



# Northern Virginia Transportation Authority

*The Authority for Transportation in Northern Virginia*

## MINUTES

Thursday, October 8, 2020

7:00pm

3040 Williams Drive, Suite 200

Fairfax, VA 22031

Meeting conducted on WebEx and Live Streamed via YouTube

### 1 Call to Order

Chair Randall

- ✓ Chair Randall called the meeting to order at 7:07pm.

### 2. Roll Call

Ms. Duker, Clerk

- ✓ Voting Members: Chair Randall; Mayor Parrish; Chairman McKay; Chair Wheeler; Board Member Cristol; Mayor Meyer; Mayor Wilson; Mayor Rishell; Council Member Snyder; Senator Boysko; Delegate Roem; Delegate Watts; Ms. Hynes; Mr. Kolb.
- ✓ Non-Voting Members; Mayor Wood, Ms. Cuervo, Ms. Mitchell.
- ✓ Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Keith Jasper (Principal, Planning and Programming); Sree Nampoothiri (Senior Transportation Planner); Harun Rashid (Transportation Planner); Ria Kulkarni (Transportation Planner); Mackenzie Jarvis (Transportation Planner); Peggy Teal (Assistant Finance Officer); Erica Hawksworth (Communication and Public Affairs Manager); Dev Sen (Financial Analyst); Margaret Duker (Board Clerk) and various jurisdictional and agency staff.
- ✓ Other Attendees: Rob Dickerson (Council of Counsels); Steven MacIsaac (Council of Counsels); Joanna Anderson (Council of Counsels); Daniel Robinson (Council of Counsels); Tracy Baynard (McGuire Woods Consulting, LLC).

### 3. Adoption of Resolution 20-05 to Find Need to Conduct Meeting by Electronic Communication Means during Governor's declared State of Emergency during COVID-19 Pandemic

NVTA Council of Counsels

*Recommended action: Adoption of Resolution 20-05 for Electronic Meetings During COVID-19 Pandemic*

- ✓ Mayor Parrish made the motion to adopt Resolution 20-05 to Find the Need to Conduct Meeting by Electronic Communication Means during the Governor's declared State of Emergency during COVID-19 Pandemic; seconded by Chairman McKay. Motion passed unanimously (14-0) vote.

### 4. Minutes of the September 10, 2020 Meeting

*Recommended action: Approval [with abstentions from those who were not present]*

- ✓ Mayor Parrish moved adoption of the September 10, 2020 minutes; seconded by Delegate Roem. Motion passed unanimously by a (14-0) vote.

## Action Items

### 5. Approval of Standard Project Agreement for Prince William County—Regional Funding 2018-032-3 (Construct Route 28 Corridor Roadway Improvements)

Mr. Longhi, CFO

*Recommended action: Approval of Standard Project Agreement*

- ✓ Mr. Longhi informed the Authority that this project was funded in the FY2018-2023 Six Year Program and is currently due for its Standard Project Agreement in accordance with NVTA Policy 29.
- ✓ Chair Wheeler affirmed the Prince William County Board's support of the project and their willingness to proceed with it.
- ✓ Mayor Parrish noted that the Manassas City Council has voted unanimously to support the project.
- ✓ Mayor Rishell also noted that the City of Manassas Park's governing body also voted unanimously to support the project.
- ✓ Delegate Roem commented that the extensions of Well Street should be further considered.
- ✓ Chairman McKay affirmed his support of the project and the need to keep it moving forward. He noted that the community still has some concerns regarding the process and different elements of the project.
- ✓ Chairman McKay added that since different aspects of the project are yet to be determined and addressed through public meetings, forums and the like, he requested updates on the various upcoming milestones for situational awareness.
- ✓ Board Member Cristol inquired whether the project was going to displace affordable housing in any way.
- ✓ Chair Wheeler responded that there are some homes in a mobile home park that could be impacted, but since the design of the project has not been completed, the impacts cannot be fully determined at this time.
- ✓ Board Member Cristol further asked whether it would be possible for the design to be constructed in such a way as to avoid displacing the mobile home park.
- ✓ Chair Wheeler responded that this was why the project needs to move forward - to determine the design impacts early and find ways to mitigate them.
- ✓ Council Member Snyder asked what Prince William County was going to do to lessen the project's impact on the mobile home park.
- ✓ Chair Wheeler noted that they are aware of the issue and are seeking ways to avoid or mitigate the project's impact on residents.
- ✓ Mayor Meyer expressed his support for the project with the caveat that a lot of public input still needs to be heard and addressed.
- ✓ Senator Boysko and Delegate Watts expressed their appreciation for the comments made by the rest of the Authority and agreed with them.

