

MINUTES  
NVTC COMMISSION MEETING – SEPTEMBER 2, 2010  
NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Hudgins at 8:13 P.M.

**Members Present**

Sharon Bulova  
Barbara Comstock  
Thelma Drake  
Adam Ebbin  
William D. Euille  
Jay Fisette  
John Foust  
Catherine Hudgins  
Mary Hynes  
Jeffrey McKay  
Thomas Rust  
Paul Smedberg  
David F. Snyder  
Mary Margaret Whipple  
Christopher Zimmerman

**Members Absent**

Kelly Burk  
John Cook  
Jeffrey Greenfield  
Mark R. Herring  
Joe May

**Staff Present**

Rhonda Gilcrest  
Stephen MacIsaac (VRE)  
Greg McFarland  
Adam McGavock  
Stephen MacIsaac (VRE)  
Kala Quintana  
Rick Taube  
Dale Zehner (VRE)

## Minutes of the NVTC Meeting of July 1, 2010

Mrs. Bulova moved, with a second by Mr. Smedberg, to approve the minutes. Mr. McKay asked for a friendly amendment to change a sentence on page 11 regarding the HOT Lanes on I-95/395 to read: "Mr. McKay reported that Fairfax County, Arlington County and Alexandria officials and staff have met and believe they can support the project but still have questions that have not been answered." Both the maker and seconder of the original motion accepted this friendly amendment.

The commission then voted to approve the minutes as amended. The vote in favor was cast by commissioners Bulova, Comstock, Drake, Ebbin, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder, Whipple and Zimmerman.

### VRE Items

Report from the VRE Operations Board and VRE Chief Executive Officer. Mr. Zehner gave an update on the transition from Amtrak to Keolis operation that occurred on July 12, 2010. Although on-time performance suffered during the summer months, ridership remained strong throughout the summer. Delegate Rust asked for a breakdown of the reasons for the delays and if they were the result from the change in operators. Mr. Zehner responded that about half of the delays were operational, but the rest were from weather related issues (four major storms), mechanical issues, and heat restrictions. Mr. Zehner also reported that a ribbon cutting ceremony was held on July 30<sup>th</sup> in Alexandria for the new locomotive. Senator Webb was the key note speaker joined by other congressional members from Virginia and Idaho.

Preliminary FY 2012 VRE Budget Referral to Jurisdictions. Mrs. Bulova reported that the VRE Operations Board recommends commission approval of Resolution #2154, which would forward the preliminary FY 2012 VRE operating and capital budget to VRE's participating and contributing jurisdictions for their review and comment. The final budget will be forwarded to the commissions for action in January, 2011. Currently the budget has an unfunded balance that presumably will be covered before the final budget is brought back for consideration.

Mrs. Bulova moved, with a second by Mr. Smedberg, to approve Resolution #2154 (copy attached). The vote in favor was cast by commissioners Bulova, Comstock, Drake, Ebbin, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder, Whipple and Zimmerman.

Fauquier and Caroline Counties. Mrs. Bulova reported that Fauquier County officials have inquired about conditions for joining PRTC. It has been reiterated to the county that the county would be required to also participate in VRE. Caroline County is conducting a study of a possible rail station and has asked VRE to provide information. She explained that no action is being requested at this time. There were no questions.

### NVTC Office Lease

Mr. Taube reported that NVTC staff is negotiating a 10-year lease for offices at 2300 Wilson Boulevard, with the assistance of a tenants' agent and review by the Fairfax County Attorney's office. The final version of the lease is not available yet. Mr. Taube introduced Ellen Posner from the Fairfax County Attorney's office, who is assisting NVTC with the lease. He explained that the outstanding issues involve resolving the lease language regarding indemnification and clarifying the terms of sharing of building expenses. Mr. Taube explained that the commission is asked to authorize NVTC's executive director to: 1) Execute the lease; 2) Request quotes and execute agreements for moving; 3) Request quotes and purchase needed furniture; and 4) Request quotes and purchase telephone and other required electronic systems; all within the limits of NVTC's approved budget.

