

**MINUTES**  
**NVTC COMMISSION MEETING – FEBRUARY 7, 2008**  
**GENERAL ASSEMBLY BUILDING – RICHMOND, VIRGINIA**

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Euille at 5:35 P.M.

**Members Present**

Sharon Bulova  
Kelly Burk  
Gerald Connolly  
William D. Euille  
Pat Herrity  
Corey Hill (DRPT)  
Catherine M. Hudgins  
Mary Hynes  
Paul Smedberg  
David F. Snyder  
Christopher Zimmerman

**Members Absent**

David Albo  
Chip Badger  
Adam Ebbin  
Jay Fiset  
Joe May  
Thomas Rust  
Scott Silverthorne  
Mary Margaret Whipple

**Staff Present**

Steve MacIsaac (VRE)  
Kala Quintana  
Richard K. Taube  
Dale Zehner (VRE)

### Oath of Office for New NVTC Commissioners

Chairman Euille administered the oath of office to three new commissioners: Kelly Burk (Loudoun County), Pat Herrity (Fairfax County), and Mary Hynes (Arlington County). Commissioners welcomed them to NVTC.

Chairman Euille acknowledged Secretary of Transportation Pierce Homer and thanked him for attending NVTC's meeting.

### Minutes of the NVTC Meeting of January 3, 2008

On a motion by Mr. Connolly and a second by Mr. Zimmerman, the commission unanimously approved the minutes. The vote in favor was cast by commissioners Bulova, Burk, Connolly, Euille, Herrity, Hill, Hudgins, Hynes, Smedberg, Snyder and Zimmerman.

### Joint Procurement of NVTC/ VRE Auditors

Chairman Euille reported that NVTC/VRE's auditors have served for five years and a new joint competitive procurement is needed. NVTC and VRE will sign separate contracts with the recommended firm. NVTA and other local/regional agencies also will be eligible to contract with the selected firm.

Mrs. Hynes moved, with a second by Mr. Smedberg, to authorize NVTC staff to issue a request for proposals for an audit firm for the next three years with two additional two-year options. The vote in favor was cast by commissioners Bulova, Burk, Connolly, Euille, Herrity, Hill, Hudgins, Hynes, Smedberg, Snyder and Zimmerman.

### VRE Items

Report from VRE's Operations Board and Chief Executive Officer. Mrs. Bulova urged commissioners to read the minutes of the Operations Board meeting. Mr. Zehner reported that VRE ridership continues to climb approximately four percent every month. VRE is working to reach and maintain on-time performance in the 90 percent range. Public hearings on the proposed fare increase are scheduled during March and April.

Locomotive Manufacturing Contract Award. Mrs. Bulova stated that the VRE Operations Board recommends approval of Resolution #2094, which would authorize VRE's CEO to execute a contract with Motive Power Inc. of Boise, Idaho for two locomotives plus an option for 18 additional locomotives. The two locomotives will cost up to \$9,634,396 including contingency. If executed, options

for additional locomotives will have a lower base cost although an escalator clause will also apply. The total project cost is up to \$86,647,000 and subsequent funding from HB 3202 regional funds and other resources is expected to lead to the ultimate purchase of all 20 units.

Mrs. Bulova moved, with a second by Mr. Zimmerman, to approve Resolution #2094 (copy attached). The vote in favor was cast by commissioners Bulova, Burk, Connolly, Euille, Herrity, Hill, Hudgins, Hynes, Smedberg, Snyder and Zimmerman.

VRE Locomotive Construction Engineering and Inspection. Mrs. Bulova stated that the VRE Operations Board recommends approval of Resolution #2095. This resolution would authorize VRE's CEO to execute a contract with STV Group Inc., doing business as STV Group Incorporated of Fairfax, Virginia, to perform construction engineering and inspection services for up to 20 locomotives to be procured by VRE. The amount of the STV contract is up to \$4,145,920 including contingency. STV is providing similar services for VRE's ongoing railcar purchase. The locomotive inspection contract will cost VRE 4.3 percent of the purchase price of the locomotives. The STV railcar inspection contract cost 4.2 percent.

