

MINUTES
NVTC COMMISSION MEETING – JANUARY 7, 2010
NVTC CONFERENCE ROOM, ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Zimmerman at 8:12 P.M.

Members Present

David Albo
Charles Badger
Sharon Bulova
Adam Ebbin
William D. Euille
Jay Fiset
John Foust
Jeffrey Greenfield
Pat Herrity
Catherine Hudgins
Mary Hynes
Dan Maller
Jeffrey McKay
Paul Smedberg
Mary Margaret Whipple
Christopher Zimmerman

Members Absent

Kelly Burk
Mark R. Herring
Joe May
Thomas Rust

Staff Present

Rhonda Gilchrest
Scott Kalkwarf
Greg McFarland
Adam McGavock
Kala Quintana
Jennifer Straub (VRE)
Rick Taube
Dale Zehner (VRE)

Minutes of the December 7, 2009 NVTC Meeting

Mrs. Bulova moved, with a second by Mrs. Hudgins, to approve the minutes. The vote in favor was cast by commissioners Badger, Bulova, Euille, Fisette, Foust, Greenfield, Hudgins, Hynes, Maller, McKay, Smedberg, Whipple and Zimmerman.

VRE Items

Report from the VRE Operations Board. Mrs. Bulova asked commissioners to read the minutes of the December 19, 2009 VRE Operations Board meeting. Mr. Zehner reported that VRE has had its highest ridership for the last five days. January 6th was the highest in VRE's history with 18,629 daily passenger trips. On-time performance averaged systemwide was 90 percent overall for the past year. The first new locomotive is scheduled to be delivered in July, 2010 and then two will be delivered each month starting in November, 2010.

Mr. Zehner stated that basically VRE is at capacity with no room for growth over 19,000 daily passenger trips. Mr. McKay asked if ridership has increased more significantly on one line or has the increase been systemwide. Mr. Zehner stated that a few years ago ridership on the Manassas Line was decreasing and increasing on the Fredericksburg Line, but now there has been a flip where there is a six percent increase on the Manassas Line and a one percent decrease on the Fredericksburg Line. Some of the increase has to do with the \$230 transit benefit (which allows Manassas riders to not have any out of pocket expense). Also there has been increased parking along the Manassas Line with the new parking decks at Manassas and Burke Centre stations. Chairman Zimmerman noted that the new railcars are also a factor in increased ridership. Mr. Zehner stated that improved relations with the railroads have also contributed.

Delegate Albo arrived at 8:18 P.M.

Approval of FY 2011 VRE Capital and Operating Budget and Revisions to the FY 2010 Budget. Mrs. Bulova stated that the VRE Operations Board recommends commission approval of Resolution #2136, which would approve VRE's FY 2011 Capital and Operating Budget as well as revisions to the FY 2010 VRE Budget. Under the budget, VRE would continue to operate 30 trains each workday with projected average daily ridership of 16,200. There would be no fare increase and the total jurisdictional subsidy would be reduced to \$16.1 million, down \$0.3 million from FY 2010. Following successful passage by both NVTC and PRTC, the budget would be forwarded to the

participating and contributing jurisdictions for their consideration under the terms of the VRE Master Agreement.

Mrs. Bulova moved, with a second by Mr. Smedberg to approve Resolution #2136 (copy attached). The vote in favor was cast by commissioners Albo, Badger, Bulova, Euille, Fisette, Foust, Greenfield, Hudgins, Hynes, Maller, McKay, Smedberg, Whipple and Zimmerman.

Mrs. Bulova reviewed several issues discussed at the last Operations Board meeting, including the proposed plan to create more mid-day storage by terminating two trains at the L'Enfant Station and storing them there. VRE is in the process of providing outreach to riders to get a sense of how many riders would be affected. She explained that the Operations Board directed staff to do this and it provides an opportunity for the Operations Board to revisit this issue. Also, the Board provided guidance and asked VRE staff to evaluate the costs and benefits of purchasing versus leasing vehicles for the Keolis contract. Chairman Zimmerman stated that based on the estimates, a lease option would cost more. Mrs. Bulova clarified that it was her intent to include these two issues in the motion. There were no objections.

