

Hampton Roads Transportation Accountability Commission

Thursday, October 16, 2014

12:30 PM

The Regional Board Room, 723 Woodlake Drive, Chesapeake, Virginia

Regular Meeting

1. Call to Order
2. Public Comment Period (*limit 5 minutes per individual*)
3. Minutes of the September 29, 2014 HRTAC Regular Meeting
Recommended Action: Approval
4. Finance Committee Report – Senator Wagner, Chair
 - A. Draft HRTAC Budget
Public Comment Period: September 30, 2014 – October 27, 2014
Public Hearing – November 5, 2014
3:00 p.m. – 5:00 p.m.
Regional Building, 723 Woodlake Drive, Chesapeake
 - B. HRTAC Financial Services RFP
Conflicts of Interest: Research Update
Tom Inglima, HRTAC Counsel
5. HRTAC Projects – Status Report – VDOT
6. For Your Information
 - A. HRTF Monthly Financial Report
 - B. Formation of an HRTAC Personnel Committee
 - C. HRTAC Public Information Meeting – Wednesday, December 10, 2014
4:00 – 6:00 p.m.
Virginia Modeling, Analysis and Simulation Center (VMASC) – Suffolk
7. Unfinished/New Business
8. HRTAC Bylaws Committee Meeting – Friday, October 17, 2014
1:00 – 3:00 p.m.
Regional Building, 723 Woodlake Drive, Chesapeake
9. Joint HRTAC Finance/Technical Advisory Committee Meeting – TBD
10. Next HRTAC Regular Meeting – Thursday, November 20, 2014
12:30 p.m.
The Regional Building, 723 Woodlake Drive, Chesapeake, VA 23320
Adjournment

**Hampton Roads Transportation Accountability
Commission**

Monthly Meeting

DATE: Monday, September 29, 2014

TIME: 10:00 AM

LOCATION: Hampton Roads TPO Boardroom
723 Woodlake Drive
Chesapeake, VA

SUMMARY MINUTES

ATTENDEE NAME	ATTENDEE AFFILIATION	PUBLIC COMMENT SPEAKER
Jan Proctor	City of Chesapeake	
Earl Sorey	City of Chesapeake	
Andrew Sinclair	Port of Virginia	
Stephen Brich	Kimley-Horn & Associates	
Brian DeProfio	City of Hampton	
Philip Shucet	Philip A Shucet Company	
Debbie Messina	Philip A Shucet Company	
Anil Sharma	HNTB	
Ryan Banas	HNTB	
Dianna Howard	VBTP, VBTA, TLP	Yes, 3 rd
Donna Sayegh		Yes, 4 th
Ross Grogg	Kemper Consulting, City of Norfolk	
John Herzke	Clark Nexsen	
Ronaldo T. Nicholson	Parsons Transportation Group	
William W. Harrison, Jr.	Williams Mullen	
John Gergely, PE		Yes, 1 st
Frank Papcin		Yes, 2 nd
Deborah Brown	Parsons Brinckerhoff	
Brian Cherrault	HRTPO	
Jonathan Nye		Yes, 6 th
Bryan Sfilley	City of Newport News	
Claudia Cotton	City of Newport News	
Britta Agerg	City of Newport News	
Matt Benka	MDB Strategies	

ATTENDEE NAME	ATTENDEE AFFILIATION	PUBLIC COMMENT SPEAKER
Brittany Forman	City of Norfolk	
Bryan Pennington	City of Norfolk	
Mark Geduldig-Yatrofsky	PortsmouthCityWatch.org	Yes, 5th
Chris Vaigneur	HRPDC	
Greg Grootendorst	HRPDC	
Melton Boyer	HRPDC	
Jennifer Coleman	HRPDC	
Joseph D. Paulus	HRTPO	
Clyde T. Clark, Jr.	HRTAC - Technical Advisory	
Stuart Goodpasture		
Chris Foley	AECOM	
Helen Dragas		
Jeffrey Raliski	City of Norfolk	
Dean McCain	Hampton Roads Chamber of Commerce	
Matt Ward	Suffolk News Herald	
David Forster	Virginian-Pilot	
Dennis Heuer	RK & K	
Neal Crawford	HRTAC	
Angela Bezik	City of Virginia Beach	
Bob Matthcas	City of Virginia Beach	
Tracy Baynard	Maguire Woods Consulting	
Diane Kaufman	Senator Kaine	
Vince Mastracco	Kaufman & Canoles, PC	
Barrett Herdiman	Luck Stone	
Greg Neal	ESSI	

