



**Northern Virginia Transportation Authority**  
*The Authority for Transportation in Northern Virginia*

Thursday, October 12, 2017  
6:30pm  
3040 Williams Drive, Suite 200  
Fairfax, VA 22031

**MEETING MINUTES**

**I. Call to Order** Chairman Nohe

- Chairman Nohe called the meeting to order at 6:40pm.

**II. Roll Call** Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Supervisor McKay; Chair Randall; Mayor Silberberg (arrived 6:44pm); Chair Fisetto (arrived 6:45pm); Mayor Parrish; Mayor Meyer; Council Member Snyder; Mayor Rishell; Delegate Hugo; Delegate Minchew (arrived 6:58pm); Senator Black; Ms. Hynes; Mr. Kolb.
- Non-Voting Members: Ms. Hamilton; Mr. Roseboom.
- Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Keith Jasper (Principal, Transportation Planning and Programming); Sree Nampoothiri (Transportation Planner); Harun Rashid (Transportation Planner); Peggy Teal (Assistant Finance Officer); Sarah Camille Hipp (Communications & Public Affairs Manager); Camela Speer (Clerk); various jurisdictional staff.

**III. Minutes of the September 14, 2017 Meeting**

- Mayor Parrish moved approval of the September 14, 2017 minutes; seconded by Mayor Rishell. Motion carried with seven (7) yeas and two (2) abstentions [with Supervisor McKay and Chair Randall abstaining as they were not at the September 14, 2017 meeting].

**Consent Agenda**

- V. Approval of Financial Advisor Service Agreement**
- VI. Approval of Bond Counsel Service Agreement Extension**
- VII. Approval of Graphic Design and Printing Contract**

- Chairman Nohe pulled items IV and VIII from the consent agenda.

- Mayor Parrish moved approval of the consent agenda, to include the specific motions in items V - VII; seconded by Supervisor McKay. Motion carried unanimously.
- Chairman Nohe introduced Mr. Anderson, NVTAs Bond Counsel, and thanked him for his service. Mr. Anderson thanked the Authority for the opportunity to serve.
- Mayor Parrish commented that the Finance Committee had discussed and recommended approval of most of the items on the consent agenda. He thanked the Finance Committee.
- Chairman Nohe explained that item IV was out of order on the agenda and would be considered after item IX. He asked Ms. Backmon to present item VIII.

### Action

#### **VIII. Approval of Additional Comments on Proposed Modifications to the Smart Scale Process**

- Ms. Backmon stated that this item was pulled from the consent agenda due to receiving a response from Deputy Secretary Donohue regarding the three additional Smart Scale comments discussed at the last Regional Jurisdiction and Agency Coordinating Committee (RJACC) meeting. She reviewed the three comments:
  - ✓ Changes that were proposed to the congestion reduction methodology.
  - ✓ Need to understand the proposed methodology behind the land use changes.
  - ✓ Relooking at economic development and what it means for Northern Virginia.
- Ms. Backmon informed the Authority that Deputy Secretary Donohue had stated via email that he was going to remove the proposed changes to the congestion mitigation methodology. He also stated he would meet with any locality or agency that has questions regarding how land use calculations in economically distressed areas will be assessed.
- Ms. Backmon noted that the Authority's original comments were submitted last month for the official record. She concluded that at this time there is no need to submit additional comments, therefore, no action is required at this time.

*(Mayor Silberberg arrived.)*

## IX. Adoption of TransAction Update

Ms. Backmon, Executive Director

- Ms. Backmon informed the Authority that the Adoption of TransAction will conclude the three year update process for the long range, multimodal, regional transportation plan for Northern Virginia. She stated that TransAction addresses regional transportation needs over 25 years and focuses on eleven corridors and 28 corridor segments. Ms. Backmon noted several key points:
  - ✓ TransAction considers travel conditions for the planning horizon year 2040. During that time, Northern Virginia's population is expected to increase by 24 percent and employment by 37 percent.
  - ✓ If only currently funded and committed projects are built, travel conditions are forecast to be considerably worse by 2040.

*(Chair Fisetto arrived.)*

- ✓ TransAction outreach was extensive and important to the process, with emphasis on getting out to the public. The public comment period ran from June 9 to July 23. Based on public input, Northern Virginian's consider the region's travel conditions to the greatest factor influencing their quality of life.
- ✓ The Draft Plan includes 352 candidate regional multimodal projects.
- ✓ TransAction does not commit the Authority to fund any project.
- ✓ Total planning level cost of TransAction is approximately \$42 billion.
- ✓ TransAction will guide the Six Year Program (SYP), but all 352 projects cannot be funded by the Authority.
- ✓ TransAction is the Authority's planning document, not its programming document.
- ✓ TransAction is fiscally and geographically unconstrained.
- ✓ TransAction is a needs based document.
- ✓ This is the first update of TransAction since HB 2313 was passed.
- ✓ TransAction is updated every five years. Previous plans are TransAction 2020, 2030 and 2040.
- ✓ The Draft Plan and the associated Project List were coordinated with the Planning and Programming Committee (PPC), the Technical Advisory Committee (TAC), Planning Coordination Advisory Committee (PCAC), and the TransAction Subcommittee.
- Ms. Backmon concluded that NVTA staff and the PPC recommended adoption of the Plan as presented.
- Chair Randall thanked the NVTA staff for their efforts on TransAction. She inquired as to the harm in removing the Potomac River Crossing from the Plan. Ms. Backmon responded that no project stands alone in TransAction, explaining that the projects were evaluated based on the eleven corridors and the 28 segments. Removal of a project from TransAction would require a re-run of the model to assess impacts.

- Chair Randall stated that based on her participation in the Council of Governments (COG), she is aware that the Montgomery County Council has voted unanimously against the Potomac River Crossing. She acknowledged that while leadership may change, the County's position on this issue will not likely change. She commented that Montgomery County Executive candidate Mr. Berliner had remarked along the lines that, 'There is no reason for any politician in Northern Virginia to spend one nanosecond thinking about a bridge crossing.' Chair Randall asked, knowing it is not the will on the Montgomery County Council to support this project, and knowing one possible candidate for county executive has shot this idea down, and knowing the push back against this project, what is the logic in passing TransAction with the bridge crossing included.
- Ms. Backmon responded that TransAction is not a funding document. It is a 25 year needs based planning document. She added that projects are not funded just because they are in TransAction. Ms. Backmon explained that the planning process looked at all the currently committed projects and added the 352 projects needed to reduce congestion in the region. She suggested that if only the current fully committed projects are constructed, there will still be serious congestion in the region. Ms. Backmon remarked that if TransAction is adopted, the Call for Projects for the SYP will be issued to start the funding process. She noted that governing bodies do change and project priorities will change over time. She noted that the TAC stated that there should be no "winners or losers" in TransAction, noting this is a needs based plan and not about what will be funded.
- Senator Black inquired about the Authority members' authority to make modifications to the Plan. Ms. Backmon responded that TransAction is the long range transportation plan for Northern Virginia and the Authority is responsible by law for developing and updating TransAction. She stated that the Authority can modify the Plan, however, that will result in a request for additional funds to do additional model runs and a new schedule for the ultimate completion of TransAction.
- Senator Black asked if this would be necessary if a project were removed from the Plan. Ms. Backmon responded affirmatively, stating that the Authority can choose to remove a project, but it will require additional model runs and will impact the schedule noting that no one project stands alone. Chairman Nohe clarified that the Authority has total autonomy over what is included in TransAction and can modify it. He stated the action tonight is to approve this specific draft of the Plan in which the projects, combined as corridors and segments, have been scored based on congestion reduction and other factors. Removal or addition of projects at this point will decrease the robustness of the Plan scoring. Chairman Nohe concluded that the Authority can remove projects from the Plan, but then cannot adopt the Plan this evening. He explained changes to the Plan will require an extra process and extra funding to re-score the Plan based on any changes made.
- Delegate Hugo inquired as to whether there is a legal requirement to re-score TransAction if the Plan is amended. Chairman Nohe responded that he did not

believe there is a legal requirement. Ms. Backmon stated there is not a legal requirement, but explained that the data in the Plan, as presented, would be invalid. Chairman Nohe suggested that while it may not be required, part of the Plan scoring is intended to be used as the HB 599 scoring, therefore, the Authority would need to re-score due to the HB 599 requirement that scoring be certified for its legitimacy and robustness by the Virginia Department of Transportation (VDOT). Chairman Nohe added that certain parts of the document would not be verifiable. Ms. Backmon suggested that removal of projects of this magnitude would change the original scores, adding this might also trigger another public involvement process.

