

MINUTES
NVTC COMMISSION MEETING – JULY 11, 2002
NVTC CONFERENCE ROOM - ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Zimmerman at 8:14 P.M.

Members Present

James F. Almand
Leo J. Bevon (VDRPT)
Sharon Bulova
Gerald Connolly
Kerry J. Donley
William D. Euille
Jay Fisette
Katherine K. Hanley
Elaine McConnell
Gary A. Reese
Scott Silverthorne
David F. Snyder
Mary Margaret Whipple
Christopher Zimmerman

Members Absent

Richard H. Black
William Bogard
Paul Ferguson
Dana Kauffman
William C. Mims

Staff Present

Rhonda Gilchrest
Shalonda Hunter
Scott Kalkwarf
Stephen MacIsaac (VRE)
Adam McGavock
Kala Quintana
Pete Sklannik (VRE)
Jennifer Straub (VRE)
Richard K. Taube
Alfred Titus-Glover
John Tuohy (VRE)
Dale Zehner (VRE)

Minutes of NVTC's Meeting of June 6, 2001

Mr. Euille moved, with a second by Mr. Almand, to approve the minutes. The vote in favor was cast by commissioners Almand, Bevon, Bulova, Donley, Euille, Fissette, Hanley, McConnell, Reese, Silverthorne, Snyder, Whipple and Zimmerman.

Consulting Assistance for ITS Evaluation

Mr. Taube announced that NVTC has received a grant from VDRPT for \$100,000 (requiring a \$5,263 in-kind match) to evaluate Intelligent Transportation Systems (ITS) investments in transit in Northern Virginia. NVTC has been assigned a role in the region's ITS architecture as the repository of such information. A consultant would assist NVTC in developing an evaluation methodology and applying it to projects such as NextBus real-time transit information systems, VRE's Train Brain, Clever Devices bus stop enunciators and automated maintenance systems, and features of the SmarTrip-compatible Cubic/GFI fareboxes being procured for Northern Virginia's transit systems. The work would be carefully coordinated with the staffs of these transit agencies. Mr. Taube assured commissioners that NVTC does not intend to duplicate any work being done by other organizations. It is anticipated that a staff recommendation to award the contract will be presented at the September 5th commission meeting.

Mr. Snyder moved, with a second by Mrs. McConnell, to authorize NVTC staff to issue a Request for Proposals to perform the work identified in the scope of work. The vote in favor was cast by commissioners Almand, Bevon, Bulova, Donley, Euille, Fissette, Hanley, McConnell, Reese, Silverthorne, Snyder, Whipple and Zimmerman.

NVTC Transit Performance Public Outreach Campaign

Mr. Taube reported that staff has developed a set of media releases to emphasize the solid performance of public transit in Northern Virginia. They have been reviewed by NVTC's Management Advisory Committee.

Mr. Connolly joined the meeting at 8:16 P.M.

Kala Quintana explained that the public outreach campaign is designed to educate the public about the benefits and successes of transit. Draft media releases have been prepared that can be altered to respond to any upcoming newsworthy events. The "nuggets" of information could be packaged together to be provided to commissioners for their use on their own websites or could be posted on NVTC's website where a link could be established. Mrs. Bulova expressed her opinion that the "nuggets" are a great tool and can be used not only on websites, but also in other forms such as newsletters.

Mr. Connolly suggested that the media release be put into a form of a Letter to the Editor to the Washington Post. Mr. Donley proposed sending it as a letter to the Close To Home section. Chairman Zimmerman suggested rewriting it so it wouldn't be identical to the media release sent to other newspapers. Ms. Quintana stated that she is working to schedule a meeting with the Post's editorial board and invited commissioners to participate in the meeting.

Mr. Almand noted that one of the media releases needs to be updated concerning air quality issues as a result of a recent court case. He also suggested including the amount of rail or transit that is needed to comply with air quality standards.

Mr. Snyder suggested including a comparison of the cost of commuting versus driving to provide reasons for taking transit. He stated that people wrongly assume that it costs less to drive. Chairman Zimmerman suggested comparing time savings of transit versus driving. Mr. Snyder also suggested driving some of the media releases towards two issues—Amtrak and the sales tax referendum. He stated that it is important to provide information that is relevant to the voters. Mr. Donley observed that it is great to provide this information, but the key is the mode in which the information is delivered. It needs to be tied together with something that is newsworthy. He agreed that Amtrak and the referendum are newsworthy items. Chairman Zimmerman also suggested clean air issues. Mrs. McConnell suggested explaining what would happen if Amtrak is not funded by how many cars it would add to the roads.