ATTENDEE NAME	ATTENDEE AFFILIATION	PUBLIC COMMENT SPEAKER
Don Quisenberry	ESSI	
Scott Forehand	ESSI	
Nancy Collins	HRPDC	
Danetta Jankosky	HRTPO	
Randy Keaton	HRPDC	
Rob Case	HRTPO	
Kathlene Grauberger	HRTPO	
Mike Kimbrel	HRTPO	
Jim Hummer	HRPDC	
Mike Long	HRPDC	
Joe Turner	HRPDC	
Brian Miller	HRTPO	
Kendall Miller	HRTPO	

Event Notes:

Public Comment Registration Table
Public Seating – 50 people
Inner Square Seating – 27 seats
Outer “L” Seating – 23 seats
2 Podiums
2 Overhead Display screens
Press/ Audio Mix Table

The meeting was called to order by Vice Chairman Frank Wagner at 10:00 AM.

John Gergely was invited to make the first public comment. Mr. Gergely discussed the Code of Virginia, the legal creation of HRTAC, and his impression that HRTAC was not exercising authority within its mandate. Mr. Gergely remarked that HRTAC's mandate is to reduce congestion in the Hampton Roads area to the benefit of Hampton Roads residents. He remarked that the Patriot's Crossing, supporting traffic to/from the port, was in support of the port, not the residents of Hampton Roads.

Next, Frank Papcin was invited to make his comments. Mr. Papcin remarked that the HRTAC will soon be choosing a bank to house, collect, and disburse funds for HRTAC. To that end, he felt that many members of the HRTAC Board have potential conflicts of interest since they have positions of authority at those banks that could be awarded that banking contract. Mr. Papcin also went on the discuss that the ports are already receiving highway fund money, Patriot's Crossing is already being funded with HRTAC money, the port is a Virginia asset being subsidized by the state, and that the crossing is not going to fix the problem, only move the congestion to the other side of the HRBT. He was a proponent for widening I-64.

Next, Dianne Howard was invited to speak. She remarked that the members of the HRTAC board were not elected to the Board, but were appointed. She remarked that HRTAC money is supposed to be used to alleviate issues local to Hampton Roads. She remarked that control was supposed to remain locally, but we have State representatives on the Board which gives some control to the State. Further, she described the port as a State asset, and that funding to support the port should come from the State, not from Hampton Roads. She continued discussing data about the HRBT being overly congested and having a high incidence of crashes. She closed with remarks that nobody wanted the third crossing and that it wasn't addressing the local traffic issues.

The next speaker was Donna Sayegh. She began by quoting English Common Law, John Locke, John Adams, and scripture relating to land and property ownership, as well as the rise of tyranny and anarchy when property rights are ignored. She remarked that the General Assembly tricked the population, created its own communist manifesto via increased taxes and the creation of the Hampton Roads Transportation Fund. She raised

the thought that HRTAC is allowed to tax the population without having been elected. She closed with a request to be appointed to the HRTAC Finance Committee.

Mark Yatrofsky was the next speaker. He made a suggestion that the method of Board creation in the future include directly elected individuals instead of appointed members. He made the remark that elected officials had to vote to suspend rules so that they could be appointed to the Board. He recommended methods of election. He stated that we cannot pave our way out of congestion, and that a multi-modal approach was needed.

Jonathan Nye was the final public speaker at the event. He commented about legislative packets. He made reference to alternative methods of Board composition to include elections. He commented that five members appointed themselves, and that one Delegate stated he would have the General Assembly do his bidding regardless of what HRTAC decided. He commented that tax and toll weren't funding answers, that paving was not a solution, that climate issues needed to be considered, and that more unified regional leadership was needed. He closed with a story about a delayed bus ride.

Next the minutes of the last meeting were approved.

Dr. Camelia Ravanbakht presented the 2034 Long Range Transportation Plan (LRTP) and amendments. She discussed I-64 widening, Patriot's Crossing, I-64/I264 widening and the US 460/58/13 connector. She discussed cost projections and various 2034 LRTP project inclusions.

Delegate Joannou asked if the projects included tolls. Dr. Ravanbakht responded that the plan did not include tolls, and that her purpose was to present the projects for inclusion into the plan, not to determine where funding was forthcoming. Secretary Layne added that the source of the funding is not yet determined. Additional questions from Delegate Joannou prompted additional response from Secretary Layne describing that the decision to be made was not to determine funding, and that was to come later. After some additional discussion, Delegate Joannou made a point that they should not toll one facility to pay for another facility. Vice Chairman Frank Wagner gave explanation that current projections show that funding can be accomplished with existing cash flow. He remarked sharing Delegate Joannou's concerns regarding tolling one location to pay for another. Vice Chairman Wagner concluded that any talk of tolling was premature. After additional discussion, Vice Chairman Wagner stated that the projects being put forward do not involve tolls.