Mr. Maller stated that given ridership is 10 percent higher than what is assumed in the budget, he asked if more funds are needed for operations. Mr. Zehner stated that the 16,200 ridership assumed in the budget is an average and VRE does not experience 18,000 trips every day. Chairman Zimmerman observed that VRE is basically at capacity and once the additional express train is added, there is not much that can be done operationally. He stated that it will get to the point, once the third main line is complete, that it will be important for the railroads to allow VRE to run additional service.

The commission then voted on the resolution and it passed. The vote in favor was cast by commissioners Albo, Badger, Bulova, Euille, Fisette, Foust, Greenfield, Hudgins, Hynes, Maller, McKay, Smedberg, Whipple and Zimmerman.

Extend Railroad Operating Contracts. Mrs. Bulova stated that the two resolutions are essentially the same and could be voted on together. Mrs. Bulova moved, with a second by Mr. Smedberg, to approve Resolution #2137 (CSXT Agreement) and Resolution #2138 (Norfolk Southern Agreement) that would extend the current operating agreements with these railroads through July 31, 2010 on the same terms while negotiations on revised agreements continue. The current extensions expire on January 31, 2010.

The vote in favor was cast by commissioners Albo, Badger, Bulova, Euille, Fisetite, Foust, Greenfield, Hudgins, Hynes, Maller, McKay, Smedberg, Whipple and Zimmerman.

Chairman Zimmerman also announced that next month will be a historic month for VRE when Spotsylvania County becomes a member of VRE on February 15, 2010.

Election of Officers for 2010

Chairman Zimmerman reported that the NVTC's executive committee, serving as the nominating committee, has recommended the following slate of officers for 2010:

Chairman: Catherine Hudgins
Vice-Chairman: William Euille
Secretary-Treasurer: Mary Hynes

Mr. Herrity arrived at 8:26 P.M.

There were no additional nominations. Chairman Zimmerman moved, with a second by Mr. McKay, to approve the nominations. The vote in favor was cast by commissioners Albo, Badger, Bulova, Euille, Fisetite, Foust, Greenfield, Herrity, Hudgins, Hynes, Maller, McKay, Smedberg, Whipple and Zimmerman.

Chairman Zimmerman administered the oath of office for the three new officers. Commissioners congratulated them.

On behalf of the commission, Chairman Hudgins thanked Mr. Zimmerman for his outstanding service as chairman in 2009. He was presented with a gift of appreciation.

Selection of NVTC Representatives to Boards and Committees

Chairman Hudgins stated that some of these assignments may be contingent on subsequent action by local boards and councils. On behalf of the commission, Chairman Hudgins thanked Senator Whipple for her many years serving on VTA. Senator Whipple has decided to step down from this position and Mr. McKay has agreed to serve in her place. Mr. Euille stated that the city of Alexandria has appointed Rob Krupicka to serve as a NVTC alternate and he will also serve as an alternate on the VRE Operations Board. The following is a list of the board and committee assignments:

WMATA BoardPrincipals

Hon. Catherine Hudgins
 Hon. Chris Zimmerman

Alternates

Hon. Jeffrey McKay
 Hon. William Euille

VRE Operations BoardPrincipals

Hon. Sharon Bulova
 Hon. Patrick Herrity
 Hon. Paul Smedberg
 Hon. Chris Zimmerman

Alternates

Hon. Jeff McKay

 Hon. Rob Krupicka
 Hon. Jay Fisette

Virginia Transit Association Board of DirectorsPrincipals

Hon. Chris Zimmerman
 Hon. William Euille

Alternates

Hon. Jeff McKay
 Richard K. Taube

NVTC Legislative Committee

Hon. William Euille (Chairman)
 Hon. Dave Albo (House of Delegates)
 Hon. Mary Margaret Whipple (Senate)
 Hon. Catherine Hudgins
 Hon. Mary Hynes
 Hon. Jeff Greenfield
 Hon. Daniel Maller
 Hon. Kelly Burk

