



**VETERAN
REPORTERS**

**HAMPTON ROADS TRANSPORTATION
ACCOUNTABILITY COMMISSION**

**ANNUAL ORGANIZATIONAL MEETING
BY TELECONFERENCE**

**THURSDAY, JUNE 18, 2020
12:30 P.M.**

**HAMPTON ROADS TRANSPORTATION
ACCOUNTABILITY COMMISSION
723 WOODLAKE DRIVE
CHESAPEAKE, VIRGINIA 23320**

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| 2 | <p>1 APPEARANCES</p> <p>2 HAMPTON ROADS TRANSPORTATION</p> <p>3 ACCOUNTABILITY COMMISSION:</p> <p>4 JENNIFER COLEMAN-HODNETT</p> <p>5 HAMPTON ROADS TRANSPORTATION</p> <p>6 ACCOUNTABILITY COMMISSION</p> <p>7 723 WOODLAKE DRIVE</p> <p>8 CHESAPEAKE VIRGINIA 23320</p> <p>9 TELEPHONE: 757.420.8300</p> <p>10 E-MAIL: JHODNETT@HRTAC.ORG</p> <p>11</p> <p>12 LINDA T. JOHNSON, HRTAC CHAIR</p> <p>13 KEVIN B. PAGE, HRTAC EXECUTIVE DIRECTOR</p> <p>14 TOM INGLIMA, COUNSEL TO HRTAC</p> <p>15 JOHN V. MIHALY, HRTPO</p> <p>16 RICHARD "RICK" W. WEST, MAYOR OF CHESAPEAKE</p> <p>17 FRANK M. RABIL, MAYOR OF FRANKLIN</p> <p>18 DONNIE R. TUCK, MAYOR OF HAMPTON</p> <p>19 WILLIAM M. MCCARTY, ISLE OF WIGHT</p> <p>20 BOARD OF SUPERVISORS</p> <p>21 MICHAEL J. HIPPLE, JAMES CITY COUNTY</p> <p>22 BOARD OF SUPERVISORS</p> <p>23 MCKINLEY L. PRICE, MAYOR OF NEWPORT NEWS</p> <p>24 KENNETH C. ALEXANDER, MAYOR OF NORFOLK</p> <p>25 W. EUGENE HUNT, JR., MAYOR OF POQUOSON</p> |
| 3 | <p>1 JOHN L. ROWE, JR., MAYOR OF PORTSMOUTH</p> <p>2 CHRISTOPHER D. CORNWELL, SR., SOUTHAMPTON</p> <p>3 COUNTY</p> <p>4 BOARD OF SUPERVISORS</p> <p>5 ROBERT M. "BOBBY" DYER, MAYOR OF VIRGINIA BEACH</p> <p>6 PAUL FREILING, MAYOR OF WILLIAMSBURG</p> <p>7 THOMAS G. SHEPPERD, JR., YORK COUNTY</p> <p>8 BOARD OF SUPERVISORS</p> <p>9 TOM LEAHY, VIRGINIA BEACH CITY MANAGER</p> <p>10 SENATOR JOHN A. COSGROVE</p> <p>11 SENATOR T. MONTGOMERY "MONTY" MASON</p> <p>12 DELEGATE CLINT L. JENKINS</p> <p>13 DELEGATE JOSEPH C. LINDSEY</p> <p>14 DELEGATE MIKE P. MULLIN</p> <p>15 JASON POWELL, FINANCE COMMITTEE</p> <p>16 STEPHEN BRICH, VDOT COMMISSIONER</p> <p>17 CHRIS HALL, VDOT ADMINISTRATOR</p> <p>18 JAMES UTTERBACK, VDOT HRBT PROJECT DIRECTOR</p> <p>19 BARBARA NELSON, VIRGINIA PORT AUTHORITY</p> <p>20 LYNN COEN, HRTAC ACCOUNTING MANAGER</p> <p>21 DANETTA M. JANKOSKY, HRTAC ACCOUNTING MANAGER</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
| 4 | <p>1 HAMPTON ROADS TRANSPORTATION</p> <p>2 ACCOUNTABILITY COMMISSION</p> <p>3 ORGANIZATIONAL MEETING</p> <p>4 THURSDAY, JUNE 18, 2020</p> <p>5 12:30 P.M.</p> <p>6 MR. PAGE: Mayor Johnson, Chair</p> <p>7 Johnson, we are at 12:30, and I think we are</p> <p>8 assembled. All of the HRTAC team is here and on</p> <p>9 board, I will turn the floor over to you to start</p> <p>10 the meeting.</p> <p>11 CHAIR JOHNSON: Thank you very</p> <p>12 much. Good afternoon everyone, I would like to</p> <p>13 call the meeting to order, and I'm going to ask</p> <p>14 Counselor Inglima to read the declaration for the</p> <p>15 purpose of this meeting.</p> <p>16 (WHEREUPON, the meeting was called to order.)</p> <p>17 MR. INGLIMA: Thank you, Chair</p> <p>18 Johnson. The declaration is as follows: In</p> <p>19 light of the Governor's declared state of</p> <p>20 emergency due to COVID-19 it is impractical and</p> <p>21 unsafe for the Commission to assemble in a single</p> <p>22 location, so the meeting will be held</p> <p>23 electronically by telephone pursuant to the 2020</p> <p>24 amendment of the 2019 Appropriation Act.</p> <p>25 The purpose of the meeting is to</p> |
| 5 | <p>1 discuss or transact the business statutorily</p> <p>2 required or necessary to continue operations of</p> <p>3 the Commission and the discharge of its lawful</p> <p>4 purposes, duties, and responsibilities. The</p> <p>5 Commission will make available a recording or</p> <p>6 transcript of the meeting on its website in</p> <p>7 accordance with the time frames established in</p> <p>8 Section 2.2-3707 and 2.2-3707.1 of the Code of</p> <p>9 Virginia.</p> <p>10 At this time Chair, in order to</p> <p>11 confirm that we have a quorum, we should take a</p> <p>12 roll call. If it's okay with you Chair Johnson,</p> <p>13 I will proceed to do that.</p> <p>14 CHAIR JOHNSON: Yes, please.</p> <p>15 MR. INGLIMA: When I say your</p> <p>16 name...</p> <p>17 (WHEREUPON, the remote connection produced</p> <p>18 feedback.)</p> <p>19 MR. INGLIMA: Mr. West?</p> <p>20 MAYOR WEST: I am here.</p> <p>21 MR. INGLIMA: Mr. Rabil?</p> <p>22 MAYOR RABIL: Present.</p> <p>23 MR. INGLIMA: Mr. Tuck?</p> <p>24 MAYOR TUCK: (No audible response.)</p> <p>25 MR. INGLIMA: Mr. McCarty?</p> |



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1 **MR. MCCARTY:** Present.
 2 **MR. INGLIMA:** Mr. Hipple?
 3 **MR. HIPPLE:** Here.
 4 **MR. INGLIMA:** Mr. Price?
 5 **MAYOR PRICE:**Present.
 6 **MR. INGLIMA:** Mr. Alexander?
 7 **MAYOR ALEXANDER:** Present.
 8 **MR. INGLIMA:** Mr. Hunt?
 9 **MAYOR HUNT:** Present.
 10 **MR. INGLIMA:** Mr. Rowe?
 11 **MAYOR ROWE:** Here.
 12 **MR. INGLIMA:** Mr. Cornwell?
 13 **MR. CORNWELL:** Present.
 14 **MR. INGLIMA:** Mayor Johnson?
 15 **CHAIR JOHNSON:** Here.
 16 **MR. INGLIMA:** Mr. Dyer?
 17 **MAYOR DYER:** Present.
 18 **MR. INGLIMA:** Mr. Freiling?
 19 **MAYOR FREILING:** (No audible
 20 response.)
 21 **MR. INGLIMA:** Mr. Shepperd?
 22 **MR. SHEPPERD:** Present.
 23 **MR. INGLIMA:** Senator Cosgrove?
 24 **SENATOR COSGROVE:** (No audible
 25 response.)

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1 **MAYOR TUCK:** And I'm present.
 2 **CHAIR JOHNSON:** Thank you.
 3 **MR. PAGE:** Madam Chair, Mr. Tuck
 4 is calling in.
 5 **MAYOR TUCK:** Hello, I'm present.
 6 **CHAIR JOHNSON:** Hi, Mayor Tuck.
 7 **MAYOR TUCK:** Hi. I'm sorry, I had
 8 an interview.
 9 **CHAIR JOHNSON:** No problem. We
 10 are next going to move to where we need an
 11 approval of the agenda and I would ask that you
 12 state your name as you make your motion.
 13 **MAYOR ROWE:** John Rowe, I move that
 14 we approve the agenda.
 15 **MAYOR DYER:** Bobby Dyer, second.
 16 **CHAIR JOHNSON:** Could we call the
 17 roll, please?
 18 **MR. INGLIMA:** Mr. West?
 19 **MAYOR WEST:** Yes.
 20 **MR. INGLIMA:** Mr. Rabil?
 21 **MAYOR RABIL:** Yes.
 22 **MR. INGLIMA:** Mr. Tuck?
 23 **MAYOR TUCK:** Aye.
 24 **MR. INGLIMA:** Mr. McCarty?
 25 **MR. MCCARTY:** Aye.

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1 **MR. INGLIMA:** Senator Mason?
 2 **SENATOR MASON:** Here.
 3 **MR. INGLIMA:** Delegate Jenkins?
 4 **DELEGATE JENKINS:** Here.
 5 **MAYOR TUCK:** Hi, how are you?
 6 **MR. INGLIMA:** Hi, Delegate.
 7 Delegate Lindsey?
 8 **DELEGATE LINDSEY:** (No audible
 9 response.)
 10 **MR. INGLIMA:** Delegate Mullin?
 11 **DELEGATE MULLIN:** Here.
 12 **MR. INGLIMA:** Mr. Malbon?
 13 **MR. MALBON:** (No audible
 14 response.)
 15 **MR. INGLIMA:** Commissioner Brich?
 16 **COMMISSIONER BRICH:** Here.
 17 **MR. INGLIMA:** Ms. Mitchell?
 18 **MS. MITCHELL:** (No audible
 19 response.)
 20 **MR. INGLIMA:** Ms. Nelson?
 21 **MS. NELSON:** Here.
 22 **MR. INGLIMA:** Mr. Mihaly, will you
 23 let us know if we have a quorum?
 24 **MR. MIHALY:** We have a quorum and
 25 we also have a voting quorum, thank you.

