

**MINUTES**  
**NVTC COMMISSION MEETING – SEPTEMBER 6, 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**

James F. Almand  
Leo J. Bevon  
William Bogard  
Sharon Bulova  
Gerald Connolly  
Kerry J. Donley  
William D. Euille  
Paul Ferguson  
Jay Fisette  
Katherine Hanley  
Dana Kauffman  
Roger J. McClure  
Elaine McConnell  
William C. Mims  
Scott Silverthorne  
David F. Snyder  
Christopher Zimmerman

**Members Absent**

Richard H. Black  
Mary Margaret Whipple

**Staff Present**

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

### Minutes of NVTC's Meeting of July 12, 2001

On a motion by Mr. Connolly and a second by Mr. Silverthorne, the commission unanimously approved the minutes. The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley, Fisette, Kauffman, McConnell, Mims, Silverthorne, Snyder and Zimmerman.

Chairman Donley stated that Mr. Snyder has requested that the commission discuss the agenda item regarding the Falls Church Electrek hybrid-electric bus project, since he has to leave for another commitment. There were no objections.

Delegate McClure arrived at 8:08 P.M.

### Falls Church Electrek Hybrid-Electric Bus Project

Mr. Snyder reported that the four hybrid-electric buses from Advanced Vehicle Systems, Inc. (AVS) have been undergoing testing by WMATA on the Falls Church routes. Testing has revealed some performance issues with the new technology that requires correction before the buses can be accepted and placed into revenue service. Project staff (WMATA, Falls Church, NVTC) has been working very closely and intensively with AVS personnel and WMATA's engineering consultants to fine-tune this technology to assure maximum performance. New test procedures have been agreed to with AVS and will begin on September 17<sup>th</sup>.

Mr. Snyder moved, with a second by Mr. Kauffman, to authorize staff to provide a report at the next meeting that includes recommendations for additional steps that NVTC could take, as well as reviewing NVTC's legal options, if testing cannot be successfully completed.

Mrs. Hanley arrived at 8:09 P.M.

The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley, Fisette, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne, Snyder and Zimmerman.

Mr. Snyder left the meeting and did not return.

### Preliminary NVTC FY 2003 Budget and Workprogram

Mr. Taube stated that the commission is asked to forward the preliminary budget to its jurisdictions for use in their budget planning. In January, 2002, NVTC will be asked to discuss the draft budget and final action will be requested

at the February, 2002 meeting. Until FY 2002, state contributions for NVTC's administrative budget could cover no more than 50 percent of the costs, requiring \$1 of local contributions for each state dollar. Effective in FY 2002, but after NVTC's final budget was adopted, this ratio shifted (as a result of passage of Delegate Almand's HB 2224). State aid can now cover up to 80 percent of these administrative costs. For FY 2003 and beyond, the ratio is 90 percent.

Mr. Taube explained that local contributions to NVTC's administrative budget for FY 2002 are \$310,000 and with the amendment adopted in July 2001 by NVTC, state aid will be \$410,000. Project chargebacks, interest and appropriated surplus comprise the remainder of the commission's \$986,200 total budget for the current fiscal year. For FY 2003, conceptually the same level of local contributions (\$310,000) could leverage \$2.8 million of state aid. Realistically, local contributions can be reduced substantially while still increasing NVTC's level of effort.

Mr. Taube stated that the appropriate size of NVTC's budget depends on its workprogram. NVTC already has a detailed and extensive workprogram that was expanded following the 1999 board retreat to emphasize several new areas of responsibility, including public education, legislative advocacy and financial expertise. At the time these responsibilities were added, the commission chose not to significantly expand the commission's budget and staff. But for FY 2003, with the initial experience of NVTC's performance in these areas as a guide, staff recommends additions be made to NVTC's budget to allow expanded levels of effort in the emphasis areas identified at the commission's retreat. The total enhanced program would cost an additional \$350,000, compared to the status quo, with an additional local contribution of no more than \$35,000.

Mr. Taube explained that the proposed budget for FY 2003 is shown in two formats. The first is labeled "enhanced performance" and the second is labeled "status quo." The local share is \$122,250 for the recommended option and \$81,000 for the status quo option.

Mr. Euille arrived at 8:14 P.M. and Mr. Ferguson followed at 8:15 P.M.

