



NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

The Authority for Transportation in Northern Virginia

Thursday, February 20, 2014

7:00 pm

3060 Williams Drive (Ste 510), Fairfax, VA 22031

MEETING MINUTES

I. Call to Order Chairman Nohe

- Chairman Nohe called the meeting to order at 7:03pm.

II. Roll Call Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Mayor Euille (arrived 7:11pm); Board Member Hynes; Chairman York; Chairman Bulova; Mayor Parrish; Mayor Silverthorne; Council Member Rishell; Council Member Duncan (arrived 7:07pm); Ms. Bushue; Mr. Garczynski.
- Non-Voting Members: Mrs. Cuervo; Ms. Mitchell; Mayor Umstattd.
- Staff: John Mason (Interim Executive Director); Michael Longhi (CFO); Camela Speer (Clerk); Peggy Teal (Accountant); various jurisdictional staff.

III. Minutes of the January 23, 2013 Meeting

- Chairman York moved to approve the minutes of January 23, 2014; seconded by Mayor Parrish. Motion carried with eight (8) yeas [with Board Member Hynes abstaining as she was not an appointed member at the January meeting].

(Council Member Duncan arrived.)

Informational Briefings

IV. I-66 Outside the Beltway Tier I EIS Ms. Hamilton, VDOT

- Ms. Hamilton presented the VDOT I-66 Outside the Beltway Tier I briefing.

(Mayor Euille arrived.)

- Mr. Garczynski noted that Doug Koelemay is heading up the P3 [VDOT] office and that this is beneficial as he knows I-66 and the challenges. Mr. Garczynski commented that Mr. Koelemay indicated that the next step regarding the RFI will be to send an RFQ to those firms that responded to the RFI.

V. Proposed Project Evaluation MOEs and Rating Framework

Mr. Srikanth, VDOT

- Mr. Srikanth presented the VDOT Proposed Project Evaluation MOEs and Rating Framework briefing. He requested comments and feedback on the proposed methodology from the Authority. He stated that if the methodology is acceptable to the Authority, VDOT will proceed with it. If there are requested changes, VDOT will look into it and get back to the Authority.
- Mayor Umstatt asked if VDOT anticipates that in more densely populated areas of the region there might be more of a benefit in the reduction of person hours of delay. If so, does VDOT expect this to be more beneficial to transit improvements? Mr. Srikanth responded that the performance measures do not focus on the area, but on the corridor or the facility that the transportation improvement project is serving. If the proposed project is on a very heavily traveled facility, highway or transit, then it is likely to provide a greater impact or an impact to a larger number of people. So, it is not as much what area a project is in, but what type of facility and what is the severity and the duration of congestion on that facility.
- Chairman York interjected that not all members were at [PIWG] meeting for this presentation. He stated that at that meeting Mayor Parrish raised an important point that even after the Authority gets back the rankings evaluation from VDOT, at the end of the day this body will make the final decision as to which projects will get funded. Therefore, if NVTA has funding for ten projects, it does not need to pick the top ten. NVTA can pick some of the lesser ranked projects. This is just a tool for NVTA to use to get an understanding of all the projects that are proposed and what gives us “the best bang for the buck.”

(At this point, the Chairman chose to call items out of agenda order to facilitate discussion. Not all items in Action Items section are action items, but are necessary to prepare for Action Item discussions.)

Action Items

XV. Project Implementation Working Group

Chair Nohe

- Ms. Fioretti stated that the PIWG was charged by NVTA to coordinate efforts in the development of the Six-Year Plan in coordination with the VDOT Evaluation and Ratings Study. She reported that PIWG:
 - ✓ Has met four times to discuss the various elements of project selection framework, the project evaluation framework and the criteria thereof.
 - ✓ Has prepared a number of sets of comments for VDOT. At the last stakeholders working group meeting on January 31, there were a fair

number of comments. The VDOT staff accepted those comments and adjusted the measures of effectiveness accordingly. Expressed appreciation to VDOT staff for this.