9

1 **MR. INGLIMA:** Mr. Hipple?
 2 **MR. HIPPLE:** Aye.
 3 **MR. INGLIMA:** Mr. Price?
 4 **MAYOR PRICE:** Aye.
 5 **MR. INGLIMA:** Mr. Alexander?
 6 **MAYOR ALEXANDER:** Aye.
 7 **MR. INGLIMA:** Mr. Hunt?
 8 **MAYOR HUNT:** Aye.
 9 **MR. IGLIMA:** Mr. Rowe?
 10 **MAYOR ROWE:** Aye.
 11 **MR. INGLIMA:** Mr. Cornwell?
 12 **MR. CORNWELL:** Aye.
 13 **MR. INGLIMA:** Ms. Johnson?
 14 **CHAIR JOHNSON:** Yes.
 15 **MR. INGLIMA:** Mr. Dyer?
 16 **MAYOR DYER:** Aye.
 17 **MR. INGLIMA:** Mr. Freiling?
 18 **MAYOR FREILING:** (No audible
 19 response.)
 20 **MR. INGLIMA:** Mr. Shepperd?
 21 **MR. SHEPPERD:** Aye.
 22 **MR. INGLIMA:** Senator Cosgrove?
 23 **SENATOR COSGROVE:** (No audible
 24 response.)
 25 **MR. INGLIMA:** Senator Mason?



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| 10 | <p>1 SENATOR MASON: Aye.</p> <p>2 MR. INGLIMA: Delegate Jenkins?</p> <p>3 DELEGATE JENKINS: Yes.</p> <p>4 MR. INGLIMA: Delegate Lindsey?</p> <p>5 DELEGATE LINDSEY: (No audible</p> <p>6 response.)</p> <p>7 MR. INGLIMA: Delegate Mullin?</p> <p>8 DELEGATE MULLIN: (No audible</p> <p>9 response.)</p> <p>10 MR. INGLIMA: Mr. Mihaly, the</p> <p>11 results?</p> <p>12 MR. MIHALY: The motion is</p> <p>13 approved.</p> <p>14 CHAIR JOHNSON: Thank you. We</p> <p>15 will next move to public comments. Director</p> <p>16 Page, do we have any comments?</p> <p>17 MR. PAGE: Madam Chair, we have no</p> <p>18 written comments, nor any individual who has</p> <p>19 approached during the time frame for the deadline</p> <p>20 to make public comments reservations, so we have</p> <p>21 no one from the public, ma'am.</p> <p>22 CHAIR JOHNSON: Thank you very</p> <p>23 much. So at this time I will just take a few</p> <p>24 moments for the Chair's comments. I just want to</p> <p>25 thank everyone for keeping our momentum going</p> | 12 | <p>1 Commission, conducted the public hearings. There</p> <p>2 were no members of the public who came forward to</p> <p>3 either oral comments or written comments for</p> <p>4 those matters of the consent agenda that required</p> <p>5 that. Madam Chair, I will turn the floor back</p> <p>6 over to you to move forward with the adoption of</p> <p>7 the consent items in the Blocks 5-A through 5-E</p> <p>8 inclusive.</p> <p>9 CHAIR JOHNSON: Thank you, and I</p> <p>10 would ask for a motion at this time.</p> <p>11 MAYOR TUCK: Mayor Tuck. I move</p> <p>12 approval of Block Items A through E.</p> <p>13 CHAIR JOHNSON: Do I have a</p> <p>14 second?</p> <p>15 MR. MCCARTY: William McCarty,</p> <p>16 second.</p> <p>17 CHAIR JOHNSON: Thank you. Would</p> <p>18 you please call the roll?</p> <p>19 MR. INGLIMA: Mr. West?</p> <p>20 MAYOR WEST: Yes.</p> <p>21 MR. INGLIMA: Mr. Rabil?</p> <p>22 MAYOR RABIL: Yes.</p> <p>23 MR. INGLIMA: Mr. Tuck?</p> <p>24 MAYOR TUCK: Aye.</p> <p>25 MR. INGLIMA: Mr. McCarty?</p> |
| 11 | <p>1 during this very unusual and difficult time.</p> <p>2 The Commission under the direction</p> <p>3 of Kevin Page continued to move our prior</p> <p>4 projects forward, kept our financial obligation</p> <p>5 timelines working and we are on track to very</p> <p>6 soon I hopefully hear the news that we are going</p> <p>7 to notice to proceed with the HRBT. There is so</p> <p>8 much good work that has been done and we have so</p> <p>9 much to be proud of, and I just want to thank</p> <p>10 everyone for continuing and not letting anything</p> <p>11 go between the cracks as we have had this very</p> <p>12 hard, difficult time. So conference calls work,</p> <p>13 Director Page, thank you for all of your work</p> <p>14 with all of our attorneys and with VDOT, and with</p> <p>15 everyone that has worked very diligently to get</p> <p>16 to where we are today.</p> <p>17 So with that, I'm not going to</p> <p>18 spend any more time because I know we are on</p> <p>19 somewhat of a time frame here. We will move to</p> <p>20 our consent items, and Director Page, I will turn</p> <p>21 it to you.</p> <p>22 MR. PAGE: Yes, thank you Madam</p> <p>23 Chair. The Consent Items 5-A, B, C, D, and E are</p> <p>24 before you today. As the decision briefs are in</p> <p>25 place, on June the 8th I, on behalf of the</p> | 13 | <p>1 MR. MCCARTY: Aye.</p> <p>2 MR. INGLIMA: Mr. Hipple?</p> <p>3 MR. HIPPLE: Aye.</p> <p>4 MR. INGLIMA: Mr. Price?</p> <p>5 MAYOR PRICE: Aye.</p> <p>6 MR. INGLIMA: Mr. Alexander?</p> <p>7 MAYOR ALEXANDER: Aye.</p> <p>8 MR. INGLIMA: Mr. Hunt?</p> <p>9 MAYOR HUNT: Aye.</p> <p>10 MR. INGLIMA: Mr. Rowe?</p> <p>11 MAYOR ROWE: (No audible</p> <p>12 response.)</p> <p>13 MR. INGLIMA: Mr. Cornwell?</p> <p>14 MR. CORNWELL: Yes.</p> <p>15 MR. INGLIMA: Ms. Johnson?</p> <p>16 CHAIR JOHNSON: Yes.</p> <p>17 MR. INGLIMA: Mr. Dyer?</p> <p>18 MAYOR DYER: Yes.</p> <p>19 MR. INGLIMA: Mr. Freiling?</p> <p>20 MAYOR FREILING: (No audible</p> <p>21 response.)</p> <p>22 MR. INGLIMA: Mr. Shepperd?</p> <p>23 MR. SHEPPERD: Aye.</p> <p>24 MR. INGLIMA: Senator Cosgrove?</p> <p>25 SENATOR COSGROVE: (No audible</p> |



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| 14 | <p>1 response.)</p> <p>2 MR. INGLIMA: Senator Mason?</p> <p>3 SENATOR MASON: Aye.</p> <p>4 MR. INGLIMA: Delegate Jenkins?</p> <p>5 DELEGATE JENKINS: Yes.</p> <p>6 MR. INGLIMA: Delegate Lindsey?</p> <p>7 DELEGATE LINDSEY: (No audible</p> <p>8 response.)</p> <p>9 MR. INGLIMA: Delegate Mullin?</p> <p>10 DELEGATE MULLIN: Aye.</p> <p>11 MR. INGLIMA: Mr. Mihaly, the</p> <p>12 results?</p> <p>13 MR. MIHALY: The motion is</p> <p>14 approved.</p> <p>15 CHAIR JOHNSON: Thank you. We</p> <p>16 will now turn to our action items, and Item 6-A,</p> <p>17 I'm just going to briefly comment there. As you</p> <p>18 all know, we sent out evaluations approximately,</p> <p>19 I believe it was six weeks ago. They were</p> <p>20 returned and tabulated, and I'm very pleased to</p> <p>21 report that our Executive Director received</p> <p>22 extremely high marks and great comments from the</p> <p>23 Commissioners.</p> <p>24 It has already been discussed</p> <p>25 early on, and to the credit of our Executive</p> | 16 |
| 15 | <p>1 Director Page, he had made it clear that he was</p> <p>2 looking for nothing and that we would not be</p> <p>3 discussing compensation during this time. So, I</p> <p>4 just want to let everyone know that Director Page</p> <p>5 has passed with flying colors his evaluation. We</p> <p>6 can thank him for his service and ask him to</p> <p>7 please continue doing the great job he is doing,</p> <p>8 and hopefully different times we would have</p> <p>9 different outcomes, but at this point in time</p> <p>10 there is no change to compensation. And, if</p> <p>11 anyone would like to add to that, please feel</p> <p>12 free.</p> <p>13 MEMBERS: (No audible response.)</p> <p>14 CHAIR JOHNSON: If not...</p> <p>15 MAYOR TUCK: I would like to add...</p> <p>16 CHAIR JOHNSON: Yes.</p> <p>17 MAYOR TUCK: This is Mayor Tuck,</p> <p>18 and I just think that Director Page has been a</p> <p>19 tremendous asset to our Committee, to our region;</p> <p>20 just, his knowledge and the anticipation of</p> <p>21 issues and his advice that he gives us is just, I</p> <p>22 just don't think we could be better situated than</p> <p>23 having him as the Executive Director. And, I</p> <p>24 just want that to be on the record.</p> <p>25 CHAIR JOHNSON: I totally concur,</p> | 17 |



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1 Nominating Committee is they should continue to
 2 serve. Thus, the proposed 2021 slate of officers
 3 is as follows: Linda Johnson, Suffolk Mayor as
 4 Chair, and Donnie Tuck, Hampton Mayor as Vice
 5 Chair.
 6 **CHAIR JOHNSON:** Thank you very
 7 much. Now we will open the floor for
 8 nominations.
 9 **MR. JOHN ROWE:** Madam Chair, I
 10 move that the nominations be closed. This is
 11 John Rowe.
 12 **MAYOR DYER:** Bobby Dyer seconds
 13 that.
 14 **CHAIR JOHNSON:** All right, we have
 15 a motion and a second. Mayor Tuck, did I hear?
 16 I thought I heard you. All right, so...
 17 **MAYOR TUCK:** No, I didn't say
 18 anything.
 19 **CHAIR JOHNSON:** Okay. Help me
 20 out, Counselor, at this point now we would vote
 21 as a slate, is that correct?
 22 **MR. INGLIMA:** That's correct,
 23 Chair, and I will read the roll call.
 24 **CHAIR JOHNSON:** All right.
 25 **MR. INGLIMA:** This roll call vote

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1 is to elect the slate with Mayor Johnson as the
 2 Chair and Mayor Tuck as the Vice Chair. Mr.
 3 West?
 4 **MAYOR WEST:** Yes.
 5 **MR. INGLIMA:** Mr. Rabil?
 6 **MAYOR RABIL:** Yes.
 7 **MR. INGLIMA:** Mr. Tuck?
 8 **MAYOR TUCK:** Aye.
 9 **MR. INGLIMA:** Mr. McCarty?
 10 **MR. MCCARTY:** Aye.
 11 **MR. INGLIMA:** Mr. Hipple?
 12 **MR. HIPPLE:** Aye.
 13 **MR. INGLIMA:** Mr. Price?
 14 **MAYOR PRICE:** For.
 15 **MR. INGLIMA:** Mr. Alexander?
 16 **MAYOR ALEXANDER:** Aye.
 17 **MR. INGLIMA:** Mr. Hunt?
 18 **MAYOR HUNT:** Aye.
 19 **MR. INGLIMA:** Mr. Rowe?
 20 **MAYOR ROWE:** Aye.
 21 **MR. INGLIMA:** Mr. Cornwell?
 22 **MR. CORNWELL:** Yes.
 23 **MR. INGLIMA:** Ms. Johnson?
 24 **CHAIR JOHNSON:** Yes.
 25 **MR. INGLIMA:** Mr. Dyer?

