

# Northern Virginia Transportation Authority

703-642-0700; [www.thenovaauthority.org](http://www.thenovaauthority.org)

## AGENDA

Thursday, September 27, 2007

6:00 p.m.

at

Northern Virginia Regional Commission  
3060 Williams Drive, Suite 510  
Fairfax, Virginia 22031

1. **Call to Order**.....Chairman Zimmerman
2. **Roll Call**
3. **Approval of the Minutes of the July 12, 2007, Meeting**
4. **Update on Implementation of HB 3202**...Tom Biesiadny, Chairman, Jur. Agen.Coord. Comm.  
Members of Working Groups
5. **Action Items – Related to HB 3202** .....Members of Working Groups
  - A. Approval of MOU with Commonwealth for Collection of Taxes and Fees
    - Initial Vehicle Registration Fee
    - Annual Vehicle Registration Fee
    - Sales and Use Tax on Vehicle Repairs
    - Safety Inspection Fee
    - Motor Vehicle Rental Fee
  - B. Approval of MOUs with Jurisdictions for Collection of Transient Occupancy Tax and Clerks Of Court for Collection of the Congestion Relief Fee
  - C. Approval of Collection Guidelines for Seven Taxes and Fees
  - D. Approval of Amendment to MOU with Commonwealth and NVRC to Provide Short Term Funding for NVTA
  - E. Approval to Pay Outstanding Bills
  - F. Approval of Procedures to Pay Future Bills, including MOU with Arlington Treasurer
  - G. Approval of Schedule and Call for Projects for NVTA Six Year Program
  - H. Approval of Financial Management Contract
8. **Administrative Items** *Juris. Agency Coord. Comm. members will be available to answer questions*
  - A. Approval of Revision to Submission Date for CMAQ/RSTP Applications
  - B. Approval to Reallocate RSTP Funds for Arlington County and CMAQ Funds for Loudoun County
9. **Discussion Items**
  - A. Presentation: I-95/395 HOT Lanes Project.....VDOT & DRPT Staff
  - B. Initial Review of 2008 Legislative Program Suggestions.....Tom Biesiadny

10. **Information Items** *Juris. Agency Coord. Comm. members will be available to answer any questions*
  - A. FAMPO Request for Allocation of Transit Funds
  - B. TIP/CLRP Development
  - C. TIP Amendments
  - D. Air Quality

11. **Other Business**

12. **Adjournment**

**NEXT MEETING: November 8, 2007**

Location – To be determined

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

**MEMORANDUM**

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Summary of Recent Activities Related to Implementing HB 3202 (Item 4.)

**DATE:** September 20, 2007

Since the July 12, 2007, NVTA meeting, significant progress has been made toward implementing HB 3202, the Transportation Funding and Reform Act of 2007. This memorandum summarizes the progress. The memorandum is divided into five sections that correspond to each of the five working groups established by NVTA earlier this year.

Legal

On July 13, 2007, NVTA's bond counsel, McGuireWoods, filed NVTA's bond validations suit. The Governor, the Attorney General and the Speaker of the House, acting together as the Commonwealth, joined NVTA as plaintiffs in the suit. The Northern Virginia Transportation Alliance and the Hampton Roads Transportation Authority each filed amicus briefs supporting NVTA. A group of eight individuals, including Delegate Robert Marshall (the Marshall defendants), and the Loudoun County Board of Supervisors filed as defendants in the case. Following a one day trial on August 27, 2007, Judge Benjamin Kendrick of the Arlington County Circuit Court ruled in favor of NVTA's motions related to its bond validation suit on August 28, 2007. Both the Marshall defendants and the Loudoun County Board of Supervisors have filed their intents to appeal Judge Kendrick's ruling with the Virginia Supreme Court.

Separately, the Marshall defendants and several other individuals filed suit in the Richmond Circuit Court challenging the constitutionality of various aspects of HB 3202, including the authority for NVTA to levee the regional taxes and fees. The Richmond case has not yet been scheduled for a hearing before the trial court but, because Judge Kendrick ruled on all issues relevant to NVTA and that case will be appealed directly to the Supreme Court, the Richmond case should not have any substantial impact on our case.

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NVTA's counsel will make every effort to ask the Supreme Court to address the appeal this fall. An appeal in the Supreme Court of Virginia is a two-step process, however. The first step is for the Court to determine whether to grant an appeal, and the second step is to actually hear the appeal. Typically, it takes approximately one year for the Court to complete both stages of the process. In our case, we believe there are several reasons why the process will be substantially shorter than the typical process, but we are not able to predict with confidence when the Supreme Court will issue its final decision.

Members of the Council of Counsels and Bond Counsel will be present at the NVTA meeting on September 27, 2007, to provide additional information and answer questions.

### Financial

Based on NVTA's actions on July 12, 2007, an NVTA bank account has been established at Wachovia Bank and checks have been ordered. The memorandum of understanding (MOU) with the Northern Virginia Transportation Commission (NVTC) for short-term accounting and financial services has been executed. NVTC has established a chart of accounts for NVTA, and members of the Financial Working Group have developed a proposed procedure to handling future bill payment until an executive director is hired and the chief financial officer function is established.

Working Group members have also been coordinating an MOU with state agencies to collect, or assist with collecting, five of the seven taxes and fees on NVTA's behalf. These five are: the initial registration fee, the annual registration fee, the safety inspection fee, the motor vehicle rental fee and the sales tax on auto repairs. In addition, an amendment to NVTA's existing contract with the Commonwealth and the Northern Virginia Regional Commission has been drafted to facilitate the Commonwealth making up to \$1.0 million in initial short-term funding for operating expenses available to NVTA. MOU's with the local governments for collection of the transient occupancy taxes have been drafted and are being reviewed by the local governments. Outreach is also underway with the Clerks of Courts for collection of the congestion relief fee (grantor's tax).

The Financial Working Group will meeting on September 24, 2007, to begin discussing the process for procuring a financial management system for NVTA; the process of preparing bond policy recommendations and preparing the issuance of the initial \$130 million in NVTA bonds; and the process for obtaining chief financial officer functions.

### Organizational

Interviews for the NVTA Executive Director position are being conducted during September, and the Organizational Working Group is reviewing alternatives for hiring and paying the executive director and providing benefits to the successful candidate. A subcommittee is investigating

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office space options for NVTA. A tenant's agent is being procured to assist with this process.

The Organizational Working Group is preparing recommendations for appointments to NVTA's Technical Advisory Committee, based on nominations received from jurisdictions and others. The Working Group is also working to facilitate final recommendations for the charge and composition of the Planning Coordination Advisory Committee.

The working group is considering options for future NVTA meeting locations.

### Public Outreach

The Public Outreach Working Group met to discuss improvements to NVTA's website and is working on fact sheets and other collateral materials to explain each of the various taxes and fees to those who will be expected to pay the taxes and fees, as well as those who will be collecting them. The Working Group will also be developing a proposed public participation policy for NVTA. A Public Outreach Working Group will be scheduling a meeting for October shortly.

### Project Implementation

Per the recommendations of the NVTA's Project Implementation Working Group, the Jurisdiction and Agency Coordinating Committee (formerly the Interim Technical Committee) has established three subcommittees to prepare recommendations on an NVTA six year program, project prioritization, and project development. Recommendations in these areas are due to the NVTA by November 1, 2007, for their consideration on November 8, 2007. Each of these subcommittees has met at least three times. The focus of the discussions has been on developing a schedule and process for NVTA's Six Year Program, including coordination with the Commonwealth's Six Year Program and the regional Transportation Improvement Program (TIP); refining project prioritization approved by NVTA as part of TransAction 2030, including projects that are in the existing TIP and Constrained Long Range Plan (CLRP); and identifying organizations and methods for implementing NVTA funded projects, as well as a template agreement for project implementation.

The Six Year Program Subcommittee has developed a schedule for preparing the initial two years of an NVTA Six Year Program to allow NVTA to participate in the FY 2009 to 2014 regional TIP and the 2008 CLRP.

The next Project Implementation Working Group meeting will be Friday, October 5, 2007, at 2 p.m. at the Fairfax County Government Center, Room 232, 12000 Government Center Parkway Fairfax, Virginia 22035. At this meeting, the Working Group will review the initial reports prepared by the subcommittees.

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Council of Counsels members, NVTA's bond counsel, working group members, Jurisdiction and Agency Coordinating Committee members and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups  
Members, Council of Counsels

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

**MEMORANDUM**

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Approval of Memorandum of Understanding with Commonwealth for Collection of Taxes and Fees (Item 5.A.)

**DATE:** September 20, 2007

**Recommendation**

Members of the Financial Working Group, the Council of Counsels and the Jurisdiction and Agency Coordinating Committee recommend that the NVTA approve the attached Memorandum of Understanding (MOU) with the Commonwealth to facilitate the collection of five of the seven taxes and fees approved by NVTA on July 12, 2007, in substantial form. These taxes and fees are: the initial registration fee, the annual registration fee, the safety inspection fee, the motor vehicle rental fee and the sales tax on auto repairs.

**Background**

On July 12, 2007, the NVTA approved the implementation of seven taxes and fees authorized by the General Assembly as part of HB 3202, the Transportation Funding and Reform Act of 2007. Due to existing tax and fee collection procedures, the Commonwealth is in the best position to collect, or facilitate collection, of five of the seven taxes and fees. The attached MOU outlines the procedures for collecting these taxes and fees. The procedures for each of taxes and fees are described individually below.

**Motor Vehicle Rental Fee**

The NVTA approved a two-percent increase in the motor vehicle rental fee within Northern Virginia. The existing motor vehicle rental fee is collected by rental car companies and transmitted to the Virginia Department of Taxation. It is proposed that the Department of Taxation also collect NVTA's two-percent fee and remit these revenues to NVTA's bank account. The Department will document the jurisdiction in which the tax is collected

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### Sales Tax on Auto Repairs

The NVTA approved a five-percent sales and use tax on the labor associated with automobile repairs within Northern Virginia. The existing sales and use tax is collected by repair companies and transmitted to the Virginia Department of Taxation. It is proposed that the Department of Taxation also collect NVTA's five-percent sales and use tax on the labor associated with automobile repairs, and remit these revenues to NVTA's bank account. The Department will document the jurisdiction in which the tax is collected.

### Annual Motor Vehicle Registration Fee

The NVTA approved a \$10 annual motor vehicle registration fee increase within Northern Virginia. An existing motor vehicle registration fee is collected by the Virginia Department of Motor Vehicles (DMV). It is proposed that the DMV also collect NVTA's \$10 annual motor vehicle registration fee through its annual billing process and remit these revenues to NVTA's bank account. The DMV will document the jurisdiction in which each vehicle is registered.

### Initial Motor Vehicle Registration Fee

The NVTA approved an initial one-percent motor vehicle registration fee that is assessed the first time a motor vehicle is registered in Northern Virginia. There are four different scenarios for the collection of this fee: vehicle registration associated with a purchase from a dealer; vehicle registration associated with a purchase from an individual; a vehicle registration associated with a Virginia resident moving to Northern Virginia; and a vehicle registration by a non-Virginia resident moving into Northern Virginia.

Each of these four transactions will need to be handled a little differently. For most vehicles purchased from a dealer, the dealer will collect the initial registration fee as part of the sale and remit it to DMV. The fee will apply based on the jurisdiction in which the purchaser of the vehicle resides regardless of where the vehicle is purchased. However, the auto dealer is not required to collect this fee. If the dealer does not collect the fees, DMV will bill the vehicle owner through a contractor for the initial registration fee.

For vehicles purchased from an individual, the fee will apply based on the jurisdiction in which the purchaser or new owner of the vehicle resides regardless of where the vehicle is purchased. The new owner will visit DMV to register the vehicle, and DMV will note that the initial registration fee has not been collected. DMV will bill the vehicle owner through a contractor for the initial registration fee.

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For vehicles owned by Virginia residents who move to Northern Virginia, the owner will visit DMV to register the vehicle, and DMV will note that the initial registration fee has not been collected. DMV will bill the vehicle owner for the initial registration fee using a contractor. NVTA will pay the DMV \$5.48 per transaction billed. This fee will apply even if the owner is moving from the Hampton Roads area where an initial vehicle registration fee may already have been collected. In some cases, the vehicle owner may not change his or her address on the vehicle registration. In these cases, the local Commissioners of the Revenue or Department of Taxation may be the first to know the owner has moved to Northern Virginia. In these cases, the Commissioner of the Revenue or Department of Taxation will flag the registration in the DMV system. DMV will bill the vehicle owner through a contractor for the initial registration fee.

For vehicles owned by non-Virginia residents who move to Northern Virginia, the owner will visit DMV to register the vehicle, and DMV will note that the initial registration fee has not been collected. DMV will bill the vehicle owner for the initial registration fee using a contractor.

It is proposed that the DMV remit these revenues to NVTA's bank account. The DMV will document the jurisdiction in which each vehicle is registered.

#### Safety Inspection Fee

The NVTA approved an additional \$10 annual motor vehicle safety inspection fee within Northern Virginia. An existing motor vehicle safety inspection fee is collected by service stations performing inspections and transmitted to the State Police. The State Police currently use a manual system for accounting for these inspection fees and only reconciles them annually. As result, the State Police are unable to collect this fee directly for NVTA. However, the State Police will inform each inspection station in Northern Virginia that it must collect the additional \$10 fee for NVTA. The State Police will also provide NVTA a list of the number of inspections conducted by each inspection station on a regular basis. The inspection station owners will need to remit the fee directly to an NVTA lock box.

The State Police are in the process for a multi-year upgrade of their computer system. The Deputy Secretary of Transportation has asked the State Police to include the capability to collect NVTA's safety inspection fee in this computer upgrade.