- ✓ Ms. Hynes noted that she understands the Corps of Engineers will have to issue a permit for this project, but questioned what would happen to the NVTA's money if the permits are not issued.
- ✓ Chair Randall noted that when she was elected and joined the Authority, she was lucky to have someone like Chairman Nohe and other Authority Members brief her on how the Authority works. She noted that six out of the eight members on the Prince William County Board, are first time elected officials. As such, at the invitation of Chair Wheeler, she had gone before the Prince William Board, to explain how the Authority's funding works. Once the funding issues were clarified, the Prince William Board, voted to move forward with the project as described in the application to NVTA.
- ✓ Ms. Backmon noted that Prince William County initiated a Comprehensive Plan Amendment for the widening option as an alternative, in the event the Corps of Engineers does not issue a permit for the Bypass.
- ✓ Ms. Hynes further inquired if the lack of a permit would require Authority cancelation of the current project to open the door for Prince William to submit a new application.
- ✓ Ms. Backmon responded that such a decision would be entirely up to the Authority, that an alternative project would have to be modeled and further analysis conducted.
- ✓ Ms. Backmon noted that Prince William County is preparing to issue a Request for Proposal (RFP) for design work for alternative 2B/Bypass, to begin next year and end in 2023.
- ✓ She further added that Prince William County is preparing to submit their application to the Corps of Engineers by late 2021/early 2022, and anticipates receiving feedback from the Corps within a sixty to ninety-day period.
- ✓ Prince William County also anticipates holding a series of public meetings on the project in coordination with Fairfax County.
- ✓ Chair Wheeler added that the road design has to be sixty percent complete before the County can apply to the Corps for a permit.
- ✓ Chair Randall inquired whether any funding has been spent on the current design.
- ✓ Ms. Backmon responded this as one of the reasons why the County is seeking to execute the SPA as it will allow them to use some of the \$89 million for design work.

Chair Wheeler moved approval of the Standard Project Agreement 2018-032-3, Prince William County (Construct Route 28 Corridor Roadway Improvements), in accordance with NVTA's approved Project Description Sheet as appended to the Standard Project Agreement; and authorize the Executive Director to sign on behalf of the Authority; seconded by Mayor Parrish. Motion passed (13-1 vote) with Delegate Roem voting No.

**6. Approval of the Legislative Services Contract with McGuire Woods Consulting, LLC**      Mr. Longhi, CFO

*Recommended action: Approval of Contract*

- ✓ Mr. Longhi informed the Authority that the legislative services contract is coming to an end. As such, staff prepared a new competitive contract and advertised it on the State's eProcurement system as well as on NVTA's website.
- ✓ NVTA received one proposal which was from McGuire Woods Consulting.
- ✓ In response to a question from Board Member Cristol, Mr. Longhi noted that since one proposal was received, a required cost analysis was conducted which confirmed that the proposed costs were in-line with that of other organizations.
- ✓ Mayor Parrish noted that the Finance Committee unanimously voted at their September 15<sup>th</sup> meeting to recommend Authority approval.

Mayor Parrish moved Authority approval of the proposed Legislative Service Agreement with McGuire Woods Consulting LLC.; seconded by Chairman McKay. Motion passed unanimously (14-0) vote.

**7. Adoption of Replacement Policy 2 - Conflict of Interest Policy**      Mr. Longhi, CFO

*Recommended action: Adoption of Replacement Policy*

- ✓ Mr. Longhi informed the Authority that the current Conflict of Interest Policy has not been updated since it was adopted in December 2014.
- ✓ The proposed replacement policy was presented to the Finance Committee for review in September. The Committee unanimously voted to recommend Authority adoption.
- ✓ This replacement policy makes the Statement of Economic Interest (Statement) reporting cycle once a year instead of twice.
  - Includes procedures to identify which Authority staff are required to file an annual Statement.
  - Further corrects/updates references to the Code of Virginia.
- ✓ The current policy underwent numerous revisions while under review with NVTA's Council of Counsels and staff, resulting in the track change version becoming illegible. As a result, the current policy is proposed to be repealed and replaced.

Mayor Parrish moved Authority adoption of the proposed replacement Policy Number 2 – Conflict of Interest; seconded by Mayor Rishell. Motion passed unanimously (14-0) vote.

