

# Northern Virginia Transportation Authority

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

## AGENDA

**Thursday, December 6, 2007**

**11:00 a.m.**

*at*

Fairfax City Hall

City Council Work Session Room

10455 Armstrong Street, Room 111 A&B

Fairfax, Virginia 22030

1. **Call to Order**.....Chairman Zimmerman
2. **Roll Call**
3. **Approval of the Minutes of the November 8, 2007, Meeting**
4. **Action Items – Related to HB 3202** .....Members of Working Groups
  - A. Approval to Release Initial NVTA Six Year Program for Public Comment
  - B. Approval of Job Description and Solicitation for Chief Financial Officer
  - C. Approval of Contract for NVTA Office Space
  - D. Approval of Charge for the Planning Coordination Advisory Committee
  - E. Appointment of Members to the Technical Advisory Committee
  - F. Approval of MOUs and Transient Occupancy Tax Collection Procedures in Certain Towns
5. **Other Action Items**
  - A. Approval of 2009 Legislative Program
6. **Discussion Items**
  - A. Finance Committee Alternatives
  - B. Deferred
7. **Information Items** *Juris. Agency Coord. Comm. members will be available to answer any questions*
  - A. CY 2008 Meeting Schedule
  - B. FAMPO Request for Allocation of Transit Funds
  - C. TIP/CLRP Development
  - D. TIP Amendments
  - E. Air Quality
8. **Other Business**
  - A. Changes to I-395 HOV Lane Operations at Turkeycock Run Ramp
9. **Closed Session:** Legal Matters Related to Implementation of HB 3202, Discussion of Existing Litigation and Personnel Matters
10. **Adjournment**

### **NEXT MEETING: January 10, 2008**

George Mason High School – Auditorium – 6 p.m.

7124 Leesburg Pike

Falls Church, Virginia

# NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

Thursday, November 8, 2007

Fairfax City Hall  
City Council Work Session Room  
10455 Armstrong Street, Room 111 A&B  
Fairfax, Virginia 22030

1. **Called to Order.** The meeting was convened by Chairman Zimmerman at 6:30 p.m.
  
2. **Roll Call.** The Chairman directed the Clerk to call roll, at which the following members stated their presence:

The Honorable Christopher Zimmerman, NVTA Chairman; Arlington County  
The Honorable Martin Nohe, NVTA Vice Chairman; Prince William County  
The Honorable William Euille, City of Alexandria (arrived at 6:30 p.m.)  
The Honorable Gerry Connolly, Fairfax County  
The Honorable Scott York, Loudoun County  
The Honorable Robert F. Lederer, City of Fairfax (Absent)  
The Honorable David F. Snyder, City of Falls Church  
The Honorable Harry J. Parrish, II, City of Manassas  
The Honorable Jeannemarie Devolities Davis, Virginia  
The Honorable Vincent Callahan, Virginia House of Delegates (Absent)  
The Honorable Bryan Polk, City of Manassas Park  
The Honorable Jeff Frederick, Virginia House of Delegates  
Julia A. Connolly, Governor's Appointee, Commonwealth Transportation Board  
Margaret E. G. Vanderhye, Governor's Appointee  
Non-voting members present:  
    Matthew O. Tucker, Director, DRPT  
    Bob McDonald for Morteza Salehi, VDOT

By Chairman Zimmerman: I hereby move that NVTA recess and go into closed session for discussion and consideration of the matters enumerated in Virginia Code Section 2.2-3711 A.1.as follows:

- a) Discussion, consideration, or interviews or prospective candidates for employment.

Motion Seconded by Vice Chairman Nohe. Motion carried. Closed session began at 6:32 p.m.

b) Upon Exit from Closed Session and Upon Reconvening: Chairman Zimmerman: I hereby move that NVTA certify that, to the best of its knowledge, only public business matters lawfully exempted from Virginia's open meetings requirements and only public business matters that were identified in the motion by which closed session was convened were heard, discussed, or considered by NVTA during closed session.

Motion Seconded by Delegate Frederick

The meeting reconvenes at 8:40 p.m.

3. **Approval of the Minutes of the November 8, 2007, meeting.** By vote, the NVTA approved the minutes of the November 8, 2007, meeting were approved with Chairman York abstaining.

**Item 4.A.**

Approval of Public Outreach Materials Related to the Collection of Taxes and Fees

Tom Biesiadny (Chairman, Jurisdiction and Agency Coordinating Committee) gave an overview of the memorandum recommending approval of the informational brochures related to the taxes and fees approved by NVTA on July 12, 2007, and approval of the new NVTA letterhead and business card format.

Motion carried unanimously.

**Item 4.B.**

Approval of NVTA Six Year Program Process and Recommendations

Mr. Biesiadny introduced Betsy Massie, Chairman of Six Year Program Subcommittee. Ms. Massie stated that Six Year Program schedule was consistent with both the TPB and VDOT Six Year Program schedules. Project submissions for the first two and one-half years will be due on November 9, 2007. At the present time, she had received projects submittals from at least four jurisdictions. In December, the Authority will receive a list of projects to release for public comment. She also stated that in the first two and one-half years of projects, they are trying to address the backlog of projects that are in need of more funding to complete.

Ms. Massie noted that although there is a requirement that each jurisdiction generally receive the benefit of the funding raised in that jurisdiction, staff will likely look at this requirement over several years, rather than on an annual basis. Mr. Snyder expressed his concern that some of the smaller jurisdictions, like Falls Church, may not have as many projects "ready to go" as the larger jurisdictions. He wanted to make sure that funding would still be allocated to projects in the smaller jurisdictions. Chairman Connolly indicated that the jurisdictions were sensitive to the requirement that each jurisdiction receive the benefit of funding raised in the jurisdiction. He noted that this could be done directing by funding projects in that jurisdiction or through funding regional projects sure as the Washington Metropolitan Area Transit Authority or the Virginia Railway Express. He indicated that each jurisdiction would receive their share of the funding. Others agreed.

Motion carried unanimously.

**Item 4.C.**

## Approval of Recommendations Regarding Office Space

Tamara Ashby from Arlington County gave a brief description of the office space that were evaluated a subcommittee of the Organizational Working Group. The options included: Prince William County; the Northern Virginia Regional Commission; City of Fairfax Green Acres School and City of Fairfax Innovation Center. After a brief discussion on the criteria of each site, Ms. Ashby stated that the Working Group recommended the Fairfax City Innovation Center. A request was made to enter into negotiations with the City of Fairfax on obtaining a lease for up to two years on the approved NVT A budget.

Motion carried with Chairman York and Delegate Frederick abstaining. Chairman York requesting a one-page spread sheet on all of the comparisons.

**Item 4.D.**

Mr. Biesiadny stated that this item was deferred from the July 12, 2007, meeting. The staff recommends the following proportional membership: One member for the Towns of Dumfries, Herndon, Leesburg, Purcellville, Vienna and any town that received specified street payment in the future; one member each from the Cities of Fairfax, Falls Church, Manassas and Manassas Park; two members each from the City of Alexandria and Arlington County; three members each from Loudoun and Prince Williams Counties, and four members from Fairfax County with a total of 23 members.

Chairman Zimmerman said that action on this item would be deferred until the December NVT A meeting.

Motion deferred to next meeting.

**Item 4.E.**

## Approval of Membership of Technical Advisory Committee

After discussion, it was moved by Vice Chairman Nohe that this item be deferred until the Authority had more time to review the resumes and to receive more resumes. He also requested that the spreadsheet include nominees' company affiliation separately. Chairman Zimmerman encouraged members to submit any suggested candidates to staff.

**Item 4.F.**

## Approval to Contract for Safety Inspection Fee Lockbox

Mr. Biesiadny introduced Mike Longhi from the Arlington Treasurer's Office. Mr. Longhi stated that the start-up cost for a lockbox for state inspection stations will need to submit monthly payments not expected to exceed \$15,000. Monthly cost about \$3,000, and the lockbox at the U.S. Post Office will cost about \$1,000. The safety inspection fee is estimated to generate \$16.2 million in annual revenue for NVT A.

Motion carries unanimously.

## Action items

### **Item 5.A**

#### FY 2009 Congestion Mitigation and Air Quality Program/Regional Surface Transportation Program Recommendations

Mr. Biesiadny noted that the Jurisdiction and Agency Coordinating Committee unanimously recommends the list of projects being submitted to NVTA.

Motion carries.

### **Item 5.B**

#### Approval of Testimony for CTB Fall Transportation Meetings

Mr. Biesiadny reviewed the draft testimony. There was a brief discussion about the importance of ensuring that the CTB continues to provide Northern Virginia with its share of transportation funds, even though NVTA will be raising funds from the seven taxes and fees authorized by the General Assembly in HB 3202.

Motion carries.

## Discussion items

### **Item 6.C.**

#### Review of 2008 Legislative Program Suggestions

Mr. Biesiadny stated that the suggestions for the 2008 Legislative Program has not changed from the last meeting. Staff is preparing a more detailed explanation of each of the topics outlined in the memorandum. He also suggested that the Board still had opportunity to add or delete items from the agenda before the December meeting.

Chairman Zimmerman encouraged NVTA members to send any additional suggestions for the legislative program to staff.

### **Item 6.D.**

#### I-95/395 HOT Lanes Project; Transit and TDM Study

Corey Hill, Department of Rail and Public Transportation, summarized work that has been done on a transit and travel demand management study related to the project. After a brief discussion, it was recommended to review this item again next month when final study results are available.

### **Item 6.E.**

#### **FAMPO Request for Allocation of Transit Funds**

Mr. Biesiadny stated that about a year the Fredericksburg Area Metropolitan Planning Organization wrote to the Transportation Planning Board requesting that it receive an allocation of transit funds from Washington metropolitan region, based on fact that a portion of their Stafford County is contiguous to the Washington region in terms of population density. The NVTA approved a letter TPB asking not to take any formal action on that request until there had been consultation with all the designated recipients of those funds.

Over the last year, there have been a number of conversations with Metro, PRTC, VRE and NVTC and also state of Maryland and the District of Columbia. TPB staff prepared a proposed letter to FAMPO, and there is consensus at the staff level that this letter reflects tone and important features that should be communicated back to FAMPO. The two primary issues discussed appear at the bottom of page 2 and top of page 3. Mr. Biesiadny said that FAMPO is welcomed to submit request for specific projects however, that in considering those requests the Washington region will consider three factors:

- (1) that the Fredericksburg area service needs to report that service to the Federal Transit Administration along with all the other services reported to the Federal Transit Administration. To date that has not happened, but it would need to happen in order for them to get an allocation.
- (2) all the federal transit money that has been anticipated for this region has already been programmed for projects. So in order for FAMPO to receive an allocation, there would need to be some changes in program in the existing projects. Part of this money has been used by Metro to guarantee federal loans, and as long as those loans are outstanding the funds need to be allocated in order to guarantee those loans.
- (3) There are currently Metrorail riders from the Fredericksburg and Stafford areas, and right now Fredericksburg and Stafford do not pay any subsidies for those riders. The letter indicates that these facts will be taken into account in determining if any revenue should be sent to the FAMPO region.

The other point in the letter relates to the fact that FAMPO requested that the Washington region support drawing a line between the Fredericksburg and Washington area at the Prince William and Stafford County line after the next census. NVTC and PRTC have supported that notion; however, the TPB is recommending a “wait and see” approach. The letter indicates that there is a willingness to have a discussion after the census. TPB isn’t precluding doing what FAMPO asking but cannot agree at this point.

Several NVTA members including Chairman Zimmerman and Chairman Connolly indicated that they did not support the approach being recommended by staff.

Motion carried.

7. Information items

Mr. Biesiadny noted that several additional items were being submitted for the member's information.

8. Closed Session: Legal Matters Related to Implementation of HB 3202, Discussion of Existing Litigation and Personnel Matters.

Mr. Parrish made the following motion:

I hereby move that NVTA recess and go into closed session for discussion and consideration of the matters enumerated by Virginia Code Section 2.2-3711 A.1, A.3 and A.7 as follows:

- a) Legal matters related to the implementation of HB 3202;
- b) Litigation matters related to the case of the Board of Supervisors of Loudoun County, et al v. Northern Virginia Transportation Authority, et al; Virginia Supreme Court Record No. 071979
- c) Personnel matters related to the discussion, consideration, and /or interviews of prospective candidates for employment;
- d) Acquisition of and/or lease of real property by the Northern Virginia Transportation Authority.

Moved and seconded. Closed session began at 9:04 p.m.

At the conclusion of the closed session Mr. Parrish moved that:

I hereby move that NVTA certify that, to the best of its knowledge, only public business matters lawfully exempted from Virginia's open meetings requirements and only public business matters that were identified in the motion by which closed session was convened were heard, discussed, or considered by NVTA during closed session.

The meeting reconvened at 12:15 a.m.

After a brief discussion, it was recommended that staff poll the Board Members of their availability of the dates for the December meeting. Chairman Zimmerman would then direct staff to contact the potential candidates for interviews. In addition, he requested that staff investigate whether any of the jurisdictions had staff they were willing to loan to NVTA or if there are any consultants NVTA could hire to serve as Executive Director.

Motion carried unanimously.

Meeting adjourned at 12:30 a.m. on November 9, 2007.

**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:** December 4, 2007

Since the November 8, 2007, NVTA meeting, significant additional progress has been made toward implementing HB 3202, the Transportation Finance 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 November 1, 2007, the Virginia Supreme Court agreed to hear the appeals of the Marshall defendants (Delegate Robert Marshall and eight individuals) and the Loudoun County Board of Supervisors seeking to overturn Arlington County Circuit Court Judge Benjamin Kendrick's August 28, 2007, ruling in favor of NVTA's motions related to its bond validation suit on. It is expected that the Supreme Court will hear these appeals the week of January 7, 2008.

Separately, the case filed by the Marshall defendants and others in the Richmond Circuit Court against the Commonwealth, the Governor, the Attorney General, NVTA and the Hampton Roads Transportation Authority which challenges the constitutionality of various aspects of HB 3202, including the authority for NVTA to levee the regional taxes and fees, appears to be on hold pending the Virginia Supreme Court's action. NVTA's counsel filed responsive pleadings asking the Court to dismiss those claims already resolved in the Arlington case and to dismiss NVTA from the remaining claims which have no relevance to the fees and taxes authorized under HB 3202. The Commonwealth and other defendants have also filed pleadings asking for dismissal. The Richmond court has not scheduled a hearing on any issues.



Mr. Christopher Zimmerman, Chairman  
Members, Northern Virginia Transportation Authority  
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### Financial

NVTA has executed memorandum of understanding (MOU) with eight of the nine Northern Virginia jurisdictions for collection of the transient occupancy tax. It is expected that the ninth MOU will be signed prior to the NVTA's December 6, 2007, meeting. Financial Working Group staff has submitted MOUs for collection of the transient occupancy tax to four towns in Loudoun and Prince William Counties that collect their own transient occupancy tax and have lodging establishments. The working group staff is also making preparations to collect the TOT directly from lodging establishments in any town who chooses not to execute an MOU with NVTA. Four of five Clerks of Courts have sent letters to NVTA indicating that they are prepared to collect the congestion relief fee (grantor's tax) on NVTA's behalf. It is expected that the fifth clerk will send a letter to NVTA prior to the NVTA's December 6, 2007, meeting indicating that he also intends to collect the congestion relief fee.

The Financial Working Group met on November 27, 2007, to continue discussing bond policy recommendations; procedures for allocating NVTA revenues; options for an NVTA Finance Committee; and a job description for an NVTA Chief Financial Officer. A draft bond policy and draft revenue allocation procedures will be present at the January 10, 2008, NVTA meeting.

### Organizational

The Organizational Working Group staff have prepared for an additional set of interviews for the NVTA Executive Director position on December 6, 2007. A subcommittee has been negotiating a lease for NVTA office space and a meeting location has been secured for the January 10, 2008, NVTA meeting.

The Organizational Working Group collected names 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.

### Public Outreach

The Public Outreach Working Group has completed work on the brochures 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. These materials were sent to the printer on November 30, 2007, and have been posted on NVTA's website. The working group is beginning the planning for NVTA's January 10, 2008, public hearing on its first Six Year Program.

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Project Implementation

NVTA's Project Implementation Working Group has developed a recommended initial Six Year Program for NVTA's consideration. This program encompasses the balance of FY 2008, FY 2009 and FY 2010. Jurisdictions and agencies submitted projects for consideration on November 9, 2007. A subcommittee of the Jurisdiction and Agency Coordinating Committee ranked the projects using the project prioritization criteria approved by NVTA as part of TransAction 2030. The subcommittee is in the process of coordinating this list with the Virginia Department of Transportation to avoid funding projects multiple times.

Council of Counsels members, working group members, Jurisdiction and Agency Coordinating Committee members and I will be available at the December 6, 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 to Release Initial NVTA Six Year Program for Public Comment (Agenda Item 4.A.)

**DATE:** November 30, 2007

**Recommendation:**

The Jurisdiction and Agency Coordinating Committee (JACC) recommends that the NVTA approve the release of an initial NVTA Six Year Program encompassing the balance of FY 2008, FY 2009 and FY 2010, as shown in Attachment I, for public comment. The JACC also recommends that the NVTA schedule a public hearing on this initial Six Year Program for January 10, 2008, at 6:00 p.m. at George Mason High School, 7124 Leesburg Pike, Falls Church, Virginia.

**Background:**

Since June 2007, the JACC has been working to develop a Six Year Program and process for NVTA. On September 27, 2007, the NVTA approved a Call for Projects (Attachment IV) for the initial two and one-half years of the program (balance of FY 2008, FY 2009 and FY 2010) and a schedule for developing the program. This schedule has been revised to reflect the change in NVTA meeting dates, see Attachment II. Project applications were due on November 9, 2007. On November 8, 2007, the NVTA approved a more complete Six Year Program and project prioritization process using the criteria previously adopted by NVTA as part of TransAction 2030, Attachment III.

Based on the project submissions received from the jurisdictions and transportation agencies and the prioritization of these submissions, the JACC prepared the attached list of projects. In general, these projects represent the highest ranked projects submitted in the categories of highway, transit, bicycle and pedestrian and multimodal projects. They also generally include the highest ranked projects overall. Attachment I shows these projects in rank order overall.

Mr. Christopher Zimmerman, Chairman

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Attachment I also includes a list a projects that do not have specific dollar amounts or rankings. These projects are being included for several jurisdictions that may implement the commercial real estate tax for transportation or the local vehicle registration fee. If these taxes and fees are adopted, some project substitutions may be necessary. This should not be necessary in future years.

