



SUMMARY MINUTES

Thursday, October 13, 2022

7:00PM

3040 Williams Drive, Suite 200

Fairfax, VA 22031

This meeting was conducted in-person and livestreamed via [NVTA's YouTube Channel](#)

1. Call to Order

Chair Randall

- ✓ Chair Randall called the meeting to order at 7:17PM and asked that the roll be called.

2. Roll Call

Mr. Davis, Board Secretary

- ✓ **Members: Attendees** Chair Phyllis J. Randall, Vice Chair David Snyder, Chairman Jeffrey McKay, Chair Ann Wheeler, Board Chair Katie Cristol, Mayor Justin Wilson, Mayor Michelle Davis-Younger (Remote-Texas-Medical), Mayor Jeanette Rishell, Supervisor Pat Herrity, Anthony Bedell, Mary Hynes, John Lynch, Jennifer DeBruhl (Remote-Richmond-Distance). **Non-Attendees** Mayor David Meyer, Mayor Derrick Wood, Jim Kolb.
- ✓ **Staff Attendees:** Chief Executive Officer Monica Backmon, Executive Assistant to CEO Amanda Sink, Chief Financial Officer Mike Longhi, Board Secretary Jonathan Davis, Assistant Finance Officer Peggy Teal, Senior Accountant Adnan Malik, Communications & Public Affairs Manager Erica Hawksworth, Communications and Marketing Coordinator Abigail Hillerich, Principal, Transportation Planning and Programming Keith Jasper (Virtual), Senior Transportation Planner Dr. Sree Nampoothiri, Regional Transportation Modeler Harun Rashid, and Regional Transportation Planners Mackenzie Love and Ian Newman.
- ✓ **Council of Counsels:** Daniel Robinson-Fairfax County, Rob Dickerson-Prince William County, Christina Zechman Brown-City of Alexandria.
- ✓ **Others:** Megaprojects Director Susan Shaw of the Virginia Department of Transportation, Senior Vice President Tracy Baynard of McGuireWoods Consulting, LLC., Principal, Regional Manager Tom Harrington of Cambridge Systematics, Inc. (Virtual), jurisdiction and agency staff.

Members of the public were in person and were able to watch the meeting livestreamed via [NVTA's YouTube Channel](#).

3. Approval of September 8, 2022, Authority Meeting Summary Minutes

Chair Randall

- ✓ Chair Randall received a motion from Chairman McKay who moved the Approval of the September 8, 2022, Authority Meeting Summary Minutes, and seconded by Mayor Wilson. The September 8, 2022, Authority Meeting Summary Minutes was approved unanimously with abstentions from those who were not present.

Presentation

4. Transform 66 Outside the Beltway Concession Fee Project Update

Ms. Shaw, Megaprojects Director, Virginia Department of Transportation

- ✓ Ms. Shaw began the Presentation by noting the requirements for Concession Fee projects and the status of these projects by category.
- ✓ After Ms. Shaw provided an overview and clarification of the project list, Ms. Hynes offered her concern and observation of missed project estimates, highlighting the East Falls Church Metro Bay Expansion project located in Arlington County, where there is a 50% increase in project costs as well as other projects showing an increase of 30%. Ms. Hynes noted that the Authority should ask more questions about what is causing the increases, adding her perspective as a member of the Commonwealth Transportation Board (CTB) that more time is being spent on trying to understand where and why the CTB is missing project estimates.
- ✓ Adding to the discussion, Chair Randall thanked Ms. Hynes for her statement and asked Ms. Shaw whether it could be an issue of an estimation difference or a situation where contract adjustments are being requested due to significant cost increases in labor and materials. Ms. Shaw responded noting it is probably a combination of many circumstances, to include when the estimate was created. Ms. Shaw specifically referenced the East Falls Church Metro Bay Expansion project noting the increase in the estimate is likely due to the jurisdiction's prioritization of the project among other projects adding that the initial estimate probably reflected an aged estimate.
- ✓ For the purposes of the record, Board Chair Cristol highlighted the context of record inflation. Chair Randall added that increases in estimates are being seen everywhere.
- ✓ Ms. Shaw continued the Presentation by sharing photos of the Route 28, and the Route 29 Interchange projects and the I-66 @ Balls Ford Road project located in Prince William County. She also announced the September 10, 2022, opening of the Western section of the I-66 express lanes, specifically noting the implementation of tolling and HOV-2 rules on September 24, 2022. The expected transition to HOV-3 requirements will be in December 2022. The HOV-3+ rule will go into effect across the entire I-66 Corridor.
- ✓ Vice Chair Snyder submitted for the record his comment that the change from HOV-2 to HOV-3 inside the Beltway would not be a popular one and expressed hope for an analysis to be conducted.
- ✓ Chair Randall followed asking if during the process of categorizing projects is pedestrian considered transit. Ms. Shaw responded that she would identify it as transportation, however, is unaware of the official designation. Additionally, Ms. Shaw stated that pedestrian as a mode of transportation, was considered during the process of identifying the needs of transportation in the corridor. Ms. Shaw highlighted the fact that with the Transform I-66 project, bridges were built longer to account for the inclusion of metro rail and added that the project is a prime example of the investment and planning that addresses the needs of the entire transportation network in the region.

