

**MINUTES**  
**NVTC COMMISSION MEETING – NOVEMBER 1, 2001**  
**SPRINGFIELD HILTON - SPRINGFIELD, VIRGINIA**

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Donley at 8:05 P.M.

**Members Present**

James F. Almand  
Chip Badger  
Sharon Bulova  
Gerald Connolly  
Kerry J. Donley  
William D. Euille  
Katherine K. Hanley  
Dana Kauffman  
Elaine McConnell  
William C. Mims  
Scott Silverthorne  
David F. Snyder

**Members Absent**

Richard H. Black  
William Bogard  
Paul Ferguson  
Jay Fisette  
Roger L. McClure  
Mary Margaret Whipple  
Christopher Zimmerman

**Staff Present**

Tamara Ashby  
Julie Bourbon  
Rhonda W. Gilcrest  
Scott Kalkwarf  
Wendy Lemieux (VRE)  
Mark Roeber (VRE)  
Sharmila Samarasinghe  
Jennifer Straub  
Richard K. Taube

Action Items from the Joint NVTC/PRTC Meeting:

Prince William County Parking Management and Station Maintenance Agreement. On a motion by Mrs. Bulova and a second by Mr. Connolly, the commission unanimously approved Resolution #901 (copy attached). The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Kauffman, Mims, Silverthorne, and Snyder.

Tariff Amendment to Permit Non-Uniformed Law Enforcement Officers to Ride VRE Free of Charge. Mrs. Bulova moved, with a second by Mr. Kauffman, to approve Resolution #902 (copy attached). The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Kauffman, Mims, Silverthorne, and Snyder.

Minutes of NVTC's Meeting of October 4, 2001

On a motion by Mr. Connolly and a second by Mrs. Bulova, the commission unanimously approved the minutes. The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Kauffman, Mims, Silverthorne, and Snyder.

Falls Church Electrek Hybrid-Electric Bus Demonstration

Chairman Donley stated that a closed session is needed to discuss legal matters regarding the contract with AVS for hybrid-electric buses. Mr. Connolly moved, with a second by Mr. Silverthorne, to approve the following motion to enter into closed session:

Pursuant to the Virginia Freedom of Information Act (Section 2.2-3711.A.7 Virginia Code Ann.), the Northern Virginia Transportation Commission authorizes discussion in closed session on legal matters pertaining to the contract with AVS for hybrid-electric buses.

The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Kauffman, Mims, Silverthorne, and Snyder.

The commission entered into closed session at 8:10 P.M. Mrs. McConnell arrived at 8:12 P.M. Mrs. Bulova moved, with a second by Mr. Almand, to reconvene into open session. The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Kauffman, McConnell, Mims, Silverthorne, and Snyder. The commission returned to open session at 8:30 P.M.

Mrs. Bulova moved, with a second by Mr. Connolly, the following certification:

The Northern Virginia Transportation Commission certifies that, to the best of each member's knowledge and with no individual member dissenting, at the just concluded closed session:

2. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed; and
3. Only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered.

The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Kauffman, McConnell, Mims, Silverthorne, and Snyder.

Mr. Euille moved, with a second by Mrs. Bulova, the following actions:

1. Retain as lead counsel Cyrus E. Phillips, IV, who will work with Roy Thorpe, City Attorney of Falls Church and Don Lafferty of WMATA's General Counsel's office, to protect NVTC's interests and those of the other project sponsors;
2. Notify AVS in writing to stop work;
3. Seek to recover damages from AVS, including but not limited to the \$426,349 of grant funds paid to AVS by NVTC; and
4. Request the support of Falls Church and WMATA and grant funding agencies to initiate a procurement of four clean diesel vehicles with special filters to generate a similar demonstration of environmentally friendly bus technology to that which was intended with the AVS buses.

The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Kauffman, McConnell, Mims, Silverthorne, and Snyder.

#### Request for Proposals for SmarTrip Farebox and VRE Fare Collection Consultant

Chairman Donley stated that NVTC staff has proposed a scope of work for consulting assistance for the SmarTrip-compatible farebox project and also to assist VRE in designing the most effective means for its new fare collection equipment to interface with the SmarTrip system. Grant funds will cover the entire anticipated cost, which is estimated not to exceed \$250,000. Local transportation staffs have reviewed the scope and it reflects their comments.

Mrs. McConnell moved, with a second by Mr. Silverthorne, to authorize staff to issue the RFP #02-01 and to return to the commission with a recommendation for award at the meeting of January 3, 2002.

