



# NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

*The Authority for Transportation in Northern Virginia*

Thursday, April 17, 2014

7:00 pm

3060 Williams Drive (Ste 510), Fairfax, VA 22031

## MEETING MINUTES

I. Call to Order Chairman Nohe

II. Roll Call Ms. Speer, Clerk

III. Minutes of the March 13, 2014 Meeting  
*Recommended action: Approval [with abstentions  
from those who were not present]*

### Action Items

IV. Project Agreement for NVTC – Regional Funding Project 999-001-1-01 –  
Transit Alternatives Analysis Study of the Route 7 Corridor (King Street,  
Alexandria to Tysons Corner) (Phase II) Mr. Mason, CEO  
*Recommended action: Conditional approval of Project Agreement*

V. NVTa Testimony for Commonwealth Transportation Board  
Ms. Dominguez, Vice Chair, JACC  
*Recommended action: Approval of testimony*

VI. Budget Guidelines – FY2015 Mr. Mason, Interim Executive Director  
*Recommended action: Approval of guidelines*

VII. Planning Coordination Advisory Committee  
Mr. Mason, Interim Executive Director  
*Recommended action: Approval of recommendations  
for role and membership of PCAC*

VIII. Appointments Chairman Nohe

### Information/Discussion Items

IX. Status of Memoranda of Agreement Mr. Mason, CEO

X. NVTa Receipts Report Mr. Longhi, CFO

XI. NVTa Operating Budget Report Mr. Longhi, CFO

**XII. Legislative Report**

Ms. Dominguez, Vice-Chair, JACC

**XIII. Executive Director's Report**

Mr. Mason, Interim Executive Director

**Reports from Working Groups/Committees**

[Briefed if requested]

**XIV. Finance Committee**

Chair York

**XV. Financial Working Group**

Chair Euille

**XVI. Project Implementation Working Group**

Chair Nohe

**XVII. Chairman's Comments**

**Closed Session**

**XVIII. Adjournment**

**Correspondence**

- Support Letter to Loudoun County
- Correspondence between Mr. Muchnick and VDOT
- Supreme Court of Virginia Ruling on Circuit Court No. CL-2013-11988

**Next Meeting: May 8, 2014 – 7:00 pm**

3060 Williams Drive (Suite 510)

Fairfax, Virginia

**Northern Virginia Transportation Authority**

**3060 Williams Drive (Suite 510)**

**Fairfax, VA 22031**

**[www.TheNovaAuthority.org](http://www.TheNovaAuthority.org)**



# NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

*The Authority for Transportation in Northern Virginia*

Thursday, March 13, 2014

7:00 pm

City of Fairfax, City Hall, Work Session Room, Fairfax, VA 22030

## MEETING MINUTES

### I. Call to Order

Chairman Nohe

- Chairman Nohe called the meeting to order at 7:08pm.

*(Delegate Rust arrived.)*

### II. Roll Call

Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Board Member Hynes (arrived 7:12pm); Chairman York; Chairman Bulova; Mayor Parrish; Mayor Silverthorne; Council Member Rishell; Council Member Snyder (arrived 7:13pm); Senator Ebbin; Delegate Rust (arrived 7:10pm); Ms. Bushue.
- Non-Voting Members: Ms. Hamilton; Ms. Mitchell; Mayor Umstattd (arrived 7:14pm).
- Staff: John Mason (Interim Executive Director); Michael Longhi (CFO); Camela Speer (Clerk); Peggy Teal (Accountant); various jurisdictional staff.
- Guest: Ms. Fisher.
- Chairman Nohe explained that Ms. Fisher would be sitting in for Mr. Garczynski, but was not an official alternate.
- Chairman Nohe thanked the City of Fairfax Mayor and staff for their immediate response to the request for assistance with both providing office space and resources to the NVTA staff and hosting this evening's meeting. This was necessary due to a power outage at the NVTA offices.
- Chairman Nohe explained that it was necessary to move tonight's Authority meeting from the NVTA conference room to Fairfax City Hall, where the Authority has met before, due to power failure in the NVTA office building. FOIA and NVTA Bylaws procedures were followed by having two members request the meeting location change, and, upon his [the Chairman's] approval, required notifications were posted. He stated that it is advisable to have this action ratified.

*(Board Member Hynes arrived.)*

- Chairman York moved to ratify the process and decision to move today's meeting of the Authority from the previously advertised location to Fairfax City Hall due to the emergency situation of a power failure in the normal location; seconded by Chairman Bulova. Motion carried unanimously.

### III. Minutes of the February 20, 2014 Meeting

- Chairman York moved to approve the minutes of February 20, 2014; seconded by Mayor Parrish. Motion carried with seven (7) yeas and two (2) abstentions [with Senator Ebbin and Delegate Rust abstaining as they were not at the February meeting].

### Action Items

#### IV. Project Agreement Template

Mr. Biesiadny

*(Council Member Snyder arrived.)*

- Mr. Biesiadny presented the Project Agreement Template that will be an agreement between the Authority and agencies that will be implementing projects using the 70% regional money that the Authority is retaining. He explained that a subcommittee of the Financial Working Group and the Council of Counsels has worked to put this agreement together. This agreement will allow regional projects that the Authority approved last year [FY2014 projects] to move forward. The intent is to have a standard project agreement that any of the recipient agencies would execute with the Authority. There will be a separate agreement for each project. The two main categories for these projects are:
  - ✓ Transportation projects that were selected by the Authority and are contained in the regional plan.
  - ✓ Mass transit projects that increase capacity.
- Mr. Biesiadny added that the agreement sets terms and conditions for 70% funding to be made available and is largely based on the legislation adopted in HB2313 as well as the other requirements that the Authority has. There is also practical language to ensure insurance provisions and record keeping requirements are taken care of.

*(Mayor Umstattd arrived.)*

- Mr. Biesiadny briefly highlighted:
  - ✓ Agreements will be based on project submission forms submitted by the jurisdictions last year. These project submission forms also went to the public and were available for the Authority's consideration when it acted in July 2013.
  - ✓ Similar to VDOT project agreement with money provided in phases.
  - ✓ Provision that under certain circumstances phases could be advanced. Also provides that an agency could advance a phase with their own money and be reimbursed with Authority money. The key being that the Authority will be funding 24 projects, with cash flows being developed for each of those projects. If jurisdiction A wants to advance funding for a

particular phase, NVTa has to determine if there is money available to do that due to a number of projects being funded at the same time. Cash flow is an important consideration.

- ✓ Provision that, if a project goes over budget, jurisdictions or agencies could come back and seek additional funding from the Authority, but that is completely at the Authority's discretion. Request would have to go through the regular process that all other projects went through to be analyzed in the process, so no guarantee that additional funding will be available.
- ✓ The funding arrangements associated with Resolution 14-08, adopted by the Authority and which deals with larger projects by extraterritorial organizations, have been incorporated in this agreement. Recipient must insure that any match associated with the project has been identified and procured. Must certify that it will use the project for the intended purpose for life of the project. If not, there are provisions for reimbursing the Authority.
- ✓ It is clear that the Authority will not operate or maintain any of these projects once completed. That will have to be done either by the agency that is building the project or in the case of a roadway, ultimately VDOT would accept it for maintenance. Agreement says that if it is anticipated that VDOT will accept the roadway for maintenance, it has to be built to VDOT's standards.
- ✓ Authority will provide money on reimbursement basis within 20 days if all paperwork is submitted. Will allow jurisdictions to submit contractor bills and be reimbursed in time to pay the bill. In most cases the jurisdiction will pay the contractor, then submit for reimbursement. For some of the jurisdictions it was important to have the ability to be reimbursed in order to pay the contractor.
- ✓ Any unused money at the end of a project must be returned to Authority. Or, if an allocation for a project has money left after the project is completed, that money will be freed up to be reallocated to other projects.
- ✓ Provisions dealing with the potential misuse of funds, consequences of misuse of funds and the role of the Authority in dealing with misuse of funds.

*(Ms. Fisher arrived.)*

- Chairman York stated that he attended the last Financial Working Group meeting, had a chance to listen to staff discuss the project agreement and agrees with it.
- Chairman York moved to approve, in substantial form, the Standard Project Agreement between the Authority and recipients of 70% funding that the Authority is allocating to regional projects; seconded by Chairman Bulova.

- Board Member Hynes asked if governing bodies have to approve the project agreements or if they can be signed on an administrative level. Mr. Biesiadny replied that the intent is that there be an official action by the policy making body of the recipient agency. If recipient is a jurisdiction, its board or council. If recipient is an agency, its board would have to approve it. Chairman Nohe added that a consent agenda can be used. Mr. Biesiadny responded that is correct. He stated a governing body could also designate that their chief administrative officer be authorized to sign the agreement.
- Delegate Rust asked if this is applicable to the 70% and the 30% money. Mr. Biesiadny responded that this is for the 70% money, that the agreement between the Authority and the jurisdictions for the 30 % money was approved in December.
- Delegate Rust referenced page 12, asking about money being subject to appropriation. He stated that the taxes imposed flow to General Assembly, then flow to NVTa, therefore they [the taxes] are not subject to appropriation. Mr. Biesiadny replied that in the budget the General Assembly approved, it actually does appropriate revenues, just as with the Northern Virginia gas tax.
- Ms. Bushue asked who has lead in a multi-jurisdictional project. Mr. Biesiadny answered that the implementing partners would decide who has lead. Whoever takes the lead would sign the agreement.
- Chairman Nohe asked if a jurisdiction is proposing a project, but intent is for VDOT, for example, to build the project, would VDOT or the jurisdiction sign the agreement. Mr. Biesiadny responded that this issue is still being worked on. If VDOT is clearly requesting and doing project, it would sign. If jurisdiction is requesting money and VDOT is going to be the contractor, there may need to be an agreement between the jurisdiction and VDOT.
- Chairman Nohe requested that staff draft a statement to be sent to Delegate Albo about Resolution 14-08 being incorporated into the Project Agreement. Delegate Rust stated that Delegate Albo had withdrawn his bill and that he is satisfied. Chairman Nohe replied that he wants to show Delegate Albo that NVTa built this into the agreement. Mr. Biesiadny responded that it would be done.
- Motion carried unanimously.

**V. Confirmation/Revision of Project List for Evaluation**      Mr. Srikanth, VDOT

- Ms. Hamilton introduced the VDOT Project Selection Model Results.
- Mr. Srikanth briefed the VDOT Project Selection Model Results presentation.
- Ms. Bushue congratulated and thanked VDOT for the excellent descriptive map and legend in the handouts provided.
- Chairman Bulova commented on a project proposed by the CTB that would widen the Fairfax County Parkway. She stated that this project is not on the County comprehensive plan, adding that some parts of parkway are on the comprehensive plan for widening. Some areas have already been widened. Some areas have already built additional interchange improvements that will

free up congestion. This particular area is a new area that just opened. It is not on the comprehensive plan to be widened and for most of the area, there is not the right of way in order to do that. There are two interchange improvements that are on the comprehensive plan to be done. The County believes that these two interchanges will address the congestion that the CTB project attempts to address. Chairman Bulova asked that this project not be advanced as part of a Fairfax County project for those reasons. She clarified that this project is project CTB 4. Ms. Fisher responded that the thought process behind putting this project on the list was that the interchange improvements on both I-95 and the Fairfax County Parkway will cause a bottleneck on that small portion. She stated that if Chairman Bulova really believes this is unnecessary because of the other projects, she requested that Chairman Bulova provide some documentation prior to the CTB meeting next week, so that it can be discussed and presented at the meeting. Chairman Bulova responded affirmatively.

- Mayor Parrish moved to recommend to the Commonwealth Transportation Board the approval of the list of proposed projects for evaluation as shown in Item V, with the note that Fairfax County has expressed concern about Project No CTB-4 as it is not in the County's Comprehensive Plan and is inconsistent with its planned improvements in the same area. Fairfax County believes that interchange improvements already planned for this segment of the Fairfax County Parkway would address congestion and negate a need to widen the Parkway in this particular area; seconded by Chairman York.

*(Senator Ebbin departed.)*

- Board Member Hynes questioned whether the Authority has to move the CTB projects back to the CTB, or is the Authority just moving Authority projects. Chairman Nohe responded that the Authority is recommending to the CTB that the CTB approve a list. The CTB does not have to listen to the Authority recommendation. He observed that some of the study results were surprising. Some projects that are viewed as vital by a jurisdiction in reducing congestion, scored very low in the study. He pointed out that this is a process that was developed to figure out which projects would go through full evaluation, designed with the expectation that 70 projects would be submitted to the first round study. He reminded the members that this is just an evaluation and this creates a great experiment to test the robustness of the process being embarked on. The Authority does not have to fund any of these projects. It is possible that projects with really high scores will be too expensive to fund.
- Board Member Hynes asked again if the Authority has to recommend to the CTB their own projects, or is it recommending the Authority list. Mr. Srikanth responded that the reason for including the CTB list on the compiled list presented to the Authority was to give the Authority the opportunity to review and comment on all the projects nominated. Authority concerns are

now captured in the motion that the CTB will be informed of and we will be bound by what comes out of that process.

- Chairman York stated that this would matter more if we were recommending more projects than could be evaluated. Potentially we could be recommending that CTB projects not go forward to make room for Authority projects.
- Chairman York asked about project NVT#223 in Purcellville. He observed there were low ratings in categories for congestion relief and asked what surrounding area was considered in the study. He added that it is now not an intersection and is proposed to be an interchange. It is intended to provide congestion relief for other interchanges and other roads in the area. Wants to be sure that entire surrounding area is considered in final evaluation. Mr. Srikanth responded that the project selection scores and attributes are VDOT's assessment as to whether the project has the potential to reduce congestion. The actual results will become available once we get the full results. Chairman York added that he wants to be sure VDOT is not just looking at congestion relief on one road, but on all the roads in the area. Mr. Roden responded that VDOT will look at a larger region in the final study.
- Board Member Hynes suggested the Authority needs to think about what the purpose of its vote is at this stage. CTB has the opportunity to submit projects to VDOT, regardless of the Authority's vote. In regard to the funding, the decision comes back to the Authority. She added it is appropriate for the members of the Authority to opine about the projects the CTB has submitted and respond that there are concerns from jurisdictions. Board Member Hynes wondered whether the Authority should vote to advance the CTB proposed projects; stated that is not the Authority's call as the Authority does not control what VDOT is doing. Voting yes at this point may indicate something the Authority does not mean to indicate at this point. Chairman Nohe suggested that since the Authority has proposed less projects than can be evaluated, there is no harm in advancing all projects. In the future if too many projects are proposed, then there may be a different answer. He added it would be nice to think that if this scenario unfolded NVT could work with the CTB to recommend the projects that scored the highest regardless of which entity proposed the project. This is what NVT agreed to do, as this is in comport with the law. In this circumstance, with acknowledgement of parochial issue, Chairman Nohe recommended that the Authority vote to recommend all the projects because the Authority should evaluate all the projects it can. He added the answer might be different if there was a longer list of projects. Chairman Nohe disclosed that the Prince William project nominated by the CTB will directly impact customers getting to his store.
- Delegate Rust stated that the vote tonight is that these projects are worthy of consideration and there will be more consideration when evaluation results come back with detailed rankings. Tonight's vote is just to move the projects forward from preliminary study to final study. Chairman Nohe added there are other projects on the evaluation list that have non-fatal flaws, for example a Loudoun County project that is not in TransAction 2040. The Authority



decided to advance it, recognizing that at this point it cannot be built even if it scores very high. However, it could be built at some point, or VDOT could be petitioned to build it. Already have a precedent that projects that are not fatal, if they meet Tier 1, can be advanced by NVTa.

