



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

Thursday, July 13, 2017

Start Time: Immediately After the End of the Public Hearing
3040 Williams Drive, Suite 200
Fairfax, VA 22031

MEETING MINUTES

I. Call to Order Chairman Nohe

- Chairman Nohe called the meeting to order at 9:12pm.

II. Roll Call Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Chairman Bulova; Chair Randall; Mayor Silberberg; Chair Fisette; Mayor Parrish; Mayor Meyer (arrived 9:21pm); Mayor Rishell; Delegate Minchew; Senator Black (arrived 9:15pm); Ms. Hynes; Mr. Kolb.
- Non-Voting Members: Ms. Hamilton; Mr. Horsley.
- Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Keith Jasper (Principal, Transportation Planning and Programming); Sree Nampoothiri (Transportation Planner); Harun Rashid (Transportation Planner); Carl Hampton (Investment & Debt Manager); Peggy Teal (Assistant Finance Officer); Sarah Camille Hipp (Communications & Public Affairs Manager); Camela Speer (Clerk); various jurisdictional staff.

III. Minutes of the June 8, 2017 Meeting

- Chair Randall moved approval of the June 8, 2017 minutes; seconded by Chairman Bulova.
- Mayor Parrish stated that the June meeting minutes were informative and that the Authority had accomplished much at the June meeting. He thanked Mayor Rishell for assuming the Finance Committee responsibilities in his absence.
- Motion carried with nine (9) yeas and one (1) abstention [with Mayor Parrish abstaining as he was not at the June 8, 2017 meeting].

Action

**IV. Approval of Projects for Recommendation to the Commonwealth
Transportation Board for Funding with Transform 66 Outside the Beltway
Concessionaire Payment** Ms. Backmon, Executive Director

(Senator Black arrived.)

- Ms. Backmon stated that at the public meeting for the Commonwealth's Six Year Improvement Program, Secretary Layne stated he wanted to coordinate with the NVTA regarding project recommendations for the approximately \$500 million expected from Express Mobility Partners (EMP) as part of the Transform 66 Outside the Beltway (OTB) concessionaire payment. She reviewed the coordination efforts in this process:
 - ✓ The decision on the project funding lies with the Commonwealth Transportation Board (CTB).
 - ✓ The law requires that the projects selected for funding must benefit the users of the corridor.
- Ms. Backmon outlined the process undertaken in the development of the NVTA staff project recommendations:
 - ✓ At the June 8, 2017 Authority meeting, the Authority issued a Call for Projects seeking consideration for this funding.
 - ✓ Projects were due to NVTA staff by midnight, June 28, 2017.
 - ✓ The initial eligibility criteria for projects included inclusion in a regional plan, with some level of public vetting having been undertaken.
 - ✓ Discussions with the Secretary's office yielded agreement on how projects would be evaluated and prioritized.
 - Projects that require operations or maintenance funds must identify those funds in the application. She noted there was no desire by the Commonwealth to fund operations or maintenance with these funds.
 - Projects must show a congestion reduction benefit.
 - Projects must show they can utilize the funding by toll day-one, estimated to be mid-2022. She added that the Secretary's office would like to see not only utilization by 2022, but near completion of the project by 2022.
- Ms. Backmon stated that 26 projects had been submitted for consideration, adding that basic project information was included in the Authority meeting packet and that the complete project applications were available for further review. She noted that the Planning and Programming Committee (PPC) met on July 7, 2017 to review the NVTA staff recommendations for projects to receive this funding. She added that of the 26 projects submitted, NVTA staff recommended funding for 14 of those projects at their full funding request.
- Chairman Nohe stated that the recommended projects were included in the report if members wanted additional information.

(Mayor Meyer arrived.)