NVTC Executive Committee

Hon. Catherine Hudgins, Chairman
 Hon. William Euille, Vice Chairman
 Hon. Mary Hynes, Secretary-Treasurer
 Hon. Mary Margaret Whipple, General Assembly
 Hon. Chris Zimmerman, (Immediate Past Chairman)

Mrs. Bulova moved, with a second by Mrs. Hynes, to approve the selections of NVTC's representatives on the Boards and Committees, subject to further jurisdictional action. The vote in favor was cast by commissioners Albo, Badger, Bulova, Euille, Fisette, Foust, Greenfield, Herrity, Hudgins, Hynes, Maller, McKay, Smedberg, Whipple and Zimmerman.

Selection of NVTC Signatories and Pension Trustees

Chairman Hudgins stated that NVTC needs to adopt Resolution #2139 to establish that the newly elected Secretary-Treasurer, Mary Hynes, is eligible to sign NVTC documents (including financial transactions) and to serve as a trustee of NVTCs Employees' Pension Trust. Mr. Taube stated that the resolution reflects that he and Mr. Kalkwarf are also listed with the Secretary-Treasurer as NVTC signatories and trustees.

On a motion by Mrs. Bulova and a second by Senator Whipple, the commission unanimously approved Resolution #2139 (copy attached). The vote in favor was cast by commissioners Albo, Badger, Bulova, Euille, Fissette, Foust, Greenfield, Herrity, Hudgins, Hynes, Maller, McKay, Smedberg, Whipple and Zimmerman.

Public Hearing on and Approval of NVTC's 2010 Work Program and Schedule

Mr. Taube reported that the draft work program and schedule were posted on NVTC's website for a month for review by the public. Local staff discussed the work program in November and December. He then provided a brief review of the work program and 2009 accomplishments.

Chairman Hudgins opened the meeting for public comment at 8:35 P.M.

Mr. Ed Tennyson of Vienna, Virginia, began his remarks by saying that NVTC's work is prodigious, valuable and effective. He stated that NVTC must address the Metro funding problems. He also urged NVTC to seek legislation to put a 50 percent floor on the 95 percent state funding ratio. He suggested that if the motor fuels tax cannot be increased, the Commonwealth must add user charges at toll booths at the state's major river crossings and at the state line on major highways. NVTC must work to convince the federal government that the Dulles rail line should get more than 18 percent federal funding.

Mr. Tennyson also expressed his opinion that it is very important that WMATA not switch 100,000 weekday Metrorail passengers to Metrobus. Revenue will be lost; more bus capacity would need to be added, which is estimated to cost \$129,000 more a day (at an annual increase of \$49 million). The region cannot afford this.

Mr. Tennyson suggested raising the gasoline sales tax to 4.2 percent. At the same time, local governments must realize and accept that they are the last resort for WMATA funding. He also observed that VRE's budget looks very good with lower costs per passenger-mile than Metrorail and Fairfax Connector Bus, but there is an error in

the budget. He stated that the proposed new express train will cost more than \$375,000. Also, he stated that CSX is improperly charging VRE for the new Amtrak Northeast Corridor trains and that CSX must shift the access charges to Amtrak, away from VRE. CSX has no right to charge VRE for Amtrak. Federal law gives Amtrak the right to use CSX tracks. He also stated that VRE liability insurance still costs too much.

Mr. Tennyson concluded by saying that NVTC should initiate a quarterly analysis of WMATA operations. To control costs, NVTC must review the cost per passenger-mile, the passenger-miles per car-mile and bus-mile (the load factor), the cost per car and bus hour, the passenger-miles per vehicle failure, the average speed and the passenger-miles per employee. This data is provided to FTA and should be examined.

Mr. Alan Muchnick, Board Member of the Virginia Bicycling Federation, stated that he is pleased that NVTC's work program includes an item to "analyze and report on bicycle access to transit." He observed that over the past decade, the region has made considerable progress in improving bicycle access to public transportation. He reviewed some specific progress. However, except for the new bike-on-rail access policy, there has been no bicycle parking improvements at VRE stations and the VRE website still provides inadequate information on bicycle parking accommodations and bicycling and walking access routes at VRE stations. He concluded by saying that VRE should provide quality bicycle parking in the form of both bicycle lockers and weather-protected bike racks at every suburban station. Mrs. Bulova stated that she would be happy to take Mr. Muchnick's written comments to VRE so there can be a discussion with the Operations Board.

