

MINUTES
NVTC COMMISSION MEETING – APRIL 1, 2010
NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Hudgins at 8:06 P.M.

Members Present

David Albo
Sharon Bulova
John Cook
Thelma Drake
Adam Ebbin
William D. Euille
Jay Fisette
John Foust
Jeffrey Greenfield
Mark R. Herring
Catherine Hudgins
Mary Hynes
Joe May
Thomas Rust
Paul Smedberg
Mary Margaret Whipple
Christopher Zimmerman

Members Absent

Kelly Burk
Dan Maller
Jeffrey McKay

Staff Present

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

Minutes of the March 4, 2010 NVTC Meeting

On a motion by Mr. Smedberg and a second by Mrs. Bulova, the commission unanimously approved the minutes. The vote in favor was cast by commissioners Albo, Bulova, Cook, Drake, Ebbin, Euille, Foust, Greenfield, Herring, Hudgins, Hynes, May, Rust, Smedberg and Zimmerman.

VRE Items

Chairman Hudgins stated that since VRE staff has not arrived, the commission will return to this item later in the agenda. There were no objections.

Legislative Items

Chairman Hudgins asked NVTC's General Assembly members for their thoughts and observations about the just concluded General Assembly session. Senator Herring reported that there was very little advancement of transportation funding during the session, although there is a potential for a Special Session depending on whether consensus can be reached by legislators. He and Delegate Rust sponsored HB 1295/SB 667 providing for photo enforcement on the Dulles Access Highway to catch drivers backtracking at Dulles Airport. That legislation passed. He also introduced legislation (SJ 99) that would study privatizing some or all of the rest areas throughout the commonwealth, which also passed.

Mr. Fisetto arrived at 8:07 P.M. and joined the discussion.

Delegate Albo stated that it was a difficult session with a \$2 billion budget shortfall that the General Assembly had to deal with. Mrs. Bulova thanked the delegation for effectively representing Northern Virginia's interests. Even though transportation funding was not acted on, the General Assembly did address school funding. Mr. Euille agreed, but he cautioned that the deferral of VRS funding is very scary.

Delegate Rust stated that he knew before going down to Richmond that transportation funding was not going to be addressed and the General Assembly would only be dealing with budget issues. However, he and Delegate May both felt it was still important to introduce legislation on transportation funding. In essence, their legislation would have been similar to HB 3202 with some changes for Northern Virginia as well as including a statewide component. It included a provision for a three-cent increase per year for five years for the motor fuels tax. This would have generated \$600 million annually. The reason they introduced the bill was that they are hopeful that if a Special Session is convened, then there is a piece of legislation on the table for discussion. Delegate Rust stated that over the next several months, they will meet with local governments seeking their support. They already have support from the local business community. He explained that there is a caveat in the legislation that the fees and taxes

would not kick in until the unemployment rate drops back to the level it was in January 2008.

Delegate May agreed that if something wasn't proposed, then it would never get considered. It is important to keep the issue of transportation funding alive. He explained that if a fee is applied to every gallon of gas, it is like paying a toll for every mile driven. So effectively every mile of roadway in Virginia could be tolled this way. He asked for support of this concept.

Mr. Zimmerman stated that it is his understanding that Governor McDonnell will only call a Special Session if there is a deal already negotiated. Realistically, the House majority caucus needs to come to agreement. Delegate Rust stated that there is no question that there is still a lot to do. Both caucuses want it their way, so leadership in both caucuses need to deal.

Mr. Ebbin reported that HB 457 was passed that allows the Tax Commissioner to disclose to NVTC's executive director for his confidential use tax information as is necessary to facilitate the collection of the motor vehicle fuel sales tax. Also legislation was passed that allows the Commonwealth Transportation Board to allocate up to 20 percent of transit funding to be used for operating costs.

Tom Biesiadny of Fairfax County gave a detailed report summarizing the actions taken at the General Assembly. The deadline for hybrid cars on HOV lanes was extended another year through June 30, 2011. The bill to extend Metrorail to Prince William County was continued to next year.

Senator Whipple arrived at 8:35 P.M.

Delegate May noted that HOV lanes are reaching capacity and since their intent is to mitigate congestion, ultimately they will need to be restricted to multiple persons in vehicles. He cautioned that the hybrid deadlines will not keep being extended.

Chairman Hudgins stated that Secretary of Transportation Connaughton has invited suggestions on changes to the Virginia Code, including the specific code citation, reasons for change and benefits of doing so. These requests need to be submitted by the end of April and will be sent to the Government Reform Commission. NVTC should consider submitting a Code change request to permit its board members to receive identical per diem payments to those that General Assembly members receive, since that change has not been accomplished legislatively over the past several sessions. Senator Whipple observed that this was tried to be changed by the legislative process. She is not opposed to NVTC pursuing this, but cautioned that the Code Commission is very sensitive to changing Code, unless something is obsolete or out of date, or grammatically incorrect. All other changes are usually brought before the General Assembly. Chairman Hudgins stated that it doesn't hurt to request the change, especially since Secretary Connaughton asked for comments. Mr. Euille agreed that it does not hurt to ask.

