



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

**MINUTES**

Thursday, July 8, 2021

7:00pm

3040 Williams Drive, Suite 200

Fairfax, VA 22031

Meeting conducted at NVTa Offices and Live Streamed via YouTube

1. **Call to Order** Vice Chairman Snyder
  - ✓ Vice Chairman Snyder (on behalf of Chair Randall) called the meeting to order at 7:05pm.
2. **Roll Call** Margaret Duker, Clerk
  - ✓ Voting Members: Vice Chairman Snyder; Supervisor Alcorn (for Chairman McKay); Chair Wheeler; Board Member Cristol; Mayor Wilson; Mayor Rishell; Councilmember Stehle (for Mayor Meyer); Mayor Davis-Younger; Senator Boysko (joined at 7:22pm); Delegate Watts; Delegate Roem; Ms. Hynes; Mr. Kolb.
  - ✓ Non-Voting Members; Mr. Lynch; Ms. Mitchell (Participated remotely from Richmond due to inclement weather).
  - ✓ Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Erica Hawksworth (Communications and Public Affairs Manager); Margaret Duker (Board Clerk).

Other Attendees: Rob Dickerson (Council of Counsel – Prince William County); MinhChau Corr (Council of Counsel – Arlington County).
3. **Minutes of the June 10, 2021 Meeting**

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

  - ✓ Chair Wheeler moved for the acceptance of the June 10, 2021, meeting minutes; seconded by Delegate Roem. Motion passed by 10-0-2 (Supervisor Alcorn and Councilmember Stehle abstained as they were not at the last meeting.)

**Consent**

4. **Approval of The City of Falls Church Downtown Multimodal Improvements- Regional Standard Project Agreement 2020-301-1**
5. **Approval of The City of Falls Church West Falls Church Access to Transit and Multimodal Connectivity- Regional Standard Project Agreement 2020-302-1**
6. **Approval of Prince William County North Woodbridge Mobility Improvements- Regional Standard Project Agreement 2020-303-1**

- ✓ Mayor Rishell moved approval of the proposed Standard Project Agreements 2020-301-1, City of Falls Church (Downtown Falls Church Multimodal Improvements); 2020-302-1 (West Falls Church Access to Transit and Multimodal Connectivity) and 2020-303-1 Prince William County (North Woodbridge Mobility Improvements), in accordance with NVTA’s approved Project Description Sheet as appended to the Standard Project Agreement; and to authorize the Executive Director to sign on behalf of the Authority; seconded by Chair Wheeler. Motion passed 12-0-0.

### **Action Items**

**7. Approval of Audit Service for Duplicate Payments** Mr. Longhi, CFO

*Recommended Action: Approval of Audit Service Agreement*

- ✓ Mr. Longhi recapped discussions of known duplicate project reimbursements and requests at the last Finance Committee meeting, noting that it is the responsibility of project sponsors to monitor reimbursements and prevent duplications.
- ✓ He added that the Finance Committee recognized the risk to the Authority and the need to assess that risk and assist project sponsors in preventing duplicate reimbursement requests.
- ✓ As a result, the Finance Committee recommends having the Authority’s independent external auditor (PB Mares LLP) conduct a limited agreed upon procedures audit of project reimbursements.
- ✓ This will be a data-driven approach and will consist of taking a sample set of 9 projects for this audit at a cost of \$18,500.
- ✓ Mr. Longhi noted that since this is a limited scope engagement, focused on high-risk projects, the finding of no duplicates does not mean none have occurred. However, that result will provide some assurance of the risk level.
- ✓ If approved, the Auditors will proceed with the audit and should have an update for the Finance Committee at the September meeting.
- ✓ Mayor Rishell moved approval of the attached Agreed Upon Procedures Audit Agreement with PBMares, LLP, and budget and appropriate \$18,500 from the Operating Budget Reserve for this purpose; seconded by Board Member Cristol. Motion passed unanimously.

**8. Approval of Amendment to Bylaws** Mr. Longhi, CFO

*Recommended Action: Approval of Amendment*

- ✓ Mr. Longhi provided an update to the Authority noting that at the May meeting, the Governance and Personnel Committee was informed that there is an inconsistency with the Executive Director’s title as presented in the Code of Virginia.
- ✓ He noted that changes to the Bylaws requires two readings at the Authority. The first reading occurred at the June Authority meeting.