Action Items

5. Approval of Policy 29 Project Activation, Monitoring and De-Appropriation Changes

Mayor Rishell, Finance Committee Chair

- ✓ Mayor Rishell began discussion on the Approval of Policy 29 Project Activation, Monitoring and De-Appropriation Changes by reminding the Authority that last fiscal year, it authorized a special test audit to assess the externally imposed risk of duplicate reimbursements being submitted by project sponsors and paid by the NVTA. Mayor Rishell further noted that the test audit identified previous undiscovered duplicate reimbursements which prompted the Finance Committee to review this policy as well as submit recommendations to the Authority. The audit program authorized by the Authority will recover audit costs incurred from the payments made in response to duplicate reimbursement requests.
- ✓ Chair Randall received a motion from Mayor Rishell who moved the Approval of Policy 26 Project Activation, Monitoring and De-Appropriation Changes, and seconded by Chair Randall. Policy 29 Project Activation, Monitoring and De-Appropriation Changes was unanimously approved.

6. Appointment of Christina Zechman Brown, Deputy City Attorney for the City of Alexandria, to the Council of Counsels

Mayor Wilson, City of Alexandria

- ✓ Mayor Wilson began discussion by highlighting the City of Alexandria City Attorney Joanna Anderson's good work as a member of the Council of Counsels, and expressed his support of the City of Alexandria's resolution of support to transfer this opportunity to Deputy City Attorney Christina Zechman Brown.
- ✓ After Mayor Wilson moved the approval of Christina Zechman Brown to the Council of Counsels, and seconded by Board Chair Cristol, Mayor Wilson further added that Christina Zechman Brown has served the City of Alexandria for 15 years and does a great job at advising in her capacity as deputy city attorney. Chair Randall opened the floor for a vote on the motion. The Appointment of Christina Zechman Brown, Deputy City Attorney for the City of Alexandria, to the Council of Counsels was unanimously approved.

7. Approval of Call for Projects for FY2029 CMAQ/RSTP Funds

Ms. Backmon, Chief Executive Officer

- ✓ Ms. Backmon began discussion by asking the Authority to approve the Call for Projects for FY2029 Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Regional Surface Transportation Program (RSTP) funds, and reminded the Authority that CMAQ funds are for transportation projects or programs that will contribute to attainment or maintenance of the National Ambient Air Quality Standards for ozone, carbon monoxide, and particulate matter as well as RSTP funds providing flexible funding that may be used for projects to improve and preserve conditions and performance on federal-aid highways, public bridges and tunnels, bicycle and pedestrian infrastructure, and transit capital projects.
- ✓ Ms. Backmon added that in coordination with the Regional Jurisdiction Agency Coordinating Committee (RJACC), the Authority recommends the programming of over \$80 million annually

to projects that are subject to approval by the Commonwealth Transportation Board (CTB). Ms. Backmon further added that the Virginia Department of Transportation provides the local match for both the CMAQ and RSTP funds.

- ✓ Ms. Backmon concluded by highlighting the deadlines for the FY2029 programming cycle; the application process that includes submitting (1) a Project Application Form, (2) Traffic Congestion Emission Estimation Models (TEEM) worksheet and/or Federal Highway Administration's emission calculators for air quality benefit calculation, and (3) a resolution of support from the respective governing body; and noted the next steps where the Authority is expected to consider approval of the FY2029 funding recommendations at the March 2023 meeting, and submit recommended projects to the CTB for funding consideration.
- ✓ Chair Randall moved the Approval of Call for Projects for FY2029 CMAQ and RSTP Funds and seconded by Vice Chair Snyder. The Approval of Call for Projects for FY2029 CMAQ/RSTP Funds was unanimously approved.
- ✓ Before moving to Discussion and Information Items, Chair Randall recognized the newest Authority Member, Supervisor Pat Herrity, who introduced himself and highlighted his long-time connection and family ties to transportation in the region and his public service as a Fairfax County Board Supervisor since 2007. Supervisor Herrity expressed his anticipation to contribute as an Authority Member and in sharing his ideas.

