

AGENDA

Hampton Roads Transportation Accountability Commission

HRBT Funding Agreement Advisory Committee Meeting

January 17, 2019

10:00 a.m.

**Regional Building
Conference Room D/E
723 Woodlake Drive
Chesapeake, VA 23320**

- 1. Call to Order**
- 2. Approval of Agenda**
 - *Recommended Action: Approval*
- 3. Public Comment Period**
 - *Limit 5 minutes per individual*
- 4. Chair Comments**
- 5. Consent Item**
 - *Recommended Action: Approval*
 - A. Minutes of the December 10, 2018 Meeting**
- 6. Action Items**
 - *Recommended Action: Discussion/Endorsement/Recommendation/Direction*
 - A. Funding Agreement Advisory Committee Remote Participation Policy – (Attachment 6A)** - Executive Director Page and Counselor Inglima.
 - B. Briefing on the P3 for HRBT Expansion Project and related project work streams, including development of Term Sheet, and review potential action items for HRTAC in respect of the P3, the prospective HRBT Funding Agreement, and the prospective Regional Tolling Network Agreement - Closed Session, as needed – (Attachment 6B)** - Executive Director Page, Counselors Inglima, Ballou, and Wall.
 - C. Direction from the HRBT Funding Agreement Advisory Committee**
- 7. Adjournment**

Agenda Item 5A
Consent Item

To: Chair Hipple and the other members of the HRBT Funding Agreement Advisory Committee

From: Kevin B. Page, Executive Director

Date: January 17, 2019

Re: December 10, 2018 Meeting Minutes

Recommendation:

The HRBT Funding Agreement Advisory Committee is asked to approve the December 10, 2018 Committee meeting minutes.

Background:

The HRBT Funding Agreement Advisory Committee approves meeting minutes for the permanent record of the Committee.

Fiscal Impact:

There is no fiscal impact in relation to this Consent Item.

Suggested Motion:

Motion is to approve the minutes of the HRTAC HRBT Funding Agreement Advisory Committee meeting on December 10, 2018.



**Hampton Roads Transportation
Accountability Commission (HRTAC)
HRBT Funding Agreement Advisory Committee Meeting
Summary Minutes of the December 10, 2018 Meeting**

The meeting of the Hampton Roads Transportation Accountability Commission (HRTAC) HRBT Funding Agreement Advisory Committee was held in the Regional Building Boardrooms, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

HRTAC HRBT Funding Agreement Advisory Committee Members in Attendance:

Michael Hipple, Chair	Donnie Tuck
Kenneth Alexander	Frank Wagner

HRTAC HRBT Funding Agreement Advisory Committee Members Absent:

Delegate Chris Jones

HRTAC Executive Director

Kevin Page

Other Participants:

Eric Ballou, Kaufman & Canoles	Tom Inglima, Willcox & Savage
Kathleen Bowe, PFM	David Miller, PFM
Nelson Bush, PFM	Liang Shan, PFM
Megan Gilliland, Kaufman & Canoles	Chuck Wall, Seyfarth Shaw

* Denotes Late Arrival or Early Departure

Others Recorded Attending:

Amy Inman (NO); Robin Grier (VDOT); Taylor Guishard-Drummond, Camron Jordan (Veteran Reporters); Jennifer Hodnett (HRTAC); Danetta Jankosky, Tiffany Smith, Sheila Wilson (HRPDC); Rob Case, Mike Kimbrel (HRTPO)

Call to Order

Chair Hipple called the HRBT Funding Agreement Advisory Committee meeting to order at 10:02 a.m.

Approval of Agenda

Mr. Donnie Tuck Moved to approve the agenda; Mr. Kenneth Alexander seconded. The Motion Carried.

Public Comment Period (limit 5 minutes per individual)

No public comments were made.

Chair Comments

Chair Hipple did not have any comments for the Committee.

Consent Items

5A. Minutes of the October 5, 2018 Meeting

Mr. Kenneth Alexander Moved to approve the minutes of the October 5, 2018 Meeting; seconded by Mr. Donnie Tuck. The Motion Carried.

Due to the meeting format being concurrent with the HRTAC Finance Committee, Chairman Hipple Moved for the HRTAC HRBT Funding Agreement Advisory Committee to recess at 10:03 a.m., seconded by Senator Frank Wagner. The Motion Carried.

