



NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

The Authority for Transportation in Northern Virginia

MEETING MINUTES

Thursday, January 23, 2014

5:00 pm

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

Public Comment

- Chairman Nohe called the Public Comment Period to order at 5:04pm.
- Brian Fauls, Government Affairs Manager for Loudoun County Chamber of Commerce, addressed three points:
 1. Supported Loudoun's request for an additional six million dollars in FY2014 PAYGO funds for the Route 28 Hot Spot Project.
 2. Asked that as the Authority considers FY2015 projects, it makes congestion relief the highest priority.
 3. Asked the Authority to get members of the General Assembly to support the proposed Bi-County Parkway.
- David Birtwistle, CEO of Northern Virginia Transportation Alliance, made the following recommendations:
 1. Northern Virginia's regional transportation Authority must be regional-network focused.
 2. The Authority must recognize that jurisdictional benefits extend beyond jurisdictional borders.
 3. The Authority's regional dollars must be leveraged with state and local dollars.
 4. The Authority's Technical Advisory Committee is an important, untapped resource that must be utilized to its fullest potential.
- Anita Grazer, President of Committee for Dulles, urged the Authority to select and fund those projects that will provide the most effective means of reducing congestion and ease citizens' commute time. She emphasized:
 1. In first years focus should be on critical transportation projects for Northern Virginia that will reduce congestion quickly and for the greatest number of citizens.
 2. Projects that provide road links to transit stations should have a high priority.
- Jonathan Cox, senior executive with AvalonBay, spoke for the Tyson's Partnership. He requested that transportation dollars raised in Tysons be spent in Tysons.

Annual Organizational Meeting

I. Call to Order Chairman Nohe

- Chairman Nohe called the meeting to order at 5:13pm.

II. Roll Call Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Board Member Zimmerman; Chairman York; Chairman Bulova; Mayor Parrish; Mayor Silverthorne (arrived 5:38pm); Council Member Rishell; Council Member Snyder (arrived 5:30pm); Ms. Bushue; Mr. Garczynski.
- Non-Voting Members: Mrs. Cuervo; Ms. Mitchell; Mayor Umstatted.
- Staff: John Mason (Interim Executive Director); Michael Longhi (CFO); Camela Speer (Clerk); various jurisdictional staff.

III. Minutes of the December 12, 2013 Meeting

- Chairman York moved to approve the minutes of December 12, 2013; seconded by Mayor Parrish. Motion carried unanimously.

Action Items

IV. Election of Chairman and Vice Chairman Chairman Bulova/Mayor Parrish

- Chairman Bulova advanced the slate of Martin Nohe as Chairman and Bill Euille as Vice Chairman for CY2014, adding that this will provide some continuity during formative years to ensure the Authority's program continues in the smoothest way possible.
- Chairman Bulova moved the election of Martin Nohe as Chairman and Bill Euille as Vice Chairman of the Authority for CY2014; seconded by Mayor Parrish. Motion carried unanimously.
- Chairman Nohe thanked the Authority for their confidence in him.

V. Appointment of Towns' Representative Chairman Nohe

- Chairman York moved to appoint Kristen Umstatted as the Towns' Representative to the Authority for CY2014; seconded by Chairman Bulova. Motion carried unanimously.
- Chairman Nohe welcomed Mayor Umstatted back to the Authority.

