

Hampton Roads Transportation Accountability Commission (HRTAC)
Technical Advisory Committee (TAC)
Summary Minutes of the August 20, 2015 Meeting

The Hampton Roads Transportation Accountability Commission (HRTAC) Technical Advisory Committee (TAC) held a meeting on August 20, 2015 in the Regional Board Room, 723 Woodlake Drive, Chesapeake, Virginia. The meeting took place in two parts. The first was a Joint Session with HRTAC, which began at 9:00 a.m. when the Chair of HRTAC called that meeting to order (the Chair of the TAC formally called the TAC meeting to order at 10:39 a.m., during the Joint Session). The second part of the TAC meeting took place after the HRTAC meeting adjourned. The following were in attendance:

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 Members in Attendance for the Joint Session:

William Sessoms, 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*	Charlie Kilpatrick

HRTAC Executive Director:

Kevin Page

HRTPO Executive Director for the Joint Session:

Robert Crum

Other Participants:

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

HRTAC Technical Advisory Committee Members Absent:

Helen Dragas, Vice Chair
James Koch

* Denotes Late Arrival or Early Departure

Others Recorded Attending for the Joint Session:

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)

Public Comment Period (limit 5 minutes per individual)

Public comments were made at the opening of the Joint Session.

HRTAC Meeting Joint Session

Portions of the HRTAC Regular Meeting and TAC Meeting ran concurrently. The minutes from the concurrent HRTAC meeting are as follows:

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 Sessions 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 formally 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

posed 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, ending the Joint Session.

Reconvened TAC Meeting

The HRTAC Technical Advisory Committee Meeting reconvened at 11:43 a.m.

Mr. Sheppard Miller began the session commenting that he was the man that led the charge for the delay in the last meeting. He explained his previous position and reasoning for wanting the delay. He then noted that he does not have that concern any more. He explained that if you advance a project without fully understanding the cost, you are functionally recommending one project over another. Mr. Joe

Frank questioned if he was speaking in reference to the two items on the current agenda, which was confirmed by Mr. Miller.

Mr. Miller continued that it wasn't necessarily advancing one project over another, it was in fact advancing the ability to get the knowledge needed to make the recommendation. Mr. Frank agreed with Mr. Miller's assessment and noted that he held the same belief.

Minutes of July 14, 2015 HRTAC Technical Advisory Committee Meeting

Mr. Sheppard Miller Moved to approve the minutes of the July 14, 2015 HRTAC Technical Advisory Committee Meeting; seconded by Mr. Joe Frank. The Motion Carried.

Development Activities and Financial Plan Amendment for Certain HRTAC Projects

Mr. James Utterback spoke about 2 phases of the I-64/I-264 Interchange project. He noted that the project was fully funded at approximately \$300 million. He updated the TAC on the status of the project, including information related to:

- Work on the I-264 corridor study;
- Producing some of the planning documents;
- The need for engineering for IMR or IJR; and
- The need for preliminary engineering.

Mr. Frank asked if there was data to suggest if the project could be constrained. Mr. Utterback responded that they were still looking at concepts and don't have a good estimate yet. He added that rough cost estimates should be available in September. Mr. Miller asked if this was work that needed to be done to provide data for the TAC to make its decision. Mr. Utterback responded affirmatively. Mr. Sheppard expressed support.

Mr. Utterback explained what was needed in the form of funding today. He stated that approximately \$5 million was needed today. HRTAC Executive Director Kevin Page asked if the total amount of money was needed at once or if a schedule of when parts of the total would be needed was available. Mr. Utterback remarked that he would need to sit down and think through a schedule, and further noted that it would be over "a year or so."

Mr. Frank questioned if \$2 million today would get them through the next 60 days, to which Mr. Utterback responded, "Absolutely." Mr. Frank continued that by that time Mr. Utterback would be able to return with a schedule, to which Mr. Utterback responded in the affirmative.

Mr. Utterback provided the following regarding the two projects;

- They are identified as phases that will be funded;
- \$17 million of state money is on the projects;
- The first project will be advertised in the spring;
- The first project will cost approximately \$100 million; and
- The Commission will need to allocate money to that project.