- Delegate Hugo expressed appreciation to the NVT A staff for their work on TransAction. He stated that one of the most controversial segments of the Plan is the Bi-County Parkway. He asked if any public hearings had taken place in western Prince William County. Ms. Backmon responded that there was only one Public Hearing at the Authority office, adding that Town Halls were held throughout the region at the request of jurisdictions. Delegate Hugo asked if there was one in Prince William. Ms. Backmon responded that while there was no Town Hall in Prince William County, she presented the Draft Plan and Associated Projects to the Prince William Board of County Supervisors. She explained that jurisdictions made the decision whether to hold Town Halls or have presentations to their governing bodies.
- Delegate Hugo inquired as to how many public comments were received during the public comment period regarding the Bi-County Parkway, both for and against. Ms. Backmon stated that there were many comments received against the Bi-County Parkway. Delegate Hugo asked if it was 196 to 12, making it 5% for the project. Mr. Jasper responded that there were 208 comments total on the Bi-County Parkway, with 12 in support and 196 against. Delegate Hugo asked what that percentage is, suggesting it is low. Mr. Jasper responded he thought it would be approximately 94% against.

*(Delegate Minchew arrived.)*

- Delegate Hugo stated that there are 28 projects in the Plan that are performance scored from 65 to 59, noting the Bi-County Parkway appears to be only one of two with single digit scoring. Ms. Backmon responded that the projects in that segment have some of the lower performance ratings, based on the fifteen performance measures, compared to the projects in the other segments. She stated it is not the Bi-County Parkway specifically, it is the entire corridor segment. Delegate Hugo noted that it says the North-South Corridor/Bi-County Parkway.
- Delegate Hugo inquired as to whether this is the Bi-County Parkway that was taken off Prince William County's Comprehensive Plan and is still opposed by a number of Prince William County Supervisors. Ms. Backmon responded she believed it is.
- Delegate Hugo asked if the Bi-County Parkway, as proposed in TransAction, will close Route 29 and 234, noting it had been amended in sub-committee.

Ms. Backmon responded that the project description was amended to make it consistent with the Programmatic Agreement that was last developed regarding the Bi-County Parkway. Delegate Hugo suggested the agreement had lapsed. Ms. Backmon responded she believed it had. Delegate Hugo questioned whether we want to be consistent with a lapsed Programmatic Agreement. Chairman Nohe replied that the Draft TransAction Plan previously presented had used language taken directly from the programmatic agreement, which has lapsed. He added that this language had been taken directly from the previous Plan, TransAction 2040. Delegate Hugo noted that this language included the closure of Route 29 and 234. Chairman Nohe acknowledged that the language used previously would have closed that intersection and was just carried over from previous Plan. He stated that when this language, referencing the lapsed document, came to his attention, the language was amended to remove the reference to the Route 29/234 interchange.

- Delegate Hugo stated that now the closure of the Route 29/234 intersection has been removed from TransAction and a Battlefield Bypass has been included. He added that he had met with the Superintendent of the Park and they want Route 29 and 234 closed. He noted that the Battlefield Bypass was presupposed by the closure of Route 29/234. Delegate Hugo stated that now the Plan includes all three: the Bi-County Parkway, the Route 29/234 intersection and the Battlefield Bypass. He suggested the park service will not agree to keep the intersection open. Ms. Backmon acknowledged this was likely true and pointed out that TransAction is a high-level planning document that is not designed to provide engineering level detail. She stated that specific engineering level detail would be included in the programming document for project funding.
- Delegate Hugo suggested this is not engineering, that the project description in TransAction states what is going to be done. He noted that, always in the past, the Battlefield Bypass has been presupposed by the closure of Route 29/234. He stated that this is no longer included in the Plan. Delegate Hugo stated that for a decade people were interested in the Bi-County Parkway and it had a discreet route. He asked where the route would go now, suggesting it is amorphous. Ms. Backmon acknowledged it is amorphous. Delegate Hugo added that the route is now somewhere within the Rural Crescent, but unlike the previous Plan, no one knows where it is going. He stated that now instead of some people being upset, everyone is concerned about being the target of this road. He suggested the NVT A does not know where this road will go. Ms. Backmon clarified that while there is no specific route for the project, the current project description closes Route 234, but not Route 29. Delegate Hugo asked where the Bi-County Parkway will go. Chairman Nohe responded that there is not a current alignment for the Parkway. Delegate Hugo stated that there was a route previously. Ms. Backmon responded that the project has a termini, suggesting that a specific alignment is different than having a termini in the planning document. Chairman Nohe acknowledged that under TransAction 2040, the assumption was that it would be a very specific alignment based on the Programmatic Agreement that has since lapsed. He

stated it is correct to say there is no longer a specific alignment in this Plan. He added there are many projects in the Plan that do not have a specific alignment, most significantly the Route 28 project in Prince William County that provides congestion relief from Old Town Manassas to Bull Run, with eleven different alternatives being considered. Chairman Nohe stated that projects in TransAction are being looked at based on their termini, regardless of the specific route, to see how much traffic they can carry. He added that the Bi-County Parkway would be one of the many projects where all that is being evaluated in the Plan is the connection of the termini, not the alignment.

- Delegate Hugo acknowledged clarification that there is not a discreet route for the Bi-County Parkway included in TransAction. He stated another concern is that many people now think they are targets and their properties are potentially devalued. He suggested this is creating uncertainty for property owners and potential property owners. Delegate Hugo questioned how this project will be funded, noting that there is concern about sprawl and that it has been suggested that developers could pay for it and it will become a new Reston. He suggested there could be Transfer Development Rights (TDR's) and high density in the Rural Crescent. He expressed concern that this is what developers are seeking. Delegate Hugo stated that once there is high density in the Rural Crescent it will impact Loudoun County, Fauquier County, suggesting this is setting up a serious problem. Delegate Hugo added that this is why there are serious concerns about this project.
- Delegate Hugo questioned whether any other projects had been added to the proposed Plan since the original draft. He acknowledged some projects were changed a little and asked if anything new had been added. Ms. Backmon responded that a project in the Town of Herndon project had been added due to its impact not effecting the modeling results.
- Delegate Hugo asked about project identification number 245, the Gum Springs Road Widening, noting he did not see this project in the original draft. Ms. Backmon acknowledged that project identification numbers had changed slightly, due to adding the Herndon project and the removal of duplicate projects. She noted the original Draft Project List had 358 projects and that some duplicate projects were removed, bringing the new total to 352 projects. Delegate Hugo asked if the Gum Springs Road project had been included in the previously presented Draft Project List. Ms. Backmon responded affirmatively. Delegate Hugo asked for clarification that the project number had changed. Ms. Backmon responded affirmatively.
- Delegate Hugo stated that the Authority is setting this up for sprawl, adding that people have said that the developers have met with them and the developers were straight up that they want high density in this area. Delegate Hugo added that he had asked the developers what their vision is for the area and they stated a new Reston. Delegate Hugo acknowledged Reston is a great area, but asked if this is what we want in the Rural Crescent. He suggested the Authority is setting up high density development and devaluing peoples' property. Delegate Hugo explained that he had spoken to potential property owners who were concerned about purchasing property without knowing the

roadway alignment, adding that TransAction is setting this up. He suggested this is hurting people. Delegate Hugo noted that Chairman Nohe has told people that this road may not get built. He stated that there are 26 projects ahead of the Bi-County Parkway on the Project List, adding it is one of two projects with single digit scores. Delegate Hugo suggested we are going to torch these people and their property for a project that scored 7.7, if TransAction is approved as presented. He stated he thinks this is wrong.