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1 **MAYOR DYER:** Yes.
 2 **MR. INGLIMA:** Mr. Freiling?
 3 **MAYOR FREILING:** (No audible
 4 response.)
 5 **MR. INGLIMA:** Mr. Shepperd?
 6 **MR. SHEPPERD:** Aye.
 7 **MR. INGLIMA:** Senator Cosgrove?
 8 **SENATOR COSGROVE:** (No audible
 9 response.)
 10 **MR. INGLIMA:** Senator Mason?
 11 **SENATOR MASON:** Aye.
 12 **MR. INGLIMA:** Delegate Jenkins?
 13 **DELEGATE JENKINS:** Yes.
 14 **MR. INGLIMA:** Delegate Lindsey?
 15 **DELEGATE LINDSEY:** (No audible
 16 response.)
 17 **MR. INGLIMA:** Delegate Mullin?
 18 **DELEGATE MULLIN:** Aye.
 19 **MR. INGLIMA:** Mr. Mihaly, the
 20 results?
 21 **MR. MIHALY:** The motion is
 22 approved.
 23 **CHAIR JOHNSON:** All right, thank
 24 you very much. And, thank you for the trust that
 25 you have placed in myself and Mayor Tuck. We

21

1 will, I'm sure, work very hard to keep that
 2 trust.
 3 We will move on now to C, which is
 4 FY-2021 HRTAC meeting schedule. If you will look
 5 at the attachment, it speaks to the meetings and
 6 we would need an approval of that. Our next
 7 meeting would be July 16th at 9:00 a.m. I
 8 believe; Director Page?
 9 **MR. PAGE:** Yes ma'am, that is
 10 correct, at 9:00 a.m. before the HRTPO/HRPDC
 11 combined meetings that come up that day.
 12 **CHAIR JOHNSON:** And that is our
 13 general meeting, so that...
 14 **MR. PAGE:** Yes ma'am, that would
 15 be our regular meeting.
 16 **CHAIR JOHNSON:** Okay, thank you.
 17 So we would need an approval of the calendar.
 18 **MAYOR ROWE:** Madam Chair, John
 19 Rowe, I move for approval.
 20 **MAYOR PRICE:** Mayor Price, second.
 21 **CHAIR JOHNSON:** Roll call?
 22 **MR. INGLIMA:** Mr. West?
 23 **MAYOR WEST:** Yes.
 24 **MR. INGLIMA:** Mr. Rabil?
 25 **MAYOR RABIL:** Yes.



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| 22 | <p>1 MR. INGLIMA: Mr. Tuck?</p> <p>2 MAYOR TUCK: Aye.</p> <p>3 MR. INGLIMA: Mr. McCarty?</p> <p>4 MR. MCCARTY: Aye.</p> <p>5 MR. INGLIMA: Mr. Hipple?</p> <p>6 MR. HIPPLE: Aye.</p> <p>7 MR. INGLIMA: Mr. Price?</p> <p>8 MAYOR PRICE: Aye.</p> <p>9 MR. INGLIMA: Mr. Alexander?</p> <p>10 MAYOR ALEXANDER: Aye.</p> <p>11 MR. INGLIMA: Mr. Hunt?</p> <p>12 MAYOR HUNT: Aye.</p> <p>13 MR. INGLIMA: Mr. Rowe?</p> <p>14 MAYOR ROWE: Aye.</p> <p>15 MR. INGLIMA: Mr. Cornwell?</p> <p>16 MR. CORNWELL: Yes.</p> <p>17 MR. INGLIMA: Ms. Johnson?</p> <p>18 CHAIR JOHNSON: Yes.</p> <p>19 MR. INGLIMA: Mr. Dyer?</p> <p>20 MAYOR DYER: Yes.</p> <p>21 MR. INGLIMA: Mr. Freiling?</p> <p>22 MAYOR FREILING: (No audible 23 response.)</p> <p>24 MR. PAGE: Mr. Shepperd?</p> <p>25 MR. SHEPPERD: Aye.</p> | 24 |
| 23 | <p>1 MR. PAGE: Senator Cosgrove?</p> <p>2 SENATOR COSGROVE: (No audible 3 response.)</p> <p>4 MR. INGLIMA: Senator Mason?</p> <p>5 SENATOR MASON: Aye.</p> <p>6 MR. INGLIMA: Delegate Jenkins?</p> <p>7 DELEGATE JENKINS: Yes.</p> <p>8 MR. INGLIMA: Delegate Lindsey?</p> <p>9 DELEGATE LINDSEY: (No audible 10 response.)</p> <p>11 MR. INGLIMA: Delegate Mullin?</p> <p>12 DELEGATE MULLIN: Aye.</p> <p>13 MR. INGLIMA: Mr. Mihaly?</p> <p>14 MR. MIHALY: The motion is 15 approved.</p> <p>16 CHAIR JOHNSON: Thank you. We 17 will now move to Item 6-D, this is an amended and 18 restated bylaws. This is the first reading. It 19 will be handled by Executive Director Page and 20 Counselor Inglima. So, there is no action to be 21 taken today, as I understand, but we will have 22 the first reading. And, I would turn that over 23 to Director Page.</p> <p>24 MR. PAGE: Thank you, Madam Chair, 25 and I will then hand off to the counselor to walk</p> | 25 |



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| 26 | <p>1 Members of the Commission that are subject to the 2 taxes imposed by 58.1-8024 and 58.1-1743. 3 The final change that's in the 4 amended and restated bylaws is in Article 7, 5 Section C, and that is to correct a statutory 6 citation that was replaced or substituted in the 7 code. It is not a substantive change but merely 8 a correction of an outdated reference. 9 CHAIR JOHNSON: So there is no 10 action to be taken; correct? 11 MR. INGLIMA: That is correct. 12 Under the bylaws the proposed amendments would 13 have to be read once at this meeting and then 14 acted upon at a subsequent meeting. 15 CHAIR JOHNSON: So, I'm to assume 16 we would take this up July 16th? 17 MR. INGLIMA: Yes, Chair. 18 CHAIR JOHNSON: All right, any 19 questions or comments? 20 MEMBERS: (No audible response.) 21 CHAIR JOHNSON: If not, we will 22 move to Item E, which is briefing of the 23 development of the Master Tolling Agreement and 24 timing to finalize and approve. You do have an 25 Attachment 6-E, if you would like to go along</p> | 28 | <p>1 close this out hopefully by next month. 2 Counselor Inglima, I will turn the floor to you, 3 sir. 4 MR. INGLIMA: Thank you, Mr. Page. 5 For those who are following along, I will try and 6 do my best to refer to the slides that I'm 7 looking at. I'm starting on Slide 2 where we 8 have a summary of the topics for this 9 presentation. I will briefly address what has 10 occurred since the last meeting, then I will 11 provide detail regarding the proposed terms of 12 the Master Tolling Agreement and highlight the 13 material open issues to be resolved before we 14 bring it back to the Commission in July. And 15 finally, I will run down some of the next step 16 items on the project generally. 17 Moving to Slide 3, right now we 18 have a final push to try and finalize and approve 19 the agreement in July. As you will recall, we 20 began outlining the principle terms of the Master 21 Tolling Agreement over a year ago. And that is 22 because the funding of the HRBT expansion project 23 relies on toll-backed debt from the Express Lanes 24 Network. 25 The preliminary work on the HRBT</p> |
| 27 | <p>1 with it. I'm going to turn it over to Executive 2 Director Page and Counselor Inglima and Special 3 Counselor Wall. This is discussion and it is 4 something I think we have heard before, but we're 5 getting ready to hear a lot more about this 6 morning, so this is really the meat of our 7 meeting today. So I will turn to Executive 8 Director Page and we will follow along. Thank 9 you. 10 MR. PAGE: Thank you, Chair 11 Johnson. Moving into the agenda package, on your 12 PDF file it is Page 45 of 106 on the 6-E 13 presentation PDF document that I sent out 14 yesterday, earlier this week. There has been 15 significant progress I believe, that has been 16 accomplished through the process of the Master 17 Tolling Agreement. I would like to thank the MTA 18 Advisory Committee, the HRTAC team and counsel, 19 some financial advisors that have been supporting 20 the Commission moving forward with this. And, I 21 would like to turn the floor over to Counselor 22 Inglima to provide a very focused presentation on 23 the legal terms of the document and also bring us 24 up to speed as to where that document stands on 25 open issues and also the next steps so we can</p> | 29 | <p>1 project by the contractor and VDOT is nearing 2 completion, and it is anticipated that notice to 3 proceed will be issued in July. Once that 4 occurs, the work and funding will greatly 5 accelerate, and HRTAC will have to promptly 6 complete a bond financing to support its funding 7 obligations. 8 During the past several weeks, the 9 VDOT and HRTAC teams have worked to finalize the 10 terms of the MTA. So, I afford the high level 11 perspective of the agreement. It is between 12 HRTAC, VDOT, and CTB, is a framework agreement 13 addressing how the parties will pursue the 14 development, building, and financing of the 15 Express Lanes Network, and its related 16 infrastructure, and how it will subsequently be 17 operated and maintained. Because the agreement 18 encompasses both development and operating 19 phases, we have renamed it the Master Agreement 20 for Development and Tolling. 21 The last three bullets on Slide 4 22 highlight some of the important principles that 23 have been included in the agreement. First, 24 although there will be tolling through the 25 managed lanes, there will always be a free</p> |



