

MINUTES
NVTC COMMISSION MEETING – DECEMBER 3, 2009
NVTC CONFERENCE ROOM, ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Zimmerman at 8:19 P.M.

Members Present

David Albo
Charles Badger
John Foust
Pat Herrity
Catherine Hudgins
Mary Hynes
Dan Maller
Jeffrey McKay
Thomas Rust
Paul Smedberg
Mary Margaret Whipple
Christopher Zimmerman

Members Absent

Sharon Bulova
Kelly Burk
Adam Ebbin
William D. Euille
Jay Fiset
Jeffrey Greenfield
Mark R. Herring
Joe May

Staff Present

Lynn Everett
Rhonda Gilchrest
Scott Kalkwarf
Greg McFarland
Adam McGavock
Kala Quintana
Jennifer Straub (VRE)
Rick Taube
Dale Zehner (VRE)

Minutes of the November 5, 2009 NVTC Meeting

Senator Whipple moved, with a second by Mr. McKay, to approve the minutes. The vote in favor was cast by commissioners Albo, Badger, Foust, Herrity, Hudgins, Hynes, Maller, McKay, Whipple and Zimmerman. Mr. Smedberg abstained since he did not attend the November meeting.

VRE Items

Report from the VRE Operations Board. Mr. Zehner reported that systemwide on-time performance slipped in November because of signal problems on the Norfolk Southern line. VRE Santa Trains are scheduled for December 12th with tickets basically sold out. There are a few tickets remaining for the Manassas Line, so if commissioners wish to ride, they should contact the VRE office. VRE will also be collecting toys and monetary donations for the Toys for Tots Campaign on December 19, 2009.

Extend Lease Agreement with Manassas Regional Airport. Mr. Zehner stated that the VRE Operations Board recommends approval of Resolution #2135, which would authorize him as VRE CEO to extend the term of a lease agreement between VRE and the Manassas Regional Airport Authority for 59 months at a cost not to exceed \$81,960. The lease covers land on which 98 parking spaces are located at the VRE Broad Run station. The original lease was signed in February, 2005 for a five-year period. Funding is available from a FY 2009 federal grant with local and state funds providing the required match.

On a motion by Mr. Smedberg and a second by Chairman Zimmerman, the commission unanimously approved the resolution (copy attached). The vote in favor was cast by commissioners Albo, Badger, Foust, Herrity, Hudgins, Hynes, Maller McKay, Smedberg, Whipple and Zimmerman.

NVTC and VRE Audits for FY 2008

Mr. Taube introduced Mike Garber, the partner in charge of the audits for PBGH LLP, the audit firm for NVTC and VRE. Mr. Garber stated that he met with the Executive Committee prior to this meeting and attended the last VRE Operations Board meeting. He stated that for NVTC, there are two opinions from PBGH, both clean. There was no federal single-agency audit required this year because the threshold of federal grant billings was not exceeded. For FY 2009, NVTC's revenues increased by over \$50 million from the previous year to reach \$203 million. For VRE, the two opinions were also unqualified. However, a finding was made in one opinion regarding

internal controls, because a major item paid electronically in July, was not properly accrued as of June 30, 2009. VRE staff has acted to correct the situation.

Senator Whipple moved, with a second by Mrs. Hudgins, to authorize NVTC's executive director and VRE's CEO to distribute the audited financial statements to interested regulatory agencies, bond holders, other firms and individuals, and to post the results on the NVTC and VRE websites. The vote in favor was cast by commissioners Albo, Badger, Foust, Herrity, Hudgins, Hynes, Maller McKay, Smedberg, Whipple and Zimmerman.

Mr. Herrity asked if it is possible to include a comparative statement in future audit statements, where the overall statement is compared year to year. Mr. Garber stated that they could look into doing this.

WMATA Items

Mr. Taube introduced Nat Bottigheimer, WMATA's Assistant General Manager of Planning and Joint Development. Mr. Bottigheimer also introduced Jim Hamre, WMATA's Director of Service Planning and Bus Operations, and Jennifer Green, WMATA's Government Relations Officer for Virginia. Mr. Bottigheimer then gave his presentation about the opportunities to support bus prioritization in Northern Virginia and the region, including the Metrobus priority corridor network plan, TIGGER grant application, and the TPB sponsored study. He stated that VDOT has joined in the funding of the TPB study (along with DDOT, MDOT and WMATA).

Delegate Rust arrived and joined the discussion.

Mr. Bottigheimer stated that the TPB sponsored study shows that with dedicated bus lanes and other enhancements in the region daily ridership could be increased from the current 450,000 daily riders to 700,000 riders per day by 2030. The increase would result from an estimated 100,000 riders switching from rail to bus and another 100,000 switching from auto to transit because of the time savings benefits.

