

MINUTES  
NVTC COMMISSION MEETING – NOVEMBER 1, 2012  
NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Fisette at 8:11 P.M.

Members Present

Sharon Bulova  
Barbara Comstock  
John Cook  
James Dyke  
Jay Fisette  
John Foust  
Jeffrey Greenfield  
Catherine Hudgins  
Mary Hynes  
Joe May  
Jeffrey McKay  
David Ramadan  
Thomas Rust  
David F. Snyder  
Christopher Zimmerman

Members Absent

Richard H. Black  
William D. Euille  
Mark R. Herring  
Ken Reid  
Paul Smedberg

Staff Present

Doug Allen (VRE)  
Mariela Garcia-Colberg  
Rhonda Gilchrest  
Claire Gron  
Scott Kalkwarf  
Steve MacIsaac (VRE)  
Mark Roeber (VRE)  
Kala Quintana  
Rick Taube

Minutes of the October 4, 2012 Meeting

Mrs. Hynes moved, with a second by Delegate Rust, to approve the minutes. The vote in favor was cast by commissioners Bulova, Cook, Dyke, Fisette, Foust, Greenfield, Hudgins, Hynes, May, McKay, Rust, Snyder and Zimmerman.

VRE Items

Report from the VRE Operations Board and Chief Executive Officer. Mrs. Bulova reported that VRE Average Daily Ridership (ADR) for September, 2012 was 19,036, which was up one percent from September, 2011. She also reported that the final phase of the Franconia-Springfield station rehabilitation project is underway and should be completed by November, 2012. Mr. Allen reported that On-Time Performance (OTP) was 99 percent for the Fredericksburg line and 95 percent for the Manassas line during the month of September. Ridership remains strong and there are frequent days of over 20,000 ADR. Mr. Allen thanked the Fairfax Connector and PRTC OmniRide for their interagency support in providing back-up bus service to transport passengers to their destination stations after a fatality on the tracks on October 10<sup>th</sup>. He also reported that the emergency drill conducted on September 29<sup>th</sup> went extremely well.

VRE Office Condominium Loan. Mrs. Bulova stated that the VRE Operations Board recommends approval of Resolution #2202, which would authorize VRE's CEO to pay the remaining balance of \$300,000 on a loan from SunTrust Bank. She explained that VRE purchased its office condo in 1999 with an initial \$900,000 interest-only loan and refinanced with SunTrust in 2002 for a five-year term. A second five-year term was accepted in 2007 ending on November 15, 2012. The remaining \$300,000 will be fully paid by using funds from the FY 2013 budget and from the FY 2012 year-end surplus.

Mrs. Bulova moved, with a second by Mr. Cook, to approve the resolution. The vote in favor was cast by commissioners Bulova, Cook, Dyke, Fisette, Foust, Greenfield, Hudgins, Hynes, May, McKay, Rust, Snyder and Zimmerman. (A copy of the resolution is attached.)

Assessment of VRE and PRTC Employee Classifications/Salaries. Mrs. Bulova reported that the VRE Operations Board recommends approval of Resolution #2203, which would authorize VRE's CEO to initiate a competitive procurement for the assessment of employee classifications and salaries, which should be useful in evaluating VRE's budget requests. VRE employees are actually PRTC employees. The costs will be shared between VRE and PRTC.

On a motion by Mrs. Bulova and a second by Mr. Cook, the commission unanimously approved the resolution (copy attached). The vote in favor was cast by commissioners Bulova, Cook, Dyke, Fisette, Foust, Greenfield, Hudgins, Hynes, May, McKay, Rust, Snyder and Zimmerman.

Threatened Reduction in VRE Track Lease Payment by DRPT. Mrs. Bulova stated that Congress has reauthorized federal surface transportation programs in MAP-21 but eliminated the Equity Bonus program that the Virginia General Assembly had designated as the funding source for VRE's track lease payments. Mr. Allen initially wrote DRPT asking that DRPT identify another source of funding since Virginia would not lose funds as a result of this change. DRPT Director Drake has notified VRE staff that "...DRPT no longer has a separate source of funds for track lease payments. These payments will be properly recognized as part of VRE's normal operations and will be considered for funding by the Commonwealth as an expense and funded as operating subsidy." Mrs. Bulova stated that as a result, VRE is facing the loss of \$9.6 million for FY 2014.

Delegates Comstock and Ramadan arrived at 8:17 P.M. and 8:19 P.M., respectively.

Chairman Fisette stated that it is his understanding that Virginia is still receiving the same amount of federal funding; it's just not designated as Equity Bonus funds. Mr. Cook explained that Secretary Connaughton has the authority to direct where these funds are allocated. Delegate Rust stated that this change does not impact FY 2013 but goes into effect in FY 2014. Mr. Dyke stated that it is his understanding that a commitment has been made by the Commonwealth to make VRE "whole." Chairman Fisette asked if this commitment is in writing or just a verbal commitment. Mr. Cook stated that he believes that the allocation would need to go through the CTB approval process. Delegate May requested a written description of this issue.

