

MINUTES
NVTC COMMISSION MEETING – JUNE 2, 2005
NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Ferguson at 7:35 P.M.

Members Present

Sharon Bulova
Gerald Connolly
Adam Ebbin
Paul Ferguson
Jay Fisette
Ludwig Gaines
Catherine M. Hudgins
Dana Kauffman
Karen Rae
Scott Silverthorne
Paul C. Smedberg (Alternate, City of Alexandria)
David F. Snyder
Mary Margaret Whipple

Members Absent

David Albo
Eugene Delgaudio
Jeannemarie Devolites Davis
William D. Euille
Timothy Hugo
Elaine McConnell
Gary A. Reese
Christopher Zimmerman

Staff Present

Rhonda Gilchrest
Scott Kalkwarf
Jana Lynott
Stephen MacIsaac (VRE)
Adam McGavock
Kala Quintana
Elizabeth Rodgers
Jennifer Straub (VRE)
Richard K. Taube
Dale Zehner (VRE)

Presentation by Virginia Secretary of Transportation Pierce Homer

Chairman Ferguson introduced Secretary of Transportation Pierce Homer. Secretary Homer explained that in lieu of a formal presentation he would respond to the five issues of special interest to NVTC listed in Agenda Item #1. The first issue is how best to communicate to the General Assembly and other decision makers the special nature of this region's needs and its central role in the entire commonwealth's prosperity. He encouraged NVTC to have a two-fold advocacy effort. NVTC should communicate to the General Assembly that this region has a transportation problem and it needs help. Secondly, it is important that Northern Virginia legislators have a unified front during the General Assembly Session. Chairman Ferguson asked if it would be enough if local government leaders were unified. Secretary Homer stated that the starting point needs to be local unity, but the votes are in the General Assembly.

Secretary Homer stated that the second issue is how to communicate this region's transit funding needs to the ongoing studies of the Virginia Senate and House. He stated that NVTC should be looking at VTRANS 2025 as JLARC reviews it to make sure it accurately reflects the needs of the region. If those numbers aren't correct or are perceived to be inaccurate, the next phase of the study won't be valid. The Senate study will happen in a very short time frame (from September to December, 2005). There needs to be a few simple ideas and include a clear regional proposal. Chairman Wardrup has appointed a special House subcommittee to look at transportation needs. Local government comments are also important for that effort.

Secretary Homer stated that the third issue is what is the most effective way to ensure that transit facilities and services are incorporated effectively in Public-Private Transportation Act proposals. He stated that the region should make sure that the transit elements of the constrained long range plan are accurate and up-to-date in order to address and identify needs. NVTC should submit comments during the formal comment period.

Secretary Homer stated that the fourth issue is efforts of the commonwealth to improve HOV enforcement and how NVTC could be helpful in maintaining the efficiency of these lanes. He stated that there has been some progress made by the General Assembly during the 2004 Session, which included legislation passed that doubles the fines for second and subsequent time offenders. Consequently, the number of repeat offenders has dropped significantly. He observed that it is very difficult to enforce HOV lanes on I-66 because they are not separate lanes from the conventional lanes. Enforcement funding has been increased and the state is beginning to contract with local police and the Airports Authority for additional enforcement. HOV violations are the largest single problem for the State Police.

Secretary Homer explained that the fifth and final issue pertains to new state initiatives to support telework. He asked NVTC to submit ideas and

feedback on how the state can use its resources for telework initiatives. Chairman Ferguson stated that NVTC and local staff could work on this issue and help design a program.

Senator Whipple stated that it is important not to lose sight of variations of teleworking, such as alternative work schedules for state employees. In response to a question from Delegate Ebbin, Secretary Homer explained that teleworking is a natural thing in Northern Virginia, but very revolutionary in other parts of the state because there are not strong incentives. To make it work, it needs to be flexible.

Mr. Connolly acknowledged that the Warner Administration has been receptive to the concerns of Northern Virginia. While Mr. Connolly respects Secretary Homer's response to the first NVTC issue he addressed, he can't agree. Northern Virginia is a big and sprawling region that is diverse. The notion that the region needs to be collectively unified as one voice, is not going to happen. Also, General Assembly members have to understand that the region that is paying the bills expects a more equitable return on its investments. Virginia has complained about being a donor state in the federal highway transportation system, and Northern Virginia feels the same way about being a donor for the rest of the state. With respect to telework, he expressed his disappointment with the administration's reluctance to participate in telework initiatives. It's perplexing because telework doesn't actually cost that much money and is fairly easy to implement.

Mr. Snyder agreed with Mr. Connolly's comments. He suggested moving the transportation funding prioritization process away from a political process to a criteria based process (i.e., air quality impacts, people moved, economic benefit, reduction in hours of congestion) so that transportation funding decisions would be based on transportation reality rather than politics. Secretary Homer stated that there needs to be an articulation of those needs. Establishing criteria isn't too different than what the Special Session did in 1986.

