

MINUTES
NVTC COMMISSION MEETING – OCTOBER 4, 2001
NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Donley at 8:07 P.M.

Members Present

Leo J. Bevon
Sharon Bulova
Gerald Connolly
Kerry J. Donley
Paul Ferguson
Katherine Hanley
Dana Kauffman
Roger J. McClure
Elaine McConnell
Scott Silverthorne
David F. Snyder
Mary Margaret Whipple
Christopher Zimmerman

Members Absent

James F. Almand
Richard H. Black
William Bogard
William D. Euille
Jay Fiset
William C. Mims

Staff Present

Tamara Ashby
Julie Bourbon
Rhonda Gilchrest
Scott Kalkwarf
Steve MacIsaac (VRE)
Gyles Norwood (VRE)
Sharmila Samarasinghe
Pete Sklannik, Jr. (VRE)
Jennifer Straub
Richard K. Taube
Dale Zehner (VRE)

Minutes of NVTC's Meeting of September 6, 2001

On a motion by Mr. Kauffman and a second by Mrs. McConnell, the commission unanimously approved the minutes. The vote in favor was cast by commissioners Bevon, Bulova, Donley, Hanley, Kauffman, McConnell, McClure, Silverthorne, Snyder, Whipple and Zimmerman.

NVTC FY 2001 Audit

Chairman Donley stated that Robert Dunham from NVTC's audit firm, Dunham & Aukamp, PLC, was present to answer any questions concerning the NVTC and VRE audits. VRE's Operations Board has reviewed the VRE statements and forwarded them to the commissions for action. In response to a question from Chairman Donley, Mr. Dunham stated that NVTC and VRE have achieved a "clean" audit.

Mrs. McConnell moved, with a second by Mr. Zimmerman, to accept the audit report and distribute it to regulatory agencies, bondholders, jurisdictions and the public. The vote in favor was cast by commissioners Bevon, Bulova, Donley, Hanley, Kauffman, McConnell, McClure, Silverthorne, Snyder, Whipple and Zimmerman.

Falls Church Electrek Hybrid-Electric Bus Project

Chairman Donley reminded commissioners that as requested at the last meeting, staff has investigated alternatives available to NVTC and its co-sponsors in light of lengthy delays in obtaining buses that meet the specifications and appear likely to provide satisfactory service during the demonstration period. He introduced Keith Buckner, National Sales Manager for Advanced Vehicle Systems, Inc. (AVS) who was present to respond to questions from commissioners.

Mr. Taube explained that staff and AVS have agreed to a five-day simulated revenue-service test to be conducted in October. The target for the test is reliability for each bus using a definition agreed to by WMATA and AVS. After the test is concluded, project sponsors (Falls Church, WMATA, Virginia Power, NVTC) will evaluate the test results and make a determination as to whether to proceed further. If the decision to proceed is made, another test period of 90-days would begin, this time in actual revenue service. Again, the negotiated reliability standard would be applied. If the buses perform to the satisfaction of the project team, NVTC would be asked to accept the buses and make final payment, with the start of the warranty period retroactive to the start of the 90-day revenue service test. Mr. Taube explained that commission action is not being requested at this time, but most likely will be at the November meeting.

Mr. Buckner stated that his board of directors has appointed him to rectify the situation and he has been working with WMATA and NVTC staff to identify any outstanding issues. The vehicles have been test-driven by WMATA drivers for the past two days and have been performing well.

In response to a question from Chairman Donley, Mr. Buckner stated that there is a one-year bumper-to-bumper warranty after the vehicles are accepted, with additional extended warranties for some parts, such as the turbine system.

In response to a question from Chairman Donley, Mr. Taube stated that if the buses were accepted, there would be a final payment of approximately \$1 million. He reminded commissioners that the buses would first have to go through a successful 90-day testing period before they would be accepted.

Mrs. Hanley expressed her concern that the buses be tested during inclement weather, since there was a problem with the performance of the bus when it got wet. Mr. Taube explained that while being transported to Northern Virginia, the bus was loaded backward and water went into the turbine. Mr. Buckner stated that the buses should run smoothly during wet weather.

Mr. Connolly joined the discussion at 8:15 P.M.