- Mayor Umstattd asked if the final project ratings will be based on congestion reduction and noted there are five separate categories related to congestion reduction. Mr. Srikanth replied that the congestion reduction related performance numbers that will be used to develop the final rating will be slightly different from those listed in the preliminary screening, as presented to the Authority last month.
- Mayor Umstattd asked if VDOT anticipates that projects that did not get high scores in one of the categories in the first round, might not get high scores in the final rating system. Mr. Srikanth responded that VDOT is eager to learn how these processes work from first round study to final round study. If VDOT has applied assessment correctly, this could happen, but it will give VDOT the opportunity to learn and fine tune the process as well. Mr. Srikanth added that as with some of these operational improvements, in the first round VDOT was looking at one area, in the detailed analysis will evaluate all surrounding areas. There could be correlation between the stages of the study and VDOT wants to find out to what degree there is correlation.
- Mayor Umstattd asked whether the final congestion reduction criterion will carry a higher weight than the emergency mobility criterion. She questioned why the emergency mobility criterion is included in the study as this is a Federal interest. She stated that some projects that do extremely well in emergency mobility do not rate as well in congestion reduction. Mayor Umstattd asked if the importance of emergency mobility is being reduced relative to congestion reduction. Mr. Srikanth responded that in the overall rating emergency mobility does have one of the lowest ratings, not necessarily because VDOT does not think it is important, but because the technical tools available and the data from the model are rather limited.
- Chairman Nohe stated that the jurisdictions did a self-evaluation of how they thought projects would fair in the preliminary round. He asked that as we enter into the next stage of the process, if a jurisdiction is troubled by what VDOT sees a score being and what the jurisdiction sees as score being, does VDOT want to hear from the jurisdiction. Mr. Srikanth responded that due to the scheduling of the CTB meeting, VDOT did not have time to meet with the PIWG to work through the study results yet. VDOT has offered to meet with PIWG and TAC to review process of how study was done and determine if any improvements can be made in applying ratings in the next round.
- Motion carried unanimously.
- Chairman Nohe noted that the next round of preliminary data will be provided to the Authority and PIWG by June, which will then be turned into final data in December. He stated that the Authority can begin using preliminary results

in the development of the Six-Year Plan. He recognized that results could change in December and then the Six-Year Plan might need to be reevaluated. Mr. Srikanth responded that the preliminary data will be good enough for a draft Six-Year Program. Chairman Nohe added that if the Authority would have to wait until January to put out a Six-Year Plan, there would not be time for public comment; draft would have to be final plan.

### **Information/Discussion Items**

**~~VI. Revised RSTP/CMAQ Program FY14 – FY19~~** ~~Ms. Backmon, Chair, JACC~~

**VII. JACC Approval of Reallocation of RSTP/CMAQ Funds for the City of Fairfax** Ms. Backmon, Chair, JACC

- No verbal report.

**VIII. Status of Memoranda of Agreement** Mr. Mason, CEO

- No verbal report.

**IX. HB 2313 Funding Status** Mr. Longhi, CFO

- No verbal report.

**X. Flow of NVTAFunds** Mr. Longhi, CFO

- Mr. Longhi briefed the Flow of NVTAFunds and pointed out that the first chart is tied to the narrative and shows the incoming revenue streams for the Authority. The chart shows the tax receipt revenue and the bond proceeds. The numbering in the chart matches the narrative to walk the reader through the actual flow of funds. The second chart has the same principal and shows the dollars originally predicted for the Authority and the funds actually received through the end of February.
- Chairman Nohe asked if the Authority has either allocated to projects or allocated for reserves a certain amount of dollars from the FY2014 funds. Mr. Longhi responded that this has effectively been done.
- Chairman Nohe asked how much is left on the bottom line for FY2014: Are there any FY2014 dollars that will be programmed in the future. Mr. Longhi replied not without changing the timing of filling the working capital reserve. He added the principal issue is that the Authority is filling the reserve for the first time so it will take a lot more money in FY2014 as it is 50% of the 70% revenue or \$102 million.
- Chairman Nohe stated this is very relevant because FY2014 dollars under HB2313 are not constrained by HB599, so they are an excellent candidate for reserve money.

- Mr. Longhi added that we [staff and the Authority's Financial Advisor] are looking at different funding options for the reserve, so that if there is a need to fund more FY2014 projects the sequencing of funding the reserve can be reviewed.
- Mr. MacIsaac confirmed that Chairman Nohe's statement was correct. Chairman Nohe clarified that the FY2014 revenue is less constrained than the FY2015 revenue. Therefore, it is the best money to put into a reserve because the Authority knows when that money is used it is money not constrained at its source. Chairman Nohe explained that he was specifically bringing this up because of a budget amendment currently in the House [of Delegates] that would require that those FY2014 funds that NVTa has not yet allocated would retroactively be subject to the HB599 process. If this budget amendment does survive, it would force the Authority to evaluate policies on how reserves can be used because they are as of yet unallocated FY2014 revenues. Mr. Longhi responded that this will need to be reviewed.
- Delegate Rust added that we will have a better picture of items like this on March 24.
- Ms. Bushue thanked Mr. Longhi for providing this report.

#### **XI. NVTa Operating Budget Report**

Mr. Longhi, CFO

- No verbal report.

#### **XII. Legislative Report**

Ms. Dominguez, Vice-Chair, JACC

- Mr. Biesiadny briefed the General Assembly Report. The General Assembly adjourned without a budget, so will be back in session on March 24. He added that during regular session all the bills that would have impacted NVTa were either defeated or left in committee. The remaining item that would impact the Authority is the previously referred to budget amendment. He stated that what becomes of it will be clearer on March 24.
- Mr. Biesiadny noted that the changes to the Legislative Program were highlighted in the report. He addressed HB2 that will affect the CTB's ability to allocate transportation dollars in the future. He explained:
  - ✓ The final bill that was passed by the General Assembly was significantly different than the bill that was introduced.
  - ✓ HB2 requires the CTB to develop a prioritization process for the funds that it allocates in the Six-Year Program.
  - ✓ Need to consider roadway, transit, rail, technology improvements as well as transportation demand management.
  - ✓ Needs to be done in cooperation with the MPOs and NVTa.
  - ✓ Need to solicit input from local governments, transit authorities and other stakeholders.
  - ✓ Have two years to implement, will begin using these new criteria to allocate money beginning on July 1, 2016.

- ✓ Some criteria to be considered include congestion relief, economic development, accessibility, safety and environmental quality.
  - ✓ Criteria can be rated differently for different construction districts within the Commonwealth.
  - ✓ For Northern Virginia and Hampton Roads, the highest rate needs to be assigned to congestion mitigation.
  - ✓ Exempts from the process any projects that have reached a completed environmental review or have their National Environmental Policy Act Process completed, even if provided funding after July 1, 2016.
  - ✓ Excludes from the process CMAQ funding, RSTP funding, Urban and Secondary Road funding, however, includes caveat that CTB may develop a prioritization process for these funds in the future.
  - ✓ Excludes HB2313 funds.
  - ✓ States that no project can be undertaken primarily for economic development purposes.
  - ✓ Summarized that HB2 as passed was significantly different than the bill as it was introduced and will result in a significant change to future allocations of transportation funding.
- Council Member Snyder asked for an explanation about how this bill significantly changes future transportation funding. Mr. Biesiadny replied that currently the CTB does not have a specific prioritization process for allocating money. In the Virginia Code there is a formula that says 40% of the money will go to primaries, 30% to secondaries, 30% urban. It also says that \$500 million comes off the top and can be allocated at the discretion of the CTB. HB2 establishes for the first time legislative priorities for how the CTB allocates money and gives the CTB two years to develop specifics as to how that process will be done.
  - Council Member Snyder inquired as to what opportunities the Authority will have to comment on how the CTB will implement this. Mr. Biesiadny responded that the legislation is clear that the CTB needs to consult with the local MPOs, NVTA and the local governments. He added he is sure there will be a process, but process is probably not defined yet. Council Member Snyder suggested that perhaps NVTA should be thinking about NVTA's role in the process now. Mr. Biesiadny suggested that until NVTA knows what information the CTB is looking for, it could be a little challenging to do that.
  - Chairman Nohe stated that April 24 is the next CTB meeting. He asked that staff or the JACC communicate that as such processes are developed, the Authority would like to be engaged and to ensure opportunity to comment.
  - Mayor Umstattd asked if the last bullet under the bill is redundant with the provision that the highest weight has to be given to congestion mitigation. Mr. Biesiadny responded that the last bullet was inserted due to recent court cases related to condemnation associated with economic development. It was the intent of the General Assembly to make it clear that these funds cannot be used for the primary purpose of economic development although economic development is one of the criteria that could be considered and might be weighted in a certain fashion in some districts.

- Mayor Umstattd asked if it is possible that using economic development as any justification could put the project in conflict with the Constitutional Amendment from last year or the year before. Mr. Biesiadny responded he was not sure, that it may require legal review.
- Delegate Rust clarified that the General Assembly was concerned that there was no priority system to ranking of how the money was spent. HB2 started out as almost a mirror of what NVTA has done in Northern Virginia. The bill changed dramatically as it went through. One reason that economic development got added and congestion, other than in Northern Virginia and Hampton Road, is not the priority is because once you get out of this area, congestion is not the big problem. The big problem is economic development and the transportation infrastructure to permit the economic development. Other than Northern Virginia and Hampton Roads, there will be more flexibility in how money is spent. This, for the first time, puts a process in the Virginia Code that the CTB must follow. He suggested the General Assembly may do something similar on maintenance in the future. He added that this bill was the highest priority of the Speaker, passed almost unanimously in both houses and there was a lot of work done on it to get it to what it was at the very end. Delegate Rust stated that it was a good bill.

### **XIII. Executive Director's Report**

Mr. Mason, CEO

- No verbal report.

### **Reports from Working Groups**

#### **XIV. Financial Working Group**

Chair Euille

- No verbal report.

#### **XV. Project Implementation Working Group**

Chair Nohe

- No verbal report.

#### **XVI. Chairman's Comments**

- Chairman York explained that this year the US Department of Transportation TIGER Grant opportunity includes up to \$35 million for transportation planning.
- Chairman York moved that the Authority direct the Interim Executive Director, in coordination with appropriate staff, to investigate the potential for using the FY2014 TIGER solicitation to fund the update of TransAction 2040 and, if feasible, to pursue and submit an application by the program's submission deadline. He further moved that if needed the Interim Executive

Director, in coordination with staff, be allowed to seek consultant services for assistance in preparing an application with a limit of \$20,000; seconded by Chairman Bulova.

- Chairman York suggested that in future years the Authority incorporate this in the schedule sooner as the application closing date is April 28.
- Board Member Hynes suggested that in the future the Authority should discuss how to use this money.
- Chairman Nohe inquired as to whether any member jurisdictions or partner agencies were applying for this grant in this round. Chairman York responded that Loudoun may be, but not for a planning grant. Chairman Nohe suggested the region should not compete against itself.
- Motion carried with eleven (11) yeas and one (1) abstention [Chairman Nohe].
- Chairman Nohe appointed Mayor Parrish, Chairman Bulova, Board Member Hynes and Council Member Rishell to the Finance Committee.
- Mayor Parrish moved that the Northern Virginia Transportation Authority convene a closed meeting, as authorized by Virginia Code section 2.2-3711.A.1, for a personnel matter relating to the selection of an Executive Director for the Authority; seconded by Board Member Hynes. Motion carried unanimously.
- The Authority entered into closed session at 8:35pm.

### **Closed Session**

- The Authority returned to open session at 9:30pm.
- Mayor Parrish moved that the members of the Northern Virginia Transportation Authority certify: (1) that only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered by the Committee; seconded by Chairman York. Motion carried unanimously.

### **Adjournment**

## **XVII. Adjournment**

- Meeting adjourned at 9:35 pm.

## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

**FOR:** Chairman Martin E. Nohe and Members  
Northern Virginia Transportation Authority

**FROM:** John Mason, Interim Executive Director

**DATE:** April 11, 2014

**SUBJECT:** Regional Funding Project 999-14-001-1-01 – Transit Alternatives Analysis Study of the Route 7 Corridor (King Street, Alexandria to Tysons Corner) (Phase II)

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1. **Recommendation.** Conditional approval of attached Standard Project Agreement (SPA) 999-14-001-1-01.
2. **Suggested motion.** *I move approval of the proposed Standard Project Agreement 999-14-001-1-01 - Transit Alternatives Analysis Study of the Route 7 Corridor (King Street, Alexandria to Tysons Corner) (Phase II); and that the Interim Executive Director sign it on behalf of the Authority conditioned upon language included in the General Assembly's adopted FY15/15 budget.*
3. **Background.**
  - a. The Authority previously approved this project for funding using FY 2014 70% regional funds on July 24, 2013.
  - b. FY2014 PayGo funding was also approved on July 24, 2013 and is available for the project.
  - c. The attached SPA presented by the Northern Virginia Transportation Commission (NVTC) is consistent with the project previously approved by the Authority.
  - d. The attached SPA has been reviewed by the Council of Counsels, noting that there were no legal issues.
  - e. The General Assembly has not yet passed a budget amendment. This suggests that it would be wise to approve SPA on a conditional basis.

**Attachment:** SPA for NVT Authority Project Number 999-14-001-1-01

**Coordination:** Council of Counsels

# IV.A

**Standard Project Agreement for Funding and Administration  
between  
Northern Virginia Transportation Authority  
and  
Northern Virginia Transportation Commission (NVTC)  
(Recipient Entity)**

NVTA Project Number: 999-14-001-1-01

This Standard Project Agreement for Funding and Administration ("this Agreement") is made and executed in duplicate on this 17 day of April, 2014, as between the Northern Virginia Transportation Authority ("NVTA") and Northern Virginia Transportation Commission (NVTC) ("Recipient Entity").