- Delegate Hugo acknowledged that he did not want to interfere with projects in Loudoun County, but asked that TransAction corridor 2 be removed from the Plan, adding that project 245-Gum Springs Road, is not in this corridor.
- Delegate Hugo moved to amend the Plan to remove item (corridor) 2 the Loudoun County Parkway/Bi-County Parkway/Route 234 corridor.
- Ms. Backmon clarified that Delegate Hugo meant the entire corridor. Delegate Hugo responded affirmatively.
- The motion was seconded by Senator Black.
- Senator Black stated that in his opinion there are few projects that have generated the intensity of opposition that the Bi-County Parkway in Prince William County has generated. He expressed concern that the Authority has not done a public hearing along the proposed general route, understanding there is no precise route; but this is something on which the Authority needs public feedback. He stated this should have been done and it is unfortunate. Senator Black noted that there are many projects, but that public input needs to be from the effected people, rather than holding a Public Hearing outside of the area, where people are uninformed of the project. He expressed support for the motion.
- Delegate Hugo amended his motion. Delegate Hugo moved to amend his motion to remove segments 2-2 and 2-3 from Corridor 2; seconded by Senator Black.
- Delegate Hugo stated there was no hearing in western Prince William County on this huge project. He explained that when this project was first proposed there was huge public turnout, adding that at three meetings there were 300, 600 and almost 1000 attendees, respectively. He suggested this is impressive public engagement compared to the normal attendance at public meetings. Delegate Hugo reiterated that 1000 people showed up because they were concerned about sprawl and this road. Delegate Hugo recalled that at the time, the developers and key proponents, including the Governor, were saying it was not going to be a development road, it was just going to be a truck lane to Dulles. He noted this is a truck lane that George Mason University said was not needed based on a University study. Delegate Hugo explained that now this is not a truck lane, it is a sprawl lane and that is exactly what we are

building and voting on tonight. He added that if we are concerned about sprawl, or getting around in Loudoun County, Fairfax County or other areas, wait until the developers put a Reston in the middle of this as they plan. Delegate Hugo stated that the developers are not buying the land for horse farms or retirement. It is going to be sprawl and will be on the NVTA's shoulders if we approve this Plan. He noted that over four years ago this project was unwound and over a year ago Prince William County removed it from its Comprehensive Plan. He continued that four years ago those opposed to the project got the Commonwealth Transportation Board (CTB) to stop, got everybody to stop. The Programmatic Agreement expired. Delegate Hugo concluded that all we are doing now is torching these people's homes out there, and setting up future sprawl. He noted he had amended his motion so that it does not impact the Loudoun County Parkway, but it does impact 2-2 and 2-3 in Prince William. He explained that these are not just his concerns, but hundreds, adding that when a 1000 people show up at a Town Hall it should be listened to. Delegate Hugo reiterated we should have had a meeting in western Prince William County, suggesting we were all negligent because this did not happen.

- Chair Randall expressed appreciation to Delegate Hugo for not governing in Loudoun County. She stated the Bi-County Parkway is on Loudoun County's long range comprehensive transportation plan, therefore, she will be voting against the proposed motion. Chair Randall explained that the word bi means two, therefore, if corridor segments 2-2 and 2-3 are removed from the Plan, this is no longer a Bi-County Parkway, just a road in Loudoun County.
- Chair Randall addressed Delegate Hugo's concern regarding a Reston in the Rural Crescent. She stated that what has developed is the decision of a county board. She noted that if a county board listens to its citizens and the citizens are expressing opposition to development along a road, the county board should listen to those citizens. Chair Randall added that constructing a roadway does not automatically create development, someone has to approve that development. She expressed trust that her colleagues in Prince William County would listen to their constituents just like Loudoun County would.
- Chair Randall suggested that what has happened was a general alignment for this roadway, but that was allowed to expire and now the argument is being used that there is no longer an alignment because we let it expire. You fought against what you had when you knew the alignment, and now you are saying "we fought and won that fight. Now we don't know what the alignment will be, so we are going to fight that also."
- Chair Randall stated that if she was in Delegate Hugo's position, she would make the same arguments in support of his constituents. She added that if there was not a public hearing held in Prince William County, that is the responsibility of Prince William County. She noted that Loudoun County held a Town Hall. Chair Randall expressed appreciation for Delegate Hugo's action in support of his constituents, adding this is what elected officials should do. She explained that this project is on Loudoun County's Comprehensive Plan and Loudoun County held a Town Hall with NVTA's

support. She concluded that removal of these segments from the Plan will impact Loudoun County and is in opposition to not only what the current Board supports, but what the previous Board supported.

- Mayor Parrish stated that he had listened closely to Delegate Hugo and Senator Black's arguments. He noted that he has been supportive of the Bi-County Parkway for many years, personally, adding that the City of Manassas has no official position on the project. He stated he would vote his conscience based on his knowledge and understanding. Mayor Parrish called attention to the section of TransAction that states what NVTAs does. He summarized the information in that section:
  - ✓ Planning – addresses transportation needs
  - ✓ Programming – NVTAs Call for Regional Projects
  - ✓ Funding
- Mayor Parrish stated that the action tonight is encompassed in the planning area, adding that we are not making decisions about projects or funding tonight. He explained that tonight is about taking the first step toward planning for the future of regional transportation in Northern Virginia. Mayor Parrish stated that we are not just talking about individual projects and individual jurisdictions, we are talking about a regional network of transportation for our citizens throughout the region.
- Mayor Parrish introduced a substitute motion.
- Mayor Parrish moved Authority adoption of the TransAction Update and associated Project List; seconded by Supervisor McKay.
- Senator Black expressed appreciation for Delegate Hugo's respect for the Loudoun County position. He stated that the idea that we simply proceed with the adoption of this Plan, that this is just a theoretical drill and that nothing will happen downstream, he believes is unrealistic. Senator Black suggested that this action sets in motion a series of events which logically will eventually lead to the construction of this project. He noted this project is number two on the corridor list of projects and yet we have 1000's of individuals who reside directly on this location who are adamantly opposed to it. Senator Black stated he does not support the substitute motion.
- Delegate Hugo stated that we are talking about planning and what we are planning is sprawl. He added this is the second lowest scoring project and it has been thrown in here for nothing. Delegate Hugo stated there is no reason to put this sprawl project in the Plan and added that Chairman Nohe told people it will probably not be built. He suggested all we are doing is upsetting people's lives for a project that may not be built. He further suggested we are just keeping it on life support for a few developers. Delegate Hugo stated we should not do this. He further stated that doing things like this undermines the credibility of the NVTAs-at-large. He guaranteed this will have reverberations that come back on us. Delegate Hugo stated the NVTAs has a great purpose, a great role in planning, it is a regional idea and a regional entity. He suggested putting lowly rated projects like this in the Plan, which have been taken off the

comprehensive plan, are based on expired programmatic agreements, are vehemently opposed by major environmental groups across the Commonwealth, and opposed by the citizens; this is going to reverberate down to Richmond. It is going to look badly on all of us. It is going to hurt these people's lives. It is going to negatively impact NVTAs long term. He suggested it will be on all of our shoulders.

- Supervisor McKay noted that Delegate Hugo's motion was not just the removal of one project. He requested clarification as to how many projects are included in the motion. Ms. Backmon responded that there are 49 projects impacted by Delegate Hugo's motion. Supervisor McKay stated this is not a minor suggestion. He noted that it may not have been vetted as well as it should have been with the impacted region, but stated that this document has been vetted in the entire region for years. He expressed hope that the General Assembly would not have the reaction suggested by Delegate Hugo. He stated that the NVTAs were created to work as a region on long term planning. Supervisor McKay noted that one jurisdiction supports this project and one does not, suggesting that there is a disagreement in the region. He suggested this means the project needs to be further vetted. Supervisor McKay added that to be further vetted, it needs to be on this Project List to go through the formal evaluation, environmental review, technical review, engineering, and siting, to get the robust public feedback we want.
- Supervisor McKay expressed understanding for Delegate Hugo's argument, noting that people don't like massive projects that effect their properties. He stated that the Authority needs to think as a region, weighing all the pros and cons of the project. He expressed discomfort at removing 49 projects from a document that has been vetted for three years. Supervisor McKay concluded that if this project is as bad as it has been described, then future review of this project will make this case very clearly and scientifically. He stated he cannot support Delegate Hugo's motion to remove projects from the Plan that has been vetted for three years and impacts 49 projects. He added that public input on a project of this scale should be more than one or two meetings, suggesting hundreds of meeting may be necessary prior to any funding. Supervisor McKay supported Mayor Parrish's statements, noting his vote is not endorsing the Bi-County Parkway, but supporting its inclusion to be further vetted and reviewed in a very comprehensive and thorough way. He concluded that if it doesn't have merit, the outcome of the review will show this.
- Delegate Hugo stated that Supervisor McKay would be upset if there was a large project in Springfield that had no hearings on it. Supervisor McKay responded that he has had a lot of big projects in Springfield and nothing was built until there were 100's of hearings. Delegate Hugo reiterated there were no hearings for this project and agreed that projects need to be properly vetted. He suggested there was a project in the original Plan that was presented two months ago. He stated that the configuration present this evening is different. He inquired as to when the sub-committee meeting was held. Ms. Backmon responded the meeting with the PPC was held on October 4, 2017, with a prior meeting held in September. Delegate Hugo stated that the Route 29/234

closure was removed and there is not discreet route. He added that this is totally new and has not been discussed for years. He reiterated this is totally new, no one knows where the route is going, the Battlefield Bypass has been added and now Route 29/234 is staying open. He stated this is not the project that has been discussed for three years, suggesting maybe a couple of weeks. He requested Supervisor McKay support him now that had he validated Supervisor McKay's point. Supervisor McKay pointed out that there are many projects in TransAction that have not been thoroughly vetted. He added there are also many projects that do not have distinct route locations. Delegate Hugo asked if Supervisor McKay agreed that this project has not been vetted for three years. Supervisor McKay agreed that the TransAction update has been going on for three years and that this is not the first time he has heard of the Bi-County Parkway. Delegate Hugo noted this Bi-County Parkway is only two weeks old and hasn't been vetted.