- Ms. Fioretti stated that the PIWG has prepared the project nominations for consideration by the Authority for submission to the VDOT Evaluation and Ratings Study. She reviewed the process:
 - ✓ January 31 was the deadline for jurisdictions and agencies to submit projects for the NVTA call for projects. These projects will ultimately be used to develop the Six-Year Program.
 - ✓ On February 3 VDOT issued a call for project nominations from the CTB and the NVTA with a due date of February 25.
 - ✓ PIWG has looked at those projects to determine which should be recommended to the Authority for consideration as part of the VDOT Evaluation and Ratings Study.
 - ✓ PIWG received 52 projects; 33 were roadway, bridge and ITS; 19 were mass transit projects that increase capacity.
- Ms. Fioretti explained the criteria used to develop the list of project nominations.
 - ✓ Projects can either be submitted as projects or as packages of projects.
 - ✓ All projects should be considered, with the exception of those that are legally exempt by the HB 2313 requirement. Mass transit projects that increase capacity do not have to be rated by the VDOT Rating and Evaluations Study (required by HB 599).
 - ✓ Projects not legally exempt were required to meet NVTA's Tier I screening criteria which is the same set of criteria that was used to develop the FY2014 program. Criteria are specifically related to the legal requirements regarding how the Authority selects and approves projects.
 - ✓ Additionally, since VDOT has said they are willing to rate up to 40 projects this round, PIWG is recommending that if there is capacity that NVTA advance projects that do not necessarily meet the Tier I screening criteria.
- There are 33 non-mass transit projects for consideration. Four of those projects do not meet Tier I screening criteria. Given that VDOT is able to evaluate 40 projects, the recommendation from PIWG is that all 33 projects (32 since 2 are packaged) be considered by the Authority for nomination to the VDOT Evaluation and Ratings Study.

VII. Project Nominations for VDOT Evaluation and Rating Study Chairman Nohe

- Ms. Fioretti presented the project nominations for the VDOT Evaluation and Rating Study.
- Upon invitation of the Chairman, Mr. Mason noted that the previous evening's meeting of the Technical Advisory Committee (TAC) was robust.

Commended Mr. Srikanth and Mr. Canizales for their presentations. Added that the Committee was very pleased with the solid material that was shared with them. Noted that we are not yet at the stage to provide that material to Committee sufficiently in advance for them to effect the early stages of the process. This is something that NVTA needs to pay more attention to.

- Mr. Mason shared the recommendations of the TAC:
 - ✓ At least some transit projects should be included in the selections that are nominated for the VDOT study. He explained the logic behind this was very supportive of transit. It was a concern that transit be represented. It was also believed that in this first round of analytical process, it would be helpful to have some experience in including transit in the overall evaluation process.
 - ✓ TAC hopes to be engaged in a more timely fashion, to be able to effect the process as it goes forward.
- Chairman Nohe noted that this afternoon [February 20] the House of Delegates debated and passed a prospective budget amendment that would require that the transit projects be subject to the evaluation process. It is uncertain what will happen in the Senate or in the Administration. While it is appropriate timing to deal with this project list tonight, the timing of the budget amendment is inconvenient. NVTA will be a little in limbo. The recommendation from PIWG is that we not include transit projects, noting that the law does not require this. Additionally VDRPT expressed some concern that it may not be feasible to evaluate them concurrently. Chairman Nohe acknowledged recommendation from TAC. He also acknowledged that NVTA needs to get TAC more information at an earlier stage in the process so that their recommendations can come to NVTA in a more timely fashion. Chairman Nohe stated based on getting the TAC recommendation from last night's meeting, he is disinclined to restructure the current plan based on the recommendation. He suggest NVTA move forward with the nomination of the recommended 32 projects for evaluation. He added that VDOT staff are starting the process knowing that additional projects may be nominated in the future should the budget amendment get approved as currently crafted.
- Ms. Cuervo confirmed that VDOT can take current nominations and start the evaluation process. If at a future date NVTA has to change course, VDOT will work with the Authority.
- Chairman Nohe further explained that with the limit of 40 projects, if we added the transit projects there would be more than 50 projects. He noted NVTA does have a selection model to narrow that list if necessary, however, there is concern that adding transit projects will push some highway projects off the list. The highway list was developed in anticipation of all getting evaluated.