Chairman Hudgins thanked Mr. Tennyson and Mr. Muchnick for their comments. Both gentlemen provided a written version of their testimony. Without any more citizens to comment, Chairman Hudgins concluded the public hearing and the commission returned to its regular meeting at 8:47 P.M.

Mr. Euille moved, with a second by Mrs. Bulova, to approve the 2010 work program and schedule. The vote in favor was cast by commissioners Albo, Badger, Bulova, Euille, Fisette, Foust, Greenfield, Herrity, Hudgins, Hynes, Maller, McKay, Smedberg, Whipple and Zimmerman.

FY 2010 NVTC Administrative Budget

Mr. Taube stated that the same budget has been reviewed as recently as mid-December by local staff and by the commission in September, 2009. For FY 2011, total local contributions are held constant at \$310,000, with individual local shares based on

shares of state grants and regional gas taxes received from NVTC. Total local contributions have not increased since FY 2002. NVTC ended FY 2009 with an unappropriated surplus of almost \$60,000, which is being used to help fund this proposed FY 2011 budget. The NVTC budget freezes staff salaries for the second consecutive year and total expenditures are held constant again.

Mr. Zimmerman moved, with a second by Mr. Smedberg, to approve the budget. The vote in favor was cast by commissioners Albo, Badger, Bulova, Euille, Fiset, Foust, Greenfield, Herrity, Hudgins, Hynes, Maller, McKay, Smedberg, Whipple and Zimmerman.

Delegate Ebbin arrived and joined the meeting.

Authorize Award of a Contract and Related Actions for Design of the Vanpool Incentive Program

Mr. Taube reported that two proposals were received in response to the RFP issued by FAMPO for the joint NVTC/FAMPO regional initiative to design a Vanpool Incentive Program. The program should increase vanpooling as well as generate additional federal transit formula funds. The selection committee is recommending that VHB be the lead contractor. Frank Spielberg will be the project manager. The selection committee is planning to meet with Mr. Spielberg and his team to tweak the proposal before the contract is executed and the Notice to Proceed is granted. Although the documents are not available for commissioner review because they are still being negotiated, Mr. Taube proposed that the commission authorize staff to complete the documents and then have legal counsel review them once they are finalized before they are executed. Other alternatives include the commission waiting to see the documents before action is taken, or having jurisdictional staff (Management Advisory Committee) also review the documents.

Mr. Zimmerman moved to authorize staff to complete negotiations and after review by legal counsel and the Management Advisory Committee, execute the contracts. Mrs. Bulova seconded the motion. The vote in favor was cast by commissioners Albo, Badger, Bulova, Ebbin, Euille, Fiset, Foust, Greenfield, Herrity, Hudgins, Hynes, Maller, McKay, Smedberg, Whipple and Zimmerman.

Status of Transition to the 2.1 Percent NVTC/PRTC Motor Fuels Tax

Mr. Taube reported that NVTC has not received a response to its letter to the Virginia Department of Taxation (TAX) regarding NVTC's concerns about the tax guidelines. He asked for guidance from commissioners on what should be the next step. Senator Whipple stated that she updated Senator Saslaw, who immediately contacted the Department of Taxation. It was his understanding that the guidelines would be changed, but that apparently has not happened. She offered to contact Senator Saslaw and the Senate Finance staff for further assistance to communicate with the Department of Taxation to see if there can be a meeting on a staff-to-staff level. She is very disappointed that the Department of Taxation has not responded. She asked if NVTC should write to the governor.