In response to a question from Mr. Connolly, Mr. Taube explained that the enhanced budget would add as soon as possible one full-time entry-level planner/project manager and a part-time research assistant/intern, while recruiting for a full-time deputy director would not happen until the end of FY 2003. Before consolidating its accounting staff in FY 2000, NVTC had an additional staff member and has often had the services of an intern. Consequently, the enhanced proposal requires only one full-time staff member more than NVTC's typical staff size during the past decade. In response to a question from Mr. Connolly concerning the proposed deputy director, Mr. Taube explained that this position is not needed at this time, but would help to coordinate NVTC's expanded workprogram in the future.

Mr. Connolly observed that one of the enhancements would include working on land use issues around VRE and WMATA stations. He asked why NVTC would need to be involved in land use since local jurisdictions already manage these issues. Mr. Taube responded that it would be to make sure that Metro and VRE are performing consistently with land use policies. Mr. Connolly stated that he is not sure he wants NVTC doing land use issues and asked if this was a direct result of the NVTC board retreat. Mr. Taube responded that it was not a specific recommendation, although at the retreat it was proposed that NVTC do more in coordination issues working with local governments, as well as identifying projects and funding.

Mr. Zimmerman asked if some of these enhancements, such as public education, are already being done by other agencies. Mr. Taube stated that for public education, NVTC focuses on educating the public on the performance of transit and proclaiming that "transit works," using data not available from other sources.

Mrs. Hanley expressed her opinion that what this region needs is more bus service. She stated that it is important that this region be sensitive to "taking off the top" funds that could be used for transit service. Chairman Donley observed that Northern Virginia is now getting more state dollars and he asked how the additional money being requested for NVTC's enhanced budget option could be translated into service. Mr. Taube responded that it would be equivalent to the purchase of one bus.

Mr. Bevon stated that if local contributions stay the same and the NVTC status quo budget was adopted, the additional money would flow to local jurisdictions, but may not be necessarily used for transit.

Mrs. Hanley moved to direct staff to prepare a third budget option that would include the status quo expenditures while maintaining a status quo share from the local governments, which would presume that the additional state funds would be used for transit projects. Mrs. Bulova seconded.

Mr. Bevon stated that he agreed with the motion but asked that NVTC retain some of the enhancements for discussion. Mr. Fisette observed that some strong arguments can be made for some of the proposed enhancements. Mr. Connolly urged staff to come back to the commission with a draft alternative that would consolidate enhancements #3 (project manager) and #6 (deputy director), eliminate land use issues, and provide further justification for additional activities and staff positions. He suggested limiting the additional staff to one full-time position.

The commission then voted on the amended motion and it passed. The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley, Euille, Ferguson, Fisette, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne and Zimmerman.

### NVTC's 2001 Annual Transportation Update

Mr. Taube stated that NVTC received a letter from the Coalition for Smarter Growth requesting that additional organizations be included in the Appendix and stated that the Northern Virginia Transportation Alliance (NVTA) should not be included in NVTC website links. Senator Mims expressed his opinion that NVTC should provide as much information and links to the public as possible on its website. Tamara Ashby of NVTC staff, stated that NVTC does have a disclaimer attached to its website regarding its links. Mr. Connolly stated that when a private organization requests to be added or removed from any website or publication, that request should be honored for that individual organization. In response to a question from Senator Mims, Ms. Ashby stated that NVTA requested to be added to the links. Mrs. Hanley noted that NVTA is not a TMA and should not be listed as such.

Mr. Zimmerman questioned who reads the paper copy of the document and asked if it is useful today when information is so readily available on the Internet. Ms. Ashby stated that the Update is on NVTC's website and in the past jurisdictional staff and others have conveyed that it is a helpful document. Mr. Zimmerman asked if NVTC could save money by just having it available on the website. Mrs. Bulova suggested staff could look at the demand for the document. Mrs. Hanley suggested that staff could print the document every other year and update the website version more often. Jennifer Straub of NVTC staff, stated that one year staff just updated the report's tables and figures.

Mr. Connolly moved, with a second by Mrs. Bulova, to authorize staff to release the report to the public and to emphasize that the report is available on NVTC's website. The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley, Euille, Ferguson, Fiset, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne and Zimmerman.