Council of Counsels members, Financial Working Group members, Jurisdiction and Agency Coordinating Committee members and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups  
Members, Council of Counsels

**MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMONWEALTH OF VIRGINIA AND THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY FOR REVENUE COLLECTION SERVICES**

**WHEREAS**, the 2007 Virginia General Assembly adopted and enacted into law House Bill 3202, now codified at 2007 Va. Acts Ch. 896 (“Chapter 896”);

**WHEREAS**, in accordance with §§15.2-4830 through 4840 of the *Code of Virginia* and Chapter 896, the Authority’s powers and duties now include the power to impose taxes and fees, manage funds, and make appropriate disbursements for transportation projects and facilities as may be authorized by law;

**WHEREAS**, Chapter 896 requires the efficient and effective collection of the fees and taxes authorized by the Act for use by the Authority;

**WHEREAS**, Chapter 896 requires that the appropriate entities develop guidelines, policies and procedures for such collection and that such guidelines, policies and procedures be exempt from the Administrative Process Act but be made public at least 60 days prior to their implementation;

**WHEREAS**, in accordance with §2.2-211 the *Code of Virginia* defines the responsibilities of the Secretary of Finance and those responsibilities include the collection of revenues and distributing those revenues appropriately;

**WHEREAS**, in accordance with resolutions duly adopted by the Authority at its meeting held July 12, 2007, the Authority voted to impose the authorized taxes and fees in Chapter 896;

**WHEREAS**, in accordance with a resolution duly adopted by the Authority at its meeting held July 12, 2007, the Authority has established an account with the Local Government Investment Pool (LGIP) in its own name, and the Authority is able and equipped to receive, deposit, oversee, manage, control, and disburse funds in accordance with Chapter 896 and other applicable provisions of law; and

**WHEREAS**, the Secretary of Finance, in consultation and with advice from the Northern Virginia Transportation Authority, Secretary of Transportation, Secretary of Public Safety, and appropriation staff, has determined that the efficient and effective collection of certain fees and taxes authorized by Chapter 896 requires that certain agencies of the Commonwealth perform such collection.

**NOW THEREFORE**, the parties do hereby agree as follows:

1. The Department of Taxation shall on behalf of the Authority administer, collect, and deposit the retail sales tax authorized pursuant to paragraph K of §58.1-605, paragraph H of §58.1-606, and §58.1-625.1 of the *Code of Virginia* into the LGIP account of the Authority.
2. The Department of Motor Vehicles shall on behalf of the Authority administer, collect, deposit the additional annual license fee authorized pursuant to §46.2-755.1 of the *Code of Virginia* into the LGIP account of the Authority. The Secretary of Finance may, in consultation with the Authority and the Department, determine that the collection of such fee for intrastate vehicle moves using a third-party vendor is efficient and effective and is authorized to contract with such vendor for such purpose. The third-party transaction fee charged to the NVTA shall be not greater than the

transaction fee charged to the state under the existing state billing contract (presently \$5.48 per transaction). [NOTE: Preferably we can cite the specific contract since I assume the present transaction cost of \$5.48 may have some annual escalator built in]. All costs incurred by the Department for these activities shall be paid in full by the Authority within 30 days of being presented a bill by the Department.

3. The Department of Motor Vehicles shall on behalf of the Authority administer and deposit the initial registration fee authorized pursuant to §46.2-755.2 of the *Code of Virginia* into the LGIP account of the Authority. To assure the efficient and effective collection of the initial registration fee, the Department (and for automobile dealers, the Motor Vehicle Dealer Board) shall follow the same procedures as they currently use to collect the tax required pursuant to §58.1-2400 et. al. of the *Code of Virginia*. The Secretary of Finance may, in consultation with the Authority and the Department, determine that the collection of such fee, or a portion of such fee, using a third-party vendor for intrastate moves is efficient and effective and is authorized to contract with such vendor for such purpose and subject to the same provisions as in Item 2. All costs incurred by the Department for these activities shall be paid in full by the Authority within 30 days of being presented a bill by the Department.

4. The Department of State Police shall provide in an automated form no later than October 1<sup>st</sup> of each year the inspection information required by the Authority to collect the additional fee authorized pursuant to §46.2-1167.1 of the *Code of Virginia*. The Authority may, in consultation with the Secretary of Finance, determine that the collection of such fee, or the collection of delinquent fees from non-compliant Inspection Stations, using a third-party vendor is efficient and effective. Such vendor may be procured using the same contract as that entered into in Items 2 and 3. All costs incurred by the Commonwealth for these activities shall be paid in full by the Authority within 30 days of being presented a bill by the appropriate Department or entity.

5. The Department of Motor Vehicles shall on behalf of the Authority administer, collect, deposit the local rental car transportation fee authorized pursuant to §58.1-2402.1 of the *Code of Virginia* into the LGIP account of the Authority.

6. The Authority shall have the right to assume the administration and collection of any or all taxes and fees included in Items 1 through 5 with appropriate notice to the Secretary of Finance and the Department(s) so affected. If a third-party vendor is collecting the taxes and fees, the notice shall be in accordance with terms of the contract.

7. The administration of the taxes and fees set forth in this agreement shall continue in force for the duration of the enabling authority granted under HB 3202 and as long as the taxes and fees so adopted remain in force per resolution of the NVTA. Except as specifically provided herein, this agreement shall be cancelled or amended only upon mutual written consent of the Secretary of Finance and the NVTA.

8. Operational details concerning the administration, collection and deposit of the taxes and fees included in Items 1 through 5 are incorporated by reference and attached hereto as the *HB 3202 Administrative Tax and Fee Guidelines*.

IN WITNESS WHEREOF, all concerned parties have executed this AMENDMENT on the day and year set forth below.

## Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

### MEMORANDUM

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Approval of Memorandums of Understanding with Jurisdictions for Collection of NVTA's Transient Occupancy Tax (Item 5.B.)

**DATE:** September 20, 2007

#### **Recommendation**

Members of the Financial Working Group, the Council of Counsels and the Jurisdiction and Agency Coordinating Committee recommend that the NVTA approve the attached Memorandums of Understanding (MOUs) with the local jurisdictions to facilitate the collection of the transient occupancy tax approved by NVTA on July 12, 2007, in substantial form. In addition, Members of the Financial Working Group, the Council of Counsels and the Jurisdiction and Agency Coordinating Committee recommend that the NVTA approve the attached Memorandums of Understanding (MOUs) with the Clerks of Courts to facilitate the collection of the congestion relief fee in substantial form.

#### **Background**

On July 12, 2007, the NVTA approved the implementation of a two-percent transient occupancy tax authorized by the General Assembly as part of HB 3202, the Transportation Funding and Reform Act of 2007. Due to existing tax and fee collection procedures, the local Commissioners of the Revenue or Department of Tax Administration are in the best position to collect this tax. Attached are eight MOUs, one for each jurisdiction, except Manassas Park, that outline the procedures for collecting this tax.

The NVTA approved the two-percent increase in the transient occupancy tax within Northern Virginia. The existing transient occupancy tax is collected by hotels and motels and transmitted to the local Commissioner of the Revenue or Department of Tax Administration. It is proposed that the Commissioners of the Revenue or Department of Tax Administration also collect NVTA's two-

Mr. Christopher Zimmerman, Chairman

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percent tax and remit these revenues to NVTA's bank account. Since the tax will be collected separately in each jurisdiction, it will be easy to track where the revenue is received.

NVTA will not pay the Commissioners of the Revenue or the Departments of Tax Administration to collect this fee on NVTA's behalf.

The NVTA approved the \$0.40/\$100 valuation congestion relief fee on the sale of property. HB3202 directs that this fee will be collected by the Clerks of Courts. The existing grantor's tax is collected by the Clerks of Courts and transmitted to the local Commissioner of the Revenue or Department of Tax Administration. It is proposed that the Clerks also collect NVTA's congestion relief fee (as prescribed by law) and remit these revenues to NVTA's bank account. The Clerks will also submit information about the jurisdiction in which each of the fees are collected.

Council of Counsels members, Financial Working Group members, Jurisdiction and Agency Coordinating Committee members and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups  
Members, Council of Counsels

**Memorandum of Understanding (MOU)**  
**Administration of HB 3202 (Chapter 896, Acts of Assembly)**  
**Agreement Between the Northern Virginia Transportation Authority and the**

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**August 15, 2007**

This agreement is made by and between \_\_\_\_\_ and the Northern Virginia Transportation Authority (hereinafter NVTA).

**WHEREAS**, it is the intent of the County to enter into an agreement with the NVTA to ensure the effective administration of the **NVTA Transient Occupancy Tax** authorized by law under HB 3202 (Chapter 896, Acts of Assembly) and,

**WHEREAS**, this agreement between the County and NVTA is made pursuant to the 13<sup>th</sup> enactment clause of HB 3202, to wit certain state agencies “and other appropriate entities shall develop guidelines, policies, and procedures for the efficient and effective collection and administration of the fees and taxes authorized by this act for use by the Authority,” and,

**WHEREAS**, the County agrees to serve as the collection agent of the Transient Occupancy Tax for hotels and motels located within the County on behalf of the NVTA, and,

**WHEREAS**, the NVTA Transient Occupancy Tax is not a receivable of the County and is not subject to appropriation authority of the County, and,

**WHEREAS**, the County merely serves as the collection agent for this tax on behalf of the NVTA, and,

**WHEREAS**, the County will deposit the NVTA Transient Occupancy Tax receipts into an NVTA bank account as soon as is practicable, and,

**NOW, THEREFORE, WITNESSETH THIS AGREEMENT:**

**1.** THE terms of this agreement shall commence upon the authorized signature of the parties herein following the formal adoption on July 12, 2007 by the NVTA of the Transient Occupancy Tax authorized by HB 3202, but in no case shall this tax be collected earlier than January 1, 2008. The administration of this tax as set forth in this agreement shall continue in force for the duration of the enabling authority granted under HB 3202 and as long as the Transient Occupancy Tax remains in force per resolution of the NVTA. This agreement shall be cancelled or amended only upon mutual written consent of the parties and with advance notice of not less than six months. Such advance notice may be shortened or waived upon mutual written consent of the parties hereto.

**2.** AS a result of NVTA’s adoption of the Transient Occupancy Tax authorized by Va. Code, §58.1-3825.1, the County shall, as agent for NVTA, collect the additional NVTA Transient Occupancy Tax at the rate of 2% of the amount of charge for the occupancy of any room or space occupied that is located within the County. The Director of Finance for the County shall include the NVTA Transient Occupancy Tax on the locality’s Transient Occupancy Tax forms, specified as a separate line item that clearly identifies this as a tax imposed by the NVTA. Alternatively, at the

option of the Director of the Department of Finance, separate Transient Occupancy Tax forms, exclusive to the NVTA tax, may be utilized for the collection of this tax.

3. IN accordance with Va. Code, §58.1-3825.1, no late payment penalties or interest shall be applied to the NVTA TOT collections. Notwithstanding, willful failure to collect this tax on the part of hotels and motels shall be subject to the provisions of Va. Code, §58.1-3907.

4. THE Director of Finance for the County may require TOT taxpayers to remit the NVTA payments separate from local tax payments, along with separate reporting forms as may be required. In this event, such payments shall be made payable to the NVTA, and the Director of Finance shall deposit such funds directly to the NVTA's private bank account. Alternatively, as a matter of customer convenience, the Director of Finance may also collect a consolidated payment of local and NVTA TOT taxes, and promptly deposit the appropriate share to NVTA's bank account.

5. THE Director of Finance agrees that the collection of the NVTA tax shall be made on a monthly or quarterly basis as may be appropriate and shall be deposited, electronically if possible, to the bank account so designated by the NVTA.

6. CONCURRENT with each deposit, the Director of Finance agrees to provide the NVTA with a count of the hotels and motels remitting the NVTA Transient Occupancy Tax. The Director of Finance further agrees to maintain a record of such collections and deposits for a period of not less than three years in accordance with the General Schedule 5 as determined by the Library of Virginia pursuant to Va. Code, §42.1-82. Such records shall be available for inspection and audit as may be required by the NVTA. Any such inspection by the NVTA shall require NVTA representatives to sign and be bound by a Secrecy of Information Oath, attached and incorporated hereto, acknowledging the requirements of Va. Code §58.1-3.

7. THE Director of Finance agrees that if the County conducts an audit of its own local Transient Occupancy Tax, the NVTA tax will also be reviewed for accuracy. Consistent with Va. Code §58.1-3826 and §58.1-3843, this tax is limited to "any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes."

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**The Honorable Christopher Zimmerman**  
**Chairman, NVTA**

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**9-27-07**

**Date 1**

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**Chief Administrative Officer**

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**Date**

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**Financial Officer**

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**Date**



**Memorandum of Understanding (MOU)**  
**Administration of HB 3202 (Chapter 896, Acts of Assembly)**

**Agreement Between the Northern Virginia Transportation Authority and the  
Clerk of the Circuit Court for the \_\_\_\_\_**

**August 15, 2007**

This agreement is made by and between the Clerk of the Circuit Court for the \_\_\_\_\_  
(hereinafter Clerk) and the Northern Virginia Transportation Authority (hereinafter NVTA).

**WHEREAS**, HB 3202 (Chapter 896, Acts of Assembly) provides that the NVTA may impose a Regional Congestion Relief Fee on certain recordations within localities embraced by the NVTA; and,

**WHEREAS**, the localities embraced by the NVTA include the Counties of Arlington, Fairfax, Loudoun and Prince William, and the towns included therein, and the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park; and,

**WHEREAS**, it is the intent of the Clerk to enter into an agreement with the NVTA to ensure the effective administration of the NVTA **Regional Congestion Relief Fee**; and,

**WHEREAS**, this agreement between the Clerk and NVTA is made pursuant to the 13<sup>th</sup> enactment clause of HB 3202, to wit certain state agencies “and other appropriate entities shall develop guidelines, policies, and procedures for the efficient and effective collection and administration of the fees and taxes authorized by this act for use by the Authority,” and,

**NOW, THEREFORE, WITNESSETH THIS AGREEMENT:**

**1.** THE terms of this agreement shall commence upon the signature of the parties herein following the formal adoption on July 12, 2007 by the NVTA of the Regional Congestion Relief Fee authorized by HB 3202, but in no case shall this tax be collected earlier than January 1, 2008. The administration of this tax as set forth in this agreement shall continue in force for the duration of the enabling authority granted under HB 3202 and as long as the Regional Congestion Relief Fee remains in force per resolution of the NVTA. This agreement shall be amended only upon mutual written consent of the parties and with advance notice of not less than six months. Such advance notice may be shortened or waived upon mutual written consent of the parties hereto.

