



**Northern Virginia Transportation Authority**  
*The Authority for Transportation in Northern Virginia*

**Thursday, January 22, 2015**  
**6:00 pm**  
**3040 Williams Drive, Suite 200**  
**Fairfax, VA 22031**

**MEETING MINUTES**

**Annual Organizational Meeting**

**I. Call to Order** Chairman Nohe

- Chairman Nohe called the meeting to order at 6:06pm.

**II. Roll Call** Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Chair Hynes; Chairman York; Chairman Bulova; Mayor Parrish; Mayor Silverthorne (arrived 6:24pm); Council Member Banks; Council Member Snyder; Mr. Garczynski; Miss Bushue.
- Non-Voting Members: Ms. Cuervo; Ms. Mitchell.
- Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Denise Harris (Program Coordinator); Keith Jasper (Program Coordinator); Peggy Teal (Assistant Finance Officer); Camela Speer (Clerk); various jurisdictional staff.
- Chairman Nohe mentioned that Council Member Rishell's husband had recently passed away.

**III. Minutes of the December 11, 2014 Meeting**

- Chairman York moved approval of the December 11, 2014 minutes; seconded by Mayor Parrish. Motion carried with six (6) yeas and three (3) abstentions [with Council Member Snyder, Council Member Banks and Mr. Garczynski abstaining as they were not at the December 11 meeting].

**Public Comment**

- Douglas Steward, Transportation Chair for the Sierra Club was not present during the public comment period.
- Mark Scheufler, a City of Manassas Park resident, addressed the Authority regarding concerns with the TransAction 2040 Update. He suggested:
  - ✓ TransAction 2040 may not be the best use of resources as it appears to be a duplicate to what COG is doing.

- ✓ TransAction should be a matchup of the jurisdictional comprehensive plans.
- ✓ The Authority should work with the jurisdictions to provide a common template for all the jurisdictions to use.
- ✓ Noted that the Manassas Bypass is the fourth ranked project in HB 599 and is not in TransAction 2040.
- ✓ Plan prevents outside the box thinking for transportation improvements like managed lane projects, innovative intersections or advanced ramp metering.
- ✓ Goal should be to identify the most congested areas in region and find projects to help mitigate the problem.
- ✓ The NVTAs work with CTB and COG to leverage funding.
- ✓ Requested audio versions of NVTAs meetings be made available.
- Nancy Hiteshue-Smith, Policy Director of the Northern Virginia Transportation Alliance and also speaking for the Northern Virginia Transportation Coalition, suggested that the region lacks regional transportation priorities. She highlighted key points in the Coalition’s policy statement:
  - ✓ Recommends funding be based on a set of criteria.
  - ✓ Identifies nine projects believed to be the investments of greatest regional significance for Northern Virginia.
  - ✓ Transportation investments need to be regional in nature and focused on a core set of projects to fix our regional framework.
  - ✓ Added that the Alliance agrees that transit is an important part of our framework and suggested it should be evaluated through HB 599.
- Rob Whitfield, with the Fairfax County Taxpayers Alliance, endorsed much of the Coalition’s presentation. He commented:
  - ✓ Goal should be to move the most people in the most cost effective manner.
  - ✓ There are certain projects we cannot afford.
  - ✓ There needs to be financial feasibility for Metro Momentum 2025.
  - ✓ Urged NVTAs to establish criteria to evaluate the cost effectiveness of transit projects.
  - ✓ Need to have financial viability as a component of project decision making.
  - ✓ Expressed concern that the individual leading the TransAction 2040 Update lives in the District of Columbia and lives car free. Suggested we need someone who understands that highway system to lead this project.

*(Mayor Silverthorne arrived.)*

## **Presentation**

### **IV. HB 599 Rating and Evaluation Study**

Deputy District Administrator Rene’e Hamilton

- Ms. Cuervo thanked the Authority and jurisdictions for their support during the HB 599 process. She also thanked Mr. Roden and his team, as well as the VDOT staff.