The projects on Attachment I reflect only the projects that will be funded using the 60 percent of revenue retained by NVTA, less the annual \$50 million earmark for Washington Metropolitan Area Transit Authority capital and \$25 million for Virginia Railway Express capital and operating expenses which are listed separately. The details associated with these earmarks are still being refined.

No bond debt service payments are anticipated during this time period; however, it may be necessary to set aside funding for some bond related costs during this period. The actual amounts of these set asides will still need to be determined. Projects to be funded with the 40 percent of revenues that are returned to the local governments will ultimately be shown in the Six Year Program for information; however, the governing bodies of local jurisdictions will decide how these funds are spent.

Lastly, the Six Year Program will also include the bond projects that were adopted by NVTA on July 12, 2007. A list of these projects can be found at:

<http://www.thenovaauthority.org/PDFs/Fact%20Sheets/NVTA%20Projects%20Fact%20Sheet%20final.pdf>

Copies will also be provided at the NVTA meeting.

Since HB 3202 requires that jurisdictions receive a benefit generally proportional to the funding raised in each jurisdiction, the JACC used estimates of receipts from each of the seven taxes and fees to determine proportional shares. These estimates total approximately \$280 million per year, based on most recent information. If jurisdictions did not receive their proportional share of funding based on the prioritization, adjustments were made to achieve the appropriate regional balance. Since these projects allocations were based on estimates, adjustments will need to be made in future years to reflect actual receipts.

This process is being used as a trial run in the development of a complete NVTA Six Year Program and process. The lessons learned during this cycle will be used to improve and expand the process prior to the initiation of the FY 2009 to FY 2015 NVTA Six Year Program. The JACC will provide recommendations for improvements to the NVTA in Summer 2008.

In addition, staff is working a template for projects agreements to allow projects to be implemented using these funds. This template agreement will be brought back to the NVTA for consideration in the future.

Mr. Christopher Zimmerman, Chairman  
Members, Northern Virginia Transportation Authority

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Jurisdiction and Agency Coordinating Committee members and I will be available at the December 6, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups

Northern Virginia Transportation Authority  
Proposed Schedule for the FY 2008 - 2010 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 with 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 1, 2007: Draft Six Year Program to NVTA**
- December 6, 2007: NVTA reviews draft Program of Projects and Releases Program for Public Comment**
- December 2007: Review of Projects and Procedures with NVTA Technical Advisory Committee and Planning Coordination Advisory Committee, if established.**
- December 13, 2007: VDOT provides obligation information to non-attainment MPOs for TIPs

December 27, 2007: VDOT provides annual list of obligations for public release

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

January 11, 2008: DEADLINE: Transportation Agencies Complete On-Line Project Submissions for MPO TIP

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

## 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 facilities, 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*

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

# Northern Virginia Transportation Authority

## Call for Projects and Instructions

September 28, 2007

### Introduction

The Northern Virginia Transportation Authority was established by the Virginia General Assembly on April 17, 2002. The Authority embraces the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park and the Counties of Arlington, Fairfax, Loudoun and Prince William. Among other things, the Authority was given the following responsibilities:

- The Authority shall prepare a regional transportation plan for Northern Virginia, to include, but not necessarily be limited to, transportation improvements of regional significance, and shall from time to time revise and amend the plan.
- Once the plan is adopted, the Authority may construct or otherwise implement the transportation facilities in the plan.
- The Authority may contract with others to provide transportation facilities or to operate its facilities, or it may provide and/or operate such facilities itself.
- The Authority may prepare a plan for mass transportation services and may contract with others to provide the necessary facilities, equipment, operations, etc., needed to implement the plan.

On April 4, 2007, the Virginia General Assembly approved the Transportation Finance and Reform Act (HB3202) which authorized the Northern Virginia Transportation Authority to raise more than \$300 million per year in new funding for transportation by implementing up to seven taxes and fees.

On July 12, 2007, the NVTA adopted all of the taxes and fees, set an effective date of January 1, 2008, and directed staff to continue planning for the implementation of this legislation. The NVTA's Jurisdiction and Agency Coordination Committee (JACC) established several subcommittees to make recommendations to the NVTA regarding the development of an NVTA Six Year Program. These recommendations will be presented at NVTA's November 8, 2007, meeting.

In the meantime, the National Capital Region Transportation Planning Board (TPB) has begun planning for the FY 2009-2014 Transportation Improvement Program (TIP) and 2008 Constrained Long Range Plan (CLRP) for the Washington region. Project submissions for these documents are due on January 11, 2008. TPB will release the projects submitted for public comment on January 16, 2008. Any projects requiring inclusion in TPB's air quality conformity analysis must be released for public comment at this time. Projects may subsequently be deleted prior to TPB final adoption of project submissions on February 20, 2008; however no additional projects may be added. Any regionally significant project not included in this adoption by TPB will need to undertake an individual air quality conformity analysis or wait for the FY 2010-2015 TIP cycle which will begin in January 2009.

To comply with TPB's deadline, NVTA must adopt any final project submissions at its meeting on January 10, 2008.

This Call for Projects is being issued to allow NVTA to undertake a condensed schedule for development of the first two and one-half years of a Six Year Program (FY 2008, FY 2009 and FY 2010). The JACC has recommended this approach to allow the initial implementation of some transportation projects and services while more detailed work is completed on the process and procedures for an entire NVTA Six Year Program. JACC will be returning with these recommendations in mid 2008.

### **NVTA's Vision**

The following vision was originally adopted by the Transportation Coordinating Council of Northern Virginia in 1999 and was ratified by NVTA in September 2006:

“In the 21st century, Northern Virginia will develop and sustain a multimodal transportation system that supports our economy and quality of life. It will be fiscally sustainable, promote areas of concentrated growth, manage both demand and capacity, and employ the best technology, joining rail, roadway, bus, air, water, pedestrian, and bicycle facilities into an interconnected network.”

This vision guided NVTA's development of its TransAction 2030 Long-Range Transportation Plan and will guide its decision-making related to its short-term Six Year Program.

### **Six Year Program and Funding Levels**

As indicated above, NVTA will initially be considering the first two and one-half years of what will ultimately be a Six Year Program. A Six Year Program was selected to coincide with the duration of the Virginia Department of Transportation's Six Year Program and the TPB's Transportation Improvement Program. Since work is continuing on the process and procedures for this NVTA Six Year Program, NVTA is only soliciting projects for two and one-half years (second half of FY 2008, FY 2009 and FY 2010). FY 2008 is only a partial year, since the taxes and fees will not be implemented until January 1, 2008.

It is anticipated that the seven taxes and fees adopted by NVTA on July 12, 2007, will raise approximately \$300 million per year. For the second half of FY 2008, NVTA expects to raise approximately \$100 million.

HB 3202 requires 40 percent of the revenue raised by NVTA (an estimated \$120 million annually) be returned to the jurisdiction in which the revenue was raised. The jurisdiction must use these funds for transportation purposes. With the exception of Alexandria, Arlington County and Falls Church, the jurisdictions must use half of these funds for improvements to secondary and urban roadways. The remaining funds returned to these jurisdictions and all funds returned to Alexandria, Arlington and Falls Church “*as determined solely by the applicable locality, shall be used either for additional urban or secondary road construction; for other transportation capital improvements which have been approved by the most recent long range transportation plan adopted by the Authority; or for public transportation purposes.*”

Of the revenues that NVTA retains (an estimated \$180 million annually), NVTA must first pay debt service on any outstanding bonds annually and then allocate \$50 million annually for Washington Metropolitan Area Transit Authority capital projects and \$25 million annually for Virginia Railway

Express capital and operating projects. The remaining funds can be used “*solely for transportation projects and purposes that benefit the counties and cities embraced by the Authority.*”

HB 3202 also requires that “*All revenues deposited to the credit of the Authority shall be used for projects benefiting the localities embraced by the Authority, with each locality's total long-term benefits being approximately equal to the total of the fees and taxes received by the Authority that are generated by or attributable to the locality divided by the total of such fees and taxes received by the Authority.*”

### **Project Identification**

NVTA is requesting that its member jurisdictions, as well as the transportation agencies that serve Northern Virginia, identify proposed projects for the 60 percent revenues that NVTA will retain. The JACC, in conjunction with state and regional transportation agencies, will then prepare a draft Six Year Program (FY 2008 to FY 2010) for NVTA’s and the public’s consideration.

### **Coordination**

Since HB 3202 requires that each locality’s long-term benefits be approximately equal to the funding raised in each jurisdiction, transportation agencies or others submitting proposed projects or services must coordinate with the staff(s) of the affected jurisdiction(s) prior to submission.

Conversely, any jurisdiction submitting a project or service that it will not implement directly must coordinate with the proposed implementing agency’s staff prior to submission.

NVTA is seeking action from local governing bodies indicating support for projects and services submitted for NVTA consideration.

### **Prioritization**

As part of TransAction 2030, the NVTA adopted a set of criteria to be used for prioritization of transportation projects. These criteria are included as Attachment I. These criteria were applied to the new projects included in TransAction 2030. However, TransAction 2030 assumed that all projects in the existing regional Transportation Improvement Program (TIP) and the Constrained Long Range Plan (CLRP) were the highest priority. The TransAction 2030 effort did not attempt to rank the projects within the TIP and CLRP.

This effort to prepare a Six Year Program will be the NVTA’s first large scale attempt to apply these criteria. As such, this will be a test case for the application of these criteria. The lessons learned from this exercise will be used to recommend refinements and a more robust prioritization process for future Six Year Programs. NVTA is interested in comments on the prioritization effort that will be undertaken this year.

As part of each application, NVTA requests that each submitter rank its submissions against the criteria adopted as part of TransAction 2030. The submitter should be prepared to defend the rankings for each project. NVTA will retain the right to modify the submitter’s rankings, based on contrary evidence.

### **Selection Criteria**

For the initial Six Year Program, submitters should consider the following things when submitting project requests:

- Reduce congestion, improve auto and pedestrian safety and/or improve transit service and capacity.
- Projects should be “ready to go,” to the greatest extent possible, with funding being the primary obstacle to moving to the next phase (right of way or construction).
- Projects should be included in the region’s Constrained Long Range Plan and NVTA’s TransAction 2030 Regional Transportation Plan, specifically, or are consistent with the plan.
- Projects have (or will have before funding is available) resources available to implement the project when funding is provided.
- Projects are short-term priorities of the jurisdictions; many projects should already be partially funded in the Commonwealth’s Six Year Program or by individual jurisdictions or agencies. In general, the funding from this initial NVTA Six Year Program should allow projects to be fully funded and implemented in a shorter time frame than previously anticipated.
- A Project Submission Form must be complete for each project, and include jurisdictional support and prioritization information.
- Projects must be able to use FY 2008, FY 2009 and/or FY 2010 funding.
- Submitters should recognize that NVTA has consistently sought to achieve a balance between modes when funding projects.
- NVTA must ensure that the long-term benefits each of its nine jurisdictions receives is approximately equal to the taxes and fees raised in each jurisdiction.

### **Review and Evaluation**

It is anticipated that the JACC will review the project submissions following the November 9, 2007, submission deadline and undertake a project prioritization exercise using the criteria adopted in TransAction 2030. Subsequently, the JACC will coordinate with the Virginia Department of Transportation and Department of Rail and Public Transportation to avoid duplication of funding for projects.

Based on the outcome of the prioritization exercise and the coordination with state agencies, the JACC will prepare a draft Six Year Program for FY 2008 to FY 2010. The JACC will review the procedures used and this draft list of projects with the NVTA’s Planning Coordination Advisory Committee and Technical Advisory Committee. Ultimately, the JACC will submit a recommended Six Year Program to the NVTA to be released for public comment. Following a public hearing on January 10, 2008, the NVTA will be asked to consider adopting a Six Year Program for FY 2008 to FY 2010.

### **Schedule**

Project Submission Forms are due to NVTA by Friday, November 9, 2007. A complete schedule of activities associated with the development of this Six Year Program is included as Attachment II.

### **Submission Forms and Instructions**

NVTA’s Project Submission Form is included as Attachment III. Completed forms should be submitted to: tom.biesiadny@fairfaxcounty.gov by November 9, 2007. Forms should be as



complete as possible; however, if information is not available at the time of submission, it should be noted.

For more information, please contact: Betsy Massie at (703) 580-6113 or [bmassie@omniride.com](mailto:bmassie@omniride.com)

## NVRTA SIX YEAR PLAN PROJECTS BY SCORE

Mode	Project Title & Description	Score	FY09	FY10
Roadway	<b>Route 3000 (Prince William County Parkway) Widening</b> <i>Widen Route 3000 from Old Bridge Road to Minnieville Road to a 6-lane divided facility with a 16-foot raised median with curb and gutter.</i>	46	\$ -	\$ 11,300,000.00
Transit	<b>Rebuild the King Street Metro Parking Lot and Bus Loading Area</b> <i>This project will reconfigure the existing Metrorail station parking lot, maximize bus bay capacity and improve the pedestrian environment within the King Street station complex.</i>	46	\$ 1,400,000.00	\$ 840,000.00
Transit	<b>Columbia Pike Streetcar</b> <span style="float: right;"><i>This</i></span> <i>joint project between Arlington and Fairfax Counties consists of environmental studies, preliminary engineering, design and construction of a streetcar running approximately 4.7 miles between Pentagon City and Skyline.</i>	44	\$ 11,200,000.00	\$ 25,707,000.00
Transit	<b>Transit Development Plan (Fairfax Connector) Capital Improvements</b> <i>These improvements include the procurement of up to 76 buses for Fairfax Connector service enhancements and the construction of a bus transfer center(s).</i>	43	\$ 5,755,000.00	\$ 3,550,000.00
Transit	<b>I-66/Vienna Metrorail Accessibility &amp; Capacity Improvements</b> <span style="float: right;"><i>This</i></span> <i>project request will fund the construction of a transit access ramp from I-66 to the Vaden Drive bridge, adjacent to the Vienna Metrorail Station. This project will increase the accessibility to the Vienna Metrorail Station for transit vehicles.</i>	42	\$ 1,445,000.00	\$ 14,193,000.00
Multimodal	<b>Columbia Pike Multimodal Improvements from Arlington County Line to Washington Blvd</b> <i>The project will include the design and construction of new streetscape cross-sections, including the installation of left-turn lanes, improved pedestrian facilities, improved vehicular flow, improved transit access and transit efficiency for the entire length of Columbia Pike within Arlington County.</i>	41	\$ 1,000,000.00	\$ 1,000,000.00
Roadway	<b>Route 15 Road Widening from Evergreen Mill Rd to Leesburg town limits</b> <i>This project expands Route 15 from two to four lanes with a median for approximately 5,800 feet.</i>	41	\$ 4,525,000.00	\$ 4,525,000.00
Roadway	<b>Interchange at Edwards Ferry Road and Route 15 Bypass</b> <span style="float: right;"><i>This</i></span> <i>interchange will allow safe passage for pedestrians to cross the Route 15 Bypass highway.</i>	41	\$ 1,500,000.00	\$ 1,000,000.00
Bicycle/Ped	<b>Holmes Run Greenway Shared-Use Path Improvements (Alexandria)</b> <i>This funding request will allow the City of Alexandria to make physical improvements that will address ongoing maintenance issues and security concerns, and improve bicyclist and pedestrian access to this</i>	40		\$ 560,000.00
Roadway	<b>Widening of North Bound Pickett Road</b> <span style="float: right;"><i>Widening</i></span> <i>of north bound Pickett Road from Main Street (Route 236) to the entrance of the Pickett Shopping Center</i>	40	\$ 250,000.00	\$ 250,000.00

Roadway	<b>Mulligan Road (Old Mill Road Connector Road)</b> <i>Funding for this project will enable the construction of a full four-lane facility (Mulligan Road) from Richmond Highway to Telegraph Road for non-defense traffic affected by Fort Belvoir access restrictions on Beulah Street and Woodlawn Road.</i>	40	\$ 12,100,000.00	\$ -
Roadway	<b>Chain Bridge Road/Eaton Place Intersection Improvements</b> <i>Providing</i> <i>a direct access from Willow Crescent Drive to north bound Chain Bridge Road, replace traffic signals, and provide pedestrian crosswalks with pedestrian signals.</i>	38	\$ 1,000,000.00	\$ 1,000,000.00
Roadway	<b>Route 28 Grade Separation Overpass (B-Line and Wellington Road, Manassas)</b> <i>This project will provide a grade separation at Route 28/Railroad B-Line and Wellington Road and the main line resulting in significant improvements in traffic flow and emergency response times to the Southwestern section of the City of Manassas.</i>	38	\$ 700,000.00	\$ 700,000.00
Transit	<b>Rosslyn (Metro) Station Access Improvements</b> <i>This</i> <i>project will improve passenger access to Rosslyn Metro station by adding three (3) high speed elevators from street level to station platform; a new mezzanine (underground at platform level) with passageway, station manager kiosk and fare collection and accessory equipment; emergency exit stairway and mechanical shafts.</i>	38	\$ 6,100,000.00	\$ 1,750,000.00
Bicycle/Ped	<b>Broad Street Streetscape Improvements (Falls Church)</b> <i>This</i> <i>project will carry out streetscape improvements on West Broad Street from Virginia Avenue to Rowell Court with an aim to provide the design enhancements that will allow Route 7 to function both as a regional roadway and as a downtown commercial street.</i>	37	\$ 300,000.00	\$ 300,000.00
Transit	<b>Sterling - Ashburn Park and Ride Lot</b> <i>Funding</i> <i>for this project will go towards acquiring land for a 300 space park &amp; ride lot to serve the communities of Ashburn north and Sterling.</i>	37	\$ 1,500,000.00	\$ 475,000.00
Bicycle/Ped	<b>Bicycle/Pedestrian Trail Improvements (Falls Church)</b> <i>This</i> <i>project involves the repair and/or reconstruction of existing trails and the construction of new trails within the City of Falls Church, based on needs identified in the Parks and Pedestrian Master Plans.</i>	36	\$ 200,000.00	\$ 440,000.00
Bicycle/Ped	<b>Sidewalk Construction, Repair, and Replacement (Falls Church)</b> <i>This project includes the repair and replacement of sidewalks throughout the City. The first phase of this project, which will be funded through the NVTAs initial bond issuance, will repair and/or replace sidewalks in approximately 28 locations in the City.</i>	36	\$ -	\$ 100,000.00
Roadway	<b>Route 7 Widening from Reston Avenue to Reston Parkway</b> <i>This project will widen Route 7 approximately 1.5 miles, between Reston Avenue to Reston Parkway, to six lanes (three lanes in each direction) and will provides for intersection improvements, installation of traffic signals, and a 10 foot multi-purpose trail on both sides of the corridor.</i>	36	\$ 8,800,000.00	\$ -
Transit	<b>Expansion of CUE</b> <i>Add bus</i> <i>vehicle trips during the weekday evening hours to reduce the headway from one hour to thirty minutes.</i>	36	\$ 200,000.00	\$ 200,000.00

