

**MINUTES**  
**NVTC COMMISSION MEETING – MARCH 6, 2008**  
**NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA**

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Euille at 8:09 P.M.

**Members Present**

Charles Badger  
Gerald Connolly  
William D. Euille  
Jay Fiset  
Pat Herrity  
Catherine Hudgins  
Dan Maller (alternate, Falls Church)  
Jeffrey McKay  
Paul Smedberg  
Scott Silverthorne  
Christopher Zimmerman

**Members Absent**

David Albo  
Sharon Bulova  
Kelly Burk  
Adam Ebbin  
Mary Hynes  
Joe May  
Thomas Rust  
David F. Snyder  
Mary Margaret Whipple

**Staff Present**

Rhonda Gilchrest  
Scott Kalkwarf  
Greg McFarland  
Adam McGavock  
Kala Quintana  
Elizabeth Rodgers  
Jennifer Straub (VRE)  
Richard K. Taube

### Oath of Office for New NVTC Commissioner

Chairman Euille administered the oath of office to Jeffrey McKay, a new commissioner from Fairfax County. Commissioners welcomed him to NVTC.

### Minutes of the NVTC Meeting of February 7, 2008

On a motion by Mr. Zimmerman and a second by Mr. Smedberg, the commission unanimously approved the minutes. The vote in favor was cast by commissioners, Badger, Connolly, Euille, Fiset, Hudgins, Maller, McKay, Smedberg, Silverthorne and Zimmerman.

### Alexandria Section 5309 Grant Application

Mr. Taube stated that the commission is asked to approve Resolution #2099, which would authorize NVTC's executive director to apply for four grants totaling \$1.9 million in Section 5309 SAFETEA-LU grant funds from the Federal Transit Administration on behalf of Alexandria. In May, 2007, the commission approved similar grant applications on behalf of Alexandria. Local match funds will be provided by Alexandria and the Commonwealth of Virginia. The resolution also adds these projects to NVTC's work program. The grants would be used for Alexandria transit service bus stop improvements, Eisenhower intermodal station improvements, Potomac Yard transit improvements, and Eisenhower Valley pedestrian and transit improvements.

The Federal Transit Administration (FTA) requires certification by the Department of Labor that NVTC has a labor protection agreement that is satisfactory to organized labor (under Section 13(c) of the Urban Mass Transportation Act, as amended). Theoretically NVTC could be responsible for claims from employees that their conditions of employment have been worsened as a result of the activities funded by the grant, although such claims are exceedingly rare. Accordingly, NVTC's Management Advisory Committee developed the approach that is included in the resolution. The jurisdiction requesting that NVTC apply for the federal funds on its behalf will protect NVTC's other jurisdictions against 13(c) claims by agreeing to provide from state aid held by NVTC whatever claims and related costs may be incurred. Local jurisdiction attorneys had had the opportunity to review this approach and have offered no objections.

Mr. Smedberg moved, with a second by Mr. Zimmerman, to approve Resolution #2099. The vote in favor was cast by commissioners, Badger, Euille, Fiset, Hudgins, Maller, McKay, Smedberg, Silverthorne and Zimmerman.

### SmarTrip Farebox Contract Revision

Mr. Taube stated that while the installation of nearly 400 SmarTrip fareboxes on local buses in Northern Virginia was completed in September, 2007, there are still major tasks and milestones remaining on the contract, which need to be completed before the contract can be closed out. One of these tasks/milestones is the Data Systems Integrity Test (DSIT). This milestone was added to the contract in 2001 as a safeguard for Northern Virginia transit agencies. Since there was no formal in-service testing scheduled for these agencies, the DSIT would ensure that the equipment installed by Cubic is working properly, by means of a 30-day audit and revenue reconciliation. Several Northern Virginia transit agencies do not feel that the additional DSIT testing is necessary. Therefore, staff seeks permission to modify the provisions of the DSIT milestone to explicitly allow agencies to opt out of the testing. There will be no change in the cost of the contract as a result of these changes. It has been reviewed by NVTC legal counsel.

Mr. Taube stated that local bus systems may opt out of this testing by providing written notice to NVTC no later than ten days before the testing is scheduled to begin. NVTC will provide a list of agencies participating in the DSIT to Cubic no later than one week before the testing is scheduled to begin.

Mr. Zimmerman moved, with a second by Ms. Hudgins, to modify the provisions of the Data System Integrity Test milestone to allow agencies to opt out of the testing.

In response to a question from Mr. Smedberg, Mr. Taube clarified that opting out of the testing will not impact the contract in the future.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Badger, Euille, Fisette, Hudgins, Maller, McKay, Smedberg, Silverthorne and Zimmerman.