In response to a question from Mr. Zimmerman, Mr. Buckner explained that the reliability target during testing is an industry standard and is accepted by FTA. Mr. Kauffman asked if WMATA has the same standard for its new buses. Mr. Taube replied that full size hybrid-electric buses in New York City achieve about 2,000 miles between service interruptions. WMATA's traditional diesel buses achieve about 12,000 miles between service interruptions. Applying a standard anywhere in this range to the Falls Church route for the five-day test would require at least three buses to be available each day and no service interruptions. Mr. Taube stated that currently there is no industry standard established for this type of bus. In response to a question from Mr. McClure, Mr. Taube stated that NVTC is not obligated to purchase the buses even if the standard is met. After the five-day test period, staff will make a recommendation for commission action at the November 1, 2001 meeting. Mr. Snyder expressed his opinion that any problem with braking or steering is unacceptable.

Mr. Ferguson arrived at 8:21 P.M.

Mr. Zimmerman stated that the larger hybrid-electric buses produce very little sound and exhaust. He stated that it would be helpful to gather more information about other regions that have this type of system and their success rate. Mr. Buckner stated that this type of information can be found on Electrical Transit Vehicle Institute's (ETVI) web page.

Preliminary NVTC FY 2003 Budget

Mr. Taube stated that the commission is asked to authorize a preliminary FY 2003 budget to be sent to its jurisdictions for use in their budget planning. Considering the discussion that occurred at the last NVTC meeting, commission and local staff recommend Alternative C, which maintains the level of local contributions equal to the FY 2002 amount. This alternative restores one position to NVTC's staff for a new project manager. The new position would bring NVTC's staff size back up to its level of 1999. In response to a question from Mr. Connolly, Mr. Taube stated that land use issues were removed from the job description as requested.

Mr. Zimmerman moved, with a second by Mr. Connolly, to authorize staff to forward the preliminary FY 2003 budget using Alternative C to the NVTC's member jurisdictions for use in their FY 2003 budget planning. The vote in favor was cast by commissioners Bevon, Bulova, Connolly, Donley, Ferguson, Hanley, Kauffman, McConnell, McClure, Silverthorne, Snyder, Whipple and Zimmerman.

Regional Transportation Items

ODU Maglev Transportation System. On August 29, 2001, a maglev project began at the Old Dominion University (ODU), which will connect the campus to new developments east of Hampton Blvd. in Norfolk. The guideway, which is 3400 feet in length, was completed in four days. The 45-foot vehicle is reported to be ready for testing in Edgewater, Florida and is expected to undergo on-site testing at ODU starting in January, 2002. Passenger service is expected to start in August, 2002. The total cost of the project is \$14 million, of which half is from a state loan.

Comparisons of Highway and Transit Expenditures. According to the most recent official US Census data (1999), Virginia and Maryland illustrate opposite models of spending on highways and transit. On a per capita basis, Virginia directly spends twice as much as Maryland on highways (\$514 versus \$276). Maryland directly spends seventy times as much per capita as Virginia on transit (\$70 versus \$1). Virginia's cities and counties directly spend 50 percent less on highways than Maryland's municipalities (\$103 versus \$149). The reverse is true for transit, with Virginia's localities spending directly twice as much as Maryland's (\$28 versus \$17).

In response to a question from Mr. Zimmerman, Mr. Taube stated that the comparisons provide a slightly misleading picture of the state effort (because intergovernmental transfers are not included) but an accurate picture of local governmental effort. Mrs. Whipple stated that this is not a fair comparison and

that information on state transfers should be included. Mr. Taube explained that the census data did not include such information. Mr. Connolly observed that the data show a stark contrast between Maryland and Virginia. Mr. Zimmerman stated that it would be interesting to get more information/data on this issue.

VDOT Multi-Modal Planning Study. Public meetings have been scheduled to receive public input on VDOT's multi-modal study. VTA had raised concerns that VDOT was proceeding without any input from the transit industry. Mrs. Whipple gave an overview of how this study came about as a result of General Assembly action. Mrs. Hanley observed that representation of the study is mostly from VDOT and only one person from VDRPT and one representative from Northern Virginia.