Roadway	<b>Roadbed Reconstruction (Falls Church Streets, Routes 7&amp; 29 within City Limits)</b> <i>This project involves the roadbed reconstruction of the roadbed of significant portions of the City's streets, including portions of Route 7 and 29 which lack the middle two layers – the sub base and the road base.</i>	35	\$ 200,000.00	\$ 200,000.00
Roadway	<b>Roadbed Condition Assessment (Falls Church)</b> <i>This project is a condition assessment of all roads in the City of Falls Church. The results from this assessment will enable the City to develop and prioritize repairs and facilitate the appropriate repair strategy for each deficient road segment.</i>	35	\$ 250,000.00	\$ -
Roadway	<b>Manassas Dr/Mathis Ave Intersection Improvements</b> <i>This funding request will support the reconfiguration of intersection and construction of dedicated turn lanes, receiving lanes, pedestrian facilities and signal modifications (installation of fiber optic system components) to alleviate severe delay at am and pm peak hours.</i>	35	\$ 400,000.00	
Roadway	<b>Route 28 Frontage Roads (Pacific Boulevard between Dresden Street and Moran Roads)</b> <i>This project, extending from Pacific Boulevard between Dresden Street and Sterling Boulevard, will complement existing and proposed Route 28 frontage road projects which are intended to improve local traffic and regional traffic flow in this corridor.</i>	35	\$ 8,500,000.00	\$ 7,000,000.00
Bicycle/Ped	<b>Bicycle Route Improvements (Falls Church)</b> <i>This project features bicycle enhancements in the City's residential neighborhoods some of which include new bicycle route signage, bicycle ROW striping, and other small-scale route improvements.</i>	34	\$ 60,000.00	\$ 50,000.00
Bicycle/Ped	<b>U.S. Route 50 Traffic Calming Project/Aldie segment</b> <i>The funding request for the Aldie segment portion will support the provision of sidewalks, rural splitters, landscaping and some on street parking -- with an aim to slow traffic, improve safety for pedestrians and motorists and help preserve the overall historic and rural character of the corridor.</i>	33	\$ 1,500,000.00	\$ -
Transit	<b>Bus Shelters (Falls Church)</b> <i>This project request includes the construction of at least five bus shelters on the City's main commercial corridors, which include West Broad Street and Washington Street (and South Maple Avenue as part of the redeveloped City Center).</i>	33	\$ 30,000.00	\$ 50,000.00
Roadway	<b>Southern Collector Road (Purcellville)</b>	32	\$ 1,300,000.00	\$ 2,500,000.00
Roadway	<b>Route 7/Route 659 Interchange</b> <i>The Route 7/Route 659 interchange is one of two remaining interchanges need to complete a series of grade separated roadways along Route 7 between Leesburg and Route 28. The requested funding will be for the purchase of right of way in the southwest quadrant of the Route 7/Route 659 intersection and utility relocation.</i>	32	\$ 8,075,000.00	\$ 11,400,000.00
Bicycle/Ped	<b>Pedestrian and Traffic Calming Improvements (Falls Church)</b> <i>This project is to implement pedestrian enhancements in the City's residential neighborhoods consistent with the recommendations in the Pedestrian and Bicycle Plan.</i>	30	\$ -	\$ 100,000.00

Roadway	<b>Route 1 Widening</b> <i>Widen Route 1 from Featherstone Road to Joplin Roan to a 6-lane divided facility wwith a 16-foot raised median and curb and gutter</i>	31	\$ 13,600,000.00	\$ 3,300,000.00
Roadway	<b>Municipal Parking Garage Design and Finance (Falls Church)</b> <i>The funding for this project will assess the size, location, and funding requirements to create a municipal parking garage within the City Center area to provide for shared parking and to complement the intermodal facility.</i>	29	\$ 200,000.00	\$ -
Roadway	<b>Old Lee Highway Improvements</b> <i>This project request will fund the conversion of Old Lee Highway from Main Street to Fairfax Boulevard into a uniform two-lane road and making sidewalks and bus stops ADA compliant.</i>	27	\$ 500,000.00	\$ 500,000.00
Transit	<b>Commuter Incentive Program (Expansion to Major Falls Church Employers)</b> <i>Funding for this project will enable the City of Falls Church to expand the Commuter Incentive program and outreach to major employers within the City to encourage them to implement commuter incentive programs within their organizations.</i>	26	\$ 10,000.00	\$ 10,000.00
Transit	<b>Ozone Bus Pass</b> <i>The purpose of the pass is to provide an incentive for commuters to ride the bus more frequently and become regular customers during the summer months.</i>	24	\$ 400,000.00	

\$ 93,000,000.00 \$ 93,000,000.00

**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 Job Description and Solicitation for Chief Financial Officer (Agenda Item 4.B.)

**DATE:** November 30, 2007

**Recommendation:**

The Jurisdiction and Agency Coordinating Committee (JACC) and the Financial Working Group recommend that the NVTA approve the attached job description for an NVTA Chief Financial Officer, in concept, and approve the solicitation of candidates for this position.

**Background:**

In June 2007, both the Financial Working Group and the Organization Working Group identified the function of a Chief Financial Officer as a requirement for NVTA. The financial management function is important, since a primary function of the NVTA, particularly initially, will be a financial one. It is important that the NVTA have personnel to supervise this work during start-up and set the groundwork for NVTA's future financial operations. This could be done by contracting with a private firm, setting up an arrangement with a regional agency, or hiring staff directly.

Since June, NVTA has been in the process for securing an Executive Director. The process has taken longer than initial anticipated. Although it is still anticipated that NVTA's new Executive Director will make a recommendation to the NVTA regarding a chief financial officer, it is recommended that the recruitment process begin soon, so that the Executive Director will have resumes to review shortly after he or she is hired.

Members of the Financial Working Group reviewed job descriptions for several chief financial officers positions and development the attached draft chief financial officer position for NVTA. If approved by the NVTA, in concept, staff will work with representatives of the local human resource staffs to finalize the job description and begin the recruitment process.

Mr. Christopher Zimmerman, Chairman

Members, Northern Virginia Transportation Authority  
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November 30, 2007

It is envisioned that several members of the Financial Working Group will assist the new Executive Director in reviewing the resumes received and possibly interviewing candidates.

Jurisdiction and Agency Coordinating Committee members, Financial Working Group members, and I will be available at the December 6, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Committee  
Members, NVTA Working Groups

**NORTHERN VIRGINIA TRANSPORTATION AUTHORITY  
Chief Financial Officer**

**Background**

The Northern Virginia Transportation Authority is seeking candidates for its first Chief Financial Officer. The NVTa is a regional taxing authority established by the General Assembly in 2002. In 2007, the General Assembly passed legislation authorizing the NVTa to assess certain taxes and fees for the funding of transportation improvements in the heavily congested region of Northern Virginia. Once fully implemented, the Authority will be responsible for allocating more than \$300 million in revenue per year, most of which will be leveraged through bond financing.

**Position Description**

The Chief Financial Officer will report directly to the NVTa's Executive Director. A key member of the Authority's management team, the CFO will be responsible for organizing, managing and reporting all financial activities, overseeing the day-to-day operations of the financial unit, coordinating activities with member jurisdictions and outside agencies, and providing complex and reliable financial and administrative support to the Executive Director and the NVTa Board of Directors.

**Preferred Characteristics**

The ideal candidate will have:

- Demonstrated knowledge of the principles and practices related to public financial systems.
- Knowledge of State and Federal laws regulating treasury, cash, investment debt and banking management.
- Knowledge of State and Federal laws, rules and regulations, and practices concerning the financing of transportation projects.
- Knowledge of cost accounting principles and automated accounting environments related to finance and accounting.
- Demonstrated experience managing multiple taxes and fees collected from a variety of sources, including a combination of governmental entities and private sources.
- Knowledge of State defined local budget laws and requirements.
- Demonstrated knowledge and experience in budget development and execution in the public sector.
- Demonstrated experience executing a sophisticated debt management program, including the planning, execution and monitoring of a substantial debt portfolio.
- Knowledge of annual audit and financial reporting requirements and demonstrated ability to develop, implement and monitor internal controls.
- Demonstrated ability to evaluate the effectiveness and efficiency of various financial management applications and alternative systems.
- Ability to establish goals and policies and to develop, implement and evaluate program effectiveness.
- Demonstrated ability to communicate clearly and concisely, both orally and in writing.
- Ability to establish and maintain effective working relationships with peers and colleagues.
- Ability to exercise effective time management, balance multiple priorities and consistently meet time lines and due dates.
- Demonstrated experience in effectively managing and motivating a staff.



**Qualifications**

Consideration will be given to candidates with a combination of education and experience equivalent to a Master's degree in Public or Business Administration, Public Policy, Finance, or a related field, with at least five years of progressively responsible, directly related experience. Experience in management of staff and complex fiscal systems is also required, and experience implementing new financial and budgetary processes is highly preferred. Experience with interjurisdictional facility or infrastructure construction projects is highly preferred. Experience with debt management, budgeting and financing various types of transportation projects is highly preferred.

**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 Lease for NVTA Office Space (Item 4.C.)

**DATE:** December 5, 2007

**Recommendation**

Members of the Organizational Working Group recommend that the Northern Virginia Transportation Authority (NVTA) to authorize the Chairman to execute the attached Office Lease with the Economic Development Authority of the City of Fairfax for space for up to two years. In addition, members of the Organizational Working Group recommend that the NVTA authorize the execution of an amendment to the lease by the Executive Director, in the form attached hereto, when the additional office space is needed.

**Background**

The Organizational Working Group established a staff subcommittee to look for office space for the NVTA. The subcommittee looked for office with the following features:

1. Short walk to Metro or bus routes.
2. Easy auto access.
3. Sufficient parking.
4. Employee and visitor friendly (pedestrian access, nearby restaurants, shops, offices with doors and windows).
5. Professional building management with a solid reputation.
6. Central location and/or easily accessible location.
7. Conference room space (shared if possible).

Mr. Christopher Zimmerman, Chairman  
Members, Northern Virginia Transportation Authority  
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8. Within NVTA budget (up to \$30 per square foot).
9. Furnished.
10. Flexible term of at least one year.
11. Up to six offices with option to expand.

Based on those characteristics and how they matched up with the criteria, the Organizational Working Group recommended the Fairfax City Economic Development Authority's Innovation Center as the first choice to locate NVTA because of:

- Central location
- Best value given affordable lease with receptionist included.
- Furnished, including phones and fax
- Accessible by transit
- Adequate meeting space and near Fairfax City Hall for NVTA business meetings.

Last month, the NVTA authorized the subcommittee and the Council of Counsels to negotiate for a lease at the City of Fairfax's Innovation Center for space for up to six NVTA employees, for a term of up to two years, within the limits of the approved NVTA start-up costs. An agreement has been reached with the Innovation Center on the terms for a lease for one office totaling 145 square feet, as well as the terms of an amendment for additional space totaling 155 square feet, to be executed by the Executive Director when the space is needed. A \$750 security deposit will be required; the deposit will be returned at the end of the lease term, provided there is no damage to the space.

In addition, more detailed information regarding all the potential spaces and the selection process is attached, as requested by NVTA members at the November meeting.

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

## OFFICE LEASE

THIS Office Lease, hereinafter referred to as ("Lease") is made and entered into as of this 1st day of \_\_\_\_\_, 2008 by and between ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF FAIRFAX, VIRGINIA, hereinafter referred to as ("Lessor") and the Northern Virginia Transportation Authority, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as ("Lessee"). This Lease shall take the place of any and all present leases between these same parties for office space(s) at 4031 University Drive, Fairfax, Virginia, 22030, the ("Building").

This Lease is a sub-lease of that lease, referred to herein as the ("Prime Lease"), dated March 30, 1995 by and between Consolidated Realty Limited Partnership as landlord and the Industrial Development Authority of the City of Fairfax as tenant. Lessor, hereunder, operates The Mason Enterprise Center ("Center") which occupies a portion of the Building.

Now, In consideration of the rent hereinafter reserved and the covenants hereinafter contained, the parties hereto for themselves, their heirs, legal representatives, successors and assigns, hereby agree as follows:

Lessor hereby leases to Lessee and Lessee hereby rents and hires from Lessor, for the Term and subject to the terms and conditions hereinafter set forth, the office space, described below, and hereinafter referred to as the ("Office Space").

### 1. Office Space.

Office Space is defined as office(s) numbered **308**, totaling 145 square feet, which is part of the Center, and located at 4031 University Drive, Suite 200, Fairfax, Virginia, 22030 and identified on the floor plan which is attached hereto as Exhibit "A". In addition, the Lessor hereby leases to Lessee the non-exclusive right and privilege to use the sidewalks, entrances, passages, courts, elevators, vestibules, stairway corridors, halls and other parts of the Building not occupied by any tenant (hereinafter "Common Areas"). Said areas may also be used by other tenants and parties that the Lessor may permit, in its sole discretion.

### 2. Term

The Term of this Lease (the "Term") is defined as the period of twenty-four (24) months, commencing on the **1<sup>st</sup> day of** \_\_\_\_\_, **2008**, (the "Commencement Date"), and ending on the last day of \_\_\_\_\_, 20\_\_, (the "Expiration Date").

At any time during the Term, Lessee may, at Lessee's sole option, provided that Lessee is not in default hereunder and that all sums due from Lessee to Lessor are paid in full, terminate the Lease with Thirty Days (30 days) written notice to Lessor. Such early termination shall be at no cost or penalty to Lessee. Upon the expiration of said thirty day notice period, provided that Lessee is not in default hereunder and that all sums due from Lessee to Lessor are paid in full; (a) the Lease shall cease and terminate, (b) the Security Deposit shall be returned to Lessee in the manner required hereunder, (c) Lessee shall vacate the Office Space in the manner required hereunder. Lessee's

obligation hereunder to pay Base Rent and Additional Rent shall cease at the expiration of said thirty day notice period, and the total amount of Base Rent and Additional Rent due hereunder shall be reduced to the amount already paid from Lessee to Lessor by the end of said thirty day notice period. In the event that the Office Space is not substantially completed and ready for occupancy by the Commencement Date, for any reason or cause, Lessor, its agents and employees, shall not be liable or responsible for any claims, damages, or liabilities in connection therewith or by reason thereof, nor shall the obligations of the Lessee provided herein be excused, except for the payment of Base Rent hereunder by Lessee, which shall be abated until substantial completion and occupancy.

### 3. Rent

Beginning on the Commencement Date and continuing throughout the first twelve months of the Term, Lessee shall pay Lessor total rent, ("Base Rent") for the Office Space in the amount of Nine Thousand Dollars (\$9,000), which is due and payable in advance, in equal monthly installments of Seven Hundred Fifty Dollars (**\$750.00**), at Lessor's address, as set forth herein, on the first day of each month, without notice, demand, deduction, offset, abatement, or counterclaim. For the second twelve months of the Term, the Base Rent shall be increased by three percent (3%) making the total Base Rent for the second twelve months of the Term Nine Thousand Two Hundred and Seventy Dollars (\$9,270).

In the event that the Commencement Date is a date other than the first of the month, the Second (2<sup>nd</sup>) monthly installment of Base Rent shall be prorated by multiplying the number of days remaining, after the Commencement Date, in the month in which the Term of the Lease commences, by One Thirtieth (1/30) of the monthly Base Rent installment.

The Base Rent shall include the items identified in Exhibit B attached hereto, subject to such charges as may be identified therein.

### 4. Additional Rent

Lessee shall pay to Lessor, as ("Additional Rent"), Lessee's pro rata share of any increases, as defined below, in the annual operating expenses ("Operating Expenses") of the Building, of which the Center and the Office Space are a part. Such increases shall be paid annually, by the first day of June of each calendar year, upon written notice from Lessor, and Lessor shall use reasonable efforts to provide such notice by the last day of March of each calendar year. Lessee's pro rata share shall be determined by the percentage that the number of rentable square feet in the Office Space represents when compared to the aggregate number of rentable square feet of the Center. The aggregate number of rentable square feet of the Center is 29,220, and of the Office Space is 145, thus Lessee's percentage is 0.50 %, which percentage shall be recalculated and adjusted in the event the aggregate number of rentable square feet of the Center is increased or decreased. Increases in Operating Expenses shall be only the amount by which Operating Expenses for the Building for any calendar years beyond 2008, ("Comparison Years"), exceed the Operating Expenses for the Building for calendar year 2008, ("Base Year"), and then only after the Operating Expenses for the Building for every calendar year during the Term have been reasonably estimated by Lessor to include all additional expenses that would have been incurred if the Building were leased at an occupancy rate of Ninety Five Percent (95%). Lessor shall bear the expense allocable to any unleased space within the Building. Lessor shall provide Lessee with an annual, detailed, itemized statement that describes all Operating Expenses for the Building for the Base Year and the Comparison Year, and any increases, as described above, over the Base Year. Lessor shall also

provide a statement confirming the percentage that was applied to determine Lessor's share of Operating Expenses and increases, which share shall be attributable to the Center, and the calculations used to arrive at Lessee's pro rata share thereof, which is attributable to the Office Space. The term Operating Expenses shall mean only those reasonable expenses incurred with respect to the ownership, maintenance, and repair of the Building. Such expenses shall include electricity, fuel, water, sewer, gas and other utility charges; security, window washing and janitorial services; trash and snow and ice removal; landscaping and pest control; management fees payable to third parties; wages and benefits payable to employees whose duties are directly connected with the operation and maintenance of the Building; real estate taxes, and insurance. Operating Expenses shall not include the following: income and franchise taxes; mortgage or other financing costs of any nature; capital expenses for items, which for accounting purposes, become depreciable assets or which otherwise enhance or enlarge the Center or the Building for the benefit of the owner/landlord; salaries or other benefits of the owner/landlord or officers of any management company; leasing commissions, redecorating and suite preparation costs for new or renewal tenants; promotional fees or marketing expenses. Furthermore, Operating Expenses shall not include any expenses which are paid or reimbursed by the owner/landlord's insurers, or which would have been paid by the owner/landlord's insurers but for the owner/landlord's failure to acquire and maintain fire and hazard insurance for the Office Space or the Building. Also, Operating Expenses shall not include late charges, interest charges or attorney fees on unpaid accounts, handling charges or penalties incurred by the owner/landlord, nor shall they include the costs of capital improvements to the Office Space, or of capital improvements, renovations or repairs to any portions of the Building that are leased, or available for lease, to tenants outside the Center. In the event that the first and/or last Comparison Year during the term of this Lease is not equal to twelve full months, the Lessee's share of the increase in Operating Expenses of said Comparison Year over the Base Year will be prorated based on the actual number of months during the Comparison Year that this Lease was in effect.