- Chairman Nohe suggested moving forward with the PIWG recommendation, while being mindful of the TAC recommendation and the General Assembly and see what happens over next few weeks.
- Mayor Euille stated he supported that concept as NVTA is doing what it agreed to do with the guidance it had. What happens over time will happen, but NVTA cannot not move forward with its plan of action.
- Mayor Euille moved to approve the Project Nominations for the VDOT Evaluation and Rating Study; seconded by Chairman Bulova.
- Mayor Parrish asked about the VDOT timeframe to get results from the study. Mr. Srikanth explained that the CTB will approve the final project list on March 19. Prior to that meeting, VDOT will run the nominated projects through the Project Selection Methodology to get those scores. That evaluation will the come back to the NVTA to review degrees of project significance and potential to reduce congestion. At March CTB meeting, they [CTB] will review projects to make sure they are consistent with their priorities, as consistent with the law. After the CTB takes action, VDOT will start the analysis of the projects using the methodology and framework presented this evening. First set of results should be available the end of June. Final and detailed set of results should be available around November.
- Mr. Garczynski added that in collaboration with Ms. Fisher, CTB may have some projects from a regional perspective that may be added to the study before the deadline of February 25.
- Chairman Nohe commented that one outcome discussed at PIWG was that the steps to the process were developed with the thought that the Authority was going to nominate 60-70 projects. In the end, jurisdictions chose wisely to be more selective so that the most important projects would get evaluated. This has left some capacity for CTB to add projects.
- Chairman Nohe mentioned that there was discussion at the TAC meeting about other projects they may have hoped to have seen evaluated. He stated that due to the odd timing, it was appropriate to try to inject them into this process. Suggested it might be something that CTB might want to consider.
- Chairman Nohe suggested that if the budget issue moves forward there may be some other mechanical issues. He asked Ms. Mitchell if those issues can be worked through, should they arise. Ms. Mitchell answered affirmatively. She explained that at the CTB meeting yesterday [February 19], the Secretary was very clear that CTB sees this as a local decision making process because these are local revenues. CTB will be very willing to work with NVTA if there is an interest or a requirement to evaluate transit projects, to figure out the best way to do that. CTB is also cognizant that the law does not require transit projects to go through the process and it is an NVTA decision.

- Chairman Bulova asked Mr. Garczynski if the CTB has some projects they might like to see evaluated. Mr. Garczynski replied that it is currently being discussed; suggested it may only be one or two.
- Chairman Bulova asked if CTB was also working with NVTA staff in this process. Mr. Garczynski answered affirmatively and added that CTB will take into consideration the recommendation from TAC.
- Mr. Garczynski added that if Senate Bill 2 gets passed, the rest of the Commonwealth will be dealing with the modeling district by district, as it has to be in place by 2015. He suggested districts may look to NVTA for guidance.
- Ms. Rishell asked, as NVTA is under scrutiny based on now having revenue, if there are any issues or potential problems with including projects that do not satisfy the Tier I screening. Chairman Nohe responded that it was determined that there is nothing wrong with evaluating them. He added that Loudoun has two projects that do not meet Tier 1, but it is fully anticipated that the projects will be included in the next TransAction update. Presuming the projects get included in the update, they will have already passed the evaluation process. He suggested there is nothing wrong with knowing the qualitative measures of a project, as long as there is understanding that it will be set aside for funding consideration until such time as other factors change. If we had more than 40 projects nominated, these projects would have been cut first.
- Chairman Bulova clarified that one reason a project may not clear in the Tier I screening is because it is not on the 2040 plan, but could be included in future rounds.
- Motion carried unanimously.

