



Approved October 12, 2017

**Northern Virginia Transportation Authority**  
*The Authority for Transportation in Northern Virginia*

**Thursday, September 14, 2017**  
**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 7:19pm.

**II. Roll Call** Ms. Speer, Clerk

- Voting Members: Chairman Nohe; Chairman Bulova; Mayor Silberberg; Chair Fisette; Mayor Parrish; Mayor Meyer; Council Member Snyder; Mayor Rishell; Delegate Hugo; Delegate Minchew; Senator Black (arrived 7:22pm); Ms. Hynes; Mr. Kolb.
- Non-Voting Members: Ms. Cuervo.
- Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Keith Jasper (Principal, Transportation Planning and Programming); Sree Nampoothiri (Transportation Planner); Harun Rashid (Transportation Planner); Peggy Teal (Assistant Finance Officer); Sarah Camille Hipp (Communications & Public Affairs Manager); Camela Speer (Clerk); various jurisdictional staff.

**III. Minutes of the July 13, 2017 Meeting**

- Mayor Parrish moved approval of the July 13, 2017 minutes; seconded by Chairman Bulova. Motion carried with ten (10) yeas and two (2) abstentions [with Council Member Snyder and Delegate Hugo abstaining as they were not at the July 13, 2017 meeting].

**Action**

**IV. Approval of Comments on Proposed Modifications to the Smart Scale Process**  
Ms. Backmon, Executive Director

- Ms. Backmon informed the Authority that the Secretary's Office have been working to modify the Smart Scale process, originally adopted in 2014. She reviewed the proposed modifications, noting that a Draft Updated Smart Scale Policy and Technical Guide was released on August 21, 2017. Ms. Backmon stated that the NVTA draft comments on the modifications were coordinated with the Regional Jurisdiction and Agency Coordinating Committee (RJACC). She noted that there will be a public meeting in Northern Virginia on the

proposed changes to the Smart Scale process on Monday, September 18, 2017 at the Virginia Department of Transportation's (VDOT) Northern Virginia District Office. Ms. Backmon added that the deadline for comments has been extended to October 20, 2017. She stated that it is anticipated that the Commonwealth Transportation Board (CTB) will take action on the modifications at its October meeting.

- Ms. Backmon shared highlights of the proposed modifications and comments.
  - ✓ Application Limits
    - Currently there are no application limits for the Smart Scale process, however, due to the amount of resources necessary to evaluate all applications, it has been suggested that this has become overly cumbersome. The proposal is to limit submissions per Smart Scale cycle to:
      - Eight applications for localities with populations greater than 200,000 and regional entities with populations greater than 500,000.
      - Four applications for localities and regional entities with lower population thresholds.
    - Fairfax County was cited as an example, noting that on average it had submitted 7-8 applications per cycle recognizing it is the largest locality in the Commonwealth.
    - Limiting the number of applications per locality might create a conflict with the HB 2313 provision requiring that Northern Virginia continue to receive its fair share of State transportation funding.
    - The recommended cap uses population estimates and it is unclear what source will be utilized to categorize applications.
    - There needs to be more clarity regarding the submission for transit entities, particularly the Virginia Railway Express (VRE). For applicants that traverse more than one Metropolitan Planning District, it is unclear who can submit applications and who is limited. For example, if the Northern Virginia Transportation Commission (NVTC) submits an application for VRE, does that count as an NVTC or a VRE submission?
    - The NVTA does not support application limits and requests additional clarification.

*(Senator Black arrived.)*

- ✓ Project Readiness
  - The current proposal recommends formalizing and strengthening the policy on required level of project planning, by requiring specific supporting documentation needed for projects, for example, an Interchange Justification Report.
  - This level of documentation being required is very cumbersome and may not be available at the time of application submissions as the Commonwealth's funding program is a six year program and some funding is being requested in the out years. Therefore, an applicant

may not have this level of documentation, especially if applying for funds in the out years. Additionally, based on public comment received on projects, project alignments and scope may change over time. Therefore, providing this level of documentation, in addition to the recommendation that the localities provide a resolution of support for each project as part of the application process for a Six Year Program, seems to be problematic and excessive. While all understand the need to provide a resolution, there needs to be time to undertake the proper vetting and processes that may need to take place after the application process. There are also concerns regarding the expense required to undertake some of these analyses so early in the process.

