

**AGENDA**  
**Hampton Roads Transportation Accountability Commission (HRTAC)**  
**Regular Meeting – September 17, 2015**

**12:30 PM**

The Regional Board Room, 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's Comments**
- 5. Consent Item**
  - *Recommended Action: Approval*
  - A. Minutes of the August 20, 2015 HRTAC Regular Meeting (Attachment 5A)**
- 6. Action Item**
  - *Recommended Action: Discussion/Approval*
  - A. Endorsement of HRTPO HB2 Project Application - Mike Kimbrel, HRTPO and Neal Crawford, HRTAC TAC Committee Chair (Attachment 6A)**
- 7. Information Items**
  - A. HRTF Financial Report (Attachment 7A)**
  - B. Bylaws Committee – Committee Chair Fraim (Attachment 7B)**
  - C. Technical Advisory Committee – Committee Chair Crawford**
  - D. HRTPO Report of Activities – Bob Crum HRTPO**
- 8. Items for Next HRTAC Regular Meeting – October 15, 2015 – 12:30 p.m.**

**Adjournment**

**Agenda Item 5-A**  
**Consent Item**

**To: Chair Sessions and the other members of HRTAC**

**From: Kevin Page**

**Date: September 17, 2015**

**Re: August 20, 2015 Meeting Minutes**

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**Recommendation:**

The Commission is asked to provide approval of its August 20, 2015 meeting minutes.

**Background:**

The Commission provides approval of its meeting minutes for the permanent record of the Commission.

**Fiscal Impact:**

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

**Suggested Motion:**

Motion is to approve the minutes of the regular Commission meeting on August 20, 2015.



**Hampton Roads Transportation  
Accountability Commission (HRTAC)  
Summary Minutes of the August 20, 2015 Regular Meeting**

The joint Hampton Roads Transportation Accountability Commission (HRTAC) Regular Meeting and HRTAC Technical Advisory Committee Meeting was called to order at 9:00 a.m. in the Regional Board Room, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

**HRTAC Voting Members in Attendance:**

William Sessions, Jr., Chair	Alan Krasnoff
Clyde Haulman, Vice Chair*	McKinley Price*
Senator Kenneth Alexander	Tom Shepperd, Jr.*
Paul Fraim	Senator Frank Wagner*
Michael Hipple	George Wallace
Delegate Johnny Joannou	Kenneth Wright*
Linda Johnson*	Delegate David Yancey*
Delegate Chris Jones*	

**HRTAC Technical Advisory Committee Members in Attendance:**

Neal Crawford, Chair	W. Sheppard Miller, III
Lynn Allsbrook	C. Earl Sorey, Jr.
Joe Frank	Jody Wagner
Harry Lester	

**HRTAC Nonvoting Members in Attendance:**

Charlie Kilpatrick

**HRTAC Executive Director**

Kevin Page

**HRTPD Executive Director:**

Robert Crum

**Other Participants:**

Secretary Aubrey Layne	David Miller
Deputy Secretary Grindly Johnson	Dale Stith
Tom Inglima	James Utterback

**HRTAC Voting Members Absent:**

Dallas Jones	Raystine Johnson-Ashburn
Rex Alphin	W. Eugene Hunt, Jr.

**HRTAC Technical Advisory Committee Members Absent:**

Helen Dragas, Vice Chair  
James V. Koch

**HRTAC Nonvoting Members Absent:**

John Malbon  
Jennifer Mitchell  
John Reinhart

\* Denotes Late Arrival or Early Departure

**Others Recorded Attending:**

Bill Cashman, Patrick Childs, Daniella Cossu, Tom Frantz, John Gergely, Donna Sayegh, David Thompson, Nikki Williams (Citizens); James Baker (CH); Randy Martin (FR); Mary Bunting, Brian DeProfio (HA); Bryan Hill (JC); Thelma Drake, Brittany Forman, Brian Pennington, Jeffrey Raliski, Ron Williams (NO); Jim Bourey, Bryan Stilley, Jerri Wilson (NN); Brannon Godfrey (PO); Randy Wheeler (PQ); Eric Nielsen, Patrick Roberts (SU); Angela Bezik, Bob Matthias, Jim Spore (VB); Marrin Collins (WM); Neil Morgan (YO); John Dixon (Atlantic Contracting); Bob Long (American Concrete Pavement Association); Elizabeth Arnold (CH2M); Frank Papcin (Citizens Advisory Committee); John Herzke (Clarke Nexsen); James Openshaw (CTAC); Scott Forehand, Don Quisenberry, Mickey Shutt (eScribeSolutions); Ryan Banas, Phil Rinehart (HNTB); Bert Ramsay (Lane Construction); Tracy Baynard (McGuire Woods Consulting, LLC); Deborah Brown (Parsons Brinkerhoff); Ronaldo T. Nicholson (Parsons Transportation Group); Mark Geduldig-Yatrofsky (Portsmouthcitywatch.org); Sachin Katkar (RK&K Engineers); Mindy Hughes (Seventh Point Transportation PR); Ellis W. James (Sierra Club, NEC Observer); Robert K. Dean (Tidewater Libertarian Party); Dianna Howard (TLP, VBTA, VBTP); Dusty Holcombe (VA P3 Office); Angel Deem, James W. Long, III, Paula Miller, Dawn Odom, Scott Smizik (VDOT); Amber Randolph (Willcox & Savage); Kelli Arledge, Nancy Collins, Andrea Gayer, Randy Keaton, Mike Long, Chris Vaigneur (HRPDC); Robert Case, Kathlene Grauberger, Danetta Jankosky, Mike Kimbrel, David Pritchard (HRTPO)

**Call to Order**

Chair William Sessoms Jr. called the meeting to order at 9:00 a.m. He noted the unique nature of the meeting as it was a joint meeting of both HRTAC and the HRTAC Technical Advisory Committee. He asked for approval of the agenda.

Mr. McKinley Price Moved to approve the agenda; seconded by Mr. Michael Hipple. Chair Sessoms, noting the absence of a quorum, postponed the vote.

**Public Comment Period (limit 5 minutes per individual)**

Mr. Bob Long commented that the I-64 Widening Project Segment 2 RFP does not encourage competitive responses due to inequitable design requirements for concrete

pavement versus asphalt pavement. He noted that completed concrete pavement projects have already demonstrated ability to be long-term solutions. He expressed concern that VDOT is incorporating a new and unproven recycled asphalt mix, and cited a VDOT research report confirming a lack of performance data. He concluded his comments by suggesting that the RFP be modified to require equivalent designs so that the taxpayers of Virginia can benefit from equitable competition.

Ms. Donna Sayegh provided a perspective of the Virginia Port Authority and its function. She recounted some of the issues affecting transportation in the area. She provided an accounting of tax credits. She remarked that from her perspective the Virginia Port Authority under the direction of the Virginia Department of Transportation is undermining individual rights.

Mr. Mark Geduldig-Yatrofsky expressed pleasure in seeing Delegate Joannou. He recounted a recent experience using the HOV lanes, noting that they were poorly utilized. He suggested greater use of the facility if HOT lanes were utilized, and hoped that HOT lane use would be given greater consideration on future projects.

Ms. Daniella Cossu noted that very little interaction occurs between HRTAC and the various area Conservation Districts. She requested that future agenda items include interaction with area Soil and Water Conservation Districts currently represented by the Board.

### **Presentations**

Chair Sessoms noted that the Commission was about to receive a lot of information that was sure to generate a lot of discussion and debate. He welcomed Secretary of Transportation Aubrey Layne to the meeting and thanked him for coming.

Secretary Layne took the floor and congratulated Mr. Kevin Page on his new position as HRTAC Executive Director, and Mr. Robert Crum on his new position as the HRTPO Executive Director.

Secretary Layne gave an overview of the Hampton Roads Transportation Planning Organization (HRTPO):

- Federally Mandated Entity;
- Purpose is to develop the Constrained Long Range Plan; and
- Includes Technical and Planning Committees whose primary function is to get projects in the queue to be funded.

Secretary Layne gave an overview of the Hampton Roads Transportation Accountability Commission (HRTAC):

- Relatively New Entity;
- State Created Entity;

- Exists to monitor and accept regional monies, especially House Bill 2313 (HB2313) monies;
- Primarily a funding organization, not a planning organization;
- Has the ability to toll, but not to raise taxes;
- Similar to the Northern Virginia Transportation Authority and the Chesapeake Bay Bridge and Tunnel Association;
- Monies deposited in the Hampton Roads Transportation Fund are strictly for use on highways and bridges, not for use on light rail or other transit; and
- Responsible for making financing/funding decisions for HRTPO-identified projects.

Secretary Layne gave an overview of the Commonwealth Transportation Board (CTB):

- Delegated authority to allocate State and Federal funds;
- Does not have authority to allocate regional funds; and
- Responsible to select preferred alternatives on major projects.

Secretary Layne remarked that House Bill 2 (HB2) was the most significant change to the way projects were funded in the Commonwealth since the 1930s. He continued that HB2 now requires that all capacity expansion, specifically projects that will be placed on the Six Year Improvement Plan, must go through a scoring process and then be recommended by the CTB. He relayed that the highest scoring projects were to be the ones that received the recommendation, and in cases where a lower scoring project was recommended over a higher scoring project, the reasons why must be publicly stated.

He commented that HB2 scoring weights measures differently in various regions of the state. He noted that the six scoring measures were:

- Congestion Mitigation;
- Economic Development;
- Accessibility;
- Safety;
- Environmental Quality; and
- Land Use.

He explained the basic eligibility requirements for a project to be scored as part of the HB2 process:

- It must be an identified need in VTrans 2040;
- It needs to be a capital or transportation demand improvement;
- It cannot be for operating or maintenance money;
- It must have a defined scope;
- Where NEPA is involved, a preferred alternative must already have been selected;
- Funding components must be identified; and
- It must be included in the HRTPO Long Range Constrained Plan.

Secretary Layne provided an example regarding how the different scoring measures can affect the final score, especially when benefit to cost is considered. He suggested that a project might score highly on the benefits side of the equation, but be extremely expensive, causing the ultimate final score to be low. He explained that HRTAC's ability to provide tolling as a funding source may cause HRTAC projects to score higher, because the cost of the state portion of the project can be mitigated.

Secretary Layne explained that when a project is selected through the HB2 scoring process, that it will be funded to completion. He noted that in the past, many projects were being partially funded, but nothing was getting built. He suggested that the HB2 scoring process is going to cause fewer projects to receive allocations, but more projects to be completed.

