

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

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Hudgins at 6:46 P.M.

Members Present

Sharon Bulova
Barbara Comstock
John Cook
Thelma Drake
Adam Ebbin
William D. Euille
Jay Fiset
Jeffrey Greenfield
Mark R. Herring
Catherine Hudgins
Mary Hynes
Dan Maller
Joe May
Jeffrey McKay
Thomas Rust
Paul Smedberg
Christopher Zimmerman

Members Absent

Kelly Burk
John Foust
Mary Margaret Whipple

Staff Present

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

Approval of the Agenda

Mr. Euille asked that a request from the Northern Virginia Streetcar Coalition for NVTC to sponsor a TIGER II planning grant application be added to Agenda Item #5 "Endorsement of TIGER II Applications." Mr. Taube stated that there is also a new action item for Agenda Item #13 concerning HOT Lanes on I-95/395, including a resolution for consideration. There were no objections from commissioners to adding these items to the agenda.

Minutes of the NVTC Meeting of June 3, 2010

On a motion by Mr. Euille and a second by Mrs. Bulova, the commission approved the minutes of both the NVTC meeting and the Joint NVTC/PRTC meeting on June 3, 2010. The vote in favor was cast by commissioners Bulova, Cook, Drake, Euille, Fissette, Greenfield, Hudgins, Maller, McKay, Rust, Smedberg and Zimmerman. Mrs. Hynes abstained.

VRE Items

Report from the VRE Operations Board and VRE Chief Executive Officer. Mr. Zehner reported that VRE ridership continues to grow with it reaching over an average of 17,000 daily trips during the month of May. This is the fifth consecutive month that ridership has topped 17,000 daily trips. Also, on-time performance for the month of May was 88 percent systemwide. As of June 29th, VRE's new contract operator, Keolis Rail Services America, has sufficient crew members to run VRE service when it is scheduled to take over operations on July 12, 2010. Mr. Zehner explained that on July 5th, which is a federal holiday, Keolis will conduct a dress rehearsal and will run a full schedule without passengers. Beginning the week of July 6th, Amtrak has agreed to allow Keolis engineers to operate alongside Amtrak engineers during VRE service.

Delegates Comstock and Ebbin arrived at 6:50 P.M. and 6:51 P.M., respectively.

Mr. Zehner announced that the first new locomotive has been delivered, which will be named in honor of Elaine McConnell. The locomotive will undergo testing over the next three weeks before it is put into service. A ribbon cutting ceremony is tentatively scheduled for July 30, 2010 in Alexandria and Senator Webb will be the guest speaker. Commissioners are invited to attend the event.

Extend Operating/Access Agreements with CSXT and Norfolk Southern. Mrs. Bulova stated that the operating/access agreements with the railroads need to be extended through January 31, 2011. For both railroads, insurance issues still need to be negotiated. Resolution #2147 would extend the agreement with CSXT and Resolution #2148 would extend the agreement with Norfolk Southern.

Mrs. Bulova moved, with a second by Mr. Smedberg, to approve Resolution #2147 and Resolution #2148. The vote in favor was cast by commissioners Bulova,

Comstock, Cook, Drake, Ebbin, Euille, Fisette, Greenfield, Hudgins, Hynes, Maller, McKay, Rust, Smedberg and Zimmerman. (Copies of the resolutions are attached.)

Modify Contract for New Locomotives. Mr. Zehner reported that the VRE Operations Board recommends approval of Resolution #2149, which would authorize him as VRE's CEO to modify the contract with MotivePower, Inc., to increase the base order of locomotives from 15 to 19. This increases the contract value by \$13,218,128 to a total of \$73,789,120. Three of the locomotives will be purchased with federal formula funds for FY 2011 and prior years. The fourth will be paid for with transfers of federal funds from other FY 2011 projects, by reducing the contingency for this project and by using funds from VRE's capital reserve.

Mrs. Bulova moved, with a second by Mr. Smedberg, to approve Resolution #2149 (copy attached).