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| <p style="text-align: right;">30</p> <p>1 alternative through the adjacent general purpose 2 lane.</p> <p>3 Second, because both the CTB and 4 HRTAC have tolling powers, the two bodies submit 5 and consult with each other and evaluate whether 6 the agreement should be amended if either body 7 seeks to impose tolls on other parts of the 8 Hampton Roads Interstate.</p> <p>9 Third, no party will enter into to 10 or award a concession agreement relating to the 11 Express Lanes Network unless the parties mutually 12 agree.</p> <p>13 Slide 5 describes the principle 14 terms regarding the design, development and 15 construction. Currently, we only have conceptual 16 work and cost estimates on a conceptual funding 17 plan. The parties are going to have to evolve 18 those and turn them into definitive plans, and 19 then the project would be developed in phases. 20 The agreement includes an overarching principle 21 that the completion of the HRBT Expansion Project 22 is paramount, so whatever is done needs to work 23 in concert with completing the HRBT.</p> <p>24 Based on project readiness, it is 25 anticipated that the first segment would be</p> | <p style="text-align: right;">32</p> <p>1 revenue study, which must be completed this year 2 to support the Commission's 2021 TIFIA loan. To 3 finalize that, the Commission will have to adopt 4 some initial tolling policies. So HRTAC working 5 with VDOT is going to have to turn to those 6 shortly and start vetting them with the 7 Commission in the August/September time frame.</p> <p>8 Slide 7 includes points regarding 9 HRTAC's conceptual funding plan. There are 10 several sources. First, the Hampton Roads 11 Transportation Fund revenues derived from the 12 sales and fuels taxes imposed in the region and 13 debt supported by that revenue stream, including 14 a TIFIA loan. There is also the toll revenues 15 from the network itself and debt supported by the 16 toll revenue, again including a TIFIA loan. And 17 then, there are monies advanced by VDOT out of 18 the Toll Facilities Revolving Account, which will 19 be used to establish the tolling operations and 20 maintenance reserves.</p> <p>21 You will recall that when the MTA 22 discussions began a year ago, we didn't know 23 whether the Commonwealth or HRTAC would impose 24 the tolls and be used for the toll-backed debt. 25 In fact, that was still unresolved until mid-</p> |
| <p style="text-align: right;">31</p> <p>1 connecting the reversible HOT lanes with the 2 managed lanes that would run through the High 3 Rise Bridge. Then the HRBT segment would come 4 online. And finally, the complimentary 5 components and work would be completed.</p> <p>6 The process that VDOT and HRTAC 7 will use to construct these project elements will 8 be consistent with what the parties have used 9 with the first six HRTAC-funded projects.</p> <p>10 Specifically, VDOT takes the lead on procurement, 11 involving HRTAC as a partner; HRTAC updates its 12 funding plan to support the expenditures; and, 13 VDOT and HRTAC prepare a standard project 14 agreement to support the funding. Then, that 15 agreement is presented to the CTB and the HRTAC 16 for their respective approval.</p> <p>17 Slide 6 highlights the studies 18 that must be completed in order for the parties 19 to proceed with the project, including a traffic 20 and revenue study; an operations, maintenance, 21 and cost study; and, an operative analysis. In 22 order to move forward with the funding of the 23 HRBT project in a timely manner, the studies will 24 have to be done in multiple parts or phases, with 25 the first being an investment grade traffic and</p> | <p style="text-align: right;">33</p> <p>1 January when the House Bill 1438 was transformed, 2 and the special legislation specifically 3 empowered HRTAC to impose the tolls and issue the 4 toll-backed debt, subject to entering into a 5 master agreement with the CTB and VDOT, which of 6 course is this agreement.</p> <p>7 Under this agreement, the parties 8 now recognize that although both the CTB and 9 HRTAC have tolling authority, HRTAC would be the 10 party to impose the tolls and to issue the toll- 11 backed debt. With that in mind, we will finalize 12 the definitive funding plan and update it from 13 time to time, and if additional Federal or State 14 funding becomes available, VDOT and the CTB will 15 support HRTAC's efforts to obtain it.</p> <p>16 I'm now moving to Slide 8, which 17 describes the principle terms of the tolling 18 policy. HRTAC will set the initial tolling 19 policies that will take effect once the first 20 segment is added to the network. Until then, the 21 status quo regarding the CTB policies will apply 22 to their reversible HOT lane. The tolling 23 policies will establish the hours, which from a 24 financial perspective are likely to be 24/7 and 25 the toll rates, which will be imposed from time</p> |



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| <p style="text-align: right;">34</p> <p>1 to time using a dynamic pricing algorithm that 2 selects the optimal rate based on congestion 3 level. 4 At the bottom of Slide 8, we note 5 that once the network becomes operational, it 6 must be operated as HOT lanes for the duration of 7 the agreement. 8 Continuing with Slide 9, as you 9 will recall from my prior comments, when the MTA 10 discussions began we did not know whether the CTB 11 or HRTAC would be the party imposing the tolls. 12 Both parties, in fact, possess the power. In 13 order to balance the respective interests, the 14 concept of a toll policy committee evolved. 15 So, HRTAC sets the initial 16 policies and to make changes to comply with the 17 financing covenant. But, if down the road HRTAC 18 wants to make an elective change to the tolling 19 policies, it would have to be vetted with and 20 approved by the Tolling Policy Committee. 21 Importantly, the special committee doesn't have 22 the power to make policies itself, but it must 23 bless HRTAC's elective changes. 24 The Toll Policy Committee would 25 have three members appointed by the Secretary of</p> | <p style="text-align: right;">36</p> <p>1 Express Lanes Network construction costs; and, at 2 the fourth tier of the revenues waterfall, excess 3 revenue would be applied to reimburse VDOT for 4 monies it advances out of the Toll Facilities 5 Revolving Account. 6 I'm moving to Slide 11 now. Slide 7 11 highlights that once the fundamental 8 obligations are covered, the excess toll revenues 9 and excess toll-backed debt may be used to 10 reimburse HRTAC for any Hampton Roads 11 Transportation Fund revenues it applied to the 12 Express Lanes Network Project, and thereafter for 13 mutually agreed projects. 14 In order to assure VDOT regarding 15 the repayment of the Toll Facilities Revolving 16 Account advances, which under HRTAC's current 17 conceptual plan would occur around 2041, HRTAC 18 agrees to not incur additional toll-backed debt 19 beyond the, you know, the first debt incurred for 20 the project, unless VDOT consents. The final 21 bullet on Slide 11 notes that at the expiration 22 of the term of the Master Agreement remaining 23 revenues will be distributed to HRTAC for use in 24 accordance with the law. 25 I will now move to Slide 12, which</p> |
| <p style="text-align: right;">35</p> <p>1 Transportation, and three members appointed by 2 HRTAC. At our last meeting, I indicated that the 3 parties were debating how the voting should work 4 to avoid potential deadlocks. Unfortunately, 5 this remains an open issue. We made a proposal 6 that created a pathway for policy change to be 7 provisionally adopted without concurrence from 8 the Commonwealth's representative, but it was 9 rebuffed as too one sided, so we are continuing 10 to look at alternatives that are mutually 11 satisfactory. 12 Moving to Slide 10, the agreement 13 consistent with the requirements of House Bill 14 1438 states how the full revenues and toll-backed 15 debt will be used. Debt proceeds are first used 16 to acquire and set up the tolling infrastructure 17 and systems, then to fund not less than three 18 hundred and forty-five million of the cost of the 19 HRBT Expansion Project, and third, for the cost 20 of constructing the managed lanes. 21 Toll revenues work similarly and 22 are applied first to cover the operations and 23 maintenance costs of the tolling systems, and 24 required reserves; then, to cover debt service 25 and reserves; third, for a payment fund for the</p> | <p style="text-align: right;">37</p> <p>1 highlights the principle terms regarding the 2 tolling operation and maintenance. Much of this 3 was covered at our last meeting, so I will just 4 note quickly that there is a pre and post 5 transition date concept. Pre-transition, VDOT is 6 responsible for tolling operations and 7 maintenance and has the operating and rent, post- 8 transition, which is when the HRBT begins 9 operating, unless HRTAC decides to assume the 10 role sooner. HRTAC would have the risk after 11 post-transition. 12 On Slide 11, we have, I'm sorry, 13 Slide 13, we highlight the fact that VDOT would 14 at all times remain responsible to perform all 15 roadway obligations at its expense. VDOT must 16 perform consistently with the standards for all 17 of its maintained interstates. And in light of 18 VDOT's role with traffic and safety and 19 maintenance, VDOT has the right to suspend 20 tolling or close the managed lanes in certain 21 limited circumstances, such as a suspension for a 22 mass evacuation in the case of a hurricane or a 23 closure in connection with a maintenance 24 activity. 25 Moving to Slide 14, this slide</p> |



