

MINUTES  
NVTC COMMISSION MEETING – JUNE 3, 2010  
SPRINGFIELD HILTON – SPRINGFIELD, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Hudgins at 9:42 P.M.

**Members Present**

Sharon Bulova  
Barbara Comstock  
John Cook  
Thelma Drake  
Adam Ebbin  
John Foust  
Jeffrey Greenfield  
Mark R. Herring  
Catherine Hudgins  
Dan Maller  
Joe May  
Jeffrey McKay  
Thomas Rust  
Paul Smedberg  
Mary Margaret Whipple  
Christopher Zimmerman

**Members Absent**

Kelly Burk  
William D. Euille  
Jay Fisette  
Mary Hynes

**Staff Present**

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

### Minutes of the May 6, 2010 NVTC Meeting

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

### NVTC Title VI Program and Compliance Report to FTA

Mr. Taube stated that NVTC is required to submit its program and report for FTA approval every three years. The current approval expires in June, 2010. FTA's Title VI program is described in guidelines contained in a circular (FTA 3702.1A dated May 13, 2007) and it integrates responsibilities under Title VI of the Civil Rights Act of 1964 with other policies such as DOT's orders on Environmental Justice and on Persons with Limited English Proficiency. The format of NVTC's report follows the requirements set forth in the FTA circular. NVTC has received all the necessary information requested from Falls Church and Alexandria, who are sub-recipients of federal assistance through NVTC.

Senator Whipple moved with a second by Mr. Zimmerman, to authorize the executive director to submit the report to FTA. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Drake, Ebbin, Foust, Greenfield, Herring, Hudgins, Maller, May, McKay, Rust, Smedberg, Whipple and Zimmerman.

### WMATA Items

Chairman Hudgins stated that the proposed resolution included in the commission board package is no longer pertinent and, therefore, no action is required. She provided an overview of the status of the FY 2011 WMATA Budget process. The WMATA Board provided budget guidance to direct staff to move forward with a fare increase, budget reductions and jurisdictional subsidy increase to meet the budget gap. The budget is expected to be adopted at the June 24<sup>th</sup> WMATA Board meeting.

Regional staffs are also working on a multi-year capital funding agreement. DRPT has recommended that NVTC become a signatory to that agreement as an agent for the commonwealth with respect to the stream of \$50 million annual amounts to match identical contributions from Maryland and the District of Columbia. These three \$50 million annual contributions will match the \$150 million in annual federal contributions for WMATA capital projects. Time is of the essence in funding Metro Matters II, which is the successor capital funding agreement to Metro Matters. NVTC's commitment would be "subject to appropriation" as are those of Maryland and D.C.

Chairman Hudgins reported that NVTC received a letter from Secretary of Transportation Connaughton concerning the commonwealth's support for NVTC signing

the Metro Matters II capital funding agreement. However, the letter also calls for NVTC to execute a separate agreement with DRPT that would include "a significant change." According to Secretary Connaughton, "...the commonwealth believes that it is appropriate to request that NVTC provide two of its four appointments to the WMATA Board of Directors, one Principal Director and one Alternate Director, to DRPT."

Chairman Hudgins provided her reaction to the letter by stating that the commonwealth is required by law to provide the dedicated funding. Congressional legislation required that the jurisdictions (MD, VA, and DC) provide \$50 million each annually to match the \$150 federal funds. The Virginia General Assembly passed legislation that appropriated these funds for this purpose. Chairman Hudgins stated that she would like NVTC to ask that Secretary Connaughton adhere to what the law provided by sending the funding for the dedicated match and, therefore, have no contingencies that were not provided in the law.

Mrs. Drake explained the reasoning behind the request from Secretary Connaughton. The commonwealth provides a total of \$75-80 million annually to WMATA and is a major partner in the funding of WMATA. Virginia has four WMATA board members (2 principals and 2 alternates) and it seems reasonable to give two of those seats to the state (1 principal and 1 alternate). This would provide a direct link to the Governor. With the increase in funding (\$50 million) the commonwealth will be the largest contributor (52.2 percent) in terms of government subsidy among the Virginia jurisdictions.