The HRTAC Finance Committee called to order at 10:03 a.m. and conducted its initial business.

Chair Hipple of the HRTAC HRBT Funding Agreement Advisory Committee called the Committee back to order at 10:08 a.m.

HRBT Funding Agreement Advisory Committee Action Items

6A. HRBT Funding Agreement Advisory Committee – Briefing on P3 for HRBT Expansion Project and related project work streams including development of Term Sheet, and review potential revenues and action items for HRTAC in respect of the P3, the prospective HRBT Funding Agreement, and the prospective Regional Tolling Network Agreement – Closed Session as needed

HRTAC Executive Director, Kevin Page, referenced the ongoing discussions in regards to tolling and the overall budget of \$3.562 Billion and the effects on the HRBT project. He reviewed the projects total lane miles and number of trestles. Mr. Page identified the different sources of funding and the amount for the project. Additionally, he acknowledged these numbers were fluid dependent upon the toll revenue model used and Smart Scale funds received.

Chair Wagner confirmed that in the sequence of construction events, the trestle replacement would occur after the new facilities had been built. Mr. Page noted the trestle replacement portion of the project could take 18 months, however, VDOT has included south trestle replacements in the final RFP but has not identified funding.

Mr. Page stated the estimate for replacement of the south trestles was \$375 Million and that HRTAC's original budget of \$3.562 Billion did not include the replacement of those structures. The budget proposed by VDOT is \$3.662 Billion.

The Committee was shown a table outlining the six tolling scenarios and the results. Mr. David Miller, PFM, clarified the tolling revenue generated was essentially the same whether the entire Hampton Roads Express Lane Network or only the HRBT and High Rise Bridge were tolled.

Mr. Thomas Inglima, HRTAC Legal Counsel, clarified that the HRBT project amount included in HRTAC's six year plan was a not to exceed number. He further summarized the conversations and actions between HRTAC and VDOT in regards to determining the responsible paying party for the south trestles.

Mr. Miller explained the adverse effects to HRTAC if HRTAC financed the trestle replacement and was then reimbursed by VDOT over time. He highlighted the effective share of the cost that HRTAC would incur using 10, 20 and 30 year debt models.

Mr. Inglima explained that such adverse effects would include the loss of those revenues to be leveraged for other regionally significant projects.

Committee discussion ensued in regards to the differences between HRTAC and the Northern Virginia Tolling Authority (NVTA) in regards to tolling authority, source of funds and ownership of the roads once completed.

Mr. Inglima highlighted the next steps in the process, including the need to request in writing that the Hampton Roads Transportation Planning Organization (HRTPO) amend the Transportation Improvement Program (TIP) to include the HRBT project. He further noted the project had to be fiscally constrained to be included in the TIP and that HRTAC's approved \$3.562 Billion funding plan did not include funds for the replacement of the south trestles.

Committee members agreed that the project needed to be a statewide priority and that VDOT needed to finance the replacement of the south trestles.

Adjournment

With no further business to come before the Hampton Roads Transportation Accountability Commission Finance Committee, the meeting adjourned at 11:10 a.m.

Michael J. Hipple
HRBT Funding Agreement Advisory Committee Chair

Agenda Item 6A
Action Item

To: Chair Hipple and the other members of the HRBT Funding Agreement Advisory Committee

From: Kevin B. Page, Executive Director

Date: January 17, 2019

Re: Policy on Remote Participation in Committee Meetings by Electronic Means

Recommendation:

The HRBT Funding Agreement Advisory Committee (“FAAC”) is asked to approve the Policy on Remote Participation in Committee Meetings by Electronic Means.

Background:

The Code of Virginia, under certain circumstances and requirements, allows the FAAC to adopt a policy on remote participation in committee meetings by electronic means. In order for members of the FAAC to participate from a remote location, the remote policy must be adopted by a quorum physically assembled at the FAAC meeting location. For a FAAC meeting with remote participation to be conducted, the FAAC must always have a quorum present in person at all times. At the time of a loss of quorum present, the meeting will end.

The remote policy sets the parameters of eligibility and frequency of use for a FAAC member to participate, including written prior notification to the FAAC Chair of the member’s intent to participate remotely which includes justification. No member may participate in meetings of the Committee from a remote location pursuant to this policy more frequently than twice each calendar year. The provisions of the Virginia Freedom of Information Act will be complied with in full.