- ✓ He added that if approved, action can be taken to make the amendment from Executive Director to Chief Executive Officer in the Bylaws and thus achieve consistency per the Code of Virginia.
- ✓ Delegate Watts inquired whether there was a generic reference to this Bylaws change, stating that she recommends the Council of Counsel determine if this is an optional or mandatory change. She noted the Commonwealth Department of Legislative Services also can provide this guidance.
- ✓ Mayor Wilson also recommended having the Council of Counsel provide an opinion.
- ✓ Vice Chairman Snyder deferred the motion for the Council of Counsel to review and provide an opinion.

## 9. Approval of Compensation Time Amendment to Employee Handbook

Mr. Longhi, CFO

### *Recommended Action: Approval of Amendment*

- ✓ Mr. Longhi noted that Ms. Baynard, with McGuireWoods Consulting, had shared some legal notices from the law firm of McGuireWoods related to compensatory time.
- ✓ Changes to the Virginia Code passed during the 2021 General Assembly Session which changed the Virginia Overtime Wage Act disallowing employers to use compensatory time instead of overtime pay.
- ✓ Per Code, beginning July of this year, employers can no longer offer compensatory time (time off) as overtime pay to nonexempt employees.
- ✓ Mr. Longhi noted that this change has no fiscal or operational impact on the Authority as there are no non-exempt employees. However, he is requesting the policy change to maintain compliance with the Code of Virginia and in case the Authority did hire non-exempt staff in the future.
- ✓ Board Member Cristol inquired whether the Members of the General Assembly had any insight about this change and what had driven it. She noted that while this is apparently not an issue for the Authority, it does appear to be an issue for localities.
- ✓ Senator Boysko commented that as a former staffer of a public body, there were times when part-time staffers went above and beyond the regular hours of work and the right thing to do was to ensure that extra time was compensated for. Therefore, she was happy to look into it further.
- ✓ Delegate Roem noted that she could not recall if this Bill had come before any of the committees that Authority General Assembly Members sit on.
- ✓ Delegate Watts remarked that looking at the length of meetings at General Assembly Sessions, she believes this should be standard operating procedure.
- ✓ Vice Chairman Snyder moved the Authority approve the attached changes to Section 3.5 of the NVTA Employee Handbook as noted below; seconded by Board Member Cristol. Motion passed unanimously.

**10. Chief Executive Officer Position Description and Compensation Consulting Engagement**

Mr. Longhi, CFO

*Recommended Action: Approval of Consulting Agreement*

- ✓ Mr. Longhi noted that this item came before the Governance and Personnel Committee (GPC) earlier in the evening, and following discussions, the GPC came to agreement to modify the suggested motion to include language to make it subject to review by the Council of Counsel.
- ✓ He noted that after several efforts, over several months to come up with different options for the Chief Executive Officer (as the GPC requested the position be addressed in this process) position description and compensation study, the GPC requested at the June meeting that a Request for Proposals (RFP) be issued for an independent consultant to update the Chief Executive Officer position description and perform a compensation analysis.
- ✓ He noted that the GPC recognized the short timeframe to complete this effort prior to the September GPC meeting, explaining that the RFP was issued on June 16, 2021, with a deadline of noon on June 28, 2021. The RFP posted on eVA and NVTA websites as well as distributed to various firms with a request to forward to interested parties. Notice of the RFP was also sent directly to 11 executive search consulting firms via their online portals.
- ✓ Mr. Longhi noted that three valid proposals were received by the due date.
- ✓ Out of the three firms, two scored high enough to advance to the negotiations/best and final stage.
- ✓ Vice Chairman Snyder noted that the Consultant firm put forward a very impressive proposal and as agreed, the GPC believes this will add value and recommends moving forward subject to review by the Council of Counsel.
- ✓ Board Member Cristol noted that she appreciates the great lengths taken to get to this point. Adding that she strongly supports this procurement process since it behooves the Authority to ensure the Executive Director is properly compensated.
- ✓ She noted, this study will serve the Authority in the long term and thus it will be expedient to move forward with the process.
- ✓ Board Member Cristol moved Authority approval of the attached Chief Executive Officer Position Description and Compensation Consulting Engagement Agreement with The Millennium Group International LLC, subject to the contract review by the Council of Council, and authorize the CFO to sign on behalf of the Authority. Additionally, she moved the Authority budget and appropriate \$25,000 from the Operating Budget Reserve for this purpose; seconded by Mayor Wilson. Motion passed unanimously.

**11. Approval of Endorsement for Fairfax County's Application to the USDOT for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant**

Ms. Backmon, Executive Director

*Recommended Action: Approval of Letter of Endorsement*

- ✓ Ms. Backmon informed the Authority that Fairfax County is seeking endorsement for its application for the Rebuilding American Infrastructure with Sustainability

and Equity (RAISE) Grant Program, for its Richmond Highway Bus Rapid Transit Project.

