



**NVTC COMMISSION MEETING
THURSDAY, SEPTEMBER 6, 2007
NVTC CONFERENCE ROOM
8:00 P.M.**

NOTE: A buffet supper will be provided for attendees.

AGENDA

1. Minutes of the NVTC Meeting of July 5, 2007.

Recommended Action: Approval.

2. Virginia Transit Association Award to Dana Kauffman.

The Virginia Transit Association selected Dana Kauffman to receive its annual award for the outstanding contribution by a local official. Linda McMinimy, executive director of VTA, will present the award.

Presentation Item.

3. Metro's Strategies for FY 2009.

WMATA's General Manager, John Catoe, will present this item.

Presentation Item.



4. VRE Items.

- A. Report from the VRE Operations Board and VRE's Chief Executive Officer—Information Item.
- B. Update on Fauquier and Spotsylvania Counties' VRE Membership—Information Item.
- C. Contract Award for Manassas Parking Garage-- Action Item/ Resolution #2072
- D. Renewal of Manassas Warehouse Lease—Action Item/ Resolution #2073
- E. Ratify Spotsylvania County Storm Water Agreement—Action Item/ Resolution #2074
- F. Referral of Preliminary FY 2009 Preliminary Budget –Action Item/ Resolution #2075

5. Preliminary FY 2009 NVTC Administrative Budget and Performance Objectives.

Each year at this time NVTC staff provides a preliminary budget and performance objectives that have been reviewed by local and regional staff. Final action will be requested in February 2008.

Recommended Action: Authorize NVTC staff to send the preliminary budget to NVTC's jurisdictions to be used in planning their respective FY 2009 budgets.

6. Mode Shares in the I-395/ Rt. 1 Corridor Inside the Beltway.

Transit carries more inbound people during the morning peak period than single occupant vehicles or other ridesharing modes. Based on survey data from fall of 2006 this MWCOG report, sponsored by VDOT and with the assistance of NVTC and Northern Virginia transit systems, is one of a series.

Recommended Action: Authorize NVTC staff to issue a media release summarizing the results of the study.

7. NVTC Projects.

- A. NVTC's Hydrogen Fuel Injector Bus Demonstration.
- B. NVTC's Senior Mobility Project.
- C. Code Orange/Red Ride Free.

Information Item

8. Regional Transportation Items.

- A. Status of Request by the Fredericksburg Area Metropolitan Planning Organization.
- B. Status of NVTA Administrative Actions.
- C. APTA's 2007 Public Transportation Fact Book.
- D. Former DRPT Director Karen Rae Now with NYDOT.

Information Item.

9. I-95/I-395 HOT Lanes Project.

Citizen information meetings were held in late July, 2007. Progress on the transit/ transportation demand management study will be described.

Presentation Item.

10. NVTC Financial Reports for June and July, 2007

Information Item.

11. Closed Session for Personnel Item (Section 2.2-3711 A (1) of the Code of Virginia).



AGENDA ITEM #1

**MINUTES
NVTDC COMMISSION MEETING – JULY 5, 2007
NVTDC 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 15th 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 1st, 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, Fisetite, Hudgins, McConnell, Rust, Snyder, Tucker, Whipple and Zimmerman.

NVTA Administrative Actions

Mr. Taube reported that on July 12th 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. Fisetite, 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 executive 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. Mrs. Hudgins further stated that concerns were raised that NVRC would be obliterated by NVTA. 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 for 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, Fisetto, 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. Fisetto 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.

David F. Snyder
Chairman

Christopher Zimmerman
Secretary-Treasurer

NVTC Northern Virginia Transportation Commission

RESOLUTION #2069

SUBJECT: VRE Master Agreement Amendments.

WHEREAS: In February, 2006 the VRE Operations Board initiated analysis of alternate VRE governance structures and subsidy allocation formulas;

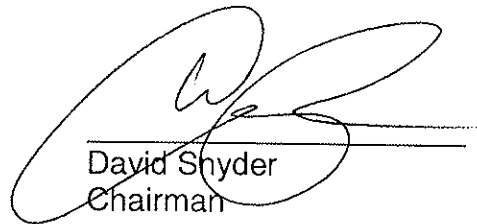
WHEREAS: A proposal to amend the Master Agreement to change the organizational structure of the VRE Operations Board and VRE's subsidy allocation process has been adopted by each VRE member jurisdiction; and

WHEREAS: Each commission and VRE member jurisdiction must, through the commissions, adopt these amendments.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission adopts the amendments to the VRE Master Agreement implementing the approved governance and formula changes and authorizes its chairman to execute the amended Master Agreement in the form recommended by legal counsel; and

BE IT FURTHER RESOLVED that the commission hereby refers the amended Master Agreement to its VRE member jurisdictions for adoption.

Approved this fifth day of July, 2007.


David Shyder
Chairman


Christopher Zimmerman
Secretary-Treasurer



NVTC Northern Virginia Transportation Commission

RESOLUTION #2070

SUBJECT: New VRE Operations Board Members for 2007.

WHEREAS: Amendments to the VRE Master Agreement would introduce a new organizational structure for the VRE Operations Board and an associated change in the VRE subsidy allocation process;


WHEREAS: NVTC's jurisdictions that are members of VRE have designated proposed VRE board members in a manner consistent with the amended Master Agreement; and

WHEREAS: The amended Master Agreement requires NVTC to act formally to appoint the designees to the VRE Operations Board.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby appoints the following individuals to the VRE Operations Board for the remainder of 2007:

<u>Jurisdiction</u>	<u>Principal</u>	<u>Alternate</u>
Alexandria	Paul Smedberg	Tim Lovain
Arlington	Chris Zimmerman	Jay Fisette
Fairfax	Elaine McConnell	Sharon Bulova
	Dana Kauffman	

Approved this fifth day of July, 2007.



David Snyder
Chairman

Christopher Zimmerman
Secretary-Treasurer



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NVTC Northern Virginia Transportation Commission

RESOLUTION #2071

SUBJECT: Renew VRE Contract for Banking Services and Line of Credit.

WHEREAS: VRE contracted for banking services with SunTrust Bank in July, 2003;

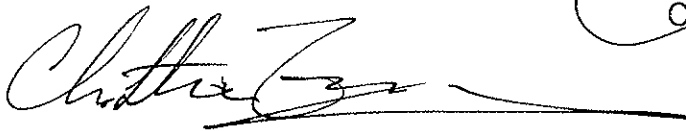
WHEREAS: The banking services contract with SunTrust provides for a line of credit not to exceed \$1,000,000;

WHEREAS: The contract was for a period of three years, with options for two one-year extensions; and

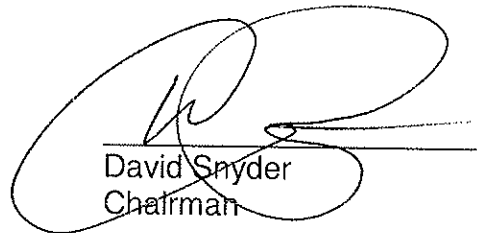
WHEREAS: The line of credit must be renewed on an annual basis.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission authorizes VRE staff to renew the banking services and line of credit agreements with SunTrust Bank for one year.

Approved this fifth day of July, 2007.



Christopher Zimmerman
Secretary-Treasurer



David Snyder
Chairman





AGENDA ITEM #2

TO: Chairman Snyder and NVTC Commissioners

FROM: Rick Taube

DATE: August 30, 2007

SUBJECT: Virginia Transit Association Award to Dana Kauffman

VTA Executive Director Linda McMinimy will present the award for the outstanding contribution by a local official to Dana Kauffman. A description of the award is attached.



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FOR IMMEDIATE RELEASE**CONTACT:**

Linda McMinimy, Executive Director
Virginia Transit Association
1108 East Main Street, Suite 1108
Richmond, VA 23219
Phone: 804-643-1166
mcmiminymy_associates@cavtel.net

September 6, 2007**Press release****For immediate release**

FAIRFAX – For his remarkable and ongoing efforts to sustain and expand public transportation in Northern Virginia and the Washington Metropolitan Area, Dana Kauffman has been honored by the Virginia Transit Association with the 2007 Award for Outstanding Contribution by a Local Official.

Kauffman, the Lee District representative on the Fairfax County Board of Supervisor, has worked tirelessly since first being elected in 1995 to provide viable and innovative transportation options for the Lee District and the entire Washington Metropolitan area. A member of the VRE Operations Board, the WMATA Board of Directors and the Metropolitan Washington Council of Governments Air Quality Advisory Council, Mr. Kauffman also served as chair of the Northern Virginia Transportation Commission in 1999 and the WMATA Board in 2005.

“Mention an important transportation issue that has faced Northern Virginia over the past dozen years and the name Dana Kauffman is sure to be primary and prevalent in the conversation,” said Kala L. Quintana, Director of Public Outreach for the Northern Virginia Transportation Commission.

Among his countless contributions, Kauffman is particularly noted for his continued leadership on key transportation initiatives associated with:

- Congestion mitigation on the Springfield Mixing Bowl Project and BRAC expansion in anticipation of 20,000 new jobs at Fort Belvoir,
- Transit inclusion and connectivity with regard to the Hot Lane proposal,
- Creation of the Franconia/Springfield Multi Modal Center,
- Establishing the REX (Richmond Highway Express) BRT system in the Route 1 corridor.

A member of the Northern Virginia Transportation Commission since January 1996, Kauffman has earned the title of outstanding leader and overall champion of public transportation options for Northern Virginians.

For more information, call Kala L. Quintana, Director of Public Outreach for the Northern Virginia Transportation Commission at (703) 524-3322 ext. 104.

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VTA is a trade association based in Richmond, VA representing public transportation systems throughout Virginia and businesses that support public transportation. VTA website: www.vatransit.com



AGENDA ITEM #3

TO: Chairman Snyder and NVTC Commissioners

FROM: Rick Taube

DATE: August 30, 2007

SUBJECT: Metro's Strategies for FY 2009

WMATA's General Manager John Catoe will discuss with the commission Metro's strategies for FY 2009 which promises to be a very difficult budget year. Mr. Catoe will also respond to questions.

Attached is information about congressional action on House and Senate bills to provide \$150 million annually in federal funding for Metro and a copy of a letter from Chairman Snyder describing NVTC's principles.



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NVTC Northern Virginia Transportation Commission

Chairman
Hon. David F. Snyder

Vice Chairman
Hon. William D. Euille

Secretary/Treasurer
Hon. Christopher Zimmerman

Commissioners:
City of Alexandria
Hon. William D. Euille
Hon. Paul Smedberg

Arlington County
Hon. Paul Ferguson
Hon. Jay Fisetle
Hon. Christopher Zimmerman

Fairfax County
Hon. Sharon Bulova
Hon. Gerald E. Connolly
Hon. Catherine Hudgins
Hon. Dana Kauffman
Hon. Elaine McConnell

City of Fairfax
Hon. Scott Silverthorne

City of Falls Church
Hon. David F. Snyder

Loudoun County
Hon. Eugene DeIgaudio

**Virginia Department of Rail
and Public Transportation**
Matthew O. Tucker

Virginia General Assembly
Sen. Jeannemarie DeVolites Davis
Sen. Mary Margaret Whipple
Del. David B. Albo
Del. Adam P. Ebbin
Del. Joe T. May
Del. Thomas D. Rust

Executive Director
Richard K. Taube

July 12, 2007

The Honorable Tom Davis
U.S. House of Representatives
2348 Rayburn HOB
Washington, DC 20515-4611

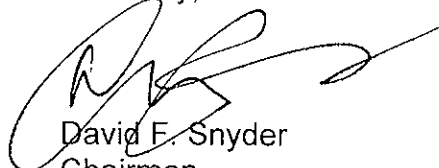
Dear Representative Davis:

At its July 5th meeting, the Northern Virginia Transportation Commission unanimously adopted the enclosed principles for federal funding of the Washington Metro system. The commission appreciates all of the hard work on behalf of federal funding for Metro that you and the entire Virginia congressional delegation have already accomplished.

Both the House and Senate are considering bills that would provide \$150 million of federal funds annually for 10 years if Maryland, the District of Columbia and Virginia can dedicate an equal amount of matching funds. NVTC's three principles are consistent with the objectives of these bills, but would fine-tune the language to make excellent bills even better.

As always, we would be pleased to provide any help you may require in advancing the cause of federal funding for Metro. We will contact your staff to ask to meet to explain our principles in the context of the overall legislation.

Sincerely,



David F. Snyder
Chairman

cc: Virginia Transportation Secretary Pierce Homer

Principles Related to Dedicated Federal Funding for Metro

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.
 - ◆ As noted in the 2004 report of the “Blue Ribbon Panel,” the federal government is heavily dependent on Metro: About half the riders during peak times are federal workers; a substantial portion of the stations serve federal facilities; the system is vital to the functioning of Washington as a capital city, for both tourists and travelers who come to do business with the U.S. government.
2. Federal legislation should actually dedicate funds, not just mandate state/local dedication.
 - ◆ This means that there should be a federal revenue source (or sources) that will generate funds that can exclusively be used to fund a federal share of Metro capital and operating expenses. (Simply establishing a funding authorization level subject to annual appropriations does not constitute a federal match.)
3. Direct participation by the federal government in the governance of WMATA must be based on participation by the federal government as a funding partner.
 - ◆ As long as the federal government provides dedicated revenues for WMATA it should qualify for one board member. As it renews its funding, its vote on the board should also be renewed.
 - ◆ If the federal government agrees to participate as a full funding partner to the same extent as the current state and local partners, then the federal government should qualify for two voting members.

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Politics

Metro moves closer to \$1.5B federal grant



(Michael Riccio/Examiner)

Crowds enter the Stadium Armory metro station after a Nationals game on July 4th in this file photo. Legislation that would authorize \$1.5 billion in federal funding for Metro moved closer to becoming law Wednesday by winning approval from the U.S. Senate's Environment and Public Works Committee.

Joe Rogalsky, The Examiner

2007-08-02 14:07:00.0

Current rank: # 19 of 7,183

WASHINGTON -

Legislation that would authorize \$1.5 billion in federal funding for Metro moved closer to becoming law Wednesday by winning approval from the U.S. Senate's Environment and Public Works Committee.

A similar House measure cleared a committee in that chamber earlier this year.

The money would fund construction and maintenance for the Washington Metropolitan Area Transit Authority.

Metro would receive the \$1.5 billion over 10 years.

The legislation also requires the District of Columbia, Maryland and Virginia to match the annual allocation through dedicated sources of revenue, such as the sales tax, meaning Metro would actually gain \$3 billion over a decade.

"The system is critical to meeting the transportation needs of more than 100 million passengers a year," said Sen. Ben Cardin, D-Md. "This legislation will ensure that the Metro system will have the funds it needs to revitalize the 30-year-old system."

Cardin's bill requires Metro to employ an inspector general (the agency filled the position earlier this year) and adds four federal representatives to the transit system's board of directors.

Unlike the House version, however, the Senate legislation would not require Metro to exclude overtime pay when calculating pension benefits and cap overtime pay at one-third of a worker's base salary.

The House Oversight and Government Reform Committee added the restrictions to the bill in April after a report by The Examiner detailing high overtime payments to Metro employees.

In a hypothetical case under the House bill, a train operator earning a \$75,000 base salary and working \$70,000 worth of overtime now would be able to earn only \$25,000 from overtime under the bill.

To calculate his pension, his earnings for the year would be only \$75,000, not the \$145,000 it is right now.

Floor votes have not been scheduled on either bill.

Metro officials have long sought money from the federal government and a guaranteed revenue source, something that most transit companies rely on for funding.

Elizabeth Hewlett, who chairs WMATA's board of directors, said the billions for capital projects would "keep the Metro system in a state of good repair so that we can continue to efficiently serve the federal work force,

which constitutes much of our ridership.”

jrogalsky@dceaminer.com

Examiner



HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

August 6, 2007

FRANK R. WOLF
TENTH DISTRICT, VIRGINIA

Dear Mr. Snyder:

Thank you for your recent letter letting me know of the NVTC's adopted principles for funding the Washington Metro system.

Please be assured that I will be mindful of the views of the NVTC as I have the opportunity to consider relevant legislation.

Again, thank you for writing.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress

Mr. David Snyder
Chairman
Northern Virginia Transportation Commission
4350 N Fairfax Dr Ste 720
Arlington, VA 22203-1620

washingtonpost.com

Money Train

Congress shouldn't let a bill to help Metro stall out.

Saturday, August 11, 2007; A16

LAST WEEK we happily took note of a Senate committee's approval of a bill to fund much-needed improvements to the Washington area's Metro system. It's an important procedural step for legislation that stalled in the Senate last year after passing the full House. But the bill has been dormant in the House since April, when it passed out of committee there. When Congress reconvenes next month, the area's congressional delegation must push to get the bill considered promptly and, finally, passed.

The proposal would provide Metro with \$1.5 billion over 10 years on the condition that local governments match the money with permanent sources of revenue for Metro. Meeting that condition would provide Metro with a steady, sure budget from year to year and ease the annual need to beg for cash from local leaders. Unlike other major mass-transit rail systems in the country, Metro lacks such reliable funding, which has led to difficulties in long-term planning and investment in aging infrastructure. Broken-down trains, service interruptions, backups, and out-of-order elevators and escalators are the predictable result.

Rep. Thomas M. Davis III (R-Va.), who has championed the idea in the last two sessions, has pointed out that almost half of Metro's

ridership is composed of federal employees traveling to and from work, making the integrity of the system of particular interest to the federal government. The legislation would add federal representatives to the Metro board to ensure that the system spends its cash wisely. Virginia, Maryland and the District have come through with their side of the bargain, either setting up the requisite funding mechanisms or credibly committing to do so once the bill's language is final.

With new leadership in Congress, including Maryland's own Steny H. Hoyer (D) as House majority leader, such a reasonable and necessary piece of legislation should have little problem moving quickly to the floor. Once it is there, legislators must resist the urge to engage in parochial squabbling and approve the proposal. Otherwise, large swaths of their own staffs might have to hitchhike to the Hill as breakdowns and tieups become more common.

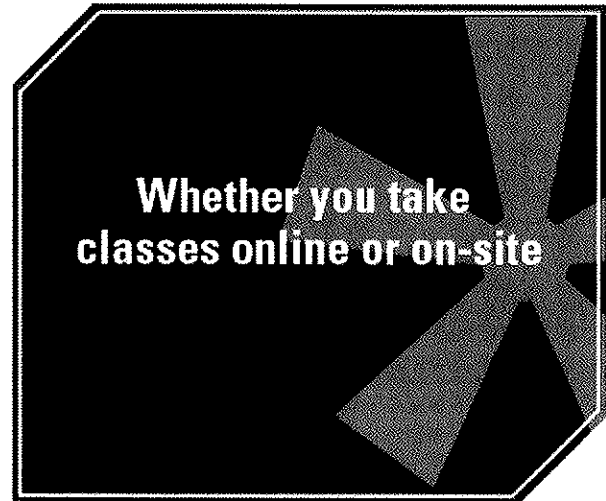
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Rick Taube

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Click here: [Times Community Newspapers - Fairfax County Local News - 08/07/2007 - Rail debate heats up](#)

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08/07/2007

Rail debate heats up

By: Michelle Zimmermann

Top state and federal lawmakers met in a rare emergency summit last week to discuss the Dulles rail project.

Virginia governor Tim Kaine (D) canceled all of his afternoon engagements on Aug. 2 to attend a Capitol Hill meeting along with members of Congress, state transportation officials and project administrators.

Exactly what prompted the meeting is unclear, but sources indicated the primary purpose of the meeting was to update the governor, state transportation officials and area congressmen on the status of the project. Advertisement

Jim Simpson, administrator with the Federal Transit Administration (FTA), outlined the project status, which is currently under risk assessment by FTA staff and independent engineers. Simpson also reportedly warned, however, that the project's price tag was still an issue.

Though he was not present at the gathering, Fairfax County board chairman Gerry Connolly (D) said he was told that the governor was "emphatic in his support" of the project.

As for the FTA's concern with the cost, Connolly noted that no one has asked the federal government to pony up extra cash above what has been promised for the project.

"The localities will pay for it," he said. "It's gratifying to hear of bipartisan support, but we hope the FTA will agree with us on the importance of this project to the region."

Sources also said one item of discussion was new language in a federal transportation act, passed by the U.S. House of Representatives on July 31.

The changes may prod consideration of factors other than cost in constructing the Dulles rail extension. The passage urges the FTA to also consider a project's environmental and economic benefits, and to not rely so heavily on current cost-effectiveness standards.

"The FTA ... gives inadequate consideration to other factors," the passage reads. "Congress intends that FTA fully employ each of the multiple measures in [evaluations]."

Rep. Tom Davis (R-11th), who also attended on Thursday, refused to comment as he left the Capitol Hill conference room when the meeting broke. However, in an online chat hosted by the Washington Post the following day, Davis responded to a question on the language, saying "it was provided to give the county board and the governor additional options."

Proponents of a tunnel alignment through Tysons Corner, rather than the currently planned elevated line, have used the economic and environmental impacts of an elevated line as a main argument for why a tunnel should be built.

Rep. Jim Moran (D-8th), wouldn't comment on details of the meeting, but said only that "a lot of progress was made."

8/10/2007

House transportation and infrastructure committee chairman James Oberstar (D-Minn.) organized the meeting, which was also attended by Sen. John Warner (R-Va.) and Virginia secretary of transportation Pierce Homer.

Contact the reporter at mzimmermann@timespapers.com.

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Rick Taube

From: APTA Legislative Update [legislativeupdate@apta.com]
Sent: Thursday, August 09, 2007 5:36 PM
To: Rick Taube
Subject: APTA Legislative Update-August 9, 2007

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August 9, 2007

Congress Adjourns for August Recess after Passing Important Transit-Related Legislation

House Approves Full Funding for Transit in FY 2008 - \$9.731 Billion

**President Signs Transit Security Authorization Bill –
\$3.4 Billion over 4 Years**

Congress formally adjourned for its summer recess on August 4th, leaving Washington, D.C. for a one month break after weeks of frenetic activity. Leading up to the recess, the U.S. House of Representatives, the U.S. Senate and President Bush acted on a number of pieces of legislation of interest to public transportation. This report summarizes that activity and analyzes the outlook for transit-related legislation later this year. Congress will reconvene after the Labor Day holiday on September 4.

FY 2008 Transportation Appropriations Bill Passes the House

On July 24, the U.S. House of Representatives approved the Fiscal Year (FY) 2008 Transportation, Housing and Urban Development, and Related Agencies Appropriations (THUD) bill in a 268-153 vote. The bill provides \$9.731 billion for federal transit programs in FY 2008, the full amount authorized in the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). If enacted, it would be an increase of \$756.1 million or 8.4 percent over the FY 2007 enacted level.

In the Senate, consideration of FY 2008 Appropriations bills has progressed at a slower pace. The Senate has passed only one of the 12 appropriations bills as it breaks for its traditional August recess. The THUD bill approved by the Senate Appropriations Committee contains \$9.597 billion for transit in FY 2008. It would increase in transit funding by \$622.1 million over the FY 2007 level, but is \$134 million less than the level authorized by SAFETEA-LU. The shortfall occurs because the Senate Appropriations Committee froze funding for the New Starts and Small Starts program in the bill at the FY 2007 level of \$1.566 billion.

It is likely that the Congress will not enact the THUD bill before the new fiscal year begins on October 1. If that occurs, the measure is likely to become part of a larger Omnibus spending package at the end of the current session.

FY 2007 Enacted THUD Appropriations Law, FY 2008 SAFETEA-LU Authorized Levels & FY 2008 House and Senate Committee-Passed THUD Appropriations Bills

Program	FY 2007 Enacted (Millions)	FY 2008 Authorization (Millions)	FY 2008 House Committee Passed (Millions)	FY 2008 Senate Committee Passed (Millions)
Total All Programs	8,974.8	9,730.9	9,730.9	9,596.9
Formula Programs Total	7,262.8	7,872.9	7,872.9	7,872.9
§ 5307 Urbanized Area	3,947.1	4,280.3	4,280.3	4,280.3
§ 5311 Rural Area	467.0	506.5	506.5	506.5
§ 5310 Elderly and Disabled	117.0	127.0	127.0	127.0
§ 5317 New Freedom	81.0	87.5	87.5	87.5
§ 5308 Clean Fuels Formula	45.0	49.0	49.0	49.0
§ 3038 Over-the Road Bus	7.6	8.3	8.3	8.3
§ 5309 Fixed-Guideway Modernization	1,448.0	1,570.0	1,570.0	1,570.0
§ 5309 Bus and Bus Facilities	855.5	927.8	927.8	927.8
§ 5305 Planning	99.0	107.0	107.0	107.0
§ 5316 Job Access and Reverse Commute	144.0	156.0	156.0	156.0
§ 5320 Alternative Transportation in Parks	23.0	25.0	25.0	25.0
§ 5335 National Transit Database	3.5	3.5	3.5	3.5
§ 5339 Alternatives Analysis	25.0	25.0	25.0	25.0
§ 5309 New Starts/Small Starts - Total	1,566.0	1,700.0	1,700.0	1,566.0
Research and University Centers	61.0	65.5	65.5	65.5
FTA Operations	85.0	92.5	92.5	92.5

Action Call!

With Congress in recess during August, this is the perfect time to invite your U.S. Senators and your local Congressperson in the U.S. House of Representatives to visit your transit property. Also, contact your U.S. Senators, particularly members of the Senate Committee on Appropriations, with the following message:

- Urge them to support full funding for public transportation in the FY 2008 Transportation Appropriations bill at the levels authorized by SAFETEA-LU.
- Point out that the FY 2008 Budget Resolution enacted by the House and Senate assumed full funding for both transit and highway programs at the SAFETEA-LU authorized levels.
- Tell them how transit investment benefits their constituents in your service area and supports national goals to reduce energy consumption, traffic congestion and air pollution.
- Explain that SAFETEA-LU authorizes increased investment for both public transportation and highways under a carefully balanced investment schedule that should be honored.

For more information on the FY 2008 THUD Appropriations bill, please contact Paul Dean of APTA's Government Affairs Department at (202) 496-4887 or email pdean@apta.com.

SAFETEA-LU Technical Corrections Bill

House and Senate negotiators last week agreed to provisions for a technical corrections bill to SAFETEA-LU, but further progress on the bill is uncertain. The corrections bill consists of minor corrections to SAFETEA-LU, such as adjusting the descriptions of projects in the law. The legislation would not alter overall funding levels for transit programs. House and Senate leaders intended to attach the bill to a conference report for federal water resources legislation, but the opposition of a small number of Senators prevented that course of action. Instead, the House passed a new stand-alone corrections bill (H.R. 3248) in a 422-1 vote on August 1. One new item of interest to transit in the House bill is a provision that would allow FHWA emergency relief funding to pay for transit expenses incurred in the aftermath of the April collapse of an interstate connector in the San Francisco region following a tanker fire. The Senate now needs to act on the bill, but a small number of opponents to the bill could stall Senate action on the matter indefinitely.

For more information on energy legislation, please contact Homer Carlisle of APTA's Government Affairs

Department at (202) 496-4810 or email hcarlisle@apta.com.

President and Congress Approve Authorization for Significant Increase in Transit Security Funding

On Friday, July 27 Congress approved H.R. 1, the 9/11 Commission Recommendations legislation which authorizes substantial increases in federal support for transit security funding. The legislation authorizes \$3.4 billion for transit security grants over the next four years (\$650 million for FY 2008; \$750 million for FY 2009; \$900 million for FY 2010; and \$1.1 billion for FY 2011.) It is important to note that these amounts are authorizations only, and final funding levels will still be subject to the annual appropriations process. However, the legislation helps the transit industry to make the case for continued growth in federal funding for transit security grants.

Other provisions in the legislation related to transit include:

- The Conference report states that the transit security grants should be distributed directly to public transportation agencies – rather than through state or local government entities.
- The President is given the authority to determine which agency – either the Department of Homeland Security or the Department of Transportation – will be responsible for administering the grants.
- Transit security grants will not require a state or local funding match.
- \$600,000 per year is authorized funding for the continuation of the Public Transportation Information Sharing Analysis Center (ISAC).
- A research and development program related to public transportation security is created.
- The legislation requires that transit properties receiving federal funds under this initiative establish security plans and staff training programs.

The legislation does not alter or expand the number or class of transit agencies that are eligible to receive transit security grants. The authority to determine eligible transit agencies remains with the Department of Homeland Security.

President Bush signed the legislation into law on Friday, August 3 (P.L. 110-259).

For more information on transit security funding, please contact Tom Yedinak of APTA's Government Affairs Department at (202) 496-4865 or email tyedinak@apta.com.

Senate Approves FY 2008 Transit Security Funding

On Thursday, July 26 the Senate approved S.1644, the FY 2008 Department of Homeland Security Appropriations bill, which provides nearly \$400 million for transit, passenger and freight rail security grants. Similarly, the House of Representatives approved its version of the bill on June 15, which also includes \$400 million for transit security grants. If enacted into law, this funding level would be an increase of \$125 million over the amount appropriated in FY 2007. A House/Senate conference will develop a final compromise version of the legislation for final passage following the August recess.

For more information on transit security funding, please contact Tom Yedinak of APTA's Government Affairs Department at (202) 496-4865 or email tyedinak@apta.com.

House Energy Legislation

On August 4, shortly before adjourning for its recess, the House of Representatives passed H.R. 3221, "The New Direction for Energy Independence, National Security, and Consumer Protection Act," a wide-ranging legislative package offered by House Democrats to promote American energy independence and reduce energy consumption. APTA staff attended an event held by House Speaker Nancy Pelosi last week to brief industry leaders on the bill's contents. The package combines several outstanding bills, including H.R. 2701, the Transportation Energy Security and Climate Change Mitigation Act of 2007. If enacted, this legislation would

include several provisions that would benefit transit, including:

- Authorizes an additional \$750,000,000 per year for Urbanized Area Formula Grants and \$100,000,000 per year for Rural Area Formula Grants in FY 2008 and FY 2009. Funds must be used to either reduce transit fares or to expand existing services. Funds can be used to cover capital expenses or a shortfall in operating costs associated with either activity. The increases would only take effect if the funds are appropriated by Congress;
- Allows for a 100 percent federal share for Clean Fuel, Alternative Fuel vehicle related equipment or facilities grants and CMAQ funds;
- Creates procedures for the Surface Transportation Board to conduct a non-binding mediation to settle disputes between commuter rail and freight rail carriers over track usage;
- Requires states to redistribute future rescissions of federal highway contract authority in the same proportion as the contract authority was originally apportioned. This would end the practice of states choosing which program they would return contract authority from, preventing states from returning proportionately larger amounts of CMAQ and Transportation Enhancement (TE) contract authority; and
- Creates a new category of tax credit bonds for local governments to issue to raise funds for green community programs and initiatives designed to reduce greenhouse gas emissions. Interest on these bonds would be paid by the federal government with tax credits, offering municipal governments the ability to borrow interest-free for designated purposes. Expenditures on transit facilities and expenditures to reduce pollution from transit vehicles are named as "qualified conservation purposes" under the program. The national limitation for the bond program (the total amount of debt that could be issued) would be \$3.6 billion. Local governments that represent 100,000 or more residents would receive an allocation from that amount based on population size.

Earlier in June, the Senate passed its version of energy legislation, "The Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007" (H.R. 6). The Senate bill does not include a specific transit title similar to the House package. However, the legislation does create several block-grant programs that would provide transit agencies with new opportunities to access federal dollars, including a pilot program for renewable fuel facilities, an "Electric Drive Vehicle Demonstration Program," and an "Energy and Environmental Block Grant" program. The House and Senate will work to reconcile the two bills this fall, but enactment of energy legislation this year is uncertain. President Bush has issued a veto threat against the House-passed legislation, citing opposition to tax changes in the bill that would affect oil and gas producers and other provisions in the bill.

For more information on energy legislation, please contact Homer Carlisle of APTA's Government Affairs Department at (202) 496-4810 or email hcarlisle@apta.com.

House/Senate Railroad Safety Legislation

Legislation to modify federal rail safety law is being developed in both the House and Senate. House Transportation and Infrastructure Committee Chairman James Oberstar (D-MN) introduced the Federal Railroad Safety Improvement Act of 2007 (H.R. 2095) with 67 cosponsors and the committee approved the bill on June 14.

In the Senate, on July 26, Senator Frank Lautenberg (D-NJ), Chairman of the Commerce, Science and Transportation Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security conducted a hearing on the Railroad Safety Enhancement Act of 2007, (S.1889, which was introduced immediately after the hearing). David Solow, APTA's vice chair for commuter and intercity rail and CEO of the Metrolink commuter rail system in Los Angeles, testified on behalf of APTA at the July 26 hearing. Mr. Solow testified on a panel with Federal Railroad Administrator Joseph Boardman, Association of American Railroads President Edward Hamberger, and Brotherhood of Locomotive Engineers and Trainmen Vice President and National Legislative Representative John Tolman. [Click here to view APTA's testimony.](#)

Both the House and Senate versions of the bill would:

- Change the federal hours of service laws that apply to commuter railroads under the regulatory authority of the Federal Railroad Administration (including so-called "limbo time");

- Mandate implementation of positive train control (PTC) systems;
- Address grade crossing safety;
- Require the development of rail safety plans by the Department of Transportation (DOT); and
- Make numerous other changes to current rail safety laws.

With regard to hours of service time, both bills increase the number of off-duty hours that railroad and signal employees have during a 24 hour period from 8 to 10 hours, and both require that employees have at least 24 consecutive hours off-duty in a 7-day period. The Senate bill permits DOT to waive the 24 hours off in 7 days requirement if collective bargaining agreements provide equivalent safety and protection against fatigue. Both bills prohibit employers from contacting employees during their 10 hours daily off-duty time, but the Senate bill permits the DOT to waive this prohibition for commuter and intercity passenger railroads under certain conditions.

Both bills dramatically reduce "limbo time" (mostly time spent waiting for, or in deadhead transportation, from a duty assignment to the place of final release). In addition to allowing limbo time in instances involving accidents, weather, track obstructions and other specific situations, each bill allows for a phase down in the use of limbo time. The House bill permits up to 40 hours of limbo time per employee, per month, in the first year after enactment, reduced to 30 hours in the second year and no more than 10 hours per employee each month in subsequent years. The Senate bill permits up to 30 hours of limbo time per employee, per month in the first three years after enactment, but limits DOT's authority to permit limbo time to 20 hours per employee each month after that time.

While both bills require Class 1 freight railroads, and commuter and intercity passenger railroads to develop plans for implementation of PTC systems, the House bill requires PTC implementation by December 31, 2014 and the Senate bill requires PTC implementation by December 31, 2018. Both bills provide DOT with some authority to modify these PTC deadlines slightly. The Senate bill contains provisions not included in the House bill that prohibit the public disclosure, except under limited circumstances, of records submitted to DOT under mandatory safety risk analysis and reduction programs.

Both bills also direct DOT to study additional certification for crafts and classes of workers, require national grade crossing inventories and the establishment of toll-free numbers to report grade crossing problems, and direct the National Transportation Safety Board to develop programs to assist families of passengers involved in accidents on interstate intercity or high-speed rail systems.

APTA continues to work with the congressional committees to help develop these bills to represent the interests and concerns of its member organizations involved with commuter and intercity passenger rail service.

For more information on this legislation, please contact Rob Healy of APTA's Government Affairs Department at (202) 496-4811 or email rhealy@apta.com.

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110TH CONGRESS
1ST SESSION

S. 1446

To amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2007

Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “National Capital Transportation Amendments Act of
6 2007”.

7 (b) **FINDINGS.**—Congress finds as follows:

1 (1) Metro, the public transit system of the
2 Washington metropolitan area, is essential for the
3 continued and effective performance of the functions
4 of the Federal Government, and for the orderly
5 movement of people during major events and times
6 of regional or national emergency.

7 (2) On 3 occasions, Congress has authorized
8 appropriations for the construction and capital im-
9 provement needs of the Metrorail system.

10 (3) Additional funding is required to protect
11 these previous Federal investments and ensure the
12 continued functionality and viability of the original
13 103-mile Metrorail system.

14 **SEC. 2. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS**
15 **FOR WASHINGTON METROPOLITAN AREA**
16 **TRANSIT SYSTEM.**

17 The National Capital Transportation Act of 1969
18 (sec. 9–1111.01 et seq., D.C. Official Code) is amended
19 by adding at the end the following new section:

20 “AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBU-
21 TION FOR CAPITAL AND PREVENTIVE MAINTENANCE
22 PROJECTS

23 “SEC. 18. (a) AUTHORIZATION.—Subject to the suc-
24 ceeding provisions of this section, the Secretary of Trans-
25 portation is authorized to make grants to the Transit Au-
26 thority, in addition to the contributions authorized under

1 sections 3, 14, and 17, for the purpose of financing in
2 part the capital and preventive maintenance projects in-
3 cluded in the Capital Improvement Program approved by
4 the Board of Directors of the Transit Authority.

5 “(b) USE OF FUNDS.—The Federal grants made pur-
6 suant to the authorization under this section shall be sub-
7 ject to the following limitations and conditions:

8 “(1) The work for which such Federal grants
9 are authorized shall be subject to the provisions of
10 the Compact (consistent with the amendments to the
11 Compact described in subsection (d)).

12 “(2) Each such Federal grant shall be for 50
13 percent of the net project cost of the project in-
14 volved, and shall be provided in cash from sources
15 other than Federal funds or revenues from the oper-
16 ation of public mass transportation systems. Con-
17 sistent with the terms of the amendment to the
18 Compact described in subsection (d)(1), any funds
19 so provided shall be solely from undistributed cash
20 surpluses, replacement or depreciation funds or re-
21 serves available in cash, or new capital.

22 “(c) APPLICABILITY OF REQUIREMENTS FOR MASS
23 TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS
24 UNDER FEDERAL TRANSPORTATION LAW.—Except as
25 specifically provided in this section, the use of any

1 amounts appropriated pursuant to the authorization under
2 this section shall be subject to the requirements applicable
3 to capital projects for which funds are provided under
4 chapter 53 of title 49, United States Code, except to the
5 extent that the Secretary of Transportation determines
6 that the requirements are inconsistent with the purposes
7 of this section.

8 “(d) AMENDMENTS TO COMPACT.—No amounts may
9 be provided to the Transit Authority pursuant to the au-
10 thorization under this section until the Transit Authority
11 notifies the Secretary of Transportation that each of the
12 following amendments to the Compact (and any further
13 amendments which may be required to implement such
14 amendments) have taken effect:

15 “(1)(A) An amendment requiring that all pay-
16 ments by the local signatory governments for the
17 Transit Authority for the purpose of matching any
18 Federal funds appropriated in any given year au-
19 thorized under subsection (a) for the cost of oper-
20 ating and maintaining the adopted regional system
21 are made from amounts derived from dedicated
22 funding sources.

23 “(B) For purposes of this paragraph, the term
24 ‘dedicated funding source’ means any source of
25 funding which is earmarked or required under State

1 or local law to be used to match Federal appropria-
2 tions authorized under this Act for payments to the
3 Transit Authority.

4 “(2) An amendment establishing the Office of
5 the Inspector General of the Transit Authority in
6 accordance with section 3 of the National Capital
7 Transportation Amendments Act of 2007.

8 “(3) An amendment expanding the Board of
9 Directors of the Transit Authority to include 4 addi-
10 tional Directors appointed by the Administrator of
11 General Services, of whom 2 shall be nonvoting and
12 2 shall be voting, and requiring one of the voting
13 members so appointed to be a regular passenger and
14 customer of the bus or rail service of the Transit
15 Authority.

16 “(e) AMOUNT.—There are authorized to be appro-
17 priated to the Secretary of Transportation for grants
18 under this section an aggregate amount not to exceed
19 \$1,500,000,000 to be available in increments over 10 fis-
20 cal years beginning in fiscal year 2009, or until expended.

21 “(f) AVAILABILITY.—Amounts appropriated pursu-
22 ant to the authorization under this section—

23 “(1) shall remain available until expended; and

24 “(2) shall be in addition to, and not in lieu of,
25 amounts available to the Transit Authority under

1 chapter 53 of title 49, United States Code, or any
2 other provision of law.”.

3 **SEC. 3. WASHINGTON METROPOLITAN AREA TRANSIT AU-**
4 **THORITY INSPECTOR GENERAL.**

5 (a) ESTABLISHMENT OF OFFICE.—

6 (1) IN GENERAL.—The Washington Metropoli-
7 tan Area Transit Authority (hereafter referred to as
8 the “Transit Authority”) shall establish in the Tran-
9 sit Authority the Office of the Inspector General
10 (hereafter in this section referred to as the “Of-
11 fice”), headed by the Inspector General of the Tran-
12 sit Authority (hereafter in this section referred to as
13 the “Inspector General”).

14 (2) DEFINITION.—In paragraph (1), the
15 “Washington Metropolitan Area Transit Authority”
16 means the Authority established under Article III of
17 the Washington Metropolitan Area Transit Author-
18 ity Compact (Public Law 89–774).

19 (b) INSPECTOR GENERAL.—

20 (1) APPOINTMENT.—The Inspector General
21 shall be appointed by the vote of a majority of the
22 Board of Directors of the Transit Authority, and
23 shall be appointed without regard to political affili-
24 ation and solely on the basis of integrity and dem-
25 onstrated ability in accounting, auditing, financial

1 analysis, law, management analysis, public adminis-
2 tration, or investigations, as well as familiarity or
3 experience with the operation of transit systems.

4 (2) TERM OF SERVICE.—The Inspector General
5 shall serve for a term of 5 years, and an individual
6 serving as Inspector General may be reappointed for
7 not more than 2 additional terms.

8 (3) REMOVAL.—The Inspector General may be
9 removed from office prior to the expiration of his
10 term only by the unanimous vote of all of the mem-
11 bers of the Board of Directors of the Transit Au-
12 thority, and the Board shall communicate the rea-
13 sons for any such removal to the Governor of Mary-
14 land, the Governor of Virginia, the Mayor of the
15 District of Columbia, the chair of the Committee on
16 Government Reform of the House of Representa-
17 tives, and the chair of the Committee on Homeland
18 Security and Governmental Affairs of the Senate.

19 (c) DUTIES.—

20 (1) APPLICABILITY OF DUTIES OF INSPECTOR
21 GENERAL OF EXECUTIVE BRANCH ESTABLISH-
22 MENT.—The Inspector General shall carry out the
23 same duties and responsibilities with respect to the
24 Transit Authority as an Inspector General of an es-
25 tablishment carries out with respect to an establish-

1 ment under section 4 of the Inspector General Act
2 of 1978 (5 U.S.C. App. 4), under the same terms
3 and conditions which apply under such section.

4 (2) CONDUCTING ANNUAL AUDIT OF FINANCIAL
5 STATEMENTS.—The Inspector General shall be re-
6 sponsible for conducting the annual audit of the fi-
7 nancial accounts of the Transit Authority, either di-
8 rectly or by contract with an independent external
9 auditor selected by the Inspector General.

10 (3) REPORTS.—

11 (A) SEMIANNUAL REPORTS TO TRANSIT
12 AUTHORITY.—The Inspector General shall pre-
13 pare and submit semiannual reports summa-
14 rizing the activities of the Office in the same
15 manner, and in accordance with the same dead-
16 lines, terms, and conditions, as an Inspector
17 General of an establishment under section 5 of
18 the Inspector General Act of 1978 (5 U.S.C.
19 App. 5). For purposes of applying section 5 of
20 such Act to the Inspector General, the Board of
21 Directors of the Transit Authority shall be con-
22 sidered the head of the establishment, except
23 that the Inspector General shall transmit to the
24 General Manager of the Transit Authority a

1 copy of any report submitted to the Board pur-
2 suant to this paragraph.

3 (B) ANNUAL REPORTS TO LOCAL SIGNA-
4 TORY GOVERNMENTS AND CONGRESS.—Not
5 later than January 15 of each year, the Inspec-
6 tor General shall prepare and submit a report
7 summarizing the activities of the Office during
8 the previous year, and shall submit such reports
9 to the Governor of Maryland, the Governor of
10 Virginia, the Mayor of the District of Columbia,
11 the chair of the Committee on Government Re-
12 form of the House of Representatives, and the
13 chair of the Committee on Homeland Security
14 and Governmental Affairs of the Senate.

15 (4) INVESTIGATIONS OF COMPLAINTS OF EM-
16 PLOYEES AND MEMBERS.—

17 (A) AUTHORITY.—The Inspector General
18 may receive and investigate complaints or infor-
19 mation from an employee or member of the
20 Transit Authority concerning the possible exist-
21 ence of an activity constituting a violation of
22 law, rules, or regulations, or mismanagement,
23 gross waste of funds, abuse of authority, or a
24 substantial and specific danger to the public
25 health and safety.

1 (B) NONDISCLOSURE.—The Inspector
2 General shall not, after receipt of a complaint
3 or information from an employee or member,
4 disclose the identity of the employee or member
5 without the consent of the employee or member,
6 unless the Inspector General determines such
7 disclosure is unavoidable during the course of
8 the investigation.

9 (C) PROHIBITING RETALIATION.—An em-
10 ployee or member of the Transit Authority who
11 has authority to take, direct others to take, rec-
12 ommend, or approve any personnel action, shall
13 not, with respect to such authority, take or
14 threaten to take any action against any em-
15 ployee or member as a reprisal for making a
16 complaint or disclosing information to the In-
17 spector General, unless the complaint was made
18 or the information disclosed with the knowledge
19 that it was false or with willful disregard for its
20 truth or falsity.

21 (5) INDEPENDENCE IN CARRYING OUT DU-
22 TIES.—Neither the Board of Directors of the Tran-
23 sit Authority, the General Manager of the Transit
24 Authority, nor any other member or employee of the
25 Transit Authority may prevent or prohibit the In-

1 spector General from carrying out any of the duties
2 or responsibilities assigned to the Inspector General
3 under this section.

4 (d) POWERS.—

5 (1) IN GENERAL.—The Inspector General may
6 exercise the same authorities with respect to the
7 Transit Authority as an Inspector General of an es-
8 tablishment may exercise with respect to an estab-
9 lishment under section 6(a) of the Inspector General
10 Act of 1978 (5 U.S.C. App. 6(a)), other than para-
11 graphs (7), (8), and (9) of such section.

12 (2) STAFF.—

13 (A) ASSISTANT INSPECTOR GENERALS AND
14 OTHER STAFF.—The Inspector General shall
15 appoint and fix the pay of—

16 (i) an Assistant Inspector General for
17 Audits, who shall be responsible for coordi-
18 nating the activities of the Inspector Gen-
19 eral relating to audits;

20 (ii) an Assistant Inspector General for
21 Investigations, who shall be responsible for
22 coordinating the activities of the Inspector
23 General relating to investigations; and

24 (iii) such other personnel as the In-
25 spector General considers appropriate.

1 (B) INDEPENDENCE IN APPOINTING
2 STAFF.—No individual may carry out any of
3 the duties or responsibilities of the Office unless
4 the individual is appointed by the Inspector
5 General, or provides services procured by the
6 Inspector General, pursuant to this paragraph.
7 Nothing in this subparagraph may be construed
8 to prohibit the Inspector General from entering
9 into a contract or other arrangement for the
10 provision of services under this section.

11 (C) APPLICABILITY OF TRANSIT SYSTEM
12 PERSONNEL RULES.—None of the regulations
13 governing the appointment and pay of employ-
14 ees of the Transit System shall apply with re-
15 spect to the appointment and compensation of
16 the personnel of the Office, except to the extent
17 agreed to by the Inspector General. Nothing in
18 the previous sentence may be construed to af-
19 fect subparagraphs (A) through (B).

20 (3) EQUIPMENT AND SUPPLIES.—The General
21 Manager of the Transit Authority shall provide the
22 Office with appropriate and adequate office space,
23 together with such equipment, supplies, and commu-
24 nications facilities and services as may be necessary
25 for the operation of the Office, and shall provide

1 necessary maintenance services for such office space
2 and the equipment and facilities located therein.

3 (c) TRANSFER OF FUNCTIONS.—To the extent that
4 any office or entity in the Transit Authority prior to the
5 appointment of the first Inspector General under this sec-
6 tion carried out any of the duties and responsibilities as-
7 signed to the Inspector General under this section, the
8 functions of such office or entity shall be transferred to
9 the Office upon the appointment of the first Inspector
10 General under this section.

11 **SEC. 4. STUDY AND REPORT BY COMPTROLLER GENERAL.**

12 (a) STUDY.—The Comptroller General shall conduct
13 a study on the use of the funds provided under section
14 18 of the National Capital Transportation Act of 1969
15 (as added by this Act).

16 (b) REPORT.—Not later than 3 years after the date
17 of the enactment of this Act, the Comptroller General shall
18 submit a report to the Committee on Government Reform
19 of the House of Representatives and the Committee on
20 Homeland Security and Governmental Affairs of the Sen-
21 ate on the study conducted under subsection (a).

○

Union Calendar No. 83

110TH CONGRESS
1ST SESSION

H. R. 401

[Report No. 110-141]

To amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2007

Mr. TOM DAVIS of Virginia (for himself, Mr. HOYER, Mr. WOLF, Ms. NORTON, Mr. VAN HOLLEN, Mr. MORAN of Virginia, Mr. WYNN, and Mr. SARBANES) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

MAY 9, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on January 11, 2007]

A BILL

To amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*
5 *tional Capital Transportation Amendments Act of 2007”.*

6 (b) *FINDINGS.*—*Congress finds as follows:*

7 (1) *Metro, the public transit system of the Wash-*
8 *ington metropolitan area, is essential for the contin-*
9 *ued and effective performance of the functions of the*
10 *Federal Government, and for the orderly movement of*
11 *people during major events and times of regional or*
12 *national emergency.*

13 (2) *On 3 occasions, Congress has authorized ap-*
14 *propriations for the construction and capital im-*
15 *provement needs of the Metrorail system.*

16 (3) *Additional funding is required to protect*
17 *these previous Federal investments and ensure the*
18 *continued functionality and viability of the original*
19 *103-mile Metrorail system.*

20 **SEC. 2. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS**

21 **FOR WASHINGTON METROPOLITAN AREA**
22 **TRANSIT SYSTEM.**

23 *The National Capital Transportation Act of 1969 (sec.*
24 *9–1111.01 et seq., D.C. Official Code) is amended by adding*
25 *at the end the following new section:*

1 *“AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION*
2 *FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS*

3 *“SEC. 18. (a) AUTHORIZATION.—Subject to the suc-*
4 *ceeding provisions of this section, the Secretary of Trans-*
5 *portation is authorized to make grants to the Transit Au-*
6 *thority, in addition to the contributions authorized under*
7 *sections 3, 14, and 17, for the purpose of financing in part*
8 *the capital and preventive maintenance projects included*
9 *in the Capital Improvement Program approved by the*
10 *Board of Directors of the Transit Authority.*

11 *“(b) USE OF FUNDS.—The Federal grants made pur-*
12 *suant to the authorization under this section shall be subject*
13 *to the following limitations and conditions:*

14 *“(1) The work for which such Federal grants are*
15 *authorized shall be subject to the provisions of the*
16 *Compact (consistent with the amendments to the*
17 *Compact described in subsection (d)).*

18 *“(2) Each such Federal grant shall be for 50 per-*
19 *cent of the net project cost of the project involved, and*
20 *shall be provided in cash from sources other than Fed-*
21 *eral funds or revenues from the operation of public*
22 *mass transportation systems. Consistent with the*
23 *terms of the amendment to the Compact described in*
24 *subsection (d)(1), any funds so provided shall be sole-*
25 *ly from undistributed cash surpluses, replacement or*

1 *depreciation funds or reserves available in cash, or*
2 *new capital.*

3 “(3) *Such Federal grants may be used only for*
4 *the maintenance and upkeep of the systems of the*
5 *Transit Authority as of the date of the enactment of*
6 *the National Capital Transportation Amendments*
7 *Act of 2007 and may not be used to increase the mile-*
8 *age of the rail system.*

9 “(c) *APPLICABILITY OF REQUIREMENTS FOR MASS*
10 *TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS*
11 *UNDER FEDERAL TRANSPORTATION LAW.—Except as spe-*
12 *cifically provided in this section, the use of any amounts*
13 *appropriated pursuant to the authorization under this sec-*
14 *tion shall be subject to the requirements applicable to cap-*
15 *ital projects for which funds are provided under chapter*
16 *53 of title 49, United States Code, except to the extent that*
17 *the Secretary of Transportation determines that the require-*
18 *ments are inconsistent with the purposes of this section.*

19 “(d) *AMENDMENTS TO COMPACT.—No amounts may*
20 *be provided to the Transit Authority pursuant to the au-*
21 *thorization under this section until the Transit Authority*
22 *notifies the Secretary of Transportation that each of the fol-*
23 *lowing amendments to the Compact (and any further*
24 *amendments which may be required to implement such*
25 *amendments) have taken effect:*

1 “(1)(A) An amendment requiring that all pay-
2 ments by the local signatory governments for the
3 Transit Authority for the purpose of matching any
4 Federal funds appropriated in any given year au-
5 thorized under subsection (a) for the cost of operating
6 and maintaining the adopted regional system are
7 made from amounts derived from dedicated funding
8 sources.

9 “(B) For purposes of this paragraph, the term
10 ‘dedicated funding source’ means any source of fund-
11 ing which is earmarked or required under State or
12 local law to be used to match Federal appropriations
13 authorized under this Act for payments to the Transit
14 Authority.

15 “(2) An amendment establishing the Office of the
16 Inspector General of the Transit Authority in accord-
17 ance with section 3 of the National Capital Transpor-
18 tation Amendments Act of 2007.

19 “(3) An amendment expanding the Board of Di-
20 rectors of the Transit Authority to include 4 addi-
21 tional Directors appointed by the Administrator of
22 General Services, of whom 2 shall be nonvoting and
23 2 shall be voting, and requiring one of the voting
24 members so appointed to be a regular passenger and

1 *customer of the bus or rail service of the Transit Au-*
2 *thority.*

3 “(e) *ACCESS TO WIRELESS SERVICES IN METRORAIL*
4 *SYSTEM.—*

5 “(1) *REQUIRING TRANSIT AUTHORITY TO PRO-*
6 *VIDE ACCESS TO SERVICE.—No amounts may be pro-*
7 *vided to the Transit Authority pursuant to the au-*
8 *thorization under this section unless the Transit Au-*
9 *thority ensures that customers of the rail service of the*
10 *Transit Authority have access within the rail system*
11 *to services provided by any licensed wireless provider*
12 *that notifies the Transit Authority (in accordance*
13 *with such procedures as the Transit Authority may*
14 *adopt) of its intent to offer service to the public, in*
15 *accordance with the following timetable:*

16 “(A) *Not later than 1 year after the date of*
17 *the enactment of the National Capital Transpor-*
18 *tation Amendments Act of 2007, in the 20 un-*
19 *derground rail station platforms with the highest*
20 *volume of passenger traffic.*

21 “(B) *Not later than 4 years after such date,*
22 *throughout the rail system.*

23 “(2) *ACCESS OF WIRELESS PROVIDERS TO SYS-*
24 *TEM FOR UPGRADES AND MAINTENANCE.—No*
25 *amounts may be provided to the Transit Authority*

1 pursuant to the authorization under this section un-
2 less the Transit Authority ensures that each licensed
3 wireless provider who provides service to the public
4 within the rail system pursuant to paragraph (1) has
5 access to the system on an ongoing basis (subject to
6 such restrictions as the Transit Authority may im-
7 pose to ensure that such access will not unduly im-
8 pact rail operations or threaten the safety of cus-
9 tomers or employees of the rail system) to carry out
10 emergency repairs, routine maintenance, and up-
11 grades to the service.

12 “(3) *PERMITTING REASONABLE AND CUSTOMARY*
13 *CHARGES.*—Nothing in this subsection may be con-
14 strued to prohibit the Transit Authority from requir-
15 ing a licensed wireless provider to pay reasonable and
16 customary charges for access granted under this sub-
17 section.

18 “(4) *REPORTS.*—Not later than 1 year after the
19 date of the enactment of the National Capital Trans-
20 portation Amendments Act of 2007, and each of the
21 3 years thereafter, the Transit Authority shall submit
22 to the Committee on Oversight and Government Re-
23 form of the House of Representatives and the Com-
24 mittee on Homeland Security and Governmental Af-

1 *fairs of the Senate a report on the implementation of*
2 *this subsection.*

3 “(5) *DEFINITION.*—*In this subsection, the term*
4 *‘licensed wireless provider’ means any provider of*
5 *wireless services who is operating pursuant to a Fed-*
6 *eral license to offer such services to the public for*
7 *profit.*

8 “(f) *CAP ON OVERTIME PAY.*—

9 “(1) *IN GENERAL.*—*No amounts may be pro-*
10 *vided to the Transit Authority pursuant to the au-*
11 *thorization under this section unless the Transit Au-*
12 *thority certifies to the Secretary of Transportation*
13 *that the amount of overtime compensation paid to*
14 *any employee of the Transit Authority with respect to*
15 *any pay period does not exceed 1/3 of the employee’s*
16 *rate of basic pay for such period.*

17 “(2) *EFFECTIVE DATE.*—*Paragraph (1) shall*
18 *apply with respect to pay periods beginning on or*
19 *after the date of the enactment of the National Cap-*
20 *ital Transportation Amendments Act of 2007.*

21 “(g) *EXCLUSION OF OVERTIME PAY IN CALCULATION*
22 *OF ANNUAL SALARY USED FOR DETERMINING AMOUNT OF*
23 *RETIREMENT ANNUITY.*—

24 “(1) *IN GENERAL.*—*To the extent consistent with*
25 *collective bargaining agreements, no amounts may be*

1 *provided to the Transit Authority pursuant to the au-*
2 *thorization under this section unless the Transit Au-*
3 *thority certifies to the Secretary of Transportation*
4 *that, in determining the amount of any annuity paid*
5 *to an individual who is separated from employment*
6 *with the Transit Authority which is based in whole*
7 *or in part on the compensation paid to the individual*
8 *during any year, there shall be excluded from the de-*
9 *termination of the compensation paid to the indi-*
10 *vidual during the year any amounts paid as overtime*
11 *compensation.*

12 “(2) *EFFECTIVE DATE.*—*Paragraph (1) shall*
13 *apply with respect to compensation paid to an indi-*
14 *vidual during years beginning after the date of the*
15 *enactment of the National Capital Transportation*
16 *Amendments Act of 2007.*

17 “(h) *AMOUNT.*—*There are authorized to be appro-*
18 *priated to the Secretary of Transportation for grants under*
19 *this section an aggregate amount not to exceed*
20 *\$1,500,000,000 to be available in increments over 10 fiscal*
21 *years beginning in fiscal year 2009, or until expended.*

22 “(i) *AVAILABILITY.*—*Amounts appropriated pursuant*
23 *to the authorization under this section shall remain avail-*
24 *able until expended.”.*

1 **SEC. 3. WASHINGTON METROPOLITAN AREA TRANSIT AU-**
2 **THORITY INSPECTOR GENERAL.**

3 (a) *ESTABLISHMENT OF OFFICE.*—

4 (1) *IN GENERAL.*—*The Washington Metropolitan*
5 *Area Transit Authority (hereafter referred to as the*
6 *“Transit Authority”)* shall establish in the Transit
7 *Authority the Office of the Inspector General (here-*
8 *after in this section referred to as the “Office”), head-*
9 *ed by the Inspector General of the Transit Authority*
10 *(hereafter in this section referred to as the “Inspector*
11 *General”).*

12 (2) *DEFINITION.*—*In paragraph (1), the “Wash-*
13 *ington Metropolitan Area Transit Authority” means*
14 *the Authority established under Article III of the*
15 *Washington Metropolitan Area Transit Authority*
16 *Compact (Public Law 89–774).*

17 (b) *INSPECTOR GENERAL.*—

18 (1) *APPOINTMENT.*—*The Inspector General shall*
19 *be appointed by the vote of a majority of the Board*
20 *of Directors of the Transit Authority, and shall be ap-*
21 *pointed without regard to political affiliation and*
22 *solely on the basis of integrity and demonstrated abil-*
23 *ity in accounting, auditing, financial analysis, law,*
24 *management analysis, public administration, or in-*
25 *vestigations, as well as familiarity or experience with*
26 *the operation of transit systems.*

1 (2) *TERM OF SERVICE.*—*The Inspector General*
2 *shall serve for a term of 5 years, and an individual*
3 *serving as Inspector General may be reappointed for*
4 *not more than 2 additional terms.*

5 (3) *REMOVAL.*—*The Inspector General may be*
6 *removed from office prior to the expiration of his term*
7 *only by the unanimous vote of all of the members of*
8 *the Board of Directors of the Transit Authority, and*
9 *the Board shall communicate the reasons for any such*
10 *removal to the Governor of Maryland, the Governor of*
11 *Virginia, the Mayor of the District of Columbia, the*
12 *chair of the Committee on Government Reform of the*
13 *House of Representatives, and the chair of the Com-*
14 *mittee on Homeland Security and Governmental Af-*
15 *airs of the Senate.*

16 (c) *DUTIES.*—

17 (1) *APPLICABILITY OF DUTIES OF INSPECTOR*
18 *GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.*—
19 *The Inspector General shall carry out the same duties*
20 *and responsibilities with respect to the Transit Au-*
21 *thority as an Inspector General of an establishment*
22 *carries out with respect to an establishment under*
23 *section 4 of the Inspector General Act of 1978 (5*
24 *U.S.C. App. 4), under the same terms and conditions*
25 *which apply under such section.*

1 (2) *CONDUCTING ANNUAL AUDIT OF FINANCIAL*
2 *STATEMENTS.*—*The Inspector General shall be respon-*
3 *sible for conducting the annual audit of the financial*
4 *accounts of the Transit Authority, either directly or*
5 *by contract with an independent external auditor se-*
6 *lected by the Inspector General.*

7 (3) *REPORTS.*—

8 (A) *SEMIANNUAL REPORTS TO TRANSIT AU-*
9 *THORITY.*—*The Inspector General shall prepare*
10 *and submit semiannual reports summarizing the*
11 *activities of the Office in the same manner, and*
12 *in accordance with the same deadlines, terms,*
13 *and conditions, as an Inspector General of an es-*
14 *tablishment under section 5 of the Inspector Gen-*
15 *eral Act of 1978 (5 U.S.C. App. 5). For purposes*
16 *of applying section 5 of such Act to the Inspector*
17 *General, the Board of Directors of the Transit*
18 *Authority shall be considered the head of the es-*
19 *tablishment, except that the Inspector General*
20 *shall transmit to the General Manager of the*
21 *Transit Authority a copy of any report sub-*
22 *mitted to the Board pursuant to this paragraph.*

23 (B) *ANNUAL REPORTS TO LOCAL SIGNATORY*
24 *GOVERNMENTS AND CONGRESS.*—*Not later than*
25 *January 15 of each year, the Inspector General*

1 shall prepare and submit a report summarizing
2 the activities of the Office during the previous
3 year, and shall submit such reports to the Gov-
4 ernor of Maryland, the Governor of Virginia, the
5 Mayor of the District of Columbia, the chair of
6 the Committee on Government Reform of the
7 House of Representatives, and the chair of the
8 Committee on Homeland Security and Govern-
9 mental Affairs of the Senate.