**8. Approval of the Proposed Revisions to Policy 13 - Investment Policy**

Mr. Longhi, CFO

*Recommended action: Approval of Revisions to Policy*

- ✓ In addressing the Authority, Mr. Longhi noted that the current Investment Policy was adopted on December 11, 2014, and revised twice in 2019.
- ✓ Some of the objectives of the proposed changes include:

- Add Fitch, as one of the ratings agencies used when considering investment purchases.
  - Add International Bank of Reconstruction and Development (IBRD) and Asian as well as African Development Bank (ADB) bonds issued by the World Bank, as allowed in the State Code, to the list of allowable investments. Capped at 36-month maturities and a maximum 15% of the portfolio.
  - Update policy language/terminology.
  - Add language to address a security downgrade and update language/processes for e-confirms and e-statements.
  - Extend the maturity period of qualified bonds issued by Virginia cities and counties from 36 to 60 months.
- ✓ The proposed changes were reviewed at the September Finance Committee meeting and unanimously recommended for Authority approval.

Mayor Parrish moved Authority adoption of the attached proposed revisions to the Policy 13 - Investment Policy; seconded by Mayor Rishell. Motion passed unanimously by a (14-0) vote.

## 9. Approval of the Call for Projects for FY2027 CMAQ/RSTP Funds

Mr. Nampoothiri, Senior Transportation Planner

*Recommended action: Approval of Call for Projects*

- ✓ Mr. Nampoothiri addressed the Authority noting that the Congestion Mitigation and Air Quality Program/Regional Surface Transportation Program (CMAQ/RSTP) that comes to the region, are federally funded programs coordinated by NVTA.
- ✓ The federal funds are given to the State which in turn allocates to regions based on air quality, population and other factors.
- ✓ With input from the Regional Jurisdiction and Agency Coordinating Committee (RJACC), the Authority recommends the programming of over \$80 million annually to projects, subject to the CTB's approval.
- ✓ This call is for FY2027 funds with \$23 million allocated to CMAQ and \$57 million to RSTP.
- ✓ Once recommendations are approved by the Authority in March 2021, these will be forwarded to the CTB for further consideration by June 2021.

Chair Randall moved Authority approval of the issuance of the Call for Projects for the FY 2027 CMAQ and RSTP Funds; seconded by Delegate Watts. Motion passed unanimously by a (14-0) vote.

## 10. Approval of RSTP Transfer for the City of Falls Church

Ms. Backmon, Executive Director

*Recommended action: Approval of Transfer*

- ✓ Ms. Backmon pointed that Authority action is requested since the Authority will need to approve the transfer requests for new projects before funds can be reallocated.

- ✓ The City of Falls Church requests the following transfers:
  - Transfer of \$54,875 in RSTP funds from “Roosevelt Street Sidewalk Improvements” UPC 103632 to “S. Washington St. Multimodal Improvements” UPC 110038
  - Transfer of \$668,256.52 in RSTP funds from “Bikeshare Connections” UPC 109954 to “S. Washington St. Multimodal Improvements” UPC 110038
  - Transfer of \$430,000 in RSTP funds from “Bikeshare Connections” UPC 109954 to “W&OD Trail Crossings” UPC 111402
- ✓ The transfer of RSTP funds will enable the project to advance through the design and RW phases, and provide additional funds for the construction budget.
- ✓ Chair Randall asked Ms. Backmon about the source of RSTP funds.
- ✓ Ms. Backmon responded that they are federal funds which jurisdictions apply for and NFTA makes recommendations to the CTB for final approval.
- ✓ Council Member Snyder added that this request is to enable the City of Falls Church move funds to multimodal projects and will help improve bus connectivity and the W&OD Trail Crossings.

Council Member Snyder moved Authority approval of the reallocation of Regional Surface Transportation Program (RSTP) funds for the City of Falls Church; seconded by Chairman McKay. Motion passed unanimously by a (14-0) vote.

