

MINUTES OF  
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY  
HELD AT THE FALLS CHURCH COMMUNITY CENTER  
223 LITTLE FALLS STREET, FALLS CHURCH, VIRGINIA  
ON JULY 18, 2002

Welcome and Introduction of Members

The meeting was called to order by Daniel E. Gardner, Mayor of the City of Falls Church, at 7:38 p.m. After welcoming those present and all members of the Northern Virginia Transportation Authority (NVTA) were introduced, Mayor Gardner asked for a motion to elect a Chairman.

MOTION: Mayor Donley MOVED, seconded by Ms. Vanderhyde, Mr. J. Kenneth Klinge as Chairman. There being no discussion and no further nominations, the motion PASSED unanimously on voice vote and it was so ORDERED.

Chairman Klinge made opening remarks and noted the presence of Deputy Secretary of Transportation Pierce Homer in the audience.

Chairman Klinge then asked all the members to introduce themselves, and the following

NVTA members were present:

Kerry J. Donley, Mayor (City of Alexandria)  
Christopher Zimmerman, Chairman (Arlington Co.)  
Robert F. Lederer, Mayor (City of Fairfax)  
Katherine Hanley, Chairman (Fairfax Co.)  
Daniel E. Gardner, Mayor (City of Falls Church)  
Scott York, Chairman (Loudoun Co.)  
Ulysses X. White, Council Member (City of Manassas) [for Harry J. Parrish II]  
William Wren, Council Member (City of Manassas Park)  
Sean T. Connaughton, Chairman (Prince William Co.)  
Senator William Mims (District 33)  
Delegate John A. Rollison, III (District 52)  
Delegate Vincent F. Callahan, Jr. (District 34)  
Tom Farley (VDOT, NoVA Region)  
Leo Bevon (VDRPT)  
J. Kenneth Klinge (CTB, Governor's Appointee)  
Margaret Vanderhye (Governor's Appointee)

Kathleen Clarcken Buschow, City Clerk for the City of Falls Church, recorded the minutes. Other members of the public were present, as indicated on the list attached hereto and made a part hereof.

### Discussion on Role of NVRTA

Chairman Klinge asked the three members of the General Assembly who were present to comment on the legislation creating the Northern Virginia Transportation Authority (Authority).

Senator Mims commented that the legislation was a consensus of the work of the Barry Commission and other organizations and that he believes the guiding principle is the hope that the NVRTA truly acts regionally rather than as separate localities or constituencies.

Delegate Rollison further commented that legislators in Richmond created the Authority to allow it to decide on issues of importance to the entire region rather than to simply disburse funds among the jurisdictions.

Chairman Hanley commented on the need to reallocate CMAQ/ RSTP funds for TERMS as well as to make project adjustments to account for lower than expected CMAQ/RSTP allocations. Ms. Hanley further discussed TCC overruns in some projects and reminded the member of the previous TCC agreement that required each jurisdiction to take care of the overruns without taking it off the top. Supervisor Hanley MOVED to accept the revised distribution as approved at the last TCC meeting. Her motion was seconded and approved.

Mr. Farley also commented on the redistribution of such funds and relative agreements. He said that the VDOT staff was working on that issue.

Mayor Donley announced that the City of Alexandria deferred \$1.2M for WMATA bus replacement.

Delegate Callahan suggested that the Authority take action to support the November referendum.

Chairman Zimmerman noted that some jurisdictions have not taken a stand on the November referendum issue. He remarked that the Authority is in a position to do something good with the \$5B of funding and it is important to address some of the issues presented. Mr. Zimmerman further discussed what might take place after the November referendum. He then presented a proposed resolution for consideration by the Authority to provide general guidelines on how the Authority might function as follows:

Proposed Resolution  
Northern Virginia Transportation Authority

Guiding Principles  
For implementing the  
Northern Virginia Regional Transportation Program Bond Act of 2002  
(Senate Bill No. 668)

*Assuming passage of the referendum on November 5, 2002, the Authority agrees that:*

1. For purposes of implementing the Northern Virginia Regional Transportation Program as identified in Senate Bill No. 668, the Authority adopts the attached project list and its delineation of project components by jurisdiction (Attachment A).
2. The Authority will adopt a 6-year plan, to be revised annually, that shall include projects funded pursuant to SB 668, whether as part of the bond program or with "pay-go" funds.
3. Project funding in the six year plan will be apportioned among jurisdictions in a manner that on average is proportional to population and point of revenue generation.
4. In funding the overall 6-year plan, at least 50% will be allocated to transit.
5. No project will be approved for construction within a jurisdiction if the governing body of that jurisdiction opposed the project.