Secretary Layne provided that we currently have a \$13 billion Six Year Improvement Plan. Under HB2, only \$600 million is available, and mostly in the out years. He further reiterated that if a project gets in, it will be funded to fruition.

Secretary Layne expressed a common concern regarding whether a small project in Rural Virginia could be objectively compared to a major project in a metropolitan area. He continued that a second concern was that money was still primarily controlled at the CTB level. He noted that House Bill 1887 (HB1887), sponsored by Delegate Chris Jones and supported in the Senate by Senator Frank Wagner, was designed to remedy those concerns. He explained that the previously observed 40 interstate/30 primary/30 secondary formula was no longer used.

He explained that in the new model, 45% of all monies will go to state of good repair, which is essentially maintenance of the existing network. He noted that each of the construction districts in the Commonwealth will get between 5.5% and 17.5% from this pool, further explaining that the Hampton Roads district is one of the highest recipients in the Commonwealth and will receive 14%.

He continued that the remaining 55% will be divided into two parts, one being the high priority statewide component that will remain with the CTB for projects that go through HB2 scoring, and the remaining 27.5% will still be processed through the HB2 scoring, but will immediately be provided to the construction districts. He added that the construction districts with their CTB representative will determine which projects receive those funds.

He explained that at the district level, projects will be competing with other projects from their district, and not other projects around the state. He indicated that competition at the statewide level will be fierce, and smaller projects are not anticipated to score well. He emphasized the higher degree of transparency expected from this new process.

He added two caveats to his presentation. First, that the CTB is still fully in charge and has the ability to stop funding on one project in lieu of funding another project. He explained

that one scenario where could occur is if one of the HRBT tunnels fails, and the CTB would determine that immediate repair was required. Second, he noted that if a \$2 billion project scores the highest of all projects, but the CTB simply doesn't have the funds to accommodate the project, the CTB could choose the project in second position.

Chair Sessoms noted the Commission had achieved a quorum. He commented that the reason for the delayed arrival of many Commission members was directly due to road issues. He then welcomed Commissioner Charlie Kilpatrick from VDOT.

Mr. Kilpatrick recounted that this morning in that the sign to the HRBT said 17 miles, 34 minutes. He chose that route instead of the MMBT, which he remarked in retrospect would have had a greater delay because the High Rise Bridge had a disabled vehicle causing a lengthy backup.

Mr. Kilpatrick began his presentation explaining the environmental process and the National Environmental Policy Act (NEPA). He noted that the NEPA process is required on any contemplated project that is federally significant or federally funded. He noted that the Federal Highway Administration (FHWA) provides approval on one of three tiers, which are:

- Record of Decision;
- Finding of No Significant Impact; and
- Categorical Exclusion.

He explained that the FHWA is involved on most projects with a permitting decision, which must also go through NEPA. He explained that sometimes the processes happen concurrently, sometimes not. He said sometimes a document is accepted, and sometimes it will require additional work. He also noted that for the Army Corps of Engineers to issue a permit, the NEPA process is required.

He described the environmental studies conducted for the original Hampton Roads Crossing, specifically the studies associated with the HRBT, MMBT, and Interstate 64 from Bowers Hill to the Hampton Coliseum. He noted that the first Environmental Impact Study (EIS) began in the 1990s and a preferred alternative was selected in 2001. He explained that the process typically starts with numerous alternatives, and eventually one is chosen over the rest. He noted that a re-evaluation was done in 2003, and a partial re-evaluation of the Patriot's Crossing (the East/West leg of the Third Crossing) was initiated in 2013. He noted that after consultation with the FHWA and other federal partners, it is determined that an additional re-evaluation is needed at this time.

Secretary Layne added that the reason these documents need a re-evaluation is that they are older than the 460 project documents, and they know that a permit will not be given without re-evaluation.

Mr. Kilpatrick noted that a NEPA study was initiated for the HRBT, and a draft EIS was created in 2012; however a NEPA decision was never provided. He summarized that there was never a federal decision on the action, and a preferred alternative was never chosen.

For the water crossing projects in Hampton Roads, they have initiated the environmental study process. He relayed that they were not required to provide a new EIS, but were instead being allowed to provide a Supplemental Environmental Impact Study (SEIS). He emphasized that the SEIS was an extensive re-evaluation. He indicated the following reasons for doing an SEIS:

- Changes in Land Use;
- Changes in Population;
- Environmental Justice Issues;
- Updated Traffic Projections and Patterns;
- Changes to the Long Range Plan;
- Changes to Threatened or Endangered Species;
- Historic Properties;
- Update Navigation Documentation; and
- Cost Estimates of Scope and Scale.

He suggested that the timing of the process pointed to a preferred alternative and Record of Decision by late 2017. He explained that the Army Corps of Engineers challenge is that they have to permit the Least Environmentally Damaging Practicable Alternative (LEDPA), which he did recognize as having both a significant technical detail component and subjectivity concerns.

Regarding the High Ride Bridge Project, Mr. Kilpatrick noted the Environmental Assessment, a document he described as being one tier down from a full environmental document, was completed this year. He added that a preferred alternative had been chosen, and the CTB had voted on it. He relayed that they were waiting on identification of a funding source and a federal decision. He expected both to be forthcoming, and then the project can move to the next phase, which is design.

Next, Mr. Kilpatrick discussed the I-64 Widening project noting:

- Segment 1: Underway and the contract has been awarded; the EIS was issued in November of 2013; they have received the Record of Decision (RoD);
- Segment 2: Moving forward; they have a RoD; the project is out for bid to a short-listed set of bidders; bids are expected in the next 60 days; they expect award by the end of this year;
- Segment 3: Pursuing RoD; they expect decisions on funding and RoD in 2016; they expect to begin procurement in late 2016 or 2017; and
- Segment 4: Reconstruction of the Fort Eustis Interchange; potential funding in 2019.

The last project Mr. Kilpatrick spoke about was the I-64/I-264 Interchange Project. He noted that the project had gone through a Categorical Exclusion. He noted that this project went through the simplest environmental process and consisted mainly of operational improvements. He explained that this was a HRTAC funded project. With the environmental document complete, the next phases of the project are to fund it, engineer it, procure Right-of-Way, and build it.

Secretary Layne again took the floor and spoke of document freshness. He remarked that if an environmental document is more than 36 months old, federal authorities would require re-evaluation. He also added that a funding source would also needed to be identified in that time period or the document would need to be redone.

Next, Secretary Layne described that the federal government is on another 4-month extension before funding commitments can be made. He is expecting the Commonwealth to receive about the same amount they have received in the last few years. He provided insight into the reduction in funding, citing reduced gas tax revenue.

Delegate Chris Jones stated, and Secretary Layne confirmed, that to be in the mix of consideration for the \$600 million of funds from the state your project must have a permit or reasonable expectation to receive a permit, and a funding plan.

Secretary Layne went on to say that the HRTPO has submitted an ineligible plan for high speed rail to Northern Virginia, and the High Rise Bridge Project did not have a preferred alternative. He reiterated that proposals needed to be submitted by October 1, 2015 to be considered for the \$600 million available for high priority projects. He added that the I-66 project is going to be submitted, was much further along in the process, had a preferred alternative, and was identified in its Long Range Plan. He noted again that once a project is funded, it is funded through fruition.

Chair Sessoms asked if they submitted a project before the deadline, but did not have a financial plan in place, how much additional time they would be afforded to complete that process. Secretary Layne responded that they should ask the CTB for an extension to maybe the end of the year since this is a year of transition. Delegate Jones asked for clarification regarding a potential extension for the financial plan. Secretary Layne suggested that he would submit conditionally and ask the CTB for lenience.

Delegate Jones questioned if there was a two-year gap after next year for additional regional dollars coming from the high priority project pool. Secretary Layne confirmed Delegate Jones' statement. Secretary Layne explained that the CTB will alternate years of looking at good repair versus new construction. He summarized the process that if a project was not in within the next 2 years, the chances were that it would be 5 years at minimum before statewide grant money would become available again. He said they are expecting hundreds of submissions and they are expected to be extremely competitive.

Mr. Tom Sheppard asked for the significance of the local district's \$80 million claim. Secretary Layne explained that \$120 million is already coming, and approximately \$40 million per year for each of the next two years is slated to come, bringing the total over the next two cycles for guaranteed money to the district to \$200 million.

Mr. Alan Krasnoff asked for clarification from Robert Crum regarding the inclusion of the High Rise Bridge Project into the Long Range Plan. Mr. Crum clarified that the High Rise Bridge is in the Long Range Constrained Plan. Secretary Layne then added that project is eligible to be scored.

Mr. George Wallace asked what could be done to expedite the process and if it was their planning process that was blocking access. Chair Sessoms confirmed Mr. Wallace's assessment. Mr. Wallace again questioned if there was any scrambling that could be done to avoid missing the upcoming funding opportunities. Chair Sessoms asked for a recommendation from VDOT. Mr. Kilpatrick suggested that potentially submitting Segment 3 or Segment 4 of the I-64 Widening project might be prudent, since there will be a delay in funding of two years or more, which will coincide with when those projects would be ready for funding. Mr. Kilpatrick offered that the \$600 million of statewide high priority projects money is going to be delivered over the next 6 years, and that the entire state was competing for the money.

Ms. Cathie France queried about the effect of local and regional funds to which Secretary Layne answered to move forward with the project and submit with a higher possibility of successful scoring for regional monies. He added that if successful, you could then reimburse the monies, and noted they also should be aware that those funds would not be available until the out years of the project.

Regarding bonding, Secretary Layne stated that you don't bond what's in the bank, you bond what's going forward. He provided notice of some of the lessons learned by the State recently. He noted that in light of events associated with the 460 project, no longer will the CTB make any decision for projects with stale environmental documents. He used the phrase "Policy Trumps Financial Considerations." He stated that policy should drive the decisions. He expressed support for the notion that when there is tolling, there should also be a free alternative.

Next, Secretary Layne revisited the Downtown/Midtown Tunnel pre-tolling issue. He stated that the Commonwealth will not recognize that process in the future. He noted that the Commonwealth paid \$212 Million to lower the tolls that were going to generate \$200 million.

Delegate Jones suggested that in regards to the I-64 Widening Project Segments, it would be a shortsighted approach to wait for all three segments to be ready to submit for scoring.

