



Approved January 12, 2017

Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

Thursday, December 8, 2016
6:00pm
3040 Williams Drive, Suite 200
Fairfax, VA 22031

MEETING MINUTES

I. Call to Order Chairman Nohe

- Chairman Nohe called the meeting to order at 6:19pm.

II. Roll Call Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Chairman Bulova; Chair Randall (arrived 6:52pm); Mayor Silberberg; Board Member Fisette; Mayor Parrish; Mayor Stombres; Council Member Duncan; Council Member Rishell; Delegate Minchew; Senator Black; Ms. Hynes; Mr. Kolb.
- Non-Voting Members: Mayor Foreman; Ms. Cuervo; Ms. Mitchell.
- Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Keith Jasper (Principal, Transportation Planning and Programming); Sree Nampoothiri (Transportation Planner); Carl Hampton (Investment & Debt Manager); Peggy Teal (Assistant Finance Officer); Camela Speer (Clerk); Tracy Baynard (McGuireWoods); various jurisdictional staff.
- Chairman Nohe recognized former Authority member Senator Ebbin and thanked him for his service. Senator Ebbin thanked the Authority and expressed his appreciation for serving with the Authority and the work accomplished.

III. Minutes of the November 10, 2016 Meeting

- Mayor Parrish moved approval of the November 10, 2016 minutes; seconded by Chairman Bulova. Motion carried with ten (10) yeas and two (2) abstentions [with Council Member Duncan and Delegate Minchew abstaining as they were not at the November 10, 2016 meeting].

Consent Agenda

**IV. Approval of Standard Project Agreement for Virginia Railway Express–
Regional Funding 997-30831 (Manassas Park Station Parking Expansion)**

**V. Approval of Standard Project Agreement for City of Alexandria–Regional
Funding 510-80811 (Potomac Yard Metrorail Station)**

VII. Approval of NVTA Comments on the Atlantic Gateway Project

- Chairman Nohe removed item VI from the consent agenda.
- Senator Black moved approval of the consent agenda to include the specific motions in items IV, V and VII; seconded by Ms. Hynes. Motion carried unanimously.

VI. Approval of Standard Project Agreement for Town of Leesburg –Regional Funding 402-10801 (Route 7 East Market Street/Battlefield Parkway Interchange)

- Chairman Nohe explained that the project description form approved as part of the Standard Project Agreement (SPA) noted the removal of the last two traffic signals on Route 7 within the Town of Leesburg. He added that there have been discussions that the road may be designed in such a manner as to keep one of the traffic signals. He stated this might reduce the project’s effectiveness and would be inconsistent with the project as it was approved by the Authority. Chairman Nohe stated that the Mayor and Town Council of Leesburg submitted a letter to the Authority confirming their commitment to remove both traffic signals.
- Chairman Nohe submitted the Leesburg letter as part of the record for adoption of the SPA for the Town of Leesburg.
- Delegate Minchew moved approval of Standard Project Agreement 402-10801 (Route 7 East Market Street/Battlefield Parkway Interchange), with the inclusion of the letter from the Town of Leesburg; seconded by Senator Black. Motion carried unanimously.

Action

- Chairman Nohe requested the Authority take up items IX and X prior to item VII.

IX. Approval of the TransAction Update Contract Amendment 1

Mayor Parrish, Chair, Finance Committee

- Mayor Parrish stated that the TransAction Update contract amendment incorporates the HB 599 evaluation process into the TransAction Update process. He noted that projects considered for NVTA funding must be in TransAction and undergo the HB 599 evaluation. Mayor Parrish added that HB 599 is currently conducted by the Virginia Department of Transportation (VDOT), in coordination with the Virginia Department of Rail and Public Transit (DRPT) and the NVTA, and rate at least 25 projects for congestion

reduction and emergency evacuation. He noted that the cost of this contract amendment is just under \$500,000.

- Mayor Parrish moved approval of the TransAction Update Contract – Amendment 1 (RFP2015-01); seconded by Chairman Bulova. Motion carried unanimously.