Discussion/Information Items

8. TransAction Update and Public Comment Report Ms. Backmon, Chief Executive Officer Dr. Nampoothiri, Senior Transportation Planner

- ✓ Ms. Backmon began discussion by recalling the undertaking of the TransAction update and Public Comment Period which began on August 1, 2022, and ended on September 18, 2022. During this period, the Authority held its Public Hearing on September 8, 2022, where citizens provided comment on the 24-page draft TransAction Plan and associated Project List.
- ✓ After Ms. Backmon's brief overview of the TransAction update and Public Comment Report, Dr. Nampoothiri began a presentation which highlighted the progress of the TransAction update, public comments, potential enhancements to the draft TransAction Plan and Project List, and next steps for TransAction.
- ✓ After Dr. Nampoothiri's presentation, Chair Randall noted that many of the projects received only positive comments and further noted that all comments received, whether positive or expressing concern, were appreciated.
- ✓ Chairman McKay concurred with Chair Randall, noting that it is more likely to hear negative comments than positive comments and inquired whether public response from this period could be quantitatively compared to the previous Plan update. Dr. Nampoothiri responded in the affirmative, identifying ancillary efforts that were made during the current TransAction Update to increase public participation and added that the number of responses received were about one-third of responses received during the previous Plan update. Chairman McKay followed by noting that while Staff is doing a good job in expanding outreach efforts, it doesn't automatically translate to receiving more comments as well as the lack of comments could speak more to neutrality.

- ✓ Chair Randall noted project 406, W&OD Regional Trail Capacity and Connectivity Enhancements, and inquired if the comments were regarding tree removal. Dr. Nampoothiri responded in the affirmative.
- ✓ Dr. Nampoothiri turned the Presentation over to Principal, Transportation Planning and Programming Keith Jasper, who provided insight to scenario analysis, characterizing it as a technique used to grasp uncertainty associated with long-range transportation planning.
- ✓ Mr. Jasper noted that land use scenarios were used during the last TransAction Plan; however, were not used in this TransAction Plan due to the likelihood that the conclusions made five years ago were still valid. Chair Randall added that a group of elected officials assuredly considers land use when making decisions about transportation and noted that housing and land use is not NVTA's charge.
- ✓ Board Chair Cristol added to the discussion, noting her support to include language that states land use scenario analysis was not included in the TransAction Plan and the conclusion that concentrated land use helps improve TransAction Plan outcomes. Chair Randall followed up by noting her approval of the language and further added that she did not want to place unnecessary expectations on NVTA staff to explain this point further.
- ✓ At the conclusion of the Presentation, Chair Randall opened the floor for further questions. Board Chair Cristol circled back to comments surrounding the estimated effects of the build versus no build scenario on emissions reduction which in the report, specifically highlights three projects in the draft Project List designed to increase access to charging and inquired whether the 54% emissions reduction is attributable to the three projects. Mr. Jasper thanked Board Chair Cristol for the question and indicated that this graphic caused some confusion with some NVTA committee members and will be better communicated in the final draft version. Mr. Jasper noted the challenge in maintaining the balance between simplicity of message and detailed, heavily nuanced explanations.
- ✓ Mr. Tom Harrington of Cambridge Systematics, Consulting, Inc. added in response to Board Chair Cristol's question, by referencing the chart that identifies the benefits of the build network and further added that based on the current electrification rates between the build and no build, there is a 1.7% increase in emissions. Mr. Harrington clarified that the chart shows the sensitivity analysis, and further clarified that the handful of electric vehicle infrastructure projects were not solely responsible for the 54% emissions reduction.
- ✓ Board Chair Cristol concluded her questions noting there is a misrepresentation of the build versus no build scenario given the focused topic on the electrification of consumer vehicles. She suggested a more honest approach to presenting the scenario that if widespread electrification adoption occurs, a significant reduction in greenhouse gas emissions will be seen. Dr. Nampoothiri acknowledged that such notation is included in the report and added that the language can be improved to address Board Chair Cristol's point. Emphasizing the point, Board Chair Cristol further suggested the 54% emissions reduction bar be removed from the chart and added that if NVTA's document implies that we can increase Vehicle Miles Traveled and somehow cut emissions in half, it becomes a policy issue as much as it is an inaccurate statement.
- ✓ Chair Randall summarized Board Chair Cristol's point to be that the language is not clear. Board Chair Cristol stated it is disingenuous. In culmination, Chair Randall inferred that a message of the language or removal of the chart may address Board Chair Cristol's concern.