In response to a question from Mr. Smedberg, Mr. Zehner explained that MotivePower, Inc. has offered a price of \$3,604,532 per locomotive for all orders placed before July 9, 2010. This price reflects the supplier discount they receive for bulk purchasing, since the supplies for these locomotives will be combined with some of VRE's prior orders. Locomotives ordered after that date will cost approximately \$500,000 more per unit, in accordance with the contract provisions. As such, VRE is making every effort to order as many units as possible at the lower price. Although the option contract extends until 2013, locomotives ordered after December 31, 2010 will be a different model which requires additional inventory and training, resulting in significantly higher lifecycle costs. At the direction of the Operations Board, Mr. Zehner explained that VRE staff will continue to look for funding for the last (20th) locomotive. Resolution #2149 has been changed to provide authority to purchase the 20th locomotive if funding can be obtained. He explained that the VRE Operations Board will not meet again until August and he would like to be able to move quickly if funding can be identified. He has been working with DRPT staff and Mr. Biesiadny to identify funding sources.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Euille, Fisette, Greenfield, Hudgins, Hynes, Maller, McKay, Rust, Smedberg and Zimmerman.

Mr. Fisette observed that he has been impressed with how Mr. Zehner has handled the Keolis takeover. Mr. Zehner thanked that VRE Operations Board, NVTC and PRTC for being very supportive. He also acknowledged the work done by Ms. Mouchantaf and Mr. Maclsaac on this issue.

Delegate May arrived at 6:55 P.M.

Selection of Consulting Team for NVTA's TransAction 2040 Plan Update

Mr. Taube reported that NVTC issued a Request for Proposals on behalf of the Northern Virginia Transportation Authority (NVTA). Two responsive and responsible

proposals were received by NVTC and evaluated and ranked by a selection team of local and regional staff. Resolution #2151 accepts the ranking of the selection team and following confirming action by NVTA, authorizes NVTC's staff to negotiate with the top-ranked firm, Cambridge Systematics, Inc., and to execute a contract that is acceptable to NVTA's Council of Counsels. If negotiations are not successful with the top-ranked firm, then negotiations should proceed with the second-ranked firm and if successful, a contract should be executed. The contract would not be executed until the Northern Virginia Transportation Authority acted on it.

Mrs. Bulova moved, with a second by Mrs. Hynes, to approve Resolution #2151 (copy attached).

Mrs. Bulova explained that NVTA will have an opportunity to consider a pared down scope of work to reduce costs. Mr. Zimmerman stated that there were some questions raised at a previous NVTA meeting on whether to conduct a \$1 million study given that NVTA did not get funded and these funds could be used for another project. He hopes that NVTA will drastically reduce the scope of the study and the cost, so that the funds can be used for something else. Mrs. Bulova stated that she expects that the scope of the study will be pared down to only encompass updates to the plan to keep it current. However, there is an opportunity to do some modeling to look at what projects would have the "biggest bang for the buck" should regional, state or federal funding become available. Chairman Hudgins stated that she would like to see the Dulles Loop project considered.

Senator Herring arrived at 7:01 P.M.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Euille, Fisette, Greenfield, Herring, Hudgins, Hynes, Maller, May, McKay, Rust, Smedberg and Zimmerman.

NVTC Office Lease

Mr. Taube stated that NVTC's lease expires at its current location at the end of 2010. The commission has retained a tenant's agent and staff has evaluated possible office locations. After evaluating many potential locations over the past year, currently there are two primary office locations under consideration. One is NVTC's current location and the other is in the Navy League Building at 2300 Clarendon Boulevard in the Court House area of Arlington.

An economic evaluation was prepared and it shows that both locations are approximately equal economically over the 10-year term of the lease. However, the Court House location offers a better opportunity to sublease space if NVTC's needs change. Further, the location provides access to a shared conference facility with a large catering kitchen and reception area for NVTC's monthly commission meetings. With the design of the office space, it permits NVTC to lease less space than it would otherwise need while also allowing an in-office conference room with sufficient size for

staff and commission meetings. Also, the space would be newly finished in a configuration suitable to NVTC's needs and three months of initial rent abatement would allow NVTC to pay for the move and some suitable replacement furniture within the approved FY 2011 budget.

