



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

- Chairman Nohe called the meeting to order at 7:06pm.

II. Roll Call Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Board Member Hynes; Chairman York; Chairman Bulova; Mayor Silverthorne (arrived 7:34pm); Council Member Rishell; Council Member Snyder (arrived 7:20pm); Ms. Bushue; Mr. Garczynski.
- Non-Voting Members: Mrs. Cuervo; Mr. Page.
- Staff: John Mason (Interim Executive Director); Keith Jasper (Program Coordinator); Michael Longhi (CFO); Camela Speer (Clerk); Peggy Teal (Accountant); various jurisdictional staff.

III. Minutes of the March 13, 2014 Meeting

- Chairman York moved to approve the minutes of March 13, 2014; seconded by Chairman Bulova. Motion carried with six (6) yeas and one (1) abstention [with Mr. Garczynski abstaining as he was not at the March meeting].

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, Interim Executive Director

- Mr. Mason introduced the first Special Project Agreement for Authority approval. Explained the motion has a caveat that the Authority not sign off on the agreement until the adoption of the state budget by the General Assembly.
- Chairman York moved 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 FY2015/2016 budget; seconded by Board Member Hynes. Motion carried unanimously.

V. NVTB Testimony for Commonwealth Transportation Board

Ms. Dominguez, Vice Chair, JACC

- Ms. Dominguez reviewed the draft CTB testimony and highlighted changes from previous years.
 - ✓ Addresses importance of HB2313 and working with VDOT in this process, especially in regards to the HB599 study.
 - ✓ Notes the need to retain our fair share of statewide funding required by HB2313. Requests that VDOT engage the Authority and our local governments sooner in the Six-Year improvement program process, as it is going to be a combination of statewide, local and regional (70% and 30%) funds. Suggests the three should work together to figure out how to fund projects ahead of time as that might be more effective to funding coordination.
 - ✓ Previous legislation allows CTB to allocate up to \$500 million to projects before funds begin to flow through the construction formula. This was passed in 2012 and is supposed to sunset in 2020. In the past with revenue projections, money was going to start flowing through the formula in 2017, which means the secondary urban programs would start getting funding then again. Due to new revenue projections, that is not expected until 2020. As all members know, there has been no money in secondary programs since 2010 and at that time it was a small amount. Testimony asks that due to new revenue projections and the importance of our secondary and urban programs that the CTB use discretion to allow some funds to flow through this construction formula.
 - ✓ Acknowledges HB2 and lets the CTB know that the Authority is ready and willing to work with them on this process as it begins.
 - ✓ Provisions about land use.
 - ✓ Update on transit service delivery advisory commission.
 - ✓ Secretary of Transportation has announced that he is beginning a new update of VTrans which is a statewide multimodal plan. Will include a comprehensive review of all statewide transportation needs. Notes that the Authority believes approach for this update looks promising and is ready and willing to work through this process.
- Board Member Hynes asked about walking and bicycling. Suggested the Authority might request that State begin to gather data on these modes as they relate to trips that help solve congestion, people that are using these modes to commute. There was general agreement with this suggestion and Ms. Dominguez confirmed she would incorporate such language.
- Mr. Garczynski stated that this is being done now and that we will hear more about it from the performance indices. In congestion mitigation the bike situation is one of the components. We can state this in the testimony, but it is in the process. Study for year 2012 should be out in next 30-45 days.

- Ms. Dominguez added that the TPB does some of that tracking so it might be good to note “in coordination with”.
- Board Member Hynes clarified that she would like to get it into the Authority testimony that we are interested in that mode and gathering that type of mode data as we do our work on congestion.
- Ms. Dominguez concluded that the hearing for Northern Virginia is scheduled next Thursday, April 24 at 6pm at VDOT Northern Virginia offices.
- Chairman Nohe noted that at the last CTB public hearing VDOT invited him to sit at table with those receiving testimony, as opposed to being in audience and listening. He thanked Ms. Cuervo for the opportunity and acknowledged that this is an important step toward communicating the partnership that exists between VDOT, CTB and NVTA. He clarified that he will not read all of the NVTA testimony at the meeting, as CTB and VDOT officials helped draft it. Chairman Nohe added that he believes this sends just the right message, that the relationship between the agencies is truly a partnership.
- Mr. Garczynski noted that Secretary Lane and Commissioner Kilpatrick will both be in attendance.
- Board Member Hynes moved approval of the draft testimony with amendment as discussed [inclusion of bike/ped data]; seconded by Chairman Bulova. Motion carried unanimously.