- Mayor Rishell stated that she supports the passage of the TransAction Plan exactly as it was presented to the Authority. She suggested the transportation challenges that Northern Virginia faces are enormous, adding that this is a planning document, not a funding document. She stated she is not trying to keep anyone on life support.
- Chair Randall noted that the total to fund all 352 projects in TransAction is approximately \$42 billion. She asked how much money would be available to fund the SYP. Ms. Backmon stated that there is an estimated \$1.5 billion for FY2018-2023. Chair Randall clarified this is \$1.5 billion of the needed \$42 billion. Ms. Backmon confirmed that \$42 billion would be needed to fund every project in TransAction. Chair Randall stated that many projects will need greater scrutiny, but noted that the vast majority will not be funded by FY2023 due to lack of funds. She acknowledged that this is a 25 year plan and that based on reviewing the TransAction documents and being engaged in the process, she has learned that we don't know what things will look like in future years. Chair Randall concluded this is a long range planning document that looks 25 years into the future and will cost \$42 billion, noting we have \$1.5 billion now. She expressed understanding for Delegate Hugo's position and support of his constituents. She also supported Supervisor McKay's point that in order to vet these projects any further, and seek more public input on them, they need to stay in the Plan. Chair Randall stated she supports the Plan as presented.
- Mayor Meyer stated he supports the regional aspect of all of these projects. He expressed appreciation for the scoring, modeling, intellectual consistency and wholeness of the Plan. He expressed appreciation for Delegate Hugo's position. Mayor Meyer suggested that Delegate Hugo had questioned the Authority's credibility and noted that there is another side to this issue that might gain the attention of the General Assembly. He explained that the Authority has quite a bit of cash on hand. He suggested that while we should not move forward capriciously to spend it, if we do not adopt TransAction this evening, we cannot move forward to the SYP and this only exacerbates and delays important decisions on live projects in the planning process. Mayor

Meyer suggested a delay in the allocation of funding might provide an opportunity for the General Assembly to recognize the NVTAs funds on hand and to question the wisdom of the concept of the Authority if we cannot move forward.

- Delegate Hugo thanked the NVTAs staff for the work on TransAction. He noted there are 28 projects on the list on page 10 of the TransAction Plan. He stated that one of the projects is the North-South Corridor/Bi-County Parkway rated at 7.7, with the next project up rated at 11.8. He asked if there are any projects rated in between 7.7 and 11.8 that are not on this list, asking if anything had a higher score than 7.7 that is not on this list. Ms. Backmon clarified that these are 28 corridor segments, not projects. She stated that the Project List identifies the projects that are encompassed in the 28 segments. Ms. Backmon stated that the 352 projects all fall within the 28 corridor segments, noting that the rating for the North-South Corridor/Bi-County Parkway segment is 7.7 and it is one of the lowest performing segments compared to the other segments. Ms. Hynes stated that this corridor segment contains only twelve projects. Ms. Backmon noted that one reason the other segments performed better in the scoring is because they have more projects, adding that segments with more projects could have more of an impact on congestion reduction than segments with less projects. Delegate Hugo asked again if there is anything in between that is not included on the list. Ms. Backmon responded that everything that has been analyzed is on the list, all 352 projects. Delegate Hugo stated this is 27 out of 28. Ms. Backmon clarified that in the segment level ranking, this segment is 27 out of 28.
- Council Member Snyder stated that this Plan is one of the tools in our toolbox to address the overall transportation issues. He suggested this is a collection of projects that have some interest, however, what this Plan does is present major corridors that the NVTAs is going to work to improve. Council Member Snyder noted this is a multimodal approach that includes roadways, transit, Transportation Demand Management (TDM), non-motorized, Intelligent Transportation Systems (ITS) and Intelligent Corridor Management (ICM). He stated that overall this is good, adding there are projects he loves, projects he probably hates and projects he has no emotional reaction to. Council Member Snyder explained it is what it is and it moves the ball forward for the region, letting the region know these are the types of issues we need to look at. He suggested this will trigger further debate and discussion on each one of these projects as we go through the appropriate process. Council Member Snyder stating that his vote does not endorse all of the projects, but overall this Plan does what needs to be done. He added that this tells the public that we have studied this, we have heard the different reactions to different projects, but if we want to fix the transportation system, these are the kinds of things the region is going to need to do.
- Mayor Silberberg stated she supports the passage of TransAction, adding that she supports Supervisor McKay's suggestion that further vetting is needed for projects as they proceed through the process. She expressed appreciation for the staff support on the development of TransAction. Mayor Silberberg stated

that she understood Delegate Hugo's position, acknowledging there could have been a public meeting in his region and adding that we can learn from that. She reiterated that currently only \$1.5 billion of the \$42 billion will be funded, so clearly not all projects will move forward. She suggested that if she lived in the area effected by the Bi-County Parkway, TransAction might be a signal that this project is a possibility and may cause some concern. Mayor Silberberg further suggested that the jurisdictions effected by this project need to continue to have conversations, have more civic engagement and study the pros and cons of the environmental impact. She added that the Authority can play a role in that discussion going forward. Mayor Silberberg stated she respects Delegate Hugo's points, but suggested we need to move forward to have these conversations and we need more information.

- Chair Fisetto supported Delegate Hugo's concerns, stating that he wished Delegate Hugo had shared these concerns earlier in the process when they could have been vetted and discussed. Chair Fisetto inquired as to when the next TransAction update would be. Ms. Backmon responded that based on adoption this evening, the next update adoption year is 2022. Chair Fisetto suggested this conversation has been healthy, in terms of the criteria the NVTA uses. He questioned that the value in having a \$42 billion plan, suggesting it sends many messages, not just to the residents that wonder if a route is going to affect their home, but that we have a \$42 billion Plan and only \$1.5 - \$2 billion in funding. Chair Fisetto proposed that the criteria that the Authority uses to vet projects at the beginning of the process deserves some reflection. He noted this is an unconstrained Plan, adding that when you have a constrained plan like the Transportation Planning Board's (TPB) Constrained Long Range Plan (CLRP), you know that a project is included in the Plan because there is enough money to fund it. He stated that the TPB is discussing adding an unconstrained component, but suggested it will be very measured and focused on projects that cross jurisdictions to allow the region to review and prioritize projects that cross state boundaries. Chair Fisetto proposed the Authority consider what unconstrained means and whether there should be some limits or better criteria in defining this in the next update. He stated TransAction is not only fiscally unconstrained, but geographically unconstrained, noting that during the Public Hearing there were two projects that had large opposition, including the Potomac River Crossing. He questioned how a project is in our Plan when it is almost solely located in Maryland, noting the Maryland state line comes to the Virginia shore of the Potomac River. Ms. Backmon responded that the Plan is geographically unconstrained and we are identifying congestion in the region that not only impact Northern Virginia, but require Maryland and the District of Columbia to fix the congestion problem. She added that there are other projects, including Metro projects, that in order to be constructed, will need Maryland and the District to bring their share of the funding, for example 8-car Traction Power Upgrades. She noted there are 21 geographically unconstrained projects in the Plan. Chair Fisetto acknowledged that while the Potomac River Crossing might be a more egregious project, there are 21 projects that cross out