### I-95/395 HOT Lanes

Mr. Taube reported that PRTC has written to Governor Kaine and USDOT Secretary Peters to state that FHWA should not be asked to provide further project approvals until safety and enforcement concerns are addressed. For example, Halcrow, Inc., has been retained by the Commonwealth of Virginia but has not completed its evaluation of needed safety improvements. Another PRTC concern is the potential for deterioration in average speeds in the future HOT Lanes compared to the current HOV Lanes. VDOT data show current speeds averaging about 56 miles per hour over the entire route. VDOT staff has suggested to the General Assembly that a minimum of 55 mph would be too difficult. SAFETEA-LU requires a minimum of 45 mph. PRTC has asked for

NVTC and NVTA support for these concerns. Mr. Taube stated that staff drafted a letter to Secretary of Transportation Homer for consideration by the commission expressing these concerns.

Mr. Zimmerman moved, with a second by Mr. Silverthorne, to authorize Chairman Euille to sign and send the letter.

Mr. Zimmerman reminded commissioners that the consultant was asked to include modeling of transit-only lanes. These results have not been shared with the region. Not having shoulder lanes does impact safety. It has been done along other corridors, but there still is risk. However, there would be considerably less risk if transit-only vehicles used the shoulder lanes. There would be a limited number of vehicles, as well as the vehicles being driven by professional drivers with radio communication. Mr. Taube stated that he will bring this issue up at VDOT's scheduled workshop on safety in mid-March.

Mr. Smedberg observed that the second paragraph of the letter seems disjointed. Mr. Taube suggested that the first sentence of the second paragraph be deleted and the second sentence would start: "As we are not aware..." There were no objections to these changes.

The commission then voted to approve the amended letter. The vote in favor was cast by commissioners Euille, Fisette, Hudgins, Maller, McKay, Smedberg, Silverthorne and Zimmerman. Mr. Badger abstained.

### VRE Items

Chairman Euille announced that there are no VRE action items. Ms. Straub reported that VRE ridership continues to grow, with an increase of 4.5 percent compared to the same time last year. On-time performance dipped this month with delays caused from a MARC situation that blocked some VRE trains. Aside from that, on-time performance has been averaging 90 percent the rest of the month.

Ms. Straub stated that VRE has conducted six of the seven public hearings on the proposed fare increase and fare indexing. A total of 18 people have attended. Riders seem supportive and understanding of the need to increase fares, with the rising fuel costs.

Ms. Straub reported that five more new railcars will be arriving on March 18<sup>th</sup> and once in service, there will be two full train consists on each line.

## Legislative Items

Mr. Zimmerman gave an update on the emergency meeting today of the Northern Virginia Transportation Authority (NVTA) to decide how to proceed following the recent Virginia Supreme Court ruling against NVTA, which knocked out all the regional funding. Also, there are other transportation funding issues since the General Assembly repealed the abusive driver fees, but has not introduced any legislation to replace that revenue. The revised figures from VDOT and DRPT have slashed funding due to economic changes and legislative changes. Mr. Taube stated that there is also expected a substantial reduction in formula transit funding throughout the Commonwealth over the next five years. NVTC would lose \$71 million (from a total of \$97 million statewide reduction).

Mr. Zimmerman stated that NVTA ratified the action to cease the collection of the taxes and directed NVTA's executive director to set up refunds for those revenues already collected. NVTA put together a list of the projects, both regional and local, that are impacted by the court decision. He speculated that the region is worse off than it was six months ago before the legislation was passed. It is important that the General Assembly take action during this session and not go home until something is done to resolve it. There is a tremendous range of transportation projects that could be wiped out unless the General Assembly takes action. These projects are in jeopardy of not moving forward. NVTA passed a resolution that urges the General Assembly to not go home until they fix this.

Mr. Zimmerman stated that legislation has passed and is on its way to the governor for his signature that would put a non-voting representative of towns on NVTA. Towns are already represented on NVTA. Chairman Euille stated that NVTA has asked the governor to veto this legislation.

Chairman Euille stated that NVTC's Resolution #2100 and press release have been prepared for NVTC consideration. Mr. Taube stated that the media release is basically identical to the wording in the resolution. Mr. Zimmerman moved, with a second by Ms. Hudgins, to approve Resolution #2100.

Mr. Fisette asked if there are any substantive differences between NVTA's and NVTC's resolutions. Mr. Taube stated that NVTA's resolution basically asks that the seven regional taxes be restored now. NVTC's action is broader and the tone is much more confrontational. NVTC's resolution provides more flexibility because the General Assembly is looking at different proposals that don't necessarily include all the seven regional taxes. It is important to convey that the General Assembly needs to act now and that it should be not only a plan but an actual implementation.