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| <p style="text-align: right;">38</p> <p>1 highlights the terms that are intended to provide 2 protection against events that could interfere 3 with the toll revenue stream. First, the parties 4 are going to work collaboratively to set up a 5 proper procurement program for HRTAC, the cost of 6 which would be borne out of the toll revenue 7 waterfall as a tolling O&M cost. The insurance 8 would be designed to guard against an 9 interruption in the toll revenue caused by damage 10 from a third party action or from an act of God, 11 like a hurricane.</p> <p>12 Second, the parties are trying to 13 develop a mutually acceptable set of terms 14 regarding when VDOT's actions could, themselves, 15 trigger a requirement to compensate HRTAC for 16 lost revenue. We have agreed to certain elements 17 of this. But, there continues to be negotiation 18 over a couple of key terms.</p> <p>19 Moving to Slide 15, the term of 20 the agreement is purposefully long to align with 21 the anticipated repayment period of the toll- 22 backed debt. It would be not less than fifty 23 years, but if the last increment of pull back 24 debt is incurred more than ten years after the 25 agreement is executed, then the agreement would</p> | <p style="text-align: right;">40</p> <p>1 Express Lanes Network. HRTAC, its financial 2 advisor, PFM, the Office of P-3, and CDM Smith 3 traffic consultants will continue with the 4 development of the investment grade traffic and 5 revenue study of the Express Lanes Network. In 6 connection with this effort, HRTAC will work with 7 the HRTAC, I'm sorry, the HRTAC staff and team 8 will work with the HRTAC Board Members to adopt 9 the initial tolling policy. HRTAC will continue 10 to develop the toll and the HRTF-backed TIFIA 11 loans for HRBT, the first of which is anticipated 12 to be in early 2021.</p> <p>13 HRTAC at its last meeting 14 authorized the Finance Committee and Executive 15 Director Page to continue with a bond offering, 16 subject to the Master Tolling Agreement being 17 suited and delivered, and notice to proceed being 18 issued. So, as soon as those two events occur, 19 the bond offering would continue at pace.</p> <p>20 That concludes my comments, Chair 21 Johnson, but I would be happy to respond to any 22 questions.</p> <p>23 MAYOR ROWE: Madam Chair,... 24 CHAIR JOHNSON: Thank you very 25 much.</p> |
| <p style="text-align: right;">39</p> <p>1 expire on the forty-year anniversary of when that 2 toll-backed debt was incurred.</p> <p>3 In light of the nature of the 4 system and the terms of the associated debt, the 5 Master Agreement is not terminable for breach. 6 Instead each party would have other remedies like 7 damages and the right to seek specific 8 performance. VDOT also would have the right to 9 step in and cure an HRTAC breach, and being 10 reimbursed as a tolling O&M cost, its actual cost 11 to cure if it has to do so.</p> <p>12 Although the Master Agreement 13 itself is not terminable, if HRTAC engages VDOT 14 under a separate agreement to perform the tolling 15 O&M services, then that separate agreement will 16 be terminable in accordance with its terms.</p> <p>17 The final slide describes the next 18 steps. The HRTAC and VDOT teams are going to 19 work to finalize the terms of the Master 20 Agreement and its exhibits. And if those are 21 reached by the July meeting, the agreement will 22 be presented to the CTB and HRTAC for approval. 23 Execution would promptly follow.</p> <p>24 VDOT will continue to work to 25 finalize the preliminary cost estimates for the</p> | <p style="text-align: right;">41</p> <p>1 MAYOR ROWE: ... John Rowe. 2 CHAIR JOHNSON: Yes... 3 MAYOR ROWE: On... 4 CHAIR JOHNSON: ... Mayor Rowe. 5 MAYOR ROWE: ... slide 9 on the 6 Toll Policy Committee, and then I see the bold 7 print that's ongoing negotiations, avoiding a 8 deadlock. I think the only possible way, 9 realistic way to avoid a deadlock is to have an 10 odd number, and how can we get to an odd number? 11 Because this is our region, I think that it 12 should be weighted to the region, with four from 13 HRTAC and three from the State.</p> <p>14 MAYOR PRICE: Madam Chair? 15 CHAIR JOHNSON: Yes. 16 MAYOR PRICE: It's Mayor Price. I 17 would concur with that, it just seems like the 18 Toll Policy Committee, if they, if the decisions 19 still kind of like VDOT or CTB would have veto 20 power to anything that HRTAC would do under that 21 current structure.</p> <p>22 MR. SHEPPERD: Madam Chair, this 23 it's Tom. Shepperd. 24 CHAIR JOHNSON: Yes. 25 MR. SHEPPERD: Yes, this, at the</p> |



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| <p style="text-align: right;">42</p> <p>1 last meeting, had a discussion about this, and 2 Kevin, what was, what effort do you got to put 3 forward to try to resolve this issue? 4 MR. PAGE: Thank you Mr. Shepperd, 5 Madam Chair. If I could add Counselor Inglima to 6 respond back with what we have provided and some 7 scenarios moving forward in those negotiations. 8 I feel that we have tried to move forward with 9 some distribution of powers of deadlock moving 10 forward. And, Counselor Inglima I would like you 11 to kind of give a little overview of that without 12 getting too far out on it, but understanding that 13 we have tried several different scenarios with 14 VDOT in dealing with this since our last meeting. 15 Tom? 16 MR. INGLIMA: Yes, certainly. So 17 Mr. Shepperd, you know, we made the point to VDOT 18 that since HRTAC would be the party initiating 19 the request for an elective change in the 20 policies, that if it required the Tolling Policy 21 Committee to concur, they could effectively just 22 reject it by either not showing up for a vote or 23 by voting it down, and therefore we would have a 24 deadlock. 25 The proposal that we made to try</p> | <p style="text-align: right;">44</p> <p>1 MAYOR PRICE: Madam Chair, we're 2 not hearing you. 3 CHAIR JOHNSON: Mayor Shepperd, 4 you follow up, and then follow Mayor. 5 MR. SHEPPERD: Okay, thank you 6 Madam Chair. So Tom, under the, what I just 7 heard you say is that the, essentially an issue 8 would boil down to the Secretary of 9 Transportation meeting with I guess the HRTAC 10 Chair, and try to resolve the issue. But if, and 11 the presumption would be that we would, whatever 12 we agreed to, if it was from the HRTAC we would 13 proceed forward. Now the point in there 14 declaring something a safety hazard, would that 15 not also comprise a funding issue, such as we saw 16 with the trestles or something like that where we 17 would be overridden over on a decision such as 18 that is considered a safety issue because we are 19 funding? 20 MR. INGLIMA: So I'm not sure I 21 follow your comment specifically, but if a 22 modification is required for HRTAC to maintain 23 compliance with its financing covenant, then that 24 decision point can carry forward without the 25 concurrence of the Toll Policy Committee.</p> |
| <p style="text-align: right;">43</p> <p>1 and work around that scenario was that if HRTAC 2 proposed an elective modification it would be 3 deemed provisionally approved if there was a 4 deadlock. And at that point in time, the 5 Secretary of Transportation could call for a 6 meeting with the Chair of HRTAC and the two of 7 them would see whether or not there was a 8 particular way that the policies could be 9 modified to reach consensus. 10 We further provided that the 11 policies would move forward unless the Secretary 12 of Transportation identified a safety concern 13 that required, in her estimation, a 14 reconsideration of the topic, in which case it 15 would be remanded or pushed back to the Toll 16 Policy Committee for further action. So, our 17 approach under that scenario was to try and have 18 a presumptive approval process for matters that 19 did not implicate a safety consideration. 20 MAYOR PRICE: Madam Chair? Mayor 21 Price. Madam Chair, I had a follow up question. 22 CHAIR JOHNSON: (No audible 23 response.) 24 MAYOR PRICE: Madam Chair? 25 MR. INGLIMA: Hello?</p> | <p style="text-align: right;">45</p> <p>1 MR. SHEPPERD: Okay, so you're 2 telling me that funding cannot be a 3 consideration... 4 MR. PAGE: I'm sorry, Mr. 5 Shepperd, you are breaking up on us. 6 MR. SHEPPERD: Yes, I said what 7 you're telling me then is that the funding, the 8 funding, the point of funding would not be 9 considered, should not be considered by the 10 Secretary of Transportation as a safety issue in 11 itself? In other words, if the safety issue it 12 would be something, I don't know, pertains to a 13 natural cause or a failure of structure, or 14 something like that, but the issue of funding 15 itself would not be considered a safety issue. 16 MR. INGLIMA: That's right, I 17 think that the, I think that safety issues at 18 least, and Executive Director Page can tell me if 19 he disagrees, but I would think that safety 20 issues would be things that would affect, a 21 policy decision that would affect the decisions 22 that the users of the facility are making when 23 deciding whether to travel the managed lanes 24 versus the general purpose lanes. 25 MR. SHEPPERD: Okay. Thank you,</p> |

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| 46 | <p>1 Madam Chair.</p> <p>2 CHAIR JOHNSON: Mayor Price?</p> <p>3 MAYOR PRICE: Madam Chair, I would</p> <p>4 just kind of go back to the original creation of</p> <p>5 HRTAC where we were guaranteed by the Legislature</p> <p>6 that we would be an independent body. And, I</p> <p>7 keep reiterating that every time we come to an</p> <p>8 impasse like this. It just seems like, you know,</p> <p>9 that is being taken from us.</p> <p>10 MAYOR ALEXANDER: Madam Chair,</p> <p>11 this is, when Mayor Price is finished, this is</p> <p>12 Kenny Alexander, I would like to make a</p> <p>13 comment...</p> <p>14 CHAIR JOHNSON: Certainly.</p> <p>15 MAYOR ALEXANDER: ... and maybe</p> <p>16 get some clarity, whenever Mayor Price is</p> <p>17 finished.</p> <p>18 MAYOR PRICE: I'm finished.</p> <p>19 CHAIR JOHNSON: Mayor Alexander?</p> <p>20 MAYOR ALEXANDER: Madam Chair, I</p> <p>21 join Mayor Price. I was there to help create</p> <p>22 HRTAC in, after a lot of negotiations and</p> <p>23 deliberations. The General Assembly mustered up</p> <p>24 enough votes to pass HRTAC, and it was because we</p> <p>25 were going to tax ourselves, we were going to</p> |
| 47 | <p>1 raise money in the region for ourselves to help</p> <p>2 unlock our potential.</p> <p>3 We had been neglected by the</p> <p>4 Commonwealth, other regions had projects, and we</p> <p>5 were unable to get projects at the level or scale</p> <p>6 we needed to, to move commerce and move people.</p> <p>7 And so, we taxed ourselves. And, a lot of what</p> <p>8 is being discussed to date was not even</p> <p>9 considered.</p> <p>10 If, if this conversation would</p> <p>11 have been had then, the legislation would not</p> <p>12 have passed. The likelihood of tolling 24/7 on</p> <p>13 non-toll HOV lanes, that would have come up then.</p> <p>14 It would not have passed. And, for the</p> <p>15 Commonwealth to ask to be, to have equal</p> <p>16 representation on a committee, if that would have</p> <p>17 been discussed or considered then, the</p> <p>18 legislation would not have passed.</p> <p>19 And, the fact that the</p> <p>20 Commonwealth can not show up at a committee</p> <p>21 meeting or vote it down because there's an</p> <p>22 impasse, because we are deadlocked, and the</p> <p>23 policy that HRTAC had put forth and had passed,</p> <p>24 could very well be voted down or just acted upon</p> <p>25 because we are now having the Commonwealth to be</p> |
| 48 | <p>1 at the table and at equal position.</p> <p>2 If that would have been discussed,</p> <p>3 I would have, I would assure you that the members</p> <p>4 who voted then for HRTAC would not have voted in</p> <p>5 favor. So, I am troubled, I am concerned that we</p> <p>6 are moving in a direction where I feel that we</p> <p>7 are just becoming a financier, we're just</p> <p>8 becoming a vehicle, a tool to generate a bunch of</p> <p>9 money for VDOT, or for the Commonwealth.</p> <p>10 CHAIR JOHNSON: Does anyone want</p> <p>11 to respond? Any other thoughts?</p> <p>12 MAYOR HUNT: This is Mayor Hunt,</p> <p>13 and I will echo the comments of Mr. Alexander and</p> <p>14 Mr. Price, I concur with their comments.</p> <p>15 CHAIR JOHNSON: Okay, is there</p> <p>16 anyone...</p> <p>17 MAYOR ROWE: Madam Chair, John</p> <p>18 Rowe again.</p> <p>19 CHAIR JOHNSON: Yes.</p> <p>20 MAYOR ROWE: Again, I have stated</p> <p>21 my position and it just makes no sense that we be</p> <p>22 the financing mechanism for VDOT without having</p> <p>23 the majority voice, so we need to fix this.</p> <p>24 CHAIR JOHNSON: Delegate Mullin?</p> <p>25 DELEGATE MULLIN: Thank you Madam</p> |
| 49 | <p>1 Chair. Madam Chair, since I was not involved</p> <p>2 with the HRTAC prior to this year, I was not</p> <p>3 present for many of the discussions involving the</p> <p>4 conversion of HOV lanes to HOT lanes. I</p> <p>5 personally am concerned about them beginning at</p> <p>6 Jefferson Avenue and the possibility of adverse</p> <p>7 traffic impacts to people who are traveling just</p> <p>8 from one position to another on the Peninsula,</p> <p>9 and would not be engaging with HRBT at all. I</p> <p>10 also think that there is a regressive nature to</p> <p>11 many of these types of tolling.</p> <p>12 That being said, I share the</p> <p>13 concerns that have been expressed by Mayor Price</p> <p>14 as well as Mayor Alexander, I think that they are</p> <p>15 well thought out. And that if, I'm not sure that</p> <p>16 I agree that this is the road that we should be</p> <p>17 going down, but if we are to, then we absolutely,</p> <p>18 positively need to have the majority of that</p> <p>19 committee.</p> <p>20 CHAIR JOHNSON: And I was going</p> <p>21 to, and anyone can jump in here, Mayor Alexander,</p> <p>22 you may be the person to answer this, or anyone.</p> <p>23 Given where we are and given where we are headed</p> <p>24 with the HRBT, other than this committee, you</p> <p>25 know, changing the makeup of it, what other</p> |



