



Approved December 8, 2016

Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

Thursday, November 10, 2016
7:00pm
3040 Williams Drive, Suite 200
Fairfax, VA 22031

MEETING MINUTES

I. Call to Order Chairman Nohe

- Chairman Nohe called the meeting to order at 7:09pm.

II. Roll Call Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Chairman Bulova; Chair Randall; Mayor Silberberg (arrived 7:10pm); Board Member Fisette; Mayor Parrish; Mayor Stombres; Council Member Snyder (arrived 7:33pm); Mayor-Elect Rishell; Senator Black; Ms. Hynes; Mr. Kolb.
- Non-Voting Members: Ms. Cuervo; Mr. Horsley.
- Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Sree Nampoothiri (Transportation Planner); Carl Hampton (Investment & Debt Manager); Peggy Teal (Assistant Finance Officer); Camela Speer (Clerk); various jurisdictional staff.
- Chairman Nohe congratulated Mayor Parrish and Mayor-Elect Rishell on their successful elections.

(Mayor Silberberg arrived.)

III. Minutes of the October 13, 2016 Meeting

- Chairman Bulova moved approval of the October 13, 2016 minutes; seconded by Senator Black. Motion carried unanimously.

Consent Agenda

IV. Approval of Standard Project Agreement for Arlington County–Regional Funding 013-60721 (Lee Highway Corridor Intelligent Transportation System Enhancements)

V. Approval of Standard Project Agreement for Arlington County–Regional Funding 013-80731 (Crystal City Streets: 12th Street Transitway, Clark/Bell Realignment & Intersection Improvements)

- VI. Approval of Standard Project Agreement for Prince William County – Regional Funding 153-80781 (Route 1 Widening: Featherstone Road to Marys Way)**
- VII. Approval of Standard Project Agreement for Prince William County– Regional Funding 153-30791 (Route 28 Widening: Route 234 Bypass to Linton Hall Road)**
- VIII. Approval of City of Alexandria CMAQ/RSTP Reallocation Requests**
 - Chair Randall moved approval of the consent agenda to include the specific motions in items IV – VIII; seconded by Chairman Bulova. Motion carried unanimously.

Action

IX. Approval of Legislative Services Contract

Mayor Parrish, Chair, Finance Committee

- Mayor Parrish stated that the Finance Committee recommended the approval of the Legislative Services Contract. He complimented the NVTA staff on their efforts to procure this contract.
- Mr. Longhi briefed the Authority on the Legislative Services Contract. He highlighted:
 - ✓ \$60,000 was appropriated in FY2017 Operating Budget for legislative services.
 - ✓ This was an open procurement and was placed on the NVTA website and Virginia’s eProcurement Portal.
 - ✓ 13 firms expressed interest, 7 submitted proposals and 5 were deemed responsive and responsible.
 - ✓ Evaluation team was comprised of the NVTA Executive Director, Legislative and Intergovernmental Affairs Directors from Prince William, Alexandria and Arlington, the Fairfax County Department of Transportation Legislative Liaison and the NVTA CFO.
 - ✓ Based on proposal evaluations 3 firms were selected to enter into final negotiations with best and final offers.
 - ✓ Conclusion of evaluation team was unanimous that the contract award should go to McGuireWoods Consulting Firm.
 - ✓ Finance Committee was briefed at last meeting and recommended the contract award for Authority approval.
- Mayor Parrish moved approval of the proposed Legislative Services Agreement with McGuireWoods Consulting LLC; seconded by Ms. Hynes.

- Senator Black asked for confirmation that this would be a contract with a lobbying firm. Mr. Longhi responded that the contract is for legislative advisory services, with the principal activity being to monitor General Assembly activities and to ensure that there are no potential bills that are in conflict with HB 2313. Ms. Backmon added that these services would also assist Chairman Nohe, as previously the Authority has authorized Chairman Nohe to speak to the General Assembly on behalf of legislation that could impact the Authority. She stated that having representation in Richmond will help insure there is no legislation that could be detrimental to the Authority. She noted the consultants would work in conjunction with our General Assembly members and legislative liaisons.
- Chair Randall stated that she has heard only very positive reactions to HB 2313. She asked if there is any anticipated encroachment on the legislation. Chairman Nohe responded that we have not heard of any meaningful attempts to repeal HB 2313. He stated that the Authority now attracts a lot of attention. He gave some examples of legislative issues that have arisen in the past:
 - ✓ Legislation that would have changed the NVTA voting structure to add additional voting members. He noted that he attended several committee meetings to discuss the NVTA’s opposition to this change.
 - ✓ Legislation to allow the use of regional funds to pay for facilities that are pedestrian only, essentially encouraging the NVTA to set aside a sidewalk fund. Chairman Nohe added that there are many requests for sidewalks, but sidewalks are not in the spirit of regional congestion reduction.
- Chairman Nohe concluded that the NVTA’s legislative position for the last few years has been, “just leave us alone, we are doing a good job”.
- Senator Black stated that HB 2313 seems to be a done issue and the controversy has long passed. He added that there may be minor tweaks that come along.
- Chairman Nohe added that a recent piece of legislation from Delegate LeMunyon was to the NVTA’s benefit. The legislation stated that if a jurisdiction removes a road from its comprehensive plan, the NVTA does not need to remove it from the regional plan. He added that this is a big deal and that it could cost the NVTA tens or thousands of dollars to amend the regional plan based solely on the act of a local board. Chairman Nohe stated that if there was an attack on HB 2313, we would have to go into full blown lobbyist mode.
- Motion carried unanimously.
- Upon Chairman Nohe’s request, Ms. Baynard introduced herself to the Authority members. She stated that she would be the McGuireWoods lead consultant to the Authority and that she looks forward to working with the Authority over the next year.