In response to a question from Chairman Hudgins, Mr. Taube explained that the new landlord is requesting that the lease be signed within the next two weeks. In response to a question from Mr. Zimmerman, Ms. Posner explained that there are still points of the lease under negotiation but in order to give the commission more details, a closed session would be needed. Mr. Taube stated that the outstanding issues are not financial issues. The rent has already been negotiated. Mr. Foust stated that he would like to have the attorney's opinion. Ms. Posner stated that no economic terms are still outstanding.

Delegate Comstock asked whether the Governor's Reform Commission recommendation for agency consolidation should be considered as part of this discussion. Chairman Hudgins stated that this action on the lease is part of NVTC's approved budget and requires action now to move forward. If there is a decision on consolidation, then it would need to be resolved subsequent to this action. Consolidation is another discussion. Senator Whipple observed that either way, NVTC needs a lease.

Mr. Zimmerman stated his opinion that indemnification is a material matter. He asked if the commission has provided enough guidance for staff to negotiate. Senator Whipple suggested adding the language "execute the lease on terms favorable to the position of NVTC."

Mrs. Drake asked why this cannot be held until NVTC's October meeting. Chairman Hudgins stated that it is her understanding that the lease needs to be signed within the next two weeks so the office space can be completed in time. Mrs. Drake asked when NVTC needs to be out of its current space. Mr. Taube responded that NVTC's current lease expires December 31, 2010.

Mr. Zimmerman asked Ms. Posner and Mr. MacIsaac if counsel is recommending NVTC take this action. Ms. Posner stated that legal counsel is recommending that NVTC give the executive director the authority to complete the negotiations as soon as possible. She observed that a build-out schedule seems to be driving the timetable. Mr. Zimmerman stated that he would be more comfortable with counsel drafting the

motion. Chairman Hudgins suggested deferring this action to later in the agenda to allow counsel and staff to draft a motion.

In response to a question from Mr. Smedberg, Ms. Posner stated that in theory the indemnification issue is the main legal concern but the final lease document has not been provided by the landlord. Mr. Taube stated that the tenant's agent believes that the indemnity issue will not be a problem once the landlord understands that NVTC is a government agency and that there are state statutes that govern the commission.

Commissioners agreed to defer action on this item until later in the agenda to provide time for counsel to draft a motion.

### NVTC Preliminary Budget for FY 2012

Mr. Taube stated that each year at this time NVTC staff proposes a preliminary budget for the next fiscal year to be used by its member jurisdictions in planning their own budgets for the succeeding year. For FY 2012, NVTC staff is proposing a reduction in overall spending by 2.2 percent, with total expenditures dropping to \$1.15 million from \$1.221 million in the FY 2011 approved budget. The reduction is made possible, despite anticipated significant increases in insurance and other costs, primarily by reducing NVTC's staff to six full-time and two part-time positions. This reflects a reduction of one full-time position, which is currently unfilled. Despite the reduction in staff, NVTC's work program contains all of the activities previously authorized as well as new projects anticipated for calendar year 2011. A trial period has demonstrated that NVTC staff can maintain its level of performance without refilling the vacant senior level position at this time, by existing employees taking on additional duties. As a result, total contributions from state and local governments will be reduced by 2.4 percent and 6.0 percent, respectively, reflecting equal absolute reductions of \$18,685 each. Mr. Taube stated that the final budget will be presented for action at the January, 2011 meeting.

Senator Whipple moved, with a second by Mrs. Bulova, to authorize NVTC staff to forward the preliminary budget to the jurisdictions for their use in planning their FY 2012 budgets. The vote in favor was cast by commissioners Bulova, Comstock, Drake, Ebbin, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder, Whipple and Zimmerman.