Mr. Reese stated that NVTC should not only target the Post, but also other local newspapers, such as CenterView, Chantilly Times, and the Connections newspapers. Mrs. Whipple agreed that this provides an opportunity to personalize it in a geographical way to make it relevant to a specific area. Mr. Donley stated that when dealing with local papers, commissioners should take an active role in talking with reporters to enhance the prospects of getting something printed.

Mr. Euille moved, with a second by Mr. Connolly, to authorize staff to initiate the public outreach campaign. The vote in favor was cast by commissioners Almand, Bevon, Bulova, Connolly, Donley, Euille, Fissette, Hanley, McConnell, Reese, Silverthorne, Snyder, Whipple and Zimmerman.

Gas Tax Audit Improvements

Mr. Taube stated that NVTC staff met in Richmond on June 4th with senior officials of the Virginia Department of Taxation to seek improvements in collections and audit practices for the two percent motor fuels sales tax in the commission's district. The department is actively considering NVTC's proposals.

In the meantime, NVTC's auditor from that department has contacted local jurisdictions to cross-check business license information.

Mr. Taube explained that a proposed newsletter, prepared by NVTC staff, would be distributed by NVTC, auditors, and local jurisdictions to wholesale and retail sellers of motor fuels to explain their tax paying responsibilities. The newsletter would be distributed and posted on NVTC's website and would be updated periodically.

Mr. Connolly moved, with a second by Mr. Donley, to authorize staff to disseminate the brochure and to work with local commissioners of revenue and business license officers to increase awareness of the statutory obligations for entities to pay the tax. The vote in favor was cast by commissioners Almand, Bevon, Bulova, Connolly, Donley, Euille, Fissette, Hanley, McConnell, Reese, Silverthorne, Snyder, Whipple and Zimmerman.

Mid-Year Progress Report on NVTC's Work Program

Mr. Taube reported on the progress being made to the work program. Most noteworthy is that NVTC was successful in leading Northern Virginia's transit systems and jurisdictions in obtaining a revised and improved VDOT and State Police policy for lifting HOV restrictions in emergencies. The new policy is included in the Northern Virginia Incident Management Team Operating Manual prepared by VDOT. Mr. Snyder commended Mr. Taube and his staff for working on this issue. Mr. Connolly emphasized the importance of providing the manual to MWCOC to be incorporated in its preparation of a regional emergency response plan. Mr. Snyder stated that he would make sure through his committee that it gets into the system.

NVTC Products and Communications

New NVTC Employee. Mr. Taube introduced Shalonda Hunter, a new NVTC employee. One of her responsibilities will be working on the Falls Church Bus project.

Farebox/Clearinghouse Procurements. NVTC hosted a meeting of Northern Virginia staff to discuss spare parts and installation schedule issues. To the extent possible the transit systems will try to share spare parts to reduce costs. NVTC also hosted a meeting of jurisdiction and transit system marketing staff to examine the functions of the new farebox and review plans to initiate the in service qualification testing (ISQT) due to begin soon on Metrobuses based at Arlington garages. WMATA staff agreed to describe the regional effort to expand SmartTrip to all local bus systems in their brochures and to provide a fact sheet to assure that the media will receive a consistent message from all participating systems.

Transit Systems Emergency Response, Coordination and Communication. Early September is the target date for completion of the transportation emergency response component, using consultant assistance, that was requested by the region's transit operators.

Falls Church Bus Project. Tests of the engines on Thomas-Built buses operating in Baltimore revealed no temperature problems that would limit the effectiveness of the exhaust gas recirculation (EGR) filters. Accordingly, on the advice of WMATA staff and its engineers, NVTC has ordered the four buses with appropriate options, using the electronic feature of the commonwealth's procurement contract. Englehard is manufacturing the EGR filters that will be installed. The delivery target date for the completed buses is Fall, 2002.

Code Red. Mr. Taube reported that the region has already experienced five Code Red days this year. NVTC has funds for 12 days of free bus fares for this summer.

Additional 2000 Census Data. Ed Tennyson has provided calculations from the 2000 Census long form results in which he uses the concept of "transit habit." In Arlington, for example, he calculated that the average resident takes 137 transit work trips per year. The average for Northern Virginia is 46.

