

MINUTES
NVTC COMMISSION MEETING – DECEMBER 1, 2011
NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Euille at 8:17 P.M.

Members Present

Sharon Bulova
Barbara Comstock
John Cook
James Dyke
William D. Euille
Jay Fiset
Catherine Hudgins
Mary Hynes
Joe May
Jeffrey McKay
Paul Smedberg
Lawrence Webb (alternate for city of Falls Church)
Mary Margaret Whipple
Christopher Zimmerman

Members Absent

Kelly Burk
Adam Ebbin
John Foust
Jeffrey Greenfield
Mark R. Herring
Thomas Rust
David F. Snyder

Staff Present

Mariela Garcia-Colberg
Rhonda Gilchrest
Scott Kalkwarf
Kala Quintana
Rick Taube
Dale Zehner (VRE)

Minutes of the November 3, 2011 NVTC Meeting

On a motion by Mrs. Bulova and a second by Mr. Zimmerman, the commission unanimously approved the minutes. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fissette, Hudgins, Hynes, May, McKay, Smedberg, Webb, Whipple and Zimmerman.

VRE Items

Report from the VRE Operations Board and Chief Executive Officer. Mr. Zehner reported that on-time performance (OTP) for the month of November was 95 percent systemwide and in October it reached an all time record high of 98 percent. Mr. Zehner stated that he is confident that VRE can maintain 90 percent or better OTP on a daily basis. He also reported that all 20 new locomotives are now in service. Ridership was up to a daily average of 19,500 for the month of November. VRE will run its annual Santa Trains on December 10th. VRE sold 7,600 tickets of which half were sold out in 12 minutes on-line and the other half sold out at different vendor locations by 2:00 P.M. the same day. VRE's annual Toys for Tots campaign is also underway. Mr. Zehner also reported that on December 6th VRE will host a delegation from China.

VRE's FY 2011 Audited Financial Statements. Mrs. Bulova reported that VRE's audit firm, PBGH, LLP, has completed its examination of VRE's financial statements and they have provided an unqualified (favorable) opinion. Resolution #2176 provides authorization for VRE's CEO and NVTC staff to provide the audited financial statements to NVTC's jurisdictions, a list of interested firms and individuals including bondholders and regulatory and funding agencies as well as the general public.

Mrs. Bulova moved, with a second by Mr. Smedberg, to approve Resolution #2176 (copy attached). The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fissette, Hudgins, Hynes, May, McKay, Smedberg, Webb, Whipple and Zimmerman.

Grant Agreement for King Street Station Pedestrian Tunnel. Mrs. Bulova stated that the VRE Operations Board recommends approval of Resolution #2177, which would authorize VRE's CEO to execute a locally administered project agreement for \$7,470,000. Also, VRE's CEO would receive authority to execute related agreements, permits and other documents. She explained that VRE has been awarded funding from the Federal Highway Administration's Rail Crossing and Rail Safety Program to provide for a new tunnel connecting the VRE/Amtrak station at King Street in Alexandria to the adjacent Metrorail station. VDOT will administer the funds and no match is required.

Mrs. Bulova moved, with a second by Mr. Smedberg to approve Resolution #2177.

Chairman Euille asked what role WMATA and the city of Alexandria have played in the project. Mr. Zehner replied that they are aware of the project and will be part of further planning. This specific action begins the process and allows VRE to receive the funds. Chairman Euille stated that he is not opposed to the project, but the city planning staff has been working with developers looking to do project work around the King Street Metrorail station, as well as some possible development around the Amtrak station. He wants to make sure that all these projects are done in a holistic way and not "piece meal." Mr. Zehner provided some history of this project, which began with a concept paper by WMATA. No detail planning has been done. Mr. Zehner noted that the project will take three or four years to complete and VRE will coordinate with WMATA and the city of Alexandria.

The Commission then voted on the motion and it passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Hudgins, Hynes, May, McKay, Smedberg, Webb, Whipple and Zimmerman.

NVTC's 2012 State and Federal Legislative Agenda

Chairman Euille reported that members of the Legislative Committee met on November 14th to prepare a legislative agenda for 2012. Mr. Taube explained that after the legislative agenda is approved, NVTC staff will prepare a colorful brochure to summarize its content and distribute it to the Northern Virginia General Assembly and congressional delegations. Mr. Taube asked for additional commission guidance on potential legislative efforts concerning WMATA Compact changes and the Governor's recommendation to merge NVTC and NVTA. NVTC staff has put together a discussion paper concerning this potential merger, including options to oppose it, endorse it, or find a way to alter the terms to make it more favorable.

