



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

Thursday, November 12, 2015

6:00 pm

3040 Williams Drive, Suite 200

Fairfax, Virginia 22030

MEETING MINUTES

I. Call to Order Chairman Nohe

- Chairman Nohe called the meeting to order at 6:09pm.

II. Roll Call Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Chairman Bulova (arrived 6:14pm); Chairman York; Chair Hynes; Mayor Euille (departed 7:02pm); Vice Mayor Way; Mayor Silverthorne; Council Member Rishell; Council Member Oliver; Senator Ebbin; Delegate Minchew (arrived 6:15pm); Miss Bushue.
- Non-Voting Members: Mayor Fraser; Ms. Cuervo; Mr. Horsley.
- Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Keith Jasper (Program Coordinator); Sree Nampoothiri (Program Coordinator); Peggy Teal (Assistance Finance Officer); Camela Speer (Clerk); various jurisdictional staff.
- As a quorum was not present, Chairman Nohe suggested starting with the information items until a quorum was achieved.

Discussion/Information

XXVI. Review of Draft Amendments to the Bylaws

Chair Hynes, Chair, Bylaws Committee

- Chair Hynes stated that the Bylaws Committee reviewed the Bylaws and is now presenting the recommended and updated Bylaws for the required 30-day read, with adoption scheduled for the January Authority meeting. Chair Hynes noted that there are several small changes that include updating the code for consistency with recodification and removal of items that should be in a procedures document instead of the Bylaws. She highlighted the following significant proposed changes:
 - ✓ Creation of a new standing committee, the Governance and Personnel Committee.
 - ✓ Migration of the Project Implementation Working Group (PIWG) to the Planning and Programming Committee.

- Chair Hynes noted that with the proposed changes each of the NVTA committees would have five members, the same appointment process, and the same voting and quorum requirements.
- ✓ In working with the Planning Coordination Advisory Committee (PCAC) on a number of issues related to quorum and voting resulted in the following recommended changes:
 - Quorum would consist of five committee members. Chair Hynes added that many jurisdictions do not send a member to PCAC, although all have seats on the Committee. She noted that this is an attempt to allow the Committee to conduct business and to be able to send recommendations to the Authority.
 - All recommendations from the PCAC to the Authority will be accompanied by a roll call vote, so that it is known which jurisdictions voted. All items that will result in recommendations to the Authority should go to the PCAC twice to give all jurisdictions an opportunity to participate. This makes it possible for the PCAC to have discussions and do work, but also guarantees that when recommendations come to the Authority, they are with the benefit of the full PCAC participating.
 - Chair Hynes added that the PCAC has not met to discuss the recommendations, so the Authority 30-day reading period will give the PCAC an opportunity to review and provide feedback.
- ✓ The Authority's enabling legislation calls for the chief elected officers to be the Authority members, and provides for that elected officer to designate another elected officer from their Board or Council to serve. However, there is no provision for a second designee, in the case that the first designee cannot attend a meeting. A permissive statement has been proposed to allow for a secondary designee to be appointed by the chief elected officer.

(Chairman Bulova arrived.)

- Council Member Rishell noted there was an added statement in the meeting agenda section regarding alternatives to staff recommendations that were proposed by Authority members. She asked for clarification as to whether the statement was only if a member wanted to propose an alternate to the staff recommendation for an item, or if they wanted to make an addition. Chair Hynes responded that this applies to alternatives proposed to staff recommendations and that these would need to be made three days prior to the meeting to give staff time to review. She suggested it would be a courtesy to do this for additions as well.

(Delegate Minchew arrived.)

- Council Member Rishell questioned the reasoning behind the committee membership recommendation being five Authority members. Chair Hynes stated that this is based on the Finance Committee membership. She added

that the practice is that anyone who wants to attend any committee meeting may do so, but for purposes of a quorum, five is a manageable number for committee meetings. Council Member Rishell asked for clarification as to whether those who were attending meetings, but not members of the committee, could vote. Chair Hynes responded that those that are not members do not vote and do not count towards the quorum, but may attend and may speak. Chairman Nohe added that five is a good number to get members to agree to serve on the committee and large enough to allow for balance.

- Vice-Mayor Way advised that the proposed recommendation that all items for PCAC recommendation come to the PCAC twice may cause delays in the review process, as the PCAC only meets quarterly. Chair Hynes responded that there is a presumption that if there are items of substance for the PCAC, the committee might meet more often.
- Council Member Oliver suggested an alternative to addressing the PCAC quorum challenge would be to allow for alternates to attend the PCAC meetings. Chair Hynes responded that the issue is more about some of the larger jurisdictions not attending, not about allowing alternate members. She added that many jurisdictions feel their voice is already represented on the Authority. Chairman Nohe added that from Prince William's perspective, he is certain he could not find another board member willing to be an alternate to the PCAC. Chair Hynes echoed this from Arlington's perspective, with a five member board.
- Senator Ebbin noted that the section on membership is incorrect, pointing out that the Senate member is appointed by the Senate Committee on Rules, not the Senate Committee on Privileges and Elections, as noted in current Bylaws. Chairman Nohe stated that this will be revised and requested review by the Council of Counsels.
- Chairman Nohe commented on the secondary designee appointment to the Authority. He noted that in the case of Loudoun County, Chairman York serves on the Authority and if he needs to send an alternate, that alternate attends as his designee. In the case of Manassas Park, Prince William and Falls Church, under the current Bylaws, these designees cannot send an alternate because they are already the designees, so a secondary alternate needs to be appointed by the chief elected officer. Chair Hynes affirmed this and noted that the procedures by which this would be done need some more work. She added that these procedures do not really belong in the Bylaws, so the Council of Counsels will draft procedures that can be communicated to the jurisdictions.
- Chairman York suggested that if the legislation reads simply the chief elected officer, or their designee, then if the original designee cannot attend, why not just send another designee. He suggested nothing needs to change to accomplish this. Chair Hynes responded that this issue was discussed in depth with the Council of Counsels and this is the language upon which they have advised. She noted that this is to address the appointment of designees if the chief elected officer cannot attend Authority meetings. Chairman York suggested that the law only reads designee, so he could just appoint another