VI. Approval of Technical Advisory Committee Chair Appointment

Chairman Nohe

- Mr. Mason reported that the Technical Advisory Committee recommended the reappointment of Randy Boice as Chair.
- Chairman York moved to approve Randy Boice as Chair of the Technical Advisory Committee; seconded by Mayor Parrish. Motion carried unanimously.

A. Letter to Conference Committee

Ms. Dominguez

- Ms. Dominguez stated that there were several budget amendments offered in the General Assembly session. Two that specifically reference NVTA made it to the House Committee budget as of Sunday.

1. States that the joint commission on transportation accountability shall regularly review provide oversight on the use of the regional funds and provide an annual report to various General Assembly committees on how NVRTA, Hampton Roads and the Intercity Passenger Rail Operating Funds are being used. These are some of the new funds created by HB 2313. Amendment was offered today and there was no real discussion on it.
 2. States that no funding provided by the Commonwealth to the NVRTA through the funds created by HB 2313 will be allocated to provide additional funding to any project in FY2015 or 2016 unless they have been evaluated and prioritized by the requirements of HB 599. This limitation shall apply to projects receiving funding in FY2014 to the extent that the Authority is considering providing additional appropriations begun the prior year.
- Ms. Dominguez stated that jurisdictional and agency legislative liaison staff from Northern Virginia have reviewed language and have concerns. Specifically:
 1. Mass transit capital projects that increase capacity are currently exempt. This would take away the exemption, thereby limiting the Authority's ability to fund projects even further.
 2. Could affect projects the Authority has already voted on. If there were perhaps a cost overrun the entire project might have to go through the study.
 - Ms. Dominguez stated that in response to these concerns, members from the JACC and liaisons from Northern Virginia drafted a letter voicing concerns that NVRTA might have with this language. Presented letter for Authority review. She added that Senator Ebbin and Delegate Rust have been helpful with this. Delegate Rust got on the floor and opposed the amendment that had been offered, as did Delegate Watts. There were two people who supported it on the floor, Delegate Marshall and Delegate Peace, who is the House Appropriations Transportation Subcommittee Chairman. Final vote was 29 to 70, close to party line. Working with Senate counterparts.
 - Chairman Bulova commented that it is a good letter and thoroughly lays out Authority's concerns.
 - Chairman Bulova moved to approve sending letter to members of the Committee of Conference on Budget; seconded by Mayor Parrish.
 - Chairman Nohe explained letter does not say that NVRTA does not want to evaluate projects, it asks that NVRTA be allowed to evaluate projects in a manner that allows it to move forward. Expressed concern that he has spent a lot of time in last month dealing with proposals that would cause NVRTA to take even more time to use the taxes already collected to relieve congestion.
 - Motion carried unanimously.