Mr. Taube explained that the General Assembly has earmarked the funds in the budget but it specifies the particular source of funding as Equity Bonus funds, which no longer exists. One solution could be to retain the budget language and amend it to be more general using language such as "...from discretionary federal funding this money shall go to VRE."

Governor's Request for Review of VRE Governance Issues. Mrs. Bulova reported that Governor McDonnell has asked Virginia's Auditor of Public Accounts (APA) and Virginia's Inspector General to coordinate a review of governance issues at VRE. Chairman Fisette stated that he has already been contacted by APA and other NVTC Board members may be contacted as well. NVTC has been asked to provide any available documentation regarding the formation of VRE as well as any specific guidance NVTC follows in their oversight of VRE.

#### DRPT's SJR 297 Report

Mr. Taube reported that DRPT presented its draft final report to the Commonwealth Transportation Board on October 17<sup>th</sup>. DRPT is now accepting comments on the report. Throughout the lengthy study process, NVTC staff has submitted comments to DRPT and participated actively on a stakeholders group.

Because Northern Virginia receives about three-quarters of all statewide transit assistance, any changes to DRPT's methods must be viewed with concern. A draft letter has been prepared for commission discussion.

Mr. McKay moved, with a second by Mr. Snyder, to authorize Chairman Fisette to sign and send the letter to DRPT.

Mr. McKay noted that at the last meeting Mr. Snyder did a good job reminding the commission about the economic impact of transit in Northern Virginia. He asked that this be included in the letter. There were no objections to this friendly amendment. Mr. Dyke suggested that the letter include a specific reference to the local performance standards and to note that they are attached for consideration by DRPT. There were no objections to this friendly amendment.

Mr. Snyder observed that the third paragraph contains a very important point regarding the need for increased transit funding. He suggested either highlighting/underlining the last sentence or making it a stand-alone point. He stated that he is pleased to see that the letter acknowledges that DRPT heard the stakeholders and included in the final report a thorough description of state transit funding needs and highlighted the state's responsibility to help meet those needs. Mr. Snyder asked if NVTC's staff document "Review of DRPT's SJR 297 Report" dated October 25, 2012, should be included as an attachment and/or referenced in the letter. Mr. Taube stated that the staff materials will be sent with the letter, but do not need to be part of the action.

Chairman Fisette stated that he will work with staff to finalize the letter. The commission then voted on the motion and it passed unanimously. The vote in favor was cast by commissioner Bulova, Comstock, Cook, Dyke, Fisette, Foust, Greenfield, Hudgins, Hynes, May, McKay, Ramadan, Rust, Snyder and Zimmerman.

#### Final Report of the Agency Efficiency and Coordination Task Force

Chairman Fisette stated that the final report has been issued by the Task Force. The report has been unanimously approved by the Task Force and NVRC. The final report makes five recommendations. The first recommendation is that none of the consolidation alternatives be pursued at this time. The Task Force found no cost savings or service delivery improvements that warrant the disruption and cost of a legal consolidation between or among the agencies. However, the Task Force recommends that NVTA immediately co-locate with NVRC and align meeting dates. Better coordination of their activities should result in greater efficiencies in the governance, management and operations of both agencies. Should conditions change that would cause reconsideration of a consolidation, such as NVTA being funded as originally intended, it would need to be determined whether a legal consolidation adds value and is worth the effort and cost. Chairman Fisette explained that NVRC was seen as the logical agency since NVRC and NVTA have identical geographical regions. Also, other planning districts throughout the Commonwealth have some role in transportation.

Chairman Fisette reported that the third recommendation is to consider other measures to streamline operations and improve coordination among the agencies. While many of these suggestions have already been implemented to a limited extent and could be expanded for greater benefit, other suggestions are untried but worthy of consideration. The Task Force's fourth recommendation is that NVTC not be consolidated into another agency. The final report includes a list of obstacles in abolishing or merging NVTC.

Chairman Fisette stated that the fifth recommendation is to not pursue a Northern Virginia MPO. The Task Force determined that federal law makes it virtually impossible to establish an MPO because TPB already serves in this capacity. In particular, withdrawing from an existing MPO requires approval from the other members (in this case the District of Columbia, Maryland and its suburban Washington jurisdictions), meaning that it is not an action that Virginia can take unilaterally.

In response to a question from Mrs. Bulova, Mr. Allen reported that PRTC approved the Task Force recommendations without any objection at their meeting tonight.