Mr. Taube stated that NVTC staff recommends that the commission authorize him to negotiate a final lease agreement for the space in the Navy League Building. The final agreement would be provided to NVTC's Board and local jurisdiction attorneys for review prior to NVTC's September 2nd meeting at which time the commission would be asked to authorize the execution of the lease.

Mr. Smedberg asked if any members of the Executive Committee were involved in the search and/or surveyed the properties. Mr. Taube stated that this is the first time that it is being presented to commissioners. Staff has not had an opportunity to brief the Executive Committee since it has not met these last two months. Chairman Hudgins reminded commissioners that this would come back to the commission for final action at the September meeting.

Mr. Euille asked if staff looked outside of the Arlington area and into other jurisdictions. Mr. Taube stated that one of the criteria was that the location needed to be near a Metrorail station. However, based on the size of the office, the Arlington area was where NVTC's tenant agent focused.

Mr. Greenfield asked for an estimate of moving costs. Mr. Taube explained that moving costs have not been calculated. However, since most of NVTC's existing furniture dates back to the 1970's, new furniture would be acquired, which will drastically reduce moving costs.

Mr. Euille moved, with a second by Mrs. Hynes, to authorize NVTC's executive director, with the assistance of the commission's tenant's agent, to negotiate a lease for property in the Navy League Building at 2300 Clarendon Boulevard in Arlington. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Euille, Fisette, Greenfield, Herring, Hudgins, Hynes, Maller, May, McKay, Rust, Smedberg and Zimmerman.

Endorsement of TIGER II Applications

Chairman Hudgins reported that the second round of federal "TIGER" grants is pending, with \$600 million of funding available nationwide. Pre-applications are due July 26, 2010 and final applications are due on August 23, 2010. Fairfax County is applying for funding to complete a new ramp at the Vienna Metrorail station on I-66 that was included in TPB's TIGER I application but not funded. This project would allow direct transit access to and from the HOV lanes to the ring road serving the station and encourage bus ridership from satellite park-and-ride lots. Other NVTC jurisdictions are also seeking funding as part of regional efforts to expand bike sharing and improve bicycle access to Metrorail stations. Fairfax County has asked that NVTC be a partner

for its application for the I-66 ramp. Resolution #2150 acts on that request and includes an endorsement for the bicycle projects as well.

Mr. Euille stated that the Northern Virginia Streetcar Coalition is interested in pursuing a TIGER II planning grant for the purpose of studying potential transit corridors in Northern Virginia that would use a regional streetcar network to serve as a backbone for coordinated transit planning and land use purposes. The Coalition has made contacts with most of the prospective partners on this grant application and has received initial expressions of interest. NVTC is being asked to be the lead entity to submit the grant application on behalf of the participating partners.

Mr. Maller stated that the city of Falls Church is not a member of the Northern Virginia Streetcar Coalition, but the city has an interest in potential regional streetcar projects. Mr. McKay stated that he does not doubt the legitimacy of the Coalition and their goals, but he expressed his concern about what other projects could be affected by this application. He also expressed concern about NVTC taking the lead on this. He does not know how this project rates in comparison to other projects seeking funding and he would like to know more about the Northern Virginia Streetcar Coalition before he supports the action. He also would like to know more about any potential financial contributions or in-kind contributions that would be required by NVTC. He is uncomfortable with NVTC being the applicant, although he does not have a problem with NVTC helping them with the application process. Mr. Taube explained that there can be no cash contribution because there are no budgeted funds for this purpose. In-kind contributions would be donated staff time.

Mr. Smedberg explained that obtaining these funds is important to help plan for some of these activities. This particular planning grant money is not necessarily competing with other projects. It is a small pot of money. The region is looking for all opportunities to improve transit, especially with issues associated with BRAC.