Mrs. Whipple moved, with a second by Mr. Zimmerman, to authorize Chairman Donley to send a letter to Secretary Ybarra requesting that the taskforce for VDOT's multi-modal planning study be expanded to include representation from the transit industry and Northern Virginia. The vote in favor was cast by commissioners Bevon, Bulova, Connolly, Donley, Ferguson, Hanley, Kauffman, McConnell, McClure, Silverthorne, Snyder, Whipple and Zimmerman.

Northern Virginia Transit Operators Task Force on Emergency Coordination and Security. Mr. Taube stated that in response to the September 11, 2001 terrorist bombing of the Pentagon, NVTC hosted the organizational meeting of the Northern Virginia Transit Operators Task Force on Emergency Coordination, Communication and Security on September 18th. One area of strong concern to the operators is that during most serious traffic incidents, VDOT quickly lifts HOV restrictions and allows all drivers to enter the HOV lanes, which typically results in gridlock in those lanes as well as the parallel conventional lanes. This makes it impossible for the transit system to function effectively at the times it is needed most. Not only regularly scheduled service is disrupted but transit operators lose their ability to restage buses and respond quickly to changing conditions. To begin to remedy this situation, the commission is asked to authorize a letter to VDOT describing the problem and suggesting further discussions with VDOT.

Mrs. McConnell stated that she cannot support the letter because of the problems that have occurred during the Mixing Bowl construction when the state police would not allow all drivers to enter the HOV lanes during major traffic congestion. Mr. Connolly clarified that the letter is requesting cooperation in notifying transit operators of emergency changes to HOV requirements and to not automatically lift HOV restrictions. Chairman Donley stated that the letter also invites VDOT to enter into a discussion about the effects of lifting HOV restrictions. Mrs. McConnell stated that the state police need to realize the ramifications of not lifting HOV restrictions. Chairman Donley suggested that the letter could also invite the state police to the discussion.

Mr. Connolly moved, with a second by Mr. Snyder, to authorize NVTC's chairman to write to VDOT regarding the policy of lifting HOV restrictions during traffic emergencies and also to invite VDOT and the state police to discuss this issue.

Mr. Kauffman expressed his concern that policies shouldn't be changed based on one incident. Mrs. Whipple stated that the two HOV lanes on I-95/395 carry more people than other four conventional lanes. Workers could leave the city twice as fast if HOV remained.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Bevon, Bulova, Connolly, Donley, Ferguson, Hanley, Silverthorne, Snyder, Whipple and Zimmerman. Commissioners McClure, McConnell and Kauffman voted no.

Other Regional Transportation Issues. Mrs. McConnell expressed her concern that because of heightened security measures near military bases, traffic along the I-95 and Route 1 corridors continues to severely back up. She has recommended that after HOV peak hours, the HOV lanes be used as HOT Lanes and people could pay a toll to use the lanes. She is personally pursuing this recommendation. Mrs. Whipple stated that it is her understanding that HOT lanes were not allowed on Virginia interstates. Mr. Bevon stated that there are no restrictions on studying HOT lanes, although VDOT has no interest in doing so.

Mr. Kauffman stated that it would be helpful for NVTC to look at different commuting options, such as staggered work hours and telecommuting, and encourage its congressional delegation to pursue these initiatives. By implementing some of these programs, WMATA would gain a three-year cushion for its capital improvements program. Mrs. Hanley explained that Metro peak hour ridership continues to increase and WMATA needs to find ways to address overcrowding issues. Mr. Kauffman asked staff to present information to a subsequent meeting.

Mr. Connolly announced that the second annual teleworking conference will be held on October 23rd from 8:30 to 4:00 and he urged staff and commissioners to attend. Mr. Bevon stated that VDRPT has received a great deal of interest across the state for VDRPT's new telework pilot program.

Legislative items

State Budget Issues. VTA's legislative committee has begun to meet in anticipation of the 2002 General Assembly session. The state budget situation is not promising. An early impasse over the "caboose bill" –the budget bill introduced by the governor in December to clear up funding for the remainder of the current fiscal year—may occur given its unprecedented size and scope this year. Without agreement on such a bill, major cuts may be needed in state programs.

