



## CHESAPEAKE BAY BRIDGE AND TUNNEL COMMISSION

### Regular Meeting CBBT Administration Building

January 9, 2024

9:30 a.m.

Minutes

**Commission Members Present:** Frederick T. Stant, III; Keith Colonna; Reeves W. Mahoney; Gregory L. Duncan, Sr.; Phillip R. Custis; Patrick E. Corbin; George B. Clarke; Thomas W. Meehan, Sr.

**Commission Telephonically Present:** Chris Snead reason for electronic participation: conflict with meetings at place of business; Mark C. Bundy reason for electronic participation: has a temporary medical condition that prevents physical attendance.

**Commission members Absent:** None.

**District Staff Present:** Jeffrey B. Holland; Thomas R. Anderson, III; Michael T. Crist, P.E.; Edward A. Spencer; Brittany E. Cannon; Lieutenant Jeffery Lilliston; Lieutenant Steven Wilson; Odell R. Wood.

**District Advisors Present:** Bryan Plumlee, Commission Counsel; Bob Chambers, Smith Currie personnel; Brian Wood, Smith Currie personnel.

**Guests Present:** None.

#### 1. CALL TO ORDER:

The Chairman, Frederick T. Stant, III, called the meeting to order at 9:30 a.m. and welcomed everyone.

Mr. Holland introduced Mr. Bryan Plumlee of Poole Brooke Plumlee PC Law Firm to the Commission. Mr. Plumlee will serve as the general counsel for the District.

#### 2. PUBLIC COMMENT:

There were no public comments to be heard, nor any comments submitted in writing prior to the meeting.

#### 3. APPROVAL OF MINUTES – NOVEMBER 14, 2023 MEETING, as distributed:

**Motion made by Mr. Meehan, seconded by Mr. Colonna, to approve the minutes of the November 14, 2023 Commission meeting, as distributed. The motion was approved unanimously.**

#### **4. TRAFFIC & REVENUE REPORT – NOVEMBER & DECEMBER 2023:**

Mr. Holland reported that traffic for November 2023 totaled 333,643 vehicles, which was an increase of 7,630 vehicles or 2.3% over November 2022. E-ZPass utilization totaled 76.4%. Revenue for November 2023 totaled \$5,114,199 which was an increase of \$144,733 or 2.9% over November 2022. Gas prices were \$3.24 in November 2023, versus \$3.41 in November 2022. There were 33 hours of wind restrictions in November 2023, versus 24 hours in November 2022. There were 9 hours of tunnel lane closures in November 2023, versus 126 hours in November 2022.

Chief Spencer provided a briefing from the National Weather Service Wakefield, VA, highlighting the potential local area impacts due to high wind, heavy rain, and coastal flooding from strong low pressure and a cold front Tuesday afternoon through Tuesday night and into Wednesday morning. The facility is currently under a weather advisory and within the day, he anticipates closing the facility due to strong winds.

Traffic for December 2023 totaled 313,246 vehicles, which was an increase of 4,031 vehicles or 1.3% over December 2022. E-ZPass utilization totaled 76%. Revenue for December 2023 totaled \$4,704,816, which was an increase of \$22,860 or 0.5% over December 2022. Gas prices were \$3.18 in December 2023, versus \$3.09 in December 2022. There were 52 hours of wind restrictions in December 2023, versus 47 hours in December 2022. There were 37 hours of tunnel lane closures in December 2023, versus 110 hours in December 2022.

For the calendar year-to-date through December 2023, vehicles were up 2.8% and revenue was up 2.1%. For the fiscal year-to-date through December 2023, vehicles were up 0.8% and revenue was up 0.5%.

Mr. Holland reported that on December 14, 2023, a Public Information Session was held at the Eastern Shore Welcome Center, to inform and answer questions that the public had regarding the recent 10 % toll rate increase implemented on January 1, 2024. It is necessary to remind the public that in order to fund the construction of the Thimble Shoal Parallel Tunnel, the Commission, at its August 13, 2013 meeting, adopted 10% increases for all classes of vehicles and every five years thereafter.

Toll increases are a required covenant that is an integral part of the TIFIA Bond, VTIB Bond and Toll Revenue Bonds issued in 2016 to assure that the District has Project sources to complete the Parallel Thimble Shoal Tunnel Project. Two members of the community attended the session.

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**5. ELECTION OF OFFICERS:**

Ms. Snead presented the proposed slate of Officers that the Nominating Committee (Snead, Colonna, Stant) recommended, which included Mr. Stant as Chairman, Mr. Meehan as Vice Chairman and Mr. Duncan as Secretary-Treasurer.

**Motion made by Mr. Corbin, seconded by Mr. Clarke, to elect Mr. Frederick T. Stant, III as Chairman, Mr. Thomas W. Meehan, Sr. as Vice Chairman and Mr. Gregory L. Duncan, Sr. as Secretary-Treasurer, effective March 1, 2024. The motion was approved unanimously.**

**6. ACTUAL TO BUDGET 6 MONTHS JULY 1, 2023 – DECEMBER 31, 2023:**

Mr. Anderson reported that for six months ended December 31, 2023, actual expenditures totaled \$8,964,018; budgeted expenditures totaled \$9,645,975; with a total variance of \$-681,975 or -7.1% under budget.