Chairman Donley observed that the press release makes no reference to how much local governments invest in transit. In Maryland it all comes from the state, while local governments in Northern Virginia are spending a substantial amount of funds for transit. Mr. Taube stated that a table included in the new Resource Guide provides this information, which could easily be incorporated into the press release for the Update.

### NVTC's Transit Funding Resource Guide

Mr. Taube explained that as part of NVTC's expanded emphasis on financial analysis and assistance to jurisdictions in seeking grant funding for public transportation, NVTC has prepared a new resource guide. Local staffs

have reviewed it. It is designed to be used by commission and local staffs as a checklist in preparing and executing financial plans for projects. It should also help legislators and the general public to understand the complexities of obtaining funding for projects. It will be kept current with new appropriations each year and up-to-date agency contacts.

Mr. Zimmerman moved, with a second by Mrs. Hanley, to authorize staff to release the report to the public. The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley, Euille, Ferguson, Fissette, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne and Zimmerman.

### NVTC's Bus Data Collection Project Final Report

At NVTC's July 12<sup>th</sup> meeting, consultants reviewed the findings of their survey of Northern Virginia's bus passengers to provide information on origins and destinations as well as demographic characteristics. The draft press release has been reviewed by local staff.

In response to a question from Chairman Donley, Julie Bourbon of NVTC staff, replied that she continues to make personal contacts with members of the press to promote NVTC interests.

Mr. McClure observed that the report shows that transit is providing significant ways for people to get to work who don't have a lot of money. He stated that this is not easily extracted from the report and should be emphasized in the press release. Mr. Ferguson stated that this is an interesting point but may not be needed to be emphasized because we are trying to get everyone to use transit, not just low income individuals. Chairman Donley suggested that it doesn't need to be the lead point but could be included in the press release.

Mr. Connolly moved, with a second by Mr. Kauffman, to authorize the press release, including commissioners' comments, to be sent to NVTC's media list and posted on the website. The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley, Euille, Ferguson, Fissette, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne and Zimmerman.

### NVTC's "Business Talk" Radio Series and Other Public Outreach Activities

Chairman Donley reported that two interviews in the "Business Talk" series have been completed. The next show will be taped on September 19<sup>th</sup> at NVTC. The commission also has an opportunity to prepare a series of monthly public service announcements of two minutes each for Metro Talk, Sunday mornings from 7:00 to 9:00 A.M. on Oldies 100 FM and Sports Talk 980 AM.

Senator Mims suggested that the schedule of topics be changed so that the topic of legislation would be scheduled for December 19<sup>th</sup> rather than October 24<sup>th</sup> since NVTC's legislative committee will not have meet to formulate NVTC's legislative agenda for the next year. Mrs. Hanley agreed that it should be delayed until November 28<sup>th</sup> but that the December 19<sup>th</sup> date is too late. Mr. Mims expressed his concern that NVTC's legislative committee may not meet by November 28<sup>th</sup>.

Mr. Almand moved, with a second by Mr. Zimmerman, to approve the scripts for the public service announcements. The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley, Euille, Ferguson, Fisette, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne and Zimmerman.

Mr. Zimmerman suggested that Arlington County's Next Bus should be included in the announcements.

#### Regional SmarTrip-Compatible Farebox Project

Mr. Taube reported that the contract with Cubic Transportation Systems for 350 fareboxes and six garage revenue collection systems costing \$4.7 million was signed on August 27<sup>th</sup>. The delivery schedule calls for installation to begin by November 1, 2002 and for all Metrobus fareboxes to be fully operational by mid-2003.

#### Legislative items

Barry Subcommittee on the New Northern Virginia Regional Transportation Authority and Description of NVTC's Bonds. Chairman Donley reported that on August 1, 2001, the Barry Subcommittee met and heard a presentation by State Treasurer Mary Morris on state bond powers and issues. Subcommittee members appeared to feel that the commonwealth's debt capacity model might take an overly conservative approach to measuring the hypothetical ability to issue debt while maintaining the top bond rating. He suggested that NVTC seek an opinion from an independent bound counsel regarding questions and assertions regarding bonds to be issued by the new authority. Mr. Taube stated that both local and WMATA legal counsels have provided NVTC with their opinions. Chairman Donley stated that it would be helpful for the opinions to come directly from outside sources. Mrs. Hanley suggested that instead of asking WMATA's bond counsel to provide an opinion, local jurisdictions' bond counsels could be asked, or even better an independent bond counsel.