Chairman Hudgins stated that the Metro Matters agreement expires on June 30, 2010 and the creation of Metro Matters II is contingent upon the new dedicated funding. Local jurisdictions have significantly contributed to the building of Metro and also the continued operation and capital commitment. The Metro Matters II agreement needs to move forward. The law, as understood by the jurisdictions, has no contingencies.

Mrs. Bulova stated that the funding that was passed by the General Assembly needs to be considered separately from any governance issues. To her knowledge, there were no contingencies placed on the funding when it was passed by the General Assembly. If the Governor and DRPT feel that they should have a place "at the table" then that should be a separate discussion. MWCOG has already established a task force to look at governance issues at WMATA. They could look at this proposal and include it in their recommendations.

Mr. Cook stated that it would be helpful for NVTC's legal counsel to look at this issue and advise the commission at the next meeting whether the law is clear on this issue. He does not want NVTC to be dismissive if there could be a dual benefit to having a state representative on the WMATA Board with a direct link to the Governor or possibly having a representative with professional transit expertise on the board. Mrs. Bulova stated that her comments were not intended to be dismissive. However, funding should not be tied to the governance issue. Mr. Cook stated that he would like a legal opinion. Mr. Maclsaac stated that he could provide an opinion at the next NVTC meeting.

Mrs. Drake stated that it is important to note that under the Secretary's proposal, NVTC would make the state appointment to the WMATA Board.

Delegate Rust asked if the commonwealth's request is unprecedented and whether Maryland and the District of Columbia have state members on the WMATA Board. Mrs. Hudgins responded that the State of Maryland does have a direct link to the WMATA Board because of the way the Metro Compact is structured. Maryland's portion of Metro costs is funded entirely by the state. Mr. Zimmerman explained that when the Metro Compact was created, Maryland localities paid for Metro and were represented on the WMATA Board. When the state of Maryland decided to assume all the costs for Metro, the board member appointments were moved to the state. He also noted that for Virginia, there was never a question that Fairfax County, Arlington County and the city of Alexandria would need to pay to fill the recent deficit—not the state.

Delegate May stated that the commonwealth has made investments in Metro and every year the state provides funding. Senator Whipple stated that it is according to the state formula. Delegate May observed that recently the General Assembly appropriated substantial funding for Metro railcar replacement. Senator Whipple stated that it would be useful to have a discussion about governance. However, the issues are not all about money. She served on the WMATA Board for 10 years and she observed that Virginia is better served by local representation on the WMATA Board in comparison to the Maryland Board members who represent the state's interests. In particular, local representatives have a stronger understanding of local issues and they get a lot of input from riders--what the public wants, their complaints, the service they want to have, how much they are willing to pay for the service, etc. In her experience, the Virginia representatives were more rounded and they understood the balancing act necessary during the budget process.

Mr. McKay agreed with Senator Whipple's comments. He stated that Maryland has one pot of money and if the state is not doing well financially they don't have the money to fund Metro. If all financial responsibility is shifted to the commonwealth, in his opinion it would defund Metro. Northern Virginia would have the same problems that Maryland has with the shift from local representatives to legislators in Annapolis, who are not riders of the Metro system and don't know its needs. If Virginia shifts control to Richmond, then in his opinion, it would bring about the demise of Metro. He is very eager to have a discussion about Metro governance, but it is not helpful to attach conditions to the funding. He stated that it is important not to squabble over governance now while there are urgent capital needs at Metro that need to be funded, while there is landmark legislation that has been approved by Congress and where the capital agreement has been approved and signed by its partners, Maryland and the District of Columbia.

In response to a question from Mr. Zimmerman, Chairman Hudgins stated that it is important for NVTC to send a response to the Secretary's letter. An important question is what will happen after June 30<sup>th</sup> when Metro Matters expires and Virginia does not provide the matching funds. The funding should not be linked to the

governance issue. Mr. Zimmerman stated that hopefully the state will not renege on its promise made to the federal government.