On a motion by Mr. Euille and a second by Mrs. Bulova, the commission voted to send a letter requesting that the Code be changed to make the NVTC per diem consistent for all commissioners. The vote in favor was cast by commissioners Albo, Bulova, Cook, Drake, Ebbin, Euille, Fisetite, Foust, Greenfield, Herring, Hudgins, Hynes, May, Rust, Smedberg, Whipple and Zimmerman.

Mr. Fisetite asked for information about the High Speed Rail Commission and its plans for the near future. Mrs. Drake explained that the Cosgrove Bill established a compact with Virginia and North Carolina, which was created in 2004, but the commission has never met, even though they are supposed to meet at least two times a year. She is trying to get more information about this commission and as soon as she does, she will update NVTC. Mr. Fisetite noted that if regional or interstate cooperation brings more federal funding, he hopes that it is taken into account. Mrs. Drake stated that there is cooperation between Virginia and North Carolina, both dealing with the I-95 Corridor and commuter rail issues. Virginia is participating in a study (Tier II) and Northern Carolina is the lead agency.

Mr. Taube stated that given the ongoing transit funding crisis and the potential for the General Assembly to hold a Special Session on transportation this year, it is important that we educate legislators and decision-makers in the commonwealth about the unique transportation funding needs in Northern Virginia. The last Transit Tour was conducted by NVTC and its regional partners in 2005. NVTC is planning another transit tour for Virginia legislators for this spring. Ms. Quintana stated that NVTC and local jurisdictional staff have been working to put together a Northern Virginia Spring Transit "Boot Camp." She provided details about the last tour and plans for this upcoming tour.

Mr. Greenfield noted that the city of Fairfax is the only jurisdiction with hybrid buses, so it would be a great opportunity for legislators to see these buses. He suggested using a CUE bus to transport legislators from one destination to another. Mr. Euille suggested the tour should at least drive through Potomac Yard to see the location of the new Metrorail station. He also suggested that invitations should be sent to U.S. senators as well as the Virginia congressional delegation.

Senator Whipple asked about the cost differential of doing the tour one-day versus two days, since most of the legislators would need to stay overnight anyway. Ms. Quintana stated that it is a cost issue, but staff could look for some corporate sponsors or NVTC would need to identify additional funds. Mr. Smedberg stated that the proposed schedule is very ambitious for one day. Ms. Quintana asked if it is realistic to get legislators to commit for more than one day. Delegate May stated that it is not likely that they would come for two days and suggested paring the schedule down to a one-day event. He will encourage members of the House Transportation Committee to attend. Delegate Ebbin suggested seeking sponsors from local Chambers of Commerce and hotels in Tysons Corner.

Mr. Zimmerman agreed that the schedule is too ambitious. He suggested splitting it into two days and have a dinner where discussion and interaction can occur. Mr. Fisetite stated that it is important that they experience Northern Virginia's traffic congestion. Delegate May observed that elected officials can't use budget funds to stay

overnight, but their staff can. He stated that it may be possible to hold a Transportation Committee meeting in Northern Virginia and coordinate the date with the Boot Camp.

Chairman Hudgins stated that NVTC should send letters to the Northern Virginia General Assembly delegation, especially those that sponsored legislation on behalf of Northern Virginia, thanking them for their support during the last session.

Mr. Smedberg moved, with a second by Mrs. Bulova, to authorize Chairman Hudgins to send letters to the delegation thanking them for their support during the General Assembly session. The vote in favor was cast by commissioners Albo, Bulova, Cook, Drake, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, May, Rust, Smedberg, Whipple and Zimmerman.

VRE Items

Mr. Zehner reported that VRE's on-time performance is at 90 percent for the month of March. Ridership continues to grow, with the top 10 ridership days occurring in 2010. The \$75 million project to construct an 11-mile segment of third track is fully funded by the Federal Railroad Administration (FRA) and VRE is prepared to start the projects when the agreement with FRA is finalized, which should be soon. Currently, VRE is conducting public hearings on potential service changes. A recommendation to the VRE Operations Board is scheduled to be made on April 16, 2010.

A Guide to Bicycles and Transit Connections in Northern Virginia

Chairman Hudgins reported that NVTC's approved work program calls for staff to examine and report on ways to improve bicycle/transit connections. This report has been reviewed over a period of several months by local staff.

