

**SUMMARY MINUTES
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

May 8, 2008

**Fairfax City Hall
Fairfax, Virginia 22030**

NVTA Members Present:

Voting Members:

Christopher Zimmerman, Chairman	Arlington County
Martin Nohe, Vice Chairman	Prince William County
Gerry Connolly	Fairfax County
Judy Connally	Governor's Appointee (CTB)
William Euille	Alexandria
Jeffrey Frederick	House of Delegates
Robert Lederer	City of Fairfax
Dan Maller (alternate for Mr. Snyder)	Falls Church
Sharon Pandak	Governor's Appointee
Harry J. Parrish, II	City of Manassas
Bryon Polk	City of Manassas Park
Mary Margaret Whipple	Virginia Senate
Scott York	Loudoun County

Non-Voting Members:

Corey Hill	DRPT
Robert McDonald (alternate for Mr. Salehi)	No. Va. District, VDOT

Staff:

John Mason	Executive Director
Jurisdictional Staffs and Clerk	

Item I: Call to Order

Chairman Zimmerman called the meeting to order at 7:34 pm.

Item II: Roll Call

The roll was called and members present or absent were noted for the record. Note: Ms. Whipple was not present for roll call but arrived shortly thereafter.

Item III. Minutes for Meetings of April 10, 2008

Mr. Parrish moved to approve the minutes for the meeting held April 10, 2008. The motion was seconded by Mr. Connolly. The motion carried unanimously.

Item IV: Approval of Testimony for CTB Hearing

Ms. Ashby introduced Mr. Foster (PRTC) who gave a brief overview of the proposed Commonwealth Transportation Board (CTB) testimony on May 14. Mr. Foster spoke about the background of NVTA, providing a snapshot of NVTA activities and milestones from 2002-2008. Mr. Foster noted that Town of Purcellville and Town of Dumfries were added to the partners list (on graphic). Mr. Foster continued with an overview of the “Eight Principles” previously adopted by NVTA.

Mr. Connolly announced that the Fairfax County Board of Supervisors adopted “Eight Principles” in a recent meeting.

Chairman Zimmerman noted that Northern Virginia Transportation Commission adopted as well.

Mr. Foster continued, noting that the EPA [Environmental Protection Agency] has announced more stringent air quality standard for ground-level ozone. These new ozone standards will result in more Code Red/Orange alerts.

Mr. Foster focused on the economic factors graphic (slide 7) that showed the contrast between population, VMT, registered vehicles and state road miles increasing while purchase power and gas tax value are decreasing. Mr. Foster spoke about the obvious need for funding, to include a possibility of a gas tax increase. Mr. Foster responded to a concern from Mr. Maller regarding an additional bullet point to address other consequences to these activities. Mr. Foster proposed inserting another bullet point item regarding traffic congestion. One proposed statistic could state that “traffic congestion costs approximately 38 hours of delay for the average urban motorist in Virginia.”

Chairman Zimmerman requested that the wording be discussed after the conclusion of the presentation.

Mr. Foster briefly reviewed the bullet points concerning opportunities for CTB. He noted the loss of NVTA funding and reduction of secondary road maintenance funding. Mr. Foster reiterated that it was critical to ensure that Northern Virginia continues to receive its share of transportation funding, using the existing formulas.

Mr. Foster stated there is an appreciation for the state working with local governments to develop an enhanced transit plan for the I-395/I-95 corridor, however it is urged that the state proceed carefully to ensure that the HOT lanes continue to function efficiently, facilitating the maximum person throughput.

Mr. Foster noted the request for completion of outstanding project deliverables that include the Bus-only Lane Study, Safety Study, and Vehicle Speed Maintenance agreement.

In conclusion, Mr. Foster reiterated key points from the presentation, to include a statement that NVTA is ready to begin implementing transportation projects with our local and regional partners; however, transportation funding must be restored.

Chairman Zimmerman stated that the intention is to approve testimony for submission.