VI. Approval of Work Program and Meeting Schedule for Calendar Year 2014
Ms. Backmon, Chair, JACC

- Ms. Backmon presented the CY2014 Meeting Schedule and Work Program. She noted that with the exception of February all meetings are scheduled for the second Thursday of the month and highlighted changes in proposed calendar from last meeting:
 - ✓ February 13 meeting moved to February 20 to allow staff enough time to receive the VDOT congestion analysis and to use that and data from TransAction 2040 to do project nominations to the Authority.
 - ✓ Added a meeting in May to allow enough time for the Debt Subcommittee to make recommendations regarding financial issues and bond recommendations for the Authority.
- Chairman Nohe clarified that we probably won't need both the June and July meetings. Ms. Backmon responded that depending on actions at the May meeting, either the June or the July meeting will be cancelled. Left both on calendar as placeholders.
- Chairman York clarified that June is a placeholder. Chairman Nohe responded affirmatively and added that there may be time sensitive issues with the bond issuance in either June or July. Ms. Backmon clarified that the date in June is June 12.
- Chairman Bulova expressed concern regarding the March and April meeting dates, stating that Fairfax and Loudoun counties are in public budget hearings during that time. April 10 is the last night of budget hearings for Fairfax. Chairman York added that March 13 is a budget work session for Loudoun. Chairman Bulova suggested that this could be resolved by waiting until budgets are adopted before implementing the schedule and leave meetings as the fourth Thursday. Chairman Nohe stated that he understands, but the challenge is that starting next month the Authority will need to be very involved in the HB599 process. He added that the Authority needs be directly involved in this and take it beyond the staff level. Chairman York suggested meeting during the day. Chairman Bulova suggested that April 17 would resolve her conflict. Chairman York suggested that March 20 would resolve his conflict. Chairman Nohe asked if changing these dates would create a conflict for anyone else. Ms. Rishell asked for confirmation that the meeting time will be 7pm. Chairman Nohe responded affirmatively. There was general consensus that the proposed revised meeting dates of March 20 and April 17 would work.
- Chairman York suggested the following year calendar be presented to the Authority by November. Chairman Nohe agreed this makes sense. He added that there was still a desire to hold monthly meetings in conjunction with NVRC meetings. He suggested that once the HB599 process is done, the Authority re-evaluate work load and may determine to go back to fourth Thursday meetings.
- Mr. Garczynski reminded the Authority that the April meeting of the CTB is April 16 and at the proposed April 10 meeting there was to be discussion about the testimony before the CTB. Chairman Nohe responded that normal practice is to send testimony out to members for comment prior to CTB meeting.

- Chairman York reviewed revised meeting dates:
 - ✓ February 13 moved to February 20.
 - ✓ March 13 moved to March 20.
 - ✓ April 10 moved to April 17.
 - ✓ June 12 is a placeholder.
- Chairman York moved to approve the CY2014 Meeting Schedule and Work Program with suggested changes; seconded by Chairman Bulova. Motion carried unanimously.

VII. Approval of Resolution 14-07: Increase in FY2014 PAYG Funding Allocation to Loudoun County Route 28 Hot Spot Improvement Project

Chair Zimmerman

- Board Member Zimmerman introduced Resolution 14-07 and explained that the item was discussed by the PIWG and is a result of doing this for the first time. The situation arose due to the difficulty of putting this together in a short time period. He added that there is remaining funding available to address the Loudoun request.
- Board Member Zimmerman moved to approve Resolution 14-07 to increase the funding allocation to the Route 28 Hot Spot Improvement Project from the remaining FY2014 NVTA Pay-As-You-Go funds in the amount of \$6,000,000; seconded by Mr. Garczynski.
- Chairman York thanked the Authority for this and explained that it will help solve a critical issue in that the Route 28 spot improvement is a regional project and is now pretty much fully funded to go forward.
- Motion carried unanimously.

VIII. Ratification of NVTA Employee Health Insurance Plan

Mr. Mason, Interim Executive Director

- Mr. Mason explained that the Authority had previously asked him to bring this item back to the Authority for ratification. After reviewing several options and looking at piggy-backing on several local jurisdictions' policies, which did not work, he has chosen to go with the Commonwealth's Local Choice Health Benefits Program (TLC). He explained that this is designed for agencies such as NVTA and that the cities of Fairfax, Manassas and Manassas Park use the TLC Program.
- Chairman York moved to ratify the Commonwealth of Virginia's Local Choice Health Benefits Program as the provider of health, dental and related benefit programs for employees of the Authority; seconded by Mayor Parrish. Motion carried unanimously.

IX. Approval of Transition of Working Groups

Mr. Mason, Interim Executive Director

- Mr. Mason stated that the staff has been working on the transition of working groups to committees. He summarized:
 - ✓ Three [OWG, POWG and LWG] have completed their activities and are ready to be dissolved.
 - ✓ FWG's actions continue. Suggested that when the Chair believes the Group's work is complete, the FWG can be dissolved.
 - ✓ PIWG needs more time for consideration on how best to move forward.
- Chairman Bulova moved to approve the dissolution of the Legal, Organizational and Public Outreach work groups and further moved that the Financial Working Group be dissolved when the Chair of that Working Group reports that the work of that Group has been completed and that the executive director report back at the next meeting with recommendation for the Program Implementation Working Group; seconded by Board Member Zimmerman.