Delegate Comstock suggested NVTC electronically send the legislative agenda to General Assembly members instead of spending money on printing and mailing a brochure. Mr. Taube stated that the brochure would also be available electronically. He further stated that commission meeting agenda materials are also available electronically for those who would rather not receive paper copies. Some General Assembly members have specifically requested hard copies to circulate among staff members. Delegate May suggested contacting each member to find out their preference.

Mrs. Bulova stated that she was puzzled when she first saw the new merger recommendation because in the past the recommendations were to merge NVTC, PRTC, VRE and NVTA. She observed that NVTA has basically no funding and isn't really functioning as it was intended. Other concerns are that NVTA consists of members from PRTC jurisdictions; also NVTC and NVTA have distinct duties with no overlapping responsibilities. She questioned what mission and work plan would be created by merging the two organizations. She is not opposed to streamlining or consolidating if it makes sense, but these two organizations don't fit. In response to a

question from Mrs. Bulova, Mr. Taube clarified that his understanding of the merger recommendation is that NVTA would be the surviving agency and NVTC would only be preserved because it is mentioned in the Compact, and would be restricted to only appoint WMATA Board members.

In response to a question from Mrs. Hudgins, Mr. Taube stated that NVTA receives \$50,000 annually from VDOT but is not spending it given donated services from member jurisdictions. Mrs. Hudgins noted that NVTA is structured for a different purpose and the value of a merger would be lost. NVTC focuses on transit. Chairman Euille agreed.

Mr. Cook stated that he does not think that NVTC has a clear definition of what it does. It seems that NVTC just rubber stamps what is voted on at WMATA and VRE. NVTC needs to define its function. People looking from the outside in don't understand what these two organizations do. NVRC is the only planning entity in Virginia that does not do transportation planning. He expressed his opinion that rather than opposing the merger, NVTC should have a continuing conversation about restructuring these agencies.

Senator Whipple observed that this recommendation was probably made by people who looked at the names of the two organizations and thought there was overlap. They don't have a detailed understanding of what NVTC does. NVTC and NVTA are two very different organizations with different purposes. NVTC needs to better educate legislators and the public to understand what it does. She does not see anything to be gained by merging NVTC and NVTA.

Delegate May suggested General Assembly members present at this meeting abstain from any NVTC vote in case this merger recommendation turns into formal legislation. He stated that he was also surprised by the merger recommendation. That doesn't mean that it isn't important to consider it to see if improvements can be made. He would not be in favor of it unless it could be shown that this would be an organizational improvement. He suggested NVTC condense its comments into a responsible and manageable perspective. Mrs. Bulova agreed that comments should be succinct but stated that it is important to outline NVTC's mission and function compared to NVTA. It is also important to raise the issue of complications associated with a merger, such as NVTA having members from PRTC. She suggested that a fact sheet be prepared with this information. In response to a question from Chairman Euille, Mr. Taube stated that staff prepared materials last year that address many of these concerns.

Mr. McKay noted that NVTC was successful last year in warding off a merger and he asked for any suggestions from NVTC's General Assembly members on how to do so again. Delegate May stated that last year's recommendation was not well thought out and it didn't make sense to approve such a merger.

Mr. Taube also asked for guidance regarding possible legislative efforts concerning Metro Compact issues (Initiative #8). Mr. Dyke stated that it is his understanding that the Governors' Working Group will not recommend any legislative amendments for Compact changes during this upcoming General Assembly session. Mrs. Hynes stated that it would still be helpful for NVTC to go on record if there are Compact changes to be proposed that they should be developed cooperatively in a way that enhances the work that the WMATA Board has already done and preserves jurisdictional voices on the WMATA Board. Mrs. Hudgins agreed that it is important to have a proactive statement. WMATA has made a great deal of progress over the last year and this is a great opportunity to acknowledge these efforts as well as convey the need for collaboration. Mr. Dyke agreed that collaboration is a key component.

Mrs. Hynes moved to approve the legislative agenda, including updating Initiative #8 to incorporate the comments made by commissioners. Mr. Taube stated that he could add a clause calling for developing changes collaboratively with a voice for local jurisdictions and WMATA Board members.