- ✓ Adding to the discussion, Vice Chair Snyder inquired about TransAction's overarching goals. Dr. Nampoorthi acknowledged that the Authority's approved goals are to Enhance Mobility, Increase Accessibility, and Improve Resiliency. As a follow-up, Vice Chair Snyder asked if the Authority has had adequate discussion on what the goals of TransAction mean and whether we are achieving the goals, and if so, how; or if we are not achieving them, why not. Vice Chair Snyder further added that attention should be given to address the negative comments, particularly regarding environmental concerns.
- ✓ Ms. Hynes noted that approximately 80% of the comments received were negative and were specifically directed at roadway expansion projects. She added that it has always been a challenge for NVTA to communicate that it is not just a roadway building agency given that its roadway expansion projects involve plans for and creating other modes of transportation. Ms. Hynes concluded by sharing her thoughts on creating a way to highlight the positive effects of NVTA funded projects, including how many people have used transit, as well as telling a story that's about moving people forward as we make investments.
- ✓ Mayor Wilson added that he agrees with Ms. Hynes in that the comments received on the Project List were overall negative and further agreed that there is a disconnect considering the parallel between the commenters' expectations and what NVTA asked for.
- ✓ Chairman McKay highlighted the perspective of observing the number of comments received, versus the population of the region as well as the amount of outreach made, and suggested that while many conclusions can be made, the comments received are only a snapshot of a segment of the region's population. Chairman McKay acknowledged the entire regions' diversity in each jurisdiction represented on the NVTA and noted that this level of diversity presents very different needs. Chairman McKay further noted that not all those needs will be accomplished by the TransAction Plan, which could be the cause of some disparaging comments.
- ✓ Mayor Rishell added by prefacing the intent of her comments to not marginalize any one commentor. She noted that happy people generally don't comment negatively and generally don't comment at all.
- ✓ Chair Wheeler highlighted the fact that in Prince William County, for example, many of the projects are not creating additional roads but rather providing interchanges that address congestion.
- ✓ Ms. Backmon thanked Authority Members for the discussion and comments and highlighted that with newly acquired modeling resources, NVTA can begin to tell the story of the positive impacts NVTA funded projects bring to the region as well as share the perspective that NVTA represents a very diverse region of jurisdictions with very different needs. Ms. Backmon also added that NVTA is governed by laws that enumerate our abilities and further added that depending on the location within the region, such mandates may be more favorable. Additionally, Ms. Backmon noted that NVTA is multimodal focused, and that no other entity in the Commonwealth of Virginia has invested more funding in Bus Rapid Transit than the NVTA. In conclusion, Ms. Backmon noted some misconceptions, clarified, and identified challenges brought up both during the meeting and from the public comments on the Project List and noted that NVTA will take into account the comments received, specifically highlighting Chairman McKay's comment that Northern Virginia is extremely diverse, thus requiring a regional perspective.

- ✓ Chair Randall pointed out a previous survey that asked the public if more transit options or roads were needed, and further pointed out that based on where the commentors lived, there was a more favor to roads versus transit. Chair Randall also noted that many of the transportation concerns of individuals could be addressed with the 30% of NVTA funding directly given to the locality. Chair Randall posed the question of what connections are being made interjurisdictionally to address some of the changes seen as a result of more folks traveling within their county, town or city rather than the more common commute seen post Covid-19 of folks commuting from their county, town, or city into the District of Columbia.
- ✓ Vice Chair Snyder asked if NVTA is achieving its goals in decreasing greenhouse gas emissions and noted that the TransAction Plan should guide the region in that direction. In response, Chair Randall noted the report issued by the Council of Governments stating that the region is doing fantastic at decreasing greenhouse gases and concluded her comments by agreeing with Vice Chair Snyder that the region will maintain and improve its efforts in this area.