Mr. Snyder moved, with a second by Mr. McKay, to approve the final report of the Northern Virginia Agency Efficiency and Consolidation Task Force.

Delegate May extended an invitation for NVTC to give a brief presentation to the entire Transportation Committee in early December at a Transportation Conference in Tysons Corner. The committee is receptive to hearing arguments from both sides of this issue.

Mr. Snyder underscored the excellent work and effort from Task Force members and staff. The Task Force looked at the issues from a legal standpoint, a programmatic standpoint, and an efficiency standpoint. The recommendations offer some real efficiencies considering these agencies have very different missions and make-ups. Mr. Zimmerman expressed his appreciation. He stated that it is important to lay out all the issues.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Bulova, Cook, Dyke, Fisette, Foust, Greenfield, Hudgins, Hynes, McKay, Snyder and Zimmerman. Delegates Comstock, May, Ramadan and Rust abstained.

### Legislative Items

Mr. Taube stated that NVTC's Legislative Committee will meet during November to put together a state and federal legislative agenda for 2013. NVTC will be asked to act on those recommendations at the December 6<sup>th</sup> meeting. Commissioners are invited to raise any potential legislative matters to be considered by the committee. The VRE Operations Board has already recommended a legislative agenda that will be

considered by NVC's Legislative Committee and brought forward for action by the full commission on December 6<sup>th</sup> as well.

#### Status Report on Implementation of DRPT's New Grant Procedures

Mr. Taube reported that NVTC has established five new bank accounts in which to receive DRPT grant funds as agents for NVTC's five WMATA jurisdictions. All five of the jurisdictions have received approval from their respective boards/councils to execute DRPT's grant agreements and to submit to DRPT notice that NVTC will serve as their agent. DRPT has concurred with the requests of the cities of Fairfax and Falls Church for NVTC to serve as their agent and FY 2013 funds have begun to be released by DRPT for these jurisdictions. Since DRPT changed its requirements for concurring with NVTC's agent status after the Fairfax County Board of Supervisors gave its approval, county staff is deciding how to proceed. Mr. Taube reported that the October 1<sup>st</sup> WMATA billings were paid in full by all of NVTC's WMATA jurisdictions. This illustrates why it is a good idea to maintain healthy reserves. The next WMATA payments are due January 1, 2013.

#### WMATA Items

Mrs. Hudgins reported that the close out of the FY 2011 budget noted \$29 million in favorable year-to-date expenditures, which was the result of operational savings, increased revenues and reduced expenditures. There is also a \$5.8 million positive variance in the current budget. Mrs. Hudgins also gave an overview of the changes being implemented within the MetroAccess program, including improving the eligibility screening process.

Mrs. Hudgins stated that it is important to note that WMATA did not receive a recommendation on Automatic Train Control (ATC) from the National Transportation Safety Board as other agencies did because of the progress WMATA has already made on ATC. The ATC work that is being done by WMATA has become the standard for other agencies.

Mr. McKay stated that at last month's NVTC meeting, WMATA General Manager Sarles discussed the challenges of implementing an eight-car fleet due to platform lengths, train configurations and ATC. Mrs. Hudgins stated that in reality WMATA is approximately 3-4 years away from being able to run eight-car trains for the entire system. The 7000 series railcars are now being manufactured and delivery will begin in 2013. There are also electrical issues that need to be resolved. Mr. Zimmerman observed that the 7000 series railcars are configured in four-car segments so WMATA will be only able to run four-car or eight-car trains with this series.

## Regional Transportation Items

Motor Fuels Tax Collection Transition. Mr. Taube reported that NVTC and PRTC staff met in Richmond with several senior officials of the Virginia Department of Taxation (TAX) and the Department of Motor Vehicles (DMV), including TAX Commissioner Burns and DMV Commissioner Holcomb. It was a very productive meeting and both departments are paying attention to the tax collection process. TAX has picked up the pace of its ongoing audits. It has been verified that under-reported payments are very modest: \$265,000 for PRTC and \$200,000 for NVTC.

NVTC's Statement to the Commonwealth Transportation Board. On behalf of NVTC, Vice-Chairman McKay has agreed to make a presentation to the CTB on the Six-Year Transportation Program when the hearing is rescheduled.

DRPT's Statewide Transit/TDM Plan Update. On October 8<sup>th</sup> DRPT and its consultants conducted a public stakeholders meeting to present the financial analysis and resource allocation plan for the update. The final version of the plan is expected to be posted on DRPT's website by mid-November and will be used as input for other state transportation plans, including VTrans 2040.