X. Appointment of Nominating Committee

Chairman Nohe

- Chairman Nohe appointed Chairman Bulova and Mayor Parrish to the Nominating Committee.

XI. Adoption of the 2017 Meeting Schedule Ms. Backmon, Executive Director

- Ms. Backmon briefed the Authority members on the proposed calendar year 2017 meeting schedule, noting that it is the same schedule adopted for calendar year 2016. She stated that meetings would be the second Thursday of the month, with the exceptions of no meeting in August and a 6pm start in December, due to the anticipation of the Northern Virginia Regional Commission (NRVC) meeting the same evening.
- Chairman Nohe noted that previous meetings scheduled prior to the NVRC meeting have been difficult to conclude before the start time of the NVRC meeting. He asked what the anticipated agenda items for the December 2017 are. Ms. Backmon responded that it is anticipated that the meeting will primarily consist of updates on the advancement of projects previously funded. Chairman Nohe asked when we anticipate the adoption of TransAction. Ms. Backmon responded it would be around this time next year. Chairman Bulova asked if it would be prior to December 2017. Chairman Nohe expressed concern about there being a need for a lengthy discussion at the December 2017 meeting. Ms. Backmon stated that the adoption of TransAction would be prior to December 2017. She added it is anticipated that TransAction will be adopted in October 2017. Ms. Hynes added that the 2018 Legislative Program would likely be adopted in December 2017. Ms. Backmon confirmed this.
- Chairman Bulova moved approval of the Calendar Year 2017 Meeting Schedule; seconded by Chair Randall. Motion carried unanimously.

Discussion/Information

XII. Draft 2017 Legislative Program

Ms. Hynes, Chair, Governance and Personnel Committee

- Ms. Hynes informed the Authority members that the Governance and Personnel Committee (GPC) has met twice to review the draft 2017 Legislative Program. She noted that Ms. Baynard had also provided advice on the draft to the Committee. She stated that the major legislative positions of the Authority have not changed from previous years. Ms. Hynes added that the document format has been changed to make the positions more clear and prominent.
- Chair Randall asked Board Member Fisette, as Chair of the Northern Virginia Transportation Commission (NVTC), if the statement supporting Metro and the Washington Metropolitan Area Transit Authority (WMATA) is worded strongly enough and is consistent with the NVTC's position. Board Member Fisette clarified that Chair Randall was referring to the safety section. Ms. Mattice (NVTC Executive Director) stated that the language is fairly consistent

with the NVTC's and the Metro Safety Commission's position, noting that the language had been coordinated between entities.

- Chairman Nohe requested clarification on when the 2017 Legislative Program would be presented to the Authority for adoption. Ms. Hynes confirmed it would be at the December meeting.
- Chairman Nohe asked if the Authority should expect to review the list of pre-filed General Assembly bills that could affect the Authority in January. Ms. Backmon responded affirmatively. Chairman Nohe noted that last year the pre-filed bills were reviewed individually at the January Authority meeting. He requested that the GPC review the pre-filed bills prior to presentation to the Authority. Ms. Hynes responded affirmatively.
- Ms. Hynes requested Authority members communicate any legislative concerns regarding the draft 2017 Legislative Program to the GPC in advance of the December Authority meeting. She added that this way language and positions can be determined prior to the presentation of the final draft for adoption in December.

XIII. Planning and Programming Committee Report Chairman Nohe, Chair

- Chairman Nohe stated that the Planning and Programming Committee (PPC) has been reviewing the evaluation criteria for TransAction.