designee. Chairman Nohe responded that Chairman York can do this, but that Supervisor Nohe cannot do this. He suggested that if he and Chairman Stewart could not attend a meeting and another Prince William Supervisor attended, the Authority needs verification that this designee is attending at the behest of the Chairman.

- Chairman Nohe suggested that the current draft of the Bylaws does not allow for the Authority designee to attend the committee meetings in place of the committee members. He added that it is more challenging to get members to committee meetings than Authority meetings. He suggested the Authority alternates be allowed to attend committee meetings as alternates. Mayor Euille and Chair Hynes suggested this is not appropriate. Chair Hynes suggested the better solution to committee meeting attendance is to develop a policy to allow for the participation of committee members by phone. If a quorum can be present, other members can call-in so that the business of the committee can continue. She noted that this policy has not been developed yet, but that there is a placeholder for it in the Bylaws, should the Authority choose.
- Council Member Oliver suggested that language be added to the Planning and Programming Committee (PPC) membership section to suggest that committee membership is inclusive of geographic balance and a range of viewpoints. She also suggested that language be added under the PPC staff support section to allow for member jurisdictions and towns to appoint a staff member to support the committee. Chair Hynes responded that the meetings of the PIWG/PPC would not change very much. She noted that the change was to make the working group a committee; to establish five Authority members to serve on the committee; and that everyone currently attending would still be at the table or able to participate. Chair Hynes stated the suggestion on representation could be covered in the opening section of the committees' article. She suggested a statement could be added to say "will strive in the appointment of committee members to represent the various perspectives". Chairman Nohe agreed that this would be acceptable. He stated that while appointments are officially made by the Chairman, as a practical matter they are often made by those who want to be on the committee. Therefore, he expressed concern that if four of the five members willing to be on the committee are from inside the Beltway, we do not want to be in violation of the Bylaws. Chair Hynes suggested this is the purpose of the choice of the word "strive". Chairman Nohe agreed and suggested that the mechanism for appointment needs to override that for which we are striving.
- Chairman Nohe stated that while we are creating specified voting members on the committees, everyone is still at the table and involved in the conversation, but when it comes time to vote, those five members will decide the recommendation and these procedures will help.
- Council Member Oliver asked again to add language to the committees' section that notes geographic and perspective representation on committees. Chair Hynes suggested this be added as A. (6) on page 8.

III. Minutes of the September 24, 2015 Meeting

- Chairman York moved approval of the September 24, 2015 minutes; seconded by Chairman Bulova. Motion carried with eight (8) yeas and four (4) abstentions [with Mayor Euille, Chair Hynes, Vice Mayor Way and Council Member Oliver abstaining as they were not at the September 24 meeting].

Consent Agenda

- IV. Project Agreement for Fairfax County/VDOT – Regional Funding Project 995-10441 (Route 7 Bridge Widening: Over Dulles Toll Road)**
- V. Project Agreement for Fairfax County-Regional Funding Project 059-50371 (Fairfax County Parkway Improvements Study)**
- VI. Project Agreement for Fairfax County-Regional Funding Project 059-50541 (Rolling Rd Widening: Old Keene Mill Rd to Franconia Springfield Pkwy)**
- VII. Project Agreement for Fairfax County-Regional Fund Project 059-80511 (Frontier Drive Extension & Interchange Improvements)**
- VIII. Project Agreement for the Fairfax County-Regional Fund Project 059-80551 (Route 1 Widening: Mount Vernon Memorial Hwy to Napper Rd)**
- IX. Project Agreement for the City of Alexandria-Regional Fund Project 510-70631 (Duke Street Transit Signal Priority Installation)**
- X. Project Agreement for the City of Alexandria-Regional Fund Project 510-80571 (Potomac Yard Metrorail Station Development)**
- XI. Project Agreement for the City of Alexandria-Regional Fund Project 510-90561 (West End Transitway Study)**
- XII. Project Agreement for the Town of Herndon-Regional Fund Project 384-10501 (East Elden St Improvements & Widening)**
- XIII. Project Agreement for the Town of Leesburg-Regional Fund Project 402-10431 (Route 7/Battlefield Pkwy Interchange)**
- Chair Hynes moved approval of the consent agenda to include the specific motions in items IV – XIII; seconded by Chairman Bulova. Motion carried unanimously.