Mr. Cook stated that he has an issue with the current wording: "...doesn't diminish the role of local governments..." because it sounds to him like it is an objection to the Governor's appointee to the WMATA Board. He does not want this fight reopened. Chairman Euille disagreed that it would reopen the discussion. Mr. Zimmerman suggested the wording "...in a manner that insures appropriate representation of local governments."

Mr. Fisette asked if NVTC wants to take a legislative position on other WMATA Board governance issues, such as term limits or qualifications. Mr. Dyke stated that member qualifications, term limits, requirements for board members to use the system, etc. will be addressed at the state level and the three jurisdictions (Maryland, Virginia and the District of Columbia) will act in concert at the same time and will not involve Compact changes. Mrs. Hudgins stated that it is important for NVTC to initiate a discussion to look at the merits of different proposals. In response to a question from Mr. Fisette, Mrs. Hynes stated that WMATA is already working on some of these issues. In regards to issues such as qualifications and terms limits, NVTC has within its power the ability to have conversations about these issues. She personally doesn't think we need the Commonwealth to tell us what to do. She questioned if the Commonwealth is dictating the same to Hampton Roads or Richmond. There are not many issues that can be resolved without Compact changes.

Chairman Euille reviewed that the sense of the commission is to have discussions with representatives from the state and the Governors' Working Group, as opposed to making this part of NVTC's legislative agenda. Mr McKay pointed out that without having a more proactive statement about WMATA and what NVTC wants out of the Compact changes, it could hurt NVTC, which is what happened last year. During the last General Assembly session we were told that there would be no legislation dealing with WMATA Board seats but there was and changes resulted. NVTC is passing up an opportunity to proactively comment on WMATA Board governance and Compact amendments. He hopes NVTC will be a part of these conversations. Mr. Fisette stated that between now and the January meeting there should be more

conversations with NVTC's WMATA Board members about these issues. Mr. Dyke stated that he can't guarantee certain results but can guarantee that he will do all he can to see that it is a collaborative effort. Mrs. Hudgins disagreed with Mr. McKay and stated that there was a clear voice during last year's General Assembly session, but there was just a different outcome. She is asking NVTC to step back until January.

Mr. Fisette moved, with a second by Mr. Smedberg, to approve the Legislative Agenda as amended.

Senator Whipple left the room to take a telephone call and was not present for the vote.

In response to a question from Mrs. Hynes, Chairman Euille responded that Initiative #9 (opposing consolidation) remains in the legislative agenda.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Bulova, Cook, Euille, Fisette, Hudgins, Hynes, McKay, Smedberg, Webb and Zimmerman. Mr. Dyke and Delegates Comstock and May abstained.

WMATA Items

Mrs. Hudgins reviewed information about the WMATA budget process. She explained that the discussion at today's WMATA Board meeting was about how to fill the \$124 million budget gap. They will look at fare structures and subsidy increases. In January 2012 the Commonwealth's representative takes a principal board seat and NVTC needs to determine how the other seats are divided among the jurisdictions. NVTC's Executive Committee has looked at two options. Option #1 has principal members from Fairfax County and the Commonwealth and alternates from Arlington and Alexandria. Option #2 has the same principal members but would rotate the alternate seat among the jurisdictions.

Senator Whipple returned to the discussion.

Mr. Fisette stated that NVTC's Executive Committee met and had a robust conversation about options. Five members were in favor of Option #1 and one had concerns. The key point is to protect the voice of local government and it is an important element to have all three jurisdictions (Alexandria, Arlington and Fairfax) at the table, whether voting or not to be a part of a local consensus. A recommendation will be made at NVTC's January meeting. Chairman Euille stated that even with approving Option #1 there is an underlying issue to what happens when the Commonwealth's representative is not present at a WMATA meeting. This still needs to be resolved. Mr. Fisette also noted that it was discussed whether this should be voted on for just the first year or to make it a principal position that will remain until NVTC chooses to change it. It was the consensus of the Executive Committee that there is a value to create a firm clear future and should there be changes that create different dynamics, such as a merger, NVTC could come back and revisit it. Chairman Euille

noted that this is the simplest approach to take; otherwise Compact changes would be needed. Senator Whipple voiced her opinion that Option #1 is the better option because it is important to have each jurisdiction represented. Mr. Webb stated that he hopes this does not preclude the opportunity of a future alternate from Falls Church if the city's contributions increase.