Ms. Bulova asked if the commonwealth has looked at other HOV programs across the country to find out if enforcement works. Ms. Rae stated, based on her experience with other states, this region's HOV system is by far the premier HOV system in the country. She stated that the problems that the region is facing with HOV are due to the success of the system. Secretary Homer stated that Houston, Texas probably has the most aggressive and innovative program on HOV enforcement and is not very different from the Washington D.C. region.

Secretary Homer talked about two trends that are very important: maintenance and real estate. Money that is consumed by maintenance can't be used for capital. Most of what is called transit capital is used for maintenance costs. It is important for the two legislative studies to look at this issue. Also, the increase in real estate costs is dramatically changing transportation choices. The best example is the Gainesville interchange. A year ago the right of way costs

were \$55 million, but a year later they are \$95 million. There will be a ripple effect over the next 20 years and beyond.

Presentation and Discussion on Dedicated Funding for WMATA

Chairman Ferguson introduced Rudolph Penner of the Urban Institute, who chaired the Blue Ribbon Panel on the analysis of and potential for alternate dedicated revenue sources for WMATA. Richard White, WMATA's CEO and General Manager, was also introduced by Chairman Ferguson.

Mr. Penner provided a summary of the report of the Blue Ribbon Panel. He stated that the Metro system is very popular and demand continues to increase. This creates capacity needs as the system is also aging. WMATA needs a dedicated funding source. Most every other large transit system in the U.S. has a dedicated funding source. He then reviewed the different types of funding sources the panel discussed. The majority of the panel favored some type of sales tax.

Mr. Connolly thanked Mr. Penner for coming and stated that NVTC has already gone on record supporting the Blue Ribbon Panel's recommendations.

Mr. Silverthorne left the meeting at 8:24 P.M. and did not return.

Mr. Connolly observed that a cross-the-board uniform sales tax in Maryland, D.C. and Virginia, would actually significantly reallocate the funding burden. Virginia would end up bearing 45 percent of the overall costs, compared to the current 25 percent. Some modification would be needed. Chairman Ferguson asked if a sales tax could be adjusted proportionately. Mr. Penner said that it could, but it's an extremely difficult issue because the District feels like it's being exploited by the current formula.

Mr. Smedberg arrived at 8:29 P.M.

Mr. Kauffman announced that a Metro summit is scheduled for October 3, 2005. The challenge is to come to consensus of a way to authorize a plan to take to voters. Chairman Ferguson suggested convening a meeting with two or three key leaders from each jurisdiction (Maryland, DC and Virginia) along with Mr. Penner and the Washington Post editorial board to discuss these issues leading up to the summit. Mr. Kauffman reminded commissioners that starting this Sunday, the Washington Post will begin a series of articles concerning Metro. He stated that encouraging the Post to come to the table to be part of the solution, not just a naysayer, is brilliant.

Mr. Kauffman stated that another challenge is to create business community interest. It is important to also develop public support at the grass roots level.

Mr. White then gave a presentation on the status of Metro and the steps it has taken to improve performance. He gave an overview of ridership growth, funding issues and the difficulties associated with an aging system. Continued growth will place additional demands on the entire transportation network. The Metro Matters Funding Agreement will bring short-term relief for the next four years, but it is important to find a long-term solution of a dedicated funding source.

Mr. Kauffman expressed his appreciation to Mr. White and his staff for their work at Metro. These last seven months have been hard. Mr. Connolly stated that depending on what happens with this upcoming Post series, NVTC and individual commissioners may want to write letters to the editors. He stated that one can always find fault with a large complex entity, but Metro is a victim of its own success. Metro is the second largest transit system in the country. To make it seem like all faith should be lost with the Metro system is nonsense. Ms. Hudgins observed that customers are flocking to the Metro system and ridership continues to grow. She suggested using the customers to speak for Metro in responding to the articles.

Chairman Ferguson introduced Paul Smedberg, who is a new alternate for the City of Alexandria, and observed that he should be sworn in prior to any votes. He then administered the oath of office to Mr. Smedberg. The commission welcomed him to NVTC.

Mr. Kauffman moved the following action: 1) To direct staff to undertake appropriate actions to support the creation of a dedicated funding source for WMATA in Virginia; 2) Consider the creation with NVTA of a joint working group to promote dedicated funding in Virginia; and 3) Authorize a letter to MWCOG calling for a new Blue Ribbon Panel on Metro Access funding. Ms. Hudgins seconded the motion and it passed. The vote in favor was cast by commissioners Bulova, Connolly, Ebbin, Ferguson, Fisette, Gaines, Hudgins, Kauffman, Rae, Smedberg, Snyder and Whipple.

Minutes of NVTC Meetings of April 7th and May 16, 2005

On a motion by Senator Whipple and a second by Ms. Bulova, the commission unanimously approved the minutes. The vote in favor was cast by commissioners Bulova, Connolly, Ebbin, Ferguson, Fisette, Gaines, Hudgins, Kauffman, Rae, Smedberg, Snyder and Whipple.

Transit Improvements in Pentagon Reservation Master Plan

The plan contains a set of improvements to the Pentagon area that should be of substantial benefit to the many transit systems, transit customers and HOV users that move to and through that center.