- Mr. Roden presented the HB 599 Rating and Evaluation Study results. Mr. Roden concluded that the ratings will be published on the VDOT site on January 23, 2015, and that VDOT looks forward to testing a transit project through the study.
- Chair Hynes asked how these ratings fit into the context of the NVTAs work. Ms. Backmon responded that the PIWG has reviewed these results and has taken them into account to develop the draft FY2015-16 Program, adding that the HB 599 score represents 35% of the total project score. Staff is now working with jurisdictions and agencies to finalize the draft recommendation to present to the Authority in February. She noted that the NVTAs staff recommendation did not fully program the \$373 million that is available for the Two Year Program. Ms. Backmon added that the Authority will be asked to release the draft program for public comment at the February meeting, with the public hearing proposed for March.
- Mr. Garczynski suggested that staff and VDOT explain in any public releases of the HB 599 ratings that this is only part of the NVTAs funding process. Ms. Backmon agreed that this is important, as there are projects in the HB 599 study that the Authority cannot fund because they are not in TransAction 2040. Ms. Backmon agreed to make it clear to the public that the HB 599 study is a tool, but not the tool for funding considerations.
- Chairman Bulova noted that the Fairfax County Parkway rated very high in the HB 599 study, but is a very large project and even if they could get all the money for it, they could not build it. She stated that project readiness needs to be considered when developing funding lists. Ms. Backmon added that some of the projects that were submitted to the HB 599 process were studies and cannot be modelled, therefore there is a need to explain those results as well.
- Council Member Banks asked if the color coded list that was presented to the PIWG would be what was posted to the website. Ms. Backmon responded that the PIWG will make a recommendation to the Authority in February as to the project list that should be released to the public and it will include all projects that were vetted.
- Chair Hynes suggested that it needs to be presented in a clear, visual, contextual way that this is a first step in the process. She also suggested using a flow chart to show the whole process and where we are in the process, possibly with some dates associated. Chair Hynes added that these are new tools being used for the first time and we need to manage expectations.
- Council Member Snyder requested that VDOT include DRPT and NVTC when it begins to look at transit in the HB 599 study. Mr. Roden responded that they will be making recommendations. Ms. Mitchell added that DRPT is working at a staff level to determine what projects should be included in the transit analysis. Council Member Snyder asked for further confirmation that NVTC will be included. Ms. Mitchell responded that NVTC will be included.
- Chairman Nohe suggested that we need to communicate that the scores are not intended to represent a qualitative measure. This is a measure of percentage of total congestion relief. He also suggested that there is a lesson to be learned in this. The Fairfax County Parkway project, as submitted to the study, had

several projects within it and it scored high as all the projects combined will provide a significant amount of congestion relief. Prince William County listed several individual Route 1 projects. He noted that if the Route 1 projects had been packaged together, they would likely have scored better. Chairman Nohe suggested that in the future, the jurisdictions may need to look at how projects are packaged when submitting them to the study. If projects are packaged similarly, we may get a more intuitive and comparable result of similar facilities. He noted that this is the tool to measure the degree of congestion relief, and while the cost effectiveness and project readiness components have been measured, they have not been included in these results.

- Ms. Mitchell reiterated that once this process is completed, we need to have a review of the process and the results to see if the process needs to be tweaked to move forward. She suggested that it would be helpful to get the lessons learned from VDOT and their consult back to the NVTA.
- Chair Hynes asked for verification that these scores are relative to this group of projects, therefore a project that is resubmitted to a future HB 599 study might get a different rating. Mr. Roden responded that that is one approach, but that another approach is to keep a reference project that could be used from year to year. He added that the decision of how to handle this has not been made. Mr. Garczynski noted that the projects are scored from the top ranked project in the study. He added that in modeling you have model validation to make sure the model is correct. Ms. Mitchell replied that she was suggesting process and policy validation, adding that we need to evaluate the process as we move forward to keep improving it and making it more useful.
- Ms. Backmon stated that a review of the HB 599 process is included in the NVTA Work Program to work with VDOT on these processes for highway and test transit projects before the next cycle or call for projects for the HB 599 study.
- Chairman Nohe stated that at its February 13, 2015 meeting, the PIWG will review the draft FY2015-16 project list and will make a formal recommendation to the Authority at its February meeting. Ms. Backmon added that the Authority will be asked to release the draft program at the February meeting for a March public hearing. Chairman Nohe concluded that the Authority will approve the Two Year Program at its April meeting. Ms. Backmon confirmed the schedule.