X. Approval of Acceptance of Funds from the Commonwealth of Virginia to Incorporate the HB 599 Evaluation into the TransAction Update

Mayor Parrish, Chair, Finance Committee

- Mayor Parrish stated that the TransAction Update contract amendment will cost approximately \$485,000, with a limit of \$600,000, based on the contract agreement with the Commonwealth.
- Mayor Parrish moved approval of the acceptance of up to \$600,000 from the Commonwealth of Virginia for the purpose of incorporating the HB 599 project evaluation process into the current TransAction Update; seconded by Mayor-Elect Rishell. Motion carried unanimously.

VIII. Approval of Performance Measures for TransAction Update

Chairman Nohe, Chair, Planning and Programming Committee

- Ms. Backmon stated that the next step in the TransAction Update process is the approval of the performance measures that will be used to evaluate projects. She noted that the proposed measures have been vetted by the NVTAs Technical Advisory Committee (TAC), Planning Coordination Advisory Committee (PCAC) and Planning and Programming Committee (PPC). She added that there have been various public engagement opportunities to receive input from the public on performance measures.
- Mr. Jasper, TransAction Update project manager, stated there are fifteen performance measures for Authority consideration and approval. He noted that the measures support the TransAction objectives, which in turn support the TransAction goals and vision approved by the Authority in December 2015. Mr. Jasper noted that the public input received also supports the proposed performance measures. He added that the public expressed a high priority in reducing delays during commuting hours and increasing travel time reliability throughout the day.
- Mr. Jasper stated that the PPC had reviewed the other committee recommendations, noting that the committees were in agreement on a majority of the measures. He added that for the measures for which there was a lack of agreement by the committees, NVTAs staff presented recommendations with justifications to the PPC. The PPC recommended the proposed performance measures, with one small modification.

- Board Member Fissette moved approval of the performance measures for the TransAction Update; seconded by Chairman Bulova. Motion carried unanimously.

IX. Adoption of the 2017 Legislative Program

Ms. Hynes, Chair, Governance and Personnel Committee

- Ms. Hynes noted that the draft 2017 Legislative Program was presented and discussed at the November Authority meeting. She added that adjustments were made based on the recommendations received at that meeting.
- Ms. Backmon stated that in response to Senator Black’s question regarding the 2016 proffer bill (HB770/SB549), a sentence was added to strengthen the proffer position.
- Ms. Baynard stated that the Land Use Planning position was updated to add language regarding the ability of the landowner/developer to be a partner in advancing transportation projects. She noted that the sentence added was, “Member jurisdictions and their landowner partners should have sufficient flexibility to explore all options to provide critical transportation facilities.”
- Ms. Hynes moved adoption of the NVTA 2017 Legislative Program; seconded by Chairman Bulova. Motion carried with ten (10) yeas and two (2) abstentions [with Delegate Minchew and Senator Black abstaining and with notation that Delegate Hugo not present].

X. Approval of Project Endorsements for the FASTLANE Grants

Ms. Backmon, Executive Director

- Ms. Backmon stated that Fairfax and Prince William Counties requested NVTA endorsement of projects for their FASTLANE grant applications. She noted that the US Department of Transportation opened the first round of FASTLANE grants earlier in 2016 and this is the second round. This round will provide up to \$850 million in FASTLANE grant opportunities. Ms. Backmon added that the FASTLANE program was established under the Fixing America’s Surface Transportation (FAST) Act and the program was authorized at \$4.5 billion for FY2016-2020, including \$850 million in FY2017 to be awarded by the US Secretary of Transportation. Ms. Backmon stated that NVTA staff worked with member jurisdictions and agencies in receiving requests for letters of support endorsing submissions for the FASTLANE grants. She added that the Authority previously endorsed project applications for Northern Virginia projects for FASTLANE grants in the inaugural solicitation.
- Chairman Bulova stated that Fairfax County requested NVTA support for the Route 28 widening project and Prince William County requested NVTA support for the Route 15 improvement with railroad overpass project.

- Board Member Fisette moved endorsement of Fairfax and Prince William Counties' project applications to the US Department of Transportation's FASTLANE Grants; seconded by Mayor Parrish. Motion carried with eleven (11) yeas and one (1) abstention [with Mr. Kolb abstaining].