- Another proposed change requires a resolution from the NVTA for every project submitted by the region for Smart Scale funding consideration. While the Authority evaluates all projects in TransAction, being in TransAction is not a requirement for Smart Scale application or funding. Therefore, the Authority would be unable to prioritize or make a recommendation on the merits of a project not in TransAction, as there would be no data on which to base this recommendation.

✓ Funding Policy

- The current proposal recommends clarifying in the policy that Smart Scale funding is not intended to replace other committed funding sources, such as local funding, proffers, and/or committed state or federal funding sources. The draft policy states that this will not include mega-projects that cost more than \$1 billion.
- The NVTA requests clarity and a definition of what “committed” funding sources means. Some of the requirements being proposed that relate to project readiness include requirements that a funding plan be in place for the project. NVTA is concerned that having this plan in place could adversely impact the ability to apply for funding to complete the project. For NVTA purposes, funding is not committed until the Authority adopts a funding program. Chairman Nohe noted that the NVTA will adopt its funding program after the CTB adopts its Six Year Program. Therefore, a project that is submitted to Smart Scale, but relies on funding from both the State and the NVTA, could be defined as not having committed funds because the NVTA will not adopt its funding program until after the Smart Scale funds are committed. He noted this is unique to Northern Virginia. Ms. Hynes suggested this problem may not exist once the NVTA adopts its first Six Year Program. She added that to date, the CTB’s Six Year Program has been six years out, but the NVTA’s has not. The NVTA’s Six Year Program may fill in this gap and once the new Program is in place this may not be an issue. Ms. Hynes suggested that a detailed timing conversation about this issue might be necessary to ensure understanding. Chairman Nohe stated that part of the issue is understanding the definition of “committed”. Ms. Hynes added that the

next Smart Scale Program will be for two years and this issue is unique to Northern Virginia. Chairman Nohe stated that another relevant point is that some of these committed funds might be local funds. In less than six years, the elected officials in a locality may change, funding priorities may change and funds may be de-committed. Mayor Meyer stated that not only will there be changes in elected officials in six years, but residential populations around transportation centers can also change significantly in six years.

- Ms. Backmon added that the NVTA's concern is to ensure that Northern Virginia has the maximum opportunity to leverage funding sources.
- ✓ Congestion
  - The current proposal recommends modifying the congestion measure to account for an increase in person miles traveled allowed by the project within the capacity of the facility. However, no detail was provided as to how proposed modifications would be undertaken. The Authority requests more information on the proposed methodology before commenting on or supporting any proposed changes. The NVTA also wants to ensure that proposed changes enable an "apples to apples" comparison across the board for all project types.
- ✓ Economic Development - Site Development
  - The current proposal recommends several changes to the Economic Development Measures, including:
    - Providing up to 0.5 points for a project within economically distressed areas.
    - Considering the establishment of maximum square footage based on project type and based on current level of development.
  - The Authority has concerns about providing points to economically distressed areas, solely based on zip codes. Projects in economically distressed areas in a locality in general, should be considered instead of by zip code only. The Authority requests additional information regarding revitalization projects in areas that localities are trying to redevelop, and whether they would qualify as an economically distressed area.
- ✓ Land Use
  - There is general agreement that locality and transit agency staffs do not understand the proposed changes to the land use methodology. The NVTA is requesting additional clarification as to what the proposed changes mean for the Smart Scale evaluation process.
- ✓ Accessibility
  - Ms. Dominguez stated that the proposed changes keep the travel time decay function, but removed the current 45 and 60 minute caps for auto and transit jobs, respectively. The NVTA requests additional information to understand the how the new methodology will impact access to jobs in our region, and further, where the decay curve will lie.

