

**MINUTES**  
**NVTC COMMISSION MEETING – JULY 5, 2007**  
**NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA**

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Snyder at 8:15 P.M.

**Members Present**

David Albo  
Sharon Bulova  
Gerald Connolly  
Jeannemarie Devolites Davis  
Adam Ebbin  
William D. Euille  
Paul Ferguson  
Jay Fisette  
Catherine M. Hudgins  
Elaine McConnell  
Thomas Rust  
David F. Snyder  
Matthew Tucker  
Mary Margaret Whipple  
Christopher Zimmerman

**Members Absent**

Eugene Delgaudio  
Dana Kauffman  
Joe May  
Scott Silverthorne  
Paul Smedberg

**Staff Present**

Rhonda Gilchrest  
Scott Kalkwarf  
Greg McFarland  
Adam McGavock  
Steve Maclsaac (VRE)  
Elizabeth Rodgers  
Kala Quintana  
Andrew Ryder  
Jennifer Straub (VRE)  
Richard K. Taube  
Dale Zehner (VRE)

Minutes of NVTC's Meeting of June 7, 2007

On a motion by Mr. Connolly and a second by Mrs. Bulova, the commission unanimously approved the minutes. The vote in favor was cast by commissioners Albo, Bulova, Connolly, Devolites Davis, Ebbin, Euille, Fisette, Hudgins, McConnell, Rust, Snyder, Tucker, Whipple and Zimmerman.

VRE Items

Report from the VRE Operations Board and VRE's Chief Executive Officer. Mrs. Bulova urged commissioners to read the minutes of the June 15<sup>th</sup> Operations Board meeting. Mr. Zehner reported that VRE on-time performance is continuing to improve and ridership is increasing. VRE is currently looking at different options to increase its locomotive fleet. CSX is planning to decentralize dispatching out of Jacksonville, Florida. VRE's dispatching is being moved over the next few years to Baltimore, which should result in improved VRE service.

Approval of VRE Master Agreement Amendments. Mrs. Bulova explained that in order to accomplish the new organizational structure of the VRE Operations Board and the associated improvements in the subsidy allocation process, the commissions and participating and contributing jurisdictions must execute amendments to the VRE Master Agreement. The Operations Board recommends approval of Resolution #2069, which would authorize NVTC's chairman to execute the amended Master Agreement and authorize staff to forward the amendments to Alexandria, Arlington County and Fairfax County to be executed by those jurisdictions as well.

On a motion by Mrs. Bulova and a second by Mrs. McConnell, the commission unanimously approved Resolution #2069 (copy attached). The vote in favor was cast by commissioners Albo, Bulova, Connolly, Devolites Davis, Ebbin, Euille, Fisette, Hudgins, McConnell, Rust, Snyder, Tucker, Whipple and Zimmerman.

Approval of New VRE Operations Board Members for 2007. Mrs. Bulova stated that the commission is asked to approve Resolution #2070, which would appoint new members of the VRE Operations Board for 2007, as listed in the resolution. This action is needed because of changes to the organizational structure of the Board contained in Master Agreement amendments. Action by the commission will allow the new Operations Board to convene at its meeting on August 17, 2007. Mr. Taube reported that Alexandria has designated Mr. Smedberg to serve as a member and Mr. Lovain as an alternate, and Arlington County has designated Mr. Zimmerman as a member and Mr. Fisette as an alternate. Mr. Connolly observed that Fairfax County has not had a chance to select its members, but will do so at its next county board meeting.

Mrs. Bulova moved approval of the resolution, with the understanding that Fairfax County members will be designated at the county's next board meeting. Senator Whipple seconded the motion.

Mr. Connolly asked when the new funding allocation goes into effect. Mrs. Bulova responded that it went into effect July 1<sup>st</sup>, when the jurisdictions' budgets went into effect. She reminded commissioners that it's a phased-in approach over multiple years.

The commission then voted on the motion and it passed unanimously. The vote in favor was cast by commissioners Albo, Bulova, Connolly, Devolites Davis, Ebbin, Euille, Fisette, Hudgins, McConnell, Rust, Snyder, Tucker, Whipple and Zimmerman. (A copy of the resolution is attached.)