Mr. Herrity arrived at 8:32 P.M.

Ms. Hudgins stated that NVTA was comfortable with the revenue sources implemented last year by the General Assembly (HB 3202). It makes sense for the General Assembly to follow the court's recommendations. NVTA would be agreeable to that approach. The region doesn't want to start over where it was two years ago. Mr. Zimmerman stated that it is important to convey a sense of urgency and that it should not be pushed off on local governments.

Mr. Maller suggested that the resolution be altered to include the wording "restore regional funding and to enact..."

Mr. Connolly arrived at 8:38 P.M.

The commission then voted on the resolution with Mr. Maller's wording change. The vote in favor was cast by commissioners Badger, Connolly, Euille, Fisette, Herrity, Hudgins, Maller, McKay, Smedberg, Silverthorne and Zimmerman.

### Metro Items

Status of Rail to Dulles. Mr. Taube reported that negotiations are continuing between the commonwealth of Virginia and FTA in response to FTA's concerns about approving the project. Mr. Connolly stated that he has heard that discussions at the secretariat level are more positive.

Recent Metrorail Ridership in Virginia. Mr. Taube reported that ridership at Virginia stations is very strong in FY 2008 compared to FY 2007, even after the sharp increase in fares imposed beginning on January 6, 2008. January ridership is up substantially. In fact, January ridership is much stronger after the fare increase than it was during the first six months of FY 2008. Mr. Connolly stated that it would be interesting to see an overlay of the cost of fuel and how it has impacted ridership. Mr. Zimmerman also observed that Metro has added more trains and thus more capacity. Mr. Taube stated that staff will continue to track ridership.

Comments by New WMATA Board Chairman. Mr. Taube also stated that commissioners were provided with a copy of Mr. Zimmerman's remarks as the new incoming chairman of the WMATA Board.

### Status of Regional Light Rail Studies/Projects

Chairman Euille stated that this presentation was requested by Mr. Snyder, and since he is not present, it will be postponed until the next meeting. There were no objections.

## National Transportation Studies and Research

National Surface Transportation Policy and Revenue Study Commission: Transportation for Tomorrow. Mr. Taube reported that Congress created this commission in SAFETEA-LU and after two years of work it has now submitted its final report—together with a minority report from the commission chair, USDOT Secretary Mary Peters. The commission concluded that \$225 billion must be invested annually over the next 50 years in nationwide transportation improvements. Transit and intercity passenger rail should be a priority. The commission believes that the federal government should maintain its current 40 percent share of total surface transportation capital investment spending. Accordingly, the majority of the burden of the increases that are recommended would fall on state and local governments. Also, a new permanent National Surface Transportation Commission (NASTRAC) should be established to implement a national strategic plan.

Mr. Taube explained that only after such fundamental federal program reforms should federal funding be increased, although immediate action is needed to keep the Highway Trust Fund solvent. According to the commission, the motor fuels tax should be increased by five to eight cents per year over the next five years and then be indexed to inflation. A federal ticket tax should be levied on all transit trips and on intercity passenger rail trips. More flexibility should be provided for state and local tolling and congestion pricing. For the long term (beyond 2025), alternatives such as mileage-based user fees should be evaluated.

Mr. Taube stated that USDOT Secretary Peters submitted a minority report and emphasized that the essential problem is not a failure to spend enough, but rather to balance supply and demand (relieve congestion) with proper pricing and efficient investments. Accordingly, she and two other commissioners take issue with the commission recommendation that the federal government should maintain the current average 40 percent funding share of surface transportation. The gas tax should not be raised and relied upon and a greater role for the private sector is needed. They also oppose NASTRAC.

National Surface Transportation Infrastructure Financing Commission's Interim Report. Mr. Taube stated that the commission has released an interim report (with the final report expected near the end of 2008). In contrast to the previous commission, this group believes that the gas tax is no longer sufficient and is exploring the use of direct user charges.

Oregon's Mileage Fee Concept and Road User Fee Pilot Program. Mr. Taube reported that the Oregon DOT has published a report describing the results of a demonstration of what many believe will soon become the principal means of collecting surface transportation revenues in the U.S.—fees assessed

on drivers based on how many miles they drive as measured by on-vehicle GPS devices. The fees were based on geographic zones as well as based on time of day (peak, non-peak) to serve as congesting charges. The fees produced a 22 percent decline in driving during peak hours. The fees were designed to produce as much as the 24-cents per gallon state fuel tax, and amounted to an average of 1.2 cents per mille.