Action Items

XIV. Acceptance of the FY2015 Audit

Chairman York, Chair, Finance Committee

- Chairman York stated that the Authority's audit firm PBMares, LLP issued an unqualified (clean) opinion that the Authority financial statements, in all material respects, fairly and accurately present the financial position of the Authority for FY2015.
- Chairman York moved acceptance of the Northern Virginia Transportation Authority Financial and Compliance Audit Reports for the year ended June 30, 2015; seconded by Chairman Bulova. Motion carried unanimously.

XV. Approval of Budget Adjustment-Regional Revenue Fund Budget

Mr. Longhi, CFO

- Mr. Longhi briefed the Authority on the Budget Adjustment-Regional Revenue Fund Budget. He noted:
 - ✓ In April, the Authority appropriated \$8,995,000 to fund a Washington Metropolitan Area Transit Authority (WMATA) project designed to supply increased power capacity for future expanded use of eight car trains on the Orange Line.
 - ✓ On November 6, 2015, the Authority received a letter from WMATA requesting voluntary withdrawal of the funding application.
 - ✓ The Authority needs to take budget action to release the FY2015-16 appropriation of \$8,995,000, in order to allow those funds to return to the Regional Revenue Funds to be used for future projects.
- Chairman Bulova moved approval of the voluntary request from the Washington Metropolitan Area Transit Authority (WMATA) to withdraw its FY2015-16 funding request of \$8,995,000 for 8-Car Traction Power Upgrades for the Orange Line, and cancellation of the FY2015-16 appropriation; seconded by Delegate Minchew.
- Chairman Nohe asked for clarity that WMATA has withdrawn this request and the Authority is de-obligating the funds and \$8.9 million will become available for the FY2017 Program. Mr. Longhi confirmed that the current estimate for FY2017 funding is \$220 million and now \$8.9 million can be added to that.
- Chairman Nohe asked if action was necessary to nullify the Standard Project Agreement (SPA). Ms. Backmon replied that there is not as the SPA for this project had not been submitted. Chairman Nohe asked if WMATA was free to apply for this money in the next round of funding. Ms. Backmon responded affirmatively.
- Chair Hynes noted that the reason WMATA withdrew this request is because the NVTa must fund expansion of services and it was determined that this project is not necessary for expansion, but is a maintenance project.

- Mayor Euille asked for clarification that these funds can be used in FY2017 or in future funding years. Ms. Backmon responded affirmatively.
- Motion carried with eleven (11) yeas and one (1) abstention [Miss Bushue].

XVI. Approval of FY2017 Program Project Selection Criteria

Chairman Nohe, Chair, PIWG

- Mr. Jasper briefed the Authority on the FY2017 Program Project Selection Criteria that have been recommended by the PIWG. He noted:
 - ✓ The Technical Advisory Committee (TAC) Report is also focused on the selection criteria.
 - ✓ There is approximately \$229 million available for this program (including the WMATA project).
 - ✓ It is anticipated that there will be approximately \$750 million in funding applications for the Program.
 - ✓ Selection criteria are needed to determine which projects will be funded.
 - ✓ This will be the first program in which all candidate projects will be evaluated under the HB 599 process.
 - ✓ This will be the last funded program using the projects listed in TransAction 2040.
 - ✓ Input has been received on selection criteria from the JACC and the TAC.
 - ✓ The recommendation makes some minor modifications to keep the criteria consistent with the FY2015-16 Two Year Program criteria, but with some enhancements to reflect priorities and strengthen decision making.
 - ✓ Three basic modification categories:
 1. Eligibility. For this one year program, studies will be ineligible for funding. Additionally, there is agreement that projects must commit to submitting their first draw down request no later than June 30, 2019. Projects that submit a request for funding and do not make this commitment, will not be selected. Any that do make the commitment and are unable to fulfil the commitment, will be at risk for future funding de-obligation. The PIWG will be drafting a policy for this.
 2. Criteria weighting. Modest changes are proposed. The main modification is to increase the weighting for the congestion reduction criterion from 35% to 45%, making congestion reduction a greater focus in the selection process. This increase in weighting will be offset with a corresponding reduction in the weighting for project readiness. Project readiness remains an important consideration, but for the FY2017 Program there are other ways that project readiness will be evaluated, including through the criteria weighting. The weighting associated with project urgency was zeroed out, as it essentially duplicates the congestion reduction criterion.

