



**NVTC COMMISSION MEETING**

**THURSDAY, MAY 6, 2010**

**8:00 PM**

**NVTC CONFERENCE ROOM**

NOTE: A buffet supper will be provided for attendees.

**AGENDA**

**1. Oath of Office for New NVTC Commissioner.**

Delegate Barbara Comstock has been appointed to replace Delegate David Albo.

Recommended Action: Chairman Hudgins will administer the oath of office.

**2. Minutes of the NVTC Meeting of April 1, 2010.**

Recommended Action: Approval.

**3. WMATA Items**

WMATA's Interim General Manager, Richard Sarles, will be present for introductions and to respond to questions. The results of a Washington Post poll are also provided.

Presentation Item.

**4. VRE Items.**

A. Reports will be provided from the VRE Operations Board and VRE Chief Executive Officer--Information Item.

B. Closed Session: New Access and Storage Agreement with Amtrak (Sections 2.2-3711 A(7) and (29) of the Code of Virginia).



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## **5. Additional Federal Grant Applications for Alexandria.**

Alexandria has asked NVTC staff to apply for several additional federal grants on behalf of the city totaling \$7.1 million.

Recommended Action: Approve Resolution #2143 which authorizes NVTC staff to apply for additional federal grants for Alexandria following the execution by the city of NVTC's standard sub-recipient agreement.

## **6. Testimony to the Commonwealth Transportation Board.**

DRPT staff will conduct a workshop in Northern Virginia on May 12<sup>th</sup>. On May 26<sup>th</sup> the CTB will hold a public hearing on the draft six-year program. NVTC's testimony will emphasize the excellent coordination and performance of Northern Virginia's transit systems producing a significant return on the commonwealth's investment.

Recommended Action: Authorize Chairman Hudgins or her designee to deliver NVTC's testimony to the CTB on May 26<sup>th</sup>.

## **7. Legislative Items.**

Staff will review state and federal legislative items of interest. The draft plan for Northern Virginia's transit tour will be reviewed.

Recommended Action: Provide further guidance on the transit tour itinerary.

## **8. Regional Transportation Items.**

A. Future of Transportation--National Survey by Transportation for America.

B. Virginia Transit Association Conference June 10-11, 2010.

C. Bike to Work Day May 21, 2010.

D. Transit Ridership Trends.

E. I-95/395 Bus Rapid Transit Study.

Information Item.

## **9. NVTC Financial Items for March, 2010.**

Information Item.



AGENDA ITEM #1

**TO:** Chairman Hudgins and NVTC Commissioners  
**FROM:** Rick Taube  
**DATE:** April 29, 2010  
**SUBJECT:** Oath of Office for New NVTC Commissioner

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Speaker Howell has appointed Delegate Barbara Comstock to replace Delegate Dave Albo as a NVTC commissioner.

New commissioners are required to receive an oath of office. Chairman Hudgins will administer the following oath to Delegate Comstock if she is present:

*I do solemnly swear that I will support the constitution of the United States and the Commonwealth of Virginia and that I will faithfully discharge all the duties incumbent upon me as a member of the Northern Virginia Transportation Commission, according to the best of my ability.*

Without objection staff will prepare a framed certificate to honor Delegate Albo for his service as a NVTC board member. He joined NVTC in October, 2002.





Agenda Item #2

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 Fiset  
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)



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## 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, Fisetto, Foust, Greenfield, Herring, Hudgins, Hynes, May, Rust, Smedberg, Whipple and Zimmerman.

Mr. Fisetto 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. Fisetto 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. Fisetto 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 6<sup>th</sup>. A pre-proposal conference was held on March 30<sup>th</sup> 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.

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Catherine Hudgins  
Chairman

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Mary Hynes  
Secretary-Treasurer



AGENDA ITEM #3

**TO:** Chairman Hudgins and NVTC Commissioners  
**FROM:** Rick Taube  
**DATE:** April 29, 2010  
**SUBJECT:** WMATA Items.

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WMATA's Interim General Manager, Richard Sarles, will be present for introductions and to respond to questions.

The WMATA Board is considering the results of public hearings on the FY 2011 budget and a Washington Post poll has added further insight into the region's preferences for Metro's future (see attachments).

Regional staffs are also working on a multi-year capital funding agreement but the WMATA Board has not given a definitive response.

Other materials are attached for your information, including a response from Representative Connolly to NVTC's letter regarding federal operating assistance for WMATA.



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April 1, 2010

The Honorable Cathy Hudgins  
Chairman  
Northern Virginia Transportation Commission  
4350 N. Fairfax Dr  
Suite 720  
Arlington, VA 22203

Dear Chairman Hudgins,

Thank you for contacting me with respect to federal operating funding for Metro. As you noted in your letter, the federal government cannot function without Metro: 40% of Metro's rush hour riders are federal employees, and if these employees had to drive to work the region's road system would be paralyzed. In addition, millions of tourists use Metro every year to tour Washington, D.C.'s museums and monuments. At present, these tourists receive subsidized transit service not from the federal government but from local and state taxpayers in our region. Given the federal government's failure to contribute to Metro's operating funding, it is notable that Metro has relatively convenient, reliable, safe service. Unfortunately, economic forces are placing greater stress on Metro, with potential negative impacts for Metro customers and the federal government. I share your belief that the federal government has an obligation to contribute substantially to Metro's operating budget, due to both our employees' and tourists' reliance on the system. Metro is the nation's subway, and we have a responsibility to all Americans who live in or visit D.C. to maintain a first class transit system. I look forward to working with you to advocate for federal operating funding for Metro.


Sincerely,



Gerald E. Connolly  
Member of Congress  
11<sup>th</sup> District, Virginia

GC/ZF





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Local

## Md. pulling back on Metro share as others push higher subsidies

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**By: Kytja Weir**  
**Examiner Staff Writer**  
**April 2, 2010**

Two local officials took prominent steps Thursday in pushing for higher subsidies of Metro as the agency eyes drastic service cuts and fare increases to close an \$189 million budget gap.

But their efforts may not amount to much as Maryland officials have told Metro they aren't even able to pay nearly \$29 million already committed to the agency, according to a letter obtained by the *Washington Examiner*.

Maryland Transportation Secretary Beverley Swaim-Staley told Metro the state cannot pay \$28.7 million due this year toward the transit agency's capital fund until 2012. "Unfortunately, due to the economic recession, revenues supporting Maryland's Transportation Trust Fund have declined by 13 percent since 2007," the letter said, which has forced the state to reduce or defer 250 projects worth \$2.1 billion.

The letter calls into question the state's ability to boost its subsidy of Metro's operating budget -- and other regional officials say they are willing to increase their share of Metro's budget only if all jurisdictions contribute.

D.C. Councilman Jim Graham told his fellow council members and Mayor Adrian Fenty on Thursday that they ought to increase the District's subsidy.

"We're going to work as hard as we can on this because I want to avoid fare hikes and service cuts," Graham, a Metro board member, later told the *Washington Examiner*.

Meanwhile, Arlington County Board member Christopher Zimmerman, also on Metro's board, was the first elected official to join the grassroots Fair Share For Metro campaign, which is calling for an additional \$73.7 million from the jurisdictions that Metro services.

"It's not chump change," he said before handing out fliers outside the Rosslyn station during the start of the afternoon rush. "On the other hand, this is a really vital service."

Metro has asked jurisdictions to pay the same amount next year that they contributed this year: about \$574 million in the current \$1.36 billion operating budget, plus additional funds for long-term infrastructure projects. Such local subsidies are needed because riders' fares typically cover just 68 percent of the cost of each train trip and 24 percent of each Metrobus ride.

Arlington County is among several jurisdictions that have discussed the possibility of raising taxes to boost their subsidy. But no commitments have been made.

"In my opinion, if the other jurisdictions could come up with their fair share, Arlington could come up with it," Zimmerman said.

*Staff Writer Michael Neibauer contributed to this report.*

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## More from Kytja Weir

- [Md. pulling back on Metro share as others push higher subsidies](#)
- [Man faces charges for rapes, carjacking at Metro parking garage](#)
- [Transit officials seek renewal of \\$230 transit benefit](#)
- [Metro eyes purchase of new, yet incompatible, rail cars](#)
- [Highest Md. court rules Metro cannot use damages cap](#)

## Topics

[Washington Examiner](#) , [subsidies](#) , [Metro](#) , [Beverley Swain-Staley](#) , [Maryland's Transportation Trust Fund](#) , [Jim Graham](#) , [Mayor Adrian Fenty](#) , [Christopher Zimmerman](#) , [Fair Share For Metro](#) , [Rosslyn](#) , [Arlington County](#)



# The Washington Post

## How to help Metro's next general manager

By John B. Catoe Jr.  
Sunday, April 4, 2010; C06

The concepts of service, teamwork and leadership have guided me throughout my career. Transit agencies are created to serve people, and I've been fortunate to have been a part of great teams. Metro has been no exception.

In the past year, we have had several tragic accidents, which have deepened our resolve to make changes. As Metro's chief during the worst tragedy in its history, I carried the responsibility for the agency. Yet, that became a distraction hindering my ability to lead the agency. The decision to step down was difficult. It was also what was best for Metro, and I welcome Richard Sarles as interim general manager while the Metro board searches for a permanent replacement.

Everyone wants Metro's next leaders to succeed, and I believe there are steps that can be taken to help them. As I move to the sidelines, I feel a new freedom to ask that these steps be taken.

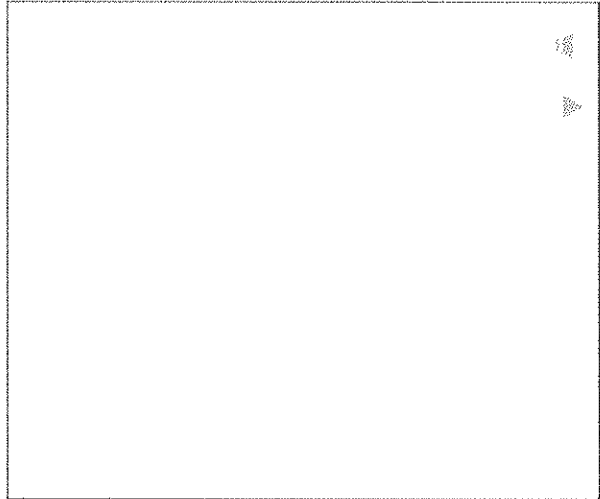
First, the new general manager needs long-term, dependable funding for both the capital and operating budgets. I applaud former representative Tom Davis (R-Va.) and those in Congress who shepherded to passage the bill that promises to provide Metro's capital budget with \$150 million in federal funds annually, and I applaud local jurisdictions for their commitment to match those funds. The money is a start, but it will not be enough to overcome years of shortfalls. Additionally, it must be approved annually, requiring the general manager to rally local officials, the business community and Congress to support its inclusion in the federal budget.

The next important step in Metro's long-term health will be to get our partner jurisdictions to establish a multi-year capital funding agreement. Without that, our maintenance program will continue to look a lot like the station platforms we've had to shore up with two-by-fours.

The operating budget will be just as troubling for the next general manager, because Metro still lacks dedicated funding for day-to-day operations. The system should not have to go hat in hand each year for the money to run what is widely recognized as a necessity for the region. The burden of meeting operating cost increases cannot be constantly resolved by raising fares and reducing service. That is counter to Metro's mission.

Transit in the D.C. region has champions in Congress and in the business community and needs more champions in our state and local governments, people who will fight for improved, and truly dedicated, funding. With the help of these new champions, great things can be done. One example: Priority bus corridors could improve trips for half of Metro's bus riders in as little as five years, allowing buses to move as fast, or even faster, than rail. To make that a reality, the new general manager would need these local government champions to support funding and changes such as giving

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priority to buses at traffic signals and establishing bus-only lanes.

Next, the new general manager needs a sustainable fare policy. The current structure is bankrupting the rail system. When customers pay their Metrorail fares, they cover 80 percent of the cost of the ride. Meanwhile, Metrobus fares cover only 29 percent and MetroAccess fares cover a paltry 6 percent. It won't be a popular position -- especially for the elected officials on the board -- but Metrobus and MetroAccess fares should be increased. Raising Metrorail fares to subsidize Metrobus and MetroAccess deficits is not a sustainable strategy. It will only discourage riders from using the rail system, making the funding problem worse.

This points to a more fundamental question: Given rules that allow one jurisdiction to veto any given proposal, can the board really make strategic policy that serves the whole region? I know there is increased attention being paid to this governance issue. The first step, though, is to clearly define the region's expectations for the board. Begin with the end goal in mind. Change for the sake of change will not serve the region well.

There has been a great deal of worthy discussion about changing Metro's culture. The culture does need to change, and that's why I began the safety improvement program. But significant and lasting change takes time, tenacity -- and focus. If the region and the board take the actions I've outlined, I believe Metro's future general managers will be able to devote more of their focus to changing this corporate culture, making Metro safer and making service better.

The success of future general managers ultimately depends on their abilities, but many others have a part to play. Metro urgently needs local governments and the board to commit to providing dependable operations and capital funding; a sustainable fare structure; truly regional policies; and an overall approach consistent with a focus on safety.

These are difficult tasks, but with success will come an improved economy and quality of life for millions who live in the Washington metropolitan area.

*The writer was Metro general manager from 2007 to April 2.*



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## Transportation Poll

*This Washington Post poll was conducted by telephone Mar. 25 to 29, 2010, among a random sample of 1,107 adult residents of the Washington metro area, including users of both conventional and cellular phones. Interviews were conducted in English or Spanish. The results from the full survey have a margin of sampling error of plus or minus three percentage points. Sampling, data collection and tabulation by Abt SRBI, Inc of New York, NY. The Washington area is defined as the District of Columbia, Prince George's and Montgomery counties in the state of Maryland and Alexandria, Arlington, Fairfax, Fairfax City, Falls Church and Loudoun in the commonwealth of Virginia. All 2005 comparisons are to those in this same area.*

\*= less than 0.5 percent

### 1. What do you think is the SINGLE MOST important TRANSPORTATION problem facing the area?

Summary -- 3/29/10	First mention	All mentions
Gridlock/traffic/ too many cars on road	36	35
Metro/public transportation system (Unspecified)	13	12
Road infrastructure/maintenance	9	11
Lack of public/mass transportation	9	8
Safety issues	5	5
Cost of public transportation	4	5
Need to expand Metro routes into suburbs/beyond beltway	3	3
Dependable public transportation	3	3
Lack of bus service	2	2
Poor Metro management	2	2
Metro cutbacks in service	1	2
Funding of public transportation systems	1	1
Parking/lack of parking	1	1
Bus takes too long/is slow	*	*
Other	7	9
No problems	2	1
No opinion	*	9
Public transportation issue NET	40	
Other issue NET	58	

### 2. At present, are you yourself employed part-time or full-time, or are you retired or something else?

	Employed part-time	Employed full-time	Retired	Something else	No opinion
3/25/10	18	52	17	14	*

#### (IF EMPLOYED) Are you yourself employed outside the home, or not?

	Yes	No	No opinion
3/25/10	94	6	*

#### Employed outside the home, among all respondents:

	Yes	No	No opinion
3/29/10	65	35	*
1/31/05	69	31	0

### 3. (ASKED OF COMMUTERS, THOSE WHO WORK OUTSIDE THE HOME) How do you usually get to work - do you drive alone, drive or ride with someone else, walk, take a bus, take the Metrorail subway system, take other public transportation, or what? IF MORE THAN ONE: Which do you consider to be the PRIMARY way you get to work? (Though not provided as answers, some respondents said they commuted via bicycle, another mode of transportation, or multiple modes.)

	3/29/10	1/31/05
Drive alone	65	70
Take the Metrorail subway system	13	14
Drive or ride with someone else	9	7
Take a bus	5	3
Walk	3	*
Take other public transportation	2	1
Bicycle	*	NA
Other	1	*
More than one of the above	2	4
No opinion	*	0

#### (ASKED OF COMMUTERS WHO DO NOT TAKE PUBLIC TRANSPORTATION) Which comes closer to your

own situation, (it is possible for me to take public transportation from home to work, but for various reasons I usually don't) or (it is not possible for me to get from home to work using public transportation)? (Though not provided as an option, some respondents said they do not take public transportation.)

	Possible	Not possible	Do not take public transportation	No opinion
3/29/10	52	43	3	1
1/31/05	40	56	3	1

4. I would like you to rate some types of public transportation available in some parts of the greater Washington area. If you have never used this type of public transportation, just tell me and I will move on. Generally speaking, how would you rate (ITEM): Excellent, good, not-so-good or poor?

Summary -- 3/29/10

	-----Positive-----			-----Negative-----			Never use	No opinion
	NET	Excellent	Good	NET	Not so good	Poor		
a. The Metrorail subway system	70	14	56	17	13	4	12	1
b. The Metro bus system	42	4	37	16	12	4	41	2
c. Local bus service operated by your county or city	34	7	27	14	10	4	50	2

Trend data:

a. The Metrorail subway system

	-----Positive-----			-----Negative-----			Never use	No opinion
	NET	Excellent	Good	NET	Not so good	Poor		
3/29/10	70	14	56	17	13	4	12	1
3/29/10 Users	80	16	64	19	15	4	NA	1
1/31/05	75	25	50	12	9	3	12	4
1/31/05 Users	86	29	57	14	11	3	NA	4

b. The Metro bus system

	-----Positive-----			-----Negative-----			Never use	No opinion
	NET	Excellent	Good	NET	Not so good	Poor		
3/29/10	42	4	37	16	12	4	41	2
3/29/10 Users	70	7	63	26	19	7	NA	3
1/31/05	46	7	39	15	11	5	39	1
1/31/05 Users	75	11	64	25	17	7	NA	1

c. Local bus service operated by your county or city

	-----Positive-----			-----Negative-----			Never use	No opinion
	NET	Excellent	Good	NET	Not so good	Poor		
3/29/10	34	7	27	14	10	4	50	2
3/29/10 Users	60	13	55	28	20	9	NA	4
1/31/05	33	4	28	11	8	3	55	1
1/31/05 Users	74	16	64	25	18	6	NA	2

5. Now I'd like you to think specifically about the Metrorail subway system. Do you ride the Metro very often, fairly often, sometimes, or rarely? (Though not offered as an option, some respondents said they never used Metrorail.)

	----- Often -----			----- Not often -----				
	NET	Very	Fairly	NET	Sometimes	Rarely	Never	No opinion
3/29/10	23	15	8	77	30	33	14	0
1/31/05	25	16	9	75	26	35	14	0

6. (ASKED OF COMMUTERS) How often do you take the Metro to commute to work: Very often, fairly often, sometimes, or never?

	----- Often -----			----- Not often -----			
	NET	Very	Fairly	NET	Sometimes	Never	No opinion
3/29/10	20	16	4	80	17	63	0
1/31/05	24	19	5	76	15	62	0

7. (ASKED OF THOSE WHO REPORT EVER USING METRORAIL) In terms of (ITEM), would you rate the Metro as excellent, good, not-so-good or poor?

Summary -- 3/29/10

	-----Positive-----			-----Negative-----			No opinion
	NET	Excellent	Good	NET	Not so good	Poor	
a. Reliability	75	14	61	23	18	5	2
b. Comfort	78	14	64	20	16	4	2
c. Being a good value	72	14	59	26	18	8	2
d. Going to the places that you want to go	78	18	59	20	14	6	2
e. Convenience to your home	64	23	42	34	19	15	1
f. (ASKED OF COMMUTERS) Convenience to your work	51	23	28	43	18	24	7
g. Safety	67	12	54	31	23	8	3

Trend data:

a. Reliability

	-----Positive-----			-----Negative-----			No opinion
	NET	Excellent	Good	NET	Not so good	Poor	
3/29/10	75	14	61	23	18	5	2
1/31/05	87	19	68	12	8	3	1

**b. Comfort**

	-----Positive-----			-----Negative-----			No opinion
	NET	Excellent	Good	NET	Not so good	Poor	
3/29/10	78	14	64	20	14	4	2
1/31/05	83	16	68	16	12	4	*

**c. Being a good value**

	-----Positive-----			-----Negative-----			No opinion
	NET	Excellent	Good	NET	Not so good	Poor	
3/29/10	72	14	59	26	19	8	2
1/31/05	75	16	59	24	19	5	2

**d. Going to the places that you want to go**

	-----Positive-----			-----Negative-----			No opinion
	NET	Excellent	Good	NET	Not so good	Poor	
3/29/10	78	18	59	20	14	6	2
1/31/05	77	18	59	22	18	4	1

**e. Convenience to your home**

	-----Positive-----			-----Negative-----			No opinion
	NET	Excellent	Good	NET	Not so good	Poor	
3/29/10	64	23	42	34	19	15	1
1/31/05	63	21	42	37	23	14	*

**f. (ASKED OF COMMUTERS) Convenience to your work**

	-----Positive-----			-----Negative-----			No opinion
	NET	Excellent	Good	NET	Not so good	Poor	
3/29/10	51	23	28	43	18	24	7
1/31/05	52	21	31	43	19	24	5

**8. (ASKED OF THOSE WHO ARE NOT REGULAR METRO RIDERS) Here are reasons some people give for not riding Metro more often. For each, tell me if this is a big reason, a small reason or not a reason why you, personally, do not ride Metro more often.**

Summary -- 3/29/10	---- Reason ----			Not a reason	No opinion
	NET	Big	Small		
a. I live too far away from a Metro station	49	35	14	49	2
b. It is too hard to find parking near the Metro	43	30	14	53	3
c. It is too expensive	36	16	20	62	3
d. It takes too long to get where I want to go	46	24	22	51	3
e. It does not go where I want to go	51	31	19	46	3
f. I prefer driving	62	43	20	36	2
g. The trains are too crowded	39	16	23	58	3
h. (ASKED OF COMMUTERS) I work too far away from a Metro station	56	45	11	43	2
i. The system is unsafe	29	10	19	68	3

**Trend data:**

**a. I live too far away from a Metro station**

	---- Reason ----			Not a reason	No opinion
	NET	Big	Small		
3/29/10	49	35	14	49	2
1/31/05	48	32	16	52	*

**b. It is too hard to find parking near the Metro**

	---- Reason ----			Not a reason	No opinion
	NET	Big	Small		
3/29/10	43	30	14	53	3
1/31/05	47	32	15	50	3

**c. It is too expensive**

	---- Reason ----			Not a reason	No opinion
	NET	Big	Small		
3/29/10	36	16	20	62	3
1/31/05	33	9	23	66	2

**d. It takes too long to get where I want to go**

	---- Reason ----			Not a reason	No opinion
	NET	Big	Small		
3/29/10	46	24	22	51	3
1/31/05	52	30	21	47	1

**e. It does not go where I want to go**

	---- Reason ----			Not a reason	No opinion
	NET	Big	Small		
3/29/10	51	31	19	46	3
1/31/05	58	37	20	41	2

f. I prefer driving

	Reason				
	NET	Big	Small	Not a reason	No opinion
3/29/10	62	43	20	36	2
1/31/05	67	46	21	32	*

g. The trains are too crowded

	Reason				
	NET	Big	Small	Not a reason	No opinion
3/29/10	39	16	23	58	3
1/31/05	33	15	19	62	4

h. (ASKED OF COMMUTERS) I work too far away from a Metro station

	Reason				
	NET	Big	Small	Not a reason	No opinion
3/29/10	56	45	11	43	2
1/31/05	59	47	12	41	*

9. (ASKED OF THOSE WHO EVER USE METRO) Compared with a few years ago, do you take Metro (more) often than you used to, (less) often, or about the same as before?

	More	Less	About the same	No opinion
3/29/10	15	34	48	2

10. (ASKED OF THOSE WHO NEVER USE METRO) Thinking back a few years, did you used to take the Metro, or not?

	Yes	No	No opinion
3/29/10	27	72	1

11. (IF RIDING METRO LESS NOW) What is the MAIN reason you are riding Metro less often these days?

Summary --- 3/29/10	First mention	All mentions
Prefer to drive own car	16	16
Changed job	14	14
Moved/changed home	11	12
Retired	11	11
No convenient access	10	11
Not safe	5	6
No/less need	5	5
Increased fares	4	5
Too crowded	3	4
Unemployed	3	3
Takes too long/too slow	3	3
Disabled/handicapped	3	3
Parking/No parking	2	2
Not convenient	2	2
Not reliable/dependable	1	1
Service outbacks	*	*
Other	6	6
No opinion	1	1

12. As you may know, there have been several recent accidents on the Metrorail system. Overall do you approve or disapprove of the way Metro has responded to these incidents? Do you approve/disapprove strongly or somewhat?

	Approve			Disapprove			No opinion
	NET	Somewhat	Strongly	NET	Somewhat	Strongly	
3/29/10	49	10	39	35	17	18	16

13. Now I'd like you to think specifically about the METROBUS system. Do you ride Metro BUSES very often, fairly often, sometimes, or rarely? (Though not provided as an option, some respondents said they never use Metrobus)

	Often			Not often			No opinion
	NET	Very	Fairly	NET	Sometimes	Rarely	
3/29/10	12	8	3	88	12	29	46

14. (ASKED OF COMMUTERS WHO DO NOT ALREADY USE THE BUS) What, if any, changes or improvements in bus transportation would make you more likely to use buses for your commute to work?

	3/29/10
Expand routes/stations closer to my destination	27
Improve frequency of schedule	18
Improve dependability/on time service	7
Offer express routes/no/fewer stops	4
Quicker/faster service	4
Cheaper fares	2
Make it safer	2
Advertise/provide more/better schedule information	2
Convenience (Unspecified)	1
Make it less over-crowded	1
More fuel efficient/eco-friendly	*
Other	8
No suggestions/do not/would not use buses	23
No opinion	1

15. In recent years the Metro system has run up against funding shortages. Do you think (Metro should operate within its existing budget, even if this might mean cutting current services), or do you think (the region should find a new way to fund Metro, even if this might mean raising taxes on area residents)?

	3/29/10	1/31/05
Operate in existing budget	40	32
Find a new way to fund Metro	52	63
No opinion	8	5

(ASKED OF THOSE WHO SAY FIND A NEW WAY TO FUND METRO) Some people say that new money for the overall Metro system should come from (higher taxes across the region, since improved public transportation benefits the community generally). Others say the money should come from (Metro fare increases, since riders would receive the most direct benefit)? In your view, should new money come from (higher taxes) or (higher fares)? (Though not provided as options some respondents said "both" or suggested other options means.)

	Taxes	Fares	Both	Other	No opinion
3/29/10	43	36	15	3	3

16. Changing topics, in general, do you think government efforts to reduce traffic congestion in the Washington region should be focused more on expanding and building roads, or on providing more public transportation options, such as trains or buses?

	Focus on roads	Provide more options	No opinion
3/29/10	30	62	8

17. How often have you seen other drivers on the road (READ ITEM) -- is that something you see very often, somewhat often, occasionally, or hardly ever? (Though not given as an option, some respondents said "never." Items d and e asked of half samples.)

Summary -- 3/29/10	Often			Not often				No opinion
	NET	Very	Somewhat	NET	Occas.	Hardly Ever	Never	
a. Not paying enough attention to their driving	80	61	19	19	14	4	*	1
b. Driving too aggressively	68	44	24	32	24	7	*	*
d. Holding a cell phone to their ear	89	74	15	10	7	3	0	*
e. Typing on a cell phone or other mobile device	72	53	19	26	14	9	3	2

Trend where available:

a. Not paying enough attention to their driving

	Often			Not often				No opinion
	NET	Very	Somewhat	NET	Occas.	Hardly Ever	Never	
3/29/10	80	61	19	19	14	4	*	1
1/31/05	77	49	28	22	19	3	*	1

b. Driving too aggressively

	Often			Not often				No opinion
	NET	Very	Somewhat	NET	Occas.	Hardly Ever	Never	
3/29/10	68	44	24	32	24	7	*	*
1/31/05	77	49	28	22	19	3	*	1

18. (ASKED OF DRIVERS) How about you yourself - thinking honestly about your own driving, and remembering that no one's perfect - how often have you (ITEM): very often, somewhat often, occasionally or hardly ever? (Though not given as an option, some respondents said "never.")

Summary -- 3/29/10	Often			Not often				No opinion
	NET	Very	Somewhat	NET	Occas.	Hardly Ever	Never	
a. Not paid enough attention to your driving	16	5	11	83	35	39	9	1
b. Driven too aggressively	12	3	9	87	26	45	16	1

Trend where available:

a. Not paid enough attention to your driving

	Often			Not often				No opinion
	NET	Very	Somewhat	NET	Occas.	Hardly Ever	Never	
3/29/10	16	5	11	83	35	39	9	1
1/31/05	12	3	9	88	31	42	14	*

b. Driven too aggressively

	Often			Not often				No opinion
	NET	Very	Somewhat	NET	Occas.	Hardly Ever	Never	
3/29/10	12	3	9	87	26	45	16	1
1/31/05	13	2	11	87	22	47	18	1

19. (ASKED OF DRIVERS) Please tell me if you do any of the following things to pass the time when you're driving in stop-and-go traffic, or not.

Summary -- 3/29/10	Yes	No	No opinion
a. Talk on the phone	54	45	1
b. Read a newspaper, book or magazine	3	96	1
c. Listen to the radio or music	92	7	1
d. Eat	42	57	1

e. (WOMEN) Put on make-up	14	86	1
f. Use a cell phone or other mobile device to email, text or use the Web	23	76	1

Trend where available:

a. Talk on the phone

	Yes	No	No opinion
3/29/10	54	45	1
1/31/05	53	47	1

IF YES: Do you (hold the phone to your ear) or (use a hands-free device)?

	Hold phone to ear	Use hands-free	No opinion
3/29/10	44	54	2

b. Read a newspaper, book or magazine

	Yes	No	No opinion
3/29/10	3	96	1
1/31/05	7	93	0

c. Listen to the radio or music (2005 wording: "Listen to the radio, tapes or CDs")

	Yes	No	No opinion
3/29/10	92	7	1
1/31/05*	95	5	0

d. Eat

	Yes	No	No opinion
3/29/10	42	57	1
1/31/05	45	55	1

e. (Women) Put on make-up

	Yes	No	No opinion
3/29/10	14	86	1
1/31/05	16	84	0

20. Do you think it should be legal or illegal for people to talk on a hand-held cellphone while driving?

	Legal	Illegal	No opinion
3/29/10	21	76	3

21. Do you think it should be legal or illegal for people to talk on a hands-free cellphone while driving?

	Legal	Illegal	No opinion
3/29/10	68	30	2

22. Do you think SENDING a text message or email while driving, either on a cell phone or other electronic device, should be legal or illegal?

	Legal	Illegal	No opinion
3/29/10	5	94	1

23. Do you think READING a text message or email while driving, either on a cell phone or other electronic device, should be legal or illegal?

	Legal	Illegal	No opinion
3/29/10	7	92	1

24. (ASKED OF THOSE WHO USE METRORAIL.) Now thinking about Metrorail, which line do you use most often - (Red), (Blue), (Orange), (Yellow) or (Green)?

	3/29/10
Red	35
Orange	26
Blue	14
Green	13
Yellow	6
No opinion	7

25. (ASKED OF THOSE WHO USE METRORAIL.) On which Metroline, if any, have you experienced the most problems -- (Red), (Blue), (Orange), (Yellow) or (Green)? (Though not provided as an option, many respondents said "none.")

	3/29/10
Red	36
Orange	12
Blue	7
Green	5
Yellow	2
None	31
No opinion	8

26. One final topic, thinking about Washington's professional sports teams, would you say your favorite

team is the (Redskins), (Nationals), (Wizards), (DC United), (Mystics) or (Capitals), or don't you prefer any of these teams? (Though they weren't provided as options, some respondents said the Washington Kastles or Baltimore Orioles or Ravens were their favorite local team.)

	3/29/10
Redskins	31
Capitals	13
Nationals	8
Wizards	5
D.C. United	5
Mystics	1
Orioles (vol.)	1
Kastles (vol.)	*
Ravens (vol.)	*
Don't prefer any	32
No opinion	4

27. Have you ever been to a Washington Nationals baseball game, or not?

	Yes	No	No opinion
3/29/10	35	64	*
7/18/06 D.C.	36	64	NA

28. How likely is it that you'll go to a Nationals game this year -- very likely, somewhat likely, not so likely or not likely at all? (Though not provided as an option, some respondents said they wouldn't go.)

	----- Likely -----			----- Not likely -----			Won't go	No opinion
	NET	Very	Somewhat	NET	Not so	Not at all		
3/29/10	39	19	20	54	13	42	6	1

29. Considering everything, do you think bringing the Washington Nationals major league baseball team to the District has been a (good thing) or a (bad thing) for the city?

	Good	Bad	Mixed/Both	No opinion
3/29/10	76	7	0	17
1/8/08 D.C.	71	20	5	4
7/18/06 D.C.	64	23	5	7

Compare to:

As you may know, the former Montreal Expos professional baseball team is moving to Washington D.C. next spring and will play in RFK Stadium until a new stadium can be built. Do you think having a professional baseball team in the District will be (mainly a good thing) or (mainly a bad thing) for the city? (Though not provided as options, some respondents said neither or indicated mixed feelings.)

	Mainly a good thing	Mainly a bad thing	Mixed	Neither	No opinion
11/7/04	68	18	5	5	4

As you may have heard, the District is competing to get a major league baseball team whose games would be played in the city. Do you think it would be mainly a good thing for DC to have a major league baseball team, or mainly a bad thing?

	Good	Bad	No opinion
5/19/02 D.C.	84	11	6

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# The Washington Post

## Regional plan seeks tougher oversight of Metro

Washington Post Staff Writer

By Ann Scott Tyson

Wednesday, April 21, 2010

The organization that oversees Metro safety will gain more authority and eventually be replaced under a plan disclosed Tuesday by top regional leaders, who say they are concerned about the lack of accountability and recent series of accidents at the transit agency.

Virginia Gov. Robert F. McDonnell (R), Maryland Gov. Martin O'Malley (D) and District Mayor Adrian M. Fenty (D) agreed during a meeting on a two-phase action plan that would first require more stringent, regular reporting by the Tri-State Oversight Committee, a regional oversight body that has been criticized as weak.

In the long term, and with congressional approval, the leaders said the committee would be replaced either with direct federal safety oversight of Metro by the Federal Transit Administration, which would require the implementation of minimum federal safety standards as proposed in House and Senate legislation supported by the Obama administration, or with a locally and federally funded Metro Safety Commission set up by the jurisdictions.

"The current overall structure and the

current approach to safety is not acceptable," said McDonnell, who cited a "pattern" of "significant accidents" and fatalities, including the Red Line crash last summer in which nine people were killed.

"We need more direct executive oversight of [the Washington Metropolitan Area Transit Authority] because of these safety issues, rather than less," McDonnell said during a news conference held by the three leaders after their private meeting. Describing riders' "frustration" with Metro, Fenty said he and the two governors will play a more "hands-on" role in improving Metro and plan to meet soon with the agency's new interim general manager, Richard Sarles, who started the job March 29.

The push for tougher accountability of

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## The Washington Post

### Regional plan seeks tougher oversight of Metro

Metro came on the eve of a congressional hearing scheduled for Wednesday morning that will also probe Metro's safety practices, its yawning budget gap -- including a \$189 million shortfall in the \$1.4 billion operating budget for the fiscal year that begins July 1 -- as well as its need for effective long-term leadership.

Sarles, the former head of New Jersey Transit, will appear before the House Committee on Oversight and Government Reform in his first congressional testimony as Metro's temporary chief.

The oversight of Metro has for the past 13 years fallen to the Tri-State Oversight Committee, an obscure and relatively powerless body that has no direct regulatory authority over safety and cannot order Metro to make changes. It has no employees of its own, and its staff is drawn from local governments, hindering their independence because they must seek permission to act from their respective governments. The committee does not have a dedicated office, phone or Web site.

"The TOC is weak and confusing," said Metro board member Mortimer Downey, who was appointed in January by the Obama administration. The goal, he said, is to give the committee structure, "which it clearly does not have at this point."

Maryland Transportation Secretary Beverley K. Swaim-Staley agreed. "The TOC . . . doesn't really have a lot of authority," she said. "They haven't actually been housed in one place; they did not have regular meetings."

The new oversight plan, outlined in an 11-page white paper issued Tuesday, will require the committee chairman to be a full-time staff member and extend his term from one year to two or three. The chairman will be given greater authority and be "empowered to make executive decisions for the TOC and address immediate real-time safety issues at Metro and approve correspondences and corrective actions," said Jack Cahalan, spokesman for the Maryland Department of Transportation.

Committee Chairman Matthew Bassett said that previous chairmen have been hampered by having to gather a quorum

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### Regional plan seeks tougher oversight of Metro

of members to send letters or approve an accident investigation report. "This will allow the chair more administrative latitude in performing those tasks in coordination with the other TOC members but more quickly," he said, adding that he expects the changes to his job to take effect "in short order."

The plan will also create a six-person Policy Committee made up of the three local transportation secretaries and three alternates to which the Tri-State committee will report monthly on the status of accident investigations and corrective actions as well as "outstanding safety issues."

The Tri-State committee will be required to provide monthly briefings to Metro's board, general manager and safety committee. It will also be required to brief the Federal Transit Administration on safety issues and deficiencies at Metro, the status of investigations and the implementation of corrective actions.

The committee members will include Swaim-Staley, Virginia Transportation Secretary Sean T. Connaughton and Gabe Klein, the District's transportation director, with alternate members Harold Bartlett, Maryland DOT deputy secretary; Scott Kubly, DDOT associate director; and Thelma Drake, Virginia's director of rail and public transportation.

Metro spokeswoman Lisa Farbstein said Metro "welcomes strengthened independent safety oversight" as well as regular meetings with the governors and Fenty. Metro Board Chairman Peter Benjamin said the board supports "having an organization that is independent and can help ensure the safety of Metro."