XI. Appointment of Chairman and Vice-Chairman for Calendar Year 2017
Nominating Committee

- Mayor Parrish moved approval of Marty Nohe and Phyllis Randall as NVTA Chairman and Vice-Chairman for the 2017 calendar year; seconded by Chairman Bulova. Motion carried with eleven (11) yeas and one (1) abstention [with Chairman Nohe abstaining].

Discussion/Information

XII. Finance Committee Report Mayor Parrish, Chair

- Mayor Parrish stated that the Finance Committee was very hardworking and thanked them for their preparation. He noted that the Committee will be meeting next on December 15, 2016, adding that the January meeting might be rescheduled. Mayor Parrish also expressed appreciation to the NVTA staff for their hard work.
- Mr. Longhi briefed the Authority on the Finance Committee Report, highlighting the Committee's activities and recommendations.
 - ✓ Reviewed and recommended the TransAction Update Contract Change Order.
 - ✓ Reviewed and recommended the Receipt of Funding - TransAction Contract Change Order.
 - ✓ Engaged in FY2018 budget guidance and will receive another report at this month's meeting.
 - ✓ Acquisition of Investment Safekeeping and Custody Services.
 - NVTA staff, with assistance from Fairfax and Loudoun County investment professionals, participated on the Request For Proposals (RFP) evaluation team for the Investment Safekeeping and Custody Services. Investment staff from Arlington and Prince William Counties also assisted in the overall process, but did not sit on the selection panel.
 - Achieved cost reduction, based on original proposals received, of over \$100,000.
 - Interest earnings for FY2017 were originally budgeted at \$1.9 million. Based on the Authority's authorization to hire an Investment & Debt Manager through the FY2017 Budget, the investment earnings projection was increased to \$3.5 million. With the position filled and program implementation, that revenue estimate is now increased to \$4.5 million.

- It is anticipated that based on the Authority’s approval of the Investment Safekeeping and Custody Services, the estimates will be increased further for FY2018.
- An award recommendation for Authority approval is anticipated in January 2017.

XIII. Planning and Programming Committee Report Chairman Nohe, Chair

- Chairman Nohe reported that the PPC TransAction items were presented earlier in the meeting.

XIV. Planning Coordination Advisory Committee Report Mayor Foreman, Chairman

- Mayor Foreman thanked the Authority for allowing him to serve as Chairman of the Committee for the last two years. He reported that the PCAC has been part of the TransAction Update process.. Mayor Foreman added that the Committee has been actively engaged and thanked NVTA staff for the meeting preparation.

XV. Technical Advisory Committee Report Mr. Boice, Chairman

- No verbal report.

XVI. Monthly Revenue Report Mr. Longhi, CFO

- No verbal report.

XVII. Operating Budget Report Mr. Longhi, CFO

- No verbal report.

XVIII. Executive Director’s Report Ms. Backmon, Executive Director
A. Approval of Falls Church CMAQ/RSTP Reallocation Request

- Ms. Backmon reported that the Commonwealth Transportation Board (CTB) will host a town hall meeting at the Northern Virginia District Office on Wednesday, December 14, 2016, to receive public comments for this round of the Smart Scale process. She added that there will be an Open House prior to the start of the town hall for Smart Scale, followed by a Public Hearing for the Atlantic Gateway project.

XIX. Chairman’s Comments

- Chairman Nohe thanked the Authority members for appointing him to serve as Chairman of the Authority for another year and for placing their trust in him.

He noted that he has been an elected official for fifteen years, stating that the work of the Authority over the last few years has been the best work he has been part of on any team in the public or private sector. He added that his service to the Authority will always be at the top of his resume, because the Authority truly proves that we have the ability to work as region, which is something most places in the country don't do well. The Authority has shown it not only can be done, but we have done it extremely well.

- Chairman Nohe noted that the Town Representative will need to be appointed by the Authority in January. He requested that the Town Mayors discuss whom they would like their 2017 representative to be and notify the Authority for official appointment.
- There was brief discussion on the annual process for the appointment of the PCAC Chairman, with Mayor Foreman offering to help coordinate the dissemination of information and consolidation of feedback.

- Following a brief discussion regarding committee appointments, Chairman Nohe directed NVRTA staff to prepare any necessary committee appointments for the January meeting.