3. Evaluation process. Two methods of evaluation were considered to evaluate congestion reduction relative to cost. The recommendation is for each project to be evaluated by the sum of all travel time savings associated with that project divided by the corresponding cost for that project, with the sum being time savings from the year in which the project is expected to open, through 2040.
 - ✓ When the funding decisions are made for the FY2017 Program, we will have the NVTA quantitative score, and in addition, there will be another ratio for each project that will reflect the project's value for money.
- Delegate Minchew suggested congestion reduction should have a weighting of a minimum of 51%. He added that it would be good if we could say that NVTA revenues will be used on projects with a congestion reduction weight of at least 51% and asked how we would do this. Delegate Minchew commended the increase from 35% - 45%, but suggested it should be 51%. He asked what would need to be done to get to 51%. Mr. Jasper responded that one option would be to further reduce the project readiness criterion or take the extra points from zeroing out the project urgency criterion. Chairman Nohe added that 45% was the target because it was the number that was set for congestion reduction under the HB 2 process. He noted that there was an attempt to more closely align the NVTA process with the HB 2 process, but since the processes are using different data sets, it could not be done. This was one area where it was easy to align. Chairman Nohe also noted that there is no project readiness criteria in the HB 2 process, and this is critical as it is also a measure of congestion reduction, adding that we want to reward those projects that will relieve congestion quickly. He suggested that, in theory, you could add at least half of the 15% for project readiness to the 45% for congestion reduction and say that we actually have 52.5% for congestion reduction. Chairman Nohe stated that there were discussions regarding lowering project readiness further, but due to its direct correlation to immediacy of congestion reduction, it was decided not to reduce it any further.
- Delegate Minchew stated that going from 35% to 45% was indeed good, and that while he would support the motion, he suggested we should still try to get to 51%. Chairman Nohe acknowledged this.
- Senator Ebbin asked for clarification on which recommendation was being voted on – the proposed recommendation or the TAC recommendation. Chairman Nohe responded it was the proposed recommendation.
- Senator Ebbin asked about the cost sharing weighting and if a project is able to receive millions of federal dollars, is the weighting for this just 5%. Mr. Jasper responded that this criterion was important to the Authority and that with 60% going to congestion reduction and project readiness combined, the rest of the criteria had to share the remaining 40%. Chairman Nohe added that the other important evaluation that will be done is the congestion reduction relative to cost, and this is what the code actually calls for. We will be evaluating congestion reduction relative to cost, both for the entire cost of the project and for the cost being assumed by the Authority. This is one of the

evaluation criteria that will allow us to see that a project being funded by additional funding sources will increase in value to the NVTa.

- Chairman Bulova moved approval for the Project Selection Criteria for the FY2017 Program; seconded by Chair Hynes.
- Chair Hynes asked for clarification on the proposed weightings in the TAC report and noted that the weighting totals do not add up. Mr. Jasper responded that there is a 5% percentage error in the TAC report, but that the proposed weightings that are being voted on are in the attachment to this item.
- Mayor Fraser asked about project velocity, meaning two projects both score well in congestion reduction, but one would take a shorter time to complete. He asked if there is a need to have this as a criterion. Mr. Jasper responded that the proposed criteria will address this, particularly the project readiness criterion and in the methodology that looks at congestion relief relative to cost. He added that projects which open sooner will tend to score more highly, because there are more years that they can accumulate benefits. Mayor Fraser concluded that this is imbedded in project readiness and congestion reduction. Mr. Jasper confirmed that it is imbedded in several places.
- Motion carried unanimously.

XVII. Adoption of Resolution 16-02 Restructure of the JACC

Ms. Hynes, Chair, Bylaws Committee

- Chair Hynes briefed the Authority on Resolution 16-02 Restructure of the JACC. She noted that the proposal is to change the name of the JACC to the Regional Jurisdiction and Agency Coordinating Committee and to have it act as an advisory committee to the Executive Director, in order for it to have robust staff conversations as needed to support the work of the Authority.
- Chairman Nohe clarified that currently the committee is technically appointed by the Authority, but it has always, as a practical matter, been appointed by the jurisdictions and the Executive Director. Chair Hynes confirmed this and added that when the JACC was created there was no Executive Director or NVTa staff, so the JACC acted as the Authority staff. Now that we have a professional staff and an Executive Director, this committee is being right-sized, similar to committees of a number of regional bodies across the region.
- Chair Hynes moved adoption of Resolution 16-02, Restructure of the Jurisdiction and Agency Coordinating Committee which will supersede Resolution 14C-08; seconded by Mayor Euille. Motion carried unanimously.

XVIII. Adoption of Resolution 16-03 Submission of Projects for House Bill 2 Evaluation

Ms. Backmon, Executive Director

- Ms. Backmon briefed the Authority on Resolution 16-03 Submission of Projects for House Bill 2 Evaluation. She explained this resolution is to adopt the candidate projects for the HB 2 evaluation process. She highlighted:
 - ✓ These projects are in the Corridor of Statewide Significance.
 - ✓ The Authority, as a regional entity, can submit projects for evaluation in the HB 2 process without further action.
 - ✓ Projects in Northern Virginia within a Corridor of Statewide Significance must have a resolution of support from the Authority in order to be evaluated under for the HB 2 process.
 - ✓ Public Transit Agencies are required to have a resolution of support from the Authority or local government for projects located in the Regional Network to be eligible for HB 2 evaluation.
 - ✓ The resolutions are due December 1, so NVTA action on this resolution is being requested this evening.
 - ✓ Projects do not need to be in the Authority’s long range transportation plan to be evaluated under the HB 2 process, although most are.
 - ✓ This endorsement of the projects for the HB 2 evaluation process does not commit, nor infer, the allocation of NVTA funds for these projects. This is just for the HB 2 evaluation process.
- Chairman Nohe asked for clarification that this list consists of every project that was submitted and no projects were left out. Ms. Backmon responded that, to our knowledge, this is all the projects that were submitted and added that the list was vetted with the jurisdictions and agencies.
- Mayor Euille moved adoption of Resolution 16-03, A Resolution for the Support of Northern Virginia Projects to the Commonwealth of Virginia’s HB 2 Transportation Project Prioritization Process, in a form approved by the Council of Counsels; seconded by Chair Hynes. Motion carried unanimously.