of Virginia and require another locality outside of Virginia to be part of a solution. He added that the bridge has garnered extreme opposition, while the others are probably more viable and nuanced. Chair Fisetto acknowledged that the modeling is one of this issues that needs to be considered today, adding that this is not the final word and we need to take what we learned and use it to seriously inform the next update. He suggested \$42 billion is too big a Plan and it needs to be cut back based on newly thought out criteria. He added that based on the TPB creating an unconstrained element to its Plan, our Plan should align with the TPB's long range unconstrained elements of its Plan. Chair Fisetto stated that the projects the TPB is considering for this are High Occupancy Toll (HOT) Lanes through the region, Bus Rapid Transit (BRT) throughout the region, river crossings both above and below ground. He suggested this should be an important element in a future conversation. Chair Fisetto stated that we should have had a discussion a year ago about this. He expressed understanding of Delegate Hugo's concerns regarding sprawl development in the wrong place and added that Prince William and Loudoun Counties' positions also need to factor into these discussions. Chair Fisetto stated that there was enormous opposition to the Potomac River Crossing, with Maryland saying absolutely not. He suggested that if the Bridge is not included in the Plan now, it could be added in the next TransAction update. Chair Fisetto stated the challenge now, practically speaking, is that based on the assumptions already made there are implications to delaying. He suggested that if we could remove this project today and not impact the rest of the Plan, he would be more open to waiting six years for this project to be added. However, if it means the process will be invalidated, cost more, and will be delayed by six months to a year, this body should preemptively have this discussion as part of the next update. Chair Fisetto suggested this means that neither the Bi-County Parkway nor the Potomac River Crossing will happen in the next six years and people should feel very comfortable presuming this.

- Delegate Minchew stated that project number 180, Evergreen Mill Road, is in the Plan to be widened. He asked for clarification as to whether Loudoun County could choose to make structural changes to improve safety prior to the full widening project and request NVTA funding to do so, even though it is not the full scope of the project as presented in TransAction. Delegate Minchew suggested that if this is permissible, then by approving this Plan our choice is not all or nothing, there is some discretion to enhance safety and improve congestion within the scope of the project as included in the Plan. Ms. Backmon responded it would be permissible. She noted eligibility for the SYP requires inclusion in the Plan, but that a project can be a subset of a project in the Plan, understanding that a locality may not be prepared to advance a project as it is listed in TransAction in its entirety. Chairman Nohe stated that the Authority has already funded projects that are a subset of a project in the current TransAction, for example funding a two mile section of a ten mile project. He likened this to funding phases of medium to large projects. Delegate Minchew expressed appreciation for this, suggesting that Loudoun may need to improve this roadway prior to constructing the entire project.

Chairman Nohe added that we cannot guarantee the project would be funded, but it is eligible for submission for further evaluation.

- Senator Black asked in what manner the Evergreen Mill Road question would be addressed, if the substitute motion currently before the Authority were to pass. He added that it had been addressed, but not raised in a formal fashion. Senator Black asked if we foreclose raising this issue before the body by acting on the motion in the form presented. Chairman Nohe responded that the question of Evergreen Mill Road improvements is relevant in that Evergreen Mill Road is a project listed in TransAction and once TransAction is approved, we can move forward with a Call for Projects in which jurisdictions can request funding for specific projects within TransAction. He explained that, essentially, approving TransAction puts into motion the process that could lead to Loudoun County requesting funding for Evergreen Mill Road. He stated that he cannot speak for the Loudoun County Board as to what projects they will request, adding that he did not know if Evergreen Mill Road is in the current TransAction 2040. He further explained that we can only fund projects included in TransAction, so upon approval of TransAction, all 352 projects become eligible for funding, to include Evergreen Mill Road, or some portion of Evergreen Mill Road.
- Delegate Hugo asked a parliamentary question, noting he made an amended motion and Mayor Parrish made a substitute amendment. He asked if there would still be final passage, adding that a substitute amendment cannot have final passage. Mayor Parrish clarified that he did not make a substitute amendment, he made a substitute motion. He suggested the Chairman would call the substitute motion to be acted upon first. Delegate Hugo suggested this would be final passage. Chair Fisette stated the substitute motion becomes the main motion and if it passes then there is a vote on the main motion. Chairman Nohe stated there was a motion on the floor to amend the Draft Plan to withdraw certain projects, then a substitute motion was made and seconded; it is now the main motion. There was a brief discussion regarding the voting procedure for this process. Chairman Nohe stated there would be two votes, one to make the substitute motion the main motion and then one to vote on the main motion. He explained that he wanted to be sure to have all the discussion necessary on this topic. Delegate Hugo thanked Chairman Nohe for his clarification. Upon request, Chairman Nohe clarified that when it is time for a vote on this matter, the first vote will be whether or not Delegate Hugo's motion shall be supplanted by Mayor Parrish's motion. If that motion passes, there will be a second vote on the adoption of TransAction. There was further discussion regarding the voting process, suggesting the substitute motion is already the main motion. Mr. Dickerson, NVTA Counsel, suggested two votes be taken to ensure support and understanding of the process. Chairman Nohe ruled two votes would be taken. There was further discussion on this process, noting there are two legal ways to proceed. Chairman Nohe stated that regardless of the procedure, if a governing body votes on a motion, it is legally enforceable until challenged. He reiterated there would be two votes to ensure

there is no question of the process. He added that the first motion may be superfluous, but it is determinative.

- Supervisor McKay clarified that TransAction is updated every five years, but this update process has taken three years. He inquired as to whether it is within the scope of the NVTA to change the parameters of what is considered in the Plan, as Chair Fissette suggested. He suggested that if it is within the scope, it should be done immediately following adoption, knowing that this is on-going all the time with the next cycle starting in just two years. Ms. Backmon confirmed it is an on-going process and stated that “lessons learned” from this update are already being developed, as they have been for previous Plans. She also noted that with adoption of TransAction and the SYP Call for Projects this evening, we will be right back out seeking public comment on those projects. Ms. Backmon added that although adoption is every five years, the process starts almost immediately, especially with funding to implement. Supervisor McKay suggested that to Delegate Hugo’s concerns, we could be talking about this issue in a more robust way as part of the next cycle, even though it wasn’t done for this cycle. Ms. Backmon responded, absolutely.
- Supervisor McKay stated that, in regard to Prince William County removing the Bi-County Parkway from its Comprehensive Plan, he was under the impression that the General Assembly specifically codified a ruling that the NVTA will not be compelled to change its Plan based on a local government’s comprehensive plan. He asked if this was correct. Ms. Backmon responded affirmatively, noting that Supervisor McKay referenced HB 1915 which states that when localities make changes to the land use and transportation sections of their comprehensive plans, they must notify the Authority, but it is not compelled to make changes to the long range transportation plan. Supervisor McKay suggested this bill was passed to ensure the NVTA focuses on regional solutions and not the whim of any particular jurisdiction. Ms. Backmon confirmed this, noting that in the case of the Bi-County Parkway there are two localities in which the project falls. One locality does not have it in its comprehensive plan, but the other does. She suggested this is why the NVTA should not make planning level decisions based on inclusion in a localities comprehensive plan. Ms. Backmon added that the programming aspect is very different. Supervisor McKay suggested this General Assembly ruling is important, noting he seldom looks to the General Assembly to rule on an entity ignoring a locality’s comprehensive plan, but clearly the General Assembly wanted to promote regionalism to ensure one jurisdiction does not change the entire outcome of the NVTA process.
- Ms. Hynes asked for clarification that Delegate Hugo’s proposal to remove segments 2-2 and 2-3 from the Plan would mean that none of the projects, of any sort, on these corridor segments would be eligible for NVTA funding. Ms. Backmon responded affirmatively. Ms. Hynes stated that this is currently 49 projects, taking whole stretches of roadway out of NVTA planning. She suggested one of the challenges encountered with Loudoun County in the last TransAction update was that projects were not submitted to the Plan and, therefore, were not eligible for funding.