**7. DISTRICT LEGAL SERVICES AWARD:**

Mr. Holland reported that the District issued a RFP for Legal Services on September 20, 2023. The Selection Committee (Stant and Mahoney) along with District Staff interviewed five firms on November 8, 2023. All of the presentations were strong and any of the firms could adequately represent the Commission; however, it was the unanimous recommendation of the committee to shortlist three firms to enter into the next level of competitive negotiation for services as prescribed by the District's Procurement policy. The District awarded contract to Poole Brooke Plumlee, P.C. with Mr. Bryan Plumlee to serve as General Counsel effective January 1, 2024.

**8. UPDATE ON PARALLEL THIMBLE SHOAL TUNNEL (PTST) CONSTRUCTION:**

Mr. Crist reported that CTJV began the intervention on the TBM to try and determine why the machine failed to advance at the beginning of December. Since then they have been working to create a safe haven for the TBM personnel to be able to safely intervene and change the cutterhead tools that are necessary for the machine to bore properly. CTJV continues to remove the rock at Two Island lying between the SOE walls, placing grout bags where the rock has been removed and filter and bedding stone atop the grout bags. The grout bags and various rock types are part of the berm improvements performed to insure that the new tunnel does not float before the ballast is placed. CTJV continues to install the structural concrete slabs in the open approach, and has also poured some of the permanent wall elements as well.

**HNTB ADDENDUM:** Mr. Crist reported the construction management service terms with the current HNTB task order are expiring. In keeping with the District’s current master service guidelines in the initial project scope, District staff reported that it is essential to re-instate the HNTB construction management services with Task Order #6, which would insure that overall quality construction management continues. The current task order has full time HNTB representatives that assist the District to provide the quality assurance and inspection work performed by CTJV. The proposed Task Order #6 consists of time for HNTB inspectors and would extend the services approximately eighteen months, but not-to-exceed the original construction management service terms agreement. This task order is for \$2,236,623.

**On motion by Mr. Mahoney, seconded by Mr. Corbin, and unanimously carried, the Commission approved the HNTB Addendum to Task Order #6 with District staff’s recommendation of additional HNTB personnel and authorized extending HNTB’s construction management services until the Task Order # 6 funds are exhausted, but not-to-exceed the Task Order total of \$2,263,623.**

*Mr. Wood departed the meeting at this time.*

**9. PARALLEL THIMBLE SHOAL TUNNEL EXPENDITURES TO DATE:**

Mr. Anderson presented the attached report of Project expenditures to date.

**10. CLOSED SESSION –CONSULTATION WITH LEGAL COUNSEL**

**In accordance with Section 2.2-3711 of the Code of Virginia, Mr. Meehan moved that the Commission go into Closed Meeting under the provisions of Section 2.2-3711 of the Virginia Freedom of Information Act for the following purpose:  
Section 2.2-3711.A 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. The motion was seconded by Mr. Corbin, and unanimously carried.**

**11. OPEN SESSION**

**A roll call vote was taken pursuant to Section 2.2-3712.D. of the Code of Virginia immediately after reconvening in Open Meeting, at which time each member certified by his vote that to the best of his or her knowledge (i) only public business matters lawfully exempt from Open Meeting requirements under this chapter and (ii) only public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed, or considered in the meeting by the Commission. No member prior to the vote stated that he or she believed there was a departure from requirements (i) and (ii) Snead, yes; Bundy, yes; Clarke, yes; Meehan, yes; Custis, yes; Corbin, yes; Mahoney, yes; Colonna, yes; Duncan, yes; Stant, yes.**

**On motion by Mr. Corbin, seconded by Mr. Mahoney, and unanimously carried, the Commission authorized District Staff to accept both of the Dispute Resolution Panel findings and recommendations on PCO #12 and the Dispute Resolution Panel findings and recommendation on PCO #24.**

**12. OTHER BUSINESS:**

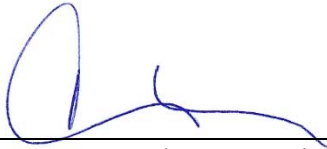
Mr. Anderson reported the District received notification Truist about upcoming price changes effective January 1, 2024. In reviewing the contract files, he discovered the most recent contract extensions for all of the services that we receive from Truist don't expire until January 31, 2024. So it appears the price changes are about a month premature. In any event with the upcoming expiration of our contract. Mr. Anderson notified the Commission that the approximate increase in annual services for Truist remaining as payment agent, and commercial services would increase approximately \$1,500-\$2,000 per year, which is a minimal increase and no action is necessary.

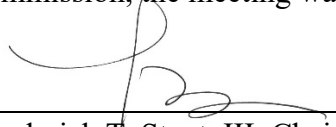
**13. ANNOUNCEMENTS:**

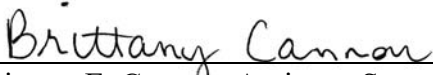
- a. Mr. Holland announced that the Personnel Committee will hold a meeting in February, followed by a Finance Committee meeting.
- b. Mr. Holland reminded the Commission that the Ethics State disclosures are due February 2, 2024.
- c. The Alumni Society meeting date was set for February 22, 2024.

