operator and Investor. The Comprehensive Agreement includes the development, design, finance, construct, maintenance and operation of HOT lanes on the Capital Beltway.
- The project includes adding four General Purpose Lanes to the outside in each direction of the Capital Beltway generally located between Old Dominion Drive in the north and Phase VIII of the Springfield Interchange in the south. The typical section consists of a continuous 12-lane system made up of eight general-purpose lanes and four HOT lanes.
- Interchange Justification Reports have been submitted for the Beltway Mainline (all interchanges) and I-66 Interchange. The IJR's have been conditionally approved by VDOT and FHWA pending satisfactory response to certain requirements for further analysis. These responses have been provided in the form of Addenda to the IJR's and are currently under FHWA's review.
- A subsequent Environmental Summary document is being prepared to update environmental impacts due to design refinements since the Environmental Reevaluation.
- A Design Public Hearing is scheduled for May **20 and 21, 2008**
- **Selective Clearing of Staging Areas within existing VDOT Right of Way is underway.**
- Financial Close occurred on December 31, 2007.
- Heavy construction is anticipated to begin by late mid summer 2008. Early start area will be the Little River Turnpike Interchange.
- An Amended and Restated Comprehensive Agreement (ARCA), as well as sub-agreements focused on Technical Requirements, Performance Points and Joint Operating and Maintenance Protocols, were agreed to by FTU and VDOT in late December, 2007.
- FTU is now advancing design in preparation for Design Public Hearing. Design is being reviewed by VDOT via a series of Technical Review Meetings arranged by technical discipline. The design as it stands on April 4, 2008 will be placed in the public arena at VDOT facilities and online for public review prior to the Design Public Hearing.

- The Detailed Proposals, Comprehensive Agreement and additional information may be found on the project web site located at www.virginiadot.org/projects/ppta-defaultHOTLANESCapitalBeltway.asp. A new website, www.virginiahotlanes.com, is also in development by FTU.

Capital Beltway South Side Mobility Study (CBSSMS)

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

U. S. Route 1 Location Study

- Study website address is www.virginiadot.org/projects/studynova-rt1.asp.
- VDOT's NoVA District is managing the study.
- Project is broken into three sections for environmental analyses and documentation.
 - Project A: South of Russell Road to Route 123 (Prince William County)
 - Project B: Route 123 to Telegraph Road (Prince William and Fairfax Counties)
 - Project C: Telegraph Road to Capital Beltway (Fairfax County)
- CTB Approved Project B on April 15, 2004. Federal Highway Administration issued Finding of No Significant Impact (FONSI) for Study B on May 28, 2004.
- CTB Approved Project A on July 15, 2004. Federal Highway Administration issued Finding of No Significant Impact (FONSI) for Study A on March 19, 2007.
- Project C is on hold pending the conclusions of a separate transit study.
- Cost estimates for final reports for Projects A and B are underway.

Dulles Corridor Metrorail Project

- The project website address is www.dullesmetro.com.
- **The Federal Transit Administration (FTA) announced on April 30th 2008 that the agency plans to move the Dulles Corridor Metrorail Project into the Final Design stage of FTA's New Starts Process. FTA will commit \$158.7 million to use toward completion of a financial plan, construction plans, detailed engineering specifications and cost estimates, and other technical requirements.**
- Washington Gas has now completed the bulk of its relocations in the service roads along the south side of Route 7 between Gosnell Road and Route 123 in Tysons Corner. It is the first utility to do work in the corridor. Utility

relocation traffic impacts have been minimal. Access to all businesses will be maintained throughout all utility relocations. All utilities are being placed below ground.

- The project team submitted its News Starts request for the project to the Federal Transit Administration in mid-September, 2007.
- The Metropolitan Washington Airports Authority and Dulles Transit Partners, a partnership of Bechtel and Washington Group Inc., signed the design-build contract for the 11 mile extension on June 19, 2007. Phase 1 of the extension includes an aerial alignment through Tysons Corner, the long-standing locally preferred route.
- When completed, the 23-mile extension of the existing Metrorail line will run from just west of the East Falls Church Metro Station to Route 772 in Loudoun County. The project will be built in two phases. The first will connect East Falls Church with Wiehle Avenue and includes four stations in Tysons Corner. Phase 2 runs from Wiehle Avenue on the Eastern edge of Reston through Washington Dulles International Airport westward into Eastern Loudoun.
- The estimated cost of Phase 1 is approximately \$2.55 billion.
- All stations are served by pedestrian access bridges and have escalators and elevators in the bridge access structures and in the stations.
- The project anticipates getting a Full Funding Grant Agreement that will provide \$900 million for construction in mid-2008.