Renew Contract for Banking Services and Line of Credit. Mrs. Bulova stated that the VRE Operations Board recommends approval of Resolution #2071, which would authorize VRE staff to renew banking services and line of credit agreements with SunTrust Bank. This is the final option year of a multi-year agreement. VRE estimates costs for this agreement of \$12,000-15,000 annually, which is included in the FY 2008 approved budget. The \$1 million line of credit is restricted by VRE policy for use during delays in receiving federal or state grants and similar situations.

Mrs. Bulova moved, with a second by Mr. Zimmerman, to approve the resolution (copy attached). The vote in favor was cast by commissioners Albo, Bulova, Connolly, Devolites Davis, Ebbin, Euille, Fisette, Hudgins, McConnell, Rust, Snyder, Tucker, Whipple and Zimmerman.

Mr. Ferguson arrived at 8:22 P.M.

#### DRPT Grant Contracts for FY 2008

Mr. Taube stated that the commission is asked to authorize him to execute standard grant contracts with DRPT for FY 2008 on behalf of NVTC's jurisdictions, WMATA and VRE. NVTC will receive up to \$160.5 million from DRPT during FY 2008. This is a significant increase compared to the approximately \$100 million provided in FY 2007.

In response to a question from Mr. Connolly, Mr. Taube stated that although NVTC will be receiving more money for FY 2008, there is still a \$119 million shortfall because the Commonwealth has not reached the 95 percent target of providing subsidies for eligible capital and operating expenses. Mr. Connolly observed that the good news is the region is receiving more funding compared to the previous year, but the bad news is it is still 41 percent below the target amount.

Mr. Connolly moved, with a second by Mr. Euille, to authorize NVTC executive director to execute the grant contracts. The vote in favor was cast by commissioners Albo, Bulova, Connolly, Devolites Davis, Ebbin, Euille, Ferguson, Fisette, Hudgins, McConnell, Rust, Snyder, Tucker, Whipple and Zimmerman.

#### NVTA Administrative Actions

Mr. Taube reported that on July 12<sup>th</sup> the Northern Virginia Transportation Authority will meet to consider several recommendations from its working groups. Several of these involve services to be provided by NVTC. Specifically, NVTC's commissioners are asked to authorize NVTC's executive director to execute a memorandum of understanding (MOU) with NVTA for NVTC to provide accounting and related financial services during a start-up period. There would be no impact on NVTC's budget and NVTA will not be charged for these services.

Mr. Taube also explained that NVTA is expected to ask NVTC's executive director to execute an agreement with a tenant's agent on behalf of NVTA to locate office space for an initial one-year lease. The proposed agreement has been reviewed by the Council of Counsels. NVTC commissioners are asked to authorize its executive director to execute the agreement when asked to do so by NVTA. Again, there is no impact on NVTC's budget and NVTA will incur no expense for this agreement. In response to a question from Delegate Rust, Mr. Taube stated that NVTA is looking for 3,000 square feet of office space. In response to a question from Mr. Fisette, Mr. Euille explained that NVTA is looking at several possibilities, including co-leasing space with another organization or jurisdiction.

Mr. Connolly moved, with a second by Senator Whipple, to authorize NVTC's executive director to execute the MOU with NVTA for accounting services and tenant agent services.

Mr. Connolly passed out a copy of a Leesburg Today newspaper article. The article states that Scott York and Bruce Tulloch, Loudoun County's Chairman and Vice Chairman, said that they had concerns that the NVTA "was moving to create a new level of bureaucracy and was separating itself from the Northern Virginia Regional Commission, which up until recently provided support staff for the authority." According to the article, York and Tulloch suggested that Chris Zimmerman as NVTA chairman took the action without consulting the rest of the authority. It quoted Mr. Tulloch as saying, "Last time I looked, no one on the NVTA wears a crown. I do not believe that the NVTA should be building a bureaucracy when the NVRC has all, I mean all, of the resources to help that organization. I believe we are going down the wrong path here."