- Ms. Dominguez recommended that draft letter go to the two NVRTA members in Richmond for their comments and to let them know that the Authority is completely on-board.
- Chairman Nohe requested consensus that if Senator Ebbin or Delegate Rust suggest a language change to letter, that Ms. Dominguez be authorized to incorporate change in final letter. There was consensus.
- Ms. Dominguez gave a brief legislative update:
 - ✓ General Assembly is spending much of its time now on the budget. Generally speaking the budget needs to be voted on by March 8, so theoretically NVRTA will know by then if this language was in budget that came out of House and Senate.
 - ✓ Mr. Garczynski asked if anything happened with public information advocacy and propaganda. Ms. Dominguez responded that an amendment made it into the House budget that says that the Secretary of Transportation shall assure that no funds appropriated to any transportation agency are expended directly or indirectly, including by private contractor, for advocacy or propaganda purposes in support of any proposed transportation project for which construction funding has not been allocated in the Six-Year Improvement Program. This prohibition shall not exist with advertising legally required for public notifications. Mr. Garczynski commented that this language is dangerous, that there have been situations in the past year where some may consider there to have been excessive advocacy for the Bi-County Parkway. Public outreach to get out facts and information for the I-66 improvements could be prohibited by this amendment. He stated that he believes this amendment is ill-conceived and is hopeful that it can be defeated or have the language ameliorated. Mr. Garczynski warned that this will handcuff attempts to get information out.
 - ✓ Ms. Dominguez added that there is another bill before the General Assembly that does the opposite of previously discussed bill. It says that for projects over \$100M, people in the study area, home owners or property owners, have to be notified by mail of a public hearing.
 - ✓ Chairman Bulova stated the issue is the line between notifying, making people aware of information and it being perceived as advocacy.
 - ✓ Council Member Rishell asked Ms. Dominguez to email the amendment. Ms. Dominguez responded affirmatively.
- Chairman Nohe noted that last month the Authority approved the circulation of a letter that would have addressed using budget amendments to kill specific transportation projects. Letter was circulated and approved, but then amendments were stricken so it was not sent.
- Chairman Bulova asked is the bill that was just discussed is for VDOT or does it include transportation projects localities are funding. Ms. Dominguez responded that bill HB 904 is specifically for VDOT projects. This is the bill that would require notification.

- Ms. Dominguez added that the budget amendment says “the Secretary of Transportation shall insure that no funds appropriated to a transportation agency”. Chairman Nohe responded that there is concern that if a locality wanted to do public outreach with the expectation that CTB will pay for 50% of the project, the project might fall under this new rule. Ms. Mitchell added that at the state level, VDRPT is always looking for innovative ways to do public outreach and this amendment might limit that. She agreed this could be very damaging for transportation. Mr. Garczynski stated that at the district level, CTB is always trying to figure out how to best inform the public. Ms. Cuervo added that if VDOT cannot get notification out to as many people as possible, it limits the feedback that can be used to advance the project. Chairman York stated the irony of this bill is that it is coming from a delegate who represents several people who were complaining they were not being informed about the very project they are now complaining about.
- Chairman Nohe introduced a need for a change to the previously approved Authority meeting schedule. He stated that the March meeting was scheduled for the March 20, but that this is a problem because the CTB meets on the March 19. Chairman Nohe invited Ms. Backmon to explain the challenge.
- Ms. Backmon explained that the Authority is expected to take action on the projects nominated to the VDOT Evaluation and Framework prior to the CTB taking action. If CTB meets on March 19 and Authority meets on March 20, it negates any impact that NVTa might have on the project selection.
- Chairman Nohe asked how this prospective action differs from action just taken in approving project nomination list. Ms. Backmon explained that the action taken this evening was to approve the projects to go through the preliminary screening. Once the Authority receives preliminary screening results in March it can make a final decision on which projects the Authority would like to have included in full evaluation study.
- Chairman Nohe noted that the assumption that projects needed to be fed through the preliminary screening was the assumption that there would be more than 40 projects. If current assumptions hold, we have fewer than 40 projects, therefore does that not obviate the need for the preliminary screening. Ms. Cuervo responded that NVTa is reviewing projects to see which should go forward. This is the opportunity to decide if all projects should go through screening, based on information available. Chairman Nohe clarified that this would be a second opportunity to review list.
- Ms. Backmon added that the Authority could decide that all projects acted on today are the projects it wants to move forward next month. However, the Authority would have the benefit of seeing how projects fared in the preliminary screening, so would get a second chance to look at projects with additional information.
- Chairman Nohe asked if Authority members can meet on March 13. There was consensus that most members could meet on March 13 at 7pm.

- Chairman Bulova moved to amend the NVTa calendar to move the meeting from March 20 to March 13; seconded by Chairman York. Motion carried unanimously.