Chairman Donley asked how much the SmarTrip hardware will cost. Mr. Taube responded that it will cost \$5 million, with an additional \$2 million for VRE. The source of grant funding is 80 percent federal and 20 percent state funds. Installation should begin November, 2002.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Kauffman, McConnell, Mims, Silverthorne, and Snyder.

### VDOT Multi-Modal Planning Meeting

Chairman Donley reported that on November 15<sup>th</sup>, VDOT will conduct a meeting in Fairfax County to gather input on a long-range vision for transportation in Virginia. A transportation vision survey was provided by VDOT and the proposed NVTC response has been reviewed by local staff. He requested that at least one commissioner attend the meeting to present NVTC's response.

Mr. Euille reported that WMATA will be holding a regional conference in December and NVTC's statement regarding the region's transit needs could be presented at the conference.

Mr. Taube reported that NVTC has received a response from Secretary Ybarra to Chairman Donley's letter requesting representatives from the transit industry and Northern Virginia be added to VDOT's planning task force. According to Secretary Ybarra's letter, a representative from the Federal Transit Administration has been added and one member to represent transit interests in urban areas will be added to the task force.

Mrs. Hanley joined the discussion at 8:42 P.M.

Chairman Donley stated that it is important for NVTC to deliver testimony at the November 15<sup>th</sup> meeting. After some discussion, he stated that the consensus of the commission is that NVTC should help identify a task force member but to also ask for more representation. Mr. Connolly stated that after the election, the new governor may influence this process. He suggested that the commission wait and appeal to the new governor to take a new look at this issue. Mr. Euille stated that WMATA has decided to wait until after the election to pursue this issue.

Mr. Connolly moved, with a second by Mr. Euille, to authorize NVTC to provide a statement for the November 15<sup>th</sup> meeting, but informing them that since the composition of the task force is flawed, NVTC will wait to ask the new governor for his assistance in

restructuring the study. The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Hanley, Kauffman, McConnell, Mims, Silverthorne, and Snyder.

### NVTC Products and Communications

Meeting Date for NVTC Legislative Committee. The legislative committee is scheduled to meet on November 20<sup>th</sup> at NVTC. Commissioners wishing to propose legislative actions for the consideration of the committee should contact staff or the committee chairman, Kate Hanley. NVTC's Legislative Agenda for 2002 will be presented on December 6, 2001.

Letters to General Assembly Money Committees About the Loss of FY 2001 State Aid. NVTC sent letters to General Assembly Money Committee members alerting them to NVTC's concerns about Governor Gilmore's proposed transfer of \$15.9 million of statewide transit funds, including \$4.6 million of NVTC funds under contract for SmarTrip fareboxes and other essential transit purchases.

Letter to VDOT Regarding HOV Policies in Traffic Emergencies. Mr. Taube stated that as authorized at last month's meeting, Chairman Donley sent a letter to VDOT requesting a discussion regarding HOV policies in traffic emergencies. NVTC commissioner Black also sent a letter to Tom Farley disassociating himself from Chairman Donley's letter. Mr. Connolly stated that NVTC wasn't critical of the HOV policy, but requested a discussion to look at the issue for emergency situations. Mrs. Hanley stated that this issue is now just one item in the larger emergency response discussions for the entire region.

October 16<sup>th</sup> Transit Operators Task Force on Emergency Coordination, Communication and Security. Mr. Snyder commended staff on their initiative to sponsor a meeting on September 18<sup>th</sup> to discuss emergency response issues. He stated that transit agencies need to find a way to effectively communicate with each other, highway and transit components need to communicate, and then have a way to inform the public.

Mr. Taube stated that local staff has been working to link key transit agency staff to WMATA during emergencies, using Nextel Direct Connect technology and other means, so that transit responses will be well coordinated.

NVTC Quarterly Transit Service Change Report. The document has been reviewed by local staff. Copies were provided to commissioners.

Barry Subcommittee Studying a New Regional Transportation Authority. Chairman Donley reported that the subcommittee met on October 24<sup>th</sup> and reviewed draft legislation that would also allow the CTB to issue debt on behalf of the authority. The final meeting is set for November 14<sup>th</sup>. Mr. Taube stated that a letter has been received from McGuire Woods, describing the consequences for NVTC and its

outstanding bonds if the authority were to absorb NVTC and/or begin to issue new debt. Chairman Donley requested that a copy of the letter be sent to VDOT staff, General Assembly staff, and Dr. Alan Wambold for distribution to the entire Barry Subcommittee membership.