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# Greater Greater Washington

The Washington, DC area is great. But it could be **greater**.

TRANSIT

## Govs, Fenty should lead instead of whining about WMATA

by [David Alpert](#) • April 20, 2010 1:36 pm

Everybody seems to want to have more control over WMATA, but far fewer want to show leadership to try to improve it. The latest vague noises about WMATA oversight [come from Mayor Fenty and Governors McDonnell and O'Malley](#), who gave a press conference about wanting more control over an agency they've virtually ignored.

According to the Post's Frerick Kunkle,

*All three agreed that they wanted to have better oversight over WMATA's management and the people they appoint to run it.*

*All three were more than a little vague about how this would happen, except to say they would ask Congress to make legislative changes. And they agreed to meet and talk some more.*

*"I think we have some consensus that some improvements are needed in that compact to give us more oversight," McDonnell (R) said. "I think, quite frankly, we agree we need more accountability at WMATA," Fenty (D) said. "We would like to have more direct oversight over WMATA, and not less," O'Malley (D) said. "And I think that was the bottom line coming out of today's discussions."*



Photo by blahmni.

This might sound good in the press, but is extremely ironic since these three have plenty of oversight authority already which they've neglected to exercise.

And, not surprisingly, none of the three took transit to the event.

The Tri-State Oversight Committee, which exercises the safety oversight the leaders say is lacking, is directly under the control of those three. The members of TOC are employees of DDOT, MDOT and VDOT, and thus report directly to Fenty, O'Malley and McDonnell. Yet prior to the crash, TOC was virtually invisible to the heads of the DOTs and the elected leaders.

When TOC ran into problems like being denied access to tracks, they didn't feel they had the access to the top to escalate the problem. If WMATA lacked effective oversight before last year's crash, Fenty, O'Malley, and former Governor Tim Kaine were the ones with the most direct ability to change the situation.

Fixing that was the one constructive change the three did announce: "The Tri-State Oversight Committee would receive 'additional executive authority' with monthly reviews and reporting requirements," according to Kunkle.

It's rich to hear O'Malley complain about not having more accountability given that he personally appoints the WMATA Board members from Maryland. What power does he want, exactly? O'Malley has kept mum about WMATA's funding problems, even while [most local representatives have asked for support](#).

His administration is also [deferring existing capital commitments](#) and [resisting renewing its capital commitments](#). That money is necessary to replace unsafe railcars and avoid dangerous overcrowding. If O'Malley thinks things can be better at WMATA, he could start by making public statements about what he'd actually do to make things better.

Fenty didn't put anything in the budget to help maintain service, despite receiving hundreds of emails from DC residents asking for a [Fair Share for Metro](#). In [his reply](#) to those residents, he falsely said the WMATA Board decides budget issues, when in fact he does.

His administration does only get one vote on the Board, but has kept the overly-busy City Administrator Neil Albert in the seat, who doesn't ever say much at meetings. Jim Graham, the Council's rep, is much more active. Fenty and Albert could also start having more oversight over WMATA by talking publicly about how they'd like to change things, instead of just how they'd like more control.

As for McDonnell, he can indeed complain about not having more power over WMATA. He doesn't appoint anyone to the Board, since the local jurisdictions do that. However, that's because the State of Virginia doesn't pay for transit service. In general, Virginia has spent most of its energy (under Democratic and Republican governors alike) ignoring WMATA with the exception of pushing for a new line, and spending all its transportation money on everything but transit.

However, he can do plenty to improve transit, like instructing VDOT to start working constructively to implement bus priority corridors around the state, or letting Northern Virginia jurisdictions tax themselves if they so choose to support transit.

WMATA isn't perfect. There's plenty to improve. However, a lack of control is not getting in the way of O'Malley, Fenty, and McDonnell taking clear steps to start fixing the situation. They've taken one very small step to change the one area they control unilaterally, but could do plenty more. It's just easier to blame others instead of trying to work to fix things.

[13 comments](#) — tags: [Adrian Fenty](#), [Bob McDonnell](#), [DC](#), [Martin O'Malley](#), [Maryland](#), [Metro safety](#), [Tri-State Oversight](#), [Virginia](#), [WMATA](#), [WMATA Board](#)  
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- [Fenty budget sets stage for huge transit cuts \(Apr 2, 2010\)](#)
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- [Why didn't the Board find out about Metro's denial to Tri-State Oversight? \(Nov 19, 2009\)](#)
- [Breaking: Fenty to name Albert to Metro Board \(Sep 11, 2008\)](#)

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## Comments

Hypocrisy gets you nowhere and actually loses you political points.

Tell O'Malley that even Ehrlich would have had sense enough to take Metro.

by [Redline SOS](#) on Apr 20, 2010 1:39 pm [🗨️](#)

---

Fenty is scum. The sooner District voters realize this, the better. He's a corrupt, dishonest, ignorant, inarticulate hack.

by [CP](#) on Apr 20, 2010 1:43 pm [🗨️](#)

---

This article is so good, you should post it twice

by [Teo](#) on Apr 20, 2010 1:45 pm [🗨️](#)

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Whoops, double posting fixed.

by [David Alpert](#) on Apr 20, 2010 1:47 pm [🗨️](#)

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It really is good enough to post twice, though. Or even ten times, if that's what it takes to get the people who need to read it to actually read it.

by [Miriam](#) on Apr 20, 2010 1:51 pm [🗨️](#)

---

The state of Virginia actually does contribute to capital funds for WMATA through NVTC. Legislation passed during the last General Assembly permits the money to be "flexed" to operating. Still, if my math is right, the state contributes less than the Northern Virginia jurisdictions combined (including the NoVa gas tax dedicated to Metro).

by [kreeggo](#) on Apr 20, 2010 1:58 pm [🗨️](#)

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It should also be noted that McDonnell does not have the authority to allow the Northern Virginia jurisdictions to tax themselves to further support transit. That power lies solely with the General Assembly. Good luck getting them to go along with it...

by [Froggie](#) on Apr 20, 2010 2:59 pm [🗨️](#)

---

Perhaps you can send this article to WTOP, the Examiner and the WaPo before they run their (literal) copies of the press release ("Oh, it even has



AGENDA ITEM #4

**TO:** Chairman Hudgins and NVTC Commissioners  
**FROM:** Rick Taube  
**DATE:** April 29, 2010  
**SUBJECT:** VRE Items.

---

- A. Report from the VRE Operations Board and VRE CEO--Information Item.
- B. Closed Session: New Access and Storage Agreement with Amtrak (Sections 2.2-3711 A(7) and (29) of the Code of Virginia).



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Report from the VRE Operations Board and VRE CEO

Copies are attached of the minutes of the VRE Operations Board's meeting of April 16, 2010. A report from VRE's Chief Executive Officer includes recent performance results.



# CHIEF EXECUTIVE OFFICER'S REPORT

April 2010

## MONTHLY DELAY SUMMARY

	December	January	February	March
<b>System wide</b>				
Total delays	64	52	64	61
Average length of delay (mins.)	17	13	16	17
Number over 30 minutes	9	1	5	6
Days with Heat Restrictions/Total days	0/22	0/19	0/15	0/23
On-Time Performance	89.1%	90.6%	84.8%	90.8%
<b>Fredericksburg Line</b>				
Total delays	37	21	34	35
Average length of delay (mins.)	21	16	18	17
Number over 30 minutes	8	1	4	4
On-Time Performance	86.1%	91.5%	82.1%	88.3%
<b>Manassas Line</b>				
Total delays	27	31	30	26
Average length of delay (mins.)	13	12	14	17
Number over 30 minutes	1	0	1	2
On-Time Performance	91.6%	89.8%	87.1%	92.9%

## SYSTEM RIDERSHIP

Average daily ridership for March was 17,405, which marks the third consecutive month where the average daily ridership was above 17,000. Cumulative ridership compared to last year is up 3.0%, with approximately 820 more riders than last March. Although the one day total trip record was not broken again this month, daily trip totals consistently approached that record with 8 days over 18,000.

## ON-TIME PERFORMANCE

Systemwide on-time performance is back to 90%. On-time performance on the Fredericksburg Line for the month of March was 88.3% and the Manassas Line was 92.9%. Train interference was the main cause of delays - 42.6% of the total. Sixteen percent of delays were caused by signal failures. Coastal flood warnings along the Potomac on the morning of March 29<sup>th</sup> caused speed restrictions and also contributed to 16% of the delays for the month. There were only 5 mechanical failures in March. On April 2<sup>nd</sup>, CSX shut down the railroad for over 4 hours due to police activity near the tracks in Alexandria which delayed or cancelled all afternoon service.

## **WOODBIDGE STATION UPDATE**

---

Construction of the Woodbridge station expansion is essentially complete. VRE is currently working with the County to obtain all permits necessary to open the facility. We expect this effort to be completed by the end of April. Construction of the temporary Kiss & Ride will follow. An opening ceremony is planned for May 12<sup>th</sup> at 11:00am at the Woodbridge station.

## **BROAD RUN SERVICE AND INSPECTION BUILDING**

---

Work on the new building is in the final stages. Finish work inside the building is underway and mechanical, electrical and plumbing work are in full swing. Two tracks will be extended as part of this project to provide additional storage space. All work is expected to be completed by end of June of this year.

## **FREDERICKSBURG STATION IMPROVEMENTS**

---

This project will address the delaminated concrete issue and provide platform, lighting and aesthetic enhancements. The project is currently out for bid. A pre-bid meeting was held on April 8<sup>th</sup> with various contractors in attendance. Bids are due on April 28<sup>th</sup> and work is expected to begin this summer.

## **CERTIFICATE OF ACHIEVEMENT FOR FINANCIAL REPORT**

---

VRE has been awarded the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA) for our FY 2009 financial report. This award is the highest form of recognition in governmental accounting and financial reporting. VRE has achieved this award for three consecutive years.

## **KEOLIS UPDATE**

---

VRE and Keolis have been meeting monthly with the Federal Railroad Administration and the host railroads to ensure that everyone involved will be comfortable when the change in contractors occurs the end of June.

In Progress – Both to VRE and FRA

Rolling Stock Maintenance Plan  
Facility Maintenance Plan  
Warehouse Maintenance Plan  
Training Program Plan  
System Security Plan  
Environmental Services Plan

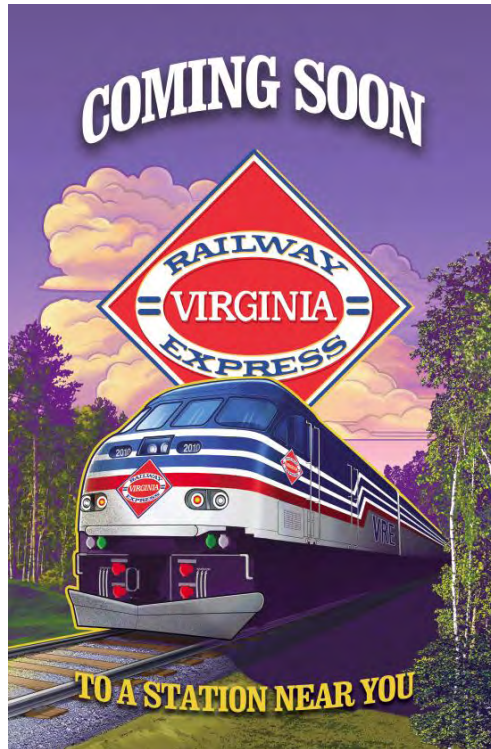
Track Safety Standards  
Worker Protection Program  
Operational Rule Testing Plan  
System Safety Program Plan  
Contingency Plan



Keolis has also completed negotiation of final employment terms with both the UTU and BLET for VRE service. Keolis representatives were at the VRE yards on April 12 and 13<sup>th</sup> to answer questions concerning the employment terms for joining Keolis. I'll provide an update on the employment status at the Operations Board meeting on April 16<sup>th</sup>.

## **UPDATE ON DELIVERY OF FIRST MOTIVE POWER LOCOMOTIVE**

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The first new VRE locomotive (V50) has completed final assembly and will exit the paint shop on April 20, 2010. From there, the locomotive will receive final detail work, performance testing and conditional acceptance by VRE. The V50 is currently on schedule to arrive at VRE on July 1, 2010.

Posters have been designed and printed to be placed at every station to build anticipation among our riders for the unveiling of our first new locomotive. A ceremony will be scheduled for later this summer to commemorate the event.

## **BIKE TO WORK DAY**

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VRE will partner with Fairfax County and the Washington Area Bicyclist Association (WABA) to participate in Bike to Work Day on May 21<sup>st</sup>. The Burke Centre VRE station will be a pit stop and VRE staff will be on hand to help with the event.

## **MEET THE MANAGEMENT**

---

Our annual “Meet the Management” program began this week with Union Station on April 7. These events are an opportunity to show appreciation to our riders. During this time, VRE management visits a different station every week, bringing refreshments for passengers. The goal is to meet our riders in person and to hear any questions, complaints or comments they may have. Board Members are welcome to attend any or all of the events in their jurisdictions. Below please find this years’ Meet the Management schedule:

April 7	Union Station, all evening trains
April 14	L’Enfant, all evening trains
April 21	Crystal City, all evening trains
April 28	Alexandria, all evening trains
May 5	Franconia/Springfield, all evening trains
May 19	Fredericksburg, all morning trains
May 26	Broad Run, all morning trains
June 2	Leeland Road, all morning trains
June 9	Manassas, all morning trains
June 16	Brooke, all morning trains
June 23	Manassas Park, all morning trains
June 30	Quantico, all morning trains
July 7	Burke Centre, all morning trains
July 14	Rippon, all morning trains
July 21	Rolling Road, all morning trains
July 28	Woodbridge, all morning trains
August 4	Backlick, all morning trains
August 11	Lorton, all morning trains

## **TAKE YOUR KIDS TO WORK DAY**

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On Thursday, April 22, 2010, the Take Our Daughters and Sons to Work Foundation will host the 18th annual Take Our Daughters And Sons To Work® Day. The program continues its focus on the competing challenges adults face integrating work and family. On that day, as in years past, VRE will allow children aged 18 and younger to ride for free with an accompanying fare paying adult. No special I.D.’s are needed on this day only.

## **UPDATE ON DISCOUNTED TICKET SALES**

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Starting in November 2009, VRE began a process of incremental changes to our discounted ticket policy and sales location availability. These changes were designed to increase control over discounted ticket sales and to decrease instances of abuse by non-qualifying passengers. These changes included a reduction in the number of VRE ticket vendor locations authorized to

sell discounted tickets and a revision of required identification for passengers to prove they meet the discount qualification guidelines.

Since these changes began, we have seen a decrease in the number of gross discounted rides sold each month from an average of 18,300 before the change, to an average of 12,300 discounted rides produced after the change, a decrease of 6,000 rides per month. This change reflects a reduction in the share of discounted rides from 6.6% of total rides produced to 4.5% of total rides produced.

#### **TIE REPLACEMENT – APRIL 18<sup>th</sup> TO MAY 5<sup>th</sup>**

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CSX will be replacing ties from April 18<sup>th</sup> to May 5<sup>th</sup>. The work will be done outside of service hours, but speed restrictions will slow our trains from the area just north of Crystal City to Alexandria. These tie replacements are part of regular track maintenance designed to keep the railroad in a state of good repair. CSX will make sure that VRE service will run as smoothly as possible during these upgrades.

**MONTHLY PERFORMANCE MEASURES – MARCH 2010**

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<b>MONTHLY ON-TIME PERFORMANCE</b>	<b>ON-TIME PERCENTAGE</b>
March Fredericksburg OTP Average	88.3%
March Manassas OTP Average	92.9%
<b>VRE MARCH OVERALL OTP AVERAGE</b>	<b>90.8%</b>

<b>RIDERSHIP YEAR TO DATE</b>	<b>RIDERSHIP</b>
VRE FY 2010 Passenger Totals	2,941,830
VRE FY 2009 Passenger Totals	2,856,084
<b>PERCENTAGE CHANGE</b>	<b>3.0%</b>

<b>RIDERSHIP MONTH TO MONTH COMPARISON</b>	
<b>DESCRIPTION</b>	<b>MONTHLY RIDERSHIP</b>
MARCH 2010	400,309
MARCH 2009	338,375
<b>PERCENTAGE CHANGE</b>	<b>8.0%(NORMALIZED)</b>
<b>SERVICE DAYS (CURRENT/PRIOR)</b>	<b>23/21</b>

## Monthly Ridership Changes: FY 2009 v. FY 2010

Current Month	MANASSAS				FREDERICKSBURG			
	Cumulative FY2009	Cumulative FY2010	% change	Cumulative FY2009	Cumulative FY2010	% change	Current Total	% change
July	154,066	163,100	5.9%	184,525	179,830	-2.5%	342,930	1.3%
August	298,659	317,944	6.5%	359,154	351,580	-2.1%	669,524	1.8%
September	456,054	479,425	5.1%	542,275	528,890	-2.5%	1,008,315	1.0%
October	620,865	646,968	4.2%	730,116	707,230	-3.1%	1,354,198	0.2%
November	746,905	795,248	6.5%	875,201	861,321	-1.6%	1,656,569	2.1%
December	883,468	945,530	7.0%	1,035,994	1,017,358	-1.8%	1,962,888	2.3%
January	1,021,679	1,110,585	8.7%	1,192,914	1,185,171	-0.6%	2,295,756	3.7%
February	1,165,667	1,234,347	5.9%	1,352,042	1,307,174	-3.3%	2,541,521	0.9%
March	1,328,811	1,430,590	7.7%	1,527,273	1,511,240	-1.0%	2,941,830	3.0%
April	1,492,195			1,707,585				
May	1,640,938			1,867,882				
June	1,808,366			2,049,280				

\*Ridership figures are shown in passenger trips. Includes Amtrak cross honor train riders.

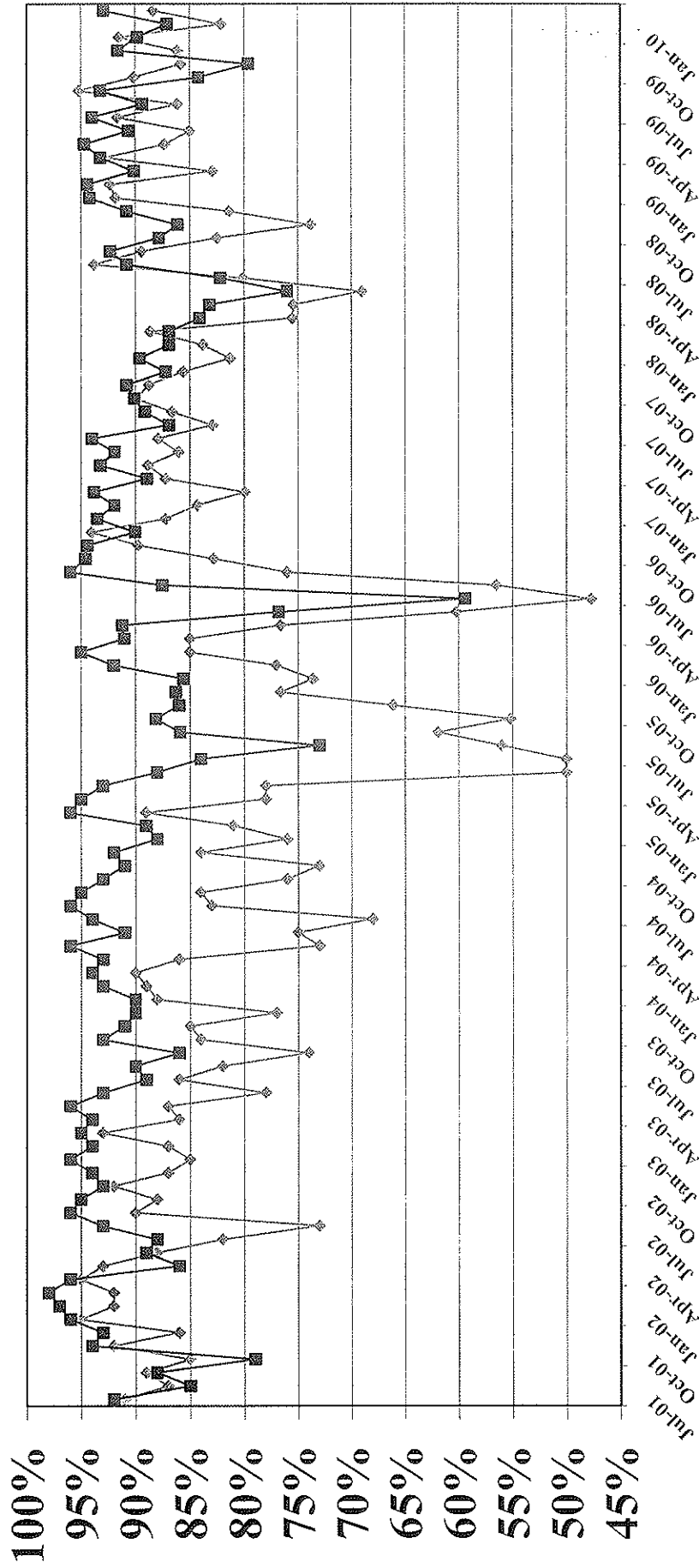
# Monthly Ridership and OTP: March 2010

Date	Manassas AM	Manassas PM	Total Manassas	Actual OTP TD	Fred'burg AM	Fred'burg PM	Fred'burg Total	Actual OTP TD	Total Trips	Actual OTP TD
1	4,332	4,340	8,672	100%	4,071	4,512	8,583	85%	17,255	95%
2	4,557	4,891	9,248	100%	4,582	4,615	9,197	100%	18,445	100%
3	4,559	4,702	9,261	100%	4,616	4,725	9,341	100%	18,602	100%
4	4,649	4,730	9,379	94%	4,527	4,658	9,185	77%	18,564	86%
5	3,791	3,865	7,656	100%	3,830	3,793	7,623	77%	15,279	90%
6										
7										
8	4,414	4,276	8,690	94%	4,168	4,504	8,672	77%	17,362	86%
9	4,465	4,674	9,139	100%	4,572	4,796	9,368	100%	18,507	100%
10	4,615	4,606	9,221	94%	4,348	4,824	9,172	92%	18,393	93%
11	4,473	4,549	9,022	100%	4,328	4,499	8,827	92%	17,849	97%
12	3,529	3,590	7,119	75%	3,802	4,017	7,819	100%	14,938	86%
13										
14										
15	4,267	4,451	8,718	100%	4,277	4,415	8,692	92%	17,410	97%
16	4,538	4,669	9,207	81%	4,226	4,640	8,866	69%	18,073	76%
17	4,501	4,498	8,999	88%	4,288	4,790	9,078	100%	18,077	93%
18	4,315	4,307	8,622	88%	4,531	4,443	8,974	62%	17,596	76%
19	3,532	3,478	7,010	94%	3,564	4,134	7,698	100%	14,708	97%
20										
21										
22	4,014	4,285	8,299	88%	4,464	4,331	8,795	100%	17,094	93%
23	4,442	4,298	8,740	94%	4,470	4,702	9,172	92%	17,912	93%
24	4,604	4,622	9,226	88%	4,429	4,740	9,169	92%	18,395	90%
25	4,410	4,458	8,868	94%	4,405	4,660	9,065	85%	17,933	90%
26	3,654	3,479	7,133	94%	3,782	3,906	7,688	100%	14,821	97%
27										
28										
29	4,036	3,868	7,904	81%	4,677	5,061	9,738	54%	17,642	69%
30	4,057	4,071	8,128	94%	4,446	4,673	9,119	92%	17,247	93%
31	4,053	3,752	7,805	100%	4,239	4,723	8,962	92%	16,767	97%
	97,807	98,259	196,066	93%	98,642	104,161	202,803	88%	398,669	91%
	Adjusted total:		196,243		Adjusted Total:		204,066	Adjusted Total:	400,309	
	# of Service Days:		23		Total Trips This Month:		400,309	Adjusted Total:	400,309	
	Manassas Daily Avg. Trips:		8,525	Adjusted Avg.:	8,532	Prior Total FY-2010:		2,541,521		
	Fred'burg Daily Avg. Trips:		8,818	Adjusted Avg.:	8,872	Total Trips FY-2010:		2,941,830		
	Total Avg. Daily Trips:		17,342	Adjusted Avg.:	17,405	Total Prior Years:		44,455,992		
					Grand Total:		47,397,812			

Note: Adjusted Averages & Totals include all VRE trips taken on Amtrak trains, but do not include "S" schedule days.  
 \* designates "S" schedule day

# On-Time Performance

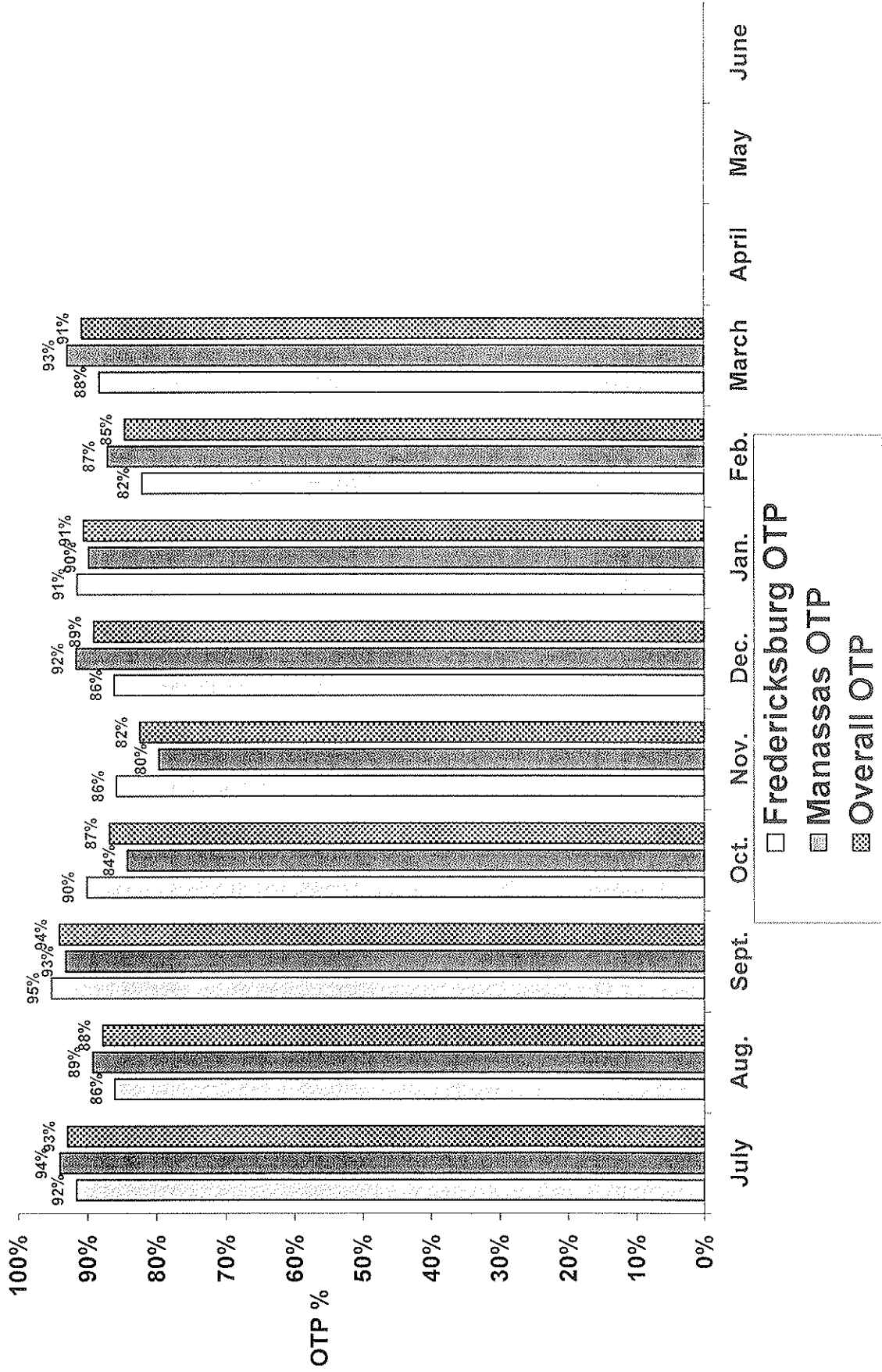
July 2001 – March 2010



◆ Fredericksburg Line    ■ Manassas Line

# Average On-Time Performance

## FY-2010





## FINANCIAL STATISTICS FOR MARCH 2010

Copies of the March 2010 Operating Budget Report are attached.

Fare income for the month of March 2010 was \$218,349 above the budget – a favorable variance of 8.85%. The cumulative variance for the year is 11.19% or \$2,243,315 above the adopted budget. Revenue in the first nine months of FY 2010 is up 17.4% over FY 2009. This positive variance is the result of higher than anticipated ridership and the January and July 2009 fare increases.

A summary of the financial results (unaudited) as of March 2010 follows. Detail on the major revenue and expense categories are provided in the attached Operating Budget Report. These figures reflect the Amended FY10 Budget.

A year-end projection is also attached, along with an investment report through the end of March, the most recent report available.

Measures		Goal	Actual
Operating Ratio		55%	82%
<b>Budgeted Revenue</b>	72,109,066		
Budgeted Revenue YTD	55,769,336		
Actual Revenue YTD	57,258,361		
Cumulative Variance	1,489,025		1,489,025
Percent Collected FY 07 YTD		77.34%	79.41%
<b>Budgeted Expenses</b>	72,109,066		
Budgeted Expenses YTD	49,370,094		
Operating Expenses YTD	47,791,108		
Cumulative Variance	1,578,986		1,578,986
Percent Collected FY 07 YTD		68.47%	66.28%
<b>Net Income (Loss) from Operations</b>			3,068,011

These figures are preliminary and unaudited.

**VIRGINIA RAILWAY EXPRESS**  
**FY 2010 Operating Budget Report**  
 March 31, 2010

	CURR. MO. ACTUAL	CURR. MO. BUDGET	YTD ACTUAL	YTD BUDGET	YTD VARIANCE \$	YTD VARIANCE %	AMENDED TOTAL FY10 BUDGET
<b>OPERATING REVENUE</b>							
Passenger Ticket Revenue	2,684,910	2,466,561	22,297,525	20,054,210	2,243,315	11.2%	26,917,683
Equipment Rental and Other	6,007	13,882	204,249	112,871	91,378	81.0%	151,500
<b>Subtotal Operating Revenue</b>	<b>2,690,917</b>	<b>2,480,443</b>	<b>22,501,774</b>	<b>20,167,081</b>	<b>2,334,693</b>	<b>11.6%</b>	<b>27,069,183</b>
Jurisdictional Subsidy (1)	-	-	15,955,559	15,955,559	-	0.0%	15,955,559
Federal/State/Other Jurisdictional Subsidy	2,301,595	2,303,014	18,782,711	19,475,342	(692,631)	-3.6%	28,854,324
Appropriation from Reserve	-	-	-	-	-	0.0%	-
Interest Income	1,657	21,076	18,317	171,355	(153,038)	-89.3%	230,000
<b>Total Operating Revenue</b>	<b>4,994,169</b>	<b>4,804,533</b>	<b>57,258,361</b>	<b>55,769,336</b>	<b>1,489,025</b>	<b>2.7%</b>	<b>72,109,066</b>
<b>OPERATING EXPENSES</b>							
Departmental Operating Expenses	4,251,195	4,402,514	34,489,122	36,210,382	1,721,260	4.8%	48,678,777
Debt Service	965,107	970,727	8,504,795	8,546,899	42,104	0.5%	13,582,380
Insurance	270	-	4,613,083	4,612,813	(270)	0.0%	6,005,000
Other Non-Departmental Expenses	148,699	-	184,108	-	(184,108)		3,842,909
<b>Total Operating Expenses</b>	<b>5,365,271</b>	<b>5,373,240</b>	<b>47,791,108</b>	<b>49,370,094</b>	<b>1,578,986</b>	<b>3.2%</b>	<b>72,109,066</b>
<b>NET INCOME (LOSS) FROM OPERATIONS</b>	<b>(371,102)</b>	<b>(568,707)</b>	<b>9,467,253</b>	<b>6,399,243</b>	<b>3,068,010</b>		<b>0</b>

**CALCULATED OPERATING RATIO**

82%

(1) Total jurisdictional subsidy is \$16,376,967. Portion shown is attributed to Operating Fund only.

## FY 2010 YEAR-END FINANCIAL PROJECTION

Each month, the VRE Operations Board receives financial information in summary form which shows year-to-date actual to budgeted fare revenue, grant revenue, and operating expenses. In December of each year, a revised budget for the year is prepared, based on the most current information as of that date. In December 2009, the Amended FY 2010 Budget was presented to the Board.

### YEAR-END PROJECTION

The information below is a projection of year-end revenue and expenses for FY 2010. The results of operations at year-end are anticipated to be a surplus of \$2.5M above the budgeted amount. Major points are as follows:

- Fare revenue estimated to be over \$2.7M above the budgeted amount, assuming ridership remains stable.
- The level of actual fare revenue may impact the state operating grant reimbursement at year end, which is based in part on operating funds less fare revenue.
- Diesel fuel costs are estimated to be \$0.9M below the adopted budget. This is due to lower than budgeted fuel prices and a decrease to the consumption of fuel, resulting in a combination of:
  - Utilizing the F40 locomotives (the least fuel effective) as protect locomotives only and not used in daily service
  - Implementing a strategy of immediately placing the locomotives on wayside power as soon as they are out of service at the two outlying yards
  - With increased maintenance and reliability of the locomotives, there is less running of protect locomotives on the train sets
- Debt service estimated to be \$700K under budget, due to the timing of the borrowing for the 50 and 10 railcar purchases. As a result, the related grant revenue for June is also under budget.
- Grant Revenues are lower by \$2.0M due to reductions in state operating funds and lower than anticipated costs for capital cost of contracting, access fees, and debt service, as noted above.
- Projections also include the planned \$1.0M contribution to the capital reserve and \$0.7M contribution to the operating reserve.
- As previously discussed, staff will provide recommendations in regard to any surplus after completion of the FY 2010 audit at the September meeting

The chart below summarizes actual to budget data by major category:

<b>FY10 Year End Operating Budget Projection (in millions)</b>				
<b>Description</b>	<b>Revised Budget</b>	<b>Current Estimate</b>	<b>Variance</b>	<b>%</b>
Fare Revenue	26.9	29.6	2.7	9.1%
Local Subsidy*	16.0	16.0	-	0.0%
Grant Revenue	28.9	26.9	(2.0)	-7.4%
Other Revenue	0.3	0.2	(0.1)	-50.0%
<b>Total Revenue</b>	<b>72.1</b>	<b>72.7</b>	<b>0.6</b>	<b>0.8%</b>
Operating Expenses	56.8	55.6	1.2	2.2%
Debt Service	13.6	12.9	0.7	5.4%
Contr to Reserve	1.7	1.7	-	0.0%
<b>Total Expenses</b>	<b>72.1</b>	<b>70.2</b>	<b>1.9</b>	<b>2.6%</b>
<b>Net Income (Loss)</b>	<b>-</b>	<b>2.5</b>	<b>2.5</b>	

\*The local subsidy amount shown here is the amount needed for operations; total subsidy is \$16.4M.

## VRE Investment Portfolio

As of March 31, 2010

Investment Type	Institution	Amount	Comments	Rate
Money market fund - overnight sweep	Suntrust Bank	638,000	Disbursement account	0.01% (1)
LGIP (Local Government Investment Pool)	LGIP	7,672,939	Operating and capital reserve and general funds (2)	0.23% (1)
<i>Project Funds</i>				
LGIP (Local Government Investment Pool)	LGIP	34,599	Sale of Kawasaki Rail Cars Proceeds	0.23% (1)
LGIP (Local Government Investment Pool)	LGIP	52,649	Revolving account for small liability claims	0.23% (1)
Money market fund	U.S. Bank	4,289,042	Funds held by bond trustee until next payment date	0.00%
Insurance trust fund	DRM	<u>9,154,514</u>	Amount as of 12/31/2009	N/A
<b>Total portfolio</b>		<b>21,841,743</b>		

(1) Monthly average.

(2) Includes retroactive wage payment owed to Amtrak

### Percentage of portfolio:

LGIP	36%
Money market fund	23%
Insurance trust fund	42%

**AGENDA ITEM 11**  
**INFORMATION ITEM**

**TO: CHAIRMAN MILDE AND THE VRE OPERATIONS BOARD**

**FROM: DALE ZEHNER**

**DATE: APRIL 16, 2010**

**RE: POSITIVE TRAIN CONTROL IMPLEMENTATION PLAN**

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**BACKGROUND:**

In the wake of the Metrolink Crash in Chatsworth, California, Congress passed the Rail Safety Improvement Act of 2008. Among other items, the Act called for the implementation of Positive Train Control (PTC) over most of the nation's rail networks by December 31, 2015. The final regulations were released in January 2010. As part of the regulations, there are many steps that each railroad must take throughout the process. First and foremost to VRE, a PTC Implementation Plan must be filed with the Federal Railroad Administration (FRA) by April 16, 2010.

**POSITIVE TRAIN CONTROL:**

Positive Train Control overlaps the current signal system and dispatchers instructions to provide for safer railroads. Currently, in most systems under signaled territory, the dispatcher provides the signals to the trains, which the engineer must adhere to. In some areas, cab signals provide for further protection by stopping the train if a signal is not adhered to or posted speeds are overrun. VRE operates under cab signal territory along the CSX tracks. In fact, the last section of cab signal was installed last year.

PTC takes the cab signal system one step further. While it includes some of the features of a cab signal system, it also can detect other issues and stop the train as

necessary. The system will be designed to detect when a switch is misaligned, preventing a train from going through the switch. PTC will also allow dispatchers to enter information about maintenance of way workers who may be present along the tracks. The system will also prevent a train from entering work space without the proper authority.