10 (4) INVESTIGATIONS OF COMPLAINTS OF EMPLOY-
11 EES AND MEMBERS.—

12 (A) AUTHORITY.—The Inspector General
13 may receive and investigate complaints or infor-
14 mation from an employee or member of the
15 Transit Authority concerning the possible exist-
16 ence of an activity constituting a violation of
17 law, rules, or regulations, or mismanagement,
18 gross waste of funds, abuse of authority, or a
19 substantial and specific danger to the public
20 health and safety.

21 (B) NONDISCLOSURE.—The Inspector Gen-
22 eral shall not, after receipt of a complaint or in-
23 formation from an employee or member, disclose
24 the identity of the employee or member without
25 the consent of the employee or member, unless the

1 *Inspector General determines such disclosure is*
2 *unavoidable during the course of the investiga-*
3 *tion.*

4 (C) *PROHIBITING RETALIATION.*—*An em-*
5 *ployee or member of the Transit Authority who*
6 *has authority to take, direct others to take, rec-*
7 *ommend, or approve any personnel action, shall*
8 *not, with respect to such authority, take or*
9 *threaten to take any action against any em-*
10 *ployee or member as a reprisal for making a*
11 *complaint or disclosing information to the In-*
12 *pector General, unless the complaint was made*
13 *or the information disclosed with the knowledge*
14 *that it was false or with willful disregard for its*
15 *truth or falsity.*

16 (5) *INDEPENDENCE IN CARRYING OUT DUTIES.*—
17 *Neither the Board of Directors of the Transit Author-*
18 *ity, the General Manager of the Transit Authority,*
19 *nor any other member or employee of the Transit Au-*
20 *thority may prevent or prohibit the Inspector General*
21 *from carrying out any of the duties or responsibilities*
22 *assigned to the Inspector General under this section.*

23 (d) *POWERS.*—

24 (1) *IN GENERAL.*—*The Inspector General may*
25 *exercise the same authorities with respect to the Tran-*

1 *sit Authority as an Inspector General of an establish-*
2 *ment may exercise with respect to an establishment*
3 *under section 6(a) of the Inspector General Act of*
4 *1978 (5 U.S.C. App. 6(a)), other than paragraphs*
5 *(7), (8), and (9) of such section.*

6 (2) *STAFF.—*

7 (A) *ASSISTANT INSPECTOR GENERALS AND*
8 *OTHER STAFF.—The Inspector General shall ap-*
9 *point and fix the pay of—*

10 (i) *an Assistant Inspector General for*
11 *Audits, who shall be responsible for coordi-*
12 *nating the activities of the Inspector Gen-*
13 *eral relating to audits;*

14 (ii) *an Assistant Inspector General for*
15 *Investigations, who shall be responsible for*
16 *coordinating the activities of the Inspector*
17 *General relating to investigations; and*

18 (iii) *such other personnel as the In-*
19 *spector General considers appropriate.*

20 (B) *INDEPENDENCE IN APPOINTING*
21 *STAFF.—No individual may carry out any of the*
22 *duties or responsibilities of the Office unless the*
23 *individual is appointed by the Inspector Gen-*
24 *eral, or provides services procured by the Inspec-*
25 *tor General, pursuant to this paragraph. Noth-*

1 *ing in this subparagraph may be construed to*
2 *prohibit the Inspector General from entering into*
3 *a contract or other arrangement for the provision*
4 *of services under this section.*

5 (C) *APPLICABILITY OF TRANSIT SYSTEM*
6 *PERSONNEL RULES.*—None of the regulations
7 governing the appointment and pay of employees
8 of the Transit System shall apply with respect to
9 the appointment and compensation of the per-
10 *sonnel of the Office, except to the extent agreed*
11 *to by the Inspector General. Nothing in the pre-*
12 *vious sentence may be construed to affect sub-*
13 *paragraphs (A) through (B).*

14 (3) *EQUIPMENT AND SUPPLIES.*—The General
15 *Manager of the Transit Authority shall provide the*
16 *Office with appropriate and adequate office space, to-*
17 *gether with such equipment, supplies, and commu-*
18 *nications facilities and services as may be necessary*
19 *for the operation of the Office, and shall provide nec-*
20 *essary maintenance services for such office space and*
21 *the equipment and facilities located therein.*

22 (e) *TRANSFER OF FUNCTIONS.*—To the extent that any
23 *office or entity in the Transit Authority prior to the ap-*
24 *pointment of the first Inspector General under this section*
25 *carried out any of the duties and responsibilities assigned*

1 *to the Inspector General under this section, the functions*
2 *of such office or entity shall be transferred to the Office upon*
3 *the appointment of the first Inspector General under this*
4 *section.*

5 **SEC. 4. STUDY AND REPORT BY COMPTROLLER GENERAL.**

6 *(a) STUDY.—The Comptroller General shall conduct a*
7 *study on the use of the funds provided under section 18*
8 *of the National Capital Transportation Act of 1969 (as*
9 *added by this Act).*

10 *(b) REPORT.—Not later than 3 years after the date*
11 *of the enactment of this Act, the Comptroller General shall*
12 *submit a report to the Committee on Government Reform*
13 *of the House of Representatives and the Committee on*
14 *Homeland Security and Governmental Affairs of the Senate*
15 *on the study conducted under subsection (a).*

AGENDA ITEM #4

MEMORANDUM

TO: Chairman Snyder and NVTC Commissioners

FROM: Rick Taube

DATE: August 30, 2007

SUBJECT: VRE Items

- A. Report from the VRE Operations Board and VRE's Chief Executive Officer—information Item.
- B. Update on Fauquier and Spotsylvania Counties' VRE Membership—Information Item.
- C. Contract Award for Manassas Parking Garage—Action Item/ Resolution #2072.
- D. Renewal of Manassas Warehouse Lease—Action Item/ Resolution #2073.
- E. Ratify Spotsylvania County Storm Water Agreement—Action Item/ Resolution # 2074
- F. Referral of Preliminary FY 2009 VRE Budget—Action Item/ Resolution #2075



ITEM #4A**Report from the VRE Operations Board and VRE's Chief Executive Officer**

Copies of the minutes from the new VRE Operations Board's August 17th, 2007 meeting are attached. Also attached are excerpts from the CEO's report and news articles of interest.

VRE BOARD MEMBERS

<u>Alexandria City</u>	
<u>Member</u>	<u>Alternate</u>
Paul C. Smedberg	Timothy B. Lovain
<u>Arlington County</u>	
<u>Member</u>	<u>Alternate</u>
Christopher Zimmerman	Jay Fiset
<u>Fairfax County</u>	
<u>Members</u>	<u>Alternate</u>
Dana Kauffman	Sharon Bulova
Elaine McConnell	
<u>Fredericksburg</u>	
<u>Member</u>	<u>Alternate</u>
Marvin J. Dixon	Matthew J. Kelly
<u>Manassas</u>	
<u>Member</u>	<u>Alternate</u>
Douglas S. Waldron	Hal Parrish
<u>Manassas Park</u>	
<u>Member</u>	<u>Alternate</u>
Frank C. Jones	No appointment
<u>Prince William County</u>	
<u>Members</u>	<u>Alternates</u>
Maureen S. Caddigan	Hilda M. Barg
W.S. "Wally" Covington	Martin E. Nohe
John D. Jenkins	Michael C. May
<u>Stafford County</u>	
<u>Members</u>	<u>Alternates</u>
Robert C. Gibbons	L. Mark Dudenhefer
Paul V. Milde	George H. Schwartz
<u>VDRPT</u>	
<u>Member</u>	<u>Alternate</u>
Matthew O. Tucker	Kevin Page



MINUTES

VRE OPERATIONS BOARD MEETING PRTC HEADQUARTERS – PRINCE WILLIAM COUNTY, VIRGINIA AUGUST 17, 2007

**VIRGINIA RAILWAY
EXPRESS**

BOARD MEMBERS

**DANA KAUFFMAN
CHAIRMAN**

**DOUG WALDRON
VICE CHAIRMAN**

**ELAINE MCCONNELL
SECRETARY**

**PAUL MILDE
TREASURER**

**MAUREEN CADDIGAN
WALLY COVINGTON
MARV DIXON
BOB GIBBONS
JOHN JENKINS
FRANK JONES
PAUL SMEDBERG
MATT TUCKER
CHRIS ZIMMERMAN**

ALTERNATES

**HILDA BARG
SHARON BULOVA
MARK DUDENHEFER
JAY FISETTE
MATT KELLY
TIMOTHY LOVAIN
MICHAEL MAY
MARTIN NOHE
KEVIN PAGE
HAL PARRISH
GEORGE SCHWARTZ**

**DALE ZEHNER
CHIEF EXECUTIVE
OFFICER**

1500 King Street, Suite 202
Alexandria, VA 22314-2730
(703) 684 – 1001
FAX: (703) 684 – 1313
Web Site: www.vre.org

MEMBERS PRESENT	JURISDICTION
Wally Covington (PRTC)**	Prince William County
Marvin J. Dixon (PRTC)	City of Fredericksburg
Robert Gibbons (PRTC)	Stafford County
John D. Jenkins (PRTC)	Prince William County
Elaine McConnell (NVTC)	Fairfax County
Paul Milde (PRTC)**	Stafford County
Doug Waldron (PRTC)	City of Manassas
Christopher Zimmerman (NVTC)**	Arlington County

MEMBERS ABSENT	JURISDICTION
Maureen Caddigan (PRTC)	Prince William County
Frank C. Jones (PRTC)	City of Manassas Park
Dana Kauffman (NVTC)	Fairfax County
Paul Smedberg (NVTC)	City of Alexandria
Matthew Tucker	DRPT

ALTERNATES PRESENT	JURISDICTION
Sharon Bulova (NVTC)	Fairfax County

ALTERNATES ABSENT	JURISDICTION
Hilda Barg (PRTC)	Prince William County
L. Mark Dudenhefer (PRTC)	Stafford County
Jay Fissette (NVTC)	Arlington County
Matthew Kelly (PRTC)	City of Fredericksburg
Timothy Lovain (NVTC)	City of Alexandria
Michael C. May (PRTC)	Prince William County
Martin E. Nohe (PRTC)	Prince William County
Kevin Page	DRPT
Hal Parrish, II (PRTC)	City of Manassas
George H. Schwartz (PRTC)	Stafford County

STAFF AND GENERAL PUBLIC	
George Billmyer – VRE	Steve MacIsaac – VRE counsel
John Duque – VRE	April Maguigad – VRE
Steve Edwards – Sup. McConnell's staff	Betsy Massie – PRTC staff
Dan Genz – Baltimore Examiner	Dick Peacock – citizen
Anna Gotthardt – VRE	Steve Pittard – VDRPT
Kelly Hannon – Free Lance-Star	Mark Roeber – VRE
Al Harf – PRTC staff	Brett Shorter – VRE
Ann King – VRE	Rick Taube – NVTC staff
Mike Lake – Fairfax County	Dale Zehner – VRE

** Delineates arrival following the commencement of the Board meeting. Notation of exact arrival time is included in the body of the minutes.

Vice Chairman Waldron suggested beginning the meeting with discussion items while the Board waits for a quorum. There were no objections and he called the meeting to order at 9:40 A.M. Following the Pledge of Allegiance, roll call was taken.

Vice Chairman Waldron observed that this is the first meeting of the Operations Board under the new governance structure and he welcomed the members to the new Operations Board. He reviewed the distinction between members and alternates as it pertains to voting. Motions should be made and seconded only by members, although alternates can make comments. Mr. MacIsaac stated that the new language of the Master Agreement could be interpreted to allow the DRPT member to be considered for quorum even though he isn't a member from a jurisdiction. Mr. Taube observed that there is also the issue of whether Mr. Pittard is actually an alternate since Kevin Page is listed as the DRPT alternate. Vice Chairman Waldron asked staff to look at the quorum issue and review the by-laws and report back to the Board next month. Mr. MacIsaac stated that the by-laws will have to be amended anyways so that would be a good time to change any by-laws concerning quorum issues. Ms. Bulova suggested that during roll call members could include whether they are serving as a member or alternate. For example, although she is an alternate, for this meeting she is serving as a voting member in Chairman Kauffman's absence. Mr. Gibbons stated that he would like the Board to revisit the issue of the DRPT member not being a voting member. Vice Chairman Waldron stated that this issue was carefully reviewed and the elected officials decided it was important to have DRPT's input but not to change the voting structure.

[Vice Chairman Waldron observed that quorum was achieved with Mr. Milde's arrival at 9:46 A.M. Mr. Covington arrived at 9:48 A.M.]

Approval of the Agenda – 3

Vice Chairman Waldron reported that Agenda Item #6 has been removed from the agenda.

Mr. Jenkins moved, with a second by Mr. Dixon, to approve the amended agenda. The vote in favor was cast by Board Members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde and Waldron.

Minutes of the June 15, 2007, VRE Operations Board Meeting – 4

Mr. Milde moved, with a second by Mr. Covington, to approve the minutes. The vote in favor to approve the minutes was cast by Board Members Bulova, Covington, Dixon, Jenkins, McConnell, Milde and Waldron. Mr. Gibbons abstained.

Chairman's Comments – 5

Vice Chairman Waldron thanked VRE staff for his recent VRE train ride and tour of the VRE offices. He encouraged those members who haven't done such a tour, to do so. It is very informative.

Chief Executive Officer's Report -- 7

Mr. Zehner reported that the third mainline track at L'Enfant is now operational, which will eliminate train congestion going in and out of Union Station. In addition, the storage track is near completion. Also, installation of the new variable message signs at all the stations should be completed by September. A new photo of the Operations Board will be taken prior to the next Operations Board meeting.

Mr. Zehner announced that on-time performance is up 91 percent systemwide, with 88 percent on the Fredericksburg Line and 94 percent on the Manassas Line for July. Total ridership has increased by 3.5 percent from April through June. Heat restrictions are down, with only three out of the last 21 days having restrictions. Mechanics and electricians have been moved to the VRE yards, which allows for all testing to be done by 11:00 P.M., so that any needed repairs can be done at night. Previously, this was done in the morning before service started. When a small component fails, such as a fuel pump, batteries, or circuit card, they are replaced on all the locomotives since they are all about the same age. Dispatching has also improved.

Mr. Gibbons expressed his concern whether VRE can run locomotives in reverse during heavy snow. Mr. Zehner stated that it is usually not a problem, but offered to look into this issue. He suggested reconfiguring the first train in the morning so that the locomotive pulls the cab cars. VRE cab cars also have snow plows.

Ms. Bulova observed that the difference in on-time performance has been dramatic from last year and the heat restriction issue has also been significantly improved. Last year VRE expressed its dissatisfaction when things were not going well and it would be appropriate for VRE to express its appreciation to the railroads for their efforts in helping VRE improve its on-time performance. There were no objections to having Chairman Kauffman sign a letter of appreciation to CSX and Norfolk Southern. Mr. Milde observed that these improvements make a big difference down in the Fredericksburg area, especially with encouraging Spotsylvania to join VRE.

Mr. Milde stated that the recent funding action taken by NVTA seems to be fair to Stafford and Fredericksburg. He asked for an update on the Brooke Station. Mr. Zehner stated that he will provide an update at the next meeting.

Mr. Zehner stated that as discussed at previous Board meetings, there has been a safety concern with people crossing the tracks against the lights and signal at the Quantico Station. Attempted solutions have not been successful, so VRE has asked

Amtrak to stop all trains in the middle of the intersection so that the tracks are blocked. VRE will work to introduce legislation during the next General Assembly session that would allow police to give a citation to persons crossing against a light or signal at a public train crossing.

VRE Riders' and Public Comment – 8

Mr. Billmyer stated that he is glad to see that heat restrictions and on-time performance have improved. Having local CSX dispatching will also be a good thing. MBTA is installing GPS technology for its automatic station systems to announce arrival times. It is very accurate. BART in San Francisco is issuing a credit card with frequent rider points. He suggested that this region could have a similar joint VRE, Metro and MARC credit card. The Army's switch from Fort Belvoir to Springfield would have a potential impact to VRE ridership. He suggested that a connecting DOD bus at Backlick Road could feed Fort Belvoir and Springfield.

[Mr. Zimmerman arrived at 10:05 A.M.]

Mr. Peacock stated that the parking deck in Manassas is a very important project to provide parking for commuters and visitors. This is a great partnership between VRE and the City of Manassas. It is important to communicate that there is surplus parking available in the City since other lots (Broad Run and Manassas Park) tend to be filled to capacity. He is pleased to see that VRE is making progress on acquiring new locomotives. He congratulated VRE on celebrating its 15th anniversary and stated that VRE has an excellent safety record, with no fatalities and no major injuries. This should be publicized.

Authorization to Issue a Request for Proposals (RFP) for Locomotive Project Management and Oversight Services – 9A

Mr. Gibbons moved, with a second by Ms. McConnell, to approve Resolution #9A-08-2007, which would authorize the Chief Executive Officer to issue a RFP for project management and oversight for the purchase and manufacture of new passenger locomotives. The vote in favor was cast by Board Members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Authorization to Award a Contract for the Construction of a Parking Garage at the Manassas Station – 9B

Mr. Zehner stated that the VRE Operations Board is being asked to recommend that the Commissions authorize him to enter into a contract with Costello Construction of Maryland, Inc., for the construction of a parking garage at the Manassas VRE station in

the amount of \$8,354,000 with a contingency of \$835,000, for a total amount not to exceed \$9,189,000. The Operations Board is also being asked to recommend that the Commissions authorize the CEO to execute any related documents necessary to implement the project. Resolution #9B-08-2007 would accomplish all this.

Mr. Covington moved, with a second by Mr. Jenkins, to approve the resolution.

Mr. Jenkins asked how much federal funding is being provided for this project. Mr. Zehner replied that most of the funding is federal, with the City of Manassas providing the local match for the entire project. Ms. Bulova requested that the funding details be provided to the Commissions prior to their vote on this.

The Board then voted on the motion and it passed. The vote in favor was cast by Board Members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Authorization to Enter into a Contract for Mechanical Brake Components – 9C

Mr. Zehner reported that the Board is being asked to authorize the CEO to enter into a one-year contract, with two additional one-year options exercised at the CEO's discretion, with Railroad Friction Products Corporation, of Laurinburg, NC, for an amount not to exceed \$250,000 per year for mechanical brake components. Resolution #9C-08-2007 would accomplish this. Brake components are currently provided through Amtrak, but VRE has found that the provision of these services through Amtrak to be slow and cumbersome now that the car fleet maintenance is performed in the VRE yards.

Mr. Dixon moved, with a second by Ms. McConnell, to approve the resolution. The vote in favor was cast by Board Members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Authorization to Enter into a Contract for Lube Oil Delivery Services – 9D

Mr. Zehner stated that the Board is being asked to approve Resolution #9D-08-2007, which would authorize the VRE CEO to enter into a one-year contract, with two additional one-year options exercised at the CEO's discretion, with Quarles Petroleum, Inc. of Fredericksburg, Virginia, for lube oil delivery services at both VRE yards in the amount of \$250,000, plus a contingency of \$50,000, for a total amount not to exceed \$300,000.

Mr. Dixon moved, with a second by Mr. Gibbons, to approve the resolution. The vote in favor was cast by Board members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Authorization to Renew the Manassas Warehouse Lease – 9E

Mr. Zehner stated that the VRE Operations Board is being asked to recommend that the Commissions authorize the VRE Chief Executive Officer to renew a contract with KAO Manassas Airpark, LLC for warehouse space in an amount not to exceed \$199,216 over a three-year term. Resolution #9E-08-2007 would accomplish this. As maintenance functions continue to be shifted to the VRE yards, additional space was needed to store parts for rail equipment. This space has proven essential for maintenance activities and is estimated to be adequate for the next three years.

Mr. Covington moved, with a second by Mr. Jenkins, to approve the resolution. The vote in favor was cast by Board Members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Authorization to Exercise a Locomotive Lease Purchase Option – 9F

Mr. Zehner stated that Resolution #9F-08-2007 would authorize the CEO to exercise a purchase option on the remaining F-40 locomotive included in the original Rail World Lease, now owned by Titan Transit, Inc. for a fixed price of \$100,000.

In response to a question from Mr. Zimmerman asking if these locomotives are fully depreciated, Mr. Zehner replied affirmatively but stated that they have been overhauled. A new locomotive costs approximately \$4 million and an overhauled locative between \$500,000 and \$600,000. This is a purchase option following a two-year lease term. VRE staff performed a lease versus buy analysis, which concluded that it was in VRE's best interest financially to purchase this locomotive now rather than to continue leasing. This locomotive has proven reliable and would effectively serve as part of VRE's locomotive inventory until a time when the new locomotives can be put into service.

Mr. Gibbons moved, with a second by Mr. Jenkins, to approve the resolution. The vote in favor was cast by Board Members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Authorization to Issue a Task Order for Locomotive Repair Work – 9G

Mr. Zehner explained that the Operations Board is being asked to authorize the CEO to issue a task order to Transportation Technologies, Inc. (TTI) to perform repair work to locomotive V32 in the amount not to exceed \$335,000.

Mr. Milde asked when VRE leases locomotives, who pays for repairs. Mr. Zehner explained that after the acceptance process, VRE pays for normal maintenance costs. Mr. Zimmerman observed that the previous action item approved \$100,000 for a locomotive, this work will cost much more and he asked if it would be more cost effective to purchase a locomotive. Mr. Zehner explained that the previous action was

to purchase the locomotive at the end of the two-year lease term. VRE has already spent a considerable amount leasing it. It is more cost effective to repair the V32 and keep it in VRE's locomotive fleet. Mr. Zehner further explained that V32 experienced a fire in its main generator on March 22, 2007. In April, VRE received an unsolicited proposal offering a lease of one substantially rebuilt F-40 locomotive in exchange for lease payments and the damaged V32. The total cost of this lease was calculated at \$408,500 (\$328,500 in lease costs and \$80,000 which would need to be reinvested with FTA due to the fact that the V32 was purchased with federal funds). Since that time a more refined task order estimate was completed which totaled \$335,000. A present value comparative analysis was subsequently completed and concluded that the repair option was now the less expensive option of the two.

Mr. Jenkins moved, with a second by Ms. McConnell, to approve Resolution #9G-08-2007, which would authorize the CEO to issue the task order to TTI. The vote in favor was cast by Board members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Authorization to Issue a Task Order for Modifications to the Gallery Car Base Order – 9H

Mr. Zehner stated that Resolution #9H-08-2007 would authorize the CEO to issue a task order to STV, Inc. to perform modifications to the 11 base order cars purchased from Sumitomo Corporation of America. The task order is requested in an amount not to exceed \$375,000. Mr. Zehner explained that since these cab cars were put into service in January, VRE has received several suggestions from passengers and conductors regarding modifications to the cars. VRE staff has reviewed the list and consulted with both Sumitomo and STV on options for implementation. A change order with Sumitomo for the 50 railcar option is being prepared and falls well within the Board approved project contingency. However, a separate task order with STV must also be executed to make these same changes to the 11 base order railcars.

In response to a question from Mr. Zimmerman, Mr. Zehner stated that the modifications include the installation of wheelchair locking devices (\$175,000), external key entry capability (\$180,000), and modification to the cab signal system (\$15,000), which will result in smoother train operations.

Mr. Milde asked what safeguards are in the contract against excessive inflating of change order costs. Mr. Zehner stated that it is a \$25 million contract and this is a change order of \$375,000. Changes or retrofits on cars that have already been built tend to be expensive. The amount is within the contingency so no additional funds are being requested. Mr. Gibbons noted that a contingency isn't usually used for this type of purchase. Mr. Zimmerman noted that it seems expensive since it will cost \$15,000 for each of the 11 cab car to have wheelchair locks installed. Mr. Zehner explained that over half the costs are engineering costs. Mr. Milde asked if there are any other companies that could do it for less. Mr. Zimmerman stated that it is important to make

sure that the fixed costs of engineering actually applies to the rest of the 50 railcars, so that the average cost is more reasonable per car. Mr. Zehner stated that if it costs too much for the rest of the 50 cars, it won't be done for any of the cars.

In response to a question from Ms. McConnell, Mr. Zehner replied that the wheelchair locks are not an ADA requirement but VRE received requests from passengers who asked for these locking devices.

Ms. Bulova suggested that staff proceed with this item but to return to the Board with pricing information for the work to be done on the additional 50 railcars. Mr. Zehner stated that this action cannot be deferred to a later date because there are already 10 (of the 50) railcars under construction at this time. If the decision is delayed it could ultimately cost more money. He stated that he expects to receive the pricing information for the 50 railcars within the next two business days. Vice Chairman Waldron stated that some Board Members have concerns about the total scope of the costs of the modifications for the 50 railcars. He suggested that staff provide the cost information to Board Members by e-mail once it is available. If there are serious issues that need to be discussed, the Board could convene a special meeting. Ms. Bulova agreed with this strategy. Mr. Milde stated that it is important to be sensitive to the costs and value associated with change orders and staff should operate like it is "money out of their own pocket." Vice Chairman Waldron stated that the rest of the Board shares the same sentiment.

Mr. Jenkins called the question. The Board then voted on the motion and it passed. The vote in favor was cast by Board Members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Authorization to Ratify Storm Water Best Management Practices Agreement – 9I

Mr. Zehner reported that at the April meeting the Operations Board authorized execution of a contract for the construction of a new maintenance facility at the Crossroads yard. As part of this project, it is necessary to build a storm water management facility, which, in turn, necessitates a standard maintenance agreement with Spotsylvania County. These types of agreements have typically been treated as incidental to the construction project and have historically been executed by the VRE CEO. In this instance, Spotsylvania County requested that the Chairman of each Commission execute the agreement. In order not to delay the project, VRE counsel recommended having the Chairmen immediately sign the agreement and seek ratification of such signatures at the August Operations Board and September Commission meetings. Resolution #9I-08-2007 would recommend that the Commissions ratify the PRTC and NVTC Chairmen's execution of a Storm Water Best Management Practices Agreement (BMP) with Spotsylvania County for the Crossroads Yard Maintenance Facilities project.

Mr. Zimmerman moved, with a second by Mr. Dixon, to approve the resolution. The vote in favor was cast by Board members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Authorization to Issue Request for Proposals for Consultant Services for a Market Analysis – 9J

Mr. Zehner reported that at the June meeting, a market segmentation analysis was recommended to identify and analyze markets for VRE service. A scope of work has been developed to conduct a market survey and prepare recommendations of actions and/or service modifications to maximize ridership potential. Resolution #9J-08-2007 would authorize the CEO to issue a Request for Proposals for consultant services to conduct a transit market analysis.

Ms. McConnell moved, with a second by Mr. Milde, to approve Resolution #9J-08-2007.

In response to a question from Mr. Zimmerman, Mr. Zehner explained that this action authorizes the issuance of the RFP and staff will return to the Board for further action needed to authorize the actual work to be done.

Ms. Bulova asked if the analysis would include such questions as “what time of day do you wish VRE was running?” Mr. Zehner stated that the scope still needs to be developed, but VRE wants to find out how it can attract new riders, as well as why it loses riders. Mr. Gibbons suggested VRE work with demographers from the MPO’s because some information might already be available.

The Board then voted on the motion and it passed. The vote in favor was cast by Board Members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Referral of Preliminary FY 2009 VRE Operating and Capital Budget to the Commissions – 9K

Mr. Gibbons moved to approve Resolution #9K-08-2007 to authorize the CEO to refer the Preliminary FY 2009 VRE Operating and Capital Budget to the Commissions for their consideration, and that the Commissions, in turn, refer these recommendations to the jurisdictions for their review and comment. Mr. Zimmerman seconded the motion. There was no discussion and the vote in favor was cast by Board Members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Fauquier Update –10A

Mr. Harf reported that the Fauquier Board of Supervisors had planned to discuss prospective PRTC/VRE membership during a work session scheduled on August 8th, but the Board deferred this discussion until a later date. Reportedly, the Fauquier Board is considering the alternative possibility of forming an independent “transportation district” with newly legislated authority to levy a two percent motor fuels tax similar to that of PRTC and NVTC.

Other VRE Business

Mr. Pittard stated that he would like to work with VRE staff individually concerning the VRE budget.

Closed Session – 11

Ms. Bulova moved, with a second by Mr. Covington, the following motion:

Pursuant to the Virginia Freedom of Information Act (Sections 2.2-3711A (1) of the Code of Virginia), the VRE Operations Board authorizes discussion in Closed Session regarding one personnel item.

The vote in favor was cast by Board Members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman. The Board entered into Closed Session at 10:52 A.M. and returned to Open Session at 11:01 A.M.

Ms. Bulova moved, with a second by Mr. Zimmerman, the following certification:

The VRE Operations Board 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 cast by Board Members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Mr. Zimmerman moved approval of the FY 2008 goals for the Chief Executive Officer, including the amendment proposed during the closed session discussion. Mr. Jenkins seconded the motion. The vote in favor was cast by Board members Bulova, Covington, Dixon, Gibbons, Jenkins, McConnell, Milde, Waldron and Zimmerman.

Adjournment

Vice Chairman Waldron adjourned the meeting at 11:03 A.M.

Approved this 21st day of September, 2007.

Doug Waldron
Vice Chairman

Elaine McConnell
Secretary

CERTIFICATION

This certification hereby acknowledges that the minutes for the August 17, 2007 Virginia Railway Express Operations Board Meeting have been recorded to the best of my ability.

Rhonda Gilchrest

Rhonda Gilchrest



CHIEF EXECUTIVE OFFICER'S REPORT

August 2007

MONTHLY DELAY SUMMARY

	April-07	May-07	June-07	July 07
System wide				
Total delays	73	56	65	53
Average length of delay (mins.)	26	21.6	18	21
Number over 30 minutes	28	11	10	15
Days with Heat Restrictions/Total days	0/21	3/22	5/21	3/21
On-Time Performance	88.10%	91.20%	89.30%	91.3%
Fredericksburg Line				
Total delays	36	32	38	33
Average length of delay (mins.)	26	25.6	20	23
Number over 30 minutes	10	7	7	11
On-Time Performance	87.20%	88.8%	86%	87.90%
Manassas Line				
Total delays	37	24	27	20
Average length of delay (mins.)	26	16.1	16	16
Number over 30 minutes	18	4	3	4
On-Time Performance	88.90%	93.2%	91.90%	94%

LAST YEAR COMPARED TO THIS YEAR – MONTH TO MONTH

Month	June-06	June-07	July-06	July-07
System wide				
Total delays	180	65	287	53
Average length of delay (mins.)	30	18	26	21
Number over 30 minutes	70	10	78	15
Days with heat restrictions/Total days	6/20	5/21	18/20	3/21
On-Time Performance	70.20%	89.30%	53.90%	91.30%
Fredericksburg Line				
Total delays	104	38	146	33
Average length of delay (mins.)	27	20	29	23
Number over 30 minutes	33	7	47	11
On-Time Performance	60.50%	86.00%	47.70%	87.90%
Manassas Line				
Total delays	76	27	141	20
Average length of delay (mins.)	34	16	22	16
Number over 30 minutes	37	3	31	4
On-Time Performance	77.90%	91.90%	59.40%	94.00%

Significant changes:

1. Days with heat restrictions reduced from 18 days in July 2006 to 3 days in July 2007
2. Delays over 30 minutes reduced by over 80%

SYSTEM RIDERSHIP

	Average Daily Riders			Percent
	April	May	June	Change
Manassas Line	6,459	6,597	6,644	2.9%
Fredericksburg Line	7,259	7,493	7,560	4.1%
Total	13,718	14,090	14,204	3.5%

Ridership from April through June has increased 3.5% system wide. The ridership for July and August are expected to be less than June due to a normal decrease resulting from summer vacations.

The two factors that affect ridership the most are on-time performance and reliability. In light of this, significant measures have been taken to improve in these areas, such as:

1. Improved locomotive maintenance at VRE yards with experienced electrical and mechanical personnel
2. Changed procedures for departure inspections permitting more time to make adjustments and repairs
3. Replaced engine components that have shown a history of failing en-route
4. Improved dispatching by CSX
5. Reduced switch and signal problems on Fredericksburg Line
6. Completed the Quantico Bridge – estimated 30% reduction in congestion delays

Planned events to increase ridership.

1. Start marketing campaign (both radio and print media) in mid-September to attract new riders
2. Conduct market analysis to determine new ways to attract riders and determine why ridership has decreased in past year
3. Continue to stress courtesy campaign with riders and Amtrak crews
4. Install new electronic signs at all stations to improve customer communications

LOCOMOTIVE UPGRADES

A complete maintenance plan for the 15 oldest GP-39 locomotives is currently in full swing. Our current plan is to continue to upgrade components on the locomotives that have a history of failing. This plan provides for more reliability at a reasonable cost and will continue to improve overall on-time performance.

Complete Top Deck Overhaul	Replace Turbo Charger	Replace Fuel Pumps	Replace Batteries
6/15	9/15	10/15	5/15

HAPPY 15TH ANNIVERSARY VRE

This summer marks 15 years of VRE service. Who knew that in just 15 years, we'd go from providing just over 4,300 trips a day to nearly 15,000 trips a day, or go from 16 trains a day to our current schedule of 30 trains a day? To help celebrate this milestone, we implemented several contests over the summer for our loyal riders. In commemoration of VRE's 15th Anniversary, VRE is celebrating with an **Essay Contest**. We have asked our riders to describe in 100 words or less, what VRE means to them. We will choose one grand prize winner from each line to receive a free monthly ticket on VRE. We will also award 15 Honorable Mentions who will receive a VRE 15th Anniversary edition tote bag with two FRCs inside. All winning entries will be published in the VRE Update and on the web site. We are also hosting a **Trivia Contest**. Each week for 15 weeks, we are sending out a Train Talk with a weekly trivia question. The 15th person to email gotrains@vre.org with the correct answer will win a 15th Anniversary prize. Another very popular contest which we reenacted from our tenth Anniversary is the **Where's the Logo Contest**. The 15th person to identify which web page the floating VRE 15th anniversary logo is hiding on receives an Anniversary prize. We are also planning a Photo Contest, which is still in the planning stages.

The contests have been running since June and will terminate this fall with a grand prize lottery.



NEW RAIL CAR UPDATE

Five of the new Gallery Cars have left Chicago and will be in Milwaukee by the beginning of August. The next five are right behind them. So far, we are keeping on, or ahead of, schedule. We expect to start receiving five new gallery coaches per month starting in December 2007 and ending in October 2008. By November 2008 all 61 new gallery coaches will be in service on all peak period trains.

CSX DECENTRALIZING DISPATCHING

Over the next two years, CSX will be decentralizing the dispatching of its 21,000-mile railroad network, moving to nine centers spread out across the eastern half of the United States. Since 1988, the majority of CSX dispatching has been handled at the Dufford Control Center in Jacksonville, Fla., a massive, centralized facility originally equipped by Union Switch & Signal. The 1999 integration of 42% of Conrail brought dispatching centers in Albany and Indianapolis into the fold. CSX also operates a center in Chicago to handle trains in that area. The new plan calls for CSX to convert Dufford into a regional center employing 54 dispatchers. The dispatch

offices in Chicago, Albany, and Indianapolis will be upgraded, and new dispatch centers will be opened at existing CSX facilities in Baltimore, Nashville, Atlanta, Cincinnati, Huntington, W. Va., and Florence, S.C.

Dispatching for the territory between Baltimore and Richmond is scheduled to move to Baltimore in December 2007. This move should greatly improve the dispatching in our territory and is something we have been requesting from CSX for quite some time. We expect the dispatchers in Baltimore to be more familiar with the operating territory, know the individual train crews and have provide more consistent dispatching.

IMPROVEMENTS AT THE FREDERICKSBURG STATION

Over the past year, both the City of Fredericksburg and VRE have been actively working to assemble funding for improvements to the Fredericksburg train station.

In June, the station underwent a comprehensive cleaning and painting, funded primarily by the City along with some financing and project management by VRE. In July, VRE completed a renovation of the ADA parking facility in front of the station, increasing the number of spaces to 11 regular spaces and 2 van accessible spaces.

Work is now underway to rehabilitate the station viaduct. While over \$2 million in funding was earmarked in FY 2006, the budget and grant process is lengthy and the first year of funding is not expected until the end of the summer. Since the earmark was distributed over four years, the final year of funding will likely not be received until 2010. In May of this year, VRE completed a condition assessment to understand the issues with the structure and determine the best course of action for repair. Once the initial funding is in place, VRE will hire an engineering firm to develop a detailed scope that will be used to solicit contractors to perform the work. The rehab work itself will not be initiated until late next year when enough funding is in place to allow for a productive effort.

RAILROAD BRIDGE INSPECTIONS

Following the Minnesota tragedy, I contacted CSX and Norfolk Southern concerning their bridges.

CSX informed me that all their rail bridges meet company and Federal Railroad Administration standards for safe operation, which are confirmed by annual inspections. They stressed that rail bridges, though old, were built to withstand the dynamic forces of heavier steam locomotives.

Norfolk Southern (NS) indicated all bridges, culverts and tunnels are inspected by NS inspectors at least annually. Truss bridges with pinned portions are inspected semi-annually. Selected "critical" bridges receive a monthly walking inspection from the deck. The results of their inspections serve as the basis for planning all bridge maintenance and inspections.

MONTHLY PERFORMANCE MEASURES – JULY 2007

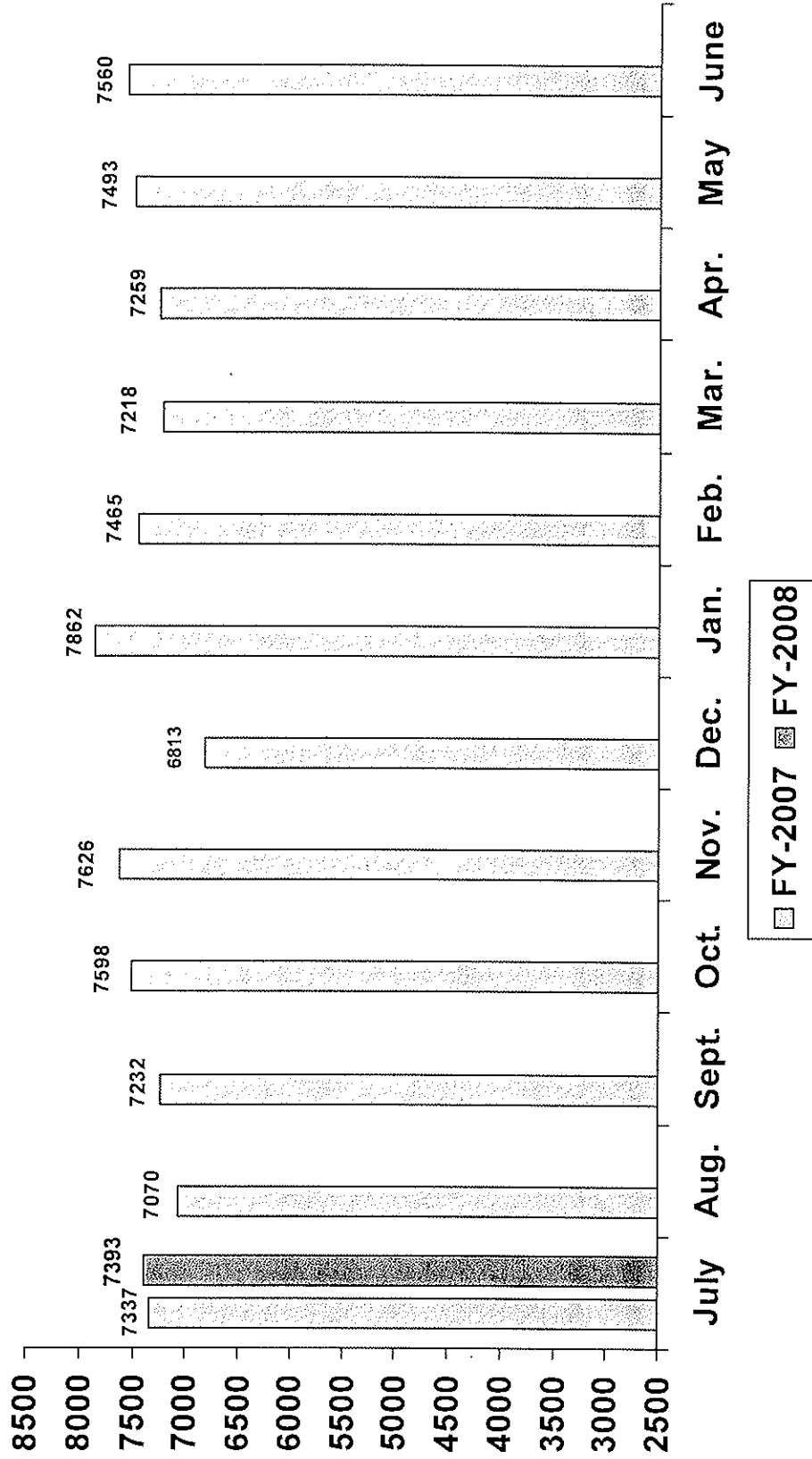
MONTHLY ON-TIME PERFORMANCE	ON-TIME PERCENTAGE
July Fredericksburg OTP Average	87.9%
July Manassas OTP Average	94.0%
VRE JULY OVERALL OTP AVERAGE	91.3%

RIDERSHIP YEAR TO DATE	RIDERSHIP
VRE FY 2008 Passenger Totals	292,043
VRE FY 2007 Passenger Totals	272,934
PERCENTAGE CHANGE	1.9% NORMALIZED

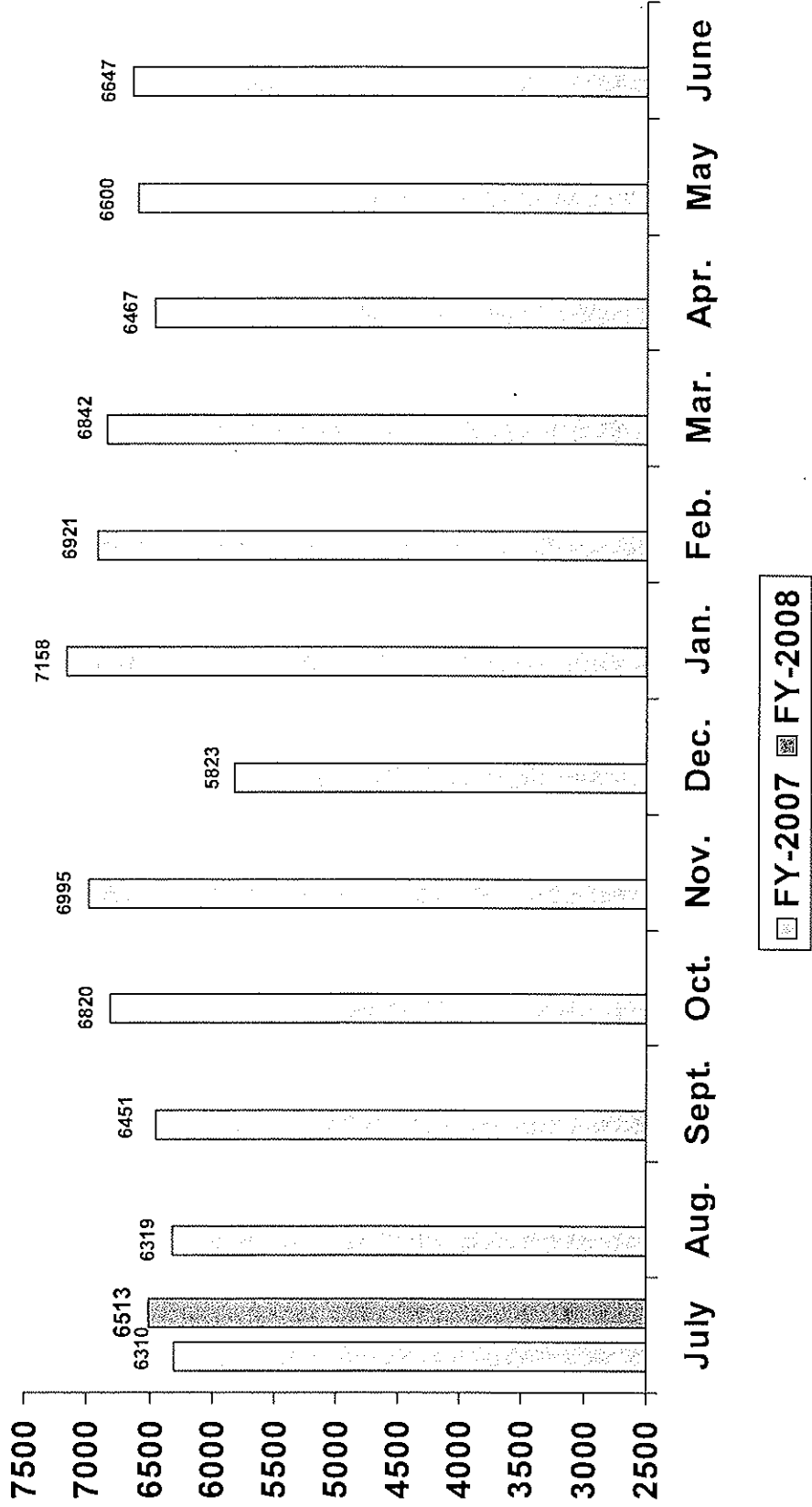
RIDERSHIP MONTH TO MONTH COMPARISON	
DESCRIPTION	MONTHLY RIDERSHIP
JULY 2007	292,043
JULY 2006	272,934
PERCENTAGE CHANGE	1.9% NORMALIZED
SERVICE DAYS (CURRENT/PRIOR)	(21/20)

FINANCIAL INDICATORS	JUNE 2007			
MEASURES		GOAL	ACTUAL	TREND
OPERATING RATIO		55%	59%	↑
BUDGETED REV YTD	54,227,245			
ACTUAL REV YTD	54,512,645			
CUMULATIVE VARIANCE	285,400	0	285,400	
% COLLECTED FY07 YTD		100.00%	100.53%	↑
BUDGETED EXPENSES	54,227,245			
BUDGET EXPENSES YTD	54,227,245			
OPERATING EXPENSES YTD	53,918,713			
CUMULATIVE VARIANCE	308,532	0	308,532	↑
% COLLECTED FY07 YTD		100.00%	99.43%	
NET INCOME/ (LOSS)		0	593,932	↑

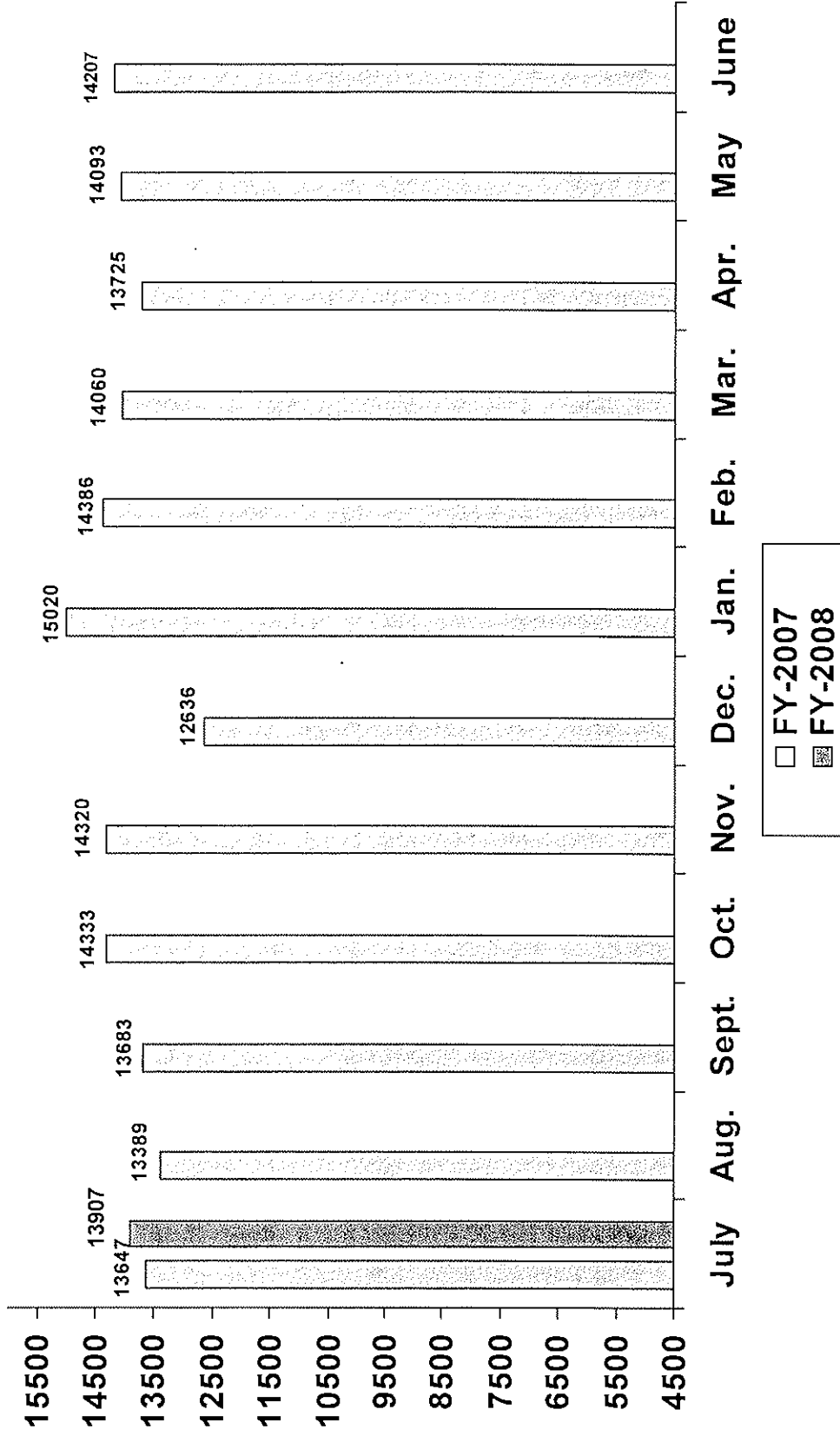
VRE Average Daily Ridership Fredericksburg Line



VRE Average Daily Ridership Manassas Line

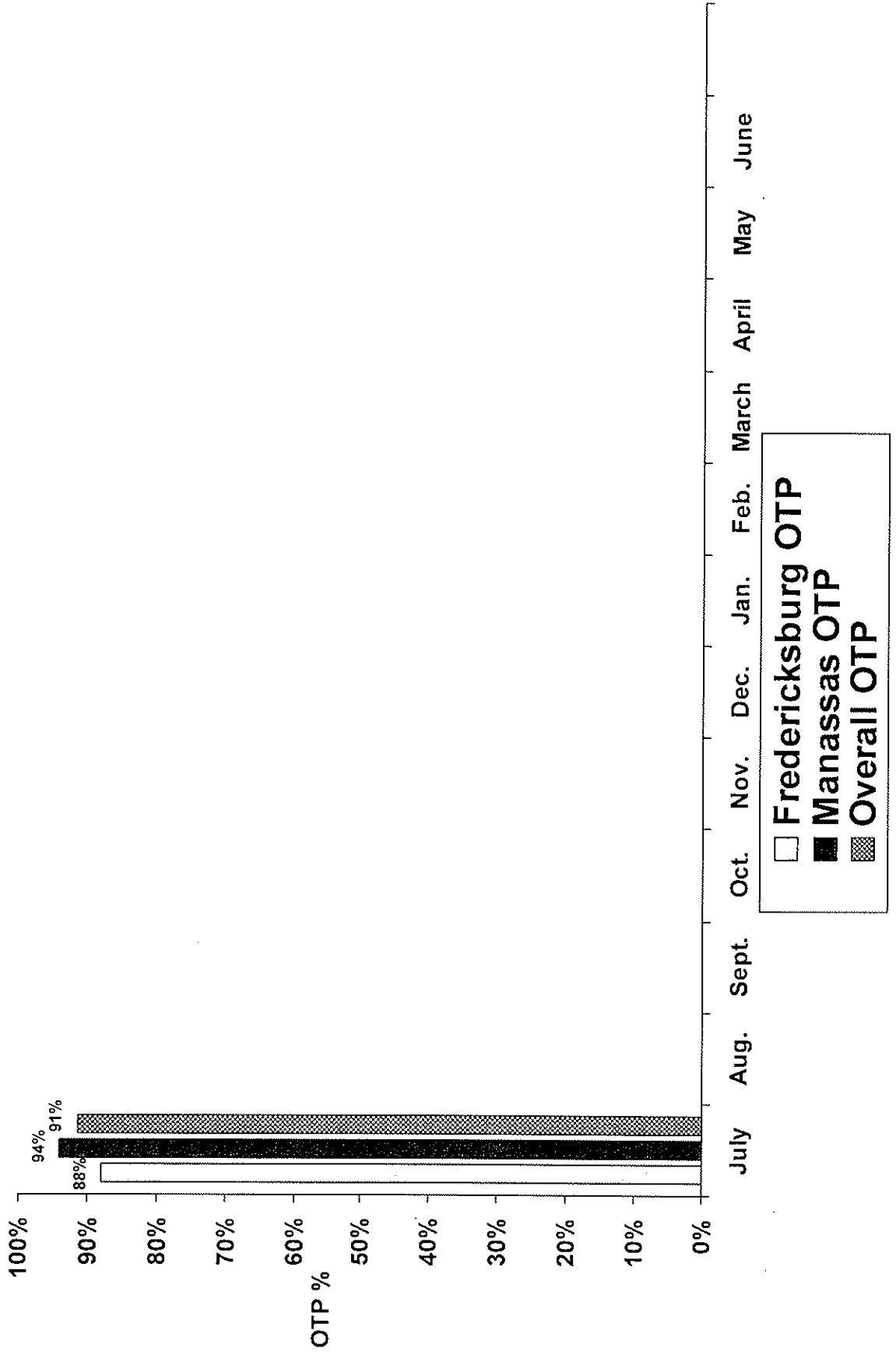


VRE Total Average Daily Ridership



Average On-Time Performance

FY-2008





Print this Page

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Ensuring reliable locomotives proving a tough task for VRE

July 22, 2007 12:35 am

VIRGINIA RAILWAY EXPRESS is pushing its aging locomotive fleet through heavy overhauls, sending one at a time to be worked on in the Norfolk Southern repair shops in Altoona, Pa., according to VRE spokesman Mark Roeber.

The work on the diesel engine in each locomotive includes replacing the pistons and turbochargers. Of VRE's 19 locomotives, 17 have been sent for overhaul. One's in Altoona now; the other 16 are back in service. VRE also has three leased locomotives.

In addition, VRE has been sending the HEP (for "head-end power") generators to Altoona for overhauls. The HEP unit is a separate generator on the locomotive; it supplies electrical power to the rest of the train for lighting, heating, air conditioning and other electrical systems. Each fall, VRE does a "universal check" on the HEP generators to make sure they are ready for winter. The most recent universal check found more things wrong than expected, especially in the older locomotives. As of mid-July, one locomotive was sidelined awaiting a new HEP generator, but after that, VRE expected to get "ahead of the curve," said Roeber, and have a spare HEP generator available.

VRE also tries to have one "protect" engine for the Fredericksburg line and another for the Manassas line available during rush hour. When you see a train of only five coaches with a locomotive at the front of the train and another at the rear, one of them is probably the protect engine. However, with locomotives suffering mechanical failure, VRE hasn't always had protect engines available to back up the others, and mechanical failures have been making up a significant portion of VRE delays. In June, six VRE trains were delayed and another three were canceled owing to mechanical problems, according to the VRE Web site.

The engines haven't been the only problem. The new Nippon-Sharyo cab cars experienced some problems with the wheelchair lifts not completely retracting after use--at least that's what the computer said, and the computer would not let the train move. That problem's been ironed out, said Roeber.

VRE's older coaches have been experiencing problems too, particularly with the air conditioning. Given their age (40 years or more), I thought that they might be out of service permanently, at least in the summer, but Roeber said that mechanical crews are repairing the air conditioning so that the cars can be restored to service.

More new gallery cars are already on order, with delivery expected beginning next winter.

As for the locomotive fleet, VRE is trying to fix and patch things up so that they will work until new

engines arrive, said Roeber, but that is more than two years away. However, VRE now has money in hand to purchase new locomotives: money from the state and from local matching funds. This month, the Northern Virginia Transportation Authority voted to levy taxes for new transportation projects, one of which is new VRE locomotives. VRE expects to issue a request for proposals in October, said Roeber, with delivery about two years later.