**2.** AS a result of NVTA’s adoption of the Regional Congestion Relief Fee authorized by Va. Code §58.1-802.1, the Clerk shall collect the NVTA Regional Congestion Relief Fee wherein the rate of fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be \$0.40 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

**3.** THE fee shall be delineated as the “Regional Congestion Relief Fee,” on each deed,

instrument, or writing by which lands, tenements, or other realty located in any county or city embraced by the NVTA is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction;

4. THE fee shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the fee imposed by this section;

5. IN accordance with HB 3202, the NVTA Regional Congestion Relief Fee shall be collected by the Clerk pursuant to subsection B of Va. Code §58.1-802, except that the compensation allowed to the Clerk of the Court under such subsection shall not be applicable with regard to the NVTA Regional Congestion Relief Fee. The Clerk shall return all fees collected hereunder to the NVTA.

6. IN the interest of paying these fees to the NVTA as soon as practicable, the Clerk agrees that such fees shall be deposited, electronically if possible, to the bank account so designated by the NVTA not later than the end of each month. In the alternative, the Clerk may opt to make weekly deposits to the NVTA designated bank account.

7. IN order to comply with the statutory requirement of HB 3202 that all revenue be accounted for based on the member jurisdiction from which the revenue was generated, the Clerk further agrees to provide a monthly report to the NVTA that itemizes the Regional Congestion Fees collected within each jurisdiction, if more than one, for which the Clerk provides recordation services. On the accompanying report for each deposit made by the Clerk, the sum of the fees attributable to each jurisdiction under the Clerk's purview shall equal the total of the amount deposited. If the deposit is based on recordations in only one jurisdiction, the Clerk's report shall so indicate.

8. INASMUCH as Va. Code, §.58.1-802(B) states that "the local portion of the tax imposed by [Va. Code, §.58.1-802] on property which is located in more than one jurisdiction shall be collected by the clerk in proportion to the value of the property located in each such locality when recorded therein," the Clerk shall apportion the NVTA Regional Congestion Fee in the same manner. However, rather than pay one-half to the state treasury as is the current practice under Va. Code, §.58.1-802, the Regional Congestion Relief Fee shall be paid in its entirety to the NVTA designated bank account (Va. Code, §.58.1-802.1).

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**The Honorable Christopher Zimmerman**  
**Chairman, NVTA**

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**9-27-07**  
**Date 2**

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**The Honorable  
Clerk of the Circuit Court**

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**Date**

## Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

### MEMORANDUM

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Approval of Collection Guidelines for the Seven Taxes and Fees (Item 5.C.)

**DATE:** September 20, 2007

#### **Recommendation**

Members of the Financial Working Group, the Council of Counsels and the Jurisdiction and Agency Coordinating Committee recommend that the NVTA approve Collection Guidelines for the seven taxes and fees approved by NVTA on July 12, 2007, in concept. *These guidelines are still being drafted and will be sent to the NVTA members prior to September 27, 2007; however, they are summarized below.* NVTA is asked to delegate to its Chairman the authority to approve additional technical changes that may be necessary, based of recommendations from the Council of Counsels.

#### **Background**

HB 3202, the Transportation Funding and Reform Act of 2007, authorized NVTA to impose seven taxes and fees to generate revenues for transportation projects and services in Northern Virginia. It also requires that NVTA to “develop guidelines, policies and procedures to the efficient and effective collection and administration of the fees and taxes authorized” by NVTA. These guidelines must be made public at least 60 days prior to the implementation of the taxes and fees.

NVTA has set an effective date for the implementation of the taxes and fees of January 1, 2008. Therefore, the guidelines must be made public by November 1, 2007. To this end, members of the Financial Working Group have worked with several state agencies and the local governments to prepare the attached guidelines for collection of the taxes and fees. These guidelines are summarized as follows:

Mr. Christopher Zimmerman, Chairman  
Members, Northern Virginia Transportation Authority  
September 20, 2007  
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### Motor Vehicle Rental Fee

The NVTA approved a two-percent increase in the motor vehicle rental fee within Northern Virginia. It is proposed that this fee be collected by rental car companies and transmitted to the Virginia Department of Taxation. The Department of Taxation would then remit these revenues to NVTA's bank account. The Department will document the jurisdiction in which the tax is collected.

### Sales Tax on Auto Repairs

The NVTA approved a five-percent sales and use tax on the labor associated with automobile repairs within Northern Virginia. It is proposed that this sales and use tax be collected by repair companies and transmitted to the Virginia Department of Taxation. The Department of Taxation will remit these revenues to NVTA's bank account. The Department will document the jurisdiction in which the tax is collected.

### Annual Motor Vehicle Registration Fee

The NVTA approved a \$10 annual motor vehicle registration fee increase within Northern Virginia. It is proposed that this fee be collected by the Virginia Department of Motor Vehicles (DMV). DMV will remit these revenues to NVTA's bank account. The DMV will document the jurisdiction in which each vehicle is registered.

### Initial Motor Vehicle Registration Fee

The NVTA approved an initial one-percent motor vehicle registration fee that applies the first time a motor vehicle is registered in Northern Virginia. There are four different scenarios for the collection of this fee: vehicle registration associated with a purchase from a dealer; vehicle registration associated with a purchase from an individual; a vehicle registration associated with a Virginia resident moving to Northern Virginia; and a vehicle registration by a non-Virginia resident moving into Northern Virginia.

Each of these four transactions will need to be handled a little differently. For most vehicles purchased from a dealer, the dealer will collect the initial registration fee as part of the sale and remit it to DMV. The fee will apply based on the jurisdiction in which the purchaser of the vehicle resides regardless of where the vehicle is purchased. However, the auto dealer is not required to collect this fee. If the dealer does not collect the fees, DMV will note that the initial registration fee has not been collected and will bill the vehicle owner through a contractor for the initial registration fee.

Mr. Christopher Zimmerman, Chairman  
Members, Northern Virginia Transportation Authority  
September 20, 2007  
Page 3

For vehicles purchased from an individual, the fee will apply based on the jurisdiction in which the purchaser of the vehicle resides regardless of where the vehicle is purchased. The new owner will visit DMV to register the vehicle, and DMV will note that the initial registration fee has not been collected. DMV will bill the vehicle owner through a contractor for the initial registration fee.

For vehicles owned by Virginia residents who move to Northern Virginia, the owner will visit DMV to register the vehicle, and DMV will note that the initial registration fee has not been collected.

DMV will bill the vehicle owner for the initial registration fee using a contractor. This fee will apply even if the owner is moving from the Hampton Roads area where an initial vehicle registration fee may already have been collected. In some cases, the vehicle owner may not change his or her address on the vehicle registration. In these cases, the local Commissioners of the Revenue or Department of Tax Administration may be the first to know the owner has moved to Northern Virginia. In these cases, the Commissioner of the Revenue or Department of Tax Administration will flag the registration in the DMV system. DMV will bill the vehicle owner through a contractor for the initial registration fee.

For vehicles owned by non-Virginia residents who move to Northern Virginia, the owner will visit DMV to register the vehicle, and DMV will note that the initial registration fee has not been collected. DMV will bill the vehicle owner for the initial registration fee using a contractor.

It is proposed that the DMV remit all revenues it collects less its transaction fees to NVTA's bank account. The DMV will document the jurisdiction in which each vehicle is registered.

#### Safety Inspection Fee

The NVTA approved a \$10 annual motor vehicle safety inspection fee increase within Northern Virginia. This fee will be collected by service stations performing inspections. The inspection station owner will need to remit the fee directly to an NVTA lock box. The State Police will inform each inspection station in Northern Virginia that it must collect the additional \$10 fee for NVTA. The State Police will also provide NVTA a list of the number of inspections conducted by each inspection station on a regular basis.

#### Transient Occupancy Tax

The NVTA approved a two-percent increase in the transient occupancy tax within Northern Virginia. The tax will be collected by hotels and motels and transmitted to the local Commissioner of the Revenue or Department of Tax Administration. It is proposed that the Commissioners of the Revenue or Department of Tax Administration remit these revenues to NVTA's bank account.

Mr. Christopher Zimmerman, Chairman  
Members, Northern Virginia Transportation Authority  
September 20, 2007

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Since the tax will be collected separately in each jurisdiction, it will be easy to track where the revenue is received.

Congestion Relief Fee (Grantor's Tax)

The NVTA approved a \$0.40/\$100 valuation congestion relief fee on the sale of property in Northern Virginia. HB 3202 specifies that this Congestion Relief Fee will be collected by the Clerk of Courts in each of the jurisdictions. It is proposed that the clerks remit this fee to NVTA's bank account. Since this fee is collected by five different clerks, it will be relatively easy to separate the fees by jurisdiction.

Since NVTA will not be meeting again before November 1, 2007, the NVTA is being asked to approve these guidelines in concept. Some additional revisions will likely be made before the guidelines are released.

The NVTA's Public Outreach Working Group will be preparing various materials to inform businesses and individuals about the taxes and fees and the collection procedures.

Council of Counsels members, Financial Working Group members, Public Outreach Working Group Members, Jurisdiction and Agency Coordinating Committee members and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups  
Members, Council of Counsels

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

**MEMORANDUM**

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Approval of Amendments to Memorandum of Understanding with the  
Commonwealth of Virginia and the Northern Virginia Regional Commission to  
Provide Short Term Funding to NVTA (Item 5.D.)

**DATE:** September 20, 2007

**Recommendation**

Members of the Financial Working Group, the Council of Counsels and the Jurisdiction and Agency Coordinating Committee recommend that the NVTA approve the attached amendments to NVTA's existing agreement with the Commonwealth of Virginia and the Northern Virginia Regional Commission (NVRC). These amendments specify that the \$50,000 in FY 2008 planning funds that the Commonwealth has been providing to NVTA annually will be deposited directly into NVTA's bank account. In addition, the amendments set forth the terms and conditions for the Commonwealth to provide short-term financial assistance of up to \$1.0 million to NVTA, as specified in HB 3202.

**Background**

HB 3202, approved by the General Assembly on April 4, 2007, contained an enactment clause directing the Commonwealth to provide short term financial assistance to the Northern Virginia Transportation Authority prior to the collection of the taxes it authorizes. On July 12, 2007, the NVTA approved a resolution outlining estimated short-term expenses and authorized a request to the Commonwealth for financial assistance to cover these expenses. The NVTA approved another resolution directing that the annual \$50,000 planning grant that the Commonwealth has been providing to NVTA each year should be transferred directly to NVTA's bank account for FY 2008.

Mr. Christopher Zimmerman, Chairman



Members, Northern Virginia Transportation Authority  
Page Two  
September 20, 2007

In order to address both purposes, an amendment to the existing agreement with the Commonwealth and NVRC has been drafted. The following is a summary of the provisions of the amendment:

- The Commonwealth will provide up to \$1.0 million to NVTA for short-term operating expenses. These funds will be provided on a reimbursement basis and must be fully repaid to the Commonwealth no later than April 30, 2008.
- The annual transportation planning grant that the Commonwealth has been providing to NVTA will be transferred directly to NVTA for FY 2008.
- The Northern Virginia Regional Commission will transfer any remaining NVTA funds to NVTA within 30 days.
- The remainder of the original Memorandum of Understanding specifically related to transportation planning activities remains in effect.
- Future funding agreements will be between the Commonwealth and NVTA.

Council of Counsels members, Financial Working Group members, Jurisdiction and Agency Coordinating Committee members and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups  
Members, Council of Counsels

AMENDMENT TO THE FEBRUARY 1, 2005, MEMORANDUM OF UNDERSTANDING FOR TRANSPORTATION PLANNING IN NORTHERN VIRGINIA BY THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

**WHEREAS**, on February 1, 2005, a Memorandum of Understanding was executed and entered into by and among the Commonwealth of Virginia, Department of Transportation, (“the Department”), the Northern Virginia Transportation Authority (“the Authority”), and the Northern Virginia Regional Commission (“the Commission”) for the purpose of identifying and outlining the roles and responsibilities for conducting certain transportation planning activities in Northern Virginia;

**WHEREAS**, the 2007 Virginia General Assembly adopted and enacted into law House Bill 3202, now codified at 2007 Va. Acts Ch. 896 (“Chapter 896”);

**WHEREAS**, Chapter 896 substantially broadened the powers, duties, and responsibilities of the Authority;

**WHEREAS**, in accordance with Va. Code Ann. §§15.2-4830 through 4840, as amended, and Chapter 896, the Authority’s powers and duties now include planning, financing transportation projects and facilities, construction and operational oversight of transportation projects and facilities, as well as the powers to impose taxes and fees, manage funds, and make appropriate disbursements for transportation projects and facilities as may be authorized by law;

**WHEREAS**, in view of the Authority’s broadened powers, duties, and obligations, all parties to the February 1, 2005, a Memorandum of Understanding have determined that amendments to the February 1, 2005, a Memorandum of Understanding are necessary to ensure that the Authority can properly and most efficiently fulfill its statutory missions.

