

MINUTES  
NVTC COMMISSION MEETING – MARCH 5, 2009  
NVTC CONFERENCE ROOM, ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Zimmerman at 8:10 P.M.

**Members Present**

Charles Badger  
Sharon Bulova  
Kelly Burk  
Adam Ebbin  
John Foust  
Mark R. Herring  
Pat Herrity  
Catherine Hudgins  
Dan Maller (alternate, city of Falls Church)  
Joe May  
Paul Smedberg  
Steven Stombres (alternate, city of Fairfax)  
Mary Margaret Whipple  
Christopher Zimmerman

**Members Absent**

David Albo  
William D. Euille  
Jay Fisette  
Jeffrey Greenfield  
Mary Hynes  
Jeffrey McKay  
Thomas Rust  
David F. Snyder

**Staff Present**

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

## Minutes of the February 5, 2009 NVTC Meeting

Without objection, the commission unanimously approved the minutes as presented. The vote in favor was cast by commissioners Badger, Bulova, Burk, Ebbin, Foust, Herring, Maller, May, Stombres, Whipple and Zimmerman. Commissioners Herrity, Hudgins and Smedberg abstained since they did not attend the February meeting.

### VRE Items

Report from the VRE Operations Board. Mr. Zehner reported that VRE on-time performance for February was at 93 percent systemwide. Ridership is eight percent higher than the same time last year, although the growth rate has slightly declined. VRE staff does not feel that the decline is performance based, but they will continue to monitor it. Chairman Zimmerman observed that the economy might be a factor.

Mr. Zehner also announced that it is estimated that VRE will receive \$9.8 million in stimulus funds. VRE staff will recommend that the Operations Board approve the purchase of at least two locomotives with these funds. Delegate Ebbin asked if the new locomotives will be manufactured in the United States. Mr. Zehner responded that they are manufactured in Boise, Idaho with no foreign components used. In response to a question from Mr. Maller, Mr. Zehner explained that the locomotives take approximately two years to build.

Amendment to the Washington-Richmond Corridor Improvement Project MOU Between VRE, DRPT and CSXT. Mrs. Bulova stated that after many months of negotiations the amendment is proposed for action. The proposed amendment would allow DRPT to use two, currently unused, VRE train slots for the operation of two DRPT intercity trains. DRPT would contract with Amtrak to operate these trains, with one round-trip train on the Fredericksburg Line operating between Richmond and Washington, with stops at some VRE stations and one round-trip train on the Manassas Line running between Lynchburg and Washington, with stops at some VRE stations. VRE customers could ride the new trains for a \$10 step up charge in addition to their VRE tickets/passes. At the same time, VRE would add a new peak period revenue train to replace a current mid-day non-revenue trip (turn back train). VRE staff believes the one-time costs of training crew (\$200,000) and operating the train (\$600,000 annually) would be covered by new passenger revenues.

Mrs. Bulova explained that two specific issues were raised during the Operations Board discussions that should be considered and addressed. VRE staff expects Amtrak to give dispatching priority to VRE trains over the new DRPT trains at Union Station. It

is her understanding that this issue has been resolved and should be documented in writing. Commissioners were provided with a copy of a letter from DRPT Director Chip Badger to Amtrak addressing this issue. The second issue is that the source of funding for the operation of the DRPT trains after the initial three-year demonstration should not be from existing transit programs. An e-mail from Virginia's Secretary of Transportation appears to indicate that such existing programs will be used. Because NVTC jurisdictions would typically receive 70-cents or more of every dollar from these programs, in effect the approach described by Secretary Homer would result in NVTC jurisdictions paying for the majority of the intercity train's capital and operating costs after three years.

Mrs. Bulova moved, with a second by Mr. Smedberg, to approve Resolution #2123, which would authorize VRE's CEO to execute the MOU amendment with CSXT and DRPT to permit DRPT to institute two Amtrak-operated intercity trains using slots available to VRE.

Mr. Herrity asked for clarification about VRE trains having priority. Mr. Badger explained that DRPT sent a letter to Amtrak requesting VRE priority treatment and DRPT does not anticipate any problems with this request. The agreement with Amtrak is still being negotiated. Mr. Herrity suggested NVTC approve the resolution contingent upon Amtrak giving VRE service priority. Mr. Badger explained that Amtrak is not a party to the MOU. The Commonwealth has made a commitment that it will do everything it can to insure that VRE be given priority at Union Station. Chairman Zimmerman stated that VRE's leverage needs to be with the Commonwealth and hold the state responsible to make sure VRE's on-time service is not negatively impacted. Mrs. Bulova suggested that the resolution be amended to include an additional whereas clause indicating that VRE has received assurances from Amtrak that VRE will receive priority over DRPT trains.