## **WITNESSETH**

WHEREAS, NVTA is a political subdivision of the Commonwealth of Virginia created by the Northern Virginia Transportation Authority Act ("the NVTA Act"), Chapter 48.2 of Title 15.2 of the Code of Virginia, as amended;

WHEREAS, Section 15.2-4830(4) of the Code of Virginia authorizes NVTA to enter into project agreements with certain statutorily designated entities for the provision of transportation facilities and services to the area embraced by NVTA;

WHEREAS, Section 15.2-4838.01 of the Code of Virginia authorizes NVTA to use funds from a fund established pursuant to that Code section (the "NVTA Fund") in order to assist in the financing, in whole or in part, of certain regional transportation projects in accordance with Code Section 15.2- 4838.1;

WHEREAS, the NVTA Fund provides for the deposit therein of certain dedicated revenues and other funds appropriated by the Virginia General Assembly;

WHEREAS, Section 15.2-4838.1 of the Code of Virginia authorizes the use of funds from the NVTA Fund and the use of proceeds from NVTA debt issuances ("NVTA Bond Proceeds") to be used by NVTA solely for transportation purposes benefitting those counties and cities embraced by NVTA;

WHEREAS, the Project set forth and described on Appendix A to this Agreement ("the Project") satisfies the requirements of Virginia Code Section 15.2-4838.1;



WHEREAS, the Project is to be financed, as described in Appendix B, in whole or in part, by funds from the NVTA Fund and/or from NVTA Bond Proceeds, is located within a locality embraced by NVTA's geographical borders, or is located in an adjacent locality, but only to the extent that any such extension is an insubstantial part of the Project and is essential to the viability of the Project within the localities embraced by NVTA;

WHEREAS, \_\_\_\_\_ NVTC \_\_\_\_\_ formally requested that NVTA provide funding to the Project by timely submitting an application for NVTA funding in response to NVTA's call for projects;

WHEREAS, NVTA has reviewed \_\_\_\_\_ NVTC \_\_\_\_\_'s application for funding and has approved \_\_\_\_\_ NVTC \_\_\_\_\_'s administration and performance of the Project's described scope of work;

WHEREAS, based on the information provided by \_\_\_\_\_ NVTC \_\_\_\_\_, NVTA has determined that the Project complies with all requirements of the NVTA Act related to the use of moneys identified in Virginia Code Sections 15.2-4838.1.A,C.1 and all other applicable legal requirements;

WHEREAS, the funds to be provided by NVTA described in Appendix B have been duly authorized and directed by \_\_\_\_\_ NVTC \_\_\_\_\_ to finance the Project;

WHEREAS, NVTA agrees that \_\_\_\_\_ NVTC \_\_\_\_\_ will design and/or construct the Project or perform such other specific work for the Project and \_\_\_\_\_ NVTC \_\_\_\_\_ agrees that it will perform such work on the terms and conditions set forth in this Agreement and the Appendices appended thereto;

WHEREAS, both parties have concurred in the \_\_\_\_\_ NVTC \_\_\_\_\_'s administration, performance, and completion of the Project on the terms and conditions set forth in this Agreement and its Appendices and in accordance with all applicable federal, state, and local laws and regulations; and

WHEREAS, NVTA's governing body and \_\_\_\_\_ NVTC \_\_\_\_\_'s governing body have each authorized that their respective designee(s) execute this agreement on their respective behalf(s) as evinced by copies of each such entity's clerk's minutes which are appended hereto as Appendix E.;

NOW THEREFORE, in consideration of the promises made mutual covenants, and agreements contained herein, the parties hereto agree as follows:

A. Recipient Entity's Obligations

NVTC shall:

1. Complete or perform all said work as described in Appendix A, advancing such work diligently and ensuring that all work is completed in accordance with all applicable federal, state, and local laws and regulations, and all terms and conditions of this Agreement.
2. Ensure that all work performed or to be performed under this Agreement is in accordance with the Project Description Sheets attached to Appendix A and complies with Va. Code Ann. Sections 15.2-4838.1(A) and C(1).
3. Perform or have performed, and remit all payment requisitions and other requests for funding for design and engineering, including all environmental work, right-of-way acquisition, construction, contract administration, testing services, inspection services, or capital asset acquisitions for the Project, as is required by this Agreement and that may be necessary for completion of the Project.
4. Not use the NVTA funds specified on Appendix B to pay any Project cost if the NVTA Act does not permit such Project cost to be paid with NVTA funds.
5. Recognize that, if the Project contains "multiple phases" (as such "multiple phases" are defined for the Project on Appendix A), for which NVTA will provide funding for such multiple phases (as set forth on Appendix B), NVTA may not provide funding to NVTC to advance the Project to the next phase until the current phase is completed. In any circumstance where NVTC seeks to advance a Project to the next phase using NVTA funds, NVTC shall submit a written request to NVTA's Executive Director explaining the need for NVTA's funding of an advanced phase. NVTA's Executive Director will thereafter review the circumstances underlying the request in conjunction with Appendix B and NVTA's current and projected cash flow position and make a recommendation to NVTA whether to authorize the requested advance phase funding. Nothing herein, however, shall prohibit NVTC from providing its own funds to

advance a future phase of the Project and from requesting reimbursement from NVT A for having advance funded a future phase of the Project. However, \_\_\_\_\_ NVTC \_\_\_\_\_ further recognizes that NVT A's reimbursement to \_\_\_\_\_ NVTC \_\_\_\_\_ for having advance funded a Project phase will be dependent upon NVT A's cash flow position at the time such a request for reimbursement is submitted and to the extent that any such advanced funding is consistent with Appendix B.

6. Acknowledge that NVT A's Executive Director will periodically update NVT A's project cash flow estimates with the objective toward keeping those estimates accurate throughout the life of the Project. \_\_\_\_\_ NVTC \_\_\_\_\_ shall provide all information required by NVT A so as to ensure and facilitate accurate cash flow estimates and accurate updates to those cash flow estimates throughout the life of the Project as described in Appendix B.
7. Provide to NVT A requests for payment consistent with Appendix B and the most recently approved NVT A cash flow estimates that include NVT A's standard payment requisition(s), containing detailed summaries of actual project costs incurred with supporting documentation as determined by NVT A and that certify all such costs were incurred in the performance of work for the Project as authorized by this Agreement. Each payment requisition shall be in substantially the same form as set forth in Appendix C of this Agreement. If approved by NVT A, \_\_\_\_\_ NVTC \_\_\_\_\_ can expect to receive payment within twenty (20) days upon receipt by NVT A. Approved payments may be made by means of electronic transfer of funds from NVT A to or for the account of \_\_\_\_\_ NVTC \_\_\_\_\_.
8. Promptly notify NVT A's Executive Director of any additional project costs resulting from unanticipated circumstances and provide to NVT A detailed estimates of additional costs associated with those circumstances. \_\_\_\_\_ NVTC \_\_\_\_\_ understands that it will be within NVT A's sole discretion whether to provide any additional funding to the Project in such circumstances and that NVT A will do so only in accordance with NVT A's approved Project Selection Process and upon formal action and approval by NVT A. \_\_\_\_\_ NVTC \_\_\_\_\_ shall timely provide to NVT A a

complete and accurate update to Appendix B, if NVTA approves funding of any additional Project costs for the Project under this Paragraph.

9. Release or return any unexpended funds to NVTA no later than 90 days after final payment has been made to the contractors.
10. Review and acknowledge the requirements of NVTA Resolution No. 14-08 adopted January 23, 2014; to wit that, if applicable to \_\_\_\_\_ NVTC \_\_\_\_\_'s Project: a) Prior to any NVTA funds being released for a project that may be part of a larger project, projects, or system undertaken with an extra-territorial funding partner, all such extra-territorial funding partners must commit to pay their appropriate, respective proportionate share or shares of the larger project or system cost commensurate with the benefits to each on a basis agreed upon by the NVTA member localities; b) any such funds released by NVTA for such project will be in addition to the funds that the NVTA member locality is to receive from or be credited with by the extra-territorial funding partner for the project or system; and c) there shall be no funding made available by NVTA until such time as all extra-territorial funding partners for such project or system pay or officially commit to fund their appropriate, respective proportionate shares of such large project or system commensurate with the benefits to each on a basis agreed upon with NVTA.
11. Should \_\_\_\_\_ NVTC \_\_\_\_\_ be required to provide matching funds in order to proceed or complete the funding necessary for the Project, \_\_\_\_\_ NVTC \_\_\_\_\_ shall certify to NVTA that all such matching funds have been either authorized and/or appropriated by \_\_\_\_\_ NVTC \_\_\_\_\_s governing body or have been obtained through another, independent funding source;
12. Maintain complete and accurate financial records relative to the Project for all time periods as may be required by the Virginia Public Records Act and by all other applicable state or federal records retention laws or regulations, unless superseded by the laws that govern \_\_\_\_\_ NVTC \_\_\_\_\_ and provide copies of any such financial records to NVTA, free of charge, upon request.

13. Maintain all original conceptual drawings and renderings, architectural and engineering plans, site plans, inspection records, testing records, and as built drawings for the Project for the time periods required by the Virginia Public Records Act and any other applicable records retention laws or regulations, unless superseded by the laws that govern \_\_\_\_\_ NVTC \_\_\_\_\_; and provide to NVTA copies of all such drawings and plans free of charge, upon request.
14. Reimburse NVTA for all NVTA funds (with interest earned at the rate earned by NVTA) that \_\_\_\_\_ NVTC \_\_\_\_\_ misapplied or used in contravention of Sections 15.2-4829 *et. seq.* of the Virginia Code ("the NVTA Act") Chapter 766 of the 2013 Virginia Acts of Assembly ("Chapter 766"), or any term or condition of this Agreement.
15. Name NVTA and its Bond Trustee or require that all \_\_\_\_\_ NVTC \_\_\_\_\_'s contractors name NVTA or its Bond Trustee as an additional insured on any insurance policy issued for the work to be performed by or on behalf of \_\_\_\_\_ NVTC \_\_\_\_\_ for the Project and present NVTA with satisfactory evidence thereof before any work on the Project commences or continues.
16. Give notice to NVTA that \_\_\_\_\_ NVTC \_\_\_\_\_ may use NVTA funds to pay outside legal counsel services (as opposed to utilizing the services of its own in-house counsel or NVTA's in-house legal counsel) in connection with the work performed under this Agreement \_\_\_\_\_ NVTC \_\_\_\_\_ so as to ensure that no conflict of interest may arise from any such representation.
17. Provide certification to NVTA, that upon final payment to all contractors for the Project, \_\_\_\_\_ NVTC \_\_\_\_\_ will use the Project for its intended purposes for the duration of the Project's useful life. Under no circumstances will NVTA be considered responsible or obligated to operate and/or maintain the Project after its completion.
18. Comply with all requirements of the Virginia Public Procurement Act and other applicable Virginia Code provisions, or local ordinances which govern the letting of public contracts, unless superseded by the laws that govern \_\_\_\_\_ NVTC \_\_\_\_\_.

19. Acknowledge that if the Project is being funded in whole or in part by NVTA Bond Proceeds, comply with the tax covenants attached as Appendix D.
20. Acknowledge that if \_\_\_\_\_ NVTC \_\_\_\_\_ expects and/or intends that the Project is to be submitted for acceptance by the Commonwealth into its system that \_\_\_\_\_ NVTC \_\_\_\_\_ agrees to comply with the Virginia Department of Transportation's ("VDOT's") "Standards, Requirements and Guidance."
21. Recognize that \_\_\_\_\_ NVTC \_\_\_\_\_ is solely responsible for obtaining all permits and permissions necessary to construct and/or operate the Project, including but not limited to, obtaining all required VDOT and local land use permits, applications for zoning approvals, and regulatory approvals.
22. Recognize that if \_\_\_\_\_ NVTC \_\_\_\_\_ is funding the Project, in whole or in part, with federal and/or state funds, in addition to NVTA funds and/or NVTA Bond Proceeds that \_\_\_\_\_ NVTC \_\_\_\_\_ will need to comply with all federal and Commonwealth funding requirements, including but not limited to, the completion and execution of VDOT's Standard Project Administration Agreement and acknowledges that NVTA will not be a party or signatory to that Agreement; nor will NVTA have any obligation to comply with the requirements of that Agreement.
23. Provide a certification to NVTA no later than 90 days after final payment to the contractors that \_\_\_\_\_ NVTC \_\_\_\_\_ adhered to all applicable laws and regulations and all requirements of this Agreement.

B. NVTA's Obligations

NVTA shall:

- I. Provide to \_\_\_\_\_ NVTC \_\_\_\_\_ the funding authorized by NVTA for design work, engineering, including all environmental work, all right-of-way acquisition, inspection services, testing services, construction, and/or capital asset acquisition(s) on a reimbursement basis as set forth in this Agreement and as specified in the Project Budget and Cash Flow contained in

Appendix B to this Agreement or the most updated amendment thereto, as approved by NVTA.

2. Assign a Program Coordinator for the Project. NVTA's Program Coordinator will be responsible for monitoring the Project on behalf of NVTA so as to ensure compliance with this Agreement and all NVTA's requirements and with overseeing, managing, reviewing, and processing, in consultation with NVTA's Executive Director and its Chief Financial Officer ("CFO") , all payment requisitions submitted by \_\_\_\_\_ NVTC \_\_\_\_\_ for the Project. NVTA's Program Coordinator will have no independent authority to direct changes or make additions, modifications, or revisions to the Project Scope of Work as set forth on Appendix A or to the Project Budget and Cash Flow as set forth on Appendix B.
3. Route to NVTA's assigned Program Coordinator all \_\_\_\_\_ NVTC \_\_\_\_\_'s payment requisitions, containing detailed summaries of actual Project costs incurred which are in substantially the same form as shown on Appendix C submitted to NVTA for the Project. After submission to NVTA, NVTA's Program Coordinator will conduct an initial review of all payment requisitions and supporting documentation for the Project in order to determine the submission's legal and documentary sufficiency. NVTA's Program Coordinator will then make a recommendation to the NVTA's CFO and Executive Director whether to authorize payment, refuse payment, or seek additional information from \_\_\_\_\_ NVTC \_\_\_\_\_. If the payment requisition is sufficient as submitted, payment will be made within twenty (20) days from receipt. If the payment requisition is deemed insufficient, within twenty (20) days from receipt, NVTA's Program Coordinator will notify \_\_\_\_\_ NVTC \_\_\_\_\_ in writing and set forth the reasons why the payment requisition was declined or why and what specific additional information is needed for processing the payment request. Payment will be withheld until all deficiencies identified by NVTA have been corrected. Under no circumstances will NVTA authorize payment for any work performed by or on behalf of \_\_\_\_\_ NVTC \_\_\_\_\_ that is not in conformity with the requirements of the NVTA Act, Chapter 766, or this Agreement.

4. Route all \_\_\_\_\_ NVTC \_\_\_\_\_'s supplemental requests for funding from NVTA under Paragraphs A.5 and A.8 of this Agreement to NVTA's Executive Director. NVTA's Executive Director will initially review those requests and all supporting documentation with NVTA's CFO. After such initial review, NVTA's Executive Director will make a recommendation to NVTA's Finance Committee for its independent consideration and review. NVTA's Finance Committee will thereafter make a recommendation on any such request to NVTA for final determination by NVTA.
5. Conduct periodic compliance reviews scheduled in advance for the Project so as to determine whether the work being performed remains within the scope of this Agreement, the NVTA Act, Chapter 766, and other applicable law. Such compliance reviews may entail review of \_\_\_\_\_ NVTC \_\_\_\_\_'s financial records for the Project and on -site inspections.
6. Acknowledge that if, as a result of NVTA's review of any payment requisition or of any NVTA compliance review, NVTA staff determines that \_\_\_\_\_ NVTC \_\_\_\_\_ has misused or misapplied any NVTA funds in derogation of this Agreement or in contravention of the NVTA Act, Chapter 766 or applicable law, NVTA staff will promptly advise NVTA's Executive Director and will advise \_\_\_\_\_ NVTC \_\_\_\_\_'s designated representative in writing. \_\_\_\_\_ NVTC \_\_\_\_\_ will thereafter have thirty (30) days to respond in writing to NVTA's initial findings. NVTA's staff will review \_\_\_\_\_ NVTC \_\_\_\_\_'s response and make a recommendation to NVTA's Finance Committee. NVTA's Finance Committee will thereafter conduct its own review of all submissions and make a recommendation to NVTA. Pending final resolution of the matter, NVTA will withhold further funding on the Project. If NVTA makes a final determination that \_\_\_\_\_ NVTC \_\_\_\_\_ has misused or misapplied funds in contravention of this Agreement, the NVTA Act, Chapter 766, or other applicable law, NVTA will cease further funding for the Project and will seek reimbursement from \_\_\_\_\_ NVTC \_\_\_\_\_ of all funds previously remitted by NVTA (with interest earned at the rate earned by NVTA) which were misapplied or misused by \_\_\_\_\_ NVTC \_\_\_\_\_. Nothing herein shall, however, be construed as denying, restricting or limiting the pursuit of either party's legal rights or available legal remedies.