(Council Member Snyder arrived.)

- Mr. Garczynski noted that this was discussed at the PIWG meeting last week. Stated it is imperative that there is more involvement from the sitting members of NVTAs as program implementation moves forward, because there will be decisions that the elected officials will need to be an important part of when decision time comes after the filter process has been completed. Chairman Nohe agreed that there needs to be more Authority member representation. This is going to require reshaping what the group is and does and it is unclear how this is going to work. With the departure of Chair Zimmerman, Chairman Nohe appointed himself as Chair of PIWG. He will propose a plan and envisions that the working group may not need to exist, because the Authority is the working group. Will take some time to turn current system into something that makes this work.
- Motion carried unanimously.

X. Approval of Future NVTAs Office

Mr. Mason, Interim Executive Director

- Mr. Mason explained that we have an opportunity for NVTAs to move with NVRC to new office space in the adjacent building. He highlighted benefits of this move:
 - ✓ Improved conference space that will hold up to 100 people.
 - ✓ Good opportunity to continue co-location with NVRC, noting that experience to date has worked well.
 - ✓ Rate is less than rate we are paying now and will have 5.5 month abatement. Anticipate some start-up costs and need an accounting

software platform, so have not decided whether to take abatement up front or over time.

- ✓ Lease will be for five years, renewable, which works nicely for potential next step to also co-locate with NVTC.
- Chairman Bulova asked how much more time is left on NVTC lease. Mr. Mason responded that it is greater than five years.
- Chairman Bulova moved that the Interim Executive Director be authorized to negotiate the future co-location of NVTA with NVRC in the building adjacent to current site and that the Interim Executive Director be authorized to sign a 5-year sublease with NVRC consistent with the parameters described in this memorandum [staff], subject to approval by Council of Counsels; seconded by Chairman York.
- Board Member Zimmerman commented that this is an unfortunate location for both organizations and is not easy to get to. Not accessible by transit which is not a good thing for a public agency.
- Chairman York stated that he appreciates Mr. Zimmerman's comments, however, we need to be responsible with the money that we have. This option affords us the opportunity to move into a location that has better conference facilities and will be better for public attendance. He mentioned there will be a shuttle from the Metro. In later years, might be able to work something that is directly on transit. Will still need to be able to park and this is not always easy in a dedicated zone for transit. He added rental costs will also be higher. Perhaps in the future there might be applications along a transit route that we might be able to negotiate something in a proffer to give us better rents and an affordable price to do this.
- Chairman Bulova asked if Mr. Mason could speak to issue of the shuttle or the opportunity for people to take public transit to meetings. Mr. Mason responded that there will be improved bus service and that NVRC is in discussions with the landlord to provide on-demand shuttle service to the Metro.
- Motion carried with eight (8) yeas and one (1) abstention (Board Member Zimmerman).

XI. Recruitment of Executive Director Mr. Mason, Interim Executive Director

(Mayor Silverthorne arrived.)

- Mr. Mason reviewed the report presented to the Authority. He mentioned the job description, coordination of the job description, search process and noted the application process.
- Chairman York moved to approve the proposed approach for recruitment of permanent executive director, associated job description and Chairman's

appointment of a Selection Committee; seconded by Mayor Parrish. Motion carried unanimously.

XII. Appointment of Executive Director Search Committee Chairman Nohe

- Chairman Nohe stated that this process, by its nature as a personnel matter, has to be confidential, but needs to be transparent to the Authority. Any Authority member who would like to be on the search committee and can commit to being at all the various gatherings that will be necessary can serve.
- Chairman Nohe appointed Mayor Parrish as Chairman and appointed Chairman York, Miss Bushue, Board Member Hynes, Council Member Snyder, Chairman Bulova and himself to the committee.
- Chairman Bulova added that this is the search committee and all members will have the opportunity to interview final candidates, then the Authority will collaborate to make the appointment of the permanent director. Mayor Parrish responded that that is his expectation.
- Mayor Parrish requested that committee members look at calendar dates. He noted this is a short timeline with February 17-21 to review applications. He suggested scheduling an application review date. Brief discussion followed. Chairman Nohe asked if resumes would be received that quickly. Mayor Silverthorne responded that they will. Mr. Mason answered that our recent hiring experience indicates we will get prompt responses. Mayor Parrish suggested that the committee will meet at 5:30pm on February 20, prior to the NVTa meeting. Mr. Mason responded that staff will provide a summary sheet on each candidate prior to the meeting. Mayor Parrish clarified that this meeting will be to review the short list and identify the candidates for interviews. There was general consensus to meet on February 20 at 5:30pm at the NVTa offices.