Secretary Layne was next to speak. He talked about the creation of HRTAC, the history of funds distribution, the various projects and their various states of progress. He reiterated that HRTAC was to be an autonomous entity, but it needed help from other local and state agencies to get going. He offered his services to be the Executive Director for HRTAC so that he could help the processes with the State, and offered to create/draft a Memorandum of Understanding (MOU) to that effect.

Mayor Kenneth Wright asked if there was a model available to look at project funding on this scale, and Secretary remarked that there was a model available that developed with KPMG.

Secretary Layne's additional comments focused on funding, long range plan funding, different methods of funding such as bonding, taxing, tolling.

Mayor Raystine Johnson-Ashburn expressed concerns, and made a point of order about setting a precedence of voting on items not on the agenda. Vice Chairman Wagner attempted to give explanation. Mary Jones made supportive statements regarding the issue and stated appreciation for the legal clarification. Mr. Eugene Hunt summarized the conversation and provided additional clarity to the issue.

Vice Chairman Wagner apologized for the oversight of not having the project budget items included prior to the meeting. He went on to give his bleak estimation of the process without a vote on budget inclusion on that day. Mr. George Wallace asked for clarification of what they were going to be voting. Mr. Wagner explained in greater detail, which satisfied Mr. Wallace.

Mayor Johnson-Ashburn questioned remuneration for Secretary Layne's offer to be the HRTAC Executive Director. Secretary Layne gave additional explanation.

Mayor Wright asked about additional enhancements beyond HRTAC jurisdiction to the North. Secretary Layne gave a remark that those discussion aren't complete yet, and that House Bill 2 will start having an impact on those future projects.

Vice Chairman Frank Wagner was next to speak and presented the HRTAC Finance Committee proposed budget. Mr. Wagner described the post-approval process involving public hearings and collection of public comments. November 5, 2014 was listed as a tentative date for public review of the budget. A discussion regarding staffing and the temporary use of HRTPO staff by HRTAC. Delegate Joannou asked for clarification of the use of the HRTPO staff, and was provided with the answer that they are temporary staff. He was satisfied with the response.

Vice Chairman Wagner made a motion to include the projects with their overall dollars projections into the draft budget. The motion was seconded. A vote was taken and the motion passed.

Vice Chairman Wagner made a motion that the just-approved draft budget be referred to VDOT for advertising, public hearing, and public comment collection. The motion was seconded. A vote was taken and the motion passed.

Vice Chairman Wagner next discussed the upcoming banking services RFP. Additional questions regarding bank eligibility, RFP publication, procurement laws, Board Member voting eligibility, potential Board Member conflicts of interest occurred, and expected availability of ample competition. Mr. Wallace requested additional clarification of

whether one or multiple awardees are expected. Secretary Layne discussed the importance of having a banking services vendor in place since as long as the State holds the money, bonding of the funds will not be possible. Delegate Joannou and Mayor Fraim raised questions of ethical nature about RFP response and the potential need for RFP response abstinence. Tom Inglima stated that he needed to know more to comment on the issue.

Vice Chairman Wagner made a motion to advertise the Banking Services RFP. The motion was seconded. A vote was taken and the motion passed.

A further discussion occurred regarding finance committee members voting on making the Banking Services RFP award recommendation, who can and cannot vote and/or make those decisions. It was decided that the attorneys will look into the matter and disseminate an answer to the Board.

The next HRTAC Board Meeting was set to be October 16, 2014 at 12:30 pm. The HRTAC By-Laws Committee meeting is set for October 17, 2014.

At 11:35 am, the meeting was adjourned.

From: Mayor Krasnoff
Date: October 9, 2014 at 11:52:52 AM EDT
To: <cravanbakht@hrtpo.org>

Subject: Personnel Committee

To all,

I have asked Delegate Chris Jones and the Chairs of the various committees to serve with me as a Personnel Committee to review and recommend a candidate to the position of Executive Director.

Delegate Jones and the Chairs have accepted.

Accordingly, these are the Committee members:

Neal Crawford:	HRTAC Technical Committee Chair and Vice-Chair of the Personnel Committee
Paul Fraim:	HRTAC Bylaws Committee Chair
Chris Jones	Member, House of Delegates and HRTAC member
Alan Krasnoff	HRTAC Chair and Chairman of the Personnel Committee
Frank Wagner	HRTAC Finance Committee Chair

Once this temporary committee's work is done, it will be dissolved.

Regards.

Alan