Barry Subcommittee on the New Northern Virginia Regional Transportation Authority. The subcommittee meeting scheduled for September 12th was cancelled and rescheduled for October 24th. Mr. Taube reported that he and the Arlington County Attorney, Steve Maclsaac, discussed with NVTC/VRE's bond counsel, McGuire Woods, the implications for NVTC and its jurisdictions of the new Northern Virginia Regional Transportation Authority. Bond counsel concluded that it will be "cumbersome, time consuming and expensive" to transfer NVTC's VRE debt to a new authority and simultaneously protect the underlying credit for that debt provided through the local governments.

In response to a question from Mr. Zimmerman, Mr. Maclsaac stated that since the proposed authority has no dedicated source of funding, it could not issue its own revenue bonds. The only thing the authority could do would be to structure local appropriated revenue on an annual basis. Mr. Connolly observed that this would defeat the whole purpose for an authority, because to function it would be at the mercy of local jurisdictions. Mrs. Hanley asked what would be the implications to the authority if there is a dedicated revenue stream, such as a sales tax. Mrs. Hanley stated that most people believe that there is no purpose for an authority if there is not a dedicated revenue source. The response is that even in this case the bonds would be considered "subject to appropriation" and would have implications for NVTC's outstanding debt.

Mrs. McConnell stated that there should be a provision mandating all local jurisdictions that benefit from an increase in the sales tax to dedicate a portion of that revenue as a means of funding the regional transportation authority for regional projects only.

Mrs. Whipple stated that the bond counsel opinion should be distributed to the Barry subcommittee members prior to its October 24th meeting. Chairman Donley stated that it would be best if it is sent on McGuire Woods letterhead.

FY 2002 Federal Transportation Appropriations. A continuing resolution is keeping the federal government agencies running. Amtrak is seeking additional funding for security and New York, Pennsylvania and Virginia should receive at

least half of the \$40 billion disaster recovery bill passed by Congress, of which some should be available for transportation.

Federal Commuter Rail Legislation. House Transportation and Infrastructure Committee Chairman Don Young is proposing a bill that would provide \$71 billion in railroad bonds, loans and loan guarantees. Such a bill would leverage the \$65 million already provided by the Virginia General Assembly for Washington-Richmond Corridor improvements.

Representative Clement's TRAIN-21 bill would provide a mechanism for sponsors of commuter and light rail projects using freight railroad rights-of-way to have a federal agency to help arbitrate disputes (in this case the Surface Transportation Board). This bill has been endorsed by the VRE Operations Board.

WMATA Items

MetroBoard Digest. WMATA continues to achieve record ridership and has opened its Metrorail system at 5:00 A.M. at the request of the Department of Defense (DOD).

FY 2003 Budget Guidelines and Business Plan. The WMATA Board approved the budget guidelines, which include preliminary estimates of the operating budget. No increases in fares will be requested.

New Service and Innovations. WMATA has initiated a new NextBus program. NextBus Information Systems, which provides the service, will track buses and calculate arrival times. This information will be available on message signs on newly installed electric sign boards at nine of the most popular bus stops along the 38B line in Arlington. Also, new reverse commute service to Tysons Corner has begun on Metrobus Route 5B from L'Enfant Plaza Metrorail to Rosslyn and then to Tysons using I-66.

Mr. Zimmerman reported that the WMATA Board approved a weekend of free fares for October 13-14th as part of a region-wide effort to encourage local people to come out and visit restaurants, museums, retail, etc. Mr. Connolly expressed his disappointment that some news reports stated that this initiative is to help the District, but in fact it is designed to help all the jurisdictions. In response to a question from Mr. Ferguson, Mr. Zimmerman stated that this initiative is not intended to target out-of-town tourists. Mr. Connolly stated that this should be coordinated with local bus systems.

Regional Bus Study. The WMATA Board approved additional funding for increased consulting assistance for the garage plan and to accomplish

transportation system management (TSM) recommendations regarding Metrorail overcrowding.

Car Sharing Demonstration Program. The WMATA Board awarded a contract to Flexcar/Parsons Transportation Group. The team intends to have 24 cars at 12 Metrorail stations within the first four months.

