

AGENDA

Hampton Roads Transportation Accountability Commission

HRBT Funding Agreement Advisory Committee Meeting

December 10, 2018

10:00 a.m.

**Regional Building Board Rooms A&B
723 Woodlake Drive
Chesapeake, VA 23320**

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

Agenda Item 5A
Consent Item

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

From: Kevin B. Page, Executive Director

Date: December 10, 2018

Re: October 5, 2018 Meeting Minutes

Recommendation:

The HRBT Funding Agreement Advisory Committee is asked to approve the October 5, 2018 Committee meeting minutes.

Background:

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

Fiscal Impact:

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

Suggested Motion:

Motion is to approve the minutes of the HRTAC HRBT Funding Agreement Advisory Committee meeting on October 5, 2018.



**Summary Minutes of the October 5, 2018 Meeting
of the Hampton Roads Transportation Accountability Commission
HRBT Funding Agreement Advisory Committee**

The Hampton Roads Transportation Accountability Commission (HRTAC) HRBT Funding Agreement Advisory Committee Meeting was called to order at 11:03 a.m. in the Regional Building Board Room A, 723 Woodlake Drive, Chesapeake, VA 23320, with the following in attendance:

HRTAC HRBT Funding Agreement Advisory Committee Members in Attendance:

Michael Hipple, Chair

Kenneth Alexander

Donnie Tuck

Frank Wagner

HRTAC Executive Director

Kevin Page

Other Participants:

Chris Jones (monitoring)

David Miller, PFM

Tom Inglima, Willcox and Savage

Chuck Wall, Seyfarth Shaw

Michael Kimbrel, HRTPO

Public in Attendance:

Jennifer Hodnett (HRTAC)

Approval of Agenda

Senator Frank Wagner Moved to approve the Agenda; seconded by Mayor Donnie Tuck. The Motion Carried.

Public Comment Period (limit 5 minutes per individual)

No one from the public addressed the Committee.

Chair Comments

Chair Michael Hipple welcomed the members and commenced introductions due to Delegate Christopher Jones monitoring by telephone.

Consent Item

A. Minutes of the August 24, 2018 Minutes

Senator Wagner Moved to approve the Minutes of the August 24, 2018 meeting; seconded by Mayor Tuck. The Motion Carried.

Action Items

A. Briefing on P3 for HRBT Expansion Project and related project workstreams and review potential action items for HRTAC in respect of the P3, the prospective HRBT Funding Agreement, and the Prospective Regional Tolling Network Agreement - Closed Session, as needed- Executive Director Page, Counselor Inglima, and David Miller, PFM Financial Advisors

HRTAC Executive Director, Kevin Page, updated the Committee on activities which have occurred and are on-going regarding the HRBT Project since the previous meeting.

Members requested clarification of the two tolling rules which are going to be re-evaluated at HRTAC's request and Mr. Page indicated additional funds remained in the PFM task order to complete the study of the two tolling options.

Mr. Page informed the Committee the Virginia Department of Transportation (VDOT) submitted a Transportation Improvement Program (TIP) Amendment and indicated this was the first step in qualifying a project in the federal process. Committee discussion ensued in regards to the information included in the TIP amendment and the implications of endorsing the amendment.

Mr. Michael Kimbrel, Hampton Roads Transportation Planning Organization (HRTPO) Deputy Executive Director, explained the TIP process to Committee members and stated previous actions the HRTPO passed in regards to the HRBT project, tolls and the proposed High Occupancy Toll (HOT) Network. Mr. Page confirmed and explained the close working relationship needed between HRTAC and HRTPO in order for projects to be completed.

Committee discussion ensued in regards to the implications of a tolling network versus individual facilities being tolled and the importance of all toll revenue being returned to HRTAC. Members voiced their dissatisfaction with the current Administration's initiatives and lack of communication to the Region.

Members discussed a potential tolling agreement between HRTAC and VDOT and the additional costs associated with including the replacement of the tressels in the HRBT Expansion Project.

Committee Members agreed that the Region's General Assembly Delegation members who are also members of HRTAC should meet on behalf of the Committee with the current Administration to reiterate the Hampton Roads' position and should consider introducing legislation in the upcoming General Assembly session to clarify that the permitted uses of the Hampton Roads Transportation Fund (HRTF) do not include maintenance work.

Committee members stated the importance of the additional toll studies and using the subsequent information to make the best tolling option for the Region and its citizens.

Closed Session Motion:

Senator Frank Wagner moved that a closed session be held for discussions regarding the request for proposals for the Hampton Roads Bridge Tunnel project and the agreements being developed to fund and construct the project, in accordance with (1) Virginia Code Section 2.2-3711(A)(29) for the purpose of discussion of the award of a public contract involving the expenditure of public funds and discussion of the terms and scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, and (2) Virginia Code Section 2.2-3711(A)(8) for the purpose of consulting with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

Mayor Kenneth Alexander seconded the Motion and Chair Hipple, hearing no further discussion, called for a voice vote. The motion Carried unanimously.

The closed session commenced at 12:10 p.m. and ended at 12:24 p.m.

Chair Hipple reconvened the open meeting. Counselor Tom Inglima stated the following Certification for which the Committee was going to be voting:

The HRBT Funding Agreement Advisory Committee of the Hampton Roads Transportation Accountability Commission hereby certifies that, to the best of each member's knowledge: (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed or considered in the closed meeting just concluded, Senator Wagner moved that the Certification be made; seconded by Mayor Kenneth Alexander.

Chair Hipple, hearing no further discussion, called for a roll call vote. Counselor Inglima initiated a roll call vote of each member present during closed session agreeing to the foregoing certification, and the results were as follows:

Michael Hipple, Chair - Yes

Kenneth Alexander - Yes

Donnie Tuck - Yes

Frank Wagner - Yes

Adjournment

With no further business, Chair Hipple adjourned the meeting at 12:25 p.m.

Michael J. Hipple
HRBT Funding Agreement Advisory Committee Chair

Agenda Item 6A
Action Item

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

From: Kevin B. Page, Executive Director

Date: December 10, 2018

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

Recommendation:

The HRBT Funding Agreement Advisory Committee members, assisted by Commission staff, counsels, and financial advisors, will provide a briefing on the P3 for HRBT Expansion Project and related project work streams, including the development of a Term Sheet, and review potential revenues and action items for HRTAC in respect of the P3, the prospective HRBT Funding Agreement, and the prospective Regional Tolling Network Agreement. The HRBT Funding Agreement Advisory Committee and the Finance Committee may enter into a closed session as needed.

Background:

The HRBT Funding Agreement Advisory Committee, Staff and Counsels continue to work on matters pertaining to the development of points in principle for an agreement pathway for recommendation to the Commission for consideration. As an opportunity to share the Committee's position on subject matter of the HRBT Expansion Project, Committee members Delegate Jones and Senator Wagner communicated with the Administration to work through a funding proposal sufficient for the Committee to recommend to the Commission. In the development of a proposal, the Committee and the Finance Committee will have items to consider and confer upon as to the parameters of funding, anticipated revenues, financing decisions, tolling of HRTAC funded facilities and use of generated revenues, and impacts to the Commission's short and long-range funding plans. The HRBT Funding Agreement Advisory Committee staff, counsels, and financial advisors will support the Committee in providing the background briefing to the Finance Committee.

Fiscal Impact:

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

