

Northern Virginia Transportation Authority
Summary Minutes
August 7, 2002

held at the Fairfax County Government Center
12000 Government Center Parkway, Fairfax, Virginia

Members
(those present are highlighted)

Kerry J. Donley
Christopher Zimmerman
Robert F. Lederer
Katherine K. Hanley
Daniel E. Gardner
Scott K. York
Harry J. "Hal" Parrish, II
William Wren
Sean T. Connaughton
William Mims
John A. Rollison, III (arrived 8:22 a.m.)
Vincent F. Callahan, Jr.
J. Kenneth Klinge
Margaret E. G. Vanderhye
Tom Farley
Leo Bevon

Mayor, City of Alexandria
Chairman, Arlington County
Mayor, City of Fairfax
Chairman, Fairfax County
Mayor, City of Falls Church
Chairman, Loudoun County
Vice Mayor, City of Manassas
Council Member, City of Manassas Park
Chairman, Prince William County
Virginia Senate, District 33
Virginia House of Delegates, District 52
Virginia House of Delegates, District 34
Governor's Appointee; NVTA Chairman
Governor's Appointee
District Administrator, No. Va. region, VDOT (non-voting member)
Director, VDRPT (non-voting member)

Staff Present

Linda Summerall

Executive Secretary

Call to Order

Chairman Klinge called the meeting to order at 8:00 a.m.

Chairman Klinge announced that William Wren, a member of the Manassas Park City Council, has been appointed to represent the city on the Northern Virginia Transportation Authority. Councilman Wren confirmed for Chairman Connaughton that the Manassas Park Mayor made the appointment.

Roll Call

The roll was called and all members present or absent were noted for the record.

Approval of Minutes

Chairman York moved approval of the minutes of the July 18, 2002, meeting. The motion was seconded and unanimously carried.

Discussion and Vote on "Guiding Principles" Resolution in Developing Authority Bylaws

Chairman Connaughton noted he had made the original motion and that Chairman York had seconded it. Chairman Connaughton stated his desire to substitute the revised resolution of the Guiding Principles, which the members had before them. Chairman York concurred.

Vice Mayor Parrish reported that the Manassas City Council passed a resolution supporting the November referendum and recommending its residents support same.

Vice Mayor Parrish apologized for missing the July meeting and asked to review the Guiding Principles.

Paragraph 1: Vice Mayor Parrish asked whether Attachment A (spreadsheet) should be included in the Guiding Principles because it was unclear about who prepared the spreadsheet and the level of review by individual jurisdictions. It was noted that the spreadsheet was compiled by several jurisdictions. Chairman Zimmerman said its purpose is to eliminate any ambiguities in the Act (statutory language is sometimes not specific). It was agreed that Attachment A remains.

Paragraph 5: Vice Mayor Parrish questioned the efficacy of one jurisdiction limiting what might be good for the region as a whole. Chairman Connaughton pointed out that NVTVA does not have eminent domain authority; if the local governing body does not support a project it won't happen.

Senator Mims noted that this is a significant action as it will be the first action taken by the NVTVA. He went on to say that paragraph 1 merely restates what is in the statute; paragraph 2 is good transportation planning; paragraph 4 states the reality; paragraph 5 again states reality — a three layer decision-making process, and if a locality opposes something in that jurisdiction, he presumes it would not pass; paragraph 6 states the law.

Coming back to paragraph 3, Senator Mims said he would like to repeat what Deputy Secretary of Transportation Pierce Homer said last month, that there is some concern about that fact that there could be a very large project taking up a disproportionate amount of any one of those six-year time slices. When Deputy Secretary Homer spoke last month, the clause "to the extent feasible" was suggested as being appropriate for the beginning of that paragraph. Senator Mims asked that this be considered a friendly amendment.

Chairman Zimmerman stated his belief that the current wording provides a great deal of flexibility. The kind of concern being raised would be valid on an annual basis or perhaps on a biennial basis but not across six years. He believes it important to strike a balance between construction schedules and funding. The fear that one or two projects will commandeer all the funds is causing some hesitation in supporting the referendum. Chairman Zimmerman stressed the importance of being able to reassure the voters that their jurisdictions will receive their fair share of funding.

Senator Mims agreed with Chairman Zimmerman, but noted that paragraph 3 requires a jurisdictionally balanced plan every year. Adding the clause "to the extent feasible" will strike a balance over the six years, ensuring that all jurisdictions get their fair share. Senator Mims moved that the resolution be amended by adding the clause "to the extent feasible" at the beginning of paragraph 3. The motion was seconded. Chairman Klinge opened the floor to discussion.

Chairman Hanley stated that the addition to paragraph 3 may restrict the flexibility of the Authority in allocating funding for projects. The only list referred to in the motion is the "Northern Virginia Regional Transportation Program" project list from SB 668. With the insertion of the phrase "project allocations pursuant to SB 668" in the motion, it is not clear whether the motion is referring to all funds generated under SB 668 or just the projects listed in SB 668.