Tax Foundation Ranking of Virginia's Tax Burden. Mr. Taube reported that Virginia's "tax freedom day" for 2007 (on which average taxpayers earned enough to cover annual tax liabilities) was April 30<sup>th</sup>, which is 7<sup>th</sup> best among the 50 states. For state and local property tax collections per capita for FY 2005, Virginia ranked 20<sup>th</sup>, with \$1,109. A time series shows Virginia's annual rank between 1970 and 2007 for state and local tax burden, federal tax burden and total tax burden. For the state/local burden, Virginia has ranged from 8.7 percent to 10.2 percent over that period, with a rank of 33 through 42 among states. The federal tax burden in Virginia ranged from 18.9 percent to 23.6 percent with a state rank of 15 through 28. While the state/local tax burden in Virginia has remained mostly constant and low over this 37-year period, the federal burden here has trended up, so Virginia's very favorable combined ranking in 1970 of 35<sup>th</sup> from the top has regressed by 2007 to 17<sup>th</sup>.

State Greenhouse Gas Emissions: Comparison and Analysis. The Congressional Research Service has published an analysis dated December 5, 2007. According to APTA, taking transit to work saves 4,800 pounds of CO<sub>2</sub> per persons per year.

Guaranteed Ride Home Research. Mr. Taube stated that the *Journal of Public Transportation* (Vol. 10, No. 4, 2007) contains a research paper on the characteristics, utilization and cost of Guaranteed Ride Home programs around the U.S. THE MWCOG program is the fourth largest in the country (behind Seattle, Salt Lake City and Sacramento). Cost per claim is \$57.19, seventh highest in the sample, reflecting the very large service territory and substantial usage rate (10.8 percent which is the 10<sup>th</sup> highest). MWCOG's cost per member of \$6.18 is fifth highest. The nationwide average cost per claim is \$36.95 and the average percentage use rate is 4.57 percent.

Are Driverless Pods the Future? This article describes personal rapid transit vehicles are due to be deployed at London's Heathrow Airport by March, 2010. They will connect a parking area with a terminal using a network of 18, four passenger driverless vehicles. It is expected to cost 25 million British pounds for the 2.4 mile system.



Advocates: Pushing for Changes in Transit. This article describes how transit agencies can cooperate with advocates to work for mutually beneficial improvements. Ms. Quintana is quoted extensively on the subjects of empowering advocacy groups, effective outreach and transparent policy making.

Growing Cooler: the Evidence on Urban Development and Climate Change. Mr. Taube reported that at a policy forum on January 22, 2008, sponsored by APTA and others, strategies to reduce Greenhouse Gas (GHG) emissions were presented. U.S. and the rest of the world must cut GHG 60-80 percent below 1990 levels by 2050, and 30 percent by 2030, in order to stabilize climate. Currently, CO<sub>2</sub> emissions are 20 percent above 1990 levels with transportation accountable for a third of US CO<sub>2</sub> emissions. Stringent new auto fleet fuel economy and clean fuel standards will be counteracted by VMT growth. Mr. Taube stated that it is important to find ways to reduce VMT.

I-95 Satellite Traffic-Report Network. Real-time traffic and accident data will be available along 2,500 miles of the I-95 corridor starting this summer. Satellites will be used to beam data to/from state DOT's for dissemination to the public via internet, mobile alerts and road signs.

BART Tries Pay-By-Phone System. BART in the San Francisco Bay area is testing a system-wide phone payment system in which micro-chips are embedded in cell phones. The demonstration will use 230 riders at a cost of \$200,000. The phones will function as smartcards and can also be used at participating merchants as a credit/debit card. The cell-phone account will be automatically replenished from the customer's credit or debit accounts.

#### NVTC Financial Items for January, 2008

Commissioners were provided with the financial reports and there were no questions.

#### Other NVTC Business

Mr. Connolly reviewed the implications of the NVTA Supreme Court ruling. In its decision the court stated that fees are taxes. The problem with this is when read literally it applies to every non-elected authority, such as the Water Authority, Park Authority, Sewer Authority and Economic Development Authority. It could have big implications for Northern Virginia. He stated that he assumes that NVTC will be aggressive in its press releases. Time is the region's enemy. It is important to communicate the urgency of a solution to the General Assembly. Mrs. Hudgins stated that the most effective way to reach General Assembly members is through their constituents contacting them.

Chairman Euille encouraged commissioners to do all they can to educate their constituents on how the court's ruling will change local government budgets.

Chairman Euille announced the next NVTC meeting is scheduled for April 3, 2007.

Adjournment

On a motion by Mr. Zimmerman and a second by Mr. Smedberg, the commission unanimously agreed to adjourn. Chairman Euille adjourned the meeting at 9:05 P.M.

Approved this 3<sup>rd</sup> day of April, 2008.

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William D. Euille  
Chairman

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Gerald E. Connolly  
Secretary-Treasurer