Mr. Maller observed that the tax change went into effect January 1st, so by the time a letter is received by Governor Kaine, it may be too late if he has already left office. Time is of the essence. In response to a question from Mrs. Bulova, Senator Whipple stated that the TAX Commissioner is an appointed position, although it is held by a career person. Therefore, it could change with the new administration. Mr. Zimmerman observed that a new TAX Commissioner could solve some problems, but there are also inherent issues of having to re-educate a new person. NVTC is trying to get the TAX Commissioner to follow the law. He expressed his opinion that NVTC should not seek some kind of legislative change, because it is already addressed in the law. It is the best hope that Senator Whipple's conversation with Senator Saslaw will result in some action. If a letter is needed it should be a terse letter to the governor requesting it be resolved before the governor leaves office. A \$1 million loss each year is at stake.

Mrs. Bulova moved, with a second by Mrs. Hynes, to send a letter to the governor. The vote in favor was cast by commissioners Albo, Badger, Bulova, Ebbin, Euille, Fisette, Foust, Greenfield, Herrity, Hudgins, Hynes, Maller, McKay, Smedberg, Whipple and Zimmerman.

Mr. Maller stated that it would be worth understanding what legal remedies are available. Mr. McKay asked if it would be beneficial to request a meeting with TAX Commissioner Bowen when NVTC commissioners are in Richmond on February 11, 2010.

Legislative Items

Mr. Taube stated that NVTC has provided copies of its Legislative Agenda for 2010 to the Northern Virginia General Assembly Delegation and members of Governor-Elect McDonnell's transition team among others. NVTC is in the process of working with legislative staff to draft legislation and find sponsors. NVTC commissioners have been invited to attend a "Down-Home BBQ" legislative reception hosted by the Virginia Transit Association on February 1st in Richmond.

Mr. McKay stated that it has been announced that Congress has authorized \$150 million for Route 1 improvements related to BRAC implications at Fort Belvoir. This includes \$500,000 to study the rail bed that runs from the Franconia/Springfield Metrorail station into the main post at Fort Belvoir to see if it could be adapted to run express bus service on this already existing right-of-way. He stated that NVTC should be involved in this study.

Mrs. Hynes stated that NVTC's Legislative Agenda includes seeking legislation to require motorists to stop for pedestrians at marked crosswalks in intersections without traffic signals where posted speeds are 35 mph or less. She stated that this is important legislation since there have been three different incidents with "not quite misses" with high school students in crosswalks in just the last six weeks. If NVTC can find a patron for this legislation, there is some good testimony that can be presented. Delegate Ebbin stated that it is his understanding that Senator George Barker has agreed to be a patron.

WMATA Items

Mr. Zimmerman provided an overview of WMATA's budget problems, which includes a \$175 million gap in the next year's budget. Today the WMATA Board addressed the current budget which has a \$40 million gap. Staff made a proposal in December to cut the budget by this amount. At today's meeting, it was concluded that it should not be done without a public hearing, because the proposal includes service cuts as well as capital reductions. A temporary 10-cent surcharge will be put to hearing to fill the current budget gap. The hearing will be in three weeks. Mr. Euille stated that WMATA can still cut its workforce for further savings. Mr. Fisette asked how the stimulus funding relates to the budget. Mr. Zimmerman stated that it is to be spent for capital and wasn't meant to solve budget problems. Chairman Hudgins stated that it is important for the public to understand WMATA's current capital commitments and the stimulus funds will be used for already identified needs. Mr. Foust asked what revenue would be generated from a 10-cent surcharge. Mr. Zimmerman stated that further

estimates need to be made but preliminary estimates are that a 10-cent surcharge systemwide would generate approximately \$8 million. Mr. Maller asked if the Metro Compact allows for differential rates in the different jurisdictions. Mr. Zimmerman explained that rail fares are based on a distance formula.

In response to a question from Delegate Albo, Mr. Euille explained that there are 60 positions being proposed to be cut by WMATA to help meet the \$40 million gap, but he feels that that number can be increased.

NVTC Financial Items for November, 2009

Commissioners were provided with a copy of NVTC's financial reports. There were no questions or comments.

Adjournment

Mr. Euille moved to adjourn and Mrs. Bulova seconded. Without objection, Chairman Hudgins adjourned the meeting at 9:21 P.M.

Approved this 11th day of February, 2010.

Catherine Hudgins
Chairman

Mary Hynes
Secretary-Treasurer