### WMATA Items

Chairman Hudgins reported that the National Transportation Safety Board has released its recommendations on WMATA's June 22, 2009 fatal accident. She stated that WMATA takes the recommendations very seriously and has already implemented some of them. Mr. McKay stated that it is important to point out that the NTSB has acknowledged and credited WMATA for already implementing some of the recommendations. The meeting with the NTSB was very productive.

Mr. Snyder asked for the list of the NTSB recommendations and WMATA's resulting actions. He also noted that a recent Washington Post article describes the consistent attendance of Virginia representatives at the WMATA Board meetings. Chairman Hudgins stated that the list of recommendations is available on WMATA's website, but she can forward it to Mr. Snyder. WMATA has not been idle waiting for the NTSB recommendations. It has already put into place many improvements. Five stations are under redesign or maintenance, which address the changes that are recommended. Mr. Zimmerman stated that the principal recommendation from NTSB come out a year ago. Metro is in the position to pioneer the tools being developed for continuous monitoring, which will also benefit other transit systems. Mr. Zimmerman noted that Mr. Snyder may be interested in a larger matrix, which includes Metro's recommendations as well as NTSB's recommendations.

Mrs. Drake reminded the commission that she presented a resolution at the July meeting for consideration concerning commonwealth representation on the WMATA Board. It has been two months and the agreement with the Federal Transit Administration for PRIIA funding has been executed.

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

Mr. Euille stated that it would be premature to act on this resolution since the study by the Board of Trade/MWCOG is underway, which is looking at WMATA governance issues. The study could be completed by late September or early October. Also, Governor McDonnell has requested a meeting with the leadership of Arlington County, Fairfax County and the city of Alexandria. He stated his opinion that it is important to leave options open until the study findings are released and the meeting with the governor occurs.

Mrs. Drake observed that the resolution states that it is agreeing to a discussion at the conclusion of the study. Mr. McKay stated that he could accept the resolution if the sentence ended with "at the conclusion of the study." As it currently reads it forecasts possibly what the results of the discussion would be before there is any indication of what the Board of Trade/MWCOG study will recommend. Mrs. Drake stated that she would object to Mr. McKay's word change because it would remove the intent of the resolution which is the commonwealth's membership on the WMATA Board.

Senator Whipple offered a substitute motion to defer consideration of the resolution. Mr. Smedberg seconded.

Senator Whipple stated that action is premature before the study is completed. Everyone has indicated that they are prepared to discuss the issue, but in the context of the Board of Trade/MWCOG study results.

The commission then voted on the substitute motion and it passed. The vote in favor was cast by commissioners Bulova, Ebbin, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Smedberg, Snyder, Whipple and Zimmerman. Votes in opposition to the motion were cast by commissioners Comstock, Drake and Rust.

The substitute motion then became the main motion.

Mrs. Bulova noted that commissioners know that this issue is important to the commonwealth and the issue will be discussed at the meeting with the governor. She is attending that meeting along with Mr. Euille and Mr. Fisetete.

The commission then voted on the motion to defer and it passed. The vote in favor was cast by commissioners Bulova, Ebbin, Euille, Fisetete, Foust, Hudgins, Hynes, McKay, Smedberg, Snyder, Whipple and Zimmerman. Votes in opposition to the motion were cast by commissioners Comstock, Drake and Rust.

#### Proposed Government Reform Commission Recommendation to Consolidate NVTC/PRTC/NVTA

Mr. Taube reported that at a hearing of the Simplification and Operations Subcommittee of the Government Reform Commission on August 4, 2010 in Richmond, Assistant Virginia Transportation Secretary Matt Strader presented proposed legislative changes. Included in the list of recommendations to the Reform Commission was a call to consolidate NVTA, NVTC and PRTC to achieve greater efficiencies, create a more unified approach and save staff and legislator time preparing for meetings. NVTC, PRTC, NVTA and VRE all previously opposed this suggestion in comments submitted to the Reform Commission, and Fairfax County expressed concern.