Mr. Connolly expressed his extreme displeasure with the inaccuracies of the article. He stated that he is the new chairman of NVRC and he clearly disputes the assertion that NVRC has "all, I mean all" the resources to support NVTA. Mr. Connolly stated that NVRC has no technical expertise in transportation. It also does not have legal, bond counsel, program management, or audit expertise. It was always seen as a temporary arrangement to use NVRC for support staff until NVTA received a source of revenue. He also took umbrage with the notion that Mr. Zimmerman, as NVTA chairman, has unilaterally gone off on his own and created a big bureaucracy. Mr. Connolly stated that this is absurd and untrue. The entire NVTA process has been a detailed and elaborate process that has had much public input as well as involvement of jurisdictional and other regional agencies. The current recommendation is for at the most six staff members for an organization which will generate \$300 million annually, with the potential responsibility of over \$1 billion in bond debt. This is not excessive.

Mrs. Bulova reported that at the last NVRC meeting there was concern raised that towns be given the opportunity to weigh in on NVTA issues. Mr. Zimmerman stated that the statute establishing NVTA specifically directs that towns be represented through NVTA's planning and coordinating advisory committee. Mrs. Bulova stated that it was suggested that rather than having a separate meeting with the same members as NVRC, NVRC could hold the committee discussions so that towns and cities could participate. Mr. Connolly observed that towns are part of counties and therefore are represented on NVTA. If the General Assembly wanted towns to be part of NVTA membership, they would have included them. NVTA's membership and weighted voting is delicately crafted. Anything that changes that balance could create enormous potential problems. Also, transportation is not formally part of NVRC's portfolio, so the notion that NVRC is the vehicle for towns to have a voice is problematic.

Chairman Snyder stated that NVTC's staff is extremely competent and knowledgeable in transportation issues, so that any agreement between NVTA and NVTC well serves the public. In regards to efficiency, it would be interesting to calculate the total number of hours contributed by elected officials and jurisdictional staff to the establishment of NVTA. He has never seen the creation of an organization done with less money, more dedication from staff, and the contribution of expertise, which would equal hundreds of thousands of dollars. Consequently, the creation of NVTA has cost the public nothing. The issue of towns is important but should be discussed later. Mrs. Bulova clarified that she is not advocating for NVRC to be the administrative body for NVTA and she agrees with Chairman Snyder that NVTC has the technical capacity to serve and work with NVTA.

Mr. Ebbin asked if Mr. Connolly intends to respond to the news article. Mr. Connolly stated that he has no objection to Chairman Snyder responding on behalf of NVTC.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Albo, Bulova, Connolly, Devolites Davis, Ebbin, Euille, Ferguson, Fisette, Hudgins, McConnell, Rust, Snyder, Tucker, Whipple and Zimmerman. Mr. Euille clarified that the action includes the understanding that it is subject to NVTA action on July 12, 2007.

In response to a question from Mr. Fisette, Mr. Zimmerman explained that NVTA assumed that there would be multiple court actions. Mr. Connolly stated that the strategy is to initiate legal action so it is decided once and for all before the next General Assembly session.

### I-95/395 HOT Lanes Project

Chairman Snyder noted that NVTC received a letter from Secretary of Transportation Pierce Homer concerning the proposed schedules for public information meetings. His letter states that there will be additional public hearings later in 2008. NVTC was concerned with the timing of the meetings, which are scheduled for late July, coinciding with vacations for many people. The Executive Committee discussed this issue and suggested asking for another round of public meetings after key information is available.

Senator Whipple moved, with a second by Mrs. Hudgins, authorizing that a letter be sent to Secretary Homer including the request for additional public meetings after the information is available to the public.

Mr. Tucker observed that the Transit/Transportation Demand Management (TDM) study will be concluded in November, which will also result in public hearings, so there may be an over saturation of public hearings if NVTC asks for more. Mr. Zimmerman stated that this is why it doesn't make sense that the hearings are being held in July. The information is not available yet. Mrs. Hudgins asked if there is urgency to having the public hearings. Mr. Tucker responded that getting as much feedback as possible from the public is prudent. Mr. Euille stated that there is no opposition to getting feedback from the public, but the concern is that not enough people will be around during the summer months. Senator Whipple observed that it is difficult to comment on information that has just been provided at that specific meeting. It is important to disseminate the information and then follow it with a series of public meetings.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Albo, Bulova, Connolly, Devolites Davis, Ebbin, Euille, Ferguson, Fisette, Hudgins, McConnell, Rust, Snyder, Tucker, Whipple and Zimmerman.

Senator Devolites Davis left the meeting at 9:08 P.M.