Mrs. Bulova moved, with a second by Mr. Connolly, to approve Resolution #2095 (copy attached). The vote in favor was cast by commissioners Bulova, Burk, Connolly, Euille, Herrity, Hill, Hudgins, Hynes, Smedberg, Snyder and Zimmerman.

Sale of 10 Gallery Cars. Mrs. Bulova explained that the VRE Operations Board recommends approval of Resolution #2096, which would authorize VRE's CEO to sell 10 Gallery cars to the Regional Transit Authority of Nashville, Tennessee. The VRE Operations Board was shown a confidential copy of the amount of the bid. It is not being divulged publicly at this time because of potential negotiations with other bidders for the remaining 10 cars. It will become public after NVTC and PRTC have both approved the sale. VRE is currently receiving new bi-level railcars at the rate of five per month and needs to sell these Gallery cars as there is no available storage space for them.

On a motion by Mrs. Bulova and a second by Mr. Smedberg, the commission unanimously approved the resolution (copy attached). The vote in favor was cast by commissioners Bulova, Burk, Connolly, Euille, Herrity, Hill, Hudgins, Hynes, Smedberg, Snyder and Zimmerman.

### NVTC's FY 2009 State Grant Application

Chairman Euille reported that for FY 2009, NVTC is eligible for over \$287 million of state transit operating and capital assistance for WMATA, VRE and NVTC's jurisdictions' local bus systems. Staff has submitted the application to meet the February 1, 2008 deadline set by the Virginia Department of Rail and Public Transportation. Resolution #2097 would approve the application.

On a motion by Mr. Connolly and a second by Mr. Zimmerman, the commission unanimously approved the resolution (copy attached). The vote in favor was cast by commissioners Bulova, Burk, Connolly, Euille, Herry, Hill, Hudgins, Hynes, Smedberg, Snyder and Zimmerman.

### Support for the Dulles Rail Project

Mr. Connolly stated that in light of the recent declaration that FTA does not favor the Dulles project, it is important for NVTC to reaffirm its long standing position of support for this project and to urge FTA to provide a full funding grant agreement. Resolution #2098 would accomplish this. Chairman Euille reported that many of the jurisdictions and WMATA have passed similar resolutions. Mr. Connolly stated that the Northern Virginia Regional Commission (NVRC) unanimously, with one abstention, voted on a similar resolution.

Mr. Connolly moved, with a second by Mr. Smedberg, to approve the resolution (copy attached).

Mr. Snyder expressed his strong support for this action. He stated that it is important to note that the federal government needs to step up and play its role to provide critical infrastructure and funding at the level that was assumed earlier.

In response to a question from Mr. Smedberg, Mr. Connolly stated that Governor Kaine wrote a compelling letter to USDOT Secretary Peters, which included a chronology of the project showing FTA approval and concurrence over a long period of time. Secretary Homer stated that this is a tough project and the process has been difficult. The issue is whether the federal government is going to participate in a major infrastructure investment in the region. Senator Warner has become involved in the project.

Ms. Hudgins stated that it is important that NVTC reaffirms what has happened with this project over the past several years as it has gone through the approval process. By doing this, it will reiterate to the community that we are not rethinking the project but going through the normal approval process. The process has not changed the commitment that the region has made. There might be some confusion from the rhetoric.

Mr. Herrity stated that he will have to abstain from the motion for a number of reasons, but primarily due to the unfunded infrastructure and the burden it would be to Fairfax County and its taxpayers.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Bulova, Burk, Connolly, Euille, Hill, Hudgins, Hynes, Smedberg, Snyder and Zimmerman. Mr. Herrity abstained.

#### Safety and Enforcement on I-95/395 HOT Lanes Project

Mr. Snyder expressed his appreciation that the project manager decided to bring in additional expert assistance on the safety issues, which are very important.

#### NVTC Financial Items for December, 2007

The financial report was provided to commissioners and there were no questions.