Mr. Wallace suggested that the challenge they are facing is to take all of the information they receive and put it into context so that a sixth grader can understand it. He added that there are some opportunities they are missing because they did not anticipate needs. He said that he did not want that to happen again, and expressed interest in enacting and following policies that align with the projects at hand. Chair Sessoms and Mr. Paul Fraim expressed agreement.

Mr. Sheppard Miller praised Secretary Layne for his presentation noting that the information provided was much better than anything presented previously. He asked if funding was causing a delay in getting preferred alternatives. Secretary Layne responded that funding was not the issue, that the funding was present, and that they were just waiting on federal authorities.

Mr. Sheppard Miller provided a scenario to help demonstrate preferred alternative decision making. Secretary Layne clarified the scenario by stating that the CTB is ultimately responsible, especially with regard to statewide monies.

Mr. Sheppard Miller then questioned how the High Rise Bridge is “constrained”. Mr. Crum suggested that Ms. Dale Stith respond. Ms. Stith described that the revenue forecast for the 20-year period is derived by observation of historical revenues, and then that is used to constrain the 2034 LRTP. She continued that eight of the nine HRTAC projects were fully funded and in the LRTP, with the exception being the 664 widening project.

Mr. Sheppard Miller next questioned about a discrepancy regarding \$3.8 billion in bonding capacity versus the previously-described \$7 billion in bonding capacity. Secretary Layne responded that he suspected that if a plan did not include tolling, it would probably not receive statewide funds.

Mr. Paul Fraim asked if someone would write down what the real scope of the High Rise Bridge was now, expressing concerns that the scope had grown beyond anything on which they had previously voted. He emphasized the importance of HRTAC members understanding the project and the financial implications of what they were going to be recommending in a few weeks.

Mr. Fraim relayed his disappointment when he learned that the environmental documents for the Hampton Roads Crossing were stale. He noted that a letter from the Army Corps of Engineers in 2012 presented to VDOT explained that a SEIS was going to be required. He added that VDOT did not share that letter with the City of Norfolk or any other local community. He expressed hopes that they do better moving forward. He echoed Mr. Miller’s praise for the presentations.

Mr. Fraim requested a clear definition in writing of what a “managed lane” is versus a “tolled managed lane.” Secretary Layne responded and gave clarification that managed lanes include HOV. A brief discussion ensued. Mr. Fraim explained that he wanted the explanation in writing so that he could hold it up and provide an explanation.

Mr. Fraim asked if HRTAC was an organization that could receive a P3 proposal. Secretary Layne confirmed that it was.

Mr. Joe Frank asked if a project was submitted by the October 1 deadline, but did not receive approval, could HRTAC move forward anyway. Secretary Layne explained that if a project gets scored but doesn’t get the number one position, that the project may still be funded based on what money is available. He also explained that solely the failure to receive funding does not preclude the project from being moved forward with regional or local monies. Secretary Layne also noted that if the CTB says “No” to the preferred alternative, that would be a different story.

Mr. Fraim expressed concerns on the timing of environmental documents and the potential for those documents to become stale with regard to the Hampton Roads Crossing Project. Secretary Layne commented that the time started ticking once you received the Record of Decision. Mr. Kilpatrick added that the documents they are creating now will incorporate what they have learned, and that the permitting decision will be more robust.

Mr. Frank asked if the CTB has a veto of HRTAC-approved projects, to which Secretary Layne explained that they always did. Secretary Layne explained that the determination of the preferred alternative lies with the CTB.

Chair Sessoms echoed previously-made positive comments regarding the presentations, and recognized that a quorum was now present. He then asked for a motion to approve the HRTAC Regular Meeting Agenda.

Michael Hipple made a Motion to Approve the HRTAC Regular Meeting Agenda; seconded by Mr. Kenneth Wright. Chair Sessoms held a voice vote to approve the motion, and The Motion Carried Unanimously.

Chair Sessoms offered the floor to TAC Chairman Neal Crawford, who accepted.

TAC Chair Crawford called the TAC meeting to order and asked for a motion to approve the TAC Meeting Agenda.

Mr. Sheppard Miller made a Motion to Approve the TAC Meeting Agenda; seconded by Mr. Harry Lester. TAC Chair Crawford held a voice vote to approve the motion, and The Motion Carried Unanimously.

Chair Sessoms questioned if HRTAC Counsel Tom Inglima had anything he wanted to add regarding the HB2 briefing. Mr. Inglima asked for some clarification from Secretary Layne that the HRTPO is the regional body that would apply for statewide priority projects, which was confirmed by Secretary Layne. Mr. Inglima then posited whether localities themselves would be applying for the funds from the Construction District Grant Program (CDGP). Secretary Layne said that they could if they were going to sponsor the project. He added that absent a locality coming forward, the HRTPO would have the responsibility to pursue the project funding from the CDGP. Mr. Inglima's final question was if it were feasible for the HRTPO to bundle the I-64 Widening Project Segments 2, 3, and 4 as one application. Secretary Layne responded that you can make the project as large or small as you want as long as the scopes are defined.

Delegate Johnny Joannou requested clarification of the relationship between the HRTPO and HRTAC. Mr. Inglima responded that the HRTPO was a federally mandated Metropolitan Planning Organization (MPO) tasked with planning and programming projects under the Federal Highway System regime. He added that the HRTAC was a state-created body tasked to administer funding created for the Hampton Roads Transportation Fund (HRTF).

Delegate Joannou referenced a Supreme Court Case that said that you had to be an elected person as the impetus for the creation of the Commission. Delegate Joannou noted that the HRTPO has some federal guidelines to follow, but are not guided by state guidelines. He again requested clarity of the relationship between the HRTPO and HRTAC, and HRTAC responsibilities to the HRTPO. Mr. Inglima reiterated that the HRTPO was responsible for planning and programming, and that HRTAC was to determine whether or not to fund the project from the HRTF. Secretary Layne offered additional clarity that HRTAC was about tolling and bonding, for which the HRTPO does not have authority.

Delegate Joannou expressed his understanding of the collection and remission by the state to the region of the gas tax. Secretary Layne and Delegate Jones explained that the tax was a regional tax, but was collected by the state (acting as the collection agent) since there wasn't a regional mechanism to collect the revenue. They then explained that the monies were transferred from the state to the HRTAC with regularity. Senator Frank Wagner offered that if he were to give the Finance Committee report, some additional light might be shed for Delegate Joannou.

## **Committee Reports**

### **HRTAC Financial Committee Report**

Senator Frank Wagner, chair of the Finance Committee, reported the following:

- A balance of approximately \$293,500,000.00 on deposit with HRTAC as of the middle of July 2015;
- A balance of approximately \$322,000,000.00 as of August 20, 2015;

- Deposits received from the Virginia Treasury were approximately \$28,500,000.00;
- Expected increases of \$10 million to \$15 million per month; and
- The figures quoted include approximately \$222,000 of collected interest on deposited funds.

Delegate Joannou noted that his question was not answered after hearing the Finance Committee report. Delegate Jones offered that it was a regional tax and the collection mechanism used was the most efficient way to collect the tax without creating a redundancy in cost. Delegate Joannou asked if it was a regional tax then wasn't it true that the people of the region did not get to vote for it. Delegate Jones offered that is was a tax enacted by the General Assembly, which does have that authority. Delegate Joannou further asked if the reason it was done that way was because of the Supreme Court ruling stating that you can't tax people without them having the power to vote for you. Delegate Jones stated that it was done pursuant to what was allowed by law. Delegate Jones reiterated that it was not a State tax, but was a regional tax imposed on two regions of the State by the legislature, and he offered to discuss it further off line.

Delegate Joannou restated his concerns regarding whether it is constitutional under Virginia Law for the HRTPO to select the projects. He then wondered if the question should be directed to staff counsel. Chair Sessoms observed that his concern and question will require research and noted that the answer would not be coming today. Delegate Joannou was receptive to Chair Sessoms statement.

Chair Sessoms offered the floor to TAC Chair Neal Crawford. TAC Chair Crawford echoed praise for Secretary Layne and Mr. Kilpatrick. He recounted that the last TAC meeting had engaged a few items with David Miller the financial advisor from PFM. He remarked that everyone on the TAC shares the urgency expressed in the meeting today. He then requested that Mr. Miller provide a strategic overview. He also invited the HRTAC members to join the TAC meeting that would be reconvened after the conclusion of the HRTAC Regular Meeting. He then asked Mr. Kilpatrick where the metric of the 3-year time limit for the environmental originated. Mr. Kilpatrick responded that it is a practice of the FHWA to look for re-evaluation of documents if they are 3 or more years old. Mr. Kilpatrick added that when the documents are 6, 8, 10, 12, 15 years old, then the FHWA will look for a SEIS or in some cases a brand new EIS.

Mr. David Miller began by giving a brief history of PFM and his interactions with various transportation and tolling facilities around the country. He remarked that his job was not to recommend which project was better than the other, but to determine financial feasibility. He summarized the function as selling bonds. He expects that the TAC will want to explore 20 or more different scenarios, and he intends to build a flexible model that will allow for the evaluation of 20 or more scenarios.

Mr. Miller presented a slide that described the myriad of factors that go into a financially feasible plan that can be presented to bond investors. His stated goal is to be able to build a plan that will attract investors. He stated that they could get investment grade credit ratings.

Mr. Miller explained that they were going to look at HRTF funds as well as other state and federal funding that may be available. He then recalled the previously held discussion regarding the Long Range Transportation Plan, and noted that most of the projects were indeed in that plan already. He added that the \$2.5 billion in state and federal funding may or may not still be a valid assumption based on the impact of HB2. He also added that \$4.4 billion was expected to come from toll revenue generated via a \$2.00 toll to be placed on the HRBT, MMBT, and Patriots Crossing.

Mr. Miller continued that he was asked to provide estimates of funds available from the HRTF and to put together a bonding package. He noted an assumption that HRTAC would issue revenue bonds backed by various sources and create in present value terms approximately \$3.8 billion. He added that the coverage revenue could be spent and increase the total up to \$5.4 billion. He noted that the recent figure is a lot less than the original forecast, due partly to the gas tax and lower gasoline prices. He explained that in just a few years, the projected available funds through the HRTF have been reduced by \$1.5 billion. He remarked that he did not know if it were possible to get back to the original forecast.

He observed that current projections show the ability to support \$5.4 billion in projects, and current project costs are estimated at \$10.7 billion. He noted that to make the projects happen, essentially the tax revenues needed to be doubled, for which he was not advocating.

He suggested that the HRTAC be ready and able to issue bonds backed by the HRTF if and when they are needed. He offered that this was a new agency that would be offering a new bond that has not been bonded before, and as such would probably need to go through a bond validation process.

