

**Hampton Roads Transportation
Accountability Commission (HRTAC)
Summary Minutes of the October 17, 2019 Regular Meeting**

The Hampton Roads Transportation Accountability Commission (HRTAC) Regular Meeting was called to order at 9:40 a.m. in the Regional Building Board Room, 723 Woodlake Drive, Chesapeake, Virginia, with the following in attendance:

HRTAC Members in Attendance:

Linda T. Johnson, Chair	John Rowe, PO
Donnie Tuck, Vice Chair	Herbert Green (in for Eugene Hunt), PQ
Rick West, CH*	Barry T. Porter, SH
Frank Rabil, FR	Thomas G. Shepperd, YK
Donnie Tuck, HA	Bob Dyer, VB*
Joel Acree, IW	Senator John Cosgrove, VGA
Michael Hipple, JC	Senator Monty Mason, VGA
McKinley Price, NN	Delegate Christopher Stolle, VGA
Kenneth Alexander, NO	Delegate David Yancey, VGA

HRTAC Executive Director

Kevin Page

HRTAC Ex-Officio Members in Attendance:

Stephen Brich, VDOT	Cathy Vick, VPA
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Other Participants:

Nick Donohue, Deputy Secretary of Transportation	Robert Bowen, Norfolk Airport Authority
Ella Ward, CH	Michael Giardino, Peninsula Airport Authority
Terry Danaher, CTAC	Bob Baldwin, PO
Barry Cheatham, FR	J. Randall Wheeler, PQ
Amanda Jarratt, FR	Patrick Roberts, SU
Brent Fedors, GL	Tom Leahy, VB
Mary Bunting, HA	Andrew Trivette, WM
William Harrell, HRT	Capt. Michael Moore, US Navy
Randy Keaton, IW	Christopher Hall, VDOT
Jason Purse, JC	Neil Morgan, YK
Col. Ed Vedder, Langley Eustis	Zach Trogdon, WATA
Cynthia Rohlf, NN	Tom Inglima, Willcox & Savage
Chip Filer, NO	

HRTAC Voting Members Absent:

Delegate Chris Jones, VGA	Paul Freiling, WM
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HRTAC Ex-Officio Members Absent:

John Malbon, CTB

Jennifer Mitchell, DRPT

* Denotes Late Arrival or Early Departure

Others Recorded Attending:

Judy Hinoh, Earl Sorey, (CH); Brian DeProfio (HA); Angela Y. Hopkins, Dave Jenkins, Bridgette Parker, Bryan Stilley, Jerri Wilson (NN); Thelma Drake, Amy Inman, (NO); Shannon Glover (PO); Randolph Cook (SH); Leroy Bennett (SU); Robert Matthias (VB); Sheila Noll (YK); Mark Geduldig-Yatrofsky (Atlantishr.us); Doug Wilson (ERC); Jake Fink (HNTB); Margaret Rockwell (McGuire Woods Consulting); Karen McPherson (McPherson Consulting); Liang Shan (PFM); Lui Zukosky (RK&K); Michael King, (U.S. Navy); Caleb Smith (U.S. Representative Elaine Lauria's Office); Drew Lumpkin (U.S. Senator Warner's Office); Faizan Habib, Sonya Hallums-Ponton, Tim Haynam, Eric Stringfield (VDOT); Sheldon Poe, Shane Royer (Veteran Reporters); Courtney Gilmore Whelan (Willcox & Savage); Chris Mills (WSP); Kelli Arledge, Keith Cannady, Andrea Gayer, Logan Grimm, Andrew Margason, Cynthia Mulkey, Katherine Rainone, Matt Smith, Tiffany Smith, Joe Turner, Chris Vaigneur, Sheila Wilson (HRPDC); Lynn Coen, Jennifer Hodnett (HRTAC); Sam Belfield, Theresa Brooks, Natalie Brown, Rob Case, Rob Cofield, Bob Crum, Kathlene Grauberger, Uros Jovanovic, Mike Kimbrel, Sharon Lawrence, John Mihaly, Kendall Miller, Keith Nichols, Jeffrey Raliski, Dale Stith (HRTPO)

Dr. McKinley Price acknowledged the passing of former Delegate, Mr. Alan Diamonstein and recognized his service to the City of Newport News. He requested a moment of silence in his honor.

The HRTPO and the HRTAC concurrently called their meetings to order at 9:40 a.m.

Public Comment Period (limit 5 minutes per individual)

A member of the public addressed the HRTAC.

Mr. Mark Geduldig-Yatrofsky, Portsmouth Citizen, explained the fragile nature of the environment and requested a policy be developed to mitigate for the destruction of trees due to the new transportation projects. He further asked the policy be included in the Legislative Agenda and an allocation of funds to implement the policy.

Mr. Rick West and Mr. Bobby Dyer arrive.

Approval of Agendas

After the HRTPO approved its agenda, the HRTAC approved its agenda.

The HRTAC stood at ease.

After the HRTPO conducted items five through nine on its agenda, the HRTPO stood at ease. Mrs. Linda T. Johnson then called the HRTAC meeting back to order.