Regional Transit Summit. A tentative schedule has been set for December 12th for a summit to be co-hosted by MDOT, VDOT and D.C. Mayor Williams. The main purpose is to have WMATA present its business plan, discuss short and long-term capital needs and consider strategies for federal, state and local governments to meet transit funding needs.

NVTC Products and Communications

NVTC Annual Transportation Update and Transit Funding Resource Guide. Prior to printing copies of these final reports, staff is requesting orders by e-mail and other means from those who wish to receive a copy. The reports will also be available at NVTC's website.

NVTC Website Links. At NVTC's September meeting, discussion occurred about whether or not NVTC's website should provide direct links to advocacy groups among the 50 links to jurisdictions, transit providers, TMA's, projects and studies. Staff has proposed the following policy:

All organizations, agencies and studies listed in the appendix to NVTC's annual transportation update will be linked from NVTC's website with a disclaimer that NVTC is not responsible for the content of the linked websites. If authorized representatives ask that their agency, organization or study should not be linked, NVTC will honor those requests.

There were no questions from commissioners.

NVTC Radio Shows. A new schedule for upcoming radio recording sessions is being established. A new live radio opportunity for October 7th is also being coordinated and commissioners wishing to participate should contact staff.

Letter to Governor Gilmore Regarding Transit Funding. On behalf of the commission, Chairman Donley sent a letter to the governor protesting the possible diversion of NVTC funds (\$4.6 million) already under contract for SmarTrip fareboxes and other needed transit capital projects. There are also \$15.9 million of statewide transit project funding that may be in jeopardy. In response to a question from Mrs. Hanley, Mr. Taube reported that no response

has been received from the governor. Mr. Bevon stated that VDRPT will honor all signed contracts, but funding for other projects could be affected.

Chairman Donley suggested that the commission send a letter to the chairmen of the General Assembly money committees protesting the governor's transfer of \$4.6 million of NVTC funds. He also suggested that PRTC could be asked to send a similar letter. There were no objections.

Joint Meeting With PRTC

Chairman Donley reported that November 1, 2001, NVTC and PRTC are scheduled to hold their semi-annual joint meeting at the Springfield Hilton starting at 7:30 P.M.

NVTC Financial Items for September, 2001

Chairman Donley announced that NVTC's portion of the Northern Virginia Transportation District bonds was finally sold on September 25th. NVTC should receive its share of the proceeds for its jurisdictions on October 10th. Commissioners had no questions on the financial report.

Commuter Rail Items

Report from the VRE Operations Board. Chairman Donley stated that the minutes of the September 21, 2001 VRE Operations Board have been provided to commissioners. Mr. Sklannik reported that AF Interlocking work will begin this upcoming weekend. During this work, some VRE schedules will be modified. The signal testing will be the most time consuming.

Assistance from Congress and DOD with Emergency Funding and Negotiations with CSXT. Chairman Donley reported that the VRE Operations Board recommends approval of Resolution #897. This resolution requests congressional delegation assistance in responding to new security measures being pursued following the crisis of September 11, 2001, as well as in responding to increased patronage. VRE staff provided a list of specific needs that can be presented to the delegation for action. Support for legislation such as TRAIN-21 is also being sought as it is expected to be helpful in current and future negotiations with CSXT. There is no fiscal impact associated with this item.

Mrs. Bulova moved, with a second by Mrs. McConnell, to approve Resolution #897 (copy attached). The vote in favor was cast by commissioners

Bevon, Bulova, Connolly, Donley, Ferguson, Hanley, Kauffman, McConnell, McClure, Silverthorne, Snyder, Whipple and Zimmerman.

Preliminary FY2003 VRE Operating and Capital Budget. Chairman Donley stated that the VRE Operations Board recommends approval of Resolution #898. This resolution refers the preliminary FY2003 VRE Operating and Capital Budget recommendations to the jurisdictions for formal review and comment. The budget provides two alternatives using ridership estimates between 12,800 and 13,600 riders. Issues to be addressed during this budget cycle include the need for additional operating funds as well as the subsequent increase in the operating reserve and the exhaustion of the debt service reserve funds and its impact on the capital budget.