### **VRE'S OBLIGATIONS:**

Because VRE does not dispatch its trains, VRE will rely on its host railroads to implement most of the PTC network. However, VRE does bear some responsibility for PTC implementation as our locomotives and cab cars will need to be equipped. At present time, VRE owns 20 locomotives and 21 cab cars. All of these will be equipped with PTC. The new locomotives on order were built with PTC in mind and have provisions allocated for the equipment. Because our cab cars and older locomotives were not designed with PTC in mind, we will need to retrofit these vehicles in order to accommodate the necessary PTC equipment. Additionally, VRE's Contract Operator will be responsible for maintaining the equipment and training its operating and mechanical personnel on how to handle the PTC system.

### **PTC CHALLENGES:**

VRE has been meeting and working with its host railroads to determine the best method for implementation of PTC. Essentially, VRE will be cooperating with the implementation plans of its host railroad plans. The equipment and timing of PTC implementation will largely depend on their timeline and progress. However, both railroads have indicated that they will implement PTC in the VRE territory well before the December 15, 2015 date. In fact, both plan to test their PTC in a less dense traffic area first with the VRE area following close behind. Nonetheless, VRE will need to meet the PTC deadlines of the host railroad, which have not been set.

The biggest challenge for VRE is the unknown cost of implementing PTC on VRE trains. Norfolk Southern, CSX, and Union Pacific filed a joint PTC Development Plan, allowing for interoperability between the freight railroads. However, that gives Wabtec, the PTC provider, a monopoly over the majority of the PTC components. At this time, we do not know how much the system will cost. In addition, as mentioned above, there will be engineering and construction costs as we retrofit equipment to accept the on-board equipment.

Funding continues to be a concern. While up to \$50 million in federal grants has been established to help with PTC implementation, it is difficult to tell how much of that VRE will receive. The overall industry estimates that the cost of PTC nationwide is over \$2 billion. VRE will pursue the federal grant and other funding opportunities once our total cost is known.

### **VRE'S IMPLEMENTATION PLAN:**

While the regulations allow for tenant railroads to file a joint implementation plan with their hosts, VRE has chosen to submit its own implementation plan to the FRA. VRE's implementation plan largely points to the host railroads for the technological and timing aspects of PTC. However, because VRE would be responsible for the on-board equipment and training, VRE staff felt it was best to articulate those plans as best we could. Additionally, VRE felt it prudent to submit an implementation plan so that we could also apply for mainline track exclusions to VRE owned track segments, namely the two storage yards and the Broad Run terminal track.

### **CONCLUSION:**

VRE's PTC Implementation Plan will be filed with the FRA this afternoon. VRE will continue to work with CSX, Norfolk Southern, and Amtrak on their implementation plans in the VRE service area. Once VRE Staff are able to refine the projected costs and funding sources, VRE will inform the Operations Board of the next steps in the process.





# Recommendation for VRE Service Expansion

April 16, 2010



## Service Expansion

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- Proposed service expansion in December as part of FY 2011 recommended budget
- Designed to mitigate crowding and increase ridership
- Public outreach began February 1<sup>st</sup>
- Survey Monkey launched on March 12<sup>th</sup>



# Public Outreach Extended

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- Preliminary comments raised concerns over original plan
- Publicized modified proposal with 3 options
- Extended comment period to March 31<sup>st</sup>
- Six public hearings – 68 people attended
- Received 495 official comments



# Official Comments

Not Happy with Proposed Changes re: L'Enfant	216
Happy/Okay with Proposed Changes re: L'Enfant	23
Thrilled with Express Train	93
Want Express Train on Manassas Line	16
Happy/Okay with All Proposed Changes	111
Not Happy/Okay with any of the Proposed Changes	3
Want Woodbridge added to Express	11
Want Quantico added to Express	11
Want Union Station to Remain Station on Express	11
Total	495

# Summary of Official Comments

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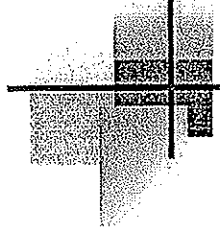
- 45% expressed concern with originating or terminating trains at L'Enfant
  - reducing service to increase additional seats is unjust
  - prefer crowding to reduction in service at Union Station
  - Estimate 400 to 600 riders would be disadvantaged by originating and terminating trains at L'Enfant



# Summary of Survey Monkey

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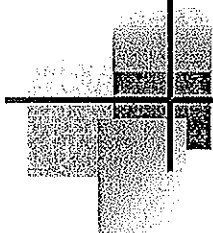
- Received 2,7444 surveys
- Majority support concept of adding railcars
  - Predominantly from riders not travelling to Union Station
- Support for express train



# Recommendation

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- Recommend express train be added to Fredericksburg Line – 4 unit consist
- Store at Union Station – no trains stored at L’Enfant
- Stops at Fredericksburg, Leeland, Brooke, and Woodbridge

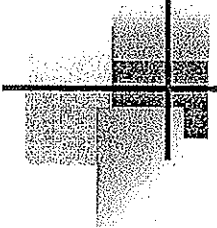


# Impact

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- Estimate a minimum of 160 trips with net cost of \$106K
- In one year, expect up to 200 trips – making train cost neutral
- Balances potential ridership benefit with passenger concerns
- Recommend implementation July 19<sup>th</sup>





# Questions?



# MINUTES

## VRE OPERATIONS BOARD MEETING PRTC HEADQUARTERS – PRINCE WILLIAM COUNTY, VIRGINIA APRIL 16, 2010

### VIRGINIA RAILWAY EXPRESS

#### BOARD MEMBERS

**PAUL MILDE**  
CHAIRMAN

**SHARON BULOVA**  
VICE-CHAIRMAN

**PAUL SMEDBERG**  
TREASURER

**WALLY COVINGTON**  
SECRETARY

**MAUREEN CADDIGAN**  
**JOHN COOK**  
**THELMA DRAKE**  
**JOHN JENKINS**  
**MATTHEW KELLY**  
**SUHAS NADDONI**  
**GARY SKINNER**  
**SUSAN STIMPSON**  
**JONATHAN WAY**  
**CHRIS ZIMMERMAN**

#### ALTERNATES

**MARC AVENI**  
**HARRY CRISP**  
**MARK DUDENHEFER**  
**BRAD ELLIS**  
**JAY FISETTE**  
**FRANK JONES**  
**ROB KRUPICKA**  
**JERRY LOGAN**  
**MICHAEL MAY**  
**JEFF McKAY**  
**MARTIN NOHE**  
**KEVIN PAGE**  
**JOHN STIRRUP**

**DALE ZEHNER**  
CHIEF EXECUTIVE  
OFFICER

1500 King Street, Suite 202  
Alexandria, VA 22314-2730

MEMBERS PRESENT	JURISDICTION
Sharon Bulova (NVTC)**	Fairfax County
Maureen Caddigan (PRTC)	Prince William County
John Cook (NVTC)	Fairfax County
Wally Covington (PRTC)**	Prince William County
John D. Jenkins (PRTC)	Prince William County
Matthew Kelly (PRTC)**	City of Fredericksburg
Paul Milde (PRTC)	Stafford County
Gary Skinner (PRTC)	Spotsylvania County
Susan Stimpson (PRTC)	Stafford County
Jonathan Way (PRTC)	City of Manassas

MEMBERS ABSENT	JURISDICTION
Thelma Drake	DRPT
Suhas Naddoni (PRTC)	City of Manassas Park
Paul Smedberg (NVTC)	City of Alexandria
Christopher Zimmerman (NVTC)	Arlington County

ALTERNATES PRESENT	JURISDICTION
Kevin Page	DRPT

ALTERNATES ABSENT	JURISDICTION
Marc Aveni (PRTC)	City of Manassas
Harry Crisp (PRTC)	Stafford County
Mark Dudenhefer (PRTC)	Stafford County
Brad Ellis (PRTC)	City of Fredericksburg
Jay Fiset (NVTC)	Arlington County
Frank C. Jones (PRTC)	City of Manassas Park
Rob Krupicka (NVTC)	City of Alexandria
Jerry Logan (PRTC)	Spotsylvania County
Michael C. May (PRTC)	Prince William County
Jeff McKay (NVTC)	Fairfax County
Martin E. Nohe (PRTC)	Prince William County
John Stirrup (PRTC)	Prince William County

STAFF AND GENERAL PUBLIC	
Donna Boxer – VRE	April Maguigad – VRE
Chris Dort – Union	Jennifer Mouchantaf – VRE
Anna Gotthardt – VRE	Sirel Mouchantaf – VRE
Kelly Hannon – Free Lance-Star	Corky Price – Union
Al Harf – PRTC staff	Lynn Rivers – Arlington County
Christine Hoeffner – VRE	Mark Roeber – VRE
Ann King – VRE	Mike Schaller – citizen
Mike Lake – Fairfax DOT	Brett Shorter – VRE
Bob Leibbrandt – Prince William Co.	Rick Taube – NVTC staff
Steve Maclsaac – VRE counsel	Dale Zehner – VRE

\*\* Delineates arrival following the commencement of the Board meeting. Notation of exact arrival time is included in the body of the minutes.

Chairman Milde called the meeting to order at 9:32 A.M. Following the Pledge of Allegiance, roll call was taken.

### Approval of the Agenda – 3

Ms. Caddigan moved, with a second by Mr. Jenkins, to approve the agenda. The vote in favor was cast by Board Members Caddigan, Cook, Jenkins, Milde, Page, Skinner, Stimpson and Way.

### Minutes of the March 19, 2010, VRE Operations Board Meeting – 4

Mr. Cook moved, with a second by Mr. Skinner, to approve the minutes as presented. The vote in favor was cast by Board Members Caddigan Cook, Jenkins, Milde, Page, Skinner, Stimpson and Way.

### Chairman's Comments – 5

Chairman Milde reported that VRE's on-time performance (OTP) has jumped back up after some storm related issues last month to over 90 percent systemwide, with 88.2 percent on the Fredericksburg line and 92.9 percent on the Manassas line. Cumulative ridership is up three percent compared to the same time last year. VRE is busy with many activities, including negotiating an access agreement with Amtrak, drafting a Positive Train Control Implementation Plan, transferring of operations to Keolis, planning the May 12<sup>th</sup> grand opening of the Woodbridge second platform, and meeting with Spotsylvania County in the near future to discuss locations of a new VRE station.

[Mr. Covington arrived at 9:34 A.M. and Ms. Bulova followed at 9:35 A.M.]

Mr. Zehner reported that the first new locomotive is scheduled to be delivered on July 1, 2010. Chairman Milde reminded Board Members that at last month's meeting Ms. Bulova suggested that the first locomotive be named in honor of Elaine McConnell. Chairman Milde thinks that this is a great idea. Ms. Bulova stated that Elaine McConnell, a former Fairfax County Board of Supervisor, was a strong advocate for commuter rail in Virginia before VRE even existed. Supervisor McConnell was a prime "mover and shaker" to get VRE started. She was a founding member of the VRE Operations Board when it first began.

Ms. Bulova moved, with a second by Mr. Jenkins, to name the first locomotive after Elaine McConnell. The vote in favor was cast by Board Members Bulova, Caddigan Cook, Covington, Jenkins, Milde, Page, Skinner, Stimpson and Way.

Mr. Covington asked if VRE could do an unveiling at the Manassas Railway Festival or some other event to commemorate this honor. Mr. Zehner stated that staff would look into this.

## Chief Executive Officer's Report – 6

Mr. Zehner provided a more detailed report on on-time performance. On April 2<sup>nd</sup> there was a hostage incident in Alexandria which shut down all rail activity on CSX tracks for three hours, causing substantial VRE delays. If this day is not included in the report, VRE is running at 90 percent OTP. VRE crews are doing an excellent job, dispatching is doing better and customer complaints are way down. Mr. Zehner also reported that on May 4<sup>th</sup>, the Prince William County Board of Supervisors will vote on a recommendation for \$1.4 million of improvements to the infrastructure to add additional parking at Broad Run. In addition, the paving on the shoulder lanes on Piper Lane was completed this week. Staff will look at putting additional gravel on the shoulders of the access road.

Mr. Zehner announced that VRE is partnering with Fairfax County and the Washington Area Bicycle Association (WABA) to participate in the Bike to Work Day on May 21, 2010. The VRE Burke Centre station will be a key station and staff will be on hand to help with the event.

Mr. Zehner reported that fuel costs are currently \$900,000 below budget. Fuel prices are down slightly and VRE is using the F40 locomotives, which tend to burn more fuel, as protect locomotives that are used only when there are problems with the other locomotives in the fleet. Also putting locomotives on wayside power in the yards is also saving fuel. This is good news for the budget.

Mr. Zehner stated that VRE has received the Certificate of Achievement for Financial Excellence in Financial Reporting from the Government Financial Officers Association (GFOA) for the third consecutive year. This award is the highest form of recognition in government accounting and financial reporting.

Mr. Zehner reported that VRE's annual "Meet the Management" program began on April 7<sup>th</sup> at Union Station. Board Members are welcome to attend any or all of the events in their jurisdictions.

Mr. Zehner also reported that the 18<sup>th</sup> annual "Take Our Daughters and Sons to Work Day" is scheduled for April 22, 2010. VRE will allow children age 18 and younger to ride for free with an accompanying fare paying adult. No special I.D.'s will be needed on this day.

## Operations Board Member's Time – 7

Mr. Way asked if VRE has an on-site inspection team for the new locomotives and Mr. Zehner replied that STV, Inc. is VRE's consultant and they have an on-site representative.

Ms. Stimpson stated that a constituent contacted her because there is no place in the Fredericksburg area where seniors can purchase discounted VRE tickets. Chairman Milde stated that the discount ticket policy was changed last year to eliminate ticket

fraud and abuse. Ms. Stimpson asked what percentage was ticket fraud and abuse. Mr. Zehner stated that there are no specific numbers but prior to the policy change, VRE sold approximately 18,000 discounted tickets and after the change it dropped to 12,000. He explained that any destination station has a vendor that is licensed to sell discount tickets to seniors, who have a valid driver's license showing proof of age over 65. Chairman Milde stated that they would have to purchase a one-way ticket at full fare and when they reach their destination station, they can purchase discount tickets. Ms. Stimpson stated that she realizes that the policy has already been changed, but she suggested that it be revisited because in her opinion it is a hardship issue for some people. Ms. Maguigad stated that discount tickets can also be purchased on-line through Commuter Direct.

Mr. Covington asked if it would be possible to have a mobile ticket vendor that sells discount tickets, which could be also done at "Meet the Management" events. VRE could also sell tickets at county meetings or town hall meetings where seniors may attend. The Manassas Rail Festival would also be a good location. Mr. Covington noted that this is a good time to provide this type of mobile service, since the summer months are coming, which are usually the months where VRE has additional capacity on the trains. Mr. Skinner suggested having a special kiosk at stations for seniors. Chairman Milde stated that this would still allow for fraud and abuse. Mr. Skinner stated that seniors could be given a special individualized code that would allow a discount ticket to be dispensed. Mr. Zehner stated that staff could look at these suggestions.

#### VRE Riders' and Public Comment – 8

There were no comments.

#### Authorization to Renew the Manassas Warehouse Lease – 9A

Mr. Zehner stated that Resolution #9A-04-2010 would authorize him to renew a contract with KAO Manassas Airport, LLC for warehouse space in an amount not to exceed \$141,436 for a 15 month term. Mr. Zehner explained that a search of available locations was conducted and a new location was considered cost prohibitive, primarily due to relocation costs. This space has proven essential for maintenance activities and will be adequate until the permanent VRE warehouse is completed in late 2011. The renewal includes the same terms and conditions of the current lease agreement with no changes. Funding is provided in the FY 2011 operating budget and will be included in subsequent budgets on an annual basis.

On a motion by Mr. Covington and a second by Ms. Caddigan, the Board unanimously approved the resolution. The vote in favor was cast by Board Members Bulova, Caddigan Cook, Covington, Jenkins, Milde, Page, Skinner, Stimpson and Way.

Authorization to Award a Task Order for Final Design Work at the Brooke VRE Station – 9B

Mr. Zehner stated that the VRE Operations Board is being asked to authorize him to execute a Task Order with AECOM for final design of the parking expansion at the Brooke VRE Station in an amount of \$232,000, plus a 10 percent contingency, for a total amount not to exceed \$255,200. Resolution #9B-04-2010 would accomplish this.

Mr. Zehner reported that the environmental and preliminary engineering for a parking expansion at the Brooke VRE station have been completed. The Federal Transit Administration (FTA) has issued final approval of the Environmental Assessment (EA) in March of 2010, and the property was acquired on March 5, 2010. The expansion project will yield approximately 230 spaces. Design work is expected to take six to eight months to complete.

Ms. Stimpson observed that the Leeland Road station is actually at a higher parking capacity rate than the Brooke station. She is reluctantly supporting this action. Mr. Zehner stated that staff is planning to provide construction costs for both the Leeland and Brooke projects to the Board so that the Board can then decide how to proceed. There is always a chance that both can be constructed.

[Mr. Kelly arrived at 9:55 A.M.]

Chairman Milde moved, with a second by Mr. Skinner, to approve the motion. The vote in favor was cast by Board Members Bulova, Caddigan Cook, Covington, Jenkins, Kelly, Milde, Page, Skinner, Stimpson and Way.

Authorization to Execute Final Year of Marketing Contract – 9C

Mr. Zehner reported that Resolution #9C-04-2010 would authorize him to execute the final option year of the marketing contract with Williams Whittle Associates of Alexandria, Virginia in an amount not to exceed \$400,000. Some of the services will include reprinting of schedules, posters, Rider's Guides, and brochures, as well as one marketing campaign potentially focusing on the proposed service change or directing passengers to stations where parking capacity exists. As the term of the contract will be complete on June 30, 2011, a procurement for those services will be initiated next winter.

Ms. Bulova moved, with a second by Mr. Skinner, to approve the resolution. The vote in favor was cast by Board Members Bulova, Caddigan Cook, Covington, Jenkins, Kelly, Milde, Page, Skinner, Stimpson and Way.

## Authorization to Approve the Addition of an Early Morning Express Train on the Fredericksburg Line – 9D

Mr. Zehner stated that the Operations Board is being asked to authorize him to add an early morning express train on the Fredericksburg Line beginning July 19, 2010. Resolution #9D-04-2010 would accomplish this.

Mr. Zehner explained that as part of the FY 2011 budget presentation at the December Operations Board meeting, VRE staff presented a service expansion proposal designed to mitigate crowding on trains, fully utilize VRE equipment, provide expanded service, and increase ridership. The proposal included lengthening trains and adding an express train which required two morning trains (one on each line) and two evening trains (one on each line) to terminate and originate at the L'Enfant VRE station.

Mr. Zehner stated that VRE conducted an extensive public outreach campaign seeking comments on the proposal, including an on-line Survey Monkey. After preliminary review of the comments received, a modified proposal with three options was presented to the public and the deadline for comments was extended to March 31, 2010. Six public hearings were conducted and 68 people attended. Also, 2,744 surveys were completed on Survey Monkey. Mr. Zehner reported that nearly 45 percent of the official comments received expressed concern regarding the termination and origination of trains at L'Enfant. The consensus from these passengers was that reducing the amount of service available to them in order to provide seats to other passengers was unjust. The majority of passengers attending the hearings stated that they would prefer overcrowding to termination and origination of the trains at L'Enfant. Many riders also indicated that they would move to the train before or the train after the one proposed to terminate and originate at L'Enfant, further crowding those trains. It is estimated that at least 400-600 of current VRE riders would be disadvantaged or inconvenienced by terminating and originating at L'Enfant.

Therefore, Mr. Zehner explained that VRE staff is recommending a modified proposal in which an express train would be added to the Fredericksburg line. While initial thoughts were to have the express train terminate at L'Enfant, requiring an evening train to also originate at L'Enfant, the proposal is now to run a short express train that can be stored on the existing tracks at Ivy City (Union Station). The express train would depart Fredericksburg at 5:05 A.M. and make stops at Fredericksburg, Leeland, Brooke, Woodbridge, Alexandria, Crystal City, L'Enfant and Union Station. The train would be a four car consist (one locomotive and three railcars). All other trains would remain the same.

Mr. Zehner explained that the annual cost for operating the express train is estimated to be \$386,000. If 200 new trips are made on VRE, the train will be cost neutral. If only 160 new trips are made, the annual net cost would be \$106,000. VRE staff estimates a minimum of 160 new riders to VRE and expects the number to be closer to 200 after one year.

Ms. Bulova observed that this recommendations does not inconvenience any of VRE's riders and she thanked staff for coming up with a "win-win" situation.

Mr. Kelly stated that it is important to look to the future since the Fredericksburg region is one of the fastest growing regions in the Commonwealth and it will be even more important for VRE to keep the connection between that region and Washington, D.C. At some point, additional capacity will need to be looked at, including storage at the L'Enfant station. Mr. Kelly stated that another issue is the Step-Up ticket with Amtrak. Mr. Zehner stated that this issue has been discussed with Amtrak, but it is not part of the access agreement currently being negotiated. Once that agreement has been reached with Amtrak, then the Step-Up can be negotiated.

In response to Mr. Kelly's comments, Mr. Zehner observed that VRE has no funding for additional equipment and there are parking capacity issues at Leeland and Brooke, which are also costly. It is a matter of funding. Mr. Kelly stated that people need to understand that ultimately more trains and equipment will be needed to respond to capacity issues. Mr. Skinner agreed with Mr. Kelly's comments. When the Spotsylvania County station is open, ridership will increase significantly. Parking issues have kept some people from riding VRE. For the future, it is important that additional storage be identified. Since it is a funding issue, VRE may need to establish a reserve fund to react to the additional costs.

Mr. Way noted that it is interesting that only 16 people responded that they want express trains on the Manassas line. Ms. Mouchantaf speculated that the number of responses could be skewed because of the way the question was worded on the survey. Passengers might have been answering the question that they did not want the express train terminating at L'Enfant instead of being in favor of general express service. Mr. Way asked what plans VRE has, if any, to increase capacity on Manassas trains #324 and #326. Mr. Zehner explained that with the exception of adding this express train, there is absolutely no mid-day storage space for more trains. Mr. Zehner stated that with this proposal, every storage slot will be filled at the Ivy City Yard at Union Station. Staff will continue to pursue looking at different locations for additional storage options.

Mr. Skinner moved, with a second by Mr. Kelly, to approve Resolution #9D-04-2010, which authorizes staff to add an early morning express train on the Fredericksburg Line beginning July 19, 2010.

Mr. Harf asked if it would be the Board's pleasure to have VRE staff return with an analysis of the Step-Up charge issue and calculate the usage and how much subsidy would be necessary to make it beneficial, if Amtrak does not lower the step-up charge. Mr. Kelly stated that he is a firm believer in putting all the options on the table, so he does not have a problem with this suggestion.

In response to a question from Mr. Skinner regarding the timing of the 5:05 A.M. express train, Mr. Zehner stated that CSX would not agree to an earlier time before 5:05 A.M., since VRE's contract time starts at 5:00 A.M.

Chairman Milde observed that the state sponsored train from Richmond to Washington, D.C. is scheduled to start about the same time this summer, and he asked what time



will it stop in Fredericksburg. Mr. Page replied that the train is scheduled to leave Richmond at approximately 7:00 A.M. and should stop in Fredericksburg about 8:00 A.M. The afternoon state train will arrive at Fredericksburg about 3:30 P.M. Chairman Milde asked if there will be any type of inaugural train ride. Mr. Page stated that discussions are still underway, although budget constraints will be a factor. In response to a question from Chairman Milde, Mr. Page stated that ridership on the Lynchburg-Washington train has far exceeded expectations.

Chairman Milde expressed his support for this motion and observed that VRE was responsive to the riders' comments and also responded to Prince William County's concerns by including a stop at Woodbridge. He also hopes it will eliminate the standing-room only situation on the trains for the Prince William County riders.

The Board then voted on the motion and it passed. The vote in favor was cast by Board Members Bulova, Caddigan Cook, Covington, Jenkins, Kelly, Milde, Page, Skinner, Stimpson and Way.

#### Positive Train Control Implementation Plan – 11

Mr. Zehner stated that in the wake of the Metrolink crash in Chatsworth, California, Congress passed the Rail Safety Improvement Act of 2008. Among other items, the Act calls for the implementation of Positive Train Control (PTC) over most of the nation's rail networks by December 15, 2015. The final regulations were released in January 2010, which include many steps that each railroad must take throughout the process. First and foremost to VRE, a PTC Implementation Plan must be filed with the Federal Railroad Administration (FRA) by April 16, 2010. Since VRE does not dispatch its trains, VRE will rely on its host railroads to implement most of the PTC network. However, VRE does bear some responsibility for PTC implementation as its locomotive and cab cars will need to be equipped with PTC. VRE's new locomotives are being built with PTC in mind and have provisions allocated for the equipment. Older equipment will need to be retrofitted. This could be a real challenge for the cab cars.

Mr. Zehner explained that Positive Train Control overlaps the current cab signal system and dispatcher instructions to provide for safer railroads. It will be designed to prevent train collisions, enforce all forms of speed control, protect against misaligned switches, and protect roadway workers on the tracks.

Mr. Zehner reported that VRE has been meeting and working with its host railroads to determine the best method for implementation of PTC. Essentially, VRE will be cooperating with the implementation plans of its host railroad. Both railroads have indicated that they will implement PTC in the VRE territory well before the December 15, 2015 deadline. In fact, both plan to test their PTC in a less dense traffic area first with the VRE area following close behind. The biggest challenge for VRE is the unknown cost of implementing PTC on VRE trains. NS, CSX and Union Pacific filed a joint PTC Development Plan, allowing for interoperability between the freight railroads. However, that gives Wabtec, the PTC provider, a monopoly over the majority of the PTC components. At this time, the cost of the system is unknown. There will also be

engineering and construction costs as VRE retrofits equipment to accept the on-board equipment.

Mr. Zehner stated that funding continues to be a concern. While up to \$50 million in federal grants has been established to help with PTC implementation, it is difficult to tell how much VRE will receive. The overall industry estimates that the cost of PTC nationwide is over \$2 billion. VRE will pursue the federal grant and other funding opportunities. VRE has chosen to submit its own implementation plan to the FRA, which largely points to the host railroads for the technological and timing aspects of PTC. However, because VRE would be responsible for the on-board equipment and training, VRE staff feels it would be best to articulate these plans as best as it can. VRE staff feels it is prudent to submit an implementation plan so that VRE can also apply for mainline track exclusions to VRE owned track segments, namely the two storage yards and the Broad Run terminal track.

Mr. Zehner reported that VRE's PTC implementation plan will be filed with the FRA later today. VRE will continue to work with the railroads. VRE staff will continue to refine the project costs and funding sources, and will report back to the Operations Board.

Mr. Harf stated that this subject was discussed at the last PRTC meeting, in which the Commission voted to send a letter to the Virginia congressional delegation expressing concern about the 2015 deadline, as well as the financial implications and the fact that technology-wise, PTC is an uncharted territory.

Chairman Milde asked if any other countries are using this system. Mr. Zehner stated that he is not an expert on train controls but there are probably other control systems being used out there. The Wabtec system, which CSX and NS have decided to use, is unique to the United States. Chairman Milde asked if the Commonwealth has discussed this issue. Mr. Page stated that this is a federally mandated issue and has not been discussed by the Commonwealth.

#### Closed Session – 10

Ms. Bulova moved, with a second by Mr. Covington, the following motion:

Pursuant to the Virginia Freedom of Information Act (Sections 2.2-3711A (7) and (29) of the Code of Virginia), the VRE Operations Board authorizes a Closed Session for the purposes of consultation with legal counsel regarding the terms and conditions of a new access and storage agreement with Amtrak.

The vote in favor was cast by Board Members Bulova, Caddigan Cook, Covington, Jenkins, Kelly, Milde, Page, Skinner, Stimpson and Way.

The Board entered into Closed Session at 10:32 A.M. During the Closed Session, Ms. Stimpson left at 11:15 A.M. and Mr. Skinner left at 11:20 A.M. The Board returned to Open Session at 11:27 A.M.

Ms. Bulova moved, with a second by Mr. Kelly, the following certification:

The VRE Operations Board certifies that, to the best of each member's knowledge and with no individual member dissenting, at the just concluded Closed Session:

1. Only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia were discussed; and
2. Only such public business matters as were identified in the motion by which the Closed Session was convened were heard, discussed or considered.

The vote in favor was cast by Board Members Bulova, Caddigan Cook, Covington, Jenkins, Kelly, Milde, Page and Way.

Adjournment

Without objection, Chairman Milde adjourned the meeting at 11:28 A.M. The vote in favor was cast by Board Members Bulova, Caddigan Cook, Covington, Jenkins, Kelly, Milde, Page and Way.

Approved this 21<sup>st</sup> day of May, 2010.

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Paul Milde  
Chairman

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Wally Covington  
Secretary

**CERTIFICATION**

This certification hereby acknowledges that the minutes for the April 16, 2010 Virginia Railway Express Operations Board Meeting have been recorded to the best of my ability.



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Rhonda Gilchrest

Closed Session: Amtrak Access and Storage Agreement

Confidential materials are being provided to NVTC Board members in separate sealed envelopes.

To enter closed session:

Pursuant to the Virginia Freedom of Information Act (Sections 2.2.-3711A (7) and (29) of the Code of Virginia), the Northern Virginia Transportation Commission authorizes discussion in Closed Session concerning an access and storage agreement with Amtrak.

Following the closed session:

The Northern Virginia Transportation Commission certifies that, to the best of each member's knowledge and with no individual member dissenting, at the just concluded Closed Session:

1. Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed ; and
2. Only such public business matters as were identified in the motion by which the Closed Session was convened were heard, discussed or considered.



**MEMORANDUM**

**TO:** Chairman Hudgins and NVTC Commissioners  
**FROM:** Rick Taube and Adam McGavock  
**DATE:** April 29, 2010  
**SUBJECT:** Alexandria Federal Grant Applications.

The commission is asked to approve Resolution #2143. This resolution authorizes NVTC's executive director to apply for eight grants totaling \$7.1 million in RSTP and Section 5309 SAFETEA-LU grant funds from the Federal Transit Administration (FTA) on behalf of Alexandria for four transit projects within the city. In March of 2008, the commission approved similar grant applications on behalf of Alexandria, specifically for the Crystal City/Potomac Yard project. These new grants will cover additional projects. Local matching funds will be provided by Alexandria and the Commonwealth of Virginia.

Fiscal Year	Purpose	Amount
2008,2009	King Street Access Improvements Project	\$4,200,000
2008,2009	Eisenhower Intermodal Station Improvements	\$1,800,000
2008,2009	Potomac Yard Transit Improvements	\$533,000
2008,2009	City-wide Transit Improvements	\$533,000
Total		\$7,066,000

The resolution also adds these projects to NVTC's work program. NVTC will incur no financial obligation for this project other than staff time estimated at 200 hours annually for obtaining and managing the grants. The projects themselves will be managed by Alexandria staff and consultants.

FTA requires certification by the Department of Labor that NVTC has a labor protection agreement that is satisfactory to organized labor (under Section 13(c) of the Urban Mass Transportation Act, as amended). Theoretically NVTC could be responsible for claims from employees that their conditions of employment have been worsened as a result of the activities funded by the grant,



although such claims are exceedingly rare. Accordingly, jurisdiction staff at NVTC's Management Advisory Committee developed the approach that is included in the resolution.

The jurisdiction requesting that NVTC apply for the federal funds on its behalf will protect NVTC's other jurisdictions against 13(c) claims by agreeing to provide from state aid held by NVTC whatever claims and related costs may be incurred. Local jurisdiction attorneys have had the opportunity to review this approach and have offered no objections. Resolution #2143 includes this protection. Also, Alexandria will be required to sign NVTC's standard sub-recipient agreement before NVTC staff executes the grants. The sub-recipient agreement ensures that Alexandria will comply with all applicable FTA regulations.



## RESOLUTION #2143

**SUBJECT:** Authorization to Apply for Federal Grant Funds for Alexandria.

**WHEREAS:** The Northern Virginia Transportation Commission is eligible to apply for, receive and manage federal transit grants;

**WHEREAS:** NVTC, as a service to its member jurisdictions, can also apply for, receive and manage federal transit grants on behalf of those members;

**WHEREAS:** The Federal Transit Administration (FTA) requires grant recipients to comply with all grant requirements, including a certification from the Department of Labor regarding labor protection (Section 13(c)); and

**WHEREAS:** Staff of Alexandria has asked NVTC to apply for federal transit funds on their behalf and indicated that Alexandria is willing to protect NVTC against any and all 13(c) labor protection claims and related expenses using state transit assistance funds held in trust by NVTC.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission authorizes its executive director to apply to FTA for transit funding and complete all required certifications on behalf of Alexandria for \$7.1 million of earmarked federal funds (including non-federal match).

**BE IT FURTHER RESOLVED** that NVTC authorizes its staff to amend the commission's 2010 approved work program to include these grant applications.

**BE IT FURTHER RESOLVED** that NVTC authorizes its executive director as trustee of state transit assistance received by Alexandria at NVTC, to use funds from Alexandria's accounts at NVTC and/or from future receipts of such funds, to pay any and all expenses arising from 13(c) labor protection claims and related costs (including legal fees) associated with these federal grants, after first informing Alexandria and providing appropriate documentation of the expenses.



**BE IT FURTHER RESOLVED** that NVTC requires its executive director to obtain from Alexandria a signed standard sub-recipient agreement before execution of these FTA grants.

Approved this 6<sup>th</sup> day of May, 2010.

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Catherine Hudgins  
Chairman

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Mary Hynes  
Secretary-Treasurer





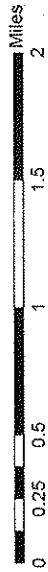
# Background Overview

## Guiding Policies

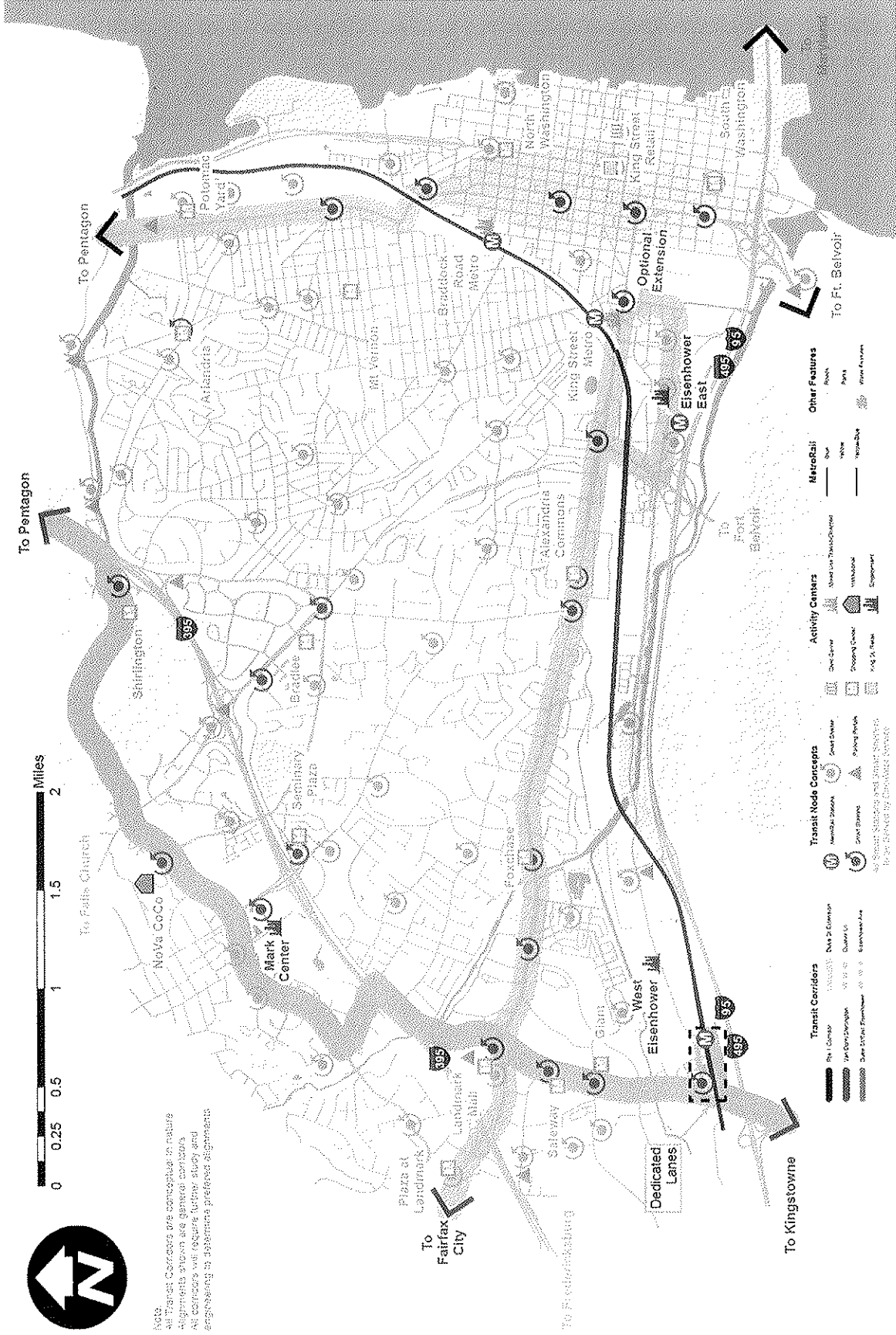
- **Alexandria Transportation Master Plan (2008)**
  - 3 High Capacity Transit Corridors
- **Mayor and Council's Strategic Goals**
  - OBJECTIVE #4 Increase transit options for locally oriented and through trips emphasizing interjurisdictional coordination.
  - Initiative (a) Finalize planning and begin construction on Potomac Yard Transitway by 2015

# Background Overview – Guiding Policies

## Alexandria Transportation Master Plan: Transit Corridors



**Note:**  
 All Transit Corridors are conceptual in nature  
 and should be used as a guide only. All  
 transit corridors are subject to future study and  
 engineering to determine preferred alignments.