XIV. Planning Coordination Advisory Committee Report Mayor Foreman, Chairman

- Ms. Backmon stated that the Planning Coordination Advisory Committee (PCAC) is meeting on November 17, 2016 at 6:30pm. She noted that the Committee is expected to make a recommendation on the additional TransAction performance measures for recommendation to the Authority. She added that there was good attendance at the last meeting.

XV. Technical Advisory Committee Report Mr. Boice, Chairman

- Ms. Backmon stated that the Technical Advisory Committee (TAC) is meeting on November 16, 2016 and will be making a recommendation on the TransAction performance measures as well. She added that the recommendations from the PCAC and the TAC will be shared with the PPC prior to being presented to the Authority.

XVI. Executive Director's Report Ms. Backmon, Executive Director

A. Approval of Fairfax County CMAQ/RSTP Reallocation Requests

- Ms. Backmon briefed the Authority on the TransAction fall public outreach. She noted these efforts include an on-line survey intended to gather information about what Northern Virginian's think about the prioritization of different ways of addressing a broad range of transportation needs. She stated

that to date we have received approximately 1700 responses to the survey. She thanked Authority members for their efforts in sharing the survey with their constituents. Ms. Backmon stated that a workshop was held for members of the business community to receive business and stakeholder views on the prioritization, adding that focus groups are also being held this week. She noted that last year a benchmark survey was held to gauge public perceptions about the NVTAs. She informed Authority members that a follow up survey will be done shortly to determine the effectiveness of the TransAction public engagement. Ms. Backmon stated that public engagement needs to be continuous. She shared the website, NVTATransAction.org, and encouraged members to continue sharing the survey link. Ms. Backmon concluded that the survey will close on Monday, November 28, 2016.

- Ms. Backmon stated that on Thursday, November 3, 2016, Governor McAuliffe announced that Express Mobility Partners had been selected as the concessionaire for the I-66 Outside the Beltway Project. She noted that as part of the FY2017 Program the Authority had funded the I-66/Route 28 Interchange Project for \$300 million. She clarified that the FY2017 Program had approximately \$266.7 available in PayGo revenues and that the total funding program was \$466 million, leaving \$200 million to be bond funded. She noted that the interchange funding was \$300 million, leaving \$100 million in deallocated PayGo funding. Ms. Backmon stated that at the time of commercial close or total project close by the State on the I-66 Outside the Beltway Project, NVTAs staff will work with the Finance Committee to present a recommendation to the Authority to withdraw this project and return the deallocated funds to the Regional Revenue Fund to be used for the FY2018-2023 Six Year Program. She added that, based on her conversation with Deputy Secretary Donohue, the State would prefer the Authority wait to take any action until the Commonwealth reaches financial close. Ms. Backmon noted that the I-66/Route 28 Interchange is a stand-alone project and can advance regardless of the outcome of the I-66 Outside the Beltway Project. She concluded that approximately \$100 million in PayGo revenues may become available if the State reaches financial close and the Express Mobility Partners fund the project entirely. She noted this would mean no public funds are needed for the project, further meaning that the \$300 million committed by the State will also become available and is intended to be used in the upcoming Smart Scale process. Ms. Backmon stated that commercial close is anticipated in December, with financial close in July 2017.
- Mayor Parrish expressed support for the staff recommendation that the Authority await State financial close on the I-66 Outside the Beltway Project before making a recommendation on the I-66/Route 28 Interchange Project.
- Chairman Bulova expressed concurrence with this position. She added that with commercial close anticipated in December and financial close in July, it is unknown what may happen until the entire process is complete. She suggested that the Authority should wait to be on the safe side.
- Mayor Parrish suggested this approach may also provide the State with additional negotiating assistance.

- Chairman Nohe added that Secretary Layne had also made it clear that the alternative for the State to publicly fund and build this project is still an option. Therefore, this proposal must still compete with the notion that the State can still build this project with public funds. Chairman Nohe noted that the State is also planning to wait until final project close to de-obligate their \$300 million funding commitment. Ms. Cuervo concurred that it is anticipated that the State's Six Year Plan will not be amended, and will wait until the summer for this to be part of the yearly update. Ms. Hynes added that the State has indicated that the additional funds will be available for Smart Scale distribution in July 2017.

XVII. Chairman's Comments

- Chairman Nohe directed NVTA staff to draft a letter to Secretary Layne, or the best person in the administration, regarding the State's I-66 Outside the Beltway Project agreement. He stated the letter should request clarification for the following:

(Council Member Snyder arrived.)