The new locomotives will have higher horsepower and greater HEP capacity so that they can handle longer trains, VRE chief executive officer Dale Zehner told the Virginia Association of Railway Patrons on March 3.

In the meantime, VRE's operations board has authorized the leasing of three more locomotives. This will not only give VRE more than enough protect engines, said Roeber, it will let VRE put two locomotives rather than one on more of the longer trains.

Getting reliable locomotives on all its trains is crucial to rebuilding VRE ridership, and that's going to take constant work by VRE for the next two years and beyond.

Steve Dunham of Spotsylvania County commutes on Virginia Railway Express to Arlington. He chairs the board of directors of the Virginia Association of Railway Patrons. Write him c/o Commuter Crossroads, The Free Lance-Star, 616 Amelia St., Fredericksburg, Va. 22401, or e-mail Email: literalman@aol.com.

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ITEM #4B

Update on Fauquier and Spotsylvania Counties' VRE Membership

Material is attached describing the latest developments. At this time neither county appears ready to join PRTC and/or VRE.



Virginia Railway Express Operations Board

1500 King Street • Suite 202 • Alexandria, Virginia 22314-2730 • (703) 684-1001 • FAX (703) 684-1313
Web Site: <http://www.vre.org> • E-Mail: gotrains@vre.org

AGENDA ITEM 10-A INFORMATION ITEM

TO: CHAIRMAN KAUFFMAN AND THE VRE OPERATIONS BOARD

FROM: DALE ZEHNER

DATE: AUGUST 17, 2007

RE: FAUQUIER UPDATE

I have recently learned that the Fauquier Board of Supervisors' plan to discuss prospective PRTC/VRE membership at a work session on August 8, 2007 was changed. Reportedly, the Fauquier Board is considering the alternative possibility of forming an independent "transportation district" (with newly legislated authority to levy a 2% motor fuels tax similar to that of PRTC and NVTC), and decided that consideration of PRTC/VRE membership was premature at this time. The Fauquier Board is taking soundings about the legislative prospects for enactment of a 2% motor fuels tax in a newly constituted district.

Notwithstanding the Fauquier Board's deferral of this discussion, PRTC, NVTC, and VRE management continued discussions with Fauquier staff to insure that they have all the information they would need for the work session when it happens.

Mr. Harf and I would be pleased to answer any questions this may prompt at the Board meeting.

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Spotsy looks at joining railway

July 25, 2007 12:35 am

By DAN TELVOCK

Spotsylvania County supervisors want state officials to return some gas tax revenue generated here and to soften contract terms with Virginia Railway Express.

If those things happen, a majority of supervisors are willing to be paying members of the commuter rail service.

In 2005, Spotsylvania voters approved \$12 million for a new VRE station as part of a bond referendum package, but the supervisors have been reluctant to join because of mandated 2 percent gas tax to fund the county's share of operations. Some supervisors also believe the VRE contract terms don't allow a locality to withdraw. Fredericksburg Area Metropolitan Planning Organization members said a locality can withdraw from VRE if its financial obligations are met.

"It is not impossible [to withdraw], but it is so difficult that it would basically make it impossible," is how Supervisor Chris Yakabouski paraphrased a memo from County Attorney Jacob Stroman.

"We want to support commuter rail, but it is absurd that Richmond forces us to raise the gas tax to join," Yakabouski said.

To send a clear message, supervisors recently passed three resolutions that address dwindling state transportation funding and their concerns with VRE.

Del. Mark Cole, R-Spotsylvania, and Sen. Edd Houck, D-Spotsylvania, both doubted the requests would find support.

But supervisors aren't discouraged.

"That's what [state legislators] said about impact fees for so many years and we ended up getting it passed," said Supervisor Hap Connors.

Cole said he's tried twice to pass legislation that would give localities other options to fund VRE.

"Realistically, it's probably not going to go anywhere because other localities have already joined with the 2 percent gas tax," Cole said.

As for the criticism aimed at the General Assembly for state transportation responsibilities, Cole said local governments need to better manage growth.

"The root cause of the transportation gridlock is the rampant growth and sprawl in the area," Cole said. "The General Assembly didn't zone a bit of the county. Those were all local decisions."

Mass transit must be a part of the overall transportation plan to make any kind of dent in gridlock, Houck said. Although he's been frustrated with VRE service, Spotsylvania County needs to join to make a difference, he said.

Houck said he agrees the state hasn't fulfilled its transportation responsibilities, but he doesn't see how returning gas tax money to Spotsylvania County helps.

"As far as I am concerned, that is a shell game," he said. "You are just moving dollars around. What does that accomplish?"

Connors said 2 percent of the state gas tax generated in Spotsylvania County would amount to \$3 million, which is about the same if supervisors were to enact the local tax.

Yakabouski said the supervisors are trying to be creative in solving transportation problems here but Richmond lawmakers are doing little to help.

"I would ask them why is it that we get less money per capita on our transportation dollars than Bristol?" he said. "And yet we're the fourth-largest planning district in the state and the fastest growing."

Supervisors T.C. Waddy and Emmitt Marshall voted against most of the ideas.

"The majority of the people I represent are opposed to the VRE," Marshall said.

Dan Telvock: 540/374-5438

Email: dtelvock@freelancestar.com

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County of Spotsylvania
Founded 1721



Board of Supervisors
HENRY "HAP" CONNORS, JR.
GARY JACKSON
JERRY I. LOGAN
EMMITT B. MARSHALL
VINCE ONORATO
THOMAS C. WADDY, JR.
CHRIS YAKABOUSKI

County Administrator
J. RANDALL WHEELER
Deputy County Administrators
C. DOUGLAS BARNES
ERNEST L. PENNINGTON
P.O. BOX 99
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Service, Integrity, Pride

July 16, 2007

Mr. Dale Zehner, CEO
Virginia Railway Express
1500 King St., Suite 202
Alexandria, Virginia 22314

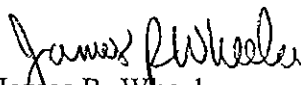
Dear Mr. Zehner:

At their July 10, 2007 meeting, the Spotsylvania County Board of Supervisors adopted three resolutions, which may be of interest to you.

These resolutions support Virginia Railway Express (VRE), seek relief from the financial burden imposed for withdrawing from VRE and ask for transportation funding including retaining the equivalent of the 2% gasoline tax that is being generated in our jurisdictions rather than imposing an additional 2% gasoline tax on our citizens. The resolutions are enclosed.

If you have any questions or need additional information, please let us know.

Yours sincerely,


James R. Wheeler
County Administrator

County of Spotsylvania
Founded 1721



Board of Supervisors
HENRY "HAP" CONNORS, JR.
GARY JACKSON
JERRY I. LOGAN
EMMITT B. MARSHALL
VINCE ONORATO
THOMAS C. WADDY, JR.
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Fax: (540) 507-7019

Service, Integrity, Pride

At a meeting of the Spotsylvania County Board of Supervisors held on July 10, 2007, on a motion by Mr. Connors, seconded by Mr. Jackson and passed 5 to 2 with Mr. Marshall and Mr. Waddy opposed, the Board adopted the following resolution:

RESOLUTION NO. 2007-130

**A RESOLUTION EXPRESSING SUPPORT FOR GREATER FLEXIBILITY FOR
COMMUNITIES WHICH WISH TO PARTICIPATE IN THE
VIRGINIA RAILWAY EXPRESS**

WHEREAS, the Spotsylvania County Board of Supervisors is addressing the transportation needs of the citizens of Spotsylvania County traditionally assumed by the Commonwealth of Virginia; and

WHEREAS, the Board recognizes that commuter rail is one solution to inadequate roads in the County and the region; and

WHEREAS, the Commonwealth of Virginia has formed the Virginia Railway Express ("VRE") to provide commuter rail service in the region; and

WHEREAS, the Board recognizes the potential value of membership in VRE to ease transportation problems in the County and the region; and

WHEREAS, the Board is concerned that membership in the VRE is conditioned upon imposition of a two percent (2%) gasoline tax on its citizens; and

WHEREAS, the Board is further concerned that the current statutory and contractual structure makes it extremely difficult for localities to withdraw from membership in VRE after joining;

NOW, THEREFORE, BE IT RESOLVED, that the Spotsylvania County Board of Supervisors expresses its support for the Virginia Railway Express; and

BE IT FURTHER RESOLVED, that the Spotsylvania County Board of Supervisors expresses its support for a change in the current law which would permit the County to join VRE

without imposing a two percent (2%) gasoline tax on its citizens, including but not limited to, a local option to appropriate revenues required to participate in VRE; and

BE IT FURTHER RESOLVED, that the Spotsylvania County Board of Supervisors expresses its support for a change in the current law which would allow localities to withdraw from VRE without the current onerous financial burdens currently imposed.

(SEAL)

A COPY TESTE:

Sheila Clark

Sheila Clark

Deputy Clerk to the Board of Supervisors

County of Spotsylvania
Founded 1721



Board of Supervisors
HENRY "HAP" CONNORS, JR.
GARY JACKSON
JERRY I. LOGAN
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Service, Integrity, Pride

At a meeting of the Spotsylvania County Board of Supervisors held on July 10, 2007, on a motion by Mr. Connors, seconded by Mr. Jackson and passed 6 to 1 with Mr. Waddy opposed, the Board adopted the following resolution:

RESOLUTION NO. 2007-131

A RESOLUTION REQUESTING THAT THE GOVERNOR AND THE GENERAL ASSEMBLY APPROPRIATE FUNDS TO SPOTSYLVANIA COUNTY IN RECOGNITION OF THE COUNTY'S ASSUMPTION OF TRANSPORTION RESPONSIBILITIES TRADITIONALLY HANDLED BY THE COMMONWEALTH

WHEREAS, the Spotsylvania County Board of Supervisors is committed to seeking transportation solutions for the citizens of Spotsylvania County; and

WHEREAS, achievement of long-term transportation solutions for the citizens of Spotsylvania County is made more challenging by the Commonwealth of Virginia's failure to provide adequate funding for the transportation needs of Spotsylvania County, as well as other localities throughout Virginia; and

WHEREAS, this failure has effectively shifted much of the Commonwealth's traditional responsibility for transportation to localities including Spotsylvania; and

WHEREAS, this shifting of transportation responsibilities has required the Spotsylvania Board of Supervisors to issue bonds and undertake additional financial measures to address transportation needs traditionally addressed by the Commonwealth; and

WHEREAS, the revenues needed to service the bonds must be diverted from other important local government priorities, including education, law enforcement and fire and rescue services; and

WHEREAS, the Commonwealth has failed to redirect revenue to Spotsylvania and other localities to fund the transportation responsibilities shifted from the state government to local government;

NOW, THEREFORE, BE IT RESOLVED, by the Spotsylvania County Board of Supervisors that the General Assembly and the Governor redirect revenues to Spotsylvania County and other localities in such amounts as necessary to compensate them for the costs of assuming transportation responsibilities traditionally assumed by the Commonwealth.

(SEAL)

A COPY TESTE:

Sheila Clark
Sheila Clark
Deputy Clerk to the Board of Supervisors

County of Spotsylvania
Founded 1721



Board of Supervisors
HENRY "HAP" CONNORS, JR.
GARY JACKSON
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Service, Integrity, Pride

At a meeting of the Spotsylvania County Board of Supervisors held on July 10, 2007, on a motion by Mr. Connors, seconded by Mr. Jackson and passed 5 to 2 with Mr. Waddy and Mr. Marshall opposed, the Board adopted the following resolution:

RESOLUTION NO. 2007-132

A RESOLUTION EXPRESSING SUPPORT FOR GREATER FLEXIBILITY AND FUNDING OPTIONS FOR COMMUNITIES WHICH WISH TO PARTICIPATE IN THE VIRGINIA RAILWAY EXPRESS AND CONCERN OVER THE COUNTY'S ASSUMPTION OF TRANSPORTATION RESPONSIBILITIES TRADITIONALLY HANDLED BY THE COMMONWEALTH

WHEREAS, the Spotsylvania County Board of Supervisors is addressing the transportation needs of the citizens of Spotsylvania County traditionally assumed by the Commonwealth of Virginia; and

WHEREAS, achievement of long-term transportation solutions for the citizens of Spotsylvania County is made more challenging by the Commonwealth of Virginia's failure to provide adequate funding for the transportation needs of Spotsylvania County, as well as other localities throughout Virginia; and

WHEREAS, this failure has effectively shifted much of the Commonwealth's traditional responsibility for transportation to localities including Spotsylvania; and

WHEREAS, the Commonwealth has failed to redirect revenue to Spotsylvania and other localities to fund the transportation responsibilities shifted from the state government to local governments; and

WHEREAS, the Board recognizes that commuter rail is one solution to inadequate roads in the County and the region; and

WHEREAS, the Commonwealth of Virginia has formed the Virginia Railway Express ("VRE") to provide commuter rail service in the region; and

WHEREAS, the Board recognizes the potential value of membership in VRE to ease transportation problems in the County and the region; and

WHEREAS, the Board is concerned that membership in the VRE is conditioned upon imposition of a two percent (2%) gasoline tax on its citizens; and

WHEREAS, the Board is further concerned that the current statutory and contractual structure makes it extremely difficult for localities to withdraw from membership in VRE after joining;

NOW, THEREFORE, BE IT RESOLVED, that the Spotsylvania County Board of Supervisors expresses its support for the Virginia Railway Express; and

BE IT FURTHER RESOLVED, that the Spotsylvania County Board of Supervisors expresses its support for a change in the current law which would permit the County to join VRE without imposing a two percent (2%) gasoline tax on its citizens, including but not limited to, a local option to appropriate revenues required to participate in VRE; and

BE IT FURTHER RESOLVED, that the Spotsylvania County Board of Supervisors expresses its support for a change in the current law which would allow localities to withdraw from VRE without the current onerous financial burdens currently imposed; and

BE IT FURTHER RESOLVED, by the Spotsylvania County Board of Supervisors that instead of requiring localities to impose an additional 2% levy on its citizens to become members of VRE, the General Assembly and the Governor allow Spotsylvania County and other localities who join VRE to keep the equivalent of 2% of the existing gasoline tax that is already being generated in these jurisdictions to pay for VRE operations, commuter bus service, road improvements and other transportation needs traditionally assumed by the Commonwealth; and

BE IT FURTHER RESOLVED, by the Spotsylvania County Board of Supervisors that the General Assembly and the Governor redirect revenues to Spotsylvania County and other localities in such amounts as necessary to compensate them for the costs of assuming transportation responsibilities traditionally assumed by the Commonwealth.

(SEAL)

A COPY TESTE:



Sheila Clark
Deputy Clerk to the Board of Supervisors

ITEM #4C**Contract Award for Manassas Parking Garage**

The VRE Operations Board recommends approval of Resolution #2072. This resolution authorizes VRE's Chief Executive Officer to contract with Costello Construction of Maryland, Inc. to build a parking garage at the Manassas VRE station. The cost will not exceed \$9,189,000 including a 10 percent contingency. VRE's CEO would also be authorized to execute any related documents.

The new garage will contain 520 spaces which will be shared with the city of Manassas in a 60/40 ratio, as will the cost. VRE's share will be covered with grant funds and the project is included in VRE's approved Capital Improvement Program.

RESOLUTION # 2072

SUBJECT: Contract Award for Manassas Parking Garage.

WHEREAS: VRE and the city of Manassas have completed the design, relocated utilities and acquired property for a five-level parking garage in Old Town Manassas;

WHEREAS: In May, 2007 the VRE Board authorized issuance of an Invitation for Bids for construction; and

WHEREAS: On July 20, 2007 four bids were received and the lowest bidder was Costello Construction.

NOW, THEREFORE, BE IT RESOLVED THAT the Northern Virginia Transportation Commission authorizes the VRE Chief Executive Officer to enter into a contract with Costello Construction of Maryland, Inc. for the construction of a parking garage at the Manassas VRE Station in the amount of \$8,354,000, with a contingency of \$835,000, for a total amount not to exceed \$9,189,000; and

BE IT FURTHER RESOLVED THAT NVTC authorizes the VRE Chief Executive Officer to execute any related documents necessary to implement the project.

Approved this 6th day of September, 2007.

David Snyder
Chairman

Christopher Zimmerman
Secretary-Treasurer





Virginia Railway Express Operations Board

1500 King Street • Suite 202 • Alexandria, Virginia 22314-2730 • (703) 684-1001 • FAX (703) 684-1313
Web Site: <http://www.vre.org> • E-Mail: gotrains@vre.org

AGENDA ITEM 9-B ACTION ITEM

TO: CHAIRMAN KAUFFMAN AND THE VRE OPERATIONS BOARD

FROM: DALE ZEHNER

DATE: AUGUST 17, 2007

**RE: AUTHORIZATION TO AWARD A CONTRACT FOR THE
CONSTRUCTION OF A PARKING GARAGE AT THE MANASSAS
STATION**

RECOMMENDATION:

The VRE Operations Board is being asked to recommend that the Commissions authorize the Chief Executive Officer to enter into a contract with Costello Construction of Maryland, Inc. for the construction of a parking garage at the Manassas VRE Station in the amount of \$8,354,000, with a contingency of \$835,000, for a total amount not to exceed \$9,189,000. The VRE Operations Board is also being asked to recommend that the Commissions authorize the Chief Executive Officer to execute any related documents necessary to implement the project.

BACKGROUND:

Over the last several years, VRE and the City of Manassas have worked to complete the design, relocate utilities and acquire property for a five level parking garage in Old Town Manassas. The project will yield a parking facility to be shared by commuters and visitors to the City of Manassas. The total parking capacity will be approximately 520 spaces; 310 for commuter use and 210 for City use.

At the May 2007 meeting, the Board authorized issuance of an Invitation for Bids (IFB). On July 20, 2007 four bids were received and the lowest bidder was Costello Construction. The bid has been evaluated and is both responsive and within the engineer's estimate.

Upon authorization, a construction contract will be executed. Construction will be managed by VRE with the cost shared at a 60/40 ratio. Construction is expected to begin in September 2007 and be completed by fall of 2008.

FISCAL IMPACT:

Funding for the project is being provided by both VRE and the City at a 60/40 ratio. VRE's share of the project is included in VRE's Capital Improvement Program as part of the Manassas City Parking Deck project, with the City of Manassas providing the required local match for the entire project.

ITEM #4D**Renewal of Manassas Warehouse Lease**

The VRE Operations Board recommends approval of Resolution #2073. This resolution authorizes VRE's Chief Executive Officer to renew a contract with KAO Manassas Airport, LLC for warehouse space in an amount not to exceed \$199,216 over three years.

In May, 2004 the commissions authorized a three-year lease at a cost of \$172,086 that expires on October 1, 2007. VRE staff believes it is not cost-effective to relocate and recommended a three-year extension. The warehouse is used to store parts for rail car maintenance. Funds are reserved in VRE's FY 2008 operating budget.

NVTC

Northern Virginia Transportation Commission

RESOLUTION # 2073

SUBJECT: Renewal of Manassas Warehouse Lease.

WHEREAS: The current lease for the VRE Manassas warehouse expires on October 1, 2007;

WHEREAS: The current warehouse fully meets the needs of VRE's operations today and it is expected to be adequate to continue to handle those needs for the next three years; and

WHEREAS: Relocating all of the VRE operations and materials to another location is not cost effective.

NOW, THEREFORE, BE IT RESOLVED THAT the Northern Virginia Transportation Commission authorizes the VRE Chief Executive officer to renew a contract with KAO Manassas Airpark, LLC for warehouse space in an amount not to exceed \$199,216 over a three-year term.

Approved this 6th day of September, 2007.

David Snyder
Chairman

Christopher Zimmerman
Secretary-- Treasurer



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AGENDA ITEM 9E ACTION ITEM

TO: CHAIRMAN KAUFFMAN AND THE VRE OPERATIONS BOARD

FROM: DALE ZEHNER

DATE: AUGUST 17, 2007

**RE: AUTHORIZATION TO RENEW THE MANASSAS WAREHOUSE
LEASE**

RECOMMENDATION:

The VRE Operations Board is being asked to recommend that the Commissions authorize the Chief Executive Officer to renew a contract with KAO Manassas Airpark, LLC for warehouse space in an amount not to exceed \$199,216 over a three-year term.

BACKGROUND:

As maintenance functions continue to be shifted to the VRE yards, additional space was needed to store parts for rail equipment. In May of 2004, the Board authorized a three-year lease with KAO Manassas Airpark, LLC for warehouse space near the Broad Run yard. The lease was in the amount of \$172,086 over a three year period and expires on October 1, 2007.

This space has proven essential for maintenance activities and is estimated to be adequate for the next three years, even if locomotive parts are also relocated to the VRE yards. A cost analysis of available locations was conducted in 2004 and relocating all of the operations and materials to another location would not prove cost effective at this time. As such, a three-year extension is being recommended.

The renewal includes the same terms and conditions, plus one additional clause that allows the landlord to relocate VRE at the landlord's expense to another space within the current facility. The first year of the contract will not exceed

\$64,452, and subsequent years will increase by three percent per year. This contract is for rental of the site only and does not include costs for insurance, utilities, improvements, and management.

FISCAL IMPACT:

Funding for this contract is available in the FY 2008 VRE Operating Budget and will be included in subsequent budgets on an annual basis.

TEM #4E**Ratify Spotsylvania County Storm Water Agreement**

The VRE Operations Board recommends approval of Resolution # 2074. This resolution ratifies the previous signatures of the NVTC and PRTC chairmen on a Storm Water Best Management Practices Agreement with Spotsylvania County. The county asked for the signatures of the chairmen instead of VRE's usual practice of having its CEO sign. The agreement covers construction of a new VRE maintenance facility at Crossroads Yard.

RESOLUTION# 2074

SUBJECT: Ratify Spotsylvania County Storm Water Agreement.

WHEREAS: In May, 2007 the commission authorized execution of a contract for the construction of a new maintenance facility at the Crossroads Yard;

WHEREAS: Related items such as storm water management plans have typically been treated as incidental to the construction project and have historically been executed by VRE's Chief Executive Officer; and

WHEREAS: Spotsylvania County has requested instead that the chairman of each commission execute the agreement and they have done so pending ratification of both commissions.

NOW, THEREFORE, BE IT RESOLVED THAT the Northern Virginia Transportation Commission ratifies the actions of the PRTC and NVTC chairmen in executing a Storm Water Best Management Practices Agreement with Spotsylvania County for VRE's Crossroads Yard Maintenance Facilities project.

Approved this 6th day of September, 2007.

Christopher Zimmerman
Secretary--Treasurer

David Snyder
Chairman





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AGENDA ITEM 9I ACTION ITEM

TO: CHAIRMAN KAUFFMAN AND THE VRE OPERATIONS BOARD

FROM: DALE ZEHNER

DATE: AUGUST 17, 2007

RE: AUTHORIZATION TO RATIFY STORM WATER BEST MANAGEMENT PRACTICES AGREEMENT

RECOMMENDATION:

The VRE Operations Board is being asked to recommend that the Commissions ratify the PRTC and NVTC Chairmen's execution of a Storm Water Best Management Practices Agreement (BMP) with Spotsylvania County for the Crossroads Yard Maintenance Facilities project.

BACKGROUND:

On April 20, 2007, the VRE Operations Board authorized execution of a contract for the construction of a new maintenance facility at the Crossroads yard. As part of this project, it is necessary to build a stormwater management facility which, in turn, necessitates a standard maintenance agreement with Spotsylvania County. These types of agreements have typically been treated as incidental to the construction project and have historically been executed by the VRE Chief Executive Officer.

In this instance, Spotsylvania County has requested that the Chairman of each Commission execute the agreement. In order not to delay the project, VRE counsel recommended having the PRTC and NVTC Chairmen immediately sign the Spotsylvania County BMP agreement and seek ratification of such signatures at the August Operations Board and September Commission meetings. As such, authorization to ratify the PRTC and NVTC Chairmen's signatures is being requested.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

ITEM #4F**Referral of Preliminary FY 2009 VRE Budget**

The VRE Operations Board recommends approval of Resolution #2075. This resolution refers VRE's FY 2009 preliminary budget to those NVTC jurisdictions participating and contributing to VRE. At this early stage VRE staff has presented two budget scenarios. One assumes receipt of \$25 million of regional funds and the other does not.

The VRE Operations Board will act on VRE's final budget for FY 2009 in December, 2007 and NVTC will be asked to act at its January, 2008 meeting.

NVTC

Northern Virginia Transportation Commission

RESOLUTION #2075

SUBJECT: Referral of Preliminary FY 2009 VRE Budget.

WHEREAS: The VRE Master Agreement requires that the commissions be presented with a preliminary fiscal year budget for their consideration at their respective September meetings prior to the commencement of the subject fiscal year;

WHEREAS: VRE's Chief Executive Officer has provided the VRE Operations Board with the preliminary FY 2009 Operating and Capital Budget within the guidelines developed in concert with the jurisdictional Chief Administrative Officers;

WHEREAS: Staff recommends a budget built on an average daily ridership of 15,100; and

WHEREAS: Subject to the direction provided by the Operations Board, the budget will be updated with additional ridership and cost data and further refined through the CAO Budget Task Force review during the fall of 2007.

NOW, THEREFORE, BE IT RESOLVED THAT the Northern Virginia Transportation Commission hereby refers the preliminary FY 2009 VRE Operating and Capital Budget to its member jurisdictions for their review and comment.

Approved this 6th day of September, 2007.

David Snyder
Chairman

Christopher Zimmerman
Secretary--Treasurer



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AGENDA ITEM 9-K ACTION ITEM

TO: CHAIRMAN KAUFFMAN AND THE VRE OPERATIONS BOARD

FROM: DALE ZEHNER

DATE: AUGUST 17, 2007

SUBJECT: REFERRAL OF PRELIMINARY FY 2009 VRE OPERATING AND CAPITAL BUDGET TO THE COMMISSIONS

RECOMMENDATION:

The VRE Operations Board is being asked to authorize the Chief Executive Officer to refer the Preliminary FY 2009 VRE Operating and Capital Budget to the Commissions for their consideration, and that the Commissions, in turn, refer these recommendations to the jurisdictions for their review and comment.

BACKGROUND:

In accordance with the VRE Master Agreement, which outlines the process for annual budget approval, the preliminary FY 2009 VRE Operating and Capital Budget is attached for review. This draft budget follows the adopted guidelines of the Operations Board developed in concert with jurisdictional Chief Administrative Officers (CAO). Because of the uncertainty concerning the availability and use of the \$25 million designated for VRE in HB 3202, two versions of the preliminary FY 2009 budget are being presented.

Option #1 (base budget) - assumes no portion of the \$25 million is available in FY 2009: This version of the preliminary budget totals \$75.4 million, of which \$5.02 million is currently unfunded (assuming no increase to local subsidy or fares); this represents a substantial unfunded amount for the second year in a row. As in the past, VRE will submit a balanced budget to the jurisdictions in November so that it can be evaluated prior to its submission to the Operations Board in December.

The major causes of the current gap between revenue and expenses are outlined in the chart below.

Description	Amount
Shift of federal funds back to capital budget (one-time shift to operations in FY 2008)	\$1,570,000
Additional debt service for 50 railcar purchase	900,000
Net cost of adding four trains (two round trips)	840,000
Net increase to Amtrak and equipment operations	710,000
Contribution to operating reserve - other	370,000
Increased locomotive maintenance	400,000
Other costs net of revenue increases	230,000
TOTAL	\$5,020,000

Both revenue and expenses are still under review and these projections are expected to change considerably over the next several months. The assumptions used in preparing the preliminary draft are as follows:

1. Fare revenue of \$21.7 million and average daily ridership of 15,400 based on expanding service to 34 daily trains. Ridership is estimated at 14,700 with service at the current level of 30 daily trains. The net cost of the additional trains is \$840,000. Average daily ridership in FY 2007 was 13,982.
2. Contractually set increases in operating expenses of 4% for CSX, Norfolk Southern and Amtrak.
3. Increase in Insurance Trust Fund contributions from \$4.95 million to \$5.1 million, which reflects a premium cost of \$4.3 million and a contribution of \$1.2 million to rebuild the trust fund balance, net of interest earnings and estimated losses.
4. Increase in state capital match funding from a match rate of 23% to a match rate of 40%, based on conversations with VDRPT. **This projection will continue to be reviewed over the next several months.** Each 10% increase to the match percentage equates to an additional \$1.1 million of grant funding.
5. Increase in state formula funding for operations from the \$8 million received in FY 2008 to \$9.2 million. **This projection will continue to be reviewed over the next several months.**

6. Fuel expenses of \$4.3 million due to diesel price increases and the addition of two trains. Cost per gallon is estimated at \$2.38.
7. Continued funding of the VRE capital program, which includes mid-day storage, track lease improvements, rolling stock modifications, Crossroads Yard expansion, and \$1.4 million for locomotive procurement.
8. Financing costs for the 50 railcars of \$3.85 million in FY 2009, the first year of nearly full costs for this purchase.

The FY 2009 Operating and Capital Budget includes:

1. No change in VRE staffing.
2. No provision for possible additional federal formula funding and the accompanying need for a local match for these funds.
3. No provision for the impact of additional jurisdictions joining PRTC/NVTC and the possible effect on future subsidy allocations.

Option #2 - assumes the \$25 million from HB 3202 is available for priority projects: The availability of the \$25 million and its appropriate use is still under consideration. For purposes of Option #2 of the preliminary budget, staff is proposing the funds, if available, be used for the following priority projects in FY 2009. A list of priority projects for a five year period is attached.

Description	Amount
Locomotive acquisition (see discussion below)	\$13,775,000
Restoration of insurance trust fund balance and scheduled payment	6,650,000
Net cost of adding four trains (two round trips)	840,000
Fuel costs (30 trains)	3,735,000
TOTAL	\$25,000,000

This preliminary option totals \$90.71 million and results in a subsidy **reduction** of \$4.65 million for a total local subsidy of \$8.7 million, a level similar to that for FY 2007. The budget provides funding for the restoration of the insurance trust fund and the initial phases of the locomotive acquisition project. In all other ways, the budget is identical to Option #2.

Locomotive Acquisition

VRE has received state funding of \$15 million for the purchase of locomotives; these funds can only be utilized if matching funds of \$3.75 million can be identified from local sources. Current plans for locomotive acquisition are summarized in the chart below, assuming the availability of funding from the NVTA bond issue and the use of HB3202 funds as presented in Option #2. Budget Option #1 does not currently provide sufficient funds for the purchase of any additional locomotives or match funding for the state allocation.

		Funding	Locomotives
FY 2008	State funding + Mafersa proceeds	\$8,750,000	2
	State funding + NVTA bond issue	11,750,000	3
FY 2009	HB3202 priority projects	13,775,000	3

DISCUSSION:

Budgeting for FY 2009 continues to be difficult because of the major uncertainties in state funding levels and the reassessment of the ridership projections. In addition, fuel price levels and volatility, insurance costs, the first year of full debt service funding for the new railcar purchase, and contractual increases in operating costs continue to exert an upward pressure on expenses. The general expense factors that would affect the FY 2009 budget were previously identified in the FY 2008 six-year plan.

More clarity will be achieved as we transition to the fall and can better estimate ridership and state transportation funding. In past years, funding shortfalls have been resolved through expense decreases, service reductions, and increases to fare rates and jurisdiction subsidies. For FY 2009, the relationship between fare rates, service and ridership will need to be considered more explicitly.

The factors that affect the FY 2009 preliminary budget will also have an impact in FY 2008. A report on this impact will be brought to the board at the end of the first quarter of the fiscal year.

NEXT STEPS:

As a part of the continuing budget review with the CAO Budget Task Force this fall, additional funding solutions will be explored. The particular areas that will be addressed include:

- A continued assessment of ridership projections based on the impact of efforts to improve on-time performance and other factors.
- A review of potential increases in state operating and capital funding as a result of the passage of the transportation bill.
- A continued assessment of how the NVTA \$25 million will be utilized.
- Continued analysis of alternatives to reduce overall cost of operations
- The impact of any need for increases in fares and/or local subsidy.
- Development of additional preliminary budget options for review by the CAO Budget Task Force as expenses and revenues are adjusted.

The cumulative affect of the above analysis and evaluation will result in a balanced budget in November, which can be evaluated by all jurisdictions prior to submission to the Operations Board in December 2007.

FISCAL IMPACT

The current budget shortfall is estimated at \$5.02M for Option #1. Option #2 results in a decrease to local subsidy requirements. Additional draft budgets will be formulated during the fall and reviewed with the CAO Budget Task resulting in a balanced budget by November 2007.

Attached are the following:

- FY 2008 Source and Use Statement (Option #1 and Option #2)
- Summary FY 2008 Preliminary Budget (Option #1 only)
- FY 2008 Six Year Financial Plan (Option #1 only)
- Priority projects for the use of NVTA funding (Option #2 only)

FY09 VRE - Source and Use Budget Worksheet

LEVEL OF SERVICE FOR FY 2009

34 trains 15,400 average daily riders

Leases 9,720,000 CSXT 4,600,000
 Recapitalization - NS 2,550,000
 Add'l funding needed 9,720,000 Amtrak 2,570,000
 Total 9,720,000

USES OF FUNDS	SOURCES OF FUNDS										TOTAL
	FARE INCOME	INTEREST	EQUIP RENT AND MISC	LOCAL SUBSIDY	OTHER SOURCES	STATE OPERATING CAPITAL	STATE SSTP	STATE 5307/5309	EARMARK/ OTHER	TOTAL	
Operating Expenses	21,694,111	210,000	151,500	4,956,081	0	9,200,000	129,120	7,776,800	1,291,200	-	45,408,012
Non-Operating Expenses:											
Operating Reserve/Contingency				1,464,464							1,464,464
Insurance Reserve				5,100,000							5,100,000
Debt Service (1993 & 1998)				4,061,838		2,707,892			1,530,118		6,769,730
Debt Service (Kawasaki 1997)				229,518							1,912,648
Debt Service (Gallery IV) (11 Cabcars)				231,763					1,545,085		1,931,356
Fare Collection II				51,938		34,625					432,813
Office Loan				76,000							76,000
Other (Bad Debt/Admin)				50,000							50,000
Debt Svc (Gallery IV-b) (50 rail cars)				810,000		540,000					1,350,000
Debt Svc (Gallery IV-b) (50 rail cars)				300,000		200,000					2,500,000
Non-Operating Summary	0	0	0	12,375,520	0	3,790,037	0	5,421,454	0	0	21,587,011
Total Expenses (Subtotal)	21,694,111	210,000	151,500	17,331,601	0	9,200,000	3,919,157	7,776,000	6,712,654	0	66,995,023
Capital Projects:											
Facilities infrastructure				60,000		40,000			400,000		500,000
Broad Run Maintenance				331,200		220,800			2,208,000		2,760,000
Fare Collection Upgrade				30,000		20,000			200,000		250,000
Bealton Station				0		13,800			0		69,000
Rolling stock needs				144,000		96,000			960,000		1,200,000
Capital project contingency				39,000		26,000			260,000		325,000
Fredericksburg Rail Station				0		135,800			0		679,000
WUT project				120,000		80,000			800,000		1,000,000
Capital Fleet Expansion - Locomotive				171,720		114,480			1,144,800		1,431,000
Gainesville/Haymarket (FY08 earmark)				173,000		-			-		173,000.00
Capital Project Summary	0	0	0	1,068,920	0	746,880	0	5,972,800	598,400	0	8,387,000
TOTAL	21,694,111	210,000	151,500	18,400,521	0	9,200,000	4,666,037	7,776,000	12,685,454	598,400	75,382,023

USES OF FUNDS	SOURCES OF FUNDS										TOTAL
	FARE INCOME	INTEREST	EQUIP RENT AND MISC	LOCAL SUBSIDY	OTHER SOURCES	STATE OPERATING CAPITAL	STATE SSTP	STATE 5307/5309	EARMARK/ OTHER	TOTAL	
Operating Expenses	21,694,111	210,000	151,500	4,956,081	0	9,200,000	129,120	7,776,800	1,291,200	-	45,408,012
Non-Operating Expenses:											
Operating Reserve/Contingency				1,464,464							1,464,464
Insurance Reserve				5,100,000							5,100,000
Debt Service (1993 & 1998)				4,061,838		2,707,892			1,530,118		6,769,730
Debt Service (Kawasaki 1997)				229,518							1,912,648
Debt Service (Gallery IV) (11 Cabcars)				231,763					1,545,085		1,931,356
Fare Collection II				51,938		34,625					432,813
Office Loan				76,000							76,000
Other (Bad Debt/Admin)				50,000							50,000
Debt Svc (Gallery IV-b) (50 rail cars)				810,000		540,000					1,350,000
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Non-Operating Summary	0	0	0	12,375,520	0	3,790,037	0	5,421,454	0	0	21,587,011
Total Expenses (Subtotal)	21,694,111	210,000	151,500	17,331,601	0	9,200,000	3,919,157	7,776,000	6,712,654	0	66,995,023
Capital Projects:											
Facilities infrastructure				60,000		40,000			400,000		500,000
Broad Run Maintenance				331,200		220,800			2,208,000		2,760,000
Fare Collection Upgrade				30,000		20,000			200,000		250,000
Bealton Station				0		13,800			0		69,000
Rolling stock needs				144,000		96,000			960,000		1,200,000
Capital project contingency				39,000		26,000			260,000		325,000
Fredericksburg Rail Station				0		135,800			0		679,000
WUT project				120,000		80,000			800,000		1,000,000
Capital Fleet Expansion - Locomotive				171,720		114,480			1,144,800		1,431,000
Gainesville/Haymarket (FY08 earmark)				173,000		-			-		173,000.00
Capital Project Summary	0	0	0	1,068,920	0	746,880	0	5,972,800	598,400	0	8,387,000
TOTAL	21,694,111	210,000	151,500	18,400,521	0	9,200,000	4,666,037	7,776,000	12,685,454	598,400	75,382,023

FY08 subsidy unfunded 13,379,154 (5,021,367)

Program	Funding	Federal Amt	State Amt
Soft Capital Projects	5307/5309	1,545,085	154,508
Debt Service Gallery IV	5307/5309	1,530,118	153,012
Debt Service Kawasaki	SSTP	7,776,000	-
Access lease funding	5307/5309	346,250	34,625
Fare Collection II	5307/5309	2,000,000	200,000
50 Railcars	5307/5309	-	540,000
50 Railcars	5307/5309	240,000	24,000
Locomotive Lease	5307/5309	112,000	11,200
Rippon Lease	5307/5309	280,000	28,000
Project Management	5307/5309	237,600	23,760
Project Management	5307/5309	98,400	9,840
Scheidt/Bachman	5307/5309	200,000	20,000
Construction Management	5307/5309	88,000	8,800
Security enhancements	5307/5309	35,200	3,520
Debt Service (1993 & 1998)	5307/5309	6,571,200	746,880
Fredericksburg P. Leases	5307/5309	21,059,854	4,666,037
Subtotal			
Capital Projects			
Federal Cap Program			

Calculated Operating Reserve: 14,984,644
 33%

Federal Reimbursement rate 80%
 State Match Reimbursement rate 40%

FY09 Proposed Budget

GL Account	FY07 Budget	FY08 Operating	FY08 Capital	FY09 Operating	FY09 Capital
Operating Revenue:					
Fare Revenue	20,340,272	21,334,369		21,694,111	
Miscellaneous Revenue	151,500	151,500		151,500	
Jurisdictional Subsidy	8,802,761	12,518,448	860,706	12,518,448	860,706
Federal/State Subsidy Reserve	30,952,283	24,616,236	4,728,294	27,607,811	7,318,080
Interest Income	1,879,430	-			
	210,000	210,000		210,000	
Total Revenue	62,336,246	58,830,553	5,589,000	62,181,870	8,178,786
Operating Expenses:					
Insurance/Reserve	1,497,338	5,380,938		6,564,464	
Executive Mgmt and Planning	759,333	928,031		837,914	
Administration	725,841	655,877		666,135	
Public Affairs	132,234	145,410		155,013	
Marketing	640,356	598,723		728,280	
Customer Service	1,142,803	1,235,417		1,308,493	
Budget and Finance	1,409,034	1,378,527		1,422,344	
Communication and Info Tech	813,208	737,370		831,602	
Construction and Cap Proj	501,632	677,779		745,184	
Facilities Maintenance	2,461,133	2,480,612		2,797,615	
Purch and Contract Admin	225,429	246,646		270,694	
Equipment Operations	8,519,447	6,879,880		6,857,997	
Operations and Safety	637,471	699,431		616,742	
PRTC	145,900	175,000		160,000	
NVTC	88,000	75,000		70,000	
Amtrak	17,469,000	17,756,539		20,790,000	
Norfolk Southern	2,100,000	2,300,000		2,550,000	
CSXT	3,875,000	4,000,000		4,600,000	
Total Operating Expenses	43,143,159	46,351,180	-	51,972,476	-
CIP Expenditures	8,109,000	-	5,589,000		8,387,000
Debt Service	11,084,087	12,479,373		15,022,547	
Total CIP and Other Expenditures	19,193,087	12,479,373	5,589,000	15,022,547	8,387,000
Grand Total Expenses	62,336,246	58,830,553	5,589,000	66,995,023	8,387,000
Unfunded by fund	-	-	-	(4,813,153)	(208,214)
Total Unfunded			-		(5,021,367)

8/9/07

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FY09 Budget Six Year Financial Forecast

Description	FY 08	FY09	FY10	FY11	FY12	FY13	FY14	Comments
Number of Trains	30	34	36	36	36	36	36	
Manassas Line	16	18	18	18	18	18	18	
Fredericksburg Line	14	16	18	18	18	18	18	
Average Daily Ridership	15,200	15,400	15,695	16,125	16,440	16,760	17,050	
Average Fare Price	5.64	5.66	5.66	5.66	5.66	5.66	5.66	No increase after FY09
Potential Operating Ratio	65%	61%	60%	58%	57%	55%	54%	
Use of Funds for Operations								
Net Operating Expenses	11,013,703	13,168,013	13,411,706	13,787,935	14,057,281	14,330,902	14,578,871	Based on annual revenue increase
Reserves (Operating/Insurance)	5,380,938	6,584,464	5,891,127	5,423,179	4,884,246	5,070,612	5,249,614	Insurance payments per schedule
Amtrak (4)	17,756,539	18,220,000	18,948,800	19,966,752	20,765,422	21,596,039	22,459,881	
Fuel (3)	3,600,000	4,300,000	4,730,000	5,626,500	6,189,150	6,808,065	7,488,872	
Track Lease Expense (2)	8,600,000	9,720,000	10,108,800	11,070,178	11,512,983	11,973,502	12,452,442	
Debt Service	12,429,373	14,972,546	14,508,026	14,569,426	14,587,873	14,571,136	14,566,743	
Other (Bad Debt/Admin)	50,000	50,000	50,000	50,000	50,000	50,000	50,000	
Total Operating Costs	58,830,553	66,995,023	67,648,459	70,493,968	72,026,955	74,400,256	76,846,423	
Sources of Funds For Operations								
Fare Revenue	21,334,369	21,694,111	22,184,330	22,806,651	23,252,176	23,704,773	24,114,939	Annual ridership increase
Interest Income	210,000	210,000	210,000	210,000	210,000	210,000	210,000	
Other Income	151,500	151,500	157,560	163,862	170,417	177,234	184,323	Increased base cost 4% per year
Slate Operating Grant	8,500,000	9,200,000	10,028,000	10,990,520	11,914,267	12,986,551	14,155,340	Increased base cost 9% per year
State Capital Grant	1,949,366	3,919,157	3,741,449	3,766,073	3,811,060	3,811,429	3,810,989	
Federal Grants:								
Access Lease Funding - SSTP	6,880,000	7,776,000	8,087,040	8,856,141	9,210,386	9,578,802	9,961,954	Based on 80% of track lease
Federal Operating Funds (Debt service & loans)	4,559,670	5,421,454	5,078,404	5,078,244	4,962,724	4,966,564	4,963,270	
Other Federal Revenues	2,727,200	1,291,200	1,355,760	1,423,548	1,494,725	1,569,462	1,647,935	
Total Operating Revenues	46,312,105	49,663,422	50,842,542	53,235,039	55,036,355	57,004,814	59,048,751	
Surplus/(Deficit) for Operations	(12,518,448)	(17,331,601)	(16,805,917)	(17,258,929)	(17,000,600)	(17,395,442)	(17,797,672)	
Local Subsidy	13,379,154	13,379,154	13,379,154	13,379,154	13,379,154	13,379,154	13,379,154	
Net subsidy available for capital match	860,706	(3,952,447)	(3,426,763)	(3,879,775)	(3,621,446)	(4,016,288)	(4,418,518)	
Use of Funds for Capital Program (1)								
Capital Cost Base Program	5,589,000	8,387,000	8,624,000	8,608,000	8,606,000	8,817,000	8,891,000	See attached schedule
Unfunded capital needs	44,527,000	65,303,000	84,619,000	84,619,000	78,944,000	50,065,000	45,254,000	See attached schedule
Total Capital Program Costs	50,116,000	73,690,000	93,243,000	93,227,000	87,550,000	58,882,000	54,145,000	
Sources of Funds for Capital Program								
Federal Grants:								
Federal funding - 80% of base program	80%	80%	80%	80%	80%	80%	80%	
Federal funding - 80% of unfunded needs	4,471,200	6,571,200	6,899,200	6,886,400	6,884,800	7,053,600	7,112,800	
Matching Funds	23%	40%	40%	40%	40%	40%	40%	Per VDRPT
State Capital Grants - non-federal costs (base)	257,094	746,880	689,920	688,480	688,640	705,360	711,280	
State Capital Grants - non-federal costs (unfunded)	2,048,242	5,224,240	6,769,520	6,769,520	6,315,520	4,005,200	3,620,320	
Net local subsidy available for capital match	860,706	(3,952,447)	(3,426,763)	(3,879,775)	(3,621,446)	(4,016,288)	(4,418,518)	
Total Sources of Funding for Capital Program	43,258,842	60,832,273	78,627,078	78,159,985	73,422,554	47,799,872	43,229,082	
Add'l funds required to fund Operations and Capital:								
Additional required for operations/base program	0	5,021,367	4,461,643	4,912,735	4,654,166	5,074,328	5,485,438	
Unfunded by fiscal year	6,857,158	7,836,360	10,154,280	10,154,280	9,473,280	6,007,900	5,430,480	
Total for fiscal year	6,857,158	12,857,727	14,615,922	15,067,015	14,127,446	11,082,128	10,915,918	
Cumulative Total to Fully Fund Ops and Cap	6,857,158	19,714,885	34,330,807	49,397,822	63,525,268	74,607,395	85,523,313	

(1) Note: "Capital Program" does not include leases, debt service, administrative costs and other operating costs.
 (2) Increase based on 4% per year + add'l track lease costs per train per line
 (3) Increase based on additional trains + 10%
 (4) Increase based on 4% (AAR) plus \$260k in FY11 for additional engineers/train crew

FY09 VRE - Source and Use Budget Worksheet with \$25M

LEVEL OF SERVICE FOR FY 2009 34 trains 15,400 average daily riders CSXT 9,720,000 CSXT 4,600,000
 Recaptialization NS 2,530,000 NS 2,530,000
 Add'l funding needed 9,720,000 Amtrak 2,570,000
 Total 9,720,000 Total 9,720,000

USES OF FUNDS	SOURCES OF FUNDS										TOTAL	
	FARE INCOME	INTEREST	EQUIP RENT AND MISC	LOCAL SUBSIDY	OTHER SOURCES	STATE OPERATING CAPITAL	NEW CAPITAL	STATE CAPITAL	STATE SSTP	FUNDING		EARMARK/ OTHER
Operating Expenses	21,694,111	210,000	151,500	381,081	0	9,200,000	4,525,000	129,120	7,776,000	1,291,200	-	45,408,012
Non-Operating Expenses:												
Operating Reserve/Contingency				1,464,464								1,464,464
Insurance Reserve				6,650,000			6,650,000					6,650,000
Debt Service (1993 & 1998)				4,061,838				2,707,892				6,769,730
Debt Service (Kawasaki) (1997)				229,518				153,012		1,530,118		1,912,648
Debt Service (Gallery IV) (11 Cabcars)				231,763				154,508		1,545,085		1,931,356
Fare Collection II				51,938				34,625		346,250		432,813
Office Loan				76,000								76,000
Other (Bad Debt/Admin)				50,000								50,000
Debt Svc (Gallery IV-b) (50 rail cars)				810,000				540,000				1,350,000
Debt Svc (Gallery IV-b) (50 rail cars)				300,000				200,000		2,000,000		2,500,000
Non-Operating Summary	23,137,011	0	0	7,275,520	0	0	6,650,000	3,790,037	0	5,421,454	0	23,137,011
Total Expenses (Subtotal)	21,694,111	210,000	151,500	7,656,601	0	9,200,000	11,225,000	3,919,157	7,776,000	6,712,654	0	68,545,023
Capital Projects:												
Facilities Infrastructure				60,000				40,000		400,000		500,000
Broad Run Maintenance				331,200				220,800		2,208,000		2,760,000
Fare Collection Upgrade				30,000				20,000		200,000		250,000
Bealton Station				0				13,800		0	55,200	69,000
Rolling stock mods				144,000				96,000		960,000		1,200,000
Capital project contingency				39,000				26,000		260,000		325,000
Fredericksburg Rail Station				120,000				135,800		0	543,200	679,000
WUT project				171,720				80,000		800,000		1,000,000
Locomotives - federal funding				173,000				114,480		1,144,800		1,431,000
Gainesville/Haymarket (FY08 earmark)				0								0
Locomotive Acquisition				0								13,775,000
Capital Project Summary	0	0	0	1,068,920	0	0	13,775,000	746,380	0	5,972,800	598,400	21,989,000
TOTAL	21,694,111	210,000	151,500	8,725,521	0	9,200,000	25,000,000	4,666,037	7,776,000	12,685,454	598,400	90,534,023

USES OF FUNDS	SOURCES OF FUNDS										TOTAL	
	FARE INCOME	INTEREST	EQUIP RENT AND MISC	LOCAL SUBSIDY	OTHER SOURCES	STATE OPERATING CAPITAL	NEW CAPITAL	STATE CAPITAL	STATE SSTP	FUNDING		EARMARK/ OTHER
Operating Expenses	21,694,111	210,000	151,500	381,081	0	9,200,000	4,525,000	129,120	7,776,000	1,291,200	-	45,408,012
Non-Operating Expenses:												
Operating Reserve/Contingency				1,464,464								1,464,464
Insurance Reserve				6,650,000			6,650,000					6,650,000
Debt Service (1993 & 1998)				4,061,838				2,707,892				6,769,730
Debt Service (Kawasaki) (1997)				229,518				153,012		1,530,118		1,912,648
Debt Service (Gallery IV) (11 Cabcars)				231,763				154,508		1,545,085		1,931,356
Fare Collection II				51,938				34,625		346,250		432,813
Office Loan				76,000								76,000
Other (Bad Debt/Admin)				50,000								50,000
Debt Svc (Gallery IV-b) (50 rail cars)				810,000				540,000				1,350,000
Debt Svc (Gallery IV-b) (50 rail cars)				300,000				200,000		2,000,000		2,500,000
Non-Operating Summary	23,137,011	0	0	7,275,520	0	0	6,650,000	3,790,037	0	5,421,454	0	23,137,011
Total Expenses (Subtotal)	21,694,111	210,000	151,500	7,656,601	0	9,200,000	11,225,000	3,919,157	7,776,000	6,712,654	0	68,545,023
Capital Projects:												
Facilities Infrastructure				60,000				40,000		400,000		500,000
Broad Run Maintenance				331,200				220,800		2,208,000		2,760,000
Fare Collection Upgrade				30,000				20,000		200,000		250,000
Bealton Station				0				13,800		0	55,200	69,000
Rolling stock mods				144,000				96,000		960,000		1,200,000
Capital project contingency				39,000				26,000		260,000		325,000
Fredericksburg Rail Station				120,000				135,800		0	543,200	679,000
WUT project				171,720				80,000		800,000		1,000,000
Locomotives - federal funding				173,000				114,480		1,144,800		1,431,000
Gainesville/Haymarket (FY08 earmark)				0								0
Locomotive Acquisition				0								13,775,000
Capital Project Summary	0	0	0	1,068,920	0	0	13,775,000	746,380	0	5,972,800	598,400	21,989,000
TOTAL	21,694,111	210,000	151,500	8,725,521	0	9,200,000	25,000,000	4,666,037	7,776,000	12,685,454	598,400	90,534,023

Program	Funding	Federal Amt.	State Amt.
Soft Capital Projects	1,931,356	1,545,085	154,508
Debt Service Gallery IV	5307/5309	1,530,118	153,012
Debt Service Kawasaki	5307/5309	7,776,000	-
Access lease funding	SSTP	346,250	34,625
Fare Collection II	5307/5309	2,000,000	200,000
50 Railcars	5307/5309	2,000,000	540,000
50 Railcars	5307/5309	240,000	24,000
Locomotive Lease	5307/5309	112,000	11,200
Ribbon Lease	5307/5309	280,000	28,000
Project Management	5307/5309	237,600	23,760
Project Management	5307/5309	98,400	9,840
Scheldt/Bachman	5307/5309	200,000	20,000
Construction Management	5307/5309	88,000	8,800
Security enhancements	5307/5309	35,200	3,520
Debt Service (1993 & 1998)	5307/5309	6,571,200	657,120
Fredericksburg P. Leases	5307/5309	3,919,157	391,916
Subtotal	44,000	3,919,157	391,916
Capital Projects	18,110,817	14,521,880	1,431,000
Federal Cap Program	22,162,000	21,059,854	1,102,146
	40,272,817	38,441,037	1,831,780

FY08 subsidy 13,379,154
 Decrease subsidy 4,653,633

Calculated Operating Reserve: 33%
 14,984,644

Federal Reimbursement rate 80%
 Match Reimbursement rate 40%

HB 3202 Priority Projects

Description	Est Costs Year 1	Est Costs Year 2	Est Costs Year 3	Est Costs Year 4	Est Costs Year 5
Locomotive Acquisition	13,775,000	20,725,000	15,250,000	17,500,000	-
Restore Insurance Trust Fund balance	3,000,000	-	-	-	-
Scheduled Insurance Premium Payments	3,650,000	3,950,000	4,100,000	4,200,000	4,350,000
Net Cost of Additional Trains	840,000	882,000	1,389,150	1,458,608	1,531,538
Fuel Costs (30 trains)	3,735,000	4,108,500	4,519,350	4,971,285	5,468,414
Sub-total	25,000,000	29,665,500	25,258,500	28,129,893	11,349,951
Broad Run Maintenance Facility	-	9,700,000	5,300,000	-	-
Gainesville - Haymarket Design and Environmental (30% Match)	860,000	1,950,000	1,950,000	2,400,000	2,400,000
Mid-day Storage	-	-	5,000,000	5,000,000	-
Platform/Canopy Extensions	-	-	11,600,000	11,600,000	11,800,000
Parking Improvements - Fredericksburg Line	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Parking Improvements - Manassas Line	-	5,000,000	5,000,000	-	-
Heavy Maintenance and Rail Facility	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Total	40,860,000	61,315,500	69,108,500	62,129,893	40,549,951

OTHER NEEDS:

- Set-aside funds to match earmarks
- Increase reserve fund per indenture requirements

FY 2009 Preliminary Budget

*Dale Zehner
August 17, 2007*



Budget Issues

Major issues for FY 2009:

- Ridership and fare revenue
- State capital and operating funding
- On-going cost issues: fuel, insurance, contractual escalations
- Use of NVTA \$25 million



Ridership Projections

- Average daily ridership
 - FY 20 06 (actual) = 14,667
 - FY 20 07 (actual) = 13,982
 - FY 20 08 (estimate) = 14,400
- FY 2009 preliminary estimate
 - 15,400 with 34 trains
 - 14,700 with current 30 trains

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Ridership – Key Factors

- Improved on time performance (OTP)
 - Reduced railroad problems – switch and signal
 - Improved equipment reliability
 - Limited heat orders
- Delivery of new coaches – Dec 2007 to Oct 2008
- Increased parking at Burke Centre and Manassas starting by Oct 2008
- Results from marketing study

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State Funding

- State capital funding
 - State match estimated at 40% by VDRPT
 - Could increase to between 50% and 60%
 - Each 10% increase adds \$1.1M to VRE budget
- State operating formula funding
 - Estimated at \$9.2M
 - Could be higher depending on how funds are distributed - \$8M received in FY 2008
- Will have clearer picture by October 2007

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Ongoing cost issues

- Diesel Fuel
 - Costs have risen 200% from FY 2004 to FY 2009 (\$1.4M to \$4.3M)
 - 6.4% of operating budget.
- Liability Insurance
 - \$1M to Trust Fund in FY 2007
 - \$4.95M in FY 2008
 - \$5.1M planned in FY 2009
 - 7.6% of operating budget.

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Ongoing cost issues (cont.)

- Contractual escalations
 - Amtrak, NS, CSX are 42% of operating budget (1/3 of costs are access fees)
 - NS and CSX increase by 4% per year
 - Amtrak increases by AAR index (4% in FY 2009)
 - 80% of access fees grant reimbursed
- Debt service
 - \$15.0M or 22.4% of operating budget.

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Preliminary Budget Options

- Option #1 – No HB 3202 Funding
 - Service increased from 30 to 34 trains
 - No fare increase
 - Indicates potential \$5.0 million under funded
 - Local subsidy could increase from \$13.4M to \$18.4M
- Option #2 – With HB 3202 Funding
 - Service increased from 30 to 34 trains
 - No fare increase
 - HB3202 \$25 million available for priority projects
 - Total local subsidy decreases from \$13.4M to \$8.7M
- NVTA funding has critical effect on budget

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Cause of Shortfall

Unfunded amount the result of:

Shift of funds back to capital budget	1,570,000
Additional debt service - 50 railcars	900,000
Cost of adding four trains (2 round trips)	840,000
Amtrak and equipment operations	310,000
Contribution to operating reserve - other	370,000
Increased locomotive maintenance	400,000
Other costs net of revenue increases	630,000
TOTAL	5,020,000

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Use of NVTA - \$25 million

- Will funding be available? – unknown
- What can funds be used for? – unknown
- VRE priorities

Description	Amount
Locomotive acquisition	\$13,775,000
Insurance balance and costs	6,650,000
Net cost of adding two trains	840,000
Fuel costs (30 trains)	3,735,000
TOTAL	\$25,000,000

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Capital Program – Option #1

- FY 2009 program of \$8.4M
- Projects included:

Broad Run maintenance facility	2,760,000
Rolling stock modifications	1,200,000
Fare collection upgrade	250,000
Washington Union Terminal project	1,000,000
Locomotive acquisition	1,431,000
Local match - G/H earmark	173,000

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Capital Program – Option #2

- FY 2009 program of \$22.2M
- Projects included:

Broad Run maintenance facility	2,760,000
Rolling stock modifications	1,200,000
Fare collection upgrade	250,000
Washington Union Terminal project	1,000,000
Locomotive acquisition	13,775,000
Local match - G/H earmark	173,000

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Locomotive Acquisition

FY 2008		
	Funding	Locomotives
State funding + Mafersa sale proceeds	8,750,000	2
State funding + NVTA bond issue	11,750,000	3
Total - FY 2008	20,500,000	5
FY 2009		
	Funding	Locomotives
HB3202 priority projects	13,775,000	3
Total - FY 2009	13,775,000	3

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Next Steps

- Potential budget deficit for FY 2009 is \$18.4M (Option #1) or \$8.7M (Option #2)
- CAO Task Force to meet in late September
- Items to review:
 - Service levels and operating expenses
 - Ridership projections and on-time performance
 - State funding levels – capital and operating
 - HB3 202 funding – appropriate uses

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AGENDA ITEM #5

TO: Chairman Snyder and NVTC Commissioners

FROM: Rick Taube and Scott Kalkwarf

DATE: August 30, 2007

SUBJECT: Preliminary FY 2009 NVTC Administrative Budget and Performance Objectives

The commission is asked to authorize staff to forward the attached preliminary budget to NVTC's member jurisdictions for use in planning their own FY 2009 budgets. NVTC's preliminary budget has been reviewed by local staff. The commission will review this budget again in January, 2008 and act on it in February, 2008.