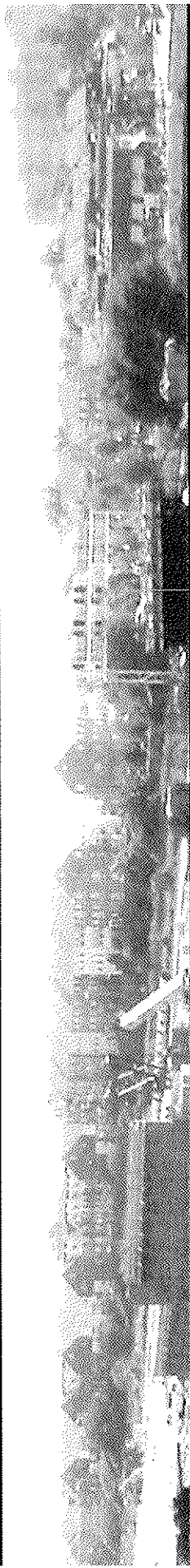
<p><b>Transit Corridors</b></p> <ul style="list-style-type: none"> <li>Thru Corridor</li> <li>Local Corridor</li> <li>Feeder Corridor</li> <li>Local Street Frontage</li> </ul>	<p><b>Transit Node Concepts</b></p> <ul style="list-style-type: none"> <li>Major Station</li> <li>Local Station</li> <li>Street Station</li> <li>Feeder Station</li> <li>Local Street Station</li> </ul>	<p><b>Activity Centers</b></p> <ul style="list-style-type: none"> <li>Office Center</li> <li>Shopping Center</li> <li>High School</li> <li>College</li> <li>Community Center</li> <li>Local Street Station</li> <li>Feeder Station</li> <li>Local Street Station</li> </ul>	<p><b>Metro/Rail</b></p> <ul style="list-style-type: none"> <li>Subway</li> <li>Light Rail</li> <li>Commuter Rail</li> <li>Streetcar</li> <li>Other</li> </ul>	<p><b>Other Features</b></p> <ul style="list-style-type: none"> <li>Parks</li> <li>Public</li> <li>Water Features</li> </ul>
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*City of Alexandria Transit Concept*



## Available Funding

- \$500K for study of 3 high priority transit corridors
- \$8.5 million TIGER grant for Crystal City- Potomac Yard Transitway (CCPY)
- \$4 million for transitway stations
- \$300K for CCPY environmental documentation
- \$2 million for preliminary engineering for transit corridors





## Coordination with Adjacent Jurisdictions

- **Arlington County**
  - Crystal City-Potomac Yard transitway
  - Connection to Columbia Pike Streetcar
- **Fairfax County**
  - Columbia Pike extension to BRAC 133-Mark Center



AGENDA ITEM #6

**TO:** Chairman Hudgins and NVTC Commissioners  
**FROM:** Rick Taube  
**DATE:** April 29, 2010  
**SUBJECT:** Testimony to the Commonwealth Transportation Board

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CTB will conduct a hearing on the draft Six-Year Program on May 26<sup>th</sup> at Fairfax City Hall at 7:00 pm. On May 12<sup>th</sup> NVTC and local staff expect to have the opportunity to discuss with DRPT staff several issues pertaining to the commonwealth's public transit grant program at DRPTs' spring workshop.

The attached draft of CTB testimony focuses on the success of Northern Virginia's interconnected transit systems and the role of state funding. It will be the first formal opportunity to appear before Secretary Connaughton and DRPT Director Drake.

After reviewing the draft testimony, the commission is asked to authorize Chairman Hudgins (or her designee) to present it on May 26<sup>th</sup>.





## Commonwealth Transportation Board

### *Public Hearing on Six-Year Transportation Program*

**May 26, 2010**

**7:00 P.M.  
Fairfax City Hall**

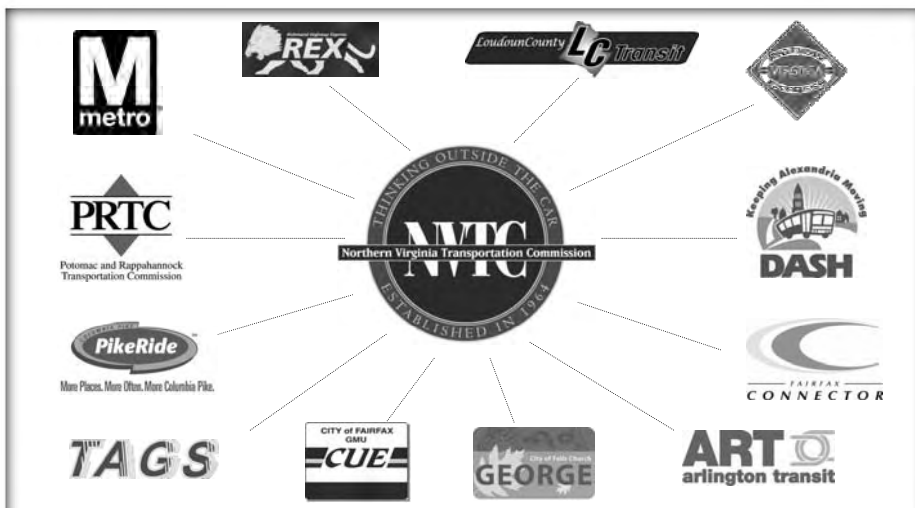
**Statement of Catherine Hudgins, Chairman  
Northern Virginia Transportation Commission**



- With the help of state funding administered by DRPT, transit has continued to perform exceptionally well in Northern Virginia despite severe financial constraints. The slides in the appendix illustrate this fact.
- The Commonwealth Transportation Board should give top priority to this region's transportation needs, including flexing federal stimulus and other funds to transit projects, because Northern Virginia's needs, performance and level of local effort far exceed the rest of the commonwealth.
- The level of transit assistance for FY 2010 for NVTC's jurisdictions and VRE, while less than in FY 2009, is significant and appreciated. A good example is CTB's provision of \$50 million to match new federal funding for WMATA.



## Northern Virginia's Interconnected Transit Systems



In Northern Virginia: 147 million passenger trips in FY 2009 averaging over 500,000 per day 3

## Ridership Data Show Continued Positive Regional Transit Performance

Strong transit performance in Northern Virginia:

- With 147 million annual passenger trips, ridership was up three percent in FY 2009 compared to FY 2008 and 21 percent since FY 2003 (see slide 17 in appendix).
- 75% of Virginia's transit ridership is here.
- Northern Virginia's 2.2 million residents took 67 transit trips per capita in FY 2009, while in NVTC's WMATA jurisdictions residents took 82. The statewide average outside of Northern Virginia was only approximately eight. Thus, NVTC jurisdiction residents took 10 times as many transit trips per capita.
- Transit systems operating in Northern Virginia carried passengers 917 million miles in FY 2009.





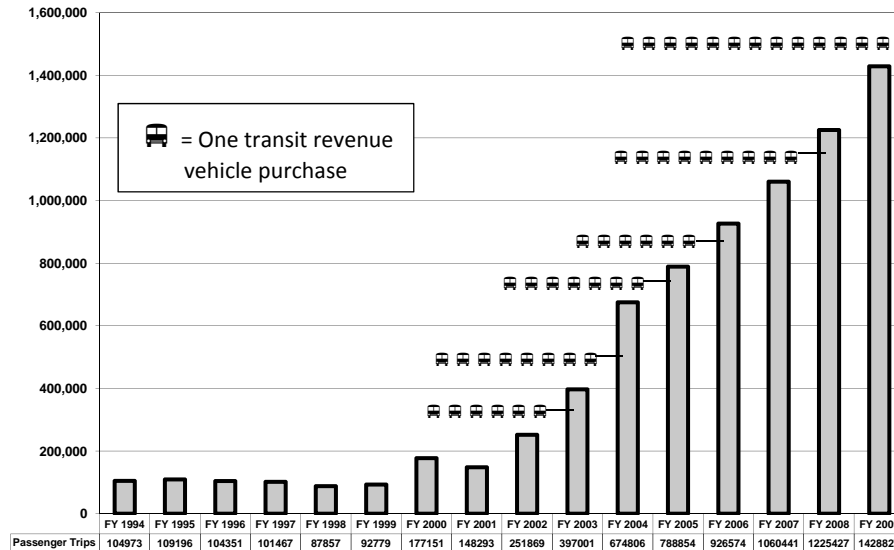
## Transit Success Follows State Investments

- Transit and ridesharing carry two-thirds of commuters in our major corridors inside the Beltway in peak periods and about half outside the Beltway.
- Despite the brutal economic downturn and February blizzards, transit ridership is strong in FY 2010, with Metrorail and VRE tallying significant daily peaks.
- There is a direct relationship between investments in quality transit by DRPT and its partners and subsequent ridership success, as illustrated by Arlington ART's explosive growth facilitated by purchases of new clean fuel buses.



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**Arlington Transit (ART), Annual Passenger Trips and Vehicle Purchases, FY 1994 - FY 2009**



6





## **Northern Virginia's Current and Future Transit Needs are Well Documented**



- Integrated system plans are under development:
  - WMATA is developing a detailed and transparent multi-year capital funding agreement to cover the next five years. It has documented \$11 billion of needs over the next decade.
  - WMATA is completing a system plan for 2040 addressing core capacity of Metrorail, integration of bus, BRT, streetcar, light rail and HOV/HOT services in new and emerging markets to facilitate transit-oriented development.
  - The Northern Virginia regional transportation plan (TransAction 2030) documented transit requirements of a half billion dollars a year for expansion and \$414 million annually for operations/preservation.
  - The TransAction 2040 update will start this summer for completion by early 2012.
  - The draft financial analysis for the TPB's Constrained Long Range Plan update for 2010 shows that, of about \$2 billion annually of transportation needs in Northern Virginia (about half for transit), a large and growing proportion of available revenues will be required to operate and preserve the existing transportation system. This can limit transit ridership growth without new sources of sustainable funding.

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## **Northern Virginia's Current and Future Transit Needs are Well Documented**



- TPB's Scenarios Study provides in its "aspirations scenario" a long-term vision of land use and transportation. The "what will it take" scenario goes further to assess what interventions will be needed to meet the region's global warming prevention goals. The scenarios envision transit supportive, walkable density and mixed use developments to relocate growth of population and jobs to activity centers. The existing distribution of activity centers shows a mismatch with high-quality transportation access. To improve, better transit is needed including a 500-mile BRT network and priced highway lanes.
- Metro's Priority Corridor Network includes 23 corridors with the highest ridership and geographic significance. Appropriate roadway improvements are being identified that would facilitate exclusive bus lanes, queue jumpers, signal priority and limited stops. Analysis shows exclusive busways are warranted along 100 miles and 135 additional miles should receive lesser improvements. Ridership would grow by 25%, or 100,000 new daily riders (plus 90,000 diverted from Metrorail to relieve crowding), because of 15% higher bus speeds and 10% lower bus travel times.
- All of these plans demonstrate that Northern Virginia has vital transit projects ready to go immediately (if CTB can provide funding) and has effective plans to sustain and expand the integrated transit network in association with sound land use.

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## **Northern Virginia's Current and Future Transit Needs are Well Documented**



- Various vital transit expansion projects are underway but require more funding to be completed:
  - Rail to Dulles
  - TPB Regional Priority Bus Project received a \$59 million TIGER grant (\$30.4 million for Virginia) although a much larger network has been planned.
  - Route 1 BRT (Potomac Yard/Crystal City)
  - VRE extension to Gainesville/Haymarket
  - Northern Virginia transit systems are working with DRPT and VDOT to identify new transit service to take full advantage of Beltway HOT lanes and mitigate the traffic congestion resulting from their construction (as well as construction of Dulles Rail, especially in the Tysons Corner area).
  - Northern Virginia faces the looming challenges of coping with major traffic generating federal facilities resulting from the BRAC decision, with a deadline of fall of 2011.

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## **Local Level of Effort**



- For FY 2010 it is costing just under \$700 million dollars annually to operate, maintain and invest in public transit in NVTC's jurisdictions.
- Local sources (fares, 2.1% gas tax, local subsidies) provide 65% of that amount, but economic challenges are threatening transit revenues. For calendar year 2009, NVTC's gas tax revenues were 35% lower than 2008.
- Local property tax revenues are also sharply lower, necessitating tax rate hikes in most jurisdictions and difficult decisions about cuts to government-supported services, including transit.
- Transit fares have also been increased on most transit systems in Northern Virginia and unfortunately devastating service reductions are being considered.



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## Local Level of Effort



- Despite the ongoing challenges of the recession, for FY 2010 the Northern Virginia Transportation District has a local level of effort funding transit of \$211 per person. NVTC's five WMATA jurisdictions have a combined local effort of \$255 per person. The next largest effort is in the Richmond District at \$30 per person.
- The statewide average excluding the Northern Virginia District is only \$19.56, so Northern Virginia's per capita level of local effort is more than 10 times greater than the rest of the commonwealth.



11



## State Transit Aid for FY 2011



- In the draft FY 2011 DRPT program, statewide assistance for transit from state sources is about \$\_\_ million (\_%) compared to the FY 2010 program.
- For the state to meet the statutory target of 95% of eligible transit expenses for its programs another \$--- million is needed (\$--- million of that is for operating assistance).
- NVTC's portion of that shortfall is \$--- million, including VRE.
- NVTC receives about --% of statewide transit allocations and Northern Virginia (including Loudoun County and PRTC) receives --%. Accordingly, correcting the commonwealth's transit funding shortfalls is of paramount importance to this region.

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## What can CTB do to Help Transit in Northern Virginia?



1. Give top priority for transit projects in Northern Virginia because this region has the greatest use of transit, the best performing transit system, the greatest funding needs and the greatest per capita local effort to invest in transit.
2. Encourage the General Assembly to increase statewide transit funding and restore regional funding.
3. Provide funding to Northern Virginia to the greatest extent possible from discretionary federal and state sources.

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## In Closing

- NVTC appreciates the support of Secretary Connaughton and DRPT Director Drake and their staffs, as well as each member of the CTB.
- For more transit performance facts and links to each public transit system, visit NVTC's website at: [www.thinkoutsidethecar.org](http://www.thinkoutsidethecar.org)
- Questions?



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## APPENDIX



15



## NVTC is...



- A regional agency with the mission of managing traffic congestion, restoring clean air, boosting the economy and improving the quality of life for all of Northern Virginia's citizens through effective public transit and ridesharing networks.
- NVTC includes the counties of Loudoun, Fairfax and Arlington and the cities of Alexandria, Fairfax and Falls Church covering over 1,000 square miles with a population of 1.7 million.
- The agency manages up to \$200 million of state and federal grant funds and regional gas tax revenues each year for public transit and serves as a forum for its board of 20 state and local elected officials to resolve issues involving public transit and ridesharing.
- For information about NVTC, please visit [www.thinkoutsidethecar.org](http://www.thinkoutsidethecar.org).



16



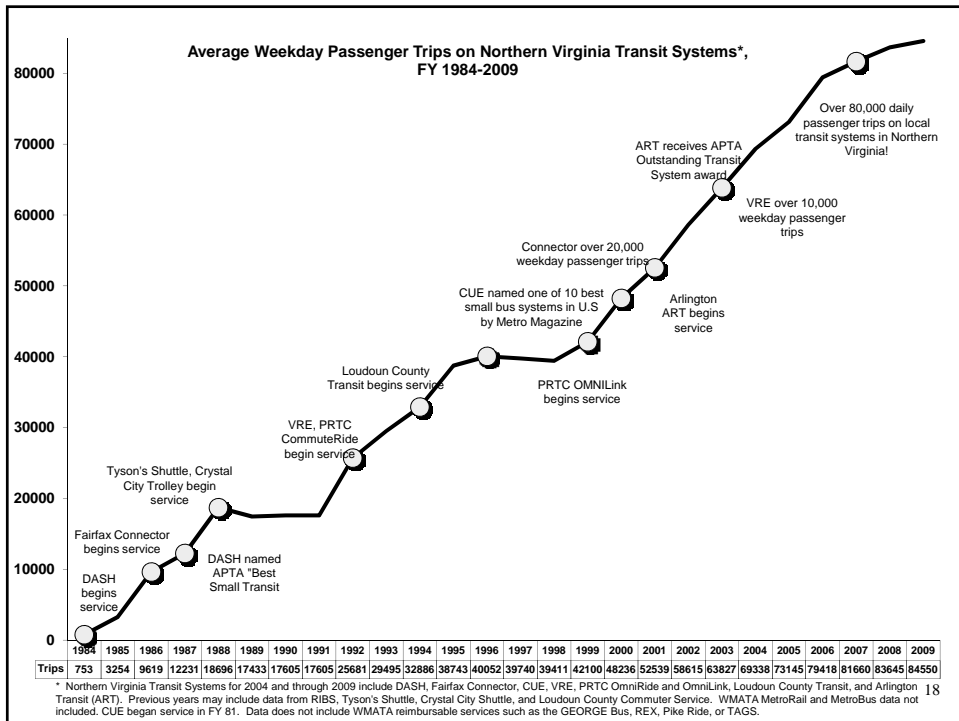
## Total Transit Ridership Growth NoVA FY 2003-2009



Transit Provider	FY 2003 Passenger Trips	FY 2004 Passenger Trips	FY 2005 Passenger Trips	FY 2006 Passenger Trips	FY 2007 Passenger Trips	FY 2008 Passenger Trips	FY 2009 Passenger Trips
<b>MetroRail (Northern Virginia)</b>	83,529,741	87,817,948	89,624,272	94,642,466	94,161,091	97,964,390	101,183,949
<b>Metrobus (Northern Virginia)</b>	20,855,658	19,190,908	19,314,871	20,899,080	21,011,434	20,870,898*	22,125,429
<b>Fairfax Connector</b>	7,595,138	7,990,825	8,474,143	9,529,056	9,717,392	9,810,228	9,576,635
<b>Alexandria DASH Bus</b>	2,986,631	3,131,284	3,323,021	3,556,486	3,743,449	3,978,773	4,006,825
<b>Virginia Railway Express</b>	3,179,957	3,645,434	3,745,382	3,640,000	3,453,561	3,628,563	3,868,035
<b>PRTC OMNI Ride Bus</b>	1,182,996	1,251,316	1,398,026	1,608,583	1,738,556	1,840,722	2,146,441
<b>Arlington Transit</b>	397,001	674,806	788,854	926,574	1,060,441	1,225,427	1,428,827
<b>City of Fairfax CUE Bus</b>	925,000	985,500	1,068,492	1,093,926	1,135,758	1,047,346	1,031,659
<b>PRTC OMNI Link Bus</b>	649,405	604,586	694,367	843,407	870,206	1,008,626	1,025,633
<b>Loudoun County Transit</b>	281,829	392,901	513,766	602,333	652,347	777,273	890,011
<b>Total</b>	<b>121,583,356</b>	<b>125,685,507</b>	<b>128,945,194</b>	<b>137,341,911</b>	<b>137,544,235</b>	<b>142,152,246</b>	<b>147,283,444</b>

\*Preliminary

Annual Transit Ridership in NoVA has increased 21% since 2003





AGENDA ITEM #7

**TO:** Chairman Hudgins and NVTC Commissioners  
**FROM:** Rick Taube and Kala Quintana.  
**DATE:** April 29, 2010  
**SUBJECT:** Legislative Items.

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A copy of NVTC's letter to Secretary Connaughton is attached regarding the proposed change to the Virginia Code to allow NVTC to pay its board members equal per diems. The Secretary requested suggestions to be forwarded to Governor McDonnell's Government Reform Commission. Changes proposed by others relevant to public transit are also attached.

More details are also attached regarding plans for a Northern Virginia Transit Tour. A staff planning committee was convened on April 13<sup>th</sup> and the next scheduled meeting is May 4<sup>th</sup>. The commission is asked to review the new draft itinerary for June 30 and July 1, 2010 and offer further guidance to staff. Delegate May has received permission from Speaker Howell to schedule a Transportation Committee meeting at that time.

Other items related to state and federal legislation are attached for discussion.



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**TO:** Chairman Hudgins and NVTC Commissioners  
**FROM:** Kala Quintana and Rick Taube  
**DATE:** 4/29/2010  
**SUBJECT:** Northern Virginia Spring Transit Tour.

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Based on the feedback received from commissioners at the March, 2010 meeting, staff has revised the plan for the upcoming Transit Tour.

### **Task Force Convened**

To address the increased needs for an expanded tour, staff convened a task force with representatives from each of NVTC's six jurisdictions, including PRTC, VRE and WMATA. The committee has met twice to identify key messages and targets of opportunity to educate legislators and will finalize major elements of the tour soon. The next meeting is set for May 4<sup>th</sup>.

### **Tour Dates Finalized: June 30 - July 1, 2010**

Staff coordinated closely with Delegate May and DRPT Director Thelma Drake to determine that June 30 and July 1 are the best possible dates for the day and a half tour. Delegate May will convene a Transportation Committee meeting to ensure optimal attendance from those members of the General Assembly. The tour will begin around noon on June 30, 2010 and will conclude in the early afternoon on July 1, 2010. The July NVTC meeting will be held later in the evening on July 1, 2010 and can include discussion about the tour.

### **Lodging**

The Mason Inn is a brand new LEED certified hotel and conference center located at GMU. Legislators will be among the very first guests at this new, state of the art facility.

### **Funding**

Given the expanded nature of the tour and the cost of meals and lodging, staff is seeking private sector financial support. Due to the fluid nature of the planning process and without an idea of how many legislators will actually participate, costs are difficult to estimate at this time. Staff is trying to keep costs as low as possible while still ensuring a quality event.





## **Transit Tour Guest List**

### VIP's

- Secretary of Transportation Sean Connaughton
- DRPT Director Thelma Drake

### General Assembly Members

- Senate Finance Committee members
- Senate Transportation Committee members
- House Appropriations & Finance Committee members
- House Transportation Committee members
- Northern Virginia General Assembly delegation that are not on the invited committees

### Other Guests

- Corey Hill, DRPT
- NVTC Commissioners
- Local elected officials
- Members of the Commonwealth Transportation Board (CTB)
- Jurisdictional Legislative Liaisons
- Linda McMinimy, Virginia Transit Association (VTA)

## **Key Messages for Transit Tour**

*The task force is still refining these messages*

- Northern Virginia's transit systems are performing well but are facing a serious funding crisis. Fare increases and service cuts while record ridership has been achieved is unwise public policy.
- State needs to address unmet funding needs (capital and operating);
- Stable, long term, and adequate funding is required;
- Congestion is crippling region's growth and sustainability;
- Many systems are at or near capacity (VRE, LC Transit, PRTC OmniRide, Metro Orange Line) ;
- More parking is needed (park and ride lots, garages at Metro Stations and VRE are at or over capacity);
- Need to increase routes and frequency to capture more market share;
- Need to invest in, expand and modernize transit maintenance and garage facilities (accommodate new fuel sources);

- Investments in VRE track, railcars, locomotives and parking have brought better on-time performance and record ridership. Similar results are being achieved for our other transit systems.
- State of “good repair” is a critical issue for transit systems, specifically Metro; and
- We need to emphasize the importance of regionalism and regional cooperation.

## **Presentations & Information**

Staff will create a “take-away” binder of the presentations and information from the tour for all of the attendees. The binders will contain vital transportation statistics and contact information for the individual jurisdictions and transit systems.

## **Summary**

Staff looks forward to sponsoring the Northern Virginia 2010 Transit Tour and is open to any suggestions and guidance that commissioners may have as we move forward.

A successful tour will ensure that decision-makers have real-life experience on the ground in Northern Virginia so that they can see our un-met needs first-hand. As a result, we hope they will be able to better understand those needs and provide Northern Virginia with the necessary tools to adequately fund our aging transportation network and infrastructure.

## **Draft Tour Itinerary**

These are the elements and a loose draft of the flow of the tour and some of the key players identified thus far. This tour plan is not finalized and is by no means complete. Bus transportation arrangements are only tentative.

(Note: For an unlisted Google map (working draft) of the proposed tour, go to:  
<http://maps.google.com/maps/ms?hl=en&gl=us&ie=UTF8&oe=UTF8&msa=0&msid=107904959342445728939.0004853d8e4599158602e>)

### **Wednesday June 30<sup>th</sup>**

- PRTC – Lunch and brief tour of facility
  - PRTC Board members invited
  - Overview of cooperation and integration of public transit
  - Highlight transit performance (review of binder materials)
  - Guests to park vehicles at PRTC to be retrieved on July 1
  - Van to transport luggage to Mason Inn
- PRTC or Fairfax Connector bus to Franconia-Springfield multi-modal center
  - Fairfax Connector services
  - Discuss BRAC challenges
- Metro to Alexandria King Street Metrorail Station
  - Mayor Euille and Alexandria NVTC Board members
- VRE discussion at VRE/Amtrak Alexandria station
  - Dale Zehner
  - NVTC/PRTC VRE Board members
- Trolley to Waterfront
  - Talk about water taxi connection to National Harbor
- DASH bus tour via Route 1 through Potomac Yard and Crystal City Transitway
  - Alexandria and Arlington representatives
- Pentagon Bus Bays at rush hour
  - WMATA Priority Bus Plan and BRT-like services (e.g. REX)
- LC Transit Bus via I-66 HOV to Fairfax
  - LC Transit (with Loudoun County NVTC Board member)
- Check into Mason Inn
  - Cocktail reception
  - Dinner
    - Welcome from GMU President Merten (to be invited)
    - Short presentation by NVTC Chairman Hudgins
    - Remarks by Transportation Committee Chairman May
    -

## Thursday July 1

- Early Breakfast
  - Fairfax County NVTC Board members
  - Fairfax Chamber
  - Remarks on importance of transit from business community representative
- CUE Hybrid bus to Vienna Metro
  - City of Fairfax NVTC Board member
  - TOD
  - Parking issues
- AM rush with WMATA CEO and NVTC WMATA Board members
  - Budget issues
  - Orange Crush (crowding on Orange Line)
- Fairfax Connector bus (Via I-66) to West Falls Church and back to Tysons Corner
  - Fairfax County NVTC members
  - View MegaProject construction and discuss traffic mitigation
  - Rail to Dulles discussion
- ART bus to Rosslyn-Ballston corridor
  - Arlington NVTC members
  - Clean fuel ART transit
  - Discussion of TOD
  - Urban Villages (e.g. Clarendon)
- Box Lunch at Arlington Economic Development Offices
  - All NVTC Board members invited
  - Discuss Columbia Pike (Arlington/Fairfax cooperation)
  - GEORGE challenges (Falls Church NVTC Board member)
  - Economic Development issues
  - Round table discussion of funding issues
- Return Guests to Mason Inn via Orange Line and CUE Hybrid buses
- Optional tour of Public Safety Transportation Operations Center
- LC Transit buses to return guests to PRTC to retrieve vehicles.



April 2, 2010

Chairman  
Hon. Catherine Hudgins

Vice Chairman  
Hon. William D. Euille

Secretary/Treasurer  
Hon. Mary Hynes

Commissioners:

City of Alexandria  
Hon. William D. Euille  
Hon. Paul Smedberg

Arlington County  
Hon. Mary Hynes  
Hon. Jay Fisette  
Hon. Christopher Zimmerman

Fairfax County  
Hon. Sharon Bulova  
Hon. John Cook  
Hon. John Foust  
Hon. Catherine M. Hudgins  
Hon. Jeffrey McKay

City of Fairfax  
Hon. Jeffrey C. Greenfield

City of Falls Church  
Hon. Daniel Maller

Loudoun County  
Hon. Kelly Burk

Virginia Department of Rail  
and Public Transportation  
Thelma Drake

Virginia General Assembly  
Sen. Mark Herring  
Sen. Mary Margaret Whipple  
Del. David B. Albo  
Del. Adam P. Ebbin  
Del. Joe T. May  
Del. Thomas D. Rust

Executive Director  
Richard K. Taube

The Honorable Sean Connaughton  
Secretary of Transportation  
P.O. Box 1475  
Richmond, VA 23218

Dear Secretary Connaughton:

In a meeting with members of the Virginia Transit Association on March 8, 2010, you requested suggestions about desirable changes to the Virginia Code. The Northern Virginia Transportation Commission respectfully submits the following:

Code Sections: Section 2.2-2813 provides that members of boards, commissions, committees, councils and other collegial bodies, who are appointed at the state level, shall be compensated at the rate of \$50 per day, unless a different rate is specified by statute for such members. However, General Assembly members are entitled to receive \$200 per day. The board of the Northern Virginia Transportation Commission consists of both General Assembly members and local elected officials, so some board members receive \$200 per day and the others receive \$50 per day.

Proposed Change: Amend Section 15.2-4500 et seq. to give NVTC (and possibly other boards and commissions with both state and local elected officials as board members) the discretion to choose to provide local elected officials per diem payments equal to those provided to state elected officials.

Reason: Because the Code currently requires per diem payments of \$200 for NVTC commissioners who are members of the General Assembly and per diem payments no greater than \$50 for NVTC's local elected officials, this disparity is a source of frustration for board members that can interfere with NVTC's role as a forum for coordinating public transit services among jurisdictions and identifying and resolving gaps and conflicts in transportation policy. The duties and responsibilities of NVTC's state and local elected officials serving as board members are the same but their compensation is mandated to be different.

Consequences: There is no financial impact on the commonwealth's budget from the proposed Code change because NVTC's own budget would cover any increased per diem payments. The change would result in improved equity among NVTC's board members (all of whom are elected officials with the exception of the Director of the Virginia Department of Rail and Public Transportation who does not receive per diem payments). The change would also contribute to improved board member cooperation and a more efficient policy-making process. Given NVTC's important role in coordinating transit services and policies the entire Northern Virginia region should gain at no cost to the commonwealth.

NVTC may have other suggestions in the future and may also support ideas to be submitted by its member jurisdictions and the Virginia Transit Association. In the meantime, please feel free to contact me with any questions. Thank you for the opportunity to submit this important proposed Code change.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard K. Taube". The signature is fluid and cursive, with the first name "Richard" and last name "Taube" clearly distinguishable.

Richard K. Taube  
Executive Director

## Rick Taube

---

**From:** Alfred Harf [aharf@omniride.com]  
**Sent:** Monday, April 05, 2010 5:49 PM  
**To:** sean.connaughton@governor.virginia.gov  
**Cc:** Peacor, Melissa S.; Fenton, Dana C.; rcanizales@pwcgov.org; mbackmon@pwcgov.org; Anthony J. Romanello; brcameron@fredericksburgva.gov; lhughes@ci.manassas.va.us; Mercury Payton; lmcminimy@mcm1.net; Lloyd Robinson; Rick Taube; Dale Zehner; Alfred Harf; Ateeb Ahmad; Benjamin Pitts; Bill Wren; Brad Ellis; Corey Hill; Corey Stewart; David Awbrey; Frank Jones; Frank Principi; Gary Skinner; Hap Connors; Harry Crisp; Harry Parrish; Hilda Barg; Jackson Miller; Jean Benson; Jerry Logan; John Jenkins; John Stirrup; Jonathan Way; Lorraine Lasch; Mark Dudenhefer; Marty Nohe; Matthew Kelly; Maureen Caddigan; Michael May; Paul Milde; Peter LaMarca; Scott Lingamfelter; Susan Stimpson; Susas Naddoni; Toddy Puller; Wally Covington; William Wren  
**Subject:** Possible changes to improve transportation project / program delivery and efficiency  
**Attachments:** Code Changes that are targets for reform 4-5-10 VERSION.docx

Secretary Connaughton:

At the March 8<sup>th</sup> meeting you had with the Virginia Transit Association (VTA), you informed the VTA attendees (including me) about the McDonnell Administration's plans for addressing the state's transportation problems, beginning with the governmental reform commission being established to examine current practices state government-wide. In that context, you solicited suggestions from VTA members and others about possible Code and other changes to improve transportation project / program delivery and efficiency. On behalf of the Potomac and Rappahannock Transportation Commission (PRTC), I am responding to your solicitation, furnishing two lists that have been vetted with the PRTC Board: (1) a list of suggestions requiring a Code change; and (2) a list of suggestions that do not require a Code change. With regard to "Code change" suggestions, you asked that they be formatted in a particular way, namely: (1) a reference to the Code section; (2) a description of what it states; (3) a description of the problem; and (4) a description of how the Code should be changed to remedy the problem.

PRTC's "Code change" suggestions are formatted as you suggested. The nine (9) prospective Code changes are summarized here, and you'll find a fuller elaboration of them in the attachment. The list of suggested changes that do not require a Code change appears as the concluding part of this email.

First, the prospective Code changes.....

1. § 33.1-13. General powers of Commissioner. Broadened to confer the same importance to public transportation as roads and bridges.
2. § 33.1-23.03. Board to develop and update Statewide Transportation Plan. Broadened scope of plan to encompass public transportation operations and maintenance, just as the plan already addresses roadway / bridge maintenance. As now written this Section of the Code characterizes the Plan insofar as public transportation is concerned to only "projects", imparting a sense that public transportation is part of the Plan only from a "capital" perspective.
3. § 33.1-23.03:01. Distribution of certain federal funds. A wholesale re-write is necessary to clearly impart what federal transportation law requires in terms of the interrelationship between the MPOs' and the state's plans and programs. It also seems gratuitous for the Virginia Code to authorize what the Federal Code already authorizes for MPOs. Moreover, the description that now written is an incomplete depiction of the MPOs' authority under federal law, raising the question of whether the Virginia Code's more limited description of the MPOs' authority poses a federal – state statutory conflict.

4. § 33.1-23.03:4. Toll Facilities Revolving Account. Clarify that public transportation operations and maintenance costs are a qualifying expense.
5. § 33.1-23.03:9. Concession Payments Account. Clarify that public transportation operations and maintenance costs are a qualifying expense.
6. § 33.1-223.1. Statements to be filed with Board by transit systems. Assess need for this and if it is still warranted, remedy the fact that the provision as written applies only to transit systems operated by transportation districts.
7. § 2.2-4304. Cooperative procurement. Eliminate the exclusion of architectural and engineering services from this part of the Code, thereby allowing such services to be cooperatively procured.
8. § 2.2-4333. Retainage on construction contracts. Allow the use of retainage for contracts other than construction contracts.
9. § 2.2-4343. Exemption from operation of chapter for certain transactions. Allow transportation districts like PRTC to employ the same exemption from the Virginia Public Procurement Act that counties, cities, and towns currently enjoy to use alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies.

Fuller descriptions of each are present in the attachment.

With regard to the suggested changes that don't require a Code change, PRTC management has identified five for your consideration:

1. More transparency. There needs to be more transparency when highway funds (CMAQ/RSTP) for transit projects are requested to be flexed to FTA. The requestor has no idea when the request is made to the FHWA, and there is no sense of how long a length of time it will be for flexes to occur.
2. Fulfilling grant commitments. Funds that have been committed to in grant agreements should never be pulled or reduced (especially operating funds). This has happened twice in the past two years.
3. Ceasing the practice of classifying bus shelters as "buildings". Presently, shelters are classified as buildings and therefore require a building permit (which can only be approved in Richmond) when putting a shelter in the VDOT right-of-way.
4. Changing the mindset about reprogramming requests. At present, such requests are seen in a negative light, such that only those that are "for extraordinary reasons" are approvable. PRTC management believes that uncertainty is inherent in all schedules and cost estimates, and that programs are subject to changes beyond a grantee's control, such that the need for reprogramming is to be expected.
5. Amending the practice of confining the frequency of reimbursement requests to once a month. This is normally our practice, but occasionally it can adversely impact the organization, depending upon the dollar amount of the billing, and the time of the year.

Thank you for your consideration. Feel free to contact me if you'd like to discuss these suggestions further. This is clearly an important initiative for the Administration, and PRTC appreciates the opportunity to express its views on this subject.

Alfred Harf



1. The Code section or policy: -- § 33.1-13. General powers of Commissioner.

What it states:

Except such powers as are conferred by law upon the Commonwealth Transportation Board, the Commonwealth Transportation Commissioner shall have the power to do all acts necessary or convenient for constructing, improving, maintaining, and preserving the efficient operation of the roads embraced in the systems of state highways and to further the interests of the Commonwealth in the areas of public transportation, railways, seaports, and airports. And as executive head of the Transportation Department, the Commissioner is specifically charged with the duty of executing all orders and decisions of the Board and he may, subject to the provisions of this chapter, require that all appointees and employees perform their duties under this chapter.

In addition, the Commissioner, in order to maximize efficiency, shall take such steps as may be appropriate to outsource or privatize any of the Department's functions that might reasonably be provided by the private sector.

What the problem is:

The Commissioner's powers are far broader in relation to roads than they are for other modes of transportation. More particularly, while the Commissioner's authority with regard to roads extends to "maintenance" and "preserving the efficient operation", no such authority is conferred on the Commissioner for public transportation among other modes. The Commissioner's authority related to public transportation is simply to "further the interests..." which lacks the specificity present in relation to roads. This is one of numerous sections of the Code where the public transportation equivalent of road maintenance -- transit operations and maintenance -- is fashioned as being beyond the scope of the Commissioner (and the state government departments established to oversee the state's transportation system). By defining the Commissioner's powers in this fashion, the Code fails to assign the same importance to transit operations and maintenance as it does to roadway maintenance and the preservation of efficient operation of the roadway network.