#### 5. Late Fees

In the event that any scheduled payment of Base Rent is not received by Lessor by the Fifth (5<sup>th</sup>) Day of the month due, a late fee in the amount of Forty Dollars (\$40.00) shall be added to said payment and the combined total shall be immediately due and payable.

#### 6. Use

The Office Space is intended for use by up to two (2) persons. No change or adjustment in the number of persons occupying the Office Space shall be permitted without the prior written consent of Lessor. Lessee shall use and occupy the Office Space solely for general office use and for no other use unless the written consent of Lessor is first obtained, which consent may be withheld in the exercise of Lessor's sole discretion. Lessee's use and occupancy of the Office Space shall be in accordance with the use permitted under applicable zoning regulations. Definition and permitted usage are herein attached as Exhibit "C." Lessee shall comply with all present and future laws, ordinances, regulations and orders of all agencies of the Federal and local governments, and any other public authority having jurisdiction over the Office Space, including the Americans with Disabilities Act, and other laws relating to the use of the Office Space or the Center by persons with disabilities. Lessee shall not use or occupy the Office Space for an activity which competes directly or indirectly with the services provided by Lessor. Such prohibited activities include, but are not limited to, providing or allowing secretarial or clerical services to be provided to other lessees of Lessor. Lessee shall not use or occupy the Office Space, or permit the use or occupancy of the Office Space, in any manner which; (a) disturbs other tenants or lessees of the Center or of the Building, (b)

injures or in any way adversely affects the reputation of the Center or of the Building, (c) invalidates, or increases the cost of any insurance policy pertaining to the Center or the Building. Lessee shall immediately bring its use of the Office Space into compliance with these conditions upon written notice from Lessor of any non-compliance. Lessee, in its use and occupancy of the Office Space and of the Center, shall comply with and shall require all of its employees, agents and invitees to comply with all Rules and Regulations set forth in Exhibit "C", as the same may be amended or modified from time to time by Lessor, the ("Rules and Regulations"). Any continued failure by Lessee, or its employees, agents and invitees, to comply with the Rules and Regulations after written notice from Lessor of such failure, shall constitute an Event of Default under this Lease. Lessor shall not be responsible or in any way liable for any violation of the Rules and Regulations by any tenant or lessee of the Center, or by the employees, agents or invitees of any tenant or lessee, or for any damage or injury arising therefrom, except as is caused by the negligence or misconduct of Lessor or its officers, employees, agents and invitees. Lessee's use of electricity and other utilities shall not at any time exceed ("Excessive Usage") that usage which is normal and customary in a modern office building of similar size, design and location. In the event of continued Excessive Usage by Lessee, after written notice from Lessor of such Excessive Usage, Lessee shall be obligated to pay all costs, expenses and charges incurred by Lessor in connection with the Excessive Usage, as evidenced by increased utility bills which are directly attributable to Lessee and shall be shown to Lessee at its request. Lessee shall provide written notice to Lessor prior to connecting to the electrical distribution system any equipment, machinery or other item which shall result in, or may reasonably be foreseen to result in Excessive Usage. Notwithstanding any provision contained in this Lease to the contrary, and without regard to the date established as the Commencement Date, Lessee shall be responsible to obtain and able to provide, upon demand, to Lessor copies of all Certificates of Occupancy or other similar permits, issued by any applicable governmental authorities having jurisdiction over the Office Space or Building which certificates or permits are, or may be, required for Lessee's use or occupancy of the Office Space. Lessor has reviewed and hereby agrees to and approves Lessee's proposed use of the Office Space and the equipment to be used therein.

## 7. Hours of Operation

The staff and services of the Center will be available between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding legal holidays and those days specified, from time to time, by the Center as days upon which buildings or facilities controlled or operated by the Center are closed. Lessee shall have access to the Building, the Center and the Office Space at all times, Twenty-Four Hours (24) per day, Three Hundred Sixty Five (365) Days per year, including holidays, subject to the operation of an after-hours access control system, if any. Heating and air conditioning to the Center and the Office Space shall be provided only between the hours of 8:00 a.m. and 8:00 p.m., Monday through Friday of each week, with the exception of legal holidays, and between the hours of 8:00 a.m. and 12:00 p.m. on Saturday of each week, unless such Saturday is a legal holiday. Lessee hereby acknowledges that Lessor will not, and shall have no obligation to, provide a security system, or any other security, protection or limited access systems or services, of any type, in connection with the Center, the Office Space, or any parking areas, or the use or occupancy thereof.

## 8. Security Deposit

Lessee has deposited with Lessor the sum of **\$ 750.00**, the "Security Deposit", the receipt of which is hereby acknowledged by Lessor, as security for: (a) the full performance by Lessee of the terms, conditions and covenants of this Lease, including, but not limited to, the full payment of Base Rent

and Additional Rent and, (b) as security for the cost of any repair or correction of damage in excess of normal wear and tear. At the expiration or earlier termination of this Lease, the Security Deposit shall be returned, without interest, to Lessee provided that the following terms and conditions are satisfied: (1) Lessee has vacated the Office Space, (2) the Office Space has been returned in the same condition as when occupied by Lessee, normal wear and tear and casualty accepted, (3) Lessee has delivered to Lessor all keys, access control cards, security codes and other security devices to the Office Space, the Center and the Building, (4) all Base Rent, Additional Rent, service charges, late fees and any other sums due hereunder are paid in full, and (5) Lessee is not in default hereunder. If Lessor determines that Lessee has failed to comply with any of the above conditions, Lessor shall be entitled to retain the Security Deposit or the portion thereof required to compensate it for such failure. In the event that Lessor's loss, damage or injury, resulting from Lessee's failure to comply with any or all of the above conditions, exceeds the Security Deposit, Lessee shall remain liable for any such deficiency after the application of the Security Deposit. Lessee understands and agrees that the Security Deposit is not to be applied toward the last monthly payment of Base Rent or any other payment, of whatever kind, due and payable according to the terms and provisions of the Lease.

#### 9. Assignment and Subletting

Lessee shall not assign, sublet or transfer this Lease without obtaining the prior written consent of Lessor, which shall be given or withheld in Lessor's sole discretion.

#### 10. Condition of Office Space

By executing this Lease, Lessee accepts the Office Space, and all fixtures, equipment, and improvements attached thereto or used in connection therewith, as being free from defects and in good, clean, safe, sanitary and working order, condition and repair, and agrees to keep the Office Space, fixtures, equipment and improvements in such condition, ordinary wear and tear excepted. On the Expiration Date or earlier termination of this Lease, Lessee agrees to surrender the Office Space, fixtures and equipment in the same condition as when received, ordinary wear and tear and casualty excepted. Notwithstanding the above, Lessor shall provide all maintenance and repairs to the heating and air conditioning wall unit in the Office Space as well as replacing burned out light bulbs.

#### 11. Repairs

Lessee shall; (a) keep the Office Space clean and in good order and condition; (b) pay for and make repairs and replacements to the Office Space, the Center or the Building, which repairs or replacements are necessitated directly by Lessee's negligence or misconduct or the negligence or misconduct of Lessee's employees, agents or invitees; and (c) not commit waste. All damage or injury to the Office Space, the Center or the Building directly caused by the negligence or misconduct of Lessee or its employees, agents and invitees shall be repaired or replaced promptly by Lessee, at its sole cost and expense, to the satisfaction of Lessor and of the landlord under the Prime Lease, or, at Lessor's sole option, such repairs and replacements may be made by Lessor, in which case Lessee shall, immediately upon receipt of demand for payment by Lessor, reimburse and pay Lessor all actual costs, as evidenced by invoices, incurred by Lessor in connection with such repair or replacement. Lessee hereby acknowledges that; (a) it has reviewed the specifications for office cleaning (the "Cleaning Specifications") set forth in Exhibit "D"; (b) it understands that the cleaning of the Office Space, the Center and the Building, in accordance with the Cleaning Specifications, is the responsibility of the landlord under the Prime Lease; and (c) Lessor shall have no liability or obligation



of any type to Lessee with respect to the Cleaning Specifications, or the performance, non-performance or manner of performance thereof, provided, however, that Lessor shall use reasonable efforts to insure that the landlord under the Prime Lease complies with the Cleaning Specifications.

#### 12. Lessee's Conduct

Lessee, its employees, agents and invitees, shall conduct Lessee's business in such a manner as to be amenable to and compatible with, as determined in Lessor's sole discretion, the business of other tenants in the Building, and Lessee shall also conduct its business in such a way as not to interfere with the work of Lessor's employees.

#### 13. Alterations

Lessee shall make no alterations, installations, decorations, additions or improvements in or to the Office Space without first obtaining the prior written consent of Lessor, which consent may be withheld in the exercise of Lessor's sole discretion, provided, however, that Lessor shall not unreasonably withhold, condition or delay its consent to the hanging of pictures and other wall hangings which are normal and customary in a modern, first-class office.

#### 14. Lessee's Equipment

Lessee shall not install or operate in the Office Space any equipment or other machinery, other than normal and customary equipment found in a modern office. Lessee shall not install or operate computers, copy machines, telex, facsimiles or postage machines, or any electrical equipment that specifically requires a separate electrical circuit, without the prior written consent of the Lessor.

#### 15. Entry into Office Space

Lessee shall permit Lessor, Lessor's landlord and Lessor's representative, to retain a key or other device to enter the Office Space at all reasonable times, upon advance notice to the extent practicable, to examine, inspect and protect the same, and to make such alterations and/or repairs as, in the judgement of Lessor or Lessor's landlord, may be deemed necessary to maintain or protect the Center or the Building. Lessor shall have the right to enter, at all reasonable times and with reasonable notice, the Office Space, for the purpose of showing the Office Space to prospective lessees and other third parties during the Six (6) Month period prior to the Expiration Date or earlier termination of this Lease or commencing immediately upon the receipt of any notice from Lessee stating that Lessee does not intend to renew the Lease.

#### 16. Events of Default

Each of the following shall constitute an "Event of Default" hereunder;

(a) Lessee's failure to pay all Base Rent and Additional Rent, late fees or any other sum required to be paid hereunder within Fifteen (15) Calendar Days after written notice of such failure is provided to Lessee by Lessor, (b) Lessee's abandonment of the Office Space, (c) Lessee's being adjudicated bankrupt or insolvent, (d) the occurrence of Three (3) delinquent Base Rent payments during any Twelve (12) Month period, (e) Lessee's failure to perform any other term or condition required of Lessee, and contained herein, if such failure is not cured within Fifteen (15) Calendar Days after written notice of such failure is provided to Lessee by Lessor.

## 17. Lessor's Remedies

Upon the occurrence of any Event of Default, Lessor may, in its sole discretion, and without notice to Lessee, take any one or more of the following actions, in addition to any other legal remedies available to Lessor; (a) declare Lessee in default of the Lease, (b) terminate the Lease, and (c) obtain the Base Rent and Additional Rent due through the date Lessee ceases to occupy the Office Space. Additionally, Lessor may exercise any and all rights permitted under the laws of the jurisdiction in which the Office Space is located. Any such termination, refusal, cancellation, retention, entry or ejection shall in no way prejudice any claim Lessor may then or thereafter have against Lessee for any charges due or other amounts, including collection and reasonable attorney's fees incurred in connection with Lessor's efforts to collect funds owed to it by Lessee.

## 18. Insurance, Liability and Indemnification

Lessee understands and acknowledges that Lessor provides no property insurance (fire, theft, etc.) for any of Lessee's property while in the Center or in the Office Space. Lessee further understands and acknowledges that Lessor provides no liability insurance (Center, employee, professional, etc.) for any of Lessee's activities in, on or off the Center or the Office Space. Lessee also understands and acknowledges that Lessor provides no worker's compensation insurance for Lessee or any of Lessee's officers or employees. Lessee agrees to provide all such insurance. Lessee agrees that Lessor is not responsible or liable for the loss of or to any document or other articles arising out of services provided by the U.S. Postal Service or any other carrier or private delivery service, and Lessee further agrees that Lessor is not responsible or liable for loss or damage arising out of services provided by the telephone company or by any licensed common carrier or other third party that Lessor shall select to perform service for and on behalf of Lessee. Lessee acknowledges that Lessor and Lessor's agent, George Mason University, are entities and/or institutions of the Commonwealth of Virginia and are therefore entitled to the sovereign immunity of the Commonwealth of Virginia.

## 20. Notice, Demands

All notices or demands required or permitted by this Lease are to be in writing and shall be deemed to have been given when made by personal service, overnight courier or deposited in the United States mail, certified or registered, postage prepaid, and addressed to the parties at their addresses set forth below:

Lessor's agent shall be: Keith Segerson, Mason Enterprise Center, GMU, Managing Director, whose address is 4031 University Drive, Suite 200, Fairfax, VA 22030

Lessee's agent shall be: NVTVA, Attention: Executive Director whose address is 4031 University Drive, Ste 200, Fairfax, VA 22030.

## 21. Employees of Lessor

Without first obtaining the consent of Lessor, such consent not to be unreasonably withheld, conditioned or delayed, Lessee agrees not to offer employment to, or to employ, any officer, employee, representative or agent of Lessor during the Term of this Lease, or for a Six (6) Month period following the termination of the Lease, or for a Six (6) Month period following the termination of employee's employment by Lessor. Lessee acknowledges that, due to the nature of any breach of this provision, it may be difficult, if not impossible, to quantify the amount of damage caused. Therefore, Lessee agrees that, in the event that it breaches this provision, Lessor shall be entitled to

receive, for each breach, One Thousand Dollars (\$1,000.00) from Lessee as liquidated damages, and not as a penalty for each such breach.

## 22. Transfer of Lessor's Interest

In the event that Lessor, in its sole and absolute discretion, shall elect to transfer or assign its interest in the Center, of which the Office Space is a part, Lessor shall have the option, upon One Hundred Eighty (180) Days' prior written notice to Lessee, to terminate the Lease or any option year or term thereof. Upon termination of said One Hundred Eighty (180) Day period, the Lease shall cease and terminate, the Security Deposit shall be returned to Lessee and Lessee shall vacate the Office Space forthwith, in the manner and condition required hereunder. Lessee's obligation hereunder to pay Base Rent and Additional Rent shall cease at the expiration of said One Hundred Eighty (180) Day period, and the total amount of Base Rent and Additional Rent due hereunder shall be reduced to the amount already paid from Lessee to Lessor by the end of said One Hundred Eighty (180) Day period.

## 23. Smoking

The Center shall be operated as a smoke-free office environment. No smoking of cigarettes or other smoking materials shall be permitted in the Office Space or any area located within the Center, unless Lessor, in the exercise of its sole discretion, shall so designate. Lessee shall not smoke, or permit the smoking of, cigars or pipes in the Office Space or in the Center. Lessee agrees that the Lessor may institute such rules and regulations governing smoking as Lessor may consider necessary, appropriate or advisable to comply with relevant local laws or ordinances.

## 24. Parking

Subject to Lessee's compliance, throughout the Term, with all of the Rules and Regulations which relate to and are applicable to parking, Lessee shall have the non-exclusive right to use the unreserved, uncovered surface parking spaces designated, from time to time, by Lessor in the parking area adjacent to the Building, and/or the parking spaces in any additional unreserved, uncovered parking areas designated, from time to time, by Lessor and provided by the landlord under the Prime Lease. Such non-exclusive right to use such parking spaces shall be in common with other tenants or lessees of the Center and of the Building and shall be in conformity with applicable law.

## 25. Services and Utilities

Building services normally furnished by comparable office buildings in the surrounding metropolitan area shall be provided. It is understood that these services are generally provided by the landlord under the Prime Lease and that failure by Lessor or the landlord under the Prime Lease to provide these services, shall not; (a) render Lessor liable for damages to person or property, (b) be construed as an eviction of Lessee, (c) constitute grounds for an abatement or offset of Base Rent, Additional Rent, service charges, late fees or any other sum which becomes due hereunder, or (d) relieve Lessee from performing any of the terms and conditions of this Lease. Notwithstanding the above, should any of the building equipment break down or for any cause cease to function properly or should any other interruption of services occur, Lessor shall use reasonable diligence to repair the same promptly or to inform the landlord under the Prime Lease to repair the same promptly, but Lessee shall have no claim for rebate or offset of Base Rent or damages on account of any interruptions in service occasioned thereby or resulting therefrom, except that if an interruption of services occurs, rendering the Office Space actually untenable for a period greater than Five (5)

Business Days in duration (provided that Lessee's entry into and presence in the Office Space for less than One (1) Hour per business day shall not be deemed to be evidence that the Office Space is not actually untenable), then Lessee shall be entitled to an abatement of the Base Rent, for the period commencing on the First (1<sup>st</sup>) Day following that date upon which the Office Space was rendered untenable and continuing to the date that such interrupted services are adequately restored to permit the Office Space to be tenable.

#### 26. Use of Address and Telephone Numbers

Without first obtaining the written consent of Lessor, such consent to be withheld in the sole discretion of Lessor, Lessee shall not use the telephone number, address or fax number of the Center in any advertising or publication or in any other manner which will, or can reasonably be expected to, increase the volume of incoming or outgoing calls, mail or faxes to a level which exceeds the normal and customary volume of such telephone calls, mail or faxes in a modern office of similar size and use. Lessee shall not use the telephone number, address or fax number of the Center in connection with any telemarketing operation or in connection with the operation of any fulfillment center, customer service center or other similar operation or service. Lessee understands that any telephone numbers(s) assigned to Lessee by Lessor is (are) the sole property of Lessor and shall remain with Lessor upon expiration or earlier termination of this Lease. Except to the extent prohibited or restricted herein, Lessor hereby consents to Lessee's use of the address of the Office Space as Lessee's business address. Lessor shall not be responsible for accepting and/or forwarding Lessee's mail for more than thirty (30) Days following the expiration date or earlier termination of this Lease. Lessee shall be responsible for notifying all parties of the termination of the use of the Office Space as Lessee's address.

#### 27. Waiver, Modification

No waiver by either party hereto of any breach of any term or condition contained in this Lease shall operate as a waiver of such term or condition, or as an agreement itself, or as a waiver of any subsequent breach thereof. This Lease may only be modified in writing with the signatures of Lessor and Lessee.