Mr. McKay stated that he was the person during the Executive Committee discussion that had concerns. He does not object to Option #1 for the first year, but he has a problem with Fairfax County giving up a seat indefinitely. Although he doesn't want to give up another jurisdiction's voice and just as Mr. Webb does not want to preclude Falls Church in the future, it is asking a lot for a jurisdiction that pays the largest percentage (54.8 percent) to lose a board seat. A solution still needs to be found and it's important to have continued regional cooperation. Chairman Euille concurred and then stated that it is important to solidify the first year and then have more discussions among all the jurisdictions to work out a long-term solution. Senator Whipple observed that the original intent of giving Fairfax County two seats on the Board (principal and alternate) was not because of the amount of its contribution. In fact, in earlier days Fairfax County didn't pay that much. Also, Arlington and Alexandria were considered to have the same interests, which lent itself to a principal/alternate partnership.

Mr. Cook stated that he can support Option #1 and noted that there is flexibility to change things in the future. The WMATA Board members ought to be thinking of themselves as WMATA Board member first and not representatives of their individual jurisdictions. One of the complaints about WMATA is that it is too parochial. In order for WMATA to work, members should not be focused on their jurisdictions. Mr. Zimmerman stated that having served for 13 years on the WMATA Board, there was not a problem of parochialism especially among the Virginia members. The culture was to work together for the good of the system. Mrs. Bulova expressed her support of Option #1 with the caveat that the commission will come back and look at it again. Eventually, there will be changes to the Compact and Loudoun County will begin to pay for Metrorail services and will want a voice.

Mr. Fisetto moved, with a second by Senator Whipple, to approve Option #1 to be applied ongoing, which implies that if there are Compact amendments or other significant changes, NVTC can revisit it. Mrs. Bulova stated that she can support this if it is the understanding that if NVTC wishes to revisit this issue, it can do so. Mr. Fisetto explained that there won't be an expectation that the option has to be approved each year.

Mr. McKay stated that there are still logistics that need to be discussed, such as how it works when the Commonwealth's representative isn't present. He does not want to vote on a motion that locks NVTC in. He suggested putting together a working group with the commonwealth and Virginia's WMATA Board members to work through these issues over the next year. The first year of Option #1 should be a trial period to evaluate. Mr. Zimmerman stated that he supports the motion but he also agrees with Mr. McKay that there needs to be a plan for how Virginia goes forward and functions at the WMATA Board level. NVTC may have to pay more attention to Metro issues and

may need to direct more votes. Mr. Cook suggested NVTC form a subcommittee of the two principal and two alternates to discuss these issues and come back to NVTC with recommendations. Mr. Dyke noted that there have already been some discussions. It is fairly clear that we will work collaboratively and work as a team, so when going to Board meetings we will already know differences or agreements. He doesn't think a committee needs to be formed. Mrs. Hudgins asked that a report be brought back in January. Mr. Fisetto asked if it would be helpful to ask the Executive Committee to work with Metro Board members. Chairman Euille stated that it is a good suggestion.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisetto, Hudgins, Hynes, May, McKay, Smedberg, Webb, Whipple and Zimmerman.

NVTC's Draft Work Program and Schedule for 2012

Mr. Taube stated that a draft work program and schedule has been prepared to post on NVTC's website. The public will be invited to comment at a public hearing during NVTC's January 5, 2012 meeting. The work program reflects performance goals recommended by NVTC's Executive Committee. An optional work program and budget item has been added that would enhance NVTC's presence in Richmond during the General Assembly session and all year with other allies. It has significant budget implications that should be considered, since funds are not included in the FY 2012 or FY 2013 budgets. Mr. Taube also stated that Goal #8 has been added to the work program to strengthen NVTC as an organization.

Mrs. Bulova observed that NVTC has received a letter from Loudoun County expressing its opposition to NVTC adding a lobbyist program. (A copy of Chairman York's letter was provided to each commissioner). Mr. Fisetto observed that there are a number of ways to accomplish these tasks and the Executive Committee will meet again before the January meeting to discuss this issue. Delegate Comstock expressed her opinion that it is not necessary to add a lobbyist because NVTC already has a good relationship with legislators. If NVTC can't expand its lobbying efforts with existing staff, she would not want to take funds away from the jurisdictions to pay for it. \$250,000 seems to be a high estimate.