Mr. Connolly moved to approve the draft testimony, which was seconded by Mr. York.

Chairman Zimmerman clarified that whatever is approved will be presented in writing and that he will provide summary.

Chairman Zimmerman then opened the floor for comments.

Ms. Pandak directed the Authority's attention to the bullet that focused on I-95/395 HOT Lanes. Ms. Pandak noted that executive director of PRTC [Potomac and Rappahannock Transit Commission] said that the PRTC board has endorsed testimony and asked to consider adding the statement "to support PRTCs request from the state to consider indemnifying transit operators from increased liability exposure arising from the conversion of 2 lanes to 3, the narrowing of the lanes and the loss of shrinkage of shoulder on the I-95/395 HOT Lanes project".

The motion to amend [in effect, Ms. Pandak's comment] was accepted by unanimous consent.

Mr. Connolly expressed concern regarding the "Eight Principles for Transportation Funding" – specifically Principle Number 2 - bringing attention to the fact that clarity is needed.

Chairman Zimmerman iterated that Principle Number 1 clarifies the Authority's position.

Mr. York questioned the figures in Principle Number 3 as being reasonable.

Chairman Zimmerman confirmed that the figure was roughly \$660 million about a year and a half ago.

Ms. Massie supported this statement and stated that the 2030 plan was adopted about a year ago.

Mr. Nohe noted that the 2030 Plan was adopted almost 2 years ago.

The Authority discussed several additions and deletions to the CTB testimony that were accepted by unanimous consent. These changes will be updated and a revised copy of the CTB testimony posted to the website upon final approval.

Mr. Maller commented on economic factors slide in the presentation, noting that the data trend is understated. He believes that the presentation needs to show a metric of congestion.

Ms. Ashby stated that Mr. Foster has statistics to support that information.

Chairman Zimmerman asked the Authority if there were any objection to the staff preparing additional information on increases and costs for transportation construction and increase in congestion in Northern Virginia over a relevant period of time.

The motion to approve draft CTB testimony carried unanimously.

Item V. Approval of Revised Meetings Calendar for CY2008

Mr. Mason stated that because of the loss of revenue there has been a change in the calendar for CY 2008 and recommended approval of the revised calendar.

Mr. Connolly noted the dates in November and December were not showing. The dates were noted as November 13, December 11.

With recommended additions, Mr. York moved for approval which was seconded by Mr. Frederick. Motion carried unanimously.

Item VI. Approval of Audit Policy

Mr. Mason stated that state law requires that annual audit take place within three (3) months beyond the end of the fiscal year.

Mr. Euille moved for approval, which was seconded by Ms. Pandak. Motion carried unanimously.

Item VII. Confirmation of Appointment to VTrans Update Study

Mr. Connolly moved for confirmation of Mr. Biesiadny's appointment as NVTAs representative on the VTrans Update Study, which seconded by Mr. Parrish. The motion carried unanimously.

Added Action Item – Letter of Appreciation – Dulles Rail

Mr. Mason stated that this was a suggestion for letters of appreciation to Governor Kaine, Senator Warner, and Congressman Wolf for getting Rail to Dulles back "on track".

Mr. Connolly motioned for approval, which was seconded Mr. York.

Mr. Frederick suggested that perhaps entire Northern Virginia (congressional) delegation should be thanked.

Chairman Zimmerman confirmed all were in fact involved and suggested sending letters to all.

Mr. Mason stated that these names were chosen because the press tended to speak to the above-referenced names.

Chairman Zimmerman expressed that he would be happy to sign letters to all involved. The motion carried unanimously [to send letters to Northern Virginia congressional delegation].

Chairman Zimmerman congratulated Mr. Lederer on his re-election and Mr. Parrish on his newly elected role as mayor [of Manassas] effective July 1.

Item VIII. Update on General Assembly and Advocacy Activities

Chairman Zimmerman noted there are no new items to discuss at this time.

Mr. Connolly provided a word of caution regarding the proposal that sources of revenue prove injurious to Northern Virginia. In brief, “what we raise here ought to stay here.”