He discussed some of the traffic research that had been completed that indicated revenue estimates for incorporating HOT lanes into existing network are small when compared to incremental costs. He reiterated that he was speaking from a financial feasibility perspective and understands that there may be some political reason why HOT is being considered over other policies. He requested access to whomever VDOT is using to do the traffic modeling.

He explained the regional toll system concept using the Orlando/Orange County Expressway Authority and North Texas Tollway Authority as examples. He relayed that the urban network represented by the two examples given could be very similar to the 9

projects being reviewed by HRTAC. He added that the regional toll system concept is more cost effective and typically provides a better bond rating when compared to financing each project individually.

He gave an overview of what they are preliminarily thinking of for financing options. He described:

- A mix of AA and A bonds backed by the HRTF;
- He suggested a process of flowing residual revenue up with toll revenue;
- TIFIA Loans;
- VTIB loans;
- Toll Facilities Revolving Account options; and
- 9c or 9d bonds.

He recommended getting a bond counsel on board, especially with the probable need to go through the bond validation process. He remarked that the validation process can be a nine month process. He again suggested getting some additional traffic and revenue numbers to put some framework around the different tolling schemes.

He followed that the SEIS is underway, and assumptions change. He offered that they were going to build a flexible model and develop an ongoing financial plan based on the best information currently available.

TAC Chair Crawford asked what additional information or resources were needed to be able to make a recommendation. Mr. Miller noted that he asked HRTAC Executive Director Kevin Page if they could piggy back on the contract that VDOT has for traffic and revenue consulting. Secretary Layne suggested that HRTAC get investment grade traffic and revenue studies going as soon as possible. Secretary Layne added that bond validation was a prudent course. Mr. Miller also stated that the bond counsel was recommended to Mr. Page.

Mr. Tom Sheppard recalled that the HRTPO identified funding of \$26 billion by 2035. He suggested that HB2 may be partly responsible for the \$16 billion in reduced funding along with slumping gas tax revenues and other factors. He asked what the minimum amount might be for the gas tax to fund the projects. Mr. Miller offered that the HRTPO was responsible for more than just the 9 projects given to HRTAC for funding, which could account for the difference. He also said that they had not computed a minimum gas tax revenue floor, and would need to know the original forecast numbers.

Mr. Sheppard asked what financial consideration was used. Mr. Miller responded that they don't have anything on which to base a consideration, and they have not yet started running scenarios. He added that this could be a scenario to run if so directed.

Mr. Sheppard Miller observed a discrepancy in Mr. David Miller's presentation where the revenue projections don't match expectations and are not consistent. Mr. David Miller offered that the original forecasts were provided to the HRTPO by VDOT, and that 2014 was a partial year. Mr. Sheppard Miller asked for more clarification, and Mr. David Miller stated that he would look into it.

Mr. Alan Krasnoff remarked that he understood the US Coast Guard to be in charge of deciding bridge height. He asked if VDOT knew when the Coast Guard would be providing the height information. Mr. James Utterback responded that the height determination would come late in the process. He provided that the height determination could come in the next month. Mr. Utterback added that the height drives the cost, and if the concern is to pursue the HB2 scoring, and the height has not been determined at the time of submission, then you submit pricing based on the highest bridge height.

Mr. Kenneth Wright asked who forwarded the information to Mr. David Miller referencing the \$2.00 toll on the HRBT, MMBT, and Patriot's Crossing. Ms. Dale Stith responded that the numbers were used for modeling and planning purposes adding that HRTAC is the entity that makes decisions regarding tolling. Mr. Sheppard Miller commented that to be smoke and mirrors. He explained that if you put a \$10.00 toll on the crossings you could plan for \$20 billion.

TAC Chair Neal Crawford requested a motion to recess the TAC meeting.

Mr. Sheppard Miller made a Motion to recess the Technical Advisory Committee Meeting; seconded by Mr. Joe Frank. TAC Chair Crawford held a voice vote to approve the motion, and The Motion Carried Unanimously.

The HRTAC Technical Advisory Committee Meeting recessed at 11:22 AM.

Chair Sessoms welcomed the HRTAC Technical Advisory Committee members to stay for the balance of the HRTAC Regular Meeting.

### **Executive Director's Update**

HRTAC Executive Director Kevin Page remarked that his first two weeks on the job were like trying to jump on a moving automobile that is already doing 50 mph. He recognized the outpouring of support being provided by both the HRTPO and HRPDC staff. He referred the members to the weekly HRTAC Executive Leadership Report and solicited any information generated from additional meetings that members would like shared with the Commission. He expressed excitement and anticipation looking forward with HRTAC.

### **Consent Items**

Chair Sessoms requested a motion for the consent items.

Delegate Joannou asked for clarification of one passage in the document for Delegation of Authority to the Executive Director. Chair Sessoms and Mr. Inglima provided additional insight and clarification to the satisfaction of Delegate Joannou.

Michael Hipple made a Motion to Approve Agenda Consent Items 8A (July 16, 2015 HRTAC Regular Meeting Minutes), 8B (Delegation of Authority to Executive Director), and 8C (Re-Authorization of Officers and Executive Director to execute agreements and instruments with financial institutions) using for each of those items the suggested motions provided by the Executive Director in the applicable Agenda Package Briefing Memo; seconded by Linda Johnson. Chair Sessoms held a voice vote to approve the motion, and The Motion Carried Unanimously.

### **Action Items**

Chair Sessoms called for discussion on Agenda Action Item 9A. Director Page summarized that the action item as an effort to finalize the contract with VDOT for the I-64 Widening Project Segment 2. Mr. Inglima added that the agreement was in draft form. Mr. Inglima explained some of the highlights of the agreement, including contractor selection, budget-based cost controls, and collection of qualitatively and quantitatively consistent bids. He continued that HRTAC would pay VDOT for the services on a reimbursement basis.

Mr. Inglima also commented that one concept on which they are still working is if the bids come in substantially lower than projected, that they could float down the allocation of funding to be commensurate with the bids. Another concept Mr. Inglima offered on which that they are working, involves recalibration of budget amounts should a project receive HB2 funding.

Delegate Joannou asked about a provision in the proposed contract regarding attorneys for VDOT and why the Attorney General wouldn't be engaged to resolve a dispute. Secretary Layne commented that could constitute a Conflict of Interest. Commissioner Kilpatrick added that VDOT always goes through the Office of the Attorney General for counsel or request for counsel. He continued that they observe a need to make certain conflicts are not created with HRTAC.

Vice Chair Clyde Haulman made a Motion to Approve HRTAC Resolution 2015-03 in the form included in the Agenda Package at Item 9A; seconded by Mr. Hipple.

Noting this to be a capital expenditure item, Mr. Inglima suggested a roll call vote.

Chair Sessoms, hearing no further discussion, called for a roll call vote. The roll call vote was conducted and the results were as follows:

Mayor Alan Krasnoff	Yes
Mayor George Wallace	Yes

Mr. Michael Hipple	Yes
Mayor McKinley Price	Yes
Mayor Paul Fraim	Yes
Mayor Kenneth Wright	Yes
Mayor Linda Johnson	Yes
Mayor William Sessoms, Jr.	Yes
Mayor Clyde Haulman	Yes
Mr. Tom Shepperd, Jr.	Yes
Senator Frank Wagner	Yes
Senator Kenneth Alexander	Yes
Delegate Johnny Joannou	Yes
Delegate Chris Jones	Yes
Delegate David Yancey	Yes
Mr. Rex Alphin	Absent
Mayor W. Eugene Hunt, Jr.	Absent
Mayor Raystine Johnson-Ashburn	Absent
Mr. Dallas Jones	Absent

Regarding the motion on the floor, The Motion Carried Unanimously.

Chair Sessoms called for discussion on Agenda Action Item 9B. Senator Wagner offered that the Authorization to Conduct a FY2015 Budget Amendment Public Hearing is necessary because monies within the budget will be moved into different categories.

Senator Frank Wagner Moved to adopt the motion set forth in the Agenda Package Briefing Memo for 9B; seconded by Ms. Linda Johnson. Chair Sessoms held a voice vote to approve the motion, and The Motion Carried Unanimously.

### **Information Item**

Mr. Fraim noted that he chaired the Bylaw Committee and that they had tentatively chosen September 10 for their Bylaws Committee meeting, pending schedule availability. He noted that he would coordinate with Executive Director Page. He continued that they had received some public comments and already have a set of recommendations, one of which was to hold meetings once per quarter.

### **Next HRTAC Regular Meeting**

The next HRTAC Regular meeting will be held on September 17, 2015 at 12:30 p.m. on the HRTPO Boardroom.

### **Unfinished/New Business**

None was offered.

With no further business to come before the Hampton Roads Transportation Accountability Commission, the meeting adjourned at 11:34 a.m.

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William D. Sessoms, Jr.  
HRTAC Chair

**Agenda Item 6-A**  
**Action Item**

**To: Chair Sessions and the other members of HRTAC**

**From: Kevin Page**

**Date: September 17, 2015**

**Re: Endorsement of HRTPO HB2 Project Application**

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**Recommendation:**

The Commission is asked to endorse the HRTPO Application for HB2 funds.

**Background:**

The Commission has been briefed on the HB2 process and the competitive nature of the program. Under the guidelines of the HB2 program, the Hampton Roads Transportation Planning Organization (HRTPO) is the authorized applicant for regional projects funded through the Commonwealth's High Priority Projects Program. The HRTPO Staff has prepared an application for HB2 funding that includes three of the HRTAC candidate projects: (1) the I-64 Peninsula Widening, Segments 1, 2 and 3, (2) I-64 Southside Widening, including the High Rise Bridge, and (3) the I-64/I-264 Interchange Improvements. Immediately prior to the HRTAC Regular Meeting, the HRTPO is holding a meeting at which we expect the HRTPO will approve the submission of the application and the prioritization reflected therein. Following a briefing by Mike Kimbrel, HRTPO Principal Transportation Engineer, regarding the HRTPO's HB2 application and the HRTPO Board's action, the Commission will be asked to endorse the HRTPO application.