In response to a question from Mr. Herrity, Mr. Zehner explained that the MOU states that the final schedule must be agreed to by all three parties. CSXT, as the host railroad, will not approve any schedule that could potentially harm VRE service because CSXT is very concerned about VRE on-time performance.

Mrs. Bulova moved, with a second by Mr. Herrity, to amend her original motion to include the following language crafted by Mr. Maclsaac:

Whereas: By letter dated March 5, 2009, DRPT has provided assurances that Amtrak will give dispatch priority within the Washington Terminal and other areas dispatched by Amtrak to VRE trains over DRPT's intercity trains, and has described the sources of funding for those trains.

The commission voted on the amended motion and it passed. The vote in favor was cast by commissioners Badger, Bulova, Burk, Ebbin, Foust, Herring, Herrity, Hudgins, Maller, May, Smedberg, Stombres, Whipple and Zimmerman.

### Legislative Items

Chairman Zimmerman asked Tom Biesiadny, of Fairfax County staff, to review legislative actions taken during the General Assembly session. Mr. Biesiadny reviewed HB 2476 (extends sunset of clean fuel vehicles access to HOV lanes), HB 2479 (caps the rate of commercial real property tax for NVTA at \$.125 per \$100 versus the current \$.25), HB 2480 (restricts use of proceeds of the above commercial real property tax to new road and transit projects), and SB 1066 (makes fraudulent VRE tickets and people riding beyond the zone of their VRE ticket unlawful).

Mr. Biesiadny explained that HB 2596, sponsored by Delegate Ebbin, concerning the Metro Contract Amendments, was amended in the Senate to conform to the version passed by the D.C. Council (ties federal board membership to federal funding). Senator Whipple's SB 1511 version does not have the federal restrictions. This gives Governor Kaine some flexibility to work with the other signatories (D.C. and Maryland).

Mr. Biesiadny reported that Senator Saslaw's SB 1532 changes NVTC/PRTC motor fuels tax rate to 2.1 percent assessed on distributors versus the current 2.0 percent assessed on retailers. Currently there are 1500 retailers and only 24 distributors. Senator Saslaw has asserted that the change should result in a higher collection rate. Mr. Biesiadny explained that the Department of Taxation agreed since they are not able to adequately audit all 1500 retailers. Chairman Zimmerman stated that based on that assumption, better compliance should bring in more revenue. Mr. Taube stated that currently the tax is applied to the retail price of the gasoline, but the new legislation would tax it at the distributor's price, which is lower. He stated that it is a gamble whether Northern Virginia would receive more funding with this change. Mr. Biesiadny stated that data show that the mark-up can range up to eight percent, which can be dependent on the station location. He stated that if the average is less than four percent, NVTC and PRTC should make more revenue under this plan. If it is over four percent, theoretically, NVTC and PRTC could lose revenue. Delegate May stated that Appropriations Committee staff estimates it will be four percent on average.

Mr. Taube stated that by January 1, 2010, new forms and procedures will need to be in place. NVTC staff will work with the Department of Taxation on this. Mr. Maller stated that with NVTC's detailed financial reports, commissioners will be able to track

these gas tax revenue changes. He observed that there could be fluctuations initially because of a rush to purchase fuel before the change goes into effect. Senator Whipple stated that an amendment may be needed to take care of this issue. In response to a question from Delegate Ebbin, Senator Whipple stated that there may be a way for the Governor to amend the legislation before he signs it. Chairman Zimmerman asked Mr. Biesiadny and NVTC staff to follow-up on this issue.

Mr. Biesiadny reported that Senator Whipple and Delegate May introduced budget amendments that would allow individual transit properties to flex portions of capital funds in FY 2010 for operating to allow them to offset reduced state revenues. Senator Whipple thanked Mr. Biesiadny for his assistance.

### Metro Item

FY 2010 Budget Review. Mrs. Hudgins stated that at today's WMATA meeting, it was the Board's intention to address the public hearing regarding the budget, but some Board members were not prepared to vote. After reducing the budget gap from \$150 million to \$29 million, the Board still needs to identify funding for the remainder of the gap, either by reducing services or increasing revenues. WMATA is also looking at using stimulus funding. However, it is one-time funding and will not be available for future budgets. Chairman Zimmerman stated that final action on the WMATA budget will occur in June, but public hearings need to begin this month. In response to a question from Mr. Smedberg, Mrs. Hudgins stated that the Dulles Rail project funding is not affected nor in jeopardy since the funds are not coming from WMATA.