#### New NVTC Business

Mr. Herrity stated that the completion of the Fairfax County Parkway is critical to BRAC. It is his understanding that the Memorandum of Agreement (MOA) has now been approved by the Commonwealth Transportation Board and signed by the Army, but not yet signed by the Commonwealth of Virginia or the Federal Highway Administration. Secretary Homer stated that the MOA is on the desk of the Federal Highway Administration's Chief Counsel. It is a three-way agreement that needs to be signed, but that will not hold up the project. It should be signed within a week or so. As far as he knows, there are no outstanding issues that will keep it from getting signed by the three parties.

#### Recess for the NVTA Meeting

Chairman Euille stated that NVTC will take a recess so that the Northern Virginia Transportation Authority can convene its meeting, which will be followed by a joint session with NVTC and NVTA to receive a progress report on legislative actions occurring during the ongoing General Assembly Session. He handed the gavel over to NVTA Chairman Zimmerman at 5:50 P.M.

At 6:15 P.M., NVTC reconvened its meeting with NVTA Chairman Zimmerman returning the gavel to NVTC Chairman Euille. Commissioners Burk and Herrity were not present.

## Legislative Items

Mrs. Bulova moved, with a second by Mr. Smedberg, that NVTC go on record opposing the legislation that would replace proffers with impact fees and raise the grantor tax, as discussed by Mr. Frederick during the NVTA meeting. The vote in favor was cast by commissioners Bulova, Connolly, Euille, Hill, Hudgins, Hynes, Smedberg, Snyder and Zimmerman.

Tom Biesiadny gave an overview of legislative activity occurring in the General Assembly Session. He reported that both houses have approved legislation to remove the abusive driver fees; \$400 million built into VDOT's six-year program would be impacted. This will also have an impact on local governments with urban formulas as well as those with secondary formulas, if the funds are not replaced. Mr. Connolly asked if there is any chance that other legislation with revenue substitutions will pass. Mr. Biesiadny replied that there is a chance that the Senate may approve some kind of revenue package. Mr. Connolly expressed his concern that it is not only the loss of this revenue but also the transfer of money from construction/maintenance and the anticipated loss of federal revenue, which is declining. This could be a triple hit which would be devastating to the Commonwealth of Virginia and its six-year plan.

Mr. Snyder expressed his opinion that instead of taking away the abusive driver fees, a better solution would be to have the fees apply to out-of-state drivers as well as in-state drivers. Penalizing all bad drivers is a good idea. Repealing these fees leaves a big gap in the transportation funding, which is critical. The revenue needs to be made up in some way.

Mr. Biesiadny reported that two bills that would have changed the structure of the Hampton Roads Authority are now dead. Also, there are two pedestrian safety bills that are still alive and both will be up for debate on February 8<sup>th</sup>. Revenue sharing bills were passed out of committee. Lastly, there are other bills that could impact revenues (HB 361 and the Cosgrove bill). Mr. Connolly stated that NVTA voted to oppose these bills during its meeting.

Mr. Biesiadny stated that HB 1123 would exempt public service corporations' easements and properties other than their facilities/buildings from additional commercial property taxes, which were permitted with HB 3202.

Mr. Connolly moved that NVTC go on record opposing this legislation on the principle that it would divert or diminish NVTA's resources. However worthy this exemption is, other entities will seek similar exemptions in the future and will whittle away at NVTA's revenue source. Mr. Smedberg seconded the motion. The vote in favor was cast by commissioners Bulova, Connolly, Euille, Hill, Hudgins, Hynes, Smedberg, Snyder and Zimmerman.

Mr. Smedberg asked about the two pedestrian bills. Mr. Biesiadny replied that he is cautiously optimistic that they will pass, but they are expected to be close votes.

Mr. Snyder stated that NVTC needs a process in place to react quickly to changes in legislative activity. Mr. Taube responded that NVTC's Legislative Committee, chaired by Mr. Connolly, can react quickly.

### Adjournment

On a motion by Mr. Connolly and a second by Mr. Smedberg, the commission unanimously voted to adjourn. Chairman Euille adjourned the meeting at 6:30 P.M.

Approved this 6<sup>th</sup> day of March, 2008.

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William Euille  
Chairman

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Gerald Connolly  
Secretary-Treasurer