Senator Whipple stated that she is a member of the subcommittee for the Government Reform Commission. The commission is generally looking at ways to be more efficient, which is a good thing. However, NVTC has a specific task that deals with transit. PRTC also deals with transit. Both are not planning organizations. PRTC has never wanted to be part of NVTC because it does not want to be financially responsible for the Metro system. Mrs. Bulova stated that similarly, NVTC would not want to get involved with PRTC's bus operations. Senator Whipple stated that when people know more about NVTC and PRTC and what they do, they will see that they do different things. The subcommittee will meet on September 8<sup>th</sup> and she is unclear how the discussion will go. She stated that it is important to educate the public on what the commissions do and that their duties do not overlap.

Mrs. Drake stated that this was not a DRPT recommendation. She agreed that the public should be educated on what the various organizations do. She observed that NVTC's information materials include a Rationale #3 which states that "no state general funds are used for the agency's administrative budgets." She stated that state funds do come to NVTC (\$773,000 in NVTC's budget). Mr. Taube stated that those funds are part of the state transit program and do not come from state general funds. Mrs. Drake stated that the sentence is misleading since the commonwealth does provide funds to NVTC. She stated that it is important to have the discussion on consolidation, whether this is the best way to do it or there is a better way.

Mrs. Bulova moved, with a second by Mr. McKay, to authorize NVTC's chairman to meet with Secretary Connaughton to discuss this issue. The vote in favor was cast by commissioners Bulova, Comstock, Drake, Ebbin, Euille, Fisetete, Foust, Hudgins, Hynes, McKay, Smedberg, Rust, Snyder, Whipple and Zimmerman.

#### RFP for NVTC Copier Lease

Mr. Taube reported that NVTC's current lease with Capital Office Solutions for a copying machine expires at the end of December, 2010. The commission is asked to authorize staff to issue a Request for Proposals for a new multi-year copier lease. The authorization to award the contract would be requested at NVTC's November meeting. The new copier would be delivered directly to NVTC's new location to be in service by January 3, 2011. Funds are available for FY 2011 in NVTC's approved budget.

Mr. Smedberg and Mr. Zimmerman were out of the room during the vote.

Senator Whipple moved, with a second Delegate Ebbin, to authorize staff to issue the RFP. The vote in favor was cast by Bulova, Comstock, Drake, Ebbin, Euille, Fisetete, Foust, Hudgins, Hynes, McKay, Rust, Snyder and Whipple.

Mr. Smedberg returned at 9:19 P.M.

#### NVTC Motor Fuels Tax Issues

Mr. Taube reported that NVTC, PRTC and local staff attended a meeting in Richmond with TAX officials to reiterate their concerns and try to agree on a cooperative approach to solve the problem. Acting Commissioner Burns and several senior TAX officials attended and heard the concerns and agreed to cooperate to address them. A follow-up session is being scheduled to examine materials developed by commission staffs that document the problem. TAX officials agreed to take steps to resolve the problem, including a monthly review by the department and conducting field audits immediately. NVTC staff is encouraged by these steps.

In response to a question from Delegate Rust, Mr. Taube stated that the issue is not about the amount of the tax being collected, but the distribution.

#### Feedback on the "Transit Keeps Northern Virginia Working" Tour

Chairman Hudgins thanked staff for their hard work to make the tour a success. Ms. Quintana stated that there was an excellent turnout from state legislators. She thanked everyone who helped to make it a success, especially Delegate May for his efforts to encourage legislators to attend.

Mr. Zimmerman returned to the discussion at 9:21 P.M

Mrs. Drake expressed her opinion that it was a phenomenal tour that gave a real taste of transit in Northern Virginia. Mr. Zimmerman stated that staff did a fantastic job and praised Delegate May's efforts to make it a success. Chairman Hudgins stated that she appreciated the feedback from legislators from other areas of the commonwealth. The tour gave an opportunity to share what the issues are that each region faces.