Information/Discussion Items

XIII. Legislative Update Chairman Nohe

- Chairman Nohe stated that there are several bills that have been filed in the General Assembly this year that would have some direct impact on NVTa. Six of those were heard this morning in subcommittee. Chairman Nohe was there to testify, as well as jurisdictional staff. All six bills were tabled. Tabled does not mean they are dead. He stated his comments on all bills generally centered around, “Any change to the Northern Virginia component of HB2313 could have the impact of calling into question our bond validation.” Chairman Nohe commented that one of the bills would have doubled the number of the General Assembly legislators on the Authority. The chair of the subcommittee stated that he is all for increased legislative oversight of anything, unless Mr. Nohe tells him that it is going to create a problem for him to do the job the General Assembly gave him. Chairman Nohe added that it was a good discussion and that he believed the committee

members universally understood the challenges NVTA is up against. A remaining issue is that next week the same committee is taking up HB2, which is the Speaker's transportation bill. It is designed to be an omnibus bill that will be amended several dozen different ways to take up all issues that might clean up any transportation legislative issues that may arise. Some of these issues may come back as amendments to that bill. Ms. Dominguez and others will be monitoring that closely. Chairman Nohe added that the committee requested he come back next week to be part of that discussion. He believes NVTA will be well represented and that there seems to be a high level of open-mindedness to our concerns.

XIV. VDOT Update

Ms. Cuervo, District Administrator

Ms. Cuervo presented the VDOT Update and highlighted:

1. VDOT will review 40 projects.
2. Will seek support from the CTB for additional funds to do another 25-40 in the following year.
3. Working with stakeholders on the measures of effectiveness. Have received the PIWG comments.

Returned to Legislative Update

Chairman Nohe

- Mr. Garczynski stated that although NVTA has not been directly concerned with the Bi-County Parkway, it has been a hot issue at the legislature, at VDOT, with candidates for Governor, etc. Delegate Hugo is against the Bi-County being funded or supported, on a public relations basis, and has some amendments to the budget bill. While he should not be denied the right to propose those amendments, Mr. Garczynski suggested a dangerous precedent is being set that an individual legislator is going after a specific project to try to have it defunded. He added he believes this puts us at risk for not the Bi-County itself, but any particular project. He suggested NVTA should take this into consideration, oppose those amendments to the budget bill and watch it carefully. If that were passed, next might be an I-66 project that someone doesn't like and will stop that funding. Chairman Bulova stated that the issue is with the mechanism. Chairman York responded that he appreciated Mr. Garczynski's concern, but he hoped that NVTA would not get involved in the Bi-County issue that is going on between Loudoun, Prince William and some of its delegation. Obviously we don't meet until next month; perhaps staff could come up with language under the guise of opposing the mechanism. Mr. Garczynski added that his concern is the precedent. Chairman Bulova agreed that it is not about supporting or not supporting the Parkway, it is about the mechanism of trying to impact a transportation project by tucking it into the budget. She agreed with Chairman York and Mr. Garczynski and stated that if others are in agreement, she would support asking staff to draft language for the Authority to express concern about using a mechanism such as the budget for dealing with a transportation project. Mayor Parrish agreed,

but suggested we find a way to get that information to the appropriate place sooner than a month from now. Mr. Biesiadny responded that the budget will be the last thing that the General Assembly acts on before crossover and then the last thing that they act on in the session. He suggested staff could draft some language based on this discussion and present it to the Authority at the February 6 meeting in Richmond. Mr. York asked when crossover time was. Mr. Biesiadny replied he believes it is around February 10. Chairman Nohe stated that there may not be a quorum at the Richmond meeting. He directed staff to draft language and distribute to members by email, receive markups (as with CTB testimony), take input and come to agreement. Then can have staff recommend a strategy about how to communicate that point. He added that it is important to make sure the Authority does not get dragged into the Bi-County Parkway debate. He stated that he gets asked why NVTA has not taken a position on this issue. His response has been that NVTA has a list of over 200 projects that need to be funded and cannot spend all its time on a project that has not even been adopted by the CTB. He added that NVTA has been praised for this stance. Chairman York clarified that the Parkway has not been adopted as a project to be funded, but it is in 2040 plan. Chairman Nohe replied that it is one of the 200 projects, but that there has been some concern we could get bogged down and frankly if you live in the central or eastern part of the region, you are not paying much attention to this issue.