How it should be changed

Amend the "General Powers of the Commissioner" to make them modally neutral, such that the same authority (and responsibility) conferred on the Commissioner related to roads applies to other modes of transportation.

2. The Code section or policy: -- § 33.1-23.03. Board to develop and update Statewide Transportation Plan.

What it states:

A. The Commonwealth Transportation Board shall, with the assistance of the Office of Intermodal Planning and Investment, conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting forth assessment of capacity needs for all corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1. The assessment shall consider all modes of transportation. Such corridors shall be planned to include multimodal transportation improvements, and .....

B. The Statewide Transportation Plan shall establish goals, objectives, and priorities that cover at least a 20-year planning horizon, in accordance with federal transportation planning requirements. The plan shall include quantifiable measures and achievable goals relating to, but not limited to, congestion reduction and safety, transit and high-occupancy vehicle facility use, job-to-housing ratios, job and housing access to transit and pedestrian facilities, air quality, movement of freight by rail, and per capita vehicle miles traveled. The Board shall consider such goals in evaluating and selecting transportation improvement projects for inclusion in the Six-Year Improvement Program pursuant to § 33.1-12.

C. The plan shall incorporate the approved long-range plans' measures and goals developed by the applicable regional organizations. Each such plan shall be summarized in a public document and made available to the general public upon presentation to the Governor and General Assembly.

D. It is the intent of the General Assembly that this plan assess transportation needs and assign priorities to projects on a statewide basis, avoiding the production of a plan which is an aggregation of local, district, regional, or modal plans.

What the problem is:

The whole tenor of the “statewide transportation plan” as defined has an unmistakable capital (or physical) character by virtue of its references to “projects”. While there is clearly a need for a “projects” component to the plan, describing the plan as though it is merely a presentation of projects underpinned by goals, objectives, and priorities understates what this plan should be. The description also declares that the plan’s goals should be “achievable” but, by virtue of its silence on the issue of available resources, it sidesteps the linkage between available resources at the federal, state, and local levels and what can be achieved. Moreover, Section D of the description declares that the statewide plan is something more than an aggregation of local, district, regional, and modal plans, as if to suggest that elements of the local, district, regional, and modal plans will be excluded from the statewide plan. The dilemma this poses is that there’s no established venue for insuring that local, district, regional, and modal plans are compatible with the statewide plan, particularly in terms of assumed federal and state resources.

### How it should be changed

Require that the plan be a plan comprised of operating and maintenance outcomes in addition to projects. Also require that the plan account for all elements of local, district, regional, and modal plans so everything is accounted for, with assigned priorities so there is clarity about what will get done depending on total available resources. There should also be an explicit requirement that the statewide transportation plan contain a financial element with resources sufficient to achieve the goals enumerated in the plan. Because the provision of necessary additional financial resources is a matter for the state's Chief Executive and the General assembly to resolve, the plan should have both constrained and unconstrained elements, where the unconstrained elements are driven by desired performance outcomes and the constrained element defines what will get done assuming particular resource constraints. Only by including both will the Commonwealth have a statewide transportation plan that serves two aims — defining what's needed resource-wise, and laying out clear expectations about priorities where resources are insufficient to do everything.

3. The Code section or policy: § 33.1-23.03:01. Distribution of certain federal funds.

What it states:

Metropolitan Planning Organizations (MPOs) as defined under Title 23 U.S.C. 134 and Section 8 of the Federal Transit Act shall be authorized to issue contracts for studies and to develop and approve transportation plans and improvement programs to the full extent permitted by federal law.

What the problem is:

This appears to be the only place in the Code where metropolitan planning organizations (MPOs) are acknowledged, and the description says nothing whatsoever about the relationship between the MPO-authored plans / improvement programs and the state's transportation plans / programs. Since Title 23 U.S.C. 134 and Section 8 of the Federal Transit Act mandate that the state's transportation plans / programs conform to the MPO's plans / programs insofar as the use of specified federal transportation funds, this requirement should be memorialized in this section. Also, the title of this section fails to do justice to the content of the section.

How it should be changed

A wholesale rewrite is necessary to clearly impart what federal transportation law requires in terms of the interrelationship between the MPOs' and the state's plans and programs, namely that the MPO's are responsible for the development of transportation plans and programs for their metropolitan areas, which in turn govern how specified federal transportation funds can be invested by the state within the metropolitan area. Incorporating the pertinent language from Title 23 U.S.C. 134 and Section 8 of the Federal Transit Act, which explicitly describes the MPOs responsibilities and authority (including the need for state plans / programs to conform to the MPO's plans / programs with regard to the use of specified federal transportation funds slated for investment within the metropolitan area), would seem apt.

4. The Code section or policy: § 33.1-23.03:4. Toll Facilities Revolving Account.

What it states:

Paraphrasing, it establishes the existence both a "Toll Facilities Revolving Account" (referred to as "the Account") and the "Regional Toll Facilities Revolving Subaccount" (referred to as the "Regional Account"), and it establishes permissible uses of the funds residing in these two accounts at the Commonwealth Transportation Board's (CTB) discretion.

What the problem is:

There are repeated references to "projects" in the descriptions of permissible uses, and it is unclear whether the word "project" can be read to mean services or operations in addition to the more customary "capital" connotation of the word.

How it should be changed:

If the word "project" is a defined term and if the definition is too narrow to encompass services or operations as permissible uses, changing this language would be desirable to allow this.

5. The Code section or policy: § 33.1-23.03:9. Concession Payments Account.

What it states:

A. Concession payments to the Commonwealth deposited into the Transportation Trust Fund pursuant to subdivision 9 of § 33.1-23.03:1 from qualifying transportation facilities developed and/or operated pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) shall be held in a separate subaccount to be designated the "Concession Payments Account," hereinafter referred to as "the Account," together with all interest, dividends, and appreciation that accrue to the Account and that are not otherwise specifically directed by law or reserved by the Board for other purposes allowed by law.

B. The Board may make allocations from the Account upon such terms and subject to such conditions as the Board deems appropriate, to:

1. Pay or finance all or part of the costs of programs or projects, including without limitation, the costs of planning, operation, maintenance, and improvements incurred in connection with the acquisition and construction of projects, provided that allocations from the Account shall be limited to programs and projects that are reasonably related to or benefit the users of the qualifying transportation facility that was the subject of a concession pursuant to the Public-Private Transportation Act. The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from moneys in the Account.

What the problem is:

Again it is unclear whether the reference to "projects" in describing permissible uses of funds in the Account can be read to mean services or operations in addition to the more customary "capital" connotation of the word.

How it should be changed:

If the word "project" is a defined term and if the definition is too narrow to encompass services or operations as permissible uses, changing this language would be desirable to allow this.

6. The Code section or policy: § 33.1-223.1. Statements to be filed with Board by transit systems.

What it states:

Any transit system as defined in § 15.2-4502 which conducts its operations within the exclusive jurisdiction of any county, city or town or within the boundaries of any district as defined in § 15.2-4502, and any jurisdiction contiguous thereto, shall file annually with the Commonwealth Transportation Board such financial and other statistical data as the Commonwealth Transportation Board shall require in order to effectively administer the provisions of § 46.2-206, and shall file with the Department of Rail and Public Transportation, at such times as the Department of Rail and Public Transportation shall require, such information as the Department of Rail and Public Transportation shall require to carry out its duties under subdivision 4 of § 33.1-391.5.

The provisions of this section shall not be construed so as to exempt any such transit system from any provision of law or regulation made pursuant to law which requires the filing of data with any other agency of the Commonwealth.

What the problem is:

Why would reporting requirements of this sort be confined to only transportation districts' transit systems? If reporting requirements of this sort are necessary for the CTB and DRPT to carry out their respective duties, the reporting requirements should apply to all public transit systems irrespective of how they are institutionally constituted. The possibility that this section of the Code might be anachronistic should also be examined.

How it should be changed:

Examine whether this section of the Code is still necessary and, if it is, examine why the reporting requirements as stated are confined to only transportation districts' transit systems.

7. The Code section or policy: § 2.2-4304. Cooperative procurement.

What it states:

A. Any public body may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, or the U.S. General Services Administration, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services. Except for contracts for architectural and engineering services, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies..... Any public body that enters into a cooperative procurement agreement with a county, city, or town whose governing body has adopted alternative policies and procedures pursuant to subdivisions 9 and 10 of § 2.2-4343 shall comply with the alternative policies and procedures adopted by the governing body of such county, city, or town.

What the problem is:

Exclusion of architectural and engineering services from cooperative procurement authorization is a stumbling block to exploiting opportunities for cost and time savings associated with the purchase of such services.

How it should be changed:

Eliminate the exclusion.



8. The Code section or policy: § 2.2-4333. Retainage on construction contracts.

What it states:

A. In any public contract for construction that provides for progress payments in installments based upon an estimated percentage of completion, the contractor shall be paid at least ninety-five percent of the earned sum when payment is due, with no more than five percent being retained to ensure faithful performance of the contract. All amounts withheld may be included in the final payment.

B. Any subcontract for a public project that provides for similar progress payments shall be subject to the provisions of this section.

What the problem is:

The Virginia Public Procurement Act does not permit retainage for projects other than construction projects, but the principle of retainage can be purposefully applied to purchases of goods and services other than construction.

How it should be changed:

Amend the code to allow the use of retainage provisions for all goods and services purchases as is currently permitted for construction projects.

9. The Code section or policy: § 2.2-4343. Exemption from operation of chapter for certain transactions.

What it states:

A. The provisions of this chapter shall not apply to.....

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

What the problem is:

Transportation districts do not qualify for the “Virginia Public Procurement Act” exemption authorized for counties, cities, and towns, preventing them from exercising the same discretion to adopt alternative policies and procedures in accordance compliant with the Code dictates.

How it should be changed:

Add transportation districts to the list of those qualifying for an exemption, subject to the same Code dictates as the present exemptions.



1108 East Main St., Suite 1108, Richmond, VA 23219 (804) 643-1166 Fax: (804) 643-1155

April 6, 2010

VIA EMAIL

The Honorable Sean Connaughton  
Office of the Secretary of Transportation  
Patrick Henry Building, 3rd Floor  
1111 East Broad Street  
Richmond, VA 23219

Dear Secretary Connaughton,

Thank you for meeting with VTA members on April 8<sup>th</sup> and inviting our suggestions for Code and policy changes. Attached are our recommendations for your consideration.

Thank you for the opportunity to provide suggestions. Please feel free to call me if you have any questions. We look forward to working with you and your staff to advance transportation in the Commonwealth.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda McMinimy".

Linda McMinimy  
Executive Director

Cc: Thelma Drake, Director, DRPT  
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## **Mass Transit Fund Proposed Changes**

### **Submitted by the Virginia Transit Association**

#### OVERVIEW OF OBJECTIVES

- Simplify the Code section concerning public transportation
- Increase Transit Funding as part of a Transportation Finance Proposal to
  - Maintain existing transit service
  - Accommodate service expansions now under construction
  - Add public transportation and commuter assistance capacity to meet growing demand across the state.
- Provide a uniform local match rate for all transit and commuter assistance programs that brings the state funding share up to the 95 percent cap already in the Code. Bring the state/local funding responsibility for transit closer to that for roads eliminating impediments to a multimodal approach to transportation.
- *VTRANS 2025* and *VTRANS 2035* reports have recommended increasing the overall share of funding transit funding and reducing the local funding share.

Items on the follow pages:

- 1) Individual Recommendations
  - a. Code Section
  - b. Problem Statement
  - c. Proposed Change
  - d. Code Revisions
- 2) Consolidated Proposal Items I - III of Mass Transit Fund Code Changes
- 3) Proposed Budget Language Change- subject to Transportation Finance Session
- 4) Policy Recommendations

**Proposal I. Transportation Trust Fund: Code section: -- § 58.1-638 A.1**

**Code Language:** § 58.1-638. Disposition of state sales and use tax revenue; localities' share; Game Protection Fund.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.1-23.03:1. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

**Problem:**

The Transportation Trust Fund 14.7% transit share reflects an outdated, decades old policy. Since the 1980s Transit funds were divided between the TTF at 8.4% and in the HMOF (\$35M) which was not allowed to grow. In 1998 the General Assembly enacted a recommendation of the Commission on the Future of Transportation and transferred the \$35M HMOF funds to the TTF and increased the TTF transit percentage to 14.7%. This allowed all transit funds to grow along with the growth in the TTF.

14.7% generates a level of funding that is insufficient to maintain existing service, a \$241M annual capital gap and a declining state share for operations (\$102M gap—the state share has sunk to 16.5% vs. the historical share of 20%, \$164M would be needed to meet the statutory goal of 95%). The current share is inadequate to handle the dramatic growth in transit ridership and service experienced since 2000—200 million riders annually. In the next few years, Hampton Roads Light Rail and Dulles Rail will begin providing service. Unless the funds for transit increase substantially, the addition of these large operations (approximately \$65M annually) will swamp an already insufficient pool of funds, further reducing the amount of state funds divided between all systems, seriously straining and perhaps curtailing existing service. Further additional capital and operations funds are required just to add transit capacity required to meet demand for service across the state and the needs of a population estimated to grow 36% by 2035.

The funding allocations of past decades must change as Virginia moves from primarily a highway dominated to a multimodal approach to transportation and if public transportation is to play a larger role in moving people to manage congestion corridors, get people to work, attract employers, keep the elderly mobile and independent and support tourism.

**Proposed Code Change:**

Additional transportation funding for both transit and roads is inadequate and critically needed. As transportation finance is addressed, the TTF percentage for transit should be increased from 14.7% to 25%. This could be phased in over several years by increasing the percentage to 20% and then to 25%. At a minimum, the CTB should be given authority to increase TTF funding levels for transit as needed.

§ 58.1-638 A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.1-23.03:1. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of ~~14.5 percent in fiscal year 1998-1999 and 14.7~~ 25 percent in fiscal year ~~1999-2000-2011-2012~~ and thereafter shall be set aside as the Commonwealth Mass Transit Fund as provided in this section.

**II. Uniform Transit Match Rates Code section or policy- Code Section:** -- § 58.1-638  
A.4 (1) through--(2) g

**Code Language:**

- (1) Funds for special programs, which shall include ridesharing, experimental transit, and technical assistance, shall not exceed 1.5 percent of the Fund.
- (2) The Board may allocate these funds to any locality or planning district commission to finance up to 80 percent of the local share of all costs associated with the development, implementation, and continuation of ridesharing programs.
- (3) Funds allocated for experimental transit projects may be paid to any local governing body, transportation district commission, or public corporation or may be used directly by the Department of Rail and Public Transportation for the following purposes:
  - (a) To finance up to 95 percent of the capital costs related to the development, implementation and promotion of experimental public transportation and ridesharing projects approved by the Board.
  - (b) To finance up to 95 percent of the operating costs of experimental mass transportation and ridesharing projects approved by the Board for a period of time not to exceed 12 months.
  - (c) To finance up to 95 percent of the cost of the development and implementation of any other project designated by the Board where the purpose of such project is to enhance the provision and use of public transportation services.
- d. Funds allocated for public transportation promotion and operation studies may be paid to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:
  - (1) At the approval of the Board to finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.
  - (2) To finance up to 50 percent of the local share of public transportation operations planning and technical study projects approved by the Board.
- e. At least 73.5 percent of the Fund shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for the purposes specified in subdivision 4 b.
- f. The remaining 25 percent shall be distributed for capital purposes on the basis of 95 percent of the nonfederal share for federal projects and 95 percent of the total costs for nonfederal projects. In the event that total capital funds available under this subdivision

are insufficient to fund the complete list of eligible projects, the funds shall be distributed to each transit property in the same proportion that such capital expenditure bears to the statewide total of capital projects. Prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit operating assistance if operating funds for the next fiscal year are estimated to be less than the current fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the previous fiscal year.

g. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 56-557 and for purposes as enumerated in subdivision 4c of § 33.1-269 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. Projects financed by the Commonwealth Transit Capital Fund shall receive local, regional or private funding for at least 20 percent of the nonfederal share of the total project cost.

**Problem:**

- 1) Many small programs with different local matches mean unnecessary administrative complexity of the transit program.
  
- 2) The state requires a higher match for transit relative to roads, creating an un-level playing field that can skew local decisions about transportation mode choices. The heavy reliance on local funding makes it much more difficult for transit providers respond to demand for increased service and provide regional service. Had these same requirements been made for highways, Virginia would not have a regionally interconnected road system. In addition to the higher local match required of transit vs. roads, the state also excludes major operating expenses like drivers and maintenance salaries, requiring localities to cover these expenses.



**Proposed Change:**

1) Cleans up Code language and gives DRPT flexibility by authorizing funding under the broad headings public transportation and commuter assistance programs.

2) Provides a uniform local match requirement of 5% for the non-federal share for all transit programs and 95% state share. This percentage is spelled out in the Code. This consistency makes it easier for grantees and DRPT to administer. It comes closer to level the playing field in the state's funding approach to roads and transit. It caps capital funding from the Transportation Trust Fund at 25% and changes the match from local 25% to 5%.

**Proposed Code Language Change:**

(1) Funds for special *public transportation, commuter assistance projects and programs*, which shall include ~~ridesharing, experimental transit, and technical assistance~~, shall not exceed 1.5 percent of the Fund.

*(a) The Board may allocate these funds as grants to support the planning, development, implementation, improvement, marketing and continuation of public transportation, experimental transit and commuter assistance programs and experiment or may allocate these funds to the Department of Rail and Public Transportation to undertake projects for these purposes.*

~~(2) The Board may allocate these funds to any locality or planning district commission to finance up to 80 percent of the local share of all costs associated with the development, implementation, and continuation of ridesharing programs.~~

~~(3) Funds allocated for experimental transit projects may be paid to any local governing body, transportation district commission, or public corporation or may be used directly by the Department of Rail and Public Transportation for the following purposes:~~

~~(a) To finance up to 95 percent of the capital costs related to the development, implementation and promotion of experimental public transportation and ridesharing projects approved by the Board.~~

~~(b) To finance up to 95 percent of the operating costs of experimental mass transportation and ridesharing projects approved by the Board for a period of time not to exceed 12 months.~~

~~(c) To finance up to 95 percent of the cost of the development and implementation of any other project designated by the Board where the purpose of such project is to enhance the provision and use of public transportation services.~~

~~d. Funds allocated for public transportation promotion and operation studies may be paid to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of~~

~~Rail and Public Transportation for the following purposes and aid of public transportation services:~~

~~(1) At the approval of the Board to finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.~~

~~(2) To finance up to 50 percent of the local share of public transportation operations planning and technical study projects approved by the Board.~~

~~e. (2) At least 73.5 percent of the Fund shall be distributed as state support for public transportation operating expenses. Funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses, and shall be spent for the purposes specified in subdivision 4 b.~~

~~f. (3) ~~The remaining~~ No more than 25 percent shall be distributed for capital purposes on the basis of 95 percent of the nonfederal share for federal projects and 95 percent of the total costs for nonfederal projects. In the event that total capital funds available under this subdivision are insufficient to fund the complete list of eligible projects, the funds shall be distributed to each transit property in the same proportion that such capital expenditure bears to the statewide total of capital projects. Prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit operating assistance if operating funds for the next fiscal year are estimated to be less than the current fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the previous fiscal year.~~

g. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 56-557 and for purposes as enumerated in subdivision 4c of § 33.1-269 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. Projects financed by the Commonwealth Transit Capital Fund shall receive local, regional or private funding for at least ~~20~~ 5 percent of the nonfederal share of the total project cost.

**III. Ineligible Operating Expenses Code section: -- § 58.1-638 A.4a**

**Code Language:**

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be used to support the public transportation administrative costs and the costs borne by the locality for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation at a state share of 80 percent in 2002 and 95 percent in 2003 and succeeding years. These amounts may be used to support up to 95 percent of the local or nonfederal share of capital project costs for public transportation and ridesharing equipment, facilities, and associated costs. Capital costs may include debt service payments on local or agency transit bonds. The term "borne by the locality" means the local share eligible for state assistance consisting of costs in excess of the sum of fares and other operating revenues plus federal assistance received by the locality.

**Problem:**

The language in 4b effectively excludes state operating funds for transit operators and maintenance personnel which are one of the primary costs of providing transit service. As a result, these personnel expenses are totally supported by local funds and fares. This significant annual local responsibility hinders transit expansion regionally since each locality either chooses to pay the annual expense with local general funds or forgo service. This policy is inequitable and is not applied to any other mode. The original rationale was to exclude unionized drivers and maintenance workers (a right under federal law and not an option for transit providers) who engage in collective bargaining. However, the state does not exclude funds for personnel of road contractors- or any other mode- who have unionized employees. It's an outmoded, inequitable policy that undercuts the goal of integrated regional transit service.

**Proposed Code Change:**

Strike provisions of 4b to make all transit operation expenses eligible for state funding, including driver and maintenance employees.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be paid to any local governing body, transportation

district commission, public body or public service corporation for the purposes hereinafter specified to support up to 95 percent of the costs borne by the locality. The term "borne by the locality" means the local share eligible for state assistance consisting of costs in excess of the sum of fares and other operating revenues and/or federal assistance received by the locality.

~~b. The amounts allocated pursuant to this section shall be used to support the public transportation administrative costs and the costs borne by the locality for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation at a state share of 80 percent in 2002 and 95 percent in 2003 and succeeding years. These amounts may be used to support up to 95 percent of the local or nonfederal share of capital project costs for public transportation and ridesharing equipment, facilities, and associated costs. Capital costs may include debt service payments on local or agency transit bonds. The term "borne by the locality" means the local share eligible for state assistance consisting of costs in excess of the sum of fares and other operating revenues plus federal assistance received by the locality.~~

~~e. (2) At least 73.5 percent of the Fund shall be distributed as state support for public transportation operating expenses. Funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses. and shall be spent for the purposes specified in subdivision 4 b.~~

**CONSOLIDATED CHANGES FOR MASS TRANSIT FUND CODE  
(ITEMS I – III)**

§ 58.1-638. Disposition of state sales and use tax revenue; localities' share; Game Protection Fund.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § ~~33.1-23.03:1~~. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of ~~4.5 percent in fiscal year 1998-1999 and 4.7~~ 2.5 percent in fiscal year ~~1999-2000~~ 2011-2012 and thereafter shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be paid to any local governing body, transportation district commission, *public body* or public service corporation for the purposes hereinafter specified *to support up to 95 percent of the costs borne by the locality. The term "borne by the locality" means the local share eligible for state assistance consisting of costs in excess of the sum of fares and other operating revenues and/or federal assistance received by the locality.*

~~b. The amounts allocated pursuant to this section shall be used to support the public transportation administrative costs and the costs borne by the locality for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation at a state share of 80 percent in 2002 and 95 percent in 2003 and succeeding years. These amounts may be used to support up to 95 percent of the local or nonfederal share of capital project costs for public transportation and ridesharing equipment, facilities, and associated costs. Capital costs may include debt service payments on local or agency transit bonds. The term "borne by the locality" means the local share eligible for state assistance consisting of costs in excess of the sum of fares and other operating revenues plus federal assistance received by the locality.~~

e. b. Commonwealth Mass Transit Fund revenue shall be allocated by the Commonwealth Transportation Board as follows:

(1) Funds for special *public transportation commuter assistance projects and programs*, which shall include ~~ridesharing, experimental transit, and technical assistance~~, shall not exceed 1.5 percent of the Fund.

*(a) The Board may allocate these funds as grants to support the planning, development, implementation, improvement, marketing and continuation of public transportation, experimental transit and commuter assistance programs or may allocate these funds to the Department of Rail and Public Transportation to undertake projects for these purposes.*

~~(2) The Board may allocate these funds to any locality or planning district commission to finance up to 80 percent of the local share of all costs associated with the development, implementation, and continuation of ridesharing programs.~~

~~(3) Funds allocated for experimental transit projects may be paid to any local governing body, transportation district commission, or public corporation or may be used directly by the Department of Rail and Public Transportation for the following purposes:~~

~~(a) To finance up to 95 percent of the capital costs related to the development, implementation and promotion of experimental public transportation and ridesharing projects approved by the Board.~~

~~(b) To finance up to 95 percent of the operating costs of experimental mass transportation and ridesharing projects approved by the Board for a period of time not to exceed 12 months.~~

~~(c) To finance up to 95 percent of the cost of the development and implementation of any other project designated by the Board where the purpose of such project is to enhance the provision and use of public transportation services.~~

~~d. Funds allocated for public transportation promotion and operation studies may be paid to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:~~

~~(1) At the approval of the Board to finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.~~

~~(2) To finance up to 50 percent of the local share of public transportation operations planning and technical study projects approved by the Board.~~

e. (2) At least 73.5 percent of the Fund shall be distributed *as state support for public transportation operating expenses*. Funds shall be distributed to each transit property in

the same proportion as its operating expenses bear to the total statewide operating expenses, and shall be spent for the purposes specified in subdivision 4 b.

f. (3) ~~The remaining~~ *No more than* 25 percent shall be distributed for capital purposes on the basis of 95 percent of the nonfederal share for federal projects and 95 percent of the total costs for nonfederal projects. In the event that total capital funds available under this subdivision are insufficient to fund the complete list of eligible projects, the funds shall be distributed to each transit property in the same proportion that such capital expenditure bears to the statewide total of capital projects. Prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit operating assistance if operating funds for the next fiscal year are estimated to be less than the current fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the previous fiscal year.

g. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § ~~56-557~~ and for purposes as enumerated in subdivision 4c of § ~~33.1-269~~ or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. Projects financed by the Commonwealth Transit Capital Fund shall receive local, regional or private funding for at least ~~20~~ 5 percent of the nonfederal share of the total project cost.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church and Fairfax in the following manner:

a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) to the Washington Metropolitan Area Transit Authority (WMATA) and be a

credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church and Fairfax in the following manner:

a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.

b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law 96-184.



#### **IV. Budget Item 436 #6 Equity Bonus Program**

##### **Current Budget Language:**

Funds apportioned under federal law for the Equity Bonus program shall be allocated as required by federal law, including the thirteen percent that is required to be allocated for public transportation purposes. Funds for contract fees paid by the Virginia Railway Express for access to the rights of way of CSX Transportation, Norfolk Southern Corporation, and the National Railroad Passenger Corporation shall be allocated from the public transportation portion of federal Equity Bonus program funds

##### **Problem:**

Equity Bonus program are federal flexible funds that can be used for transit or roads. 13% is less than any transit share in the Code. Current sources of funding are inadequate to support the transit program.

##### **Proposed Change:**

When transportation finance is addressed by the Administration and the General Assembly the percentage of funds Equity Bonus funds dedicated to public transportation should be increased to a minimum of 25%. This is subject to change in the next Federal Transportation Reauthorization, so it's probably best to leave this section in the budget rather than making a Code change

##### **Proposed Budget Language:**

Funds apportioned under federal law for the Equity Bonus program shall be allocated as required by federal law, including the ~~thirteen~~ *minimum of twenty-five percent* that is required to be allocated for public transportation purposes. Funds for contract fees paid by the Virginia Railway Express for access to the rights of way of CSX Transportation, Norfolk Southern Corporation, and the National Railroad Passenger Corporation shall be allocated from the public transportation portion of federal Equity Bonus program funds

#### **IV. Policy Recommendation – Intermodal Planning and Investment Office**

**Policy Change:** Intermodal Planning and Investment Office responsibility – No Code change is required.

**Code Language:**

Code Section § 2.2-229. There is hereby established the Office of Intermodal Planning and Investment of the Secretary of Transportation, consisting of a director, appointed by the Secretary of Transportation, and such additional transportation professionals as the Secretary of Transportation shall determine. The goals of the Office are to provide solutions that link existing systems; promote the coordination of transportation investments and land use planning; reduce congestion; improve safety, mobility, and accessibility; and provide for greater travel options. It shall be the duty of the director of the office to advise the Secretary, the Virginia Aviation Board, the Virginia Port Authority Board, and the Commonwealth Transportation Board on Intermodal issues, generally.

**Problem:**

The Intermodal Planning and Investment Office is now housed and staffed within VDOT. This agency does not have the multimodal vision, history or staff experience to plan and coordinate different modal transportation investments for maximum impact.

**Proposed Change:**

1. The Secretary of Transportation should designate the Department of Rail and Public Transportation as the lead agency to carry out the responsibilities of the Intermodal Planning and Investment Office. DRPT has a long history of working to integrate and coordinate modes.
2. Adequately resource DRPT to carry out these functions by transferring positions and a portion of planning funds currently directed to VDOT.
3. This is a policy decision; no Code change is required.

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<http://www.commpartners.com/website/white-listing.htm>



## LEGISLATIVE Alert

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



April 9, 2010

### **New Climate Bill Proposes Motor Fuel Fees - Transit and Transportation Funding Uncertain APTA Members Urged to Contact Senators Immediately!**

Senators John Kerry (D-MA), Lindsey Graham (R-SC) and Joseph Lieberman (I-CT) have drafted a new climate and energy bill that they hope to bring to the Senate floor this year. The three Senators have announced plans to limit carbon emissions from the transportation sector by including a fee on motor fuels based on the price of carbon dioxide under a cap-and-trade system. This proposed fee is being referred to as a "linked fee," which would raise the price of motor fuels. The linked fee would act similar to a gas tax, but it is unclear if the bill will provide any significant transportation investment.

Last week, APTA helped organize a coalition letter with 26 national transportation groups to call on Senators Kerry, Graham and Lieberman to dedicate revenues from any new fees on motor fuels to investment in transit and transportation under a multi-year authorization bill. APTA and the other groups, including the American Association of the State Highway and Transportation Officials (AASHTO), are very concerned that the enactment of a "linked fee" without resulting transportation investment would present a very serious obstacle to completing a surface transportation bill. To view the coalition letter, click [here](#).

A "linked fee" on motor fuels would generate tens of billions of revenue annually, and those revenues could be used to fund a new authorization bill. At present, the current Kerry-Graham-Lieberman proposal is believed to use those revenues for numerous other purposes such as consumer relief for increases in electricity prices, deficit reduction, and technology investment to reduce greenhouse gas emissions.

The three Senators have indicated they will release legislative details as soon as Earth Day on April 22. Climate and energy legislation remains a priority of the Obama Administration, and the new bill is intended to be a bi-partisan alternative to previous climate bills. If it advances to the floor, it would supersede the bill approved by the Senate Environment and Public Works Committee last fall (S. 1733, "Clean Energy Jobs and American Power Act"), which would have provided dedicated investment for public transportation.

#### **Action Alert**

APTA members need to contact their Senators regarding the Kerry-Graham-Lieberman bill. When you talk to your Senators and their staff, please ask the following:

- Urge the Senator or their staff to contact Senators John Kerry (D-MA), Lindsey Graham (R-SC) and Joseph Lieberman (I-CT) and other Senate leaders to express support for transit and transportation investment in a climate bill.
- Ask your Senator to support the user fee concept: new fees on motor fuels should be returned to the transportation sector and invested under a multi-year authorization bill.

- Remind your Senator of the environmental benefits of transit service in your community from current federal funding and point out that a new authorization bill is needed to maintain and expand service.

Sample Letter and Electronic Messages:

To view a sample letter to your senators, click [here](#).

To use the APTA Action Center to send an electronic message to your Senators, click [here](#).

For additional information on climate legislation contact Homer Carlisle of APTA's Government Affairs Department at (202) 496-4812 or [hcarlisle@apta.com](mailto:hcarlisle@apta.com).

### **Parity Between Parking and Transit Commuter Benefits Set to Expire at Year End – Urge Your Members of Congress to Support Permanent Equity**

Last year's American Reinvestment and Recovery Act (ARRA) (Pub.L. 111-5) contained an important provision that created temporary parity between parking and transit/vanpool tax benefits in the Internal Revenue Code. Under previous Federal law, employers could offer their employees an option of up to \$230/month in pre-tax parking benefits or \$120/month in pre-tax transit/vanpool benefits. Through ARRA, the transit/vanpool portion of the benefit increased to \$230/month, treating each mode of transportation as equal. This provision is set to expire on December 31, 2010, and without an extension or permanent renewal, the transit tax benefit would be reduced by more than half. It is essential that the provision permanently equalizing the transit benefit and parking benefit be enacted this year.

Representative Jim McGovern (D-MA) and Senator Charles Schumer (D-NY) have introduced legislation, the "Commuter Benefits Equity Act" (H.R. 891 and S. 322) which establishes permanent parity between the parking and transit portions of the transportation fringe benefit. APTA strongly supports this legislation and is advocating for its immediate passage. It is important that APTA members express their support for extending this provision through passage of the stand-alone legislation or as part of a larger "tax-extenders" package. Representatives McGovern and Earl Blumenauer (D-OR) are seeking signatures from other members of Congress on a letter to House Speaker Nancy Pelosi (D-CA) urging the immediate passage of H.R. 891. APTA members should also urge their House Representatives to sign on to this letter.

The disparity between the two benefit levels created a financial incentive for employees to drive alone to and from work rather than utilize transit or a vanpool. The provision is a tax benefit not only for employees but also for the employers who offer it. Employers do not have to pay taxes on the benefit, providing an important fiscal savings as well as an effective employee recruitment and retention tool. An increasing number of central business district employers currently offer transit benefits to their employees and human resources professionals are increasingly viewing transit benefits a core offering within their slate of benefits. Moreover, studies have shown the availability of transit benefits can lead to significant increases in transit ridership. A 2007 Transit Cooperative Research Program (TCRP) study found transit ridership increases of 10 percent or greater at participating worksites.

#### **Action Alert**

APTA members are urged to contact your Representative and Senators in support of permanent parity between the Parking and Transit Commuter Benefits. Explain to your member of Congress that federal tax law on transportation fringe benefits should treat both transit and parking fairly and equitably. Failure to extend these provisions will effectively raise taxes on participating transit riders and employers at a time when we should be encouraging

transit ridership.

When you talk to your member of Congress, please ask the following:

- Urge your Representative to support immediate passage of the Commuter Benefits Equity Act.
- Urge your Representative to sign onto the McGovern-Blumenauer letter to Speaker Pelosi in support of the Commuter Benefits Equity Act (H.R. 891).
- Explain to your Representative that federal tax law on transportation fringe benefits should treat both transit and parking fairly and equitably.
- Inform your Representative that failure to extend these provisions will effectively raise taxes on participating transit riders and employers at a time when we should be encouraging transit ridership for the environmental, energy, economic and quality of life benefits it provides.

Sample Letter and Electronic Messages:

To view a sample letter to your member of Congress, click [here](#).

To use the APTA Action Center to send an electronic message, click [here](#).

For additional information on transit commuter benefits contact Brian Tynan of APTA's Government Affairs Department at (202) 496-4897 or [btynan@apta.com](mailto:btynan@apta.com).

### **FRA Announces Funding Opportunities for High-Speed Rail and Positive Train Control**

The Federal Railroad Administration (FRA) recently began seeking applications for new grant high-speed rail projects and the Rail Safety Technology Program, which can fund investments for Positive Train Control (PTC).

For high-speed rail, the FRA is accepting applications for \$115 million available for planning and construction projects. These funds were appropriated in Fiscal Year (FY) 2010 (\$50 million for planning activities), and FY 2009 (\$65 million for construction projects.) Applicants must submit their proposals to the FRA by May 19, 2010. Award announcements are expected to be made as soon as this summer.

To view the planning Notice of Funds Availability, click [here](#).  
To view the construction Notice of Funds Availability, click [here](#).

A second grant program was also recently announced, providing \$50 million for the FRA's Rail Safety Technology Program. This funding will provide grants to implement PTC and collision avoidance technologies by 2015, as mandated under the Rail Safety Improvement Act of 2008. In an effort to speed up the deployment of PTC, projects receiving this funding must be operational within two years of receiving the award. Additional eligibility requirements apply, including a 20 percent local match. The application process runs from April 9, 2010, through July 1, 2010, with award announcements expected in September 2010.

To view the PTC Notice of Funds Availability, click [here](#).

For additional information on high-speed rail and Positive Train Control contact Joni Zielinski of APTA's Government Affairs Department at (202) 496-4865 or [jzielinski@apta.com](mailto:jzielinski@apta.com).

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AGENDA ITEM #8

**TO:** Chairman Hudgins and NVTC Commissioners  
**FROM:** Rick Taube  
**DATE:** April 29, 2010  
**SUBJECT:** Regional Transportation Items.

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A. Future of Transportation National Survey by Transportation for America.

The telephone survey of 800 registered voters nationwide took place from February 27 through March 2, 2010. It has a margin of error of  $\pm 3.46\%$ . Among the findings:

- 66% would like more transportation options.
- 59% would like to use public transit more if it were available.
- 19% used public transit within the last month.
- 57% believe passenger trains (including heavy and light rail) are not getting enough federal support.
- 51% favor more public transit to fight congestion versus 38% favoring more roads.
- 58% want a larger proportion of federal transportation funds to go to transit versus roads.
- 51% would increase their own taxes to pay for better transit.
- 84% believe new roads should not be built while existing roads are in disrepair.
- The reasons to favor improved public transit:
  - 22% to reduce dependence on foreign oil
  - 19% to provide job access
  - 15% to create affordable options
  - 14% to create new jobs
  - 11% to reduce traffic congestion
  - 7% to improve public health
  - 4% to enhance safety

More details about the survey are available at <http://t4america.org/resources/2010survey>.

B. Virginia Transit Association Conference June 10-11, 2010.

VTA's conference, including a Bus Expo (vendor displays) will be held in Richmond. A draft agenda is attached.



C. Bike to Work Day May 21, 2010.

This annual event coincides with National Bike to Work Week. Last year 8,000 participated in the Washington regional event. A survey of participants in 2009 yielded 2,411 responses. A fifth of respondents had never biked to work before and 12% who had biked before began to commute by bike more frequently after the event.