- ✓ It is understood that the \$300 million dedicated by the Commonwealth to the I-66 Outside the Beltway Project will become available to be programmed in the next round of Smart Scale. Prior to the Commonwealth's announcement last week, Northern Virginia had received the largest allocation of funds from the last round of Smart Scale, due to the \$300 million for this project. He suggested that with the deallocation of these funds, Northern Virginia has now not received the largest amount of funding from the last round of Smart Scale. He added that the General Assembly was very clear in HB 2313 that the regional funds made available through HB 2313 shall not be translated into a reduction of state-wide funds to Northern Virginia. Chairman Nohe stated that we need to ask how the \$300 million would come back to Northern Virginia for another project. He added that if we had known that there would not be a need to fund this project, the region would have requested different projects in the last round of Smart Scale, and they probably would have been funded. Chairman Nohe suggested that the most important lobbying function of the NVTA currently is less about laws that may affect us and more about making sure Northern Virginia does not lose its annual fair share of State money.
- ✓ There is \$500 million coming to the State from the concessionaire. Chairman Nohe stated that per the Deputy Secretary of Transportation, this money will not go through the Smart Scale process, but will go into a special fund dedicated to improvements in the I-66 Outside the Beltway corridor. He questioned how the State plans to allocate this \$500 million. He suggested the NVTA should be part of this process. He also suggested that this money will be used to fund projects in Northern Virginia, and if

these projects were not funded from the \$500 million, they would also be projects the region would request from Smart Scale. Therefore, the same projects get funded, but from the \$500 million, not from Smart Scale, and we are again at risk of getting less than Northern Virginia's fair share of Smart Scale funds. He noted that neither of these issues are directly connected to the section of HB 2313 that says we shouldn't lose out, because it is talking about a very specific set of funds; however, he believes that the spirit of the language was that Northern Virginia not get short-changed. Chairman Nohe stated that he is not saying this will happen, but that it is easy to forget the fact and these pots of money belong to Northern Virginia. He added that the \$500 million are not current state revenues, they are future toll revenues and those tolls will be paid almost entirely by Northern Virginia residents.

- ✓ Could the \$500 million be used to buy down the cost of the tolls?
- Chairman Nohe concluded that if any members have concerns about these questions, we don't need to ask them. Chair Randall agreed that the question regarding using the \$500 million to buy down the cost of the tolls is interesting.
- Ms. Cuervo clarified that the \$500 million must benefit the I-66 corridor. Chairman Nohe stated that he understands this and gave an example of his concern. He suggested that if funds these funds are used for improvements on Route 28 and the outcome is that Route 28 does not need funds from Smart Scale, therefore, it is possible that projects outside Northern Virginia will be funded with Smart Scale money. If that happens, Northern Virginia loses out because the toll money was used to fix Northern Virginia's problems and Northern Virginia's share of Smart Scale was used to fix someone else's problems. He suggested the NVTA is responsible for ensuring this does not happen. Mayor Parrish added that this is clearly not the intent of the legislation. Chairman Nohe agreed, adding it is also not the intent of the toll project. Ms. Hynes suggested this is not the case and that no one anticipated this deal. Chairman Nohe suggested that other regions in Virginia are already looking at the extra \$800 million (related to the Commonwealth's announcements on the I-66 Outside the Beltway Project) from Northern Virginia and trying to figure out how to get some of it.
- Mayor Parrish stated this is a good discussion and the NVTA needs to stay on top of this. Chairman Nohe concluded that however these decisions are made, the NVTA should be part of the discussion.
- Ms. Cuervo informed the Authority members that the Virginia Department of Transportation (VDOT) would be hosting their Six Year Plan Town Hall Meeting on December 14, 2016, noting this is a good opportunity to share thoughts on the Six Year Plan and what projects are important to the region. She added that this will also be the Northern Virginia region's Public Hearing for the Atlantic Gateway Project.

- Chairman Nohe stated there is currently a vacancy on the Governance and Personnel Committee, noting that the next action of this committee will be Ms. Backmon's annual review.
- Chairman Nohe appointed Mayor Parrish as a temporary member of the Governance and Personnel Committee.
- Senator Black expressed appreciation for Ms. Baynard's work and suggested the need to address the proffer bill that was passed by the General Assembly last year. He asked for Ms. Baynard's and the Governance and Personnel Committee's guidance as to what the NVTa can do to moderate this legislation. Senator Black expressed support for any approach the NVTa can take to moderate this legislation to make it more compatible with what Northern Virginia needs.
- Chair Randall suggested that one way the proffer law might affect the Authority is that developers can no longer proffer roads and interchanges, noting that this may have a regional impact. She suggested that localities may look to the Authority to fund projects that may have been funded through proffers in previous years. Ms. Hynes confirmed that the Governance and Personnel Committee will follow up on this request.

XVIII. Adjournment

- Meeting adjourned at 7:47pm.