- Chairman Nohe introduced Resolution 14-08. He stated that one of the pieces of legislation that would affect the NVTA has been filed but is not scheduled for a hearing yet. It is a bill by Delegate Albo that would legislatively place certain restrictions on how we enter into agreements for projects or systems that go beyond the NVTA area. This would most specifically apply to Metro and VRE, but there could be others as well. Chairman Nohe recommended that the Authority consider this resolution which appeared to be completely consistent with existing NVTA policy. It is our policy because we have interpreted it to be what is already existing in law. Delegate Albo would like an affirmation of this position. Delegate Albo is sympathetic to NVTA's desire that the bill, HB2313, not be tinkered with and therefore said that if we will pass this resolution, which Council of Counsels has vetted already, he will withdraw his bill. This will solve his problem and solve our problem at the same time. The purpose of this is to merely state that when NVTA is providing funding to a project or system that involves partners outside of the region, we will not provide funding that serves to subsidize those jurisdictions that are not members of NVTA. We cannot let Maryland off the hook for their funding if we are funding something for Metro, or Fredericksburg off the hook for their share if we are funding a VRE project. Chairman Nohe acknowledged that this could be addressed at the next meeting, but the longer Delegate Albo's bill works its way through committees, the more attention it will get that neither he nor we want it to have.
- Chairman Bulova asked if Council of Counsels would like to speak to the issue. She acknowledged that this has been a difficulty for trying to fund

VRE, for instance rail cars when the rail cars are running to Fredericksburg and Spotsylvania and back. She stated that we [VRE] have decided not to go there right now while we are trying to sort this out.

- Ms. Posner stated that there are two interrelated issues being addressed. The first is a concern of Virginia, generally, and these jurisdictions, that collateral funding going forward that Virginia would send its money over and let it sit in Metro's funds waiting for the District of Columbia and Maryland to fund their portion. So, one issue they wanted to address is essentially that no Virginia funding from NVTA would go to Metro until there was a commitment from Maryland and the District of Columbia to fund their portions. The second issue was more on a project basis. Any external funding partner, whether revenue sharing or any type of member, there is an external funding that needs to be matched, that that external funding is committed or available before any NVTA money goes out. So that if NVTA is funding half a project and the partner is just applying for their grant. NVTA money is already out there. This resolution is designed to address both of these situations and those situations were raised as concerns by Delegate Albo and others.
- Chairman Bulova asked for clarification that Council of Counsels is comfortable with this. Mr. MacIsaac responded that the critical issues are:
 1. We have to make sure legal requirements are satisfied. This resolution recognizes we will have occasions when we are funding a project that is part of a larger project; rolling stock for VRE and Metro are classic examples. This recognizes the possibility that we might be funding projects like that, or funding a piece of it. If you look at the actual resolve clauses, item one introduces a concept we have been talking about, but haven't officially done anything about. It is the idea that assuming the project is something we can fund, the extra-territorial funding partner has to pay its appropriate, respective proportional share of the project, commensurate with the benefits they are going to get. This will be something we work out among us, so it will be a deal-by-deal kind of thing. As the attorneys we think that is an OK thing, understanding that, of course, legally we have to make sure the legislative requirements are being met.
 2. The second part is Delegate Albo's language and we are not entirely clear what this means. We think we are going to know when we see it. There may be situations where another funding partner essentially owes NVTA member jurisdictions some money, whether through an actual payment or a credit of some sort. This provision is designed to make clear that in no way should NVTA money be used to supplant what the extra-territorial funding partner was supposed to be giving to the NVTA member.
 3. He concluded that the rest is fairly straight forward.
- Board Member Zimmerman stated that if the attorneys say this is OK and if we should do this because it solves a legislative problem, he is inclined to support it. He added he is not clear what problem someone is trying to solve. What is the fear if, let's say, Metro has a plan to expand service or replace system rail cars and there's a Virginia portion that will be covered and this is

an obvious mechanism through which our mutual funds can meet that mutual transportation need. We are not going to pay for rail cars if the other partners are not putting up their share. We have been doing this for 40 years. Everybody pays their portion. It is by formula. We know what it is and they don't get bought unless everybody is in on it because you can't go forward. It is not clear to me how we would wind up with a problem here. Obviously none of us want Virginia taxpayer dollars to be subsidizing the people on the other side of the river, but that has been true all along.

