

**Hampton Roads Transportation
Accountability Commission (HRTAC)
Summary Minutes of the August 18, 2020 Special Meeting**

The Hampton Roads Transportation Accountability Commission (“HRTAC” or the “Commission”) Special Meeting was called to order at 10:00 a.m. by conference call due to COVID-19, with the following in attendance by telephone:

HRTAC Members in Attendance:

Linda T. Johnson, Chair
Donnie Tuck, Vice Chair

Rick West, CH
Frank Rabil, FR
William McCarty, IW
Michael Hipple, JC
McKinley Price, NN
Kenneth Alexander, NO

John Rowe, PO
Herbert “Buddy” Green (in for Eugene Hunt), PQ
Christopher Cornwell, SH
Thomas G. Shepperd, YK
Robert Dyer, VB
Senator Monty Mason, VGA
Delegate Mike Mullin, VGA
Doug Pons, WM

HRTAC Executive Director:

Kevin Page

HRTAC Ex-Officio Members in Attendance:

Stephen Brich, VDOT
John Malbon, CTB

Cathie Vick VPA

Other Participants:

Scott Stevens, JC
Chip Filer, NO
Patrick Roberts, SU
Patrick Duhaney, VB

Christopher Hall, VDOT
Andrew Trivette, WM
Tom Inglima, Willcox & Savage

HRTAC Voting Members Absent:

Delegate Clint Jenkins, VGA
Delegate Joseph Lindsey, VGA

Senator Louise Lucas, VGA

HRTAC Ex-Officio Members Absent:

Jennifer Mitchell, DRPT

Others Recorded Attending:

Cheryl Lane (Veteran Reporters); Danetta Jankosky, Tiffany Smith, and Sheila Wilson (HRPDC); Lynn Coen and Jennifer Hodnett (HRTAC); Bob Crum and John Mihaly (HRTPO)

Declaration re: Purpose of Meeting, Call to Order and Roll Call

Mr. Tom Inglima, HRTAC General Counsel, proceeded to read the following declaration for the Members:

In light of the Governor's Declared State of Emergency due to COVID-19, it is impracticable and unsafe for the Commission to assemble in a single location, so the meeting will be held electronically, by telephone, pursuant to the 2020 Appropriation Act. The purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the Commission and the discharge of its lawful purposes, duties, and responsibilities. The public is welcome to use the number to attend the meeting electronically. The Commission will make available a recording or transcript of the meeting on its website in accordance with the timeframes established in Sections 2.2-3707 and 2.2-3707.1 of the Code of Virginia.

A roll call vote of all Members was taken in order to confirm a quorum:

Mayor Rick West: Present
Mayor Frank Rabil: Present
Mayor Donnie Tuck: Present
Mr. Michael McCarty: Present
Mr. Michael Hipple: Present
Mayor McKinley Price: Present
Mayor Kenneth Alexander: Present
Mr. Herbert Green: Present
Mayor John Rowe: Present
Mr. Christopher Cornwell: Present
Chair Linda Johnson: Present
Mayor Robert Dyer: Present
Mayor Doug Pons: Present
Mr. Thomas Shepperd: Present
Senator Louise Lucas: No Response
Senator Monty Mason: Present
Delegate Clint Jenkins: No Response
Delegate Joseph Lindsey: No Response
Delegate Mike Mullin: Present
Mr. John Malbon: Present
Mr. Stephen Brich: Present
Ms. Jennifer Mitchell: No Response
Ms. Cathie Vick: Present

The quorum was confirmed by Mr. John Mihaly.

Approval of Agenda

Mayor Bobby Dyer Moved to approve the agenda; Mr. Buddy Green Seconded. A roll call vote of the voting Members was taken:

Mayor Rick West: Yes
Mayor Frank Rabil: Yes
Mayor Donnie Tuck: Yes

Mr. William McCarty: Yes
Mr. Michael Hipple: Yes
Mayor McKinley Price: Yes
Mayor Kenneth Alexander: Yes
Mr. Herbert Green: Yes
Mayor John Rowe: Yes
Mr. Christopher Cornwell: No Response
Chair Linda Johnson: Yes
Mayor Robert Dyer: Yes
Mayor Doug Pons: Yes
Mr. Thomas Shepperd: Yes
Senator Louise Lucas: No Response
Senator Monty Mason: Yes
Delegate Clint Jenkins: No Response
Delegate Joseph Lindsey: No Response
Delegate Mike Mullin: Yes

Mr. John Mihaly confirmed The Motion Carried.