Chair Comments

HRTAC Chair, Mrs. Linda T. Johnson, thanked Commission members for their attendance and indicated that the concurrent meetings with the HRTPO are beneficial to executing a Master Tolling Agreement with the Virginia Department of Transportation (VDOT) in the coming months.

Executive Director Mr. Page reviewed the consent agenda for the Commission.

Consent Items

- A. Minutes of the September 19, 2019 Regular Meeting
- B. Amendment to the Approved HRTAC FY2020 HRTAC Administrative and Project Development Budget
- C. Amendment to the HRTAC Accounting Policies and Procedures

Mr. Michael Hipple Moved to approve the consent agenda items; seconded by Mr. Thomas Shepperd. The Motion Carried.

Information Items of the Commission

A. HRTAC Monthly Financial Report

HRTAC Chair, Mrs. Johnson, acknowledged the HRTF Financial Report included in the agenda packet.

B. VDOT Project Updates

HRTAC Chair, Mrs. Johnson, the VDOT Project Update report was included in the agenda packet.

The HRTPO reconvened.

Concurrent HRTAC and HRTPO Discussion Item

A. I-64 Regional Express Lanes Update

Mr. Robert Crum, HRTPO Executive Director, reported that during the July HRTPO Board meeting, the Board asked HRTPO staff and VDOT to analyze how the Express Lanes Network would work in two steps: First, VDOT would analyze how the Express Lanes Network would operate in its opening year of 2025; Second, the TPO staff would look further in the future (looking out to 2040 through 2045) and analyze how the Express Lanes Network would work in comparison to the existing general purpose lanes. The HRTPO staff ultimately found that the Region can expect about 20% more traffic going through the Hampton Roads Bridge Tunnel (the "HRBT") by 2040 to 2045.

Mr. Crum commented that there is not much right-of-way near the entrance to the HRBT. The HRTPO analysis showed that performance of the Express Lanes network is very good. Looking at the 2040 to 2045 timeframe, if a trip around our managed lane system is guaranteed with these new digital transportation management investments, the Express Lanes Network provides the best chance of mobility for the Residents and businesses in the Region. He said that VDOT will provide an overview of its analysis and detail what some of the initial improvements would look like and what the costs associated with those improvements would be.

Mr. Stephen Brich, P.E., VDOT Commissioner, then briefed the HRTPO Board on the Hampton Roads Regional Express Lanes Network Project Costs:

Peninsula Improvement Elements

- **Repurposing of HOV lane to HOT**

- Toll gantries and equipment
- Bollards
- Signing and marking

- **East Bound (EB) Widening from Rip Rap Road**

- Realign and replace bridge at LaSalle Avenue Loop Ramp
- Realign Rip Rap Road and Settlers Landing Road Ramps
- Replacement of the King Street and Hampton River Bridges
- Rehab and Widen of Settler's Landing Bridge
- Noise Walls
- Right-of-way

- **WB Widening to Rip Rap Road from Settler's Landing**

- Realign Settlers Landing Road Ramps
- Replace King Street Bridge
- Rehab and Widen Hampton River (required for replacement of EB Bridge), Settlers Landing Road, New Market Creek bridges
- Noise Walls
- Right of way

The estimated cost of providing the Peninsula Improvements including, *Preliminary Engineering, Right-of-Way, Construction, Construction Engineering Inspection, and Contingency*, is between \$600 and \$650 million.

Mr. Donnie Tuck noted that with two lanes coming across the bridge then a third lane after Mallory Street, there is a possibility for congestion. He stated that if a two-by-two lane layout is going to be created, then the golf course in the vicinity will have to be considered.

Mr. Brich stated the Veterans Cemetery, Hampton University and the golf course will be considered. He stated that creating a two-by-two layout will clear the congestion in the eastbound direction.

Mr. Tuck asked for clarification regarding the sound walls which could block the view of the City of Hampton.

Mr. Brich stated there are federal requirements to comply with, and that the view of the City of Hampton will be taken into consideration in constructing any sound walls.

After discussion on the Peninsula Improvement elements, Mr. Brich continued with the I-64 Regional Express Lanes Update.

Southside Improvement Elements

- **Repurposing of Existing Pavement**

- Reconstruct shoulders
- Signing and marking
- Replace Tidewater and Chesapeake Boulevard bridges
- Noise Walls

- **West Bound (WB) slip ramp at I-564**

- Provides continuous managed lane

The estimated cost of the Southside Improvements, including *Preliminary Engineering, Right-of-Way, Construction, Construction Engineering Inspection, and Contingency*, is between \$170 and \$185 million.

Mr. Brich then noted that VDOT was unable to complete the traffic and revenue analysis prior to the October 17, 2019 meeting. He indicated that the analysis should be complete before the December 12, 2019 HRTAC meeting; however, Mr. Brich offered to provide a brief overview of the scope of VDOT's analysis:

- **VDOT is currently analyzing the following tolling scenarios:**

- 24 hours a day, 7 days a week – HOT2
- 24 hours a day, 7 days a week – HOT3
- Peak periods – HOT2
- Peak periods – HOT3

- **Analyzing and developing a weekend traffic profile:**

- Weekend HOT versus Express Toll Lanes (no HOV discount)

- **Bonding capacity analysis to be provided:**

- Commonwealth issued debt versus HRTAC issued toll debt
- Analysis will evaluate potential benefits of using TIFIA loans

The TPO proceeded to engage in discussion regarding the proposed resolution to endorse the Hampton Roads Regional Express Lanes Network (the "TPO Resolution").