**WHEREAS**, in accordance with resolutions duly adopted by the Authority at its meeting held July 12, 2007, the Authority now has resources available, will shortly hire operational staff, and shortly make appointments in order to conduct the planning activities described in the February 1, 2005, a Memorandum of Understanding. The Authority has also established a Council of Counsels in order to assist and advise the Authority with respect to the scope of the Authority’s powers and duties in planning and other matters.

**WHEREAS**, in accordance with a resolution duly adopted by the Authority at its meeting held July 12, 2007, the Authority has established a bank account in its own name, and the Authority is able and equipped to receive, deposit, oversee, manage, control, and disburse funds in accordance with Chapter 896 and other applicable provisions of law.

**WHEREAS**, in accordance with a resolution duly adopted by the Authority at its meeting held July 12, 2007, and in accordance with the recommendations of the Financial Working Group and the Authority’s Council of Counsels, the Authority authorized its Chairman to sign a Memorandum of Understanding and enter into an agreement, on behalf of the Authority, with the Northern Virginia Transportation District Commission to provide short-term accounting support to the Authority.

**NOW THEREFORE**, the parties do hereby agree to amend their February 1, 2005, a

Memorandum of Understanding as follows:

1. The Department will henceforth enter into agreements directly with the Authority necessary for the transfer of any funds to be provided by the Department to the Authority in accordance with Article III of the 2005 MOU or in accordance with any other programs, grants, or other disbursements made by the Department or by any other party to or for the benefit of the Authority in order to further the Authority's statutory missions.
2. All funds currently in the possession of the Commission being held for the benefit of the Authority shall be transferred to the Authority within thirty (30) days.
3. In accordance with the thirteenth enactment clause of Chapter 896, and in further accordance with a resolution duly adopted by the Authority at its meeting held July 12, 2007, the Authority authorized its Chairman, acting on behalf of the Authority, to request from the Commonwealth of Virginia certain financial assistance in an amount not to exceed \$1,000,000.00. Such funds are to be accessed by the Authority on a reimbursement basis and are to be fully repaid to the Commonwealth of Virginia by no later than April 30, 2008. Such financial assistance will be limited to and set aside for the payment of authorized expenditures for the Authority, until such time as the tax and fee revenue collections are posted. All funds provided by and subject to the provisions of the thirteenth enactment clause of Chapter 896, shall be provided from the Commonwealth, directly to the Authority for use in accordance with Chapter 896, other applicable provisions of law, and as hereby agreed.
4. In accordance with Item 446(C) of the 2006-2008 Appropriations Act for the Commonwealth of Virginia as amended and as set forth in Chapter 847 of the 2007 Acts of Assembly, upon execution, the Commonwealth agrees to transfer to the Authority \$50,000.00 in state funding to be used to support the transportation planning activities of the Authority.
5. The provisions of this Amendment shall supersede and be considered controlling over any conflicting provisions or terms set forth in the February 1, 2005, a Memorandum of Understanding.
6. To the extent not superseded or otherwise modified by this Amendment, the terms and conditions of the parties' February 1, 2005, a Memorandum of Understanding shall remain in full force and effect.

IN WITNESS WHEREOF, all concerned parties have executed this AMENDMENT on the day and year set forth below.

ATTESTED:

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF TRANSPORTATION

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

ATTESTED:

NORTHERN VIRGINIA TRANSPORTATION  
AUTHORITY

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

Date:

ATTESTED:

NORTHERN VIRGINIA REGIONAL  
COMMISSION

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

Date:

ATTACHMENTS- July 12, 2007, adopted resolutions of the Northern Virginia Transportation  
Authority

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## Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

### MEMORANDUM

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Approval to Pay Outstanding Bills (Item 5.E.)

**DATE:** September 20, 2007

#### **Recommendation**

Members of the Financial Working Group and the Jurisdiction and Agency Coordinating Committee recommend that the Northern Virginia Transportation Authority (NVTA) approve payment of the seven bills outlined in Table 1.

#### **Background**

Since the General Assembly's approval of HB 3202 on April 4, 2007, the NVTA has incurred approximately \$19,479.89 on various activities related to implementing the legislation. These expenditures covered web site maintenance, room rental for public meetings, advertising for public meetings and procurements, and bond validation expenses that can not be included in the bond issuance. Since the NVTA has no formal process in place for payment of such expenditures, these are being brought to the full NVTA for approval.

All of the activities associated with these expenditures were approved at previous NVTA meetings, or fall within the "Estimate of Start-up Costs," which was an attachment to Resolution 06-08, approved by the NVTA on July 12, 2007. The next item will outline a process for approving future expenditures and issuing checks. Financial Working Group members, Jurisdiction and Agency Coordinating Committee members and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups  
Members, Council of Counsels

**TABLE 1**  
**NVTA**  
**OUTSTANDING INVOICES**  
**AS OF SEPTEMBER 14, 2007**

<b>NVTA OUTSTANDING INVOICES AS OF SEPTEMBER 14, 2007</b>				
	<b>INVOICE</b>		<b>AMOUNT</b>	
<b><u>VENDOR</u></b>	<b><u>DATE</u></b>	<b><u>INVOICE DESCRIPTION</u></b>	<b><u>DUE</u></b>	<b><u>STATUS</u></b>
Register.com	6/8/2007	Domain names registration & web site hosting (1 yr.)	\$ 468.99	Advanced payment by NVTC
Register.com	6/8/2007	Web site forwarding registration (lifetime)	146.47	Advanced payment by NVTC
Balmar	7/30/2007	Printing - signs for 7/12 public hearing	300.00	Advanced payment by NVTC
Easter Associates	8/6/2007	Web site hosting - TransAction (10/1/06 - 9/30/07)	299.40	Outstanding
McGuireWoods LLP	8/24/2007	Legal fees / expenses - bond counsel and validation	17,529.33	Outstanding
Washington Times	8/31/2007	Ad for tenant's agent for office space search	68.20	Advanced payment by NVTC
Falls Church City Public Schools	9/11/2007	Meeting room rental - 7/12 public hearing	667.50	Outstanding
			\$ 19,479.89	

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

**MEMORANDUM**

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Approval of Procedures to Pay Future Bills, including Memorandum of Understanding with Arlington Treasurer (Item 5.F.)

**DATE:** September 20, 2007

**Recommendation**

Members of the Financial Working Group and the Jurisdiction and Agency Coordinating Committee (JACC) recommend that the Northern Virginia Transportation Authority (NVTA) approve the procedures to pay future bills as outlined below, including the attached Memorandum of Understanding (MOU) with the Arlington County Treasurer related to the issuance of checks on NVTA's behalf. In addition, the Financial Working Group recommends that the NVTA approve the following Financial Working Group members to initiate the bill payment process:

Laura Triggs, Acting Director of Finance, City of Alexandria  
David Hodgkins, Assistant City Manager/Director of Finance, City of Fairfax  
Kevin Greenlief, Director, Department of Tax Administration, Fairfax County

**Background**

It is anticipated that the NVTA will continue to have expenditures as outlined in the "Estimate of Start-up Costs," which was an attachment to Resolution 06-08, approved by the NVTA on July 12, 2007. The NVTA also authorized its Chairman and Vice Chairman to sign checks on behalf of the NVTA for items approved by NVTA in Resolution 11-08.

In order to ensure timely payment of bills, the Financial Working Group and the JACC recommend that the following process for paying bills be adopted until such time as appropriate NVTA staff and permanent procedures are in place.

Mr. Christopher Zimmerman, Chairman

1. A request for expenditure is forwarded to a staff subcommittee of the Financial Working Group.
2. This subcommittee determines if the expenditure falls within the "Estimate of Start-up Costs." If it does, the subcommittee will forward a recommendation for approval to the NVTA Vice-Chairman with appropriate documentation.
3. The NVTA Vice-Chairman will either approve or disapprove the expenditure. If the expenditure is approved, the attached Electronic File Transfer Form will be signed by the NVTA Vice-Chairman, and sent to the Arlington County Treasurer's office.
4. The Arlington County Treasurer's Office will prepare paper checks utilizing check stock drawing on NVTA accounts, and forward them to the NVTA Chairman for signature.
5. The Arlington Treasurer's Office will submit a monthly report, or report on demand, of all disbursements prepared under this agreement on behalf of NVTA to the Northern Virginia Transportation Commission (NVTC), Director of Finance and Administration. Such reports will provide the accounting information needed by NVTC to reconcile these disbursements.
6. The NVTC will reconcile these disbursement transactions at least monthly as part of the NVTC MOU with NVTA for bookkeeping and accounting services dated July 12, 2007.

The Arlington Treasurer's Office will not seek reimbursement for staff time involved in this agreement, but any direct costs (check stock) incurred by the Arlington Treasurer's Office will be reimbursed by NVTA. The attached MOU outlines the responsibilities of the NVTA, NVTC and Arlington County Treasurer's office as they relate to the payment of NVTA expenditures.

Members of the Financial Working Group, JACC, and I will be available to answer questions at the September 27, 2007, meeting.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups  
Members, Council of Counsels



**Memorandum of Understanding (MOU)  
Administration of HB 3202 (Chapter 896, Acts of Assembly)**

**Agreement Between the Northern Virginia Transportation Authority and the  
Arlington County Treasurer's Office**

This agreement is made and entered into this \_\_\_\_\_ of September, 2007 by and between the Northern Virginia Transportation Authority (hereinafter NVTA) and the Arlington County Treasurer's Office (hereinafter Arlington Treasurer's Office).

**WHEREAS**, it is the intent of the NVTA to enter into an agreement with the Arlington Treasurer's Office to ensure the effective disbursement and payment of NVTA funds to vendors and service providers of NVTA; and,

**WHEREAS**, the NVTA is in need of short-term support to facilitate the payments of its obligations, once such payments have been approved by the NVTA; and,

**WHEREAS**, the Arlington Treasurer's Office has the expertise, procedures and experience to assist the NVTA; and,

**WHEREAS**, enactment clause 13 of HB 3202 provides that (i) NVTA, the Member Localities, the Commissioner of the Virginia Department of Taxation, and the Commissioner of the Department of Motor Vehicles, "and other appropriate entities shall develop guidelines, policies, and procedures for the efficient and effective collection and administration of the Regional Taxes and Fees for use by the NVTA;" and,

**NOW, THEREFORE, WITNESSETH THIS AGREEMENT:**

THE terms of this agreement shall commence upon the signature of the Arlington County Treasurer and the Chairman of the NVTA.

THE Arlington Treasurer's Office, agrees to administer Automated Clearing House (ACH) and Wire Transfer transactions from the designated NVTA account(s) at Wachovia Bank NA. Such transactions will only be processed by the Arlington Treasurer's Office upon receipt of a Request For Electronic Funds Transfer (EFT) authorized by designated NVTA officials via fax or e-mail. A copy of the EFT form is attached as exhibit A.

THE Arlington Treasurer's Office agrees to prepare paper checks utilizing check stock drawing on NVTA accounts, and forwarding such checks to the NVTA officials authorized to sign them.

THE Arlington Treasurer's Office, will submit a monthly report or report on demand, all disbursements prepared under this agreement on behalf of NVTA to the Director of Finance and Administration – Northern Virginia Transportation Commission (NVTC). Such reports will provide the accounting information needed by NVTC to reconcile these disbursements.

THE NVTC will reconcile these disbursement transactions at least monthly as part of the NVTC MOU with NVTA for bookkeeping and accounting services dated July 12, 2007.

ANY direct costs (check stock) incurred by the Arlington Treasurer's Office will be reimbursed by NVTAs. The Arlington Treasurer's Office will not seek reimbursement for staff time involved in this agreement.

THIS agreement may be cancelled by either party upon written notice with at 30 days notice. Such advance notice may be shortened or waived upon mutual written consent of the parties hereto. This agreement may also be amended upon mutual written consent of the parties hereto.

**Signed and agreed to this \_\_\_\_\_ day of September, 2007**

\_\_\_\_\_  
**The Honorable Francis X. O'Leary**  
Arlington County Treasurer

\_\_\_\_\_  
**The Honorable Christopher Zimmerman**  
Chairman, NVTAs

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

**MEMORANDUM**

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Approval of Schedule and Call for Projects for the Initial Two Years of NVTA's Six Year Program (Item 5.G.)

**DATE:** September 20, 2007

**Recommendation**

The Jurisdiction and Agency Coordinating Committee recommends that the NVTA approve the attached schedule and call for projects for the initial two years of NVTA's Six Year Program.

**Background**

As directed by the NVTA on July 12, 2007, the Jurisdiction and Agency Coordinating Committee (formerly the Interim Technical Committee) established several subcommittees to coordinate and further define several aspects of NVTA's Project Implementation Working Group recommendations, including the development of an NVTA Six Year Program. Recommendations in these areas are due to the NVTA by November 1, 2007, for their consideration on November 8, 2007. However, in order for NVTA to comply with regional project submission deadlines, the NVTA must take action on several aspects of the Six Year Program at its September 27, 2007, meeting. The JACC's Six Year Program Subcommittee has developed the attached schedule to guide the process. This schedule integrates the schedule and process for NVTA's Six Year Program with the Commonwealth's Six Year Program and the regional Transportation Improvement Program (TIP).

Since the schedule is condensed, projects for this first round of submittals will be limited to only those projects for the first two years of NVTA's Six Year Program, so that NVTA does not lose a full year in the implementation cycle while it fully develops its Six Year Program procedures. For NVTA to participate in the current round of the regional TIP and Constrained Long Range Plan (CLRP), projects, particularly those that impact regional air quality conformity, must be submitted to the Transportation Planning Board by January 4, 2007.

Mr. Christopher Zimmerman, Chairman  
Members, Northern Virginia Transportation Authority  
Page Two  
September 20, 2007

Prior to this date, the JACC recommends that NVTA:

- Solicit projects from its member jurisdictions and agencies using the attached submission form;
- Develop a draft program in conjunction with the Virginia Department of Transportation and Department of Rail and Public Transportation, using TransAction 2030 prioritization criteria (Attached);
- Conduct a test round of prioritization, using the TransAction 2030 criteria;
- Coordinate with NVTA's Technical Advisory Committee and Planning Coordination Advisory Committee;
- Release a draft program for public comments;
- Hold a public hearing;
- Adopt a list of projects for the first two years of Six Year Program; and
- Continue to refine the details and procedures for future Six Year Programs prior to the next TIP/CLRP cycle.