- Ms. Backmon noted that as part of its recommendation, the PPC had requested additional information on the Potomac and Rappahannock Transportation Commission (PRTC) bus funding request. She stated that PRTC initially requested funding for 31 buses, at a total cost of \$5.8 million. She added that PRTC had subsequently reduced that request to five (5) buses at approximately \$500,000. Ms. Backmon stated that the five buses would be replacement buses, therefore, would not offer any additional congestion reduction or added capacity.
- Chair Randall asked for clarification regarding the replacement buses. Ms. Backmon responded that these would be new buses, but would not provide new or expanded service. Chairman Nohe stated that the PPC had requested the additional information regarding the PRTC buses so that the Authority could make the recommendation as to whether to include the buses in the projects for recommendation. He asked for clarification that NVTA staff does not recommend the PRTC buses for funding. Ms. Backmon responded that NVTA staff does not recommend this project for funding, based on the criteria presented by the Commonwealth.
- Chairman Nohe stated that this NVTA recommendation is not a funding decision, it is a recommendation to Secretary Layne. He added that we anticipate Secretary Layne will turn this recommendation into a recommendation to the CTB, which will make the final funding decision. Chairman Nohe noted that it had been agreed that there was no point in requesting funding for projects that the Secretary does not support.
- Senator Black suggested it would be unlawful to expend funds for replacement buses. Ms. Backmon responded that it may not be unlawful, but that the Secretary's office wants to ensure that if there is a legal challenge to the project selection recommendation made by the CTB, the projects can meet the definition of the law regarding the concessionaire payment. Chairman Nohe added that it may not be unlawful, but it seems unadvised. He explained that these funds are governed by federal code, not HB 599.
- Chairman Bulova stated that this recommendation was developed fairly quickly and explained that this source of funding is different from the usual NVTA funding sources. She added that this is the concessionaire payment funding as a result of the I-66 OTB Project.
- Chairman Bulova moved approval of the project recommendations to the Commonwealth Transportation Board for funding with the Transform 66 Outside the Beltway concessionaire payment; seconded by Chair Fiset.
- Chairman Nohe observed that seven (7) jurisdictions and agencies made funding requests and every project sponsor received a recommendation for funding for at least one project that was submitted for consideration. He added that each project sponsor also got their top priority project recommended for funding. Ms. Backmon confirmed this.

- Chairman Nohe stated that this is a one-time funding source. He noted that in previous NVTAs funding programs, project sponsors have found that their initial cost estimates were lower than the ultimate project bids, therefore requiring additional funding requests even after initially acquiring full project funding. He stated that once these funds are allocated, there will not be additional funds for cost overruns. Chairman Nohe added that if any project sponsors are not 100% sure of their funding requests, they need to confirm costs as soon as possible; noting that if any tweaks need to be made to the funding requests, they need to be done very quickly. He stated that the Secretary's recommendation will be presented to the CTB at its retreat in August, with a vote anticipated at its September meeting. Ms. Hynes confirmed this.
- Chair Randall asked for clarification that while not every project was recommended for funding, every project being recommended is being done so at the full extent of the funding request. Ms. Backmon responded affirmatively.
- Ms. Hamilton stated part of the urgency of this recommendation is that some of these projects will need to be coordinated with EMP, if the State wants EMP to construct the projects that directly connect to the Transform 66 Project. She added that the timing, project scope and funding request are necessary for this coordination. Chairman Nohe clarified that EMP will be asked to construct some of these recommended projects to improve the current Transform 66 OTB Project, but this may require some redesign and additional project coordination.
- Delegate Minchew stated he will be voting against this, but not because of the recommended projects. He stated that his concern is more global, that he is concerned with the organic nature of this \$500 million concessionaire payment. He added this seems to be a bit of baksheesh, noting that EMP has applied for a Transportation Infrastructure Finance and Innovation Act (TIFIA). Delegate Minchew suggested that some of the \$500 million might be able to be traced back to the TIFIA loan, however, he did acknowledge he could be wrong. He expressed concern about the use of the concessionaire's payment, acknowledging that this is a large chunk of money and that if we do not provide a recommendation on projects it will default to the CTB. Delegate Minchew concluded that the project analysis and the projects are all good, but he is concerned at a more global level. He added that his discomfort is not knowing the potential source of funds comprising \$500 million concessionaire payment being used to fund these projects.
- Motion carried with nine (9) yeas, two (2) nays [Delegate Minchew and Senator Black] and one (1) abstention [Ms. Hynes].

~~V. Approval of Memorandum of Agreement for the Transform 66 Outside the Beltway Concessionaire Payment~~ ~~Mr. Longhi, Chief Financial Officer~~

- This item was removed from the agenda prior to the meeting.

VI. Approval of the CMAQ/RSTP Reallocation Request for Fairfax County

Ms. Backmon, Executive Director

- Mayor Parrish moved approval of the reallocation of Regional Surface Transportation Program (RSTP) funds for Fairfax County; seconded by Mayor Rishell. Motion carried unanimously.

Discussion/Information

VII. Executive Director's Report

Ms. Backmon, Executive Director

- No verbal report.

VIII. Chairman's Comments

IX. Adjournment

- Meeting adjourned at 9:28pm.