

MINUTES
NVTC COMMISSION MEETING – JULY 3, 2008
NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Euille at 6:45 P.M.

Members Present

David Albo
Charles Badger
Sharon Bulova
Gerald Connolly
William D. Euille
Jeffrey Greenfield
Mark R. Herring
Catherine Hudgins
Mary Hynes
Dan Maller (alternate, city of Falls Church)
Thomas Rust
David F. Snyder
Christopher Zimmerman

Members Absent

Kelly Burk
Adam Ebbin
Jay Fisette
Pat Herrity
Joe May
Jeffrey McKay
Paul Smedberg
Mary Margaret Whipple

Staff Present

Rhonda Gilchrest
Scott Kalkwarf
Greg McFarland
Adam McGavock
Kala Quintana
Elizabeth Rodgers
Rick Taube
Dale Zehner (VRE)

New NVTC Commissioner

Chairman Euille welcomed Jeffrey Greenfield, who has replaced Scott Silverthorne from the city of Fairfax. Chairman Euille stated that the oath of office was administered to Mr. Greenfield when he joined NVTC as Mr. Silverthorne's alternate. Commissioners welcomed Mr. Greenfield to NVTC.

Minutes of the June 5, 2008 NVTC Meeting

On a motion by Mr. Zimmerman and a second by Mrs. Bulova, the commission unanimously approved the minutes. The vote in favor was cast by commissioners Albo, Badger, Bulova, Euille, Greenfield, Herring, Hudgins, Hynes, Rust, Snyder and Zimmerman.

VRE Items

Report from the VRE Operations Board and Chief Executive Officer. Mr. Zehner reported that ridership is growing approximately five percent each year. VRE saw a definite spike in ridership in June and experienced the seventh highest ridership day during that month. There are now standees on some peak trains; however, VRE is adding equipment where it can to address this issue. On-time performance in the morning is very good, but has slipped in the afternoon. VRE continues to work on this issue.

Mr. Connolly joined the discussion at 6:46 P.M.

Mrs. Bulova reported that last weekend was the grand opening of the Burke Centre parking facility, which adds 1300 spaces, plus surface parking. There was a great deal of initial opposition from the community, but VRE and Fairfax County got the public involved in the process and it has turned into a very successful project. Mr. Connolly stated that this project is a great example of political leadership with Mrs. Bulova's efforts to get the community to buy-in to the project. The community is now excited about the facility. Mrs. Bulova thanked VRE staff for making the grand opening event so festive.

Extend Operating/Access Agreements with CSXT and Norfolk Southern. Chairman Euille handed the gavel over to Mr. Connolly for these action items, since he will exempt himself from the discussion and abstain from any vote.

Mrs. Bulova explained that the VRE Operations Board recommends commission approval of Resolution #2109 (CSXT) and #2110 (Norfolk Southern) which would extend the operating agreements to January 31, 2009. The most recent extensions expire on July 31, 2008. The parties have been unable to agree on liability issues and negotiations continue.

Mrs. Bulova moved, with a second by Mr. Connolly, to approve Resolutions #2109 and #2110 (copies attached). The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Albo, Badger, Bulova, Connolly, Greenfield, Herring, Hudgins, Hynes, Rust, Snyder and Zimmerman. Mr. Euille abstained.

Mr. Connolly returned the gavel to Chairman Euille.

Sale of 13 Kawasaki Railcars and Purchase of 10 Gallery Cars. Mrs. Bulova stated that the VRE Operations Board is recommending approval of Resolution #2111, which would authorize VRE's CEO to undertake several actions in order to:

- 1) Sell VRE's 13 Kawasaki rail cars to the Maryland Department of Transportation for \$22 million;
- 2) Purchase 10 new Gallery railcars from Sumitomo Corporation for \$25 million, including contingency and construction oversight;
- 3) Use \$14.3 million of the \$22 million Kawasaki sale proceeds to defease the outstanding 1997 bonds used by VRE originally to purchase those cars;
- 4) Borrow an additional \$17,280,000 from the Federal Railroad Administration from a previously approved loan, which together with the remaining \$7,700,000 of the Kawasaki sale proceeds will cover the \$25 million for the new Sumitomo cars;
- 5) Contact VRE's participating and contributing jurisdictions to urge them to approve the debt transactions prior to August 31, 2008.

Mrs. Bulova moved, with a second by Mr. Zimmerman, to approve Resolution #2111 (copy attached). The vote in favor was cast by commissioners Albo, Badger, Bulova, Connolly, Euille, Greenfield, Herring, Hudgins, Hynes, Rust, Snyder and Zimmerman.