- Chairman Nohe stated he was going to propose a slight amendment to Mayor Parrish's substitute motion. Mayor Parrish suggested Chairman Nohe is leading the NVTA in the right direction and he will make any appropriate amendments to the motion to get us where we need to be. Chairman Nohe introduced a list of the 21 extraterritorial projects in TransAction. He suggested that the question as to whether the NVTA can do things outside of Planning District 8 is very relevant, adding that State Code says we cannot. He stated that we cannot spend NVTA funds outside of Planning District 8, and as a practical matter, we cannot build extraterritorial projects without coordination and funding from the extraterritorial partners. Chairman Nohe suggested that someday we may want to build some of these extraterritorial projects, for example the Rosslyn Blue Line Tunnel. He stated we cannot do this without the District's approval and the District is not ready for this project. He added that we do not want to be in a position where we cannot fund these extraterritorial projects should they become a priority for the regional and our extraterritorial partners.
- Chairman Nohe proposed, assuming TransAction adoption this evening, adding an appendix to TransAction for projects for which there are special circumstances that would have to be considered prior to funding. He stated that the 21 extraterritorial projects clearly have special circumstances, in that we need extraterritorial partners to build them. He suggested there is value in acknowledging this in the Plan. Chairman Nohe stated that he suggested an appendix because an appendix is amendable, therefore, if a project suddenly becomes viable then we can remove it from the appendix. He added that if a project not on the appendix becomes questionable in the future, it can be added to the appendix. Chairman Nohe stated that the Bi-County Parkway is a project that has special circumstances. He added that it is a long standing practice of the Authority, going back to HB 3202 and before, that the NVTA does not fund projects that the jurisdiction in which the project is physically located does not endorse the project. He noted that the jurisdiction of project location does not have to request the project, but they have to approve of the project. He cited a previously funded Loudoun County project that is being constructed in Fairfax County and Fairfax County gave its approval. Chairman Nohe stated that the Bi-County Parkway is not in Prince William County's comprehensive plan, adding that Prince William County will not request funding for this project. He further stated that if Loudoun County requests the project, Prince William County will not approve it because it is not in its comprehensive plan. He suggested there may be other similar projects, adding we have 22 now, but others can be added to the list if they are discovered to have special circumstances. Chairman Nohe stated that we are at a crossroads where it is time to vote on this issue, but there is an unanswered question about these projects with special circumstances. He suggested that adding an appendix provides a more clear understanding to future Authority members that this body knew, when it adopted this Plan, that some of these projects have special circumstances.

- Mayor Parrish requested clarification that these projects with special circumstances are not being removed from TransAction, but will be annotated to explain what this means. Chairman Nohe responded affirmatively, stating that he would make it an appendix because an appendix is amendable. He added that this does not change the Plan or the congestion relief analysis. Mayor Parrish asked if putting these projects in an appendix takes them out of TransAction. Chairman Nohe responded that it would not.
- Mayor Silberberg suggested this would speak to some of the concerns expressed by NVTA members. Chairman Nohe agreed that this is why he was suggesting the appendix.
- Mayor Meyer asked for clarification that the proposal is to add an appendix identifying the projects in the Plan which have special circumstances, but not to remove them from the Plan. Chairman Nohe confirmed they would not be removed from the Plan.
- Senator Black moved adding the proposed appendix to TransAction and that we include the river crossings and the Bi-County Parkway in the appendix. Chairman Nohe stated that rather than accepting Senator Black's motion, he is requesting that Mayor Parrish, the maker of the current substitute motion, accept this as a friendly amendment.
- Mayor Parrish stated his first motion was that the Authority adopt the TransAction Update and associated Project List. He added that he has no problem with the friendly amendment, with the understanding that these projects are not being removed from TransAction and will become annotated within an appendix that describes their unique situation.
- Supervisor McKay, as the seconder of the motion, asked for clarification that by putting these projects in the appendix we are mentioning them twice and procedurally, nothing different will happen with the NVTA process after the adoption of TransAction. He suggested we are just being more transparent with the public that the decision about whether these projects move forward is not solely held by this Authority. Chairman Nohe affirmed this and further added that if Loudoun County proposed a Potomac River Crossing as part of the SYP, Mr. Berliner now can point to the appendix and say that the NVTA has acknowledged that this project is a problem.
- Supervisor McKay stated that with the understanding that nothing different will happen procedurally with these projects, he agrees to accept the friendly amendment. Chairman Nohe stated that a friendly amendment has been accepted to the substitute motion.
- Mayor Silberberg requested clarification that the appendix would include both the Potomac River Crossings and the Bi-County Parkway. Chairman Nohe responded that it would and provided the extraterritorial project list to members.
- Chair Randall stated that she understands that the appendix addresses extraterritorial projects and does not change or remove projects from TransAction. She suggested there are two issues with the appendix, noting some projects are extraterritorial in that they are outside of the NVTA's authority, but that the appendix would contain both extraterritorial projects and

projects not included in a jurisdiction's comprehensive plan. Chairman Nohe stated that his suggestion is to include the 21 extraterritorial projects and the Bi-County Parkway in the appendix. He added that jurisdictions can also request additional projects be added to the list. He explained that Prince William County has a policy that states it will not endorse a project for any funding source that is not in its comprehensive plan, noting that other jurisdictions may be willing to endorse a project not in their comprehensive plan and then there may not be special circumstances. Chairman Nohe reiterated that a jurisdiction can request a project be added to the appendix at a later date.

- Chair Randall inquired as to whether a project on the appendix would receive a less favorable view when reviewing projects for the SYP. Ms. Backmon responded that they would not receive a less favorable review, depending on the circumstance. She explained that Metro's 8-Car Traction Power Upgrades were funded in the FY2017 Program and that NVRTA staff took the extra step to ensure the District and Maryland, per Metro Board action, were prepared to fund their portion of the upgrade. She added that once the resolution was secured, the Standard Project Agreement was presented to the Authority for approval. Chair Randall inquired as to why we are annotating these projects with special circumstances, understanding that by including these projects in the appendix they will not receive a less favorable review and that nothing really changes. Chairman Nohe responded that this acknowledgement becomes a relevant data point for Authority consideration, adding that if the Potomac River Crossing were proposed for funding, it would trigger the question as to whether Montgomery County had approved the project. Chair Randall suggested she did not disagree with the appendix, but she expressed concern that the Bi-County Parkway and the two sections that are being annotated do effect Loudoun County. Chairman Nohe clarified that his suggestion is not in direct response to Delegate Hugo's initial motion to remove corridor segments 2-2 and 2-3. He noted that included in these corridor segments are 49 different projects, many of which are non-controversial and are included in Prince William County's Comprehensive Plan. He explained that one of the projects within the corridor segment is a road casually called the Bi-County Parkway, adding that VDOT identifies it as the Tri-County Parkway. Chairman Nohe further explained he was referencing the road that at one time might have led to the closure of the Route 29/234 interchange and is the road that has been removed from Prince William County's Comprehensive Plan. He stated he is not suggesting acknowledging special circumstances for all 49 projects in the Route 234 corridor. He added he would not apply it to the Loudoun County section either.
- Chair Randall requested a five minute recess to speak with Loudoun County staff and Loudoun County colleagues on the Authority.
- Supervisor McKay expressed concern about this discussion based on review of the list of extraterritorial projects, which includes many transit projects. He stated he is more concerned about these discussions between two jurisdictions, adding that he had just clarified that the General Assembly passed a bill that

specifically discourages the NVTa from being compelled to change the Plan based on a jurisdiction's comprehensive plan. He explained that there is a practice in place as to how jurisdictions work this out with the NVTa. Supervisor McKay suggested the list of extraterritorial projects, due to their leaving the Northern Virginia region, is different than a roadway contained within Northern Virginia between multiple jurisdictions. He asked for further clarification on this matter. Chairman Nohe suggested that in this regard, his suggestion may be a bad idea. He acknowledged that he had originally thought of the appendix issue in the context of the 21 extraterritorial projects.