Current Status of Innovative Financing for Transit Projects. NVTC staff is in the process of updating its guidebook on funding sources. Several innovative techniques, based on presentations at the recent APTA conference, will be added to the guidebook including the use of capital leases as a means to stretch federal and local resources and the use of grant anticipation notes (GANS) based on either expected 5307/5309 formula earnings or an approved Full Funding Grant Agreement, loans and loan guarantees provided by the Transit Infrastructure Financing Program (TIFIA), and sale/lease back transactions for certain transit projects.

WMATA Items

FY 2003 Budget Approval. The WMATA Board approved the operating and capital improvement budgets. There is no fare increase for the eighth consecutive year. The budget also assumes introduction of the regional SmarTrip clearinghouse. Mrs. Hanley stated that the WMATA Board has now started on the FY 2004 budget process. She stated that transit agencies, such as WMATA and VRE, will see insurance costs increased as a result of September 11th. Mr. Snyder noted that federal back-stop legislation may be needed to control these costs.

Diesel Exhaust After-Treatment Project. Chairman Zimmerman stated that WMATA has embarked on a four-year project to design and install 220 after-treatment devices onto Metrobuses. The project is proceeding under an agreement with EPA and the \$2 million cost is funded by Cummins Diesel. The

device is a new ceramic filter. NVTC is purchasing exhaust recirculation filters that are different, so this new project will allow WMATA to compare the results. At the same time, WMATA's CNG fleet will expand by 250 buses to 414 within the next two years.

New Metro Transit Chief of Police. Deputy Chief Polly Hanson was sworn in as WMATA's Chief of Police on July 1, 2002. She is the first woman at WMATA to serve as its Police Chief, and only the second woman to hold such a position at a major transit agency.

Regional Transportation Items

Draft Commuter Connections Survey Results. TPB reviewed a June survey report examining regional trends in commuting behavior, awareness and attitudes.

Bus Rapid Transit and Light Rail Showcase. Acting on the vision of Chris Zimmerman, on June 15th, WMATA and the National Building Museum sponsored an exciting forum that featured special outstanding speakers. Chairman Zimmerman stated that for those who missed it, audiotapes and CDs of the sessions are available.

TCC Final Meeting. Chairman Zimmerman stated that TCC's final meeting was held on June 20th and featured a presentation by VDOT Commissioner Phil Shucet.

Public/Private Transportation Act (PPTA) Proposal for Dulles Corridor. The PPTA proposal dated May 31, 2002 has been provided to local jurisdictions and provides for the completion of the Dulles corridor rapid transit project. The design-build proposal calls for a firm fixed price and shared costs/shared risks with VDRPT. This proposal, were it to be accepted, would initiate preliminary engineering upon FTA approval and selection of the locally preferred alternative, expected by about November, 2002.

Rail-Volution Conference. Mr. Taube explained that NVTC is a co-sponsor with VRE and is assisting in the planning and coordination of the conference. The opening reception at the National Building Museum on October 3rd from 6:30 – 8:30 P.M. overlaps somewhat with NVTC's commission meeting.

Bring Back the Streetcars! A Conservative Vision of Tomorrow's Urban Transportation. APTA has released a 40-page report by Paul Weyrich and William S. Lind in which three case studies are described, including vintage trolleys in Dallas and Memphis and a modern light rail line in Portland, Oregon. The authors encourage the use of streetcars as a stepping-stone to more elaborate and expensive rail transit projects.

Legislative Items

Secretary Clement's Policy Guidance on NVTA. In a letter to Tom Farley, Secretary Clement provided policy guidance to VDOT and VDRPT regarding staff and financial resources for the Northern Virginia Transportation Authority (NVTA). He wrote that state funds are not available to support the NVTA transition but if the sales tax referendum passes, the CTB may consider a bridge loan.

Use of FRAN's Within Virginia's Six-Year VTDP. The Senate Finance Committee staff warns that the issue of how to pay for FRANS issued by VDOT for transportation projects can have serious financial consequences in the future. For FY 2003, all \$80.2 million of FRANS debt service is paid for by the Priority Transportation Fund. For FY 2004-2008, \$382.7 million of assumed FRAN debt service is taken from the nine districts' primary allocations and the total interstate allocation. The committee staff notes that if transit FRAN debt service were to be taken from the same primary allocations, Northern Virginia would lose substantial funding.

VTA Conference. Mr. Taube announced that the Fall 2002 VTA legislative conference will be held in Alexandria hosted by DASH.

NVTC Financial Items for May, 2002

The financial reports were provided to commissioners. Chairman Zimmerman asked if staff could find out why Arlington's gas tax revenues spike up and down. He asked if it is happening because of varying sales at the gas pump or due to delays in reporting.