Memorandum of Understanding with Manassas for Operation of a Parking Facility. Mrs. Bulova explained that Resolution #2112 would authorize VRE's CEO to execute a memorandum of understanding with the city of Manassas for joint ownership and operation of a parking garage, following approval by VRE's attorney. Manassas and VRE jointly funded construction of the 532-space facility. In response to a question from Mr. Connolly, Mrs. Bulova explained that VRE will own 60 percent and will be responsible for 60 percent of maintenance costs. The city of Manassas will own and be responsible for 40 percent. Mr. Zehner stated that this is consistent with previous discussions of jurisdictions' financial participation in joint projects.

On a motion by Mrs. Bulova and a second by Mr. Zimmerman, the commission unanimously approved the resolution (copy attached). The vote in favor was cast by commissioners Albo, Badger, Bulova, Connolly, Euille, Greenfield, Herring, Hudgins, Hynes, Rust, Snyder and Zimmerman.

Contract Award for National Transit Database Consulting Assistance

Mr. Taube explained that NVTC retained a consultant, George Hoyt and Associates, Inc. (now Stantec Consulting Services, Inc.), for the past five years to help its local jurisdictions compile performance data for their local bus systems to be submitted to the Federal Transit Administration's National Transit Database. Submitting those annual reports results in approximately \$6 million additional funding for WMATA from FTA's formula programs.

Mr. Taube stated that the contract term has expired and NVTC staff issued a Request for Proposals for a new term of three years with an option for two additional years. Two proposals were received and a team of state and local staff reviewed the proposals. The committee determined that the Stantec proposal was the stronger of the two proposals on technical merit, experience and personnel. They also had the lowest price. The estimate for the first year is \$204,000, \$159,000 for the second year and \$226,000 for the third year. Costs are covered entirely by NVTC's jurisdictions using funds held in trust at NVTC. Prior to starting work in FY 2009, the local bus systems will develop with Stantec a precise scope of work to match the needs of each system.

Chairman Euille asked if this firm is a local firm. Mr. Taube answered that the lead person from Stantec is local. Stantec is teamed with MCV Associates, Inc., Dr. Xuehao Chu and Brian McCollum. The entire team has been employed by NVTC for the past five years for NTD consulting services.

Mr. Connolly moved, with a second by Mr. Zimmerman, to authorize NVTC's executive director to execute a contract with Stantec, to issue a notice to proceed for FY 2009 and to execute the option at his discretion after conferring with local staff. The vote in favor was cast by commissioners Albo, Badger, Bulova, Connolly, Euille, Greenfield, Herring, Hudgins, Hynes, Rust, Snyder and Zimmerman.

Authorization to Apply for Federal Grant Funds for Fairfax County and Falls Church

Mr. Taube stated that the commission is asked to approve Resolution #2113, which would authorize him to apply for federal transit grant funds on behalf of Fairfax County to help cover its Metro Matters billings. The amount of the grant is \$1,318,000 federal plus \$300,000 state match. Also, the resolution would authorize NVTC's executive director to apply for federal funds for Falls Church for a multi-modal transportation center. Earmarks from FY 2006 through 2009 total \$2.085 million including state match. The resolution would also add those projects to NVTC's work program.

The Federal Transit Administration (FTA) requires certification by the Department of Labor that NVTC has a labor protection agreement that is satisfactory to organized labor (under Section 13(c) of the Urban Mass Transportation Act, as amended). Theoretically NVTC could be responsible for claims from employees that their conditions of employment have been worsened as a result of the activities funded by

the grant, although such claims are exceedingly rare. Accordingly, jurisdiction staff at NVTC's Management Advisory Committee developed the approach that is included in the resolution. The jurisdiction requesting that NVTC apply for the federal funds on its behalf will protect NVTC's other jurisdictions against 13(c) claims by agreeing to provide from state aid held by NVTC whatever claims and related costs may be incurred. Local jurisdiction attorneys have had the opportunity to review this approach and have offered no objections.

Mr. Zimmerman moved, with a second by Mr. Snyder, to approve Resolution #2113 (copy attached). Mr. Snyder requested several typographical corrections to the resolution. There were no objections. The commission then voted on the amended resolution and it passed. The vote in favor was cast by commissioners Albo, Badger, Bulova, Connolly, Euille, Greenfield, Herring, Hudgins, Hynes, Rust, Snyder and Zimmerman.