7. Make guidelines available to \_\_\_\_\_ NVTC \_\_\_\_\_ to assist the parties in carrying out the terms of this Agreement in accordance with applicable law.
8. Upon recipient's final payment to all contractors, retain copies of all contracts, financial records, design, construction, and as-built project drawings and plans for the Project for the time periods required by the Virginia Public Records Act and as may be required by other applicable records retention laws and regulations.
9. Be the sole determinant of the amount and source of NVTA funds to be provided and allocated to the Project and the amounts of any NVTA funds to be provided in excess of the amounts specified in Appendix B.

C. Term

1. This Agreement shall be effective upon adoption and execution by both parties.
2. \_\_\_\_\_ NVTC \_\_\_\_\_ may terminate this Agreement, for cause, in the event of a material breach by NVTA of this Agreement. If so terminated, NVTA shall pay for all Project costs incurred through the date of termination and all reasonable costs incurred by \_\_\_\_\_ NVTC \_\_\_\_\_ to terminate all Project related contracts. The Virginia General Assembly's failure to appropriate funds to NVTA as described in paragraph F of this Agreement or repeal of the legislation establishing the NVTA fund created pursuant to Chapter 766 shall not be considered material breaches of this Agreement by NVTA. Before initiating any proceedings to terminate under this Paragraph, \_\_\_\_\_ NVTC \_\_\_\_\_ shall give NVTA sixty (60) days written notice of any claimed material breach of this Agreement; thereby allowing NVTA an opportunity to investigate and cure any such alleged breach.
3. NVTA may terminate this Agreement, for cause, resulting from \_\_\_\_\_ NVTC \_\_\_\_\_'s material breach of this Agreement. If so terminated, \_\_\_\_\_ NVTC \_\_\_\_\_ shall refund to NVTA all funds NVTA provided to \_\_\_\_\_ NVTC \_\_\_\_\_ for the Project (including interest earned at the rate earned by NVTA). NVTA will provide \_\_\_\_\_ NVTC \_\_\_\_\_ with sixty (60) days written notice that NVTA is exercising its rights to terminate this Agreement and the reasons for termination. Prior to termination, \_\_\_\_\_ NVTC \_\_\_\_\_ may

request that NVTA excuse \_\_\_\_\_ NVTC \_\_\_\_\_ from refunding all funds NVTA provided to \_\_\_\_\_ NVTC \_\_\_\_\_ for the Project based upon \_\_\_\_\_ NVTC \_\_\_\_\_'s substantial completion of the Project or severable portions thereof; and NVTA may, in its sole discretion, excuse \_\_\_\_\_ NVTC \_\_\_\_\_ from refunding all or a portion of the funds NVTA provided to \_\_\_\_\_ NVTC \_\_\_\_\_ for the Project. No such request to be excused from refunding will be allowed where \_\_\_\_\_ NVTC \_\_\_\_\_ has either misused or misapplied NVTA funds in contravention of applicable law.

4. Upon termination and payment of all eligible expenses as set forth in Paragraph C.3 above, \_\_\_\_\_ NVTC \_\_\_\_\_ will release or return to NVTA all unexpended NVTA funds with interest earned at the rate earned by NVTA no later than sixty (60) days after the date of termination.

D. Dispute

In the event of a dispute under this Agreement, the parties agree to meet and confer in order to ascertain if the dispute can be resolved informally without the need of a third party or judicial intervention. NVTA's Executive Director and \_\_\_\_\_ NVTC \_\_\_\_\_'s Chief Executive Office or Chief Administrative Officer shall be authorized to conduct negotiations on behalf of their respective entities. If a resolution of the dispute is reached via a meet and confer dispute resolution method, it shall be presented to NVTA and to \_\_\_\_\_ NVTC \_\_\_\_\_'s governing body for formal confirmation and approval. If no satisfactory resolution can be reached via the meet and confer method, either party is free to pursue whatever remedies it may have at law, including all judicial remedies.

E. NVTA's Financial Interest in Project Assets

\_\_\_\_\_ NVTC \_\_\_\_\_ agrees to use the real property and appurtenances and fixtures thereto, capital assets, equipment and all other transportation facilities that are part of the Project and funded by NVTA under this Agreement ("Project Assets") for the designated transportation purposes of the Project under this Agreement and in accordance with applicable law throughout the useful life of each Project Asset. NVTA shall retain a financial interest in the value of each of the of the Project Assets, whether any such Project Asset may have depreciated or appreciated, throughout its respective useful life proportionate to the amount of the cost of the Project Asset funded by NVTA under this

Agreement. In the event that \_\_\_\_\_ NVTC \_\_\_\_\_ fails to use any of the Project Assets funded under this Agreement for the transportation purposes as authorized by this Agreement or applicable law throughout its respective useful life, \_\_\_\_\_ NVTC \_\_\_\_\_ shall refund to NVT A with interest at the rate earned by NVT A the amount attributable to NVT A's proportionate financial interest in the value of said Project Asset. If \_\_\_\_\_ NVTC \_\_\_\_\_ refuses or fails to refund said monies to NVT A, NVT A may recover its proportionate financial interest from \_\_\_\_\_ NVTC \_\_\_\_\_ by pursuit of any remedies available to NVT A, including but not limited to NVT A's withholding of commensurate amounts from future distributions of NVT A funds to \_\_\_\_\_ NVTC \_\_\_\_\_.

F. Appropriations Requirements

1. Nothing herein shall require or obligate any party to commit or obligate funds to the Project beyond those funds that have been duly authorized and appropriated by their respective governing bodies.
2. The parties acknowledge that all funding provided by NVT A pursuant to Chapter 766 is subject to appropriation by the Virginia General Assembly. The parties further acknowledge that: (i) the moneys allocated to the NVT A Fund pursuant to Va. Code Ann. Sections 58.1-638, 58.1-802.2, and 58.1-1742 and any other moneys that the General Assembly appropriates for deposit into the NVT A Fund are subject to appropriation by the General Assembly and (ii) NVT A's obligations under this Agreement are subject to such moneys being appropriated for deposit in the NVT A Fund by the General Assembly.

G. Notices

All notices under this Agreement to either party shall be in writing and forwarded to the other party by U.S. mail, care of the following authorized representatives:

- 1) to: NVT A, to the attention of its Executive Director;  
3060 Williams Drive, Suite 510  
Fairfax, VA 22031
- 2) to \_\_\_\_\_ NVTC \_\_\_\_\_, to the attention of \_\_\_\_\_ Kelley Coyner \_\_\_\_\_  
2300 Wilson Blvd, Suite 620  
Arlington, VA 22201 \_\_\_\_\_ (address)

H. Assignment

This Agreement shall not be assigned by either party unless express written consent is given by the other party.

I. Modification or Amendment

This Agreement may be modified, in writing, upon mutual agreement of both parties.

J. No Personal Liability or Creation of Third Party Rights

This Agreement shall not be construed as creating any personal liability on the part of any officer, employee, or agent of the parties; nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.

K. No Agency

NVTC represents that it is not acting as a partner or agent of NVTA; and nothing in this Agreement shall be construed as making any party a partner or agent with any other party.

L. Sovereign Immunity

This Agreement shall not be construed as a waiver of either party's sovereign immunity rights.

M. Incorporation of Recitals

The recitals to this Agreement are hereby incorporated into this Agreement and are expressly made a part hereof. The parties to this Agreement acknowledge and agree that such recitals are true and correct.

N. Mutual Preparation and Fair Meaning

The parties acknowledge that this Agreement has been prepared on behalf of all parties thereto and shall be construed in accordance with its fair meaning and not strictly construed for or against either party.

O. Governing Law

This Agreement is governed by the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written by their duly authorized representatives.

Northern Virginia Transportation Authority

By: \_\_\_\_\_

Date: \_\_\_\_\_

Northern Virginia Transportation Commission (NVTC) (Name of Recipient Entity)

By: Kelly Stgorn

Date: 4/9/14



# Project Description Form — 1K

## Basic Project Information

1. **Submitting Agency:**  
Northern Virginia Transportation Commission
2. **Project Title:** Transit Alternatives Analysis  
Study of the Route 7 Corridor (King Street,  
Alexandria to Tysons Corner) (PHASE II)
3. **Project Type:**  
☐ Roadway ☐ Multimodal ☒ Transit
4. **Project Description/Scope:**  
 The study will identify a range of current and  
 visionary high-capacity transit solutions to  
 transportation issues with due regard for related  
 corridor management approaches (operational,  
 transit, bike, pedestrian, transportation demand  
 management, high occupancy vehicle lanes,  
 variable pricing, intelligent transportation system)  
 that can be implemented to reduce highway and  
 transit congestion for the purposes of increasing  
 accessibility for residents both inside and outside  
 of the study area to existing and planned activity  
 centers in the study area. Phase 1 of the study has  
 already been funded and is underway.
5. **Route (if applicable)/Corridor:**  
Route 7 / Corridor 1
6. **Total Project Cost:** \$838,000
7. **Total Funds Required:** \$838,000
8. **Phase/s of Project Covered by  
Funding:** Planning for Phase 2 of the  
Route 7 Alternative Analysis Study



9. **Project Milestones (by phase, include  
all phases):**
  - Phase 1 Planning Start: October 2012
  - Phase 1 Planning Complete: October 2013
  - Phase 2 Planning Start: November 2013
  - Phase 2 Planning Complete: November 2014
10. **In TransAction 2040 plan?**  
☒ Yes ☐ No  
 Technical Report Page # 4 – 12
11. **In CLRP, TIP or Air Quality Neutral?**  
No.
12. **Leverages Sources:**
  - ☐ Local ☐ State ☐ Federal
  - ☐ Other (please explain)

## PROJECT ANALYSIS

**Tier I** ☒ Pass ☐ Fail

**Tier II** 4 out of 8 points

**Tier III Congestion Reduction Relative to Cost:**

**Plan** ☐ CLRP ☒ TA2040 only

**Rating** ☐ High ☒ Med ☐ Low

## Stated Benefits

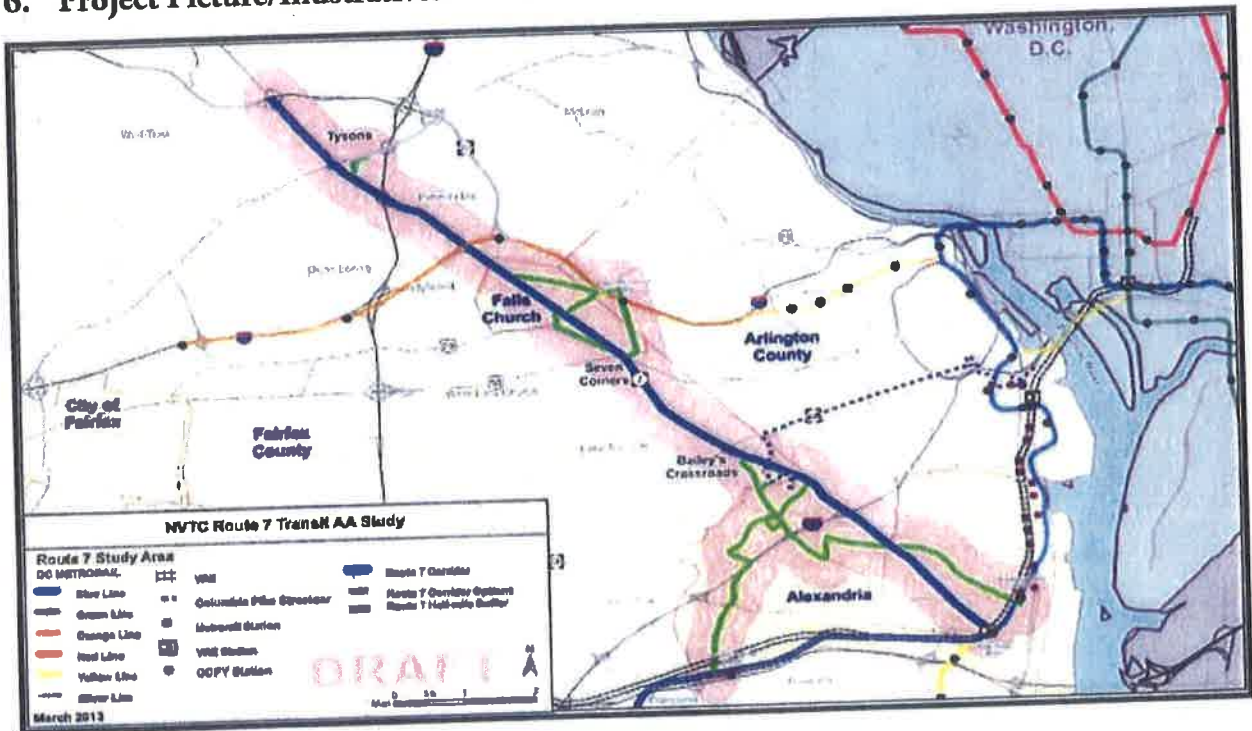
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- 1. What regional benefit/s does this project offer?** The Route 7 study area consists of the area in Northern Virginia within a half-mile of the Route 7 corridor generally between King Street Metrorail station in Alexandria and Dulles Toll Road bounding Tysons. The Route 7 study area traverses four jurisdictions: Fairfax County, Cities of Alexandria and Falls Church, and the western edge of Arlington County.

There are also several existing and planned transit projects within the study area, including three existing (Orange, Blue, and Yellow) and future (Silver) Metrorail lines, proposed circulator routes feeding future Metrorail stations along the Silver Line, and connections to VRE lines serving the western and southern portions of Northern Virginia. Additional planned transit connections within the study area include the southern terminus of the Crystal City/Potomac Yard Transitway at Braddock Road Metrorail station and western terminus of the Columbia Pike Streetcar just south of Bailey's Crossroads.
- 2. How does the project reduce congestion?** The corridor is severely congested. Virginia Department of Transportation (VDOT) traffic count data indicate that segments of the corridor carry up to 62,000 cars during an average weekday. The NVTATransAction 2040 regional transportation plan calls for transit improvements in that corridor.

The Route 7 Alternative Analysis will serve as the blueprint for future improvements in the corridor. These improvements offer the possibility of improving access to the new Mark Center defense facility and to the new Silver Line Metrorail extension. Without the study, and follow up planning, the corridor runs the risk of becoming even more congested.
- 3. How does the project increase capacity? (*Mass transit projects only*)** Transit alternatives being studied include express bus, rapid bus, bus rapid transit, light rail, and streetcar. All of these possible alternatives will offer feasible, cost-effective, and rapid means to accessing the numerous destinations within this area. More people will be able to move along the corridor in a faster more reliable manner.
- 4. How does the project improve auto and pedestrian safety?** The Study team will synthesize the findings of previous traffic studies to identify intersection and roadway congestion and/or safety hot spots. An inventory of existing and planned pedestrian and bicycle infrastructure along the corridor will also be performed. The idea is to identify what is needed; and with public input, what is wanted. Auto and pedestrian safety improvements will be added to the available alternatives that will be identified in the study.
- 5. List internet address/link to any additional information or documentation in support of project benefits. (*Optional*)** For further information about the study, consult the website [www.Route7corridorstudy.com](http://www.Route7corridorstudy.com). A survey for people employed within one-half mile of the study corridor can be accessed from the home page on that site. The survey asks about travel patterns and mode of transportation for travel to and from work.