Mr. Biesiadny, of Fairfax County staff, stated that jurisdictional staff is concerned that some of the detailed scope of work actually overlaps what Arlington and Fairfax Counties are already doing, as well as overlapping NVRTA's update of the regional long-term plan. In response to a question from Mrs. Bulova, Mr. Euille stated that this project was vetted by local jurisdictional staff. Mrs. Bulova observed that if there is overlapping work, it would seem that it would require less NVTC staff time. Mr. Zimmerman stated that he does not see a conflict with what is being already done and in fact, the project could be complimentary. It is a small amount of planning funds and it does not seem to be in competition with other projects. However, he understands the concerns raised by some commissioners. Chairman Hudgins observed that there is an opportunity out there to obtain funding and a small amount of time to get it completed.

Mr. Euille moved to approve Resolution #2150 after amending it to include language incorporating NVTC's role in the planning grant application for the Northern Virginia Streetcar Coalition. Mr. Zimmerman seconded. The motion passed. The vote in favor was cast by commissioners Bulova, Cook, Ebbin, Euille, Fisette, Greenfield, Hudgins, Hynes, Maller, Smedberg and Zimmerman. The vote in opposition was cast

by commissioners Comstock, Drake, Herring, May, McKay and Rust. (A copy of the resolution is attached.)

Comments on Draft List of State Governmental Reforms

Mr. Taube stated that NVTC is asked to approve the set of comments on an initial list of suggested governmental reforms, which are to be provided to Governor McDonnell's Government Reform Commission. Of the 129 ideas on the initial list, NVTC's comments address 15 that pertain to public transit and ridesharing. Among the most relevant proposals that would directly affect NVTC are two that call for consolidation of NVTC, PRTC and NVTA, as well as ownership and operation of VRE by the commonwealth. NVTC has also requested that per diem payments for its board members be equalized. In regards to consolidation, this proposal was already studied in detail in an exhaustive consulting study and soundly rejected by the local and regional entities familiar with the work of these three agencies. Also, NVTC would not be in favor of ownership and operation of VRE by the commonwealth.

Mr. McKay moved, with a second by Mrs. Drake, to authorize staff to submit the comments.

Mrs. Drake explained that these initial proposals have come from multiple sources and have not been forwarded to legislators. The Governor's Office did not want legislators to be confused about whether these ideas were being endorsed by their office.

Delegate Rust stated that as a professional engineer, he has a problem with the suggestion for Item #9 "Allow price to be considered as a factor in awarding architectural and engineering services contracts." These types of professional services are selected on quality and not price. In response to a question from Mrs. Bulova, Mr. Taube explained that currently price cannot be a consideration but the comment suggests including price as one of several factors in deciding architectural and engineering contracts as is true for other goods and services procured by NVTC.

Delegate Rust moved to amend the motion to remove the Item #9 comment. Mr. McKay seconded.

Mr. Smedberg asked if there is any value in keeping the comment and rewording NVTC's comments to reflect the concerns raised. Delegate Rust explained that the Item #9 comment is not a good idea. Delegate Ebbin stated that the item can be removed and no comment given either way.

The commission then voted on the amendment and it passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Euille, Fisetta, Greenfield, Herring, Hudgins, Hynes, Maller, May, McKay, Rust, Smedberg and Zimmerman.

The commission then voted on the main motion, which includes the amendment, and it also passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Euille, Fisetta, Greenfield, Herring, Hudgins, Hynes, Maller, May, McKay, Rust, Smedberg and Zimmerman.

Comments on Funding of Intercity Passenger Rail Service in Virginia*

Mr. Taube explained that the commission is asked to authorize staff to submit comments to DRPT on an intercity passenger rail operations funding study. SJ63 was approved in the 2010 General Assembly Session. It requires DRPT to evaluate potential sources of state funding for intercity passenger rail service and report prior to the start of the 2011 General Assembly session. DRPT has requested comments by July 1st on the best way to provide funding. The draft will be completed in fall, 2010 and another public comment period will be announced.