- Mr. Garczynski asked if this issue had derived from a maintenance yard that might be built in Spotsylvania. Chairman Nohe responded that it was probably rail cars. Mr. Biesiandy responded that what generated the concern of Delegate Albo was that on July 24, one of the projects the Authority approved was to upgrade the traction power substations on the Orange Line for eight car trains. It was never envisioned that that would be done in isolation and that Maryland and the District would not participate in their share of that. However, it may have been misinterpreted. Delegate Albo's bill originally came out saying that NVTA could only put money into things at Metro if the shares were equal. That would be an increase in the bill for Virginia because we only pay about 22-23% of the total of Metro's capital bills. So we clearly wanted to explain to him that what he was proposing was detrimental to Northern Virginia, but what he was getting at was he did not want Virginia to put their money in without the District and Maryland also contributing. There was never any intent to do that.
- Board Member Zimmerman commented that there was a Metro Board representative in the room. Ms. Hynes stated that the Metro Board passed a similar resolution that acknowledged that NVTA monies have to be treated absolutely in concert with the law. The Metro Board tied this funding to the next Six-Year Plan, which Metro will adopt later this year. If the items NVTA funded in 2014 are not included in the plan, then the money will come back to NVTA, but she stated that she fully expects both of them to be included in the plan. The Metro Board is trying to stay in step. Maryland and the District are still working out what their capital contribution is going to be moving forward. The Metro Board understands and is trying to be as respectful as it can. She stated that she has some concerns with the language that Delegate Albo inserted in #2 that does raise a question. Currently the Virginia bill comes in as Alexandria, Arlington, Fairfax, etc., which is how much we owe. NVTA would be able to help off-set some of those costs, but this language might suggest we need to create an NVTA possibility line in order not to violate perhaps what Delegate Albo is saying. She suggested we could figure that out later. She added she does not want the jurisdictions to assume the whole amount and not be able to access NVTA funds for legitimate regional improvements to WMATA.
- Council Member Snyder suggested a revision in the Resolve section to add proportionate to the phrase "appropriate, respective share" to make it parallel to wording in #1. He asked Council why we need appropriate, respective proportionate share or appropriate, respective share, which suggests an

objective test. Why not make this purely subjective on whatever NVTA agrees to. That will give us maximum flexibility. He added that if we have to provide some additional language, then he was fine with that. Mr. MacIsaac responded that Council Member Snyder's suggested wording would be fine, but that this wording has been drafted so much with Delegate Albo that he was concerned about making changes. However, he agreed that #3 should be changed to add "proportionate." He added that the key to Council is that this will be on a basis agreed upon by NVTA, so we are going to work this out. It is not going to be an objective formula where you know what it is immediately.