- Chairman Nohe stated that at last month's meeting, the Authority directed Ms. Backmon to send a letter to Secretary Layne addressing questions regarding the I-66 Outside the Beltway Project. He noted that while there has been some discussion, a written response has not yet been received. He added that the Secretary had discussed this topic at the December CTB meeting, but further communication is needed. Chairman Nohe stated that the Authority had questioned whether the \$500 million in concession funds could be used to buy down the cost of tolls. The Commonwealth's response was that it cannot be used for this purpose due to the dynamic tolling process planned. He acknowledged that we knew this was the case, but since the public was asking this question, we wanted a formal answer. Chairman Nohe added that it is anticipated that further discussion about the I-66 Outside the Beltway Project will take place at the CTB's Northern Virginia meeting next week. Ms. Hynes affirmed.
- Chairman Nohe shared concerns regarding the I-66 Outside the Beltway Project.
 - ✓ When the CTB's FY2017 Six Year Program (SYP) was being considered, the Authority was asked by the Commonwealth to request the I-66 Outside the Beltway Project be evaluated under the HB 2, now Smart Scale, process. The Authority submitted the project for consideration for \$300 million in high-priority funds. As a region, we did not ask for any other mega-projects, because it was understood that this was the high priority project. As we know, funding for this project was approved.
 - ✓ \$150 million in Commonwealth funds was allocated to the Hampton Roads region for the light rail project in Virginia Beach. In Virginia Beach, the voters elected not to move forward with this project. Therefore, there is \$150 million from Virginia Beach that flows back to the Commonwealth to

be split between the high-priority funds and the construction district grant funds, as the money came from both of these sources. Ms. Hynes noted that the construction district grant funds are split among the regions, therefore, Northern Virginia's share of those funds is \$15.5 million that will go into Northern Virginia's construction district grant funds.

- ✓ Ms. Hynes added that the FY2017 funding total for the SYP was \$1.7 billion, divided 27% into the high-priority fund and 72% (Ms. Hynes noted these percentages are approximate) into the district grant program fund. Chairman Nohe stated that of the \$1.7 billion, \$523 million was allocated to projects in Northern Virginia as \$300 million in high-priority funds for the I-66 Outside the Beltway Project, \$183 million in district grant funds – money explicitly for Northern Virginia, as opposed to the \$300 million that could have gone to another region – and \$40 million of co-mingled district grant and high-priority funds. He noted this \$523 million, across the high-priority and district grant funds, totaled 31% of the \$1.7 billion. Chairman Nohe stated that now that the \$300 million of high-priority funds for the I-66 Outside the Beltway Project is no longer needed, the funds become available for the next SYP; and agreed this is how it should be. However, this \$300 million is no longer part of the FY2017 SYP, therefore reducing the total to \$1.4 billion with Northern Virginia's share being \$223 million, or 17% of the total FY2017 SYP funds. Chairman Nohe added that there is also another \$75 million of high-priority funds from Virginia Beach that also flow back into next year's high-priority funds. Chairman Nohe acknowledged that this fact cannot be changed now, and he does not believe the Authority was suggesting this in the letter requesting clarification. He added it is important to understand that nothing in state law requires a certain percentages of funding should be allocated to any region. The Smart Scale process, in theory, funds the projects that serve the Commonwealth the best.
- ✓ Chairman Nohe stated that his concern, and those of constituents, is that there are a lot of needs in Northern Virginia, acknowledging there are needs in other regions, but our needs are evidenced by the nearly 700 projects submitted for the TransAction update. He added that a lot of dollars flow out of Northern Virginia, relative to other parts of the state, into the Commonwealth's transportation funds. Chairman Nohe noted that the collective logic that the Authority had to accept with the passage of HB 2313, is that while Northern Virginia has more transportation revenues for regional Northern Virginia projects, we will never receive the amount equal to the funds Northern Virginia pays into the general fund. He added that the challenge is that most constituents in our region would not have their concerns soothed by knowing that Northern Virginia got 17% of last year's funds, but will get a reasonable amount the next year.

(Chair Randall arrived.)