I-66 Spot Improvements

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

I-495 (Capital Beltway) Environmental Study

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

Woodrow Wilson Bridge Project

- Project website address is www.wilsonbridge.com/
- The Wilson Bridge Project is comprised of a 7-1/2 mile Beltway (I-95/I-495) reconstruction, including the replacement of the 40-year old, 6-lane, one-mile long bridge to a 12-lane bridge. The project also includes reconstruction of four interchanges: Telegraph Road and U.S. Route 1 in Virginia, and I-295 and MD Route 210 (Indian Head Highway) interchanges in Maryland.
- US Route 1 Interchange: Of the 9 contracts, five have been completed and three are under construction, with the last

US Route 1 contract, the Jones Point Park contract, not due to be advertised until 2008. Traffic adjustments continue at the US Route 1 interchange as interim and temporary ramps are located and shifts are made to advance the construction. The new southbound Route 1 Bridge is scheduled for completion by June 2008.

- Telegraph Road Interchange: Of the 3 contracts, one is complete (VB-1), one is nearing completion (VB-5) and one received NTB in February 2008 (VB-2/3/6). The VB-2/3/6 contract includes grade separated improvements south of the beltway that were not in the original plans. These improvements add significant value and extend the WWB program completion to 2013.
- In aggregate, construction for the entire WW Bridge program (including VDOT, MSHA and DDOT elements) is 78% complete. In December 2007, SHA and VDOT agreed to advance the schedule to open the Inner Loop Local lanes from mid July 2008 to the first week of June 2008. Over the remaining months of 2008, traffic will shift to its final alignment with the opening of the express lanes on both the Inner Loop and Outer Loop Bridges.
- **Public presentation materials and construction schedule graphics have been added to the website; see www.wilsonbridge.com/updates.htm**

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

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

Tri-County Parkway Study

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

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

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

Information compiled by VDOT NoVA District Transportation Planning Section

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

Executive Director's Report – May 8, 2008

- **Preparation/Drafting of documents for operation of NVTa**
 - Bylaws (requires Authority approval)
 - First draft to Authority in May
 - Final version in June
 - Policy (requires Authority approval)
 - Previously approved Debt and Revenue Allocation policies reformatted to standardize format (for policies)
 - Drafted
 - ✓ Audit policy
 - Drafting
 - ✓ Conflict of interest policy
 - ✓ Financial management (preliminary, with draft to be refined upon hire of CFO)
 - SOPs (ED approval)
 - Drafted
 - ✓ NVTa meeting coordination
 - ✓ NVTa agenda format
 - ✓ NVTa decision memoranda (from ED and NVTa staff)
 - Drafting
 - ✓ Public hearing procedures
 - Information notebook for members and for orientation of TAC and PCAC
 - Administrative regulations (ED approval)
 - Outline drafted
 - Drafting multiple sections
 - Employee's Handbook (ED approval)
 - Preliminary outline drafted
- **Financial issues**

- Operating costs. To minimize operational costs in FY08, reduced temporary administrative support to half-days.
- Accounting procedures. Established and using electronic tracking process for requesting, on-line ordering (Office Depot), and paying for items.
- Auditing. Coordinating with staff on audit process for FY08.
- Annual grant. Coordinated with B. Reese on of \$50,000 grant for FY09 (in Appropriations Bill).
- Drafted assumptions/parameters for FY09 budget.
- **Refunding process**
 - Coordinated procedures with agencies (courts, DMV, State Treasurer).
 - Remitted all revenues received to date to refunding agencies.
 - Responding to inquiries on daily basis (typically 3 – 5 per day). These tend to be questions about unusual situations.
- **Personnel considerations.** No hiring at this time; however, drafting/refining job descriptions for staff positions.
- **Administrative issues**
 - Web site. Will be maintained by NVTC through June (at least).
 - Temporary AA. Reduced to half-time.
- **Initial round of visits to Authority members**
 - Almost completed.
- **Advocacy outreach**
 - Coordinating with Virginia Chamber of Commerce
 - Met with executive director of Northern Virginia Transportation Alliance.