Chairman Ferguson moved, with a second by Ms. Bulova, to authorize NVTC's chairman to send a letter to the Virginia congressional delegation alerting them to this document and the desirable improvements recommended therein. The letter requests their assistance in monitoring progress and possibly securing funding to help accelerate some of the transit improvements if this region agrees at some point in the future on such a course of action. The commission voted on the motion and it passed. The vote in favor was cast by commissioners Bulova, Connolly, Ebbin, Ferguson, Fisette, Gaines, Hudgins, Kauffman, Rae, Smedberg, Snyder and Whipple.

Legislative Items

Ms. Bulova moved, with a second by Mr. Gaines, to authorize Chairman Ferguson to send a letter to Senator Warner, with copies to Virginia's congressional delegation, conveying NVTC's position of issues of concern regarding the TEA-21 reauthorization. The vote in favor was cast by commissioners Bulova, Connolly, Ebbin, Ferguson, Fisette, Gaines, Hudgins, Kauffman, Rae, Smedberg, Snyder and Whipple.

VRE Items

Report from the VRE Operations Board and VRE's CEO. Ms. Bulova commended the minutes of the May 20, 2005 VRE Operations Board meeting to commissioners.

Agreement for Future Land Acquisition at Crossroads. Ms. Bulova explained that the VRE Operations Board recommends approval of Resolution #1074, which would authorize VRE's CEO to execute an option agreement with Crossroads Associates, LLC to give VRE the right to decide in the future to purchase up to 37 acres adjacent to VRE's Crossroads Yard. The cost of the option would be \$5000 and it would secure the opportunity for VRE to purchase property for up to 13 months. Funds are available in VRE's FY 2005 operating budget.

Ms. Bulova moved, with a second by Chairman Ferguson, to approve the resolution (copy attached). The vote in favor was cast by commissioners Bulova, Connolly, Ebbin, Ferguson, Fisette, Gaines, Hudgins, Kauffman, Rae, Smedberg, Snyder and Whipple.

Closed Session. Ms. Bulova moved, with a second by Chairman Ferguson, to approve the following motion:

Pursuant to the Virginia Freedom of Information Act (Section 2.2-3711A (6) and (7) of the Code of Virginia), the Northern Virginia Transportation Commission authorizes discussion in closed session concerning one legal matter relating to the terms and conditions of an operating agreement with Amtrak and one legal matter pertaining to the terms and conditions for inclusion of new participating jurisdictions in the Master Agreement for Commuter Rail.

The vote in favor was cast by commissioners Bulova, Connolly, Ebbin, Ferguson, Fisetta, Gaines, Hudgins, Kauffman, Rae, Smedberg, Snyder and Whipple. The commission entered into Closed Session at 9:09 P.M. and returned to Open Session at 9:25 P.M. Ms. Bulova moved, with a second by Chairman Ferguson, 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 unanimous. The vote in favor was cast by commissioners Bulova, Connolly, Ebbin, Ferguson, Fisetta, Gaines, Hudgins, Kauffman, Rae, Smedberg, Snyder and Whipple Ms. Rae then left the meeting at 9:26 PM. and did not return.

Ms. Bulova moved, with a second by Mr. Gaines, to approve Resolution #1075, which would authorize VRE's CEO to enter into a five year amended operating agreement with Amtrak. (A copy of the resolution is attached.)

In response to a question from Mr. Snyder, Mr. Zehner explained this agreement would provide an additional 20 storage spaces, allowing VRE to add 12 more railcars to peak period service. Extending this agreement would also allow maintenance to be moved to VRE yards, which is a long-term process

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Bulova, Connolly, Ebbin, Ferguson, Fisetta, Gaines, Hudgins, Kauffman, Smedberg, Snyder and Whipple.

Ms. Bulova suggested releasing a press release announcing additional VRE capacity.

Other NVTC Business

Chairman Ferguson suggested holding the rest of the information agenda items for the next meeting. He announced that the July meeting will begin at 7:30 P.M. There were no objections.

Mr. Kauffman gave a synopsis of the upcoming Washington Post articles about the Metro system, which will address safety, service, budget priorities, paratransit, and maintenance issues. Mr. Snyder asked for more information about the safety issues. Commissioners then discussed how to respond to the Post news articles.

Delegate Ebbin stated that he has gotten some emails from constituents concerning the increase in tolls on the Dulles Toll Road and asked that it be discussed at a future meeting. Mr. Connolly observed that the state's solution may not be perfect, but the Metro extension to Dulles has to be funded. The solution was that or nothing. The region can't oppose the sales tax referendum and other financing for transit projects and not expect some financial implications. This was a creative way of financing the Dulles Metrorail extension that doesn't directly dip into all taxpayers' pockets.

Mr. Kauffman requested staff get a copy for commissioners of Chairman Connolly's letter to the editor as published in the Fairfax Extra edition of the Washington Post.

Adjournment

Without objection, Chairman Ferguson adjourned the meeting at 9:48 P.M.

Approved this 7th day of July, 2005.

Paul Ferguson
Chairman

David F. Snyder
Secretary-Treasurer