#### 28. Severability

In the event that any part of this Lease is held to be unenforceable or invalid by an adjudicating body, the balance of this Lease shall not be affected and shall remain in full force and effect.

#### 29. Termination

If Lessee shall continue to occupy the Office Space following the expiration of the Term without renewing its lease (a "Holdover"), such Holdover shall be deemed a tenancy from month-to-month upon the same rent and other terms and conditions as existed immediately prior to the commencement of the Holdover. The Lessor shall have the right to regain possession of the Office Space in any manner provided by law. At the termination of this Lease, the Lessee will peaceably deliver the Office Space in the same condition as when it was formally accepted, normal damage and normal wear and tear accepted, and subject to any agreement with Lessor to make repairs and restoration as provided elsewhere in this Lease. Once notice of termination has been properly given by either party to this Lease, except as described in section 23 hereunder, Lessor shall have the right to post a notice that the Office Space is for rent and may show the Office Space to any person

desiring to rent the same during the business hours maintained by Lessee for the Office Space, and only at such other times as Lessee may permit.

30. Governing Law

This Lease shall be governed by and constructed in accordance with the laws of the jurisdiction in which the Office Space is located, The City of Fairfax, Virginia, USA. Lessor and Lessee hereby consent to such jurisdiction.

31. Counterparts

This Lease may be executed in one or more counterparts, but all counterparts shall constitute but one and the same instrument.

32. Subordination

This Lease is subject to and subordinate to the Prime Lease and to all mortgages and deeds of trust which may now or hereafter affect the Building of which the Office Space is a part. Lessee shall, within Ten (10) days after written request of Lessor, execute, acknowledge, and deliver to Lessor, any estoppel certificates requested by Lessor from time to time, which estoppel certificates shall contain such reasonable information as may be requested by Lessor.

33. Entire Agreement

This Lease and the exhibits to this Lease form the entire agreement between Lessor and Lessee which can only be changed or modified in writing with the signatures of both parties hereto.

IN WITNESS WHEREOF, the duly authorized representatives of Lessor and Lessee have signed this Lease dated this \_\_\_\_ day of \_\_\_\_\_, 200\_, intending to be bound thereby.

LESSOR:  
INDUSTRIAL DEVELOPMENT AUTHORITY  
OF THE CITY OF FAIRFAX, VIRGINIA  
George Mason University, its Agent

LESSEE:  
Northern Virginia Transportation Authority

By: \_\_\_\_\_  
Name: Roger Stough  
Title: Director  
Mason Enterprise Center

By: \_\_\_\_\_  
Name: Christopher Zimmerman  
Title: Chairman

ATTEST/WITNESS:

ATTEST/WITNESS:

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

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

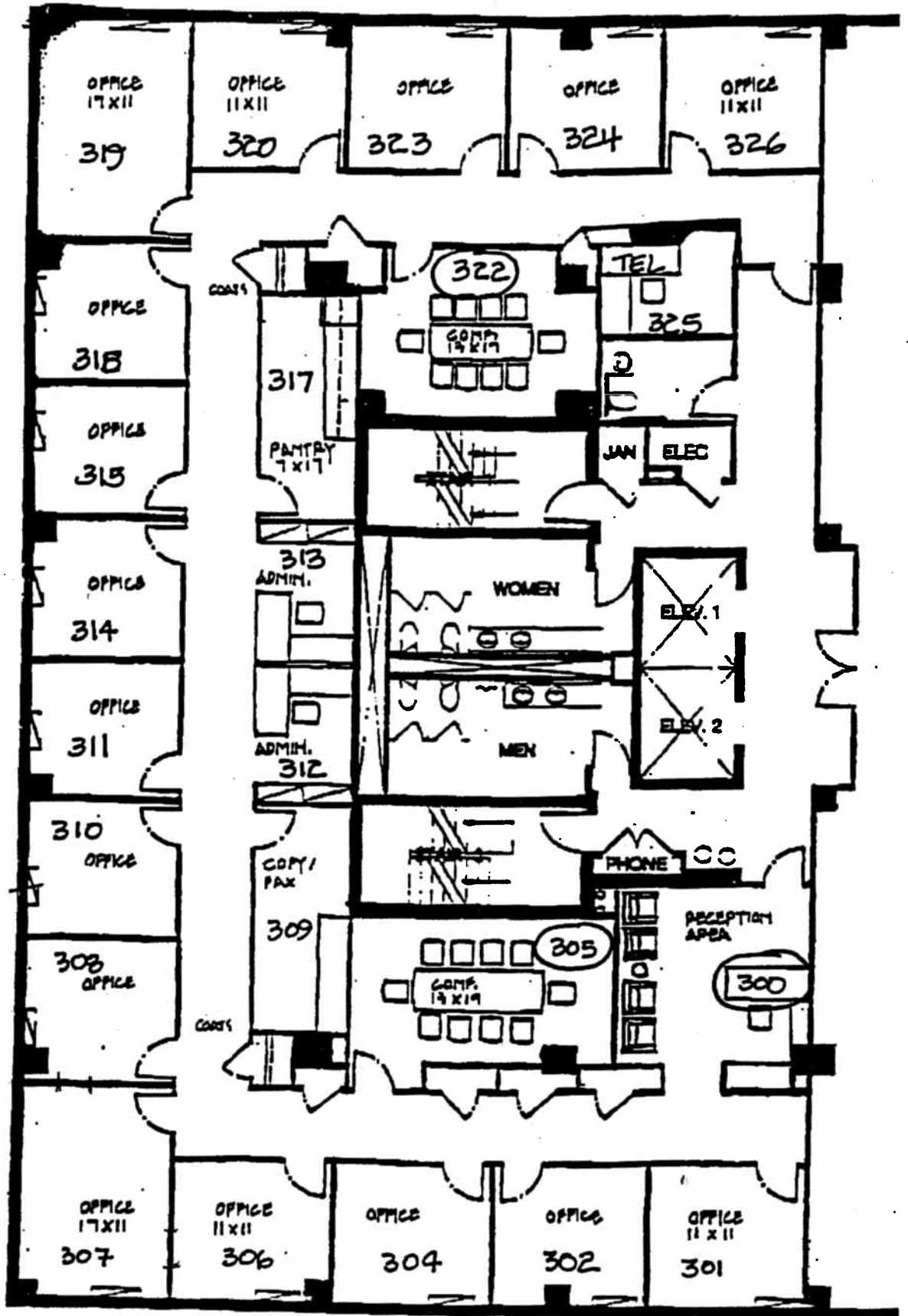


EXHIBIT "A"

4031 University Drive  
3<sup>rd</sup> Floor

## **Exhibit "B"**

### Additional Items Included in Base Rent

The following items shall be included in the Base Rent subject to such additional charges, if any, as may be identified:

- |                     |  |
|---------------------|--|
| 1) Signage          | Initial name sign on lobby directory and on Office Space door. Changes to signs are subject to additional charges.   |
| 2) Custodial        | Full custodial services are provided including vacuuming, trash removal, window washing, dusting, and carpet cleaning.   |
| 3) Telephone        | Provided at cost of \$30 per line plus charges based on usage.   |
| 4) Facsimile        | Provided by Center at Center Receptionist location.  |
| 5) Copier           | Provided by Center at charge of \$.10 per page.  |
| 6) Receptionist     | Provided by Center.  |
| 7) Internet Access  | Provided by Lessor.  |
| 8) Furniture        | Basic office furniture provided on first come first served basis.  |
| 9) Window Blinds    | Provided by Lessor.  |
| 10) Conference Room | Available for scheduling through Center Receptionist on first come first served basis. No charge up to four hours per day. For use of conference rooms in excess of four hours per day, minimum charge is \$25 for additional four hours, and is billed in four hour increments. |
| 11) Building Access | 24 hour 7 days a week access provided.   |
| 12) Rest Rooms      | Provided on same floor as Office Space.  |

## EXHIBIT "C"

### RULES AND REGULATIONS

The following Rules and Regulations have been formulated for the safety and well being of all the tenants of the Building. Adherence to these Rules and Regulations insures that each and every tenant will enjoy a safe and unannoyed occupancy in the Building.

Any violation of these Rules and Regulations by any tenant, including Lessee, which continues after Fifteen (15) Calendar Days Notice from Lessor or the landlord under the Prime Lease (when used collectively or individually in these Rules and Regulations, "Landlord") shall be sufficient cause for termination, at the option of the Landlord, of the Lessee's lease.

Landlord shall have the continuing right to amend or eliminate any of these Rules and Regulations, and also to adopt additional reasonable rules and regulations of like force and effect, provided that none of such amendments or additional rules and regulations shall unreasonably interfere with the Lessee's use of the Office Space or the Center (when used collectively or individually in these Rules and Regulations, "Office Space") or its business operations therein. Any change of whatsoever nature shall be effective thirty (30) days after delivery of written notice thereof to the Lessee.

1. The sidewalks, entrances, passages, courts, elevators, vestibules, stairway corridors or halls or other parts of the Building not occupied by any tenant (hereinafter "Common Areas") shall not be obstructed or encumbered by Lessee or used for any purpose other than ingress and egress to and from the Office Space. Landlord shall control and operate the Common Areas, and the facilities furnished for the common use of the tenants, for the benefit of tenants generally. Lessee shall not interfere with the use and enjoyment by other tenants of the Common Areas.
2. No awnings or other projections shall be attached by Lessee to the outside walls of the Building without prior consent of Landlord. No drapes, blinds, shades or screens shall be attached to or hung in, or used in connection with, any window or door of Lessee's Office Space, without the prior written consent of Landlord. Such awnings, projections, curtains, blinds, screens or other fixtures must be of a quality, type, design and color, and attached in the manner approved by Landlord, which approval shall not be unreasonably withheld.
3. No sign, advertisement, notice or other lettering shall be exhibited, inscribed, painted or affixed by Lessee on any part of the outside of the Office Space or the Building or in the Common Areas without the prior consent of Landlord. Landlord may remove any sign, advertisement, notice, or other lettering violating the preceding sentence without liability to Lessee and may charge the expense incurred by such removal to the Lessee for Lessee violating this rule. On multi-tenant floors, all interior signs on the doors and directory tablet shall be inscribed, painted or affixed for each tenant by Landlord, at Landlord's expense, and shall be of a size, color and style reasonably acceptable to Landlord.
4. No show cases or other articles shall be put in front or affixed to any part of the exterior of the Building, or placed in the Common Areas.
5. The water and wash closets and other plumbing fixtures shall not be used for any purposes other than those for which they were constructed, and no sweepings, rubbish, rags, or other substances shall be thrown therein. All damages resulting from any misuse of the fixtures shall be



borne by the lessee, who, or whose employees, agents, visitors or licenses shall have caused the damage.

6. Lessee shall not construct, maintain, use or operate within the Office Space or elsewhere within or on the outside of the Building, any electrical device, wiring or apparatus in connection with a loud speaker system or other sound system. Landlord will, however, permit Lessee to install muzak or other internal music systems within the Office Space if the music systems cannot be heard outside of the Office Space.

7. Lessee shall not make or permit to be made, any disturbing noises or disturb or interfere with other occupants of the Building or neighboring buildings, whether by the use of any musical instrument, radio, tape recorder, whistling, singing, or any other way. Lessee shall not throw anything out the doors or windows or down the common area corridors or stairs.

8. No bicycles, roller blades, skate boards, vehicles or animals, birds or pets of any kind shall be brought into or kept in the Office Space or elsewhere in the Building. No cooking shall be done or permitted by Lessee on its Office Space, except that Lessee may install and operate, for the convenience of its employees, a lounge or coffee room with microwave oven, stove, sink and refrigerator. Lessee shall not cause or permit any unusual or objectionable odors to originate from its Office Space which disturb other tenants.

9. Except for space leased to a tenant specifically for storage purposes, no space in or about the Building, including balconies, shall be used for the storage of goods or property of any kind.

10. No space in or about the Building, including balconies, shall be used for the manufacture, storage, or sale at auction of merchandise, goods or property of any kind.

11. No flammable, combustible, toxic, hazardous or explosive fluid, chemical or substance shall be brought or kept within the Office Space, other than customary and usual office supplies which, if properly stored and used, do not pose a significant risk to human health or the environment.

12. No additional locks or bolts of any kind shall be placed upon any of the doors or windows by Lessee, nor shall Lessee make changes in existing door or window locks or the mechanism thereof. The doors leading to the corridors or main halls of multi-tenant floors shall be kept closed during business hours except as they may be used for ingress or egress. Lessee shall, upon termination of its tenancy, return to the Landlord all keys used in connection with the Office Space, including any keys and other access devices to the Office Space, to the rooms and offices within the Office Space, to storage rooms and closets, to cabinets and other built in furniture, and to toilet rooms, whether or not such keys or other access devices were furnished by Landlord or procured by Lessee. On termination of the Lease, Lessee shall disclose to Landlord the combination of all locks for safes, safe cabinets and vault doors, if any, remaining in the Office Space.

13. All removals, or the carrying in or out of any safes, freights, furniture or bulky matter of any description must take place on specified elevators, in such manner and during such hours as Landlord may reasonably require. Hand trucks may be used only if they are equipped with rubber tires and side guards. Landlord reserves the right to inspect all freight to be brought into the Building and to exclude from the Building all freight which violates any of these Rules and Regulations or the Lease.

14. Any person employed by Lessee to do janitorial work within the Office Space shall, while in the Building and outside of the Office Space, be instructed by Lessee to comply with these Rules and Regulation and with all reasonable instructions issued by the superintendent of Building.

15. Lessee shall not purchase spring water, ice, coffee, soft drinks, towels, or other like merchandise or service from any company or person for delivery by seller to the Office Space if such person's repeated violations of Building regulations have caused, in Landlord's reasonable opinion, a hazard or nuisance to the Building and/or its occupants.

16. Landlord may prohibit any advertising by Lessee which, in Landlord's reasonable opinion, tends to impair the reputation of the Building or its desirability as a Building for offices, and upon notice from Landlord, Lessee shall refrain from or discontinue such advertising.
17. Landlord reserves the right to exclude from the Building at all times any visitor who is not known or does not properly identify himself to the Building management or its agents. Landlord may require all visitors admitted to or leaving the Building to register. Landlord shall also have the right to install an electronic access control system for the Building requiring the use of identification cards, passwords, confidential codes and the like as a prerequisite to admission of any person into the Building, except for Lessee's invitees during normal business hours. Any additional or replacement card(s) requested by Lessee shall be issued only upon payment of a reasonable service fee per card to be determined by Landlord.
18. Each tenant, before leaving its Office Space at the close of business for the day, shall see that all lights, electrical appliances and mechanical equipment are turned off.
19. The requirements of Lessee will be attended to only upon telephone calls to the office of the Building. Building employees shall not be required to perform any work or do anything outside of their regular duties, unless under special instruction from management of the Building.
20. Canvassing, soliciting and peddling in the Building are prohibited and Lessee shall cooperate to prevent the same, notifying Landlord when and if such activity occurs.
21. No water cooler or plumbing fixture shall be installed by Lessee without Landlord's prior written consent, which consent shall not be unreasonably withheld.
22. Mats, trash or other objects shall not be placed by Lessee in the public corridors.
23. There shall not be used in any space, or in the public halls of the Building, either by any tenant or by jobbers or others, in the delivery or receipt of merchandise, any hand trucks, except those equipped with rubber side tires and side guards.
24. Access plates to underfloor conduits shall be left exposed. Where carpet is installed carpet shall be cut around access plates.
25. Drapes installed by Landlord for the use of any tenant or drapes installed by Lessee which are visible from the exterior of the Building must be cleaned by such tenant at least once a year, without notice, at such tenant's own expense.
26. Landlord does not maintain or repair suite finishes which are non-standard such as kitchens, bathrooms, wallpaper, special lights, etc. However, should the need for repairs arise, Landlord will arrange for the work to be done at the expense of the tenant whose Office Space contain such non-standard finish.
27. All office equipment of any electrical or mechanical nature shall be placed by Lessee in approved settings to absorb or prevent any vibration or noise transmitted outside the Office Space.
28. No tenant shall permit or cause to be used in its Office Space any device or instrument such as a sound reproduction system, or excessively bright, changing, flashing, flickering, moving lights or lighting devices or any similar devices, the effect of which shall be audible or visible beyond the confines of its Office Space, nor shall any tenant permit any act or thing upon its Office Space disturbing to normal sensibilities of other tenants.
29. Lessee shall not knowingly permit the Office Space to be used for immoral or illegal purposes.
30. All moving of safes, freight, furniture or bulky matter of any description, to and from the Office Space shall only take place on specified elevators and during the hours designated by the Landlord. Hand trucks may be used if they are equipped with rubber tires and side guards.
31. Landlord may, from time to time, designate specific parking spaces in the parking areas for the Building as being reserved for specific tenants or for members of the general public, and Lessee agrees to honor such reservations and to permit parking for officers and employees only in those parking spaces available for such purposes. Landlord shall have the further right, during the holiday seasons or at other times when parking spaces may be in short supply, to temporarily change or

restrict established areas in order to provide additional public parking and Lessee agrees to honor such temporary changes and restrictions. Lessee shall have no rights to use any covered parking areas in or on the land upon which the Building is situated without obtaining Landlord's prior consent, unless a specific authorization to use such covered parking areas is contained in the Lease. Lessee agrees to comply with all Rules and Regulations established for the parking operations. Landlord will not be liable for damage to vehicles in the parking areas, or for theft of vehicles, personal property from vehicles, or equipment of vehicles.

32. Landlord reserves the right at any time to take one elevator out of service to tenants for exclusive use by the Building management in servicing the Building.

33. No Tenant shall (1) place a load on any floor exceeding the floor load per square foot which such floor was designed to carry in accordance with the plans and specifications of the Building; (2) install, operate or maintain in the Office Space any heavy item of equipment except in such manner as to achieve a proper distribution of weight; (3) strip, overload, damage or deface the Office Space, or the hallways, stairways, elevators, parking facilities or other public areas of the Building, or the fixtures therein or used therewith; (4) move any furniture or equipment into or out of the Office Space except at such reasonable times as Landlord may from time to time designate; (5) use any floor adhesive in the installation of any carpeting; (6) install any equipment of any kind or nature which will or may necessitate any changes, replacements or additions to, or in the use of, the water, heating, plumbing, air-conditioning, electrical or other system of the Office Space or the Building, without first obtaining the express written consent of Landlord.