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1 alternatives would you, I'm just looking for
 2 another answer, I guess, because as you said,
 3 we're at a place in time that when this
 4 legislation came about, you never expected us to
 5 be.
 6 **MAYOR ALEXANDER:** Madam Chair...
 7 **CHAIR JOHNSON:** I guess I'm
 8 looking to you for guidance.
 9 **MAYOR ALEXANDER:** Well, I think
 10 the lawyers, probably, to go back to the original
 11 legislation and what was the intent? And let's
 12 stay true to the intent of HRTAC. Why were we
 13 created?
 14 And if we were created just to tax
 15 ourselves and to be a financier, to give money to
 16 the Commonwealth, then we just need to just maybe
 17 pull our tent, not meet again and just raise the
 18 money, send it to VDOT, and the CTB and the
 19 Secretary of Transportation and let them do what
 20 they have always done.
 21 And I think that's where we're
 22 headed. It's a power grab, and that was not the
 23 intent. And I think we're slipping into, into
 24 becoming irrelevant. We were created to be
 25 relevant.

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1 **CHAIR JOHNSON:** Right. Counselor
 2 Inqlima?
 3 **MR. INGLIMA:** Chair Johnson, I
 4 hear all the comments.
 5 **CHAIR JOHNSON:** Yes.
 6 **MR. INGLIMA:** We will have to take
 7 that back and assert that position. Obviously,
 8 this has been a negotiation that's gone on for a
 9 very extended period of time. There are a lot of
 10 different things that have been pushed back and
 11 forth. The Commonwealth does have the roadway
 12 operations and maintenance obligations long-term,
 13 which is why they continue to stand pretty
 14 steadfast against what we have proposed on the
 15 modification of the Toll Policy Committee. But,
 16 I think Mayor Alexander's point about the
 17 legislation is something we can certainly look
 18 at.
 19 I do know that the legislation
 20 that empowers HRTAC to act as the body assessing
 21 the tolls, when it references there being an
 22 agreement between the CTB, HRTAC, and VDOT, it
 23 obviously references that there have to be terms
 24 relating to the safe and efficient operations of
 25 the general purpose lanes. But, there isn't a

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1 specific requirement that there include a Toll
 2 Policy Committee that operates in this specific
 3 fashion. So we will do our best to carry forward
 4 your message.
 5 **CHAIR JOHNSON:** Shall we discuss a
 6 timeline?
 7 **MAYOR TUCK:** Mayor Johnson?
 8 **CHAIR JOHNSON:** Yes, Mayor Tuck?
 9 **MAYOR TUCK:** Sorry if this has
 10 been asked, you can still respond. Mine may be
 11 somewhat different, maybe along the same lines.
 12 **CHAIR JOHNSON:** I was just asking
 13 should we discuss timelines.
 14 **MAYOR ALEXANDER:** Madam Chair,
 15 this is Kenny Alexander again. I think we should
 16 hold the line on any tolling policy and tolling
 17 period, the term provisions of a tolling
 18 agreement, we should hold the line. What it is
 19 asking us to do is to give them the house, give
 20 them the house and all they have to do is
 21 maintain, maintain it.
 22 **CHAIR JOHNSON:** Right.
 23 **MAYOR ALEXANDER:** But we're going
 24 to buy it, we're going to buy it without money,
 25 give it to them, and for maintaining it, they get

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1 equal representation, equal say, and if they
 2 don't like something, they can just opt to not
 3 show up at a meeting. It would devastate, you
 4 know, HRTAC. And, I am not willing to put HRTAC,
 5 residents in Hampton Roads in a position that
 6 they bought something and give it away for
 7 someone else to maintain, but at the same time
 8 they're going to dictate in a round-about way,
 9 because they have the maintenance agreement.
 10 It's just not right, it's not fair.
 11 **CHAIR JOHNSON:** I hear you, sir.
 12 Mayor Tuck?
 13 **MAYOR TUCK:** Mine might be a
 14 different question, but we come from the same
 15 perspective, and I'm looking back actually at
 16 Slide 16 where it talks about the third bullet,
 17 VDOT will continue to work to finalize
 18 preliminary cost estimates for the HREL, which
 19 might be the same that everyone else is talking
 20 about.
 21 My concern is that in the May
 22 14th, 2020 document, Agenda 6 Proposed 2045 Long
 23 Range Plan of Finance, we do have the H, I guess
 24 for the Express Lane Network a nine hundred
 25 twenty million dollars figure there. And I guess



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1 that's the estimate of that cost for the Express
 2 Lane Network.
 3 And so, maybe it is the same
 4 question/concern that everyone else is asking
 5 about. This is something VDOT wants and we're
 6 going to be the ones that are going to be
 7 financing it. And so, maybe there's that
 8 uneasiness with me. Maybe someone can explain
 9 that to me.
 10 **CHAIR JOHNSON:** Who would like to
 11 take that? Director Page, are you with us?
 12 **MR. PAGE:** Yes, I'm here. There
 13 is a nine hundred and forty million dollar number
 14 in the Master Tolling Agreement, and how that is
 15 set up and established is in a cost estimate.
 16 As Counselor Inglima backed up
 17 Mayor Tuck's point of view, the points that he
 18 made, which were very good, is that there is a
 19 cost estimate which is contained in our recently
 20 adopted funding plan update to include the HREL.
 21 And, all those costs we will advance those
 22 projects on a project-by-project basis where we
 23 know more specifically the more finality of the
 24 maturity of the cost estimation, which VDOT is
 25 moving forward with right now.

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1 So, we will come back in the,
 2 after this Master Tolling Agreement is executed.
 3 And then, when on a project-by-project specific
 4 basis, that's where then, again, HRTAC will have
 5 the revisit as to the revenue sufficiency, the
 6 cost efficiencies line up, and then how we move
 7 forward with the acquisition of each in addition
 8 of each individual segment as it goes into the
 9 entire network, with HRBT being the first
 10 priority of those list of projects moving
 11 forward.
 12 So, I hope I have answered the
 13 question as I was trying to follow you, Mayor
 14 Tuck, but I will turn the floor back to Madam
 15 Chair to Mayor Tuck if I didn't answer the
 16 question he was asking.
 17 **CHAIR JOHNSON:** Mayor...
 18 **MAYOR TUCK:** Well, the 345, that
 19 we have talked about was for the HRBT expansion,
 20 and so now are we looking at some six hundred
 21 million above that figure? Or are we looking at,
 22 yes are we looking at some six hundred million
 23 above that figure?
 24 **MR. PAGE:** The entire cost of the
 25 Hampton Roads Express Lanes Network is in the 940

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1 million range, plus or minus.
 2 **MAYOR TUCK:** Right.
 3 **MR. PAGE:** And that's the cost
 4 estimate that's being finalized. For HRBT
 5 itself, Mayor Tuck, there is a balancing
 6 principle in the Master Tolling Agreement that
 7 has a minimum of three hundred and forty-five
 8 million dollars of toll revenues that if, if
 9 HRTAC is able to secure a greater value of toll
 10 revenue debt based on the CDM Smith work, and
 11 also where we will be eligible under the HRBT
 12 project for greater funds because the maximum we
 13 can get from TIFIA, sir, is thirty-three percent
 14 of total project costs.
 15 So, if we can marshal a greater
 16 number out of HRBT based on the traffic and
 17 revenue numbers of just HRBT, then there's a
 18 balancing principle of the cost of funding of
 19 HRTF funding being transferred over to the HREL
 20 project, which reduces the toll revenues to HREL
 21 and maximizes the toll revenue supplied to HRBT.
 22 **MAYOR TUCK:** Okay, and one other
 23 thing, and this may not be appropriate now, but I
 24 want to at least ask it. What did we ever
 25 determine as far as relief for the systems in