Metro Matters Bonds. Mr., Taube reported that the WMATA Board is expected to approve staff's request to issue bonds to finance the ongoing Metro Matters program. NVTC's jurisdictions expect to "opt out" of that bond issue (fully or in part) using \$40 million appropriated by the Virginia General Assembly in 2005. The bond issue is expected to occur in May or June before the end of the fiscal year. NVTC jurisdictions need to determine if the \$40 million will be available for this purpose. Mr. Badger stated that it is not a matter of "if" but when DRPT receives the proper documentation from WMATA. Mr. Taube stated that a draft letter from WMATA's treasurer has been prepared. Senator Whipple expressed her disappointment that funding by the General Assembly appropriated in 2005 has not made its way to NVTC.

General Manager's Board Reports. WMATA General Manager John Catoe presented a written report at the January WMATA Board meeting. These reports will be shared with NVTC commissioners when they are available.

Inauguration Day Performance. Chairman Zimmerman reported that WMATA exceeded expectations on January 20, 2009, while carrying record volumes of customers. Local transit systems also provided exemplary support, assisted by state and regional staff.

#### I-95/395 HOT Lanes Project

Mr. Taube reported that VDOT conducted a staff briefing on the project on February 2, 2009 and a series of three design public hearings between February 9-11, 2009, which were well attended by the public. NVTC's unanswered letter of December 5, 2008 to Secretary Homer was submitted for the record at the public hearing together with a statement by NVTC's executive director.

#### Transit Ridership in Northern Virginia in FY 2009

Mr. Taube stated that ridership on some of Northern Virginia's transit systems dipped in January, 2009 compared to January, 2008, perhaps reflecting an economy that is rapidly decelerating. Given Metrorail's strong performance, overall transit ridership grew four percent. Also, there is a significant increase in the use of SmarTrip after the elimination of paper transfers. In the case of Metrobus, the share of SmarTrip use rose to 59 percent from 29 percent. The Fairfax Connector rose to 73 percent from 34 percent. Other transit systems also saw an increase.

#### Regional Transportation Items

Improving Land Use and Transportation Coordination. A presentation was given to the Northern Virginia Regional Commission in late January, 2009 by HNTB, which shows the inverse relationship between residential density and daily vehicle miles traveled in the Washington Metropolitan region.

MWCOG/TPB 2007/2008 Household Travel Survey. On January 28, 2009, initial findings of the survey were presented to the TPB Technical Committee. Surveys of 11,000 randomly selected households provided 132,383 trip records from February, 2007 through March, 2008 (before the sharp increase in gas prices that may have altered behavior). The number of trips varied by location (e.g. 7 per household within inner jurisdictions and 10 per household in the outer suburbs). Overall transit had five percent of the weekday trips, but 33 percent of trips by inner jurisdiction households.

Household Spending on Housing and Transportation in Northern Virginia Jurisdictions. An Urban Land Institute study calculated housing and transportation costs as a share of median income by jurisdiction. The data from 2000 through 2006 included the boom in housing prices but pre-dated the substantial increase in gas prices. Inner jurisdictions (Alexandria, Arlington and Fairfax County) came out with relatively low proportions at 41 percent, 39 percent and 31 percent respectively. Falls Church measured 45 percent, the city of Fairfax 46 percent and Loudoun County 46 percent. This suggests that as people move further from the core, transportation costs rise faster than housing costs fall.

Biomethane Buses. The city of Oslo, Norway has plans to use sewage to create biomethane to power buses. By September, 2009, 200 city buses (half of the fleet) will be converted to run on biomethane. Savings of two-thirds are expected on fuel costs and in CO<sub>2</sub> emissions per bus.

New Commuter Bus Service. A new private bus service, the Valley Connector Regional Shuttle and Commuter Bus Service, will begin to operate from Winchester, Front Royal and other western locations to Vienna and Ballston Metro and Washington, D.C. beginning in March, 2009.

Mrs. Burk also announced that Leesburg converted one of its buses to a “vegetable bus” running on recycled vegetable oil. The conversion costs have already been recovered by the cost savings.

#### NVTC's 2009 Handbook

Mr. Taube reported that the new 2009 Handbook is completed and is available on NVTC's website. The Handbook provides details about the organization and funding of NVTC, major activities, and allocation of financial assistance. Several appendices provide reference materials, including biographical sketches of NVTC commissioners.

#### NVTC Financial Items for January, 2009

Commissioners were provided with a copy of NVTC's financial reports. Mr. Taube stated that the report shows a big dip in gas tax revenues, but actually reflects reporting discrepancies in November and therefore, next month's report should bounce back somewhat.

Adjournment

Without objection, Chairman Zimmerman adjourned the meeting at 9:03 P.M.

Approved this 2<sup>nd</sup> day of April, 2009.

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Christopher Zimmerman  
Chairman

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William Euille  
Secretary-Treasurer