Mr. Taube reviewed the comments, which were previously reviewed by local jurisdictional staff. Since the Commonwealth falls far short (close to \$200 million annually) in meeting its statutory 95 percent target of eligible net transit subsidies, adding new intercity rail services to those existing transit funding programs would be unwise. Further, new sources of state funding for intercity passenger rail should not take precedence over or preempt additional funding for public transit until these significant shortfalls are eliminated. This is a matter of equity because the burden of funding public transit falls most heavily on local tax payers while at the same time the Commonwealth retains the sole power to employ most new revenue sources. Mr. Taube observed that the new state-sponsored intercity rail service from Lynchburg to Washington, D.C. has been a real success story and it is important for it to have a funding source in order to continue.

Mr. Greenfield moved, with a second by Mrs. Bulova, to authorize staff to submit comments to DRPT on the intercity passenger rail operations funding study. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Euille, Fisette, Greenfield, Herring, Hudgins, Hynes, Maller, May, McKay, Rust, Smedberg and Zimmerman.

Mrs. Drake thanked NVTC for taking the time to comment on the study.

[*The action taken was reconsidered on page 12 of these minutes.]

Comments on Virginia's Surface Transportation Plan for 2035

Mr. Taube stated that although NVTC and local jurisdictional staff have not formally looked at the current version of these comments, they have reviewed draft inputs for a statewide transit plan over a period of many months during 2009 before the data were combined into a draft surface transportation plan. Many of NVTC's proposed comments echo those made previously to DRPT staff. Comments are due by July 30, 2010.

Mr. Zimmerman moved, with a second by Mr. Greenfield, to authorize staff to submit the comments on behalf of the commission.

Mrs. Hynes stated that she was confused reading the comments and suggested that the comments need to be made more clear and concise. She suggested including a list of what total transit expenses include. There were no objections to these suggestions.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Euille, Fiset, Greenfield, Herring, Hudgins, Hynes, Maller, May, McKay, Rust, Smedberg and Zimmerman.

WMATA Items

Chairman Hudgins stated that the WMATA Board of Directors approved the operating and capital budget for FY 2011. She announced that the new multi-year capital funding agreement, which is effective July 1, 2010, has been sent to the jurisdictions for approval and several have acted already. Fairfax County has approved it. She also announced that the agreement with the Commonwealth and WMATA has been executed. Mr. McKay clarified that although Virginia has signed the agreement with WMATA, it still needs to be approved by the Federal Transit Administration (FTA). This needs to happen before the funds are released. Mr. Zimmerman explained that the deadline for the purchase order for the railcars is July 2nd so there is concern that FTA needs to provide immediate approval so that the railcars can be ordered by the deadline. It is a very tight timeline.

Chairman Hudgins stated that at NVTC's last meeting the commission discussed Virginia Transportation Secretary Connaughton's May 26th letter asking NVTC to sign a new multi-year funding agreement on behalf of the Commonwealth. He also asked that NVTC agree to appoint two state representatives to the WMATA Board. Resolution #2152 has been drafted as a response to the issue of WMATA governance.

Mrs. Drake provided a substitute resolution, which is basically identical to Resolution #2152 but calls for a discussion of state representation on the WMATA Board when the Board of Trade/MWCOG governance study is complete.

Mrs. Drake moved, with a second by Delegate Rust, to approve the substitute resolution.

Mr. Zimmerman stated that WMATA is waiting for FTA approval for the railcar purchase with a deadline looming and FTA has already signaled that this governance issue has endangered this approval. He suggested that any action be postponed until FTA acts.

Mr. Zimmerman moved a substitute motion to defer consideration and action until the September 2, 2010 NVTC meeting. Mr. McKay seconded. The commission voted on the substitute motion and it passed. The vote in favor was cast by commissioners Bulova, Ebbin, Euille, Fiset, Greenfield, Herring, Hudgins, Hynes, Maller, McKay,

Smedberg and Zimmerman. The vote in opposition was cast by commissioners Comstock, Cook, Drake, May and Rust.