## 6. Project Picture/Illustratives





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## **Appendix A –Narrative Description of Project**

### ***Attach- Approved NVT A Project Description Sheet***

NVT A Project Title: Transit Alternatives Analysis Study of the Route 7 Corridor (King Street, Alexandria to Tysons Corner) (PHASE II)

Recipient Entity: Northern Virginia Transportation Commission (NVTC)

Recipient Entity/Project Manager Contact Information: Claire Gron ([claire@nvt dc.org](mailto:claire@nvt dc.org) or 571.483.3228)

NVT A Program Coordinator Contact information:

<b>Project Scope</b>
<p><b>No change to Project Description/Scope from Approved NVT A Project Description Sheet.</b></p> <p><b>Revised Project Milestones as follows:</b></p> <ul style="list-style-type: none"><li>• <b>Phase I Planning Start: October 2012</b></li><li>• <b>Phase I Planning Complete: December 2013</b></li><li>• <b>Phase II Planning Start: May 2014</b></li><li>• <b>Phase II Planning Complete: May 2015</b></li></ul>



<b>Detailed Scope of Services</b>
<p><b>No change from the Approved NVT A Project Description Sheet</b></p>

# APPENDIX B-PROJECT BUDGET & CASH FLOW

## PROJECT IDENTIFICATION AND PROPOSED FUNDING

NVTA Project Title: Transit Alternatives Analysis Study of the Route 7 Corridor (King Street, Alexandria to Tysons Corner) (PHASE II)  
Recipient Entity: Northern Virginia Transportation Commission (NVTC)  
Project Contact Information: Claire Gron (claire@nvtc.org or 571.483.3228)

## PROJECT COSTS & FUNDING SOURCE

Project Cost Category	Total Project Costs	NVTA PayGo Funds	NVTA Financed Funds	Description Other Sources of Funds	Amount Other Sources of Funds	Recipient Entity Funds
Design Work	\$ -	\$ -	\$ -		\$ -	\$ -
Engineering						
Environmental Work						
Right-of-Way Acquisition						
Construction						
Contract Administration						
Testing Services						
Inspection Services						
Capital Asset Acquisitions						
Other	838,000	838,000				
<b>Total Estimated Cost</b>	<b>\$ 838,000</b>	<b>\$ 838,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

## FISCAL YEAR ANNUAL PROJECT CASH FLOW

Project Phase	Total Fiscal Year 2014		Total Fiscal Year 2015		Total Fiscal Year 2016		Total Fiscal Year 2017		Total Fiscal Year 2018	
	PayGo	Financed	PayGo	Financed	PayGo	Financed	PayGo	Financed	PayGo	Financed
Design Work										
Engineering										
Environmental Work										
Right-of-Way Acquisition										
Construction										
Contract Administration										
Testing Services										
Inspection Services										
Capital Asset Acquisitions										
Other	139,666		698,334							
<b>Total Estimated Cost</b>	<b>\$ 139,666</b>	<b>\$ -</b>	<b>\$ 698,334</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Please Note: If additional years are needed, please submit a separate form with additional columns

## FISCAL YEAR ESTIMATED PROJECT CASH FLOW

	FY 14 Mthly Cash Flow		FY 15 Mthly Cash Flow		FY 16 Qtrly Cash Flow		FY 17 Qtrly Cash Flow		FY 18 Qtrly Cash Flow	
	PayGo	Financed	PayGo	Financed	PayGo	Financed	PayGo	Financed	PayGo	Financed
July			69,834							
August			69,833							
September			69,833							
October			69,834							
November			69,833							
December			69,833							
January			69,834							
February			69,833							
March			69,833							
April			69,834							
May	69,833									
June	69,833									
<b>Total per Fiscal Year</b>	<b>\$ 139,666</b>	<b>\$ -</b>	<b>\$ 698,334</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Please Note: If additional years are needed, please submit a separate form with additional columns

This attachment is certified and made an official attachment to the Standard Project Agreement document by the parties of this agreement.

Recipient Entity Official

  
Signature

NVTC Executive Director

Title

4/9/14

Date

Kelley Coyner

Print name of person signing

Northern Virginia Transportation Authority

Signature

NVTA Executive Director

Title

Date

Print name of person signing



**Resolution #2241**

**SUBJECT:** Authorize Executive Director to Execute Project Agreement with Northern Virginia Transportation Authority (NVTA) for Transit Alternatives Analysis Study in the Route 7 Corridor (Phase II)

**WHEREAS:** The passage of House Bill (HB) 2313 requires the Northern Virginia Transportation Authority (NVTA) to fund highway projects that contribute to congestion relief and emergency evacuation or mass transit capital projects that increase capacity;

**WHEREAS:** NVTA approved an initial FY 2014 Project List in July 2013 that included funding for the Transit Alternatives Analysis Study in the Route 7 Corridor (Phase II); and

**WHEREAS:** NVTA has developed a Standard Project Agreement for Funding and Administration that will be executed for each approved project.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission authorize the Executive Director to make any necessary corrections to project amounts or descriptions for the initial FY 2014 projects, and to execute the agreement for the Transit Alternatives Analysis Study in the Route 7 Corridor (Phase II).

Approved this 3<sup>rd</sup> day of April 2014.

  
Jay Fisette  
Secretary-Treasurer

  
Paul C. Smedberg  
Chairman



## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

### MEMORANDUM

**TO:** Chairman Martin E. Nohe  
Members, Northern Virginia Transportation Authority

**FROM:** Monica Backmon, Chairman  
Jurisdiction and Agency Coordinating Committee

**SUBJECT:** FY 2015-2020 Draft Six-Year Improvement Program Testimony

**DATE:** April 11, 2014

---

**Recommendation:** Approval of the FY 2015-2020 Six-Year Improvement Program Testimony

**Suggested motion:** *I move approval of the draft testimony at attachment [with changes as discussed].*

**Background:** As was done in previous years, the Secretary of Transportation and the Commonwealth Transportation Board will be conducting public hearings throughout Virginia to solicit public comment about the working draft Fiscal Year 2015-2020 Six-Year Improvement Program. The scheduled public hearing date for Northern Virginia is Thursday, April 24, 2014 at 6:00 p.m. in the Potomac Conference Center at VDOT's Northern Virginia District Office, located at 4975 Alliance Dr., Fairfax, VA. 22030.

The DRAFT testimony (Attachment) includes updates to requests previously made by the Authority, as well as information pertaining to the recent General Assembly Session.

**Attachment:** DRAFT Testimony for the FY 2015-2020 Six-Year Improvement Program

**Northern Virginia Transportation Authority**  
**Comments on Draft**  
**FY 2015 to FY 2020 Six-Year Improvement Program**  
**April 24, 2014**

Good Evening Secretary Layne, Commissioner Kilpatrick, Director Mitchell, and members of the Commonwealth Transportation Board. My name is Martin Nohe and I am Chairman of the Northern Virginia Transportation Authority. I am here to present the Authority's comments on the FY 2015 to FY 2020 Six-Year Improvement Program as well as comment on several other matters. The Authority's comments are as follows:

- The Authority is working diligently to implement the regional components of HB 2313. Continued coordination and cooperation with this Administration is essential to ensuring that we are able to fully utilize the resources provided to implement the necessary improvements to Northern Virginia's transportation infrastructure. Due to the large role that VDOT has in this process, with the congestion-related evaluation process as well as project implementation, it is essential that VDOT also has sufficient resources needed to participate in this effort.
- It is also essential that the region continue to receive a fair share of statewide transportation funds, as is specifically required by HB 2313. In addition, we request that VDOT engage the Authority and our local governments earlier in the six-year program process. As local, regional, state-wide, and federal funds are all part of the solution for addressing the long-term transportation funding needs of the Commonwealth, it is essential that we all coordinate to ensure these needs are met.
- The Authority remains concerned about the lack of new urban and secondary funds. The CTB has the authority to allocate up to \$500 million to priority projects before funds are provided to the construction fund. Due to this provision and updated revenue forecasts, secondary and urban road programs are not expected to receive new funds until FY 2020. This is concerning, as localities have not received funds for these programs since FY 2010. The continued lack of funding to improve these roads will seriously impact our economy and compromise the movement of people and goods to and from Northern Virginia and other parts of the Commonwealth. We ask that Northern Virginia receive its share from this priority project funds and that the CTB use its allowable discretion to allow some funds to flow through the construction formula.
- The recently passed HB 2 requires the CTB to develop a statewide prioritization process for state transportation funds, in cooperation with the Authority and other metropolitan planning organizations in the Commonwealth. We stand ready to work with you on this process and are willing to provide any assistance we can.
- On the transit side, thank you for continuing to include the Virginia match for Federal dedicated funding for the Washington Metropolitan Area Transit Authority and we ask that the Commonwealth continue to provide these vital funds. We

appreciate this significant commitment to help WMATA bring its system into a state of good repair and restore safe and reliable operations. Additionally, Momentum, WMATA's strategic plan, provides the direction for critical system capacity investments to meet the region's anticipated population and economic growth, and WMATA is requesting its funding partners to increase contributions over the next decade to fully utilize the system.

- Work is also continuing on the statewide transit formula, through the Transit Service Delivery Advisory Committee (TSDAC). We are pleased that work is being done on pilot programs to address congestion mitigation and transit dependent riders. We are thankful that the Administration is working with the region to address concerns over the counting of Metrorail ridership, which is essential to the new operations formula for transit. However, concerns remain over the change to how state transit capital assistance participation is calculated, i.e. “net” versus “gross” costs, which results in an outcome where only Northern Virginia has to increase local support for its capital projects. We stand ready to continue to work on this issue and ask that you remember the importance of transit in the region and the impact any change in funding may have to the region.
- The Authority continues to be concerned by provisions in the State Code that provide VDOT and the CTB the ability to decide whether a local transportation plan is consistent with the Commonwealth’s priorities. If VDOT and the CTB decide this is not the case, the CTB can withhold funding for projects. While efforts to better coordinate local and state transportation planning are appreciated, these provisions essentially transfer the responsibility for land use planning, as it relates to transportation, from local governments to the Commonwealth. Our localities work diligently with our residents, property owners, and the local business communities on our land use and transportation plans and these provisions could inhibit development and redevelopment efforts throughout Virginia.
- The Authority remains opposed to any policy that would require the transfer of secondary road construction and maintenance responsibilities to counties and specifically, Northern Virginia jurisdictions. Unfunded mandates of this magnitude would result in dire consequences to localities
- The federal government requires that a portion of CMAQ funds be spent on projects that reduce PM 2.5, which restricts what type of projects can receive this federal funding. As such, we ask the CTB to reconsider its decision regarding hybrid vehicle purchases using CMAQ funds since these vehicles qualify for this purpose while many other projects may not.
- The Administration has announced that an update of VTrans is beginning and that this this will include a comprehensive review of statewide transportation needs. The Authority believes that the approach for the update looks promising and we stand ready to work with the Administration and provide input throughout the process.

- **In addition to addressing the foregoing major issues, the Authority requests that:**
  - **the CTB continue funding VRE's track leases and assist with funding necessary capacity improvements to the system;**
  - **the CTB, DRPT, and VDOT support, promote, and encourage walking and bicycling as more viable modes of transportation and look for opportunities to enhance pedestrian and bicycle connectivity in the Northern Virginia;**
  - **the CTB, support the policy that major transportation corridor studies related to facilities wholly within one VDOT construction district, should be managed by that construction district rather than the VDOT Central Office. Regional VDOT staff is better equipped to address the concern of the affected citizens and local governments; and**
  - **the CTB, adopt policies that simplify and shorten environmental reviews for locally administered projects and streamline transportation project review by further delegating the design review process from VDOT to the local governments and by adopting a uniform timeframe for plan reviews that remain under VDOT jurisdiction. These efforts would save Virginia taxpayers money and simultaneously result in timely approvals of contextually appropriate projects.**
  
- **We request that this testimony be made part of the Draft Six-Year Improvement Program public hearing record, and that full consideration be given to these comments in preparing the final FY 2014-FY 2019 SYIP. Thank you, again, for the opportunity to speak today. Please let me know if I can provide any clarification regarding the Authority's testimony.**



REVISED

## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

**FOR:** Chairman Martin E. Nohe and Members  
Northern Virginia Transportation Authority

**FROM:** John Mason, Interim Executive Director

**DATE:** April 9, 2014

**SUBJECT:** FY2015 Budget Guidelines

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1. **Recommendation.** Approval of FY2015 budget planning factors as outlined below.
2. **Suggested motion.** *I move approval of the proposed assumptions and guidelines as outlined below as the guidance to Interim Executive Director for drafting of the FY2015 administrative budget.*
3. **Background.**
  - a. Source of funding. Administrative budget is paid for by Authority jurisdictions based on population (using 30% funds or other sources).
  - b. Estimated budget for FY2015. In approving the FY2014 budget, the Authority was provided preliminary estimates for office location and set-up as well as accounting software and other large one-time expenses. Several of these one-time expenses (e.g., furniture, accounting platform) will not be fully realized in FY2014.
  - c. Carry-over funds. All unobligated/unexpended funds from FY2014 will be available for allocation to the FY2015 budget.
4. **Assumptions.**
  - a. Anticipated FY2014 year-end performance. Carryover from FY2014 is expected to be approximately \$270,000 (approximately 30% of the approved FY2014 budget).
  - b. Interest on 70% funds. In the approved NVTA operating budget for FY2014, \$100,000 of 70% funds' interest was included and the estimated FY2015 budget included a like amount. Current estimate for FY2015 is closer to \$65,000; however, over time this will increase.
  - c. NVTA staffing.
    - i. Core staff. No change in core staff (executive director, CFO, accountant, two (2) program coordinators and Authority clerk/administrative assistant).
    - ii. Part-time Public Information Officer (PIO). Prior to NVTA staff being hired, NVTC provided a part-time PIO who was responsible for website, public outreach, etc. NVTA staff has now assumed responsibility for website. Experience to date in FY2014 for press releases and outreach has been minimal (e.g., one press release).

On the other hand, it's important the PIO have general awareness of NVTa, its policies and practice. With this in mind, we will budget eight (8) hours per week of NVTC's PIO with a understanding that there will be a written agreement that defines the PIO function and that support will be provided only at the direction of the Executive Director.

- d. Compensation. In the first year of each employee's hire, there will be no salary increases. Following 12 months of employment and an annual review, a salary increase may be provided based on performance. Such increases will be based on the average of annual increases awarded by NVTa jurisdictions and take into account peer groups in Northern Virginia (e.g., NVTC, NVRC).
- e. Office arrangements.
  - i. Relocation. Move to adjacent building is anticipated in the August/September timeframe.
  - ii. Basic lease rate. Net lease cost for FY2015 estimated at \$50,000.
  - iii. Rent abatement. Propose to use the 5.5 months of free rent (estimated value \$42,000) to help offset onetime costs such as furnishings, moving and the needed accounting system in FY2015.
- f. Anticipated major expenses.
  - i. Furniture/office fixtures. Estimated maximum cost of \$58,000.
  - ii. Accounting/general ledger system. Leased, fully hosted system costs for first year approximately \$25,000; years two through five, approximately \$12,000 each year.
  - iii. Hardware, software and peripherals. Network printer at an estimated cost of \$5,000.
  - iv. Web development and hosting. Estimated cost of \$30,000.
  - v. Professional services. Projecting \$205,000 for legal fees and financial advisory services related to debt issuance that will be reimbursed upon issuance.
  - vi. Hardware/software replacement reserve. Will begin funding.