34. Except as otherwise approved by Landlord, smoking is not permitted anywhere within the Common Areas of the Building, and only in designated smoking areas located outside of the Building.

(4031 UNIVERSITY DRIVE, CITY OF FAIRFAX, VIRGINIA)

EXHIBIT "D"

SPECIFICATIONS FOR OFFICE CLEANING

The Premises and the Building will be maintained in a manner befitting a modern rental office building in Fairfax, Virginia

Landlord will furnish janitor and cleaning services as described below for the Premises (including office area, stock rooms, xerox rooms, conference rooms and corridors):

**1. DAILY**

- a. Collect and remove trash. (Private kitchens included)
- b. Dust furniture, desks, machines, phones, file cabinets, window ledges, etc. (Papers left on desks and books, papers and files on floor will not be disturbed).
- c. Vacuum carpet; sweep resilient tile and wood floors. (Private kitchens included.)
- d. Wash Water fountains
- e. TURN OFF ALL LIGHTS AND CHECK ALL DOORS ON COMPLETION OF WORK.

**2. WEEKLY**

- a. Spot clean carpet stains
- b. Spot clean walls, doors, partitions
- c. Sweep all stair areas

**3. MONTHLY**

- a. Scrub and recondition resilient tile floors. Wash all interior glass partitions on both sides. Dust venetian blinds. Dust picture frames, charts, etc.

**4. SEMI-ANNUALLY**

- a. Dust all horizontal and vertical surfaces not reached in nightly cleaning (pipes, light fixtures, door frames, wall hangings, etc.).

**5. ANNUALLY**

- a. Strip and refinish all resilient floor areas ---ing buffable non-slip floor finish

**6. AS NECESSARY**

- a. Clean venetian blinds.

- b. Spot clean light switches, doors, and walls.
- c. Wash light fixtures including reflectors, globes, diffusers, and trim.
- d. Wash walls in corridors, lobbies, conference rooms, demonstration areas and washrooms
- e. Spot clean all baseboards
- f. Wash windows inside and outside, as required by Landlord

#### **7. EXTRAS – CHARGED TO THE TENANT**

- a. Daily buffing of hardwood floors in executive office areas.
- b. Cleaning of kitchen, canteen, or coffee station areas, including washing sink, washing ledge, cleaning cabinets, and/or appliances
- c. Dusting and sweeping of storage areas, closets, telephone exchange areas.
- d. Cleaning of shower stalls Jacuzzis, or other non-standard equipment included in restrooms

Should Tenant install specialty items which increase in any way the rate being charged by the cleaning contractor for the Premises, Tenant shall be liable for such increases and will reimburse Landlord for any additional cost

All of the above services are to be performed during those hours which are established between Landlord and the cleaning contractor. Any special cleaning requests are to be in writing and delivered to the management office by 3:00 p.m.

#### **8. REST ROOM AREAS**

##### DAILY

- a. Collect and remove all trash containers
- b. Clean all lavatory fixtures
- c. Sinks, toilet bowls, and urinals to be sanitized and kept free of scale at all times
- d. Mop all lavatory floors. Dust all horizontal surfaces as required. Empty, clean, and disinfect sanitary napkin disposals

##### MONTHLY

- a. Wash down ceramic tile walls and dust compartment partitions
- b. Dust all other surfaces not reached in nightly cleaning
- c. Brush down all vents

#### **9. STAIRWELLS**

- a. All stairwells will be swept and spot mopped as required
- b. Spot clean walls as required

#### **10. ENTRANCE LOBBY AREAS**

- a. All standard floors swept or vacuumed daily with proper equipment.
- b. All other floors cleaned as necessary to maintain building in a first-class condition. Directory boards dusted daily

- c. Water fountains washed daily.
- d. All walls spot cleaned as necessary to remove all marks and smudges.
- e. All other surfaces and fixtures cleaned as necessary to maintain building in a first-class condition
- f. All lobby glass washed inside and outside as necessary to maintain building in a first-class condition

#### **11. ELEVATORS**

- a. Elevator carpets vacuumed twice daily and spot cleaned as necessary.
- b. Exterior and interior doors and trim cleaned nightly.
- c. Cabs cleaned nightly.
- d. Thresholds cleaned daily.
- e. Wash all lights semi-annually.
- f. Clean elevator pits as necessary

**AMENDMENT No. 1 OF THE OFFICE LEASE**

This is an amendment to the Office Lease dated \_\_\_\_\_ 1<sup>st</sup>, 200\_, between the "lessor" ( ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF FAIRFAX) and the "lessee" (**Northern Virginia Transportation Authority**).

**Office Space:**

Office Space is defined as Suite 308, 145 square feet, and Suite 310, 155 square feet, effective \_\_\_\_\_.

**Term:**

The term remains the same, until the end of \_\_\_\_\_, 20\_\_.

**RENT:**

The Base Rent for Suite 308 shall remain unchanged. The Base Rent for Suite 310 shall be Eight Hundred Dollars (\$800) per month through December 31, 2008, and shall be increased by three percent (3%) effective January 1, 2009, and each January 1<sup>st</sup> thereafter through the end of the Lease term, and shall further be subject to all other terms of the Office Lease.

**ADDRESSES:**

Lessors address is:  
Industrial Development Authority of the City of Fairfax  
c/o Mason Enterprise Center  
4031 University Drive, Suite 200  
Fairfax, Virginia 22030-3409

Lessees address is:  
**NVTA**  
4031 University Drive, Suite 200  
Fairfax, Virginia 22030-3409

IN WITNESS WHEREOF, this duly authorized representatives of Lessor and Lessee have signed this Lease dated this \_\_\_\_ day of \_\_\_\_\_, 200\_, intending to be bound thereby.

LESSOR:

LESSEE:

INDUSTRIAL DEVELOPMENT AUTHORITY  
OF THE CITY OF FAIRFAX, VIRGINIA  
George Mason University, its Agent

Northern Virginia Transportation  
Authority

By: \_\_\_\_\_  
Name: Roger Stough

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

Title: Director, MEC

Title: CEO\_\_\_\_\_

**ATTEST/WITNESS:**

**ATTEST/WITNESS:**

\_\_\_\_\_

\_\_\_\_\_

# DRAFT

Table 2: First Year Office Space Cost Estimates								
Potential Location	Max Sq. Ft. Available*	Base Cost**	(Furniture, computers, phone installation)	Copier/ Postage/ Local & Long Distance	Internet Service Provider (ISP)	Information Technology (IT) Support	Hardware/ Software, etc	Maximum Annual Cost
<b>Public Options</b>								
Prince William County	705	\$12,663	\$7,978	\$5,900			\$5,700	<b>\$32,241</b>
NVRC	450	\$10,800	\$10,344	\$15,700	\$6,000	\$3,000	\$5,700	<b>\$51,544</b>
City of Fairfax Green Acres	824	\$15,565	\$12,344	\$15,900			\$5,700	<b>\$49,509</b>
Fairfax Innovation Center	755	\$46,800	\$8,024	\$15,700			\$5,700	<b>\$76,224</b>
<b>Private Options</b>								
113 S West St. (Alexandria)***	8,400	\$235,200	?	\$21,700	\$6,000	\$3,000	\$5,700	<b>\$271,600</b>
2760 Eisenhower Ave	1,859	\$46,475	?	\$14,500	\$6,000	\$3,000	\$5,700	<b>\$75,675</b>
2107 Wilson Blvd	2,885	\$98,090	?	\$14,500	\$6,000	\$3,000	\$5,700	<b>\$127,290</b>

\*A minimum of 540 sq ft of office space (excluding shared space) is desirable for 6 people.

\*\*Costs calculated for 6 people; base costs for public options do not count shared space (conference rooms, kitchen, etc) in total sq feet, private options do.

\*\*\*The sublease is for 22 offices; would have to negotiate for a portion of the space, otherwise this exceeds the budget.



**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 Charge for the Planning Coordination Advisory Committee (Agenda Item 4.D.)

**DATE:** November 30, 2007

**Recommendation:**

The Jurisdiction and Agency Coordination Committee recommends that NVTA adopt the recommendation of the committee established to review the composition of and charge for the Planning Coordination Advisory Committee (PCAC), if available at the December 6, 2007, meeting.

**Background:**

On July 12, 2007, the Organizational Working Group recommended that NVTA approve Resolution 14B-08, attached. This resolution would have established a charge, membership, quorum and voting requirements for the PCAC. However, the NVTA did not approve this resolution. Instead, it established a committee to consider the composition of the membership of the PCAC and make final recommendation to NVTA. This committee is attempting to prepare a recommendation prior to the December 6, 2007, NVTA meeting.

Jurisdiction and Agency Coordinating Committee members and I will be available at the December 6, 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**

**RESOLUTION 14B-08**

**ESTABLISHING THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY'S  
PLANNING COORDINATION ADVISORY COMMITTEE AND ITS CHARGE**

**WHEREAS**, the § 15.2-4837 of the Code of Virginia requires NVTA to establish a planning committee “to include but not be limited to, at least one elected official from each town that is located in any county embraced by the Authority and receives street maintenance payments under 33.1-41.1;” and,

**WHEREAS**, the NVTA will need advice on policy issues related to the periodic update of the NVTA’s Long Range Transportation Plan (currently TransAction 2030), and the development of NVTA’s Six Year Program with consideration to regional transportation, land use and growth issues; and,

**WHEREAS**, the NVTA anticipates having staff to support such a committee.

**NOW, THEREFORE, BE IT RESOLVED BY NVTA THAT:**

1. The NVTA does create the Planning Coordination Advisory Committee (PCAC).
2. The NVTA does charge the PCAC with advising the NVTA on larger policy issues related to the periodic update of the NVTA’s Long Range Transportation Plan (currently TransAction 2030), and the development of NVTA’s Six Year Program with consideration to regional transportation, land use and growth issues (including follow up to the ATLAS Study), and providing advisory recommendations to the NVTA members, as described in Attachment A.

Adopted by the Northern Virginia Transportation Authority, on this 12th day of July, 2007.

**BY** \_\_\_\_\_  
Chairman

**Attest** \_\_\_\_\_  
Vice Chairman

**Planning Coordination Advisory Committee**

Statute: *The Authority also shall have a planning coordination advisory committee, which shall include, but not be limited to, at least one elected official from each town that is located in any county embraced by the Authority and receives street maintenance payments under § [33.1-41.1](#).*

Charge: This committee of elected officials shall be responsible for advising the NVTA on larger policy issues related to the periodic update of the NVTA's Long Range Transportation Plan (currently TransAction 2030), and the development of NVTA's Six Year Program with consideration to regional transportation, land use and growth issues (including follow up to the ATLAS Study), and providing advisory recommendations to the NVTA members.

Membership: Elected officials who are not members of NVTA, including one member from the Towns of Dumfries, Herndon, Leesburg, Purcellville, Vienna, and any town that receives the specified street payment in the future; one member each from the Cities of Fairfax, Falls Church, Manassas and Manassas Park; two members each from the City of Alexandria and Arlington County; three members each from Loudoun and Prince William Counties, and four members from Fairfax County (23 members). Members will be appointed annually by their local governing bodies. The Chairman will be selected by the NVTA Chairman. Staff support shall be provided by the NVTA Executive Director or his/her designee.

Quorum and Voting: A quorum shall consist of a majority of the committee members. The committee shall strive for consensus when developing recommendations. In the event that consensus cannot be attained, approval of an advisory recommendation or other action shall require an affirmative vote of two-thirds of the members present representing two-thirds of the region's population. For purposes of such votes, town populations shall be subtracted from county populations and voted independently.

**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:** Appointment of Membership Recommendation for the Technical Advisory  
Committee (Agenda Item 4.E.)

**DATE:** November 30, 2007

**Recommendation:**

The Jurisdiction and Agency Coordination Committee recommends that NVTA approve a list of nine individuals (Attachment I) as members of the Technical Advisory Committee, and to forward these recommendations to the jurisdictions and the Chairman of the Commonwealth Transportation Board for their approval. *Note: Recommendations are still being developed and will be sent out prior to the December 6, 2007, NVTA Meeting.*

**Background:**

On July 12, 2007, the NVTA approved Resolution 14A-08 (Attachment II). This resolution established the charge, membership, quorum and voting requirements for the Technical Advisory Committee. NVTA's authorizing legislation requires that six of the members of this committee be appointed by the local jurisdictions and three of the members be appointed by the Chairman of the Commonwealth Transportation Board (i.e. the Secretary of Transportation).

NVTA has received over 20 nominations for the Technical Advisory Committee. These nominations were submitted by jurisdictions and interest groups. A summary list of candidates is attached. Resumes for these individuals were distributed at the November 8, 2007, NVTA meeting and are attached. No additional nominations have been received.

Mr. Christopher Zimmerman, Chairman  
Members, Northern Virginia Transportation Authority  
Page Two  
November 30, 2007

Jurisdiction and Agency Coordinating Committee members and I will be available at the December 6, 2007, NVTa meeting to answer questions.

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

Recommended Technical Advisory Committee Members

Recommended for Jurisdictional Approval

- ..
- ..
- ..
- ..
- ..
- ..

Recommended for Chairman of Commonwealth Transportation Board Approval

- ..
- ..
- ..

***Recommendations Pending***

**NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

**RESOLUTION 14A-08**

**ESTABLISHING THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY'S  
TECHNICAL ADVISORY COMMITTEE AND ITS CHARGE**

**WHEREAS**, the § 15.2-4837 of the Code of Virginia requires NVTA to establish a technical committee to “advise and provide recommendations on the development of projects as required by 15.2-4838 and funding strategies;” and,

**WHEREAS**, the NVTA will be developing projects and funding strategies for the periodic update of the Long Range Transportation Plan (currently TransAction 2030), and the development a Six Year Program; and,

**WHEREAS**, the NVTA anticipates having staff to support such a committee.

**NOW, THEREFORE, BE IT RESOLVED BY NVTA THAT:**

1. The NVTA does create the Technical Advisory Committee (TAC).
2. The NVTA does charge the TAC with reviewing the development of major projects and potential funding strategies and providing advisory recommendations to the NVTA members, as described in Attachment A. “Development of Projects” shall be defined as: the identification of projects for the NVTA long range transportation plan and the NVTA Six Year Program, and the application of performance-based criteria to the projects identified.

Adopted by the Northern Virginia Transportation Authority, on this 12th day of July, 2007.

BY \_\_\_\_\_  
Chairman

Attest \_\_\_\_\_  
Vice Chairman

**Technical Advisory Committee**

**Statute:** *The Authority shall have a technical advisory committee, consisting of nine individuals who reside or are employed in counties and cities embraced by the Authority and have experience in transportation planning, finance, engineering, construction, or management. Six members shall be appointed by local jurisdictions and three members shall be appointed by the chairman of the Commonwealth Transportation Board. The technical advisory committee shall advise and provide recommendations on the development of projects as required by § [15.2-4838](#) and funding strategies and other matters as directed by the Authority.*

**Charge:** This committee of citizens with technical expertise shall be responsible for reviewing the development of major projects and potential funding strategies and providing advisory recommendations to the NVTA members. “Development of Projects” shall be defined as: the identification of projects for the NVTA long range transportation plan and the NVTA Six Year Program, and the application of performance-based criteria to the projects identified.

**Membership:** As specified in statute. In addition, seek to balance highway, transit, pedestrian, and bicycle expertise. In general, the membership should also be balanced regionally. NVTA will recommend a list of members each year and submit that list to the local jurisdictions and the chairman of the Commonwealth Transportation Board for approval. Initially, half the locally appointed members will serve a one-year term. The other half will serve two year terms. Subsequently, the members will serve a three-year term. The members appointed by the chairman of the Commonwealth Transportation Board will serve three year terms. All members may be reappointed for additional three year terms. Locally appointed members may be removed by the Chairman of NVTA for failure to attend three consecutive meeting or if the member longer resides in an NVTA jurisdiction.

The Chairman will be selected by the NVTA Chairman. Staff support shall be provided by the NVTA Executive Director or his/her designee.

**Quorum and Voting:** A quorum shall consist of five members. The committee shall strive for consensus when developing recommendations. If consensus on recommendations can not be achieved, majority and minority reports that identify issues that need to be addressed shall be presented to the NVTA.



<b><u>Name</u></b>	<b><u>Affiliation</u></b>	<b><u>Resume</u></b>	<b><u>Experience</u></b>
Engin Artemel	Artemel International, Inc.	Bio	International planning and capital project development, financial packaging, and facilitating project implementation
Randy Boice	Johnson, Mirmiran & Thompson (JMT)	Yes	Highway planning; traffic engineering and management; traffic signals; Prince William County Mobility Committee for comprehensive plan update.
John Callow	Patton, Harris, Rust & Assoc.	Bio	Transportation planning; traffic engineering; parking studies, transit planning; land development
John DeBell	Burgess and Nipple, Inc.	Yes	civil engineering, land development; transportation planning and design; highway planning
Charles Denney	Alta Planning & Design	Yes	Bike, pedestrian
Robert Dunphy	Urban Land Institute	Bio	Transportation infrastructure; traffic, transit and parking issues; suburban development; growth issues
Douglas Fahl	Dewberry	Yes	Transportation planning; civil engineering; Governor's Transportation Accountability Commission
Thomas F. Farley			Highway planning and development; former VDOT Northern Va. District Administrator
Christine Finnie		Bio	Manassas Planning Commissioner; airline and travel experience; traffic safety
David R. Gehr	Parsons Brinckerhoff	Yes	Highway planning and development; transportation planning
William Lebegern	Metropolitan Washington Airports Authority	Yes	Airports; capital program development; TPB member
Jana Lynott	American Association of Retired People	Yes	Former NVTA ITC member; TransAction 2030; Bike; Pedestrian; transportation and land use planning; elderly transportation
Poul Hertel		Bio	Economics; land use and transportation; Alexandria Ad Hoc Transportation Committee
John McClain	George Mason University	Yes	Economics; regional planning; transportation policy; transportation/land use policy

**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 and Transient Occupancy Tax  
Collection Procedures in Certain Towns (Agenda Item 4.F.)

**DATE:** December 4, 2007

**Recommendation:**

The Jurisdiction and Agency Coordination Committee (JACC) and the Financial Working Group (FWG) recommend that NVTA approve, in substantial form, a Memorandum of Understanding to be used for certain towns in Loudoun and Prince William Counties who collect their own transient occupancy taxes. In addition, the JACC and the FWG recommend that the NVTA approve collection procedures for the transient occupancy tax in towns that choose not to collect the tax on behalf of NVTA.