Public Comment Period (limit 5 minutes per individual)

No one from the public requested to make a public comment.

Chair's Comments

HRTAC Chair, Linda T. Johnson, welcomed the Members to the meeting.

Action Item

A. Master Agreement for Development and Tolling of Hampton Roads Express Lanes Network (a/k/a "Master Tolling Agreement" or the "MTA")

Mr. Kevin B. Page, HRTAC Executive Director, reminded the Members that during the Commission's July 16, 2020 Regular Meeting, HRTAC voted on and approved the MTA and gave the Executive Director and the Chair plenary authority to complete the MTA negotiations and move forward with execution of the finalized MTA. Subsequently, the CTB sought modifications to the MTA requesting that the CTB have a role in reviewing the Commissioner of Highways' assessment with respect to whether a tolling policy material adverse effect would result to ensure that the Commissioner of Highways conducted a complete analysis and that he or she did not render a judgment that was inconsistent. Additionally, the CTB sought revisions to Sections 5.02 and 5.03 of the MTA with respect to the setting of the initial toll policy and elective modifications to that policy.

Mr. Tom Inglima, HRTAC Counsel, noted the principal differences between the July 16 version of the MTA and the most recent version related to how the initial tolling policies and modifications thereto would be addressed. He explained that the proposed changes allowed the CTB to have a greater vetting role in regards to the tolling policies and the assessment of whether modifications would result in a material adverse effect. Mr. Inglima explained that VDOT agreed that if the CTB played a vetting role in the assessment of toll policy modifications, it would be unnecessary to have a Tolling Policy Committee.

Mr. Inglima next discussed HRTAC's willingness to work with VDOT to refine the tolling policy rules and incorporate the CTB into the process, provided that HRTAC's fundamental principles were preserved. Mr. Inglima described the fundamental principles and how they would be preserved.

Mr. Inglima indicated that the HRTAC negotiating team felt the CTB's proposed changes to the MTA did not compromise the fundamental principles achieved in the version of the MTA reviewed on July 16, 2020.

Mr. Michael Hipple Moved the Commission approve Resolution 2020-03 Master Agreement for Development and Tolling of Hampton Roads Express Lanes Network, a/k/a/ Master Tolling Agreement, approval of and authorization to execute and deliver Master Agreement for Development and Tolling of Hampton Roads Express Lanes Network; Seconded by Mr. Buddy Green. A roll call vote of the Members was taken:

Mayor Rick West: Yes
Mayor Frank Rabil: Yes
Mayor Donnie Tuck: Yes
Mr. William McCarty: Yes
Mr. Michael Hipple: Yes
Mayor McKinley Price: Yes
Mayor Kenneth Alexander: Yes
Mr. Herbert Green: Yes
Mayor John Rowe: Yes
Mr. Christopher Cornwell: Yes
Chair Linda Johnson: Yes
Mayor Robert Dyer: Yes
Mayor Doug Pons: No Response
Mr. Thomas Shepperd: Yes
Senator Louise Lucas: No Response
Senator Monty Mason: Yes
Delegate Clint Jenkins: No Response
Delegate Joseph Lindsey: No Response
Delegate Mike Mullin: Yes

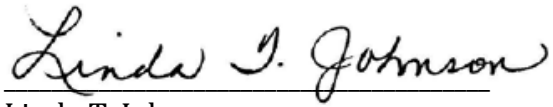
Mr. John Mihaly confirmed The Motion Carried.

Information Items

A. Next HRTAC Regular Meeting – September 17, 2020, 12:30 p.m., (Meeting by Conference Call unless the Governor lifts the State of Emergency)

Adjournment

With no further business to come before the Hampton Roads Transportation Accountability Commission, the meeting adjourned at 10:18 a.m.

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

Linda T. Johnson
HRTAC Chair