Senator Whipple stated that it is important to not rule out a contract lobbyist. There is a local lack of knowledge about NVTC as an organization and transit in general in Northern Virginia. In the Senate there needs to be a higher level of knowledge about Northern Virginia's transit system, because it is different from the rest of the Commonwealth. NVTC needs to do a better job in educating legislators.

Mrs. Hudgins stated that it is a messaging issue. NVTC may not need to spend \$250,000 but the message of the importance of the region's transit system and its impact on the community needs to be broadcast to the General Assembly and throughout our region.

Delegate Comstock observed that the most effective lobbying effort is when NVTC members come to Richmond and lobby the issues themselves. Chairman Euille noted that it is more involved than that, because there needs to be a daily presence in Richmond monitoring legislation and meeting with legislators.

Mrs. Hynes stated that this is a long-term issue. NVTC is in a position where we aren't getting our position across. NVTC has the possibility to frame the argument in new ways. She sees NVTC as having a tremendous amount of knowledge that crosses jurisdictions but NVTC needs to build on what was done last year with the legislator transit tour to educate legislators of the transit needs of this region. If this region thrives, the commonwealth thrives. Some commissioners feel that we aren't breaking through with our arguments and we need to do something different. NVTC has the possibility to frame the arguments in a new way. Delegate Comstock stated that it would be using taxpayers' funds to lobby for more taxpayer funds. Chairman Euille noted that the commission is not being asked to approve the work program tonight. It will be brought back for action at the January 2012 meeting.

Mr. Fisette moved, with a second by Mr. Zimmerman, to post the draft work program. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Hudgins, Hynes, May, McKay, Smedberg, Webb, Whipple and Zimmerman.

Regional Transportation Items

DRPT's Stakeholder Meeting in Northern Virginia. On November 8th DRPT conducted a Grantee Workshop in Northern Virginia. DRPT staff, including new Chief Operating Officer Kevin Page and Chief Financial Officer Steve Pittard led the meeting.

Georgia HOT Lanes Experiences. Georgia introduced HOT Lanes on I-85 earlier in October, but had a difficult beginning. During rush hour, motorists found themselves stranded in the general purpose lanes as the adjacent HOT Lanes were essentially unused. Drivers seem to balk at paying the stiff \$5.40 toll to enter the HOT lanes.

Governor's Transportation Conference. The conference is scheduled for December 7-9, 2011 in Norfolk, Virginia.

Top 10 Freeway Congestion Locations. The results of the 2011 Freeway Congestion Monitoring Program have been released from the MOITS Technical Subcommittee, which identifies the top 10 traffic bottlenecks in the Washington Metropolitan region.

Status of NVTC's FY 2011 Audit

Although VRE's audited financial statements are complete, PBGH, LLP has not completed the audits for PRTC and NVTC. They will be provided at the January 5, 2012 commission meetings because a new financial accounting regulation (GASB 61)

has complicated this year's audit, as has a determination by FTA that NVTC and PRTC should jointly include VRE in their financial statements.

NVTC's Public Outreach

Each month NVTC staff will provide updates on how NVTC is communicating with the media, the public, transit allies and others that comprise NVTC's public outreach program. During November, staff sent letters to the Northern Virginia congressional delegation in support of extending the current \$230 monthly commuter benefit. Also, staff provided information for a Washington Examiner reporter describing the proposed Vanpool Incentive Program. Other highlights include staff participation in discussions of the Virginia Transit Association's 2012 Legislative Agenda. Mr. Taube serves as the chairman of the VTA Legislative Committee. Staff also attended a Metropolitan Area Transportation Operations Coordination meeting held at VDOT headquarters to discuss the impacts to transit when VDOT decides to lift HOV restrictions.

NVTC Nominating Committee for 2012 Officers

Chairman Euille announced that the Executive Committee will serve as the Nominating Committee to recommend the 2012 slate of officers. The election will occur at NVTC's January 5, 2012 meeting.

NVTC Financial Items for October, 2011

The financial reports were provided to commissioners and they had no questions.

Adjournment

On a motion by Mrs. Hudgins and a second by Mrs. Bulova, the commission unanimously agreed to adjourn. Chairman Euille adjourned the meeting at 10:03 P.M.

Approved this 5th day of January, 2012.

Jay Fiset
Chairman

Paul C. Smedberg
Secretary-Treasurer