Mr. Bottigheimer stated that the study also looked at taking existing lanes of traffic and making designated bus-only lanes. He then reviewed the network map. In response to a question from Mr. Maller, Mr. Bottigheimer clarified that just because a corridor is not designated in the map does not mean that it is precluded from being analyzed. It just means that the benefits of bus-only lanes would not be as great in that corridor compared to the other listed corridors. Mr. McKay stated that it would be interesting to know how close the routes not chosen in Virginia (to be considered for bus-only designation) came to meeting the criteria for providing bus-only lanes.

Chairman Zimmerman noted that there is interest in looking at Braddock Road as a potential bus-only lane corridor.

Mr. Bottigheimer stated that WMATA needs help from the local jurisdictions, other transit agencies, highway departments and citizens. Mrs. Hudgins asked if the network would address “person through put” and she observed that it is a huge cultural change. Mr. Hamre reviewed examples in Virginia where designated lanes have been successful (i.e., the 5th and 6th lanes on Arlington Boulevard which were created as bus-only lanes in the 1970’s and continued to be successful until the Metro system was running and they were no longer needed; Patrick Street and Henry Street in Alexandria are one-way streets through Old Town Alexandria with the right lane a HOV lane; and the Dulles Access Road). He stated that there is a lot to celebrate in Virginia with HOV lanes and other capacity solutions, but over time, the region has not been able to sustain it to the full advantage, partly due to budget issues.

Mrs. Hudgins stated that the congestion coming from the west is unbearable, especially in the Route 7 Corridor. It is important to provide connectivity and to not allow land use to be a barrier. Mr. Maller stated that Falls Church could use some input and help before making land use decisions along the Route 7 corridor. Mrs. Hudgins stated that solutions need to be interjurisdictional and NVTC is a good place to start to make that happen. Mr. Hamre stated that WMATA is committed to working with Falls Church to find solutions and he also reported that a corridor study team is being assembled. Chairman Zimmerman observed that a great number of cars commute through Falls Church on Route 7 and a bus-only lane could make it more efficient. Mr. McKay stated that Falls Church is not the only jurisdiction with land use issues. He stated that it is important that jurisdictions communicate with each other. The Route 1 Corridor improvements are an example where more communication would be beneficial since the jurisdictions involved have competing long-term plans for this corridor that are not compatible after crossing jurisdictional lines.

Mr. Herrity observed that people do not tend to drive solely in one corridor and, therefore, the key is to have a semi-dedicated roadway network. They are already in existence in the region (I-395, Dulles Toll Road). He stated that it is important to be careful about taking lanes away from cars. Chairman Zimmerman stated that there are significant cost savings if bus routes are managed correctly. It is important to look at routes Metrobus already runs and determine if they can be improved and more people can be moved more efficiently.

Mrs. Hynes stated that she still has questions about what this would mean for Virginia. She stated that it is important to understand what is at play for specific routes. Mr. Bottigheimer stated that he would be happy to return to NVTC and provide further

information. Chairman Zimmerman stated that this is a good idea. It is important to do analysis across jurisdictions regardless of which transit provider is providing service.

NVTC and VRE Legislative Agendas for 2010

Mr. Taube stated that NVTC's Legislative Committee, chaired by Mr. Euille, met on November 10th and recommends approval of the draft NVTC legislative agenda. The VRE Operations Board also recommends approval of VRE's legislative agenda. Both agendas speak to the need for more state and federal transit funding. Virginia's CTB is expected to take final action in December on another sharp cut in state funding. NVTC's jurisdictions will sustain a reduction of \$6.5 million in mid-FY 2010, after a reduction of \$10.1 million in mid-FY 2009, both occurring after contracts had been signed and local transit budgets set. If DRPT had not been able to utilize one-time federal stimulus funds, the FY 2010 reduction would have been even worse. The FY 2011 program is also expected to be reduced, perhaps drastically if previously authorized bonds are not sold by June or July 2010. Mr. Taube stated that jurisdictional staff have reviewed NVTC's legislative agenda and requested some minor wording changes; in #14, delete the reference to budget language; and change the heading listed on page 3 to Safety and Law Enforcement Improvements.

Mr. McKay stated that NVTA's legislative agenda references BRAC in both its state and federal legislative agendas and he would like to see NVTC do the same.

Mr. McKay moved, with a second by Mrs. Hynes, to approve the NVTC legislative agenda with additional BRAC language under both federal and state agendas, as well as the other editorial changes highlighted by staff. The motion also includes approving VRE's legislative agenda. The vote in favor was cast by commissioners Foust, Hudgins, Hynes, Maller, McKay, Smedberg and Zimmerman. Commissioners Albo, Badger, Herrity, Rust and Whipple abstained. The motion passed.

Mr. Taube stated that a fact sheet has been prepared that links the need for doubling of NVTC's motor fuels tax rate to the financial crisis at WMATA. It should help to educate legislators even if the tax increase is not enacted during the next legislative session. Also, NVTC has created a brochure to be used to present a condensed version of NVTC's legislative agenda to the General Assembly members and the public. Lynn Everett worked on this project. Mr. Taube announced that this meeting is Ms. Everett's last meeting since she has taken a new position at WMATA.