In response to a question from Mrs. Hanley, Mr. Taube stated that both budget alternatives 1 and 2 provide for a \$621,000 increase in local subsidy borne by local jurisdictions. The actual increase in participation for each jurisdiction will not be known until the annual ridership survey is conducted in October, 2001.

Mrs. Hanley stated that every locality in the region is facing horrendous budget situations. Mr. Connolly also observed that the increased demands for public safety are going to be substantial. Mrs. Whipple stated that localities will lose their revenue at the very same time that there are more citizen needs.

On a motion by Mrs. Bulova and a second by Mrs. McConnell, the commission unanimously approved the resolution (copy attached). The vote in favor was cast by commissioners Bevon, Bulova, Connolly, Donley, Ferguson, Hanley, Kauffman, McConnell, McClure, Silverthorne, Snyder, Whipple and Zimmerman.

Tariff Amendment to Allow Sworn Law Enforcement Personnel Fare Exemption. Chairman Donley reported that the VRE Operations Board recommends approval of Resolution #899, which would authorize a change to the VRE tariff to allow all sworn law enforcement personnel to ride VRE without charge. Currently, only law enforcement officers in uniform are exempt from paying fares. As the number of officers expected to be impacted by this change is about 20, the revenue loss is estimated at \$5,000. Staff is working to further offset some of this revenue loss by applying Metrochek benefits to the fare. Officers would receive regular monthly VRE passes so other passengers would be unaware of their status.

Mr. Sklannik stated that riders would be made aware that officers may be on board the train. Mr. Bevon expressed his opinion that the fare exemption should be limited to uniformed personnel only. Commissioners then discussed the pros and cons of this issue. Mrs. McConnell stated that more law enforcement personnel would provide additional security. Mrs. Hanley observed

that law enforcement personnel in this region are from many agencies, including, but not limited to, the Justice Department, ATF, FBI, DEA, Secret Service, National Park Police, and Capitol Police.

Mrs. McConnell moved, with a second by Mrs. Bulova, to approve the resolution.

Mr. Connolly made a substitute motion to table the motion, without prejudice, until the November 1, 2001 NVTC meeting. Mr. Silverthorne seconded. The vote in favor was cast by commissioners Bevon, Bulova, Connolly, Donley, Ferguson, Hanley, Kauffman, McConnell, McClure, Silverthorne, Snyder, Whipple and Zimmerman.

Lease of Additional High Capacity Railcars. Chairman Donley reported that the VRE Operations Board recommends approval of Resolution #900, which would authorize the VRE Chief Operating Officer to exercise the option for a second set of high capacity rail cars and a locomotive from Sound Transit. This lease is an interim measure to provide additional seating capacity as VRE completes the gallery refurbishment program. The lease option follows the same pricing and terms and conditions as the lease for the first set of equipment, which was authorized by the commission in July, 2001 (\$49,270 per month).

Authorization is also requested to purchase and install two cab signals for the locomotive and cab car at an estimated cost of \$120,000. This equipment is required for railroad operation on the East Coast. The signals will remain VRE's property, after the term of the lease has been completed, for use in other VRE equipment. Funding for the lease and cab signal equipment is available in the VTA 2000 grant for rolling stock procurement.

On a motion by Mrs. Whipple and a second by Mr. Zimmerman, the commission unanimously approved Resolution #900 (copy attached). The vote in favor was cast by commissioners Bevon, Bulova, Connolly, Donley, Ferguson, Hanley, Kauffman, McConnell, McClure, Silverthorne, Snyder, Whipple and Zimmerman.

Other Business

Mr. Bevon stated that Congressman Wolf has sent a letter to FTA requesting that the Dulles project be expedited.

Adjournment

Mrs. Hanley moved, with a second by Mrs. Whipple, to adjourn. The vote in favor was cast by commissioners Bevon, Bulova, Connolly, Donley, Ferguson,

Hanley, Kauffman, McConnell, McClure, Silverthorne, Snyder, Whipple and Zimmerman. Chairman Donley adjourned the meeting at 9:55 P.M.

Approved this 1st day of November, 2001.

Kerry J. Donley
Chairman

Elaine McConnell
Secretary-Treasurer