Correspondence



Virginia Department of Rail and Public Transportation

MEMORANDUM

TO: Transit/TDM Stakeholders

FROM: Matthew O. Tucker
Agency Director *Matt O. T.*

DATE: April 10, 2008

SUBJECT: Performance Review Program

The Transit/Transportation Demand Management (TDM) Performance Review Program is a new program being initiated by the Department of Rail and Public Transportation (DRPT). The program will assist public transit operators and TDM agencies in the Commonwealth with measuring and improving their performance and meeting local goals and objectives. The review will help transit operators, TDM agencies, and DRPT better communicate to decision makers and stakeholders the progress, impact and needs of transit and TDM services and programs. The program will also help serve, in part, DRPT's objectives of improving technical assistance to transit operators and TDM agencies and seeking increased accountability.

BACKGROUND

DRPT currently does not have a formal comprehensive program in place to account for the performance (i.e. efficiency, effectiveness, local goals) of public transit operators and TDM agencies in the Commonwealth. While some level of review is done for various programs or regions, it is DRPT's intent to establish a formal review process that will assist operators and agencies with monitoring and improving their performance. This new program is one of several new initiatives resulting from a recent organizational assessment of DRPT. This program is intended to support and strengthen the efforts of public transit operators and TDM agencies across the Commonwealth while ensuring greater accountability.

PROGRAM SCOPE

DRPT has hired Vanasse Hangen Brustlin, Inc. (VHB) to assist with the implementation of the performance review program. VHB will work with transit operators and TDM agencies to complete performance reviews once every three years. These reviews will examine three years worth of performance data for each operator or agency. If requested by the DRPT Project Manager, VHB will conduct "key issue" reviews as specified below. VHB will make every attempt to schedule the reviews at a time that is convenient for the operator/agency.

If you have questions regarding the Performance Review Program please contact Corey Hill, Chief of Public Transportation, at 804-786-4443 or Corey.Hill@drpt.virginia.gov or Dan Rudge, Chief of Planning, at 804-786-1059 or Daniel.Rudge@drpt.virginia.gov.



COMMONWEALTH of VIRGINIA

Office of the Governor

Timothy M. Kaine
Governor

April 7, 2008

The Honorable Christopher Zimmerman
Northern Virginia Transportation Authority, Chairman
4031 University Drive, Suite 200
Fairfax, Virginia 22030-3535

Dear Chairman Zimmerman: *Chris:*

Thank you for writing me regarding our transportation crisis. With the Supreme Court's ruling nullifying the regional taxing plans that HB 3202 put in place, we are once again faced with the challenge of adequately funding transportation.

During the last few weeks, I have been talking with citizens as well as business and government leaders about transportation. Having a safe, well-maintained highway system impacts not only individual citizens but the companies that drive our economic well-being.

The challenge of keeping our existing infrastructure working while also addressing needed capacity has simply not been solved. I will be calling upon you in the coming weeks as we once again try to tackle the statewide and regional transportation funding issues. Local leaders like you are critical to making sure that everyone, including our statewide legislative leaders, recognizes that an appropriate mix of additional revenues needs to be enacted to solve our congestion problems.

I have also reviewed your letter about HB 451, which provides for a town member to serve on the Northern Virginia Transportation Authority as a non-voting member. I signed this legislation into law earlier this month. I believe that the inclusion of a town representative as a non-voting member is an acceptable compromise.

Thank you again for writing.

Sincerely,

A handwritten signature of Timothy M. Kaine, consisting of stylized initials and a surname.

Timothy M. Kaine

TMK:es

c: The Honorable Pierce R. Homer, Secretary of Transportation

April 11, 2008

The Honorable Timothy M. Kaine
Governor of Virginia
Patrick Henry Building
1111 E. Broad Street
Richmond, Virginia 23219

Dear Governor Kaine:

The Virginia Transit Association is grateful for your strong support to fund transportation and especially your efforts to advance public transportation. Thanks to your leadership last year, transit received a critical increase in funding for both operating and capital. The funds from recordation fees dedicated to transit operating are critical to maintain service given the dramatic fuel and health insurance costs transit systems are managing.

As state and regional transportation funding proposals are reconsidered in the coming months, adding statewide funds to expand transit should be a high priority along with addressing highway maintenance and construction needs. In FY08 the state transit capital contribution was 65% of the state/local share, an important advance, but still well short of the VTRANS 2025, Urban Policy recommendations and statutory target of a 95% state share. Economic, demographic and environmental realities underscore the urgent need to expand public transportation now.

The era of cheap oil is over and the evidence – high gas prices that are likely to continue to climb and reduced consumer buying power – is in news reports daily. Virginians are looking for ways to trim their transportation costs and an increasing number are ridesharing, vanpooling, and using public transportation as alternatives to driving their car for every trip.