### **Action Items**

#### **V. Election of Chairman and Vice Chairman for Calendar Year 2015**

Nominating Committee

- Mayor Parrish noted that he and Chairman Bulova had met several times over the last month and had discussions with other Authority members regarding the nomination of this year's Chairman and Vice Chairman.

- Mayor Parrish nominated Marty Nohe as Authority Chairman and Mayor Euille as Authority Vice Chairman for Calendar Year 2015; seconded by Chairman Bulova. Motion carried unanimously.
- Chairman Nohe thanked the Authority members for their confidence.
- Mayor Parrish thanked Chairman Nohe for doing an outstanding job and stated that he trusts he will continue to do so.

**VI. Appointment of Town’s Representative to the NVTa for Calendar Year 2015**  
Chairman Nohe

- Chairman York moved to accept the Town’s nomination of Mayor Fraser of the Town of Purcellville, as the Town’s Representative to the NVTa for Calendar Year 2015; seconded by Mayor Parrish. Motion carried unanimously.

**VII. Approval of the NVTa Calendar Year 2015 Work Program**  
Ms. Backmon, Executive Director

- Ms. Backmon presented the draft Work Program for CY2015. She noted that it had been vetted through the JACC, TAC and PCAC. She stated that in developing the work program, staff reviewed accomplishments from 2014 and highlighted major milestones for 2015. Ms. Backmon highlighted key elements of the work plan:
  - ✓ Update of TransAction 2040.
  - ✓ Approval of FY2015-16 Two Year Program.
  - ✓ Briefings on regional studies and initiatives.
  - ✓ Annual report presentation.
- Ms. Backmon noted that the Work Program is subject to be amended, should the Authority choose. She added that the program is a fluid document that may need to be updated based on future decisions and actions.
- Chairman Nohe suggested that a review of the Authority Committee structure be added to the Work Plan after April. Ms. Backmon responded that this is part of the Bylaws revision that is scheduled to be presented to the Authority at the May meeting. She added that this date can be adjusted if the Authority chooses.
- Chair Hynes moved to approve the proposed NVTa Work Program for Calendar Year 2015; seconded by Chairman Bulova. Motion carried unanimously.

**VIII. Approval of TransAction 2040 Amendment Recommendation**  
Ms. Backmon, Executive Director

- Ms. Backmon reviewed the prior request by Loudoun County to amend TransAction 2040 and the rationale behind it. She stated that after researching this option and working with the PIWG, an alternate approach is being recommended. Ms. Backmon briefly reviewed the TransAction process and

timeline, noting that this effort will be more robust than the one taken in the last TransAction process.

- Ms. Backmon stated that the alternate approach is to continue with the TransAction 2040 Update, but in the interim to only do a call for projects for FY2017. This would allow time to review the HB 599 process and for the TransAction 2040 Update to be done before the next call for projects. This call for projects would then be for a full Six Year Program, FY2018-23.
- Chairman York asked if the intent is that after the call for projects for FY2017 there would be not another call for projects until after the TransAction 2040 Update is complete. Ms. Backmon confirmed that this is the intent. She added that Loudoun County is not the only locality that is in this position and that since there is now transportation funding, we don't want to delay the update. Ms. Backmon stated that this approach will allow for a continuous cycle of funding projects, with projects constantly advancing to show good stewardship of the tax payer dollars.
- Chairman York moved approval to update TransAction 2040 as currently planned, without a parallel amendment, and to develop a one year funding program for FY2017; seconded by Mr. Garczynski. Motion carried unanimously.