Fiscal Impact:

There is no fiscal impact in relation to this Action Item.

Suggested Motion:

Motion is to approve the HRBT Funding Agreement Advisory Committee’s Policy on Remote Participation in Committee Meetings by Electronic Means.





HRBT Funding Agreement Advisory Committee

Policy on Remote Participation in Committee Meetings by Electronic Means

Introduction

Virginia Code Section 2.2-3708.2 sets forth certain circumstances and requirements under which a member of the Committee may participate in a meeting of the Committee from a remote location and by electronic communication means. Section C of that statute allows remote participation only if the Committee has adopted a written policy allowing for and governing the remote participation of Committee members. The Committee desires to adopt this written policy governing the remote participation of its members in meetings.

Committee Policy

1. A member of the Committee may participate in a meeting of the Committee governed by the Virginia Freedom of Information Act by electronic communication means from a remote location only in the following cases:

A. If before the meeting is called to order the member notifies the Chair of the Committee that the member is unable to attend the meeting due to an *emergency or personal matter*, the member identifies the emergency or personal matter with specificity, the Chair approves the request, and the Committee records in its minutes the nature of the emergency or personal matter and the remote location from which the member participates;

B. If before the meeting is called to order the member notifies the Chair of the Committee that the member is unable to attend due to a *temporary or permanent disability, or other medical condition that prevents the member from physically attending* the meeting, the Chair approves the request, and the Committee records in its minutes the fact of the member's inability to attend the meeting and the remote location from which the member participates; or

C. If before the meeting is called to order the member notifies the Chair of the Committee that the *member's principal residence is more than 60 miles from the meeting location* identified in the notice of the meeting, the Chair approves the request, and the Committee records in its minutes the remote location from which the member participates.

2. A member of the Committee may participate in a meeting of the Committee by electronic communication means under this policy only if:

- A. A quorum of the Committee is physically assembled at the meeting location; and
- B. The Committee has arranged for the voice of the remote participant to be heard by all persons present at the meeting location.

3. No member may participate in meetings of the Committee from a remote location pursuant to this policy more frequently than twice each calendar year.
4. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes.
5. If the provisions of this policy or the provisions of the Virginia Freedom of Information Act are otherwise complied with in full, no further approval by the Committee is required for a member's remote participation in a Committee meeting. This policy shall be applied strictly and uniformly, without exception, to the entire membership of the Committee and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

Adopted: _____, 2019

Michael J. Hipple, Chair
HRBT Funding Agreement Advisory Committee



_____, 2019

VIA email to kpage@HRTAC.org

Michael J. Hipple, Chair
HRBT Funding Agreement Advisory Committee
Hampton Roads Transportation Accountability Commission
723 Woodlake Drive
Chesapeake, VA 23320

Dear Chair Hipple,

I am unable to attend the HRBT Funding Agreement Advisory Committee meeting scheduled for _____ because of a personal matter; specifically, I will be in Richmond fulfilling my official duties to the General Assembly.

If the Committee adopts a remote participation policy, I hereby request the ability to participate remotely from an office in the _____ building in Richmond.

Sincerely,

Agenda Item 6B
Action Item

To: Chair Hipple and the other members of HRBT Funding Agreement Advisory Committee

From: Kevin B. Page, Executive Director

Date: January 17, 2018

Re: Briefing on the P3 for HRBT Expansion Project and related project work streams, including development of Term Sheet, and review potential action items for HRTAC in respect of the P3, the prospective HRBT Funding Agreement, and the prospective Regional Tolling Network Agreement - Closed Session, as needed

Recommendation:

The HRBT Funding Agreement Advisory Committee (“FAAC”) will be briefed by Commission staff, and counsels on the P3 for HRBT Expansion Project and related project work streams, including development of a Term Sheet, and review potential action items for HRTAC in respect of the P3, the prospective HRBT Funding Agreement, and the prospective Regional Tolling Network Agreement. The FAAC may enter into a closed session as needed.

Background:

FAAC members, Staff, and Counsels continue to work on matters pertaining to the development of points in principle for an agreement pathway for recommendation to the Commission for consideration. An update briefing will be provided to the FAAC members.

Fiscal Impact:

There is no immediate fiscal impact in relation to this Action Item.