**14. ADJOURN:**

With no further business coming before the Commission, the meeting was adjourned.

  
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Thomas W. Meehan, Sr., Vice-Chairman

  
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Frederick T. Stant, III, Chairman

  
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Brittany E. Cannon, Assistant Secretary

Attachment

**Parallel Thimble Shoal Tunnel Project  
Total Project Budget  
As of November 30, 2023**

| Project Tasks<br>& Components                         | Sept<br>2023<br>Revised<br>Budget | Total<br>Expended<br>To Date | Expended<br>@ 10/31/23    | Monthly<br>Expenditures | Remaining<br>Budget       |
|---|-----------------------------------|------------------------------|---------------------------|-------------------------|---------------------------|
| <b><u>CBBT Development Phase</u></b>                  |                                   |                              |                           |                         |                           |
| CBBT Development Phase Budget                         | <u>18,524,560</u>                 | <u>18,524,560</u>            | <u>18,524,560</u>         | -                       | -                         |
| <b><u>CBBT Financing Budget</u></b>                   |                                   |                              |                           |                         |                           |
| Municipal Advisor                                     | 866,000                           | 819,950                      | 815,950                   | 4,000                   | 46,050                    |
| CBBT Financing Budget                                 | <u>3,912,210</u>                  | <u>3,866,160</u>             | <u>3,862,160</u>          | <u>4,000</u>            | <u>46,050</u>             |
| <b><u>CBBT Construction Phase</u></b>                 |                                   |                              |                           |                         |                           |
| Construction Mgmt                                     | 11,000,000                        | 4,209,670                    | 4,127,090                 | 82,580                  | 6,790,330                 |
| Project Counsel                                       | 5,000,000                         | 365,950                      | 349,190                   | 16,760                  | 4,634,050                 |
| Arbitration Counsel                                   | -                                 | 2,666,480                    | 2,453,200                 | 213,280                 | (2,666,480)               |
| Dispute Review Panel                                  | 1,500,000                         | 552,510                      | 532,560                   | 19,950                  | 947,490                   |
| Arbitration Panel                                     | 1,500,000                         | 38,730                       | 38,730                    | -                       | 1,461,270                 |
| CNC/LUS Relocation                                    | 4,591,740                         | 4,562,730                    | 4,562,730                 | -                       | 29,010                    |
| Garage  | 550,000                           | 385,120                      | 385,120                   | -                       | 164,880                   |
| Fan Motor Control Center                              | 4,000,000                         | 2,544,510                    | 2,544,510                 | -                       | 1,455,490                 |
| CCTV Software Upgrade                                 | 500,000                           | 400,940                      | 400,940                   | -                       | 99,060                    |
| Existing Tunnel Ventilation Study                     | 250,000                           |                              |                           |                         | 250,000                   |
| Vent Buildings Emergency Power Upgrades               | 4,700,000                         | 505,060                      | 505,060                   | -                       | 4,194,940                 |
| Design Mgmt/Design QA                                 | 9,583,200                         | 6,332,050                    | 6,332,050                 | -                       | 3,251,150                 |
| Risk Management Consultant                            | 125,000                           |                              |                           | -                       | 125,000                   |
| District Project Management Staff                     | 2,100,000                         | 1,538,560                    | 1,516,870                 | 21,690                  | 561,440                   |
| Commission General Counsel                            | 125,000                           | 17,470                       | 17,470                    | -                       | 107,530                   |
| Commission Approved District Development Expenses     | 550,000                           | 383,330                      | 377,480                   | 5,850                   | 166,670                   |
| <b>Total CBBT Construction Phase Budget</b>           | <u><b>46,074,940</b></u>          | <u><b>24,503,110</b></u>     | <u><b>24,143,000</b></u>  | <u><b>360,110</b></u>   | <u><b>21,571,830</b></u>  |
| <b><u>Design-Builder Construction Phase</u></b>       |                                   |                              |                           |                         |                           |
| Direct Construction Cost                              | 794,332,665                       | 502,499,380                  | 496,764,540               | 5,734,840               | 291,833,285               |
| 5% Withholding  | -                                 | 10,609,020                   | 10,499,430                | 109,590                 | (10,609,020)              |
| NCR Work Withholding                                  | -                                 | -                            | -                         | -                       | -                         |
| <b>Total Design-Builder Construction Phase Budget</b> | <u><b>794,332,665</b></u>         | <u><b>513,108,400</b></u>    | <u><b>507,263,970</b></u> | <u><b>5,844,430</b></u> | <u><b>281,224,265</b></u> |
| <b>Project Contingency</b>                            | <u><b>61,946,349</b></u>          | -                            | -                         | -                       | 61,946,349                |
| <b>Total Project Budget</b>                           | <u><b>924,790,724</b></u>         | <u><b>560,002,230</b></u>    | <u><b>553,793,690</b></u> | <u><b>6,208,540</b></u> | <u><b>364,788,494</b></u> |