Mr. Zimmerman noted that this issue could be debated all night. He challenged the notion of the state paying 52 percent. He asked staff to analyze these numbers. Mrs. Bulova agreed that the analysis should be done. A response to the letter is important to indicate that NVTC expects to receive the funding that the General Assembly allocated. The governance issue is being looked at by MWCOG. The letter should convey that NVTC is willing to look at the governance issue, but that it is important that the funding not be held up and be contingent on that issue. Mr. Foust requested that the analysis include the percentage of Metro costs that are being covered by Northern Virginia residents, which he believes is 80 percent.

Mr. Maller stated that he is always interested in strengthening the partnership with the commonwealth; although he understands the reaction to the letter, he noted that there is a new administration in Richmond. Mr. Maller stated that it is important that NVTC not be combative. Mrs. Bulova stated that she wants to make it clear that she was not suggesting that NVTC be combative. NVTC is willing to have the discussion but does not want the funding to be predicated on the governance change.

Delegate May stated that it is not unrealistic that if the state provides a substantial amount of funding to Metro, that it has a place at the table. The commonwealth is a major funding contributor.

Chairman Hudgins asked if there are any objections to the commission sending a letter to Secretary Connaughton. Mr. Cook stated that he would not support a letter unless he has an opportunity to review the letter before it is sent. Chairman Hudgins suggested that the commission direct staff to draft a letter for next month's meeting. There were no objections.

#### Draft Six-Year Program for State Transit Assistance

Chairman Hudgins announced that this agenda item will be held over to the next month's meeting. There were no objections.

#### Legislative Items

Mr. Taube stated that the tour itinerary has been refined for the June 30 and July 1, 2001 transit tour. All commissioners are invited to attend.

#### Regional Transportation Items

Tolls on I-95 at the North Carolina Border. Governor McDonnell has asked for federal permission to impose tolls on the southern reaches of I-95, which could raise

\$30 - \$60 million annually. There has been no indication of whether any of the revenues generated would be allocated to transit.

BRAC Traffic Concerns. Congressman Moran has asked the Pentagon to halt the transfer of defense workers to the new office building at Mark Center in Alexandria (BRAC-133) until reassurance can be given about the impacts on commuting.

ITS Virginia Conference: Transit ITS Interactive Forum. The Intelligent Transportation Society of Virginia (ITSVA) is an industry-driven association where public and private organizations work together to advance ITS technology in the commonwealth. The ITSVA Annual Conference was held April 29-29 in Charlottesville, VA. The conference included a "Transit ITS Interactive Forum," which was organized by Mr. McGavock and was an interactive discussion of issues related to transit ITS deployments.

Brookings Institution Demographic Report. The Brookings Institution has released a report: State of Metropolitan America—On the Front Lines of Demographic Transformation. Included in the findings are that of all U.S. metropolitan areas as of 2008, the Washington D.C. region has the fourth lowest share of driving alone to work (66.3 percent) and the region has the third greatest use of public transit commuting (13.4 percent).

#### NVTC Financial Items for April, 2010

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

#### NVTC's July Meeting

Chairman Hudgins stated that in the past NVTC has started its July meeting early to facilitate a quorum given proximity to the holiday weekend. Staff has proposed that the July meeting begin at 6:30 P.M. The Executive Committee will not meet. Chairman Hudgins asked commissioners to note the time change for the meeting.

Mr. Maller stated that he did not run for re-election and is concluding his term on the Falls Church City Council on June 30, 2010. The city will meet on July 1<sup>st</sup> to appoint a new NVTC representative.

Adjournment

Without objection, Chairman Hudgins adjourned the meeting at 10:17 P.M.

Approved this 1<sup>st</sup> day of July, 2010.

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Catherine Hudgins  
Chairman

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Mary Hynes  
Secretary-Treasurer