Information/Discussion Items

- Chairman Nohe invited Mr. Longhi to give a brief review of an anticipated report for March meeting. Mr. Longhi responded that the Authority would receive a report showing the flow of funds for the fiscal year from the 70% revenue, breaking out reserves to show the working capital available for projects. Chairman Nohe clarified that it will be a preliminary prospective statement of cash flows. Mr. Longhi added that the Financial Working Group will be meeting to begin verifying the revenue estimates for FY2104 and begin the revenue estimates for FY2015 and 2016.

- VIII. VDOT Response to NVTa/PIWG Comments on Evaluation Framework** Ms. Cuervo, VDOT
- No verbal report.
- IX. CMAQ/RSTP Request** Ms. Backmon, Chair, JACC
- No verbal report.
- X. Status of Memoranda of Agreement** Mr. Mason, CEO
- No verbal report.
- XI. HB 2313 Funding Status** Mr. Longhi, CFO
- No verbal report.
- XII. NVTa Operating Budget Report** Mr. Longhi, CFO
- No verbal report.
- XIII. Executive Director’s Report** Mr. Mason, CEO
- No verbal report.

Reports from Working Groups

- XIV. Financial Working Group** Chair Euille
- Mayor Euille stated there was a meeting on January 23 and next meeting is March 6. He highlighted:

- ✓ FWG will continue to meet for a while, but is getting close to winding down and at some point will turn things over to the Finance Committee.
- ✓ Close to finalizing 70% funding agreements and will bring those back at a future Board meeting.
- ✓ Working with staff and financial advisors with regards to the line of credit and the bond issuance.

XVII. Chairman's Comments

- Chairman Nohe stated that the FWG will continue to function until work is finished. He suggested that the Authority may not want to dissolve the FWG permanently, as it allows access to financial expertise from the various jurisdictions that the Authority would otherwise have to pay for. He added the FWG might be a parallel body to the Finance Committee which will be made up of members of the Authority. He stated that the Finance Committee will have responsibility for primary financial oversight, pursuant to NVTA By-laws.
- Chairman Nohe stated that the Authority will need to appoint the Finance Committee, consisting of five (5) members including the Chair. He added that he has asked Chairman York to serve as Chairman of that Committee. Chairman Nohe and Chairman York will work together to select the members of the Committee. He clarified that as NVTA Chairman he can appoint the members of the Finance Committee. Chairman Nohe asked members to let him know if they wish to serve on Committee.
- Chairman Nohe introduced Ms. Mitchell as the new representative from VDRPT. Ms. Mitchell stated that she is looking forward to being part of the NVTA and assisting on transit issues. She added that this administration is very committed to local decision making and sees VDRPT role as supporting NVTA in that process and advocating for NVTA.
- Chairman Nohe welcomed Council Member Duncan, alternate from Falls Church this evening.
- Chairman Nohe noted that a key team member will soon be leaving NVTA. He explained that Ms. Fioretti has accepted a position as Deputy Director of Parks for Arlington County. Chairman Nohe added that it is difficult to believe that NVTA would be here in February approving a project list for evaluation if it were not for Ms. Fioretti's work.
- Chairman Nohe stated that the Authority has a personnel matter to discuss in closed session. He noted that the Search Committee meeting was originally scheduled to have met at 5:30pm, but due to clerical oversight and not posting the meeting for public notice, it will take place now in closed session. He requested that all members stay to listen to proceedings and to have a quorum to at the end of the meeting.
- Mayor Parrish moved that the Northern Virginia Transportation Authority convene a closed meeting, as authorized by Virginia Code section 2.2-3711.A.1, for a personnel matter relating to the selection of an Executive

Director for the Authority; seconded by Chairman York. Motion carried unanimously.

Closed Session

XVI. Closed Session

- Mayor Parrish moved that the members of the Northern Virginia Transportation Authority certify: (1) that 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 Chairman York. Motion carried unanimously.

Adjournment

XVIII. Adjournment

- Meeting adjourned at 9:22pm.