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1 Portsmouth? Because we're still talking about
 2 the Master Tolling, and we're talking about the
 3 Express Lane Network going all around, so is
 4 there a consideration eventually in any of this
 5 for relieving the tolling on the residents of
 6 Portsmouth?
 7 **MR. PAGE:** Madam Chair, if I can
 8 address Mr. Tuck's question, is that as we are
 9 moving forward today we have the Hampton Roads
 10 Express Lanes Network to Bowers Hill. There had
 11 been publicly news reports and other
 12 conversations about the tolling in Portsmouth,
 13 Norfolk with the ERC and ERC OP Company being
 14 offered in auction. Understand sir, that that
 15 auction has been put on suspense, and certainly
 16 we will keep our eye on that as we move forward
 17 as the Commission staff to bring back to the
 18 Commission any opportunities we see moving
 19 forward with that topic.
 20 **MR. SHEPPERD:** Madam...
 21 **MAYOR TUCK:** With all due respect,
 22 well just I will close up my comments, and I
 23 guess I feel the same as at least Mayor Alexander
 24 and Mayor Price, and I'm sure Mayor Rowe was in
 25 there too. I think that this should be Hampton,



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| 58 | <p>1 I'm sorry, Hampton, it should be HRTAC's decision 2 and HRTAC's control. And if in fact this 3 legislation was created to help or to enable us 4 to be an independent body, that I don't think we 5 should be yielding or ceding that control to VDOT 6 or to the State. 7 MR. SHEPPERD: Madam Chair, this is 8 Tom Shepperd. 9 CHAIR JOHNSON: Yes, Chair 10 Shepperd, yes. 11 MR. SHEPPERD: Yes. Kevin, one of 12 the concerns that, you know, you got to ask 13 yourself how did VDOT get in control of this? 14 And although we asked them to do the management 15 and they're responsible for maintaining it, but 16 isn't there a, as we have talked about some 17 aspects of the law where they actually have 18 tolling rights on the same roads that we're 19 building, maybe not the pieces we are building, 20 but on the same passageway. Is that not where 21 the crux is occurring? 22 MR. PAGE: That's correct, sir. 23 MR. SHEPPERD: So we've got... 24 CHAIR JOHNSON: To that then... 25 MR. SHEPPERD: ... we have a</p> | 60 |
| 59 | <p>1 conflict of law. There is a... 2 CHAIR JOHNSON: Chair Shepperd. 3 Go ahead. I was going to say to that end could 4 maybe do we have Commissioner Brich online or 5 someone from VDOT that could enter in at this 6 point? 7 COMMISSIONER BRICH: Madam Chair, 8 Steve Brich, Commissioner of Highways. I have 9 heard the conversation and the discussion back 10 and forth, and certainly will take this back to 11 all, to the team. 12 If I can go backwards right now to 13 Mr. Shepperd's point, with regard to multiple 14 entities having the same right to toll the 15 facility, I will refer back to Mr. Inglima to be 16 able to provide the clarification because the 17 Master Tolling Agreement today explicitly states 18 that we have granted through this procedure, that 19 HRTAC will be the entity that will be tolling, 20 and at that point in time during the life of this 21 agreement, the CTB will not have the authority to 22 toll. 23 So, there is no conflict there 24 that exists. I think where we're at issue 25 overall with the Toll Policy Committee, in the</p> | 61 |



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1 **MAYOR HUNT:** Roger that. Well,
 2 all I understand is there is no precedent within
 3 Virginia that this is the first time through,
 4 that's what I understand.
 5 **MR. PAGE:** Yes sir, that's my
 6 understanding, as well to what we found.
 7 **MAYOR HUNT:** Thank you.
 8 **MR. PAGE:** Mayor Johnson, I think
 9 we're getting background noise from somebody's...
 10 **CHAIR JOHNSON:** Yes, it sounds
 11 like there's somebody on a road. Can someone
 12 please mute?
 13 **(WHEREUPON, the background noise was muted.)**
 14 **CHAIR JOHNSON:** Thank you. I was
 15 going to, I guess I'll go back to either Kevin or
 16 to Counselor Inglima. Where are we in timeline,
 17 let's say we just say, as Mayor Alexander said,
 18 this is not acceptable, we go back, we do
 19 something different, whatever that may be, to get
 20 back to the original HTAC legislation. Can you
 21 give us an idea of timing? And specifically I'm
 22 talking about the HRBT.
 23 **MR. PAGE:** Madam Chair, I will
 24 start and then Counselor Inglima can address the
 25 legal challenge on moving forward with the

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1 negotiations, is that the notice to proceed for
 2 the Hampton Roads Bridge Tunnel Project is
 3 imminent. It will probably occur sometime in
 4 early July, if not later this month.
 5 What we were trying to do, and I
 6 think that's the next steps urgency of this, is
 7 that as you may recall, the project TAPA
 8 agreement for HRBT had the requirement of toll
 9 revenues as part of our funding plan. And the
 10 sufficiency of that funding plan as relying on
 11 the Master Tolling Agreement so that we can move
 12 forward with confidence to provide the funding
 13 obligations of the path of moving forward.
 14 Having said that, these are, this
 15 is one of two sticking points. I believe the
 16 Commissioner who just made comments has been well
 17 versed on the somewhat conflicting views from
 18 VDOT versus HRTAC in the comments of the
 19 Commissioners today on where we are on this
 20 sticking point of the MTA. And, I certainly
 21 think that we can achieve progress from this
 22 point between now and July, and hopefully bring
 23 it forward. And I will turn the floor over to
 24 Counselor Inglima for any comments he may have,
 25 as well.

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1 **MR. INGLIMA:** Mr. Page, the only
 2 thing I would add is that the original funding
 3 agreement for the HRBT contemplated that we had
 4 to have a mutually acceptable tolling agreement
 5 in place and if we did not that HRTAC could
 6 terminate the HRBT Expansion Project. And so,
 7 that right still exists, and HRTAC would
 8 inherently need to decide at some point if notice
 9 to proceed was being issued, whether it was
 10 trying to protect itself against having
 11 additional thoughts beyond what had been incurred
 12 to date.
 13 **MAYOR WEST:** Madam Chair, this is
 14 Rick West.
 15 **CHAIR JOHNSON:** Yes, Mayor West.
 16 **MAYOR WEST:** Ma'am, I guess this
 17 is a question. If VDOT has a vested interest and
 18 their modus is not really to hijack money to send
 19 to other parts of the State, wouldn't it be
 20 reasonable for any actions taken by the Tolling
 21 Committee that might jeopardize their vested
 22 interest that there would be a third party to be
 23 able to rule on matters of that nature?
 24 **MR. INGLIMA:** Mr. West, this is
 25 Counselor Inglima. If Chair Johnson, is it okay

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1 if I respond to that question?
 2 **CHAIR JOHNSON:** Certainly,
 3 certainly.
 4 **MR. INGLIMA:** I think, Mr. West,
 5 that the third party would most likely not have
 6 actual decision-making authority in that unless
 7 they were an actual Court of law, because of the
 8 police powers that both the CTB and HRTAC have
 9 would not be alienable through having a third
 10 party acting. So, that third party would
 11 probably just be a mediator, as opposed to an
 12 arbitrator. So, and again, I'm just answering
 13 off the top of my head.
 14 I think that what we're probably
 15 looking at is either having the power of the
 16 Tolling Policy Committee be really advisory in
 17 nature, or having the matters that are reserved
 18 for requiring approval by the CTB with the
 19 Secretary of Transportation appointed members,
 20 meaning a subset that's acceptable, a subset of
 21 issues that's acceptable to HRTAC. Though, I
 22 will say parenthetically I'm not sure I've heard
 23 a consensus for that view from Mayors Alexander,
 24 Tuck, Price, et cetera.
 25 **MAYOR ALEXANDER:** Counselor, this



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| 66 | <p>1 is Kenny Alexander again.</p> <p>2 CHAIR JOHNSON: Yes.</p> <p>3 MAYOR ALEXANDER: The Master,</p> <p>4 Madam Chair, sorry, the Master Tolling...</p> <p>5 CHAIR JOHNSON: That's okay.</p> <p>6 MAYOR ALEXANDER: ... Agreement</p> <p>7 Committee should only be advisory, advisory to</p> <p>8 HRTAC. And then, we as a body should make any</p> <p>9 final decisions, not delegate our authority to a</p> <p>10 committee where members of that committee are</p> <p>11 certainly working in the best interests of the</p> <p>12 Commonwealth, but not necessarily in the best</p> <p>13 interests of Hampton Roads.</p> <p>14 If there is an impasse, and it</p> <p>15 goes to a Court of law, well I believe that CTB,</p> <p>16 Secretary of Transportation, VDOT would probably</p> <p>17 prevail. Therefore, I am, I would like to hold</p> <p>18 the line and have all terms and conditions and</p> <p>19 provisions agreed to before we get to that point.</p> <p>20 MAYOR DYER: Yes, this is Bobby</p> <p>21 Dyer, and I would like to chime in. And, I</p> <p>22 totally agree with Kenny. And you know, this is</p> <p>23 kind of a duv experience for me coming from New</p> <p>24 Jersey where the tolls have tolls.</p> <p>25 And, you know, and we just got to</p> |
| 67 | <p>1 realize that we're going to be putting a</p> <p>2 financial burden, a new financial burden on a lot</p> <p>3 of people, some of which are low income and</p> <p>4 everything. And you know, my thought is that we</p> <p>5 have to get it right, that we have to have the</p> <p>6 control over it and the disposition of it, you</p> <p>7 know, to do it right.</p> <p>8 But, you know, once again, this is</p> <p>9 a major undertaking by everyone. But, we've got</p> <p>10 to make sure that the resources for Hampton Roads</p> <p>11 stay in Hampton Roads, so you know, that's my</p> <p>12 focus group of one.</p> <p>13 CHAIR JOHNSON: Thank you.</p> <p>14 Executive Director, I will just ask you, I guess</p> <p>15 where we go from here.</p> <p>16 MR. PAGE: Madam Chair, thank you.</p> <p>17 And thank you all Commissioners that provided</p> <p>18 your input, including Commissioner Brich, as well</p> <p>19 in his comments.</p> <p>20 I think it's very clear that</p> <p>21 everyone on the Commission sees the challenge we</p> <p>22 have had before us. You know, I think that, you</p> <p>23 know, it is very clear that under the MTA we</p> <p>24 tried to make sure that the resources do stay in</p> <p>25 the region and how we move forward with that. We</p> |
| 68 | <p>1 have also spent a good bit of time today</p> <p>2 receiving the input on the challenges that you</p> <p>3 all have now seen that we have been trying to</p> <p>4 work to protect as the negotiating staff on the</p> <p>5 MTA.</p> <p>6 I think points forward, I believe</p> <p>7 that Commissioner Brich has heard our discussions</p> <p>8 today and also the comments. I think it's up,</p> <p>9 Madam Chair, it is up to Counselor Inglima,</p> <p>10 myself, and the rest of the team that's working</p> <p>11 on this with the Master Tolling Agreement</p> <p>12 Advisory Committee to pull this together and get</p> <p>13 back to VDOT as quickly as possible. And with</p> <p>14 VDOT and Commissioner Brich's team, including the</p> <p>15 Office of the Secretary of Transportation, we</p> <p>16 need to move forward quickly to resolve this,</p> <p>17 because we do know this is an issue. I am</p> <p>18 hopeful that we can get this done in the next</p> <p>19 couple of weeks and we will have this as an</p> <p>20 agenda item for you for our next regular meeting</p> <p>21 next month.</p> <p>22 CHAIR JOHNSON: Okay, could we</p> <p>23 also have the number available for what has been</p> <p>24 spent on the HRBT?</p> <p>25 MR. PAGE: What has been spent on</p> |
| 69 | <p>1 the HRBT to date is under the category of the two</p> <p>2 hundred and fifty million dollar limit. The</p> <p>3 Commission has spent two hundred and forty-nine</p> <p>4 million on the design/build contract as of this</p> <p>5 month's draw.</p> <p>6 CHAIR JOHNSON: Okay.</p> <p>7 MR. PAGE: That is below the two</p> <p>8 hundred and fifty million dollar threshold and at</p> <p>9 that point we go into suspense on any further</p> <p>10 payments until notice to proceed in this matter</p> <p>11 is resolved.</p> <p>12 CHAIR JOHNSON: Okay. All right,</p> <p>13 any other discussions or comments? I think the</p> <p>14 Director and Counselor have, know what the job</p> <p>15 is.</p> <p>16 MEMBERS: (No audible response.)</p> <p>17 CHAIR JOHNSON: Hearing no other</p> <p>18 comments, we will move on to information items,</p> <p>19 and we have our monthly financial report. Chair</p> <p>20 Hipple, do you have anything to add? We may have</p> <p>21 lost him.</p> <p>22 These items can be read if we have</p> <p>23 no one there to report. We will move on to VDOT</p> <p>24 and HRTAC project updates. We have Commissioner</p> <p>25 Brich, we have Administrator Hall I believe is</p> |