**Suggested Resolution:**

Motion is to endorse the HB2 application that the Hampton Roads Transportation Planning Organization approved at its September 17, 2015 meeting regarding the following three HRTAC candidate projects: (1) the I-64 Peninsula Widening, Segments 1, 2 and 3, (2) I-64 Southside Widening, including the High Rise Bridge, and (3) the I-64/I-264 Interchange Improvements, with the clarification that (a) the plan of finance reflected in the application is merely a sample plan and has not been adopted as the plan that the Commission will use, (b) the Commission will have to develop and approve a definitive plan of finance during the HB2 application evaluation process, which plan may include assumptions regarding the availability of HB2 funding and may be specific as to each candidate project, and (c) this endorsement does not constitute the approval of additional allocations to the projects from the Hampton Roads Transportation Fund.



## HAMPTON ROADS TRANSPORTATION FUND FINANCIAL REPORT

VDOT provides the HRTPO staff with monthly financial reports relating to the HRTF including the following information:

- Revenue from sources as detailed by the collecting agency
- Interest earnings
- Expenditures reflecting both the program total as well as project totals
- The current cash position/balance in the HRTF as well as forecasted cash position/balance

Attached are the July 2015 financial reports. Based on the financial reports received to date from VDOT, the HRTPO staff has analyzed the data and prepared the attached reports and summaries:

### **Revenues**

Total Gross Revenues (as of July 31, 2015): \$323,630,751

- State Sales and Use Tax : \$242,254,427
- Local Fuels Tax : \$79,794,009
- Interest : \$1,582,315

### **Expenditures**

Total Expenditures: \$2,142,715

- I-64 Peninsula Widening – Segment 1: \$1,544,502
- Total Dept. of Tax Administrative Fees: \$499,518
- Total DMV Administrative Fees: \$98,695

### **Cash Balance**

Ending Cash Balance: \$321,488,036

### **Encumbered Balance**

Balance of Encumbered: \$350,711,990

- Allocation: \$352,256,492
- Less Construction Expenditures: \$1,544,502

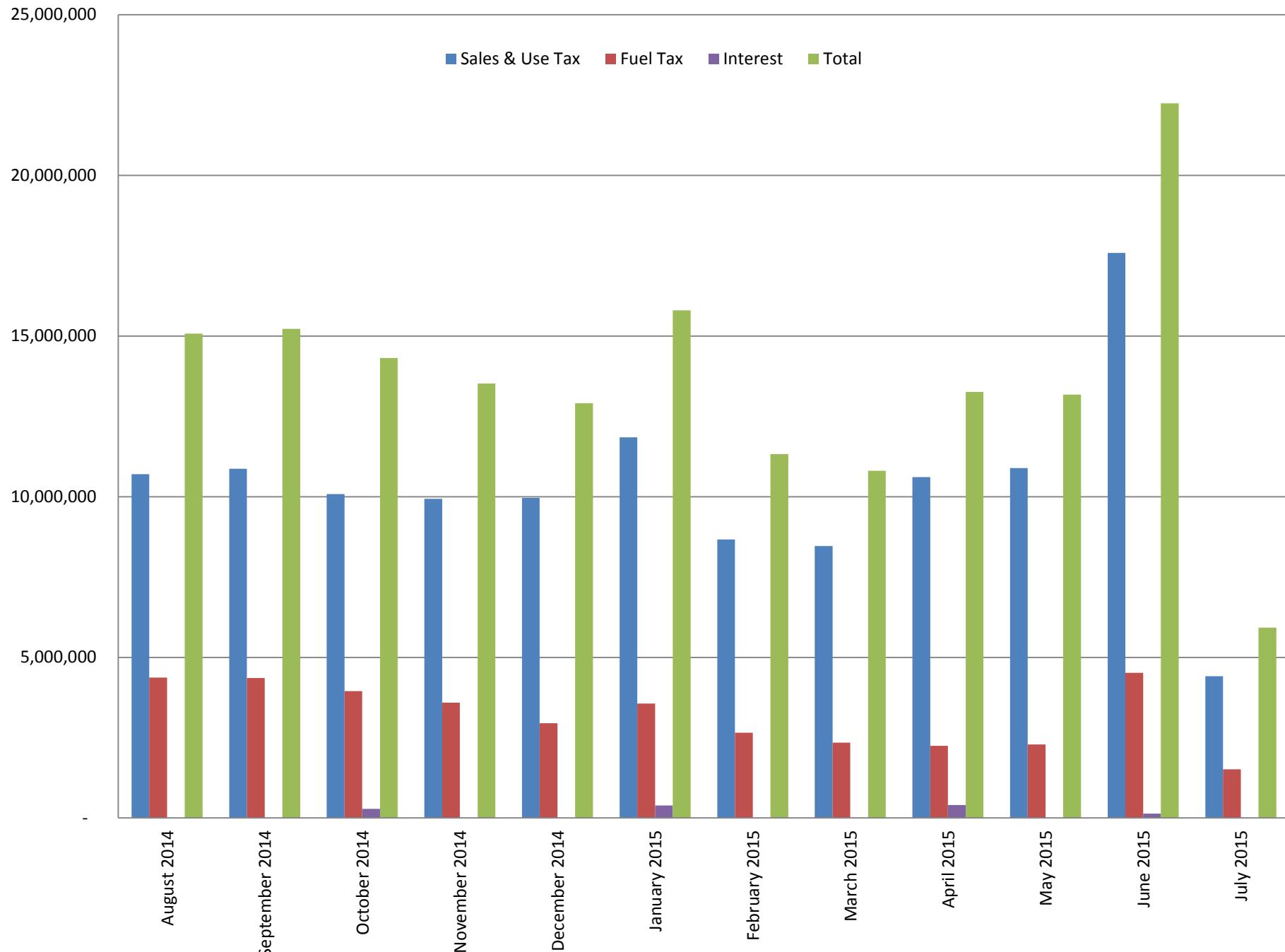
### **Net Available Cash**

Ending Available Cash Balance: \$-29,223,954

**Hampton Roads Transportation Fund (HRTF)**  
**Total of Sales & Use and Fuels Taxes**  
**Summary**

	Gross Revenue				Expenditures				Cummulative Balance 7/1/13 - 5/31/15	
	Sales & Use Tax	Fuel Tax	Interest	Total	Construction	Dept of Tax Admin Fee	DMV Admin Fee	Total		
July 2013 - June 2014	\$ 118,224,600	\$ 41,443,270	\$ 363,855	\$ 160,031,725	\$ 1,256,100	\$ 471,952	\$ 98,695	\$ 1,826,747		158,204,978
August 2014	10,701,965	4,372,700	-	15,074,665	73,019	-	-	-	73,019	173,206,624
September 2014	10,869,389	4,353,336	-	15,222,725	60,089	12,510	-	-	72,599	188,356,750
October 2014	10,082,755	3,950,834	284,421	14,318,010	91,205	593	-	-	91,798	202,582,962
November 2014	9,933,770	3,590,415	-	13,524,185	39,547	11,377	-	-	50,924	216,056,223
December 2014	9,964,325	2,947,347	-	12,911,672	16,049	7,055	-	-	23,104	228,944,791
January 2015	11,849,200	3,561,879	391,282	15,802,361	23,415	-	-	-	23,415	244,723,737
February 2015	8,667,143	2,657,036	-	11,324,179	(14,922)	(3,969)	-	-	(18,891)	256,066,807
March 2015	8,463,030	2,347,171	-	10,810,201	-	-	-	-	-	266,877,007
April 2015	10,608,274	2,249,595	405,386	13,263,255	-	-	-	-	-	280,140,262
May 2015	10,889,809	2,287,393	-	13,177,202	-	-	-	-	-	293,317,464
June 2015	17,587,265	4,519,545	137,371	22,244,181	-	-	-	-	-	315,561,645
July 2015	4,412,902	1,513,488	-	5,926,390	-	-	-	-	-	321,488,036
Total 12 Months	\$ 124,029,827	\$ 38,350,739	\$ 1,218,460	\$ 163,599,026	\$ 288,402	\$ 27,567	\$ -	\$ 315,968		321,488,036
Grand Totals	\$ 242,254,427	\$ 79,794,009	\$ 1,582,315	\$ 323,630,751	\$ 1,544,502	\$ 499,518	\$ 98,695	\$ 2,142,715		
Less Balance of Encumbered									\$ (350,711,990)	
Total Net Available									(29,223,954)	

# HRTF Revenue



**Table 1 - Total HRTF Revenues****Hampton Roads Transportation Fund (HRTF)****Total of Sales & Use and Fuels Taxes****Fiscal Year 2016**

Locality	Total YTD FY2014 & FY 2015	Previous FY2016	July 2015	Total YTD FY2016	Total
<i>Chesapeake</i>	\$ 57,563,089	\$ -	\$ 1,003,413	\$ 1,003,413	\$ 58,566,502
<i>Franklin</i>	2,865,973	-	32,652	32,652	2,898,625
<i>Hampton</i>	23,542,897	-	416,932	416,932	23,959,829
<i>Isle of Wight</i>	5,282,253	-	108,788	108,788	5,391,040
<i>James City</i>	14,177,964	-	307,909	307,909	14,485,873
<i>Newport News</i>	33,547,498	-	588,164	588,164	34,135,662
<i>Norfolk</i>	43,822,384	-	791,947	791,947	44,614,330
<i>Poquoson</i>	850,501	-	14,538	14,538	865,040
<i>Portsmouth</i>	11,236,094	-	261,043	261,043	11,497,137
<i>Southampton</i>	1,597,572	-	30,788	30,788	1,628,361
<i>Suffolk</i>	14,942,594	-	286,171	286,171	15,228,765
<i>Virginia Beach</i>	85,034,171	-	1,658,198	1,658,198	86,692,369
<i>Williamsburg</i>	7,022,217	-	135,770	135,770	7,157,987
<i>York</i>	14,636,839	-	290,077	290,077	14,926,916
<b>Total</b>	<b>\$ 316,122,046</b>	<b>\$ -</b>	<b>\$ 5,926,390</b>	<b>\$ 5,926,390</b>	<b>\$ 322,048,436</b>
<b>Interest</b>	<b>1,582,315</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,582,315</b>
<b>Total Revenues</b>	<b>\$ 317,704,361</b>	<b>\$ -</b>	<b>\$ 5,926,390</b>	<b>\$ 5,926,390</b>	<b>\$ 323,630,751</b>
<b>Construction</b>	<b>(1,544,502)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(1,544,502)</b>
<b>Dept of Tax Admin Fees</b>	<b>(499,518)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(499,518)</b>
<b>DMV Admin Fees</b>	<b>(98,695)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(98,695)</b>
<b>Cash Balance</b>	<b>\$ 315,561,646</b>	<b>\$ -</b>	<b>\$ 5,926,390</b>	<b>\$ 5,926,390</b>	<b>\$ 321,488,036</b>
<b>Less Balance of Encumbered</b>					<b>(350,711,990)</b>
<b>Net Available Cash</b>					<b>\$ (29,223,954)</b>
<b>Forecast</b>	<b>331,869,992</b>	<b>-</b>	<b>6,298,748</b>	<b>6,298,748</b>	<b>338,168,740</b>
<b>Total Revenue - Forecast (under)/over</b>	<b>(14,165,631)</b>	<b>-</b>	<b>(372,358)</b>	<b>(372,358)</b>	<b>(14,537,989)</b>