- ✓ Freight Rail
  - The NVTA requests additional information regarding the evaluation of freight rail.
- ✓ Schedule
  - Concern has been expressed that too much detail is being requested for Smart Scale applications, noting that funding requests are being made six years in advance of the funds being available. The proposed changes request a level of detail that may not be practical or available during the project application process.
- Ms. Backmon concluded that there were additional comments and concerns discussed at the RJACC meeting, particularly regarding proffer changes, however, NVTA staff recommends that localities respond to these concerns.
- Ms. Hynes, as the Northern Virginia CTB member, informed the Authority that changes have already been proposed to the CTB to address some of the concerns raised in the NVTA comments. She stated that she expects there will be extensive conversation at the upcoming CTB meeting regarding the Smart Scale modifications, as CTB members have been holding hearings and meeting with their regions. Ms. Hynes suggested that the Authority may want to wait until after the additional changes are discussed before submitting comments, noting that the extension to provide comments allows for the Authority to discuss their response at the October Authority meeting. She added that the jurisdictions have all provided comments to the Northern Virginia CTB members and they are very similar to the points expressed by the NVTA.
- Mayor Parrish questioned whether the proposed changes would be made next week at the CTB meeting. Ms. Hynes responded negatively, stating that the CTB will receive an update on the Smart Scale modifications next week. She added that there are a number of updates to the recommendations that have come from the Administration which address questions raised in the NVTA comments. Ms. Hynes acknowledged that the answers may not be sufficient to address all the NVTA concerns, so the Authority could wait to submit its comments as the “last word” as the regional body. She noted many of the NVTA comments are questions, as opposed to support or opposition statements, adding that the CTB is working through these questions. She suggested the Authority could address this at its October meeting. Ms. Hynes stated this is the Authority’s decision, but she thinks it would be best to respond once, nearer the end of the process.
- Mayor Parrish asked for further clarification that the CTB will be reviewing the questions and proposals raised by jurisdictions at the CTB meeting the following week. Ms. Hynes stated that the Northern Virginia CTB members plan to cull the comments received to identify the issues that are of most importance to Northern Virginia. She added that some of the issues raised are being raised state-wide. Mayor Parrish suggested the CTB may prefer to have the NVTA comments during this evaluation process. Ms. Hynes stated that she has comments from the jurisdictions and the draft comments from the NVTA. She added that some of the issues raised by the NVTA will be resolved.

- Chairman Bulova suggested the Authority submit its comments now to be on the record. Mayor Parrish concurred, noting the CTB should have the NVTa comments while it is considering these issues, not after the consideration is done. He suggested comments may not be considered as strongly later in the process.
- Ms. Cuervo questioned whether two letters would be more powerful, or whether it would be better to wait and respond once with specific positions after the CTB issues further clarification. Ms. Hynes responded that, as with any body, negotiations will take place regarding the Smart Scale modifications. She added that the reason the Northern Virginia CTB members met with jurisdictional staff was to allow the members to understand the issues and to provide clear feedback to the CTB regarding concerns that need clear answers, relative to Northern Virginia. Ms. Hynes reiterated that the NVTa comments are not “new”, they are a compilation of the jurisdictional comments already received.
- Chairman Nohe noted many of the NVTa comments are requesting additional information, however, it is appropriate to support the regional position. He suggested the Authority approve submission of the comments, with additional language that acknowledges the Authority may have more refined comments upon the receipt of the additional details anticipated to be forthcoming. Chairman Nohe also noted that there are several items to be considered at the October Authority meeting, therefore, there may not be time to have an appropriate discussion at the October meeting. He suggested approving submission of the comments now, with the potential to refine these comments at the October meeting as a consent agenda item.
- Chair Fisette stated that based on this conversation, it is highly likely the Authority will want to comment again.
- Mr. Kolb asked whether these questions have been addressed with Deputy Secretary Donohue yet. Ms. Backmon responded that she has had direct conversations with the Deputy Secretary. She added that some issues he agreed with, for example, the need for clarity regarding “committed” funds. Others he did not agree with, for example, the application cap. She concluded that Deputy Secretary Donohue indicated he would take certain issues under consideration, but that the application cap is difficult to recommend removing. Ms. Hynes stated that she anticipates the application cap will be a big topic of conversation at the CTB meeting. She acknowledged that she understands the position that there should not be a cap, but she is not sure the CTB will support this. Ms. Hynes informed the Authority she has been working on an alternative solution, adding that it involves how transit agencies are counted. She stated that currently certain transit agencies are considered eligible to make applications, and others are not. She suggested that transit agencies might allow a jurisdiction to have additional applications, noting that this idea could work state-wide as many local governments are running small transit agencies.