Using this two year approach, NVTA will also be able to identify problems to be resolved and positive features to continue as it develops its process and procedures for a complete Six Year Program.

Jurisdiction and Agency Coordinating Committee members and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups  
Members, Council of Counsels

Northern Virginia Transportation Authority  
Proposed Schedule for the FY 2009 - 10 Program of Projects

- September 19, 2007: TPB Reviews Draft Call for Projects
- September 27, 2007: NVTA Issues Call for Projects**
- October 1, 2007: Begin Federal Fiscal year – 2008  
VDOT begins preparation of obligation information for MPO FY09 TIPs (non-attainment areas first)
- October 17, 2007: TPB Releases Final Call for Projects-- Transportation Agencies Begin Submitting Project Information through On-Line Database
- November 8, 2007: NVTA approves Six Year Plan Process, Project Prioritization and Project Development**
- November 9, 2007 Project Submissions for FY 2009 and 2010 due with prioritization matrix**
- November 13, 2007: CTB's – Fall Transportation Public Hearing in No. Va.**
- November 26-30, 2007: Possible meeting dates for VDOT, Jurisdictions, Agencies, etc to meet and discuss project list**
- November 29, 2007: JACC reviews Draft Program of Projects  
VDOT provides project lists with phase starts to MPOs**
- December 2007: Review of Projects and Procedures with NVTA Technical Advisory Committee and Planning Coordination Advisory Committee**
- December 6, 2007: Draft Six Year Program to NVTA**
- December 13, 2007: NVTA reviews draft Program of Projects and Releases Program for Public Comment**
- VDOT provides obligation information to non-attainment MPOs for TIPs
- December 27, 2007: VDOT provides annual list of obligations for public release

January 4, 2008: DEADLINE: Transportation Agencies Complete On-Line Project Submissions for MPO TIP

**January 10, 2008: NVTA Holds Public Hearing, Reviews Public Comments and Will be Asked to Approve Program of Projects**

January 16, 2008: TPB Briefed on Project Submissions and Draft Scope of Work and Releases for Public Comment

February 20, 2008: TPB reviews Public Comments and is asked to Approve Project Submissions for FY09-14 TIP and Plan and draft Scope of Work

March 20, 2008: VDOT presents draft FY09-14 SYIP to CTB  
Public Hearings on draft FY09-14 SYIP at end of March

May 15, 2008: FY09-14 SYIP adopted by the CTB

May 21, 2008: TPB Receives Status Report on Conformity Assessment

June 12, 2008: TPB releases Conformity Assessment for Public Comment

July 16, 2008: TPB Reviews Public Comments and Adopts Plan, FY09-14 TIP, and Conformity Assessment  
State Transportation Improvement Program (STIP)  
submitted to FHWA/FTA for approval

September 2008: FHWA/FTA approval of STIP.

October 1, 2008 Begin Federal Fiscal Year 2009

# NVTA CALL FOR PROJECTS and INSTRUCTIONS

(Under Development)

Submitters should consider the following things when submitting project requests:

- Reduce congestion, improve auto and pedestrian safety and/or improve transit service and capacity.
- Are “ready to go,” to a large extent possible with funding being the primary obstacle to moving to the next phase (right of way or construction).
- Are included in the region’s Constrained Long Range Plan and NVTA’s TransAction 2030 Regional Transportation Plan, specifically, or are consistent with the plan.
- Have (or will have before funding is available) resources available to implement the project when funding is provided.
- Is a short-term priorities of the jurisdictions; most are projects already partially funded in the Commonwealth’s Six Year Program or by individual jurisdictions or agencies. The funding from this initial NVTA bond issue will allow these projects to be fully funded in a shorter time frame than previously anticipated.
- Project submittal form must be complete, including jurisdictional support and prioritization information
- Projects must be able to use FY09 and FY10 funding
- If implementing agency is different from submitting agency, coordinate with implementing agency to confirm availability of resources
- If submitter is not a local government, submitter must coordinate project with appropriate local government(s).

# PROJECT CRITERIA

## Activity Center Connections

*Projects that improve connections between multiple activity centers as defined by the TransAction 2030 Plan. This criterion will be revisited with the TransAction 2030 Plan update.*

Full moon	Improves connectivity between three or more activity centers
Half moon	Improves connectivity between two activity centers
Empty moon	Improves connectivity to one activity center only

## Multimodal Choices

*Projects that create multimodal choices for travelers. Modes include travel by car, train, bus, bicycle or on foot.*

Full moon	Adds new mode or extension of existing mode to corridor
Half moon	Major service improvement to existing mode in corridor
Empty moon	Minor service improvement to existing mode in corridor

Major service improvements could include:

1. Roadway widening
2. Multiple grade separations along one roadway
3. Widening of High Occupancy Vehicle (HOV lanes)
4. Transit service improvements such as increased frequency and other capacity improvements to an existing line
5. Addition of park-and-ride lots
6. Enhancements to existing Intelligent Transportation Systems (ITS)
7. Construction of bicycle or pedestrian trails

Minor service improvements could include:

1. Expansion of park-and-ride lot
2. Intersection/interchange reconstruction
3. Grade separation of existing intersections
4. Access and parking improvements

## Person Throughput

*Projects that provide for increased person-capacity within a corridor, with the goal of moving the most people, rather than vehicles.*

Full moon	Project significantly increases corridor person throughput
Half moon	Project has minor effect on corridor person throughput
Empty moon	No effect on corridor person throughput

## Intermodal Connections (i.e., between existing modes)

*Projects that provide enhanced connections among modes (auto, bus, rail, bicycle, walking).*



Full moon	Adds new intermodal connection
Half moon	Improves existing intermodal connection
Empty moon	No effect on intermodal connection

## Management and Operations – Technology

*Projects that improve the management and operation of existing facilities through technology applications.*

Full moon	Project improves technological management and operations of an existing transportation facility
Half moon	Project improves technological management and operations of an expansion of an existing transportation facility
Empty moon	No improvement to management and operations of a facility

## Urgency

*Projects that address existing significant Level of Service (LOS) deficiencies for all systems as defined in the **TransAction 2030 Plan**.*

Full moon	Project addresses existing LOS F or G condition
Half moon	Project addresses existing LOS E condition
Empty moon	Project addresses existing LOS A, B, C or D condition

## Need for Rehabilitation

*Projects that address major maintenance for aging infrastructure, whether roads, bridges, **bicycle/pedestrian facilities**, **multi-modal** or transit facilities.*

Full moon	Facility is seriously dilapidated (e.g. weight restrictions put into effect)
Half moon	Facility is in need of more than routine maintenance
Empty moon	Facility does not need rehabilitation (maintenance inferred)

## Right-of-Way (ROW)

*Project ROW impacts on sensitive areas.*

Full moon	No additional ROW needed
Half moon	Minimal ROW required and project does not impact sensitive area
Empty moon	Additional ROW required and project does impact sensitive area

## Mode Share

*Projects' effects on mode share.*

Full moon	Project will generally encourage an increase in non-Single Occupant Vehicle (SOV) travel through the addition or expansion of an HOV or transit facility
Half moon	Project will generally encourage an increase in non-SOV travel through addition or expansion of bicycle or pedestrian <b>facilities</b> , park and ride lots and/or operational improvements to existing transit services

Empty moon	Project will result in no discernable reduction in non-SOV travel
------------	---

### Reduce VMT

*Projects' effects on vehicle miles traveled (VMT). When analyzing VMT for transit projects a standard formula – similar to the formula used for CMAQ funding–will be developed and applied.*

Full moon	Project directly reduces VMT (i.e., transit project, park-and-ride lot, new high occupancy vehicle (HOV) lane(s), new pedestrian and bicycle facility)
Half moon	Project indirectly or through expansion reduces VMT (i.e., expansion of HOV, transit improvement or expansion)
Empty moon	Project does not reduce VMT

### Compatibility with Local Comprehensive Plans

*Projects are included in transportation element of jurisdiction comprehensive plans.*

Full moon	Project is in adopted transportation plan for jurisdiction or agency strategic plan
Half moon	Project is being considered for adoption into transportation plan or agency strategic plan
Empty moon	Project is not being considered for adoption into transportation plan or agency strategic plan

### Land-Use Supports Transportation Investment

*Projects within each corridor to be scored based on relative number of jobs and households within ¼ mile of investment based on jurisdictions comprehensive plans. Service coverage will be used as the threshold for transit projects per the TransAction 2030 Plan.*

Full moon	High number of jobs and households within ¼ mile of investment
Half moon	Moderate number of jobs and households within ¼ mile of investment
Empty moon	Low number of jobs and households within ¼ mile of investment

### Improved Non-Motorized Travel Options (Bicycle and Pedestrian) to and within Activity Centers

*Project supports multiple use development patterns in a walkable environment.*

Full moon	Project adds or extends non-motorized facility to and within activity center
Half moon	Project improves existing non-motorized facility to and within activity center
Empty moon	Project does not improve or provide a non-motorized facility to and within activity center

### Improved Transportation System Operations to and within Activity Centers

*Project encourages development to be located where it can be served by existing infrastructure.*

Full moon	Project improves operation of existing transportation system to and within activity center
Half moon	Project improves operation of an expanded transportation system to and within activity center
Empty moon	No improvement to operations of existing transportation system to and within activity center

## Reduce Roadway Congestion

*Project reduces roadway congestion.*

Full moon	Project will significantly improve traffic flow. <b>Significant improvement is defined as a "letter" improvement to the Level of Service on the roadway or intersection.</b>
Half moon	Project will moderately improve traffic flow. <b>Moderate improvement is defined as the reduction of LOS delay on the roadway or intersection.</b>
Empty moon	Project will have minimal to no effect on traffic flow

## Safety

*Project improves the safety of the transportation system.*

Full moon	Project designed to specifically improve system safety and/or address an existing safety deficiency
Half moon	Project will generally result in a safety improvement
Empty moon	Project will have no discernable or negative effect on safety

## Cost Sharing

*Project leverages private or other outside funding. **Cost sharing will be used in the screening of projects more heavily for the first two years.***

Full moon	Project leverages private or other outside funding (e.g. tax districts, ROW donations, proffers, and/or Federal and State funds beyond/above normal allocations)
Half moon	Project leverages modest private or other outside funding
Empty moon	Project has no leveraged private or other outside funding

## Freight Movement

*Projects that improve the capacity, reliability of freight - while also improving other impacted systems such as highways or passenger rail*

Full moon	Project increases the reliability and capacity of freight and passenger rail, and improves overall highway system
Half moon	Project improves reliability and capacity of freight rail and passenger rail but has little or no impact on the overall system
Empty moon	Project improves freight rail capacity and reliability but has no or negative impact on passenger rail efficiencies or overall system efficiencies

**FY 09 NVTA FUNDING REQUEST FORM**

**FY 2009 - 2013**

**1. BACKGROUND:**

**1.1. Project Title** \_\_\_\_\_

**1.2. Agency/ Jurisdiction Submitting Project:** \_\_\_\_\_

**1.3. Submitter's Name and Phone Number:** \_\_\_\_\_

**1.4. Implementing Agency/ Jurisdiction:** \_\_\_\_\_

**1.5. Implementer's Point of Contact:**\_\_\_\_\_

**1.6. Project Website (if there is one)** \_\_\_\_\_

**1.7. Submitter's Priority:** # \_\_\_ of \_\_\_ total projects submitted

**1.8 Project Description:**

**2. PROJECT INFORMATION**

**2.1. UPC#** \_\_\_\_\_ (If existing project)

**2.2. COG's Project ID:** \_\_\_\_\_

**2.3. Other Identifying Numbers (Please list type)** \_\_\_\_\_

**2.4. Jurisdiction where project is located:** \_\_\_\_\_

**2.5. Project Location/Limits:** \_\_\_\_\_

**2.6. Type of Project/Action:**

a. \_\_\_ **Roadway Project** (Describe i.e. New roadway, widening, shoulder, Intersection, Bridge, Realignment, Turn Lane)\_\_\_\_\_

\_\_\_\_\_

b. \_\_\_ **ITS Project** (Describe i.e. Signals, TV monitors)\_\_\_\_\_

\_\_\_\_\_

c. \_\_\_ **Transit Project** (Describe i.e. Buses, Station improvements, Park & Ride lot)\_\_\_\_\_

\_\_\_\_\_

- d.  **Bicycle & Pedestrian Project** (Describe i.e. Sidewalks, Bike trail, Bike lockers) \_\_\_\_\_  
 \_\_\_\_\_
- e.  **Study** (Describe i.e. Transit Study, Park & Ride Study, Traffic Signal System Study) \_\_\_\_\_  
 \_\_\_\_\_
- f.  **Multimodal (Describe):** \_\_\_\_\_  
 \_\_\_\_\_

**2.7. Does Project include Bicycle/Pedestrian Accommodations? (select one below)**

- Primarily a bike/ped project**
- Bike/ Ped accommodations included**
- No Bike/Ped accommodations included**

**3. FEDERAL/STATE DOCUMENTATION**

**3.1. Air Quality Analysis:**  **Required**  **Not Required If required, are quantification of benefits included with this application?**  **Yes**  
 **No**

**3.2. Project Status: (Select as many as appropriate)**

- New Project**
- Continuation of Existing Local Project**
- Continuation of Federally funded project; was in Previous TIP, proceeding as scheduled**
- Continuation of Federally funded project; was in Previous TIP, delayed or reprogrammed**
- Continuation of State project, in SYIP**

**3.3. Environmental Review:**

Type: (select one)

Status: (select one)

\_\_\_\_\_ Not applicable

\_\_\_\_\_ Proposed for prep

\_\_\_\_\_ Preliminary categorical exclusion

\_\_\_\_\_ Under prep.