Again for FY 2009, total local contributions are held constant at \$ 310,000, with individual local shares based on shares of state grants and regional gas taxes received from NVTC. NVTC ended FY 2007 with an unappropriated surplus of over \$100,000 (almost 10% of the administrative budget) and those funds are being used to help fund this proposed FY 2009 budget.

The overall level of expenditures would increase in FY 2009 by 2% compared to the approved budget for FY 2008. In FY 2009 salaries would be constant (including a reserve for performance-based increases but no cost of living increases).

The preliminary budget document also includes performance objectives for the organization and details about the degree to which objectives were met in previous years.





PRELIMINARY BUDGET

**FISCAL YEAR
2009**

(July 1, 2008 – June 30, 2009)

--September 6, 2007 --

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION
BUDGETED FISCAL YEAR 2009 REVENUE
PRELIMINARY**

	<u>FY 2007 Actual</u>	<u>Approved Budget FY 2008</u>	<u>Preliminary Budget FY 2009</u>	<u>FY 2009-2008 Budget Increase (Decrease)</u>	<u>Percentage Change</u>
1 Commonwealth of Virginia	\$ 590,750	\$ 718,350	\$ 723,380	\$ 5,030	0.7%
2 Alexandria	42,408	39,498	37,875	(1,623)	-4.1%
3 Arlington	66,091	63,653	60,728	(2,925)	-4.6%
4 City of Fairfax	7,174	6,857	7,209	352	5.1%
5 Fairfax County	174,674	175,638	177,574	1,935	1.1%
6 Falls Church	3,581	3,533	3,608	75	2.1%
7 Loudoun	16,073	20,821	23,007	2,187	10.5%
Total Local Jurisdictions	<u>310,001</u>	<u>310,000</u>	<u>310,000</u>	<u>-</u>	<u>0.0%</u>
8 Total Commonwealth of Virginia and Local Jurisdictions (Note 1)	900,751	1,028,350	1,033,380	5,030	0.5%
9 Interest Earned	25,690	12,000	18,000	6,000	50.0%
10 Project Chargebacks (Note 2)	88,000	75,000	70,000	(5,000)	-6.7%
11 Project Grant Billings	3,311	-	-	-	0.0%
12 Appropriated Surplus (Note 3)	39,609	83,000	100,500	17,500	21.1%
Total Revenue	<u>\$ 1,057,361</u>	<u>\$ 1,198,350</u>	<u>\$ 1,221,880</u>	<u>\$ 23,530</u>	<u>2.0%</u>

NORTHERN VIRGINIA TRANSPORTATION COMMISSION
SCHEDULE OF FISCAL YEAR 2009 EXPENDITURES
PRELIMINARY

	FY 2007 <u>Actual</u>	Approved Budget FY 2008	Preliminary Budget FY 2009	FY09 - FY08 Budget Increase (Decrease)	Percentage Change
<u>Personnel Costs</u>					
1 Salaries (Note 4)	\$ 644,404	\$ 701,400	\$ 700,900	(500)	-0.1%
2 Intern	-	-	-	-	N/A
3 Temporary Employee Services	-	1,000	1,000	-	0.0%
Total Personnel Costs	644,404	702,400	701,900	(500)	-0.1%
<u>Benefits</u>					
Employer's Contributions					
4 FICA	44,227	48,900	47,400	(1,500)	-3.1%
5 Group Health Insurance (Note 5)	42,471	65,750	62,900	(2,850)	-4.3%
6 Retirement (Note 6)	50,046	56,200	57,600	1,400	2.5%
7 Workmans & Unemployment Compensation	3,670	3,400	3,200	(200)	-5.9%
8 Life Insurance	3,386	3,750	4,100	350	9.3%
9 Long Term Disability Insurance	3,186	4,450	4,400	(50)	-1.1%
Total Benefit Costs	146,986	182,450	179,600	(2,850)	-1.6%
<u>Administrative Costs</u>					
10 Commissioners Per Diem (Note 7)	15,250	18,400	42,000	23,600	128.3%
Rents:					
11 Office Rent (Note 8)	171,208	184,950	188,730	3,780	2.0%
12 Parking / Metrochek	159,725	173,050	176,780	3,730	2.2%
	11,483	11,900	11,950	50	0.4%
Insurance:					
13 Public Official Bonds	3,985	4,400	4,500	100	2.3%
14 Liability and Property	2,250	2,600	2,600	-	0.0%
	1,735	1,800	1,900	100	5.6%
Travel:					
15 Conference Registration	11,228	16,200	16,700	500	3.1%
16 Non-Local & Conference Travel	2,060	2,000	2,100	100	5.0%
17 Local Meetings & Related Expenses (Note 9)	4,498	4,500	4,700	200	4.4%
18 Training & Professional Development (Note 1)	4,211	6,200	6,400	200	3.2%
	459	3,500	3,500	-	0.0%
Communication:					
19 Postage	11,768	11,600	11,950	350	3.0%
20 Telephone - LD	4,620	4,600	4,700	100	2.2%
21 Telephone - Local	1,338	1,200	1,350	150	12.5%
	5,810	5,800	5,900	100	1.7%
Publications & Supplies					
22 Office Supplies	11,749	23,800	23,900	100	0.4%
23 Duplication and Paper (Note 11)	2,371	4,500	4,200	(300)	-6.7%
24 Public Information (Note 12)	8,878	9,300	9,700	400	4.3%
	500	10,000	10,000	-	0.0%
Operations:					
25 Furniture and Equipment (Capital) (Note 13)	17,727	25,650	25,650	-	0.0%
26 Repairs and Maintenance	3,809	12,650	13,150	500	4.0%
27 Computer Operations (Note 14)	6,584	1,000	1,000	-	0.0%
	7,334	12,000	11,500	(500)	-4.2%
Other General and Administrative					
28 Subscriptions	7,531	6,800	6,950	150	2.2%
29 Memberships	169	400	400	-	0.0%
30 Fees and Miscellaneous	1,783	1,700	1,800	100	5.9%
31 Advertising (Personnel/Procurement) (Note 1)	2,888	2,900	2,950	50	1.7%
	2,691	1,800	1,800	-	0.0%
Total Administrative Costs	250,446	291,800	320,380	28,580	9.8%
<u>Contracting Services</u>					
32 Auditing (Note 16)	15,525	19,700	18,000	(1,700)	-8.6%
33 Consultants - Technical	-	1,000	1,000	-	0.0%
34 Legal	-	1,000	1,000	-	0.0%
Total Contract Services	15,525	21,700	20,000	(1,700)	-7.8%
Total Operating Program	\$1,057,361	\$ 1,198,350	\$ 1,221,880	\$ 23,530	2.0%

NORTHERN VIRGINIA TRANSPORTATION COMMISSION
Explanatory Notes to Preliminary Fiscal Year 2009 Budget

1. Commonwealth of Virginia and Local Jurisdictional Contributions

Each NVTC jurisdiction is assigned a share of the local portion of NVTC's administrative budget based on its share of revenue received by NVTC on behalf of jurisdictions from all sources in the previous year. This procedure is required by state statute and results in changes in contributions from one year to another that vary for each jurisdiction depending on relative shares of revenue received. The allocation in this FY 09 budget is based on the FY 08 Subsidy Allocation Model.

2. Project Chargebacks

This line consists primarily of charges for NVTC staff support for the VRE project and reimbursed from VRE's budget.

3. Appropriated Surplus

Included as a source of revenue in the FY 09 budget is a projected excess accumulated surplus that is available to offset the proposed operating budget expenses. This surplus is in excess of the commission's anticipated minimum operating requirements.

4. Salaries

Salaries for fiscal year 2009 are budgeted to include merit increases for the existing staff. Step increases for merit incentive raises are included up to 6%, but no cost of living adjustments are provided. Each 1% of merit increase costs approximately \$6,700. Merit increases within the budget amount are awarded at the discretion of the executive director. The FY 09 budget includes nine regular staff positions, which is unchanged from the FY 08 approved budget. Due to recent staff turnover and reduced hours of a full time position, budgeted payroll costs for FY 09 remains about constant from the budgeted FY 08 level.

5. Group Health Insurance

NVTC's health insurance group policy rates increased about 6% from the previous policy period ending April 30, 2006. The modest increase is a reflection of a low group expense ratio, a relatively young average age of participants, offset by increasing health care costs. Prior experience over the past several years however indicates cost increases of as much as 31 percent annually. The FY 2009 budget includes a provision for increasing rates while using the current policy period rates as the base.

NORTHERN VIRGINIA TRANSPORTATION COMMISSION
Explanatory Notes to Preliminary Fiscal Year 2009 Budget

6. Retirement

The budgeted amount of employer pension contributions for the target benefit pension plan is based on actuarial formulas using the existing staff and the budgeted salary levels for FY 09. Because the formulas take into account factors in addition to payroll costs, such as years to retirement and investment return, changes in budgeted contributions do not necessarily change directly with budgeted payroll. Budgeted retirement contributions for FY 09 increased 2.5% over the FY 08 level.

7. Commissioners' Per Diem

The FY 2009 budget is based upon the regular meeting schedule, and includes per diems at the statutory rate of \$200 for senators and delegates, and \$200 for all other commissioners.

8. Office Rent

The administrative office lease was renewed during fiscal year 2001 for the period January 2001 through December 2010. Rent expense is budgeted based upon the fixed costs of the lease, with a provision for increases in common area expenses due to rising costs.

9. Local Meetings and Related Expenses

NVTC hosts numerous regional meetings for the benefit of member jurisdictions. Costs of accommodating numerous meetings are the largest component of this line item, which also includes the costs of NVTC staff traveling to meetings elsewhere in the region.

10. Training and Professional Development

Actual expenditures fluctuate with the changing needs of staff. While FY 07 expenditures were below the budgeted level, a provision is maintained in the FY 09 budget for future staff training.

11. Duplication and Paper

Duplication costs are budgeted based upon a five-year lease and maintenance contract entered into during FY 2006. The duplication expenses of paper and staples, which are not included in the contract, have been budgeted based upon estimated usage levels.

NORTHERN VIRGINIA TRANSPORTATION COMMISSION
Explanatory Notes to Preliminary Fiscal Year 2009 Budget

12. Public Information

Public information includes the cost of various public outreach projects.

13. Furniture and Equipment

This budget category provides for the replacement and acquisition of office furniture and equipment, including computer hardware. It is expected that during FY 2009, computer hardware will need to be replaced or upgraded to support the operations of the commission. The FY 2009 budget also includes one-half the expected cost of replacing the present phone system, which is anticipated to take place during FY 2009. The other half of these costs were included in the FY08 approved budget.

14. Computer Operating Expense

Computer operating expenses include outside network consulting and services, software upgrades and supplies, and web hosting fees. A modest provision has been included for disaster recovery efforts.

15. Advertising (Personnel/Procurement)

The FY 09 budget includes a provision for personnel and procurement advertising. An average of prior year costs was used to develop the budgeted amount as this category fluctuates from year to year.

16. Auditing

NVTC's five-year contract with the present auditing firm expires after the audit of FY 07, with the costs incurred during FY 08. The amount included in the FY 09 budget is estimated based on this existing contract, with a provision for increased costs. Budgeted costs decreased by 8.6% from FY 08 to FY 09 due to the bi-annual pension plan audit included in the FY 08 budget, partially offset by anticipated cost increases included in the FY 09 budget.

APPENDIX 1

**PERFORMANCE BUDGET FOR NVTC'S
FINANCIAL MANAGEMENT FUNCTION**

September 6, 2007

For NVTC's performance budgeting, a special pro-forma fund has been created to include the costs and revenues attributable to NVTC's financial management function. NVTC's Director of Finance and Administration and Assistant Financial Officer devote 100 percent of their efforts to this function. NVTC's Executive Director allocates a quarter of his time to this work. While NVTC's two secretaries and two senior planners/project managers spend about five percent each on invoice processing and grant billing procedures, those activities are considered as part of the "planning, project management and public outreach" function shown in Appendix 2.

Regarding other expenses, it is assumed that a corresponding share of all other budget line items are attributable to this function. The same assumption is made for revenues. The attached Table 1 lists the derived costs and revenues for the commission's financial management function for FY 2009.

Table 2 lists 12 performance measures which went into effect with the FY 2007 budget by category. Results are shown for FY 2006 actual, as well as for the FY 2007 actual and FY 2008 and 2009 budget if known at this time. Each year more results will be calculated to provide a historical record and establish favorable (or unfavorable) trends.

TABLE 1

**Northern Virginia Transportation Commission
Pro Forma Financial Management Fund**

	FY 2006 <u>Actual</u>	FY 2007 <u>Actual</u>	FY 2008 <u>Approved Budget</u>	FY 2009 <u>Preliminary Budget</u>
<u>Expenditures</u>				
Personnel ¹	\$192,500	\$207,100	\$215,300	\$226,600
Benefits ²	46,300	43,800	54,100	58,800
Administrative Costs ³	75,900	80,500	89,500	103,600
Contracting Services ⁴	19,600	15,500	20,300	18,600
Total	\$334,300	\$346,900	\$379,200	\$407,700
<u>Revenues</u>				
Total ⁵	\$334,300	\$346,900	\$379,200	\$407,700

Notes:

1. Includes all salaries of the Director of Finance and Administration and the Assistant Controller and a quarter of the salary of the Executive Director.
2. Includes benefits of the above three positions.
3. Includes the same share of administrative costs as of salaries/benefits.
4. Includes the entire cost of NVTC auditors and a proportion of legal and technical consultants.
5. Assumes the same share of revenues as of expenses.

TABLE 2

NVTC PERFORMANCE BUDGET MEASURES*
 --Financial Management Function--

<u>Performance Measure</u>	<u>FY 2006 Actual</u>	<u>FY 2007 Actual</u>	<u>FY 2008 Budget</u>	<u>FY 2009 Budget</u>
Input:				
1. Maintain tight budget controls to keep NVTC's total local contributions to NVTC's budget to no more than \$310,000 annually.	Yes \$310,000	Yes \$310,000	Yes \$310,000	Yes \$310,000
2. Effectively manage trust fund assets at a ratio of at least \$35 million per full time equivalent financial management employee.	Yes \$42M	Yes \$44M		
Output:				
3. Produce acceptable state aid grant applications for WMATA, local bus systems and VRE each year (totaling at least \$140 million) by the state deadline (currently February 1 st). New target for FY 2009=\$280 million.	Yes \$252M	Yes \$288M		
4. Produce a preliminary allocation of anticipated fiscal year revenues and expenses (totaling at least \$80 million) for each NVTC jurisdiction by June 1 st of each year using NVTC's subsidy allocation model and complete the final projection. New target for FY 2009=\$140 million.	Yes \$112M	Yes \$109M	Yes \$140M	

*Effective with FY 2007 budget.

	FY 2006 <u>Actual</u>	FY 2007 <u>Actual</u>	FY 2008 <u>Budget</u>	FY 2009 <u>Budget</u>
Efficiency:				
5. Effectively manage trust fund assets and grant revenues contracted at an administrative cost ratio of no more than \$0.005 per \$1 of assets and revenues.	Yes \$0.004	Yes 0.004		
6. By careful monitoring of Department of Taxation expenses and proactive work with the department's field auditors, seek to maintain the ratio of administrative costs passed through to NVTC at or below 0.3 percent of total motor fuel tax revenues (currently approaching \$36 million annually) credited to NVTC.	Yes 0.2%	Yes 0.2%		
7. Effectively manage NVTC's employee flexible benefits program in house at an annual savings of at least \$100 per employee compared to outside management.	Yes \$118	Yes \$118	Yes \$118	Yes \$118
8. Co-own at least \$168 million of VRE assets at a management fee to VRE of no more than \$0.0005 per dollar of assets.	Yes \$0.0004	Yes \$0.0004		
Service Quality:				
9. In each annual audit, no subsidy allocation or trust fund audit adjustments required by auditors as well as no material deficiencies in internal controls and no related material management letter comments.	Yes	Yes		

	<u>FY 2006 Actual</u>	<u>FY 2007 Budget</u>	<u>FY 2008 Budget</u>
10. All trust fund grant reimbursement requests from jurisdictions with proper documentation processed within five working days in order to maximize investment earnings and cash flow.	Yes	Yes	
Outcome:			
11. 100% timely subsidy payments to WMATA on behalf of jurisdictions to avoid any late payment penalties.	Yes	Yes	
12. Working with NVTC's jurisdictions, achieve 100% of grant funds billed with no material lapsed funds returned to granting agencies.	No (\$55,700 lapsed in bus shelter grant)	No (\$33,500 lapsed in Jurisdiction Capital Grant)	

APPENDIX 2

**PERFORMANCE BUDGET FOR NVTC'S PLANNING,
PROJECT MANAGEMENT AND PUBLIC OUTREACH FUNCTIONS**

September 6, 2007

For NVTC's performance budgeting, a special pro-forma fund has been created to include the costs and revenues attributable to NVTC's planning, project management and public outreach functions. NVTC's Executive Director allocates three-quarters of his time to this work. NVTC's two secretaries, director of planning, director of public outreach, and two project managers are included.

Regarding other expenses, it is assumed that a corresponding share of all other budget line items are attributable to this function. The same assumption is made for revenues. The attached Table 1 lists the derived costs and revenues for the commission's planning, project management and public outreach functions for FY 2009.

Table 2 lists eight performance measures by category that went to effect for the first time with the FY 2008 budget. Results are shown for FY 2006 actual and FY 2007 budget if known at this time. Each year more results will be calculated to provide a historical record and establish favorable (or unfavorable) trends.

TABLE 1

**Northern Virginia Transportation Commission
Pro Forma Planning, Project Management, Public Outreach Fund**

	FY 2006 <u>Actual</u>	FY 2007 <u>Actual</u>	FY 2008 <u>Budget</u>	FY 2009 <u>Budget</u>
<u>Expenditures</u>				
Personnel ¹	\$434,900	\$437,300	\$487,100	\$475,300
Benefits ²	97,200	103,100	128,400	120,700
Administrative Costs ³	171,400	170,000	202,200	216,800
Contracting Services ⁴	0	0	1,400	1,400
Total	\$703,500	\$710,400	\$819,100	\$814,200
<u>Revenues</u>				
Total ⁵	\$703,500	\$710,400	\$819,100	\$814,200

Notes:

1. Includes all salaries of NVTC employees except the Director of Finance and Administration, Assistant Controller and a quarter of the salary of the Executive Director.
2. Includes benefits as in Note 1.
3. Includes the same share of administrative costs as of salaries/benefits.
4. Includes the remainder of legal and technical consulting not allocated to the financial management function.
5. Assumes the same share of revenues as expenses.

TABLE 2

NVTC PERFORMANCE BUDGET MEASURES*
--Planning, Project Management and Public Outreach Functions--

<u>Performance Measure</u>	<u>FY 2006 Actual</u>	<u>FY 2007 Actual</u>	<u>FY 2008 Budget</u>	<u>FY 2009 Budget</u>
Input:				
1. Actively manage five or more grant-funded projects with average annual revenues of at least \$100,000 per project.	Yes. Nine projects averaging \$109,417	Yes. Eight projects averaging \$267,900		
Output:				
2. Through effective outreach, increase hits on electronic schedules web page by at least 15% to average over 9,800 per day (from 8,600 per day currently).		8,123 per day		
3. Increase hits on NVTC's web page by at least 10% to average over 1,000 unique visitors per month (from 900 unique visitors per month as of FY 2008).		9,574 per month		
Efficiency:				
4. By assisting Northern Virginia jurisdictions in meeting annual deadlines for NTD reporting, achieve \$6.0 million or more in additional FTA formula funds for WMATA per \$190,000 of state grant funds spent on data collection, for a net return of approximately \$5.8 million.	Yes. \$5.3 million per \$160,000, for a net return of about \$5.1 million.	Yes. \$6.4 million per \$200,000 for a return of about \$6.2 million.		
5. By using NVTC's staff skills in web management and GIS mapping, save at least \$50 per hour of paid consulting time totaling \$48,750 annually, net of software and other administrative costs.		Yes		

*Effective with FY 2008 budget.

Service Quality:

- | | | | | |
|---|--|-------------|--|--|
| <p>6. Respond to 100% of public, board members and jurisdictional staff inquiries within 48 hours during the work week using mail, phone and e-mail logs (with subsequent follow up for more information if necessary).</p> | | | | |
| <p>7. Post 100% of NVTC meeting materials and approved reports on NVTC website within 24-hours of releasing to board members or approval by the board.</p> | | <p>Yes.</p> | | |

Outcome:

8. During FY 2008, complete acceptable final reports and close out project grants with no lapsed funds for Senior Mobility Phase 2, MARTHA (real-time bus arrival algorithm), hydrogen-bus demonstration and SmarTrip fareboxes.

For FY 2009, work with NVTC transit systems and DRPT to achieve a fair and effective outcome for DRPT's proposed asset management and performance measurement systems.



AGENDA ITEM #6

TO: Chairman Snyder and NVTC Commissioner

FROM: Rick Taube and Elizabeth Rodgers

DATE: August 30, 2007

SUBJECT: Mode Shares in the I-395/Route 1 Corridor Inside the Beltway

The attached report and Power Point describe the results of traffic counting performed in fall of 2006 during the morning peak period. This is the second in a series of annual reports prepared by MWCOG for VDOT with the assistance of NVTC and Northern Virginia's transit systems. The previous report described mode shares on I-66 inside the Beltway and during fall of 2007 data will be collected on I-95 at a Beltway screen line.

The results of the I-395/ Rt.1 corridor study show strong shares for transit and ridesharing. The commission is asked to authorize staff to issue a media release describing the results of the study, in cooperation with MWCOG and VDOT staff.





Analysis of AM Peak Period Travel in Northern Virginia's I-95/I-395 Corridor

Agenda Item #6

September 6, 2007



Goals



- Short term:
 - ◆ To measure the overall volume of persons and passengers within the I-95/I-395 corridor inside the Beltway and determine the share of current transit ridership relative to peak period auto travel.
- Long term:
 - ◆ To monitor and track changes in daily transit ridership relative to the growth in peak period auto travel in Northern Virginia's major commuting corridors.

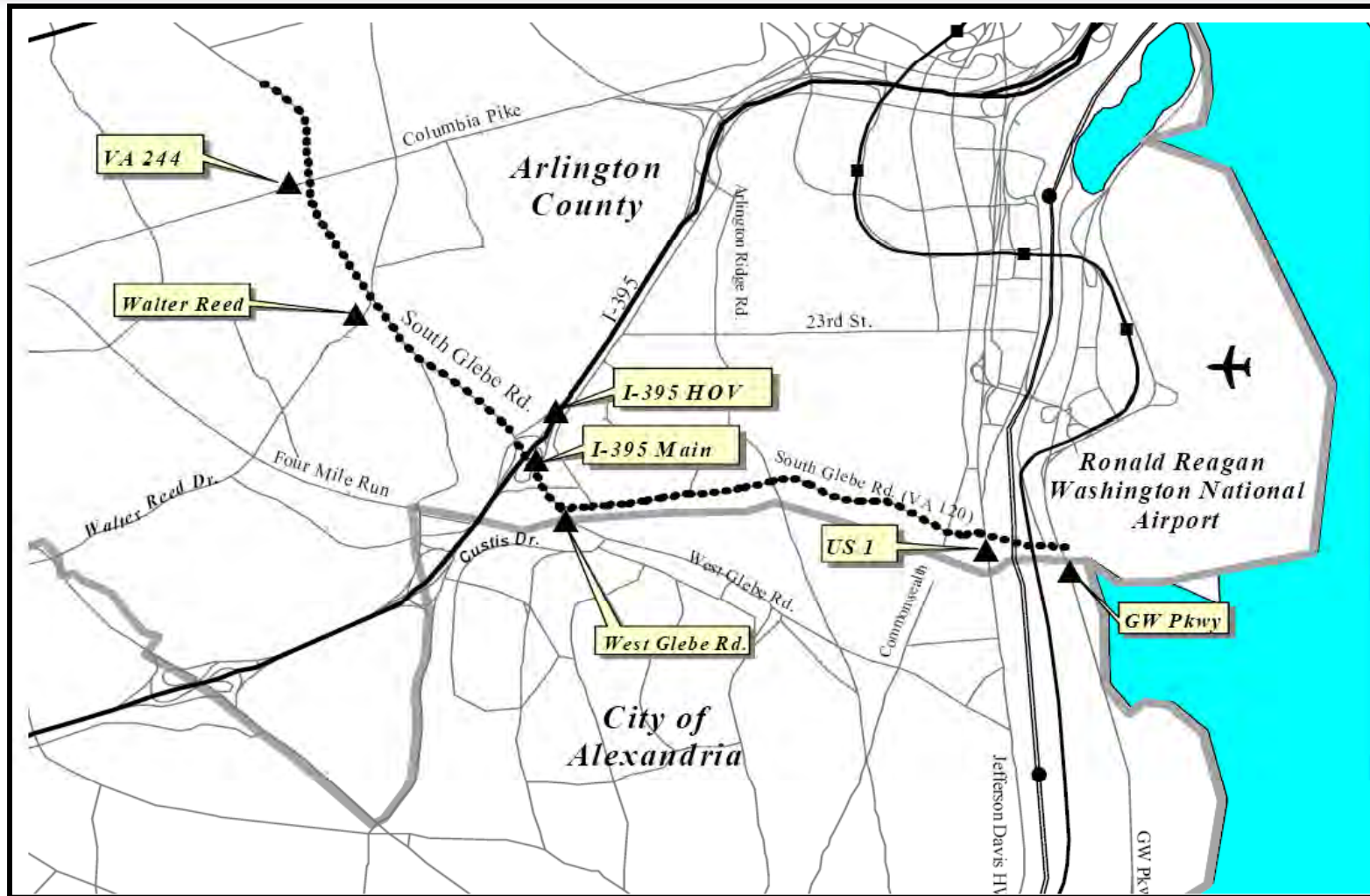


Background

- Beginning in the fall of 2005, transit passenger counts was added to VDOT's planned traffic count as part of the Northern Virginia HOV Monitoring program.
- Due to available resources the project was divided into phases and could be conducted over several fiscal years.
 - ◆ Fall 2005: I-66 (inside the Beltway)
 - ◆ Fall 2006: I-95/I-395 (inside the Beltway)
 - ◆ Fall 2007: I-95 (at the Beltway)
- The multi-day transit count occurred in the I-95/I-395 corridor for AM inbound travel at the Glebe Road screenline in mid-September, 2006.



I-95/I-395 Corridor Glebe Road Screenline

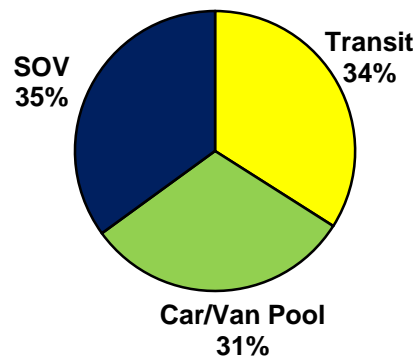




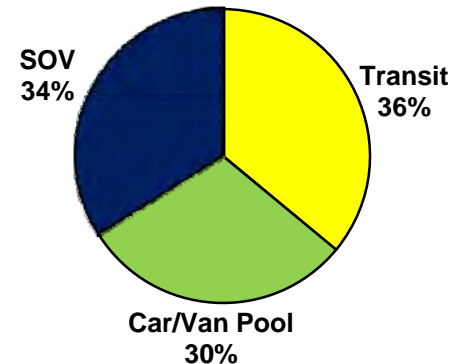
Total Persons Travel

- Approximately 94,300 persons are traveling through the I-95/I-395 corridor at Glebe Road during the AM peak period (6:15 AM – 9:15 AM). Of those travelers, 36,600 (39%) persons are crossing the screenline during the peak hour (7:30 AM – 8:30 AM).

Peak Period Travel (6:15-9:15 AM)

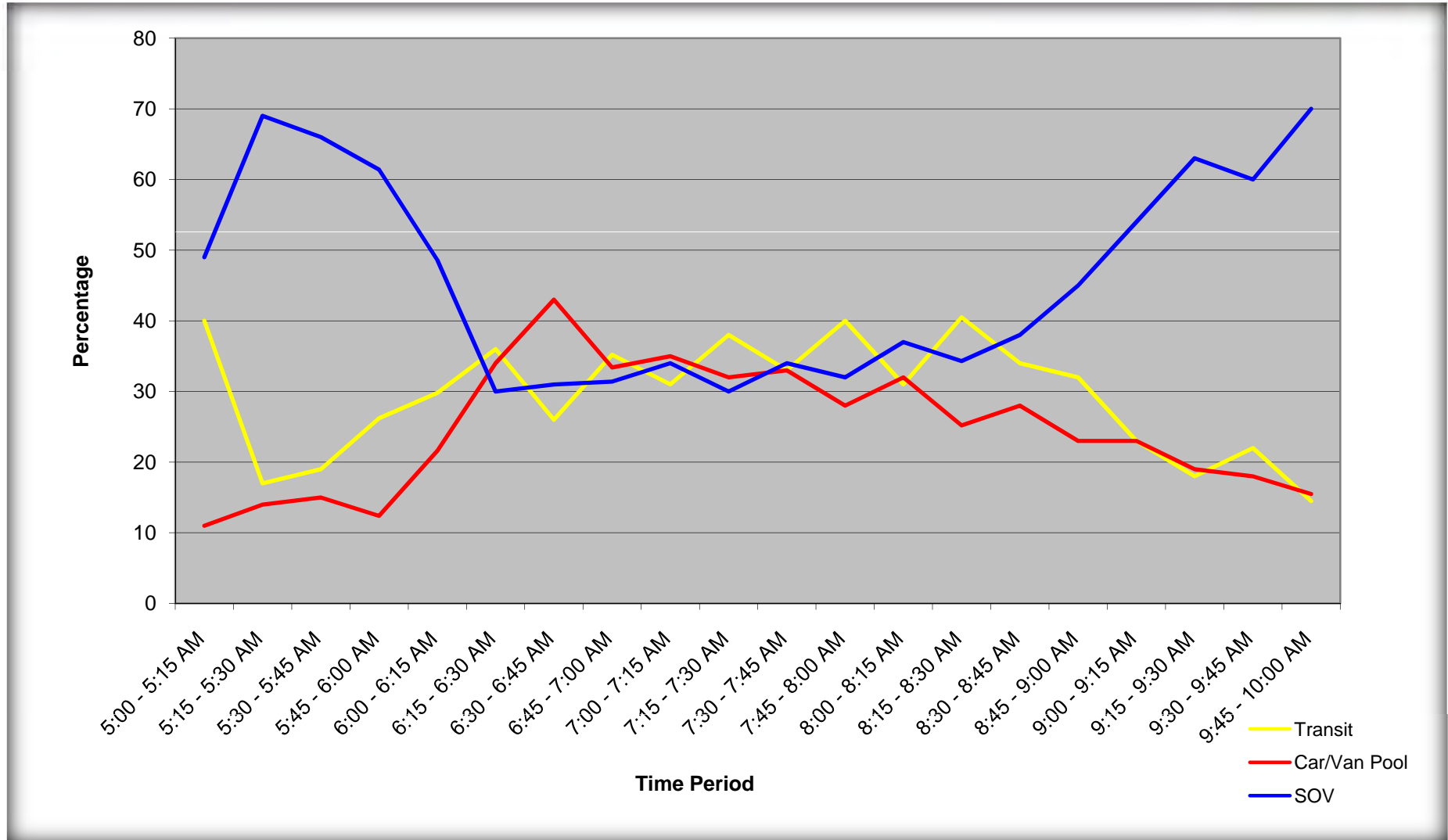


Peak Hour Travel (7:30-8:30 AM)





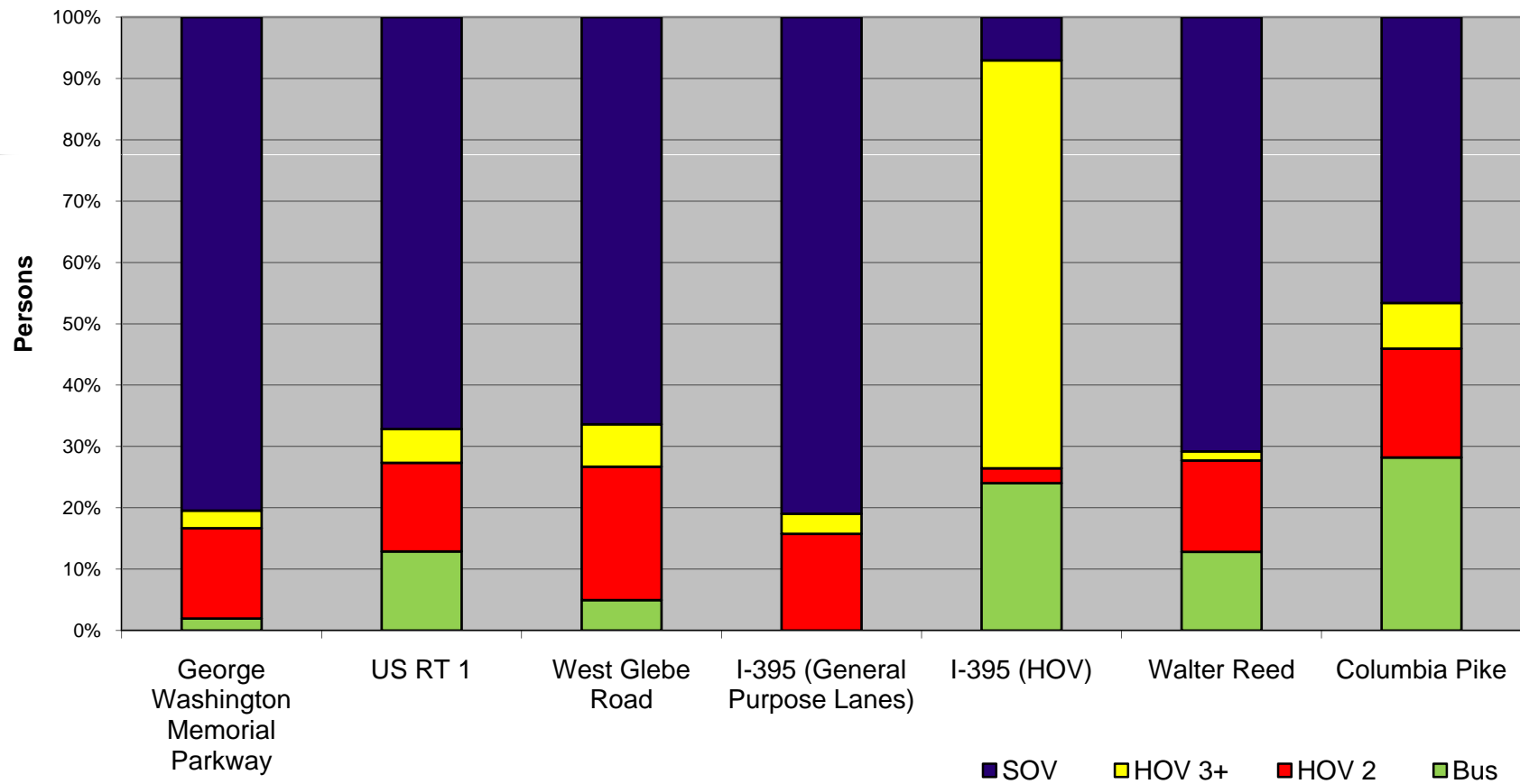
Percentage of Total Inbound Trips





Mode Shares

Mode Shares by Roadway Facility

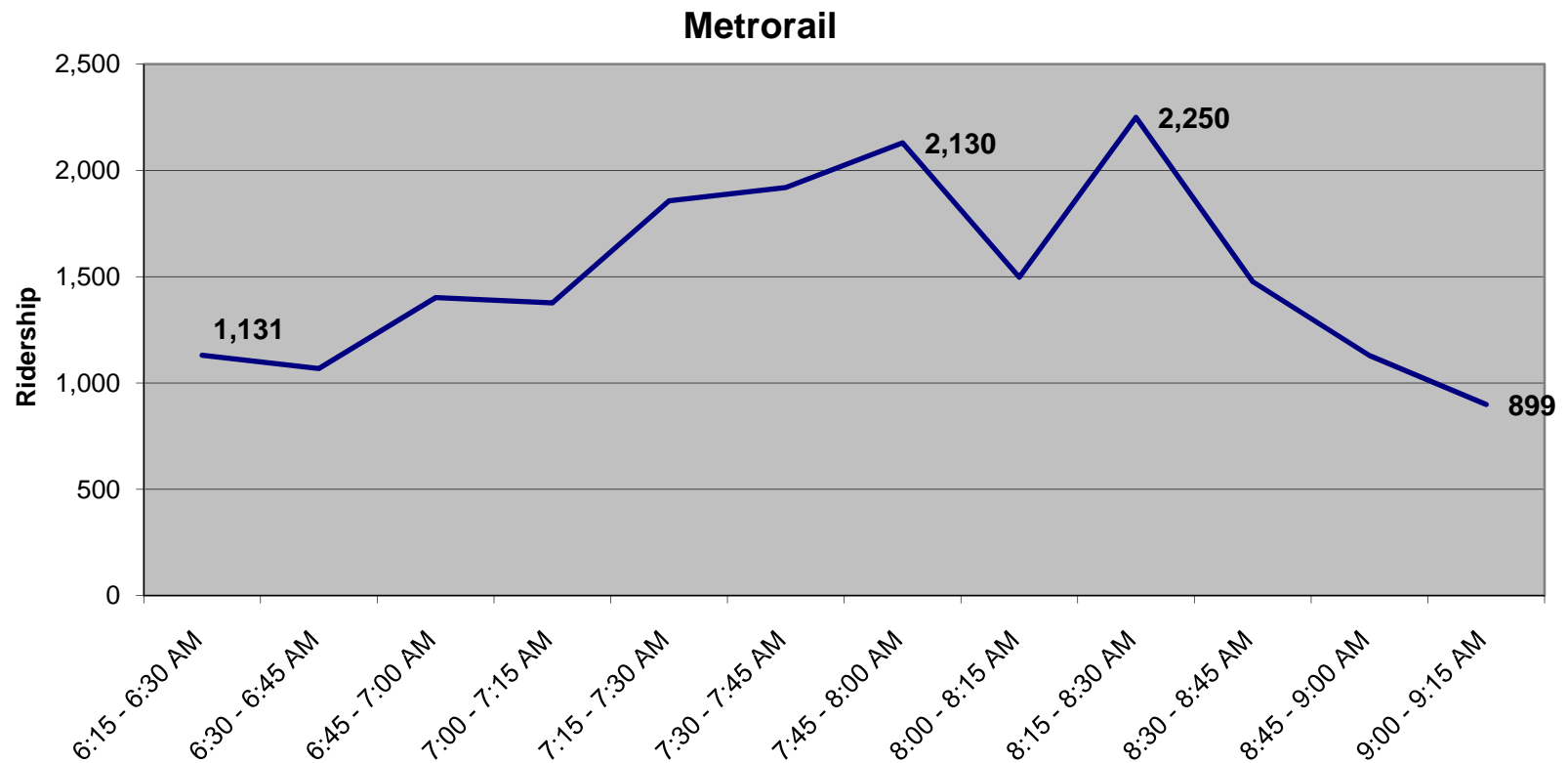




Travel By Transit



- 57% of transit passengers (18,100 persons) are traveling by Metrorail during the AM peak period.





Travel By Transit

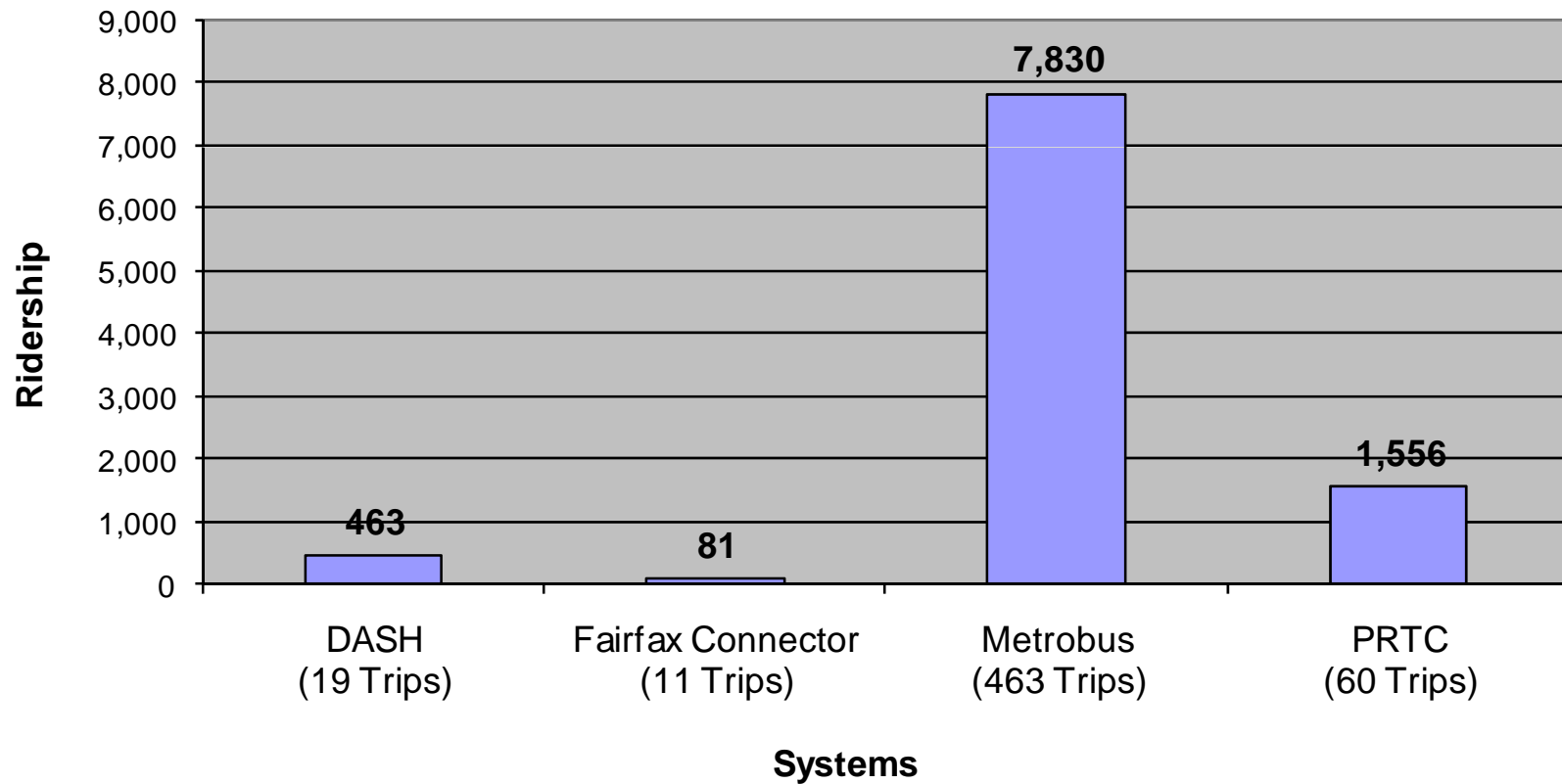
- 3,900 (12%) transit passengers are traveling on VRE through the I-95/I-395 corridor.
- VRE Stations Counted:
 - ◆ Fredericksburg Line:
 - ◆ Fredericksburg
 - ◆ Leeland Road
 - ◆ Brooke
 - ◆ Quantico
 - ◆ Rippon
 - ◆ Woodbridge
 - ◆ Lorton
 - ◆ Franconia/Springfield
 - ◆ Manassas Line:
 - ◆ Rolling Road
 - ◆ Backlick Road
 - ◆ 1/2 Burke Centre
 - ◆ Alexandria King Street
 - ◆ Minus alightings before Crystal City



Travel By Transit



Peak Period Bus Travel (6:15 - 9:15 AM)



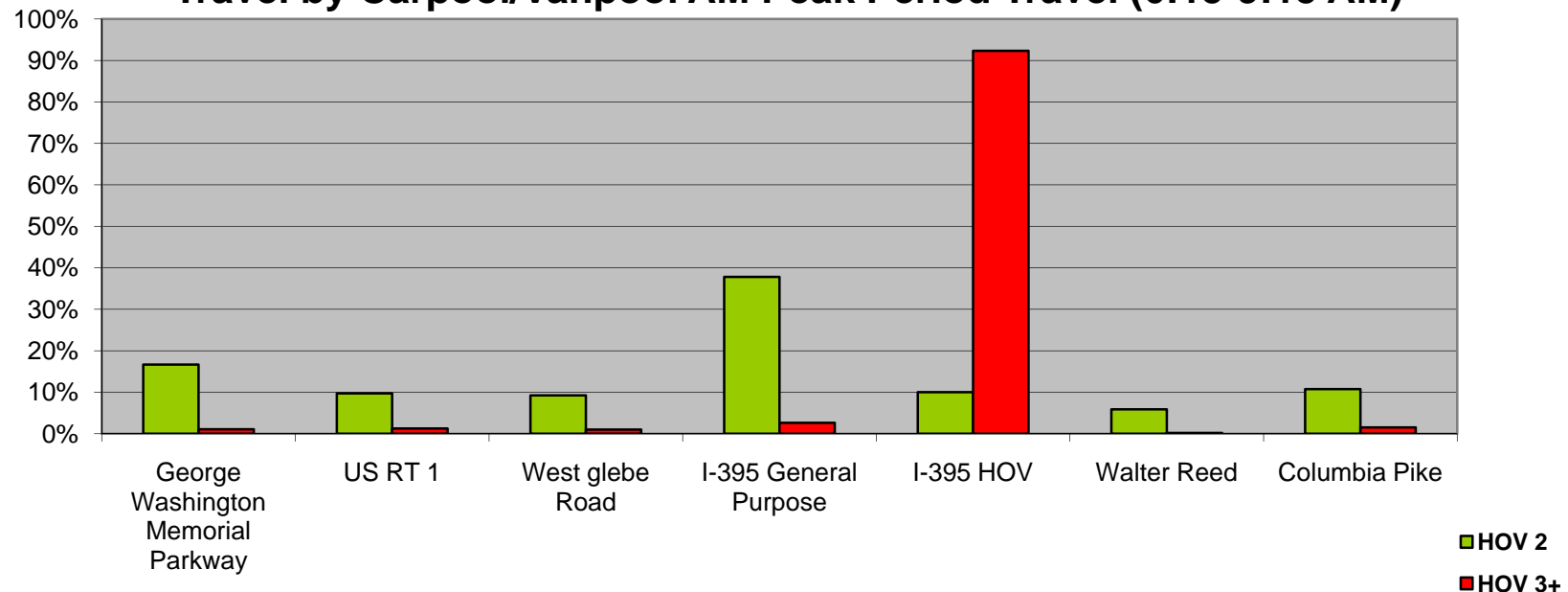


Travel By Carpool/Vanpool



- 31% of persons are traveling in carpools/vanpools across the screenline during the AM peak period. Of which 7,400 persons are traveling in passenger vehicles with two or more occupants. Another 22,000 persons were traveling in vehicles with three or more occupants.

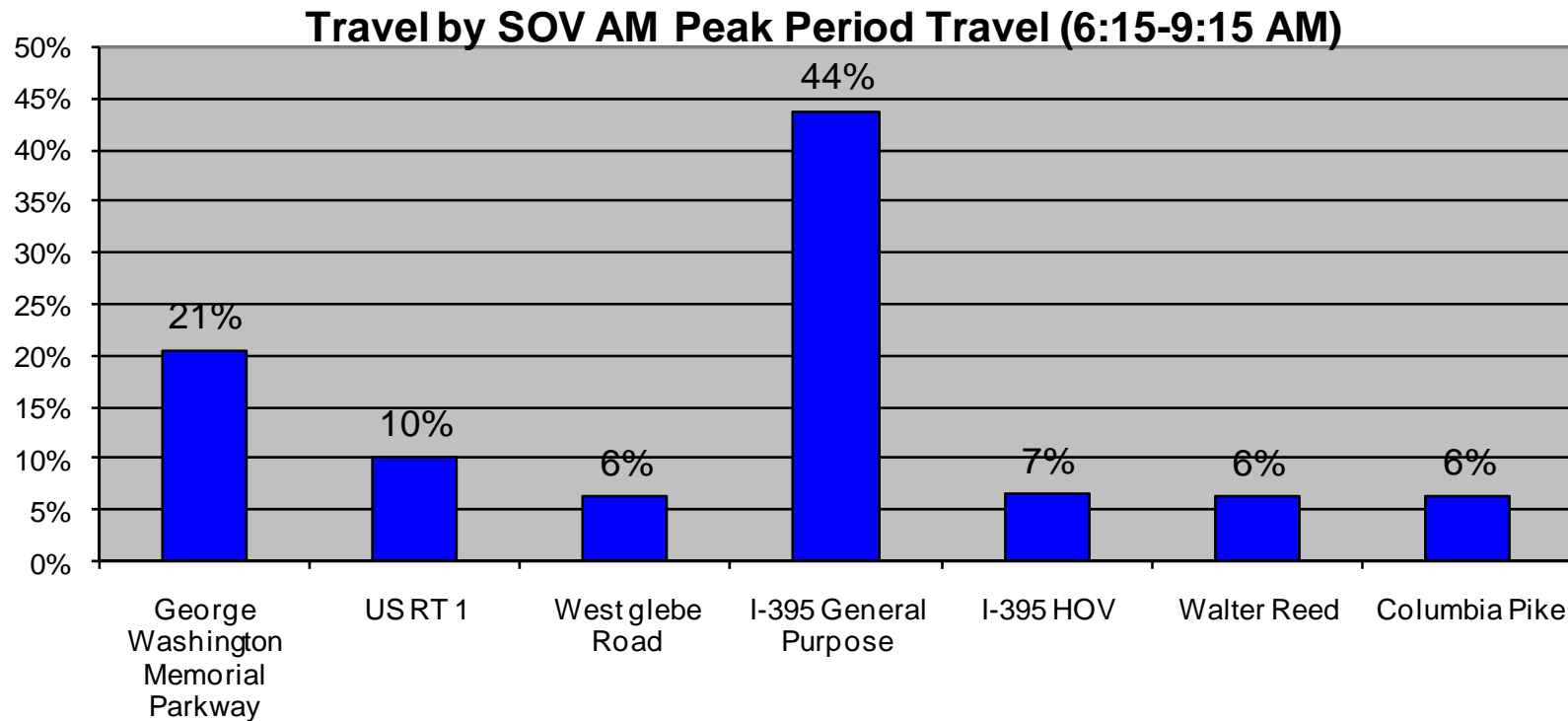
Travel by Carpool/Vanpool AM Peak Period Travel (6:15-9:15 AM)





Travel By SOV

- Approximately 32,900 (35%) AM peak period travelers cross the I-95/I-395 screenline in single occupancy vehicles and motorcycles.
- 2,100 (14%) of SOVs including Hybrids*, are traveling in the Shirley Highway HOV lanes during the restricted period (6:00-9:00AM).



* Hybrids comprised about 20% of the total vehicles using the HOV lanes during the HOV restricted period.



Average Passenger Vehicle Occupancies



- 62,300 persons in approximately 43,200 passenger vehicles (excluding buses and railcars) are traveling inbound across the Glebe Road screenline in the I-95/I-395 corridor during the peak period.
- Passenger vehicles account for 66% of inbound travel during the peak period, with another 31,900 persons traveling by transit.
- Average Persons per Vehicle:
 - ◆ I-395 HOV2.66
 - ◆ I-395 General Purpose.....1.12



Major Findings



- 2/3 of all inbound AM peak period travelers in the I-95/I-395 corridor are using transit or multiple occupant vehicles for their inbound travel across the Glebe Road screenline.
- During the restricted period, the two Shirley HOV3+ lanes serve 3.5 times the number of persons per lane per hour than the four non-restricted general purpose lanes.
- Persons traveling by transit accounted for the greatest share of inbound travel during the peak hour.



Comparison



Mode	I-395 @ Glebe Road		I-66 @ Glebe Road	
	SOV	32,899	35%	22,900
HOV	29,453	31%	16,695	26%
Bus	9,959	11%	2,285	4%
Rail	21,999	23%	21,405	34%
Transit Subtotal	31,958	34%	23,690	37%
Total	94,310	100%	63,285	100%

Analysis of AM Peak Period Travel In Northern Virginia's I-95/I-395 Corridor

Summary

Two out of every three inbound AM peak period travelers in Northern Virginia's I-95/I-395 corridor are using transit or multiple occupant autos and vans for their travel to or through regional core area employment sites in Northern Virginia and the District of Columbia. The multi-modal Shirley Highway facility itself carries one out of every two of the inbound AM peak period travelers in this corridor, 24,500 of them in carpools and vanpools and 7,400 in buses and 16,500 in single occupant vehicles (SOV).

It is particularly noteworthy that during the 6:00AM to 9:00AM time period, when the Shirley Highway HOV3+ use restrictions are in effect, the two Shirley HOV3+ lanes carry an average of 5,100 persons per lane per hour. This average is about 3 and one-half times greater than the average of 1,500 persons per lane per hour found on Shirley Highway's four non-restricted general purpose lanes during this 3-hour time period.

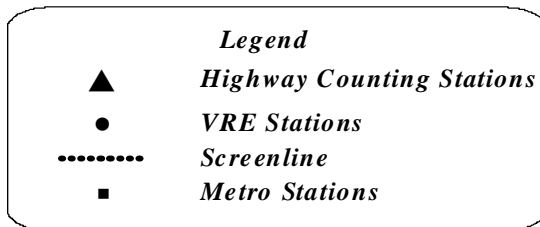
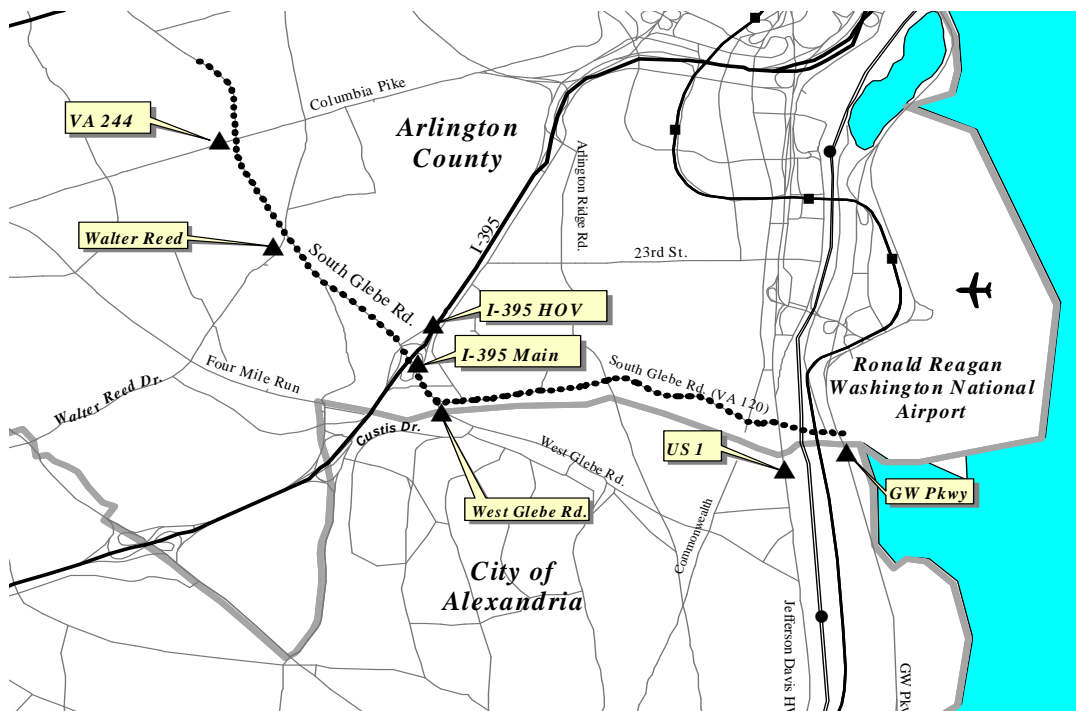
Rail transit, including both Metrorail and the Virginia Railways Express (VRE), carries 22,000 of the inbound AM peak period travelers in this corridor. Metrorail's Yellow and Blue lines account for more than 18,100 of this total and VRE's ridership in this corridor is estimated to be about 3,900 AM peak period riders. Inbound AM peak period bus ridership in this corridor, including WMATA Metrobus, PRTC OmniRide and Metro Direct, City of Alexandria DASH, and Fairfax Connector bus service, totals approximately 9,900. Rail and bus ridership together total about 31,900 riders and constitutes a 34% share of all inbound AM peak period travelers in Northern Virginia's I-95/I-395 corridor.

These significant findings are based on two-day traffic and transit passenger counts conducted in mid-September and early October, 2006 by staff from the National Capital Region Transportation Planning Board (TPB) at the Metropolitan Washington Council of Governments, the Washington Metropolitan Area Transit Authority (WMATA), the Virginia Railway Express (VRE), the City of Alexandria transit system (DASH), the Fairfax Connector bus system and the Potomac and Rappahannock Transportation Commission (PRTC). This project was sponsored by the Virginia Department of Transportation (VDOT) in response to a request by the Northern Virginia Transportation Commission (NVTC) and was carried out as a VDOT Technical Assistance project in the TPB's Fiscal Year 2007 Unified Planning Work Program (UPWP).

Study Background

One of NVTC's goals is to monitor and track changes in daily transit ridership relative to the growth in peak period auto travel in Northern Virginia's major commuting corridors. In pursuit of this goal, NVTC asked VDOT to include an I-95/I-395 Corridor Count project in its TPB Technical Assistance work program. VDOT agreed to this request and programmed some of its FY 2007 UPWP Technical Assistance funds for multi-day traffic counts in the I-95 / I-395 corridor at selected locations along the inner area screen line just outside Glebe Road (Figure 1) (See Appendix A for exact locations).

Figure 1
Northern Virginia I-95 / I-395 Corridor
Inner Area (South Glebe Road) Screenline



This study complements a similar Corridor Count project requested by NVTC and funded by VDOT in FY 2006 to analyze peak period transit ridership and auto travel in the I-66 Corridor. Traffic and passenger counts conducted along a screen line are designed to measure the overall volume of vehicle, person and passenger movements at a specific location within a major travel corridor.

Total Person Travel

The traffic and transit passenger counts taken for this study on two “typical weekdays” were averaged together to compute a statistically dependable estimate of the 3-hour AM peak period for inbound person travel across an “inner area” Glebe Road screen line for the I-95 / I-395 corridor. A “typical weekday” for the purposes of this study was defined as a non-holiday Tuesday, Wednesday, or Thursday on which there were no special events or major traffic incidents that would affect typical travel patterns on these days. Analysis of the count data collected in this study, presented in Table 1, show this 3-hour AM peak period for person travel to be from 6:15AM to 9:15AM when approximately 94,300 persons are traveling inbound on the major roads and transit routes serving Northern Virginia’s I-95 / I-395 corridor on their way to or through regional core area employment sites.