In response to a question from Mr. Connolly, Senator Mims stated that the next subcommittee meeting will deal with a string of amendments. It is his understanding that the consensus of the subcommittee is not to address whether NVTC should be folded into the authority. Mr. Connolly then asked if this would be left to the General Assembly to decide. Senator Mims responded that since there will be a new governor, new secretary of transportation and new General Assembly, it will be hard to predict what will happen. He stated that the goal is that when the authority begins in July, 2002, the authority itself would suggest changes. Mrs. Hanley stated that there are significant bond issues and financing issues that still need to be addressed.

In response to a question from Mr. Snyder, Chairman Donley stated that currently the proposed amendment is silent on the consolidation of NVTC into the authority. It is hoped that there will be no statutory mandate to consolidate.

NVTC Media Release on Free Fare Weekend. With WMATA taking the lead in providing free fares on the weekend of October 13-14, 2001, Northern Virginia's other bus systems offered the same fare break. Media reports were incomplete until NVTC prepared a comprehensive press release, which received widespread coverage on radio stations and in the Washington Post, among others.

Chairman Donley asked if any analysis has been done on the success of the free fare weekend. Mr. Euille stated that Metro had a 34 percent increase compared to the previous three weekends. Betsy Massie, of Alexandria staff, stated that DASH ridership was up 27 percent.

National Capital Region Incident Management Conference. Mrs. Hanley noted that the conference agenda does not include Metro staff, although Mr. Taube is speaking on transit issues.

VDOT/MDOT Response to TPB Regarding NVTC's Woodrow Wilson Bridge CMP Concerns. NVTC received a response to its July 12<sup>th</sup> letter. The departments and their consultants remain unwilling to acknowledge that NVTC's concerns have any validity. NVTC criticized the process by which the Congestion Mitigation Plan was produced, its lack of any transit and its unfavorable outcome compared to the enlightened approach used for the Springfield Interchange.

Pedestrian Safety in the Richmond Highway Corridor. Mr. Taube stated that a response to a Letter to the Editor of the Washington Post regarding pedestrian safety in the Richmond Highway corridor has been drafted. Mr. Kauffman reported that he met with Dave Lyons, the author of the letter, providing him with an update of what is being done in that corridor.

Mr. Kauffman moved, with a second by Mr. Connolly, to authorize the chairman to send the NVTC response. The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Hanley, Kauffman, McConnell, Mims, Silverthorne, and Snyder.

### Financial Items for September, 2001

The financial report was provided to commissioners and they had no questions.

### Closed Session

Chairman Donley requested that the commission go into closed session to discuss personnel matters.

Mr. Connolly moved, with a second by Mrs. Hanley, to approve the following motion:

Pursuant to the Virginia Freedom of Information Act (Section 2.2-3711.A.1 Virginia Code Ann.), the Northern Virginia Transportation Commission authorizes discussion in closed session on personnel matters.

The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Hanley, Kauffman, McConnell, Mims, Silverthorne, and Snyder.

The commission entered into closed session at 9:11 P.M. Mrs. Bulova moved, with a second by Mr. Snyder, to return to open session. The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Hanley, Kauffman, McConnell, Mims, Silverthorne, and Snyder. The commission returned to open session at 9:30 P.M.

Mrs. Bulova moved, with a second by Mrs. McConnell, the following certification:

The Northern Virginia Transportation Commission certifies that, to the best of each member's knowledge and with no individual member dissenting, at the just concluded closed session:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed; and

2. Only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered.

The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Hanley, Kauffman, McConnell, Mims, Silverthorne, and Snyder.

Mrs. McConnell moved, with a second by Mrs. Bulova, to authorize the chairman to communicate with the executive director the terms and conditions outlined in the closed session. The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Hanley, Kauffman, McConnell, Mims, Silverthorne, and Snyder.

### Adjournment

On a motion by Mrs. Bulova and a second by Mrs. Hanley, the commission unanimously agreed to adjourn. The vote in favor was cast by commissioners Almand, Badger, Bulova, Connolly, Donley, Euille, Hanley, Kauffman, McConnell, Mims, Silverthorne, and Snyder. Chairman Donley adjourned the meeting at 9:31 P.M.

Approved this 6<sup>th</sup> day of December, 2001.

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Kerry J. Donley  
Chairman

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Elaine McConnell  
Secretary-Treasurer