[Attachment A attached hereto and made a part hereof.]

Council Member White suggested that the Authority make it a priority to urge citizens to pass the November referendum.

Discussion followed on Chairman Zimmerman's proposed resolution. Issues were raised as to funding for public transportation vs. new road construction and the importance of continued use of HOV and the inclusion of HOV with transit funding.

Chairman York noted that Loudoun County had been very concerned about the creation of the Authority and that the Board's position is to allow the voters to decide on the November referendum. He noted that he was pleased with the idea that no project would be approved for construction in a jurisdiction if the governing body of that jurisdiction was opposed to it. He commented further on the fact that the citizens of Loudoun County do not have the same opportunities for using public transit as some of the other jurisdictions, but that it strongly supports carpooling.

Delegate Rollison raised the issue of a disparity between some of the jurisdictions with respect to the opportunities to use public transit with respect to the funding allocations presented by Chairman Zimmerman. He stated that he did not favor the Authority making any decisions based on benefits to the jurisdictions vs. benefits to the region.

Chairman Zimmerman defended his proposals as being broad with certain parameters and that it is a compromise between two approaches.

Discussion followed regarding the Six-year plan, Pay-Go funding and the issue of at least a 50% allocation for public transit with respect to the percentage of users of public transit among the various jurisdictions and discussion of the issue of parity among the users.

Mayor Donley asked what happens to funds on the project list for a jurisdiction is not ready for construction. Discussion followed.

Chairman Zimmerman stated that he believes that would not be a problem because over a six-year period, people will get what they are paying for.

Chairman Klinge commented on paragraph three of the proposed resolution and asked how to prevent the stockpiling of funds if a jurisdiction is not ready to move forward with a project or in the event of a change in the governing body.

Chairman Zimmerman stated that his resolution was meant to be a statement of principles of fairness; a general statement of approach for the Authority to use.

Chairman Klinge commented on the need for flexibility in the Authority's principles and suggested that the group be given more time to consider and discuss the proposed resolution further. He further raised the issue of fairness over a 20-year period.

Chairman York commented that every jurisdiction should benefit as of Year One with a principle of fairness and flexibility.

Chairman Connaughton remarked that he believes Chairman Zimmerman's resolution should be used as general principles for implementing the By-Laws of the Authority and for NVTB Bonding.

Thereupon, Mr. Connaughton MOVED the resolution "Guiding Principles for Development of the By-Laws of the Northern Virginia Transportation Authority for Implementing the Northern Virginia Regional Transportation Program Bond Act of 2002" and that paragraph 4 be amended to include the words "including HOV lanes" after the word "*transit*." Chairman York seconded the motion.

Thereupon, Mayor Donley suggested a friendly amendment, which was accepted by the maker (Connaughton), to include language stating "when programs are ready" with respect to allowing for flexibility of the transfer of funds.

Chairman Zimmerman commented further that there is an overall fear that a large project in another jurisdiction will use all the funding. He said that the local voters need to know that everyone will benefit from the funds.

Senator Mims commented on paragraph 5, that the Authority needs to think regionally. He commented that he does not believe any jurisdiction would be short-changed on funding because of the three-layer approval process for funding.

Council Member White commented on the need to protect the smaller jurisdictions. Delegate Rollison discussed the at least 50% allocation for transit as being as much as \$1 Billion in yet-to-be designated funding. He questioned the idea that the Authority make a decision that evening on allocation of such a large amount of money, particularly since the members had not seen the proposal presented by Chairman Zimmerman until the meeting. Delegate Rollison further commented on the disparity of the allocation of such funds relative to the level of consumption within some of the jurisdictions, particularly the jurisdiction he represents: -- Prince William County, and Loudoun County, where there are fewer opportunities for constituents to have access to public transit.

Thereupon, Senator Mims MOVED, seconded by Chairman Hanley, to postpone consideration of the resolution until the next meeting of the Authority and discuss it further at that time under "Old Business."

Council Member White concurred with the need to hold off on making a decision that evening.

Chairman Zimmerman commented that he believes the members of the Authority are in agreement on many of the issues presented and he would like to bring the item to resolution quickly. He suggested that the next meeting be scheduled soon thereafter for further discussion of his proposal and the issues presented.

Chairman Hanley suggested that a strawman be created regarding implementation so that they can see what will actually happen when funds are reallocated and how that will affect cash flow. She expressed concern that there be no unintended consequences.

Thereupon, Chairman Connaughton proposed that his motion be DEFERRED to the next meeting.

Mayor Donley asked who will be doing the work on the "principles."

Chairman Klinge stated that this will become one piece of the Authority's By-Laws.