- Chairman Nohe stated that the I-66 Outside the Beltway Project is a huge victory and a big deal for this region, adding that he personally thinks it is a great deal. However, even though this is a good deal, it does not mitigate the question that, for a generation or more, Northern Virginians have felt like we are not getting the funding we expect. Chairman Nohe stated that based on the percentage of funds coming to Northern Virginia from the high-priority and district grant funds from FY2017, these numbers seem to be consistent with Northern Virginians' feelings. While HB 2313 gives Northern Virginia its own transportation funds, very importantly, this should not work against us at the statewide level. Chairman Nohe stated that the HB 2313, HB 2 and more PPTA's have changed the landscape, but the intersection of these changes has created outcomes which on balance might be good, but are generating concerns and questions among our constituents.
- Chairman Nohe stated that he has heard comments questioning Northern Virginia's concerns, because a \$2 billion highway is going to be built and we don't have to pay for it. He acknowledged that this is true, but largely disproportionately speaking, the people who will pay for it are Northern Virginia residents who use this roadway for the next 50 years. He noted that everyone has the choice to stay in the general purpose lanes, but if that happens, the roadway will never get paid for. He concluded that the project concessionaire is presuming that Northern Virginians will use the toll lanes.
- Chairman Nohe stated that while we cannot change anything this year, we need to have this discussion so that the next time there is a discussion that involves a giant PPTA that is entirely paid for by the PPTA, there is a conversation about what happens to the high-priority funds. He also suggested that when the new federal funds for transportation infrastructure are approved for Virginia, there will be questions about how this changes the existing funding formulas. He stated that we need to use the I-66 Outside the Beltway Project to begin the conversation about how we discuss these issues better the next time.
- Chairman Nohe concluded that these conversations with the Commonwealth have begun. Some issues have been clarified and we anticipate receiving a letter in response to the questions raised by the Authority.
- Delegate Minchew commended Chairman Nohe for his thoroughness and his diplomacy. He expressed concern that Northern Virginia is not getting our fair share in this process, based on our percentage of population and the letter and spirit of HB 2313. He stated that the bottom line is that we are getting 17% when we are the economic engine of the Commonwealth and have the largest population.
- Senator Black stated there is notion that the taxpayers are not paying for this project, since it is being paid by toll revenues. He added that some estimates show that use of the lanes during the peak toll period can run about \$23,000 per year, therefore, this is not free. He concluded that he agreed with Chairman Nohe's statements.
- Ms. Hynes stated that we need to recognize that the I-66 Outside the Beltway deal, and likely the I-395 deal, are about providing the public with choices. She noted these choices include using the general purpose lanes or paying tolls,

adding that both deals have significant transit support funding that will come to our region that we would not have received any other way. Ms. Hynes stated there is \$20 million for transit in the I-66 Outside the Beltway plan, additional transit funding in the I-66 Inside the Beltway plan and approximately \$15 million in the I-95 plan. This will put more transit in service and give people more options. She noted that there are toll roads that do not offer unpaid options, like the Chesapeake Bay Bridge, and they do not offer the public a choice. Ms. Hynes concluded that the only way transportation in this region works is if we layer options and let constituents make the choice that is smartest for them. She added that a statistic from the CTB is that on the I-95/I-495 Express Lanes the average user is using it five times a month or fewer. Therefore, most are not using it every day, but are using it when it makes sense for them and the rest of the time they are using the general purpose lanes. Ms. Hynes noted that these processes are very new and we are working hard, collectively, to make the smartest investments in a world where resources are limited. She suggested we need to recognize that we are crafting a new system that acknowledges we do not have enough money to do everything on everybody's list, and that together, working with the State, the Authority, Hampton Roads, etc., we are going to get to a place where this works. She acknowledged that Chairman Nohe was correct to state that the I-66 Outside the Beltway funding was an unexpected outcome and we don't know how to deal with this. There are elements in the law that require returning unneeded monies to the funds they came from. She suggested there are other ways we can work together and expressed hope that we can find a resolution that works for all.

- Mayor Stombres expressed support for Chairman Nohe's statements. He concluded that we did not anticipate this situation, and if it happens again in the future, the process should be applied fairly to everyone. Ms. Hynes suggested that this will elucidate what the CTB's policy should be, adding that we are having the right kind of policy conversation about this impact.
- Chairman Nohe thanked the members for this conversation and added that Ms. Hynes, as the Authority's CTB member, will continue to be part of this conversation with the CTB.

XX. Adjournment

- Meeting adjourned at 7:19pm.