## 5. Additional guidelines.

- a. Operating reserve. As required in Debt Policy, operating reserve is expected to be available in total for FY2015. Reserve is at 20% of operating budget.
- b. Professional development. Several staff members may have professional certifications requiring annual educational sessions/courses. Estimate of FY2015 is \$5,000.
- c. 30% Distributions and 70% Revenues (nonoperational budget items). The appropriations are the authorizing mechanism for NVTa staff to make the disbursements. These appropriations will form a capital or debt service budget outside of the operational budget.
  - i. 30% Distributions. Appropriation language will need to be in the budget for the 30% distributions.
  - ii. 70% Revenues.
    - a) Debt service appropriations. Appropriations will need to be included for payment of debt service from 70% regional funds.

- b) Working Capital Reserve. Appropriations will need to be included to achieve the debt policy requirement of approximately \$102 million in Working Capital Reserve.
- c) Regional Projects. Appropriation language will need to be in the budget for the current and multi-year projects approved by the Authority.

**Coordination:** Principal Staff Coordinators

**NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

**MEMORANDUM**

**FOR:** Chairman Martin E. Nohe and Members  
Northern Virginia Transportation Authority

**FROM:** John Mason, Interim Executive Director

**DATE:** April 9, 2014

**SUBJECT:** Planning Coordination Advisory Committee

---

1. **Recommendation.** Approval of Planning Coordination Advisory Committee (PCAC) role, membership, and decision-making as outlined in Attachment B.
2. **Suggested motion.** *I move approval of the organization of the Planning Coordination Advisory Committee as outlined in Attachment B.*
3. **Background.**
  - a. **Original focus.** §15.2-4837 mandated that “The Authority shall have a planning coordination advisory committee, which shall include, but not be limited to, at least one elected official from each town . . .” A subsequent amendment provided for a town representative as a non-voting member of the Authority itself, thus providing a strengthened town participation at the Authority decision-making level.
  - b. **NVTA charge.** As reflected in NVTA Bylaws, the focus is strategic, with specific phrasing that committee is responsible for advising the NVTA on broad policy issues related to the periodic update of the NVTA’s Long Range Transportation Plan and the development of NVTA’s Six Year Program with special consideration to regional transportation, land use and growth issues . . .”
  - c. **Implications.**
    - For any advisory committee to be responsible for broad policy issues and strategic planning, it’s necessary that its composition include the cities and counties (in addition to the mandated town membership).
    - To provide timely advice to the Authority, it will be essential that PCAC be engaged on the front end of the planning process.
    - To ensure credibility of advice, any voting process should parallel that of the Authority itself.
    - NVTA staff support for committee should include linkage to the land use and growth issues (e.g., familiarity with regional growth projections, comprehensive plans). Initially, I envision that the NVTA staff member supporting PCAC will provide the linkage to resources needed to address these issues.
    - Chairmanship of the committee should be based on Authority appointment.

- d. PCAC History. As reflected in Attachment A, the PCAC has a somewhat complex history with respect to its composition.
- e. Current status. PCAC is not currently operational.

**4. Proposed approach.** See Attachment B.

- a. Committee composition. Statutory requirement of town represent + representation from each city and county; no member may serve on the Authority.
- b. Charge. Consistent with prior charge; focus on broad policy issues.
- c. Committee leadership. Appointment of chair and vice chair by Chairman of Authority with concurrence of Authority members.
- d. Products. Consensus preferred. If vote required, 2/3 rule with respect to population applies.

**5. Next steps.** Following Authority approval of Attachment B, following actions will be taken:

- a. Bylaws. In a forthcoming update of the Bylaws, Attachment B guidance will be incorporated.
- b. Constitution of Committee. Within the week, I will send a letter to the mayor/chairman of the 14 jurisdictions informing them of the Authority decision and inviting appointment (or confirmation of existing appointment) of a non-Authority elected member to form the Committee.
- c. Staff support. Lead staff will be one of the two NVTA program coordinators.
- d. Initial meeting. An initial meeting will be coordinated at which Committee members will be oriented on current NVTA activities, along with a discussion of its role and meeting date preference.

**Attachments:**

- A. PCAC Membership History
- B. PCAC Proposed Role and Membership

**Coordination:**

Council of Counsels  
Principal staff coordinators

## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

### PCAC Membership History

- Statutory: Code of Virginia, §15.2-4837 states “Authority shall have a planning coordination advisory committee, which shall include, but not be limited to at least one elected official from each town that is located in any county embraced by the Authority and receives street maintenance payments under §33.1-41.1.”
- July 12, 2007: Resolution 14B-08 with an attachment that defined a total of 23 members was deferred. Resolution incorrectly signed. File copy has annotation stating “Not approved at July meeting.”
- November 8, 2007: Resolution 14B-08 again considered; again deferred (to December).
- December 6, 2007: Resolution 14B-08 again considered. A substitute motion was approved unanimously “that the members of the Northern Virginia Regional Commission (NVRC) be designated as the appropriate body for Planning Coordination Advisory Committee.”
- June 12, 2008: Approval of revised Bylaws that provide for PCAC, however other than town membership state “Remaining membership TBD.”
- January 8, 2010: Approval of amendment to NVRTA Bylaws that “Town member shall be selected at the annual meeting and shall be rotated on an annual basis.” The action includes an undated version of the Bylaws with this amendment incorporated, however attached version does not reflect the decision of December 6, 2007 designating NVRC membership as the PCAC.
- January 8, 2010: Approval (on a 5 – 2 roll call vote) of JACC recommendation that “each NVRTA jurisdiction and towns that maintain their own roads appoint one member to the PCAC” for a total of 14 members.
- April 18, 2013: In a discussion of the PCAC, the “Chairman asked if the [NVRC], with NVRTA members excluded, could be considered as the PCAC. Mr. Zimmerman noted that had previously been discussed, but that would not comply with the statutory requirements. The Authority asked if the Authority’s member alternates could serve on the PCAC, and staff noted that the Virginia Code does not specify in the negative.” No action taken.

## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

### Planning Coordination and Advisory Committee

#### Proposed Role and Membership

- **Basis.** Code of Virginia §15.2-4837. “The Authority shall have a planning coordination advisory committee, which shall include, but not be limited to at least one elected official from each town that is located in any county embraced by the Authority and receives street maintenance payments under §33.1-41.1.
- **Bylaws charge.** This committee shall be responsible for advising the Authority on broad policy issues related to the periodic update of the NVTAs Long Range Transportation Plan and the development of the NVTAs Six Year Program with special consideration to regional transportation, land use and growth issues.
- **Relationships.** Reports directly to Authority. The Executive Director will ensure that the timing of meetings of this committee provide the opportunity for it to report policy recommendations to the Authority that will have a timely influence on Long Range Plan and Six Year Plan development.
- **Membership.** The Committee will consist of 14 members. One elected official, who is not a member of the Authority, shall be appointed annually (calendar year) by the NVTAs cities, counties, and qualified towns.
- **Committee leadership.** The Chair and Vice Chair will be appointed by the Chairman of the Authority with the concurrence of the Authority members.
- **Quorum/decisions.** A quorum shall consist of eight (8) 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 action shall require an affirmative vote of two-thirds of the members present representing two-thirds of the region’s population.
- **Staff support.** NVTAs staff will provide lead; other committee staffs will assist as requested.

## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

**TO:** Chairman Martin E. Nohe and Members  
Northern Virginia Transportation Authority

**FROM:** John Mason, Executive Director

**SUBJECT:** Status of Memoranda of Agreement

**DATE:** April 11, 2014, 2014

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1. **Purpose:** Update the status of the Memoranda of Agreement (MOA) implementation and related HB2313 required documentation that allow the 30% local funds transfers to flow.
2. **Background:** Counties and cities are required to adopt a MOA as a preliminary step to receiving their 30% local funds. To execute the MOA in practical terms a questionnaire was included to exchange banking information, establish points of contact and cover other implementation issues. In addition, HB2313 requires the authority to ascertain the following:
  - a. Establishment of a special account (fund) on the books of the locality
  - b. The transfer of the C&I taxes to the special fund
  - c. Determination of a matching C&I equivalency transfer or if a deduction from the 30% share is required and executed
  - d. Establish how each locality desires to pay its share of the Authority operating costs.
3. **Comments:** As reflected in the attached summary table, five Jurisdictions are receiving 30% transfers.
  - a. Alexandria, Arlington, Fairfax County, Loudoun and City of Manassas Park have completed the MOA process and are receiving transfers.
  - b. All town MOAs have been received.

**Attachment:** NVTa Member Jurisdiction 30% Transfer Preparation Status, as of April 11, 2014



# IX.ATTACHMENT

## NVTA Member Jurisdiction 30% Transfer Preparation Status as of April 11, 2014 (Revised April 14, 2014)

	MOA		MOA Questionnaire Complete	C&I Transfer/Match & Fund Documented	NVTA Operations		Date - NVTA	Date of
	Signed	Hard Copy			Deduct	Direct Payment,	Signed / Returned	Initial 30%
	By Jurisdiction	Received By NVTA			From Transfer	Received	MOA to Jurisdiction	Transfer
City of Alexandria	Yes	Yes	Yes	Complete	No	Yes	Feb. 20, 2014 / March 11, 2014	March 12, 2014
Arlington County	Yes	Yes	Yes	Complete	Yes		March 13, 2014 / April 14, 2014	April 15, 2014
City of Fairfax	Yes	Yes	Yes	Advised; in process	Yes		Feb. 20, 2014 /	
Fairfax County	Yes	Yes	Yes	Complete	Yes		Feb. 20, 2014 / Feb. 25, 2014	Feb 25, 2014
City of Falls Church	Yes	Yes	Yes	Advised; in process	Yes		April 3, 2014 /	
Loudoun County	Yes	Yes	Yes	Complete	No	Yes	April 3, 2014 / April 10, 2014	April 9, 2014
City of Manassas	Yes	Yes	Yes	Advised; in process	Yes		April 14, 2014 /	
City of Manassas Park	Yes	Yes	Yes	Complete	Yes		Feb. 20, 2014 / March 20, 2014	March 20, 2014
Prince William County	Yes	Yes	Yes	Advised; in process	Yes		March 7, 2014	
<b>Town MOA Status:</b>								
Fairfax County	Yes	Yes						
Loudoun County	Yes	Yes						
Prince William County	Yes	Yes						
							April 10, 2014 /	
							April 1, 2014 / April 10, 2014	
							April 10, 2014 /	

## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

**TO:** Chairman Martin E. Nohe and Members  
Northern Virginia Transportation Authority

**THROUGH:** John Mason, Interim Executive Director

**FROM:** Michael Longhi, Chief Financial Officer

**SUBJECT:** Report of NVTA Receipts

**DATE:** April 11, 2014

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1. **Purpose:** Update of HB 2313 receipts, revenue estimates and distributions.
2. **Background:** NVTA receives funding through sales tax, grantors tax and transient occupancy tax (TOT). Revenues are received monthly from the Commonwealth for transactions that occurred in proceeding months. The attached reports reflect funding received or in process through April 11, 2014.
3. **Comments:**
  - a. Revenue receipts (Attachment A)
    - i. The Authority will have received approximately \$185.5 million through the April transfers from the Commonwealth.
    - ii. NVTA is receiving revenue streams for the first time, therefore no prior annual month-to-month transaction history is available for comparison and evaluation purposes.
    - iii. Actual to estimate comparison for revenues through April show a 4% negative variance of \$11.3 million. This is driven by lower than projected sales tax receipts. The April revenue results were not available when the Finance Committee last met.
    - iv. There are no recommended changes in the revenue estimates at this time in anticipation that some sales tax will rebound with improving weather. Even with a rebound, total revenue is still anticipated to be 3% or \$8 million lower than originally projected.
    - v. Final FY 2015/2016 revenue estimates will be presented to the Finance Committee at the May 2 meeting.
    - vi. The lower than anticipated revenue is not expected to impact projects with approved funding. Rather lower revenue at this level will only result in lower end of year balances.
  - b. Distribution to localities (Attachment B)
    - i. Of the \$185.5 million received by the Authority, approximately \$55.6 million in 30% local funds is allocated for distribution to localities.
    - ii. Alexandria, Fairfax County, Loudoun and City of Manassas Park are receiving regular 30% distributions. Arlington County will receive its first distribution in April.
    - iii. Once the 30% transfers commence they will occur monthly as funds are received from the Commonwealth.

**Attachments:**

- A. Revenues Received By Tax Type, Compared to NVTA Estimates, Through April 11, 2014
- B. Revenues Received With Pending 30% Distribution, Through April 11, 2014

**NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**  
**REVENUES RECEIVED, BY TAX TYPE AND JURISDICTION, COMPARED TO NVTA ESTIMATES**  
**JULY 1, 2013 THROUGH April 11, 2014**

							NVTA		
Grantors Tax					Received		FY 2014	Annualized - Actual	Projected
Transaction Months			9	To Date	Annualized	Projection	To Projection		Variance
City of Alexandria				\$ 2,020,197	\$ 2,693,596	\$ 3,391,565	\$(697,969)		
Arlington County				\$ 3,119,316	\$ 4,159,089	\$ 4,574,287	\$(415,198)		
City of Fairfax				\$ 248,768	\$ 331,690	\$ 289,079	\$ 42,611		
Fairfax County				\$ 11,136,750	\$ 14,849,000	\$ 15,169,980	\$(320,980)		
City of Falls Church				\$ 207,615	\$ 276,820	\$ 261,761	\$ 15,059		
Loudoun County				\$ 6,291,343	\$ 8,388,457	\$ 6,093,105	\$ 2,295,352		
City of Manassas				\$ 356,698	\$ 475,598	\$ 271,303	\$ 204,295		
City of Manassas Park				\$ 181,979	\$ 242,639	\$ 148,806	\$ 93,833		
Prince William County				\$ 3,477,175	\$ 4,636,234	\$ 4,476,903	\$ 159,331		
	Total Grantors Tax Revenue			\$ 27,039,842	\$ 36,053,123	\$ 34,676,789	\$ 1,376,334		4%
Regional Sales Tax*				Received		FY 2014	Annualized - Actual		
Transaction Months (Retail Sales)			8	To Date	Annualized	Projection	To Projection		
City of Alexandria				\$ 9,634,926	\$ 14,452,390	\$ 15,806,507	\$(1,354,117)		
Arlington County				\$ 14,972,846	\$ 22,459,269	\$ 24,473,867	\$(2,014,598)		
City of Fairfax				\$ 4,731,243	\$ 7,096,864	\$ 6,462,525	\$ 634,339		
Fairfax County				\$ 65,215,233	\$ 97,822,850	\$ 104,977,104	\$(7,154,254)		
City of Falls Church				\$ 1,385,457	\$ 2,078,185	\$ 2,470,340	\$(392,155)		
Loudoun County				\$ 25,000,017	\$ 37,500,026	\$ 39,833,324	\$(2,333,298)		
City of Manassas				\$ 3,010,622	\$ 4,515,933	\$ 4,568,248	\$(52,315)		
City of Manassas Park				\$ 694,194	\$ 1,041,290	\$ 920,350	\$ 120,940		
Prince William County				\$ 21,099,341	\$ 31,649,011	\$ 32,943,958	\$(1,294,947)		
	Total Sales Tax Revenue*			\$ 145,743,879	\$ 218,615,819	\$ 232,456,223	\$(13,840,404)		-6%
Transient Occupancy Tax (TOT)				Received		FY 2014	Annualized - Actual		
Transaction Months			6	To Date	Annualized	Projection	To Projection		
City of Alexandria				\$ 1,564,316	3,128,632	\$ 3,570,388	\$(441,756)		
Arlington County				\$ 4,781,150	9,562,301	\$ 8,890,830	\$ 671,471		
City of Fairfax				\$ 143,150	286,300	\$ 345,984	\$(59,684)		
Fairfax County				\$ 4,547,001	9,094,002	\$ 9,984,936	\$(890,934)		
City of Falls Church				\$ 39,675	79,350	\$ 141,857	\$(62,507)		
Loudoun County				\$ 1,036,694	2,073,388	\$ 806,445	\$ 1,266,943		
City of Manassas				\$ 34,692	69,385	\$ 77,750	\$(8,365)		
City of Manassas Park				\$ -	-	\$ -	-		
Prince William County				\$ 608,960	1,217,921	\$ 530,452	\$ 687,469		
	Total TOT Revenue			\$ 12,755,639	25,511,279	\$ 24,348,642	\$ 1,162,637		5%
	Total Revenue Received			\$ 185,539,361	\$ 280,180,220	\$ 291,481,654	\$(11,301,434)		-4%
*The Regional Sales Tax is reported net of the following fees:									
		October Receipt			\$ 210,894				
		November Receipt			\$ 160,884				
		December Receipt			\$ 133,857				
		January Receipt			\$ 113,412				
		February Receipt			\$ 36,110				
		March Receipt			\$ 42,723				
		April Receipt			\$ 30,158				
					\$ 728,038				



## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

**TO:** Chairman Martin E. Nohe and Members  
Northern Virginia Transportation Authority

**THROUGH:** John Mason, Interim Executive Director

**FROM:** Michael Longhi, Chief Financial Officer

**SUBJECT:** NVTA Operating Budget

**DATE:** April 10, 2014

---

1. **Purpose:** To update the Authority on the NVTA Operating Budget.
2. **Background:** NVTA is funded through the participating jurisdictions and interest earnings. The Memorandum of Agreement (MOA) between NVTA and the member cities/counties permits the appropriate jurisdictional share of NVTA operational costs to be deducted directly from the 30% distribution or to be billed to jurisdictions.
3. **Comments:** As of this report, the rate of NVTA expenditure is below projections. Current expenses of approximately \$490,000 include approximately \$156,093 in bond preparation expenses. This results in actual cost of operations being approximately \$334,000 or 37% of the budget through nine months of the fiscal year. Specific considerations include:
  - a. Interest income is tied to the projected rate of regional (70%) project funding utilized by member jurisdictions as well as market rates. Interest earned on the 30% funding will be remitted to the member jurisdictions.
  - b. A significant amount (\$156,093) of NVTA expenses to date are related to preparation for the first bond issuance (bond validation suit and development of debt policy). Some of these expenses are recognized as committed but are unpaid, pending receipt of additional cash related to the execution of the MOAs. Many of these expenses are eligible for reimbursement when the bonds are sold.
  - c. The rate of budgeted expenditures will increase as NVTA staff is hired, employee benefits are established, computer equipment purchased and additional startup costs such as an accounting system are acquired.
  - d. Evaluation of prospective accounting systems is ongoing. Initial cost proposals for the system are in the \$25,000 range with web based or cloud hosting at approximately \$12,000/yr.
  - e. No changes to the operating budget are recommended at this time.

**Attachment:** NVTA Operating Budget for FY 2014 through March 31, 2014

# XI.Attachment

Northern Virginia Transportation Authority				
Operating Budget - FY 2014				
July 1, 2013 through March 31, 2014				
	Approved Budget	Received	Anticipated	Projected Revenue
<b>INCOME:</b>				
Cash on hand	\$ 212,117.00	\$ 212,117.36	\$ -	\$ 212,117.36
Interest (70% Regional Revenues)	\$ 100,000.00	\$ -	\$ -	\$ -
Billed to Member Jurisdictions	\$ 591,595.00	\$ 324,785.66	\$ 266,809.34	\$ 591,595.00
Misc. Income		\$ 7,473.19		
<b>Total Income</b>	<b>\$ 903,712.00</b>	<b>\$ 544,376.21</b>	<b>\$ 266,809.34</b>	<b>\$ 803,712.36</b>
				<b>Available</b>
<b>EXPENDITURES:</b>	<b>Approved Budget</b>	<b>Expended</b>	<b>Committed</b>	<b>Balance</b>
<b>Professional Service</b>				
Legal	\$ 125,000.00	\$ 74,093.13	\$ -	\$ 50,906.87
Public Outreach	\$ 30,000.00	\$ -	\$ -	\$ 30,000.00
Financial Services	\$ 80,000.00	\$ -	\$ 82,000.00	\$ (2,000.00)
<b>Professional Subtotal</b>	<b>\$ 235,000.00</b>	<b>\$ 74,093.13</b>	<b>\$ 82,000.00</b>	<b>\$ 78,906.87</b>
<b>Operational Expenses</b>				
Start Up Expenses				
Office Space Build Out	\$ 4,000.00	\$ -	\$ -	\$ 4,000.00
One-time h/w,s/w	\$ 948.00	\$ -	\$ -	\$ 948.00
IT/Telecommunications	\$ -	\$ -	\$ -	\$ -
Computers/Installation	\$ 9,972.00	\$ 13,176.49	\$ 2,160.00	\$ (5,364.49)
<b>Start Up Subtotal</b>	<b>\$ 14,920.00</b>	<b>\$ 13,176.49</b>	<b>\$ 2,160.00</b>	<b>\$ (416.49)</b>
Annual Expenses				
Telephone Service	\$ 1,650.00	\$ -	\$ -	\$ 1,650.00
Copier/Postage	\$ 9,000.00	\$ 162.85	\$ -	\$ 8,837.15
Annual 3d party s/w costs	\$ 895.00	\$ -	\$ -	\$ 895.00
Monthly internet fee (Cox)	\$ 840.00	\$ 790.64	\$ -	\$ 49.36
Cell phones	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00
Lease Space	\$ 5,460.00	\$ -	\$ -	\$ 5,460.00
Mileage/Transportation	\$ 6,000.00	\$ 705.74	\$ -	\$ 5,294.26
Operating/Meeting Expenses	\$ 1,000.00	\$ 3,670.12	\$ -	\$ (2,670.12)
Insurance	\$ 3,000.00	\$ 2,673.00	\$ -	\$ 327.00
<b>Annual Expenses</b>	<b>\$ 37,845.00</b>	<b>\$ 8,002.35</b>	<b>\$ -</b>	<b>\$ 29,842.65</b>
<b>Operational Subtotal</b>	<b>\$ 52,765.00</b>	<b>\$ 21,178.84</b>	<b>\$ 2,160.00</b>	<b>\$ 29,426.16</b>
<b>Personnel Expenses</b>				
Salaries & Taxes	\$ 342,628.00	\$ 141,164.95	\$ -	\$ 201,463.05
Benefits	\$ 122,700.00	\$ 8,698.99	\$ 10,178.00	\$ 103,823.01
<b>Personnel Subtotal</b>	<b>\$ 465,328.00</b>	<b>\$ 149,863.94</b>	<b>\$ 10,178.00</b>	<b>\$ 305,286.06</b>
<b>Expense Subtotal</b>	<b>\$ 753,093.00</b>	<b>\$ 245,135.91</b>	<b>\$ 94,338.00</b>	<b>\$ 413,619.09</b>
<b>Operating Reserve (20%)</b>	<b>\$ 150,619.00</b>	<b>\$ -</b>	<b>\$ 150,619.00</b>	<b>\$ -</b>
<b>Total Expenditures</b>	<b>\$ 903,712.00</b>	<b>\$ 245,135.91</b>	<b>\$ 244,957.00</b>	<b>\$ 413,619.09</b>
*Interest on 70% Funds will remain with those funds for project allocation				
<b>Billed to Local Governments</b>	<b>\$591,595</b>			
	<b>2010</b>	<b>Billed</b>		
	<b>Population</b>	<b>Amounts</b>		
City of Alexandria	6.30%	\$ 37,270		
Arlington	9.40%	\$ 55,610		
City of Fairfax	1.00%	\$ 5,916		
Fairfax County	48.00%	\$ 283,966		
City of Falls Church	0.60%	\$ 3,550		
Loudoun	14.20%	\$ 84,006		
City of Manassas	1.70%	\$ 10,057		
City of Manassas Park	0.60%	\$ 3,550		
Prince William	18.20%	\$ 107,670		
	<b>100.00%</b>	<b>\$ 591,595</b>		

## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

**FOR:** Chairman Martin E. Nohe and Members  
Northern Virginia Transportation Authority

**FROM:** John Mason, Interim Executive Director

**DATE:** April 14, 2014

**SUBJECT:** Executive Director's Report

---

1. **Purpose.** To provide monthly report on items of interest not addressed in other agenda items.
2. **Staffing.** All staff hired (CFO, accountant, two (2) program coordinators and Authority clerk/administrative assistant (for a total of six, to include myself). Previously, you have met CFO (Mike Longhi) and clerk/administrative assistant (Camela Speer). Additionally:
  - Accountant. Peggy Teal was hired in January. Prior to joining the NVTa staff, Peggy was the Assistant Finance Director for City of Dover, Delaware. She is a Certified Public Accountant with over 20 years of professional experience directly relevant to the establishment and operations of the Authority's accounting operations.
  - Program coordinators. Two program coordinators have been selected. It's a nice mix of traditional transportation planning, research, and consulting along with comprehensive planning.
    - Keith Jasper. April 14. Keith has 33 years of experience in transportation in both the public and private sectors. Worked in United Kingdom and, for last 18 years, based in United States. Extensive work with FHWA, various DOTs, and regional authorities. Has presented at Association of Metropolitan Planning Organizations, ITS America, and Transportation Research Board (TRB). B.S., Civil Engineering, Brighton Polytechnic (U.K).
    - Denise Harris. May 5. Multi-modal transportation planner. Twenty years of experience in federal, state, and local planning. Experienced in transportation and comprehensive planning. Committee chair with American Planning Association. MA in Urban and Environment Planning (University of Virginia) and BA in Political Science (Randolph-Macon College).
3. **Standard Project Agreements.**
  - Standard Project Agreement (SPA) template, along with an SOP describing procedures, has been distributed and is available on NVTa website.

- In a telephonic conversation with VDOT on April 7, VDOT expressed some concern about use of NVTA SPA. As it's not envisioned that NVTA will be implementing projects (at least at this time), the potential of a NVTA-VDOT agreement is not likely in the near term. It was explained that implementing recipients (e.g., jurisdictions) would use our standard SPA; if jurisdiction elects to have VDOT do its project, the VDOT standard agreement may be used between jurisdiction and VDOT.

**4. Distribution of committee agenda/packets.** In coordination with Chairman Nohe, it was agreed that agenda for committees composed of Authority members (e.g., Finance Committee) would be shared with all Authority members. All committee agenda are posted to NVTA website.

**5. Commonwealth Calendar.** Code of Virginia, §2.2-3707.C requires that "All state public bodies subject to this chapter shall also post notice of their meetings on their website and on the electronic calendar maintained by the Virginia Information Technologies Agency commonly known as the Commonwealth Calendar." We have not been doing this. Going forward I plan to post notices of Authority meetings on state calendar.

**6. NVTA organization and procedures.**

- Organization. My discussions to date with jurisdictional staff have not led to a consensus on the future organization of NVTA and roles of its committees and NVTA staff. Additionally, the Chairman's recommendation with follow-on committee to PIWG needs further discussion.
- Staffing. As noted above, as of May 5, all staff positions in FY2014 budget will be filled.
- Administration. Progress is being made on Employee Handbook, SOPs and other documents needed to solidify operational procedures.



## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

**FOR:** Chairman Martin E. Nohe and Members  
Northern Virginia Transportation Authority

**FROM:** Scott York, Chairman - Finance Committee

**DATE:** April 11, 2014

**SUBJECT:** April 2014 Finance Committee Report

---

1. **Purpose.** To provide a monthly report of the activities of the NVTa Finance Committee.
2. **Comments:** The Finance Committee convened its first meeting on April 3. Subjects addressed were:
  - a. Meeting schedule for May through December 2014 was adopted. Meetings will be the first Friday of the month at 1 PM and are scheduled to be at the NVTa offices. There is no meeting in July and the August meeting is considered optional based on need.
  - b. The charges for the Finance Committee as stated in the bylaws were presented and reviewed.
  - c. A report of activities taking place relative to the bylaws and prior to the committee formation was presented and reviewed.
  - d. A report of the FY2014 to FY 2016 revenue estimate process was received. As noted in prior Authority reports, the FY 2014 revenue may be \$8 million less than originally estimated. This revenue variance will not impact projects already approved by the Authority for funding and no change to the adopted estimate was recommended.
  - e. Final FY 2015 – 2016 revenue estimates will be presented to the Committee at the May meeting.
  - f. The Committee convened a closed session to discuss legal matters.

**Financial Working Group  
Northern Virginia Transportation Authority**

**MEMORANDUM**

**TO:** Martin E. Nohe, Chairman  
Northern Virginia Transportation Authority  
  
Members  
Northern Virginia Transportation Authority

**FROM:** William Euille, Chairman  
Financial Working Group  
Northern Virginia Transportation Authority

**SUBJECT:** Report of the Financial Working Group (Agenda Item XV.)

**DATE:** April 14, 2014

Since the March 10, 2014, Authority meeting, the Financial Working Group has continued its efforts to implement the financial aspects of HB 2313. Several subcommittee meetings were also held this past month. Progress on each of the working group's activities is discussed below.

Agreements

A joint subcommittee of the Financial Working Group and the Council of Counsels was been meeting to prepare four agreements for the Authority's consideration. One agreement remains. This agreement is between the Authority and the Virginia Department of Transportation and the Department of Rail and Public Transportation related to the roles and responsibilities of each agency associated with the collection and distribution of the regional transportation revenues, the implementation of projects and the applicability of the Authority's regional funding for local matches to state transportation funding.

STATUS: VDOT and DRPT prepared a draft agreement for the Authority's consideration. The Financial Working Group and the Council of Counsels have met with Commonwealth staff twice to discuss various aspects of the agreement and are nearing consensus on the remaining items. The Financial Working Group will bring the agreement to the Authority for consideration when a staff consensus is reached.

Martin E. Nohe, Chairman  
Members, Northern Virginia Transportation Authority  
April 14, 2014  
Page Two

### Line of Credit and Initial Bond Issuance

A subcommittee of the Financial Working Group continues to work with the Authority's staff, financial advisor, bond counsel and Council of Counsels to support efforts to secure a line of credit in Spring 2014 and conduct an initial bond sale in Summer 2014. The subcommittee will be assisting the Authority staff with the procurement of other services needed to facilitate the line of credit and the initial bond issue.

### Revenue Collections

Through March 31, 2014, the Commonwealth has transferred \$166.1 million in transportation revenues to the Authority. Additional revenue information may be presented at the April 17, 2014, Authority meeting; however, that will depend on whether additional revenues are received from the Commonwealth before the meeting.