### Return to NVTC Office Lease

Mr. Maclsaac read Resolution #2155 into the record, which was drafted by legal counsel. (Resolution #2155 is attached.)

Mrs. Bulova moved, with a second by Mrs. Hynes, to approve the resolution.

Mr. Snyder asked if the lease includes a subject to appropriations clause. Mr. Taube stated that it does not. Mrs. Bulova suggested including "which includes subject to appropriations," in the resolution. Ms. Posner stated that the concepts of subject to appropriations and dissolution of the commission are not the same, but subject to appropriations language could be included in the lease. Mr. Snyder stated that he would feel more comfortable with this language being included. Mr. Maclsaac noted that there is a distinction between counties and commissions, so it would be better to include "subject to Virginia law." Mr. Snyder stated that without the language, he is not sure he can vote to approve it. He asked for clarification on the meaning of "subject to appropriations." Ms. Posner stated that the commission would need to go into closed session to discuss this.

The Commission then voted on the resolution prepared by legal counsel. The motion passed with the vote in favor cast by commissioners Bulova, Ebbin, Euille, Fissette, Foust, Hudgins, Hynes, McKay, Rust and Whipple. Commissioners Comstock, Drake and Snyder abstained.

Mrs. Hynes asked if staff still needs authorization for the other items (to request quotes and purchase equipment and services). Mr. Taube stated that in light of the discussion, the commission could authorize him to seek bids and return for approval at a future meeting. There were no objections.

### Mode Shares in the Dulles Corridor

Mr. Taube stated that this is the latest (and possibly the last) in a series of reports for NVTC with funding by VDOT and prepared by MWCOG staff. This report covers the broadly defined Dulles Corridor based on traffic counts conducted in fall of 2009. During the morning peak period, transit carried 11 percent and HOV carried 19 percent of all persons crossing the cordon line at the counting stations. The combined 30 percent for transit and ridesharing is by far the lowest of the five NVTC mode share studies in various corridors, reflecting the current absence of rail service in the Dulles Corridor.





## NVTC Items

TransAction 2040 Plan Update. Negotiations are continuing with Cambridge Systematics, Inc. NVTA has acted to significantly reduce funding (to \$500,000 from \$1.2 million). This necessitates refining the scope of work. Local and regional staffs are cooperating in that effort. When agreement is reached on the refined scope of work, NVTC's executive director will proceed to execute the contract documents after legal counsel review.

Streetcar Coalition TIGER II Grant Application. NVTC staff submitted the pre-application by the June 26, 2010 deadline and the full application by the August 23<sup>rd</sup> deadline. Several public and private-sector co-sponsors have joined the effort. NVTC was also a partner in Fairfax County's application for funding for the I-66/Vienna ramp.

I-95/395 HOT Lanes. NVTC received a response from Secretary Connaughton to the commission's letter requesting an opportunity to meet to address several issues in order for the region to unify its support for the project. The secretary has agreed to meet to discuss this issue. Staff from Alexandria, Arlington and Fairfax County created a document describing the issues to be resolved.

Pentagon Transit Center Security Issues. Mr. Taube reported that Pentagon officials were very responsive to the concerns raised by NVTC and its member jurisdictions. Several accommodations were promised to lessen the impact of the proposed security changes on transit systems. The final plan was approved by the National Capital Planning Commission (NCPC) on September 3<sup>rd</sup>.

Mr. Zimmerman stated that it is a heartening experience where Pentagon officials listened to our concerns and made changes. It would be appropriate for NVTC's chairman to send of letter of appreciation. Chairman Hudgins agreed that consensus was reached. She observed that getting NCPC involved early in the process was also helpful.