Table 1 further reveals that the standard weekday variation for travel during this AM peak period is slightly less than 800 persons or approximately 1% of the total inbound AM peak period person travel across this screen line. This suggests little day-to-day variation in total weekday inbound AM peak period person travel across this screen line. Day-to-day variation in inbound AM peak period weekday travel by carpool and transit is considerably higher, however. Daily variation in AM peak period travel by transit is 9% and is 16% for carpool/vanpool travel. This difference between the percent variation in overall person travel and the percent variation by the transit and carpool travel mode suggests some considerable switching between these two modes on a daily basis. It is likely that this considerable level of daily mode switching is related to the high incidence of informal carpooling known as “slugging” in this corridor.

The data in Table 1 also show the morning peak 1-hour for inbound total person travel across the I-95 / I-395 corridor inner area screen line at Glebe Road to be from 7:30AM to 8:30AM. The 36,600 peak hour travelers crossing this screen line represent approximately 39% of persons crossing this screen line the during 3-hour 6:15AM to 9:15AM morning peak period. About 9,000 inbound I-95 / I-395 corridor travelers traverse this screen line in each 15-minute period during the AM peak hour. Day-to-day variation in typical weekday AM peak hour travel is about the same as for the entire 3-hour AM peak period.

Modal Shares

The count data collected in this study indicate that typical weekday AM peak period travel in this corridor is about evenly split between transit, carpools and single occupant vehicles (SOV). Travel by SOV had the highest modal share at 35%, followed

Table 1
AM Peak Period Travel in the I-395 Corridor
Total Inbound Person Trips at the Inner Area (Glebe Road) Screenline

Time Period	Persons Total AVG	Persons Auto AVG	Persons Transit AVG	Persons Percent Transit	Persons Car/Van Pool AVG	Persons Percent Car/Van Pool	Persons SOV AVG	Persons Percent SOV
5:00 - 5:15 AM	1,443	862	581	40%	155	11%	708	49%
5:15 - 5:30 AM	2,272	1,894	378	17%	318	14%	1,576	69%
5:30 - 5:45 AM	3,360	2,724	636	19%	502	15%	2,222	66%
5:45 - 6:00 AM	3,917	2,892	1,025	26%	484	12%	2,408	61%
6:00 - 6:15 AM	4,438	3,113	1,325	30%	958	22%	2,156	49%
6:15 - 6:30 AM	7,254	4,650	2,604	36%	2,443	34%	2,207	30%
6:30 - 6:45 AM	7,665	5,667	1,998	26%	3,293	43%	2,374	31%
6:45 - 7:00 AM	8,369	5,424	2,945	35%	2,798	33%	2,627	31%
7:00 - 7:15 AM	7,999	5,526	2,473	31%	2,777	35%	2,749	34%
7:15 - 7:30 AM	9,012	5,626	3,386	38%	2,927	32%	2,699	30%
7:30 - 7:45 AM	9,262	6,191	3,071	33%	3,066	33%	3,125	34%
7:45 - 8:00 AM	10,078	6,090	3,988	40%	2,871	28%	3,219	32%
8:00 - 8:15 AM	8,317	5,742	2,575	31%	2,674	32%	3,068	37%
8:15 - 8:30 AM	8,984	5,351	3,633	40%	2,267	25%	3,084	34%
8:30 - 8:45 AM	6,859	4,522	2,337	34%	1,915	28%	2,607	38%
8:45 - 9:00 AM	5,596	3,797	1,799	32%	1,300	23%	2,497	45%
9:00 - 9:15 AM	4,882	3,765	1,117	23%	1,122	23%	2,643	54%
9:15 - 9:30 AM	4,078	3,341	737	18%	790	19%	2,551	63%
9:30 - 9:45 AM	3,625	2,826	799	22%	647	18%	2,179	60%
9:45 - 10:00 AM	3,284	2,810	475	14%	508	15%	2,302	70%
Total								
5:00-10:00 AM	120,691	82,810	37,881	31%	33,812	28%	48,998	41%
Standard Weekday								
Variation (STD)	1,450	4,571	3,121		4,914		343	
Percent Variation (CV)	1%	6%	8%		15%		1%	
Peak Period								
6:15-9:15 AM	94,276	62,349	31,928	34%	29,451	31%	32,898	35%
Standard Weekday								
Variation (STD)	756	3,627	2,871		4,794		1,167	
Percent Variation (CV)	1%	6%	9%		16%		4%	
Peak Hour								
7:30-8:30 AM	36,640	23,374	13,267	36%	10,878	30%	12,496	34%
Standard Weekday								
Variation (STD)	288	553	265		1,662		1,109	
Percent Variation (CV)	1%	2%	2%		15%		9%	

Note: The person trip data presented in this table are the average of two "typical weekday" counts taken in mid-September and early October, 2006. The standard weekday variation is the standard deviation (STD) of these two counts. The percent variation is the coefficient of variation (CV) expressed as the ratio of the count standard deviation to the count average times 100%.

closely by transit at 34% and carpooling/vanpooling at 31%. Together, persons traveling by transit or carpool/vanpool account for about 65% of the total volume of AM peak period inbound travel across the I-95/I-395 corridor inner area screen line.

In the 7:30AM to 8:30AM peak hour, transit accounts for the greatest share of inbound person travel across the I-95 / I-395 corridor screen line with a 36% modal share. This higher transit modal share percentage comes at the expense of SOV and HOV modal shares. The SOV modal share drops by 1 percentage point from 35% for the entire the 3-hour AM peak period to 34% for the AM peak 1-hour. Likewise, the carpool/vanpool modal share drops from 31% for the 3-hour AM peak period to 30% for the AM peak hour. Travel by carpool/vanpool accounts for the greatest share of inbound travel in the corridor during the 6:30AM to 7:30AM time period with a modal share of 36%. Travel by SOV dominates in the period before 6:15AM and after 8:30AM.

Travel by Transit

Approximately 18,100 persons in the I-95 / I-395 corridor choose Metrorail for their AM peak period travel to and through regional core area employment centers. The data in Table 2 show that travel by Metrorail accounts for about 57% of total inbound AM peak period transit ridership in the I-95 / I-395 corridor. This is not surprising given the fact that WMATA and local jurisdiction bus service feed many transit riders from local neighborhoods to the Metrorail system.

WMATA Metrobus, Fairfax Connector (FFX CONN), City of Alexandria Transit (DASH) and PRTC OmniRide and Metro Direct bus routes provide feeder bus service to Yellow and Blue Line Metrorail stations outside the I-95 / I-395 inner area screen line. Many of the daily riders on these bus routes transfer to Metrorail at stations outside the inner area I-95/ I-395 screen line. Thus, some of these bus/rail transit users show up solely as Metrorail riders in the Metrorail passenger counts taken at the Glebe Road screen line. In addition to providing feeder bus service to Yellow and Blue Line Metrorail stations outside the I-95 / I-395 inner area screen line, these four transit providers also operate some direct bus service that crosses the I-95 / I-395 inner area screen line on routes directly serving Crystal City and the Pentagon in Arlington, and various locations across the 14th Street Bridge in the District of Columbia.

The data presented in Table 2 show that on a typical weekday WMATA Metrobuses serve 7,800 inbound AM peak period weekday passengers for their travel across this I-95 / I-395 inner area screen line, Fairfax Connector buses serve slightly less than 100 passengers, City of Alexandria Transit buses serve about 500 passengers and PRTC OmniRide buses serve almost 1,600 AM peak period riders.

Virginia Railway Express' (VRE) Manassas and Fredericksburg lines also provides service to AM peak period travelers who live in the broad I-95 / I-395 transportation corridor. Because of the configuration of the railroad lines providing service from Northern Virginia's outer suburban jurisdictions to regional core area employment centers, some VRE riders who board trains at VRE stations in the I-66 corridor technically cross the Glebe Road inner area screen line in the I-95 travel corridor. Thus, for the purposes of this study, all of the AM peak

Table 2
AM Peak Period Travel in the I-95/I-395 Corridor
Total Inbound Transit Passengers at the Inner Area (Glebe Road) Screenline

Time Period	TOTAL TRANSIT	DASH BUS	FFX CONN BUS	WMATA BUS	WMATA RAIL	VRE RAIL	PRTC BUS
5:00 - 5:15 AM	581	0	0	189	303	0	89
5:15 - 5:30 AM	378	0	0	147	181	0	51
5:30 - 5:45 AM	636	0	0	256	288	0	92
5:45 - 6:00 AM	1,025	0	0	186	579	96	165
6:00 - 6:15 AM	1,325	24	6	376	683	0	238
6:15 - 6:30 AM	2,604	19	8	567	1,131	761	119
6:30 - 6:45 AM	1,998	16	4	535	1,068	164	213
6:45 - 7:00 AM	2,945	38	24	654	1,402	554	275
7:00 - 7:15 AM	2,473	46	3	680	1,377	158	210
7:15 - 7:30 AM	3,386	32	15	706	1,857	577	200
7:30 - 7:45 AM	3,071	44	3	889	1,920	147	70
7:45 - 8:00 AM	3,988	50	8	985	2,130	626	191
8:00 - 8:15 AM	2,575	40	8	801	1,498	130	100
8:15 - 8:30 AM	3,633	80	5	875	2,250	375	48
8:30 - 8:45 AM	2,337	34	3	611	1,477	107	107
8:45 - 9:00 AM	1,799	54	2	325	1,129	266	24
9:00 - 9:15 AM	1,117	13	0	206	899	0	0
9:15 - 9:30 AM	737	12	0	166	516	0	44
9:30 - 9:45 AM	799	18	0	145	616	21	0
9:45 - 10:00 AM	475	8	0	64	403	0	0
Total							
5:00-10:00 AM	37,881	523	87	9,357	21,702	3,981	2,233
Standard Weekday Variation (STD)	3,121	28	33	1,102	2,075	106	55
Percent Variation (CV)	8%	5%	38%	12%	10%	3%	2%
Peak Period							
6:15-9:15 AM	31,928	463	81	7,830	18,135	3,864	1,556
Standard Weekday Variation (STD)	2,871	41	30	862	2,083	108	23
Percent Variation (CV)	9%	9%	37%	11%	11%	3%	1%
Peak Hour							
7:30-8:30 AM	13,267	212	23	3,549	7,797	1,278	409
Standard Weekday Variation (STD)	265	24	6	123	148	33	57
Percent Variation (CV)	2%	11%	26%	3%	2%	3%	14%

Note: The transit ridership data presented in this table are the average of two “typical weekday” counts taken in mid-September and early October, 2006. The standard weekday variation is the standard deviation (STD) of these two counts. The percent variation is the coefficient of variation (CV) expressed as the ratio of the count standard deviation to the count average times 100%.

period VRE passengers boarding at Fredericksburg, Leeland Road, Brooke, Quantico, Rippon, Woodbridge, Lorton, Franconia/Springfield stations on the Fredericksburg line, plus all of the VRE riders boarding at the Rolling Road, Backlick Road commuter rail stations on the Manassas line, plus one-half the AM peak VRE riders at the Burke Center station, plus all the VRE riders boarding at the Alexandria King Street minus the number of VRE passengers alighting trains before the Crystal City station were considered I-95 / I-395 corridor inner area screen line travelers.

The rationale for the decision to exclude some of the VRE Manassas line riders from I-95 / I-395 corridor inner area transit and total person counts is that many of these riders boarding trains at the excluded VRE Manassas line stations could use, if they so chose, other available options in the I-66 corridor for their AM peak period travel and thus, these riders are more logically grouped with AM peak period travelers in the I-66 corridor. VRE Manassas line riders boarding at the Broad Run, Manassas, and Manassas Park commuter rail stations were included in the transit ridership totals for the I-66 Corridor Count study conducted for NVTC in FY 2006. Because Burke Centre is located almost midway between the I-66 and I-95 travel corridors, it was decided to include half of the AM peak period transit passengers boarding VRE trains at the Burke Centre station in the calculation of I-95 / I-395 inner area screen line total person and transit passenger counts. This was similar to what was done with the riders boarding at this station in the I-66 Corridor Count study.

The data in Table 2 show that VRE trains are estimated to serve approximately 3,900 of the inbound I-95 / I-395 corridor transit passengers traveling to regional core area employment centers in Arlington and DC. This represents approximately 12% of the total inbound transit ridership in this corridor during the AM peak period. Also, of the various transit modes that were counted in this study, VRE ridership exhibited the least day-to-day variation in ridership, with an average percent difference of only about 3% for the 3-hour AM peak period.

The data presented in Tables 2 and 2a show that the Shirley Highway HOV lanes also operate very effectively as a fixed guideway facility for bus transit. The Shirley Highway facility carries about 7,400 inbound AM peak period weekday transit passengers. This is approximately 41% of the total number of transit riders carried by the Blue and Yellow Metrorail lines at the Glebe Road screen line and almost twice the number of riders carried by VRE in this corridor.

Travel by Carpool/Vanpool

This study also found 7,400 persons traveling in passenger vehicles with two occupants (HOV2) for their inbound AM peak period travel across the I-95 / I-395 corridor inner area screen line (Table 3). About 38% of the persons traveling in these HOV2 carpools were on Shirley Highway's four general purpose lanes, 10% were on the Shirley Highway's two HOV lanes, and another 17% were counted on the GW Memorial Parkway. HOV2 person travel on US 1 (Jefferson Davis Highway), West Glebe Road, Walter Reed Drive and VA 244 (Columbia Pike) ranged from an average of about 400 to

Table 2a
AM Peak Period Travel in the I-95/I-395 Corridor
Total Inbound Bus Ridership at the Inner Area (Glebe Road) Screenline

Time Period	Total Bus Riders	Number of Bus Riders by I-395 Corridor Roadway Facility						
		GWM Pkwy	US1	West Glebe	I-395 GP	I-395 HOV	Walter Reed	Columbia Pike
5:00 - 5:15 AM	278	0	48	0	0	150	0	80
5:15 - 5:30 AM	198	0	34	0	0	102	0	62
5:30 - 5:45 AM	348	0	54	0	0	183	60	51
5:45 - 6:00 AM	380	0	28	3	0	238	28	84
6:00 - 6:15 AM	640	0	39	15	0	453	44	91
6:15 - 6:30 AM	705	0	84	22	0	457	35	109
6:30 - 6:45 AM	809	0	37	23	0	608	43	99
6:45 - 7:00 AM	977	0	79	14	0	777	4	105
7:00 - 7:15 AM	937	15	24	8	0	713	74	104
7:15 - 7:30 AM	952	15	98	19	0	701	0	120
7:30 - 7:45 AM	1,016	37	60	17	0	689	69	146
7:45 - 8:00 AM	1,222	28	95	18	0	964	11	107
8:00 - 8:15 AM	985	32	34	10	0	738	37	136
8:15 - 8:30 AM	960	40	83	12	0	683	16	127
8:30 - 8:45 AM	774	0	16	11	0	648	48	52
8:45 - 9:00 AM	362	0	35	5	0	213	12	98
9:00 - 9:15 AM	261	0	0	0	0	163	29	69
9:15 - 9:30 AM	183	0	40	22	0	86	6	30
9:30 - 9:45 AM	152	0	9	4	0	58	35	47
9:45 - 10:00 AM	64	0	27	0	0	0	22	16
Total								
5:00-10:00 AM	12,199	164	919	199	0	8,621	567	1,730
Peak Period								
6:15-9:15 AM	9,958	164	643	156	0	7,352	374	1,270
Peak Hour								
7:30-8:30 AM	4,183	135	271	55	0	3,074	132	516

Note: The transit ridership data presented in this table are the average of two “typical weekday” counts taken in mid-September and early October, 2006.

800 persons. The percent day-to-day variation in AM peak period person travel by HOV2 in this corridor was very high, averaging about 17% for all roadway facilities in this corridor.

Persons traveling in passenger vehicles with three or more occupants (HOV3+) during the AM peak period totaled about 22,000 (Table 4). Not surprisingly, 92% of this HOV3+ travel was on the Shirley Highway HOV lanes. Use of I-395's inbound HOV lanes between 6:00AM and 9:00AM is restricted to HOV3+-person vehicles and single occupant vehicles that have special "clean fuel" license tags or are law enforcement vehicles. Percent day-to-day variation in AM peak period person travel by HOV3+ carpools and van pools was extremely high, averaging 28% on the Shirley Highway HOV facility. This, together with the high percent variation in transit travel suggests significant switching between the carpool and transit modes on a daily basis and may be related to the high incidence of daily informal carpooling known as "slugging" in this corridor.

The effectiveness of the I-395 HOV3+ lanes in encouraging the use of car and vanpooling and their efficiency in moving large numbers of people per lane of roadway is clearly seen in the count data collected in this study. During the three-hour time period when the I-395 HOV3+ use restrictions are in effect, the two inbound I-395 HOV lanes carry an average of 3,800 auto persons per lane per hour compared to an average of just 1,500 auto persons per lane per hour on Shirley Highway's four non-restricted general purpose lanes at the Glebe Road screen line. If transit riders on buses are included in the persons moved per lane per hour statistic, then average number of persons moved per lane per hour on the Shirley HOV lanes increases to 5,100. Thus, in the 6:00AM to 9:00AM period, the Shirley Highway HOV lanes move roughly 3 and a half times more persons per lane per hour than on this roadway's non-restricted general purpose lanes.

Travel by Single Occupant Vehicles

The results of the two-day traffic counts conducted for this study presented in Table 5 show that on a typical weekday approximately 32,900 inbound AM peak period travelers cross the I-95/I-395 inner area screen line in single occupancy autos and motorcycles (SOVs). The greatest amount of AM peak period SOV travel was seen on Shirley Highway's general purpose lanes. During the 3-hour 6:00AM to 9:00AM restricted use period, SOV travel on Shirley Highway's four general purpose lanes totaled approximately 14,600 persons. In this same restricted time period, SOV travel on the Shirley HOV lanes was 2,100 or 14% of the SOVs travel in the general purpose lanes. The majority of the SOVs counted in these HOV lanes appeared to be vehicles with clean fuel license tags that exempt them from the HOV3+ requirement.

Persons in SOVs traveling inbound across the Glebe Road screen line in the AM peak period totaled about 6,800 on George Washington Memorial Parkway, about 3,300 on US 1 (Jefferson Davis Highway), and about 2,100 each on the West Glebe Road, Walter Reed Drive and VA 244 (Columbia Pike) roadways.

Table 3
AM Peak Period Travel in the I-95/I-395 Corridor
Total Inbound Persons in HOV2 Vehicles at the Inner Area (Glebe Road) Screenline

Time Period	Total HOV2 Persons	HOV2 Persons by I-395 Corridor Roadway Facility						
		GWM Pkwy	US1	West Glebe	I-395 GP GP	I-395 HOV	Walter Reed	Columbia Pike
5:00 - 5:15 AM	81	0	5	11	24	29	5	7
5:15 - 5:30 AM	148	0	1	16	7	102	1	21
5:30 - 5:45 AM	209	2	12	35	1	113	4	42
5:45 - 6:00 AM	273	0	32	49	21	126	5	40
6:00 - 6:15 AM	244	0	21	46	74	64	7	32
6:15 - 6:30 AM	399	0	25	30	251	34	9	50
6:30 - 6:45 AM	376	21	54	35	172	24	13	57
6:45 - 7:00 AM	483	103	45	44	172	31	19	69
7:00 - 7:15 AM	605	105	74	74	243	30	25	54
7:15 - 7:30 AM	644	128	87	60	222	29	33	85
7:30 - 7:45 AM	780	144	87	79	264	77	39	90
7:45 - 8:00 AM	810	162	73	84	307	67	50	67
8:00 - 8:15 AM	817	183	71	53	352	51	36	71
8:15 - 8:30 AM	746	137	56	75	298	54	70	56
8:30 - 8:45 AM	640	110	59	83	208	50	58	72
8:45 - 9:00 AM	525	67	46	42	202	54	49	65
9:00 - 9:15 AM	597	77	43	26	114	241	34	62
9:15 - 9:30 AM	574	70	32	25	151	218	30	48
9:30 - 9:45 AM	454	53	43	33	119	129	30	47
9:45 - 10:00 AM	395	44	39	44	93	100	25	50
Total								
5:00-10:00 AM	9,800	1,406	905	944	3,295	1,623	542	1,085
Standard Weekday Variation (STD)	1,000	108	422	100	34	538	20	86
Percent Variation (CV)	10%	8%	47%	11%	1%	33%	4%	8%
Peak Period								
6:15-9:15 AM	7,422	1,237	720	685	2,805	742	435	798
Standard Weekday Variation (STD)	1,236	182	376	102	206	448	6	132
Percent Variation (CV)	17%	15%	52%	15%	7%	60%	1%	17%
Peak Hour								
7:30-8:30 AM	3,153	626	287	291	1,221	249	195	284
Standard Weekday Variation (STD)	1,094	76	98	74	510	366	10	108
Percent Variation (CV)	35%	12%	34%	25%	42%	147%	5%	38%

Note: The traffic count data presented in this table are the average of two “typical weekday” counts taken in mid-September and early October, 2006. The standard weekday variation is the standard deviation (STD) of these two counts. The percent variation is the coefficient of variation (CV) expressed as the ratio of the count standard deviation to the count average times 100%

Table 4
AM Peak Period Travel in the I-95/I-395 Corridor
Total Inbound Persons in HOV3+ Vehicles at the Inner Area (Glebe Road) Screenline

Time Period	Total HOV3+ Persons	HOV3+ Persons by I-395 Corridor Roadway Facility						
		GWM Pkwy	US1	West Glebe	I-395 GP GP	I-395 HOV	Walter Reed	Columbia Pike
5:00 - 5:15 AM	49	6	8	0	21	6	0	8
5:15 - 5:30 AM	170	0	0	6	33	123	0	8
5:30 - 5:45 AM	293	6	8	52	30	171	0	27
5:45 - 6:00 AM	211	0	24	49	11	110	0	18
6:00 - 6:15 AM	714	0	8	26	23	629	0	28
6:15 - 6:30 AM	2,044	0	15	17	71	1,895	0	47
6:30 - 6:45 AM	2,917	14	39	17	59	2,759	0	29
6:45 - 7:00 AM	2,315	8	7	17	52	2,204	0	29
7:00 - 7:15 AM	2,172	5	14	7	27	2,078	4	39
7:15 - 7:30 AM	2,283	19	75	8	21	2,125	5	32
7:30 - 7:45 AM	2,286	53	19	28	45	2,104	3	36
7:45 - 8:00 AM	2,061	20	14	43	64	1,888	6	28
8:00 - 8:15 AM	1,857	31	9	21	79	1,692	8	18
8:15 - 8:30 AM	1,521	23	9	24	39	1,402	8	18
8:30 - 8:45 AM	1,275	36	27	20	47	1,128	2	16
8:45 - 9:00 AM	775	14	16	18	39	668	8	14
9:00 - 9:15 AM	525	20	32	2	42	398	2	31
9:15 - 9:30 AM	216	15	29	10	42	94	9	18
9:30 - 9:45 AM	193	18	21	2	49	77	9	18
9:45 - 10:00 AM	113	8	24	3	40	35	2	3
Total								
5:00-10:00 AM	23,987	292	395	365	829	21,584	63	461
Standard Weekday Variation (STD)	5,964	42	235	41	482	5,537	35	132
Percent Variation (CV)	25%	14%	60%	11%	58%	26%	56%	29%
Peak Period								
6:15-9:15 AM	22,029	240	274	218	582	20,339	43	335
Standard Weekday Variation (STD)	6,030	10	111	54	313	5,712	7	59
Percent Variation (CV)	27%	4%	41%	25%	54%	28%	16%	18%
Peak Hour								
7:30-8:30 AM	7,725	127	50	115	226	7,085	24	99
Standard Weekday Variation (STD)	2,756	3	20	29	22	2,684	12	10
Percent Variation (CV)	36%	2%	40%	25%	10%	38%	50%	10%

Note: The traffic count data presented in this table are the average of two “typical weekday” counts taken in mid-September and early October, 2006. The standard weekday variation is the standard deviation (STD) of these two counts. The percent variation is the coefficient of variation (CV) expressed as the ratio of the count standard deviation to the count average times 100%.

Table 5
AM Peak Period Travel in the I-95/I-395 Corridor
Total Inbound Persons in SOV Vehicles at the Inner Area (Glebe Road) Screenline

Time Period	Total SOV Persons	SOV Persons by I-395 Corridor Roadway Facility						
		GWM Pkwy	US1	West Glebe	I-395 GP GP	I-395 HOV	Walter Reed	Columbia Pike
5:00 - 5:15 AM	708	98	72	13	289	204	7	26
5:15 - 5:30 AM	1,576	147	117	42	557	672	7	35
5:30 - 5:45 AM	2,222	259	135	72	927	746	13	71
5:45 - 6:00 AM	2,408	294	184	76	943	817	29	67
6:00 - 6:15 AM	2,156	301	193	71	1,016	455	32	89
6:15 - 6:30 AM	2,207	417	165	98	1,219	154	54	101
6:30 - 6:45 AM	2,374	438	212	111	1,300	108	87	120
6:45 - 7:00 AM	2,627	541	200	148	1,321	149	111	159
7:00 - 7:15 AM	2,749	576	272	132	1,334	141	111	184
7:15 - 7:30 AM	2,699	561	233	192	1,223	143	172	177
7:30 - 7:45 AM	3,125	643	342	235	1,345	160	181	220
7:45 - 8:00 AM	3,219	660	324	189	1,432	142	247	227
8:00 - 8:15 AM	3,068	655	318	242	1,237	163	237	217
8:15 - 8:30 AM	3,084	733	320	236	1,183	149	275	190
8:30 - 8:45 AM	2,607	562	333	197	996	110	246	164
8:45 - 9:00 AM	2,497	496	328	164	950	183	206	171
9:00 - 9:15 AM	2,643	476	301	148	855	554	140	170
9:15 - 9:30 AM	2,551	464	279	174	793	599	111	132
9:30 - 9:45 AM	2,179	352	200	132	736	573	95	93
9:45 - 10:00 AM	2,302	273	183	188	792	660	75	133
Total								
5:00-10:00 AM	48,998	8,941	4,708	2,854	20,445	6,878	2,433	2,742
Standard Weekday Variation (STD)	776	1,403	52	85	709	519	227	136
Percent Variation (CV)	2%	16%	1%	3%	3%	8%	9%	5%
Peak Period								
6:15-9:15 AM	32,898	6,755	3,346	2,089	14,393	2,154	2,065	2,097
Standard Weekday Variation (STD)	1,185	1,596	101	195	1,031	644	143	213
Percent Variation (CV)	4%	24%	3%	9%	7%	30%	7%	10%
Peak Hour								
7:30-8:30 AM	12,496	2,691	1,304	901	5,197	613	940	853
Standard Weekday Variation (STD)	1,138	1,380	11	50	715	378	46	201
Percent Variation (CV)	9%	51%	1%	6%	14%	62%	5%	24%

Note: The traffic count data presented in this table are the average of two “typical weekday” counts taken in mid-September and early October, 2006. The standard weekday variation is the standard deviation (STD) of these two counts. The percent variation is the coefficient of variation (CV) expressed as the ratio of the count standard deviation to the count average times 100%.

Vehicle Counts

An inbound AM peak period passenger vehicle flow of approximately 43,200 vehicles was observed crossing the I-95 / I-395 inner area Glebe Road screen line in this study, as shown in Table 6. The greatest number of these AM peak period vehicle movements was seen on the general purpose lanes of the I-395 facility. An inbound passenger vehicle flow of 15,900 vehicles was seen on the four general purposes lanes on this facility. This passenger vehicle flow total was followed by inbound flow of about 8,700 vehicles on the two I-395 HOV lanes. Inbound AM peak period passenger vehicle movements totaled approximately 7,400 on the George Washington Memorial Parkway, 3,800 on US 1 (Jefferson Davis Highway), 2,600 on VA 244(Columbia Pike), 2,500 on West Glebe Road and 2,300 on Walter Reed Drive .

Average Passenger Vehicle Occupancies

On a typical weekday a total of 62,300 persons in approximately 43,200 passenger vehicles were found to be traveling inbound across the Glebe Road screen line during the 3-hour AM peak period. The persons in these passenger vehicles, which included autos, vans and motorcycles, accounted for about 66% of all of the inbound AM peak person travel across this inner area screen line. These passenger vehicle totals and the average vehicle occupancies shown in Table 7, by definition, do not include buses or bus ridership.

The data in Table 7 also show that the total number inbound AM peak period passenger vehicle flows on the I-395 general purpose lanes exceeded the number of passenger vehicles on the I-395 HOV lanes by 7,200 vehicles, but the number of persons in the passenger vehicles on the I-395 HOV lanes exceeded the number of persons in the passenger vehicles on I-395 general purpose lanes by 5,500 persons. Thus, on a typical weekday, inbound AM peak period passenger vehicles on two I-395 HOV lanes carry approximately 5,500 more people in 7,200 fewer vehicles than on four I-395 general purpose lanes.

The I-395 HOV facility moves more people in fewer vehicles. The average passenger vehicle occupancies for inbound AM peak period vehicles on I-395 HOV lanes are more than double those found on the other major roadways in this corridor. Typical weekday AM peak period inbound passenger vehicle occupancies on I-395 HOV lanes averaged 2.66 persons per vehicle. Comparable passenger vehicle occupancies for the other roadway facilities are 1.12 person per vehicle for the Shirley Highway general purpose lanes, 1.11 persons per vehicle for the George Washington Memorial Parkway, 1.16 for US 1 (Jefferson Davis Highway), 1.21 for West Glebe Road, 1.12 for I-395 general purpose facility, 1.11 for Walter Reed Drive, and 1.25 persons per vehicle on VA 244 (Columbia Pike).

The data in tables 8 and 9 present the number and percentage distribution of vehicle occupancies classified by the number of persons in the vehicle for inbound AM peak period passenger vehicle flows across the I-95/I-395 corridor inner area screen line, respectively. These tables show that for the George Washington Memorial Parkway, US 1 (Jefferson Davis Highway), the I-395 general purpose lanes and Walter Reed Drive roadways, about 90% of the inbound AM peak period passenger vehicles on these roadways are only carrying a single occupant. Counts on the West Glebe Road and VA 244 (Columbia Pike) showed a greater share

Table 6
AM Peak Period Travel in the I-95/I-395 Corridor
Total Inbound Passenger Vehicles at the Inner Area (Glebe Road) Screenline

Time Period	Total Passenger Vehicles	Passenger Vehicles by I-395 Corridor Roadway Facility						
		GWM Pkwy	US1	West Glebe	I-395 GP GP	I-395 HOV	Walter Reed	Columbia Pike
5:00 - 5:15 AM	612	99	75	18	162	219	10	31
5:15 - 5:30 AM	1,669	147	118	50	566	734	8	48
5:30 - 5:45 AM	2,369	260	142	98	936	819	15	100
5:45 - 6:00 AM	2,572	294	202	108	956	889	31	93
6:00 - 6:15 AM	2,431	301	205	102	1,056	620	36	113
6:15 - 6:30 AM	2,951	417	180	117	1,361	682	59	137
6:30 - 6:45 AM	3,296	450	244	133	1,393	829	94	155
6:45 - 7:00 AM	3,576	595	224	175	1,416	849	120	200
7:00 - 7:15 AM	3,725	630	310	171	1,460	811	125	219
7:15 - 7:30 AM	3,727	630	289	224	1,338	829	190	227
7:30 - 7:45 AM	4,211	723	390	280	1,487	856	202	274
7:45 - 8:00 AM	4,274	745	364	240	1,600	786	274	267
8:00 - 8:15 AM	4,062	752	355	272	1,428	742	257	257
8:15 - 8:30 AM	3,946	806	351	278	1,342	635	312	223
8:30 - 8:45 AM	3,305	621	367	244	1,107	488	275	205
8:45 - 9:00 AM	2,991	531	354	187	1,056	423	233	208
9:00 - 9:15 AM	3,089	516	329	161	918	800	158	209
9:15 - 9:30 AM	2,889	502	299	188	876	737	128	160
9:30 - 9:45 AM	2,450	383	224	149	804	660	111	121
9:45 - 10:00 AM	2,515	296	206	211	842	715	88	159
Total								
5:00-10:00 AM	60,655	9,694	5,223	3,402	22,099	14,119	2,720	3,401
Standard Weekday Variation (STD)	1,354	1,467	265	143	1,071	1,822	207	157
Percent Variation (CV)	2%	15%	5%	4%	5%	13%	8%	5%
Peak Period								
6:15-9:15 AM	43,150	7,414	3,754	2,480	15,903	8,728	2,295	2,578
Standard Weekday Variation (STD)	192	1,696	343	261	990	1,139	116	275
Percent Variation (CV)	0%	23%	9%	11%	6%	13%	5%	11%
Peak Hour								
7:30-8:30 AM	16,493	3,026	1,459	1,069	5,856	3,019	1,044	1,020
Standard Weekday Variation (STD)	753	1,427	34	96	464	358	42	252
Percent Variation (CV)	5%	47%	2%	9%	8%	12%	4%	25%

Note: The traffic count data presented in this table are the average of two “typical weekday” counts taken in mid-September and early October, 2006. The standard weekday variation is the standard deviation (STD) of these two counts. The percent variation is the coefficient of variation (CV) expressed as the ratio of the count standard deviation to the count average times 100%.

Table 7
AM Peak Period Travel in the I-95/I-395 Corridor
Average Inbound Passenger Vehicle Occupancies
at the Inner Area (Glebe Road) Screen Line

Roadway Facility	Number of Inbound Lanes	Passenger Vehicles		
		Person Count	Vehicle Count	Average Occupancy
George Washington M. Parkway	2	8,232	7,414	1.11
US1 (Jefferson Davis Highway)	2	4,339	3,754	1.16
West Glebe Road	2	2,992	2,480	1.21
I-395 (General Purpose Lanes)	4	17,780	15,903	1.12
I-395 (HOV Lanes)	2	23,235	8,728	2.66
Walter Reed Drive	2	2,543	2,295	1.11
VA 244 (Columbia Pike)	2	3,230	2,578	1.25
TOTAL	16	62,349	43,150	1.44

Table 8
AM Peak Period Travel in the I-95/I-395 Corridor
Inbound Passenger Vehicle Counts Classified by Number of Persons in Vehicle
at the Inner Area (Glebe Road) Screen Line
3-Hour AM Peak Period - (6:15 AM to 9:15 AM)

Number of Persons in Vehicle	Corridor Total	I-95 / I-395 Corridor Roadway Facility						
		GW Pkwy	US 1	West Glebe Rd.	I-395 GP	I-395 HOV	Walter Reed Dr.	VA 244
1-Person Autos	32,576	6,720	3,321	2,083	14,385	1,933	2,046	2,090
2-Person Autos	3,711	619	360	343	1,403	371	218	399
3+-Person Autos	6,320	29	37	42	83	6,042	13	76
Vanpools	222	13	11	7	25	161	0	6
Motorcycles	322	35	25	6	9	221	20	8
Total Passenger Vehicles	43,150	7,414	3,754	2,480	15,903	8,728	2,295	2,578

Table 9
AM Peak Period Travel in the I-95/I-395 Corridor
Distribution of Inbound Passenger Vehicle Counts Classified by Number of Persons in Vehicle
at the Inner Area (Glebe Road) Screen Line
3-Hour AM Peak Period - (6:15 AM to 9:15 AM)

Number of Persons in Vehicle	Corridor Total	I-95 / I-395 Corridor Roadway Facility						
		GW Pkwy	US 1	West Glebe Rd.	I-395 GP	I-395 HOV	Walter Reed Dr.	VA 244
1-Person Autos	75%	91%	88%	84%	90%	22%	89%	81%
2-Person Autos	9%	8%	10%	14%	9%	4%	9%	15%
3+-Person Autos	15%	0%	1%	2%	1%	69%	1%	3%
Vanpools	1%	0%	0%	0%	0%	2%	0%	0%
Motorcycles	1%	0%	1%	0%	0%	3%	1%	0%
Total Passenger Vehicles	100%	100%	100%	100%	100%	100%	100%	100%

of traffic to be in multi-occupant passenger vehicles, with 16% and 19% of the traffic respectively, in multi-occupant vehicles. Combining the AM peak period passenger vehicle totals on both the general purpose and HOV lanes I-395, about 33% of the passenger vehicles on the Shirley Highway facility were vehicles with 2 or more occupants.

Statistical Confidence Levels for AM Peak Period Modal Share Estimates

One of the intended purposes of this study was to develop a statistically reliable estimate of the transit mode share of inbound AM peak period travel in Northern Virginia's I-95/I-395 corridor. Based on the statistical analysis of the two-day auto occupancy and transit passenger counts conducted at the inner area Glebe Road screenline, transit's share of inbound AM peak period travel in this corridor is estimated to be 33.9% plus or minus 0.4% percentage points at the 90% confidence level. This means that, statistically, one can be 90% confident that the actual share of AM peak period travel in the I-95/I-395 corridor by transit would be found in the range from 33.5% to 34.3%, if these counts had been taken on every typical weekday between Tuesday, September 12, 2006 and Thursday, October 5, 2006.

The car/vanpool person share of inbound AM peak period travel on a typical weekday at the inner area Glebe Road screen line is estimated to be 31.2% plus or minus 3.5 percentage points at the 90% confidence level. The share of SOV travel at this same screen line is estimated to be 34.9% plus or minus 0.1 percentage points at the 90% confidence level.

The study design and scope of work recommended by TPB staff for this corridor count study specified only two days of traffic counting. The rationale for this recommendation was that for most traffic counting purposes two-day counts are generally adequate and provide a reasonable confidence interval for estimated average traffic volumes across a multiple road screen line. This was the case with the prior I-66 Corridor count study. Nonetheless, with the very high variability of the HOV3+ person travel observed on the Shirley Highway HOV lanes in this study, the two-day traffic counts resulted in a larger statistical confidence interval for the carpool/vanpool modal share than desirable. Additional days of traffic counting would be needed on the Shirley facility to obtain a more precise average estimate of HOV3+

person travel in this corridor and a narrower confidence interval for the carpool/vanpool modal share percentage than the one reported here.

Major Findings and Conclusions¹

- ◆ Analysis of two-day auto occupancy and transit passenger counts conducted on typical weekdays in mid-September, 2006 show two-thirds of the inbound AM peak period travelers in Northern Virginia's I-95/I-395 corridor using transit or HOV 2+ passenger vehicles for their travel to or through regional core area employment sites in Northern Virginia and the District of Columbia.
- ◆ Travel by transit during the 3-hour AM peak period from 6:15AM to 9:15AM was found to account for a share of inbound person travel across the I-95/I-395 corridor Glebe Road inner area screen line that was almost equal to that SOV travel across this screenline. Based on the statistical analysis of the two-day counts, transit's share of this AM peak travel is estimated at 34%, or 31,900 trips.
- ◆ Approximately, 18,100 persons in the I-95/I-395 corridor choose the Metrorail Yellow and Blue Lines for their AM peak period travel to and through regional core area employment centers in Northern Virginia and downtown Washington, DC. By far, Metrorail accounts for the greatest share of transit ridership in the I-95/I-395 corridor, but this is not surprising given that WMATA and local jurisdiction bus service feed many transit riders from local neighborhoods to several Metrorail Yellow and Blue Lines stations located along the I-95/I-395 corridor.
- ◆ The WMATA Metrobus, Fairfax Connector (FFX CONN), City of Alexandria Transit (DASH), PRTC OmniRide and Arlington County Transit (ART) systems, in addition to providing feeder bus service to Metrorail stations, also operate some bus service that directly crosses the I-95/I-395 corridor inner area screen line. On a typical weekday approximately 9,900 persons are riding buses operated by these transit providers as they cross the inner area screen line at Glebe Road.
- ◆ The transit count data collected in this study clearly show the effectiveness of the Shirley Highway HOV lanes as a fixed guideway facility for bus transit. About three out every four inbound bus riders in the I-95/I-395 corridor at the Glebe Road screenline are on buses using the Shirley HOV lanes during the 6:15AM to 9:15AM peak period. These 7,400 weekday bus riders represent about 41% of the AM peak period transit riders carried by Metrorail across this screenline and are double the number of AM peak period transit passengers carried by VRE in this corridor.
- ◆ The Manassas and Fredericksburg lines of the Virginia Railway Express (VRE) that serves AM peak period travelers living in the I-95/I-395 transportation corridor carries about 3,900 inbound riders across the inner area screen line to regional core area

¹ The major findings presented in this section of the report are for the 6:15PM to 9:15AM 3-hour AM peak period unless otherwise stated.

employment centers.² Typical weekday ridership on VRE showed the least day-to-day variation of any of the transit modes.

- ◆ More than 29,400 or 31% of the inbound AM peak period travelers in the I-95/I-395 corridor crossing the inner area screen line at Glebe Road were observed to be riding in carpools or vanpools. A total of 24,500 of these carpools and vanpools used the multi-modal Shirley Highway facility for this inbound travel and more than 20,300 of these persons were traveling in the Shirley Highway HOV lanes in vehicles with 3 or more occupants.
- ◆ The effectiveness of the Shirley Highway HOV lanes in encouraging the use of carpooling, vanpooling and transit is clearly seen in the count data collected in study. During the three-hour time period when the I-395 HOV3+use restrictions are in effect, the two inbound I-395 HOV lanes carry an average of 5,100 persons per lane per hour compared to an average of just 1,500 persons per lane per hour on Shirley Highway's four non-restricted general purpose lanes. Thus, the average number of persons served per lane per hour on the two Shirley Highway HOV lanes is about 3 and a half times greater than on this roadway's four non-restricted general purpose lanes.
- ◆ On a typical weekday approximately 32,900 or 35% of the inbound AM peak period travelers in the Shirley Highway corridor cross the I-95/I-395 inner area screen line in single occupancy vehicles (SOVs). About half of these SOV travelers use the Shirley Highway general purpose lanes.
- ◆ Inbound AM peak period passenger vehicles on I-95/I-395 HOV lanes at the Glebe Road screen line were found to be carrying 113% more people per vehicle than on any other corridor roadway at this screen line. Vehicle occupancies for inbound vehicles on I-95/I-395 HOV lanes during the 6:15AM to 9:15AM peak period averaged 2.66 persons per vehicle. Average vehicle occupancies for inbound vehicles on other roadway facilities in the corridor ranged to 1.11 to 1.25 persons per vehicle.

² Includes VRE riders boarding trains at the Broad Run, Manassas and Manassas Park, Fredericksburg, Leeland Rd., Brooke, Quantico, Rippon, Woodbridge, Lorton, Franconia/Springfield stations, plus one-half the riders at the Burke Center station minus passengers alighting VRE trains before the Crystal City station.

--- Appendix A ---
**Traffic Counting Locations for
Study of AM Peak Period Travel in Northern Virginia's I-95/I-395 Corridor**

I-95 / I-395 Corridor Facility/Service	Counting Location	Counting Dates
<u>Roadway</u>		
George Washington M. Parkway	George Washington Memorial Parkway at Marina Drive	Tues 9/26 2006 Wed 9/27/2006
US1 (Jefferson Davis Highway)	US1 0.7 mi. South of VA 120 @East Glebe Rd	Tues 9/26 2006 Wed 9/27/2006
West Glebe Road	immediately north of Martha Custis Drive	Wed 9/20/2006 Thurs 9/21/2006
I-395 (General Purpose Lanes)	between Shirlington Circle and Va. 120 (S. Glebe Road)	Wed 9/13/2006 Thurs 10/5/2006
I-395 (HOV Lanes)	between Shirlington Circle and Va. 120 (S. Glebe Road)	Wed 9/13/2006 Thurs 10/5/2006
Walter Reed Drive	Walter Reed Drive at Pollard Street	Tues 9/19 2006 Wed 9/20/2006
VA 244 (Columbia Pike)	VA 244 Columbia Pike west of VA 120	Tues 9/19 2006 ¹ Wed 9/20/2006
<u>Metrorail</u>		
Yellow Line - Northbound	Ronald Reagan/National Airport	Tues 9/19 2006 Thurs 9/21/2006
Blue Line - Northbound	Ronald Reagan/National Airport	Tues 9/19 2006 Thurs 9/21/2006
<u>Fairfax Connector Routes</u>		
110	King Street Metrorail Station - leave volume	Tues 9/19 2006 Thurs 9/21/2006
383, 384, 385	Pentagon Station @ Rotary Rd.	Tues 9/19 2006 Thurs 9/21/2006
<u>Metrobus Routes</u>		
9A, 10P	Last stop before US1 & S. Glebe Rd.	Tues 9/19 2006 Thurs 9/21/2006
10A,B,C, 11Y	S. Washington St. @ Huntington Towers	Tues 9/19 2006 Thurs 9/21/2006
11P, 11Y	GWMP @ Slaters Lane	Tues 9/19 2006 Thurs 9/21/2006
7A,B,C,D,E,F,G,L,U,W,X	Pentagon Station @ Rotary Rd.	Tues 9/19 2006 Thurs 9/21/2006
17A,B,c<G,H,K,L,M	Pentagon Station @ Rotary Rd.	Tues 9/19 2006 Thurs 9/21/2006
18E,F,G,H,J,P,R	Pentagon Station @ Rotary Rd.	Tues 9/19 2006 Thurs 9/21/2006
21A,B,C,D,F	Pentagon Station @ Rotary Rd.	Tues 9/19 2006 Thurs 9/21/2006
24B,M,P	Pentagon Station @ Rotary Rd.	Tues 9/19 2006 Thurs 9/21/2006
25G	Pentagon Station @ Rotary Rd.	Tues 9/19 2006 Thurs 9/21/2006
28F,G	Pentagon Station @ Rotary Rd.	Tues 9/19 2006 Thurs 9/21/2006
29C,E,G,H,X	Pentagon Station @ Rotary Rd.	Tues 9/19 2006 Thurs 9/21/2006
N13	King Street Metrorail Station	Tues 9/19 2006 Thurs 9/21/2006
<u>DASH Routes</u>		
AT3, AT4	S. Washington St. @ Huntington Towers	Tues 9/19 2006 Thurs 9/21/2006
AT3, AT4	Pentagon Station @ Rotary Rd.	Tues 9/19 2006 Thurs 9/21/2006
<u>Virginia Railway Express</u>		
Manassas Line	Broad Run, Manassas, Manassas Park, Burke Center, Rolling Road	Tues 9/19 2006 Thurs 9/21/2006
Fredericksburg Line	Fredericksburg, Leeland Rd., Brooke, Quantico, Rippon, Woodbridge, Lorton, Franconia/Springfield	Tues 9/19 2006 Thurs 9/21/2006

¹ The 9/19/07 count for Columbia Pike did not include a count for the 5:00AM to 5:30AM time period.

AGENDA ITEM #7

TO: Chairman Snyder and NVTC Commissioners
FROM: Rick Taube, Adam McGavock and Elizabeth Rodgers
DATE: August 30, 2007
SUBJECT: NVTC Projects

A. NVTC's Hydrogen Fuel Injector Bus Demonstration.

The attached article describes progress in this NVTC project in the city of Fairfax. The first prototype fuel injector has now been installed on a CUE bus with others to follow. Fuel savings and emissions reductions will be monitored for the next several months.

B. NVTC's Senior Mobility Project.

The attached in-depth article on the project was a page one story in the American Public Transportation Association's Passenger Transport.

C. Code Orange/Red Ride Free.

Marketing and survey efforts have been completed and a final report is being prepared with recommendations for the future of the project.





Green Isn't Cheap
 City to test two modes of greener public transportation.
 By Lauren Glendenning
 July 18, 2007

With a \$3 million state grant, the City of Fairfax can take an important step in 2008 toward becoming a greener municipality.

The grant, from the Virginia Department of Rail and Public Transportation, or DRPT, allows the city to replace six of its 12 CUE buses with hybrids. DRPT also provided funding to the Northern Virginia Transportation Commission for a pilot project testing the benefit of installing hydrogen fuel injectors in public buses. The city is also the recipient of that project grant, which would be the first-ever use of the injectors in the United States, said Adam McGavock, the NVTC planning director.

The city replaces six of its buses every 10 years, said Alex Verzosa, the city's transportation director. So instead of buying six more diesel buses in 2008, the city requested a grant about a year ago to turn public transportation green.

"Anything we can contribute to reduce emissions helps everybody," said Verzosa.

The city, and all of Northern Virginia, is in a nonattainment area — an area that does not meet the national primary or secondary ambient air quality standard, as classified by the Environmental Protection Agency. So fuel efficiency, while important, is not as important as reducing emissions, said Verzosa.

"We haven't met our budget [as a region] to reduce emissions," he said.

The six new hybrids cost more than \$500,000 each, as opposed to the \$325,000 it costs for the current diesel buses. The hybrids will also burn diesel fuel, but at a much cleaner and slower rate. The manufacturer claims the city will save more than 50 percent in fuel, but Verzosa said the city isn't looking at the switch just in terms of gas mileage. The city wants to be a leader in terms of emissions reductions, and public transportation is a great way to set an example, he said.

As for the fuel injectors, emissions reductions also take priority over fuel economy, said McGavock. The injectors could reduce tailpipe emissions by about 50 percent, he said, which is "very important being that we're in a nonattainment area."

THE COST SAVINGS of the injectors would be substantial if the NVTC and the city determine that the injectors perform the way they are expected. McGavock found out about the technology on the Internet. He saw that Canadians were using them in ambulances and trucks, and he thought why not try it out on public transportation?

"We've only seen this used in trucking companies logging millions of miles," McGavock said. "So the question is, in a stop and go environment, how will it perform?"

That's what these demonstration grants are all about, to test technologies that work in one environment, in a new environment. DRPT is extremely "forward-thinking," said McGavock, which has allowed the NVTC to think outside the box in order to try to reduce emissions.

The injector kits are about \$12,000 per vehicle. They don't need replacing or a lot of maintenance, other than adding water about once a month, McGavock said. One thing he wants to make sure people understand is that hydrogen is never stored anywhere on the vehicle.

"There's a tank of water, and as hydrogen is created, it's immediately burned off," he said. "These [injectors] are perfectly safe. They're no more dangerous than a regular diesel bus."

The NVTC will be installing the injectors on four of the city's 12 buses. So with the other six turning to hybrids in 2008, the city will have just two old-fashioned diesel buses left. The NVTC intends to run the demonstration for nine months, beginning this August and September. That should be enough time to determine the fuel economy and emissions performance of the injectors, said McGavock.

Printable Version



"The hydrogen makes the diesel burn cleaner, which translates to less pollution and savings in fuel," said Verzosa. "You don't need as much fuel to power the engine if you're able to burn the diesel more efficiently."

Since it's a demonstration, the city will collect data and compare it to the efficiency of the hybrid buses. Hybrids should perform better than the injectors, said McGavock, but since they cost \$500,000 a pop, the injectors could end up being a short-term solution until the region can afford to replace the more than 1,000 buses here with hybrids.

"We're stuck with diesel buses for at least another 10 years. This is an inexpensive way to make it more palatable," said McGavock.

The city is a great locality for demonstrations like these, said Adrien Fremont, the city's special projects engineer. In a six-square-mile city, it's fairly easy to gauge the benefits of new programs, she said.

Fremont is trying to start an initiative that would make the city green in every way possible, from building guidelines and light-saving traffic signals, to water efficiency. The city proposal to incorporate new environmental initiatives could take off as soon as a final green building report by the Council of Governments is released. She said the city would want to follow those guidelines before running with green initiatives on its own.

"I think the goal is to promote as much as possible, and be a team player with other localities to promote green building practices and energy efficiency," said Fremont.

Northern Virginia Seniors 'Get on Board' Through Transit Education Program

By Jana Lynott

Through its travel instruction program for seniors, known as "Life—Get on Board!," the Northern Virginia Transportation Commission in Arlington, Va., is demonstrating ways that public transportation systems can rejuvenate declining fixed route ridership among older passengers.

Multilingual workshops engage seniors through an interactive "Bus Bingo" game and other affective training materials such as the "Life—Get on Board!" instruction brochure. Individual trips with trainers further boost seniors' confidence in using public transportation.

NVTC introduced "Life—Get on Board!" on a pilot basis in January 2007 to provide seniors with information about transit services and help them understand

how to use those services. The commission has found that this program not only boosts ridership, but also promotes diversity and equity by focusing on a rapidly growing and underserved segment of the population.

Reaching Out to Seniors

NVTC found its inspiration for the project in surveys showing an ongoing decline in

transit ridership among seniors across the United States, at the same time that the size of this population is growing. NVTC established a program goal to enhance the mobility options of older residents while increasing regional transit ridership of this target population.

The commission began the project with a research study I oversaw, conducted between fall 2004 and spring 2006, involving a scientific telephone survey of more than 1,600 northern Virginia residents age

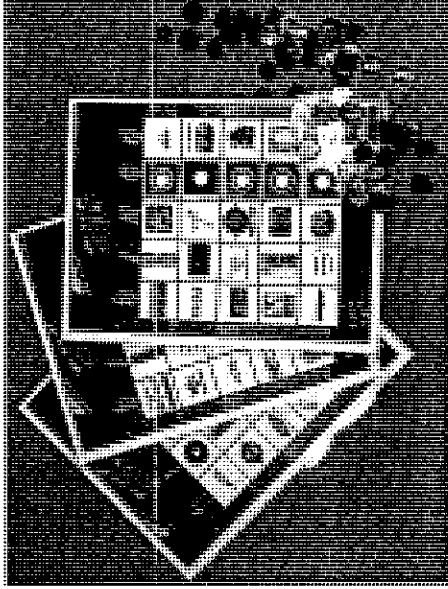
Management Notebook

75 and older. The sampling plan for the study was designed to be able to analyze travel patterns, mobility, transit use, and other survey results based on the type of communities in which seniors reside: walkable, mixed-use, urban/town; suburban; or exurban/rural.

Analysis of the study showed that seniors from walkable, mixed-use urban and town areas take 20 percent more trips each week than those from suburban and exurban areas, and are less likely to be socially isolated. Forty-eight percent of seniors from urban and town communities report having walked to a destination in the past week—more than twice as many as in suburban areas, and a level nearly five times greater than for exurban areas.

However, one of the major impediments to using public transportation, according to survey respondents, was getting information about service: 36 percent of all respondents cited this as a problem.

Before the Phase I study was printed, NVTC had already secured additional funding to test the effectiveness of investments in travel instruction through a pilot travel instruction program. In less than six months' time, NVTC staff and contractors completed research on other travel instruction programs in the country, de-



NVTC uses "Bus Bingo" to help educate seniors about transit options.

signed a program, hired travel instructors through the agency procurement process, and began its recruitment of seniors to participate in this pilot study.

The introduction of the "Life—Get on Board!" program occurred in the second phase of the NVTC study. The program involved five two-day workshops in five locations in northern Virginia, with a total of 58 participants, followed by one-on-one travel instruction with a travel trainer.

The travel instruction program incorporated two hours of classroom instruction to cover the basics of riding public transportation, including learning how to read a bus schedule and an overview of safety considerations; a group trip using regular bus service; and one-on-one travel instruction on a trip chosen by each participant. Participants were encouraged to identify a transit trip they would likely take in the

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future and, as appropriate, a trip that would require a transfer to another transit system in the Washington metropolitan region.

'Bus Bingo'

To make learning about transit service in northern Virginia fun and to stimulate interest in the program, NVTC designed and introduced a "Bus Bingo" game board, which it designed in-house at a cost of \$125 for supplies, and less than one week of NVTC staff time. NVTC's project manager and travel instructors used the game as a fun way to provide an overview of the area's transit services and stimulate interest in using public transportation to get to different destinations in the city.

For example, staff would draw a card, read it, then provide additional information on accessing transit services. For example, staff would read, "O—Kennedy Center" and go on to describe how a passenger could take the Washington Metropolitan Area Transit Authority's Orange Line Metrorail train to the Foggy Bottom Station, then catch the free Kennedy Center shuttle bus to see a performance.

The B column of the board features different transit services; the I column, different ways to pay for the service; the N column, travel information; the G column, different types of Metrorail transfers; and the O column, different destinations. Each northern Virginia transit system donated bingo prizes.

NVTC explained that the idea for Bus Bingo originated with a brainstorming meeting with human service agency staff and travel instructors to discuss recruiting. Human service agency staff suggested that, if NVTC offered to play bingo, seniors would sign up in a heartbeat. In less than one month, the game was ready for play at the first workshop.

NVTC also wrote and designed the travel instruction brochure in-house, using photos taken by staff or provided by area transit providers. The only cost billed to the state grant for the project was for the printing of 500 brochures. In addition to using these brochures in the training program, NVTC will share the brochure with area transit agencies and senior centers.

based on whether seniors who participated in the program continue to use public transportation on their own. The commission will follow up with each participant three and six months following the completion of the training course.

The Virginia Department of Rail and Public Transportation provided a \$114,000 grant for the first phase of the program, while Virginia DOT provided a grant for \$150,000 for the second phase.

Editor's Note: Jana Lynott was NVTC's director of planning at the time she directed the study. She is now senior advisor to AARP.

The travel instruction was provided in English, but NVTC's project manager, who is fluent in Spanish, also served as an interpreter for Spanish-speaking participants. At one Arlington workshop, NVTC provided a small stipend to an Amharic-speaking senior to provide interpretation services for his peers from Ethiopia.

NVTC hopes that this pilot program will help transit agencies understand whether investments in travel instruction result in attracting new riders to the system. It will determine its effectiveness

8 PASSENGER TRANSPORT



The program includes a group trip on transit and one-to-one travel instruction.



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Get There

With Dr. Gridlock and The Post's Transportation Team

Travel Tips for Hot Days

Here's some advice for a day when the forecast calls for high temperatures approaching 100 degrees and air quality bad enough to rate a Code Orange.


- The buses in Northern Virginia are free, because of the Code Orange alert. (That includes the Metrobuses that run in Northern Virginia, but none of our other jurisdictions participates in this free ride program on Code Orange days. You know a bus line is participating when you see the farebox covered, but they usually display signs saying, "Code Orange Day, Ride Free.")
- MARC train passengers are likely to be slowed by CSX heat restrictions, which reduce train speeds for safety during times when high heat may bend the rails. But VRE seems to have worked out a way with CSX this year to reduce the delays caused by these afternoon restrictions. Both lines have problems with equipment that breaks down in the stress of hot weather.
- Metro trains, buses and rail stations are cooled, but the temperatures can vary and sometimes the equipment is just busted. If you think you're on a train or bus without working air and you want to help out future passengers, get the number of the bus or rail car and call it in to Metro at 202-637-1328, or use the customer comment form you can find on this page.
- The station equipment was designed to keep the underground stations 20 degrees cooler than outside, but you riders know it doesn't necessarily feel that way. First of all, the equipment is old and needs replacement. Metro is in the midst of a lengthy program to do that. All the underground stations are open to the outside air. Some have more exposure than others because they're near the point where the tracks reach the surface. (Stand on the inbound side at Union Station and feel an incoming train push the warm air toward you.)
- All the cars on a train are not necessarily at the same temperature, and if you're uncomfortable in one, move to another at the next station to see if there's improvement. Above ground, figure out which is the shady side of the car. Even on a rush hour train, the crowd often is not equally distributed, and as the train arrives in the station, you may have a moment to move for one with fewer passengers -- and less body heat to distribute.
- It's an especially good time to "Move to the center of the car" and away from the doors, where the warm air rushes in every time the train stops.
- Out-of-service escalators and elevators are always annoying, but

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provides information on the status of each station's escalators and elevators at this link.

-- You can find many transit options and schedules listed on CommuterPage.com

-- Drivers, watch out for the midday tree-trimming work on the Capital Beltway between Old Georgetown Road and Rockville Pike in Montgomery County. That section is narrow anyway and there's been lots of congestion there the past few weekdays.

-- Unless the air conditioning at work is better than at home, this is a good week to telecommute, if you have that option.

-- For the sake of the air quality, try to avoid filling your vehicle's gas tank during the daylight hours.

What other advice can you share with drivers and transit users for this weather?

By Robert Thomson | August 7, 2007; 8:24 AM ET | Category: Weather
 Previous: Summer Eases Commuter Strain | Next: Advice on Today's Travels

Comments

Please email us to report offensive comments.