- Delegate Hugo inquired as to whether the CTB is the final arbiter of this decision. Chairman Nohe responded that the CTB is the final arbiter. Ms. Hynes added that all changes are fully within the CTB's decision making.
- Delegate Hugo asked for additional information regarding the submission proffers and whether there was any topical relevance. Ms. Dominguez stated that within the draft policy, it states that Smart Scale funds cannot be used to replace other committed project funds. It specifically names localities regional funding for proffers as part of this. She explained that in a situation where a jurisdiction had a project proffered, but then applied for and received Smart Scale funding, the State ended up funding the project instead of the developer. Ms. Hynes stated that proffer money can be used to match Smart Scale funds. Ms. Dominguez clarified that Smart Scale funds cannot be used to supplant committed funds. Ms. Backmon added that, based on conversations with the Deputy Secretary, the State is concerned about the supplanting issue. She explained that in some cases localities and agencies had other funding sources on a project, but then submitted for and received Smart Scale funding which then replaced the other funding sources, including proffers. Ms. Hynes concluded that the intent is to retain the mix of funding on projects that jurisdictions indicated when applying for Smart Scale.
- Delegate Minchew stated that some proffers are very specific and others more general. He suggested that the State should not be able to tell a jurisdiction that they need to spend proffer money on a specific project when that proffer money can be used for other enhancements related to that project. He added that jurisdictions can spend less specific proffer money on anything in the corridor they choose, therefore, it can receive Smart Scale funding for that project. Chairman Nohe responded that he does not believe this is the issue. He stated that the issue is when a jurisdiction states they will use proffer money for a project and then withdraw those funds when they receive Smart Scale funding. Ms. Hynes added that this changes the cost benefit analysis as well. Chairman Nohe noted that these funds are still six years out, so proffer funds can change as well, e.g. if a development doesn't get built. It would then be the locality's responsibility to find additional funds to replace those proffer funds. Ms. Hynes reminded the Authority that projects are chosen for Smart Scale funding based on their cost benefit score.
- Mayor Parrish stated that there is more discussion needed and possibly additional actions to be taken.
- Mayor Parrish moved approval of the proposed comments on the proposed modifications to the Smart Scale Transportation Funding Prioritization Process as outlined in the Draft Updated Smart Scale Technical Guide, and directed the Executive Director to submit comments to the Virginia Secretary of Transportation on behalf of the Authority; and for the Executive Director and the Chairman to formulate a means of communicating the fact that the Authority will probably have further comments. The motion was seconded by Chairman Bulova.

- Council Member Snyder informed the Authority of the City of Falls Church’s positions on these issues, noting that some are supportive of the Authority’s position and others are not. He shared the City’s positions:
  - ✓ Concerned about “crowding out effect” of applications without limits. Does not support the NVTA position.
  - ✓ Does not support the proposed change requiring localities to obtain a resolution of support from the regional body.
  - ✓ Proposed changes in required levels of project funding are excessive.
  - ✓ Does not support the proposed changes to the scale person through put measure based on corridor length.
  - ✓ Does not support the proposed changes to site plans.
  - ✓ Supports adding a new methodology for accessibility to non-work jurisdictions.
  - ✓ Does not support the elimination of 45 and 60 minutes caps for auto and transit access.
  - ✓ Proposed changes include calculating accessibility to jobs by auto and transit modes only. Believes this is an unnecessary limitation.
- Council Member Snyder concluded that the City of Falls Church is supportive of some Authority positions, and not supportive of others, adding that he will vote against the item.
- Chair Fisette asked for clarification that the City of Falls Church does support a cap on the number of Smart Scale applications. Council Member Snyder responded affirmatively, stating that there is concern that smaller jurisdictions will be crowded out if there are too many applications.
- Motion carries with ten (10) yeas, two (2) nays [Council Member Snyder and Delegate Hugo] and one (1) abstention [Ms. Hynes].