**Background:**

On July 12, 2007, the NVTA approved the collection of a two-percent transient occupancy tax in the nine jurisdictions who are members of NVTA. On September 27, 2007, the NVTA approved a memorandum of understanding (MOU) with each of its nine member jurisdictions. All but one of the jurisdictions has countersigned its MOU with NVTA. It is expected that the final MOU will be signed prior to the NVTA meeting on December 6, 2007. Since September 27, 2007, staff of the Financial Working Group have confirmed that Loudoun and Prince William Counties do not collect the transient occupancy tax (TOT) in their towns. (Fairfax County does collect a transient occupancy tax in its towns). This will necessitate that each of the towns in Loudoun and Prince William Counties who have lodging establishments (hotels, motels, bed-and-breakfasts, etc) execute an MOU with the NVTA for collection of the tax or NVTA will need to collect the tax directly from the lodging establishment in any town who chooses not to collect the tax.

Mr. Christopher Zimmerman, Chairman

Members, Northern Virginia Transportation Authority  
Page Two  
December 4, 2007

There are four towns that have a local TOT tax and have lodging establishments:

- Leesburg (Loudoun)
- Lovettsville (Loudoun)
- Middleburg (Loudoun)
- Dumfries (Prince William)

Three towns have a local TOT tax, but none have any taxable establishments within their jurisdictions. Staff has discussed this issue with staff from these towns, so they are aware of NVTA's action. These towns are:

- Hamilton (Loudoun)
- Purcellville (Loudoun)
- Occoquan (Prince William)

Finally, there are four towns that do not have an existing TOT ordinance, and they do not have taxable establishments (according to staff research). Staff sent each of these towns an abbreviated e-mail to keep them informed:

- Hillsboro (Loudoun)
- Round Hill (Loudoun)
- Haymarket (Prince William)
- Quantico (Prince William)

The attached generic MOU is similar to the MOU approved on September 27, 2007,

If any of the towns choose not to collect NVTA's TOT, staff recommends that NVTA communicate directly with the lodging establishments in the town and direct the establishments to collect and remit this tax directly to NVTA's lockbox. Staff is already compiling a list of the affected establishments, in case it is needed.

Jurisdiction and Agency Coordinating Committee members, Financial Working Group members and I will be available at the December 6, 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**  
**Town of [Name]**

**December, 2007**

This agreement is made by and between the Town of [Name] and the Northern Virginia Transportation Authority (hereinafter NVTA).

**WHEREAS**, the Town of [Name] lies within the geographic boundaries of [County's Name], and whereas the County is a member of the NVTA and,

**WHEREAS**, the NVTA has duly adopted a 2% Transient Occupancy Tax that applies throughout all NVTA jurisdictions, including the towns therein and,

**WHEREAS**, it is the intent of the Town of [Name] to assist in the collection of the NVTA tax and 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 Town of [Name] 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 Town of [Name] agrees to serve as the collection agent of the Transient Occupancy Tax for hotels, motels, Bed & Breakfast establishments located within the Town on behalf of the NVTA, and,

**WHEREAS**, the NVTA Transient Occupancy Tax is not a receivable of the Town of [Name] and is not subject to appropriation authority of the Town, and,

**WHEREAS**, the Town of [Name] merely serves as the collection agent for this tax on behalf of the NVTA, and,

**WHEREAS**, the Town of [Name] 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, pursuant to 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 Town of [Name] 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 Town. The Town of [Name] 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, 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 Town of [Name] 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 Town of [Name] shall deposit such funds directly to the NVTA's private bank account. Alternatively, as a matter of customer convenience, the Town of [Name] 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 Town of [Name] 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 Town of [Name] agrees to provide the NVTA with a count of the hotels and motels remitting the NVTA Transient Occupancy Tax. The Town of [Name] 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 Town of [Name] agrees that if the Town 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."

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

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Chief Executive Officer of the**  
**Town of [Name]**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Commissioner of the Revenue;**  
**Treasurer; and/or Director of**  
**Finance, Town of [Name]**

\_\_\_\_\_  
**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 2008 Legislative Program (Item 5.A.)

**DATE:** Revised: December 4, 2007

#### **Recommendation:**

**The Jurisdiction and Agency Coordinating Committee recommends that NVTA approve the proposed legislative program and direct staff to transmit it to the Northern Virginia delegation of the General Assembly and Congress.**

#### **Background:**

In 2007, the General Assembly approved legislation (HB 3202) that resulted in increased transportation funding both in Northern Virginia and statewide. NVTA has been working to implement the Northern Virginia portion of the bill since April 2007. While the increased revenue is significant, it does not fully meet the needs of either Northern Virginia or the state. Various interest groups and individuals have expressed concern about different aspects of HB 3202. There will likely be attempts to modify or reverse portions of the bill during the 2008 Session. The Jurisdiction and Agency Coordinating Committee recommends that the transportation funding continue to be a major focus of NVTA's 2008 Legislative Program. Attached is a draft 2008 Legislative Program. Although the proposed program is similar to the 2007 Program, there have been several changes. These include:

- The deletion of a request to reinstate photo red enforcement authority, as the General Assembly accomplished this in 2007.
- The pedestrian safety position has been updated to reflect work that the local jurisdictions and VDOT have undertaken during the past several months. It still requests "stop for pedestrians" authority; and
- A position requesting authority to streamline the implementation of transportation projects has been added as the result of discussions by NVTA Project Implementation Working Group.

Chairman Zimmerman  
Member, Northern Virginia Transportation Authority  
Revised: December 4, 2007  
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Since NVTA is in the process of funding many of the projects from the priority project list adopted by NVTA in November 2007, and NVTA is in the process of developing its first Six Year Program, the Jurisdiction and Agency Coordinating Committee has not developed a new list of priority projects for this General Assembly session.

The federal legislative priorities are essentially the same as those included in last year's legislative program; however, the item on dedicated funding for Metro will be revised to include the principles adopted by the Northern Virginia Transportation Commission earlier this year.

Jurisdiction and Agency Coordinating Committee members and I will be available at the December 6, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Coordinating Committee

**Draft 2008 Legislative Program**  
**Northern Virginia Transportation Authority**  
**Updated: December 4, 2007**

State Legislative Items:

**Additional Transportation Funding**

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

Specifically, NVTa 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, NVTa 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).
- 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 \$190 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

Background: Northern Virginia believes that Virginia's transportation system continues to experience a major funding crisis. While the efforts of the General Assembly during the 2007 session of the General Assembly are significant and appreciated, the revenue raised will not completely solve the state's transportation problems.

NVTa TransAction 2030 Long Range Transportation Plan indicated that Northern Virginia needs approximately \$700 million (in 2005 dollars) per year in additional transportation revenues for the next 25 years to fully implement the projects included in the plan. The revenues provided in HB 3202 could generate up to \$550 million per year if all the jurisdictions adopt the commercial property tax for transportation at \$0.10 per \$100 valuation, if none of the statewide portions of the bill are repealed or reduced and if the revenue estimates prepared in April 2007 are achieved. None of these factors is assured.

Transit Funding

The State also has failed to pay the 95 percent of eligible transit capital costs that the General Assembly authorized. Although HB 3202 does provide increased transit funding by dedicating two cents of the state's recordation tax to transit, the decline in the real estate market may mean that



these revenues do not achieve the projection from April 2007. Even if they do achieve the projections, it is estimated that an additional \$190 million would still be need to fully eligible transit expenses at the 95 percent share permitted by law.

Northern Virginia strongly urges the state to aggressively promote and fund public transit and to provide equity in fundraising for each transportation mode. Greater funding and public awareness will help increase transit ridership and reduce roadway congestion. It will also help address the capacity constraints many Northern Virginia systems, particularly VRE, are experiencing due to increased ridership that has resulted from significantly higher gas prices.

A 2005 scientific poll conducted for NVRTA indicated that Northern Virginia residents are willing to pay for additional transportation improvements. Overall, respondents said they would pay more money to have their top transportation priority built. More than 85 percent were willing to pay more money to expand public transportation service and reduce crowding on Metro and the Virginia Railway Express.

### Base Realignment and Closure (BRAC) Commission Recommendations

NVRTA supports 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**

Position: The NVRTA supports revisions to Virginia's existing pedestrian law 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, NVRTA supports legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less. (*Reaffirms and revises previous position.*)

Background: 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. For several years, Northern Virginia jurisdictions and agencies have sought legislation that would require drivers to stop for pedestrians in a crosswalk at unsignalized intersections where the speed limit is 35 miles per hour or lower. This legislation passed the Senate, but was not approved by the House of Delegates.

During the past year, Northern Virginia jurisdictions have worked with the Virginia Department of Transportation to take a more comprehensive look at the existing pedestrian code. Language has been developed to clarify the responsibilities of drivers and pedestrians, as well as incorporate "stop for pedestrian" provisions.

### **Secondary Road Program**

Position: NVTA opposes any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. In addition, NVTA opposes any legislation that would require the transfer secondary road construction and maintenance responsibilities to counties. (*Reaffirms previous position.*)

Background: During recent General Assembly special sessions, legislation has been introduced to prohibit VDOT from accepting any new secondary roads into the state system for maintenance. The legislation is the result of a perception that a major reason VDOT's maintenance costs are increasing is that a significant number of new secondary streets are being added to the state system each year. While new subdivision streets are being added to the state system, this is primarily because the counties do not have the authority to deny applications for subdivision plats or building permit approval based on inadequate transportation or deny acceptance of streets that meet VDOT standards. While there is a need to better coordinate transportation and land use decisions, a moratorium on acceptance of secondary streets is not the answer. It would amount to an unfunded mandate on local governments.

In addition, members of the General Assembly and the administration have suggested that "devolving" responsibility for the entire secondary road system to counties would help address the coordination issues between transportation and land use. This approach is also flawed, because the main reason the state took over the secondary road system in the 1930s was to ensure that they were adequately maintained to a uniform standard. Prior to the state take over, the secondary system was not uniformly maintained and the condition of the roadway network was raising concerns about the ability to conduct commerce. Based on the current transportation funding shortfalls, it is unlikely that the state would provide adequate funding to counties to maintain their secondary systems. The counties would be required to supplement the state funds with their own general funds, primarily generated by property taxes. This approach would also be an unfunded mandate on local governments.

During the 2007 Session, the General Assembly passed legislation directing VDOT to develop new secondary street acceptance standards. VDOT is in the process of developing these standards. Until this process is complete and there is some experience demonstrating how these standards will work, additional legislation requiring devolution of the secondary road systems to counties should not be pursued.

## **Revenue Sharing**

Position: NVTA supports legislation that caps the state's revenue sharing program at \$50 M; streamlines the allocation process approved by the General Assembly in 2005 and clarifies that proffers can be used for the entire local match. (*Revises previous position.*)

Background: Prior to 2005, the state's revenue sharing program was open to only counties. The program was capped at \$15 million per year and each jurisdiction was limited to \$500,000 unless not all the \$15 million was requested. In 2005, the General Assembly opened the program to cities and town and for one year raised the program to \$40 million. The maximum award was \$1 million per jurisdiction. In practice, the maximum received was \$750,000, due to the number of requests. In 2006, the General Assembly amended the program to raise the funding level to \$50 million; however, the CTB has not been able to fund the program at the \$50 million level without jeopardizing the ability to match federal funds. In addition, the General Assembly added a set of prioritization criteria that appear difficult to administer. The General Assembly also added

language to limit the amount of local match that can come from proffers to 50 percent.

### **Transportation Efficiencies**

Position: NVTA supports legislation to enact efficiencies in the delivery of transportation projects, including increasing the limits on task order or “on-call” contracts for architectural and professional engineering services 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 highway construction projects that can be undertaken by local government employees from \$300,000 to \$1 million. (*Project Implementation Working Group recommendation*).

Background: As part of the implementation of HB 3202, NVTA’s Project Implementation Working Group considered ways to make the implementation of new transportation projects more efficient and cost effective. Two suggestions that require legislation relate to the legal limits placed on task order contracts for architectural and professional engineering services and the amount of highway construction work that can be performed by local government employees. Task order contracts improve government’s ability to implement projects quickly. They involve an up front procurement of specific services that a contractor provides without specifying individual projects. Specific task orders are authorized on an as needed basis. Since task orders do not require the jurisdiction to conduct a complete procurement process for every task, work can be undertaken much more quickly.

In addition, some jurisdictions have the resources to undertake construction of small highway projects with their own employees. Current law limits to size of these projects to \$300,000. This limit has not been raised recently. However, as the cost of highway projects increases, the scope of the work that can be undertaken by these employees narrows. The use of local employees in limited situations to implement small highway projects can allow such projects to be completed more quickly. NVTA is seeking an increase in this rate to \$1 million.

### Federal Legislative Items:

#### **Federal Funding for Metro**

Position: NVTA calls upon Congress to provide a minimum of \$160 million over the next four years to help the region fully fund the Metro Matters Program and provide \$144 million to assist Metro in increasing its security capabilities. In addition, the NVTA supports federal legislation to provide for Metro’s needs beyond the Metro Matters Program, pursuant to the principles adopted by the Northern Virginia Transportation Commission. These principles are:

1. Legislation should seek to establish a new partnership among the federal, state, and local governments of the region to sustain the metro system that is so vital to the interests of all.
  - ◆ As noted in the 2004 report of the “Blue Ribbon Panel,” the federal government is heavily dependent on Metro. About half the riders during peak times are federal workers; a substantial portion of the stations serve federal facilities; the system is vital to the functioning of Washington as a capital city, for both tourists and travelers who come to do business with the U.S. government.
2. Federal legislation should actually dedicate funds, not just mandate state/local dedication.

- ◆ This means that there should be a federal revenue source (or sources) that will generate funds that can exclusively be used to fund a federal share of Metro capital and operating expenses. (Simply establishing a funding authorization level subject to annual appropriations does not constitute a federal match.)
3. Direct participation by the federal government in the governance of WMATA must be based on participation by the federal government as a funding partner.
- ◆ As long as the federal government provides dedicated revenues for WMATA it should qualify for one board member. As it renews its funding, its vote on the board should also be renewed.
  - ◆ If the federal government agrees to participate as a full funding partner to the same extent as the current state and local partners, then the federal government should qualify for two voting members.

This represents approximately \$150 million in additional federal funding annually to meet Metro's unfunded needs to ensure that the system can continue to operate efficiently.

Background: The Metro Matters campaign identified \$1.5 Billion in urgent short term funding needs to keep the existing Metrobus, Metrorail and MetroAccess systems in a "state of good repair" and address ridership growth on the existing system. The program also includes funding for increased security measures. To fully fund the Metro Matters Program, the region needed an additional \$260 million in new federal funding and \$144 million for security measures over the next four years.

In addition to these short term needs, the recent Blue Ribbon Panel on Metro Funding identified an average annual shortfall in Metro funding of \$304 million per year from FY 2006 through FY 2015. This amount is above existing funding levels and the Metro Matters Program. The Panel recommended that half of this shortfall should be paid by the federal government. The Panel noted that during the peak-hour nearly half of Metro's riders are federal workers.

The reauthorization of the federal surface transportation program, called SAFETEA-LU, provided authorization for \$100 million toward the \$260 million requested from the federal government for the Metro Matters Program. In addition, Representative Tom Davis introduced legislation that would provide \$1.5 billion for Metro over a ten year period, if the region adopts dedicated funding for Metro and makes several changes to the Metro Compact. The legislation requires an equivalent \$1.5 billion non-federal match. Similar legislation was also introduced by Sen. Ben Cardin. This legislation pending in the House and the Senate.

### **Federal Funding for VRE**

Position: NVTa calls upon Congress to provide a minimum of \$50 million over the next six years to help the Commonwealth and the region fully fund VRE's locomotives. In addition, the NVTa supports

federal legislation to provide for potential growth of the VRE system beyond the current operating limitations. (Position being updated in conjunction with VRE staff).

Background: NVRTA has previously supported VRE's capital needs as identified within their Reauthorization submission. Since VRE has ordered 50 new Gallery style railcars to meet ridership demand, the new capital priority is new locomotives to replace the refurbished locomotives VRE has been using for 15 years. The reliability of these locomotives is declining. The locomotives are the most critical element of VRE's capital plan, and require immediate action to address ensure the reliability of VRE service. In addition, VRE's new bilevel coaches require more horsepower to operate them efficiently.

### **Funds for Transportation Emergency Preparedness**

Position: NVRTA calls upon Congress to provide increased security funding to local and regional transportation agencies in the metropolitan Washington area.

Background: In light of the heightened terror alert that applies to specific areas of the country (including Washington), and the fact that Washington will likely continue to be a potential terrorist target in the future, additional funding is needed for regional transportation communication and coordination to improve transportation providers ability to respond to a future terrorist attack. Metro's needs have been identified as part of the Metro Matters program, but the other transportation agencies' needs have not included.

### **Commuter Benefits**

Position: NVRTA supports legislation that would increase the level of tax-free transit benefits employers can provide to employees above the current \$105 per month, as a way to make transit service more attractive to commuters who currently drive alone. In addition, NVRTA supports legislation to permanently extend the current transit benefit to all branches of the federal government.

Background: As part of SAFETEA-LU Congress considered an increase in the level of tax free transit benefits employers can provide to employees above the \$105 per month currently authorized. However, the final legislation did not include any increase in these benefits. The current program has resulted in significant ridership increases for the Washington Metropolitan Area Transit Authority, the Virginia Railway Express and many local transit systems.

### **Amtrak Restructuring**

Position: NVRTA opposes legislation that shifts the funding responsibility for Amtrak services to individual states or coalitions of states. Under such scenarios, Amtrak would likely be forced to compete for already scarce transit funding. This would be detrimental to local transit systems, particularly if additional state funding for transit is not identified. In addition, NVRTA advocates that any Amtrak reauthorization legislation ensure continued VRE access to Washington Union Station and yards.

Background: The Bush Administration has developed a proposal for restructuring Amtrak that would divide Amtrak into three parts, a private operating company that would provide service to states and multi-state compacts, an infrastructure company to manage and maintain railroad corridors Amtrak currently owns, and government entity that would retain Amtrak operating rights over freight railroads and make them and the Amtrak name available to the states and multi-state

compacts. The proposal would shift significant funding responsibilities to the states and introduce competition for provision of service on many routes.

### **Funding for Construction of I-66 Truck Inspection and Weigh Stations**

Position: NVTA advocates that funding be included in the Homeland Security budget for these I-66 inspection and weigh stations.

Background: Currently, there are no Truck Inspection and Weigh Stations on I-66 between I-81 and the nation's capital. Consequently, trucks can approach the nation's capital from the west with much less scrutiny than trucks traveling along I-95, where Truck Inspection and Weigh Stations are already in place north and south of the capital. Homeland Security Act funding may be available for this project.