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1 with us, and do we have Mr. Utterback on the
 2 phone or he is not?
 3 **MR. PAGE:** Yes, he's on the phone.
 4 **CHAIR JOHNSON:** All right, would
 5 anyone care to do updates on those items there?
 6 Commissioner Brich, can we start with you?
 7 **COMMISSIONER BRICH:** We have both
 8 Chris Hall who can give an update on the region's
 9 projects, other than the HRBT. What I would say
 10 is that, and Jim can jump in on where we are with
 11 the HRBT. But, I do want to say that we have had
 12 some significant efforts undertaken on the HRBT
 13 and it has been mentioned that we are quickly
 14 approaching the potential for the need to issue a
 15 notice to proceed to the contractor moving
 16 forward into July.
 17 As I mentioned, with the
 18 significant progress that we have made, and I
 19 should point out we signed the notice, the
 20 limited notice to proceed with our Hampton Roads
 21 connector partners back in April of 2019, just a
 22 year, a little more than a year ago, and a team
 23 hit the ground running.
 24 In December of 2019 we had
 25 submitted, also, the draft joint permit

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1 application to the Army Corps of Engineers and
 2 have had since that time been working with the
 3 regulators, or the regulatory agencies that, on a
 4 very routine basis. And leading into this month,
 5 we expect the last set of comments, comment
 6 periods from the regulatory agencies to close, I
 7 believe within the next week or so.
 8 Minimal comments have been
 9 received to date, which is a kudos to Jim's team,
 10 as well as the Hampton Roads connector partners
 11 and the lessons learned on the CBBT Thimble
 12 Shoals Project. I would say if all progresses
 13 good within the next week, we could be looking at
 14 a notice to proceed on that project, on the HRBT
 15 by middle of July.
 16 Recognizing that some of the
 17 conversation that has been had to date on the
 18 Master Tolling Agreement, and I in fact briefed
 19 our Commonwealth Transportation Board yesterday,
 20 the two items that have been addressed today with
 21 the Commission were the same two items that we
 22 briefed yesterday to the Board. And I feel very
 23 certain that we will come to terms in agreement
 24 that are mutually acceptable to both parties by
 25 the middle of July.

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1 However, if for one reason or
 2 another it does not, then we will be looking at
 3 having to delay a notice to proceed to the
 4 contractor. And, we will need to take that,
 5 better understanding of what that might look like
 6 back to HRTAC, as well as the Department. Jim,
 7 any other updates that you can give with regard
 8 to the timeline on HRBT in addition to what I
 9 just said?
 10 **MR. UTTERBACK:** No sir, you hit
 11 the highlights, I think other than that we're
 12 just, you know, in the early works of
 13 construction on trying to get the launching pit
 14 on the south island, but you hit the highlights.
 15 I have nothing further to add.
 16 **CHAIR JOHNSON:** All right, thank
 17 you very much. Our next meeting is scheduled for
 18 July 16th at 9:00 a.m.
 19 **MAYOR ROWE:** Madam Chair?
 20 **CHAIR JOHNSON:** Yes.
 21 **MAYOR ROWE:** Mayor John Rowe.
 22 **CHAIR JOHNSON:** Mayor Rowe.
 23 **MAYOR ROWE:** And I know we are
 24 moving forward on the, yes. I know we have moved
 25 forward on the agenda, but I still have severe

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1 concern about the Toll Policy Committee. And I
 2 would challenge us to think anew. Do we really
 3 need a Toll Policy Committee? I agree with
 4 Kenny that, you know, that we are the policy
 5 setting Board, there are State representatives on
 6 the HRTAC. I think we need to negotiate the Toll
 7 Policy Committee out of the concept.
 8 **CHAIR JOHNSON:** Okay. Well, I
 9 think at this point...
 10 **MAYOR ROWE:** Why don't we hear
 11 support for that?
 12 **CHAIR JOHNSON:** I think at this
 13 point we probably need our Executive Director and
 14 our counselor to put their heads together and you
 15 know, if we need to do another, you know, if we
 16 need to do a call meeting, if we need to do
 17 something different here, you know, we can
 18 certainly do whatever we need to do.
 19 **MAYOR ROWE:** All right, I'm for a
 20 call meeting.
 21 **MAYOR TUCK:** It's Mayor Tuck...
 22 **CHAIR JOHNSON:** Yes.
 23 **MAYOR TUCK:** ... and I will
 24 support Mayor Rowe on that.
 25 **CHAIR JOHNSON:** Okay.



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1 **MAYOR ALEXANDER:** Kenny Alexander,
 2 I support Mayor Rowe.
 3 **CHAIR JOHNSON:** Okay. Mr. Page,
 4 do you want to?
 5 **MR. PAGE:** Yes ma'am.
 6 **CHAIR JOHNSON:** I guess we would
 7 have to let you have a little bit of time before
 8 we determine when this call meeting would be.
 9 **MAYOR HUNT:** And Madam Chair, this
 10 is Mayor Hunt. I'm supportive of the call
 11 committee to discuss, I just want to make sure
 12 that we don't rush to another meeting where we
 13 don't really have a path forward. I want to make
 14 sure that Mr. Page has time to lay out some
 15 options for us to consider. That's all.
 16 **CHAIR JOHNSON:** And that's why I
 17 was deferring to Director Page as far as that
 18 goes. I mean, it's not something I think we
 19 would set today, I think we need to let Executive
 20 Director Page go back and then, you know, you can
 21 certainly let us know.
 22 **MR. PAGE:** Yes ma'am, Madam Chair,
 23 I will work with you on that to move that
 24 forward, and also I will work offline with
 25 Counselor Inglima on developing a strategy and

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1 how we move forward.
 2 **CHAIR JOHNSON:** Okay. Any other
 3 comments or questions concerning? So we will be
 4 looking at a call meeting once the Director has
 5 had a chance to come up with some, as you said,
 6 Mayor Hunt, some other options or thoughts. I
 7 believe that carries us to the final part, which
 8 is our meeting.
 9 I said our next meeting would be
 10 July 16th, but that probably will not now be the
 11 case, but we do have a set meeting for July 16th
 12 at 9:00, it would be a conference call unless the
 13 Governor lifts the state of emergency and at that
 14 point we would just have to see. Hopefully by
 15 then we will be in a different place. Is there
 16 any other business or anyone else before we
 17 adjourn?
 18 **MEMBERS:** (No audible response.)
 19 **CHAIR JOHNSON:** If not, this
 20 meeting stands adjourned. Thank you, everyone.
 21 **MR. PAGE:** Thank you.
 22 **MAYOR TUCK:** Thank you.
 23 **(WHEREUPON, the HRTAC Organizational Meeting was**
 24 **adjourned at 1:54 p.m.)**
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1 CAPTION
 2
 3 The foregoing matter was taken on the date, and at
 4 the time and place set out on the title page hereof.
 5
 6 It was requested that the matter be taken by the
 7 reporter and that the same be reduced to typewritten
 8 form.
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1 CERTIFICATE OF REPORTER AND SECURE
 ENCRYPTED
 2 SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT
 3 I, **JULIE K. CARY**, Notary Public, do hereby
 4 certify that the forgoing matter was reported by
 5 stenographic and/or mechanical means, that same was
 6 reduced to written form, that the transcript prepared
 7 by me or under my direction, is a true and accurate
 8 record of same to the best of my knowledge and
 9 ability; that there is no relation nor employment by
 10 any attorney or counsel employed by the parties
 11 hereto, nor financial or otherwise interest in the
 12 action filed or its outcome.
 13 This transcript and certificate have been
 14 digitally signed and securely delivered through our
 15 encryption server.
 16 IN WITNESS HEREOF, I have here unto set my hand
 17 this 24TH day of JUNE, 2020.
 18
 19
 20
 21
 22 /s/ JULIE K. CARY
 23 COURT REPORTER / NOTARY
 24 NOTARY REGISTRATION NUMBER: 7814058
 25 MY COMMISSION EXPIRES: AUGUST 31, 2023



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| 18 4:4 | 58.1-1743 | ability 16:1 | 26:10 38:10 |
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| 2 | 58.1-8024 | able 56:9 | actions |
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| 2.2-3707 5:8 | 12:7 | absolutely | activity |
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