Remember your car's engine doesn't have the same pickup with the AC running running full blast. So when you're merging onto a highway (or trying to sneak into traffic in that two-car wide space as people love to do) and slamming on the accelerator, the car is going to hesitate with the strain it has on it already.

Posted by: Ashburn | August 7, 2007 10:29 AM

My car is smart enough that it actually cuts off the A/C compressor when I accelerate hard. So my attempt to accelerate onto the Beltway usually means a blast of hot air right in my face .)

As for those complaining about Metro being too hot...just drive if you can. Traffic is rediculously light these days (at least inside the Beltway)

Posted by: Woodley Park | August 7, 2007 11:13 AM

The thing about the free buses makes me wonder something. There's a bus stop about a half-mile walk from my house. But we're told that on these Code Orange and Code Red days we should avoid going outside. What's the proper approach for someone like me, then? Do I walk the half-mile and risk breathing the bad air and such, or do I drive and contribute to pollution?

(I drove today.)

Posted by: Rich | August 7, 2007 11:27 AM

Rich,

I think that would depend on your own personal health. It is advised that people who are most at risk should not venture outside during these heat advisory/poor air quality days (the elderly, the very young, people with asthma and other breathing problems, etc.) So if you feel like you can walk the half mile each way and not put your own health at risk than go ahead, grab a bottle of water, and take the bus. I also think they make buses free to encourage people who may just walk somewhere to take a bus to avoid the health risk.

Remember to stay hydrated everyone!

Posted by: Laura | August 7, 2007 12:14 PM

Rich,

Drive to the bus stop.

Posted by: Steve | August 7, 2007 04:57 PM

I don't mean any harm, but you folks are lazy. I catch the bus and Metro to and from work every day, including during the code orange and red days. I walk from Dupont Circle Metro up to Florida Ave., even when the AQI is code orange or red. And my car is a little 2-door compact that gets about 28 mpg city.

What's my point? The heat is no excuse to sit on my butt and drive to work.

Posted by: YourStrawberry23 | August 8, 2007 09:09 AM

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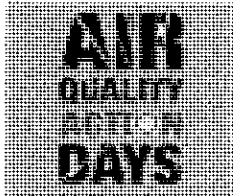
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What Everyone Can Do

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Air Quality Forecast/Action Guide

Air Quality Forecast/Action Guide (PDF Format)

Code Red Or Orange — Ride the Bus Free!

Air Quality Links

CommuterPage.com Topics

Ride the Bus FREE on Days Forecast to be Code Orange or Code Red

To help improve air quality, many bus systems in the region offer free bus rides on days when the air quality forecast is "Code Orange" or "Code Red."

Metrobus

All **Northern Virginia** Metrobus routes, including those going into Virginia from D.C., will offer free rides on days forecast to be **Code Orange or Code Red**.

All **Maryland** Metrobus routes, including those going into Maryland from D.C., will offer free rides on days forecast to be **Code Red only**.

Metrobus routes operating within D.C. are not included in this program.

Northern Virginia Local Bus Systems

Local bus systems in Northern Virginia offer free rides on days forecast to be **Code Orange or Code Red**. Participating bus systems are:

- ART-Arlington Transit
- Fairfax Connector
- Fairfax CUE
- Alexandria DASH
- Loudoun County Transit
- PRTC OmniRide

For more information about the Ride Free program in Northern Virginia, visit www.ridefreenova.org.

Montgomery County, Maryland Ride-On

Ride-On offers free rides on days forecast to be **Code Red only**.

Where to Find the Air Quality Forecast

During ozone season, the Metropolitan Washington Council of Governments (MWWOG) provides a daily air quality forecast for the following day. CommuterPage.com posts the forecast on the site's home page (www.CommuterPage.com), and on most other pages in the site. The forecast is also available on MWWOG's web site, and daily recorded forecasts are available from MWWOG at (202) 962-3299.

Note that the free ride program is based on the air quality **forecast**, not on the actual level of ozone pollution that is reached during the day. On rare occasions, the actual air quality is so bad it reaches **Code Purple**, but this level of pollution is not included in the forecasts, so it does not affect the free ride program. A report of the actual level of air quality reached each day is included with the forecast on CommuterPage.com and on MWWOG's site.

More Information**Air Quality Report**

8/9 Code Yellow

Forecast

8/10 Code Yellow

Data from MWWOG

About Air Quality Action Days

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AGENDA ITEM #8

TO: Chairman Snyder and NVTC Commissioners
FROM: Rick Taube
DATE: August 30, 2007
SUBJECT: Regional Transportation Items

A. Status of Request by the Fredericksburg Area Metropolitan Planning Organization.

Attached is a letter from TPB Chair Catherine Hudgins to the Chairman of FAMPO responding to FAMPO's requests, among others, to share in Metropolitan Washington's transit formula funds. As can be seen, TPB (following discussions among staff of WMATA and local governments in this region) suggests that FAMPO should participate in TPB's planning and programming process to advocate projects for Northern Stafford County that FAMPO believes are worthy of funding. The letter also points out that approximately 3,700 daily trips are taken on Metro by FAMPO residents, which requires about \$590, 000 in annual subsidy currently being paid by WMATA's jurisdictions without the financial participation of FAMPO jurisdictions.

B. Status of NVTA Administrative Actions.

Staff and commissioners will share information on the current status of NVTA. Among the highlights are:

1. NVTA acted on July 12th to enact all of the proposed regional taxes.
2. The Authority filed a bond validation suit on July 13th. It is scheduled to be heard in Arlington's Circuit Court on August 27 and 28, 2007. Virginia's Attorney General and Governor as well as the Speaker of the House of Delegates have intervened on the side of NVTA. Other suits have been filed by opponents questioning the constitutionality of the General Assembly's HB 3202.
3. Recruiting is underway for NTVA's executive director.



C. APTA's 2007 Public Transportation Fact Book.

Each year the American Public Transportation Association publishes a fact book. The current edition includes primarily data from calendar 2005.

Among the highlights:

- 9.8 billion unlinked transit passenger trips were taken by transit in 2005, up 26% from 1995, with faster growth over that decade than automobile travel. The all-time transit peak was in 1946 with 23.4 billion trips.
- Throughout the U.S. federal funds paid for an average of 39% of transit capital costs in 2005, down from 47% in 1995. State funds covered 13% down from 14%. Local funds paid 48%, up from 39%.
- Regarding transit operating costs, federal funds covered an average of 7% in 2005, up from 4% in 1995. State funds paid 24%, up from 21%. Local funds paid 69%, down from 75%.
- Combining transit capital and operating expenses there was little change. Federal funds covered 16% in 2005, down from 17% in 1995. State funds covered 21%, up from 19%. Local funds covered 63%, down from 64%.
- While not included in the APTA publication, comparable percentages in 2005 in Northern Virginia were approximately 16% federal, 20% state and 64% local. These shares are approximately equal to the national averages but by FY 2007 the state share here has dropped to 17% and the local share risen to 66%.

D. Former DRPT Director Karen Rae Now with NY DOT.

As described in the attached article, Karen Rae has joined the New York Department of Transportation as Deputy Commissioner of Policy and Strategy. Since 2006 she has served as deputy secretary for local and area transportation for the Pennsylvania DOT.



National Capital Region Transportation Planning Board

777 North Capitol Street, N.E, Suite 300, Washington, D.C. 20002-4290, (202) 962-3310 Fax: (202) 962-3202

DRAFT - 7/6/07

Honorable Matthew Kelly
Chairman
Fredericksburg Area
Metropolitan Planning Organization
P.O. Box 863
Fredericksburg, VA 22404

RE: Allocation and Sharing of Federal Transit Administration (FTA) Section 5307
Funds for the Washington Urbanized Area

Dear Chairman Kelly:

At its September 20, 2006 meeting, the National Capital Region Transportation Planning Board (TPB) received copies of five resolutions adopted on September 18, 2006 by the FAMPO Policy Committee stating FAMPO policies with respect to the allocation of federal Section 5307 formula transit funds for the Washington urbanized area. In this letter the TPB addresses the FAMPO policy statements in each of these resolutions, and outlines its responses and recommendations on each of the topics addressed in the resolutions.

Over the past several months, TPB staff has reviewed the current procedures for allocating FTA Section 5307 formula funds within the Washington urbanized area, and has consulted with senior staff at FAMPO and other organizations potentially affected by the programming of the funds, including the Washington Metropolitan Area Transit Authority (WMATA), the Potomac and Rappahannock Transportation Commission (PRTC), the Northern Virginia Transportation Commission (NVTC), the Northern Virginia Transportation Authority (NVTA), the Virginia Department of Rail and Public Transportation (VDRPT), and the District of Columbia, Maryland, and Virginia Departments of Transportation. At its July 6 and September 7 meetings, the TPB Technical Committee was briefed on the current procedures for allocating FTA Section 5307 funds in the Washington urbanized area, the FAMPO policy statements, and proposed procedures for the allocation and sharing of these funds in the future. At its September 19 meeting, the TPB was briefed on these current procedures and the FAMPO policy statements. At its October 17 meeting, the TPB approved sending this letter to FAMPO for its consideration and further discussion.

Regarding FAMPO Resolution FY 06-32b on VRE generated funds, the TPB is in agreement with FAMPO's policy position, which conforms to current practice for allocating Section 5307 FTA formula funds to VRE. The TPB believes that this practice is working well and should continue.

Draft 7/6/07

The FY2007 apportionment of Section 5307 funds is based on the 2005 National Transit Database. The service provided by Fredericksburg Regional Transit (FRED) was not listed under the Washington urbanized area in the 2005 National Transit Database and is not yet counted in the Washington urbanized area totals for either fixed-guideway route miles or bus revenue and passenger miles. Should FRED service be counted towards the region's apportionment, it may be possible to better quantify the Stafford County contribution to the region's 5307 apportionment.

The 2006 Update to Constrained Long Range Plan (CLRP) Financial Plan for the Washington region brought the region's jurisdictions together to address funding sources for highway and transit needs, including the use of 5307 funds for transit capital improvement priorities. One current commitment of 5307 funding reflected in the 2006 CLRP update is specified in WMATA Board resolution #2000-08, adopted on January 27, 2000. This resolution states that in order to support WMATA's ability to finance projects under a TIFIA loan guarantee, "transit systems shall receive funds only if WMATA, as the designated recipient, has allocated to them Section 5307 funds directly attributable to their transit operations in the Washington urbanized area as of January 1, 2000." Any changes to the allocation of those funds would require a negotiated agreement between the region's jurisdictions. (The TIFIA loan guarantee used for railcar rehabilitation is still required until the current program ends in 2010.)

Finally, it should be noted that WMATA provides service to many passengers who reside outside of the WMATA Compact jurisdictions. Compact members pay the local subsidy for operating and capital expenses generated by residents living outside of the WMATA service area. Any decrease in the federal capital funds available to WMATA would require an increase in capital contributions from the local Compact jurisdictions. In 2007, residents of the FAMPO region make approximately 3,700 trips daily on Metrorail. WMATA estimates that Compact jurisdictions are currently paying approximately \$590,000 annually to subsidize the fares of FAMPO region riders.

The TPB looks forward to receiving comments from FAMPO on these recommendations on the allocation and sharing of FTA Section 5307 funds for the Washington urbanized area. Please contact Ronald Kirby, staff director for the TPB, at (202) 962-3310 if you have any questions regarding this proposal.

Sincerely

Catherine Hudgins
Chair, National Capital Region
Transportation Planning Board

Compact jurisdictions. In 2007, residents of the FAMPO region make approximately 3,700 trips daily on Metrorail. WMATA estimates that Compact jurisdictions are currently paying approximately \$590,000 annually to subsidize the fares of FAMPO region riders.

Please feel free to contact me or Tom Harrington to discuss these issues further if you wish.

Best wishes,

Nat Bottigheimer

Nat Bottigheimer
AGM, Planning and Joint Development
Washington Metropolitan Area Transit Authority 600 Fif th Street, NW Washington, DC 20001
(202) 962-2730

FAMPO Resolution FY 06-32c addresses Section 5307 funds which are apportioned among small urbanized areas in the Commonwealth of Virginia by the Virginia Department of Rail and Public Transportation (VDRPT). These small urbanized area funds are in a separate category from the Section 5307 funds apportioned by the FTA formula for the Washington urbanized area, and the TPB does not intend to take any position on the apportionment of these small urbanized area funds.

Regarding FAMPO Resolution FY 06-32d with respect to the designation of urbanized areas as a result of the 2010 Census, the TPB does not intend to take any position on this issue at this time.

Regarding FAMPO Resolutions FY 06-32a and FY 06-32e on the portions of FTA Section 5307 funds for the Washington urbanized area that are based on population, population density, and bus service factors, the TPB recommends that FAMPO proceed in accordance with the following guidance provided by the FHWA and FTA in an August 9, 2004 letter to Mr. Henry Connors, Jr., Chairman of FAMPO:

"TPB, along with the FTA designated recipients in the Washington D.C. urbanized area determine how Federal transit funds are spent in that urbanized area, which encompasses northern Stafford County. Therefore, FAMPO may wish to participate in the TPB planning process, as projects and programs serving the needs of northern Stafford County are eligible for a portion of the Federal funds apportioned to the Washington D.C. urbanized area."

Based upon this federal guidance, the TPB recommends that FAMPO participate in the TPB planning and programming process with regard to projects and programs serving the needs of northern Stafford County. Such participation in the TPB process would give FAMPO the opportunity to propose projects that are eligible for Section 5307 funds for possible inclusion in the Washington region's long range plan and transportation improvement program (TIP).

The TPB looks forward to receiving comments from FAMPO on these recommendations on the allocation and sharing of FTA Section 5307 funds for the Washington urbanized area. Please contact Ronald Kirby, staff director for the TPB, at (202) 962-3310 if you have any questions regarding this proposal.

Sincerely

Catherine Huggins
Chair, National Capital Region
Transportation Planning Board

JP

White to Harf
September 19, 2002

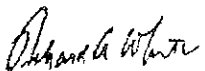
Page 2

4. Operationally and philosophically, WMATA cannot agree to PRTC dispatching all of our operators; and
5. The powertrain replacement program still includes significant flexibility for PRTC to request replacements and WMATA is unsure as to how to be responsive to your request and still protect our interests.

On a related matter, WMATA will continue to allocate FTA Section 5307 funds to PRTC based upon the bus miles operated outside of the WMATA transit zone, as is currently done. Even though WMATA has chosen not to respond to the RFP, the Board of Directors feels that it is proper to continue the division of these funds between PRTC and WMATA in the manner outlined above.

The WMATA-PRTC relationship will have been in place for five years at the end of our contract. Even though WMATA is not bidding on this new contract, it does extend the offer, in the event PRTC is not satisfied with responses to the RFP, to re-establish discussion of a long-term intergovernmental agreement for the continuation of services following our current contract. This offer is made with the understanding that the terms and conditions of an agreement would need to be modified from the current RFP to better match WMATA's capabilities to manage the PRTC operation.

Sincerely,


Richard A. White
Chief Executive Officer

cc: Virginia Board Members
PRTC Board Chairman

BE IT FURTHER RESOLVED that this resolution replaces Resolution #94 - 58; and

BE IT FURTHER RESOLVED that this resolution shall be effective immediately.

Reviewed as to form and legal sufficiency.

Cheryl C. Burke
General Counsel

Motion by Mrs. Hanley, seconded by Mr. Trotter, and unanimously approved.
Ayes: 6 - Mrs. Mack, Mr. Trotter, Mr. Zimmerman, Mr. Graham, Mr. Barnett and Mrs. Hanley

Rick Taube

From: Kala Quintana
Sent: Friday, August 10, 2007 11:33 AM
To: Biesiadny, Tom; Martin Nohe; Christopher Zimmerman; Rick Taube; Lsequeira@arlingtonva.us; Althea Evans (aevans@omniride.com); Beth Francis (Margaret.Francis@fairfaxcounty.gov); bgordon@novaregion.org; Bobbi Greenberg (bgreenberg@arlingtonva.us); Brandon P. James; Chris Fow; Cindy Mester; Jennifer D. Aument (jaument@transurban.us.com); Jennifer Pickett (jennifer.pickett@drpt.virginia.gov); Laura Fitzpatrick (lfitzpatrick@cityofmanassaspark.us); Liz Bahrns; Lorie Flading; Margaret Vanderhye (mgvanderhye@yahoo.com); Mark Roeber (mroeber@vre.org); MartyNohe@comcast.net; Mary Mulrenan; mnohe@pwcgov.org; Nicole Gobbo (ngobbo@fallschurchva.gov); Nikki Brown; rcanizales@pwcgov.org; Tamara Ashby; Tom Blaser; Tom.Biesiadny@FairfaxCounty.gov; Toni Copeland (tcopeland@arlingtonva.us); Wendy Block Sanford; Yon Lambert
Cc: Elizabeth Rodgers
Subject: NVTA Web statistics -- the first two months!

Greetings!

I thought you might be interested in the new NVTA web site (www.TheNoVaAuthority.org) statistics (see the attached word document)

- We've had nearly 3,700 visitors to the site since it was launched in June (*roughly 60 days ago*) – an average of 82 people a day.
- 81% were first time visitors; and roughly 19% were returning visitors to the site in this time frame.
- Roughly 48% of visitors were from Virginia; 9% from DC and 9% from Maryland.
- Visitors from 18 other states and territories make up 25% of "other" visitors.
- Roughly 21% of visitors visited the site for up to 5 minutes, while 13% of visitors explored the site for an hour or more.

To date this new web site has been a invaluable tool for NVTA, the public, and the media.

I would like to acknowledge the incredible work of Elizabeth Rodgers of NVTC's staff who built the site for NVTA in just one week and continues to maintain the information and continuity on the web site as a free service to NVTA. NVTA has received many compliments from the public, media and regional staff on the web site and the wealth of information it offers.

Earlier this week the NVTA's Public Outreach Working Group (POWG) met to discuss further

8/13/2007

improvements and a statement of work for this website. We are still in the process of updating information since the July 12 Public Hearing.

However, if you have any questions, suggestions, or concerns about the web site please let me know.

Again, I would like to thank Elizabeth Rodgers for her work on this effort as well as the other regional PIO's and staff for their guidance and continuing contribution to the web site effort.

Please feel free to forward this message and the attached statistics to anyone who you think might be interested.

Have a great week-end!

Best,

Kala

Kala L. Quintana

Director of Public Outreach, Northern Virginia Transportation Commission
Interim Public Information Officer, Northern Virginia Transportation Authority

Tel: 703/ 524-3322 ext. 104

Fax: 703/ 524-1756

E-mail: kala@nvtc.org

NVTC Web: www.ThinkOutsideTheCar.org

NVTA Web: www.TheNoVaAuthority.org



The Authority
for Transportation in Northern Virginia

PRESS RELEASE

For Immediate Release

July 19, 2007

Contact: Kala Quintana
703/ 524-3322 ext. 104
Mobile: 703/ 597-4970
kala@nvtdc.org

GOVERNOR, SPEAKER OF THE HOUSE AND THE ATTORNEY GENERAL FILE A 'MOTION TO INTERVENE' AS PLAINTIFFS IN THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY'S BOND VALIDATION SUIT

NORTHERN VIRGINIA – The Northern Virginia Transportation Authority (NVRTA) has been notified that the offices of Governor Timothy Kaine, Speaker of the House William Howell, and Attorney General Robert McDonnell have jointly filed a 'Motion to Intervene as Plaintiffs' alongside the Authority in the bond validation suit pending in Circuit Court. Noting that "NVRTA and the Commonwealth agree that the statutes are constitutional," the three have asked the court to admit the Commonwealth as a Plaintiff in the case (a copy of the 'Motion to Intervene' is attached to this press release).

Following a Public Hearing on July 12, 2007 the Authority voted to activate the seven funding measures authorized by the General Assembly earlier this year in HB 3202. Together the seven measures are expected to raise more than \$300 million annually for transportation improvements in Northern Virginia. Based on the Authority's action, the revenue measures would go into effect January 2008.

On July 13, 2007 the Authority filed a bond validation suit in the Circuit Court of Arlington in order to allow the courts to consider and affirm the constitutionality of the Authority provided by the General Assembly in HB 3202 and to issue the debt to fund the list of approved projects.

"It is significant that, rather than merely filing a 'Friend of the Court Brief,' Governor Kaine, Speaker Howell and Attorney General McDonnell are seeking to have the Commonwealth join as a full partner with Northern Virginia in this legal action," said Chris Zimmerman, Chairman of the Authority.

The seven funding measures, authorized by the General Assembly in HB 3202, were approved at the regular Authority meeting on July 12, 2007. Each funding resolution was voted on separately, and approved by the required two-thirds majority.

The Authority also unanimously approved the initial project list containing 22 regional projects totaling \$102 million. These projects reflect a balance of transit, roadway and multi-modal projects that are "ready to go," and will be funded by the revenues generated.

This is the first infusion of significant transportation dollars in Northern Virginia in more than 20 years.

As the work of the Authority continues, information will be posted on the web site at www.TheNoVaAuthority.org.

NVTA Who's Who

The voting members of the Authority include:

Hon. Christopher Zimmerman	NVTA Chairman; Arlington County
Hon. Martin Nohe	NVTA Vice Chairman; Prince William County
Hon. Gerry Connolly	Fairfax County
Hon. Scott York	Loudoun County
Hon. William D. Euille	City of Alexandria
Hon. Robert F. Lederer	City of Fairfax
Hon. David F. Snyder	City of Falls Church
Hon. Harry J. "Hal" Parrish, II	City of Manassas
Hon. Bryan Polk	City of Manassas Park
Hon. Jeff Frederick	Virginia House of Delegates
Hon. Vince Callahan	Virginia House of Delegates
Hon. Jeanne-Marie Devolites-Davis	Virginia Senate
Julia A. "Judy" Connally	Governor's Appointee, CTB Member
Margaret Vanderhye	Governor's Appointee

Non-voting members:

Matthew O. Tucker	Director, DRPT
Dennis Morrison	Administrator, Northern District Office, VDOT

For more information, contact the Northern Virginia Transportation Authority by going to www.TheNoVaAuthority.org.

'MOTION TO INTERVENE' FOLLOWS

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ARLINGTON

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY,)
 Plaintiff,)
 COMMONWEALTH OF VIRGINIA ex rel.)
 ROBERT F. McDONNELL,)
 in his official capacity as Attorney General of the)
 Commonwealth;)
 TIMOTHY M. KAINE,)
 in his official capacity as Governor of the Commonwealth;)
 and)
 WILLIAM H. HOWELL,)
 in his official capacity as Speaker of the House of Delegates;)
 Movants to Intervene as Plaintiffs,)
 v.)

CASE No. 07-923

STATUTORY DEFENDANTS PURSUANT TO *VIRGINIA*)
CODE §§ 15.2-2650, ET SEQ., TO WIT,)
 TAXPAYERS, PROPERTY OWNERS AND CITIZENS OF)
 THE COUNTIES OF ARLINGTON, FAIRFAX, LOUDOUN,)
 AND PRINCE WILLIAM, AND THE CITIES OF)
 ALEXANDRIA, FAIRFAX, FALLS CHURCH, MANASSAS,)
 AND MANASSAS PARK, VIRGINIA, INCLUDING)
 NONRESIDENTS OWNING PROPERTY OR SUBJECT TO)
 TAXATION THEREIN, AND ALL OTHER PERSONS)
 INTERESTED IN OR AFFECTED IN ANY WAY BY THE)
 PROPOSED ISSUANCE BY THE NORTHERN VIRGINIA)
 TRANSPORTATION AUTHORITY OF ITS NORTHERN)
 VIRGINIA TRANSPORTATION AUTHORITY)
 TRANSPORTATION FACILITIES REVENUE BONDS IN AN)
 AMOUNT NOT TO EXCEED \$130,000,000,)
 Defendants.)

**MOTION OF THE COMMONWEALTH
AND OTHERS TO INTERVENE AS PLAINTIFFS**

The Commonwealth of Virginia, upon relation of Robert F. McDonnell in his official capacity as Attorney General of the Commonwealth; Timothy M. Kaine, in his official capacity as Governor of the Commonwealth; and William H. Howell, in his official capacity as Speaker of the House of Delegates: (collectively "Commonwealth") move, pursuant to VIRGINIA S. CT. R. 3.14, to intervene in this matter as Plaintiffs. In support of its Motion, the Commonwealth states as follows:

1. In its Complaint, the Northern Virginia Transportation Authority ("NVTA") has asked this Court to determine the constitutionality of various provisions related to NVTA set forth in Chapter 896, 2007 *Virginia Acts of Assembly* ("Chapter 896") enacted by the Virginia General Assembly in 2007. *Complaint* at 2-3.

2. Although those provisions are constitutional and although NVTA believes that the provisions are constitutional, comments in media suggest that those opposing the ability of NVTA to fulfill its mission of financing necessary road projects in Northern Virginia believe that one or more provisions is unconstitutional. Thus, the Commonwealth anticipates that many of the defendants will assert that one or more statutes is unconstitutional.

3. When someone challenges the constitutionality of a statute and the Attorney General believes that the statute is constitutional, then the Attorney General has an obligation to defend the constitutionality of the statute.

4. If there is a claim that a Virginia statute is unconstitutional and if the Commonwealth, its agency, or its officer is not a party, then it is appropriate for the Commonwealth, upon relation of

the Attorney General, to intervene in the lawsuit for defending the constitutionality of the statutes. Indeed, in federal court, such intervention is a matter of right. *See* 28 U.S.C. § 2403(b).

5. Because the Governor has responsibility for ensuring that all laws enacted by the General Assembly are faithfully executed, VIRGINIA CONST. art. V, § 7, it is equally appropriate for the Governor to intervene to defend the constitutionality of a statute. Similarly, it is appropriate for members of the General Assembly, the body responsible for drafting and enacting the statutes, to intervene and defend the constitutionality of the statute, VIRGINIA CONST. art. IV, § 11.

6. Since NVTA and the Commonwealth agree that the statutes are constitutional, it is appropriate for the Commonwealth to be aligned on the same side as NVTA. Accordingly, the Commonwealth should be Plaintiff.

7. The NVTA has been contacted regarding this Motion to Intervene as a Plaintiff and agrees that the Commonwealth should be allowed to intervene as a Plaintiff.

CONCLUSION

For the reasons stated above, the Motion to Intervene should be **GRANTED**.

COMMONWEALTH OF VIRGINIA ex rel.

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TIMOTHY M. KAINE,
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July 18, 2007

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ARLINGTON

NORTHERN VIRGINIA TRANSPORTATION
AUTHORITY,

Plaintiff,

v.

STATUTORY DEFENDANTS PURSUANT TO
VIRGINIA CODE §§ 15.2-2650, ET SEQ., TO WIT,
TAXPAYERS, PROPERTY OWNERS AND
CITIZENS, et al.,

Defendants.

CASE No. 07-923

**NORTHERN VIRGINIA TRANSPORTATION AUTHORITY'S MEMORANDUM IN
SUPPORT OF ITS COMPLAINT**

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**NORTHERN VIRGINIA TRANSPORTATION AUTHORITY'S MEMORANDUM IN
SUPPORT OF ITS COMPLAINT**

Plaintiff, the Northern Virginia Transportation Authority ("NVTA"), submits this Memorandum in Support of its Complaint.

-I-

BACKGROUND

This is a bond validation proceeding instituted by NVTA, pursuant to the Public Finance Act of 1991 (the "Public Finance Act"), Va. Code §§ 15.2-2600 *et seq.*, and the Northern Virginia Transportation Authority Act (the "NVTA Act"), Va. Code §§ 15.2-4829 *et seq.*, requesting, among other things, that the Court validate NVTA's proposed Northern Virginia Transportation Authority Transportation Facilities Revenue Bonds, in an amount not to exceed \$130,000,000 (the "Bonds"), and the intended use of the proceeds of the Bonds to pay for the construction of numerous transit and multi-modal projects and roadway improvements in Northern Virginia.

Northern Virginia and the Washington, D.C., metropolitan area have the nation's third-highest rate of traffic congestion. www.vaperforms.virginia.gov/i-trafficcongestion.php. This congestion impedes the quality of life and general well-being of the citizens and thwarts the recruitment and retention of employees by Northern Virginia's companies and their day-to-day business. *See id.* It endangers public health and safety by increasing vehicle crashes, escalating air pollutants, and slowing emergency medical, fire, and police responders. (Federal Highway Administration, *Final Report, Traffic Congestion and Reliability: Linking Solutions to Problems*, at ES-8, 3-2, 3-17 (July 19, 2004) ("FHA Congestion Report"), attached hereto as Att. 1. Transportation experts estimate nearly one million new residents will move to the area within the next 25 years and that Northern Virginia will need \$46.6 billion for roads and transit

by 2030 in order to improve traffic conditions. *TransAction 2030 Summary Report*, at 2, 12 (Jan. 2006) ("Plan Summary"), attached hereto as Att. 2.

NVTA's proposed Bond issuance follows the Virginia General Assembly's 2007 enactment of House Bill 3202, now Chapter 896, 2007 Va. Acts of Assembly (hereinafter "Chapter 896" or the "Act"). A copy of Chapter 896 is attached hereto as Att. 3. Chapter 896 is the first substantial transportation funding and reform legislation passed by the General Assembly in over two decades and is the result of an extraordinary, bipartisan effort by leaders of the General Assembly and by the Governor of Virginia. Speaker of the House of Delegates, William J. Howell, stated that the bill

reforms, improves and invests in Virginia transportation and the future prosperity of our Commonwealth. It empowers regions and localities in the most gridlocked areas of the state to enhance their quality of life. It also has been structured to improve our state's overall network of roads, railways and public transit – sooner rather than later.

Press Release, Virginia House of Delegates, Negotiators for House and Senate Announce Over \$2.5 Billion Compromise Transportation Plan (Feb. 23, 2007) (on file with Speaker's Office, Virginia House of Delegates), attached hereto as Att. 4. The Speaker further said the outcome of the Act will relieve congestion, combat sprawl, and provide solutions to peoples' everyday problems. *Id.*

In Chapter 896, the General Assembly designated seven new regional taxes and fees ("Regional Taxes and Fees"), which it authorized NVTA to impose. The General Assembly also fixed the amount of each tax or fee. These sources will provide NVTA with the revenue necessary to support the Bond issue.

NVTA submits that the broad and plenary legislative power of the General Assembly, which extends to all subjects not expressly forbidden or restricted, provides the foundation for

the passage of Chapter 896, as it relates to NVTA's activities, and for this Court's validation of the Bonds. As explained below, (1) NVTA has the authority to issue the Bonds and obtain a judicial determination of their validity, and (2) the General Assembly's enactment of Chapter 896 (a) comports with the "one object" rule under Article IV; (b) lawfully establishes and delegates to NVTA the imposition and collection of the Regional Taxes and Fees; (c) constitutes a "general" law; and (d) does not establish or authorize a debt, liability or general obligation of the Commonwealth or any county or city.¹

Accordingly, NVTA submits that it is entitled to the relief requested in its Complaint, including a declaration that the Bonds, all proceedings taken by NVTA in connection with their issuance, the Regional Fees and Taxes and all other means provided for their payment, and all pledges of revenues as well as the terms of the Bond Resolution and the Indenture, are valid and legal.

-II-

STATEMENT OF FACTS

-A-

NVTA

NVTA is a political subdivision of the Commonwealth of Virginia created by the General Assembly in 2002 to exercise specific functions pursuant to the NVTA Act. Va. Code § 15.2-4830. NVTA embraces the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park (collectively, the "Member Localities"). Va. Code § 15.2-4831.

¹ NVTA has narrowly drafted its Complaint so that extraneous issues such as those involving the so-called "abuser fees" and land use impact fees are not before the Court, because those fees are not sources of revenue to pay the Bonds.

The General Assembly empowered NVTA to, among other things, (i) prepare a regional transportation plan for Planning District Eight (encompassing Northern Virginia) pertaining to transportation improvements of regional significance; and (ii) construct or acquire, by purchase, lease, contract, or otherwise, the transportation facilities specified in the regional transportation plan. Va. Code § 15.2-4830.

NVTA is authorized under the NVTA Act to issue bonds and other evidences of debt. Va. Code § 15.2-4839. Pursuant to Va. Code § 15.2-4519, NVTA's bonds may be payable from and secured by a pledge of all or any part of the revenues, moneys or funds of NVTA as specified in a resolution adopted or indenture entered into by NVTA.

-B-

TransAction 2030 Regional Transportation Plan

NVTA prepared and, on September 14, 2006, approved a comprehensive regional transportation plan for Planning District Eight, which is comprised of the Member Localities, entitled "TransAction 2030 Regional Transportation Plan" (the "Plan"), attached hereto as Att. 5.

Northern Virginia accounts for 21 percent of the daily vehicle miles traveled ("VMT")² for the entire Commonwealth while having only 8 percent of the Commonwealth's roadway lane miles. Plan Summary at 2. In 2006 alone, 32,604 of the Commonwealth's 97,093 automobile accidents occurred in just four of Northern Virginia's localities, which are Member Localities of NVTA. Virginia Department of Motor Vehicles, *2006 Virginia Traffic Crash Facts, What Happened on Virginia Roads* (2007), available at

² The amount of travel in a region is generally measured in terms of VMT. This is the total number of miles of vehicular travel in an average day. Transportation experts use VMT to evaluate transportation system utilization and performance.

http://www.dmvnow.com/webdoc/pdf/vacrashfacts_06.pdf. One study estimated that the major roadways in Northern Virginia carry nearly 40 percent more daily traffic than the roads in all the other areas of the Commonwealth combined according to an analysis by the Virginia Department of Transportation. *See Northern Virginia roads hit hardest by traffic, VDOT figures show* (Mar. 2006), available at <http://www.washingtonairports.com/news/releases/2006/NVa%20Roads.htm>. Traffic congestion is no longer a manifestation of "rush hour" on Northern Virginia's major thoroughfares. Instead, it affects more of the entire transportation system, spreading to neighborhood streets and transit systems. *See* FHA Congestion Report at 3-3 to 3-4 (Att. 1). It affects travel throughout the work day and during the weekend. Peak period travel has extended to multiple hours both in the morning and in the evening. *Id.* (3-3 to 3-4) Congestion has amplified the travel "time penalty" so that it takes much longer to get to any destination, not just to work. *Id.* at 3-5. One estimate for Washington, D.C.'s metropolitan area is that residents wasted 145,484,000 travel hours in 2003. David Schrank & Tom Lomax, Texas Transportation Institute, *2005 Urban Mobility Report*, at 14 (May 2005) ("TTI Report"), attached hereto as Att. 6. Congestion has also destabilized travel reliability by undermining the ability to predict travel within the region at any given time during the day. *Id.* at 73-74. Other than the Hampton Roads region, no other area in Virginia has experienced such congestion or the attendant problems that accompany it.³

³ Together, Northern Virginia and Hampton Roads comprise 41% of the State's VMT while only accounting for 22% of the roadway inventory and have the two highest VMTs in the State. Virginia Dep't of Transp., *DVMT by Maintenance Jurisdiction All Roads*, VDOT Rep. ID-VMT2200 (July 22, 2006), available at <http://www.virginiadot.org/info/ct-TrafficCounts-VMT2005.asp> website source. Traffic congestion problems similar to those in Northern Virginia exist also in Hampton Roads. Hampton Roads has serious traffic bottlenecks at its tunnels. Samuel S. Belfield, Joseph L. Lewis, Keith M. Nichols, Hampton Roads Planning District Comm'n, *Hampton Roads Congestion Management System 2001* (June 2001) ("Hampton Roads Congestion Report"), attached as Att. 7. A 2001 report of the Hampton Roads Planning District Commission determined that traffic exceeded capacity for three of the four major tunnels for much of the year. *Id.* at p. iv. Other studies found that Hampton Roads ranked

Unless action is taken, the situation will only become worse. Within the next 25 years, Northern Virginia is expected to attract nearly one million new residents. Plan Summary at 2 (Att. 2). These new residents will join the over two million residents in Northern Virginia on the areas roads today. *Id.*

As adopted, the Plan identifies key criteria for measuring and improving Northern Virginia's congestion problems, including the need for an integrated multimodal transportation system, for improving personal mobility, improving personal accessibility, improving the transportation and land use linkage, and protecting the environment. Plan at 46-47, 150 (Att. 5). The Plan also recognizes that Northern Virginia needs \$46.6 billion for roads and transit by 2030 in order to improve traffic conditions. Plan Summary at 12 (Att. 2).

All nine of NVRTA's Member Localities endorsed the Plan. Plan at 1 (Att. 5).

-C-

House Bill 3202

On April 4, 2007, the General Assembly passed Chapter 896 by an overwhelming majority. Press Release, Virginia House of Delegates, House Republican Initiatives Win Final Approval During General Assembly's Reconvened Session (Apr. 4, 2007) (on file with Speaker's Office, Virginia House of Delegates). As introduced and enacted, the Bill comprised a three-pronged approach to transportation, including (1) a statewide and regional funding component, (2) a Virginia Department of Transportation reform component, and (3) a land-use component.

17th in the nation in terms of VMT per capita in 2005, which is the highest of any region in Virginia. Keith M. Nichols, Hampton Roads Planning District Comm'n, *The State of Transportation in Hampton Roads* (Jan. 2007) ("Hampton Roads State of Transp."), attached as Att. 8. The growth in vehicular travel in Hampton Roads far outpaced population growth. *Id.* at 13. In 2005 Hampton Roads was estimated to have 1,633,000 residents, an increase of 6% from 1996. *Id.* at 14. During this time vehicular travel in Hampton Roads increased 18%, meaning that the growth in regional vehicular travel was three times higher than the growth in the regional population. *Id.*

HB 3202 Conference Rep. (Feb 23, 2007), attached hereto as Att. 9. Each component of Chapter 896, as enacted, is consistent with recognized strategies relating to transportation improvements, which include the addition of more capacity for highway, transit and railroads, adopting regional solutions to address congestion problems, and utilizing land use controls designed to reduce demand for daily travel. FHA Congestion Report at ES-10 to ES-12 (Att. 1). The title of House Bill 3202 states that the Bill would amend and reenact numerous provisions of the Code with all such enactments "relating to transportation." Chapter 896, at 1 (Att. 3).

-1-

The Act Provides For Additional Financing.

Consistent with its title, the first component of Chapter 896 provides for revenue for transportation projects at the regional level by designating seven Regional Taxes and Fees which it authorized NVTA to impose.⁴ These Regional Taxes and Fees include (i) the additional annual regional vehicle registration fee under Va. Code § 46.2-755.1, (ii) the initial vehicle registration fee under Va. Code § 46.2-755.2, (iii) the additional safety inspection fee under Va. Code § 46.2-1167.1, (iv) the retail sales and use tax on auto repairs under Va. Code §§ 58.1-605 and 58.1-606, (v) the regional congestion relief fee under Va. Code § 58.1-802.1, (vi) the local rental car transportation fee under Va. Code § 58.1-2402.1 and (vii) the additional transient occupancy tax under Va. Code § 58.1-3825.1. The General Assembly specified the subject of taxation and the amount of each new Regional Tax and Fee.

The General Assembly required that forty percent of the revenues raised by the Regional Taxes and Fees be distributed directly by NVTA to the localities on a pro rata basis with each

⁴ The Act also created the Hampton Roads Transportation Authority with powers and functions similar to NVTA but focused on transportation issues in the Hampton Roads region of the Commonwealth. Va. Code §§ 33.1-391.6 *et seq.* NVTA is not seeking a decision regarding any portion of Chapter 896 that is not related to NVTA.

locality receiving a share of the funds based on the amounts originating there. Va. Code § 15.2-4838.1. Of that amount, a portion of such funds will be spent on urban and secondary roads and the remainder on additional road construction, for other transportation capital improvement or for public transportation at the locality's discretion. *Id.* The remaining sixty percent of the NVTA revenues must be used by NVTA solely for transportation projects and purposes benefiting the Member Localities. Revenues must be used for debt service on bonds, capital improvements for the Washington Metropolitan Area Transit Authority, capital improvements and operational expenses for the Virginia Railway Express, and for roads and transit purposes. *Id.*

At the State funding level, Chapter 896 authorizes \$3 billion in new bonds to be issued by the Commonwealth Transportation Board with the proceeds to be used for highway construction, transit projects, and rail projects. Va. Code § 33.1-269(4f). Chapter 896 also authorizes new statewide transportation funding, fees and taxes, including (i) dedicating three cents of existing recordation taxes to transit and highway maintenance; (ii) dedicating two-thirds of any budget surplus to transportation; (iii) the new diesel fuel tax; (iv) the new abuser fees; (v) the new car and light truck registration fees; and (vi) new fees on heavy trucks and overweight truck penalties. Va. Code §§ 2.2-1514, 46.2-206.1, 46.2-694, 46.2-1135, 58.1-815.4, 58.1-2217. These fees go to the State and not to NVTA.

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The Act Provides For VDOT Reform.

Another component of Chapter 896's transportation reforms pertains to amendments to statutes governing the Commonwealth Transportation Board ("Board") and Virginia Department of Transportation, both of which function for the purpose of the construction and operation of

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highways, roads and other transportation-related facilities in the Commonwealth. The Act, in part:

- creates the Joint Commission on Transportation Accountability ("Commission"). Chapter 896, § 30-278 (codified at Va. Code § 30-282). The Commission's duties include (a) performance reviews to assure that moneys appropriated for transportation purposes are being expended for the purposes for which they were made and (b) studies of practices of state agencies with transportation responsibilities as they relate to efficiency in use of facilities. Chapter 896, § 30-280 (codified at Va. Code § 30-284).
- reforms the powers of the Commonwealth Transportation Commissioner and clarifies that the Commissioner may outsource and privatize VDOT functions as needed. Va. Code § 33.1-13.
- streamlines environmental permitting for transportation projects. Va. Code § 33.1-19.1.
- expands the Statewide Transportation Plan criteria to encourage transit and high occupancy vehicle facility use. Va. Code § 33.1-23.03.
- specifies the allocation of Board bond proceeds to capital projects for transit rail and other transportation projects. Va. Code § 33.1-23.4:01.
- requires automation of toll facilities. Va. Code § 33.1-223.2:12.

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The Act Provides For Land Use Reforms.

The third component of Chapter 896 authorizes land use reforms focused on easing transportation congestion and related issues. For example, the Act authorizes localities to address in their comprehensive plans the principles of new urbanism and traditional neighborhood development, including, but not limited to pedestrian-friendly road design,

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interconnection of new local streets with existing local streets and roads, connectivity of road and pedestrian networks, and mixed-use neighborhoods, including mixed housing types. Va. Code § 15.2-2223.1.

The principles of new urbanism adopted in Chapter 896 encourage communities designed with higher densities, which emphasize mixed-use, walkable, and pedestrian-friendly features. <http://www.newurbanism.org/pedestrian.html>. See Charter for the Congress for the New Urbanism, available at http://cnu.org/sites/files/charter_english.pdf (requiring, in part, compact, pedestrian-friendly and mixed use neighborhoods (§11), interconnected networks of streets to encourage walking, reduce auto trips (§12), appropriate densities and land uses within walking distance of transit (§15), and streets and public spaces as shared use (§19)). These features, when implemented, result in amenities and businesses being located within close proximity thereby reducing sprawl, vehicle travel, easing daily congestion on the major roadways, and reducing air pollution from idling traffic. See <http://www.newurbanism.org/newurbanism/principles.html>.

The Act also expands the use of road impact fees on new development in order to cover the costs of reasonable road improvements benefiting new development. *E.g.*, Va. Code § 15.2-2328. Local governments utilize impact fees to generate revenues to provide adequate transportation to support development and help mitigate the impacts of that development. Increasingly, local governments use impact fees as a way to provide necessary infrastructure, including transportation improvements. Such fees are now an available tool to pay for infrastructure improvements. Arthur C. Nelson & Mitch Moody, *Paying for Prosperity: Impact Fees and Job Growth* (Brookings Institution June 2003), Executive Summary available at www.brookings.edu/es/urban/publications/nelsonimpactfees.htm.

NVTA's July 12, 2007, Meeting

NVTA held a public hearing on July 12, 2007 (the "July 12 Meeting"), at which over fifty (50) speakers addressed the proposed imposition of the Regional Taxes and Fees and issuance of the Bonds. A substantial majority of the speakers voiced strong support for imposition of the Regional Taxes and Fees.⁵ These speakers made it clear that daily congestion on the roadways in Northern Virginia is not just a matter of rush hour delays but creates an overriding impediment to people trying to live their daily lives and manage their businesses. Speakers owning businesses advised NVTA that the traffic problem in Northern Virginia causes lost productivity and increases the struggle for profitability. A real estate broker advised NVTA that her fuel costs are twice what they would be in less congested areas, estimating that she wastes an entire tank of fuel each week idling in traffic. Others advised of the existing, hidden tax on people's lives caused by such traffic which manifests itself in lost personal and family time, lost time at work, stress on a daily basis, and higher fuel costs.

Following the public hearing, NVTA adopted resolutions authorizing imposition of the seven Regional Taxes and Fees (the "Imposition Resolutions"). (Certified copies of each Imposition Resolution were attached as Exhibits 1(a) to 1(g) to the Complaint.) Each Imposition Resolution was adopted by NVTA in accordance with the NVTA Act's quorum and voting requirements ("Quorum/Supermajority Requirements").⁶ Va. Code § 15.2-4834; Complaint, Ex. 1(a) through 1(g).

⁵ A transcript of the July 12, 2007 Meeting will be provided to the Court once it becomes available.

⁶ Va. Code § 15.2-4834 provides, *inter alia*, that (i) a majority of NVTA, which majority shall include at least a majority of the representatives of the Member Localities, shall constitute a quorum; (ii) decisions of NVTA shall require a quorum and shall be in accordance with voting procedures established by NVTA; and (iii) in all cases, decisions of NVTA shall require the affirmative vote of at least two-thirds of

In addition, NVTA unanimously adopted the Bond Resolution and a resolution approving the initiation of this proceeding to validate the Bonds pursuant to the Public Finance Act (the "Validation Resolution"). (Certified copies of the Bond Resolution and Validation Resolution were attached as Exhibits 2 and 3 to the Complaint.) In the Bond Resolution, NVTA specifies, among other things, that proceeds of the Bonds will be applied, along with other available funds, to (i) pay the costs of the construction and acquisition of the transportation facilities and projects described in Exhibit A to the Bond Resolution (the "Projects"); and (ii) pay the issuance and financing costs of the Bonds and to fund capitalized interest and any required reserves. The Projects total twenty-three (23) regional transit, multi-modal, and roadway improvements. Bond Resolution, Ex. A. Each of the Projects is a project specified in the Plan or is a priority regional transportation project that is consistent with the Plan. Complaint, Ex. 2. *Id.*

In the Bond Resolution, NVTA also found and determined, among other things, that the issuance of the Bonds will (i) be in all respects for the benefit of the inhabitants of the Commonwealth and the Member Localities and promote their safety, health, welfare, convenience and prosperity; and (ii) further the purposes of NVTA and the NVTA Act by, among other things, financing the construction and acquisition of the Projects. *See* Complaint, Exs. 2 and 4. NVTA also approved the Indenture between NVTA and a qualified bank and trust company selected by NVTA to act as trustee (the "Trustee"). *See* Complaint, Ex. 4. The Indenture provides, *inter alia*, (i) the conditions which must be satisfied for the issuance and delivery of the Bonds and any future series of NVTA bonds (the "Additional Bonds"); (ii) for the payment of and security for the debt service on the Bonds and any Additional Bonds, including a

the members of NVTA present and voting, and two-thirds of the representatives of the Member Localities who are present and voting and whose Member Localities include at least two-thirds of the population embraced by NVTA.

pledge of the Pledgeable NVTA Revenues (as described in the Indenture); (iii) for the establishment and maintenance of a series of funds and accounts; and (iv) for the application of the NVTA Revenues (as described in the Indenture) to pay NVTA's administrative costs, and to make the pro rata distribution to the Member Localities under Va. Code § 15.2-4838(1)(B).

The Bonds, when issued, will be valid and legal obligations of NVTA. Pursuant to the NVTA Act, the Bonds will be payable only from the Pledgeable NVTA Revenues pledged for such purpose under the Bond Resolution and the Indenture, and they shall not be a debt, liability or obligation of the Commonwealth of Virginia or any political subdivision thereof, other than NVTA. Va. Code §§ 15.2-4839, 15.2-4519(A)(2).

The Bond Resolution expressly provides that the General Assembly may, at any time, eliminate, change or limit NVTA's authority to impose the Regional Taxes and Fees and that NVTA will not pledge, covenant or agree to impose or maintain at any particular rate or level any of the Regional Taxes and Fees. Bond Resolution, Complaint, Ex. 2.

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DISCUSSION

NVTA will first address its authority to issue the Bonds and to obtain a judicial determination of their validity and the legality of all proceedings taken in connection with authorization of the Bonds and, secondly, the constitutionality of Chapter 896 as it relates to the Bond issuance.

NVTA HAS THE AUTHORITY TO ISSUE THE BONDS AND OBTAIN A DETERMINATION OF THEIR VALIDITY UNDER THE PUBLIC FINANCE ACT.

The NVTA Is A Political Subdivision Established By An Act Of The General Assembly With Limited Powers.

The General Assembly created NVTA in 2002 as a political subdivision of the Commonwealth. Va. Code §§ 15.2-4829, -4830. NVTA's powers are limited by the enabling legislation to activities pertaining to regional transportation. It is empowered under the NVTA Act to prepare a regional transportation plan for Planning District Eight in Northern Virginia, to construct or acquire the transportation facilities specified in the regional transportation plan, to contract with public or private entities to operate such facilities, to contract with local, state and federal governments for the provision of transportation facilities, and to allocate to priority regional transportation projects any funds made available to NVTA. *See* Va. Code §§ 15.2-4830, 4840(5). NVTA may issue bonds and other evidences of debt. Va. Code § 15.2-4839. Pursuant to Chapter 896, NVTA may impose the seven Regional Taxes and Fees. Va. Code § 15.2-4839.1.

These limited powers granted by the General Assembly to NVTA confirm NVTA's status as a unit of government similar to other special purpose authorities. *See, e.g.*, Va. Code § 5.1-153 (Metropolitan Washington Airports Authority); § 15.2-4500 (transportation districts); § 15.2-4903(A) (industrial development authority); § 15.2-5302 (hospital authority); § 15.2-5114 (water and waste Authorities); § 15.2-5403 (electric authority); § 15.2-5604 (public recreational facilities authority); § 15.2-5702 (park authority); §§ 21-113, 21-118, 21-291.1 (sanitary

districts); Va. Code §§ 36-4, 36-19 (local redevelopment and housing authorities); § 36-55.27 (Virginia Housing Development Authority).

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Article VII, Section 2 of the Constitution Does Not Apply.

Article VII, Section 2 provides, in part, that "[e]very law providing for the organization of a *regional government* shall, in addition to any other requirements imposed by the General Assembly, require the approval of the organization of the regional government by a majority vote of the qualified voters." Va. Const. art. VII, § 2 (emphasis added). A regional government is "a *unit of general government* organized as provided by law within defined boundaries, as determined by the General Assembly. . . ." Va. Const. art. VII, § 1 (emphasis added). This constitutional definition denotes a unit of government having a broad range of powers and functions organized for general governmental purposes in contrast to political subdivisions organized for "special purposes" such as authorities. A.E. Dick Howard, Commentaries on the Constitution of Virginia 799 (University of Virginia Press 1974) (hereinafter "Howard").

Here, the General Assembly established NVTAs as an independent political subdivision for special purposes pertaining only to transportation. Va. Code § 15.2-4830 (NVTAs directed to prepare a regional transportation plan and authorized to construct or acquire transportation facilities specified in the regional transportation plan); § 15.2-4840(5) (NVTAs responsible for allocating to priority regional transportation projects funds made available and may oversee such projects). Accordingly, because NVTAs were created for a special purpose, and have only limited powers related to that purpose, they are not units of general government, and, therefore, Article VII, Section 2 does not apply.

The NVTA Act Authorizes NVTA To Issue Bonds And NVTA Complied With All Procedural Requirements

Section 15.2-4839 of the Virginia Code, as amended by Chapter 896, authorizes NVTA to issue the Bonds and provides:

The Authority may issue bonds and other evidences of debt as may be authorized by this section or other law. The provisions of Article 5 (§§ 15.2-4519 et seq.) of Chapter 45 of this title shall apply, mutatis mutandis, to the issuance of such bonds or other debt. The Authority may issue bonds or other debt in such amounts as it deems appropriate. The bonds may be supported by any funds available except that funds from tolls collected pursuant to subdivision 7 of § 15.2-4840 shall be used only as provided in that subdivision.

Section 15.2-4519, in turn, authorizes NVTA to issue bonds "for any of its purposes." Va. Code § 15.2-4519(A)(1). The statute requires that the bonds "be authorized by resolution." *Id.* § 15.2-4519(B)(1). NVTA has discretion to determine the form of the bonds and the places of payment of principal and interest and may enter into indentures and agreements with respect to such matters containing such provisions as NVTA "may deem reasonable and proper." *Id.* "All expenses incurred in carrying out the provisions of such indentures or agreements may be treated as a purpose of [the NVTA]." *Id.* That section further provides:

B.3. Bonds may be issued pursuant to this article without obtaining the consent of any commission, board, bureau or agency of the Commonwealth or of any governmental subdivision, and without any referendum, . . .

* * *

D. The exercise of the powers granted by this article shall be in all respects for the benefit of the inhabitants of the Commonwealth, for the promotion of their safety, health, welfare, convenience and prosperity, and any facility or service which a transportation district is authorized to provide will constitute the performance of an essential governmental function. . . .

Va. Code § 15.2-4519.

In this case, NVTA authorized issuance of the Bonds and execution of the Indenture between NVTA and a qualified bank by unanimous vote of its members at its July 12 Meeting. See Complaint, Exs. 2 and 4. NVTA included terms in the Indenture it deemed "reasonable and proper," including, in part, for the payment of and security for the debt service on the Bonds as described in the Indenture and the application of the NVTA's Revenues (as described in the Indenture) to make the pro rata distribution to the Member Localities under Va. Code § 15.2-4838.1(B), to pay the debt service on the Bonds and NVTA's administrative costs. Complaint, Ex. 4. The NVTA Board made all of the requisite findings referenced *supra*, pages 12-13. Complaint, Ex. 2 at 31-32. Each act of the NVTA Board met the Quorum/Supermajority Requirements specified in the Act. Complaint, Ex. 1(a) through (g). Accordingly, NVTA has complied with the required procedures to authorize issuance of the Bond, and there is no procedural issue preventing validation of the Bonds.

Moreover, because this case involves findings by NVTA that it may issue the Bonds and that the proposed uses of the Bonds promote the purposes of the NVTA Act, the analysis concerning NVTA's actions is governed by the presumption of validity applied to legislative actions. *Indus. Dev. Auth. v. La France Cleaners & Laundry Corp.*, 216 Va. 277, 281, 217 S.E.2d 879, 883 (1975). Under this standard, the "court must uphold a legislative action if, in the face of evidence of unreasonableness, ' . . . evidence of reasonableness is sufficient to make the question fairly debatable.'" *Id.* (citation omitted) (applying standard to contested bond issuance). Thus, the burden is on a person who contests NVTA's Bond issuance to come forward in the first instance with probative evidence of unreasonableness and, if he or she meets such burden, NVTA will still prevail if it then introduces evidence of reasonableness of the legislative action.

See Bd. of Supervisors v. Miller & Smith, Inc., 242 Va. 382, 410 S.E.2d 648 (1991). NVTA submits that, on this record, the action taken by NVTA in authorizing issuance of the Bonds and approving the Projects identified in the Bond Resolution constitutes a valid and legitimate exercise of the authority granted NVTA by the NVTA Act.

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The Public Finance Act Authorizes NVTA To Obtain A Judicial Determination Of The Validity Of The Bonds.

Section 15.2-2651 of the Virginia Code provides:

The governing body of any locality or other political subdivision . . . of the Commonwealth . . . proposing to issue bonds may bring at any time a proceeding in any court of the county or city having general jurisdiction and in which the issuer is located to establish the validity of the bonds The proceeding shall be brought by filing a motion for judgment describing the bonds and the proceedings taken in connection with their issuance and alleging that the bonds when issued shall be valid and legal obligations of the issuer.

NVTA is a "political subdivision" of the Commonwealth. Va. Code § 15.2-4830.

Because NVTA is a "political subdivision" of the Commonwealth, it is plainly authorized to invoke the Public Finance Act and seek a determination from this Court establishing the validity of the Bonds. *Cf. Mayor & City Council of Lexington v. Indus. Dev. Auth.*, 221 Va. 865, 275 S.E.2d 888 (1981) (industrial development authorities are political subdivisions of the Commonwealth and are within Public Finance Act).⁷ *See also* Va. Code §§ 15.2-4520 and -4839 (applying Public Finance Act to all suits to validate bonds).

⁷ The Authority's status contrasts sharply from the entity before the court in *Short Pump Town Center Community Development Authority v. Hahn*, 262 Va. 733, 554 S.E.2d 441 (2001). There, the Supreme Court of Virginia examined the Virginia Water and Waste Authorities Act, Va. Code §§ 15.2-5100 *et seq.*, and determined that, because the Community Development Authority involved in that case was not described in the statute as a political subdivision of the Commonwealth, it could not proceed under the Public Finance Act. Since the holding in *Short Pump Town Center*, however, the General Assembly amended the Public Finance Act to make clear that political subdivisions, agencies and instrumentalities of a locality are included among those entities which fall within the statute.

-B-

THE GENERAL ASSEMBLY'S ENACTMENT OF CHAPTER 896 WAS WITHIN ITS LEGISLATIVE POWER SET FORTH IN ARTICLE IV, AND THE REGIONAL TAXES AND FEES WHICH IT AUTHORIZED DO NOT VIOLATE ANY PROVISION OF THE CONSTITUTION OF VIRGINIA.

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Standard of Review

The Supreme Court of Virginia has established a strong presumption that the General Assembly's statutes are constitutional. *Coleman v. Pross*, 219 Va. 143, 153, 246 S.E.2d 613, 619 (1978). Legislation cannot be declared unconstitutional unless it "clearly" and plainly violates the Constitution in such manner as to leave no doubt or hesitation. *Reed v. Union Bank of Winchester*, 70 Va. 29 (Gratt.) 719, 722 (1878). "[E]very reasonable doubt must be resolved in favor of the act's constitutionality." *Terry v. Mazur*, 234 Va. 442, 449, 362 S.E.2d 904, 908 (1987) (citing *Almond v. Gilmer*, 188 Va. 822, 834, 51 S.E.2d 272, 276 (Va. 1949)). "The courts will declare the legislative judgment null and void only when the statute is plainly repugnant to some provision of the state or federal constitution." *Blue Cross of Va. v. Commonwealth*, 221 Va. 349, 358, 269 S.E.2d 827, 832 (1980).

As discussed below, application of these settled principles establishes that the Constitution does not restrict or limit the General Assembly's power to enact those provisions of Chapter 896 at issue in this bond validation proceeding.

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Chapter 896 Complies with the "One-Object" Rule.

Article IV, Section 12 of the Virginia Constitution, entitled "Form of Laws," provides: "No law shall embrace more than one object, which shall be expressed in its title." In the

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seminal case explaining the rule, the Supreme Court of Virginia has explained that Section 12's purpose

was to prevent the members of the legislature and the people from being misled by the title of a law. It was intended to prevent the use of deceptive titles as a cover for vicious legislation, to prevent the practice of bringing together into one bill for corrupt purposes subjects diverse and dissimilar in their nature, and having no necessary connection with each other; and to prevent surprise or fraud in legislation by means of provisions in bills of which the titles gave no intimation.