XIX. Adoption of the Resolution 16-04 on the I-66 Outside the Beltway Project

Chairman Nohe

- Chairman Nohe briefed the Authority on Resolution 16-04 on the I-66 Outside the Beltway Project. He noted that this item has been extensively reviewed and carefully crafted. He explained that if approved, this resolution communicates to the Commonwealth Transportation Board (CTB) that the Authority is interested in considering providing funding to the I-66/Rt 28 interchange as part of the FY2017 Program. Ms. Backmon clarified that the resolution does not specify which project, just states a project within the I-66 outside the Beltway corridor that is in TransAction 2040. She explained that we will not know until November 30, 2015 which projects will be submitted for the ‘Call for Projects’ for the FY2017 Program. Chairman Nohe added that the I-66/Rt 28 project has been discussed as a likely candidate.
- Chairman Nohe stated that the key is that this resolution does not commit us to any funding. It says we will consider it. Ms. Backmon confirmed that the resolution states that the Authority will consider funding. She added any

potential project must first go through the NVTA project evaluation process and that the Authority cannot take action on any project prior to the completion of the process.

- Chairman Nohe noted that until the projects have undergone the NVTA evaluation process, the Authority is precluded by law from committing to any funding.
- Chairman Bulova moved adoption of NVTA Resolution 16-04, Potential Funding of Projects Directly or Indirectly Related to the Commonwealth's I-66 Outside the Beltway Project for the FY2017 Program; seconded by Mayor Euille.
- Council Member Rishell expressed concerns about the overall concept of the resolution. She noted that her concerns are in no way a judgement of the worthiness of any single project, in fact, the project mentioned at the I-66 Outside the Beltway Committee meeting is an extremely worthy project. Council Member Rishell stated that it is not yet possible to determine how this is going to effect the NVTA mandate to maintain regional balance for the projects it chooses to fund. She expressed concern that this will set a precedent for the State to come back to the NVTA in the future to again request funding, and perhaps other entities might approach the NVTA as well. Council Member Rishell explained that in essence, the State is asking for a financial commitment from the NVTA in order to make up for shrinking transportation dollars that are consumed by maintenance commitments. If the NVTA provides X number of dollars, then what the State saves by not spending that amount on the I-66 project, the equivalent of that funding can and probably would be sent to another part of the state. She added that it has been said that it was never intended for Northern Virginia to get everything and the rest of Virginia nothing, and of course this is true, but it would be helpful to look at this from another perspective. Council Member Rishell stated that only 30 cents of every dollar that is sent to Richmond comes back to our region. She suggested that it is going to appear to some people that there is an effort to control even more Northern Virginia dollars. She concluded that these are legitimate concerns.
- Mayor Euille expressed the same concerns as Council Member Rishell, but noted that the caveat of what protects us right now is the language within the resolution, that the Authority shall consider versus committing. He added that he has raised these same concerns since he first heard Secretary Layne's request to the Authority.
- Council Member Rishell noted that while it is true that passing a resolution is not the same as providing funding, the resolution establishes a sense of inevitability that the NVTA will provide funding. She added that the potential for action always precedes the actual action that is subsequent to the potential.
- Vice-Mayor Way suggested that if the resolution is really watered down to the point where it is meaningless, there is no point in having it at all. Ms. Backmon responded that when Secretary Layne spoke to the Authority in June,

he stated that the State is looking for ways to fund the project under both public and private financing options. At that time, the Secretary stated that NVTA support would be desired under both scenarios, but especially under the public financing option, the State is looking at \$600 million and they would like a contribution from the Authority toward that. Ms. Backmon noted that the State would like to use the Authority's resolution in the effort to secure additional funding sources for the project, so that other entities who could possibly contribute funds will see the resolution and the Authority's willingness to consider funding a project or projects within the corridor. She added that the State understands the resolution is non-binding.

- Vice-Mayor Way stated that this sounds like money flowing the wrong way, noting it usually flows from the State to the localities. He suggested that arrangements like this have happened before and that they have never worked well, therefore he is skeptical. Chairman Nohe suggested this is not state or local money flowing the wrong direction, this is tax payer money flowing into transportation improvements. He clarified that this is not state, local or regional money, it is tax payer's money. He suggested that the Authority may ultimately decide that this is not the transportation improvement that the NVTA wants to fund on behalf of the tax payers, or we may decide that it is. One thing that is important, whether it is the I-66/Rt 28 interchange or another project within the corridor, the Authority will need to evaluate the project under the assumption that the I-66 project may not happen at all. Chairman Nohe stated that whatever the Authority chooses to do, it must be something we would do even if the I-66 project does not happen. He suggested, that while we are not proposing a specific project yet, if we were to decide to fund the I-66/Rt 28 interchange, this interchange is one of the single largest sources of congestion in the entire region, whether there are tolls on I-66 or not. If it is determined that this interchange is not necessary if the Transform I-66 project does not happen, then the Authority should not fund it at all. If the analysis comes back that the interchange is not needed unless the toll road is built, then the Authority should not fund it, because then we are unequivocally funding the toll road. Chairman Nohe concluded that if this is a project that is a high priority to our region, regardless of the Transform I-66 project, then it is something we should consider. Ms. Backmon added that at the first I-66 Outside the Beltway Committee meeting, a list of projects was provided that showed projects that have been analyzed as part of TransAction 2040 and are in the I-66 Outside the Beltway Corridor. The I-66/Rt 28 interchange was included, along with several other interchange projects. Based on NVTA analysis conducted as part of TransAction 2040, improvements are needed in the corridor regardless of the State's I-66 Outside the Beltway project. The I-66/Rt 28 project can be submitted as part of the FY2017 Program and the NVTA can continue with the project regardless of the State's project. The project has already been evaluated in TransAction 2040 and if projects in the I-66 corridor are submitted as part of the FY2017 Program, they will have to undergo the NVTA evaluation and the Authority will need to determine which projects to fund.