VRE Items

Report from the VRE Operations Board. Commissioners were encouraged to read the minutes of the VRE Operations Board June 21, 2002 meeting.

Mr. Sklannik reported that for the second consecutive month, VRE ridership exceeded 12,000 passenger trips per day. VRE staff continues to work to put together contingency plans in case Amtrak shuts down. VRE will be celebrating the Fredericksburg Line 10th Anniversary on July 20th in Fredericksburg and he invited commissioners to attend. FTA and FRA have agreed to fund a threat and vulnerability analysis for VRE, which will begin on July 15, 2002 with the consultant team from Booz-Allen & Hamilton doing the work.

VRE Phase I Strategic Plan. Mrs. Bulova reported that the VRE Operations Board requests commission approval of Resolution #928, which

would approve the Phase 1 report from VRE's strategic planning effort, contingent upon further review by the local governments by the October commission meeting. This report focuses on the short term (three to five years) and provides a framework for decision-making. Several alternative operating scenarios support the goal of 18,000 daily riders at some point between 2005 and 2010. After commission approval, the plan will be used to develop 2004 ridership forecasts and estimates for VRE's six-year financial forecast.

Mrs. Bulova moved, with a second by Mrs. McConnell, to approve Resolution #928 (copy attached),

Mrs. Hanley expressed her concern that there are financial implications for local subsidy. She suggested waiting until after the November referendum so that the region will know how much money is available for transit. Otherwise, Fairfax County will have to be more conservative in its response to VRE's strategic plan. She has made the same point regarding WMATA's IRP. Mrs. Bulova explained that this is not a budget, just a plan for what projects VRE would like to do. Mrs. Hanley responded that the projects in the plan cost money and VRE says it will be seeking somewhere between \$12 and \$17 million more depending on the selected scenario. She went on to say that the fiscal picture of how optimistic the region can be about what can be funded changes with the approval of the sales tax referendum. Mr. Sklannik observed that Mrs. Hanley's comments are in sync with VRE's budget plan for FY 2004, which won't be approved by the Operations Board until December and the commissions in January. Mrs. Bulova added that this is strategic planning not budget planning. Mrs. Hanley stated her opinion that action should be delayed until the commission's December meeting.

Mrs. Bulova stated that the VRE Operations Board discussed some of the same concerns expressed by Mrs. Hanley but felt that VRE would be disadvantaged if it didn't have a plan in place that showed what could be done with proceeds from the sales tax increase. Mrs. Hanley stated that if that is the reason for seeking approval now the VRE Board should then show what opportunities there are if the referendum passes and what the opportunities are if it doesn't. Mrs. Bulova further explained that the strategic plan shows the justification for why VRE needs the additional funds the referendum would generate.

Mr. Connolly observed that Mrs. Hanley made a good point. There are all kinds of ancillary transit-related funding items that may not show up on the ballot. He stated that those that have chosen to oppose the referendum are in odd company in terms of the whole issue of transit.

Chairman Zimmerman then called for a vote on the resolution as presented. The vote in favor was cast by commissioners Almand, Bevon, Bulova, Connolly, Donley, Euille, Fisette, Hanley, McConnell, Reese, Silverthorne, Snyder, Whipple and Zimmerman.

Authorization for Phase II of VRE's Long-Term Strategic Plan. Mrs. Bulova reported that the VRE Operations Board recommends commission approval of Resolution #929, which would authorize VRE's Chief Operating Officer to issue a task order to Parsons Brinckerhoff (PB) for \$850,000 to develop Phase 2 of VRE's Strategic Plan. The focus would be on the long-range horizon (20-25 years) and providing a guide to VRE's growth and investment priorities. The task order includes \$100,000 to study the VRE extension to Bealeton/Gainesville. Funds for the bulk of the work are available from federal grants and non-federal match is available from debt service reserve funds identified in VRE's approved CIP. For the Bealeton/Gainesville analysis, private and state funds will be used.

Mrs. Bulova moved, with a second by Mrs. McConnell, to approve Resolution #929 (copy attached). The vote in favor was cast by commissioners Almand, Bevon, Bulova, Connolly, Donley, Euille, Fisette, Hanley, McConnell, Reese, Silverthorne, Snyder, Whipple and Zimmerman.