### **Discussion/Information**

**V. Planning and Programming Committee Report** Chairman Nohe

- Chairman Nohe stated that the Planning and Programming Committee (PPC) met to review the public comments received on the draft TransAction Plan and associated Project List.
- Mr. Jasper briefed the Authority on the public comments received on the Draft TransAction Plan. He stated that comments received were grouped into eleven different topics and NVTA responses were provided for each topic. Mr. Jasper concluded that NVTA staff recommends the inclusion of all projects in the Draft TransAction Plan. He added that this is justified by the Authority’s approach to funding regional projects.
- Ms. Backmon reminded the Authority that the adoption of TransAction is anticipated at the October 12, 2017 Authority meeting. This will be followed by the Call-for-Projects for the Six Year Program.

- Chairman Nohe asked if the TransAction public comments were available for review, other than hard copy. Ms. Backmon responded that they will be available on the TransAction website.
- Chairman Nohe asked if the Authority will receive a final report on TransAction at the October Authority meeting. Ms. Backmon responded affirmatively, adding that there will also be a recommendation from the PPC regarding whether or not to adopt the TransAction Plan and approve the issuance of the Call-for-Projects.
- Ms. Backmon stated that the PPC will meet next on October 4, 2017 at 10am at the NVTA office. She added that the Draft TransAction Plan is available on the TransAction website.

## **VI. Five-Year Strategic Plan Development Update**

Ms. Backmon, Executive Director

- Ms. Backmon stated that the purpose of developing a Five-Year Strategic Plan was to address the question “What does the Authority want to be when it grows up?”, to set overall goals for the Authority, and to develop a plan to achieve them. She summarized the development process to date. Ms. Backmon noted that progress on the Plan will be reported on an annual basis. She reviewed the adopted vision statement and goals.
- Ms. Hipp briefed the Authority on the Regional Prosperity goal, noting the strategies and action steps. This goal fosters regional prosperity by investing in a sustainable transportation network that supports economic growth, while balancing quality of life. She stated that key strategies are to coordinate with regional stakeholders, as well as increasing awareness and understanding of the NVTA’s regional impacts.
- Mayor Rishell questioned whether these communications efforts would include lobbying. Ms. Backmon responded affirmatively.
- Ms. Hynes stated that the Authority had done an excellent job with surveys during TransAction and that efforts were made to connect with non-profits who work with constituents whose prosperity is lagging. She suggested that it is important to have these conversations regularly.
- Mr. Nampoothiri briefed the Authority on the Mobility goal, stating that mobility is the Authority’s core business. He summarized that the two key aspects of this goal are planning and programming the regional funds. He added that many activities under this goal are ongoing, such as TransAction and regional funding programs, however, the intent is to make these even more data-driven processes. New initiatives include refining the long-term benefits process, enhanced analytical capabilities, and developing messaging to inform the public of the Authority’s impact on the region.
- Mr. Jasper briefed the Authority on the Innovation goal that positions the Authority as the regional leader in planning and advocating for emerging transportation technologies which address future transportation, work place and development trends. He stated that many planning entities around the country are grappling with the issue of innovation, technology and emerging

transportation trends, and how these factor into long range planning. He noted that TransAction analyzed this to some degree and suggested the Authority needs to be ready to innovate in anticipation of these emerging trends to continue to invest in the best transportation solutions. Mr. Jasper stated that strategies and actions include identifying and analyzing these technologies to help the region become a leader in transportation solutions. He added that increased collaboration and communication can fill a vacuum between national initiatives, state-level initiatives and key stakeholders, to ensure the region advances these technologies through innovation.