- Delegate Minchew stated that HB 2313 succeeded because legislators in Northern Virginia who wanted to vote for sustainable transportation funding were told that in no way would these new local monies keep Northern Virginia from getting its “fair share”. He added that language was added to the statute that reads “The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of local, federal, or state revenues otherwise available to participating jurisdictions.” He expressed concern that while the language in the resolution is non-binding, it is a slippery slope. Delegate Minchew suggested this may be used to divert the region’s “fair share” of monies to other areas of the state. He noted that Interstate 66 is the primary interstate highway serving the capitol of the free world from the west. He suggested this is not a road the Authority should be funding. Delegate Minchew added that he understands the Secretary’s intent for the Authority to express potential willingness, but this is a step in the wrong direction. He noted that there has not been HB 599 evaluation of this road, but suggests it would do well. However, the intent of HB 599 was to use science to determine the worthiness of projects. Delegate Minchew stated that he cannot support this resolution.
- Delegate Minchew moved to table the previous motion. Delegate Minchew withdrew his motion to allow further discussion.

(Mayor Euille departed.)

- Chairman York noted that he appreciates all the discussion with respect to this project. He noted that 30% of HB 2313 revenues go back to the locality for their transportation funding needs. 70% of the revenues will be applied equally for benefit to the localities over time. He asked, if the Authority chooses to fund this project, is this coming from the 70% funds and therefore will it be calculated to a jurisdiction or jurisdictions fair share of 70%. Ms. Backmon responded that in the Authority’s adopted principles for long term benefits, 50% of the allocation is based on the location of the project. Then, a model would need to be run regarding the origin and destination of trips that are generated as a result of the project, this remainder would be allocated to various jurisdictions. She explained that the Authority did not want to assign all the benefits to one locality, based on the location of the facility, when various jurisdictions will benefit from the facility. Ms. Backmon concluded that the benefits would be distributable based on the latest travel demand model used at that time. Chairman York asked for further clarification that this project would be calculated in this manner. He suggested this majorly benefits Fairfax and Prince William, as opposed to any other jurisdictions and that the 70% monies are for regional projects. However, if we are not going to calculate this project to long term benefits, due to the State wanting this money, then he has concerns as this negates the ability for other localities outside of Fairfax and Prince William to benefit from the Authority’s 70% funds. Chairman York stated we need to be sure that all localities are equally

getting their fair share over time of the 70% funds. He agreed with concerns expressed this evening that this is just the State coming back to take money from the NVTa that we are to use for projects. He agreed with Delegate Minchew that this is a state road and the State should fund it.

- Council Member Rishell expressed concern that the I-66 Outside the Beltway project is a \$2.1 billion project and it was intimated that the lack of \$400 million from the NVTa could possibly kill the project. She stated that she does not believe this project will be killed for the lack of \$400 million from the NVTa. She added that if this was any place else in Virginia, that might be a possibility, but no one is going to slowly strangle the economic engine of the state, which is the Northern Virginia region.
- Ms. Backmon responded to Chairman York. She explained that 50% of the proposed project will be attributable to Fairfax County. The other benefits will be calculated from the model to assess where the citizens using the facility are traveling from and to. Chairman York clarified that regardless of where the funding request is coming from, the project will still be assessed for long term benefits. Ms. Backmon responded affirmatively.
- Ms. Backmon responded to Council Member Rishell. She explained that the NVTa has been told that there is approximately \$600 million available statewide for the Six Year Program. This is one of the reasons why the request has been made of the NVTa.
- Chair Hynes suggested that since this is a toll road project, there will be some level of concession or revenue attached. She noted that this project has been on the improvement list for a long time and it is a major problem. She stated that if the State funds this project there will be revenues and this is not being talked about as bridge funding, or something where the Authority might be paid back over time so that the Authority's resources would be replenished to some level, or if a concession is given, that some level of share in that concession would come back to the Authority. She suggested that if we are going to fund a project in the corridor, we need to be on the upside, not just the investment side. Chair Hynes concluded that this issue needs to be worked out and it would be a mistake to not be thinking that if we make an investment in a toll road, that some of the revenues would come back to us to help pay us back.
- Chairman Nohe suggested that there is clearly concern and this was something that was requested from the Authority by the Secretary's office. He noted that there are questions that have been raised that were not discussed as part of this request. Chairman Nohe stated that he does not hear a strong consensus that we should move forward with the resolution tonight, if at all. He asked Chairman Bulova if she would like to withdraw her motion and direct the staff to go back to the Secretary's office to articulate these concerns. He added that we will then make a decision as to whether to put the item on the December agenda.
- Chairman Bulova withdrew her previous motion and differed the item back to staff and the I-66 Outside the Beltway Committee.