### **Discussion/Information Items**

#### **11. 2020 General Assembly Special Session Update**      Ms. Baynard, McGuire Woods

- ✓ Chair Randall requested of Ms. Baynard to highlight anything from the General Assembly’s 2020 Special Session which might impact the Authority.
- ✓ Ms. Baynard first thanked everyone for the opportunity to keep working with the Authority for few more years.
- ✓ She noted that the main issue of discussion at the ongoing Special Session has been the Budget.
- ✓ Also noted that the House and Senate have adopted flexibility language for the Commonwealth Transportation Board (CTB) to keep projects moving forward.
- ✓ This 2020 Special Session has focused on COVID-19 impacts on the economy, criminal justice reform, racial equality and healthcare reform.
- ✓ Ms. Baynard noted the need to ensure that the Authority’s revenue sources are safeguarded and not seen as an alternative to solving other important but challenging problems.
- ✓ She pointed that the Governance and Personnel Committee discussed protective language that could be adopted by the Authority as well as member jurisdictions about safeguarding the Authority’s revenue sources and not diverting much needed funding towards other needs.
- ✓ She noted that of the \$102 million that was diverted from the Authority, \$70 million has been restored, with \$32 million still needed to be recouped. However,

that might not be a discussion to be had the upcoming 2021 Session. Rather, efforts need to ensure that the remaining dedicated revenue sources are maintained.

- ✓ Chair Randall informed the Authority that as part of their 2021 Legislative Program, the Loudoun County Board adopted protective language which seeks to safeguard the Authority's revenues and encouraged other jurisdictions to do adopt similar language to ensure the Authority's money is safeguarded.
- ✓ She explained that with the ongoing COVID crises, she wants to ensure that the Authority's revenues are not targeted for diversion.

## **12. Finance Committee Report**

Mayor Parrish, Chair

- ✓ At the request of Mayor Parrish, Mr. Longhi reviewed a table which showed how much each county, city and town has received in Local Distribution (30%) funding and Regional Revenue Funding (70%) in project funding. He also noted the project funding for NVTC, VRE, WMATA and DRPT, since those projects were specific to a jurisdiction.
- ✓ Mayor Parrish expressed his appreciation to NVTA staff for putting this together, noting this helps the Authority as well as jurisdictions, see how funds are being spent in Northern Virginia and making a lot of difference.
  - i. **Investment Portfolio Report** Mr. Longhi, CFO  
No verbal report given
  - ii. **Monthly Revenue Report** Mr. Longhi, CFO  
No verbal report given
  - iii. **Operating Budget Report** Mr. Longhi, CFO  
No verbal report given

## **13. Planning and Programming Committee Report**

Mayor Wilson, Chair

- ✓ Mayor Wilson pointed that some of the issues noted in the PPC Report include the impacts of COVID on transit ridership on Metro Rail and Bus, exploring commuter capacity opportunities, and the objectives of TransAction.
- ✓ Chair Randall stated the importance helping people understand that transit can be safe during COVID.
- ✓ It was noted that with employers realizing that teleworking works and can help save on lease and other costs, life may not go back to normal post COVID.
- ✓ Council Member Snyder thanked staff for their presentation and added that the issue of transit ridership raises many questions regarding other modal options like highways, pedestrian bikeshare and others, which will need to be addressed.

## **14. Planning Coordination Advisory Committee Report** Councilmember Miles, Vice-Chair

- ✓ No verbal report given

## **15. Technical Advisory Committee Report**

Mr. Boice, Chair

- ✓ No verbal report given

## **16. Executive Director's Report**

Ms. Backmon, Executive Director

- ✓ Ms. Backmon informed the Authority that the first socially distanced groundbreaking event will be held in the City of Manassas on October 26, 2020, with Chair Randall, Mayor Parrish and VDOT's District Engineer, Helen Cuervo in attendance.

**17. Chair's Comments:** No Comments

**Closed Session**

**Motion for a Closed Session**

- ✓ Chair Randall moved that the Northern Virginia Transportation Authority convene a closed meeting, as authorized by Virginia Code sections 2.2-3711.A.7 and 8, for the purpose of consultation with legal counsel concerning potential litigation concerning the terms and conditions of Standard Project Agreements (SPA) 996-14-034-109 and (SPA) 996-80821 with WMATA for 8 Car Train Traction Power Upgrades, and the statutory requirements of Chapter 25 of Title 33.2 of the Code of Virginia governing the NVTA's legal authority to provide NVTA funding for capital projects; seconded by Board Member Cristol.
  - Motion passed unanimously (14-0 vote).
  - Closed session convened at 8:18pm.

**Motion to Reconvene an Open Session**

- ✓ Chair Randall moved that the members of the Northern Virginia Transportation Authority certify that at the just concluded closed meeting: (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered by the Authority; seconded by Mayor Parrish.
  - Motion passed with a 14-0 vote.
  - Open Meeting reconvened at 9:09pm.

**18. Adjournment:** Meeting adjourned at 9:09pm.

**Next Meeting: November 12, 2020 at 7:00pm**

NVTA Offices