- Mr. Longhi briefed that Authority on the Funding goal, stating that the goal of transparency, stewardship and accountability has been ever present in the NVTAs activities and processes. He noted that many actions under this goal are already being undertaken, but must be ever present in the future plans of the Authority. Mr. Longhi stated that as the Authority grows, there will be a need to grow the organizational capacity of the Authority. He noted that this will be needed to achieve all four goals, adding that the goals blend well together. Mr. Longhi stated that another key strategy will be to pursue additional funding opportunities, emphasizing that this will only be done as an additive to the regional efforts. He explained that the Authority can seek to add value to additional funding opportunities, without competing with our regional partners. Mr. Longhi added that there is also a need for advocacy and education under this goal to build confidence and consensus to enable the Authority to meet the evolving needs of the region.
- Ms. Backmon summarized that this Strategic Plan allows the Authority to advance and expand its capacities and capabilities, under existing legislation, as the Authority matures in readiness for the increasingly interesting challenges ahead. She noted the overarching theme of the Plan is regional coordination, along with advocacy and education. Ms. Backmon concluded that while the Authority turns fifteen this year, it is still new when it comes to having funds to implement regional transportation projects.
- Senator Black commented on the funding strategy to work with the business community to protect and enhance funding legislation. He recalled the legislative struggle to adopt HB 2313 and stated that HB 2313 was adopted under the political commitment that this would fund transportation needs for a generation. Senator Black added that while he is in favor of protecting existing funds, he will not support additional transportation funding for a generation. Ms. Backmon acknowledged Senator Black's comment and stated that this is not prescriptive for HB 2313. She added that the Authority also makes recommendations on other funding sources and that there may also be an opportunity for the Authority to influence legislation at the federal level. Senator Black acknowledged understanding of Ms. Backmon's comments and reiterated his position.
- Council Member Snyder questioned whether the reference to long term benefits refers to the issue of jurisdictional equity. Ms. Backmon responded affirmatively, stating that under HB 2313 localities must receive their proportional share over time. She added that the Authority has adopted

principals for assessing long term benefits and that NVTA staff plan to do a high level overview of these benefits as part of the Six Year Program. Council Member Snyder stated that Falls Church is a significant donor to this funding and that it does not currently see equity in these benefits.

- Chair Fisette suggested an enhancement under the regional prosperity goal, noting that under regional coordination many stakeholders are listed and added that the NVTC is the voice of transit in the region and is knowledgeable regarding the economic benefits of transit.

## **VII. Executive Director's Report**

Ms. Backmon, Executive Director

- Ms. Backmon informed the Authority of two upcoming events:
  - ✓ The NVTA's 15<sup>th</sup> Anniversary Celebration on November 9, 2017, at the Sherwood Community Center following the Authority's regular meeting at the same location.
  - ✓ A Route 28 Corridor Ribbon Cutting on October 4, 2017 at 1pm.

## **VIII. Chairman's Comments**

- Chairman Nohe stated that the October Authority meeting will have many agenda items, including the adoption of TransAction and the Six Year Program Call-for-Projects. He suggested changing the meeting start time to 6:30pm. There was consensus to do so.
- Chairman Nohe noted the November Authority meeting is two days after the elections. There was consensus that this did not pose a conflict for those running for re-election. Ms. Backmon stated that there will be short business meeting in November, prior to the 15<sup>th</sup> Anniversary Celebration, to include the adoption of the Strategic Plan. She confirmed changing the start time of the November Authority meeting to 6:30pm. Mr. Nohe echoed this sentiment, adding that it would be a very brief business meeting. Ms. Hynes stated that the Governance and Personnel Committee (GPC) may have the legislative package ready for review at that meeting. There was consensus to change the November Authority meeting to 6:30pm.
- Mayor Parrish informed the Authority that the Finance Committee meets next Thursday, September 21, 2017, and invited members to attend.

## **IX. Adjournment**

- Meeting adjourned at 8:30pm.