Chairman Connaughton confirmed that paragraph 3 in the proposed guidelines refers to an all-encompassing list that would be in an adopted six-year plan. Chairman Hanley replied that it needs to read that way if that is the intent. Furthermore, in response to Senator Mims' concerns, she went on to state that tying this guideline to only to the bond proceeds as outlined in SB 668 would make it more restrictive because of the size of Fairfax County within the region.

Chairman Zimmerman said Chairman Hanley's point is valid and he thinks it was fully intended that this refer to all the proceeds. He agreed that without that we would lose the flexibility but he also thinks the language as written refers to all funds raised by the bill (SB 668), that is, whatever is generated by the sales tax.

Chairman Connaughton acknowledged Chairman Hanley's point and Senator Mims' concerns. He went on to say he thought Chairman Hanley's concerns can be addressed in the Authority's bylaws, that these are guiding principles for putting together bylaws that are more detailed, and for the Authority as it initially addresses its charge under SB 668.

Additional discussion followed between the members regarding proposed distribution of funds over the long term (the six-year period) versus any one year.

Chairman Zimmerman responded to Senator Mims' concerns, saying it is not about one project or this one issue before the Authority, but offering assurance to many constituents on how this Authority is going to start its business and how they may or may not vote on the November 5th referendum. Furthermore, he noted that the sale tax would not be the only source of funds to or through the Authority.

After some additional comments regarding the term "across the six-year plan" versus the phrase "To the extent feasible," Ms. Vanderhye suggested the word "Overall" be inserted at the beginning of paragraph 3. She stated that this is a simpler way of addressing the concerns of everyone. Chairman Connaughton accepted this as amendment to his motion. Senator Mims accepted this recommendation as a substitute for his motion to amend the main motion.

Chairman Klinge asked if the board was ready for a vote. Chairman Hanley asked for a clear understanding and for the record to show that this refers to the overall plan and not just the projects listed in the SB668 bonds or among projects shared between jurisdictions. The motion carried unanimously.

Chairman Klinge asked Vice Mayor Parrish if his initial question had been satisfied. Vice Mayor Parrish asked to revisit the thinking behind paragraph 5. Chairman Klinge used the Wilson Bridge as an example of working out differences. Delegate Callahan commented on the need for a regional approach, adding that he represents one percent of the State's population in the House of Delegates but views the NVRTA as representing the region and not parochial interests. In reply to Ms. Vanderhye's inquiry as to the necessity of including this paragraph in the Guiding Principles, Chairman Zimmerman said it recognizes the reality when failure to do so only fosters opposition.

Since there was confusion as to whether the amendment to the resolution was passed or whether the resolution was passed, Senator Mims moved to reconsider the vote on the resolution as amended. The motion was seconded and unanimously carried. Chairman Connaughton moved adoption of the resolution on Guiding Principles as amended. The motion was seconded. A roll call vote was taken, resulting in unanimous passage of the resolution as amended.

Other Business

Chairman Klinge announced appointment of Ms. Vanderhye to the Bylaws Committee. Committee membership consists of Bernie Caton, Mike Long, Joe Howard, Steve Macisaac, Margie Vanderhye, and Sean Connaughton as committee chairman.

Chairman Klinge thanked the Northern Virginia Regional Commission, its Executive Director Mark Gibb, NVRC Chairman Scott York, and Executive Secretary Linda Summerall for their assistance to the NVRTA. Chairman Klinge added that the NVRTA will be holding its meetings at the Northern Virginia Regional Commission for the time being.

Chairman Zimmerman moved to reconsider approval of the minutes of the July 18 meeting, as he noted a correction on page 4, that should read that Chairman Connaughton "moved a resolution..." The motion was seconded. Chairman Hanley noted that the last paragraph on page 4 should be changed to "...Mayor Donley suggested a friendly amendment..." She also requested that the

handouts be attached to the minutes. Chairman Klinge said the minutes would be corrected and presented for consideration at the September meeting. The motion to reconsider carried unanimously. A motion to defer the minutes to the next meeting was made, seconded and carried unanimously.

Chairman Hanley reported that on July 22, the Fairfax County Board allocated what is its share of the secondary road items on the fall referendum and adopted the projects; \$11 million is allocated for pedestrian projects.

Chairman Klinge reminded the members that the next NVTA meeting will be held at 7:30 p.m. on September 12 at the Northern Virginia Regional Commission.

Chairman York announced that Mayor Lederer and Vice Mayor Parrish have volunteered to assist him in drafting a budget. Additional volunteers are welcome.

There being no further business, Chairman York moved adjournment. The motion was seconded and Chairman Klinge adjourned the meeting at 9:12 a.m.