Source: VDOT report "Revenues By Locality"

Prepared by Hampton Roads Transportation Planning Organization on 9/4/2015

**Table 1A - State Sales & Use Tax****Hampton Roads Transportation Fund (HRTF)*****State Sales & Use Tax******Fiscal Year 2016***

Locality	Total YTD FY2014 & FY 2015	Previous FY2016	July 2015	Total YTD FY2016	Total
<i>Chesapeake</i>	\$ 42,602,215	\$ -	\$ 730,938	\$ 730,938	\$ 43,333,153
<i>Franklin</i>	1,855,105	-	28,406	28,406	1,883,511
<i>Hampton</i>	17,539,754	-	292,302	292,302	17,832,056
<i>Isle of Wight</i>	2,663,976	-	56,514	56,514	2,720,490
<i>James City</i>	12,098,166	-	241,828	241,828	12,339,994
<i>Newport News</i>	25,985,257	-	427,581	427,581	26,412,838
<i>Norfolk</i>	35,121,631	-	606,912	606,912	35,728,543
<i>Poquoson</i>	558,003	-	12,550	12,550	570,553
<i>Portsmouth</i>	7,793,823	-	175,698	175,698	7,969,521
<i>Southampton</i>	617,250	-	15,548	15,548	632,798
<i>Suffolk</i>	9,516,894	-	206,911	206,911	9,723,805
<i>Virginia Beach</i>	65,279,448	-	1,296,951	1,296,951	66,576,399
<i>Williamsburg</i>	5,391,622	-	95,570	95,570	5,487,192
<i>York</i>	10,818,381	-	225,192	225,192	11,043,573
<b>Total</b>	<b>\$ 237,841,525</b>	<b>\$ -</b>	<b>\$ 4,412,902</b>	<b>\$ 4,412,902</b>	<b>\$ 242,254,427</b>
Updated Forecast	236,871,040	-	6,019,163	6,019,163	242,890,203
Diff(under)/over	970,485	-	(1,606,261)	(1,606,261)	(635,776)

## Table 1B - Local Fuels Tax

**Hampton Roads Transportation Fund (HRTF)**  
***Local Fuels Tax***  
***Fiscal Year 2016***

Locality	Total YTD FY2014 & FY 2015	Previous FY2016	July 2015	Total YTD FY2016	Total
<i>Chesapeake</i>	\$ 14,960,876	\$ -	\$ 272,475	\$ 272,475	\$ 15,233,351
<i>Franklin</i>	1,010,868	-	4,245	4,245	1,015,113
<i>Hampton</i>	6,003,145	-	124,631	124,631	6,127,777
<i>Isle of Wight</i>	2,618,275	-	52,274	52,274	2,670,549
<i>James City</i>	2,079,798	-	66,081	66,081	2,145,879
<i>Newport News</i>	7,562,240	-	160,583	160,583	7,722,823
<i>Norfolk</i>	8,700,754	-	185,035	185,035	8,885,789
<i>Poquoson</i>	292,497	-	1,989	1,989	294,486
<i>Portsmouth</i>	3,442,272	-	85,344	85,344	3,527,616
<i>Southampton</i>	980,321	-	15,240	15,240	995,561
<i>Suffolk</i>	5,425,699	-	79,260	79,260	5,504,959
<i>Virginia Beach</i>	19,754,723	-	361,247	361,247	20,115,970
<i>Williamsburg</i>	1,630,595	-	40,200	40,200	1,670,795
<i>York</i>	3,818,458	-	64,885	64,885	3,883,343
<b>Total</b>	<b>78,280,521</b>	<b>\$ -</b>	<b>\$ 1,513,488</b>	<b>\$ 1,513,488</b>	<b>\$ 79,794,009</b>
Updated Forecast	94,200,002	-	279,585	279,585	94,479,587
Diff(under)/over	(15,919,481)	-	1,233,903	1,233,903	(14,685,578)

**Table 2A - Dept of Tax Administrative Fee**

**Hampton Roads Transportation Fund (HRTF)**

***Administrative Fee***

***Fiscal Year 2016***

Locality	Total YTD FY2014 & FY 2015	Previous FY2016	July 2015	Total YTD FY2016	Total
<i>Chesapeake</i>	\$ 88,870	\$ -	\$ -	\$ -	\$ 88,870
<i>Franklin</i>	3,817	-	-	-	3,817
<i>Hampton</i>	36,711	-	-	-	36,711
<i>Isle of Wight</i>	5,729	-	-	-	5,729
<i>James City</i>	27,205	-	-	-	27,205
<i>Newport News</i>	54,648	-	-	-	54,648
<i>Norfolk</i>	74,054	-	-	-	74,054
<i>Poquoson</i>	1,120	-	-	-	1,120
<i>Portsmouth</i>	15,747	-	-	-	15,747
<i>Southampton</i>	1,366	-	-	-	1,366
<i>Suffolk</i>	19,302	-	-	-	19,302
<i>Virginia Beach</i>	136,884	-	-	-	136,884
<i>Williamsburg</i>	11,448	-	-	-	11,448
<i>York</i>	22,617	-	-	-	22,617
<b>Total</b>	<b>\$ 499,518</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 499,518</b>
<b>% of Sales &amp; Use Tax Revenue</b>	<b>0.21%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.21%</b>

## Table 2B - DMV Administrative Fee

**Hampton Roads Transportation Fund (HRTF)**  
**Administrative Fee**  
**Fiscal Year 2016**

Locality	Total YTD FY2014 & FY 2015	Previous FY2016	July 2015	Total YTD FY2016	Total
<i>Chesapeake</i>	18,260	\$ -	\$ -	\$ -	\$ 18,260
<i>Franklin</i>	1,255	-	-	-	1,255
<i>Hampton</i>	7,781	-	-	-	7,781
<i>Isle of Wight</i>	3,305	-	-	-	3,305
<i>James City</i>	2,869	-	-	-	2,869
<i>Newport News</i>	9,844	-	-	-	9,844
<i>Norfolk</i>	10,866	-	-	-	10,866
<i>Poquoson</i>	275	-	-	-	275
<i>Portsmouth</i>	4,957	-	-	-	4,957
<i>Southampton</i>	1,212	-	-	-	1,212
<i>Suffolk</i>	7,249	-	-	-	7,249
<i>Virginia Beach</i>	24,312	-	-	-	24,312
<i>Williamsburg</i>	1,616	-	-	-	1,616
<i>York</i>	4,895	-	-	-	4,895
<b>Total</b>	<b>98,695</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 98,695</b>
<b>% of Fuel Tax Revenues</b>	<b>0.13%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>	<b>0.12%</b>

**Table 3 - Allocations**

**Hampton Roads Transportation Fund (HRTF)**  
**Allocations**  
**Fiscal Year 2016**

Project	Total YTD FY2014 & FY 2015	Previous FY2016	July 2015	Total YTD FY2016	Total
<i>I-64 Peninsula Widening</i>					
- <i>UPC 104905 (Segment 1) -Construction</i>	\$ 44,000,000	\$ -	\$ -	\$ -	\$ 44,000,000
- <i>UPC 106665 (Segment 2) - PE</i>	6,000,000	-	-	-	6,000,000
<i>I-64/264 Interchange Improvement</i>					
- <i>UPC 17630 - PE/ROW</i>	54,592,576	-	-	-	54,592,576
- <i>UPC 57048 - PE/ROW</i>	15,071,063	-	-	-	15,071,063
<i>Third Crossing - UPC 106724 - SEIS</i>	5,000,000	-	-	-	5,000,000
<i>I-64 Southside/High-Rise Bridge - UPC 106692 - PE</i>	20,000,000	-	-	-	20,000,000
<b>Total</b>	<b>\$ 144,663,639</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 144,663,639</b>

**Allocations at August 2015 Meeting**

I-64 Capacity Improvements - Segment II	207,592,853
<b>Total of All Allocations</b>	<b>\$ 352,256,492</b>

**Table 4 - Expenditures**

**Hampton Roads Transportation Fund (HRTF)**  
*Expenditures*  
*Fiscal Year 2016*

Source: VDOT report "All Project Costs"

Prepared by Hampton Roads Transportation Planning Organization on 9/4/2015

## Memorandum

**TO:** Hampton Roads Transportation Accountability Commission **FILE NO.: 36796.000**

**FROM:** Thomas C. Inglima

**DATE:** September 10, 2015

**SUBJECT:** Summary of Material Changes to HRTAC Bylaws

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At its September 10, 2015 meeting, the Bylaws Committee heard public comments and further considered proposed amendments to the existing Bylaws. Those amendments are highlighted in the blacklined copy of the draft Amended and Restated Bylaws included in the Agenda package for the Commission's September 17<sup>th</sup> meeting. Below is a summary of the material changes:

- Gender neutrality (e.g., "Chairman" is now "Chair") (throughout);
- Limit the terms that the Commission's officers (Chair and Vice Chair) may serve - two consecutive one-year terms (see Article III, Section B);
- Provide for regular meetings not less frequently than once per quarter (see Article IV, Section B);
- Establish the third Thursday of the scheduled month as the standing day for regular meetings (see Article IV, Section B);
- Change the month for the organizational meeting from July to June; this will allow for budget approval prior to the fiscal year (see Article IV, Section B);
- Allow the Chair to call a special meeting, and clarify that if members join together to request a special meeting, there must be at least seven voting members (see Article IV, Section C);
- Provide that if seven voting members request a special meeting, the meeting date cannot be earlier than the third business day after the Chair receives the request (see Article IV, Section C);
- Provide that notices of special meetings must be given at least 48 hours in advance (or 24 hours if called for exigent circumstances) (see Article IV, Section C);

- Provide that the Chair should endeavor to provide the agenda for regular meetings at least seven days in advance (see Article IV, Section M);
- Specify that financial policies recommended by the Finance Committee may involve policies relating to debit and credit cards, direct debit, and small purchases (see Article V, Section B.1.b);
- Change the name of the Technical Advisory Committee to the Funding Strategies Advisory Committee, and provide that no employee of an HRTAC jurisdiction may serve on this committee (except for employees who are also Members of the Commission) (see Article V, Section C);
- Provide that the chair of the Finance Committee and the chair of the Funding Strategies Advisory Committee may request support from HRTAC personnel or VDOT or other jurisdictional or agency staff (see Article V, Sections B.4 and C.4);
- Include in the list of exemplary ad hoc committees a “personnel committee”; if a personnel committee is not appointed, the Finance Committee is given responsibility to conduct the Executive Director’s annual review and to review general employee compensation (see Article V, Section E); and
- Authorize the Executive Director to administer the Commission’s approved administrative budget and make intra-budget line-item transfers (provided the Executive Director does not increase the total budget) (see Article VII, Section C).