- Mayor Parrish stated that since the Authority has already taken an action to fund an extraterritorial project; and we took the appropriate action to work with jurisdictions outside of Northern Virginia to accomplish it in such a way as to work with our funding and theirs', we have an example of doing this. He suggested that we know how to manage funding requests for any extraterritorial projects contained within TransAction. He added that we can annotate this as much as we want, and those instructions can be given to staff after a motion. Mayor Parrish stated he believes the motion is pretty clear, let's pass TransAction and the projects within it.
- Chairman Nohe clarified that Mayor Parrish is reverting to his original substitute motion. Mayor Parrish confirmed this and Supervisor McKay agreed with this as the seconder of the motion.
- Mayor Rishell questioned the need for an appendix after this conversation, adding that in the future if there is any need for clarification, this discussion will be included in the meeting minutes. Chairman Nohe agreed with this.
- Mayor Parrish commented that for many years he has had such hope for the NVTa and what it could accomplish in Northern Virginia for Northern Virginia citizens with regard to reducing congestion and making life better. He stated that we are on the cusp of that and he is pleased. He expressed appreciation for the conversation this evening, adding it has been very good and members should speak passionately in representation of their citizens. Mayor Parrish stated that as the NVTa, we need to make decisions regionally and we should move forward.
- Council of Counsel was questioned about the previously proposed two vote method. Mr. Dickerson stated that the NVTa has a quorum at the meeting and voting requirements to take action by 2/3 of the population, 2/3 of the members and 2/3 of the localities. He added that if the motion is clear, and it is clearly a substitute motion to adopt the Plan; and it is adopted by 2/3 majority across the board, then that is action of the Authority. Chairman Nohe inquired as to whether there is anything that precludes the two vote method. Mr. Dickerson responded that there is not.
- Chairman Nohe ruled that the two vote method will be used.
- Chairman Nohe commented that his very first meeting of the Authority was twelve years ago and TransAction 2030 was being discussed. He acknowledged that Council Member Snyder and Mayor Parrish were also in attendance and are the only remaining members who were also on the Authority for the adoption of TransAction 2040. Chairman Nohe stated that

this is the third TransAction for Mayor Parrish and himself, and it is the fourth TransAction adoption for Council Member Snyder as he was on the original body that adopted TransAction 2020. He commented that in his experience, those meetings have had conversations very similar to this evening's discussion about what projects should be in the Plan. He expressed appreciation for the conversation this evening. Chairman Nohe stated that one main difference between this Plan and previous Plans is that we are not just adopting a wish list of projects. We have taken a list of projects and based on robust analysis, we have assigned a number that can be used to determine whether or not a project is a good idea. Chairman Nohe concluded that to the best of his knowledge, no one has ever done what the NVTA has done with this Plan. We are setting a new standard for how regions or states analyze transportation planning. He stated we should be extraordinarily proud of this. Chairman Nohe thanked the NVTA staff, Ms. Backmon and Mr. Jasper. He also acknowledged and thanked the jurisdictional staff for the huge amount of hours they have contributed to this effort.

- Chairman Nohe called for a motion to create a substitute motion, adding that a vote in the affirmative is a vote to go to a second vote on what will become the main motion, as opposed to voting on Delegate Hugo's original motion.
- Delegate Minchew clarified that the vote on the floor is the substitute motion to pass TransAction and inquired as to what the second vote would be. Chairman Nohe clarified that he is choosing to have two votes. The first is whether Mayor Parrish's motion should be the main motion, adding that if a member would like to vote on Delegate Hugo's motion, they would vote no. If the first vote passes, a second vote will be taken to approve TransAction.
- Ms. Speer took the roll call vote:
  - Chairman Nohe – Yea
  - Chair Randall – Yea
  - Supervisor McKay – Yea
  - Chair Fisette – Yea
  - Mayor Silberberg – Yea
  - Mayor Parrish – Yea
  - Mayor Meyer – Yea
  - Council Member Snyder – Yea
  - Mayor Rishell – Yea
  - Senator Black – Yea – changed to Nay with subsequent conversation and consent
  - Delegate Hugo - Nay
  - Delegate Minchew – Yea
  - Ms. Hynes – Yea
  - Mr. Kolb - Yea
- Chairman Nohe stated that by a vote of thirteen (13) to one (1), the motion to substitute carries. We now move to the main motion which is a vote on whether or not to approve agenda item IX Adoption of the TransAction Update.

- Senator Black requested permission to change his vote to nay (as noted above). There was general consent to suspend the rules to allow Senator Black's vote to be recorded as a nay.
- Chairman Nohe stated that by a vote of twelve (12) to two (2), the motion to substitute carries. We now move to a vote as to whether or not to approve item IX the TransAction Update.
- Delegate Hugo stated, mark this on your calendar, this a good day, the Nats (Washington Nationals) are going to win. Also mark this on your calendar, Mayor Meyer says I am to the left of him. He added that Mayor Silberberg, Chair Fisette and Supervisor McKay expressed sympathy for the position of Senator Black and Delegate Hugo on this matter. Delegate Hugo recognized that Delegate Marshall is in attendance this evening. He stated that comments made by Mayor Meyer and Chair Fisette are incredibly important and are going to last beyond tonight. He noted that Chair Fisette said the Bi-County Parkway may not happen, but he also said we are creating a fiscally unconstrained document. This is not only a geographically unconstrained document, but a fiscally unconstrained document that we are about to pass tonight. Delegate Hugo stated this is incredibly important and goes to what Mayor Meyer said about Richmond seeing a pot of money, or see something down here, and this is going to reverberate beyond. Delegate Hugo expressed concern that we are making a mistake, not just on this one individual project, but that a number of members expressed concerns about the process. He suggested that the scope of creating an unconstrained fiscal document for transportation is going to send a message and this is going to be problematic for all the good things Mayor Parrish discussed as we go forward. He added this is going to be problematic for the NVTa. Delegate Hugo concluded that he wished we were not doing this, but he appreciated the opportunity to speak on this issue. He thanked the Chairman and stated he would vote no.
- Ms. Speer took the roll call vote:  
Chairman Nohe – Yea  
Chair Randall – Yea  
Supervisor McKay – Yea  
Chair Fisette – Yea  
Mayor Silberberg – Yea  
Mayor Parrish – Yea  
Mayor Meyer – Yea  
Council Member Snyder – Yea  
Mayor Rishell – Yea  
Senator Black – Yea  
Delegate Hugo - Nay  
Delegate Minchew – Yea  
Ms. Hynes – Yea  
Mr. Kolb - Yea

- Chairman Nohe stated that on a vote of thirteen (13) to one (1) the motion carries and we have a regional plan.

#### **IV. Approval of TransAction Contract Amendment 2**

- Mayor Parrish moved Authority approval of the TransAction Update Contract – Amendment 2 (RFP2015-01); seconded by Supervisor McKay. Motion carried unanimously.

#### **X. Adoption of the FY2018-2023 Revenue Projections**

Mayor Parrish, Chair, Finance Committee

- Mayor Parrish informed the Authority that the Finance Committee had met and discussed the FY2018-2023 Revenue Projections at length. He noted that this process leads to the ability to fund projects at a future time and addresses regional transportation needs through 2040, adding that Northern Virginian’s consider the region’s travel conditions to have the largest impact on their quality of life. Mayor Parrish stated that the revenue projections are the first step in determining the PayGo funding availability for the SYP. He noted that all jurisdictions participated in the revenue projection process and added that the projections include a number of items and considerations. Mayor Parrish reviewed the Authority’s revenue sources and noted that the projections show each revenue source by year. He concluded that the projections show the 70% Regional Revenue for the SYP will approximately \$1.5 billion.
- Mayor Parrish moved Authority adoption of the proposed FY2018-2023 revenue projections; seconded by Supervisor McKay. Motion carried unanimously.

#### **XI. Approval of De-allocation of \$300M from the I-66/Rt. 28 Interchange Project**

Ms. Backmon, Executive Director

- Ms. Backmon reminded the Authority that it had allocated \$300 million in the FY2017 Program to the I-66/Route 28 Interchange Project, adding that \$100 million was cash and \$200 was planned to be debt. She stated that no public funds are required for the Transform 66 Outside the Beltway Project and the interchange improvements will be completed by Express Mobility Partners as part of the overall project. As a result, NVTA staff is requesting de-allocation of the \$300 million from the I-66/Route 28 Interchange Project.
- Chairman Nohe inquired as to whether this \$100 million has been included in the SYP funding projection of \$1.5 billion. Ms. Backmon responded it has not, that the projection will be increased by \$100 million.
- Supervisor McKay moved Authority approval for the de-allocation of \$300 million approved in the FY2017 Program for the I-66/Route 28 Interchange Project and cancellation of the project; seconded by Ms. Hynes.

- Chairman Nohe stated that this item had been scheduled months ago, based on the assumption that the State would have reached financial close on the I-66 Outside the Beltway project by now. He noted that he had spoken to Deputy Secretary Donohue and the Deputy Secretary had assured him that the NVTA could move forward with the de-allocation this evening.
- The motion carried unanimously.