There are 35 “pit stop celebrations” planned for the 2010 event, including 16 in Northern Virginia. Free registration is available at [www.waba.org](http://www.waba.org).

D. Transit Ridership Trends.

Beginning in mid fiscal year 2008, transit ridership in Northern Virginia rose sharply as gas prices spiked upward. Transit ridership continued to climb even as gas prices receded beginning in FY 2009. Only the sharp recession has slowed transit ridership in the current fiscal year although some systems are still experiencing record ridership peak days (e.g. Metrorail, VRE).

Also, vehicle miles traveled on Virginia’s urban arterials began to trend down at the same time gas prices spiked. That trend has been reversed as gas prices fell. Several charts are attached showing these trends.

E. I-95/395 Bus Rapid Transit Study.

VDOT’s Virginia Megaprojects Office has released a report titled [I-95/395 Bus Rapid Transit Study](#) that was prepared by consultants ATCS and Baker Engineering in coordination with DRPT and local transit systems. The report follows up on DRPT’s I-95/395 Transit/Transportation Demand Management Study that examined enhanced transit to be established in conjunction with, and funded by, the proposed HOT Lanes project in that corridor. The BRT study examined the BRT option in more detail, together with potential “in-line” stations (located in the Interstate Highway right-of-way) and other station-specific details. The study also examined market demand for BRT.

The attached Executive Summary lists the key findings and shows the proposed Priority Bus/ BRT system that is recommended. Boardings in the mornings would exceed 38,000 by 2030 on all buses in the corridor with 6,200 on the BRT system. The station shown by the models to have the heaviest boardings of BRT is Seminary Road/Mark Center, with 1,350. The next highest BRT boarding station total is Route 123/Lakeridge with 400. Tysons Corner has 530 morning alightings.

Annualized operating and bus capital costs are \$51.8 million. An additional \$20.8 million would be needed to construct the 12 BRT stations. The total of just over \$70 million for BRT is less than the amount estimated in the earlier Transit/TDM study.

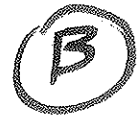


Compared to the system envisioned in the DRPT Transit/TDM report, the BRT study suggests fewer in-line stations (reducing capital costs) but more routes, deviations from the mainline, and extensive service including connections to Tysons Corner (increasing operating costs).

The study notes that better transit access is needed to the BRAC-133 site at Seminary Road, so coordination is needed with the ongoing Mark Center Access Study.

As a reminder the characteristics of Bus Rapid Transit service are: an ability to shape land use and support Transit-Oriented Development; use of advanced technology; significantly reduced travel time; "rail-bus" features; and a "branded" identity. To be successful, BRT must complement and be integrated with conventional transit services.

Some of the transit operators who participated in this study as part of a technical advisory group have expressed concerns with the final report. For example, the Potomac and Rappahannock Transportation Commission is being asked to approve a letter to Secretary Connaughton explaining several shortcomings of the study. The primary concern is that this study may be used by VDOT and/or Fluor-Transurban to reduce transit and parking commitments agreed to by transit systems in DRPT's 2008 study. A copy of the PRTC Board item is attached for your information.



Information

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## VTA 2010 Annual Conference, June 10 - 11, 2010

**PRELIMINARY AGENDA**—details to be added at a later date.

**NOTE:**

Conference (Expo and Meetings) Location Thursday, June 10: Greater Richmond Convention Center.  
Conference Meeting Location Friday, June 11: Richmond Marriott Hotel.

[Thursday, June 10, 2010](#)

[Friday, June 11, 2010](#)

### Thursday, June 10, 2010

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- 8:00 AM - 12:00 PM      **Exhibitors set up in the Expo**  
*Exhibitors start set up at 8:00. Official exhibition begins at noon.*
- 8:00 AM - 5:00 PM      **Conference Registration—Richmond Convention Center**
- 10:30 AM - 12:30 PM    **VTA Board Meeting**  
*This meeting is open to all VTA members.*
- 12:00 PM - 7:00 PM     **Exhibitor Expo Opens—Today Only**
- 12:30 PM - 2:00 PM     **Lunch with Exhibitors**  
*Have lunch with our exhibitors and see what's new in the transit market!*
- 2:00 PM - 2:10 PM      **Welcome**  
*The Honorable William Euille, President, VTA*
- 2:15 PM - 3:15 PM      **Update with FTA**  
*TBD*
- 3:15 PM - 5:15 PM      **Tour: GRTC Transit System LEED Facility**  
*Join us for a tour of the new LEED Silver-Certified GRTC Transit System facility. This modern, state-of-the-art site utilizes "green building" (LEED) practices.*  
*Although there is no fee for this tour, we require advance sign-up during the registration process, so that we can provide adequate transportation to accommodate the group.*
- 5:00 PM - 7:00 PM      **Cocktail Reception with our Exhibitors**  
*Join our exhibitors in the Exhibit Hall for a cocktail reception.*
- Enjoy Richmond Dining on Your Own**  
*Enjoy the many dining experiences Richmond has to offer on your own. A complimentary shuttle will be available for transportation to selected restaurants.*

[top](#)

### Friday, June 11, 2010

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8:00 AM - 9:30 AM      **Registration Continued—Richmond Marriott Hotel**

**NOTE: CHANGE IN VENUE FOR FRIDAY**

Please note the change in venue for today's meeting. All sessions, including the awards luncheon, will be held at the Richmond Marriott Hotel.

8:30 AM - 9:45 AM

**Department of Rail and Public Transportation Update**

*Thelma Drake, Director of DRPT, will lead the discussion on the happenings in public transportation.*

9:45 AM - 10:00 AM

**Hospitality Break**

10:00 AM - 11:00 AM

**Roundtable Discussions**

*Peer Exchange: Connect with small group discussions on hot topics from fuel price risk management to bus rationalization.*

11:00 AM - 12:00 PM

**Concurrent Breakout Session I**

*Joel Volinski, Director of the National Center for Transit Research, will present on two timely topics:*

- ♦ *Managing During Tough Times*
- *Communicating with Your Bus Drivers*

11:00 AM - 12:00 PM

**Concurrent Breakout Session II**

*Marketing and Communications TBD*

12:00 PM - 2:30 PM

**Awards Luncheon**

*Virginia Secretary of Transportation, The Honorable Sean Connaughton, is our guest speaker for this annual event where we applaud the best of the best in transit programs, marketing campaigns and individual contributions.*


*Come celebrate the distinctions in excellence made this year!*

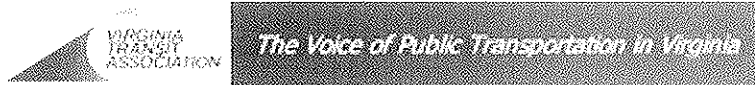
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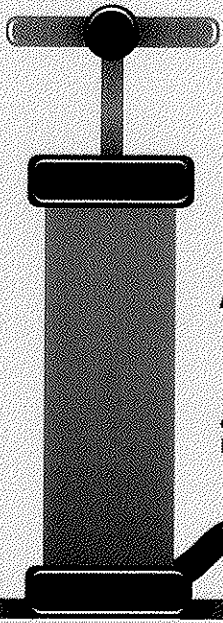
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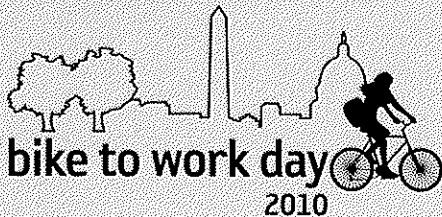
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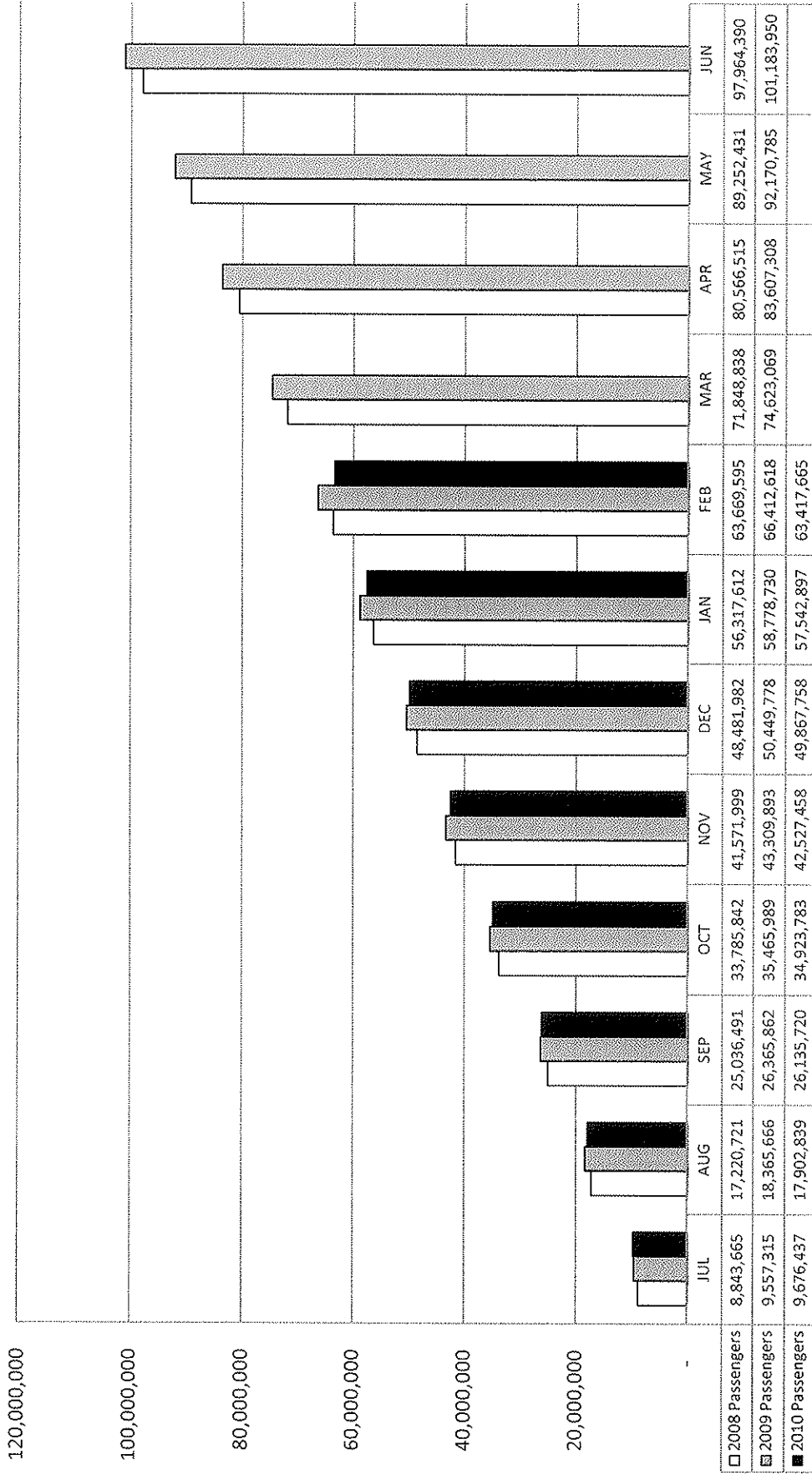
Friday May 21, 2010

Bike to Work Day

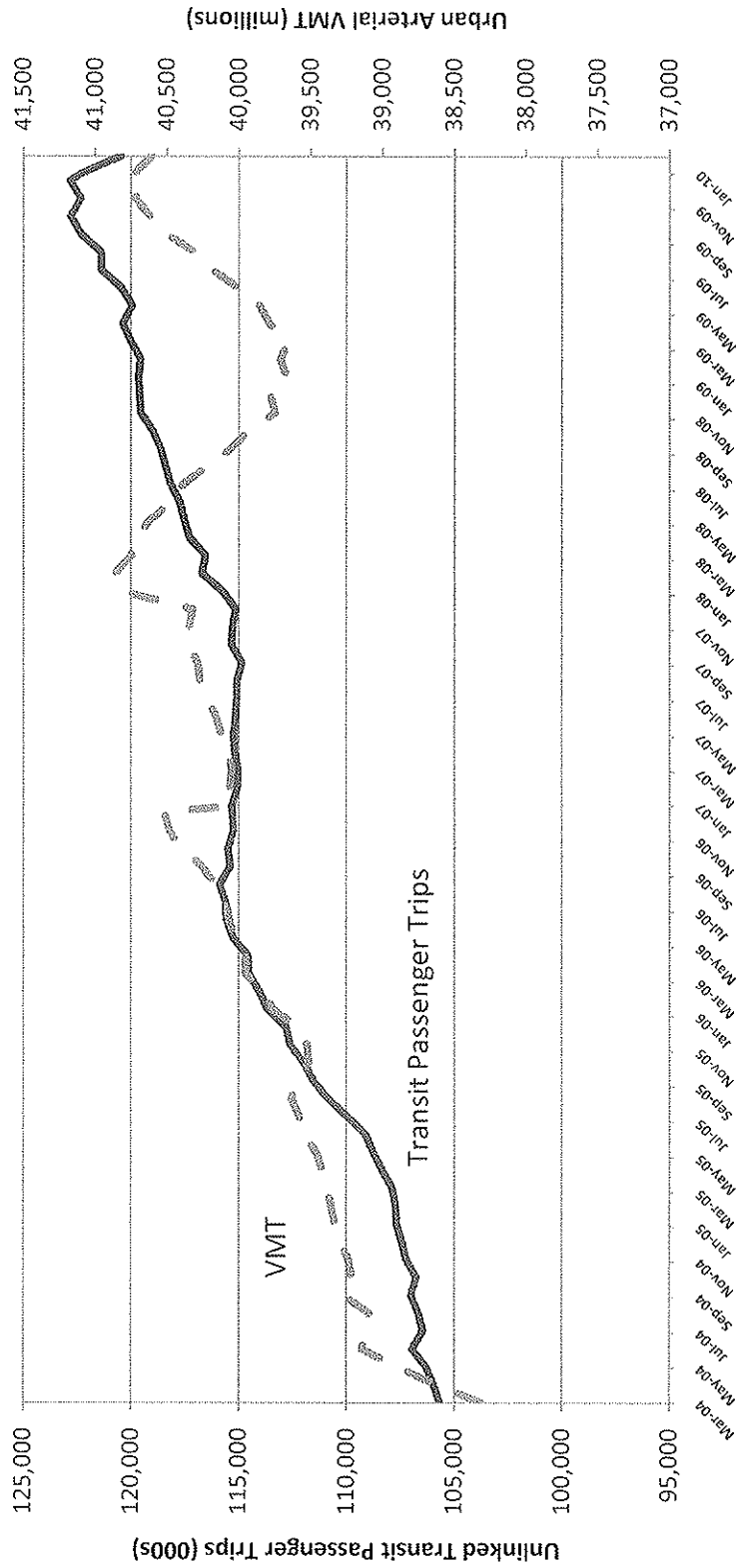


Bike to Work Day is also funded by the District of Columbia, Maryland, Virginia and U.S. Departments of Transportation.

# Metrorail Cumulative Monthly Northern Virginia Passenger Trips FY2008 - FY2010

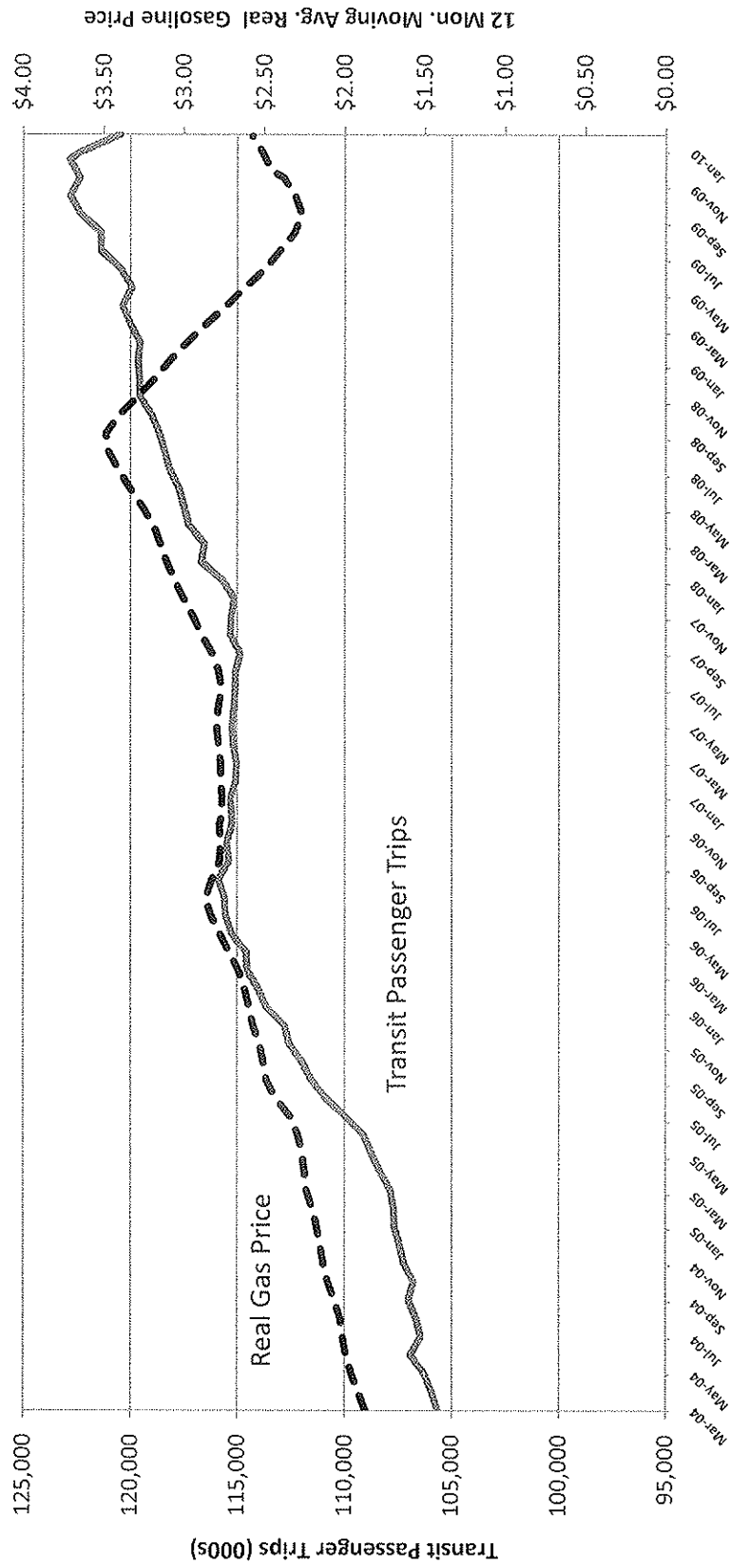


Northern Virginia WMATA Unlinked Transit Passenger Trips vs. Virginia Urban Arterial VMT  
 -12 Month Moving Totals





# Northern Virginia WMATA Transit Passenger Trips - 12 Month Moving Total vs. 12 Month Moving Average Real Gas Price



# Executive Summary

## Executive Summary

The I-95/I-395 Bus Rapid Transit (BRT) Study investigates the market for enhanced transit infrastructure, operations, and technology within the I-95/I-395 corridor in northern Virginia. This study follows the I-95/I-395 Transit/Transportation Demand Management (TDM) Study that was conducted to determine how transit could best be enhanced in the corridor. The Transit/TDM Study identified a variety of transit investments for the corridor including a BRT system with stations in the Interstate right of way, or “in-line”. This study was conducted to not only verify the recommendation for BRT in the corridor from the Transit/TDM Study by providing additional modeling detail and market analysis overall, but also to develop specific station area infrastructure requirements that were not analyzed in the preliminary work. As such, it uses the Transit/TDM Study as a starting point, but refines the recommendations for a BRT system in the corridor.

Exhibit ES-1 shows an overview of High Occupancy Toll (HOT) lanes in the northern Virginia area, including those currently being studied for I-95 and I-395 and those under construction on the Capital Beltway (I-495). This analysis is related to those projects in two ways: 1) the HOT lanes could potentially provide consistent travel speeds for the BRT system to operate within, and 2) the I-95/I-395 HOT lanes project could be a potential funding source for some of the BRT investments. The purpose of this report is to document, in greater detail than previously conducted, the market demand for a BRT system within the study area and to determine the infrastructure that would be required to support that BRT system.

This study is being sponsored by the Virginia Department of Transportation (VDOT) in coordination with the Virginia Department of Rail and Public Transportation (DRPT). A stakeholder group, referred to as the Transit Operators Committee (TOC), was formed to provide advice and direction to the study. This group consists of transit operators as well as City and County transportation planners.

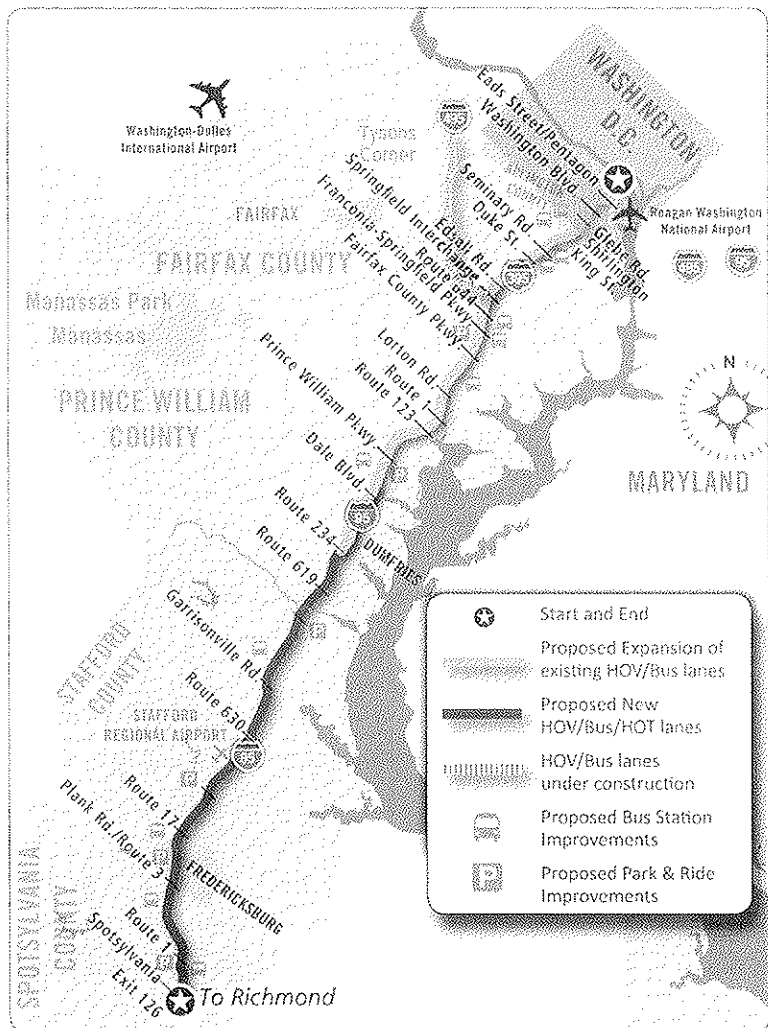


Exhibit ES-1. I-95 / I-395 Study Corridor

## Key Findings

The following steps were taken in verifying the market demand for BRT services in the corridor and developing estimates for the transit station infrastructure needed to support a BRT system:

- Operating Conditions Assessment – the most recent plans for the corridor and proposed major developments and land use changes along the corridor were updated.
- BRT Definition – in order to model the BRT system in more detail, station prototypes and operating scenarios were developed for the corridor in consultation with other BRT initiatives in the region.
- Modeling – a variety of operating scenarios were modeled to test the overall market demand for BRT services in the corridor, including scenarios that included in-line stations.
- Station Area Concepts – for each station area under consideration a series of infrastructure improvements that would support BRT were developed and cost estimates prepared.
- Recommendations – based on the modeling conducted and cost estimates prepared, a Priority Bus/BRT System is recommended in the corridor.
- **Exhibit ES-2** shows the Priority Bus/BRT System that is recommended. Service is recommended from the area of Massaponax, Virginia to Washington, DC as well as new routes that provide access to Tysons Corner, Virginia.

Other key findings from the study include:

1. Total AM boardings for bus service using some portion of the corridor will exceed 38,000 in 2030, which represents a significant mode share. This includes over 6,200 AM boardings on the Priority Bus/BRT System which would provide service to stations located off-line at arterials and existing Park and Ride lots.
2. Although boardings for an operating scenario with the in-line stations that were originally envisioned in the Transit/TDM Study would be higher than the Priority Bus/BRT System at 8,110 boardings, they would come at a significantly greater expense than those proposed in the Priority Bus/BRT system. In addition, the physical location of the in-line stations inside the Interstate corridor would be more difficult to access from surrounding feeder networks and not as conducive to transit-supportive land uses.
3. One operating scenario was conducted to determine the effects of removing a key station, the Lorton in-line station, on the market. Although boardings did decrease, over 6,200 AM boardings still used the BRT system.
4. Tyson Corner access increased the daily boardings by 500-600 trips per day when modeled.

Other findings that are not specific to any one operating scenario:

5. Stations south of RT 610 have low ridership, generally less than 100 boardings per day.
6. The closer to Washington D.C. the heavier the ridership. The station with the largest boardings is Seminary Road/Mark Center in all scenarios. Other stations with high boardings include Prince William, Franconia-Springfield, and RT 123/Lake Ridge.
7. Boardings at the Pentagon are low in all scenarios due to the extensive existing and planned competing service.
8. Annualized operating costs, including bus capital costs, are \$51 million for the Priority Bus/BRT routes and \$48 million for the In-Line scenario modeled. However, the Priority Bus/BRT In-Line Scenario includes seven routes and provides access to fourteen station areas whereas the cost for the in-line system included only three BRT defined routes and access to five stations.
9. The cost for 12 stations used in the Priority Bus/BRT Scenario is \$21 Million. This is expected to be comparable to the cost of just one in-line station.

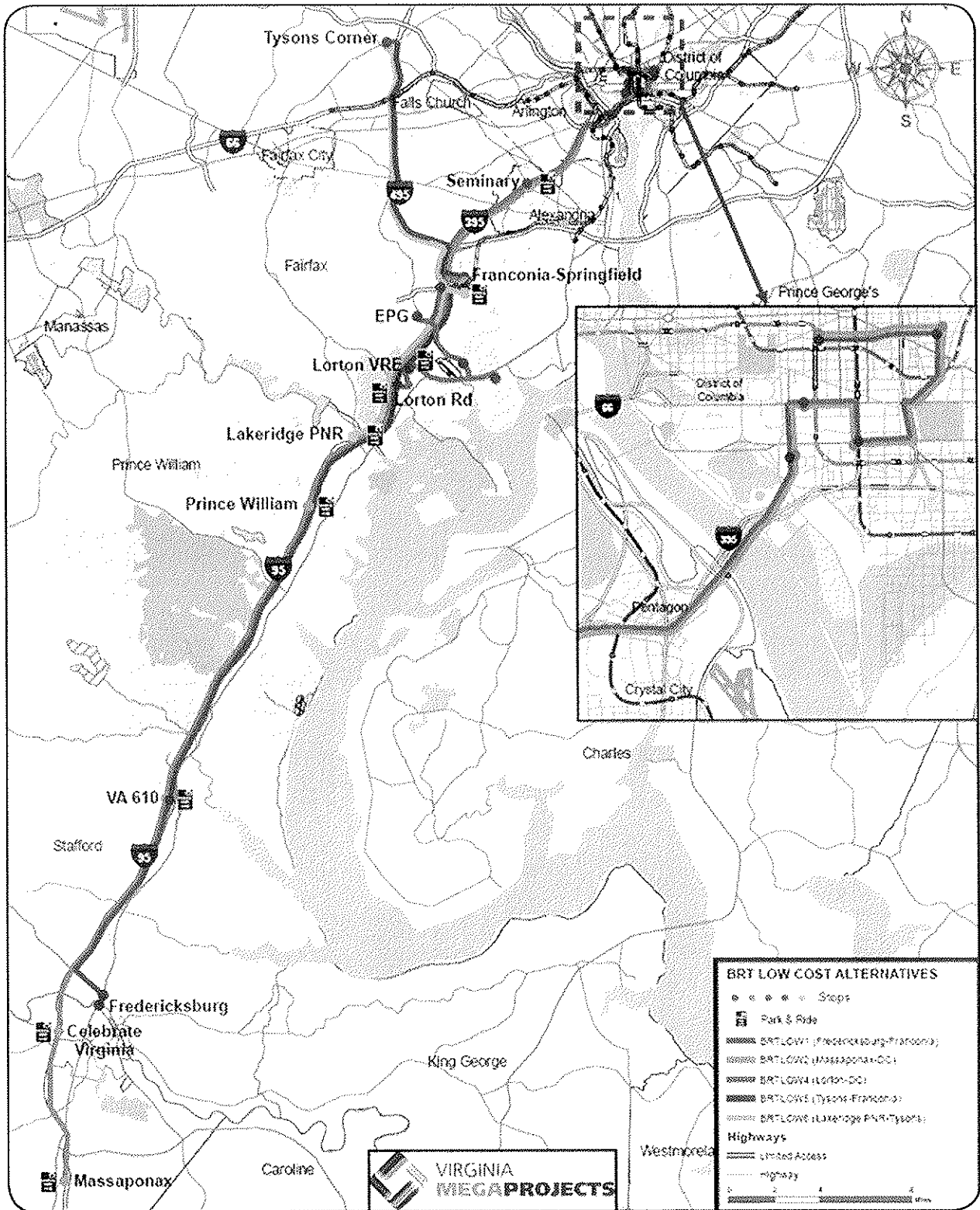


Exhibit ES-2. Priority Bus/BRT System Routes

## Key Conclusions

- *Reliable, uncongested conditions on the I-95/395 facility will result in heavy transit use.* Transit will continue to provide significant mobility benefits within the corridor.
- The stations have weak interdependence; *their primary function is to provide access to commuter service to downtown Washington D.C.*
- As such, *the market for BRT is strong in the north*, closer to the Capital Beltway and Washington D.C. In the south there is light ridership. Ridership in the south could increase with transit oriented land use policies.
- *The Seminary Road new access creates a significant demand at the Seminary Road/Mark Center Transit Center.*
- Demand for Service to Tysons Corner is good, but not bi-directional. *There will be strong demand for trips from Prince William County.*
- The Priority Bus/BRT Scenario has similar ridership to the In-Line without Lorton Scenario; 6,200 boardings vs 6,250 boardings. However, the station capital costs for the Priority Bus/BRT Scenario will be significantly less. Furthermore, *the Priority Bus/BRT stations will generally be located in areas with potential for transit oriented development.*

## Recommendations

Based on the analysis findings and conclusions and guidance from the Transit Operators Committee, we recommend a Priority Bus/BRT service similar to the service modeled. The routes are shown in the previous **Figure ES-2** and described in the **Table ES-1**.

Route	Implementation Year	Revenue Hours	Vehicle Hours	Vehicle Needs
Lorton PNR to Ft Belvoir to EPG to DC	2015	3600	4320	5
Lake Ridge/RT 123 to Tysons Corner	2015	1900	3800	3
Seminary - Pentagon - DC	2015	3100	3410	5
Dale City (or Lake Ridge) - Seminary - DC	2015	3800	7600	6
Fredericksburg to Franconia-Springfield Metrorail Station	2020	1100	2200	4
Massaponax to DC	2020	2700	5400	3
Tysons Corner to Franconia-Springfield (two directions)	2020	900	990	2

Table ES-1. Proposed Routes for Priority Bus/BRT Scenario

The future Seminary Road/Mark Center Transit Center is projected to attract heavy ridership, both as an origin/destination and as a transfer point. Two additional routes were added to take advantage of this projection. This recommendation requires 12 new or modified stations. The station locations and modifications developed in this report are representative concepts and will need additional study.

**Table ES-2** shows the total operating costs and annualized bus costs for the Priority Bus/BRT service. Estimated operating and bus capital costs are \$51 million for the Priority Bus/BRT services. The estimate for the three in-line system routes is \$48 million (source: I-95/I-395 Transit/TDM Study); the Priority Bus/BRT services provide more coverage at comparable price.

Route	Lifetime O&M Cost (to 2030)	Vehicle Needs	Cost Per Vehicle	Annualized Capital Cost (to 2030)	Total Cost
Lorton - EPG - Seminary - DC	\$5,622,696	5	\$500,000	\$3,437,500	\$9,060,196
Lake Ridge - Tysons Corner	\$4,945,890	3	\$500,000	\$2,062,500	\$7,008,390
Seminary - Pentagon - DC Route	\$4,438,286	4	\$750,000	\$4,125,000	\$8,563,286
Dale City to Seminary (+DC)	\$9,891,780	6	\$500,000	\$4,125,000	\$14,016,780
Fredericksburg - Franconia-Springfield	\$1,908,940	4	\$750,000	\$2,750,000	\$4,658,940
Massaponax - DC	\$4,685,580	3	\$750,000	\$2,062,500	\$6,748,080
Tysons Corner - Franconia-Springfield	\$859,023	2	\$500,000	\$916,667	\$1,775,690
<b>Total Costs (2010 Dollars)</b>					<b>\$51,831,362</b>

Table ES-2: Annualized Costs

Location	Basis of Cost Estimate	Cost Estimate (\$ Thousands)
1. Massaponax	New station with 2 BRT bays and 100 dedicated BRT parking spaces	\$2,516
2. Celebrate Virginia!	New station with 2 BRT bays and 100 dedicated BRT parking spaces	\$2,273
3. RT 610/RT 1	New station with 2 BRT bays and 100 dedicated BRT parking spaces	\$3,273
4. Prince William PRTC	New BRT station adjacent to PRTC with 200 dedicated spaces	\$4,998
5. Lake Ridge Park and Ride	2 BRT bays at adjacent Park and Ride	\$500
6. Lorton Park and Ride	2 BRT bays at adjacent Park and Ride	\$1,823
7. Fredericksburg Vic RT 17/RT 1	New station with 100 dedicated BRT spaces	\$2,273
8. Fort Belvoir Pence Gate	2 BRT bays and BRT features at existing stop	\$2,273
9. Engineer Proving Grounds	2 BRT bays and BRT features at future bus transfer area	\$530
10. Franconia-Springfield Metro Station	2 BRT bays and features added to Metro/VRE station	\$650
11. Tysons Corner	BRT features at future bus transfer area	\$500
12. Seminary and Mark Center Transit Center	BRT features at future bus transfer area	\$1,010
<b>Total Costs</b>		<b>\$20,846</b>

Table ES-3: Station Infrastructure Requirements and Costs

In comparing total costs for the Priority Bus/BRT system to those included for a BRT System in the Transit/TDM Study it is important to note the following: capital costs for the stations are significantly reduced and operating costs as shown are slightly higher. The higher operating costs can be explained due to the fact that running times are slightly elevated since the Priority Bus/BRT routes include deviation from the mainline, which increases overall revenue hours. However, the most significant difference is that the Priority Bus/BRT system recommended includes substantially greater service and coverage. In the previous report, there were three recommended new BRT routes that started in Fredericksburg and ended in Washington D.C. For the Priority Bus/BRT system the analysis recommends seven routes, more than double the routes in the previous work. In addition, the Priority Bus/BRT system provides new connections to Tysons Corner, the Lake Ridge area of Prince William County, and the Engineer Proving Grounds (EPG) in the route structure that were not included in previous analyses, resulting in far greater geographic coverage for suburb to suburb destinations than previously costed. Also, the total operating costs as shown could be reduced by reconfiguring services that are already planned or that currently exist to serve some of the market demand and eliminate some of the revenue hours documented in this analysis.

The Priority Bus/BRT Routes provide access to 12 stations that will have distinct BRT features. These features include canopies, distinct bays, real time information displays, smart card systems and information kiosks. All of the stops will support other bus service, as such these features will be in addition to traditional bus bays, or will be combined with the other service.

The stations are generally located off arterials with signalized intersections. Signal priority and minor roadway improvements were assumed in the analysis to minimize the time the buses are on local roadways and subject to traffic congestion.

The total cost for the 12 stations is \$21 Million, which is similar to the expected cost of one in-line station. The 12 stations and the assumed Priority Bus/BRT improvements are in **Table ES-3**.

## Next Steps

This study documents that an investment of just over \$70 million for a Priority Bus/BRT system would provide mobility benefits for over 6,000 BRT boardings during the AM and PM peak periods and access to over 38,000 total boardings in the corridor daily.

Additional studies would still need to be completed if funding for the Priority Bus/BRT system were committed to implement this system. In addition, the following analyses are recommended:

- *Continued coordination and participation in planning and design for I-95/I-395 HOT lanes project*, including advocating for inclusion of enhancements that would support Priority Bus/BRT movements in the corridor such as additional slip-ramps and potential bus access ramps as needed to support transit investments.
- *Continued coordination with the Mark Center Access Study* currently underway. The potential routing of Priority Bus/BRT services through the rotary on Seminary Road is circuitous and better access to the BRAC site is being considered. Additional coordination with the City of Alexandria will also be required to develop better transit access to Mark Center.
- *Transit oriented development studies for new Priority Bus/BRT Stations* to better define access requirements and land use densities that support transit, particularly at Massaponax, Celebrate, RT 610 and Prince William County.

- *Location or access studies for each of the proposed stations.* The station concepts developed in this report are representative of how each station will function and the elements of each station. The next step is to plan each station in greater detail with local stakeholders.
- *Environmental documentation* will be required for the Priority Bus/BRT system – especially for any off-line stations that require the purchase of right-of-way.
- *Documentation of parking needs* unrelated to Priority Bus/BRT system that would support overall goals of the previous Transit/TDM Study.
- *Detailed study of costs/benefits for various management structures* that would be required to operate regional Priority Bus/BRT system. Alternatives include the potential for multiple existing operators to use Priority Bus/BRT facilities, development of one managing partner in the region, or development of new regional authority.
- *Development of detailed implementation plan* and regional coordination plan for Priority Bus/BRT system in the corridor, including prioritization of investments and detailed phasing plan.
- *Additional public involvement and coordination with Transit Operators* in the corridor to explain the benefits of the Priority Bus/BRT system.