Mr. Zimmerman moved, with a second by Senator Whipple, to authorize staff to post the report on NVTC's website after incorporating any comments from commissioners and jurisdiction staff. The vote in favor was cast by commissioners Albo, Bulova, Cook, Drake, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, May, Rust, Smedberg, Whipple and Zimmerman.

WMATA Items

Chairman Hudgins reported that Acting General Manager Richard Sarles has started work. She cautioned that choosing a permanent general manager will be a long process. The public hearings on service cuts and fare increases to address the \$189 million FY 2011 budget shortfall are concluding. The final hearing is being held tonight. Mr. Zimmerman observed that the hearings were very well attended by the public and WMATA received many comments.

Chairman Hudgins stated that riders provided comments on the role the jurisdictions should be playing to fill the current FY 2010 budget gap with additional subsidies of \$40 million. Transit riders believe that jurisdictions need to provide an increase above the allocation formula requirements. Subsidies have only increased by one percent over the last five years. Mr. Foust stated that at NVTC's last meeting there was discussion about what each jurisdiction would need to provide to cover the \$40 million gap. Referring to a table prepared by NVTC staff, Chairman Hudgins stated that it is estimated that the Fairfax County amount would be \$5.3 million. Mr. Zimmerman noted that this is just one proposal and will not happen unless Maryland, Washington, D.C. and Virginia all agree.

Updated Transit Performance Tables for FY 2009

Mr. Taube reported that Northern Virginia's transit systems collectively carry over 500,000 average daily passenger trips and over 147 million annually as of FY 2009. Most of the systems show continued strong ridership trends. However, for the first half of FY 2010 growth has slowed down. If budget cuts continue, it could impact ridership. Senator Whipple asked how this growth correlates with dropping employment rates, since it would seem natural that ridership would drop. Mr. Taube pointed to a chart prepared by DRPT for the Commonwealth Transportation Board illustrating the relationship. Mr. Zimmerman noted that VRE continues to set ridership records.

Regional Transportation Items

NVTA TransAction 2040 Plan. Mr. Taube reported that NVTC staff issued the RFP for this \$1.2 million project on March 6th. A pre-proposal conference was held on March 30th at NVTC and it was well attended. Proposals are due on May 14, 2010. A recommendation for award will be made at NVTC's and NVTA's July meetings. This should allow the consulting team to begin work this summer.

Vanpool Incentive Program. Mr. Taube reported that NVTC's grant process is going smoothly. He stated that DRPT and VDOT staffs have been helpful in quickly flexing \$100,000 of NVTC's CMAQ funding to FTA from FHWA so that NVTC can pay for its half of the study. NVTC staff will apply for the FTA grant soon. FAMPO has encountered some difficulties in obtaining the other \$100,000 for the study, given FAMPO's desire to trade funds with a previously approved project. Negotiations are continuing with VHB, Inc., the consultants selected for the study, over the scope of work and the project contract language.

Northern Virginia Streetcar Coalition Forum. A new advocacy group is conducting a forum at the Mark Hilton Hotel in Alexandria on April 22, 2010. Several speakers, including NVTC's executive director, will examine plans for high-capacity transit, the need for coordination and funding availability.

Updated NVTC Handbook and VRE Chronology

Mr. Taube explained that each year NVTC completes an updated Handbook and posts it on the commission website. The Handbook describes the statutory authority of NVTC together with its mission, history, organization, work program, audited financial statements and commissioner biographical sketches, among other topics. A major emphasis is the financial underpinnings of Northern Virginia's transit systems. Staff also updated the VRE Chronology, which is maintained by NVTC staff and appears on NVTC and VRE websites.

NVTC Financial Items for February, 2010

Commissioners were provided with the financial reports for the month of February. Mr. Taube stated that preliminary information has been made available by the Virginia Department of Taxation (TAX) describing initial gas tax collections from the 2.1 percent distributors' tax which began on January 1, 2010 versus the previous method of a 2 percent tax on retail sales. Scott Kalkwarf netted out reporting errors and delayed processing known at this time and found that collections are about the same in January as in December. However, he did point out that distributors may be misidentifying the jurisdictions for their sales, especially in Alexandria, Falls Church and the city of Fairfax. He has asked auditors at TAX to investigate. It is a relatively small amount of money, but NVTC staff wants it resolved before it becomes a bigger issue.

Adjournment

On a motion by Mr. Euille and a second by Mr. Smedberg, the commission unanimously voted to adjourn. The vote in favor was cast by commissioners Albo, Bulova, Cook, Drake, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, May, Rust, Smedberg, Whipple and Zimmerman. Chairman Hudgins adjourned the meeting at 9:23 P.M.

Approved this sixth day of May, 2010.

Catherine Hudgins
Chairman

Mary Hynes
Secretary-Treasurer