VI. Budget Guidelines – FY2015

Mr. Mason, Interim Executive Director

- Mr. Mason introduced the staff proposed budget guidelines for FY2015. He explained that in as much as this is the first year in which there is an NVTA staff, it is a good practice to have the Authority approve a set of budget guidelines or parameters before presenting the draft budget to the Authority for next year. This gives a confidence level to the staff that they have the correct parameters as they develop the budget. He stated there are no surprises in the budget guidelines in terms of actual numbers presented.
- Mr. Mason called attention to item 4.b. in the memo presented to the Authority, which is the interest on 70% funds. He explained that there is no document that we know of that makes this a policy, however, last year in the process of approving the FY2014 budget with a preliminary budget for FY2015, the Authority did include \$100,000 for FY2014 and projected \$100,000 for FY2015. Mr. Mason incorporated this item -- use of the interest on the 70% funds -- under the assumptions predicated on the fact that the Authority approved the budget with this included last year. He recommended continuation of that practice.
- Chairman York moved approval of the proposed assumptions and guidelines as outlined in the memo as the guidance to the Interim Executive Director for drafting of the FY2015 administrative budget; seconded by Chairman Bulova. Motion carried unanimously.

VII. Planning Coordination Advisory Committee

Mr. Mason, Interim Executive Director

(Council Member Snyder arrived)

- Mr. Mason introduced the recommendation for the Planning Coordination Advisory Committee (PCAC). He noted:
 - ✓ The charge to the PCAC is to provide the broad strategic thinking that would go on at the front end of long range planning process.
 - ✓ Background of how committee has evolved over time was provided.
 - ✓ Provided proposed basis for PCAC operation.
 - ✓ Recommended approval for this proposal.
- Board Member Rishell asked for clarification on who may serve on PCAC. Mr. Mason responded that sitting members of the Authority may not serve on the committee. Board Member Rishell asked if members must be elected officials, or can be a member of the community. Mr. Mason responded that members must be elected officials.
- Board Member Hynes asked if a jurisdiction has already appointed their member, do they continue until such time as the jurisdiction sends a letter appointing someone else. Mr. Mason responded that the letter will be sought on an annual basis on the calendar year, as the counties are generally on a calendar year cycle [for committee appointment].
- Chairman Nohe commented that the TAC has been restarted and is meeting regularly. He asked for clarification as to whether the PCAC has met. Mr. Biesiadny answered that they had met previously in the 2008-2009 timeframe. Ms. Backmon added that they met in 2011 when developing TransAction 2040.
- Chairman Nohe commented that this committee was created in the legislation in 2002 to ensure that the five large towns had the opportunity to participate in the discussion. The legislation was silent otherwise on what the makeup of the committee should be. In 2007 when HB3202 passed, towns wanted a different level of participation in the form of a member of the Authority and they were given a seat. He suggested this committee might not be as necessary now that the towns have formal representation. He added that we have struggled to keep this committee together and now we need to figure out how to make sure the PCAC feels engaged.
- Chairman Bulova suggested we may not need this committee. She pointed out that it is sort of the same makeup as the Authority and NVRC, but cannot be Authority members. Added that if required to have this committee, should do what we are required to do, but perhaps we should consider legislatively revisiting the need to have this committee.
- Chairman Nohe clarified that the rule that Authority members shall not serve on PCAC is an NVTA rule, the code does not say that. He suggested that in the future the Authority may want to make a By-law revision about this. Chairman Bulova added “or a legislative request”.

- Council Member Rishell asked what the committee will do. Chairman Bulova responded it is unclear. Chairman Nohe suggested the purpose of the committee was to ensure the towns have a voice and to give other elected officials the opportunity to have structured, meaningful input. Mr. Mason commented that the committee is responsible for advising the Authority on broad policy issues related to the periodic update of the Long Range Transportation Plan and the development of the Six Year Plan with special consideration to regional transportation, land use and growth issues. This committee is on the front end of the broad considerations that go into long range planning, whereas the Technical Advisory Committee is focused on how to do these things from a technical viewpoint, methodologies, technology and so on. The roles of the two committees are complimentary. He added that he agrees with the Chairman that we should wait awhile before suggesting any legislative change.
- Council Member Rishell asked when the committee might start meeting. Mr. Mason responded the next step will be to send letters to the jurisdictions to get appointments. Do have some appointments already and will confirm those. It will take at least a month to resolve.
- Chairman Nohe noted that there are some members already appointed from jurisdictions.
- Board Member Hynes moved approval of the organization of the Planning Coordination Advisory Committee as outlined; seconded by Chairman Bulova. Motion carried unanimously.