NVTC Motor Fuels Tax Issues

Mr. Taube stated that NVTC and jurisdictional staffs have discussed continuing concerns about the accuracy of allocations among jurisdictions of the new 2.1 percent motor fuels tax on distributors. In reviewing the monthly reports since the new tax was levied at the beginning of January, 2010, there are strong indications that taxpayers are not correctly specifying the jurisdictions in which the fuel is sold. Repeated efforts to elicit cooperation from the Department of Taxation (TAX) officials to work with NVTC staff to identify the extent of the problem and resolve it have not been successful. The commission is asked to consider the draft letter to Acting Tax Commissioner Craig M. Burns expressing NVTC's concerns.

Mr. Euille moved, with a second by Mr. Maller, to authorize NVTC's Chairman Hudgins to sign and send the letter. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Euille, Fisette, Greenfield, Herring, Hudgins, Hynes, Maller, May, McKay, Rust, Smedberg and Zimmerman.

Pentagon Transit Security Issues

Mr. Taube reported that WMATA staff have alerted NVTC's jurisdictions and transit systems to a pending action, which could occur in July, by Pentagon officials that would further restrict access of transit customers, especially those moving between buses and Metrorail. The proposed new configuration would restrict access by moving security checkpoints away from the building and closer to the bus bays, thereby blocking access to elevators and preventing use of the two covered walkways. It is a violation of agreements reached when the transit center was reconfigured, where transit customers would be protected from the elements. There is also a safety issue. Mr. Zimmerman noted that this change could really impact disabled persons.

Mr. Taube explained that a letter has been drafted to send to Pentagon officials expressing NVTC's concerns and asking Pentagon officials to reconsider their approach and to involve transit systems in planning a more appropriate action that is consistent with the existing understanding regarding transit customer access.

On a motion by Mr. Euille and a second by Mr. McKay, the commission unanimously authorized Chairman Hudgins to sign and send the letter on behalf of the commission. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Euille, Fisette, Greenfield, Herring, Hudgins, Hynes, Maller, May, McKay, Rust, Smedberg and Zimmerman.

Mid-Year Review of Major NVTC Projects.

Mr. Taube stated that given the length of the agenda, he suggested deferring this item to the next meeting. There were no objections.

Regional Transportation Items

APTA's Public Transportation Fact Book for 2010. This newly released annual edition includes data generally through the end of FY 2007. WMATA ranked fourth overall in rail and bus passengers with the 8th largest population base. WMATA's bus and paratransit ranked sixth and rail ranked second. VRE ranked 12th among commuter rail systems.

Feedback on NVTC's Regional Transit Tour. Chairman Hudgins reported that the transit tour was a success. She thanked Delegate May for his assistance. Delegate May stated that the legislators who attended were thoroughly impressed with the tour.

HOT Lanes on I-95/395. Mr. McKay reported that Fairfax County, Arlington County and Alexandria officials and staff have met and believe they can support the project but still have questions that have not been answered. Resolution #2153 would request that the Commonwealth promptly engage these three jurisdictions in a constructive dialogue to address the issues raised by the jurisdictions, with the objective of resolving those issues to all parties' mutual satisfaction thereby permitting the project to proceed.

Mr. McKay moved approval of Resolution #2153. Mr. Euille seconded.

Mr. Euille reported that there was robust discussion between the three jurisdictions. He explained that this action in no way infringes on the current legal matter Arlington County has pending. It is an effort to get the state moving on the HOT Lanes project. In regards to BRAC projects, there are many infrastructure challenges where HOT Lanes would certainly help to alleviate some of those concerns.

Mrs. Bulova stated that she participated in these discussions and the sense of urgency has come about because of the Mark Center BRAC facility that is already constructed but does not have adequate transit access available. The facility was approved and predicated on the HOT Lanes being built. There is agreement among the three jurisdictions that completion of the HOT Lanes in the I-95/395 corridor is important to the region and the project needs to move forward.