Contract for Renovation of Existing VRE Office Space. Mrs. Bulova explained that Resolution #930 is recommended by the VRE Operations Board. It would authorize VRE's Chief Operating Officer to award a contract for renovation of VRE's office space. The renovation would make more efficient use of the space for VRE's expanded staff and resolve code compliance issues. The original request for bids resulted in a finding that none of the three bids was responsive. The new procurement closed on July 3rd and because of the need to proceed quickly, the recommendation for award is being made directly to the commissions. Funds are available in VRE's approved CIP, primarily from federal sources. Commissioners were presented with a confidential engineer's estimate.

Mrs. Bulova moved, with a second by Mrs. McConnell, to approve the resolution (copy attached).

In response to a question from Mr. Donley, Mr. Sklannik stated that 8,147 square feet of office space are to be renovated and that staff would return for commission approval if the bids exceeded the engineer's estimate.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Almand, Bevon, Bulova, Connolly, Donley, Euille, Fisette, Hanley, McConnell, Reese, Silverthorne, Snyder, Whipple and Zimmerman.

In response to a question from Mrs. Hanley, Mr. Sklannik stated that VRE staff is in the process of evaluating the two bids received and the amounts seem to be below the engineer's estimate.

One-Year Option for Facilities Maintenance Contract. Mrs. Bulova stated that the VRE Operations Board recommends approval of Resolution #931. It would authorize the VRE Chief Operating Officer to exercise a one-year option to the existing contract with D&L Contractors, Inc. for an amount not to exceed

\$713,000. The contract provides for facilities maintenance and the contractor has done an outstanding job during FY 2002. She explained that security has been removed from the contract scope of work and maintenance of several additional facilities has been added. Security will be separately procured. Funds are available in the approved FY 2003 VRE operating budget.

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 Almand, Bevon, Bulova, Connolly, Donley, Euille, Fissette, Hanley, McConnell, Reese, Silverthorne, Snyder, Whipple and Zimmerman.

Task Order for Rail Plan, Inc. for Railcar Specifications. Mrs. Bulova stated that the VRE Operations Board recommends approval of Resolution #932 which would authorize VRE's Chief Operating Officer to issue a task order to RailPlan, Inc. to develop railcar specifications for a price not to exceed \$300,000 and a smaller amount if possible. Funds are available in VRE's approved CIP, consisting of federal grants and non-federal match from debt service reserve funds. Mrs. Bulova explained that if VRE receives funds for additional railcars, the specifications will already be completed.

Mrs. Bulova moved, with a second by Mrs. McConnell, to approve Resolution #932. The vote in favor was cast by commissioners Almand, Bevon, Bulova, Connolly, Donley, Euille, Fissette, Hanley, McConnell, Reese, Silverthorne, Snyder, Whipple and Zimmerman.

CSXT Submission to the Surface Transportation Board (STB). Mrs. Bulova stated that when STB approved the CSXT and Norfolk Southern acquisition of Conrail, it required the acquiring railroads to report regularly on how the systems are performing. Mr. Sklannik stated that VRE staff will submit a response to correct some of the facts listed in the CSXT submission, including on-time performance and the term of the new contract being negotiated.

VRE Anniversary Posters and Pins. On June 21st VRE hosted a 10th anniversary celebration of its Manassas Line service. To mark the event, VRE produced a commemorative poster and pin. Commissioners were provided with a framed set. Mr. Sklannik commended his staff, especially Ann King, for its work on the anniversary celebration.

Closed Session. Mrs. Bulova moved, with a second by Mr. Donley, to approve the following motion to enter into closed session:

Pursuant to the Virginia Freedom of Information Act (Section 2.2-3711(7) of the Code of Virginia), the Northern Virginia Transportation Commission authorizes discussion in closed session on legal issues pertaining to litigation concerning the contract with Northern Railcar Corporation.

The vote in favor was cast by commissioners Almand, Bevon, Bulova, Connolly, Donley, Euille, Fiset, Hanley, McConnell, Reese, Silverthorne, Snyder, Whipple and Zimmerman.

The commissions entered into closed session at 9:08 P.M. and returned to open session at 9:28 P.M.

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

The Northern Virginia Transportation Commission certifies that, to be 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, Bevon, Bulova, Connolly, Donley, Euille, Fiset, Hanley, McConnell, Reese, Silverthorne, Snyder, Whipple and Zimmerman.

Adjournment

Chairman Zimmerman reminded commissioners that there will be no August meeting. He adjourned the meeting at 9:29 P.M.

Approved this 5th day of September, 2002.

Christopher Zimmerman
Chairman

William Euille
Secretary-Treasurer