Thereupon, Chairman Connaughton MOVED, seconded by Chairman Zimmerman, to defer the item to the next meeting of the Authority. Upon unanimous voice vote, the motion carried and it was so ORDERED.

### Guidelines for Drafting of By-laws

Council Member White noted that Council Member Parrish, the sitting Authority member from the City of Manassas, had expressed an interest in serving on the committee to develop the Authority's By-laws.

Chairman Klinge asked for volunteers to chair the By-laws Committee.

Thereupon, Council Member Wren MOVED, seconded by Chairman York, Chairman Connaughton as Chairman of the By-laws Committee.

Chairman Hanley stated that she could also volunteer the services of one Fairfax County attorney as staff support and Mayor Donley offered the services of Bernie Caton for staff support to assist with the By-laws, as well.

Chairman Klinge asked for a deadline for completion and Chairman Connaughton suggested they attempt to have something ready in September.

### Staff / Administrative Support to NVT A

Chairman York MOVED, seconded by Mayor Donley, that the Authority work with the Northern Virginia Regional Commission (NVRC), use its facilities for meetings and utilize/share the NVRC staff to provide administrative/support staff for the Authority until staff funding for the Authority is determined.

Mayor Donley commented further that it would not be a good idea to select a staff for the Authority prior to the November referendum.

Delegate Rollison suggested that a contingency plan for staffing be put in place to include a nation-wide search for a Director for the Authority.

Chairman Hanley pointed out that if the referendum passes in November, funding will commence on July 1, 2003.

Chairman Klinge commented that the search for a Director should commence immediately following the November referendum.

There being no further discussion, on unanimous voice vote the motion carried and it was so ORDERED.

### Discussion of Advisory Committees

- Technical Advisory Committee
- Planning Coordination Advisory Committee
- Other Committees

Chairman Hanley MOVED, seconded by Mayor Donley, for the Authority to continue using the TCC Technical Committee (TCC Tech) as support and that the Committee select its own Chair.

Mayor Donley suggested that TCC Tech also be used to help oversee the day-to-day functions of the Authority.

Mr. Farley stated that since he is the current Chair of the Technical Advisory Committee, a new chair should be selected.

Discussion followed. Senator Mims noted that the statute is clear as to what the Technical Advisory Committee is to be and that he does not see a problem with TCC-Tech morphing into the Technical Advisory Committee.

Chairman Hanley commented on the need to make citizen appointments to that Committee, but noted that the Authority needs the technical advice in the meantime.

Senator Mims expressed his hope that a Technical Advisory Committee could be appointed within the following two or three months.

Chairman Klinge stated that he would like a committee to decide how to handle this issue at the next meeting.

Chairman Hanley then offered to withdraw her motion.

Chairman Klinge suggested that the Authority adopt Chairman Hanley's motion and then adopt a plan to appoint an advisory committee to develop committees. Mayor Gardner was nominated by the Chair and agreed to lead such a committee and Mayor Donley and Chairman Hanley both volunteered to serve with him.

### Guidelines for Drafting Budget and Allocation of Costs for that Budget

Chairman York volunteered to chair a committee dealing with the budget and allocation of costs for that budget.

Determination of Day, Time, and Meeting Location

Chairman Klinge opened the discussion of when and where to conduct future meetings. Discussion followed and Chairman Zimmerman suggested the second Thursday before the TPB meetings because it would allow the Authority to make decisions on issues prior to the TPB meetings.

Discussion followed on the availability of members to attend a meeting in August and it was then decided, upon consensus, that the next meeting would be held on Wednesday, August 7, 2002 at 8:00 a.m. at the Fairfax County Government Center in one of the conference rooms off the lobby. The primary purpose for this meeting will be to approve the Guiding Principles for By-law development and implementation of the Northern Virginia Regional Transportation Program Bond Act of 2002.

It was further decided to hold the regular meetings of the Authority on the second Thursday of each month at 7:30 p.m., at the offices of the Northern Virginia Regional Commission, beginning in September 2002.

Chairman Klinge suggested that the members of the Authority all work with Chairman Zimmerman to reach a consensus on the proposed resolution prior to the next meeting.

Transition of TCC Responsibilities (e.g., RSTP, CMAQ, . . . )

Chairman Hanley MOVED, seconded by Mayor Donley, to direct the current Technical Committee to put together a draft list of projects for RSTP and CMAQ. Upon unanimous voice vote, the motion carried and it was so ORDERED.

Adjournment

Upon proper motion and unanimous voice vote, the meeting was ADJOURNED at 9:38 p.m.

Approved:

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

J. Kenneth Klinge

Chairman