Delegate David Yancey suggested that the TPO Resolution clarify how funds should be managed by HRTAC and that there will be alternative lanes. He suggested a motion that the Master Tolling Agreement between HRTAC and VDOT be brought back before the Board at the December 12, 2019 meeting allowing the Commonwealth Transportation Board (the "CTB") time to pre-approve the Agreement and provide clarity that HRTAC will be responsible for the funds.

Mr. Kenneth Alexander asked if all existing lanes will continue to be free.

Mr. Brich responded that HOV lanes will be repurposed, creating new managed lanes. He stated the existing lanes will not be free, but VDOT will provide a free alternative.

Mr. Nicholas Donohue, Deputy Secretary of Transportation, advised that lanes which are not restricted will continue to be unrestricted for everyone to use. The general purpose lanes will always remain open and available to users at all times of the day.

Delegate Yancey stated the purpose of HRTAC was to guarantee that the money from the Region will stay in the Region to build projects. He stated HRTAC has the accountability of the taxpayers' money to the projects they demand to be built or improved upon.

Mr. Donohue advised that the revenue will stay in the Hampton Roads Region under the Master Tolling Agreement.

Mr. Alexander expressed his concern about the TPO Resolution which calls for HRTAC to manage funds, but for the Commonwealth to issue the debt instead of HRTAC. He stated if the debt is being issued by the Commonwealth, management of the funding and operation should be by the Commonwealth.

Mr. Donohue advised that if the Commonwealth were to be the issuer of the debt the Commonwealth would need to be the one to operate the Express Lanes in any instance. He also stated that any actions taken by the Commonwealth on the Express Lanes in the Hampton Roads Region will be under the terms of the Master Tolling Agreement, which will be in place with HRTAC before any tolls are implemented. The Master Tolling Agreement may say that HRTAC will impose the tolls and seek to issue debt, or the Master Tolling Agreement may say that the Commonwealth imposes the tolls and issues the debt.

Mr. Alexander queried that if the Commonwealth will be responsible for the revenue, who or what will prevent the revenue from going to other priorities that VDOT may have for other regions in the Commonwealth.

Mr. Donohue assured that several mechanisms are or will be in place both constitutionally and statutorily and that VDOT seeks to memorialize these mechanisms through the Master Tolling Agreement. Mr. Donohue emphasized that the Master Tolling Agreement with this Region will be binding on both parties and will indicate how the revenue will be used without regard to who is imposing the toll.

Senator John Cosgrove questioned whether the Commonwealth, as the keeper of the tolls and the revenue, would take a percentage in administration fees?

Mr. Donohue stated that VDOT will not collect revenue; however, there will be certain collection costs.

Senator Cosgrove advised that every penny should be put to the best use in Hampton Roads.

Mrs. Johnson suggested seeking advice from financial advisors. She also recommended that that the fourth bullet in the TPO Resolution which reads "*funding and operation of the express lanes network be managed by HRTAC*", be revised to read "*funding, operation, and use of toll revenues of the express lanes to be managed by HRTAC*".

TPO Chair, Mr. John Rowe, agreed.

Delegate Yancey stated that Mr. Alexander made good points and there is a lack of clarity where the money is going.

TPO Chair Rowe called on Mr. Crum to address how the TPO Resolution came about.

Mr. Crum gave a brief background on the drafting of the TPO Resolution and the committee that worked on it.

Mr. Tuck next provided the committee's recommendations relating to the proposed TPO Resolution.

The TPO then engaged in further discussion regarding the terms of the TPO Resolution and, after making further changes, adopted it.

In connection with the discussion, there were further comments regarding the proposed Master Tolling Agreement. Mr. Donahue reaffirmed that the money from the tolling will go to the HRBT and other projects that are identified by HRTAC. He stated that there will be a Master Tolling Agreement that will govern the use of toll revenues and will ensure HRTAC's and the Region's rights, roles and responsibilities with regard to how the money is used.

Delegate Yancey then presented to the TPO a motion that the Master Tolling Agreement for the entire network with the CTB's approval be brought to HRTAC for agreement and finalization between HRTAC and VDOT at the December 12 meeting. The motion was adopted.

Mr. Crum stated the Board can prepare a letter to be signed by the TPO Chair to forward to the CTB stating that the Board took action today.

Mrs. Johnson suggested having a joint meeting between the TPO and HRTAC on November 21, 2019.

Mr. Herbert Green Moved to approve the motion; seconded by Delegate Chris Stolle. The Motion Carried.

Adjournment

With no further business to come before the Hampton Roads Transportation Accountability Commission, the meeting adjourned at 11:22 a.m.

A handwritten signature in cursive script, reading "Linda T. Johnson". The signature is written in black ink and is positioned above a horizontal line.

Linda T. Johnson
HRTAC Chair