Status of Transition to the 2.1 Percent NVTC/PRTC Motor Fuels Tax

Mr. Taube announced that on January 1, 2010, distributors of motor fuels sold to retailers in the NVTC/PRTC districts will begin to pay a 2.1 percent tax and retailers will no longer collect a two percent tax on the retail pump price. Staff from both commissions have met with officials of the Virginia Department of Taxation (TAX) to discuss plans for the transition. NVTC staff coordinated comments on a set of draft regulations circulated by TAX.

Mr. Taube stated that there is still an unresolved issue. TAX has proposed that instead of assessing the motor fuels tax on the actual sales price to retailers, it would be on a "cost price" paid by distributors (excluding transportation costs and certain administrative items). This could significantly reduce the yield to NVTC/PRTC. It is estimated that the commissions stand to lose up to \$1 million annually if it is not changed.

In response to a question from Delegate Rust, Mr. Taube stated that Senator Saslaw has not been involved in this issue, but staff is prepared to contact him.

In response to a question from Mr. Maller, Senator Whipple explained that one reason for the requested change is to make sure that the transportation costs are not manipulated by the distributors.

Mrs. Hudgins moved, with a second by Mr. McKay, to authorize NVTC's chairman to send a letter to TAX regarding this concern. The vote in favor was cast by Albo, Badger, Foust, Herrity, Hudgins, Hynes, Maller, McKay, Rust, Smedberg, Whipple and Zimmerman.

On a related matter, Mr. Taube reported that NVTC has reached agreement with TAX concerning disclosure of settlements of fuel tax assessments. PRTC has specific disclosure authorization in the Virginia Code. Until NVTC can seek specific legislative changes in the Code for disclosure authorization similar to PRTC, a "stop gap" approach has been agreed to by NVTC and TAX whereby NVTC could receive this information. A MOU has been prepared for Chairman Zimmerman's signature.

Mr. Maller moved, with a second by Mr. Smedberg, to authorize NVTC's chairman to sign the MOU with TAX. The vote in favor was cast by Albo, Badger, Foust, Herrity, Hudgins, Hynes, Maller, McKay, Rust, Smedberg, Whipple and Zimmerman.

Draft NVTC Goals, Objectives, Schedules and Work Program

Mr. Taube stated that the commission is asked to authorize staff to release these draft items for public review and comment. NVTC will conduct a public hearing at its January 7, 2010 meeting. After the hearing, the commission will be asked to adopt its 2010 work program and meeting schedule. NVTC's Management Advisory Committee has commented on these documents.

Mr. McKay moved, with a second by Mrs. Hudgins, to authorize staff to release NVTC's Goals, Objectives, Schedule and Work Program. The vote in favor was cast by commissioners Albo, Badger, Foust, Herrity, Hudgins, Hynes, Maller, McKay, Rust, Smedberg, Whipple and Zimmerman.

Regional Transportation Items

U.S. Census American Community Survey Transit Facts. In October of 2009, the U.S. Census Bureau released data from the 2006-2008 American Community Survey which compiles the commuting preferences of persons nationwide including the Washington, D.C. Metropolitan region. The data provide a detailed breakdown of demographic characteristics for each major category of commuter in the D.C. area: solo drivers, carpoolers and ride sharers, and transit users. The survey found that 63.7 percent of the region's commuters drive alone, compared with 75.9 percent of commuters nationwide. Carpool users account for 10.7 percent and transit users for 16.7 percent of the region commuters.

Subway Ridership Around the World. According to the study, WMATA has the second largest ridership in the U.S. and achieves that with a relatively modest railcar fleet. Ridership in Tokyo, Moscow and Seoul far exceed any U.S. system.

Energy Efficient, Technology Advanced Bus Shelters. San Francisco's Muni Transit System is installing state-of-the-art bus shelters in partnership with Clear Channel Communications. The shelters are made from recycled materials, will feed the power grid with photovoltaic screens, and feature Wi-Fi and real-time bus information.

Opening Ceremony for Alexandria DASH Bus Garage. Alexandria officially opened the new William B. Hurd Transit Facility in a ceremony on November 21, 2009. Mr. Hurd was a driving force behind the creation of the Alexandria Transit Company (DASH) and served as the Chairman of its Board of Directors for 23 years (1984-2006).

NVTC Nominating Committee for 2010 Officers

Chairman Zimmerman announced that he has appointed the Executive Committee (Commissioners Zimmerman, Hudgins, Euille and Whipple) to serve as the Nominating Committee and a slate of officers for 2010 will be recommended at the January meeting.

NVTC Financial Items for October, 2009

Commissioners were provided with a copy of NVTC's financial reports. There were no questions or comments.

Adjournment

Without objection, Chairman Zimmerman adjourned the meeting at 9:43 P.M.

Approved this 7th day of January, 2010.

Christopher Zimmerman
Chairman

William Euille
Secretary-Treasurer