**IX. Approval of CMAQ/RSTP Reallocation Request for Fairfax County**

Mr. Holloman, Vice Chair, JACC

- Mr. Holloman stated that the JACC has reviewed the RSTP Reallocation Request from Fairfax County and recommends approval.
- Chairman Bulova moved approval of the reallocation of Regional Surface Transportation Program funds for Fairfax County; seconded by Chair Hynes. Motion carried unanimously.

**Discussion/Information**

**X. 2015 General Assembly Session Update**

Ms. Backmon, Executive Director

- Ms. Dominguez updated the Authority on the proposed bills being considered in the General Assembly session that might impact the Authority. She noted that there have been various bills related to regional funding and the NVTA introduced this session.
  - ✓ HB 1470 would require that all of the Authority's 70% funds be allocated only to projects within TransAction 2040, or its updates, that have been evaluated by the HB 599 study. She explained that this bill would require mass transit projects to be evaluated under the VDOT rating and evaluation study required by HB 599. Ms. Mitchell noted that no one is opposed to transit projects running through the HB 599 model. Those involved in the development of the model recognize that there are still some policy

discussions that need to take place. Need to be sure the model and the process are set up to accommodate transit properly. She added that there have been discussions about a one-year delay to work through these issues and the Administration supports this. Chairman Nohe added that some patrons of the bill have interpreted our concern as opposition, but that he has communicated that the NVTA is going to this and we are not opposed to the law saying we should do this. The issue is that we do not want a situation where, because this is a new process for transit, this mandate prevents us for funding anything at all. He added that the NVTA wants to understand the process a little better before committing to a specific timeline. We are committed to doing this, but the commitment as to how to do it needs to be worked out. Ms. Mitchell suggested the “lessons learned” process we are planning will be important. Chairman Nohe added that some of the patrons of the bill have stated they would like to smooth out the wrinkles.

- ✓ HB 1525 requires the Department of Taxation to provide the Authority the methodology it uses in calculating the revenue that it retains. She added that all three Authority General Assembly members are co-patrons of this bill, as well as several other Northern Virginia delegation members. Ms. Backmon stated that there was a conference call with the tax commissioner yesterday and he has agreed to provide the information. Chairman Nohe asked if they may do voluntarily, regardless of the legislation. Ms. Backmon responded affirmatively. Chairman York asked if the state is getting paid twice for these services, once by tax payers and again by the NVTA. Ms. Backmon responded we were told initially there were some startup costs, so this was the justification for fees retained in the initial months being larger. Chairman York asked for clarification that the NVTA is just paying start up fees, but not continuing fees. Ms. Backmon responded that the NVTA is still paying fees and that we are requesting that there be a standard fee so that we can anticipate the amount. Chairman York stated that as a tax payer, he has a problem with state government double dipping and implied that there is something inherently wrong with this. Chairman Nohe noted that this bill gotten some attention.
- ✓ HB 1529 concerns enactment clauses in the general appropriation act. Ms. Dominguez noted that there are concerns about how this may impact the Authority.
- ✓ HB 1915/SB 1314 require the Authority include in its regional transportation plan, as a primary objective, reducing congestion to the greatest extent possible and in the most rapid and cost-effective manner. Also, each locality embraced by the Authority shall annually report to the Authority any aspects of its comprehensive plan that are not consistent with the regional transportation plan. She added that Ms. Backmon has been discussing this bill with its patrons. Chair Hynes asked about the meaning of last sentence. Chairman Nohe replied that Delegate LeMunyon has acknowledged that it is not clear what the last sentence means. Chairman Nohe added that he is meeting with Delegate LeMunyon on Monday to

discuss effective ways to accomplish this, other than the way it is written. Chairman Nohe suggested the intent of the bill is to ensure that the TransAction plan includes a focus on congestion relief and to ensure that changes in local comprehensive plans do not create problems for the Authority within the TransAction plan.