**[PROPOSED]**

**AMENDED AND RESTATED BYLAWS**

**OF**

**HAMPTON ROADS**

**TRANSPORTATION ACCOUNTABILITY COMMISSION**

Approved: July 2, 2014 [ ]

**ARTICLE I**

**POWERS AND DUTIES**

The Hampton Roads Transportation Accountability Commission (the “Commission”) shall have all of the rights, powers and duties, and shall be subject to the limitations and restrictions, set forth in Chapter 1926 of Title 33.133.2 of the Code of Virginia of 1950, as amended (the “Virginia Code”), as such may be amended from time to time (the “Act”).

**ARTICLE II**

**MEMBERSHIP**

**A. Commission Members.** The Commission consists of twenty-three (23) members (“Members” or “Member”) as follows:

1. The chief elected officer of the governing body of each of the 14 counties and cities embraced by the Commission.
2. Three members of the House of Delegates who reside in different counties or cities embraced by the Commission. The House members shall be appointed to the Commission by the Speaker of the House.
3. Two members of the Senate who reside in different counties or cities embraced by the Commission. The Senate members shall be appointed to the Commission by the Senate Committee on Rules.
4. A member of the Commonwealth Transportation Board who resides in a locality embraced by the Commission and appointed by the Governor, who shall serve as a nonvoting ex officio member of the Commission.
5. The Director of the Virginia Department of Rail and Public Transportation, or his or her designee, who shall serve as a nonvoting ex officio member of the Commission.

6. The Commonwealth Transportation Commissioner of Highways, or his or her designee, who shall be a nonvoting ex officio member of the Commission.
7. The Executive Director of the Virginia Port Authority, or his or her designee, who shall serve as a nonvoting ex officio member of the Commission.

## ARTICLE III

### **OFFICERS AND DUTIES**

**A. Officers.** The Commission shall annually elect from its voting Members a **Chairman****Chair** and a Vice-**Chairman****Chair**. The Commission may further elect such other subordinate officers from among its Members as it may from time to time deem appropriate. The election of officers shall be conducted in accordance with the voting procedures set forth in Article IV, section K.

**B. Terms of Office.** Officers of the Commission shall be elected at the annual organizational meeting of the Commission, to serve for a term of one (1) year **or until a successor is elected**, unless sooner removed by the Commission, **or until a successor is elected** **or the person ceases to be a Member of the Commission**. All officers shall be eligible for **re-election** **reelection; provided, however, no officer may serve more than two (2) consecutive one (1) year terms in succession. Any officer who serves a partial term shall not be considered as serving a full term for purposes of this limitation.** Any vacancy occurring in an office will be filled for the unexpired term by the Commission at the next regular meeting **(or at an earlier special meeting called for that purpose)** following the occurrence of such vacancy.

**C. Appointment.** At a regular meeting held preceding the annual organizational meeting at which the election of officers will be held, the **Chairman****Chair** shall appoint a nominating committee. At the annual organizational meeting, the nominating committee shall submit the name or names of one or more persons for each office to be filled. Further nominations may be made by any Member at the annual meeting.

**D. Chairman****Chair**. The **Chairman****Chair** shall preside over all meetings of the Commission at which he or she is present, and shall vote as any other Member. The **Chairman****Chair** shall be responsible for the implementation of the actions taken and policies established by the Commission, shall have all of the powers and duties customarily pertaining to the office of **Chairman****Chair**, and shall perform such other duties as may from time to time be established by the Commission.

**E. Vice Chairman****Chair**. In the event of the absence of the **Chairman****Chair**, or the inability of the **Chairman****Chair** to perform any of the duties of the office or to exercise any of the powers thereof, the Vice **Chairman****Chair** shall perform such duties and possess such powers as are conferred on the **Chairman****Chair**, and shall perform such other duties as may from time to time be assigned to the Vice **Chairman****Chair** by the **Chairman****Chair** or be established by the Commission.

## ARTICLE IV

### MEETINGS

**A. Annual Organizational Meeting.** The annual organizational meeting of the Commission shall be ~~the first meeting~~ held by the Commission in the month of ~~July~~June for the purpose of electing officers and transacting such other business as may come before the meeting.

**B. Regular Meetings.** Regular meetings of the Commission shall be held on a periodic basis as determined by resolution of the Commission, but not less frequently than once per quarter, on the third Thursday of the scheduled month at a place to be determined by the Chair, or at such time and place as the Commission may determine ~~by resolution. If no meeting is held in January, February or March of a year, then, for purposes of the quarterly meeting requirement in the preceding sentence, a meeting held in April of that year shall be deemed held during the first quarter. The regular meeting for the month of June shall serve as the annual organizational meeting.~~

**C. Special Meetings.** Special meetings ~~shall be held when requested by seven or more Members. Such~~may be called by the Chair, in his or her discretion, or by request in writing of at least seven voting Members. Any request ~~shall be~~ in writing, by seven or more voting members shall be addressed to the ~~Chairman~~Chair and shall specify the time and place of meeting and the matters to be considered at the meeting. ~~Upon receipt of such request, the Chairman, which time shall not be earlier than the third business day after the day that the Chair receives the request. If the Chair elects to call a special meeting or receives a request in writing from the requisite number of Members, the Chair~~ shall ~~ensure the necessary coordination for a~~take appropriate action to coordinate the meeting site and time and shall cause notice to be provided to each Member of the Commission to attend the special meeting at the applicable time and place ~~mentioned in the request~~. Such notice shall specify the matters to be considered at the meeting, and shall be sent by electronic (e.g. email) or telephonic means at least forty-eight [48] hours ~~(twenty-four [24] hours~~ if the meeting is called by the Chair in exigent circumstances) in advance of the date of the meeting. Formal notice to any person is not required provided all Members are present or those not present have waived notice in writing, filed with the records of the meeting, either before or after the meeting.

**D. Adjourned Meetings.** Any regular or special meeting may be adjourned to a date and time certain.

**E. Public Notice.** All meetings of the Commission shall be preceded by public notice given in accordance with the provisions of Section 2.2-3707 of the Virginia Code. Notice of all meetings shall be published on the Commission's website and available in the offices of the Commission.

**F. Public Hearing.** Public hearings may be held at the direction of the Commission and shall, unless otherwise specified by the Commission or these Bylaws, be upon notice published on the Commission's website and in a newspaper or newspapers having general circulation in the geographic area encompassed by the Commission.

**G. Open Meetings.** All Commission meetings shall be open to the public in accordance with the Virginia Freedom of Information Act (Virginia Code §2.2-3700 et seq.), provided that the Commission may meet in closed session for those purposes authorized by, and held in accordance with the requirements of the Virginia Freedom of Information Act, to include requirements for public notice.

**H. Quorum.** A majority of the Commission (both voting and nonvoting), which shall include at least a majority of the chief elected officers of the counties and cities embraced by the Commission, shall constitute a quorum.

**I. Temporary Absence.** No action shall be voted upon by the Commission unless a quorum is present; provided, however, that the temporary absence from the meeting room of Members required to constitute a quorum shall not be deemed to prevent presentations or deliberations regarding any matter that may be submitted to a vote. The ~~Chairman~~Chair or any other Member may note the absence of a quorum during presentations or deliberations, but a failure to note the absence of a quorum during that period shall not affect the requirement that a quorum exist when any vote is taken.

**J. Decisions of the Commission.** The Commission shall act in one of the following ways:

1. Resolution – The Commission may act upon adoption of a resolution. Resolutions shall be in writing and a copy of any proposed resolution shall be provided to all Members of the Commission before the resolution is proposed for adoption. To the extent possible, such copy shall be provided twenty-four (24) hours in advance.
2. Motion – The Commission may act on oral motion made by a voting Member of the Commission.

**K. Voting.**

1. Votes – Votes shall be taken only upon motions made and seconded. Each voting Member of the Commission shall be entitled to one (1) vote in all matters requiring action by the Commission. Decisions of the Commission shall require the affirmative vote of two-thirds of the voting Members present and voting, and two-thirds of the chief elected Officers of the counties and cities embraced by Planning District 23 who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Commission. However, no vote to fund a specific facility or service shall fail because of the aforesaid population criterion if such facility or service is not located or to be located, or provided or to be provided, within the county or city whose representative's sole negative vote caused the facility or service to fail to meet the population criterion. For purposes of the foregoing, the population of the counties and cities embraced by the Commission shall be determined in accordance with the Act.

2. Methods of Voting – All voting shall be taken by voice or by roll call if requested by any voting Member.
3. Restating the Question – The ~~Chairman~~Chair shall restate the question prior to the taking of a vote, provided, however, that at the request of the ~~Chairman~~Chair, a Member may restate the question if it is the opinion of the ~~Chairman~~Chair that such procedure will expedite the decision of the question.
4. Reconsideration – Action on a resolution or motion that has been approved may be reconsidered only upon motion of a Member voting with the prevailing side on the original vote, which motion must be made at the same regular meeting. A motion to reconsider may be seconded by any Member. Any resolution or motion that failed as a result of a tie vote may be reconsidered upon motion by any Member who voted against it, which motion must be made at the same meeting or the next regularly scheduled meeting.

**L. Commencement of Meetings.** At the times specified for the commencement of regular meetings, and at the hour specified for adjourned or special meetings, the ~~Chairman~~Chair shall call the meeting to order, and shall ensure that the presence or absence of Members is noted. A quorum shall be required for the commencement of any meeting.

**M. Agenda.** The ~~Chairman~~Chair shall prepare an agenda for each meeting. Any Member having matters to be considered by the Commission shall submit them to the ~~Chairman~~Chair for inclusion on an appropriate agenda. The agenda for an upcoming meeting shall be sent to the Members prior to the meeting date (for regular meetings, the Chair should endeavor to provide the agenda at least seven (7) days in advance).