9. 2022 Joint Commission on Transportation Accountability Annual Report

Ms. Backmon, Chief Executive Officer

- ✓ Ms. Backmon referred to the 2022 Annual Report to the Joint Commission on Transportation Accountability as attached to the meeting packet, highlighted a change, and briefly noted the process by which localities receive the 30% funding. Ms. Backmon concluded by noting that the deadline to file the Report is November 15, 2022.

10. Governance and Personnel Committee Report

Chair Randall

- ✓ Chair Randall noted the Governance and Personnel Committee Report as attached in the meeting packet and highlighted the four suggested topics to include as priorities in the Authority's draft 2023 Legislative Program. Chairman McKay pointed out a needed clarification in the Program's language and suggested changing the statement "The region still needs to restore \$38.5 million in dedicated revenue." to "The State of Virginia still needs to restore \$38.5 million in dedicated revenue annually."

11. Finance Committee Report

Mayor Rishell, Chair

- ✓ Mayor Rishell reported that in September, the Finance Committee voted to recommend two action items to the Authority and noted that the first was to recommend adjusting the FY2023 Operating Budget to permit the early hiring of an approved planning position and noted this item was considered and approved by the Authority at its September 8th meeting. Mayor Rishell added that the second Finance Committee agenda item, Policy 29-Update for Duplicate Reimbursement Requests, was considered and approved by the Authority this evening.
- ✓ Mayor Rishell continued the Finance Committee Report by highlighting the following:
 - (a) The Finance Committee received a report that showed project reimbursements in FY2022 were significantly below prior fiscal years, despite an increasing number of approved projects. The Committee discussed possible cause and effects with staff and encouraged staff to reach out to project sponsors to stimulate project advancement and the use of NVTA project funds.

- (b) Earlier this evening, the Committee received updates on the FY2022 Financial Statement Audit. Mayor Rishell noted that for the upcoming November meeting, the Committee is recommending acceptance of the audit which has an unqualified or clean opinion.
- (c) As part of the September meeting, the Committee was advised and discussed the NVTA staff receipt of a project reimbursement which included 72 invoices, some of those invoices dated as far back as five calendar years. In order to reduce externally imposed risk, the Committee directed and provided guidance to NVTA Staff to work toward a policy solution to ensure submitted invoices for reimbursement are no older than 18 months from date of the reimbursement submission. The Committee expects to review the draft policy and make a recommendation to the Authority in the coming months.
- (d) The Committee discussed ESG/Green Bonds, started budget preparation discussions, and received reports on other activities of the Authority's finance staff.
- ✓ In conclusion, Mayor Rishell noted that the Finance Committee received the regular monthly reports on the Investment Portfolio, Monthly Revenues and Operating Budget, and offered Mr. Longhi and Ms. Sen to answer any questions there may be to these reports as submitted in the Authority meeting packet.
- ✓ Mr. Longhi referred to the Investment Portfolio Report, Monthly Revenue Report and Monthly Operating Budget Report and advised that all the numbers were going in the right direction as well as welcomed the opportunity to answer any questions Authority Members may have on the reports as submitted in the meeting packet.

12. Planning and Programming Committee Report

Mayor Wilson, Chair

- ✓ Mayor Wilson noted that at the last Planning and Programming Committee meeting, the Committee had a thorough discussion on the TransAction Update and Project List and noted the next Planning and Programming Committee meeting is scheduled on November 21, 2022, at 5:30 p.m.

13. Planning Coordination Advisory Committee Report

Mayor Colbert, Chair

- ✓ Chair Randall noted that the Planning Coordination Advisory Committee Report is submitted in the Authority meeting packet.

14. Technical Advisory Committee Report

Mr. Ciccarelli, Vice Chair

- ✓ Chair Randall noted that the Technical Advisory Committee Report is submitted in the Authority meeting packet.

15. Chief Executive Officer's Report

Ms. Backmon, Chief Executive Officer

- ✓ Ms. Backmon highlighted from her Chief Executive Officer Report that the Authority turned 20 years old this year (CY2022), and noted that on June 8, 2023, the Authority will be acknowledging both the 10 anniversary of HB 2313, which is the bill that brought dedicated funding to NVTA, and the 20 year anniversary. Ms. Backmon concluded by noting that more details will be forthcoming as more information is obtained.

16. Chair's Comments

Chair Randall

- ✓ Chair Randall had no comments for the evening.

17. Adjournment

Chair Randall

- ✓ Seeing no further questions or discussion, Chair Randall adjourned the meeting at 8:47PM.

Next Meeting: November 10, 2022, at 7:00PM

NVTA Offices

DRAFT