- ✓ HB 2095 requires counties that enact their Commercial & Industrial Property Tax to appropriate 30% of the revenues attributable to property located within the towns that maintain their own roads to that town. Ms. Dominguez noted that there was a companion Senate bill that was passed by in Senate Finance.
- ✓ HB 2099/SB 932 would allow sidewalk projects to be funded by NVTA with both the 70% and 30% funds.
- ✓ HB 2170 would transfer the powers and duties of the Northern Virginia Transportation Commission to the Northern Virginia Transportation Authority. Council Member Snyder stated that he had a constructive meeting with Delegate Minchew. He noted that one concern was to make sure that transit and highway planning work together in the region and that this is a concern we all share. He added that this particular issue was studied ad nauseam a few years ago, with a huge effort of staff, resources and time. Council Member Snyder suggested that the Authority respond to the legitimate public policy concern, but not support another study that will take valuable staff time from what we should be focusing on, projects. Chairman Nohe clarified that Council Member Snyder was suggesting that the Authority communicate to the General Assembly that the NVTA is opposed to the merger. Council Member Snyder suggested non-support. Ms. Backmon stated that the Authority would need to take action on any positions that the Authority would like to express to the General Assembly.
- ✓ Council Member Snyder moved approval that the Authority communicate to the General Assembly a position of non-support for HB 2170; seconded by Chairman Bulova.
- ✓ Chairman Nohe suggested sending the study document that had been previously produced along to the General Assembly.
- ✓ Chairman York stated that he would abstain from the vote due to the Loudoun County Board discussion that resulted in the Board requesting that Delegate Minchew request a study. He noted that the study that was done addressed why the two entities could not be merged. He wants to know what the impact is to the NVTA if NVTC is incorporated into it.
- ✓ Motion carried with seven (7) yeas and three (3) abstentions [Chairman York, Mr. Garczynski and Miss Bushue].
- ✓ Council Member Banks asked how HB 2099 would fit within NVTA, especially in regards to performance measures. Chairman Nohe suggested it would not work. Ms. Dominguez added that there might be sidewalk



projects that qualify for 30% funds, if they provide access to transit or increase capacity. She stated that this could work for 70% funds in a regional perspective, at the discretion of the Authority. Council Member Banks suggested that the Manassas Park City Council would be interested in this. Chairman Nohe responded that even if this were allowed, it is difficult to image a scenario in which the NVTa would fund sidewalks, due to the need to demonstrate that the project relieves congestion. Ms. Dominguez added that there is concern that if certain types of projects start to be called out in the Virginia Code, there to be a case that if a type of project is not called out, it is not eligible. This is a concern about unintended consequences.

- ✓ Chairman York moved approval that the Authority communicate to the General Assembly a position of opposition to HB 2099; seconded by Chair Hynes. Motion carried with seven (7) yeas and three (3) abstentions [Council Member Banks, Mr. Garczynski and Miss Bushue].
- ✓ SB 921 adds towns to the list of localities whose transportation projects can benefit from revenues from the Authority. It is believed that this would apply only to towns with a population over 3500. She added that this raises the question of projects that could run through towns with a lesser population. Additionally, during discussion in the Senate Transportation Committee it was suggested that funds go directly to the towns instead of through the counties. Ms. Dominguez pointed out that there were reasons for the mechanisms to be established as they were. Chairman York asked for clarification that this bill would allow congestion relief money to be used for street maintenance. Ms. Dominguez responded negatively, that this applies to towns that maintain their own roads. Chairman Bulova noted that Fairfax County has a number of towns and has a good relationship and system to work through the NVTa and the funding to be sure the towns are getting their fair share. She stated there is a legal issue that if towns within the county chose to use NVTa money counter to the legislation, then the county would be penalized. The current process gives the counties the control and ability to work with towns on how the funding is used, to ensure it is consistent with the legislation.
- ✓ Ms. Cuervo asked for clarification on HB 2099 and whether this references stand-alone sidewalk projects. It was clarified that this is for stand-alone sidewalk projects.
- ✓ Chairman Nohe stated that the intent of SB 291, not the language, is that the Authority would allocate the 30% funds directly to the five towns eligible to receive them. He noted that this does not seem like an inherently bad thing, but the challenge is that the NVTa has been charged with making sure that all funds are spent on projects for which the legislation was envisioned. He added that the 30% money can be spent on a variety of different projects, but if the money is not spent correctly, NVTa loses the money. Chairman Nohe explained that he is sympathetic