And, on the other hand, it was not intended to obstruct honest legislation, or to prevent the incorporation into a single act of the entire statutory law upon one general subject. It was not designed to embarrass legislation by compelling the multiplication of laws by the passage of separate acts on a single subject. Although the act or statute authorizes many things of a diverse nature to be done, the title will be sufficient if the things authorized may be fairly regarded as in furtherance of the object expressed in the title. It is therefore to be liberally construed and treated, so as to uphold the law, if practicable. . . . *All that is required by the constitutional provision is that the subjects embraced in the statute, but not specified in the title, are congruous, and have natural connection with, or are germane to, the subject expressed in the title.*

Commonwealth v. Brown, 91 Va. 762, 771-72, 21 S.E. 357, 360 (1895) (citation omitted; emphasis added). As succinctly explained and summarized by Professor Howard, "the title of an act may be general and cover seemingly diverse points if it gives notice of the general subject and interests likely to be affected." Howard, at 529. The "provision was not designed to prohibit incorporation of the entire statutory law upon a subject into a single enactment." *Thurston Metals & Supply Co. v. Taylor*, 230 Va. 475, 485, 339 S.E.2d 538, 544 (1986). "Furthermore, if there is doubt as to the sufficiency of the title, the doubt must be resolved in favor of its sufficiency." *Commonwealth v. Dodson*, 176 Va. 281, 305-06, 11 S.E.2d 120, 131 (1940).

In this case, Chapter 896 meets the "one-object" test. The Bill's title makes it clear that it would amend and reenact several provisions of the Code with all such points "relating to

transportation." Chapter 896 (Att. 3).⁸ Chapter 896 provides a range of transportation reform initiatives, each of which focuses on state, regional or local transportation issues. First, the statute provides for transportation revenue at the regional level by authorizing regional authorities to impose the Regional Taxes and Fees, portions of which shall be distributed to the Member Localities for roads and transit and the balance to NVTa for transportation funding purposes. Va. Code §§ 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-605, 58.1-606, 58.1-802.1, 58.1-2402.1, 58.1-3825.1. It also establishes the Hampton Roads Transportation Authority with powers and duties similar to NVTa in order to focus on transportation improvements within the Hampton Roads region. At the state level, the statute authorizes new debt, fees and taxes with

⁸ The entire enactment is entitled:

An Act to amend and reenact §§ 2.2-1514, 10.1-1188, 15.2-2317 through 15.2-2327, 15.2-2403, 15.2-4839, 15.2-4840, 33.1-3, 33.1-13, 33.1-19.1, 33.1-23.03, 33.1-23.03:8, 33.1-223.2:12, 33.1-268, 33.1-269, 33.1-277, 46.2-694, 46.2-694.1, 46.2-697, 46.2-1135, 58.1-605, 58.1-606, 58.1-811, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2403, 58.1-2425, 58.1-2701, and 58.1-2706 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 15.2-2223.1, by adding in Chapter 22 of Title 15.2 an article numbered 9, consisting of sections numbered 15.2-2328 and 15.2-2329, by adding in Article 1 of Chapter 24 of Title 15.2 a section numbered 15.2-2403.1, by adding a section numbered 15.2-4838.1, by adding in Title 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-282, by adding a section numbered 33.1-23.4:01, by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.15, by adding sections numbered 46.2-206.1, 46.2-702.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-625.1, 58.1-802.1, and 58.1-815.4, by adding in Chapter 17 of Title 58.1 an article numbered 4.1, consisting of sections numbered 58.1-1724.2 through 58.1-1724.7, by adding a section numbered 58.1-2402.1, by adding in Article 2 of Chapter 25 of Title 58.1 a section numbered 58.1-2531, and by adding sections numbered 58.1-3221.2 and 58.1-3825.1; and to repeal the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly of 2000, and to authorize the Commonwealth Transportation Board to issue certain bonds, relating to transportation.

revenues generated for use for highway construction, transit projects, and rail projects. *See, e.g.*, Va. Code §§ 33.1-269(4f).

Second, the Act reforms laws pertaining to the Commonwealth's transportation agencies. The Act, among other things, creates the Joint Commission on Transportation Accountability to conduct performance reviews and study practices of state agencies with transportation responsibilities, Chapter 896, §§ 30-278 & 30-280 (codified at Va. Code §§ 30-282 & 30-284), and it clarifies that the Commissioner may privatize VDOT functions and streamlines environmental permitting, *see* Va. Code § 33.1-13, 33.1-19.1. It also expands the Statewide Transportation Plan criteria to encourage transit and high occupancy vehicle facility use, Va. Code § 33.1-23.03, and specifies the allocation of State bond proceeds to capital projects for transit, rail and other transportation projects, Va. Code § 33.1-23.4:01.

Third, the Act authorizes localities to incorporate in their Comprehensive Plans new urbanism and traditional neighborhood concepts, which, when implemented, will ease congestion by requiring pedestrian-friendly projects and the reduction of vehicle travel in those areas. Va. Code § 15.2-2223.1. The Act also expands the use of road impact fees on new development in order to cover the costs of reasonable road improvements benefiting new development. *E.g.*, Va. Code § 15.2-2328.

Chapter 896's conformity with the one object rule is comparable to other statutes upheld by the Supreme Court. For example, in a mandamus proceeding to compel the Fairfax County finance director to pay moneys appropriated by the Board of Supervisors to the Fairfax County Industrial Development Authority to pay the initial costs incurred by the Authority for acquiring property, the Court considered the Authority's enabling statute, which was entitled "[a]n Act to create political subdivisions . . . to provide for the composition, powers, duties and liabilities

thereof and other matters pertaining thereto, to provide for the issuance of certain bonds"

Fairfax County Indus. Dev. Auth. v. Coyner, 207 Va. 351, 352, 150 S.E.2d 87, 90 (1966). The Authority had entered into agreements with private parties to purchase property to construct offices which it would lease to another company. The Authority also agreed to request a voluntary appropriation from the County Board of Supervisors to cover the costs of purchasing the land and other incidental expenses pending the sale of revenue bonds. The Court upheld the statute against a claim that it violated the one object rule, holding that no one would be misled by the title and the activities had a "legitimate and kindred association with its title." *Id.* at 355, 150 S.E.2d at 91.

Similarly, in *Fallon Florist, Inc. v. City of Roanoke*, 190 Va. 564, 58 S.E.2d 316 (1950), the Court considered an enactment relating to the obligations of vendors to attach tax stamps to merchandise sold. The ordinance was entitled "[a]N ORDINANCE levying and imposing a tax on every sale at retail within the city of Roanoke of any cigarettes, as in this ordinance defined; defining certain words and phrases used in this ordinance, fixing the rate and amount of such tax and providing for the payment thereof to the city by every seller of any such cigarettes; . . . defining violations of the provisions of said ordinance and prescribing penalties therefore;" *Id.* at 586-87, 58 S.E.2d at 327. While the duties required of a cigarette dealer were not mentioned in the title, the Court held that the title was sufficiently broad to satisfy the Virginia constitutional requirement. *Id.* at 587, 58 S.E.2d at 327. Just as the challenged provisions upheld in *Coyner* and *Fallon Florist* had an association with the titles of the enactments, each of the provisions of Chapter 896 is germane to transportation. Chapter 896 does not conflict with the one-object rule.

The Supreme Court's decisions in *State Board of Health v. Chippenham Hospital, Inc.*, 219 Va. 65, 245 S.E.2d 430 (1978), and *Board of Supervisors of Fairfax County v. American Trailer Co.*, 193 Va. 72, 68 S.E.2d 115 (1951), the only cases to set aside legislation for violation of the one-object requirement in over half a century, do not compel a different result. In *State Board of Health*, the title of the statute at issue and its purpose pertained specifically to construction of hospitals but the challenged provision pertained to a hospital administration issue concerning doctors' staff privileges. In *American Trailer*, the statute's title identified regulatory measures for trailer parks but the challenged provision provided for local taxation of trailer parks. In contrast to the statutes challenged *State Board of Health* and *American Trailer*, the title of Chapter 896 and its purpose make it clear that the enactment, in its entirety, "relat[es] to transportation." As discussed, each of Chapter 896's provisions relates to transportation. No more is required.

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The Constitution Does Not Prohibit Establishment Of The Regional Taxes And Fees Authorized Under Chapter 896.

The General Assembly's designation of the Regional Taxes and Fees under Chapter 896 must be examined against its broad and plenary legislative power. See Va. Const. art. IV, § 1.

The Virginia Constitution does not grant powers to the General Assembly. Instead,

[t]he authority of the General Assembly shall extend to all subjects of legislation not herein forbidden or restricted; and a specific grant of authority in this Constitution upon a subject shall not work a restriction of its authority upon the same or any other subject. The omission in this Constitution of specific grants of authority heretofore conferred shall not be construed to deprive the General Assembly of such authority, or to indicate a change of policy in reference thereto, unless such purpose plainly appear.

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Va. Const. art. IV, § 14. Thus, the Constitution does not a grant power to the General Assembly; it restricts powers "otherwise practically unlimited." *Lewis Trucking Corp. v. Commonwealth*, 207 Va. 23, 29, 147 S.E.2d 747, 751 (1966). See *Terry v. Mazur*, 234 Va. 442, 362 S.E.2d 904 (1987); *Harrison v. Day*, 201 Va. 386, 396, 111 S.E.2d 504, 511 (1959). In interpreting the General Assembly's power to tax, a court does "not go to the constitution to see what powers of taxation are given to the legislature, but what restrictions and limitations upon its general sovereign powers, are imposed by its provisions." *Commonwealth v. Moore & Goodsons*, 66 Va. (25 Gratt.) 951, 955 (1875).

The Supreme Court has long held that the Constitution does not prevent the General Assembly from delegating imposition and collection of taxes to local entities. *Langhorne v. Robinson*, 61 Va. (20 Gratt.) 661 (1871). In *Langhorne*, the General Assembly authorized the common council of the City of Lynchburg to impose taxes on residents living outside Lynchburg's boundaries for the purpose of funding the construction and equipping of a railroad to Tennessee. *Langhorne*, 61 Va. (20 Gratt.) at 662, 669. Nonresidents contested the taxes, claiming that the General Assembly did not have the power to authorize the City to impose such taxes on nonresidents. *Id.* at 663. The Supreme Court rejected the challenge on grounds that the tax was actually imposed by the Commonwealth and that it was within the legislature's power to delegate the imposition and collection of such taxes to local agents not elected by those residents living outside the City even though the taxes, when collected, were to go into the City treasury. *Id.* The Court stated:

When the power to impose a tax is thus delegated to local authorities, they do not exercise their power under the authority which belongs to them as local officers. They exercise only the special authority delegated to them by the Legislature, in the particular case, and for the particular purpose. On principle, I can imagine no reason why the power might not as well be

delegated to any other persons, in the discretion of the Legislature.

Id. at 665.

The Court's recognition of the General Assembly's power to delegate was reaffirmed again in *Whiting v. Town of West Point*, 88 Va. 905, 14 S.E. 698 (1892). There, according to the Court, the imposition of taxes by a locality is "as much the act of the state as if the state acted by its own officers." *Whiting*, 88 Va. at 909, 14 S.E. at 700 (citation omitted).

Similarly, in *Reynolds v. Milk Commission of Virginia*, 163 Va. 957, 179 S.E. 507 (1935), the Supreme Court approved the imposition and collection of assessments by the Commonwealth's Milk Commission and local milk boards. There, the General Assembly created the Commission to regulate the milk industry in Virginia, and granted the Commission and local boards the authority to define natural milk markets, including the power to levy and collect assessments on milk producers. The assessments, when collected, were credited to a "Milk Commission Account" controlled by the State Treasurer who, in turn, would appropriate the funds to the Commission to pay for the expenses incurred by the Commission. *Reynolds*, 163 Va. at 965, 179 S.E. at 510. The delegation was contested, in part, on the ground that the General Assembly could not delegate the power to enact taxes. The Supreme Court upheld the delegation, finding that it did not contravene the Virginia Constitution. *Id.* at 976-77, 179 S.E. at 514.

In the present case, the principle that the General Assembly may delegate taxing powers, as confirmed by the Court in *Langhorne*, *Whiting*, and *Reynolds*, endures in the present Constitution. Just as the General Assembly may delegate to a city the power to tax persons outside the corporate boundary who cannot vote in city elections, as in *Langhorne*, or delegate to

a non-elected state commission the power to impose fees, as in *Reynolds*, so too may it delegate to NVTA the authority to impose and collect the Regional Taxes and Fees under Chapter 896.

In addition to the General Assembly's broad powers under Article IV, another section of the Constitution, Article VII, Section 3, further demonstrates that the General Assembly's ability and power to delegate taxation is not constrained. Under Section 3, the "General Assembly may provide by general law or special act that any county, city, town, or *other unit of government* may exercise any of its powers" Va. Const. art. VII, § 3 (emphasis added). This provision leaves no doubt that political subdivisions other than traditional local governments may act to exercise such powers as the General Assembly may delegate.

The General Assembly has authorized similar powers for other special districts. For example, the General Assembly has authorized the boards of sanitary districts to impose additional taxes on property located within such districts. *See* Va. Code §§ 21-118(6), 21-427. Such districts are governed by boards not elected by the residents of the district. Instead, members of the entire county board of supervisors are members of the board of the district, and, therefore, most of the members of a particular board will not be elected by citizens within the district. Thus, residents of a sanitary or public facility district may be required to pay taxes approved by a majority vote of the district's board even though their own representative on the board may have voted against the tax.

Moreover, the General Assembly's delegation to NVTA is also consistent with its delegation of other sovereign powers. For example, the General Assembly has granted eminent domain power to numerous special purpose political subdivisions whose members are not elected. *See, e.g.*, Va. Code §§ 62.1-128, 62.1-132.3, 62.1-136 (Virginia Port Authority may condemn in order to stimulate the commerce of the ports of the Commonwealth); Va. Code

§ 15.2-5114 (water and waste Authorities may condemn properties to construct water and wastewater facilities); Va. Code §§ 5.1-2.1, 5.1-2.2:1 (Virginia Aviation Commission); Va. Code §§ 21-113, 21-118, 21-291.1 (sanitary districts); Va. Code §§ 23-287, 23-288 (Jamestown-Yorktown Foundation); Va. Code §§ 32.1-189, 32.1-193 (district mosquito control commissions); Va. Code §§ 33.1-1, 33.1-49 (Commonwealth Transportation Board); Va. Code §§ 36-4, 36-19, 36-27 (local redevelopment and housing authorities). The Supreme Court has expressly upheld such delegations to political subdivisions, governmental bodies, and other regulated private entities. *See, e.g., Hamer v. School Bd. of Chesapeake*, 240 Va. 66, 70, 393 S.E.2d 623, 626 (1990).

There are also numerous examples of the General Assembly's having delegated police power responsibilities to political subdivisions. *See, e.g.,* Va. Code § 62.1-132.11 (Virginia Port Authority empowered to adopt and enforce reasonable rules and regulations relating to the safety and security of the authority's property which has "the force and effect of law"); Va. Code § 15.2-5114 (Virginia Water and Waste Authorities empowered to adopt "rules and regulations, not inconsistent with [the] chapter or the general laws of the Commonwealth, for the regulation of its affairs and the conduct of its business and to carry into effect its powers and purposes."); Va. Code §§ 5.1-153, 5.1-157 (Metropolitan Washington Airports Authority); Va. Code §§ 33.1-1, 33.1-19 (Commonwealth Transportation Board); Va. Code §§ 36-4, 36-19 (Local Redevelopment and Housing Authorities). Just as the sovereign powers of eminent domain and the police power may be delegated to special purpose authorities so too may the sovereign power to impose taxes.⁹

⁹ Each of the listed authorities, like NVTVA, also has the power to issue bonds. *E.g.,* Va. Code §§ 62.1-128, 62.1-132.3, 62.1-136 (Virginia Port Authority); Va. Code § 15.2-5114 (Water and Waste

In sum, the Virginia Constitution does not limit the General Assembly's power to delegate to its political subdivisions the authority to impose and collect taxes.

-4-

The Regional Taxes And Fees Do Not Require Approvals Under Article VII Which Pertains To Local Government.

-a-

The Requirement of Approval By A Locally Elected Body Under Article VII, Section 7 Does Not Apply.

Article VII, Section 7 of the Virginia Constitution provides, in pertinent part:

No ordinance or resolution appropriating money . . . , imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the governing body.

In the present case, NVTA is an independent political subdivision akin to other such entities such as water and sewer authorities, sanitary districts, and industrial development authorities. Va. Code § 15.2-4830. It is not a local government with an "elected . . . governing body" if that term means elected directly by the citizens of the unit of general government.¹⁰ Nor are the members of the governing body of a sanitary district with the power of taxation "elected to the governing body." When read in context with other provisions of Article VII, it is clear that the term "governing body," as used in Section 7, is a limited reference to the governing body of

Authorities); Va. Code §§ 21-113, 21-118, 21-291.1 (Sanitary Districts); Va. Code §§ 36-4, 36-19 (Local Redevelopment and Housing Authorities).

¹⁰ NVTA members are appointed under the terms of the NVTA Act. See Va. Code § 15.2-4832 (establishing 16 members of NVTA, including the chief elected officer of each locality embraced by NVTA, two members of the House of Delegates, one member of the Senate, two citizens residing in the localities embraced by the NVTA and appointed by the Governor, the Director of the Virginia Department of Rail and Public Transportation and the Commonwealth Transportation Commissioner).

local governments, and not to representatives of any other entity. Accordingly, Article VII, Section 7, does not apply to the Regional Taxes and Fees imposed by NVTA.

Moreover, even assuming, *arguendo*, that it did apply, the record demonstrates that NVTA complied with the approval requirements described in Section 7. At the July 12 Meeting, NVTA met and considered each of the Regional Taxes and Fees and the members of the governing board appointed to that board in accordance with the provisions of the NVTA Act approved the Regional Taxes and Fees in compliance with NVTA's Quorum/Supermajority requirements. Complaint, Exs. 1(a) through 1(g).

-b-

The Requirement of Approval Of Debt By Voters Under Article VII, Section 10 Does Not Apply.

Article VII, Section 10(b), provides:

No debt shall be contracted by or on behalf of any *county* or *district thereof* or by or on behalf of any *regional government* or district thereof except by authority conferred by the General Assembly by general law. The General Assembly shall not authorize any such debt . . . unless in the general law authorizing the same, provision be made for submission to the qualified voters of the county or district thereof or the region or district thereof, as the case may be, for approval or rejection by a majority vote of the qualified voters voting in an election on the question of contracting such debt. Such approval shall be a prerequisite to contracting such debt.

Va. Const. art VII § 10(b) (emphasis added). Section 10(b) places restrictions upon the powers of counties and districts thereof and regional governments and districts thereof to incur debt by requiring a referendum. *Id.* Because NVTA is not a county, or a district thereof, and is not a regional government, or district thereof, the referendum requirement of Section 10(b) is not applicable.

The General Assembly has provided that NVTA is an independent political subdivision. Va. Code § 15.2-4830. It is not a county or a district thereof. *Id.* See Va. Const. art. VII, § 1 (defining Counties). It is also not a regional government or district thereof. Article VII, Section 1 defines regional government as "a *unit of general government* organized as provided by law within defined boundaries, as determined by the General Assembly" Va. Const. art VII, § 1 (emphasis added). This denotes a unit of government having a range of powers and functions organized for general purposes in contrast to units organized for "special purposes" such as authorities. Howard, at 799.

Moreover, NVTA's enabling legislation affirms that debt so incurred is that of NVTA, not of the Commonwealth or of any county, city, town, or other political subdivision. Va. Code §§ 15.2-4839, 15.2-4519(A)(2). This statement is repeated in the Bonds themselves, as well as in other documents constituting the financing proposal. *See, e.g.,* Complaint, Ex. 4. The Supreme Court has repeatedly held that "the debt incurred by legislatively created, independent political subdivisions, whatever their title, is not the debt of the Commonwealth or of any other governmental unit." *Dykes v. N. Va. Transp. Dist. Comm'n*, 242 Va. 357, 372-73, 411 S.E.2d 1, 9 (1991). *See also* *Mumpower v. Housing Auth. of Bristol*, 176 Va. 426, 451-52, 11 S.E.2d 732, 742 (1940) (bonds issued by authorities are not those of the municipalities establishing them). Accordingly, the debt to be incurred by NVTA in issuing the Bonds is not subject to the provisions of Article VII, Section 10(b).

Chapter 896 is a general law. *E.g., Holly Hill Farm Corp.*, 241 Va. at 427; 404 S.E.2d at 50. In *Settle*, the Court held that a statute is not a special law merely because it only applies to certain areas provided it

applies to all districts and all persons *who are similarly situated, and to all parts of the State where like conditions exist*. Laws may be made to apply to a class only, and that class may be in point of fact a small one, provided the classification itself be a reasonable and not an arbitrary one, and the law be made to apply to all of the persons belonging to the class without distinction.

114 Va. at 718-19, 77 S.E. at 497 (emphasis added). In *Settle*, the challenged statute provided that in counties having a population of more than 300 persons per square mile, the judge of the circuit court had discretion to appoint a trial justice. The Court held the statute constitutional, in part because it could articulate a rational relationship between the population density requirement and the purpose of the statute.

In *Martin's Executors*, the Court held that "if a law bears on its face no evidence of an exclusive or discriminatory purposes, it is *prima facie* valid." *Martin's Executors*, 126 Va. at 612, 102 S.E. at 80. On the other hand, "an arbitrary separation of persons, places or things of the same general class, so that some of them will and others of them will not be affected by the law, is the essence of special legislation." *Id.* at 610, 102 S.E. at 79. Whether something is an "arbitrary separation" depends upon the "purpose and subject of the particular act and the circumstances and conditions surrounding its passage." *Id.* Moreover, a useful "guide . . . is to be found in the underlying reasons for such limitations." *Id.* at 611, 102 S.E. at 80. A court's role is limited:

[T]he necessity for and the reasonableness of the classification are primarily questions for the legislature. *If any state of facts can be reasonably conceived, that would sustain it, that state of facts at the time the law was enacted must be assumed.*

Id. at 612-13, 102 S.E. at 80 (citing 1 John F. Dillon, Commentaries on the Law of Municipal Corporations § 141 (Little, Brown & Co. 1911) (emphasis added). In *Martin's Executors*, the Court upheld a challenged statute providing a compensation scheme for the Clerk of the Circuit Court of the City of Norfolk in which the act divided all the localities in the Commonwealth according to population.

In this case, the Regional Taxes and Fees, which the General Assembly authorized NVRTA and Hampton Roads Transportation Authority to impose in the localities which they embrace, are the only portions of Chapter 896 that implies a classification to which the general laws analysis might apply. As a threshold matter, there is nothing on the face of the statute suggesting "exclusive or discriminative purposes," and, therefore, "it is *prima facie* valid." *Martin's Executors*, 126 Va. at 612, 102 S.E. at 80. Thus, the burden is on the assailing party, if any, to show that the Regional Taxes and Fees do not rest upon a reasonable basis. *See id.*

Even assuming a party attempts to make such a claim, the facts and circumstances applicable to this case demonstrate that the General Assembly's classifications are reasonable. The overarching traffic congestion problem in Northern Virginia and Hampton Roads is unique to those two regions. Indeed, Northern Virginia is ranked the nation's third-worst area in terms of traffic congestion, www.vaperforms.virginia.gov/i-trafficcongestion.php, and accounts for over one third of all the Commonwealth's automobile accidents. Virginia Department of Motor Vehicles, *2006 Virginia Traffic Crash Facts, What Happened on Virginia Roads* (2007), available at http://www.dmvnow.com/webdoc/pdf/vacrashfacts_06.pdf.

Hampton Roads has serious traffic bottlenecks at its tunnels, Hampton Roads Congestion Report (Att. 7), and has the nation's second worst summer traffic delays, American Automobile Ass'n, *Are We There Yet, A Report on Summer Traffic Bottlenecks and Steps Needed to Ensure*

That Our Favorite Vacation Destinations Remain Accessible (2005). Traffic exceeds road capacity for three of the area's four major tunnels, and, one study ranked Hampton Roads' VMT higher than any region in Virginia. Hampton Roads State of Transp. at 14 (Att. 8). The growth in vehicular travel in Hampton Roads far outpaced population growth. *Id.*

Moreover, the General Assembly's delegation of the power to impose Regional Taxes and Fees do not exclude other localities or persons who should naturally be subject to its provisions. Certainly, no other metropolitan region of the Commonwealth has the kind of traffic conditions and congestion experienced by drivers on a regular, daily basis in Northern Virginia and Hampton Roads. Thus, the statute "applies to all districts and all persons who are similarly situated, and to all parts of the State where like conditions exist." *Settle*, 114 Va. at 718, 77 S.E. at 497.

Chapter 896's classifications are also grounded in the statutes creating NVTA and the Hampton Roads Transportation Authority. For example, the NVTA was created in 2002 and charged with "long-range transportation planning for regional transportation projects in Northern Virginia." Va. Code § 15.2-4838. It sets policies and priorities for area transportation projects and is authorized to spend money to "reduce traffic congestion" in the Member Localities it embraces. Va. Code § 15.2-4831. The General Assembly assigned similar duties the Hampton Roads Transportation Authority under Chapter 896 in localities embraced by that authority. *See* Va. Code § 33.1-391.10; Va. Code § 58.1-802.1.

In sum, the geographic basis upon which the Regional Fees and Taxes may be levied was not chosen or fixed arbitrarily and without basis. The Act's authority is rationally related to logical criteria. Chapter 896 is not a special law.

The Bonds, When Issued, Shall Be Payable Only From The Revenues And Receipts Of NVTA Pledged For Such Purpose And Shall Not Be A Debt, Liability Or General Obligation Of The Commonwealth Or Any Political Subdivision Thereof Other Than NVTA

Article X, Section 9 of the Virginia Constitution provides that "[n]o debt shall be contracted by or in behalf of the Commonwealth," except as provided therein. Under Section 9(d), entitled "[o]bligations to which section not applicable," the restrictions of Article X "shall not apply to any obligation incurred by the Commonwealth or any institution, agency, or authority thereof if the full faith and credit of the Commonwealth is not pledged or committed to the payment of such obligation." The Supreme Court has stated that, for the purpose of Article X, Section 9, it has "one criterion for determining the existence of unconstitutional debt: Is the full faith and credit of the Commonwealth pledged or committed? If not, no unconstitutional debt is created." *Baliles v. Mazur*, 224 Va. 462, 471, 297 S.E.2d 695, 699 (1982).

In the present case, as discussed in above, NVTA is an independent political subdivision and its enabling legislation provides that debt incurred through its Bonds is that of the entity, not of the Commonwealth or of any other political subdivision. Va. Code §§ 15.2-4839, 15.2-4519(A)(2). *See Dykes*, 242 Va. at 372-73; 411 S.E.2d at 9.

The Supreme Court's decision in *Terry v. Mazur*, 234 Va. 442, 362 S.E.2d 904 (1987), does not compel a different result. There, the Court considered whether amendments to the State Revenue Bond Act, empowering the Commonwealth Transportation Board to issue revenue bonds secured by highway user revenues derived by specified taxes, violated Section 9. In holding that the amendments created a debt of the Commonwealth in contravention of Section 9, the Court relied upon the fact that the revenues were derived from taxes that the Commonwealth

was legally obligated under the amendments to impose and appropriate. *Mazur*, 234 Va. at 453, 455, 362 S.E.2d at 910-11 (Commonwealth not obligated to levy taxes or make appropriation "other than to impose highway user revenues"). In contrast to the situation in *Mazur*, Chapter 896 imposes no such obligation on the Commonwealth to impose or collect the Regional Taxes and Fees. The General Assembly is free to repeal the portions of the Act authorizing the Regional Taxes and Fees. See *Mazur*, 234 Va. at 451, 362 S.E.2d at 909 (citing cases); *Baliles*, 224 Va. 462, 297 S.E.2d 695 (1982); *Harrison v. Day*, 202 Va. 967, 121 S.E.2d 615 (1961).

Chapter 896 does not create debt of the Commonwealth in contravention of the proscription of Article X, Section 9 of the Constitution.

-IV-

CONCLUSION

For the reasons explained above, NVTA urges this Court to issue a final order granting the relief requested by NVTA in its complaint. The record before this Court demonstrates a compelling need by the Commonwealth to address escalating traffic congestion within NVTA's Member Localities and throughout the State. Transportation congestion continues to impose substantial burdens on the citizens of the Commonwealth by impairing their quality of life and hampering business. Each day, millions of automobiles, trucks and buses sit idling in traffic, wasting fuel and contributing unnecessarily to air pollution. To paraphrase Mr. Connolly, Chairman of the Fairfax Board of Supervisors, the inefficiency of our transportation system in Northern Virginia is a substantial hidden tax which robs the residents of Northern Virginia in many ways and surely has a greater impact upon them than the Regional Taxes and Fees authorized by the General Assembly. As one speaker observed, while urging NVTA to impose the Regional Taxes and Fees at its July 12 Meeting, fifty years ago Northern Virginia's

transportation system was a source of pride and provided the basis for the area's growth and prosperity. It is now time to address the consequences which followed.

Chapter 896 represents the General Assembly's first state-wide solution to these problems in over twenty years; NVTAs Bonds represent the first step in this process for the citizens of Northern Virginia. NVTAs requests that the Court validate the Bonds.

Dated: August 7, 2007

By: 
Counsel

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*Counsel for the Northern Virginia
Transportation Authority*

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August, 2007 a copy of the foregoing Memorandum in Support, was delivered by facsimile and by commercial overnight delivery service to:

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Loudoun County Attorney
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Counsel for Robert G. Marshall, et al.



Rae Joins New York State DOT

Karen J. Rae recently joined New York State DOT in Albany as deputy commissioner of policy and strategy. In her new position, she will work to develop multi-modal transportation policies that enhance the effectiveness of the state's multi-faceted transportation system.

Rae comes to NYSDOT from Pennsylvania DOT,



Rae

where she served since 2006 as deputy secretary for local and area transportation. Earlier, she was director of the Virginia Department of Rail and Public Transportation, and had an 18-year career as director or general manager of transit systems in Glens Falls and Buffalo, N.Y.

While in Virginia, Rae advanced the state's first-

ever state rail fund and development of the state's first six-year public transit plan. She oversaw the progress of the Dulles Rail project into preliminary engineering, and completed an agreement with CSX Transportation to fund improvements to its rail lines in exchange for additional Virginia Railway Express passenger rail service in northern Virginia.

For APTA, she co-chairs the Computer and Intercity Rail Subcommittee and serves on the Capital Projects Subcommittee; High Speed and Intercity Rail Committee; Land Use and Development Subcommittee; Legislative Committee; Major Capital Investment Planning Subcommittee; Meeting Site Selection Committee; Policy and Planning Committee; and State Affairs Committee.

2-DOOR SHUTTLE ADA TRANSITS



Passenger Transport
(July 16, 2007) at 3.

AGENDA ITEM #9

TO: Chairman Snyder and NVTC Commissioners
FROM: Rick Taube
DATE: August 30, 2007
SUBJECT: I-95/395 HOT Lanes Project

Consultants will be present to brief commissioners on the progress of the ongoing transit/ transportation demand management study.

Citizen information meetings were held in late July, 2007 and they attracted crowds, especially in Prince William County. A response has been received from Secretary Homer to NVTC's July letter requesting more public meetings (see attached).





COMMONWEALTH of VIRGINIA

Office of the Governor

Pierce R. Homer
Secretary of Transportation

P.O. Box 1475
Richmond, Virginia 23218

(804) 786-8032
Fax: (804) 786-6683
TTY: (800) 828-1120

July 27, 2007

Mr. David F. Snyder
Chairman
Northern Virginia Transportation Commission
4350 N. Fairfax Drive, Suite 720
Arlington, VA 22203

Dear Chairman Snyder:

Thank you for your recent letter regarding public input on the I-95/I-395 HOV/Bus/HOT Lanes Project. The Virginia Department of Transportation and the Department of Rail and Public Transportation held public meetings this month to gather the first round of public input on the environmental impacts of the project.

In addition to the first round of public information meetings, public information meetings will also be held in early to mid-2008 on the draft categorical exclusion for the northern section of the project. The Categorical Exclusion is the environmental document for project details such as access and egress points and the project's "footprint." Additional public information meetings will be held on environmental documents for the southern section of the project and other project design details for both sections. These additional meetings will provide further information and opportunities for public comment on the project as well as the I-95/I-395 Transit/Transportation Demand Management Study. Public comment will be encouraged at these meetings and will be considered prior to the project advancing into the next stage of the project development process.

I appreciate your making me aware of your concerns. I am confident that the steps being taken by the Commonwealth will ensure meaningful public input that will help in the successful development of this critical project.

Sincerely,

A handwritten signature in cursive script that reads "Pierce R. Homer".

Pierce R. Homer

PRH:es

Copy: Mr. Matthew O. Tucker
Mr. David S. Ekern



NVTC

Northern Virginia Transportation Commission

Chairman
Hon. David F. Snyder

Vice Chairman
Hon. William D. Euille

Secretary/Treasurer
Hon. Christopher Zimmerman

Commissioners:
City of Alexandria
Hon. William D. Euille
Hon. Paul Smedberg

Arlington County
Hon. Paul Ferguson
Hon. Jay Fiset
Hon. Christopher Zimmerman

Fairfax County
Hon. Sharon Bulova
Hon. Gerald E. Connolly
Hon. Catherine Hudgins
Hon. Dana Kauffman
Hon. Elaine McConnell

City of Fairfax
Hon. Scott Silverthorne

City of Falls Church
Hon. David F. Snyder

Loudoun County
Hon. Eugene Delgaudio

**Virginia Department of Rail
and Public Transportation**
Matthew O. Tucker

Virginia General Assembly
Sen. Jeannemarie Devolites Davis
Sen. Mary Margaret Whipple
Del. David B. Albo
Del. Adam P. Ebbin
Del. Joe T. May
Del. Thomas D. Rust

Executive Director
Richard K. Taube

July 12, 2007

The Honorable Pierce Homer
Secretary of Transportation
1111 East Broad Street, 3rd Fl, Rm 3054
Richmond, VA 23219

Dear Secretary Homer:

At its meeting of July 5, 2007, the Northern Virginia Transportation Commission authorized me to contact you to express our continuing concern with the schedule of public information meetings for the Fluor Transurban HOT Lanes project in the I-95/I-395 corridor. Public information meetings are now scheduled later this month and another set of meetings for early- to mid-2008. We believe a third set should be scheduled between those two, as explained below.

You will recall that NVTC and NVTA had earlier addressed our concerns with several aspects of the project to you and you responded by creating a Transit Advisory Committee to help guide a transit/TDM study in the corridor. We appreciate that helpful and timely action.

We understand that VDOT and DRPT have scheduled public information meetings (called "Citizen Information Meetings") for later this month. As you know, this is the height of vacation season and our commission is concerned that many individuals who would otherwise participate may be excluded. Also, the format for the scheduled meetings does not encourage public comment. We have consistently urged public entities to use more innovative and effective means to inform the public and receive feedback in addition to traditional public information meetings.

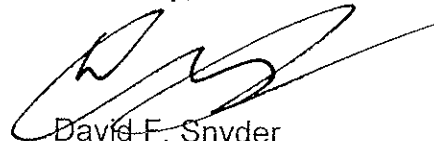
Finally, and of paramount concern, we understand that many crucial answers to questions posed about the project are not likely to be available at the July public meetings, including safety issues such as shoulder and lane widths, the results of an examination of a bus-only lane, and transit/TDM forecasts. We now understand that these are not intended to be the only public information meetings necessary to fulfill the Federal Highway Administration's (FHWA) conditions for a National Environmental Protection Act categorical exclusion or environmental assessment for the northern segment of the project. You have informed us that additional public meetings will be scheduled in early to mid-2008 upon completion of the environmental documents

Additional meetings are very important, because we believe the FHWA "public review" condition is intended to afford the public the opportunity to comment on all facets of the project, with answers to all the questions posed available for public inspection. In this way, you will be assured that the project scope that VDOT will be using to finalize a comprehensive agreement will account for all of the issues and all of the points of view.

Early to mid-2008 is not the best time for the next round of public meetings, however. We suggest that you convene an additional set of public meetings as soon as the answers to NVTC/NVTA's remaining questions are available. Ideally, the public first would be informed of the findings and allowed to respond with comments at a later date. This approach would also guard against waiting for public comments until it becomes too late to alter the course of the project in response to those comments.

Please feel free to contact me with any questions about our concerns.

Sincerely,



David F. Snyder
Chairman

cc: NVTC Commissioners
NVTA Chairman Zimmerman
Transit Advisory Committee members



Aug 11 11:21
JUL 06 2007

COMMONWEALTH of VIRGINIA

Office of the Governor

Pierce R. Homer
Secretary of Transportation

P.O. Box 1475
Richmond, Virginia 23218

(804) 786-8032
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July 5, 2007

Mr. Alfred H. Harf
Executive Director
Potomac and Rappahannock Transportation Commission
14700 Potomac Mills Road
Woodbridge, Virginia 22192

Mr. Richard K. Taube
Executive Director
Northern Virginia Transportation Commission
4350 North Fairfax Drive, #720
Arlington, Virginia 22203

Gentlemen:

In response to items on your meeting agenda, I wanted to confirm that the Virginia Department of Transportation and the Virginia Department of Rail and Public Transportation are committed to holding public information meetings in July to ensure a first round of public input to the environmental impacts of the I-95/I-395 HOV/BUS/HOT Lanes Project.

Current schedules indicate that public hearings will be held in early to mid-2008 on the environmental documents. These meetings may also provide further information on the project, as well as the I-95/I-395 Transit/TDM Study. Public comment will be encouraged at these meetings and will be considered prior to the project advancing into the next stage of the project development process.

As always, thank you for your continued interest in the project and participation on the Transit/TDM Advisory Committee.

Sincerely,

A handwritten signature in black ink that reads "Pierce Homer".

Pierce R. Homer

PRH:es

Copy: Mr. David S. Ekern
Mr. Matthew O. Tucker

AGENDA ITEM #10

MEMORANDUM

TO: Chairman Snyder and NVTC Commissioners

FROM: Scott Kalkwarf and Colethia Quarles

DATE: August 30, 2007

SUBJECT: NVTC Financial Reports for June and July, 2007

The NVTC financial reports for June and July, 2007 are attached for your information.

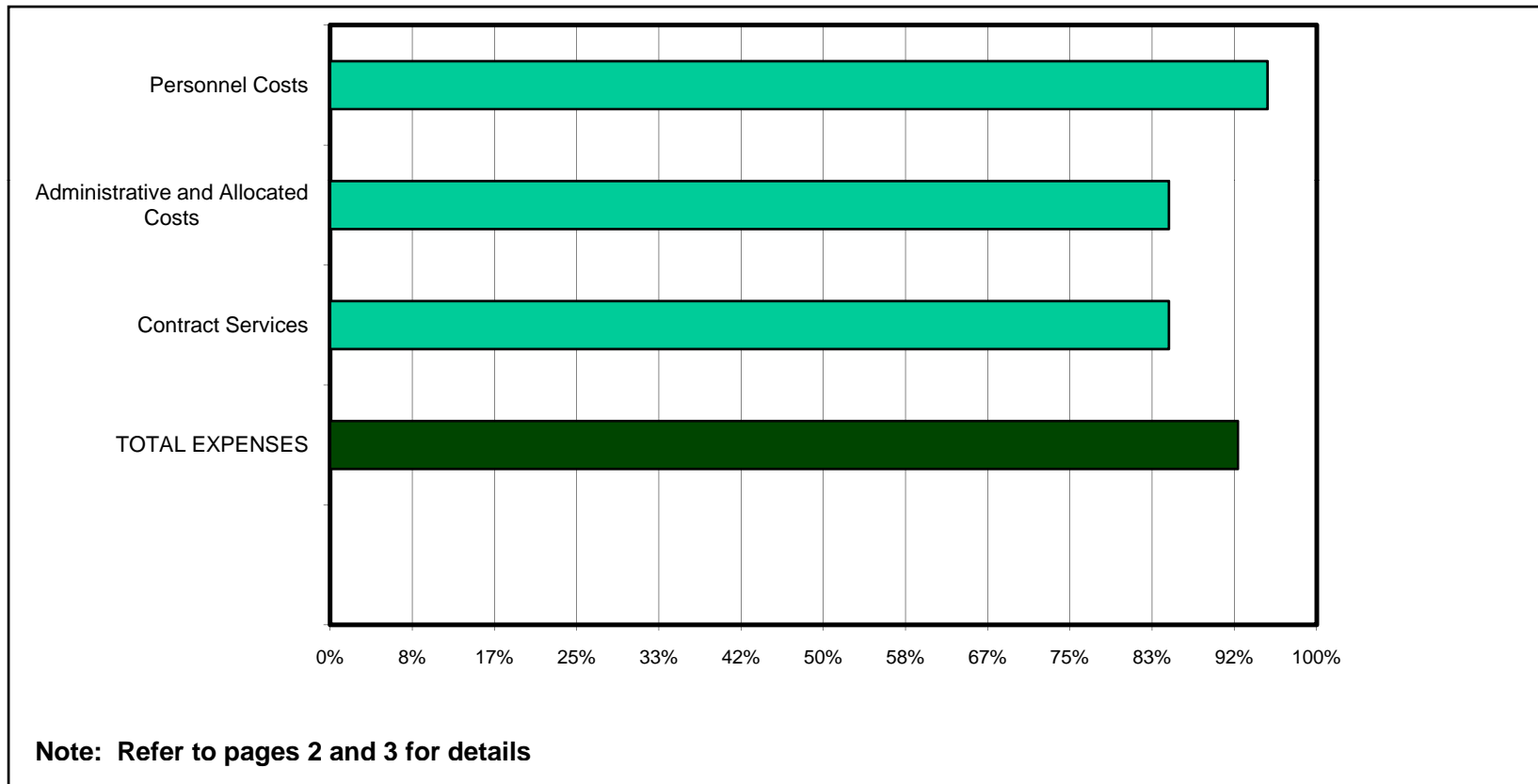


Northern Virginia Transportation Commission

Financial Reports

June, 2007

Percentage of FY 2007 NVTC Administrative Budget Used
June, 2007
(Target 100% or less)



NORTHERN VIRGINIA TRANSPORTATION COMMISSION
G&A BUDGET VARIANCE REPORT
June, 2007

	<u>Current Month</u>	<u>Year To Date</u>	<u>Annual Budget</u>	<u>Balance Available</u>	<u>Balance %</u>
<u>Personnel Costs</u>					
Salaries	\$ 52,551.77	\$ 644,403.90	\$ 649,150.00	\$ 4,746.10	0.7%
Temporary Employee Services	-	-	1,000.00	1,000.00	100.0%
Total Personnel Costs	52,551.77	644,403.90	650,150.00	5,746.10	0.9%
<u>Benefits</u>					
Employer's Contributions:					
FICA	3,261.73	44,226.83	45,700.00	1,473.17	3.2%
Group Health Insurance	2,145.37	42,470.87	70,500.00	28,029.13	39.8%
Retirement	4,046.85	50,046.41	49,500.00	(546.41)	-1.1%
Workmans & Unemployment Compensation	82.48	3,669.61	4,250.00	580.39	13.7%
Life Insurance	271.97	3,386.24	3,500.00	113.76	3.3%
Long Term Disability Insurance	234.55	3,186.01	4,400.00	1,213.99	27.6%
Total Benefit Costs	10,042.95	146,985.97	177,850.00	30,864.03	17.4%
<u>Administrative Costs</u>					
Commissioners Per Diem	1,200.00	15,250.00	21,700.00	6,450.00	29.7%
<i>Rents:</i>					
Office Rent	14,416.21	171,207.72	174,400.00	3,192.28	1.8%
Parking	768.00	11,482.90	11,500.00	17.10	0.1%
<i>Insurance:</i>					
Public Official Bonds	700.00	3,985.00	4,900.00	915.00	18.7%
Liability and Property	-	2,250.00	3,200.00	950.00	29.7%
		1,735.00	1,700.00	(35.00)	-2.1%
<i>Travel:</i>					
Conference Registration	1,094.19	11,228.70	22,950.00	11,721.30	51.1%
Conference Travel	-	2,060.00	2,000.00	(60.00)	-3.0%
Local Meetings & Related Expenses	412.84	4,498.37	5,000.00	501.63	10.0%
Training & Professional Development	681.35	4,211.05	12,200.00	7,988.95	65.5%
	-	459.28	3,750.00	3,290.72	87.8%
<i>Communication:</i>					
Postage	1,166.68	11,768.19	10,600.00	(1,168.19)	-11.0%
Telephone - LD	1,026.46	4,619.72	4,600.00	(19.72)	-0.4%
Telephone - Local	72.93	1,338.31	1,300.00	(38.31)	-2.9%
	67.29	5,810.16	4,700.00	(1,110.16)	-23.6%
<i>Publications & Supplies</i>					
Office Supplies	1,007.19	11,748.98	29,800.00	18,051.02	60.6%
Duplication	-	2,370.76	4,300.00	1,929.24	44.9%
Public Information	1,007.19	8,878.22	15,500.00	6,621.78	42.7%
	-	500.00	10,000.00	9,500.00	95.0%

NORTHERN VIRGINIA TRANSPORTATION COMMISSION
G&A BUDGET VARIANCE REPORT
June, 2007

	<u>Current Month</u>	<u>Year To Date</u>	<u>Annual Budget</u>	<u>Balance Available</u>	<u>Balance %</u>
<i>Operations:</i>	6,597.04	17,726.50	23,800.00	6,073.50	25.5%
Furniture and Equipment	3,657.19	3,808.38	7,800.00	3,991.62	51.2%
Repairs and Maintenance	-	6,584.21	1,000.00	(5,584.21)	-558.4%
Computers	2,939.85	7,333.91	15,000.00	7,666.09	51.1%
<i>Other General and Administrative</i>	681.94	7,530.92	6,400.00	(1,130.92)	-17.7%
Subscriptions	-	169.00	400.00	231.00	57.8%
Memberships	-	1,783.00	1,400.00	(383.00)	-27.4%
Fees and Miscellaneous	296.94	2,888.28	2,800.00	(88.28)	-3.2%
Advertising (Personnel/Procurement)	385.00	2,690.64	1,800.00	(890.64)	-49.5%
40th Anniversary	-	-	-	-	0
Total Administrative Costs	26,863.25	250,446.01	294,550.00	44,103.99	15.0%
	<u>Contracting Services</u>				
Auditing	5,000.00	15,525.00	16,200.00	675.00	4.2%
Consultants - Technical	-	-	1,000.00	1,000.00	100.0%
Legal	-	-	1,000.00	1,000.00	100.0%
Total Contract Services	5,000.00	15,525.00	18,200.00	2,675.00	14.7%
 Total Gross G&A Expenses	<u>\$ 94,457.97</u>	<u>\$ 1,057,360.88</u>	<u>\$ 1,140,750.00</u>	<u>\$ 83,389.12</u>	<u>7.3%</u>

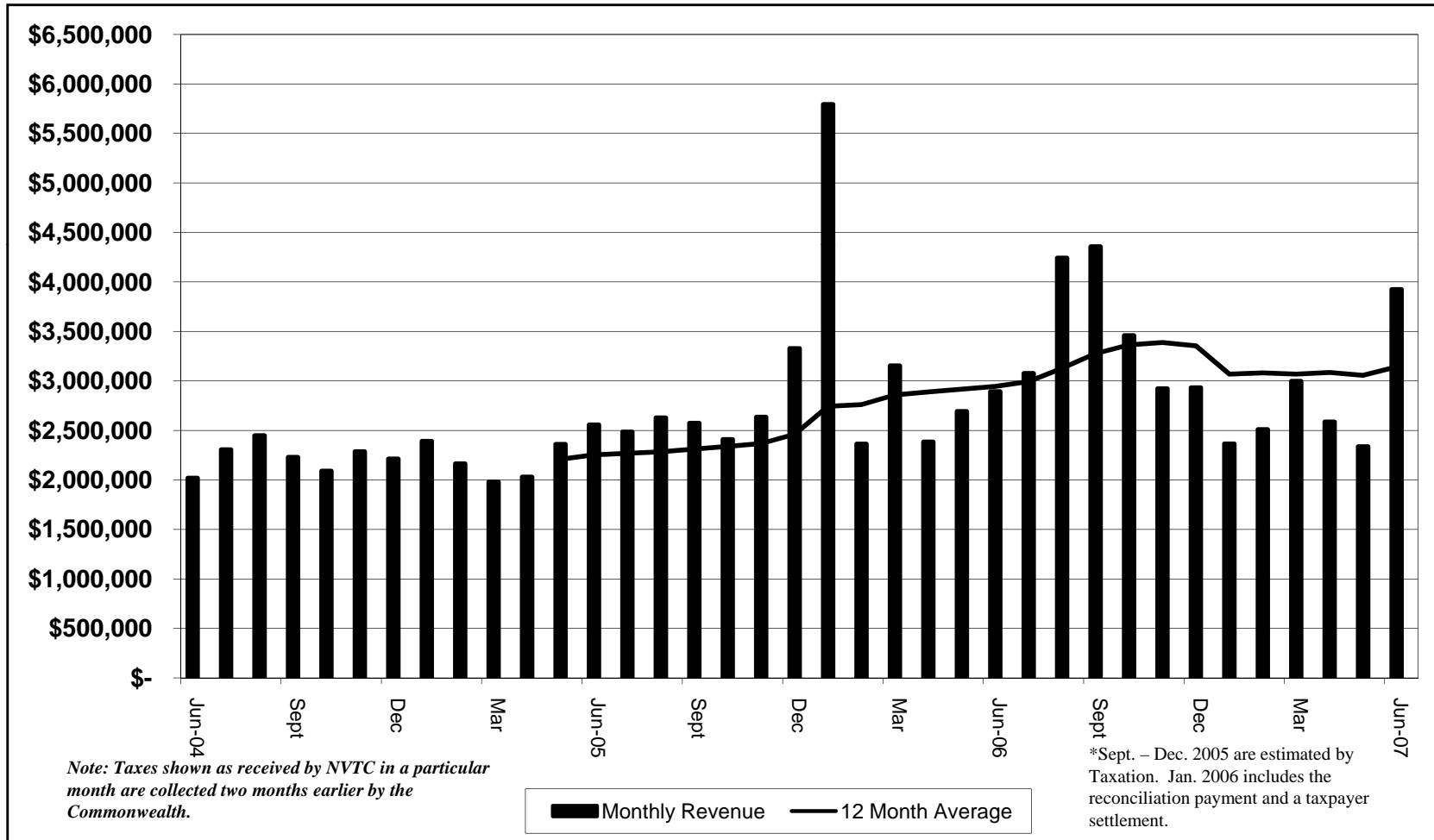
NVTC
RECEIPTS and DISBURSEMENTS
June, 2007

<u>Date</u>	<u>Payer/ Payee</u>	<u>Purpose</u>	<u>Wachovia (Checking)</u>	<u>Wachovia (Savings)</u>	<u>VA LGIP</u>	
					<u>G&A / Project</u>	<u>Trusts</u>
RECEIPTS						
8	Loudoun County	SmarTrip local project funds			\$ 77,991.30	
11	PRTC	Reimbursement of expenses		100.00		
11	Staff	Reimbursement of expenses		14.99		
12	PRTC	SmarTrip local project funds		55,966.83		
14	DRPT	SmarTrip grant receipt			752,637.00	
15	Dept. of Taxation	Motor Vehicle Fuels Sales tax receipt				3,923,915.62
15	VRE	Staff support		7,709.06		
20	City of Alexandria	SmarTrip local project funds		40,572.55		
20	Fairfax County	SmarTrip local project funds			108,787.65	
27	DRPT	SmarTrip grant receipt			3,817.00	
30	Banks	June interest		465.16	2,044.90	362,659.87
			<u>-</u>	<u>104,828.59</u>	<u>945,277.85</u>	<u>4,286,575.49</u>
DISBURSEMENTS						
1-30	Various	NVTC project and administration	(81,366.82)			
12	City of Fairfax	Other operating				(440,525.00)
14	Cubic Trans. Sys.	SmarTrip costs incurred			(1,143,367.10)	(6,039.00)
20	Cubic Trans. Sys.	SmarTrip costs incurred			(149,360.20)	
20	Stantec	Consulting - bus data	(21,416.84)			
25	Fairfax County	Other capital				(6,607,394.00)
27	IBI Group	Consulting - SmarTrip	(3,817.44)			
30	Wachovia Bank	June service fees	(46.42)			
			<u>(106,647.52)</u>	<u>-</u>	<u>(1,292,727.30)</u>	<u>(7,053,958.00)</u>
TRANSFERS						
1	Transfer	From LGIP to LGIP (Marketing program)			11,779.00	(11,779.00)
8	Transfer	From Savings to Checking	40,000.00	(40,000.00)		
20	Transfer	From LGIP to LGIP (Bus data project)			21,416.84	(21,416.84)
20	Transfer	From Savings to Checking	45,000.00	(45,000.00)		
27	Transfer	From Savings to Checking	25,000.00	(25,000.00)		
			<u>110,000.00</u>	<u>(110,000.00)</u>	<u>33,195.84</u>	<u>(33,195.84)</u>
NET INCREASE (DECREASE) FOR MONTH			<u>\$ 3,352.48</u>	<u>\$ (5,171.41)</u>	<u>\$ (314,253.61)</u>	<u>\$ (2,800,578.35)</u>

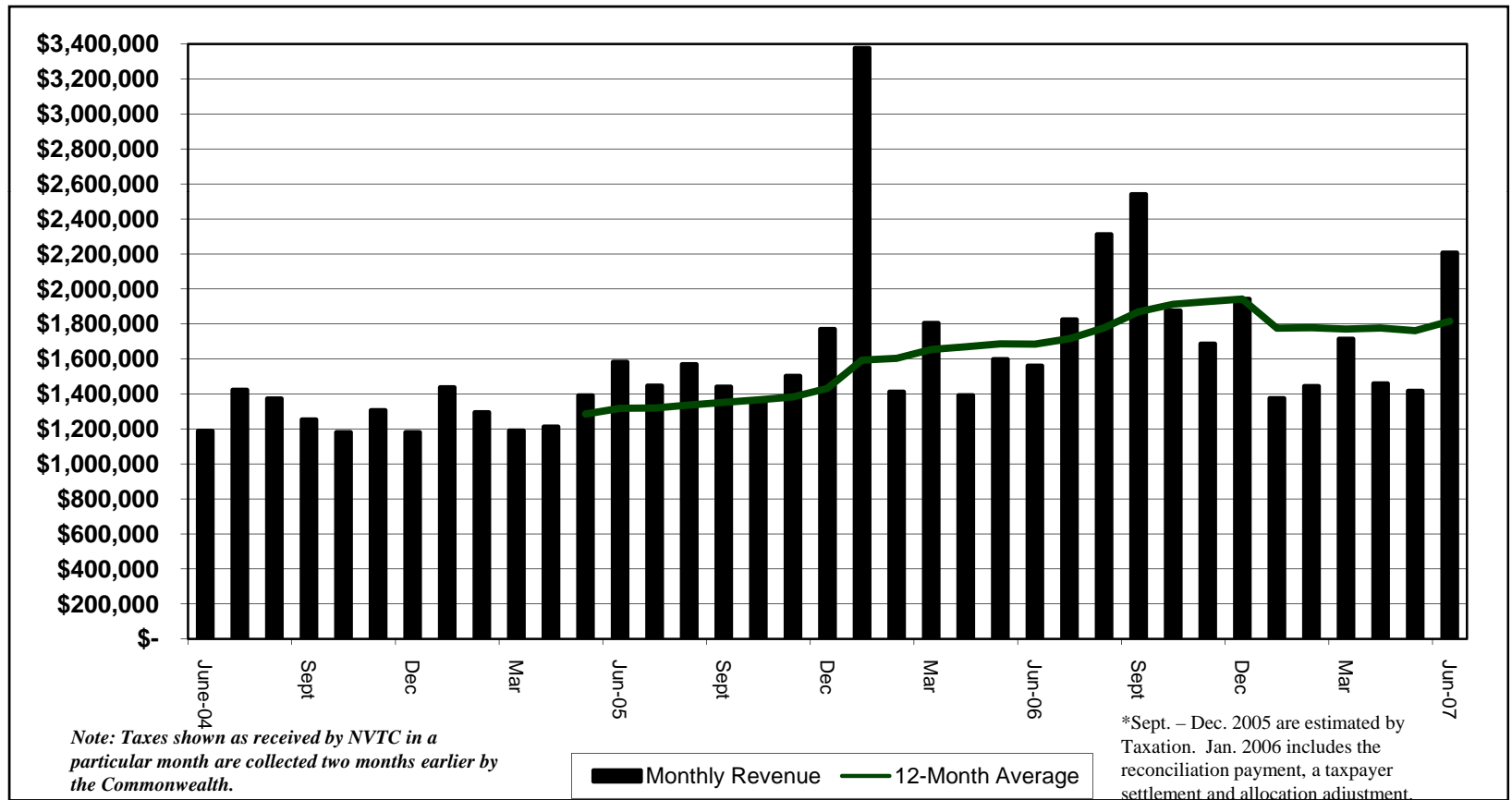
**NVTC
INVESTMENT REPORT
June, 2007**

<u>Type</u>	<u>Rate</u>	<u>Balance 5/31/2007</u>	<u>Increase (Decrease)</u>	<u>Balance 6/30/2007</u>	<u>NVTC G&A/Project</u>	<u>Jurisdictions Trust Fund</u>	<u>Loudoun Trust Fund</u>
<u>Cash Deposits</u>							
Wachovia: NVTC Checking	N/A	\$ 5,320.88	\$ 3,352.48	\$ 8,673.36	\$ 8,673.36	\$ -	\$ -
Wachovia: NVTC Savings	4.47%	134,700.21	(5,171.41)	129,528.80	129,528.80	-	-
<u>Investments - State Pool</u>							
Nations Bank - LGIP	5.30%	83,185,166.88	(3,114,831.96)	80,070,334.92	272,257.81	53,138,592.16	26,659,484.95
		<u>\$ 83,325,187.97</u>	<u>\$ (3,430,904.50)</u>	<u>\$ 80,208,537.08</u>	<u>\$ 410,459.97</u>	<u>\$ 53,138,592.16</u>	<u>\$ 26,659,484.95</u>