FY 2009 DRPT Transit Funding

Mr. Taube reported that the Commonwealth Transportation Board has approved the final FY 2009 DRPT transit assistance program. Prior to action on the final version by CTB, DRPT recognized NVTC's most significant concerns and proposed acceptable remedies. First, the maintenance of effort provision was clarified to include passenger revenue as part of local effort, among other modifications. The immediate result was to eliminate any loss of state aid for NVTC jurisdictions in FY 2009. Second, NVTC staff was able to clarify its grant application for complex Metro Matters items and as a result, DRPT will ask CTB during the next few months to provide an increased level of funding using lapsed grant funds. If sufficient funds are not available this year, DRPT will identify additional funding for this purpose next year. Prior to next year's grant application deadline, DRPT expects to provide written guidance so that NVTC and other applicants can be certain to provide all required information with the initial application. Third, DRPT reduced its off-the-top administrative deduction to 2.4 percent from 2.6 percent, thereby reducing the statewide amount to \$4.6 million from \$5.0 million. Finally DRPT is holding its draft policy document until sometime this fall before asking CTB to act on it. This will allow the development of more of its components and give DRPT the opportunity to respond further to comments from NVTC and others.

Mr. Zimmerman moved, with a second by Mrs. Bulova, to authorize NVTC's executive director to execute a standard grant agreement for FY 2009 with DRPT on behalf of NVTC's jurisdictions' local transit systems, WMATA and VRE, as well as to authorize Chairman Euille to send a letter to DRPT Administrator Tucker thanking him for his responsiveness and that of his staff. The vote in favor was cast by commissioners Albo, Badger, Bulova, Connolly, Euille, Greenfield, Herring, Hudgins, Hynes, Rust, Snyder and Zimmerman.

Mr. Badger requested time at the next meeting to make a presentation to provide more information about these issues.

Extend Agreement with Falls Church and WMATA

Mr. Taube stated that NVTC originally purchased the four buses used by WMATA to provide GEORGE bus service in the city of Falls Church. NVTC also helped pay operating costs during a demonstration period using grant funds. An agreement between Falls Church, WMATA and NVTC was effective in December, 2002 and has now expired as of June 30, 2008.

Mr. Taube explained that the commission is asked to authorize him to execute a modification to the original agreement that will allow WMATA to continue to provide GEORGE bus service for another year with funding provided entirely by Falls Church. NVTC would retain the right to repurchase the buses for \$1 each if WMATA ceases to operate this service. The modification clarifies that NVTC's role has changed since the original agreement was signed. It also specifies that WMATA and Falls Church will adhere to all federal grant requirements since NVTC purchased the buses originally with federal funds. The modification has been reviewed by legal counsel for NVTC.

Mr. Snyder moved, with a second by Mr. Connolly, to authorize NVTC's executive director to execute a modification to the original agreement.

Mr. Connolly asked about the status of the GEORGE bus service. Mr. Snyder replied that it is doing well, but it is still in start-up mode. There is more and more demand for the service, especially with new development in the city.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Albo, Badger, Bulova, Connolly, Euille, Greenfield, Herring, Hudgins, Hynes, Rust, Snyder and Zimmerman.

Mr. Connolly observed that this type of bus service would be good for the town of Vienna.

Legislative Items

Chairman Euille reported that the General Assembly's Special Session began on June 23, 2008. He stated that several commissioners participated in a conference call with Governor Kaine and his staff and received a progress report on the status of legislation concerning transportation funding. He asked NVTC legislators to provide an update on actions being taken during the Special Session dealing with transportation funding. Delegate Albo predicted that a statewide package will not pass out of the House of Delegates. The legislation that he and Delegate Rust introduced has not been heard. He stated that an amended version of SB 6022 (Saslaw) passed the Senate on June 25th. Delegate Albo explained that the problem he has with this bill is that in order for Northern Virginia to receive \$60 million, it would have to pay \$140 million. Also, there are concerns with HB 6055 (Hamilton).

Mr. Connolly expressed his opinion that one of the things that is objectionable about HB 6055 is the difference in the approaches to Hampton Roads versus Northern Virginia. It is blatantly and transparently biased. It violates every precept of what it means to be a member of the Commonwealth. He further stated that it is one thing for the General Assembly not to act, but another to treat these two regions so differently. Delegate Albo stated that he does not think that this legislation will survive.

Chairman Eulle thanked NVTC's legislators for all their efforts. Delegate Albo acknowledged Tom Biesiadny for his help.