DRPT's SuperNova Plan. DRPT held the last of four stakeholder meetings related to the SuperNova Transit/TDM Vision Plan on October 23, 2012. The purpose of the meeting was to discuss the draft final report and recommendations. In response to previous stakeholder input, the draft final report now includes recommendations addressing transit storage and maintenance facilities needs for VRE, PRTC and Loudoun County Transit, and core capacity constraints for Metrorail and VRE. A recommendation proposing a SuperNova regional transit governance body has been removed.

Northern Virginia Transportation Alliance's Seminar. On October 10, 2012, the Northern Virginia Transportation Alliance held its eighth annual "What You Need to Know about Transportation in Five Minutes or Less" seminar. VRE's CEO, Doug Allen, was one of seven speakers who provided brief status updates on projects and initiatives at their respective organizations. Common themes throughout the seminar included investing in transportation to support economic growth, establishing sustainable revenue streams and increasing state funding for transportation.

TPB Bus on Shoulder Task Force. At the request of the Transportation Planning Board, MWCOG established a TPB Bus on Shoulder Task Force to identify locations in the region to operate buses on shoulders.

I-66 Inside the Beltway Bus on Shoulder Pilot Program. VDOT established this pilot program in response to feedback obtained through stakeholder interviews conducted during the year-long I-66 Multimodal Inside the Beltway Study, completed in September 2012. VDOT is leading the project, with assistance from MWCOG. FourSquare ITP is the consultant on the project.

NVTC Financial Items for September, 2012

The financial reports were provided to commissioners and there were no questions.

Adjournment

Without objection, Chairman Fisette adjourned the meeting at 9:08 P.M.

Approved this 6<sup>th</sup> day of December, 2012.

---

Jay Fisette  
Chairman

---

Paul C. Smedberg  
Secretary-Treasurer





## RESOLUTION #2202

**SUBJECT:** VRE Office Condominium Loan.

**WHEREAS:** In June 2002, VRE entered a loan agreement with SunTrust Bank in the amount of \$900,000 to refinance the original loan for the VRE office condominium at 1500 King Street, Alexandria, Virginia;

**WHEREAS:** The refinanced loan had a five-year term, at which time the bank reserved the right to renegotiate the terms for an additional loan period or require payment of the outstanding balance;

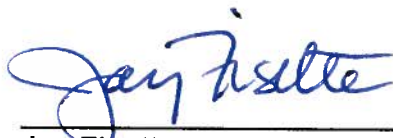
**WHEREAS:** In November 2007, VRE accepted an additional five-year term, at which time the bank again reserved the right to renegotiate the terms for a final five-year period or require payment of the outstanding balance; and

**WHEREAS:** SunTrust Bank has offered a loan at market rates for the final five-year term but the VRE Operations Board is recommending repaying the loan in full to save interest and closing costs.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission authorizes the VRE Chief Executive Officer to repay VRE's loan with SunTrust Bank for the VRE office condominium at 1500 King Street, Alexandria, Virginia in full by November 15, 2012 using \$300,000 from FY 2012 surplus and FY 2013 budgeted funds.

Approved this 1<sup>st</sup> day of November, 2012.

  
Paul C. Smedberg  
Secretary-Treasurer

  
Jay Fisette  
Chairman





## RESOLUTION #2203

**SUBJECT:** Assessment of VRE and PRTC Employee Classifications/Salaries.

**WHEREAS:** The adopted PRTC/VRE personnel policy calls for a classification/salary assessment of positions residing in PRTC and VRE once every three years to ensure that positions are appropriately classified;

**WHEREAS:** The last such assessment was done in 2006 (FY 2007), meaning it should have been done in 2009 (FY 2010) but wasn't for austerity reasons;

**WHEREAS:** Assessments of this sort historically have been internal staff efforts without outside consulting assistance;


**WHEREAS:** The VRE Operations Board has expressed a desire for another such assessment to be expedited, with consultant assistance, in light of the extended length of time since the last such assessment; and

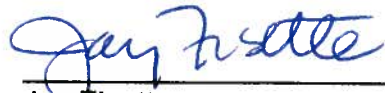
**WHEREAS:** The PRTC and VRE adopted purchasing policy requires that consulting assistance be competitively procured, and both the scope and expected cost of this assistance is such that both the Operations Board and Potomac and Rappahannock Transportation Commission must approve the commencement of the procurement.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby recommends that the Potomac and Rappahannock Transportation Commission authorize the VRE Chief Executive Officer to initiate a competitive procurement for this purpose, as a collaborative effort by PRTC and VRE management with the cost of the effort being borne equally by PRTC and VRE; and

**BE IT FURTHER RESOLVED THAT** following the completion of the competitive procurement, a recommendation for award should be brought back to the VRE Operations Board and Potomac and Rappahannock Transportation Commission for approval.

Approved this 1<sup>st</sup> day of November, 2012.

  
Paul C. Smedberg  
Secretary-Treasurer

  
Jay Fisette  
Chairman