**XII. Approval of the Call for Regional Transportation Projects for the FY2018-2023 Six Year Program** Ms. Backmon, Executive Director

- Ms. Backmon informed the Authority that with the adoption of TransAction this evening, NVTA staff is asking for approval to issue the Call for Regional Transportation Projects for the Authority's first Six Year Program FY2018-2023. She stated this item had been reviewed with the PPC and the Committee recommended NVTA endorsement. Ms. Backmon stated that project eligibility requires inclusion in TransAction, HB 599 analysis (which was incorporated into TransAction) and Congestion Reduction Relative to Cost (CRRC) evaluation. She added that based on approval this evening, applications are due at noon on December 15, 2017, with resolutions of support due at noon on January 19, 2018. She stated there has been an extra month provided for the resolutions of support, noting that NVTA staff can begin evaluating the project prior to receiving the resolutions.
- Chairman Nohe stated this is the action that begins the process by which the Authority will chose the projects that will be funded in the SYP.
- Mayor Parrish moved Authority approval of the Call for Regional Transportation Projects for the FY2018-2023 Six Year Program; seconded by Chair Randall. Motion carried with thirteen (13) yeas and one (1) nay [Delegate Hugo].

**XIII. Approval of Comments on the VTrans 2040 Draft Recommendations on the Tier 1 Needs** Ms. Backmon, Executive Director

- Ms. Backmon informed the Authority that the Virginia Office of Intermodal Planning and Investment (OIPI) is leading an effort to develop and implement the Statewide Transportation Needs Assessment for the VTrans Multimodal Transportation Plan 2025 (VMTP). She noted that one of the purposes of the needs assessment is to serve as a screen for projects applying for consideration for Smart Scale prioritization and funding. She added that all projects submitted for Smart Scale funding must pass through an initial screening process. Ms. Backmon stated that the Commonwealth consultants met with the RJACC earlier this year and the Authority submitted a comment letter in February 2017. She explained that there are now been recommendations for the Tier 1 Needs and NVTA staff recommend Authority approval for the proposed comments on the Tier 1 Needs Recommendations. Ms. Backmon

added that there is an understanding that there is \$1 billion, over ten years, available for Tier 1. Ms. Hynes informed the Authority that VTrans is intended to be a somewhat constrained long range plan for the State and each region has been given guidance on how many projects they can submit to VTrans. She stated it is important to note that to be considered for Smart Scale funding, a project does not need to be in the Tier 1 list, so there is more flexibility in the way this is constructed. She added the Tier 1 list is a statement of a set of priorities. Ms. Hynes concluded that the thinking is that of the \$5 billion over ten years, approximately 20% would be allocated to Northern Virginia.

- Senator Black inquired as to whether the Evergreen Mills Road project could be submitted for this process. Ms. Hynes responded it would not, because this is the State plan. Chairman Nohe added that Loudoun County could request Smart Scale funding for Evergreen Mills Road, regardless of whether it is in VTrans. He stated VTrans is not determinative like TransAction is. Ms. Hynes noted that OIPI held meetings with jurisdictional staff and others throughout Virginia and tried to listen to what the regions saw as the next set of needs. She concluded there are a set of projects that are funded, there are a set that are somewhat ready to go for Smart Scale and this Tier 1 is intended to be the next set of projects. Ms. Hynes added that these are large projects.
- Ms. Backmon stated that Stafford had just requested clarification on how projects were selected for Tier 1 and what the process will be for coordination with localities in which the projects reside. Ms. Hynes added that each CTB member had an opportunity to shape the prospective project list.
- Supervisor McKay moved Authority approval of the draft recommendations on the Tier 1 needs for the VTrans plan update to the Virginia Office of Intermodal Planning and Investment and authorization for the Executive Director to submit comments to the Office of Intermodal Planning and Investment; seconded by Chair Randall. Motion carried with twelve (12) yeas, one (1) nay [Delegate Hugo] and one (1) abstention [Ms. Hynes].

#### **XIV. Approval of the Call for Projects for FY2024 CMAQ/RSTP Funding**

Ms. Backmon, Executive Director

- Ms. Backmon explained to the Authority that the NVTA is responsible for making federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) and the Regional Surface Transportation Program (RSTP) funding recommendations. She stated that several years ago the CTB instructed Northern Virginia to make recommendations for the life of the State's SYP instead of in one year increments, adding that each year we add a new year and this year is FY2024. Ms. Backmon concluded that NVTA staff is preparing for the recommendation of projects to the CTB for FY2024, noting that the estimated annual revenue for these projects is \$80 million.
- Chair Randall inquired as to why the programming change to the State's SYP, instead of one year at a time. Ms. Backmon responded that several years ago

there was a misconception that the projects receiving this funding were not being advanced quickly enough, so the CTB had a list of projects still on the books, but funds had actually been spent. She concluded that this was a synchronization exercise.

- Delegate Hugo inquired as to whether any CMAQ or RSTP funds go to Corridors of Statewide Significance. Chairman Nohe responded that this funding tends to go to smaller projects. Ms. Backmon responded that CMAQ funds do not because they are focused on projects that benefit air quality. She stated that there has been some RSTP funding for Route 28 and Route 1, but these were small amounts. Mr. Kolb clarified that RSTP funds are flexible funds. Ms. Backmon agreed that RSTP funds were more flexible than CMAQ. Chairman Nohe explained that Northern Virginia localities generally use the RSTP funds to either fund relatively small projects, or top off project funds if additional funds are needed. He added that Prince William County has used these funds for Route 28 and Route 1, and Fairfax County has used these funds for Route 7. He noted these are all Corridors of Statewide Significance, but clarified that no RSTP funds have been used on the North-South Corridor.
- Mayor Parrish moved Authority approval of the issuance of the Call for Projects for the FY2024 CMAQ and RSTP Funds; seconded by Supervisor McKay. Motion carried unanimously.

**XV. Approval of Endorsement of Fairfax and Loudoun Counties' TIGER Grant Applications and Fairfax and Prince William Counties' INFRA Program Applications**

Ms. Backmon, Executive Director

- Ms. Backmon explained that the letters for endorsement were included in the meeting packet for review.
- Mr. Kolb inquired as to whether the letters were being approved as a block. Chairman Nohe responded that typically they are.
- Chair Randall moved Authority endorsement of Fairfax and Loudoun Counties' project applications for the U.S. Department of Transportation's Transportation Investment Generating Economic Recovery (TIGER) program discretionary grant applications and Fairfax and Prince William Counties' INFRA discretionary grant program applications authorized under the Fixing America's Surface Transportation (FAST) Act; seconded by Supervisor McKay.
- Chairman Nohe explained that we are simply endorsing the jurisdictions' requests for these funds. Ms. Backmon clarified that these are not NVTA requests for funding.
- Motion carries with thirteen (13) yeas and one (1) abstention [Mr. Kolb].

## Discussion/Information

- XVI. Planning and Programming Committee Report** Chairman Nohe
- No verbal report.
- XVII. Finance Committee Report** Mayor Parrish, Chair
- Mayor Parrish thanked the Finance Committee and NVTA staff for their hard work. He stated that the next Committee meeting will be the following week.
- XVIII. Governance and Personnel Committee Report** Ms. Hynes, Chair
- Ms. Hynes informed the Authority that the Governance and Personnel Committee is beginning the process of Ms. Backmon's annual evaluation. She stated that in the next six to eight weeks members will receive an email survey. She requested that members complete the survey.
- XIX. Planning Coordination Advisory Committee Report** Supervisor Buona, Chair
- No verbal report.
- XX. Technical Advisory Committee Report** Mr. Boice, Chair
- No verbal report.
- XXI. Investment Portfolio Report** Mr. Longhi, CFO
- No verbal report.
- XXII. Monthly Revenue Report** Mr. Longhi, CFO
- No verbal report.
- XXIII. Operating Budget Report** Mr. Longhi, CFO
- No verbal report.
- XXIV. Executive Director's Report** Ms. Backmon, Executive Director
- Ms. Backmon reminded the Authority that the November 9, 2017 meeting would be at the Sherwood Community Center. She thanked Mayor Meyer for providing the facility. She noted this will be the Authority's 15<sup>th</sup> Anniversary Celebration and that there will be a short business meeting prior to the event.

**XXV. Chairman's Comments**

- Chairman Nohe stated that one of the agenda items for the November meeting will likely be the adoption of the Authority's 2018 Legislative Program. He explained that a draft will be sent to members in the next week for review and asked that comments be sent to Ms. Hynes and Ms. Baynard prior to the November meeting so that they can be addressed.
- Chairman Nohe asked the General Assembly members of the Authority if they would like to receive the draft legislative program, noting that in years past some General Assembly members have abstained from receiving the draft. There was consensus that the members did want to receive the draft.

**XXVI. Adjournment**

- Meeting adjourned at 8:53pm.

DRAFT