May 6, 2010

TO: Chairman May and Commissioners  
FROM: Alfred H. Harf  
Executive Director  
RE: PRTC Response to I-95/I-395 BRT Study Final Report

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Recommendation:

Authorize the transmittal of the letter (attached) to Virginia Transportation Secretary Connaughton informing him of PRTC's reactions to the I-95/I-395 BRT Study Final Report.

Background:

On April 15, 2010, VDOT released the subject report (attachment one). While it is characterized as the final report (referencing the fact that it accounts for comments provided previously by the stakeholder group VDOT formed to provide input and reactions during the study effort [referred to as the "Transit Operations Group"; TOG])<sup>1</sup> and while the VDOT transmittal does not solicit further reactions, there are aspects of the final report that are wanting. PRTC management believes it would be in PRTC's interest to react to this final report in writing lest the absence of a response be mistakenly viewed by VDOT as evidence of PRTC's acceptance.

To this end, a letter has been drafted detailing PRTC's concerns (attachment three). While the proposed letter is self-explanatory and therefore does not require further elaboration here, some companion observations not made in the draft letter about the purpose of the study and the timing of the final report release are in order.

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<sup>1</sup> PRTC, FAMPO, and Prince William County were members of the TOG, among others. Comments provided by TOG members appear here as attachment two.

With regard to the study purpose, PRTC management never did feel there was an agreed-upon set of aims. A transit/TDM planning effort completed in 2008 (hereinafter referred to as “the 2008 plan”)<sup>2</sup> clearly identified a need for a sequel planning effort to more explicitly define “bus stations” that were elements of the 2008 plan in only conceptual terms, so VDOT’s announcement that it would be commencing work on this study came as no surprise to those who had worked on the 2008 plan. However, once the subject study began, its aims shifted, in part to account for changed circumstances, and in part for reasons that were never adequately explained by the study team or accepted by the TOG members. Changed circumstances which were readily understandable included the need to address the BRAC relocation decisions (that post-dated the 2008 plan) and the disclosure well after the subject study began that Fluor/TransUrban was encountering financing difficulties in the wake of the stock market crash (and the related decision by VDOT and Fluor/TransUrban to scuttle the Lorton in-line station that had been an integral part of the HOT lanes project as originally proposed by Fluor/TransUrban). A change that was never adequately explained, let alone agreed to by the TOG members, was VDOT’s decision to have the study consultant undertake a wholesale remodeling effort to assess the advisability of alternative bus rapid transit (BRT) scenarios as possible substitutes for or supplements to the service improvements contained in the 2008 plan.

As a result, a perception gradually developed as the study progressed that the 2008 plan had been “hijacked” so to speak, with an inexplicable agenda to transform it. Repeatedly the study team was asked to explain the reasons for the remodeling effort and wholly new service scenarios that were being examined, and the answers given never did add up.

With regard to the timing of the subject report’s release, it seems to have no connection timing-wise to the uncertain status of the proposed HOT lanes project. As the Commission knows, the proposed HOT lanes project has been stalled by the lawsuit filed by Arlington County and by Fluor/TransUrban’s continuing difficulties in trying to arrange for private financing, with no clear sense as yet when these complications might be resolved if at all. So while the subject study was seen when it began as a necessary effort to complete quickly so the transit improvements envisioned as part of the 2008 plan could proceed in parallel with the proposed HOT lanes project, that link ceased to exist when the HOT lanes project became stalled as it has.

Fiscal Impact:

Not applicable.

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<sup>2</sup> The 2008 plan played a very consequential role in the progression of the proposed HOT lanes project by becoming a condition associated with the region’s approval of an amendment to the Washington, D.C. metropolitan area long-range plan and TIP to incorporate the proposed HOT lanes project.

### ATTACHMENT 3

Dear Secretary Connaughton:

At its May 6, 2010 meeting, the Potomac and Rappahannock Transportation Commission (“PRTC” or “the Commission”) was briefed about the I-95/I-395 BRT Study final report recently released by the Virginia Department of Transportation (VDOT). While the report was transmitted as a final report, without further comments solicited, PRTC believes there are aspects of the report which are wanting. Consequently, the Commission concluded that it is important to inform you of its concerns, and that is the purpose of this letter.

Before describing the Commission’s concerns, I’ll note at the outset that the Commission recognizes that the report recommendations are inextricably tied to the proposed I-95/I-395 HOT lanes project. As you know, opinions about the proposed HOT lanes project vary among the Commission’s member governments, but the Commission has supported PRTC management’s participation in the transit/TDM planning efforts knowing that the fate of the HOT lanes project is not the Commission’s to determine. Stated differently, the Commission wanted to be sure that if the HOT Lanes project does proceed, it is accompanied by transit/TDM improvements that benefit the Commission’s member governments’ constituents. That is the context for the Commission’s interest in the subject study/report, and that is the context in which the Commission’s concerns are intended to be viewed.

1. Report and its recommendations suffer from a lack of clarity. The subject study was a sequel to a carefully conceived transit/TDM plan completed in 2008 (hereinafter referred to as “the 2008 plan”), which became the basis for the Washington D.C. and Fredericksburg regions’ acceptance of the HOT lanes project as an element of each region’s long-range plan and transportation improvement program (TIP). Certain elements of the 2008 plan were defined in only conceptual terms (e.g., the “BRT stations”), and thus the 2008 plan acknowledged the need for a sequel study to more explicitly define those elements. So the subject study was expected but, instead of embracing the 2008 plan as the regions’ adopted position on desired transit and TDM improvements as adjuncts to the proposed HOT lanes project, such that the focus of the subject study would be on only those elements requiring better definition (with updating as necessary to account for changed conditions), the study team chose not to limit the examination in this fashion. Instead, wholly new service concepts were introduced for analysis, seemingly with the intention of transforming the service elements of the 2008 plan into a “more BRT-like” plan.

While the subject study recommendations ultimately reaffirmed most of the service elements of the 2008 plan, it does so in a manner which does not easily lend itself to seeing the service recommendations in their totality. Instead, it dwells on the segment of the 2008 plan where service changes are recommended, contrasting estimated costs and ridership for routes as originally recommended

and as newly recommended, without reconstituting the overall service element of the plan so it all resides in one place. Thus anyone wanting to see the service elements in their totality must review two reports rather than just one – the “2008 plan” report and the subject report – which is cumbersome to put it mildly. The same difficulty is present with regard to estimated costs of the recommended services, which the subject report presents for only those services recommended for change.

2. The park-ride conclusions are not well-supported. The 2008 plan called for 3,750 park-ride spaces in the corridor in addition to the 3,000 additional park-ride spaces proposed by Fluor/TransUrban as part of the proposed HOT lanes project. The distinction between the 3,750 spaces and the 3,000 spaces was (is) important because the 3,000 spaces were to have been an integral part of the HOT lanes project designed and constructed by Fluor/TransUrban while the 3,750 spaces were to have been funded by the concession payment proposed by Fluor/TransUrban (in conjunction with other funding sources) and designed/constructed by others. The 3,750 additional spaces called for by the 2008 plan was a lesser number of spaces than demand forecasts done as part of the 2008 planning effort indicated a need for, limited by overall financial resource constraints participants were instructed to respect. Thus the 3,750 spaces was the consensus opinion about how many spaces should be incorporated in the plan in light of resource constraints. Oddly, the subject report characterizes the 3,750 spaces as more spaces than are needed at the “priority bus stations”, as if to suggest that the 3,750 number is overstated. This characterization fails to recognize that the commuter parking demand is not confined to the prospective stations, inasmuch as the stations are boarding points for only a fraction of all the transit and carpooling activity in the corridor. Thus the number of spaces needed contiguous to the stations is really beside the point, and thus it is incumbent upon VDOT to acknowledge the acute need for additional commuter parking, reaffirming the 3,750 additional spaces called for by the 2008 plan.
3. The estimated boardings shown in the subject report at the proposed BRT stations are unconstrained by access limitations, and as such they are not tempered by “access limitation” realities. This is especially true for the Seminary Road Station, which the subject report highlights as a major point of origin for trip-making as well as a major destination. The “origin” part is suspect because the City of Alexandria has repeatedly said it does not support park-ride accommodations in the vicinity of this proposed station that would serve as a major lure for commuters originating their trips further away from the core, enticed by the frequent and high capacity transit services envisioned to link Seminary Road and the core. It is disappointing to put it mildly that this issue remains in limbo after two studies have been completed.
4. The presentation of ridership in the report muddles the distinction between boardings and alightings, making it difficult to assess whether longer distance services should be making intermediate stops. PRTC’s contention is that

intermediate stops are warranted only if the intermediate station is expected to be a significant destination, and the presentation in the subject report is not conducive to that sort of discriminating analysis. Intermediate stops that are not significant destinations in their own right diminish the attractiveness of the long distance service (especially if the stops are off-line stops as most of those recommended are).

Thank you for your consideration of these concerns. PRTC Executive Director Alfred H. Harf would be pleased to respond to any questions this letter may prompt. He can be reached at (703) 580-6121 or by email at [aharf@omniride.com](mailto:aharf@omniride.com).

Sincerely,

Michael May  
Chairman



AGENDA ITEM #9

**TO:** Chairman Hudgins and NVTC Commissioners  
**FROM:** Scott Kalkwarf and Coletia Quarles  
**DATE:** April 29, 2010  
**SUBJECT:** NVTC Financial Items for March, 2010.

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Attached for your information are NVTC financial reports for March, 2010. They reflect earnings for the first month in which the new 2.1% tax on distributors was collected (January, 2010).

More information should be available within the next two months to permit a more definitive examination of the impact of the new tax method on NVTC's gas tax revenues.



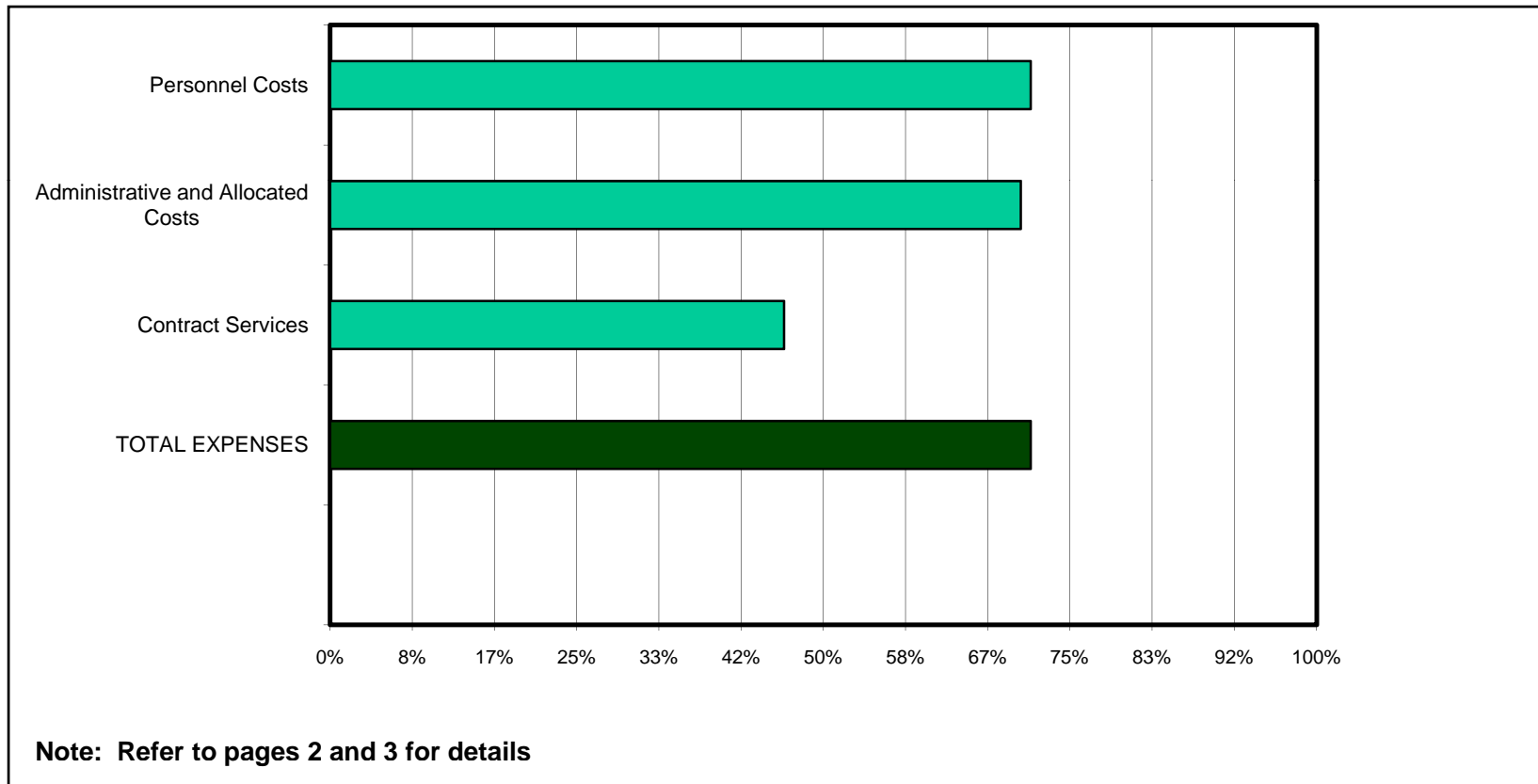
4350 N. Fairfax Drive • Suite 720 • Arlington, Virginia 22203  
Tel (703) 524-3322 • Fax (703) 524-1756 • TDD (800) 828-1120 • VA Relay Service  
E-mail [nvtdc.org](mailto:nvtdc.org) • Website [www.thinkoutsidethecar.org](http://www.thinkoutsidethecar.org)

# Northern Virginia Transportation Commission

Financial Reports

March, 2010

Percentage of FY 2010 NVTC Administrative Budget Used  
March, 2010  
(Target 75% or less)





**NORTHERN VIRGINIA TRANSPORTATION COMMISSION**  
**G&A BUDGET VARIANCE REPORT**  
**March 2010**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Annual Budget</u>	<u>Balance Available</u>	<u>Balance %</u>
<u>Personnel Costs</u>					
Salaries	\$ 57,626.41	\$ 533,132.11	\$ 734,500.00	\$ 201,367.89	27.4%
Temporary Employee Services	-	-	-	-	
Total Personnel Costs	57,626.41	533,132.11	734,500.00	201,367.89	27.4%
<u>Benefits</u>					
Employer's Contributions:					
FICA	3,591.83	36,884.44	51,800.00	14,915.56	28.8%
Group Health Insurance	4,766.77	44,881.01	70,400.00	25,518.99	36.2%
Retirement	5,240.00	48,390.00	69,500.00	21,110.00	30.4%
Workmans & Unemployment Compensation	138.75	1,237.80	3,400.00	2,162.20	63.6%
Life Insurance	292.04	2,906.22	4,150.00	1,243.78	30.0%
Long Term Disability Insurance	252.81	2,489.01	4,100.00	1,610.99	39.3%
Total Benefit Costs	14,282.20	136,788.48	203,350.00	66,561.52	32.7%
<u>Administrative Costs</u>					
Commissioners Per Diem	1,550.00	10,700.00	17,450.00	6,750.00	38.7%
<i>Rents:</i>					
Office Rent	15,571.29	141,573.13	191,880.00	50,306.87	26.2%
Parking	14,989.29	134,903.13	179,980.00	45,076.87	25.0%
	582.00	6,670.00	11,900.00	5,230.00	43.9%
<i>Insurance:</i>					
Public Official Bonds	200.00	4,375.18	4,100.00	(275.18)	-6.7%
Liability and Property	200.00	1,100.00	2,200.00	1,100.00	50.0%
	-	3,275.18	1,900.00	(1,375.18)	-72.4%
<i>Travel:</i>					
Conference Registration	-	1,940.20	7,800.00	5,859.80	75.1%
Conference Travel	-	-	-	-	0.0%
Local Meetings & Related Expenses	-	476.97	2,500.00	2,023.03	80.9%
Training & Professional Development	-	1,388.23	5,000.00	3,611.77	72.2%
	-	75.00	300.00	225.00	75.0%
<i>Communication:</i>					
Postage	1,178.28	5,898.26	10,350.00	4,451.74	43.0%
Telephone - LD	770.31	1,795.53	4,000.00	2,204.47	55.1%
Telephone - Local	81.90	1,027.48	1,300.00	272.52	21.0%
	326.07	3,075.25	5,050.00	1,974.75	39.1%
<i>Publications &amp; Supplies</i>					
Office Supplies	1,359.17	10,649.90	13,600.00	2,950.10	21.7%
Duplication	186.50	1,548.33	3,500.00	1,951.67	55.8%
Public Information	1,172.67	8,601.57	9,600.00	998.43	10.4%
	-	500.00	500.00	-	0.0%

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION  
G&A BUDGET VARIANCE REPORT  
March 2010**

	<u>Current Month</u>	<u>Year To Date</u>	<u>Annual Budget</u>	<u>Balance Available</u>	<u>Balance %</u>
<i>Operations:</i>	79.95	3,166.05	8,000.00	4,833.95	60.4%
Furniture and Equipment	-	157.50	-	(157.50)	0.0%
Repairs and Maintenance	-	-	1,000.00	1,000.00	100.0%
Computers	79.95	3,008.55	7,000.00	3,991.45	57.0%
<i>Other General and Administrative</i>	421.45	3,744.31	5,250.00	1,674.69	31.9%
Subscriptions	169.00	169.00	-	-	0.0%
Memberships	72.43	1,256.87	1,300.00	43.13	3.3%
Fees and Miscellaneous	180.02	2,318.44	2,950.00	631.56	21.4%
Advertising (Personnel/Procurement)	-	-	1,000.00	1,000.00	100.0%
Total Administrative Costs	<u>20,360.14</u>	<u>182,047.03</u>	<u>258,430.00</u>	<u>76,551.97</u>	<u>29.6%</u>
	<u>Contracting Services</u>				
Auditing	-	11,650.00	25,600.00	13,950.00	54.5%
Consultants - Technical	-	-	-	-	0.0%
Legal	-	-	-	-	0.0%
Total Contract Services	<u>-</u>	<u>11,650.00</u>	<u>25,600.00</u>	<u>13,950.00</u>	<u>54.5%</u>
 Total Gross G&A Expenses	 <u><u>\$ 92,268.75</u></u>	 <u><u>\$ 863,617.62</u></u>	 <u><u>\$ 1,221,880.00</u></u>	 <u><u>\$ 358,431.38</u></u>	 <u><u>29.3%</u></u>

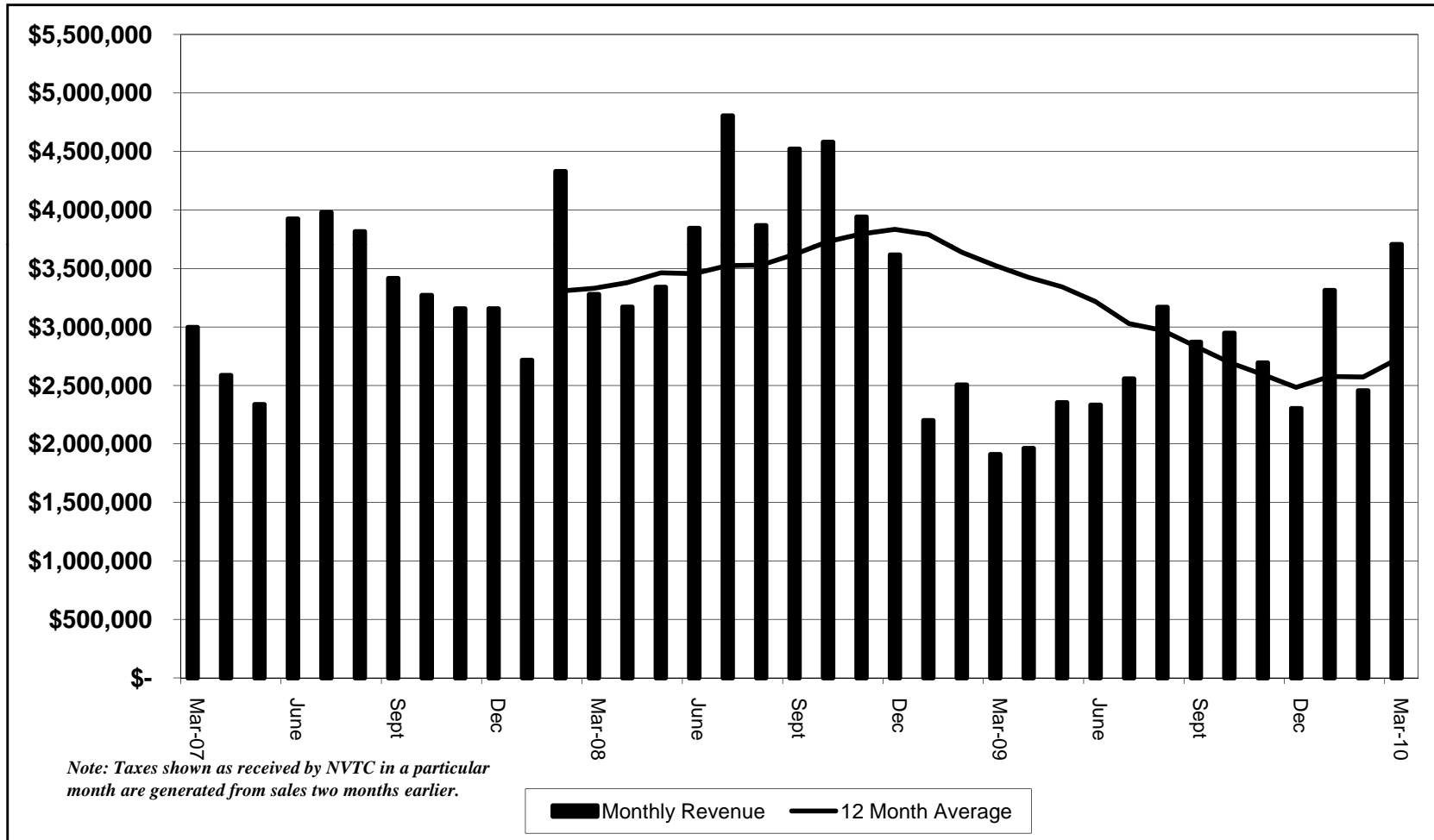
**NVTC  
RECEIPTS and DISBURSEMENTS  
March, 2010**

<u>Date</u>	<u>Payer/ Payee</u>	<u>Purpose</u>	<u>Wachovia (Checking)</u>	<u>Wachovia (Savings)</u>	<u>VA LGIP</u>	
					<u>G&amp;A / Project</u>	<u>Trusts</u>
<b>RECEIPTS</b>						
10	VRE	Staff support		\$ 6,414.94		
15	Dept. of Taxation	Motor Vehicle Fules Sales tax revenue				3,705,563.30
16	DRPT	Capital grant receipt				514,531.00
17	DRPT	FTM/Admin grant receipt				4,481,287.00
30	FTA	Capital grant receipt				1,318,400.00
30	City of Alexandria	G&A contribution		9,628.25		
31	Arlington County	G&A contribution		15,643.25		
31	Banks	Interest earnings		12.27	56.28	28,419.40
			-	31,698.71	56.28	10,048,200.70
<b>DISBURSEMENTS</b>						
1-31	Various	G&A expenses	(100,902.17)			
23	Stantec	Consulting - NTD project	(21,149.87)			
31	Wachovia	Bank charges	(36.74)			
			(122,088.78)	-	-	-
<b>TRANSFERS</b>						
24	Transfer	LGIP to LGIP (NTD project)			21,149.87	(21,149.87)
			-	-	21,149.87	(21,149.87)
<b>NET INCREASE (DECREASE) FOR MONTH</b>			<b>\$ (122,088.78)</b>	<b>\$ 31,698.71</b>	<b>\$ 21,206.15</b>	<b>\$ 10,027,050.83</b>

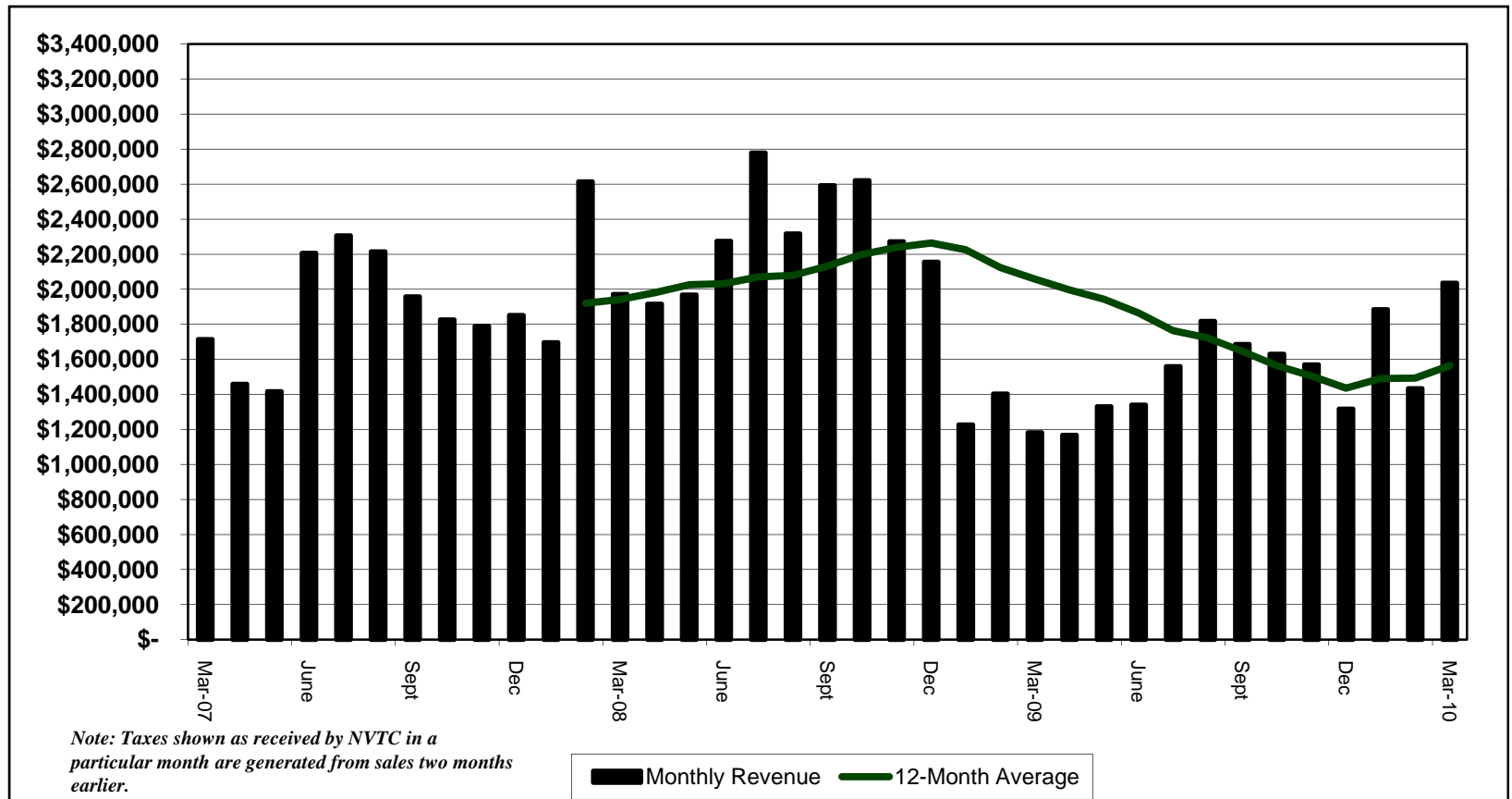
**NVTC  
INVESTMENT REPORT  
March, 2010**

<u>Type</u>	<u>Rate</u>	<u>Balance 2/28/2010</u>	<u>Increase (Decrease)</u>	<u>Balance 3/31/2010</u>	<u>NVTC G&amp;A/Project</u>	<u>Jurisdictions Trust Fund</u>	<u>Loudoun Trust Fund</u>
<b><u>Cash Deposits</u></b>							
Wachovia: NVTC Checking	N/A	\$ 125,153.09	\$ (122,088.78)	\$ 3,064.31	\$ 3,064.31	\$ -	\$ -
Wachovia: NVTC Savings	0.100%	130,652.96	31,698.71	162,351.67	162,351.67	-	-
<b><u>Investments - State Pool</u></b>							
Nations Bank - LGIP	0.226%	143,863,645.48	10,048,256.98	153,911,902.46	308,583.51	133,933,363.97	19,669,954.98
		<u>\$ 144,119,451.53</u>	<u>\$ 9,979,073.06</u>	<u>\$ 154,077,318.44</u>	<u>\$ 473,999.49</u>	<u>\$ 133,933,363.97</u>	<u>\$ 19,669,954.98</u>