VIII. Appointments

Chairman Nohe

- Chairman Nohe appointed Board Member Hynes as the Vice Chair of the Finance Committee.
- Chairman Nohe appointed the staggered two-year terms of the Finance Committee:
 - ✓ One-year terms: Council Member Rishell, Chairman Bulova.
 - ✓ Two-year terms: Chairman York, Board Member Hynes, Mayor Parrish.
- Chairman Nohe appointed Doug Fahl the Vice Chair of TAC.
- Chairman Nohe appointed the staggered terms of TAC:
 - ✓ One-year terms: Agnes Artemel, Pat Turner, Rob Puentes.
 - ✓ Two-year terms: Randy Boice, Meredith Judy, Christopher Tacinelli.
 - ✓ Subsequently, all will be for three-year terms.
 - ✓ Secretary's appointments are for three-year terms.

Information/Discussion Items

IX. Status of Memoranda of Agreement

Mr. Mason, Interim Executive Director

- Mr. Mason reviewed the status of the MOAs. He mentioned that five (5) jurisdictions are now receiving their 30% transfers and that all MOAs have been received by the Authority.

X. NVTAs Receipts Report Mr. Longhi, CFO

- No verbal report.

XI. NVTAs Operating Budget Report Mr. Longhi, CFO

- No verbal report.

XII. Legislative Report Ms. Dominguez, Vice-Chair, JACC

- Ms. Dominguez gave a brief legislative update. She noted:
 - ✓ The General Assembly special session on the budget has begun. The House and Senate have each passed their individual budgets and sent them over to the other chamber. Neither chamber has taken action on each other's budget.
 - ✓ The budget item in the original budget regarding NVTAs and the funding of projects has had a language change in the new special session budget. In the original budget, the language had stated that the limitation would apply to projects receiving funds in FY2014 to the extent that the Authority was considering providing additional appropriations to any project that had begun the prior year. That language was changed to say that this limitation shall not apply to debt service on any project using FY2015 or FY2016 funds. This could limit the Authority's ability in deciding how to fund projects. This item is in the House budget, not in the Senate budget.
 - ✓ Legislative staff have met with various members of the delegation and the administration to continue to share the concerns that have been raised.
- Chairman Nohe noted that HB2313 funds are State revenues, not regional, therefore they have to be allocated to the Authority through the State budget. He asked that if there is not a State budget, even though revenues are being collected, can the Authority extend FY2015 funds absent said allocation. Ms. Posner answered that they will have to be appropriated. Mr. MacIsaac responded that the funds will not be sent out by the Treasurer.
- Chairman Nohe clarified that NVTAs can develop a Six Year Plan and develop our budget, but we will not get the money until there is a budget.

(Mayor Silverthorne arrived.)

XIII. Executive Director's Report Mr. Mason, Interim Executive Director

- Mr. Mason presented the Executive Director's report and highlighted:

- ✓ Five of six potential staff members are on-board now. He introduced Keith Jasper and mentioned that Denise Harris will be starting on May 5.
- ✓ There will be distribution of committee agendas to all Authority members for awareness.
- ✓ Virginia code requires that all public bodies post their agenda to the Commonwealth Calendar. NVTAs has begun doing that.

Reports from Working Groups/Committees

XIV. Finance Committee Chair York

- Chairman York stated that the Finance Committee had adopted its annual calendar and will meet on the first Friday of each month, with the exception of July and August. He noted that there is a need to inform mayors and chairs of NVRC that the Mayors and Chairs meeting will only convene for one hour, then the Finance Committee meeting will begin at 1pm.

XV. Financial Working Group Chair Euille

- No verbal report.

XVI. Project Implementation Working Group Chair Nohe

- No report.

XVII. Chairman’s Comments

- Chairman York moved that the Northern Virginia Transportation Authority convene a closed meeting, as authorized by Virginia Code sections 2.2-3711.A.1 and 7, for the purposes of discussing one personnel matter, and for consultation with, and the provision of legal advice by, the Authority’s legal counsel concerning the previously approved bond financing of FY 2014 projects; Case No. 2013-11988 pending in the Fairfax County Circuit Court; and the permissible means to implement the Memorandum of Agreement between NVTAs and each of the member jurisdictions concerning distribution of the 30% funds; seconded by Board Member Hynes. Motion carried unanimously.
- The Authority entered into closed session at 7:39pm.

Closed Session

- The Authority returned to open session at 8:50 pm.

- Chairman York moved that the members of the Northern Virginia Transportation Authority certify that at the just concluded closed meeting: (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered by the Authority; seconded by Board Member Hynes. Motion carried unanimously.
- Chairman Nohe announced that the Authority had chosen Ms. Monica Backmon as the new Executive Director.

XVIII. Adjournment

- Meeting adjourned at 8:55pm.