\_\_\_\_\_ Categorical exclusion

\_\_\_\_\_ Under review

\_\_\_\_\_ Draft Environmental Assessment

\_\_\_\_\_ Approved

\_\_\_\_\_ Environmental Assessment

\_\_\_\_\_ Finding of No Significant Impact

\_\_\_\_\_ Draft Environmental Impact Statement

\_\_\_\_\_ Final Environmental Impact Statement

\_\_\_\_\_ 4F Determination of Environmental Impact on Parkland

**4. FINANCIAL/SCHEDULING INFORMATION**

**4.1. Project Finances:**

4.1.1. Preliminary Cost Estimate \_\_\_\_\_

4.1.2. Source of Estimate \_\_\_\_\_

4.1.3. Amount Requested in this Application \_\_\_\_\_

4.2. Please provide your cost estimates by phase in the appropriate table below.

**Table 1: Cost Estimates by Year for Construction Projects**

	<b>Total Project Cost</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Design/PE/ Environmental</b>							
<b>ROW Acquisition/ Utility Relocation</b>							
<b>Construction</b>							

**Table 2: Cost Estimates for Non-Construction Projects**

	<b>Total Project Cost</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Study Cost</b>							
<b>Acquisition</b>							
<b>Operating Costs</b>							

4.3. Please list all current and projected funding sources with the amount:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**5. PLANNING CONSIDERATIONS**

**5.1. Included in: \_\_\_\_\_ Primary SYIP \_\_\_\_\_ Secondary SYIP \_\_\_\_\_ Urban SYIP  
\_\_\_\_\_ MPO TIP \_\_\_\_\_ State STIP \_\_\_\_\_ Locality's Comprehensive Plan**

**5.2. Is the project included in TransAction 2030?**

\_\_\_\_\_ **Yes, specifically included in transaction 2030**

\_\_\_\_\_ **Yes, included as part of a larger project, group of projects or category**

\_\_\_\_\_ **No, project not included but it is still a jurisdiction/agency priority. Will be considered in TransAction 2030 Update when project list is reviewed.**

**Form Completed by \_\_\_\_\_ Date: \_\_\_\_\_**

**Attachments:**

- **Evidence of approval of the governing body (Required)**
- **Prioritization Matrix (Required)**
- **TIP sheet (Optional)**
- **Other (Please list) \_\_\_\_\_**



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

**MEMORANDUM**

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

**FROM:** Tom Biesiadny, Chairman  
Interim Technical Committee  
Northern Virginia Transportation Authority

**SUBJECT:** Approval of Contact for Incidental Financial Services (Item 5.H.)

**DATE:** September 20, 2007

**Recommendation**

Members of the Financial Working Group, and the Jurisdiction and Agency Coordinating Committee recommend that the NVTA approve the attached contact with Cherry, Bakeart and Holland, L.L.P., for short-term incidental financial services using a Fauquier County competitive procured contract that contains a Council of Governments rider.

**Background**

On July 12, 2007, the NVTA approved resolution 09-07 authorizing procurement of incidental financial services related to the regional taxes and fees approved by NVTA. Subsequently, members of the Financial Working Group located an existing Fauquier County contract with Cherry, Bakeart and Holland, L.L.P. that contains a Metropolitan Washington Council of Governments rider provision. This contract was competitively procured.

The services provided by this contract will include accounting and reconciliation services at NVTA's request. These could include oversight of NVTC's financial transactions and accounting methods. Funding for this procurement is included in the estimated start-up costs approved by NVTA on July 12, 2007.

Financial Working Group members, Jurisdiction and Agency Coordinating Committee members and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups  
Members, Council of Counsels

**Northern Virginia Transportation Authority**  
c/o Northern Virginia Regional Commission  
3060 Williams Drive, Suite 510  
Fairfax, VA 22031

September 27, 2007

John B. Montoro, CPA  
Director of Government Services  
Cherry, Bekaert & Holland, L.L.P.  
1700 Bayberry Court, Suite 300  
Richmond, VA 23226

Subject: Fauquier County Contract 51-06C – Audit Services

Dear Mr. Montoro;

On July 12, 2007 the Northern Virginia Transportation Authority (NVTA) approved Resolution 09-08, authorizing the procurement of incidental financial services necessary for the implementation of HB 3202. Therefore, at this time, the NVTA would like to invoke the rider provision to the above contract between Cherry, Bekaert & Holland, L.L.P. and the County of Fauquier, Virginia. Specifically, the NVTA will be riding the contract with respect to incidental accounting needs to be conducted by your firm on an as-needed basis, consistent with your proposal dated September 11, 2007 (attached). Cost of such services shall not exceed \$50,000.

Please sign the acceptance below and return to this office. Upon receipt we will process and issue an Acceptance Agreement. If you have any questions regarding this matter, please contact NVTA Financial Working Group members, Kevin Greenlief at 703-324-4804, or Victor Garcia at 703-324-3621.

Sincerely,

Christopher Zimmerman  
Chairman

Attachments

ACCEPTANCE:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

**Northern Virginia Transportation Authority**

c/o Northern Virginia Regional Commission  
3060 Williams Drive, Suite 510  
Fairfax, VA 22031

**[Date: To Be Sent Subsequent to and Upon Return of  
the Signed Agreement, Dated 9/27/07]**

John B. Montoro, CPA  
Director of Government Services  
Cherry, Bekaert & Holland, L.L.P.  
1700 Bayberry Court, Suite 300  
Richmond, VA 23226

Attention: John B. Montoro

Subject: Fauquier County Contract 51-06C – Audit Services

**Acceptance Agreement**

This acceptance agreement signifies a contract between the Northern Virginia Transportation Authority (NVTA) and Cherry, Bekaert & Holland, L.L.P. from \_\_\_\_\_, 2007 through March 1, 2009.

The contract number is 51-06C and shall be in accordance with:

- 1) This Acceptance Agreement.
- 2) The terms and conditions of the County of Fauquier contract number 51-06C.
- 3) NVTA's letter of contract dated September 27, 2007 and Cherry, Bekaert & Holland, L.L.P. acceptance dated \_\_\_\_\_, 2007.

Please note that this is not an order to proceed. All incidental financial services are to be performed on an as-needed basis at the direction of the NVTA chairman or his designee.

Sincerely,

Christopher Zimmerman  
Chairman

cc: NVTA Council of Counsels

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

**MEMORANDUM**

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

**FROM:** Tom Biesiadny, Chairman  
Interim Technical Committee  
Northern Virginia Transportation Authority

**SUBJECT:** Approval of Revision to Submission Date for CMAQ and RSTP Applications (Item 8.A.)

**DATE:** September 20, 2007

**Recommendation**

The Jurisdiction and Agency Coordinating Committee recommends that the NVTA approve a one week extension of the submission deadline Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) applications from September 28, 2007, to October 5, 2007.

**Background**

On July 12, 2007, the NVTA approved September 28, 2007, as the submission deadline for FY 2009 CMAQ and RSTP grant applications. Subsequently, staff from one of the NVTA jurisdictions requested a one week extension to this deadline to accommodate their governing body's meeting schedule. The proposed deadline is October 5, 2007. This one week extension will not impact the schedule for completing FY 2009 CMAQ and RSTP recommendations prior to the December 13, 2007, NVTA meeting.

Jurisdiction and Agency Coordinating Committee members and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups  
Members, Council of Counsels

**8.B.**

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

**MEMORANDUM**

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Reallocation of Regional Surface Transportation Program Funds for  
Arlington County and Reallocation of Congestion Mitigation and Air  
Quality Funds for Loudoun County (Item 8.B.)

**DATE:** September 20, 2007

Recommendation:

The Jurisdictional and Agency Coordinating Committee (JACC) recommends that the Northern Virginia Transportation Authority approve the attached letter to Acting VDOT Northern Virginia District Administrator Morteza Salehi endorsing Arlington County's request to reallocate Regional Surface Transportation Program (RSTP) Funds, and Loudoun County's request to reallocate Congestion Mitigation and Air Quality funds.

Background:

Attached is a request from the Arlington County Board Chairman Paul Ferguson to reallocate the following RSTP funds:

Traffic Signal Improvements for Crystal City/Potomac Yard (CCPY) Transitway Project

- Reallocate FY 1998 and FY 2004 RSTP grant funding (\$1,200,000) from the Four Mile Run Trail Project (UPC 15156) to the Traffic Signal Improvements for Crystal City/Potomac Yard transitway project (UPC # 72898). This will allow the signal project to be completed with the appropriate phase of the Crystal City/Potomac Yard Busway project currently in final design.

Mr. Christopher Zimmerman, Chairman  
Members, Northern Virginia Transportation Authority  
Page Two  
September 20, 2007

In addition, attached is a request from Loudoun County's Acting Director of the Office of Transportation Services Terrie Laycock requesting authorization to reallocation Congestion Mitigation and Air Quality (CMAQ) funds.

Leesburg Park-and-Ride Lot

- Reallocate \$1,499,000 in CMAQ funds from the Purcellville Park-and-Ride Lot project (UPC 52290) to the Leesburg Park-and-Ride Lot project (UPC 77562)

These requests are similar to requests made by other jurisdictions in the past.

Arlington County and Loudoun County staff and JACC Members will be available at the Authority meeting on September 27, 2007, to answer questions.

Cc: Members, NVTAA Jurisdictional and Agency Coordinating Committee

July 5, 2007

Mr. Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority  
c/o Northern Virginia Regional Commission  
7535 Little River Turnpike, Suite 100  
Annandale, Virginia 22003

Reference: Transfer of CMAQ funds  
Dear Mr. Zimmerman:

Loudoun County seeks the Northern Virginia Transportation Authority's (NVTA) approval to move \$1,499,000 in CMAQ funds from UPC 52290 currently allocated to the Purcellville Park & Ride lot project to UPC 77562, allocated for development of the Leesburg Park & Ride lot. These CMAQ funds would be replaced with local funds currently appropriated to the Leesburg project.

Loudoun County was allocated funding from the Congestion Management Air Quality (CMAQ) over the last few years for land acquisition and development of a park-and-ride lot in the Purcellville area. In recent discussions with VDOT, it was determined that if the County finds a site, utilizing CMAQ funds to purchase it could tie up the property for 12 months before the contract could be ratified. CMAQ funds are federal funds and an Environmental Document would need to be prepared and approved prior to a property being purchased. It is doubtful a willing seller would want to place such a contingency on their land.

Staff is recommending that the County request NVTA approval to transfer the Purcellville CMAQ funds to the Leesburg park-and-ride project which is already "federalized" (uses CMAQ funds for construction). The County would in turn transfer local funds currently appropriated to the Leesburg project to the Purcellville project. Thus, if a property is found, land acquisition can occur without the federal requirements attached.

If you have any questions related to this request, please contact Nancy Gourley at (703) 737-8384. Thank you for your assistance.

Sincerely,

Terrie Laycock  
Acting Director, Office of Transportation Services

cc: Farid Bigdeli, Assistant District Engineer, Virginia Department of Transportation  
Jim Zeller, Transportation Engineer, Virginia Department of Transportation  
John Barr, Transportation Engineer, Virginia Department of Transportation  
Nancy Gourley, Transit Division Manager, Office of Transportation Services

# Northern Virginia Transportation Authority

c/o Northern Virginia Regional Commission  
3060 Williams Drive, Suite 510  
Fairfax, Virginia 22031

September 27, 2007

Mr. Morteza Salehi  
Acting District Administrator  
Virginia Department of Transportation  
14685 Avion Parkway  
Chantilly, Virginia 20151-1104

Reference: Request to Reallocate Arlington County RSTP Funds and Loudoun  
County CMAQ Funds

Dear Mr. Salehi:

On September 27, 2007, the Northern Virginia Transportation Authority endorsed the attached requests from Arlington County and Loudoun County to reallocate the following RSTP and CMAQ funds, respectively:

## Traffic Signal Improvements for Crystal City/Potomac Yard (CCPY) Transitway project

- FY 1998 and FY 2004 RSTP grant funding (\$1,200,000) from the Four Mile Run Trail Project (UPC 15156) to the Traffic Signal Improvements for Crystal City/Potomac Yard transitway project (UPC 72898). This will allow the signal project to be completed with the appropriate phase of the Crystal City/Potomac Yard Busway project currently in final design.

## Leesburg Park-and-Ride Lot

- Reallocate \$1,499,000 in CMAQ funds from the Purcellville Park-and-Ride Lot project (UPC 52290) to the Leesburg Park-and-Ride Lot project (UPC 77562)



Mr. Morteza Salehi  
September 27, 2007  
Page Two

Please take the necessary steps to reallocate these funds in the Transportation Improvement Program and the State Transportation Improvement Program. Thank you very much.

Sincerely,

Christopher Zimmerman  
Chairman

Robert McDonald, Transportation Planning Section, VDOT  
John Barr, Transportation Planning Section, VDOT  
Tamara Ashby, Arlington County Department of Transportation  
George Phillips, Loudoun County Department of Transportation

**9.B.**

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

**MEMORANDUM**

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Initial Review of 2008 Legislative Program Suggestions (Item 9.B.)

**DATE:** September 20, 2007

The Jurisdiction and Agency Coordinating Committee is beginning to prepare for the 2008 General Assembly session. Attached is an initial list of suggested items for NVTA's 2008 Legislative Program. The JACC is interested in receiving the NVTA's comments on these items. In addition, the JACC is also interested in any other items NVTA members would like to have included in the 2008 Legislative Program.

The JACC will develop more specific information and recommendations on each of these items and submit them to the NVTA at the November 8, 2007, meeting for consideration.