- ✓ Adding that this project is in TransAction and received \$250 million in funding from the Authority in the FY2018-2023 Six Year Program.
- ✓ Ms. Backmon noted that Fairfax County is seeking the maximum allowable amount of \$25 million from the RAISE Program and the deadline is July 12, 2021.
- ✓ Delegate Roem remarked that typically localities do not have to go through NVTA to apply for RAISE funding but since this project is already funded by NVTA, she is happy to support it. She did note that she hopes Authority Members will encourage localities to take advantage of this funding.
- ✓ Supervisor Alcorn moved Authority Endorsement of Fairfax County's Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application for the Richmond Highway Bus Rapid Transit Project; seconded by Senator Boysko. Motion passed unanimously.

### **Discussion/Information Items**

#### **12. Transportation Planning Board's Visualize 2045 Update (Verbal Report)**

Ms. Backmon, Executive Director

- ✓ By way of background, Vice Chairman Snyder noted that at the last Authority meeting, an Alternate Resolution regarding the adoption of projects for inclusion in the Transportation Planning Board's (TPB) air quality conformity determination analysis for Visualize 2045, and how the region's climate change initiatives/greenhouse gas emissions reductions goals would be met, was discussed.
- ✓ Although the TPB made various commitments to address climate issues in the Long-Range Plan, there was the issue of some Maryland localities not being in agreement with the I-495/I-270 Traffic Relief Plan, which is inclusive of the American Legion Bridge Project, leading to debate amongst the TPB Members.
- ✓ The TPB voted to remove the I-270 Project from the air quality conformity analysis, a move which prompted various jurisdictions and agencies including VDOT, various Northern Virginia localities and the Maryland Department of Transportation (MDOT) to send letters to the TPB, regarding the importance of the project and a request to reconsider the removal.
- ✓ Ms. Backmon thanked Vice Chairman Snyder for his synopsis and noted that at the last meeting, there were many questions arising from the proposed Alternate Resolution. However, that Resolution was rescinded and a new resolution was brought forward.
- ✓ This compromise Resolution was in two parts:
  - First, no removal of projects from the air quality conformity analysis for the Visualize 2045 Long Range Plan.
  - Also addressing climate change mitigation starting with a zero-based budget with certain exceptions to start at the end of the Climate Change Study (which the TPB has underway and expected to complete by the end of this calendar year. The results of this Study will be used in updating Visualize 2024).

- ✓ She added that the new Resolution passed but was amended to remove the I-270 Project.
- ✓ Vice Chairman Snyder welcomed Mr. Lynch, Northern Virginia Department of Transportation's (VDOT) new District Administrator, to the Authority, asking what the position of VDOT is regarding the TPB issue and also what could be the impact on Virginia's projects with the removal of the I-270 project from the TPB's Long Range Plan.
- ✓ Mr. Lynch informed the Authority that since the removal of the I-495/ I-270 project from TPB's Long Range Plan, three letters (one from Virginia and two from Maryland) have been sent to the TPB requesting that those projects be reinstated.
- ✓ Adding that on July 1, 2021, VDOT sent a letter to the TPB asking that the proposal be amended to include Maryland's I-495/ I-270 project which extends towards I-395.
- ✓ Vice Chairman Snyder asked if Mr. Lynch could explain the impact on Virginia should the I-270 project be removed or included.
- ✓ Mr. Lynch responded that VDOT's I-495 NEXT project, is moving forward and has independent utility from the Maryland project.
- ✓ He added that although the I-495 NEXT project could still function, there are aspects of the Maryland I-270 plan which enhances the overall benefits of Virginia's projects.
- ✓ That is, it enhances transit and will help alleviate the congestion issues created by the bottleneck (experienced both ways) on the American Legion Bridge.
- ✓ He noted that the exclusion of the Maryland project further limits Virginia's capital investment of \$2.5 million (per year) in the road extension towards the American Legion Bridge.
- ✓ Board Member Cristol sought to clarify, noting that whilst listening to a presentation on a study of these projects, a presenter had recharacterized them by stating that the additional lanes and capacity for the projects were sufficient but not necessary and that improvements for single and high occupancy vehicles would be better, asking Mr. Lynch if this was the case.
- ✓ Mr. Lynch responded in the affirmative.
- ✓ Ms. Hynes added that without some form of widening at the American Legion Bridge, buses would get stuck in traffic. She added that Secretary Valentine sent a letter to the Fairfax County Board committing to move the project forward.
- ✓ Supervisor Alcorn noted that if Maryland does not widen the Bridge, travelers using the general-purpose lanes would spend an extra four minutes in traffic at those sections.
- ✓ Supervisor Alcorn encouraged Authority Members to talk to their TPB colleagues to try to secure the needed votes to get the project reinstated.
- ✓ Delegate Roem wanted to know would happen if the Maryland project does not move forward, who will be responsible for its maintenance and improvements.