Delegate Albo explained that it is a rural versus urban conflict among caucus members. Delegate Rust stated that a statewide solution will not pass and a regional effort is "iffy." Senator Herring stated that while he understands the frustration, he encouraged everyone to remain optimistic. Mr. Connolly stated that it is important to raise the expectation that the General Assembly will respond to the transportation funding crisis throughout the Commonwealth. It is not just a Northern Virginia problem. Leaving it up to local governments to impose taxes is not the solution.

In response to a question from Delegate Albo, Mr. Connolly explained that the \$300 million that is needed to replace NVTA funding includes the dedicated funding for Metro.

Mid-Year Progress Report on NVTC's 2008 Work Program

Staff gave a PowerPoint presentation on the progress being made. Each staff member provided an overview on what tasks they have been working on and the progress made over the past six months.

In regards to the Code Red Day Program, Mr. Connolly reminded commissioners that a public policy goal is to drive people out of their cars onto transit. It is important to monitor the empirical data of what the net change is in ridership. There needs to be a positive net change. It does not make sense to subsidize people who would have used transit anyway.

Chairman Eulle thanked staff for their hard work and stated that he is proud of their work at NVTC, as well as their work for NVTA. Mr. Connolly agreed and stated that the work at NVTC is highly professional and it has become a place to go for expertise on transportation issues.

Delegate Albo left the meeting at 7:32 P.M. and did not return.

I-95/395 HOT Lanes Project

Mr. Taube reported that NVTC has not received a response from Secretary of Transportation Homer concerning NVTC's concerns and questions. Chairman Euille offered to contact him.

Mr. Connolly stated that the Fairfax County Board of Supervisors has created a special subcommittee exclusively to deal with I-95/495 HOT Lanes issues. The subcommittee will be meeting two or three times a year with VDOT and Fluor Transurban. The subcommittee will share information with NVTC.

Metro Items

Monthly Ridership at Virginia's Metrorail Stations. Ridership was up again in May. Mr. Zimmerman reported that since April, Metrorail has had 12 out of its all time top 15 ridership days. Last Tuesday was the third highest ridership day.

Correspondence from a Citizen. Mr. Taube stated that NVTC has received a request from a citizen wishing to address NVTC and make a presentation advocating Metrorail extensions. Mr. Snyder stated that the right forum for this person to make comments would be at NVTC's public hearing conducted each year. He also observed that NVTa is holding a public hearing next week.

Responses to Emergencies. Mr. Snyder expressed his appreciation for the upcoming presentation on the MATOC committee. Emergency response continues to be an issue. It is a regional issue and cuts across many different agencies and organizations. Mr. Zimmerman stated that the WMATA Board has been focusing on these issues, including communication to the public, jurisdictions and internally at Metro. He agreed that it needs to be a coordinated effort.

Regional Transportation Items

Alexandria Trolley System. Chairman Euille announced that the new trolley system in Alexandria is quite a success. There are approximately 17,000 riders per week using the system. It was created as part of the Waterfront Initiative to help tourists coming to and from National Harbor, but residents are also using it. It has been an economic boon for the city.

Transit Versus Auto Commuting Cost Calculations. Mr. Taube stated that staff compiled information on the costs of commuting. As the cost of gasoline skyrockets, the relative price advantage of transit continues to improve. There are several convenient on-line tools available to calculate the relative prices of commuting by transit versus auto. Mr. Snyder stated that it is important to get this information out to the public. He suggested including this information on NVTC's website. Mr. Taube suggested linking NVTC's website to WMATA's commuting calculator, which uses the General Services Administration's rates for owning and operating an automobile and

includes parking for both the auto commuter and the comparative transit trip. Mr. Snyder suggested including with the link several scenarios or examples on NVTC's website.

Mr. Connolly stated that it would be helpful for NVTC to have a presentation on the status of the federal reauthorization legislation, especially concerning transit. In light of the rising costs of fuel and other social costs of commuting, there might be a more positive federal approach to public transit funding. Mr. Taube stated that the next scheduled NVTC meeting is September 4th and staff will prepare a briefing.

NVTC Financial Items for May, 2008

Commissioners were provided with the financial reports for May, 2008. There were no questions or comments.

Adjournment

On a motion by Mrs. Bulova and a second by Mr. Zimmerman, the commission unanimously voted to adjourn. Chairman Euille adjourned the meeting at 7:55 P.M.

Approved this fourth day of September, 2008.

William D. Euille
Chairman

Gerald E. Connolly
Secretary-Treasurer