Discontinuation of Falls Church's GEORGE Bus System. Mr. Snyder reported that the Falls Church City Council has decided that it will be unable to continue to fund the GEORGE Bus due to severe budget constraints and anticipated increases in its WMATA subsidies. Accordingly, GEORGE will be discontinued effective September 24<sup>th</sup> and the buses will be used on ART routes in Arlington. Mr. Snyder stated his appreciation to NVTC for its support of the GEORGE Bus system. He was in strong opposition to discontinuing the service.

Multi-Region Vanpool Incentive Program. Federal and state funds are now available in approved grant agreements. NVTC is managing the funds on behalf of itself and FAMPO/GWRC. The contract has been executed with VHB, Inc. and the notice to proceed has been issued. DRPT staff will serve as project manager to ensure regional impartiality. Two focus groups of vanpool operators are set for September as a prelude to an extensive online survey.

## Mid-Year Review of Major NVTC Projects

Ms. Quintana stated that some of her highlights include working with jurisdictional legislative liaisons to advance several pieces of NVTC legislation in 2010; being appointed to serve as the vice president of legislative affairs and re-elected to another three year term to the Board of Directors for the Transportation Association of Greater Springfield (TAGS); and securing a grant to establish the TAGS "Riders Club," a new grassroots effort to secure support and advocate increased transit in Greater Springfield.

Mr. McGavock reviewed the MARTHA project, which developed a very simple system that will grow into a full-featured system as it is deployed and improved. This project has been given to Blacksburg Transit to serve as the host for this open source initiative, which means that the system can be distributed free of charge as long as they agree to share any additions or changes that are made to the system. Also, NVTC is managing the grant and project for Alexandria to provide real-time bus information via SMS text messaging and web-based maps so passengers can receive information about the next three buses arriving at that bus stop. NVTC is also managing FTA grants and matching funds for the cities of Alexandria and Falls Church, and Arlington and Fairfax counties, totaling over \$8.25 million, with no processing or management fees charged by NVTC. An additional \$5.36 million is expected to be awarded in September.

Mr. McFarland reported that he created an iPhone application (app) that makes it easy to record daily vanpool passenger and mileage data and to transmit that data over the Internet; prototyped a back-end database application to import data from the iPhone vanpool app and create reports for NTD data submission; and built a working prototype of a low-cost (\$150) bus arrival data display that could be placed at every bus stop.

Mr. Taube stated that Scott Kalkwarf is not at the meeting but has been actively involved in the gas tax issues and the NVTC audit which is currently underway.

## Regional Transportation Items

MWCOG 2010 State of the Commute Report. Mr. Taube stated that the report highlights trends in telework and transit. Area-wide transit commuting has increased to an average peak period mode share of 21 percent from 17 percent in 2001. Telework has doubled since 2001 to six percent from three percent. Single occupant vehicle use declined to 64 percent from 70 percent.

Straddling Bus – Chinese Prototype. A bus is being tested in Beijing that operates above traffic lanes without a permanent structure and is powered by electricity, including solar-generated.

The Man Who Could Unsnarl Manhattan Traffic. The article describes the efforts of Charles Kormanoff to trace the economic and environmental impact of every vehicle and pedestrian trip in Manhattan. His work, in the form of a giant spreadsheet,

is posted online and can be used to determine prices that would create the greatest benefit, including congestion relief, for the largest number of people.

Try Transit Week (September 20-24, 2010). The American Public Transportation Association sponsors this nationwide event. In Virginia, DRPT is promoting it and Northern Virginia's transit systems will also participate.

NVTC Financial Items for June and July, 2010

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

Adjournment

On a motion by Mr. Zimmerman and a second by Senator Whipple, the commission unanimously agreed to adjourn. The vote in favor was cast by commissioners Bulova, Comstock, Drake, Ebbin, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Smedberg, Rust, Snyder, Whipple and Zimmerman.

Chairman Hudgins adjourned the meeting at 9:43 P.M.

Approved this 7<sup>th</sup> day of October, 2010.

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Catherine Hudgins  
Chairman

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Mary Hynes  
Secretary-Treasurer