**7.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:** CY 2008 Meeting Schedule (Item 7.A.)

**DATE:** November 30, 2007

The Jurisdiction and Agency Coordinating Committee has prepared the attached calendar year 2008 meeting schedule for the NVTA consideration. The schedule generally adheres to the NVTA regular second Thursday of the month meeting date.

Jurisdiction and Agency Coordinating Committee members and I will be available at the December 6, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Coordinating Committee

Proposed CY 2008 Meeting Schedule  
Northern Virginia Transportation Authority  
Draft: November 30, 2007

January 10, 2008 – 6:00 p.m.

February 7, 2008 – 5:30 p.m. (Joint Meeting with NVTC in Richmond) VaCo/VML Day schedule

March 13, 2008 – 7:30 p.m.

April 10, 2008 – 7:30 p.m.

May 8, 2008 – 7:30 p.m.

June 12, 2008 – 7:30 p.m.

July 10, 2008 – 7:30 p.m.

August – No meeting

September 11, 2008 – 7:30 p.m.

October 9, 2008 – 7:30 p.m.

November 13, 2007 – 7:30 p.m.

December 11, 2008 – 7:30 p.m. (checking for potential NVRC conflict)



# 7.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:** Update on Fredericksburg Area Metropolitan Planning Organization  
Request (Item 7.B.)

**DATE:** December 4, 2007

Following the NVTA's November 8, 2007, discussion of the Transportation Planning Board (TPB)'s draft letter to the Fredericksburg Area Metropolitan Planning Organization (FAMPO) in response to FAMPO's request for an allocation of the Washington metropolitan region's federal transit assistance, Jurisdiction and Agency Coordinating Committee members communicated the NVTA's position to TPB staff. TPB staff is expected to revise the draft to reflect NVTA's concerns, and present the letter to the TPB for initial consideration on December 19, 2007. TPB is scheduled to take final action on the letter on January 16, 2008. When the revised letter is available, it will be circulated to the NVTA.

Jurisdiction and Agency Coordinating Committee members and I will be available at the Authority meeting on December 6, 2007, to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Coordinating 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:** 2007 Constrained Long Range Plan (CLRP) and FY 2008-2013 Transportation Improvement Program (TIP) Project Submissions for Air Quality Conformity Assessment (Item 7.C.)

**DATE:** December 4, 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

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.

Chairman Christopher Zimmerman  
Members, Northern Virginia Transportation Authority  
December 4, 2007  
Page Two

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 were scheduled to be available in November 2007 with final adoption of the TIP and CLRP in December 2007. TPB staff, upon consultation with the TPB Chair, deferred the release of draft results and final action on the CLRP, TIP and its air quality Conformity analyses by one month. TPB staff wanted to change the previously approved completion date for the Beltway HOT Lane project from 2010 to VDOT's latest estimate of 2013 and identified the benefits the additional time would provide TPB staff to complete the ongoing work on the iTIP software and various SAFETA-LU required additions to the CLRP documentation. The draft air quality conformity analysis and the final TIP and CLRP documents are expected to be released for public comment on December 13, 2007, and will be discussed at the TPB meeting on December 19, 2007. TPB is scheduled to take final action on the 2007 CLRP and FY 2008-2013 TIP on January 16, 2008.

At the same time, TPB has begun the process for the 2008 CLRP and FY 2009-2014 TIP. The process began 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, 2008, (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 11, 2008. To accommodate this earlier submission deadline, the Jurisdiction and Agency Coordinating Committee is recommending that NVTA only submit the first two and one half 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 December 6, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Coordinating Committee

**7.D.**

**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 7.D.)

**DATE:** December 4, 2007

VDOT submitted an FY 2007 TIP amendment to the Transportation Planning Board for approval in December. Copies of the amendment are attached. This amendment contains six projects. These projects are summarized below.

- Widen Median and Construct Pedestrian Crosswalk, Arlington County. This new project will widen the median and construct a pedestrian crosswalk on Sprout Run Parkway at Lee Highway. The proposed amendment will add \$93,000 to FY 2008 preliminary engineering and \$134,000 to construction using Federal Highway Safety Improvement Program funds.
- Construct Washington-Rochambeau Interpretive Marker and Signage, Fairfax County. This new project will construct an interpretive marker and signage on Old Colchester Road near Mason Neck West Park. Proposed amendment will add \$16,000 in FY 2008 preliminary engineering using the Federal Enhancement funds from FY 2008 allocations.
- Restore Taylorstown Store Visitor Center, Loudoun County. This new project will restore the Taylorstown Store and convert it to a visitor and travel information center. Proposed amendment will add \$5,000 in FY 2008 preliminary engineering using the Federal Enhancement funds from FY 2008 allocations.
- High Risk Roads, Districtwide. This new project will construct highway safety improvements which may include safety assessments, roadway shoulder improvements, traffic signals, rumble strips, and roadway lighting at various locations Districtwide. Proposed amendment will add \$106,000 in FY 2008 preliminary engineering using Federal Highway Safety Improvement funding.

Christopher Zimmerman, Chairman

Members, Northern Virginia Transportation Authority

December 4, 2007

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- Ballston Metrorail Station Access Improvements, Arlington County. This new project will construct access safety improvements at Ballston Metrorail Station. Proposed amendment will add \$1,000,000 in FY 2008 preliminary engineering and \$8,000,000 in construction using the Federal Congestion Mitigation and Air Quality (CMAQ) and Regional Surface Transportation Program (RSTP) funds from FY 2008 allocations and approved by NVTA.
- Pentagon City Metro Station, Hayes Street, Arlington County. This new project will construct facility improvements including new western elevator entrance to the Pentagon Metro Station at Pentagon City and 12<sup>th</sup> Street. Proposed amendment will add \$3,000,000 in FY08 preliminary engineering using the Federal CMAQ and RSTP funds from FY 2008 allocations.

Jurisdiction and Agency Coordinating Committee and I will be available at the December 6, 2007, NVTA meeting to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Coordinating Committee

November 29, 2007

National Capital Region  
Transportation Improvement Program Amendment

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

Dear Chairman Hudgins:

VDOT's Northern Virginia District Office requests amending the FY 2007-2012 Transportation Improvement Program (TIP) to add one urban project, two enhancement projects, one safety project, and two transit projects. All of the projects in this amendment are either exempt from air quality conformity analysis OR have been included in previous air quality conformity analyses OR are not regionally significant for air quality conformity purposes. VDOT requests this amendment be approved by the TPB Steering Committee at its meeting on December 7, 2007.

VDOT Urban Project:

- Widen Median and Construct Pedestrian Crosswalk, Arlington County. This new project will widen the median and construct a pedestrian crosswalk on Sprout Run Parkway at Lee Highway. Proposed amendment will add \$93K to FY08 preliminary engineering and \$134K to construction using Federal Highway Safety Improvement Program (HSIP) funds. Funding is from FY08 allocations.

VDOT Enhancement Projects:

- Construct Washington-Rochambeau Interpretive Marker and Signage, Fairfax County. This new project will construct an interpretive marker and signage on Old Colchester Road near Mason Neck West Park. The specific location along the highway has not yet been determined. Proposed amendment will add \$16K in FY08 preliminary engineering using the Federal STP Enhancement funds from FY08 allocations.

- Restore Taylorstown Store Visitor Center, Loudoun County. This new project will restore the Taylorstown Store and convert it to a visitor and travel information center. Proposed amendment will add \$5K in FY08 preliminary engineering using the Federal STP Enhancement funds from FY08 allocations.

VDOT Safety Project:

- HSIP High Risk Roads, Districtwide. This new project will construct highway safety improvements which may include safety assessments, roadway shoulder improvements, traffic signals, rumble strips, and roadway lighting at various locations Districtwide. Proposed amendment will add \$106K in FY08 preliminary engineering using Federal Highway Safety Improvement (HSIP) funding from FY08 allocations.

VDOT Transit Projects:

- Ballston Metrorail Station Access Improvements, Arlington County. This new project will construct access safety improvements at Ballston Metrorail Station. Proposed amendment will add \$1,000K in FY08 preliminary engineering and \$8,000K in construction using the Federal CMAQ and STP funds from FY08 allocations and approved by NVTA.
- Pentagon City Metro Station, Hayes Street, Arlington County. This new project will construct facility improvements including new western elevator entrance to the Pentagon Metro Station at Pentagon City and 12<sup>th</sup> Street. Proposed amendment will add \$3,000K in FY08 preliminary engineering using the Federal CMAQ and RSTP funds from FY08 allocations.

Upon approval of this amendment, please furnish copies of the approval to Ms. Jo Anne Sorenson (VDOT's Northern Virginia office) and to Mr. Chad Tucker in VDOT's Transportation and Mobility Planning Division in Richmond. Thank you for your consideration of and action on this request.

Sincerely,

Morteza Salehi  
Acting District Administrator  
VDOT – Northern Virginia District

cc: Ms. Diane Mitchell, VDOT-PD (w/ attach.)  
Ms. Deborah Grant, VDOT-PD “  
Ms. Jo Anne Sorenson, VDOT-NoVA “  
Mr. Bud Siegel, PE, VDOT-NoVA “  
Mr. James Zeller, PE, VDOT-NoVA “  
Mr. Dic Burke, VDOT-NoVA “



**NORTHERN VIRGINIA  
TRANSPORTATION IMPROVEMENT PROGRAM  
CAPITAL COSTS (in \$,1,000)**

PROPOSED TIP AMENDMENT - 12/7/2007

FY 2007-12

Changes to existing entries are noted in **bold**.

Agency Project ID	Facility, Location, Description	Phase	Prev	Annual Element	FY 08	FY 09	FY 10	FY 11	FY 12	Program Total FY 07-12	Funding Source	Funding Shares	
				FY 07								Fed/st/lo	
<b>VDOT Urban</b>													
86526	Facility: <b>Widen Median and Construct Pedestrian Crosswalk</b> From: <b>Sprout Run Parkway</b> To: <b>at Lee Highway</b> Jurisdiction: <b>Arlington County</b>	P.E.	0	0	<b>\$93</b>	0	0	0	0	<b>\$227</b>	<b>Fed - HSIP</b>	<b>80%</b>	<b>20%</b>
		ROW	0	0	0	0	0	0	0				
		Const	0	0	0	<b>\$134</b>	0	0	0				
		Description	Widen median and construct pedestrian crosswalk within cited limits.										
	Reason for Amendment	New project and adds \$93K to PE in FY08 and \$134 to CN in FY09 using Federal HSIP funds.											
	Air Quality	Project is categorically exempt from an air quality conformity analysis.											
<b>VDOT Enhancement</b>													
87452	Facility: <b>Taylorstown Store Visitor Center</b> From: To: Jurisdiction: <b>Loudoun County</b>	P.E.	0	0	<b>\$5</b>	0	0	0	0	<b>\$475</b>	<b>Fed - AC</b>	<b>80%</b>	<b>20%</b>
		ROW	0	0	0	0	0	0	0				
		Const	0	0	0	0	0	0	0				
		Description	Restore Taylorstown Store as a visitor and travel information center.										
	Reason for Amendment	New project and adds \$5K to PE in FY08 using Federal STP/EN funds.											
	Air Quality	Project is categorically exempt from an air quality conformity analysis.											
87451	Facility: <b>Washington-Rochambeau Interpretive Marker</b> From: <b>Old Colchester Road</b> To: Jurisdiction: <b>Fairfax County</b>	P.E.	0	0	<b>\$16</b>	0	0	0	0	<b>\$16</b>	<b>Fed - STP/EN</b>	<b>80%</b>	<b>20%</b>
		ROW	0	0	0	0	0	0	0				
		Const	0	0	0	0	0	0	0				
		Description	Constructs Washington-Rochambeau Interpretive marker and signage on Old Colchester Road.										
	Reason for Amendment	New project and adds \$16 to PE in FY08 using Federal STP/EN funds.											
	Air Quality	Project is categorically exempt from an air quality conformity analysis.											
<b>VDOT Safety</b>													
86659	Facility: <b>HSIP High Risk Roads</b> From: <b>Districtwide</b> To: Jurisdiction: <b>NoVA District</b>	P.E.	0	0	<b>\$106</b>	0	0	0	0	<b>\$106</b>	<b>Fed - HSIP</b>	<b>80%</b>	<b>20%</b>
		ROW	0	0	0	0	0	0	0				
		Const	0	0	0	0	0	0	0				
		Description	Construct HSIP safety projects NoVA District.										
	Reason for Amendment	New project and adds \$106K to PE in FY08 using Federal HSIP funds.											
	Air Quality	Project is categorically exempt from an air quality conformity analysis.											
<b>VDOT Transit</b>													
84318	Facility: <b>Ballston Metrorail Station Access Improvements</b> From: To: Jurisdiction: <b>Arlington County</b>	P.E.	0	0	<b>\$1,000</b>	0	0	0	0	<b>\$2,000</b>	<b>Fed - CMAQ</b>	<b>80%</b>	<b>20%</b>
		ROW	0	0	0	0	0	0	0				
		Const	0	0	<b>\$8,000</b>	0	0	0	0				
		Description	Construct access improvements at Ballston Metrorail Station.										
	Reason for Amendment	New project and adds \$1,000K to PE in FY08 and \$8,000K in construction using Federal CMAQ and STP funding.											
	Air Quality	Project is categorically exempt from an air quality conformity analysis.											
84292	Facility: <b>Pentagon City Metro Station: Hayes Street</b> From: <b>South Hayes Street</b> To: <b>at Pentagon City and 12th Street</b> Jurisdiction: <b>Arlington County</b>	P.E.	0	0	<b>\$3,000</b>	0	0	0	0	<b>\$1,000</b>	<b>Fed - CMAQ</b>	<b>80%</b>	<b>20%</b>
		ROW	0	0	0	0	0	0	0				
		Const	0	0	0	0	0	0	0				
		Description	Construct improvements to Pentagon City Metro Station to include new western elevator entrance.										
	Reason for Amendment	New project and adds \$3,000K to PE in FY08 using Federal CMAQ and RSTP funding.											
	Air Quality	Project is categorically exempt from an air quality conformity analysis.											

**Note:** The following funding definitions apply:

1. Fed BR is Bridge Replacement funds
2. Fed AC NH is advanced construction of NH funds.
3. Fed STP is Surface Transportation Program funds.
4. Fed DEMO is Federal Demonstration funds.
5. Fed HPD is TEA-21 High Priority

## 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 7.E.)

**DATE:** December 4, 2007

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

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

- On May 23, 2007, the Metropolitan Washington Area Quality Committee (MWAQC) approved an ozone SIP for the states and D. C. to submit to the EPA.
- This 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 December 2007.
- A PM<sub>2.5</sub> 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.

The Metropolitan Washington Council of Governments (COG) has established a Climate Change Steering Committee to review the amount of greenhouse gases (GHG), particularly carbon dioxide, generated by the region, and consider ways to reduce these emissions. The steering committee 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.

Mr. Christopher Zimmerman, Chairman  
Members, Northern Virginia Transportation Authority  
Page Two  
December 4, 2007

As part of these deliberations at the steering committee, the current and estimated future GHG contributions from transportation sector have been estimated by the TPB. Contributions from the other non-transportation sectors are expected to be developed.

The steering committee has also received several briefings on the impacts of climate change and best practices for reducing GHG. The steering committee has been following several pieces of federal legislation intended to address GHG. In particular, the steering committee supported federal legislation to increase motor vehicle fuel efficiency standards. The steering committee is working to develop baseline emissions, future targets and strategies for achieving those targets.

JACC members and I will be available at the Authority meeting on December 6, 2007, to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Coordinating Committee

# 8.A.

Dear NVTA Members,

I wanted to make you aware of a proposed change to the I-395-I-95 HOV lane operations.

Since 1982, the Commonwealth Transportation Board (CTB) has allowed **all traffic** to use a three-mile stretch of the southbound I-395 HOV lanes during the restricted hours of 3:30 to 6:00 p.m. Now that the Springfield Interchange Improvement Project is complete, the Virginia Department of Transportation (VDOT) is recommending that this section be returned to HOV-3 only. The Northern Virginia HOV Advisory Committee, the Virginia State Police, the Federal Highway Administration, and the Department of Rail and Public Transportation also support this recommendation.

The CTB is scheduled to vote on this proposal on December 13, 2007, and if approved, the change will be implemented in mid-January 2008.

## **Background**

Currently, non-HOVs are permitted to enter the HOV lanes at a slip ramp south of Duke Street (also known as Turkeycock) and continue to the Old Keene Mill Road exit or to the flyover to the general purpose lanes. This HOV exemption was instituted to allow traffic to bypass the congested Springfield Interchange general purpose lanes and helped smooth traffic flow through the area. With the completion of the Springfield Interchange Improvement Project, the difficult weave and merge in the general purpose lanes at the interchange no longer exists. Eleven lanes now accommodate the local and express traffic through Springfield, eliminating the general purpose lane congestion and the need for the HOV exemption.

The following information provides additional details surrounding this change:

- During evening HOV hours, about 2,500 non-HOVs use this section of the HOV lanes. An operational study demonstrated that impacts of this change on the regular travel lanes of I-395 would be minimal, as half of the diverted traffic is expected to use the regular through lanes and half the local lanes, exiting at Springfield. The peak vehicle volumes on the HOV lanes would drop by over 30 percent, while the peak vehicle volumes through the interchange would grow by about 8 percent. The traffic flow in the general purpose lanes may also improve due to the elimination of the diverge at the Turkeycock ramp and the merge back to the general purpose lanes at the flyover.
- Restricting non-HOV vehicles from the HOV lanes is an important component of managing traffic during the I-95 fourth lane widening project at Newington, scheduled to begin in early 2008. We will need all the HOV capacity we can make available to encourage drivers in the general purpose lanes to shift to transit or carpooling during construction.
- Operating this stretch of roadway as HOV-only will simplify HOV enforcement for the Virginia State Police, as the entire 28-mile facility will be HOV-only. This will also eliminate the unsafe practice of motorists waiting on the shoulders of the HOV lanes for the restricted period to end.
- This change will have a positive impact on carpoolers, vanpoolers, and transit users in the corridor, and will hopefully attract new users to the facility.
- VDOT has developed an extensive communications plan to implement this change, consisting of radio ads, press releases, the use of variable message boards and the 511 system.

If you have any questions or concerns you would like to discuss, please contact Valerie Pardo of my staff at (703) 383-2227.

Sincerely,

Morteza Salehi

Acting District Administrator

Northern Virginia District

Virginia Department of Transportation