FY 2002 Federal Transportation Appropriations. The Senate has passed its version of the FY 2002 federal transportation appropriations bill totaling \$6.7 billion. It will go to conference soon.

APTA Support for TRAIN 21. In July, Representative Clement introduced a bill known as TRAIN 21, to provide a federal forum to resolve disputes between freight railroads and transit systems seeking to use their tracks.

Initial Results of Maryland's Metrochek Employer Tax Credit. Early results are in of a Maryland program to provide tax credits to employers who give subsidized transit benefits to employees. NVTC and VTA supported this type of legislation for Virginia. Unfortunately, the Maryland program has not yet had much impact on employers, but Maryland staff is implementing plans to promote this tax relief more heavily. In response to a question from Mr. Ferguson, Senator Mims expressed his opinion that there is a good chance that the Virginia General Assembly will pass similar legislation in the future.

Telework Tax Credits. Representative Frank Wolf has introduced HR 1013, which provides a \$500 tax credit for employees or employers who incur expenses (such as modems) for work at home for a minimum of 75 days each year. The companion bill is S 521.

#### WMATA Items

Tax-Advantaged Lease Term Sheet. The WMATA Board authorized its staff to use a term sheet to close tax-advantaged lease transactions for new railcar purchases expected to yield \$20 million in benefits. Since 1998, WMATA has received net benefits of \$82 million from tax-advantaged lease transactions on 680 railcars.

General Accounting Office Report. On August 3, 2001, GAO issued a report in response to requests from members of Congress concerned about tunnel fires and delays last summer. A WMATA news release suggests that a board-directed strategic plan will be pursued aggressively.

Approval to Award Contracts for Procurement of 21 Articulated Buses and 64 CNG Buses in FY 2002. The WMATA Board approved the awarding of contracts to the General Services Administration (GSA) for 21 Neoplan USA 60-foot, high floor, diesel articulated buses and to New Flyer Industries, Ltd. for 64 low floor, compressed natural gas, 40-foot buses.

Approval to Modify Contract for Rehabilitation of Breda Railcars. The WMATA Board approved the modification of a contract with ALSTOM Transportation, Inc. for the mid-life overhaul of 76 Breda 2000 series railcars and 288 Breda 3000 series railcars for a total of 364 railcars.

## Regional Transportation Items

Chairman Donley announced that according to the Census 2000 Supplementary Survey, which is a questionnaire of 700,000 U.S. households offering a preview of the full census report due next year, the Washington, DC area leads the nation in the percentage of commuters who take public transit. While the U.S. average is five percent, transit serves 35 percent in this area. The census findings of high market shares for transit in the Washington DC area are consistent with data NVTC has compiled for this region's major commuting corridors from MWCOG and VDOT traffic counts. Nonetheless, transit critics continue to refer to transit's share in our region as only five percent of total trips. A letter from the Northern Virginia Transportation Alliance to the Journal Newspapers is a case in point.

Chairman Donley stated that the executive committee discussed this issue prior to tonight's meeting and recommends that staff be authorized to draft a letter for the chairman's signature to the Journal Newspapers in response to NVTA's letter to the editor.

On a motion by Mr. Ferguson and a second by Mr. Zimmerman, the commission unanimously authorized staff to draft a letter for the chairman's signature. The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley, Euille, Ferguson, Fisette, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne and Zimmerman.

Georgetown Metro Connection. New bus service to connect Georgetown with three Metrorail stations (Rosslyn, Foggy Bottom, Dupont Circle) will begin on September 4<sup>th</sup>. The business community of Georgetown and Rosslyn is sharing the \$1.5 million annual cost for six buses on two routes. Service hours are 7:00 A.M. to midnight (to 2:00 A.M. on weekends) with 10-minute frequencies. Other funding sources are a \$600,000 federal grant and \$25,000 from Arlington County. Fares are 50-cents.

Dulles North Transit Center Park and Ride Lot. The new lot is located at the Dulles Greenway and Route 606/Old Ox Road. This is the first park and ride lot constructed by Loudoun County and is part of Phase II of the Dulles Corridor BRT/Metrorail project. The lot is on land controlled by the Metropolitan Washington Airports Authority.