- Council Member Snyder asked if Council [of Counsels] believed that even though we have put an objective test in, that on the basis agreed upon by the member localities or agreed upon with NVTA, that we are making that subjective and we are not subject to someone saying that was not an appropriate share. He added he believed the intent was to have NVTA determine what that is, and he wanted to be sure from Council that this language does not give a third party the opportunity to challenge the agreement on the basis that it was not objectively appropriate. Mr. MacIsaac responded that we always run that risk. We may be challenged on anything we do. He added that the concern is with regard to benefits derived from the money. That this is a legislative problem that we have to make sure we pay attention to. He does not think NVTA has complete discretion as to how these proportionate shares are determined, there is no particular science to that and we will have to work through it, guided by the legislation that exists.
- Chairman Nohe added that his conversation with Delegate Albo addressed the points brought up by Ms. Hynes and Council Member Snyder. To the extent that this may be driven by a lack of trust, he does not believe it is a lack of trust of the Authority, but a lack of trust of our extra-territorial partners, and lack of trust may be too strong a word. There was no suspicion that we are not able to comport with the law within Planning District 8. The question is whether folks outside of Planning District 8 understand that we are going to comport with the law. Chairman Nohe stated that he asked Delegate Albo what in the resolution says that we are going to do anything that we are not already compelled to do under HB2313. The answer was that was not his intent. To the point that we break the money into the District of Columbia versus Maryland versus Virginia, or we break it Northern Virginia versus Fredericksburg, then there is the second question. Is it Alexandria or Arlington or Fairfax's money? There did not seem to be any concern that we would not be able to manage through that because we are guided by existing law and existing policies. He did agree that this is a solution in search of a problem.
- Chairman Bulova stated that if this is what Delegate Albo needed to raise his comfort level, that if we are all being perfectly clear with being consistent with HB2313 and if our extra-territorial neighbors understand that, and if Council feels that this is not harmful, she moved to adopt the resolution.

- Chairman Bulova moved to adopt Resolution 14-08: Northern Virginia Transportation Authority (“NVTA”) Policy for Use of 70% Funds under 2013 Va. Acts Ch. 766 Regarding Funding of Projects Undertaken by NVTA or on its Behalf with the District of Columbia, Virginia, any other State or a Political Subdivision thereof, or The United States Of America, with style change in Resolve section and spelling out WMATA and VRE; seconded by Mayor Parrish. Motion carried unanimously.

XV. HB 2313 Funding Status Mr. Longhi, CFO

- No verbal report

XVI. Financing Status Mr. Longhi, CFO

- No verbal report

XVII. Operating Budget Report Mr. Longhi, CFO

- No verbal report

XVIII. Executive Director’s Report Mr. Mason, Interim Executive Director

- No verbal report

Reports from Working Groups

XIX. Organizational Working Group

- No report

XX. Financial Working Group Chair Euille

- Mr. Biesiadny presented the FWG report and highlighted that the FWG is working the agreements between the Authority and VDOT and DRPT. He stated that they have conceptual agreement on the issues, including the Authority funds being matched by both VDOT and DRPT. Will bring agreements back at the March meeting.

XXI. Project Implementation Working Group Chair Zimmerman

- Ms. Fioretti reviewed the PIWG report, highlighting:
 1. Discussed the criteria that will be used to package and review the projects that PIWG will bring before the Authority to recommend for submission to the VDOT process.

2. Discussed the project selection criteria that will be used to screen and prioritize the projects that are submitted for the Authority's 2 ½ year Six-Year Plan process.
- Board Member Zimmerman noted that there was an issue raised at the PIWG meeting as to what happens in between approval of the plan and the next scheduled re-examination. He asked Council Member Rishell to address the issue.
 - Council Member Rishell recommended that the NVTa consider approval of amendments to the TransAction 2040 Plan for the purpose of adding worthy projects that were perhaps on the 2030, but did not make it onto the 2040 for some unforeseen strange reasons. She added that this is by no means a request for funding. There are no assumptions that a project will be chosen, amending into the 2040 would simply mean that it was a worthy project and through the amendment process would be placed into the 2040.
 - Mayor Parrish commented that he did not know what that process would be.
 - Ms. Backmon stated that this had been discussed at JACC meetings and the JACC had concluded that the Authority would have to update or not update the plan. Adding projects requires a model run and advertisement of the projects, as required per the NVTa long-range plan update. She noted that if the Authority wanted to do an update now versus what staff recommended, which was that staff come to the Authority in the fall for approval of funding and then give approval for staff to do the RFP. The JACC suggested amending the plan is not feasible.
 - Board Member Zimmerman added that it had not previously contemplated a process for consideration of a change in between rerunning the model and redoing the plan. There are a set of issues that would have to be considered in devising such a process, including whether or not the Authority thinks it is a good idea. He suggested this is something that the Authority will have to think about. There may be a good idea that should be in the plan and someone would like to see it added before the plan gets redone, but whether or not it makes sense to have a process that allows that to go forward as opposed to waiting to get in the cycle, that is not an easy question to answer. He suggested that Ms. Rishell is making a specific request, but it has an implication for a more general answer that has to be given. He suggested the Authority will have to collectively think about this.
 - Ms. Rishell asked for a good reason why the Authority would not want to have an amendment process.
 - Chairman York asked that if we had an annual or an every two year process, what kind of staff time would that take. Ms. Backmon responded that that depends on what kind of process is established, but it is a significant amount of staff time. It will depend on how detailed the amendment process should be, for example would the Authority want to have a feedback loop after the model is run. There will need to be public comment and public feedback, which will have to be taken into consideration. Have to engage the TAC and the PCAC. Ms. Backmon suggested it is a decent effort.