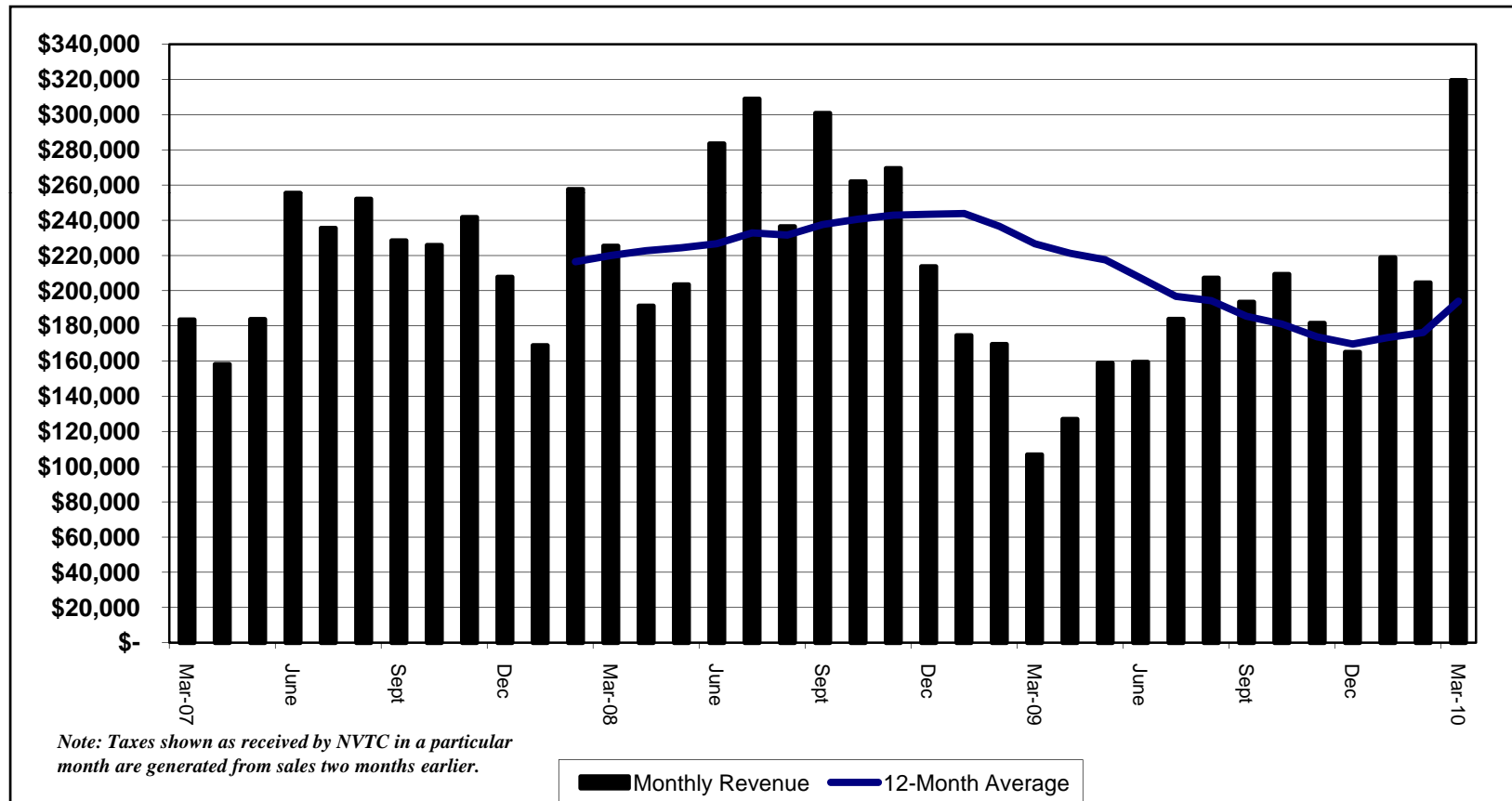
# NVTC MONTHLY GAS TAX REVENUE ALL JURISDICTIONS FISCAL YEARS 2007-2010



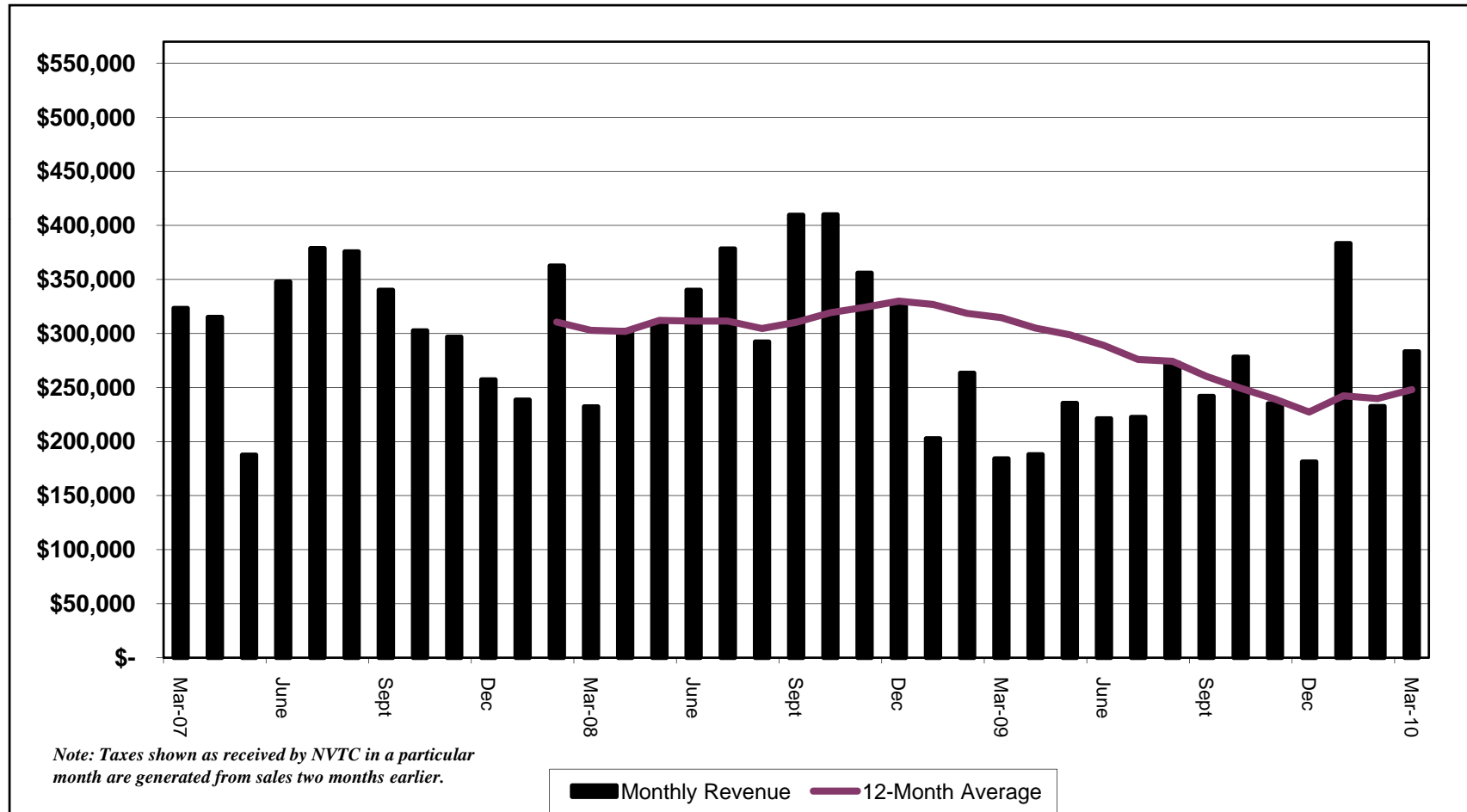
# NVTC MONTHLY GAS TAX REVENUE FAIRFAX COUNTY FISCAL YEARS 2007-2010



# NVTC MONTHLY GAS TAX REVENUE CITY OF ALEXANDRIA FISCAL YEARS 2007-2010

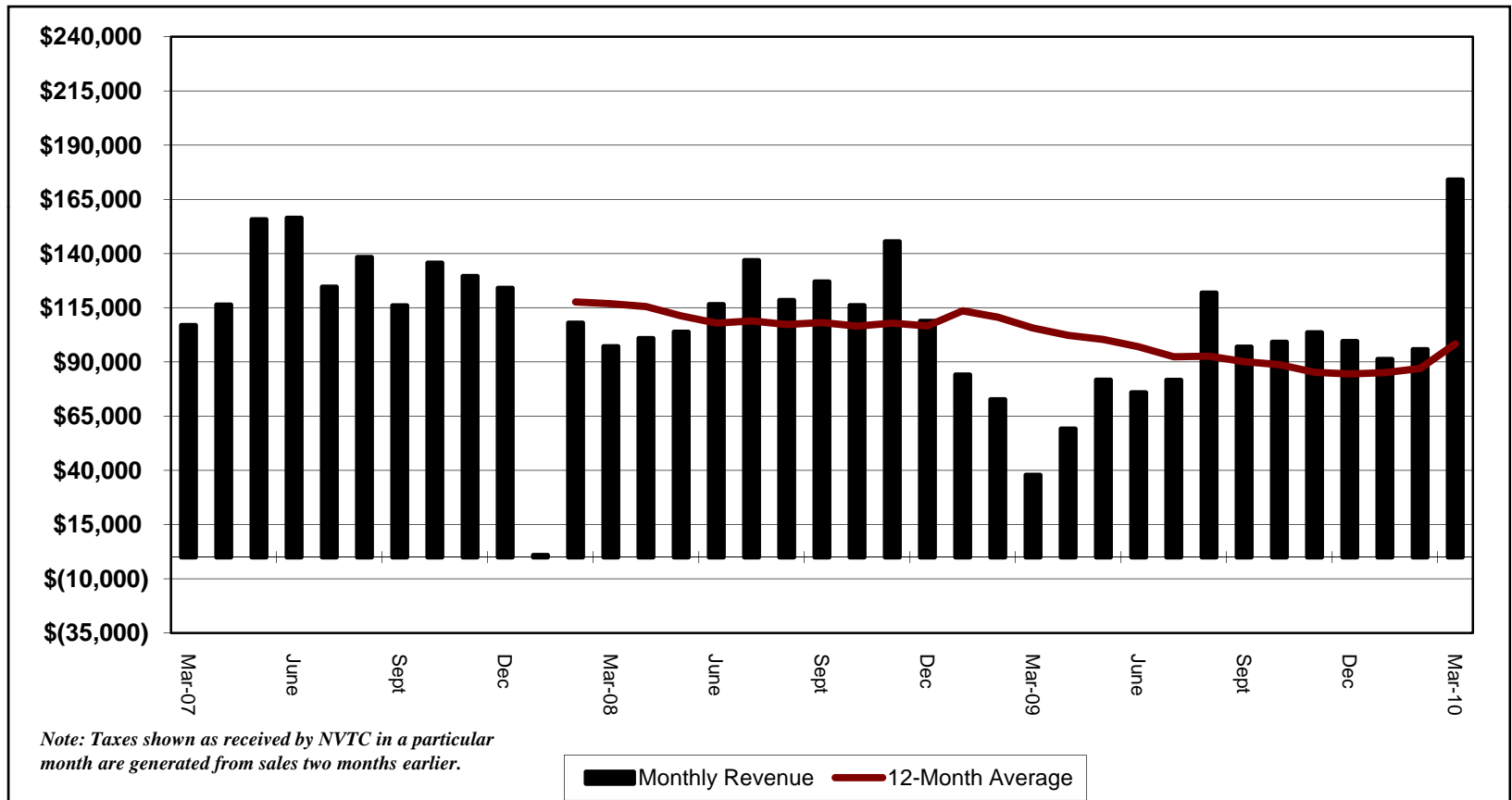


# NVTC MONTHLY GAS TAX REVENUE ARLINGTON COUNTY FISCAL YEARS 2007-2010

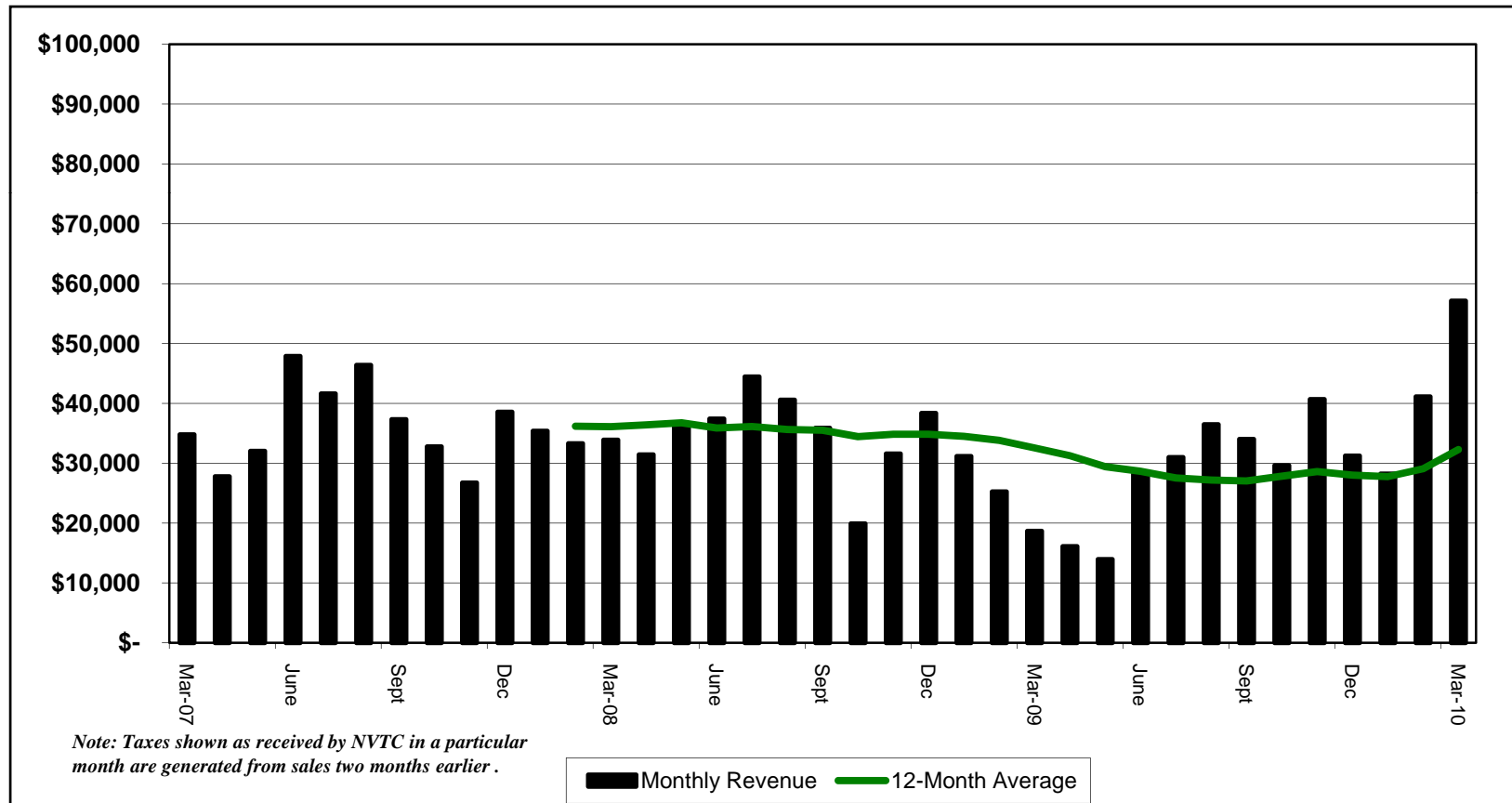




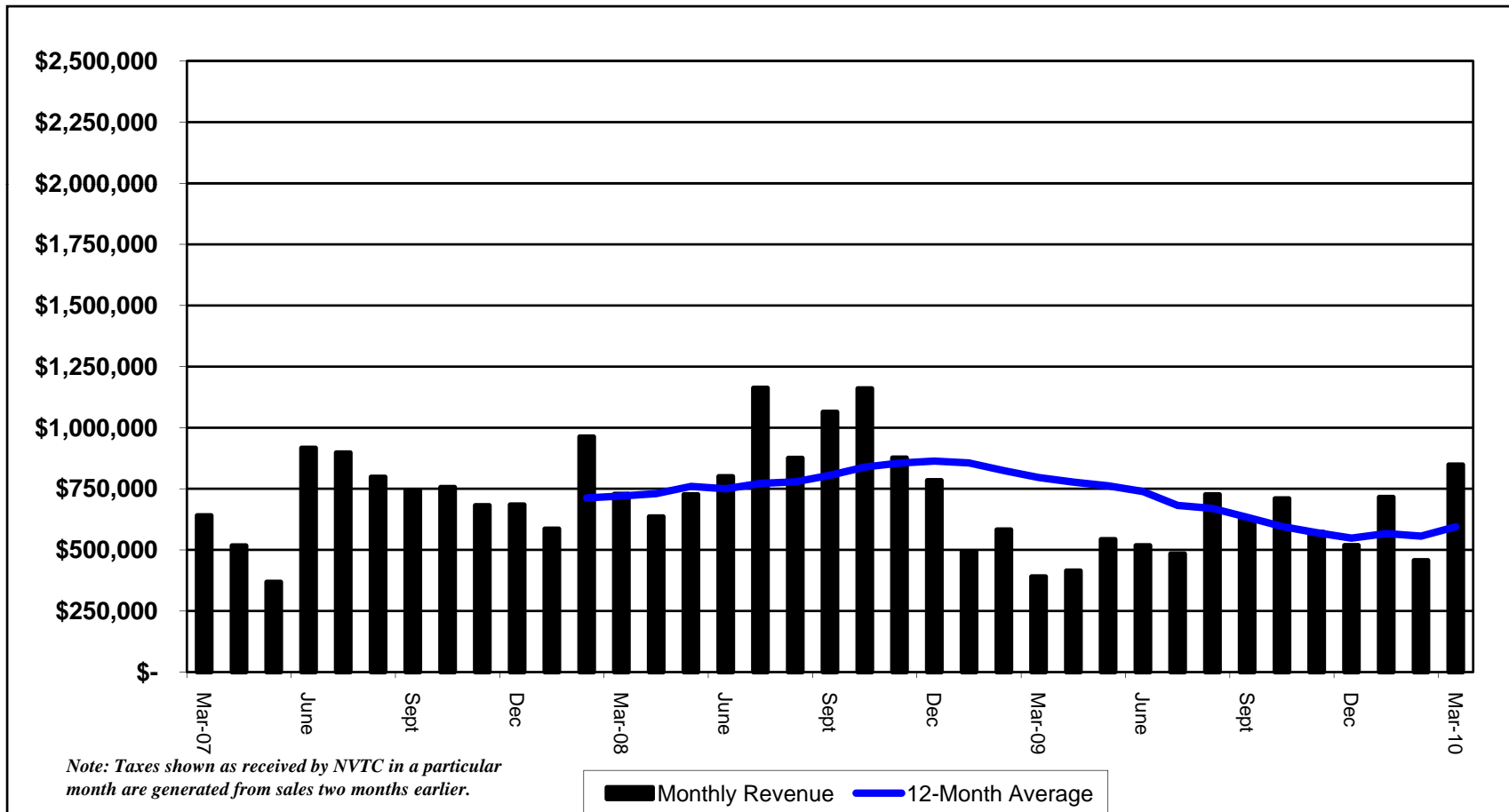
# NVTC MONTHLY GAS TAX REVENUE CITY OF FAIRFAX FISCAL YEARS 2007-2010



# NVTC MONTHLY GAS TAX REVENUE CITY OF FALLS CHURCH FISCAL YEARS 2007-2010



# NVTC MONTHLY GAS TAX REVENUE LOUDOUN COUNTY FISCAL YEARS 2007-2010





## Resolution #2142

**SUBJECT:** Five-Year Agreement with Amtrak for Access and Storage at Washington Union Terminal.

**WHEREAS:** VRE's current operating agreement with Amtrak expires June 30, 2010;

**WHEREAS:** The agreement encompasses train crews, maintenance of locomotives, mid-day storage, and access to Washington Union Terminal;

**WHEREAS:** VRE has executed a contract with Keolis for train crews and maintenance of all VRE equipment beginning June 28, 2010;

**WHEREAS:** VRE and Amtrak have been negotiating a new access and storage agreement since March of 2009;

**WHEREAS:** An agreement upon the terms has been reached with Amtrak for a five-year contract that provides VRE with continued access to Washington Union Terminal and the mid-day storage facility; and

**WHEREAS:** The VRE Operations Board considered the proposed agreement at its April 16, 2010 meeting and provided direction to staff concerning final outstanding issues.

**NOW, THEREFORE, BE IT RESOLVED THAT,** the Commission hereby approves the five-year agreement with Amtrak for access and storage at Washington Union Terminal, subject to resolution of outstanding language in a form and substance that does not materially change the terms approved hereby.



**BE IT FURTHER RESOLVED THAT**, the total payment will not exceed \$8,824,356, plus a \$250,000 contingency for a total amount not to exceed \$9,074,356 during the first year and will be subject to escalation in each successive year according to the Association of American Railroads (AAR) Quarterly Index of Chargeout Prices and Wage Rates.

**BE IT FURTHER RESOLVED THAT**, the Commission authorizes the CEO to execute the agreement with Amtrak in a final form approved by legal counsel.

Approved this sixth day of May, 2010.

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Catherine Hudgins  
Chairman

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Mary Hynes  
Secretary-Treasurer



**TO:** Chairman Hudgins and NVTC Commissioners

**FROM:** Kala Quintana and 2010 Transit Tour Task Force

**DATE:** 5/7/2010

**SUBJECT:** Northern Virginia Spring Transit Tour.

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Based on the feedback received from commissioners at the March, 2010 meeting, staff has revised the plan for the upcoming Transit Tour.

### **Task Force Convened**

To address the increased needs for an expanded tour, staff convened a task force with representatives from each of NVTC's six jurisdictions, including PRTC, VRE and WMATA. The committee has met twice to identify key messages and targets of opportunity to educate legislators. On May 4, 2010 the task force finalized the draft itinerary. The next meeting is set for May 18<sup>th</sup>.

### **Tour Dates Finalized: June 30 - July 1, 2010**

Staff coordinated closely with Delegate May and DRPT Director Thelma Drake to determine that June 30 and July 1 are the best possible dates for the day and a half tour. Delegate May will convene a Transportation Committee meeting to ensure optimal attendance from those members of the General Assembly. The tour will begin around noon on June 30, 2010 and will conclude in the afternoon on July 1, 2010. The July NVTC meeting will be held later in the evening on July 1, 2010 and can include discussion about the tour.

### **Lodging**

The Mason Inn <http://www.acc-masoninnandconferencecenter.com/> is a brand new LEED silver level certified hotel and conference center located at GMU. Legislators will be among the very first guests at this new, state of the art facility.



## **Funding**

Given the expanded nature of the tour and the cost of meals and lodging, staff is seeking private sector financial support. Due to the fluid nature of the planning process and without an idea of how many legislators will actually participate, costs are difficult to estimate at this time. Staff is trying to keep costs as low as possible while still ensuring a quality event.

### **Transit Tour Guest List**

#### VIP's

- Hon. Sean Connaughton, Secretary of Transportation
- Hon. Thelma Drake, Director of DRPT

#### General Assembly Members

- Senate Finance Committee members
- Senate Transportation Committee members
- House Appropriations Committee members
- House Finance Committee members
- House Transportation Committee members
- Any Northern Virginia General Assembly delegation who are not members of the aforementioned committees

#### Other Guests

- NVTC Commissioners
- Local elected officials
- Members of the Commonwealth Transportation Board (CTB)
- Jurisdictional Legislative Liaisons
- Corey Hill, DRPT
- Linda McMinimy, Virginia Transit Association (VTA)

### **Key Messages for Transit Tour**

The proposed core message of the tour is the ***“Direct connection between transit, mobility and job creation to the economic vitality of the region.”***

Sub-messages will also include:

- Northern Virginia’s transit systems are performing well but are facing a serious funding crisis. Fare increases and service cuts while record ridership has been achieved is unwise public policy.
- State needs to address unmet funding needs (capital and operating);
- Stable, long term, and adequate funding is required;
- Congestion is crippling region’s growth and sustainability;
- Many systems are at or near capacity (VRE, LC Transit, PRTC OmniRide, Metro Orange Line);
- More facilities are required to access transit (park and ride lots, garages at Metro Stations and VRE are at or over capacity);
- Need to increase routes and frequency to capture more market share;
- Need to invest in, expand and modernize transit maintenance and garage facilities (accommodate new fuel sources);
- Investments in VRE track, railcars, locomotives and parking have brought better on-time performance and record ridership. Similar results are being achieved for our other transit systems.
- State of “good repair” is a critical issue for transit systems, specifically Metro; and
- Emphasis on the importance of regional cooperation.

## **Presentations & Information**

Staff will create a “take-away” binder of the presentations and information from the tour for all of the attendees. The binders will contain vital transportation statistics and contact information for the individual jurisdictions and transit systems.

## **Summary**

Staff looks forward to sponsoring the Northern Virginia 2010 Transit Tour and is open to any suggestions and guidance that commissioners may have as we move forward.

A successful tour will ensure that decision-makers have real-life experience on the ground in Northern Virginia so that they can see our un-met needs first-hand. As a result, we hope they will be able to better understand those needs and provide Northern Virginia with the necessary tools to adequately fund our aging transportation network and infrastructure.



## **Draft Tour Itinerary**

Below is the proposed final draft of the 2010 Transit Tour itinerary.

The task force convened on May 4<sup>th</sup> to work through and finalize logistics. Delegate May was also consulted to determine what elements the legislators are most likely to demonstrate interest in. A few minor logistics still need to be addressed.

Please feel free to contact Kala Quintana at [kala@nvtcdc.org](mailto:kala@nvtcdc.org) if you have concerns about the proposed itinerary

### **Wednesday June 30**

- 11:00 am Guests arrive at the Mason Inn (GMU campus Fairfax, Virginia)
- 11:30 am CUE hybrid bus to Vienna Metro
- 11:45 am Brief tour of new Metro West construction
- 12:00 pm Meet WMATA CEO (Sarles) and staff; Board Orange line East to Arlington (discuss Metro, GEORGE en route).
- 12:30 pm Arrive Ballston meet ART bus for drive to Arlington Economic Development (AED) Office
- 12:40 pm Arrive AED; box lunch, welcome and outline of tour for guests; brief AED presentation and view of Ballston Corridor from above
- 1:45 pm Board ART bus for Arlington segment with Arlington board members and staff. (Arlington staff to determine specifics. Tour elements will include: Transportation and Land Use Initiatives, TOD, urban villages, Columbia Pike streetcar project)
- 3:30 pm Pentagon Bus Bays at rush hour
- 4:00 pm Bus (TBD) to Rosslyn
- 4:30 pm At Rosslyn board Orange Line (westbound) just in time for "Orange Crush" to Vienna
- 5:30 pm Arrive Vienna; CUE hybrid bus to Mason Inn
- 6:00 pm Arrive Mason Inn
- 6:45 pm Wine and hors d'oeuvres\*
- 7:30 pm Dinner\*  
(Welcome from NVTTC Chair Hudgins; GMU President Merten; Chairman Bulova; Delegate Bulova and Sen. Petersen)

*(\*featuring Virginia wines and agricultural products)*

**(Continued)**

## Thursday July 1

6:45 am Breakfast buffet available  
7:30 am Cue hybrid bus to Burke Centre VRE station (meet VRE CEO, Zehner)  
8:13 am VRE to Alexandria  
8:45 am Arrive at King Street station (Sarles and Zehner to discuss VRE/Metro collaboration)  
9:15 am Joined by Mayor Euille at King Street Metro Station  
9:30 am Board DASH Bus for tour of Alexandria  
10:45 am Bus via Route 1 to Fairfax County Parkway via EPG to 95 South  
11:15 am Stop by Horner Road park and Ride lot  
11:45 am Arrive at PRTC (Tour facility; lunch provided by PRTC and allow time for Transportation Committee Meeting)  
1:00 pm Board bus for ride up 95 North via 495 to Tyson's (view HOT lanes construction)  
2:00 pm Arrive at Tyson's and tour Tyson's Corner discuss Rail to Dulles  
3:30 pm Bus (TBD) back to Mason Inn  
4:30 pm Arrive at Mason Inn and conclude tour.



**TO:** Chairman Hudgins and NVTC Commissioners  
**FROM:** Rick Taube and Scott Kalkwarf  
**DATE:** May 6, 2010  
**SUBJECT:** Restated NVTC Pension Plan

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As explained in the attached memo dated April 29<sup>th</sup>, NVTC's pension plan administrator has just informed us that we must restate the plan to conform to federal laws and regulatory guidance. The changes included in the restatement of NVTC's plan do not affect the eligibility requirements, contribution calculations or vesting schedule and are considered routine. Copies of the entire document (which exceeds 75 pages including an attachment) are available on request.

NVTC's Pension Plan Trustees recommend this action and NVTC's Executive Committee has been briefed.

Action is requested on the attached Resolution #2144.



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## RESOLUTION #2144

**SUBJECT:** Approval of Restatement of NVTC's Pension Plan.

**WHEREAS:** The Northern Virginia Transportation Commission's Pension Plan Administrator has informed the commission that its Pension Plan document must be restated by April 30, 2010, to conform to federal laws and regulatory guidance;

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby approves, adopts and ratifies the form, terms and provision of the Northern Virginia Transportation Commission Target Benefit Plan (hereinafter the "Plan"), in the form attached hereto.

**BE IT FURTHER RESOLVED** that NVTC approves, adopts and ratifies the form, terms and provisions of the Administrative Policies regarding Payment of Plan Expenses, Claims Procedure, and Qualified Domestic Relations Orders, in the forms attached hereto.

**BE IT FURTHER RESOLVED** that NVTC authorizes its Executive Director to execute, deliver and cause the performance of, in the name of and on behalf of NVTC, the Plan and the Administrative Policies to which NVTC is a party, the execution and delivery of which are conclusive evidence of the approval and ratification by NVTC.

**BE IT FURTHER RESOLVED** that NVTC's Executive Director is hereby authorized and instructed to take such actions and execute and deliver on behalf of NVTC such other documents, agreements, contracts, certificates, statements and/or instruments as such the Executive Director determines, in good faith, is necessary or desirable to accomplish the execution, delivery and performance of the Plan and all of the Administrative Policies, annexes, exhibits and schedules attached thereto, to which NVTC is a party.

**BE IT FURTHER RESOLVED** that NVTC approves, adopts and ratifies all actions taken by the Executive Director prior to the date hereof with respect to the drafting, negotiation, finalization, delivery and execution of the plan and the Administrative Policies described herein.

Approved this 6<sup>th</sup> day of May, 2010.

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Catherine Hudgins  
Chairman

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Mary Hynes  
Secretary-Treasurer





## MEMORANDUM

TO: The Trustees of NVTC Target Benefit Pension Plan  
FROM: Scott Kalkwarf  
DATE: April 29, 2010  
SUBJECT: Restated pension plan documents

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We were very recently informed by our third party pension plan administrator that NVTC's Target Benefit Pension Plan must be restated in full in order to comply with the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) and other less extensive regulatory guidance. The Plan was last restated effective July 1, 2002 to comply with regulatory guidance as required at that time. As part of that restatement, the Internal Revenue Service required a review of the July 1, 2002 restated plan, and issued a favorable determination letter stating that the plan is in compliance with applicable regulations. The EGTRRA restatement does not require such a determination letter.

Since the July 1, 2002 plan restatement, several technical amendments have been made to the plan to conform with the then current regulations. The present restatement incorporates these amendments into the restated plan documents, and includes other required changes not yet adopted.

The plan restatement has no impact on the eligibility requirements, contribution calculations, or vesting schedule. Attached please find a summary of EGTRRA changes for qualified retirement plans, many of which are not applicable for NVTC's plan. Some of the more material changes that impact NVTC's plan include:

- Allows rollovers of 457 plan assets into the pension plan.
- Allows rollovers of after-tax contributions into the pension plan, preserving earnings from taxation.
- Allows spousal rollovers to an IRA or other qualified plans.
- Increase of the maximum compensation limit (although maximum contribution remains unchanged)





Determinations - Summary of EGTRRA Changes for Retirement Plans

Below is a brief summary of selected provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) that affect retirement plans. Unless otherwise indicated, these provisions are effective for years beginning after December 31, 2001

Provisions	New Law												
<b>Individual Retirement Accounts (IRAs)</b>													
Increase Limit in IRA Contributions.	<p>The IRA contribution is increased as follows:</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Dollar Limit</th> </tr> </thead> <tbody> <tr> <td>2002-2004</td> <td>\$3,000</td> </tr> <tr> <td>2005-2007</td> <td>\$4,000</td> </tr> <tr> <td>2008</td> <td>\$5,000</td> </tr> </tbody> </table> <p>The dollar limits after 2008 are indexed for inflation and <u>subject to change</u> in later years</p>	Year	Dollar Limit	2002-2004	\$3,000	2005-2007	\$4,000	2008	\$5,000				
Year	Dollar Limit												
2002-2004	\$3,000												
2005-2007	\$4,000												
2008	\$5,000												
IRA Catch-up Contributions.	<p>Individuals who are age 50 or older will be allowed to make catch-up contributions to IRAs as follows:</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Dollar Limit</th> </tr> </thead> <tbody> <tr> <td>2002-2005</td> <td>\$500</td> </tr> <tr> <td>2006 and thereafter</td> <td>\$1,000</td> </tr> </tbody> </table>	Year	Dollar Limit	2002-2005	\$500	2006 and thereafter	\$1,000						
Year	Dollar Limit												
2002-2005	\$500												
2006 and thereafter	\$1,000												
Deemed IRAs Under Employer Plans.	<p>A plan can allow a participant to make voluntary after-tax contributions to a separate account that will be treated in the same manner as a traditional or Roth IRA. Such account must meet the requirements for IRAs under Code §408. Effective for years beginning after December 31, 2002.</p>												
Income Tax Credit for Low and Middle Class Income Savers.	<p>A non-refundable tax credit is available to individuals who make pre-tax contributions to 401(k), 403(b) or 457 plans, or to IRAs. The credit applies to the first \$2,000 contributed and is based upon the individual's adjusted gross income as follows:</p> <table border="1"> <thead> <tr> <th>Credit</th> <th>Individual</th> <th>Joint</th> </tr> </thead> <tbody> <tr> <td>50%</td> <td>\$0-15,000</td> <td>\$0-30,000</td> </tr> <tr> <td>20%</td> <td>\$15,001-16,250</td> <td>\$30,001-32,500</td> </tr> <tr> <td>10%</td> <td>\$16,251-25,000</td> <td>\$32,501-50,000</td> </tr> </tbody> </table> <p>Note: The adjusted gross income limits are <u>subject to change</u> in later years.</p>	Credit	Individual	Joint	50%	\$0-15,000	\$0-30,000	20%	\$15,001-16,250	\$30,001-32,500	10%	\$16,251-25,000	\$32,501-50,000
Credit	Individual	Joint											
50%	\$0-15,000	\$0-30,000											
20%	\$15,001-16,250	\$30,001-32,500											
10%	\$16,251-25,000	\$32,501-50,000											

Provisions	New Law												
<b>Contributions/Benefit Limits</b>													
Increased Limits on 401(k) and 403(b) Elective Deferrals.	<p>The maximum elective deferral will eventually be increased to \$15,000 as follows</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Limit</th> </tr> </thead> <tbody> <tr> <td>2002</td> <td>\$11,000</td> </tr> <tr> <td>2003</td> <td>\$12,000</td> </tr> <tr> <td>2004</td> <td>\$13,000</td> </tr> <tr> <td>2005</td> <td>\$14,000</td> </tr> <tr> <td>2006</td> <td>\$15,000</td> </tr> </tbody> </table> <p>After 2006, the maximum deferral amount is indexed in \$500 increments and <u>subject to change</u> in later years.</p>	Year	Limit	2002	\$11,000	2003	\$12,000	2004	\$13,000	2005	\$14,000	2006	\$15,000
Year	Limit												
2002	\$11,000												
2003	\$12,000												
2004	\$13,000												
2005	\$14,000												
2006	\$15,000												
Catch-up 401(k) and 403(b) Elective Deferrals.	<p>Participants who are age 50 or older will be allowed to make pre-tax catch-up contributions each year in \$1,000 increments until the \$5,000 maximum is reached in 2006. Thereafter, the maximum amount will be indexed in \$500 increments and <u>subject to change</u> in later years. Catch-up contributions are not subject either to nondiscrimination testing or the Code §415 individual limits. These amounts are also not applied against the employer's maximum deduction limit under Code §404.</p>												
Defined Contribution Plan Code §415 Limits.	<p>The annual limit on amounts allocated to a participant's account is increased to the lesser of 100% of compensation or \$40,000. The \$40,000 limit is indexed in \$1,000 increments and <u>subject to change</u> in later years. The MEA for 403(b) plans is repealed.</p>												

Defined Benefit Plan Code §415 Limits.	The annual benefit limit is increased to \$160,000, indexed in \$5,000 increments and <u>subject to change</u> in later years. The 100% of average compensation is repealed. There is an actuarial reduction for benefits commencing prior to age 62.
Limit on Plan Compensation	The annual limit on compensation in determining contributions or benefits is increased to \$200,000 and will be indexed in \$5,000 increments and <u>subject to change</u> in later years.
Creation of "Roth" accounts in 401(k) and 403(b) plans.	Commencing in 2006, 401(k) and 403(b) plans may allow participants to elect to treat elective deferrals in a similar manner as "Roth" contributions to an IRA. These will be after-tax contributions but must be tested under the 401(k) ADP test along with elective deferrals and are aggregated with an employee's deferrals in computing the individual's Code §402(g) limit. The earnings on these amounts will not be subject to taxation provided that the contributions have been in the plan for at least 5 years. These contributions along with earnings may be rolled into a Roth IRA. Separate accounting will be necessary to track "Roth" contributions.
457(b) Contribution Limits.	The limit on an employee's pre-tax contributions are increased to be the same as the limits for 401(k) and 403(b) plans (\$11,000 in 2002, increasing in \$1,000 increments up to \$15,000 in 2006 and <u>subject to change</u> in later years). The requirement that pre-tax contributions to a 457 plan be aggregated with elective deferrals to a 401(k) and/or a 403(b) plan in determining an individual's maximum pre-tax contribution for a calendar year is repealed as is the 33 1/3% of includible compensation limitation.
Increase in Deduction Limit for Profit-Sharing and Stock Bonus Plans.	The maximum deductible amount is increased to 25% of the total compensation paid to eligible employees. Employee elective deferrals are not included in determining this limit.
Definition of Compensation for Purposes of Deduction Limits.	For purpose of determining the maximum deductible amount, elective deferrals are included in the definition of compensation.
Repeal of 150% of Current Liability Funding Limit	The limitation on current liabilities is increased to 165% in 2002, 170% in 2003 and is repealed for plan years beginning after December 31, 2003.
ESOP Dividends May Be Reinvested Without Loss of Dividend Deduction.	The employer will be allowed a deduction on dividends paid on employer stock if employees are given an election to either receive the dividend in cash or to reinvest the dividend in employer securities in the plan.
Faster Vesting of Employer Matching Contributions	Vesting in employer matching contributions must be calculated in accordance with a vesting schedule that provides vesting at least as rapidly as either a 3 year "cliff" vesting schedule or a 6-year "graded" schedule.

Provisions	New Law
Changes to Nondiscrimination Testing Rules	
Employees of Tax-Exempt Entities Disregarded for 401(k) Plan Testing.	Employees who are eligible to make elective deferrals under a 403(b) arrangement do not have to be aggregated with the employees of a related entity which sponsors a 401(k) plan provided no employee of a 403(b) sponsor participates in the 401(k) plan and 95% of the non-excludable employees participate in the 401(k) plan.
Repeal of "Multiple Use" Test.	The multiple use test is repealed.
Modifications of Top-Heavy Rules.	Changes to the top-heavy rules include: <ul style="list-style-type: none"> <li>• Revising the definition of "key employee;"</li> <li>• Reducing the 5 year look back rule for distributions to 1 year, and</li> <li>• Allowing employer matching contributions to now be used to satisfy the top-heavy minimum contribution requirement</li> </ul>

Provisions	New Law
Distribution/Portability	
Rollovers Between Various Types of	Distributions from any defined contribution arrangement, 401(k), 403(b).

Plans.	457, etc., will be eligible to be rolled over to any other defined contribution arrangement. Taxable amounts can be rolled over to a defined contribution from an IRA arrangement. In addition, the IRS is given the authority to extend the 60-day rollover deadline in those circumstances where failure to comply with the 60-day period was beyond the control of the recipient.
Rollovers of After-Tax Contributions	After-tax contributions may be rolled over to an IRA or to another qualified plan provided the plan maintains separate accounting of these amounts, including earnings.
Rollovers of Involuntary Distributions of less than \$5,000	Any distribution greater than \$1,000 but less than \$5,000 will have to be rolled over to an IRA unless the participant elects a cash distribution or elects to roll it over to another qualified plan. The Department of Labor is directed to issue regulations, which will provide a safe-harbor under which the employer may designate the IRA and selection of investments that will satisfy ERISA's fiduciary standards. This provision does not become effective until the Department of Labor issues such final regulations.
Rollovers of Certain Hardship Distributions	Any amounts, including employer contributions, distributed as the result of a financial hardship will not be eligible to be rolled over.
Safe-Harbor for Hardship Distributions.	The IRS is directed to revise its regulations to provide that a 6-month suspension from making elective contributions will constitute a safe-harbor in determining a financial hardship.
Relaxation of "Same Desk" Rule.	The "same desk rule" is eliminated by changing the distributable event from "separation from service" to "severance from employment." Comparable changes have been made for 403(b) and 457(b) plans.

Provisions	New Law
<b>Miscellaneous Changes</b>	
Employer Provided Retirement Education.	Employer provided retirement advice provided on an individual basis will not be a taxable fringe benefit if it is available on a nondiscriminatory basis.
Elimination of Forms of Distribution.	<p>An employee may elect to transfer his benefit from one qualified plan to another qualified plan without the transferee plan maintaining the optional forms of benefit if:</p> <ul style="list-style-type: none"> <li>• The transfer was a direct transfer and it was permissible under both plans;</li> <li>• The transfer resulted from a voluntary election by the employee after receiving proper notice; and</li> <li>• The employee could have elected a lump sum distribution in lieu of the transfer.</li> </ul> <p>A defined contribution plan may also eliminate optional forms of distribution if the employee is eligible to receive a lump sum distribution at the time the optional form is being eliminated and the lump sum distribution is equal to or greater than the benefit that would be paid under the optional form benefit.</p>
Expanded Notice of a Reduction in Benefits	Expands the type of information to be provided in a notice to participants of a reduction in benefits (including the conversion to a cash balance plan) and the time period that the notice must be given. The IRS is directed to provide guidance relating to the content and timing of the notice. This notice requirement is effective as of June 7, 2001. Good faith reliance will apply until regulatory guidance is issued.

Page Last Reviewed or Updated: March 11, 2010



**Northern Virginia Transportation Commission  
Target Benefit Pension Plan  
Plan Amendment Effective July 1, 2009**

- Plan originally established effective July 1, 1969 for the employees of NVTC.
- NVTC's Plan is a Target Benefit Pension Plan, which is a participant directed defined contribution plan.
- Annual contribution amounts are actuarially computed by our third party pension plan administrator, Thomas F. Barrett, Inc.
- Plan documents and amendments are prepared and provided by the third party administrator.
- The plan is audited every two years, presently by NVTC's audit firm, PBGH, LLC.
- All "qualified plans" are required to be periodically restated to comply with changing laws and regulations.
- In between "restatements", amendments are periodically adopted to keep plans in compliance.
- The present restatement is required under the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), and other less extensive guidance. The restatement will bring our plan in compliance with all applicable rulings and regulations.
- NVTC plan last restated effective July 1, 2002 to comply with tax laws collectively referred to as "GUST", which included:
  - Employee Retirement Income Security Act of 1974 and the IRC of 1986 as amended by the Uruguay Round Agreements Act
  - Small Business Job Protection Act of 1996
  - Taxpayer Relief Act of 1997
  - Uniformed Services Employment and Reemployment Rights Act of 1994
  - Internal Revenue Service Restructuring and Reform Act of 1998
  - Community Renewal Tax Relief Act of 2000
- The previous plan restatement required that we submit to the IRS for review. Upon successful review a favorable determination letter is issued, meaning that the IRS has determined the plan is a qualified plan under IRC section 401(a) and is entitled to favorable tax treatment. Due to the nature of the restatement under EGTRRA, we are not required to submit the plan documents to the IRS. Our most recent determination letter dated January 12, 2005 remains valid.



## RESOLUTION #2144

**SUBJECT:** Approval of Restatement of NVTC's Pension Plan.

**WHEREAS:** The Northern Virginia Transportation Commission's Pension Plan Administrator has informed the commission that its Pension Plan document must be restated by April 30, 2010, to conform to federal laws and regulatory guidance;

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby approves, adopts and ratifies the form, terms and provision of the Northern Virginia Transportation Commission Target Benefit Plan (hereinafter the "Plan"), in the form attached hereto.

**BE IT FURTHER RESOLVED** that NVTC approves, adopts and ratifies the form, terms and provisions of the Administrative Policies regarding Payment of Plan Expenses, Claims Procedure, and Qualified Domestic Relations Orders, in the forms attached hereto.

**BE IT FURTHER RESOLVED** that NVTC authorizes its Executive Director to execute, deliver and cause the performance of, in the name of and on behalf of NVTC, the Plan and the Administrative Policies to which NVTC is a party, the execution and delivery of which are conclusive evidence of the approval and ratification by NVTC.

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**BE IT FURTHER RESOLVED** that NVTC approves, adopts and ratifies all actions taken by the Executive Director prior to the date hereof with respect to the drafting, negotiation, finalization, delivery and execution of the plan and the Administrative Policies described herein.

Approved this 6<sup>th</sup> day of May, 2010.

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Catherine Hudgins  
Chairman

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Mary Hynes  
Secretary-Treasurer