Mr. Sheppard expressed some policy confusion regarding who is funding projects, and who is recommending funding on projects. Mr. Tom Inglima, HRTAC Counsel, stated that under the HRTAC constitutional documents, there is an expectation that a funding plan will be used for any approved project. He added that:

- The Secretary of Transportation presented an initial funding plan in September 2014 that included a number of different projects including the first phase of the I-64/I-264 interchange project;
- The plan did not include the additional work; and
- The funding presented in the plan was pay-as-you-go.

Mr. Inglima stated that HRTAC is looking to the TAC for a funding plan going forward that restates or replaces the initial plan, specifically to recommend an amendment to the initial plan to allow additional pay-as-you-go dollars to be spent on the additional development activity on the two projects. Mr. Inglima added that he saw it as a discrete request and not a policy decision.

Mr. Frank asked why this wasn't being paid for by the TPO with regional funds that they have as opposed to HRTAC funds. Mr. Utterback suggested the reason could be because the project wasn't in the Six Year program.

Mr. Harry Lester recalled this was the third time they had discussed this issue, and that he now understands what is happening. He noted his support.

Mr. Miller asked about the status of the nine projects, and the HRTAC approval of the nine projects. Mr. Inglima clarified that there had not been any appropriation for full funding of the I-64/I-264 Interchange project. He stated that development activities had been approved. He added that the body would not enter into a contract of that magnitude without a funding plan. Chair Crawford added that the funding plan was the job of the TAC.

Mr. Miller asked Mr. Utterback for clarification of the amount requested for the I-64/I-264 Interchange project. Mr. Utterback said \$5 million, so they wouldn't have to come back right away for more.

Mr. Miller then asked how much was being requested for the Route 460 connector project. Mr. Utterback responded that \$2 million would suffice. Mr. Utterback continued that the I-64/I-264 would most likely be a categorical exclusion. He

added that the Route 58/Route 460 project would need an EIS, which would come in a couple of years, and potentially require more money.

Mr. Frank asked for clarification of the 460 project being discussed, noting that his source told him that the 460 project was dead. Mr. Utterback explained that the project being discussed at this TAC meeting is different from the one that had all the Army Corps of Engineer problems to which Mr. Frank was referencing.

Mr. Sheppard Miller made a Motion to Approve the recommendation of \$5 million for the I-64/I-264 Interchange project and \$2 million for the Route 460/58/13 corridor; seconded by Mr. Harry Lester. TAC Chair Crawford held a voice vote to approve the motion, and The Motion Carried Unanimously.

HRTAC Projects Financing: David Miller, PFM Consulting

Chair Crawford expressed appreciation for getting a specific answer previously to the needed resources question.

Mr. Sheppard Miller asked Mr. David Miller if achieving a bond rating of A presupposes the full faith and credit of the Commonwealth, or if was based purely on the revenue stream. Mr. David Miller responded that is was based purely on the revenue stream. He added that an AA rating was possible if they put in conservative enough covenants.

Mr. Sheppard Miller asked what the difference would be if the full faith and credit of the Commonwealth were added. Mr. David Miller stated that a pure guess would be \$100 million, and that the credit spread between A and AA is not much.

HRTAC Executive Director Kevin Page suggested that Mr. David Miller offer some discussion regarding different risks associated with different types of toll revenue collection facilities and how they can affect bonding and rate making.

Mr. David Miller offered that flat toll rates were previously considered, but now communities are looking for alternatives including transponder tolls, and video tolls. He added that in some cases, frequent commuters could be given reduced rates. He noted that the transponder method is more reliable and cheaper to collect, and that video collection was more expensive. He also mentioned time of day and congestion pricing differentials as additional considerations. He emphasized that before you issue any toll revenue bonds, all the nuanced assumptions and planning research must be completed.

HRTAC Projects Status

Mr. James Long presented information regarding the status of various projects. He noted:

- I-64 Widening Project Segment 1 was in design status and heading towards permit status, with left lane widening starting in 2016;
- I-64 Widening Project Segment 2 was in procurement status; 3 design build teams have been short listed; proposals are expected at the end of September; price proposals will begin in November;
- I-64 Widening Project Segment 3 progress is slated to start in 2017, dependent on funding;
- I-64 Widening Project Segment 4 (the Fort Eustis Boulevard Interchange Project) activity is expected to start in 2017, pending funding;
- Today, the TAC approved recommending to HRTAC approval of additional funding for the I-64/I-264 Interchange; Phases 1 and 2 are the current projects and have been funded for PE and Right-of-Way; Phase 1 advertises in April 2016; Phase 2 advertises in early 2017;
- I-64 Southside Widening has \$5 million in non-HRTF funds allocated for the environmental document; HRTAC allocated \$20 million from the HRTF for PE; currently waiting for the RoD and waiting for the 2040 Long Range Plan – which is fed by the HRTAC financial plan; bridge height is to be set by the Coast Guard;
- Hampton Roads Crossing has the SEIS going on now; it was allocated \$5 million by the Commission; citizen information meetings regarding alternatives expected in December 2015 or January 2016; public hearings for the Draft SEIS in the Summer of 2016; Final Document planned for summer 2017;
- Patriots Crossing and I-664 Widening has not had any work at this point; and
- Route 460/58/13 Connector Project is not funded and no work has been completed on it; the Environmental Document is anticipated to be started in 2018 with a 2-year process to get to a RoD.

Mr. Frank asked if funding was the only reason for the delay on the I-64 Widening Project Segments 3 and 4, and what was causing the delay. Mr. Utterback responded that primarily funding was the cause of the delay. He added that the funding availability concern stemmed from the Secretary's plan presented to the committee in November 2014, using a pay-as-you-go model.

Mr. Sheppard Miller asked if there was any anticipation of federal fund allocation on Segments 2, 3, or 4. Mr. Utterback responded in the negative, stating that they would have to go through HB2 to get the state money.

Mr. Frank asked Mr. Page if some kind of analysis of what funds would be becoming available from the Highway Trust Fund could be presented to TAC at the next

meeting. He asked if the HRTF funds were reflective of the regional gas tax increase and regional sales tax increase. He noted that before HB2, there was a funding stream from the Commonwealth. He asked for clarification of who controls that, and what happens to those funds.

Mr. Tom Inglima offered that HB1887 changed the whole architecture, and noted that the only funding coming on a dedicated basis now was the component that flows to the Construction District Grant Program, which is not a lot of money.

Mr. Sheppard Miller summarized that the monies are going to have to be competitively pursued through the HB2 scoring, and other regions are going to score better because they are more challenged than this region. Mr. Frank expressed appreciation and understanding of the situation, and further emphasized interest in making certain everyone understood the critical need to get a regionally developed and regionally adopted funding plan in place.

Mr. Sheppard Miller asked for confirmation that the state has already allocated \$17 million to the I-64/I-264 Interchange project. Mr. Jim Long confirmed Mr. Miller's statement. Mr. Utterback added that the \$17 million was from previously allocated state money.

Mr. Utterback commented that if a project wanted to go for HB2 money, it would have to be scored. In a scenario he provided, he noted that if a region wanted to move a project forward for HB2 scoring that already had money allocated it could do so, and the fact that the project already had money put towards it would make it score better.

Mr. Long presented a visual representation depicting how the projects progress through the various stages, and how the projects have been planned in a staggered process to allow for the various phases of projects to run simultaneously, pending funding. Mr. Utterback added that this was a tentative spending plan as VDOT sees it and would work with HRTAC to explain and adjust the models. He further noted that the plan was to be updated monthly. Mr. Utterback emphasized that putting a big project into the schedule will significantly change the spending plan for all projects.

Mr. Frank questioned if consideration of sea level rise was being given during the design of the projects. Mr. Long responded in the affirmative. Mr. Frank asked from where the sea level rise analysis data was being derived. Mr. Long provided that documents from the Army Corps of Engineers data was used.

Mr. Frank then expressed his concern that interstates and other state roads were being constructed with tree lines coming too close to road margins. Mr. Utterback

provided that current methods of construction, with new storm water management requirements (capture and treatment of water) is causing significantly greater footprint requirements for new road construction projects.

Mr. Harry Lester requested electronic copies of the presentation by Mr. Long. Director Page offered that they will provide it and in addition would post it on the website.

New Business

No new business was offered or discussed.

HRTAC Technical Advisory Committee Meeting Schedule

The next meetings for the HRTAC Technical Advisory Committee Meeting will be September 15, 2015 at 9:30 a.m.

Adjournment

With no further business to come before the Hampton Roads Transportation Accountability Commission Technical Advisory Committee, the meeting adjourned at 12:32 p.m.

Neal Crawford
HRTAC Technical Advisory Committee Chair