- Ms. Rishell stated that it is her understanding that VDOT already has a tremendous amount of congestion data to look at to determine whether a project that was on the 2030 plan would warrant the placing of that project on the 2040 plan.
- Chairman York asked that staff outline a process. He suggested we need to be able to amend our comp plan in between normal cycles, but also understand the issues of doing that.
- Ms. Bushue asked when was the 2040 plan was adopted. Board Member Zimmerman responded December 2012.
- Ms. Bushue asked about the cycle timing. Ms. Backmon responded that based on the calendar year work plan, the process would be initiated toward the latter half of this year.
- Chairman Nohe added that one challenge faced when developing the 2040 plan was that the Authority agreed to only spend half-a-million dollars to develop the plan, instead of 1.5 million. At the time, there was no HB2313, but every penny spent running models is a penny not spent on roads. Whatever the recommendation is, we also need to have an understanding of the cost.

XXII. Public Outreach Working Group

- No report.

XXIII. Legal Working Group

- No report.

Adjournment

- Ms. Rishell asked about the expected report regarding members of the PCAC. Mr. Mason responded that this has not been sorted out yet.

XXIV. Chairman's Comments

- Chairman Nohe noted this was Board Member Zimmerman's last meeting. He commended him for being the longest standing member of this committee [NVTAA] and for having perfect attendance since the day this committee was created. He said, "It is difficult to believe that we would be where we are now, an agency responsible for 300 million dollars in transportation funding, for which we have been fighting for 12 years . . . I don't believe we would be where we are, if were not for the tremendous effort Chris, that you have put into ensuring that our friends in the General Assembly understand the critical nature of dedicated funding for transportation in Northern Virginia and the commitment that you have shown in this process since before the days the word "Transaction" was ever said out loud. In presenting Board Member Zimmerman with a certificate of appreciation, he added, "While this

certificate seems incredibly inadequate, it is appropriate in so far as there is no expression or physical gift we could give you that would properly demonstrate the appreciation that we all feel and that everyone involved with transit in Northern Virginia feels for you and the appreciation we have for all the work you have done. On behalf of a grateful Authority and a grateful region, Chris, thank you for all have done.”

- Board Member Zimmermann remarked, “It has been one of my great joys in my life as a public official to be able to be involved regionally on issues that I have some passion for, with other people who share a passion for them, who represent places different than mine, who have a lot of views that are different than mine and to have found so many times over the years how possible it is for people to come together to solve problems in common, notwithstanding all those differences. The work that has been involved here since the old TCC, which I believe David served with me on that, and the Barry Commission, which I don’t know if there is anyone else in the room [that served on it], which led to the creation of this and from day one on this, which I believe Hal [Parrish] was on and Scott [York] was on and Dave [Snyder] was on, I think were the originals. When we had an initial meeting, it was at Falls Church City Hall in 2002. Through all of this it has really been a wonderful experience to work with so many people, elected officials and also staff people from all over the region and I have been very lucky, both in the colleagues I’ve had and the tremendous staff people who I have worked with. Arlington has contributed some great folks over the years to this. Ms. Fioretti is our current offering, but so have all the other jurisdictions. I see Mr. Biesiadny there who has been through so much of this and with whom I have had the opportunity to work with for so long. I can’t tell you how much it has meant to me to be part of this and my biggest disappointment as an elected official, I think, was what resulted in 2008 when we had the rug pulled out from under us after we had done so much and brought so many folks together. That might have been the end of that, but as it works out, in what is to be my last year in office, we got to start all over again and to take it out of mothballs and it means all the work we did then, instead of being for nothing, actually turned out to be really important. I thank all of you who have been a part of that and who have been a part of my life over these years. I hope you will all keep in touch. Thanks very much.”

XXV. Adjournment

- Meeting adjourned at 6:32pm.