Jurisdiction and Agency Coordinating Committee members and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee

# Suggested 2008 Legislative Positions

## **TRANSPORTATION FUNDING**

Support additional state transportation funding for highway, transit, bicycle and pedestrian improvements. (*Updates and reaffirms previous position.*)

Specifically, the Board, along with other Northern Virginia jurisdictions, expresses appreciation to the General Assembly and the Governor for their work on HB 3202 which authorized significant additional transportation funding during the 2007 General Assembly session. However, there are still significant unmet transportation funding needs. As a result, the Board asks the General Assembly to:

- Replace any revenue sources included in HB 3202 which are successfully challenged in court with a stable, reliable, and permanent source(s) that generates an equal or greater amount of transportation funding.
- Coordinate any changes to the regional funding packages included in HB 3202 that may be proposed with both the Northern Virginia and the Hampton Roads regions. (Northern Virginia is not seeking any changes to the regional funding packages).
- Coordinate any legislation that modifies existing enabling authority for Northern Virginia transportation revenue sources with NVTVA.
- Provide increased transportation funding for all modes from a stable, reliable, and permanent source(s) to address Northern Virginia's and the Commonwealth's transportation needs not covered by the funding authorized in HB 3202.
- Meet the Commonwealth's statutory 95 percent share of transit operating and capital costs (net of fares and federal assistance). This would require approximately \$\_\_\_ million annually in new funds for the limited transit projects and eligible operating costs included in CTB's six-year program.
- Modify any bond-related provisions in HB 3202 which are successfully challenged in court

## **BASE REALIGNMENT AND CLOSURE (BRAC) RECOMMENDATIONS**

Support the inclusion of sufficient funding in the 2008-2010 biennium budget to ensure significant fiscal resources to address the enormous planning and transportation issues associated with the Base Realignment and Closure Commission recommendations. (*Reaffirms previous position.*)

## **PEDESTRIAN SAFETY**

Support revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less. Recent events throughout the region have highlighted a growing concern for the safety of pedestrians attempting to cross streets. Many Northern Virginia jurisdictions are exploring a variety of means to effectively provide for pedestrian safety while avoiding both the potential for serious vehicular accidents and the potential for creating a false sense of security for the pedestrians. (*Reaffirms previous position.*)

## **SECONDARY ROAD DEVOLUTION**

Oppose any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. Also oppose any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties. *(Reaffirms previous position.)*

## **REVENUE SHARING**

Support legislation that caps the state's revenue sharing program at \$50 million; eliminates the priorities for funding approved by the General Assembly in 2006 and clarifies that proffers can be used for the entire local match. *(Reaffirms previous position.)*

## **TRANSPORTATION EFFICIENCIES**

Support legislation to enact efficiencies in the delivery of transportation projects, including increasing the limits on task order or "on-call" contracts to a maximum of \$5 million (from \$1 million) and a maximum of \$1 million per task (from \$200,000) and increasing the limit of construction projects that can be undertaken by local government employees from \$400,000 to \$1 million. *(Project Implementation Working Group recommendation).*

## **ACCESS MANAGEMENT**

Support changes to the new VDOT access management standards that were mandated by legislation adopted during the 2007 General Assembly session to incorporate specific thresholds stating when the guidelines will be applicable; incorporate exemptions for urban areas from the guidelines; recognize differences between regions of the Commonwealth; make conditions associated with exemptions easier to achieve and compile all access management standards in one document. *(Pending additional staff input).*

# 10.A.

## Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

### MEMORANDUM

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Update on Fredericksburg Area Metropolitan Planning Organization  
Request (Item 10.A.)

**DATE:** September 20, 2007

In August 2005, the Fredericksburg Area Metropolitan Planning Organization (FAMPO) wrote to the Transportation Planning Board (TPB) seeking changes to the allocation of Federal Transit Administration Section 5307 formula funds received by the Washington urbanized area (UZA). In summary, these two changes were:

- An allocation of the portion of 5307 funds that the region receives based on population and population density factors.
- An allocation of the portion of 5307 funds that the region receives based on bus service related earnings that bus service in North Stafford will soon generate.

In addition, as part of TPB's triennial review, released in March 2006, the Federal Highway Administration and Federal Transit Administration included a recommendation that TPB resolve these outstanding allocation issues with FAMPO within six months.

On October 12, 2006, NVTa approved a letter to the TPB urging the TPB to take no action on the FAMPO request for an allocation of a portion of the federal transit funds, but convene a meeting of the region's designated recipients of formula transit assistance (the Washington Metropolitan Area Transit Authority [WMATA], the Potomac and Rappahannock Transportation Commission [PRTC], the Northern Virginia Transportation Commission [NVTc], the Virginia Railway Express and the Maryland Department of Transportation) to formally review FAMPO's request.

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The Interim Technical Committee's October 2006 memo on this issue is attached as background.

Beginning in March 2007, TPB staff has coordinated several conference calls with the designated recipients, as requested. As a result of these conference calls with the designated recipients, TPB staff prepared the attached draft letter to FAMPO. This letter:

- Invites FAMPO to submit projects for consideration in the TPB's Transportation Improvement Program/Constrained Long Range Plan (CLRP);
- Notes that WMATA Board action will be required for any section 5307 funds to be allocated to FAMPO;
- Notes that the region does not allocate section 5307 funds by population and to do so would be inconsistent with federal guidance;
- Notes that the region has just finished a financial analysis for the CLRP and as part of that analysis all expected federal funds have been allocated projects already included in the CLRP;
- Notes that the jurisdictions that are members of WMATA are already subsidizing riders from FAMPO jurisdiction by approximately \$590,000 per year.

Jurisdiction and Agency Coordinating Committee members are still not completely comfortable with the draft TPB letter and are preparing some suggested language to qualify expectations that might be inferred from the letter.

The TPB Technical Committee is scheduled to discuss the letter again on October 5, 2007. The TPB is scheduled to review the letter on October 17, 2007, and formally approve the letter on November 14, 2007.

Jurisdiction and Agency Coordinating Committee members and I will be available at the Authority meeting on September 27, 2007, to answer questions.

Cc: Members, NVT Authority Jurisdiction and Agency Coordinating Committee

Attachments: a/s

# 7.B.

## Interim Technical Committee Northern Virginia Transportation Authority

### MEMORANDUM

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

**FROM:** Tom Biesiadny, Chairman  
Interim Technical Committee  
Northern Virginia Transportation Authority

**SUBJECT:** Fredericksburg Area Metropolitan Planning Organization Request (Item 7.B.)

**DATE:** October 10, 2006

#### Recommendation:

**The Interim Technical Committee recommends that the NVT A approve the attached letter to the Transportation Planning Board urging the TPB to take no action on the FAMPO request for an allocation of a portion of the federal transit funds, but to convene a meeting of the region's designated recipients of formula transit assistance (the Washington Metropolitan Area Transit Authority, the Potomac and Rappahannock Transportation Commission, the Virginia Railway Express and the Maryland Department of Transportation) to formally review FAMPO's most recent request. Consequently, the ITC recommends that TPB defer action on the proposed letter that will be included in the TPB's agenda package for October 18, 2006.**

#### Background:

In August 2005, the Fredericksburg Area Metropolitan Planning Organization (FAMPO) wrote to the Transportation Planning Board (TPB) seeking changes to the allocation of Federal Transit Administration Section 5307 formula funds received by the Washington urbanized area (UZA). In summary, these two changes were:

- An allocation of the portion of 5307 funds that the region receives based on population and population density factors.

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- An allocation of the portion of 5307 funds that the region receives based on fixed guideway miles.

In addition, as part of TPB's triennial review, released in March 2006, the Federal Highway Administration and Federal Transit Administration included a recommendation that TPB resolve these outstanding allocation issues with FAMPO within six months.

These issues are summarized in three parts below:

#### Current Allocation of Section 5307 Funds Received by the Washington UZA

Currently, there are four designated recipients of federal transit funds in the Washington UZA receiving Section 5307 funds. They are: the Washington Metropolitan Area Transit Authority (WMATA), the Virginia Railway Express (VRE), the Maryland Area Rail Commuter (MARC) and the Potomac Rappahannock Transportation Commission (PRTC). Each year these four agencies agree on the allocation of federal transit funds. Each agency receives a proportional share of the federal transit funds that are allocated by fixed guideway miles, as well as amount of service and ridership. WMATA receives all the funds allocated to the region based on population. This allocation of funds has been in place since for some time. Prior to that time, WMATA received all federal formula transit funds allocated to the region. WMATA continues to receive all the population based funds in recognition that all three of the other systems transfer passengers to WMATA. In practice, all four of the agencies must agree to the allocation each year.

#### Allocation of Population/Population Density Funds

Based on the population and population density as measured in the 2000 Census, a portion of Stafford County is considered part of the Washington UZA. According to the FTA allocation formula, this area of Stafford County generate between \$150,000 and \$250,000 annually. FAMPO has asked that these funds be allocated to them. When considered in isolation, these funds do not represent a significant portion of the transit funds received by the region. However, if these funds are allocated to Stafford County, it will set a precedent. There are several other jurisdictions, including Prince William County, Loudoun County and Anne Arundel County that are part of the Washington UZA, but do not receive WMATA service directly or contribute to its operating and capital budgets. If all of these jurisdictions made the same request FAMPO is making, WMATA would lose \$1.0 to \$2.0 million per year in federal transit assistance. The WMATA compact jurisdictions would need to increase their WMATA subsidy by an equal amount.



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### Allocation of Fixed Guideway Funds

In their letter to TPB, FAMPO correctly noted that a portion of VRE track is located in FAMPO jurisdictions. This track generates funding under the fixed guideway portion of the FTA formula. FAMPO requested that these funds, which are currently allocated to VRE, be allocated to FAMPO, so that FAMPO would determine how they should be spent. This approach could create a very difficult financial environment for VRE. Currently, the VRE Operations Board, PRTC and the Northern Virginia Transportation Commission (NVTC) must approve the VRE budget. If implemented, this approach would require another approval, and VRE would not be assured that they would receive these funds. In addition, VRE riders from FAMPO jurisdictions benefit from capital improvements VRE makes north of the Prince William County/Stafford County line, such as the new Quantico bridge, the interlocking improvements in Alexandria and the third track between Alexandria and the Potomac River, as well as VRE's equipment purchases.

Over the past several months, the FAMPO Board has discussed their position on both of these requests. In addition, FAMPO's Executive Director met with the NVTA Interim Technical Committee regarding FAMPO's request. PRTC and NVTC have also discussed these requests. NVTC has taken a position specifically opposing FAMPO's request. A copy of NVTC's letter to NVTA is attached.

As a result of these discussions, FAMPO modified their request. FAMPO dropped its request for an allocation of fixed guideway funds. In addition, FAMPO has discussed a long term strategy for the allocation of the population/population density funds. When the 2010 census is conducted, it is likely that the urbanized portion of north Stafford County that is connected to the Washington UZA will also be connected to the Fredericksburg UZA. At that time, it will be appropriate for the Census Bureau to divide the two regions. Using the parameters developed for the 2000 Census, it is likely that the dividing line will be the Prince William County/Stafford County line. This would be similar to the dividing line drawn between the Washington and Baltimore UZAs. If the Census Bureau uses these same parameters following the 2010 Census, the issue of the population/population density funds should be resolved. As such, the population/population density funds for all of Stafford County would be attributed to FAMPO without setting a precedent for other jurisdictions in the Washington UZA that do not receive WMATA service directly.

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In addition, in early 2005, Stafford County established contact bus service in the portion of north Stafford County that is part of the Washington UZA. Stafford County will be reporting the bus vehicle revenue miles to FTA and will consequently qualify for FTA formula funds for this service. These funds would represent new revenue to the Washington UZA, just as reporting by PRTC, VRE and MARC represented new revenue to the region. FAMPO would like this revenue to be allocated to it. The Interim Technical Committee believes that at such time as the bus service in north Stafford County generated new transit revenues to the Washington UZA, these revenues should be allocated to FAMPO.

Since FAMPO has approved a resolution reaffirming their request for transit formula funding, based on population and population density factors in September 2006, the Interim Technical Committee recommends that the NVTA approve the attached letter to the Transportation Planning Board urging the TPB to take no action on the FAMPO request for an allocation of a portion of the federal transit funds, but to convene a meeting of the region's designated recipients of formula transit assistance (the Washington Metropolitan Area Transit Authority, the Potomac and Rappahannock Transportation Commission, the Virginia Railway Express and the Maryland Department of Transportation) to formally review FAMPO's most recent request. As such, the ITC also recommends that TPB defer action on the proposed letter that will be included in the TPB's agenda package for October 18, 2006, attached.

The ITC members and I will be available at the Authority meeting on October 12, 2006, to answer questions.

Cc: Members, NVTA Interim Technical Committee

Attachments: a/s

# Northern Virginia Transportation Authority

c/o Northern Virginia Regional Commission  
3060 Williams Drive, Suite 510  
Fairfax, Virginia 22031

October 13, 2006

The Honorable Michael Knapp, Chairman  
National Capital Region Transportation Planning Board  
777 North Capital Street, N.E., Suite 300  
Washington, D.C. 20002-4290

Subject: Fredericksburg Area Metropolitan Planning Organization Request for  
allocation of federal transit formula funding

Dear Chairman Knapp:

On October 12, 2006, the Northern Virginia Transportation Authority discussed, the Fredericksburg Area Metropolitan Planning Organization (FAMPO) request for allocation of federal transit formula funding, particularly related to population and population density factors. Due to the financial implications and precedent setting nature of this request, the Authority asks that the TPB take no formal action on this request, but convene a meeting of the region's designated recipients of formula transit assistance (the Washington Metropolitan Area Transit Authority, the Potomac and Rappahannock Transportation Commission, the Virginia Railway Express and the Maryland Department of Transportation) to formally review FAMPO's most recent request for an allocation of federal transit funds.