Item IX. Update on Six Year Program

Ms. Ashby and Ms. Massie discussed new Six Year Plan and proposed changes in the revised schedule. The deadline to get the project into TPB [Transportation Planning Board] if the projects affect air conformity is January 9, 2009 with no extensions granted.

Chairman Zimmerman clarified that funding only affects the timing of what is in the plan and what is adopted or in the plan versus when the plan was adopted.

Ms. Ashby pointed out that they tried to incorporate a lot of public involvement and involvement by the advisory committees and that will erode the longer it takes to get funding in place, eliminating robust input.

Ms. Ashby and Chairman Zimmerman continued to discuss the timing of the plan.

Ms. Massie stated that this plan calls for two opportunities for public involvement – up front public information work session and a public hearing.

Item X. Guidance/Assumptions for FY09 Budget

Mr. Mason detailed a list of items used to create the FY09 operating budget and requested comments. Chairman Zimmerman asked whether Mr. Mason was looking for immediate guidance.

Mr. Mason stated that he was asking for any comments or questions prior to draft the FY09 budget.

Mr. York questioned the amounts under revenue to NVTA (specifically Item 2a). He feels the numbers are old and would like to see a change that states current revenues to NVTA are zero, that \$700 million is needed to fund 2030 goals.

Mr. Mason stated that to some degree the statement of \$250-300 million is not necessary for the assumptions being made for the purpose of preparing the operating budget. The key is the assumption that up to \$1 million could be budgeted for NVTA operating expenses.

Mr. Mason explained that, based on the assumption that the General Assembly responds affirmatively, there will be monies budgeted for NVTA operating expenses. In short, the approval of the funding is contingent upon the General Assembly’s decision.

Chairman Zimmerman confirmed Mr. Mason’s assumptions.

Mr. Frederick expressed concern over having a budget in place.

Mr. York requested clear language for the general public.

Mr. Frederick questioned having a budget in place with no funding. He questioned what happens July 1 if the GA does not approve funding. Mr. Frederick stated that NVTA may not be funded and questioned the taxpayer's responsibility during this "state of limbo."

Chairman Zimmerman reiterated that the NVTA is currently functioning at a low level with funding provided by the state through June 30. He concurred that Mr. Mason should design a plan to move forward on the assumption that the General Assembly approves funding source.

Mr. Connolly agreed with Mr. Frederick and stated the Authority should accept that the General Assembly will act in good faith and agreed that budget should be put in place regardless of the decision. He moved to create two budgets, a best case scenario and the second a worst case scenario. He also suggested that the budgets reflect what projects can or cannot be accomplished and that a press release be associated with budget. The motion was seconded by Mr. York.

Ms. Pandak requested clarification of the operating expenses, specifically the \$50,000 in the appropriations bill. Mr. Mason confirmed that that he had been informed that the Appropriations Bill contains \$50,000 for NVTA.

Chairman Zimmerman stated that the Authority will give the staff guidance on how to prepare the budget for either of the situations.

Mr. Mallard noted the cost of litigation and financial advice. He questioned what comes with that liability in worst case scenario.

Chairman Zimmerman stated the litigation is not a liability, it is an expense.

Mr. Mason stated that NVTA has potentially accrued expenses in FY08 (referenced Item 3b). The \$364,000 associated with bond counsel is not being carried as an "accrued cost" as the contract with McGuire Woods anticipated that these expenses would be paid from bond proceeds. It is in budget notes to ensure that all are aware of this factor. Counsel confirmed this explanation.

Mr. Nohe clarified that general ledger does not show \$364K.

The motion carried unanimously.

Item XI. Proposed Changes to NVTA Bylaws

Chairman Zimmerman recommended reading and reviewing the Bylaws thoroughly.