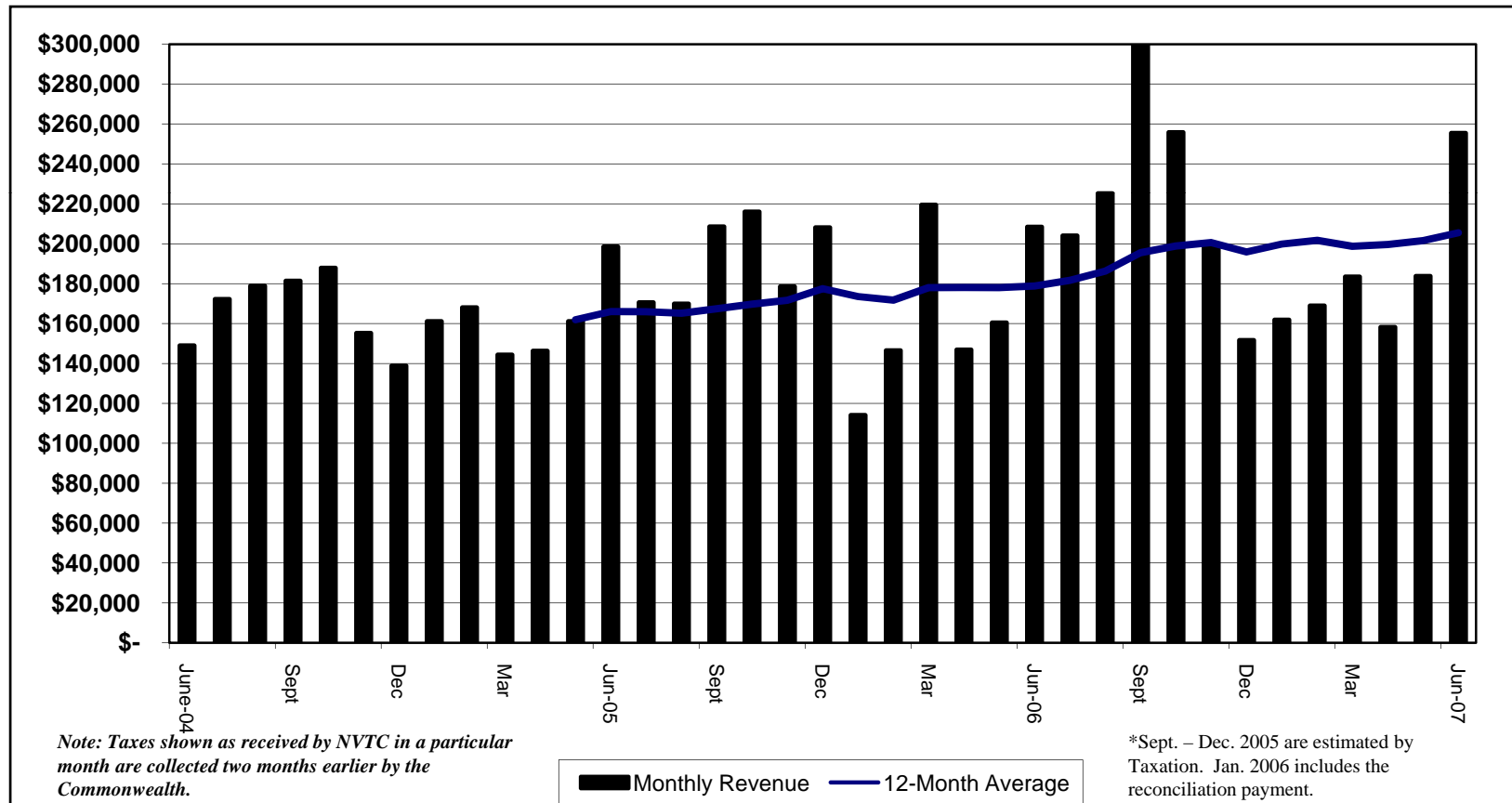
NVTC MONTHLY GAS TAX REVENUE ALL JURISDICTIONS FISCAL YEARS 2004-2007



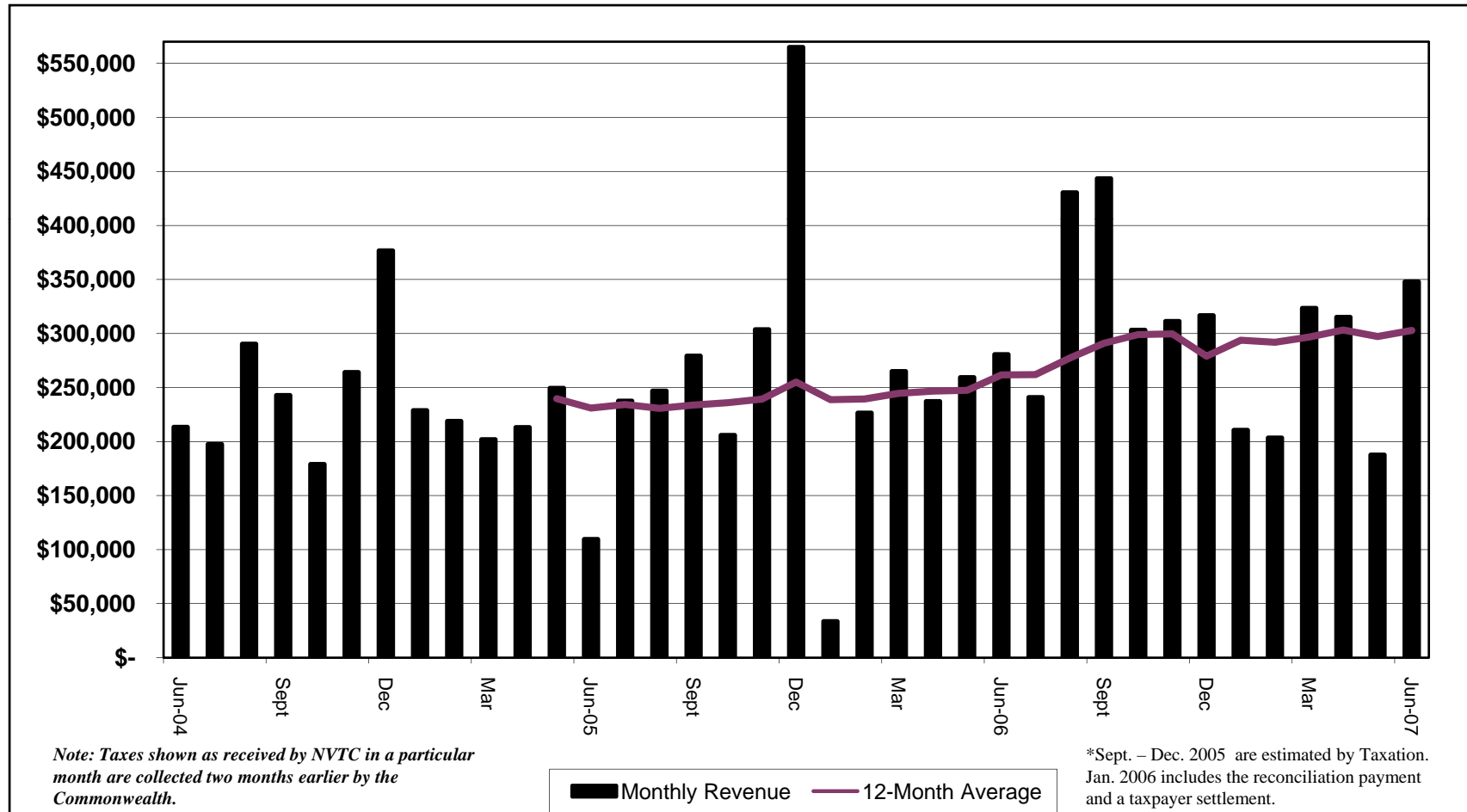
NVTC MONTHLY GAS TAX REVENUE FAIRFAX COUNTY FISCAL YEARS 2004-2007



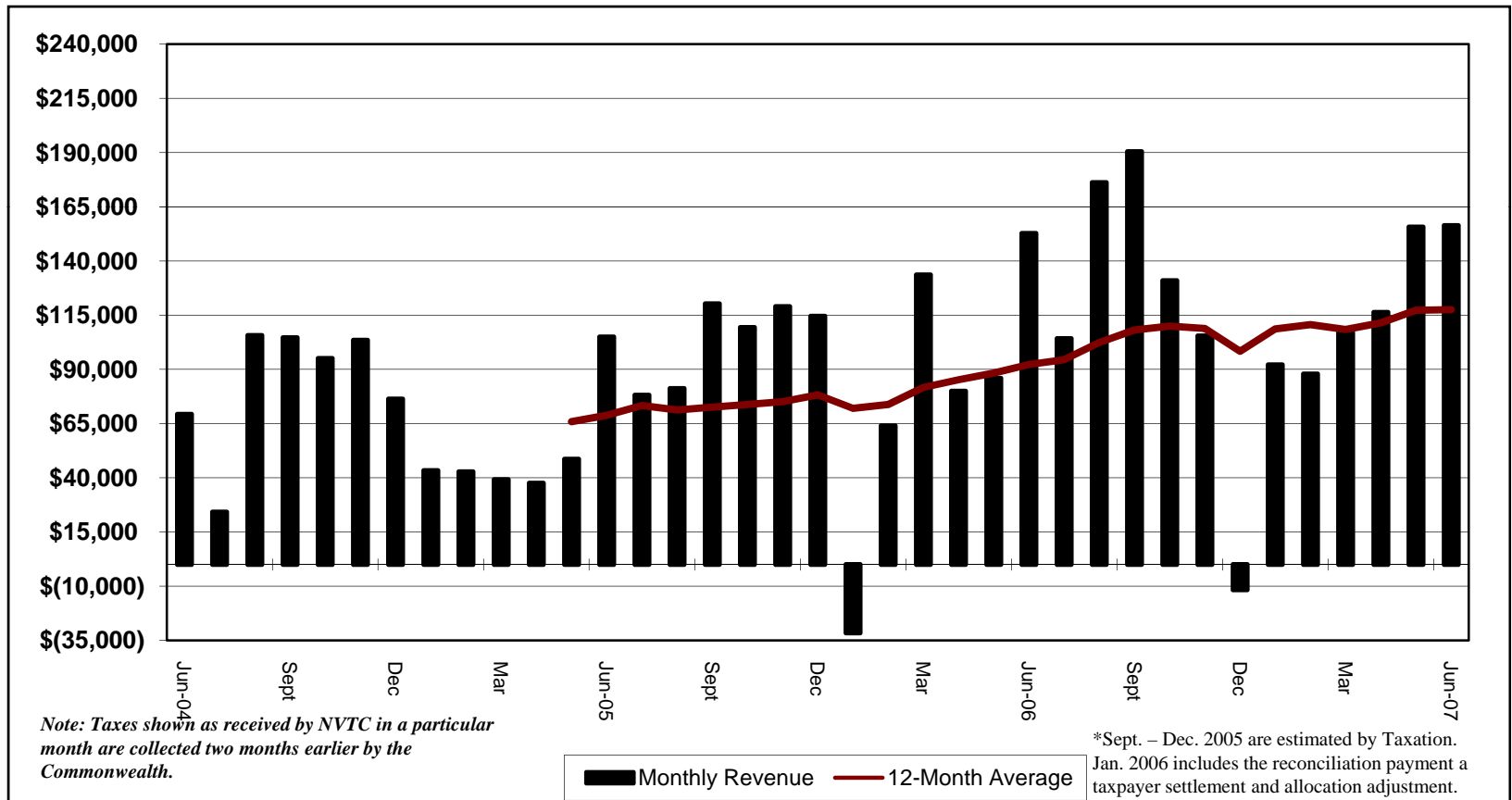
NVTC MONTHLY GAS TAX REVENUE CITY OF ALEXANDRIA FISCAL YEARS 2004-2007



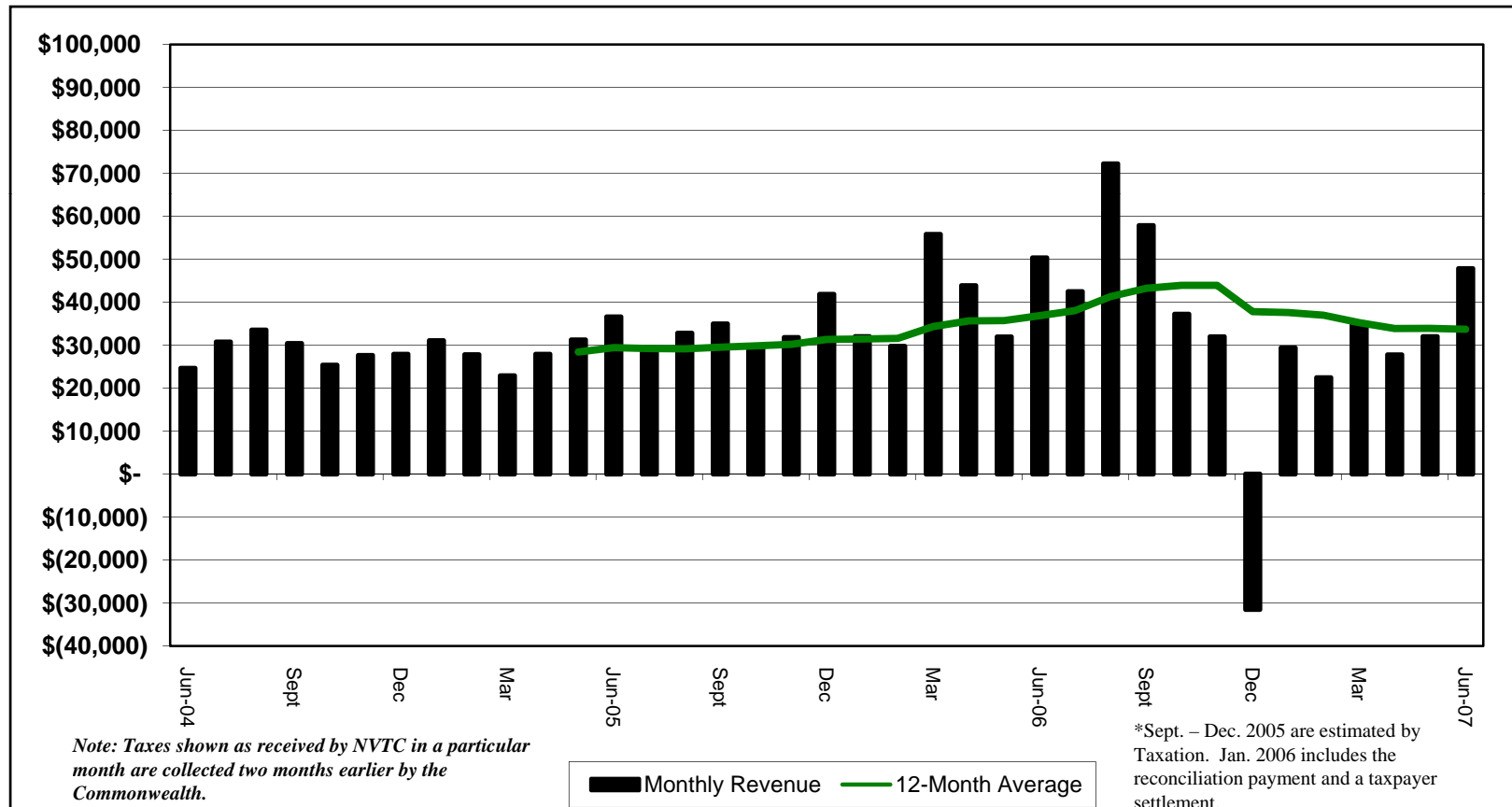
NVTC MONTHLY GAS TAX REVENUE ARLINGTON COUNTY FISCAL YEARS 2004-2007



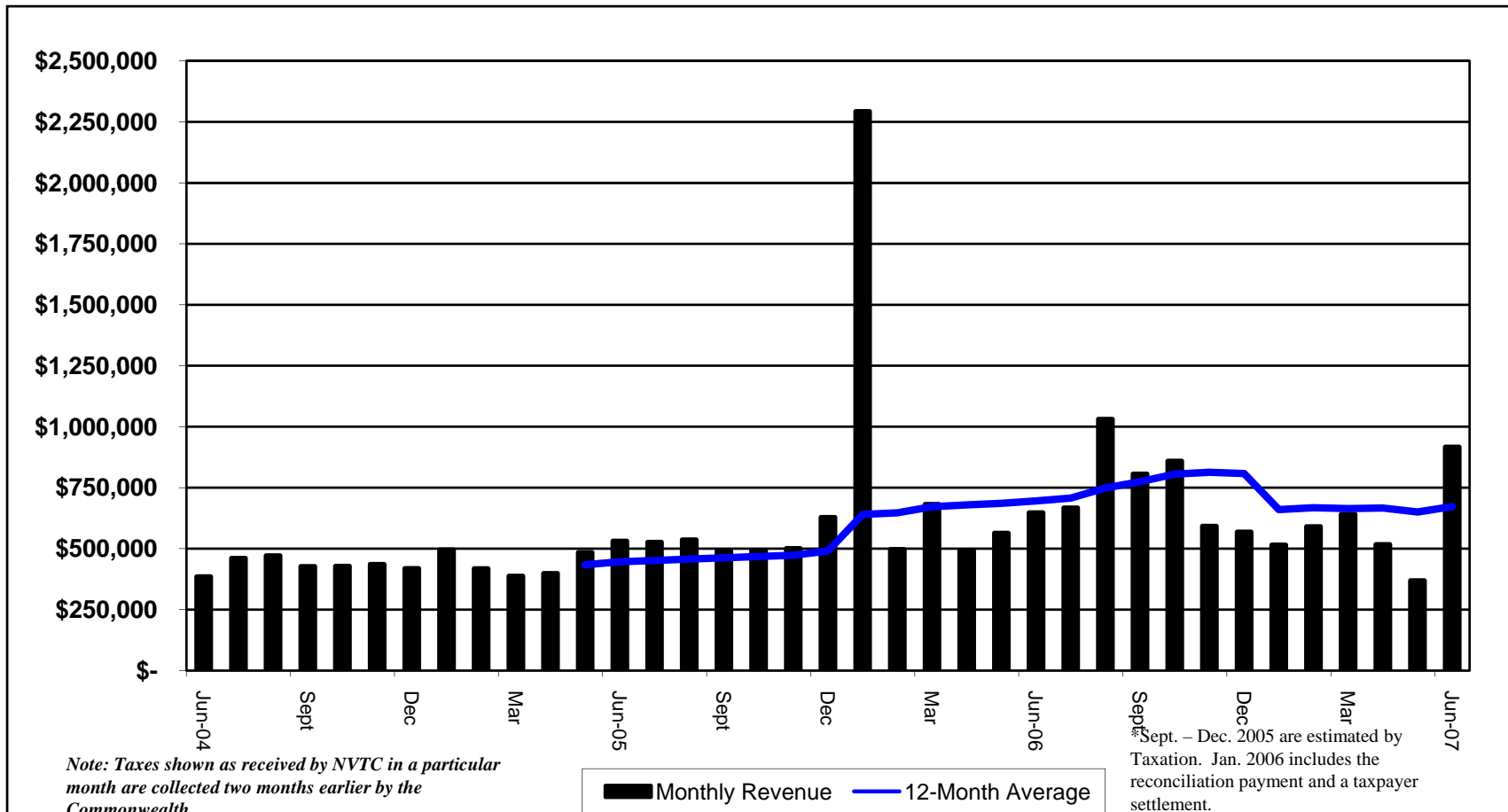
NVTC MONTHLY GAS TAX REVENUE CITY OF FAIRFAX FISCAL YEARS 2004-2007



NVTC MONTHLY GAS TAX REVENUE CITY OF FALLS CHURCH FISCAL YEARS 2004-2007



NVTC MONTHLY GAS TAX REVENUE LOUDOUN COUNTY FISCAL YEARS 2004-2007

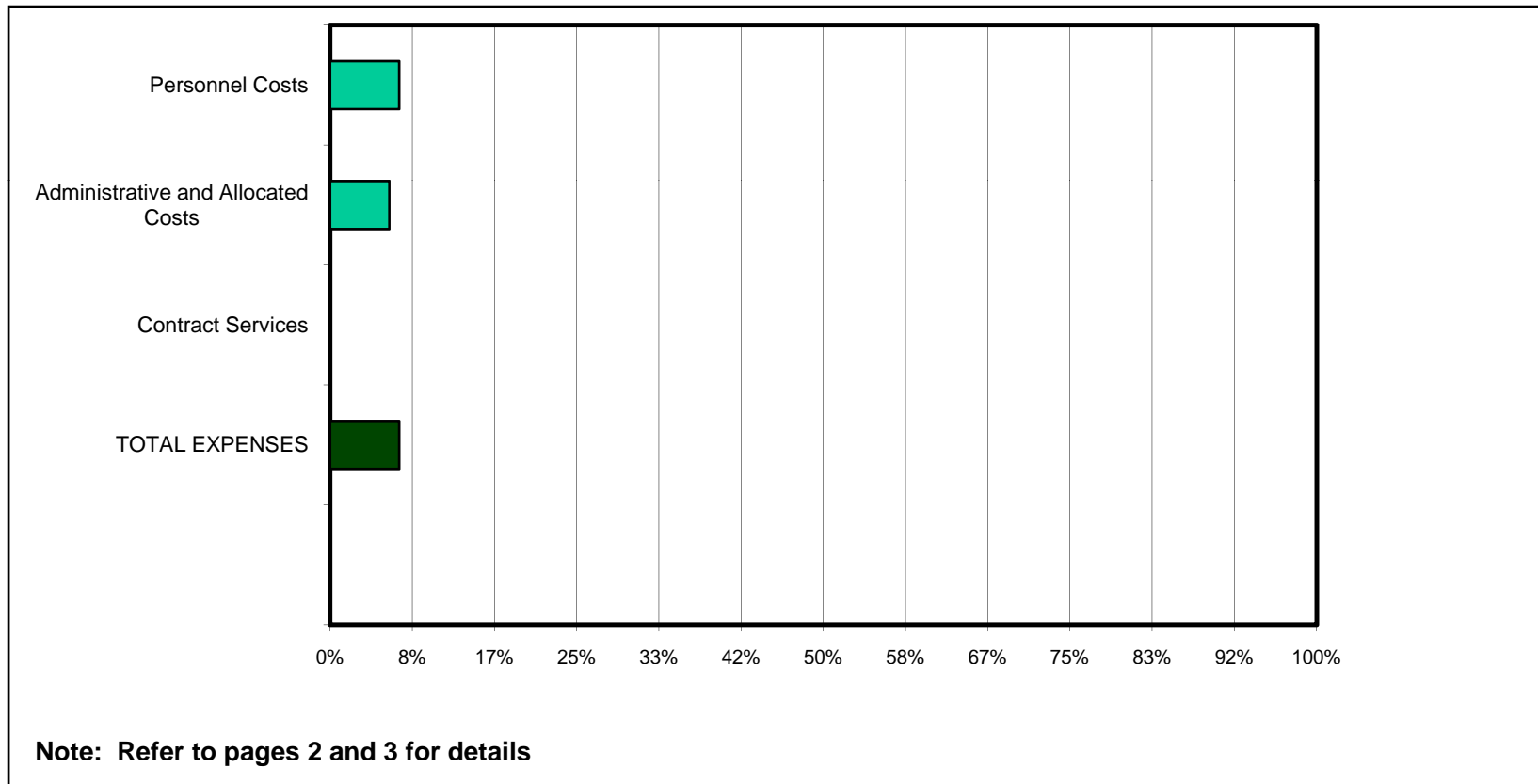


Northern Virginia Transportation Commission

Financial Reports

July, 2007

Percentage of FY 2008 NVTC Administrative Budget Used
July, 2007
(Target 8.33% or less)



NORTHERN VIRGINIA TRANSPORTATION COMMISSION
G&A BUDGET VARIANCE REPORT
July, 2007

	<u>Current Month</u>	<u>Year To Date</u>	<u>Annual Budget</u>	<u>Balance Available</u>	<u>Balance %</u>
<u>Personnel Costs</u>					
Salaries	\$ 48,253.08	\$ 48,253.08	\$ 701,400.00	\$ 653,146.92	93.1%
Temporary Employee Services	-	-	1,000.00	1,000.00	100.0%
Total Personnel Costs	48,253.08	48,253.08	702,400.00	654,146.92	93.1%
<u>Benefits</u>					
Employer's Contributions:					
FICA	3,455.55	3,455.55	48,900.00	45,444.45	92.9%
Group Health Insurance	5,207.75	5,207.75	65,750.00	60,542.25	92.1%
Retirement	3,890.75	3,890.75	56,200.00	52,309.25	93.1%
Workmans & Unemployment Compensation	990.00	990.00	3,400.00	2,410.00	70.9%
Life Insurance	273.72	273.72	3,750.00	3,476.28	92.7%
Long Term Disability Insurance	274.65	274.65	4,450.00	4,175.35	93.8%
Total Benefit Costs	14,092.42	14,092.42	182,450.00	168,357.58	92.3%
<u>Administrative Costs</u>					
Commissioners Per Diem	750.00	750.00	18,400.00	17,650.00	95.9%
<i>Rents:</i>					
Office Rent	14,602.20	14,602.20	184,950.00	170,347.80	92.1%
Parking	1,240.00	1,240.00	11,900.00	10,660.00	89.6%
<i>Insurance:</i>					
Public Official Bonds	400.00	400.00	4,400.00	4,000.00	90.9%
Liability and Property	-	-	2,600.00	2,200.00	84.6%
			1,800.00	1,800.00	100.0%
<i>Travel:</i>					
Conference Registration	333.88	333.88	16,200.00	15,866.12	97.9%
Conference Travel	-	-	2,000.00	2,000.00	100.0%
Local Meetings & Related Expenses	75.76	75.76	4,500.00	4,424.24	98.3%
Training & Professional Development	258.12	258.12	6,200.00	5,941.88	95.8%
	-	-	3,500.00	3,500.00	100.0%
<i>Communication:</i>					
Postage	1,048.84	1,048.84	11,600.00	10,551.16	91.0%
Telephone - LD	600.00	600.00	4,600.00	4,000.00	87.0%
Telephone - Local	-	-	1,200.00	1,200.00	100.0%
	448.84	448.84	5,800.00	5,351.16	92.3%
<i>Publications & Supplies</i>					
Office Supplies	564.02	564.02	23,800.00	23,235.98	97.6%
Duplication	-	-	4,500.00	4,500.00	100.0%
Public Information	564.02	564.02	9,300.00	8,735.98	93.9%
	-	-	10,000.00	10,000.00	100.0%

NORTHERN VIRGINIA TRANSPORTATION COMMISSION
G&A BUDGET VARIANCE REPORT
July, 2007

	<u>Current Month</u>	<u>Year To Date</u>	<u>Annual Budget</u>	<u>Balance Available</u>	<u>Balance %</u>
<i>Operations:</i>	491.47	491.47	25,650.00	25,158.53	98.1%
Furniture and Equipment	-	-	12,650.00	12,650.00	100.0%
Repairs and Maintenance	-	-	1,000.00	1,000.00	100.0%
Computers	491.47	491.47	12,000.00	11,508.53	95.9%
<i>Other General and Administrative</i>	1,132.56	1,132.56	6,800.00	5,667.44	83.3%
Subscriptions	-	-	400.00	400.00	100.0%
Memberships	961.00	961.00	1,700.00	739.00	43.5%
Fees and Miscellaneous	171.56	171.56	2,900.00	2,728.44	94.1%
Advertising (Personnel/Procurement)	-	-	1,800.00	1,800.00	100.0%
40th Anniversary	-	-	-	-	0
Total Administrative Costs	<u>19,322.97</u>	<u>19,322.97</u>	<u>291,800.00</u>	<u>272,477.03</u>	<u>93.4%</u>
	<u>Contracting Services</u>				
Auditing	-	-	19,700.00	19,700.00	100.0%
Consultants - Technical	-	-	1,000.00	1,000.00	100.0%
Legal	-	-	1,000.00	1,000.00	100.0%
Total Contract Services	<u>-</u>	<u>-</u>	<u>21,700.00</u>	<u>21,700.00</u>	<u>100.0%</u>
 Total Gross G&A Expenses	<u>\$ 81,668.47</u>	<u>\$ 81,668.47</u>	<u>\$ 1,198,350.00</u>	<u>\$ 1,116,681.53</u>	<u>93.2%</u>

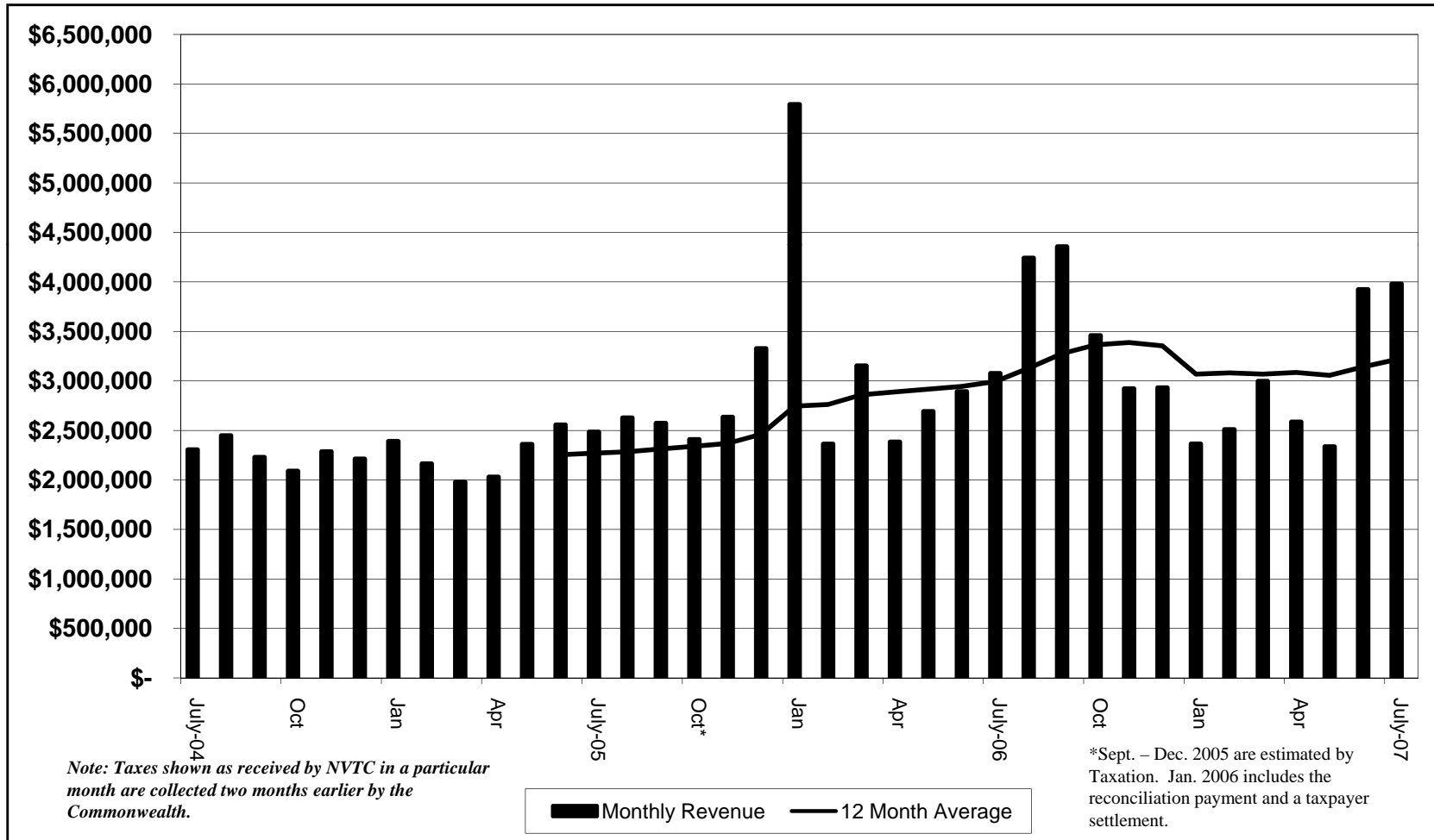
NVTC
RECEIPTS and DISBURSEMENTS
July, 2007

<u>Date</u>	<u>Payer/ Payee</u>	<u>Purpose</u>	<u>Wachovia (Checking)</u>	<u>Wachovia (Savings)</u>	<u>VA LGIP</u>	
					<u>G&A / Project</u>	<u>Trusts</u>
RECEIPTS						
6	Fairfax County	G&A contribution		\$ 175,638.00		
12	Loudoun County	Local project funds - SmarTrip			\$ 34,400.00	
13	Staff	Reimbursement of expenses		50.11		
13	Arlington County	G&A contribution		15,913.25		
13	City of Alexandria	G&A contribution		9,874.50		
13	VRE	Staff support		7,813.63		
13	Loudoun County	G&A contribution			5,205.25	
17	Department of Taxation	Motor Vehicle Fuels Sales tax receipt				3,979,572.15
18	NVRC	Sr. Transportation grant receipt		33,779.54		
19	DRPT	Capital grant receipts				1,689,261.00
19	DRPT	SmarTrip grant receipt			9,198.00	
20	DRPT	Capital grant receipts				2,983,024.00
27	Staff	Reimbursement of expenses		63.15		
27	City of Falls Church	G&A contribution		3,533.00		
31	DRPT	Code Red grant receipt			216,565.00	
31	Banks	July interest		908.73	1,357.98	278,455.42
			<u>-</u>	<u>247,573.91</u>	<u>266,726.23</u>	<u>8,930,312.57</u>
DISBURSEMENTS						
1-31	Various	NVTC project and administration	(83,014.54)			
1	WMATA	Bus operating				(11,040,519.00)
1	WMATA	Paratransit operating				(1,508,450.00)
1	WMATA	Rail operating				(6,776,030.00)
1	WMATA	Metro Matters				(441,681.00)
1	WMATA	Beyond Metro Matters				(173,000.00)
1	WMATA	Debt Service				(1,853,125.00)
1	WMATA	Other operating				(165,532.00)
1	WMATA	Other operating				(9,980.00)
10	Stantec	Consulting - Bus data	(7,782.82)			
18	PTMA	Travel training costs	(28,778.00)			
18	WBA	Travel training costs	(4,217.03)			
13	Loudoun	Other operating				(5,205.25)
30	Redmon Group	Public information - E schedule	(1,038.35)			
23	Cubic Transp. Sys.	SmarTrip costs incurred				(34,400.00)
23	IBI Group	Consulting - SmarTrip	(9,198.07)			
31	CBS	Public information - Code Red	(20,000.00)			
31	Arlington County	Code Red costs incurred	(9,755.82)			
31	City of Fairfax	Code Red costs incurred			(2,275.00)	
31	City of Alexandria	Code Red costs incurred			(26,563.66)	
31	Loudoun County	Code Red costs incurred			(25,707.00)	
31	PRTC	Code Red costs incurred			(55,269.00)	
31	WMATA	Code Red costs incurred			(69,046.00)	
31	Wachovia Bank	July service fees	(21.85)			
			<u>(163,806.48)</u>	<u>-</u>	<u>(178,860.66)</u>	<u>(22,007,922.25)</u>
TRANSFERS						
6	Transfer	From Savings to Checking	35,000.00	(35,000.00)		
10	Transfer	From LGIP to LGIP (Bus data)			7,782.82	(7,782.82)
17	Transfer	From Savings to Checking	45,000.00	(45,000.00)		
18	Transfer	From Savings to Checking	34,000.00	(34,000.00)		
31	Transfer	From LGIP to Checking	80,000.00		(80,000.00)	
31	Transfer	From LGIP to LGIP (Bus data)			9,196.70	(9,196.70)
			<u>194,000.00</u>	<u>(114,000.00)</u>	<u>(63,020.48)</u>	<u>(16,979.52)</u>
NET INCREASE (DECREASE) FOR MONTH			<u>\$ 30,193.52</u>	<u>\$ 133,573.91</u>	<u>\$ 24,845.09</u>	<u>\$ (13,094,589.20)</u>

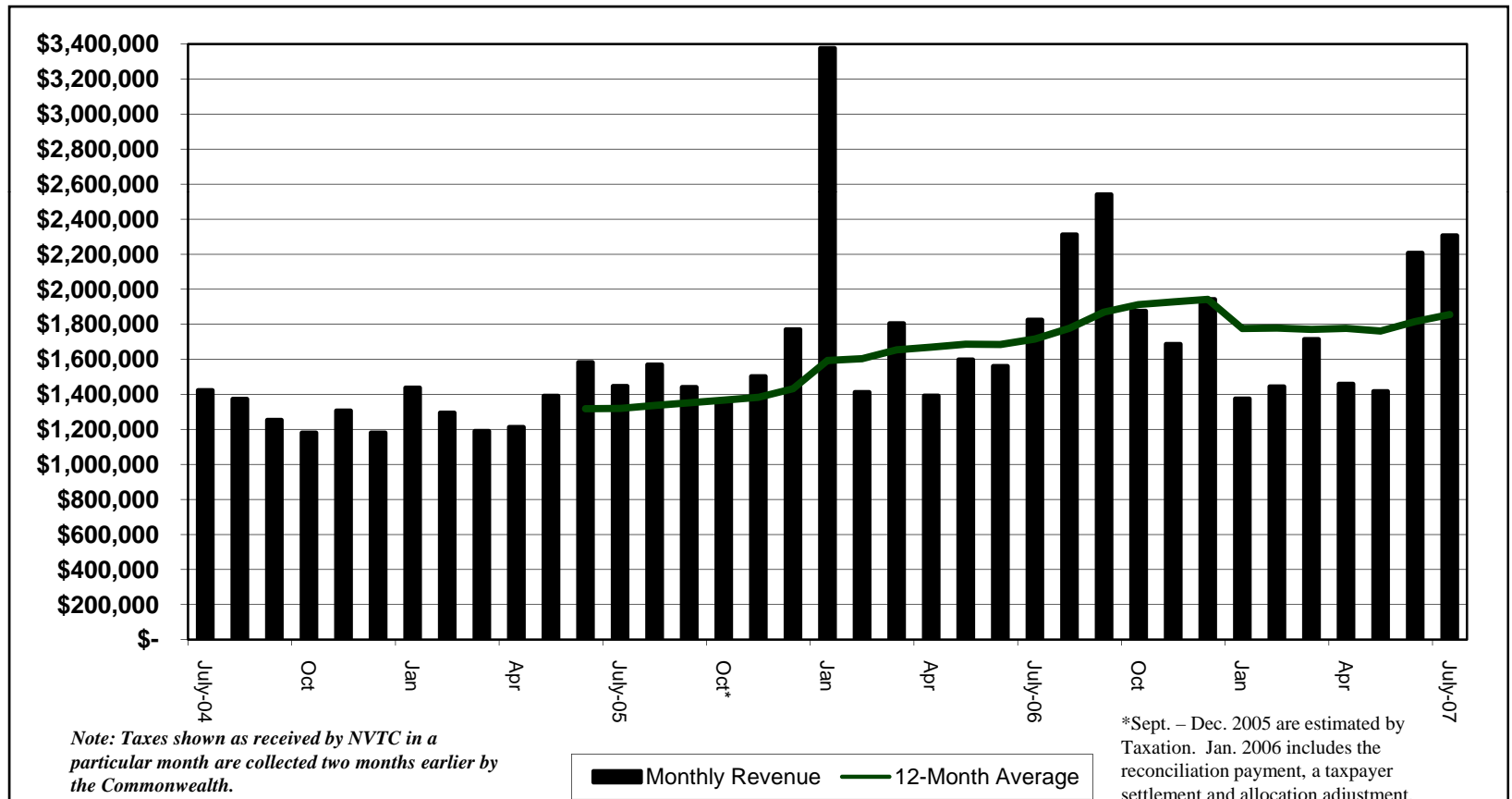
**NVTC
INVESTMENT REPORT
July, 2007**

<u>Type</u>	<u>Rate</u>	<u>Balance 6/30/2007</u>	<u>Increase (Decrease)</u>	<u>Balance 7/31/2007</u>	<u>NVTC G&A/Project</u>	<u>Jurisdictions Trust Fund</u>	<u>Loudoun Trust Fund</u>
<u>Cash Deposits</u>							
Wachovia: NVTC Checking	N/A	\$ 8,673.36	\$ 30,193.52	\$ 38,866.88	\$ 38,866.88	\$ -	\$ -
Wachovia: NVTC Savings	4.40%	129,528.80	133,573.91	263,102.71	263,102.71	-	-
<u>Investments - State Pool</u>							
Nations Bank - LGIP	5.29%	80,070,334.92	(13,069,744.11)	67,000,590.81	262,702.90	39,064,995.22	27,672,892.69
		<u>\$ 80,208,537.08</u>	<u>\$ (12,881,131.59)</u>	<u>\$ 67,302,560.40</u>	<u>\$ 564,672.49</u>	<u>\$ 39,064,995.22</u>	<u>\$ 27,672,892.69</u>

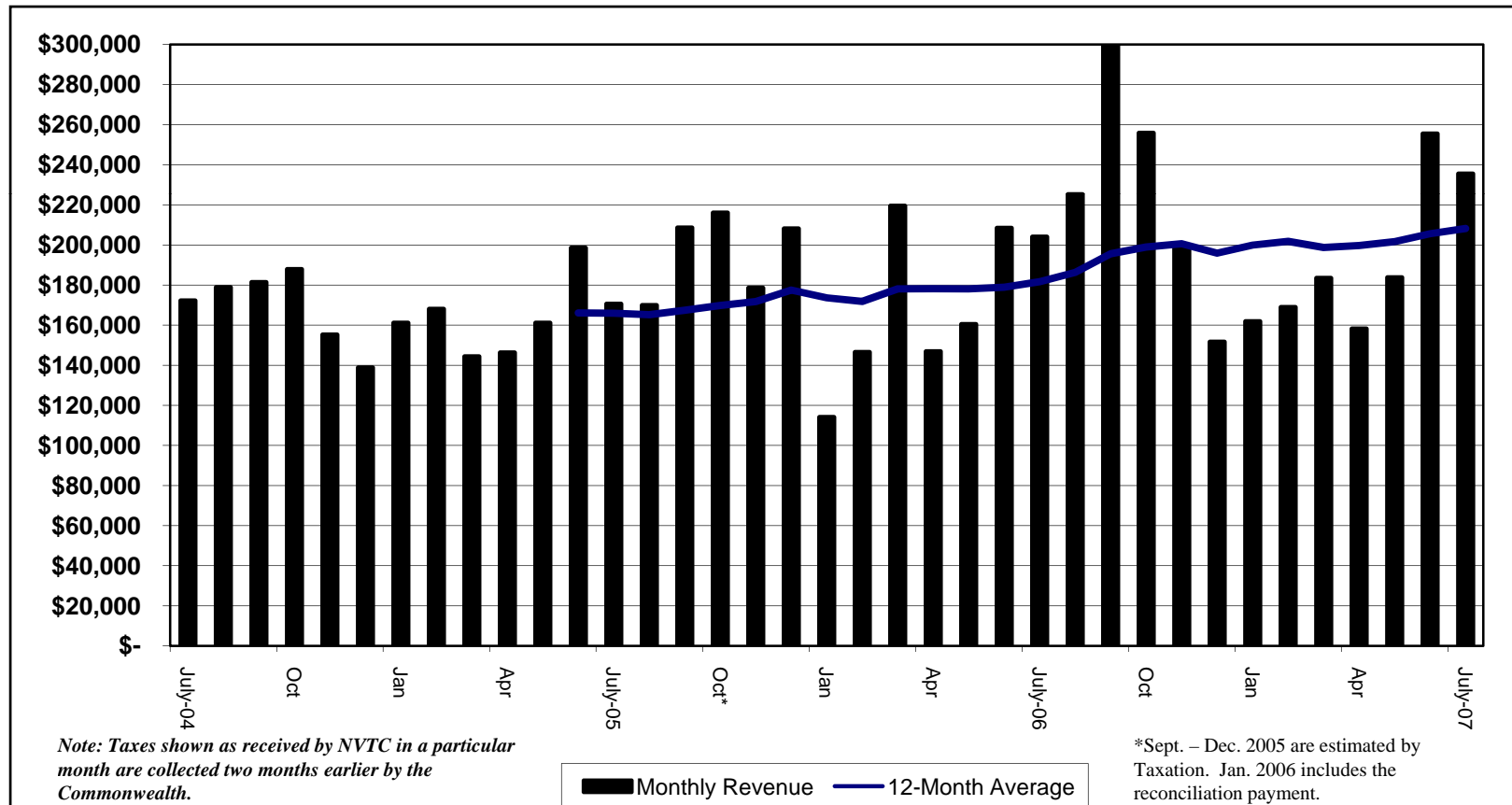
NVTC MONTHLY GAS TAX REVENUE ALL JURISDICTIONS FISCAL YEARS 2005-2008



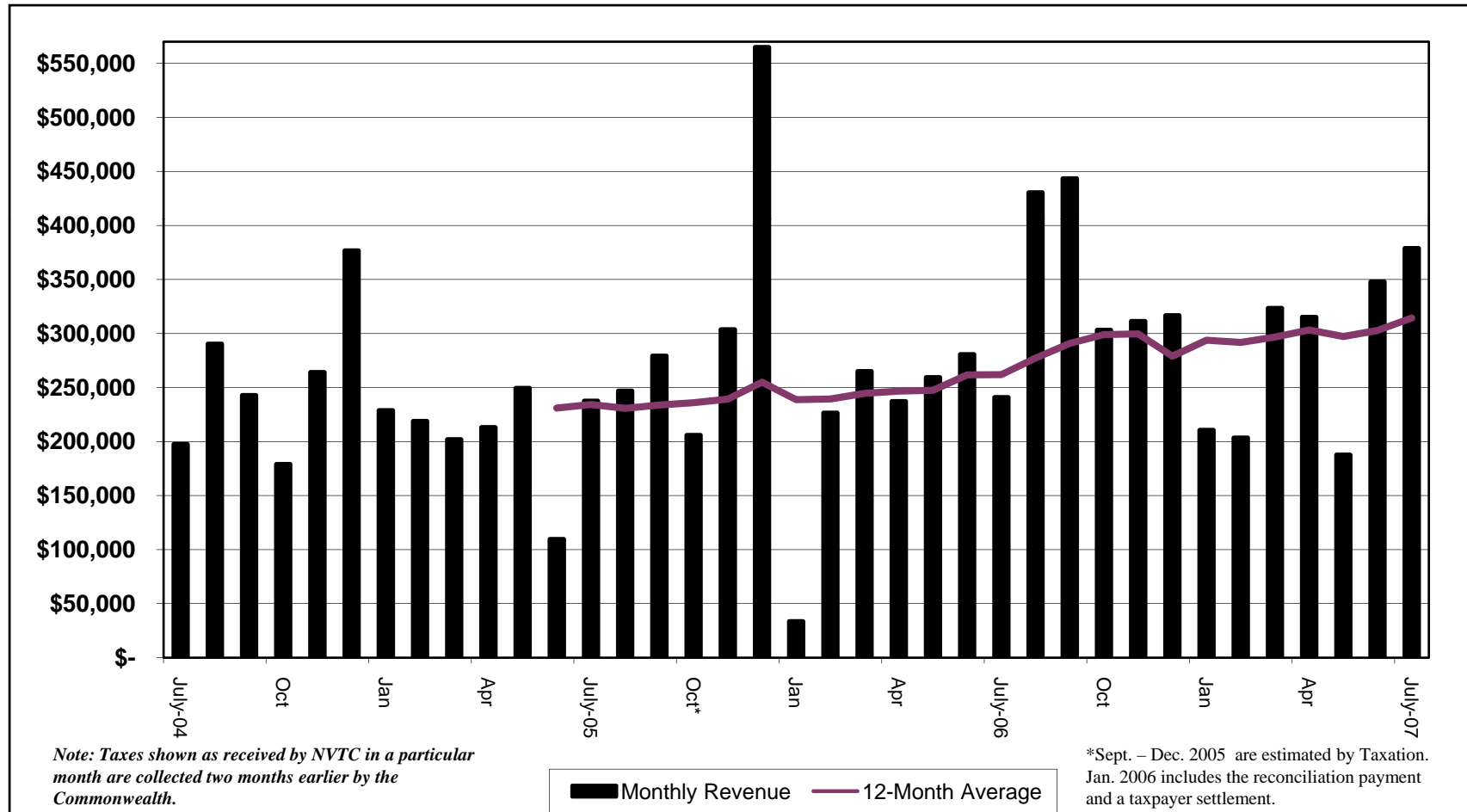
NVTC MONTHLY GAS TAX REVENUE FAIRFAX COUNTY FISCAL YEARS 2005-2008



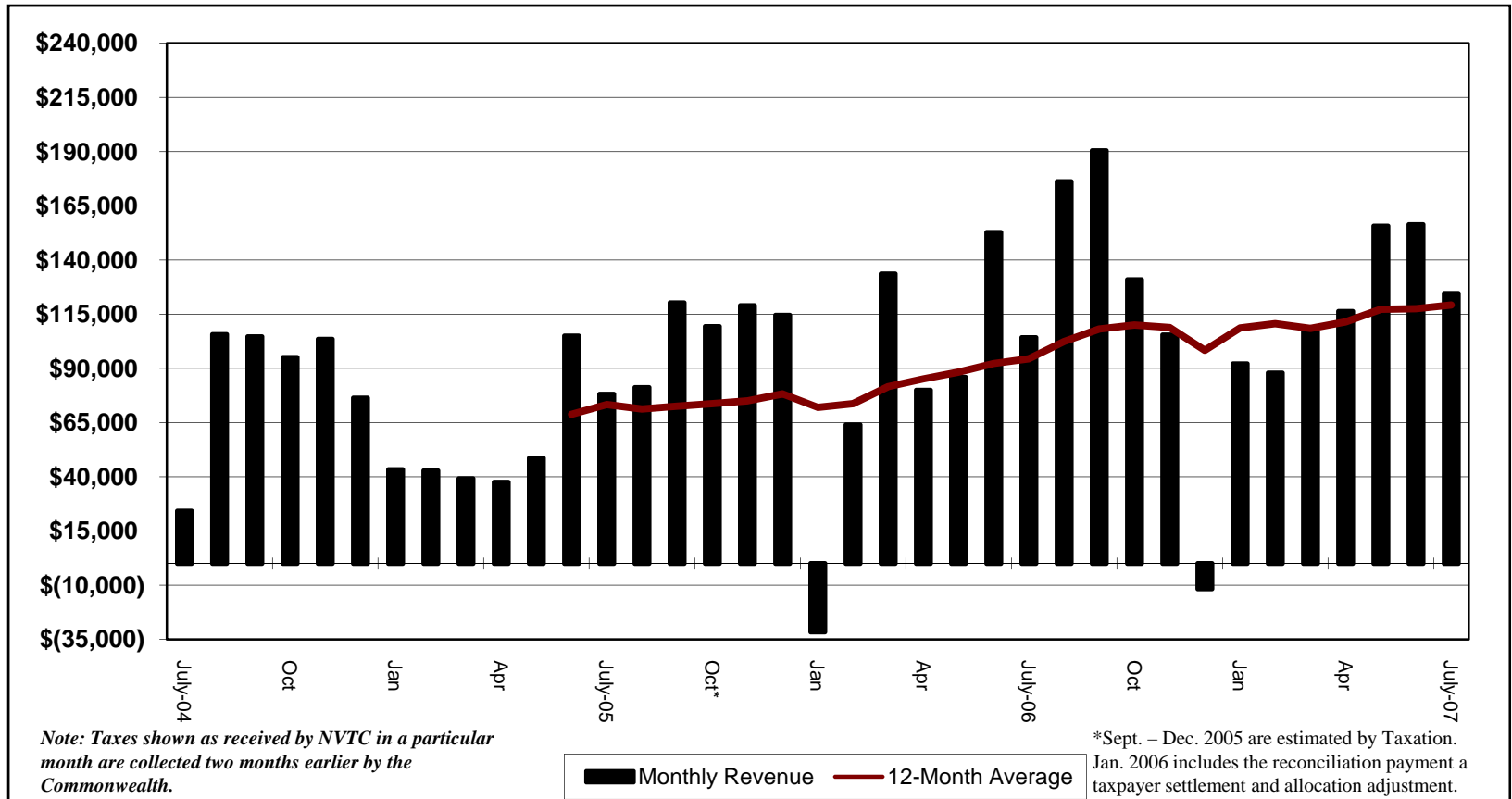
NVTC MONTHLY GAS TAX REVENUE CITY OF ALEXANDRIA FISCAL YEARS 2005-2008



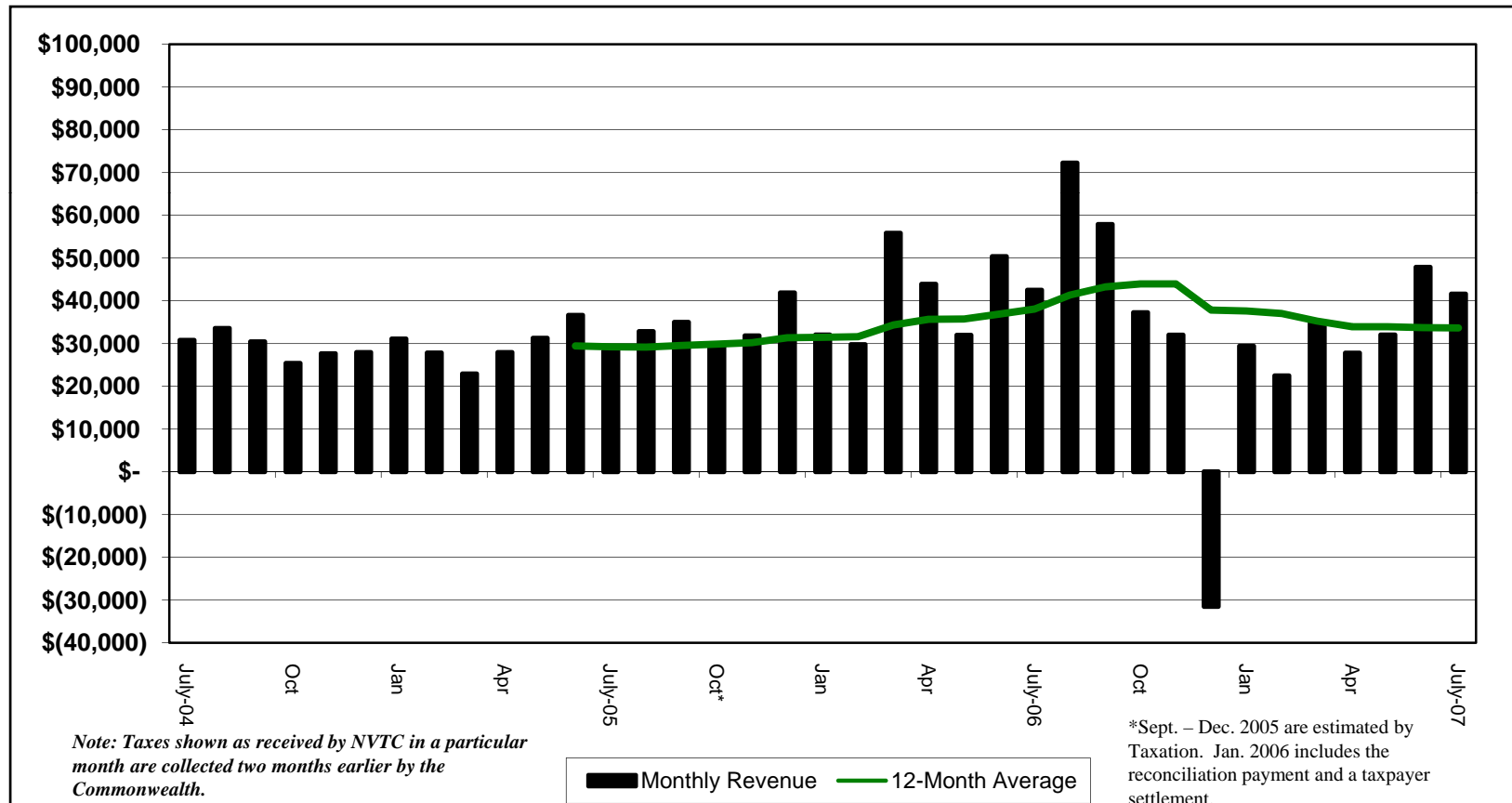
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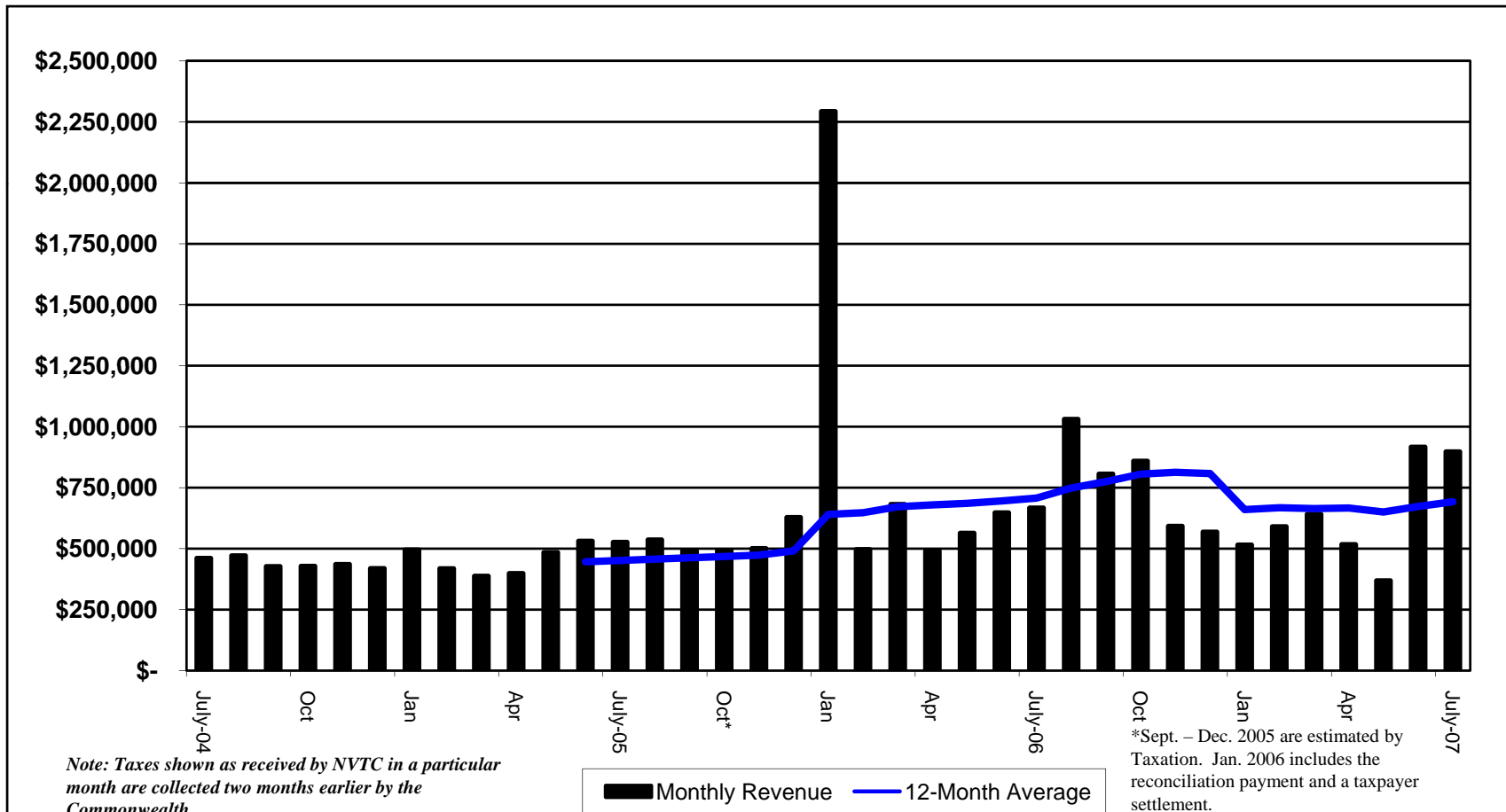
NVTC MONTHLY GAS TAX REVENUE CITY OF FAIRFAX FISCAL YEARS 2005-2008



NVTC MONTHLY GAS TAX REVENUE CITY OF FALLS CHURCH FISCAL YEARS 2005-2008



NVTC MONTHLY GAS TAX REVENUE LOUDOUN COUNTY FISCAL YEARS 2005-2008



AGENDA ITEM #11

TO: Chairman Snyder and NVTC Commissioners

FROM: Rick Taube

DATE: August 30, 2007

SUBJECT: Closed Session for Personnel Item

NVTC's Executive Committee will discuss with commissioners the committee's recommendation for the annual performance review of NVTC's executive director.

To enter closed session:

Pursuant to the Virginia Freedom of Information Act (Sections 2.2.-3711A (1) of the Code of Virginia), the Northern Virginia Transportation Commission authorizes discussion in Closed Session concerning a personnel item, pertaining to the annual performance review of NVTC's executive director.

Following the closed session:

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.