- ✓ Mr. Lynch noted that if the Maryland project does not move forward, they are likely to pull some funding from other projects for the Bridge's rehabilitation but with no expansion.
- ✓ Delegate Roem commented that one vehicle flipping over on the American Legion Bridge has serious repercussions on the region.
- ✓ Mr. Lynch added that although the Bridge is in Maryland, VDOT has 20% stake in its maintenance and operations.
- ✓ Mayor Rishell expressed her hope to see the Maryland project restored; if not it may serve as an unfortunate precedent that would be revisited in future.
- ✓ Delegate Watts inquired from Supervisor Alcorn if he could provide some insight to what the TPB weighted voting is.
- ✓ Supervisor Alcorn responded this comprises of how many votes members of the TPB have based on their population size.
- ✓ Board Member Cristol noted her profound gratitude for the region's VDOT and Commonwealth Transportation Board's (TPB) representative's insight.
- ✓ Vice Chairman Snyder wrapped up the discussion, noting that there will more communication regarding the issue in the coming weeks.

### **13. 2020 Commuting Trends in Northern Virginia: Impacts of COVID-19- Update**

Mr. Rashid, Transportation Planner

- ✓ Ms. Backmon proceeded to provide a high-level update on travel trends in Northern Virginia since the last presentation at the June Authority meeting. Some key points to note include the following:
  - Travel volumes for freeways and various transit systems indicate that travel is gradually trending up in the region. Travel volumes in the month of June reported about 92% of pre-COVID conditions compared to 89% in May.
  - Travel speeds remain high at 13% faster than it did at 12% in May.
  - Also, with more employers implementing telework policies, travel patterns by Time-of-Day indicate a decline in the traditional AM Peak as Peak times are now being experienced at middays since more people continue to work from home (per a special Census Survey by Online Household Pulse Survey). About 47% of the workforce in Washington D.C. Metro area worked from home in June.
  - Travel peaked on July 4<sup>th</sup> most likely due to the holiday and the Virginia Railways Express (VRE) has reinstated its full travel schedule.
  - A comprehensive update with transit ridership data from providers in the Northern Virginia area is expected at the September meeting.
- ✓ Vice Chairman Snyder remarked that highway safety keeps getting worse.
- ✓ Ms. Hynes added that more speed cameras on highways with increased police patrol could help mitigate the issue, however that is a discussion to be had at the CTB.

- ✓ Senator Boysko and Delegate Watts commented on the need for more police patrols.
- ✓ Vice Chairman Snyder noted that the TPB approved certain recommendations for the local governments.
- ✓ Ms. Backmon responded that NVTA is looking to incorporate that information into the TransAction update.

**14. Governance and Personnel Committee Report (Verbal Report)**

Vice Chairman Snyder

- ✓ GPC update provided early on in the meeting by Vice Chairman Snyder.

**15. Finance Committee Report**

Mayor Rishell, Chair

- ✓ Mayor Rishell provided an update of the Finance Committee, noting that the Committee last met on June 17, 2021, and is scheduled to meet next on July 15<sup>th</sup>.
- ✓ She noted that the Committee received an update on the Reimbursement Parameter Study and discussed its purposes of ensuring transparency, equity, consistency and accountability of public funds entrusted to the Authority to fund projects.
- ✓ Additionally, the Finance Committee also reviewed and discussed the Duplicate Payment Audit Service and the monthly financial reports.

**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.

**16. Executive Director's Report**

Ms. Backmon, Executive Director

- ✓ Ms. Backmon reminded the Authority that the Call for Regional Transportation Projects was approved at the June Authority Meeting.
- ✓ The application portal was opened on July 1<sup>st</sup> with a deadline of October 1, 2021.
- ✓ There are ongoing discussions with localities regarding the application process.
- ✓ Additionally, NVTA is in the process of updating TransAction with the approval of the Six Year Program and TransAction Update next year.
- ✓ Delegate Roem inquired that if a project applied to be added to TransAction, can that project be in the Six Year Program.
- ✓ Ms. Backmon responded that the project needs to be in the current TransAction before it can be added to the next Six Year Program.

**17. Chair's Comments:**

- ✓ Vice Chairman Snyder thanked everyone for attending the meeting.

**18. Adjournment:** The meeting adjourned at 8:11pm.



**Next Meeting: September 9, 2021 at 7:00pm**  
NVTA Offices