**N. Minutes.** Minutes of the meetings of the Commission, except closed sessions, shall be kept and be a public record. Copies of the minutes shall be provided to each Member prior to the meeting at which the minutes are to be presented for approval by the Commission.

**O. Closed Sessions.** If a closed session is required at a meeting, consistent with purposes permitted by Virginia law, the agenda shall specify a time or position on the agenda, generally after all public business has concluded, for such a closed session properly called and conducted in accordance with Virginia law. When so requested, the ~~Chairman~~Chair may permit a closed session at any other time prior to consideration of any agenda item provided that the purpose of the closed session and the procedure used to go into closed session are in accordance with Virginia law.

**P. Order in Conduct of Business.**

1. Persons Addressing the Commission – Prior to public comment and public hearings, the Commission will provide guidelines for length of presentation by individuals and group representatives. Persons speaking at a meeting or public hearings hearing shall confine their remarks to the subject of the meeting or public hearing. At the discretion of the ~~Chairman~~Chair, the conduct of business by the Commission may be reordered to allow earlier consideration of matters

about which a substantial number of persons desire to address the Commission. Persons addressing the Commission may furnish the ~~Chairman~~Chair and Members with a written copy of their remarks, at or before the meeting.

2. Recognition – Recognition shall be given only by the ~~Chairman~~Chair. No person shall address the Commission without first having been recognized.
3. Questions – Questions by Members shall be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process, and duplicating ground the speaker may cover.
4. Commission Discussion – Discussion and debate by the Commission shall be conducted following the presentation of the item of business pending. Members shall not speak to the item until recognized by the ~~Chairman~~Chair.

**Q. Decorum.**

1. Commission Members – Decorum of Members shall be maintained in order to expedite disposition of the business before the Commission. Questions and remarks shall be limited to those relevant to the pending business. Members shall address all remarks to the ~~Chairman~~Chair.
2. Others – Decorum of persons other than Members shall be maintained by the ~~Chairman~~Chair, who may request such assistance as may appear necessary. Persons addressing the Commission shall first be recognized by the ~~Chairman~~Chair and shall audibly state their name and address, and, if applicable, who they represent. Speakers shall limit their remarks to those relevant to the pending items and to answering questions. They shall address the Commission as a whole unless answering an individual Member's questions. Persons whose allotted time to speak has expired shall be warned by the ~~Chairman~~Chair to conclude after which such person shall leave, unless he or she is asked to remain to answer questions from the Commission. The ~~Chairman~~Chair shall call the speaker to order if out-of-order remarks are made or other indecorous conduct occurs. If such persists, the ~~Chairman~~Chair shall rule the speaker out-of-order and direct the speaker to leave. Groups or a person in the audience creating an atmosphere detrimental or disturbing to the conduct of the meeting will be asked to leave by the ~~Chairman~~Chair.

**ARTICLE V**

**COMMITTEES**

**A. Open Meeting Requirement.** Commission appointed committees and subcommittees shall comply with the open meeting requirements of the Virginia Freedom of Information Act.

## B. Finance Committee.

1. Charge. This committee shall be responsible for advising the Commission on all financial matters and overseeing financial activities undertaken by the Commission, including:
  - a. Reviewing, commenting on, and recommending the annual budget and adjustments to the budget.
  - b. Recommending the Commission's financial policies (e.g., bond, investment, procurement, risk management, debit and credit card, direct debit, and small purchases) and making recommendations.
  - c. Monitoring the Commission's compliance with policies and procedures.
  - d. Reviewing financial statements, and
  - e. Working with the Auditor of Public Accounts in performing the annual audit.
2. Membership. The Committee shall consist of five (5) Members of the Commission appointed by the ChairmanChair for staggered two year terms.
3. ChairmanChair. The chairmanchair and the vice chairmanchair of the Committee shall be appointed by the ChairmanChair of the Commission.
4. Staff Support. Staff support ~~will be provided by VDOT staff. As may be requested by the committee chairman, additional support may be provided by chair from HRTAC personnel or VDOT~~, jurisdictional or other agency staff.
5. Quorum and Voting. A quorum shall consist of a majority (3) of the committee members. Approval of recommendations ~~or actions~~ shall require an affirmative vote of a majority of the members present.

## C. TechnicalFunding Strategies Advisory Committee.

1. Charge. This committee of individuals shall be responsible for recommending funding strategies to build a program of projects identified by the HRTPO and the Commission.
2. Membership. The Committee shall consist of nine (9) individuals. The ChairmanChair shall appoint six (6) members who reside or are employed in counties and cities embraced by the Commission and who have experience in transportation planning, finance, engineering, construction, or management. Initially, half the members appointed by the ChairmanChair will serve a one year term. The other half will serve two year terms. Subsequently, members will serve three year terms. The ChairmanChair of the Commonwealth Transportation Board will appoint three (3) members of the technicalfunding strategies advisory

committee and each of them will serve a three year term. Committee members appointed by the ~~Chairman~~Chair may be removed by the ~~Chairman~~Chair if the member fails to attend three consecutive meetings or no longer resides or is employed in a jurisdiction embraced by the Commission, or if the ~~Chairman~~Chair receives a request for removal from the chief elected officer of the jurisdiction embraced by the Commission in which the member resides or is employed. **Except for an employee who is also a Member of the Commission, no employee of any county or city embraced by the Commission shall be eligible to serve on this Committee.**

3. ~~Chairman~~Chair. The ~~chairman~~chair and the vice ~~chairman~~chair of the Committee shall be appointed by the ~~Chairman~~Chair of the Commission.
4. ~~Staff Support~~. Staff support ~~will be provided by VDOT staff. As may be~~ requested by the committee ~~chairman, additional support may be provided by~~chair from HRTAC personnel or VDOT, jurisdictional or other agency staff.
5. **Quorum and Voting**. A quorum shall consist of a majority (5) of the committee members. Approval of recommendations or actions shall require an affirmative vote of a majority of the members present, which shall include at least three of the members appointed by the ~~Chairman~~Chair.

**D. Additional Committees.** The Commission may, in its discretion, form such additional advisory committees as it may deem appropriate.

**E. Ad Hoc Committees.** As needed, the ~~Chairman~~Chair of the Commission may appoint ad hoc committees to pursue specific tasks (e.g., nominating committee), personnel committee. **In the absence of an appointed personnel committee, the Finance Committee shall be responsible for conducting the Executive Director's annual review, reviewing employee compensation and recommending adjustments thereto.**

## **ARTICLE VI**

### **ADMINISTRATION**

**A. Executive Director.** The Commission shall employ or contract with an Executive Director who shall have direct authority for the employment, retention, and supervision of all of the other employees of the Commission. The Executive Director shall have direct control, subject to the oversight and authority of the Commission, of the management of the day-to-day administrative affairs of the Commission. The Executive Director shall propose activities to the Commission and shall carry out policies, programs and projects approved by the Commission, and shall be responsible for preparing and presenting the annual budget. The Executive Director may not contemporaneously serve as a member of the Commission.

**B. Staff.** The Commission may employ or contract for such staff of qualified professional and other persons as the Commission determines to be necessary to carry out its duties and

responsibilities. Staff of the Commission may not contemporaneously serve as a member of the Commission.

**C. Execution of Instruments.** The Executive Director, on specific authorization by the Commission, shall have the power to sign or countersign in its behalf any agreement or other instrument to be executed by the Commission including checks and vouchers in payment of obligations of the Commission.

## **ARTICLE VII**

### **FINANCES**

**A. Finances and Payments.** The monies of the Commission shall be deposited in a separate bank account or accounts in such banks or trust companies as the Commission designates, and all payments (with the exception of those from petty cash) shall be made in the most practicable manner as determined by the Commission. Checks and drafts shall be signed and countersigned by the Chairman Chair (or, in the Chairman Chair's absence, the Vice ChairmanChair), and the Executive Director (or, in the Executive Director's absence, the Vice Chair or those authorized from time to time by vote of the Commission).

**B. Audits.** At least once each year, the Commission shall work with the Auditor of Public Accounts (APA) to have an audit to be made by an independent certified public accountant or by APA of all funds of the Commission.

**C. Budget and Fiscal Year.** After a duly convened public hearing held in accordance with the requirements of Virginia Code § 33.1-470(A), the Commission shall adopt an annual budget for each fiscal year which budget shall provide for all of the revenues and the operating, capital, and administrative expenses of the Commission for the fiscal year. The fiscal year of the Commission will commence on July 1st each year and will terminate on the following June 30th. The annual budget for a fiscal year shall, except in the case of the Commission's first fiscal year, be adopted before such fiscal year begins. The Executive Director is authorized to administer the administrative budget approved by the Commission and may, in the exercise of that authority, implement adjustments to the amounts allocated to line items within the administrative budget, provided that, after giving effect to those adjustments, the aggregate amount of the administrative budget is equal to or less than the then applicable Commission-approved administrative budget.

**D. Per Diem Payments.** The Commission may pay its Members for their services to the Commission a per diem in either: (1) the amount provided in the general appropriations act for members of the General Assembly engaged in legislative business between sessions, or (2) a lesser amount determined by the Commission.

**E. Bond of Officers and Others.** The officers of the Commission and such employees as the Commission so designates, may, prior to taking office or starting contract or employment, respectively, be required by the Commission to give bond payable to the Commission conditioned upon the faithful discharge of that officer, contract employee or employee's duties, in

such amount as the Commission may require. The premium for each such bond shall be paid by the Commission and the bond(s) shall be filed with the Commission.

## **ARTICLE VIII**

### **AMENDMENTS**

Any proposed amendment, repeal or alteration, in whole or in part, of these Bylaws shall be presented in writing and read for a first time at a regular meeting of the Commission. Such proposal may be considered and amended at such meeting, but shall not be acted on by the Commission until a subsequent regular meeting or a special meeting called for the purpose. At such subsequent meeting, such proposal shall be read a second time, shall be subject to further consideration and amendment germane to the section or sections affected by such proposal, and shall thereafter be acted on in accordance with the voting requirements of these Bylaws.

## **ARTICLE IX**

### **PROCEDURES**

Parliamentary Procedure. In all matters of parliamentary procedure not specifically governed by these Bylaws or otherwise required by law, the current edition of *Robert's Rules of Order, newly revised*, shall apply.

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Padding cell	Light grey

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