- Chairman Bulova agreed that if there is revenue, then the NVTA should benefit from that revenue if we are funding components of the project. She added that it is her understanding that the revenues received are also planned to provide additional bus service, which would benefit the region. Chairman Bulova concluded that she has viewed this request as not a commitment for the NVTA to fund this project, but for the NVTA to provide a way for negotiations to proceed. Whatever kind of public-private partnership this turns out to be, there will be some requirement for matching funds and looking at where those matching funds might come from, is what the Secretary is looking for, whether from the State, localities or the NVTA.
- Chairman Bulova suggested that the Authority take another look at how we can respond in a way that is helpful to the project, noting that everyone wants to see the I-66 Outside the Beltway project succeed and the difficulty is the funding.
- Delegate Minchew stated that if we were to get into the philosophical realm of thinking of allocating NVTA resources to a roadway that is a federal interstate road serving traffic going all the way to I-81 with our finite NVTA dollars, this is getting to a dangerous area and is violating the spirit of HB 2313 by depriving Northern Virginia of its “fair share”. He expressed concern that by generally acquiescing to Secretary Layne’s suggestion, we are moving in that direction.
- Ms. Cuervo pointed out that statewide there is \$600 million for the entire state for the Six Year Program and that is essentially what is needed for this project. She added that it is very unlikely that the State will take all the money available and allocate it to I-66. She noted that this is a very serious conversation about whether we want to fix I-66 and whether we want multimodal aspects, or we do not. Ms. Cuervo suggested that there is not enough funding in the Six Year Program to do everything and this is an opportunity for a partnership to do something about the worst road in the nation [as noted in a recent survey]. She added that this effects almost every jurisdiction and that VDOT has information about where all the traffic is coming from and offered to help show which constituents use this road. Ms. Cuervo concluded that this is an opportunity to collaborate and resolve this issue in this generation and without it, she does not foresee \$600 million from the State to put solely on this project and that means no improvement to I-66.

XX. Approval of the 2016 Federal and State Legislative Program

Ms. Bushue, Chair, Legislative Committee

- Miss Bushue asked Ms. Dominguez to brief the Authority on the draft 2016 Federal and State Legislative Program. Ms. Dominguez highlighted the changes from the 2015 State Legislative Program.
 - ✓ For Ongoing Coordination with the Commonwealth language added suggests further emphasis on the Authority’s continued focused on implementing HB 2313, HB 599 and its original authorizing legislation, seeking to limit changes to these statutes that could make it more difficult

to provide the congestion reduction the Authority has been directed to provide.

- ✓ For Allocation of Statewide Revenues added language expressing concern that Northern Virginia is currently expected to only receive 10.6% of State of Good Repair funds and this is quite low based on the condition of our roads. Concern is also expressed over the substantial decrease in Revenue Sharing over the next six years.
- ✓ New position on the Regional Gas Tax Floor, noting that there should be a floor established on the regional gas tax that would put it on par with the floor for the statewide gas tax established in HB 2313.
- ✓ Updating the WMATA Funding position to reflect the needs of the system.
- ✓ New position on securing state funding for the VRE capital and operating plan.
- ✓ For Maximizing Use of Facilities and Operations, at the suggestion of the Legislative Committee, revised previous position to emphasize support of transportation demand initiatives such as teleworking to help mitigate roadway congestion.
- Ms. Dominguez highlighted the changes from the 2015 Federal Legislative Program.
 - ✓ Added language about the proposed long-term reauthorization bill— Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act. This legislation was passed in the Senate on July 21, 2015. The House approved its legislation, the Surface Transportation Reauthorization and Reform Act of 2015 (STRR Act) on November 5, 2015.
 - ✓ Updating the WMATA Funding position to reflect the needs of the system.
 - ✓ Revised position that calls upon Congress to create a study commission in lieu of raising the liability cap on commuter rail liability, as proposed in the Senate-approved DRIVE Act.
 - ✓ Added language regarding the Marketplace Fairness Act (MFA) and the adjustment of other tax rates, if the MFA is acted on in the future.
- Delegate Minchew recalled last year’s request from staff regarding the Virginia Department of Taxation assessment of fees in collecting HB 2313 revenues distributed to the Authority. He asked if this issue had been resolved. Ms. Backmon stated that the Department of Taxation has not charged the Authority since the issue was raised last year.
- Miss Bushue moved approval of the 2016 NVTA Federal and State Legislative Program; seconded by Chairman York. Motion carried unanimously.

XXI. Approval of the Town of Vienna’s CMAQ/RSTP Reallocation Request

Ms. Dominguez, Chair, JACC

- Ms. Dominguez stated that the Town of Vienna is requesting the transfer of funds from one previously approved NVTA CMAQ project to another previously approved CMAQ project.

- Chairman Bulova moved approval of the reallocation of Congestion Mitigation and Air Quality funds for the Town of Vienna; seconded by Chairman York. Motion carried unanimously.

XXII. Authorize Executive Director to Submit Comments on TPB’s Multi-Sector Working Group Greenhouse Gas Interim Report

Ms. Backmon, Executive Director

- Ms. Backmon stated that this request is for approval to submit comments on the TPB’s Multi-Sector Working Group Greenhouse Gas Interim Report on the behalf of the Authority. She added that the deadline for comment submittal is November 16, 2015, however, she has requested an extension from the Transportation Planning Board’s Director of Transportation so that this can be reviewed by the JACC prior to submission.
- Chairman York moved authorization for the NVTAs Executive Director to submit comments on behalf of the NVTAs based on the Jurisdiction and Agency Coordinating Committee (JACC) input on the COG Multi-Sector Working Group Greenhouse Gas Emission Reduction Interim Report; seconded by Chair Hynes. Motion carried unanimously.