Status of Air Quality Conformity. Air quality projections based on the draft 2001 CLRP and 2002-2007 TIP show that NOx emissions for 2005 will be eight tons above the budget level of 161.8 tons per day. This change can be attributed to large differences in the 1999 input data (used this year) and the 1996 input data (used in last year's TIP and CLRP). Preliminary analysis shows that the anomalies can be attributed to deficiencies in the 1996 data rather than the 1999 data. In addition, the TERMS available to the TPB for this year's conformity

cycle are not sufficient to mitigate an eight-ton increase in NOx emissions. As a result, TPB passed a resolution stating that air quality conformity analysis of the 2001 CLRP and the FY 2002-2007 TIP be placed on hold; those projects exempt from the air quality conformity requirement be considered as amendments to the approved 2000 CLRP and FY 2001-2006 TIP; staff continue to examine the 1999 data issues; and the TPB chairman appoint a task force to identify steps that need to be taken to mitigate the emissions problem.

The 2000 CLRP and FY 2001-2006 TIP have already been approved and are valid for three years. Therefore any new projects that are conformity neutral or exempt from the air quality requirement can be added as amendments. However, since the proposed FY 2001 CLRP and FY 2002-2007 TIP cannot be approved, projects not already in last year's TIP and CLRP that are not conformity neutral cannot move forward. This risks delaying new transportation projects such as those in the Route 28 corridor. However, no programmed projects from WMATA or other transit providers in Virginia appear to be threatened.

Twelve Anti-Transit Myths: A Conservative Critique. APTA has released a report by Paul M. Weyrick and William S. Lind of the Free Congress Foundation. The authors compiled "the dirty dozen" anti-transit myths, as well as rebutting 22 other myths. Among the references used to debunk the myths is NVTC's 1994 study by KPMG of the fiscal impact of Metrorail and articles and letters from Ed Tennyson.

#### Miscellaneous NVTC Correspondence

Chairman Donley reported that NVTC has received a reply to its July 18<sup>th</sup> letter to Secretary Ybarra regarding declining FY 2002 state aid to NVTC. No reply has yet been received from TPB Chairman Mason.

#### NVTC Financial Items for June and July, 2001

The reports were provided to commissioners and they had no questions.

#### Commuter Rail Items

Report from the VRE Operations Board. Chairman Donley stated that the minutes of the August 17, 2001 VRE Operations Board have been provided to commissioners for their review.

Closed Session on CSXT Access and Other Agreements. Chairman Donley requested that the commission enter into a combined closed session to discuss CSXT issues and a personnel matter.

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

Pursuant to the Virginia Freedom of Information Act (Section 2.1-344.A.1 and A.7 of the Code of Virginia), the Northern Virginia Transportation Commission authorizes discussion in closed session on a personnel matter and proposed CSXT agreements.

The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley, Euille, Ferguson, Fisetete, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne and Zimmerman.

The commission entered into closed session at 9:25 P.M. and returned to open session at 9:57 P.M.

On a motion by Mrs. Hanley and a second by Mrs. Bulova, the commission unanimously approved 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 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 Almand, Bevon, Bogard, Bulova, Connolly, Donley, Euille, Ferguson, Fisetete, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne and Zimmerman.

Mr. Zimmerman moved, with a second by Mr. Euille, to adopt Resolution #895, which would authorize staff to execute a MOU with CSXT. The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley, Euille, Ferguson, Fisetete, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne and Zimmerman.

Mr. Kauffman moved, with a second by Mr. Zimmerman, to authorize the chairman to summarize with the executive director the results of his performance appraisal and changes in compensation as discussed in closed session. The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley,

Euille, Ferguson, Fisette, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne and Zimmerman.

Adjournment

Mrs. Hanley moved, with a second by Mr. Almand, to adjourn the meeting. The vote in favor was cast by Almand, Bevon, Bogard, Bulova, Connolly, Donley, Euille, Ferguson, Fisette, Hanley, Kauffman, McClure, McConnell, Mims, Silverthorne and Zimmerman.

Chairman Donley adjourned the meeting at 9:58 P.M.

Approved this 4<sup>th</sup> day of October, 2001.

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Kerry J. Donley  
Chairman

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Elaine McConnell  
Secretary-Treasurer