## Presentation: DRPT's Strategic Initiatives

Mr. Tucker, DRPT's Director, described significant changes underway in his department. Mr. Connolly stated that he is heartened to see positive changes within DRPT. He expressed his concern regarding Mr. Tucker's comment that DRPT is not going to compare transit systems, but evaluate them on their own merit. Mr. Connolly stated that he is worried that this will lead to justifying why the transit funding formula should change, and result in raiding of Northern Virginia's share. Mr. Tucker responded that DRPT's strategic vision is to help the localities who are investing in transit to make sure that they are getting the highest return on their investments and to know what they are getting out of their transit systems.

Senator Whipple stated that she assumes that there will be evaluation criteria based on performance-based measures, including performance accountability and evaluation. She asked for an opportunity to review the criteria. Mr. Tucker stated that DRPT wants feedback.

In response to a question from Mr. Fisette about high-speed rail, Mr. Tucker stated that there are many factors that need to be considered. High-speed rail is a major financial investment. The first thing to do is to get passenger rail service expanded throughout the state, including the entire length of the Washington-Richmond corridor. Mrs. McConnell expressed her opinion that rail to Harrisonburg is important to connect the Northern Virginia region to the outer areas of the state.

Chairman Snyder stated that it would be helpful for NVTC to put these concerns in a letter to DRPT. By unanimous consent, with Mr. Tucker abstaining, the chairman directed staff to send a letter.

## Regional Transportation Items

Urban Partnership Applications from the Commonwealth of Virginia and Fairfax County. The U.S. Department of Transportation did not select either application for consideration as a semi-finalist.

VTA Awards. Several Northern Virginia transit systems were honored with awards from the Virginia Transit Association at its spring meeting. Alexandria's DASH won the outstanding public transportation marketing award for a smaller system with an honorable mention for Loudoun County Transit. PRTC won the award for large transit systems with WMATA receiving an honorable mention. DASH also won the Innovative Transit Award. Mr. Kauffman received the award for outstanding contribution by a local official. He will be presented with his award at NVTC's September meeting.

## WMATA Items

FY 2008 Budget. The WMATA Board approved the FY 2008 budget.

Dulles Project Approvals. Following actions by the Fairfax and Loudoun County Boards, the WMATA Board authorized Metro's financial plan for participating in the project.

Dedicated Federal Funding for Metro. Mr. Zimmerman stated that in light of the need for federal legislation, NVTC has put together principles related to dedicated federal funding for Metro. As noted in the 2004 Blue Ribbon Panel, the federal government is heavily dependent on Metro. About half of the riders during peak times are federal workers. The three principles are: 1) Legislation should seek to establish a new partnership among the federal, state, and local governments of the region to sustain the Metro system that is so vital to the interests of all; 2) Federal legislation should actually dedicate funds, not just mandate state/local dedication; and 3) Direct participation by the federal government in the governance of WMATA must be based on direct participation by the federal government as a funding partner.

Mr. Zimmerman moved, with a second by Mr. Euille, to authorize Chairman Snyder to send a letter including the set of principles to the Northern Virginia congressional delegation. The vote in favor was cast by commissioners Albo, Bulova, Connolly, Ebbin, Euille, Ferguson, Fisette, Hudgins, McConnell, Rust, Snyder, Tucker, Whipple and Zimmerman.

Other Metro Business. Chairman Snyder stated that as a regular Metro rider, he has seen some improvements in communication to riders. He expressed his concern that there's a delicate balance between addressing financial issues, working to minimize a fare increase, and doing things that destroy Metro's uniqueness.

Senator Whipple left the meeting at 9:35 P.M. and did not return.

## NVTC Financial Reports for May, 2007

The financial reports were provided to commissioners. There were no questions.



Other NVTC Business

Mr. Taube reminded commissioners that there is no August meeting scheduled. He also introduced two new staff members: Greg McFarland, project manager, and Andrew Ryder, full-time intern.

Adjournment

Mr. Zimmerman moved, with a second by Mr. Euille, to adjourn the meeting. Without objection, Chairman Snyder adjourned the meeting at 9:40 P.M.

Approved this sixth day of September, 2007.

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David F. Snyder  
Chairman

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Christopher Zimmerman  
Secretary-Treasurer