XXIII. Appointment of the Nominating Committee

Chairman Nohe

- Chairman Nohe appointed Chairman Bulova and Mayor Parrish to the Nominating Committee for NVTAs officers for next year.

XXIV. Adoption of the 2016 Meeting Schedule

Ms. Backmon, Executive Director

- Ms. Backmon proposed the Authority meetings be held on the second Thursday of the month starting at 7pm, with exceptions in August, December and possibly February. She noted that this is to allow the Authority to have more time to discuss agenda items.
- Chairman Bulova moved approval of the Calendar Year 2016 meeting schedule; seconded by Chair Hynes. Motion carried unanimously.

XXV. Approval of the Executive Director’s Contract Amendment

Mayor Parrish, Chair, Personnel Committee

- This item was tabled until the next meeting, as Mayor Parrish was not in attendance.

Discussion/Information

XXVII. Virtual Kick-Off of TransAction Update

Mr. Jasper, Program Coordinator and Mr. Malouff, Chair of TransAction Subcommittee

- Mr. Jasper briefed the Authority on the Virtual Kick-Off of the TransAction Update. He introduced Jason Mumford and Joyce Tsepas, the AECOM Project Manager and Deputy Project Manager, respectively. Mr. Jasper updated the Authority on the TransAction kick-off public engagement activities.
 - ✓ Updated the TransAction logo.
 - ✓ Name is just TransAction.
 - ✓ TransAction website is expected to launch within the next week.
 - ✓ Launch activities are kicking off with multiple waves of public information planned through February of next year. This is to grow the base of our public engagement for the planning process. Opportunities to engage further will start in spring of 2016.
- Mr. Jasper briefed the Authority on the study just conducted as a baseline for TransAction that drew upon the opinions of over 600 Northern Virginians. He noted that this survey was done approximately three weeks prior to the elections, so that likely had some impact on the results. Mr. Jasper shared some of the highlights of the study.
 - ✓ Northern Virginians feel that their quality of life is mediocre as far as transportation is concerned.
 - ✓ 64 minutes is the average round trip for commuters.
 - ✓ Approximately 78% use automobiles or motorcycles.
 - ✓ Northern Virginians would describe their ideal travel experience as fast, smooth, easy, safe and quick.
 - ✓ Northern Virginians would describe their typical travel experience as congested, frustrating and unreliable.
 - ✓ When asked if they had heard positive things about transportation in the region, 25% had heard something positive. Positive feelings were related to WMATA and road widenings. There were mentions about I-66 as well.
 - ✓ When asked if they had heard negative things about transportation in the region, 50% had heard something negative. Metro and WMATA, as well as I-66 and tolls were at the top of this list.
 - ✓ When asked if they had heard of the NVTA, 33% thought they had heard of the Northern Virginia Transportation Authority or NVTA. Mr. Jasper noted that this question was asked so that as we embark on the public engagement of TransAction, we wanted to know where we stand.
 - ✓ When asked if they had heard of TransAction, 8% said they had heard of TransAction.
- Senator Ebbin asked how the question “Have you ever heard of the NVTA” was phrased. Mr. Jasper responded that the question was “Have you heard of an organization called the Northern Virginia Transportation Authority, also known as NVTA?”
- Miss Bushue asked what type of survey was done. Mr. Jasper responded that this was an online survey. Ms. Backmon added that the survey results will be available on our website.

- Miss Bushue asked how the survey was provided to the participants. Mr. Mumford clarified that participants were prescreened by certain criteria and the survey participants were invited to participate.
- Mr. Mumford explained that in one section survey participants were given samples of five recent projects in the region and asked to rate them by importance. In another section, participants were asked to rate a selection of potential projects.
- Ms. Backmon concluded that this was a benchmark survey and another will be conducted in a year to see how we progress in hitting the TransAction public engagement targets.
- Mr. Jasper noted that the media kick-off will be Wednesday, November 18 at 10am and that Chairman Nohe and Chairman Bulova will be meeting with the press to talk about TransAction.

XXVIII. FY2015 Annual Report to the Joint Commission on Transportation Accountability Ms. Backmon, Executive Director

- Ms. Backmon stated that the Annual Report to the Joint Commission on Transportation is due by November 15, 2015 and is included in the Authority packet.

XXIX. JACC Approval of CMAQ/RSTP Reallocation Request for Fairfax County Ms. Dominguez, Chair, JACC

- No verbal report.

~~**XXX. Update of VTRANS 2040** Mr. Jasper, Program Coordinator~~

XXXI. Technical Advisory Committee Report Mr. Boice, Chair, TAC

- No verbal report.

XXXII. Monthly Revenue Report Mr. Longhi, CFO

- No verbal report.

XXXIII. Operating Budget Report Mr. Longhi, CFO

- No verbal report.

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

- No verbal report.

XXXV. Chairman's Comments

- Chairman York noted that the next NVTa meeting is December 10, 2015 and the Finance Committee is currently scheduled to meet on December 18, 2015. He requested that Committee members check their calendars and let him know if they would be available on December 4 or 7 for the next meeting.

XXXVI. Adjournment

- Meeting adjourned at 7:40pm.