### FY 2014 Revenue Updates and FY 2015 and FY 2016 Revenue Projections

The Financial Working Group established a subcommittee to review FY 2014 revenue collections and to prepare revised revenue estimates for FY 2015 and FY 2016. The subcommittee included key revenue estimators for several of the local governments. The subcommittee met several times to provide input to the Authority's Chief Financial Officer on revenue assumptions for the Authority's three taxes and fees on a jurisdiction by jurisdiction basis. The subcommittee also evaluated revenue collections for FY 2014 to date. Based on this analysis, the Authority staff has developed revenue estimates for the next two years. It is anticipated that these estimates will be brought to the Authority for formal consideration at the May 2014 meeting. These estimates will be used by the Project Implementation Working Group in preparing project funding recommendations for the Authority's consideration later this year.

### Long-Term Benefit Measurement

HB 2313 requires that each jurisdiction's long-term benefit from the implementation of the projects supported by the 70 percent of funding that the Authority will retain for regional projects be proportional to the its share of the revenues collected. To better measure "long-term benefit," the Working Group has established a subcommittee to discuss ways to calculate this benefit. The subcommittee is meeting later this month to begin discussing this issue. Ultimately,

Martin E. Nohe, Chairman  
Members, Northern Virginia Transportation Authority  
April 14, 2014  
Page Three

the Financial Working Group and the Council of Counsels will prepare a recommendation for the Authority's consideration.

On-Going Activities

The Financial Working Group is still working on several additional tasks with the Executive Director and the Chief Financial Officer. These include:

- developing review and verification procedures; and
- discussing aspects of funding for Washington Metropolitan Area Transit Authority and Virginia Railway Express projects. A meeting is scheduled for early May to discuss these issues.

Members of the Financial Working Group, the Council of Counsels and I will be available at the NVTa meeting on April 17, 2014, to answer questions.

Cc: Members, NVTa Jurisdiction and Agency Coordinating Committee  
Members, NVTa Financial Working Group  
Members, NVTa Council of Counsels

# **Correspondence Section**



# Northern Virginia Transportation Authority

*The Authority for Transportation in Northern Virginia*

3060 Williams Drive ♦ Suite 510 ♦ Fairfax, VA 22031

[www.TheNoVaAuthority.org](http://www.TheNoVaAuthority.org)

April 3, 2014

Mr. Tim Hemstreet  
County Administrator  
Loudoun County  
1 Harrison St. SE, Mail Stop #02  
Leesburg, VA 20175

Re: Loudoun County Regional Transit Hubs

Dear Mr. Hemstreet:

On behalf of the Northern Virginia Transportation Authority, I would like to express our support for Loudoun County's application to the U.S. Department of Transportation's 2014 "Transportation Investment Generating Economic Recovery" (TIGER) discretionary grant program for the development of three regional transit hubs throughout the County. With the new transit hubs, we recognize the potential to provide valuable public transit service options such as regional car and van pools for residents and offer connections to the Metrorail Silver Line Metrorail extension – a much anticipated addition to the regional transportation system.

Construction of these transit hubs will enhance multimodal connectivity throughout the region by maximizing rider options and providing access to regional employment centers in Northern Virginia's Dulles Corridor and Washington D.C metropolitan area. This project expands upon Loudoun County's innovative design approach to provide solar-powered lighting and charging stations for electric vehicles. The regional transit hubs will serve both local and long haul commuter bus trips that have the potential to decrease vehicle operating costs, decrease travel delay by freeing up congested roadways, and improving the region's quality of life.

We understand the importance of the TIGER grant and support this project to maximize the utilization of transit hubs in Loudoun County to reduce road congestion, improve air quality, and generate economic opportunities.

Thank you for leading this opportunity. We look forward to a successful effort.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "M. Nohe", is written over the typed name.

Martin E. Nohe  
Chairman

Mon 4/7/2014 1:15 PM

Dear Ms. Cuervo,

Thank you for responding to our letter. I'm pleased to learn that VDOT is seeking funding in FY2015 to update its Northern Virginia Bikeway and Trail Network Study. Please elaborate on the amount and source of this funding. I intend to comment in strong support of this funding in conjunction with the CTB's upcoming hearings on the annual update to its Six Year Improvement Program.

While VDOT is now more cognizant of, and responsive to, pedestrian and bicycle travel needs that it was prior to 1990, I do not find the list of recent VDOT accomplishments cited in your letter, despite some considerable costs, to be particularly impressive. For example, the added and enhanced off-road crossings of I-495 in conjunction with the Woodrow Wilson Bridge and Express Lane projects have, at best, only partly mitigated the extreme adverse impacts that massively widening the I-495 barrier would have otherwise had on foot and bike access across I-495. The Seven Corners pedestrian bridge actually made it more inconvenient--if considerably safer--for pedestrians to cross Rte 50 between Patrick Henry Dr and Rte 7.

At the very least, VDOT still needs to thoroughly integrate bicycle and pedestrian facilities into both its programming and asset management (pavement maintenance) activities. For example. I'm aware of no effort at VDOT to annually track and publicly report on the bicycle and pedestrian facilities and standalone projects 1) added to the Six Year Improvement Program and/or 2) actually completed each year. As the saying goes, "If it's not counted, it doesn't count."

Thank you again for your reply, but it seems that VDOT is still not truly committed to making walking and bicycling broadly viable travel modes in Northern Virginia.

Sincerely,

Allen

Allen Muchnick  
Arlington VA  
[allen22204@gmail.com](mailto:allen22204@gmail.com)  
703-625-2453 mobile

On Mon, Apr 7, 2014 at 9:22 AM, Cuervo, Helen L., P.E. (VDOT)  
<[Helen.Cuervo@vdot.virginia.gov](mailto:Helen.Cuervo@vdot.virginia.gov)> wrote:

Dear Mr. Wright:

Thank you for your letter dated March 5, 2014 regarding bicycle facilities in Northern Virginia.

We agree that bicycle facilities provide our citizens with many benefits, including a choice of available transportation modes. We appreciate your past participation in the 2003 Northern Virginia Bikeway and Trails Network Study. As you might recall, the study identified 258 miles of existing or funded bicycle facilities. In 2009, Virginia Department of Transportation (VDOT) staff in Northern Virginia identified an additional 45 miles of bicycle facilities that had been added, completing a third of the network depicted in the study. Recently, more progress has been made with the annual maintenance paving program, VDOT's construction program, and the continued support of the NVTa through allocation of CMAQ funding for bike/pedestrian projects. We concur that an update to the network study is needed. We have requested and are hopeful that funds for this task will be available in FY 2015.

Regarding the original recommendations in the study, significant progress has been made on the following points:

- Provide Bicycle Access Across Major Barriers -- This has been achieved at the following locations:
  1. The I-495 Express Lanes project added or improved 12 interstate crossings.
  2. Woodrow Wilson Bridge projects added two (2) interstate crossings and one (1) Potomac River crossing.
  3. The Seven Corners Pedestrian Bridge over Route 50 provided for safe access to a bus transit location.
  4. Dulles Rail Project crossings are under construction as well as an improved I-395 crossing.
- Encourage the Use of Context Sensitive Roadway Design that Facilitates Bikeway Development in all Jurisdictions --This was accomplished through:
  1. The CTB Accommodations Policy (adopted on March 18, 2004) requiring all VDOT projects to start with the assumption that bicycles and pedestrians shall be accommodated.
  2. The Context Sensitive Solutions memorandum which was revised June 28, 2011.
- Identify Sufficient Funding Sources to Establish the Regional Bikeway Network -- Since the CTB Policy (mentioned above), most bicycle and pedestrian facilities are built with highway projects and funded with the same state and federal funding categories. In addition, safety, enhancement, and CMAQ funds are still available for small independent projects.

We look forward to continuing our partnership with FABB and the other groups in the study update (please share this information with them).

If you have any questions, please contact Ms. Cindy Engelhart, our District Bicycle and Pedestrian Coordinator, at [\(703\) 259-2933](tel:7032592933) or [Cindy.Engelhart@VDOT.Virginia.gov](mailto:Cindy.Engelhart@VDOT.Virginia.gov).

Sincerely,

*Helen L. Cuervo*

Helen L. Cuervo, PE  
District Administrator



**From:** Bruce Wright [mailto:[bikecommuter@gmail.com](mailto:bikecommuter@gmail.com)]

**Sent:** Wednesday, March 05, 2014 10:03 AM

**To:** Cuervo, Helen L., P.E. (VDOT); [mnohe@pwcgov.org](mailto:mnohe@pwcgov.org)

**Cc:** Pat Turner; Rick Holt; Tom Wyland; Allen Muchnick; Gregory Billing; Rich Tepel; Jerry King; Jeff Schnur; Michael Coogan; Neil Nelson; Carlo Alfano; Jim Presswood; [TheAuthority@thenovaauthority.org](mailto:TheAuthority@thenovaauthority.org); Kilpatrick, Charlie A., P.E. (VDOT)

**Subject:** Bicycle routes in N. Va. transportation corridors

Dear Ms. Cuervo and Mr. Nohe,

Please see the attached letter signed by the following groups regarding establishment of continuous, high-quality bicycle routes in each of Northern Virginia's major transportation corridors and the establishment of a bicycle advisory committee for Northern Virginia.

Sincerely,

Bruce Wright  
Chairman, Fairfax Advocates for Better Bicycling

---

Alexandria Bicycle and Pedestrian Advisory Committee  
AOL Bicycle Commuters  
Bike Loudoun  
Fairfax Advocates for Better Bicycling  
Leidos  
Potomac Pedalers  
Prince William County Trails & Blueways Council  
Prince William Trails & Streams Coalition  
Verizon Bicycle Commuters  
Virginia Bicycling Federation  
Washington Area Bicyclist Association

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Bruce Wright, Chairman, Fairfax Advocates for Better Bicycling  
[www.fabb-bikes.org](http://www.fabb-bikes.org)  
[chairman@fabb-bikes.org](mailto:chairman@fabb-bikes.org)  
[703-328-9619](tel:703-328-9619)



March 5, 2014

Ms. Helen L. Cuervo, P. E.  
District Administrator  
Northern Virginia District  
Virginia Department of Transportation  
4975 Alliance Drive  
Fairfax, Virginia 22030

The Honorable Martin Nohe  
Chairman  
Northern Virginia Transportation Authority  
4031 University Drive, Suite 200  
Fairfax, Virginia 22030

Dear Ms. Cuervo and Chairman Nohe:

We urge the Virginia Department of Transportation (VDOT) and the Northern Virginia Transportation Authority (NVTA) to take the action needed to establish continuous and high-quality bicycle routes in each of Northern Virginia's major transportation corridors. Such regional active-transportation routes would achieve many benefits, including increased mobility and safety, enhanced access to and use of public transportation, expanded affordable travel choices, reduced pollution and energy consumption, better public health, improved attractiveness for business locations, greater non-motorized visitation and tourism, and more livable, walkable, and vibrant communities.

VDOT and the localities have already identified much of the needed bicycling facilities in VDOT's *Northern Virginia Bikeway and Trail Network Study*, released in 2003, and local plans. The VDOT study made excellent recommendations, but, unfortunately, very few have been implemented. Similarly, *TransAction 2040* identified and prioritized unfunded bicycling needs in eight regional corridors. While some new bicycle facilities have been built in Northern Virginia over the past decade, progress has generally been anemic, and most of our region's major transportation corridors lack even mediocre bicycle facilities for most of their length.

We recommend that:

- VDOT and/or NVTA conduct an in-depth study of what needs to be done to establish continuous bicycling routes consisting of high-quality facilities in each of the following ten major transportation corridors: 1) Dulles/VA-7, 2) Loudoun Co Pkwy/Belmont Ridge Rd/Bi-County Pkwy/Gum Springs Rd/VA-234, 3) VA-28, 4) Prince William Pkwy, 5) Fairfax County Pkwy, 6) I-66/US-29/US-50, 7) I-495 (Capital Beltway), 8) I-95/I-395/US-1, 9) VA-123, and 10) Braddock Rd/

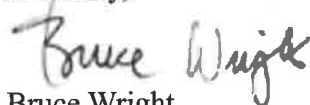
VA-620. The first eight corridors listed are the eight *TransAction 2040* corridors, whereas the VA-123 and VA-620 corridors are vital non-motorized routes through Fairfax County, the region's most populous locality.

- VDOT and NVTa develop a ten-year implementation plan for the 2003 *Northern Virginia Bikeway and Trail Network Study* recommendations.
- At least one continuous bicycle route should be established in each of the above corridors within the next five to ten years. In areas with the highest population densities, such a route should be established along each of the major highways where there is significant distance between them. All of these continuous routes should ultimately consist of high-quality facilities, including shared-use paths with grade-separated crossings of major roads, buffered bike lanes, and cycle tracks. In the nearer term, however, paved shoulders, bike lanes, signed shared roadways, and traffic-calmed streets (bicycle boulevards) could provide many of the links.
- VDOT and/or NVTa establish a bicycle advisory committee for Northern Virginia that is focused on implementing this initiative.

A broad range of people in Northern Virginia would benefit from improved bicycle facilities and continuous regional routes, including low-income workers who have no choice but to walk or bike in inhospitable corridors, families who want their children to have safe routes to school and to after-school activities, residents who would take more short trips by bike, and commuters who would bike to work if they had better facilities. In 2012, there were 1,016 crashes involving bicyclists in the Washington region, according to the Metropolitan Washington Council of Governments. The Pedestrian and Bicycle Information Center found that nationally only 35 percent of the children who lived within one mile of school in 2009 walked or biked, compared to 89 percent in 1969, which is especially problematic given current rates of childhood obesity. Polls also show that more commuters would bike to work if there were better facilities, and thus reduce congestion.

The new statewide, regional, and local funding in Virginia's recently enacted transportation bill (HB 2313) provides an excellent opportunity to expand high-quality facilities for bicyclists. The bulk of this new funding does not originate from motor vehicle use. We ask you to seize this opportunity to help make Northern Virginia a better and healthier place for our families and to do business.

Sincerely,



Bruce Wright

Chairman, Fairfax Advocates for Better Bicycling

Alexandria Bicycle and Pedestrian Advisory Committee  
AOL Bicycle Commuters  
BikeLoudoun  
Fairfax Advocates for Better Bicycling (FABB)  
Leidos  
Potomac Pedalers  
Prince William County Trails & Blueways Council  
Prince William Trails & Streams Coalition  
Verizon Bicycle Commuters  
Virginia Bicycling Federation  
Washington Area Bicyclist Association

cc: Members of Northern Virginia Transportation Authority  
Commonwealth Transportation Board members for Northern Virginia



**SUPREME COURT OF VIRGINIA**

**PATRICIA L. HARRINGTON, CLERK**

SUPREME COURT BUILDING

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RICHMOND, VIRGINIA 23219

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DOUGLAS B. ROBELEN

CHIEF DEPUTY CLERK

April 7, 2014

Hon. John T. Frey, Clerk  
Circuit Court of Fairfax County  
4110 Chain Bridge Road  
Fairfax, VA 22030

Dear Mr. Frey:

Because no petition for appeal has been filed and the time allowed by law within which to do so has expired, I am returning herewith the record in the case of Northern Virginia Transportation Authority v. Statutory Defendants Pursuant to Virginia Code, etc., Circuit Court No. CL-2013-11988.

Sincerely,

Patricia L. Harrington, Clerk

By: *P. Walton*

Phyllis T. Walton  
Office Services Manager

Enclosures

cc: Robert G. Marshall  
Robert L. Hodges, Esq.  
Christopher Harlow, Esq.  
Erin C. Ward, Esq.  
John E. Foster, Esq.