The benefits of expanding and improving these transit and related options are significant. Families can save \$6,200 - \$6,500 annually, if one wage earner can commute by bus or rail, reducing the need for one family car. More people using transit also helps ease road congestion, reduces pollution and reduces their carbon footprint. Reducing vehicle miles traveled is essential to reduce greenhouse gas emissions. Finally, a growing elderly population will require much more transit and paratransit for elders to continue to travel safely and live independently and for the Commonwealth to contain Medicaid costs. Expanding the transit network is a key to changing individual travel choices. As you consider transportation proposals in the coming days and weeks, the Virginia Transit Association urges you to:

- 1) **Maintain the gains for statewide transit and rail funding in HB3202;**
A) Two cents of recordation taxes are dedicated to transit operating (the other 1 cent went to highway maintenance); B) A minimum of 20% of the \$3 Billion bond package is dedicated to transit capital; and 4.6% to rail.
- 2) **Comparable replacement funding by the General Assembly for regional authorities in HB3202**

- NVRTA revenue was critical for essential transit projects and provided ongoing funds for VRE and WMATA. Without regional revenues many of these capital projects will be deferred and others will pressure the existing state transit capital program negatively impacting every other public transportation system in the Commonwealth through a further reduction in the state matching ratio.
 - Consideration should be given to the following:
 - Allow other regions to easily form Transportation Regional Authorities and raise revenue in a constitutionally acceptable manner.
 - Encourage all Regional Authorities to include transit in their allocations.
 - Allow regional authorities to expand to encompass regional commuting patterns, so those who benefit also pay.
- 3) **Ensure that any new statewide transportation revenue proposals dedicate at least 20% for public transportation operating and capital (the same share as mandated for the HB3202 bond package).** This would maintain the multimodal approach embodied in HB3202.
- If new revenues are directed to the HMOF, 20% should be directed to public transportation (prior to 1999 transit was part of the HMOF).
 - New revenues could instead be directed to the Transportation Trust Fund. By statute maintenance receives the first draw on highway revenues, and transit, airports and ports also receive a share (although transit's share from this source is less than 15 percent).

In summary, we believe that funding of transportation is primarily a state responsibility and the state should identify stable, reliable and permanent funding sources for all modes. Transit needs should not be ignored as growing highway maintenance needs are highlighted.

If history is any guide, it may be decades before Virginia leaders address transportation funding again. The Virginia Transit Association asks you to use your powers to ensure, once again, that transit funding is a significant part of any final plan. Thank you for your consideration of our request and for your continuing work to provide good transportation choices for Virginians.

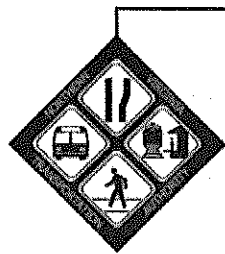
Sincerely,

John J. McGlennon



VRTA President

Cc: Pierce R. Homer, Secretary of Transportation
Matthew Tucker, Director of the Virginia Dept. of Rail and Public Transportation



The Authority
for Transportation in Northern Virginia

The Northern Virginia Transportation Authority

April 16, 2008

Mr. Hugh D. Keogh
President & CEO
The Virginia Chamber of Commerce
9 South Fifth Street
Richmond, VA 23219

Dear Mr. Keogh:

On behalf of the Northern Virginia Transportation Authority (NVTA), I would like to express our appreciation for the strong message you anticipate sending to the General Assembly regarding the need for an increased – and meaningful – level of transportation funding.

Although the statement of the Ad Hoc Business Coalition was in the draft stage when we reviewed it at our NVTA meeting on April 10, you can be assured that we are in full agreement with two key points:

- The concept for “revenue generators which are broad-based, statewide, potentially adequate, sustainable and long term”.
- That any “statewide increases would be in addition to legislative corrections to existing regional plans, not in lieu of them.”

As your statement is refined and adopted by the Coalition, we look forward to receiving it and having the opportunity to consider it more formally.

At its meeting on April 10, the NVTA adopted a “Statement of Principles Related to Transportation Funding” that is complementary to the fundamental concepts in your draft statement. A copy is attached.

We look forward to working with your Coalition as we urge the General Assembly to take prompt action in a special session to address this crisis.

Sincerely,

Christopher Zimmerman
Chairman

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY
Statement of Principles Related to Transportation Funding
Adopted – April 10, 2008

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

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

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

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