The Authority asks that the results of the designated recipients meeting be forwarded to them for additional consideration before any formal action by TPB.

Thank you very much for your assistance with this matter.

Sincerely,

Christopher Zimmerman  
Chairman

# National Capital Region Transportation Planning Board

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

**DRAFT – 8/31/07**

Honorable Matthew Kelly  
Chairman  
Fredericksburg Area  
Metropolitan Planning Organization  
P.O. Box 863  
Fredericksburg, VA 22404

RE: Allocation and Sharing of Federal Transit Administration (FTA) Section 5307  
Funds for the Washington Urbanized Area

Dear Chairman Kelly:

At its September 20, 2006 meeting, the National Capital Region Transportation Planning Board (TPB) received copies of five resolutions adopted on September 18, 2006 by the FAMPO Policy Committee stating FAMPO policies with respect to the allocation of federal Section 5307 formula transit funds for the Washington urbanized area. In this letter the TPB addresses the FAMPO policy statements in each of these resolutions, and outlines its responses and recommendations on each of the topics addressed in the resolutions.

Over the past several months, TPB staff has reviewed the current procedures for allocating FTA Section 5307 formula funds within the Washington urbanized area, and has consulted with senior staff at FAMPO and other organizations potentially affected by the programming of the funds, including the Washington Metropolitan Area Transit Authority (WMATA), the Potomac and Rappahannock Transportation Commission (PRTC), the Northern Virginia Transportation Commission (NVTC), the Northern Virginia Transportation Authority (NVTA), the Virginia Department of Rail and Public Transportation (VDRPT), and the District of Columbia, Maryland, and Virginia Departments of Transportation. At its July 6 and September 7 meetings, the TPB Technical Committee was briefed on the current procedures for allocating FTA Section 5307 funds in the Washington urbanized area, the FAMPO policy statements, and

proposed procedures for the allocation and sharing of these funds in the future.  
At its

October 17 meeting, the TPB was briefed on these current procedures and the  
FAMPO

policy statements. At its November 14 meeting, the TPB approved sending this  
letter to

FAMPO for its consideration and further discussion.

Regarding FAMPO Resolution FY 06-32b on VRE generated funds, the TPB is in  
agreement with FAMPO's policy position, which conforms to current practice for  
allocating Section 5307 FTA formula funds to VRE. The TPB believes that this  
practice

is working well and should continue.

**Honorable Matthew Kelly**

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FAMPO Resolution FY 06-32c addresses Section 5307 funds which are  
apportioned among small urbanized areas in the Commonwealth of Virginia by  
the

Virginia Department of Rail and Public Transportation (VDRPT). These small  
urbanized

area funds are in a separate category from the Section 5307 funds apportioned  
by the

FTA formula for the Washington urbanized area, and the TPB does not intend to  
take

any position on the apportionment of these small urbanized area funds.

Regarding FAMPO Resolution FY 06-32d with respect to the designation of  
urbanized areas as a result of the 2010 Census, the TPB believes that  
consideration of

this question should be deferred until the 2010 census results are available, and  
does

not intend to take any position on this question at this time.

Regarding FAMPO Resolutions FY 06-32a and FY 06-32e on the portions of FTA  
Section 5307 funds for the Washington urbanized area that are based on  
population,

population density, and bus service factors, the TPB recommends that FAMPO  
proceed

in accordance with the following guidance provided by the FHWA and FTA in an  
August

9, 2004 letter to Mr. Henry Connors, Jr., Chairman of FAMPO:

"TPB, along with the FTA designated recipients in the Washington D.C.  
urbanized area determine how Federal transit funds are spent in that  
urbanized area, which encompasses northern Stafford County. Therefore,  
FAMPO may wish to participate in the TPB planning process, as projects  
and programs serving the needs of northern Stafford County are eligible  
for a portion of the Federal funds apportioned to the Washington D.C.  
urbanized area."

Based upon this federal guidance, the TPB recommends that FAMPO participate in the TPB planning and programming process with regard to projects serving the needs

of northern Stafford County. Such participation in the TPB process would give FAMPO

the opportunity to propose projects that are eligible for Section 5307 funds for possible

inclusion in the Washington region's long range plan and transportation improvement

program (TIP). The TPB believes that there are opportunities to identify eligible capital

projects that could benefit the residents of northern Stafford County and provide better

connections to the Washington region -- such as bus and parking facilities at Metrorail

stations, and commuter park and ride lots.

Should FAMPO wish to participate in the TPB planning and programming process to identify transportation projects that are eligible for the 5307 funds, there are

a number of considerations with respect to current practices and funding commitments

that should be kept in mind. First, the bus service and related ridership in North Stafford

contributes to the Washington urbanized area Section 5307 apportionment only if the

north Stafford service and ridership statistics are reported as part of the National Transit

Database (NTD) clearly identified as Washington D.C. urbanized area statistics, which

did not happen in 2005. Consequently, the FY 2007 apportionment of Section 5307

funds does not account for the existence of bus service in north Stafford, an omission

**Honorable Matthew Kelly**

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that has been brought to the Fredericksburg Regional Transit System's (FRED) attention. Correct reporting of these statistics in the future will make it possible to quantify the north Stafford County contribution to the Washington urbanized area Section 5307 apportionment.

Second, the 2006 Update to Constrained Long Range Plan (CLRP) Financial Plan for the Washington region brought the region's jurisdictions together to address

funding sources for highway and transit needs, including the use of 5307 funds for

transit capital improvement priorities. One current commitment of 5307 funding reflected in the 2006 CLRP update is specified in WMATA Board resolution #2000-08, adopted on January 27, 2000. This resolution states that in order to support WMATA's ability to finance projects under a TIFIA loan guarantee, "transit systems shall receive funds only if WMATA, as the designated recipient, has allocated to them Section 5307 funds directly attributable to their transit operations in the Washington urbanized area as of January 1, 2000." Any changes to the allocation of those funds would require a negotiated agreement between the region's jurisdictions. (The terms of this TIFIA loan guarantee were approved by the Federal Transit Administration (FTA), and the loan guarantee used for railcar rehabilitation is still required until the current program ends in 2010.)

Finally, I would like to bring to your attention a point made by several TPB member jurisdictions during the development of this letter. WMATA provides service to many passengers who reside outside of the WMATA Compact jurisdictions, and Compact members pay the local subsidy for operating and capital expenses generated by those passengers. Any decrease in the federal capital funds available to WMATA would require an increase in capital contributions from the local Compact jurisdictions.

In 2007, residents of the FAMPO region make approximately 3,700 trips daily on Metrorail. WMATA estimates that Compact jurisdictions are currently paying approximately \$590,000 annually to subsidize the fares of FAMPO region riders. The TPB looks forward to receiving comments from FAMPO on these recommendations on the allocation and sharing of FTA Section 5307 funds for the Washington urbanized area. Please contact Ronald Kirby, staff director for the TPB, at (202) 962-3310 if you have any questions regarding this proposal.

Sincerely

Catherine Hudgins  
Chair, National Capital Region  
Transportation Planning Board

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

**MEMORANDUM**

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority  
  
Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** 2007 Constrained Long Range Plan (CLRP) and 2008-2013 Transportation Improvement Program (TIP) Project Submissions for Air Quality Conformity Assessment (Item 10.B.)

**DATE:** September 20, 2007

On May 16, 2007, the Transportation Planning Board (TPB) approved project submissions and the scope of work for the air quality conformity assessment for the 2007 CLRP and FY 2008-2013 TIP.

The major projects in Virginia are:

1. I-66 Spot Improvements Westbound, Inside the Beltway
2. I-95/I-395 HOT Lanes Project From Eads Street in Arlington County to Garrisonville Road (VA 610) in Stafford County
3. Potomac Yard Transitway - Alexandria Segment from Four Mile Run to Braddock Road Metro Station

Projects proposed for study in Virginia include:

- Manassas Battlefield Bypass
- VRE Expansion to Gainesville/Haymarket

Finally, the anticipated completion date and/or construction limits for various projects were updated to reflect current estimates/schedules/project scope, including the following:

- Changing the previously proposed alignment to the Tri-County Parkway to match the alignment selected by the Commonwealth Transportation Board.



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Members, Northern Virginia Transportation Authority  
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Since then TPB staff have been working on the air quality conformity analysis for the TIP and CLRP using these inputs. The draft results of this analysis should be available in November 2007. Final adoption of the TIP and CLRP is scheduled for December 2007.

At the same time, TPB is beginning the process for the 2008 CLRP and FY 2009-2014 TIP. The process is beginning earlier this year at the request of the Virginia and Maryland Departments of Transportation. VDOT is trying to better coordinate the TIP submissions from all of the regions around the Commonwealth. In doing so, VDOT is seeking to have TIP documents approved in July of each year, so that Federal approval can be received in September of each year. This will allow Federal funds to be available for transportation projects on October 1, 2007, (the beginning of the federal fiscal year), rather than several months later, as has been the experience recently. This change will allow projects to be implemented more quickly.

TPB's project submission deadline is January 4, 2008. To accommodate this earlier submission deadline, the Jurisdiction and Agency Coordinating Committee is recommending that NVTA only submit the first two years of a Six Year Program. It is also recommended that this submission be based on trying to find funding for existing partially funded projects.

Jurisdiction and Agency Coordinating Committee members and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Interim Technical Committee

**10.C.**

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

**MEMORANDUM**

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority  
  
Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Update on TIP Amendments (Agenda Item 10.C.)

**DATE:** September 20, 2007

VDOT submitted an FY 2007 TIP amendment to the Transportation Planning Board for approval in September. Copies of the amendment are attached. This amendment contains a considerable number of projects of varying dollar amounts and funding sources. Of particular note is an entry to add \$137 million to a Regional Transportation Management Plan. This plan is being developed to provide congestion management services in support of several major regional construction projects, including the Beltway High Occupancy Toll (HOT) lanes, the I-95/395 HOT Lanes project, the Dulles rail projects, construction of a fourth lane on I-95 south of the Springfield interchange. This funding will cover four to five years worth of congestion mitigation programs, such as communications, traffic operations, transportation demand management and transit service.

Jurisdiction and Agency Coordinating and I will be available at the September 27, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Interim Technical Committee

## Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

### MEMORANDUM

**TO:** Christopher Zimmerman, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

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

**SUBJECT:** Update on Regional Air Quality (Agenda Item 10.D.)

**DATE:** September 20, 2007

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

The U.S. Environmental Protection Agency (EPA) has designated the Metropolitan Washington region a nonattainment area for the National Ambient Air Quality Standards (NAAQS) for ground level Ozone and Particulate Matter 2.5 microns or less (PM2.5). The deadline for the region to demonstrate attainment of both the standards is 2010. The states in the Metropolitan region and the District of Columbia (D.C.) are required to submit a State Implementation Plan (SIP) on how the standards will be attained by the deadline. The following is a summary of recent activities:

- The Ozone SIP was due to the EPA by June 15, 2007. On May 23, 2007, the Metropolitan Washington Area Quality Committee (MWAQC) approved a ozone SIP for the states and D. C. to submit the SIP. The states and D.C. submitted the ozone SIPs prior to the June 15, 2007, deadline.
- This ozone SIP establishes new mobile source emissions budgets for 2008, 2009 and 2010 to be used in transportation conformity analyses. These new budgets are lower than those included in an earlier one-hour ozone SIP. These new emissions budgets for transportation conformity become applicable once the EPA finds the emissions budgets adequate for use in conformity analysis. Such an adequacy finding is anticipated by the end of 2007. Transportation Planning Board (TPB) staff is currently conducting the conformity analysis for the 2007 Constrained Long Range Plan (CLRP) and FY 2008-2013 Transportation Improvement Program (TIP) and will use these new budgets. This analysis should be complete by November 2007.
- A PM2.5 SIP is due by April 5, 2008. MWAQC is currently developing this SIP, and its proposed schedule projects holding a public hearing on the Draft SIP in February 2008 and MWAQC's approval of the final SIP in March 2008.

Mr. Christopher Zimmerman, Chairman  
Members, Northern Virginia Transportation Authority  
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- The PM2.5 SIP is anticipated to establish new and additional mobile source emissions budgets, to be used in transportation conformity analyses, for the following pollutants: direct fine particulate matter 2.5 microns or smaller in size (PM2.5 direct) and Nitrous Oxide (NOx) precursor to PM2.5. These new emissions budgets are anticipated to become applicable for conformity analysis beginning 2008. TPB's conformity analysis for the 2007 CLRP and FY 2007-2013 TIP, currently underway, will use EPA specified interim emissions budgets tests for these two pollutants.

On a related air quality matter, the Metropolitan Washington Council of Governments (COG) has established a Climate Change Task Force to review the amount of greenhouse gases (GHG), particularly carbon dioxide, generated by the region, and consider ways to reduce these emissions. Local jurisdictions of the region are participating in this effort via their membership at the COG. The Task Force is currently engaged in discussions to understand the magnitude of the problem in this region and what actions the region could take to meet the challenge of reducing GHG in the future. As part of these deliberations at the Task Force, the current and estimated future GHG contributions from transportation sector has been estimated by the TPB. Contributions from the other non-transportation sectors are expected to be developed.

The 2007 ozone season concluded on September 15, 2007. Under the new eight hour ground level ozone standards the region has been calling for voluntary emission reductions actions on code orange days, in addition to the code red days. Northern Virginia jurisdictions' free bus rides on code red days has now been expanded to include code orange days. Preliminary analysis of the air quality data indicates that air quality in the region continues to improve with the support of the various control strategies being implemented in the region. There was one actual code red day this ozone season compared to one code red and one code purple event in 2006. There were 14 actual Code Orange days, compared to 19 days last year and 19 days in 2005. The 2007 ozone season also had fewer multiple monitor and/or multiple day code orange events.

JACC members and I will be available at the Authority meeting on September 27, 2007, to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Coordinating Committee