Mr. Nohe noted that the Authority's annual meetings are typically July, not January. He also raised the issue that the Authority would be exclusively responsible for approving policy and bylaw changes. The challenge is that the Authority is not a regional governing body; it is a body

made up of individual jurisdictions and questioned whether it is appropriate to approve changes to bylaws. He suggested a change to state that local governments must approve changes to the way the Authority does business.

Chairman Zimmerman stated, and legal counsel confirmed, that Bylaws can be adopted [by the Authority].

Mr. Connolly addressed counsel regarding the General Assembly and non-voting. He posed the question. "What if the NVTa does not adopt new bylaws?"

Counsel (Ms. Posner, with other counsel concurring) explained the composition of the Authority with or without the bylaws needs to be as the statute prescribed. The bylaws need to conform to statute.

Chairman Zimmerman confirmed that the bylaws now meet those requirements.

Mr. Nohe stated that 2030 Plan was adopted with only 1 *no* vote in all of Northern Virginia. He believes that in order to change the plan ...*[unable to transcribe]*

Chairman Zimmerman agreed.

Mr. Mason drew attention to Article VI, Section A1 (NVTa Long Range Transportation Plan). He referred to the comment that JACC suggested including "In achieving regional consensus, it is desirable that NVTa secure the formal approval of each of its member jurisdictions before the adoption of the plan." Mr. Mason brought to the Authority's attention that his recommendation is not to approve the insertion of an additional constraint because (1) the phrasing of original wording is essentially statutory; and (2) it detracts from the notion of regionalism.

Chairman Zimmerman noted the difference of opinion between JACC and executive director is very appropriate. He also stated that a decision does not need to be made immediately.

Item XII. VDOT Update

Mr. McDonald commented that VDOT did not have anything to present at this meeting.

Chairman Zimmerman commented on the signage at the Mixing Bowl in Springfield, noting that northbound traffic on I-95 is challenged to be in the appropriate lane in a timely fashion. He urged that VDOT to address issue.

Mr. Connolly praised the past effective coordination that has existed between Fairfax County and VDOT but expressed concern over the recent lack of communication from VDOT. He provided an example of an incident in McLean regarding the preparation for construction of HOT lanes with clear cutting of trees and stated that the negative public reaction could have been avoided had there been effective VDOT – County coordination on this. Mr. Connolly expressed that he would like to return to total harmony.

Item XIII. DRPT Update

Mr. Hill mentioned the Statewide Rail Plan now underway by DRPT and introduced Mr. Kevin Page, Chief of Rail Division, VDRPT.

Mr. Page made a PowerPoint presentation and expressed concern with the challenges being faced moving forward. He discussed the existing AMTRAK system and routes and AMTRAK's short term action plan report. Mr. Page discussed the key challenges – reliability and scheduling. In addition he explained VRE operations and statewide rail plan schedules. Highlighted was the very poor performance of the train service in Virginia with the exception of VRE.

Chairman Zimmerman expressed his concern about the travel time and waiting time on rail.

Mr. Tucker, DRPT director, spoke of commitment from DRPT connecting the three largest urban centers in the Commonwealth. He stated that the key is the focus on mobility in the corridor.

Mr. Nohe noted the challenges or concerns with VRE competition.

Mr. Connolly stressed that prioritization should be based on economic return.

Item XIV. Update on Refund Process

Mr. Mason stated that over \$14 million has been remitted back to various agencies. He suggested extending letters of appreciation upon completion of the refund process.

Items XV - XX. Information Items

Ms. Ashby noted the TIP/CLRP schedules are challenged due to lack of funding.

Mr. Frederick noted a date change of July 19 to July 10.

Mr. (*couldn't identify*) posed a question regarding refund process. He wondered if someone could help review in light of the estimate that the General Assembly used when they passed the legislation. He also discussed the potential tax to be generated before reenactment of the program.

Mr. Nohe stated that Delegate Cosgrove requested 30 copies of TransAction 2030.

Mr. Mason stated the he would respond this request, however, it was noted that the information is available online.

Item XX. Adjournment

The meeting was adjourned at 9:10 pm.