Mr. Fisette stated that the conversation among the three jurisdictions was a good one but there still remain questions that have not been answered. NVTC has gone on record, as well as the jurisdictions, that there are questions which still remain unanswered. Each jurisdiction has specific questions, some of which overlap each other.

Mr. McKay explained that there is a misconception that there is tremendous opposition to the HOT Lanes project. Hopefully, the questions that the region has been asking for a long time can be answered up so the project can move forward. With a new administration in Richmond, it is hoped that this can happen.

Mr. Cook expressed his concern that this action could anyway be interpreted as endorsing or agreeing with Arlington County's lawsuit. He suggested having an approach that would be more collaborative with the Commonwealth. He stated that the Commonwealth wants a discussion on WMATA Board governance, so why not combine the two issues and resolve both issues together. Chairman Hudgins stated that it is important not to confuse these two issues since they are totally separate. There are three jurisdictions impacted by the HOT Lanes project and they are coming together; they have different views about the project but some common views about the issues and there is a willingness to talk to the Commonwealth.

Delegate May asked if there is a formal list of questions and/or issues. Mr. Euille stated that a list of questions could be included as part of an attachment to the resolution. Delegate Ebbin asked if all of the concerns are listed. Mr. Zimmerman stated that there is a comprehensive understanding of what have been the issues. This action is significant because the three jurisdictions have come together and are saying that they are prepared to work with the Commonwealth. Mrs. Bulova stressed that Fairfax County has endorsed the HOT Lanes project, but is still sensitive to the other jurisdictions' concerns and the county still has questions that need to be addressed. There is agreement that the project is stalled and the three jurisdictions have asked NVTC to assist in passing this resolution. Mr. McKay stated that this is about communication. The fundamental point is that the three jurisdictions affected by this project want to have a conversation with VDOT to get this project moving again.

In response to a question from Mrs. Drake, Mrs. Bulova explained that there previously have been individual discussions with VDOT. VDOT and the former Secretary of Transportation have met with NVTC on several occasions as well. This action should be considered as a friendly move or positive action from NVTC and its jurisdictions. Mrs. Drake questioned if Arlington County is asking to work with VDOT on this issue, why does it not withdraw the lawsuit. Delegate May observed that the state has a long tradition of not looking at issues that are engaged in legal proceedings.

The commission then voted to approve the resolution. The vote in favor was cast by commissioners Bulova, Cook, Ebbin, Euille, Fisette, Greenfield, Herring, Hudgins, Hynes, Maller, McKay, Smedberg and Zimmerman. The vote in opposition was cast by commissioners May and Rust. Mrs. Drake and Delegate Comstock abstained. The motion passed. (A copy of the resolution is attached.)

Reconsideration of Agenda Item #7: "Comments on Funding of Intercity Passenger Rail Service in Virginia"

Delegate May moved, with a second by Delegate Ebbin, to reconsider the action taken for Agenda Item #7. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Euille, Fisette, Greenfield, Herring, Hudgins, Hynes, Maller, May, McKay, Rust, Smedberg and Zimmerman.

Mrs. Bulova, moved, with a second by Mr. Greenfield, to authorize staff to submit comments to DRPT regarding the intercity passenger rail operations funding study. The

vote in favor was cast by commissioners Bulova, Cook, Drake, Ebbin, Euille, Fisette, Greenfield, Herring, Hudgins, Hynes, Maller, May, McKay, Rust, Smedberg and Zimmerman. Delegate Comstock voted no.

NVTC Financial Items for May, 2010

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

Adjournment

On a motion by Mr. Euille and a second by Mr. Greenfield, the commission unanimously agreed to adjourn. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Euille, Fisette, Greenfield, Herring, Hudgins, Hynes, Maller, May, McKay, Rust, Smedberg and Zimmerman. Chairman Hudgins adjourned the meeting at 8:27 P.M.

Approved this 2nd day of September, 2010.

Catherine Hudgins
Chairman

Mary Hynes
Secretary-Treasurer