to the towns' concern that the money needs to flow through the county first and understands the desire to have autonomy on this, but the NVTA has to have enough checks and balances to be sure the NVTA does not lose \$300 million in congestion relief funds. Chairman Nohe also noted that even if this is the intent of the bill, it is not actually what the language says. This creates a problem for all three of the counties with towns, as it seems to imply that towns that do not maintain their own roads cannot be beneficiaries of the 70% funds.

- ✓ Chairman Bulova moved approval that the Authority communicate to the General Assembly a position of opposition to both the language and the intent of SB 921; seconded by Chairman York. Motion carried unanimously.
- ✓ Chairman Nohe directed staff to find a way to word this to reflect opposition to the language and the intent of the bill.
- ✓ SB 1033 increases the membership of the Authority by one non-legislative member to represent the towns that receive funding for urban highway systems. Ms. Dominguez noted that the towns currently have one non-voting member and this would add a voting member from the towns as well. Chair Hynes asked for clarification on what a non-legislative member meant. Mr. Garczynski suggested it might mean not a member of the General Assembly.
- ✓ Chairman York moved approval that the Authority communicate to the General Assembly a position of opposition to SB 1033; seconded by Chairman Bulova. Motion carried with eight (8) yeas and two (2) abstentions [Mr. Garczynski and Miss Bushue].
- ✓ HB 1887 is the Governor's omnibus transportation bill that increases transit funding, but also makes changes to the highway allocation formulas.
- ✓ Chairman York moved that the NVTA Chairman be given the authority, on behalf of the Authority, to suggest to the General Assembly bills that may not be good for NVTA and those that will; seconded by Chairman Bulova.
- ✓ Chairman Bulova noted that she knows the Chairman will coordinate with the localities and members of the Authority when needed. She added that this will allow the Chairman to quickly take positions or represent concerns of the Authority. Chairman Nohe imposed the recognition that if there is any question about what the Authority position would be, he will consult with the legislative liaisons. Mr. Garczynski noted that the Governor made a presentation to the CTB on HB 1887 with Delegate Jones, in that sense, this is a bipartisan effort and a focal point of the Administration.

- ✓ Motion carried with eight (8) yeas and two (2) abstentions [Mr. Garczynski and Miss Bushue].

**XI. Planning Coordination Advisory Committee Report**

Mayor Foreman, Chair, PCAC

- No verbal report.

**XII. Technical Advisory Committee Report**

Mr. Boice, Chair, TAC

- No verbal report.

**XIII. CMAQ/RSTP Reallocation Request**

Mr. Holloman, Vice Chair, JACC

- No verbal report.

**XIV. Finance Committee Report**

Chairman York, Chair, Finance Committee

- No verbal report.

**XV. Monthly Revenue Report**

Mr. Longhi, CFO

- No verbal report.

**XVI. Operating Budget Report**

Mr. Longhi, CFO

- No verbal report.

**XVII. Financial Working Group Report**

Mayor Euille, Chair, FWG

- No report.

**XVIII. Project Implementation Working Group Report** Chairman Nohe, Chair, PIWG

- No verbal report.

**XIX. Executive Director's Report**

Ms. Backmon, Executive Director

- Ms. Backmon briefly reviewed the highlights of the Executive Director's report.
  - ✓ An NVTA road show has been produced to give the governing bodies of the member jurisdictions and localities an update on the Authority. This is available at the request of the localities.
  - ✓ Annual report will be presented at the February meeting.
  - ✓ Second quarterly press release from the Authority was sent today.

**XX. Chairman's Comments**

**XXI. Adjournment**

- Meeting adjourned at 7:18pm.