

MINUTES
NVTC COMMISSION MEETING – MARCH 7, 2013
NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman McKay at 8:04 P.M.

Members Present

Sharon Bulova
Barbara Comstock
John Cook
James Dyke
William D. Euille
Jay Fisette
John Foust
Jeffrey Greenfield
Mark R. Herring
Catherine Hudgins
Mary Hynes
Joe May
Jeffrey McKay
Thomas Rust
Paul Smedberg
David F. Snyder
Christopher Zimmerman

Members Absent

Richard H. Black
David Ramadan
Ken Reid

Staff Present

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

Minutes of the January 3, 2013 Meeting

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

VRE Item

Mr. Allen reported that VRE's overall on-time performance (OTP) for the month of February was almost 97 percent (98 percent on the Manassas line and 95 percent on the Fredericksburg line). VRE ridership also remains strong at over 19,000 average daily riders for the month of February. On January 29th, VRE carried over 21,000 riders, which is VRE's second highest all-time record. He also reported that on February 7th VRE hosted a Legislative Appreciation Reception in Richmond. Legislators, their staffs and others were able to tour a VRE train. At the reception, VRE recognized two members of the General Assembly for their long-time support for VRE. Senator Charles Colgan and Delegate Joe May are the first recipients of the VRE Appreciation and Leadership Award. Mr. Allen also announced that public hearings are underway throughout the region regarding the proposed four percent fare increase that would go into effect July 1, 2013. Mrs. Bulova noted that there are no VRE action items.

NVTC's FY 2014 State Transit Assistance Application

Mr. Taube stated that Resolution #2211 would authorize NVTC staff to submit state transit assistance applications to DRPT on behalf of NVTC's five WMATA jurisdictions for regional and local bus and Metrorail service and on behalf of VRE. He directed commissioner's attention to the blue agenda item which includes a small change made under Arlington County's grant request amount. He also conveyed the good news that there is more funding coming to the region in FY 2014 compared to last year.

Mr. Zimmerman moved, with a second by Mrs. Bulova, to approve Resolution #2211 (copy attached). The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Greenfield, Hudgins, Hynes, May, McKay, Rust, Smedberg, Snyder and Zimmerman.

Disadvantaged Business Enterprise Policy, Program and Goal

Mr. Taube stated that the commission is being asked to adopt Resolution #2212, which would establish a Disadvantaged Business Enterprise (DBE) policy, program and three-year goal for NVTC's federally funded projects. He explained that NVTC established such a policy, program and goal earlier in 2012 but FTA has asked for revisions, including the goal to be increased from 6.7 to 10.3 percent. NVTC's revised

policy, program and goal were made available to the public for the required 45 days for comment.

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

Legislative Items

Mr. Taube reported that the Governor's transportation bill (HB 2313) passed both houses and now awaits the Governor's signature. The bill contains statewide revenue components that will provide roughly \$880 million annually for transportation funding by 2018. There is also a regional component for Northern Virginia which will provide another \$300-350 million annually, which will flow directly to NVTa. Secretary Connaughton has asked NVTa for feedback and any technical amendments that should be considered before the Governor signs the bill into law.

Mr. Euille applauded Governor McDonnell for stepping forward to introduce legislation that will fund transportation needs. He was glad to see the result was some type of package, although it is a hodge-podge of approaches and he is not sure it will all work. In his opinion, taking away the 17.5 cent gasoline tax was a mistake. He thanked those legislators who voted for HB 2313 because the region is better off having some plan of action as opposed to having nothing. He expressed concern about the \$200 million being taken out of the General Fund, which means funds are being taken away from other critical services, such as education.

Chairman McKay specifically thanked those legislators who assisted in getting the funding for the Dulles Rail project included in the legislative package. Mrs. Bulova also expressed her appreciation to Governor McDonnell and members of the General Assembly who worked so hard on this legislation. It is very hard to get legislation passed that will please everyone. However, this legislation is in the spirit of what this region requested—significant increases in transit funding, new funding sources, and sustainable funding.

Senator Herring arrived at 8:15 P.M.

Mr. Zimmerman agreed with Mr. Euille's comments. He stated that in order to assess this legislation, it is important to understand what it will accomplish. It is his understanding that the transit funding will flow from several funding sources, including the federal Marketplace Equity Act. If this legislation is not approved by Congress, he asked if it will result in a lower funding amount for transit because the substitute revenue source may not be distributed in the same way. Delegate May stated that he believes the substitute revenue source will use the same allocation formula. The intent of the legislation is to allow the region to raise revenues here and spend them here.

Mr. Snyder observed that any movement in the direction of more transit funding is generally a good thing. He hopes this legislation will live up to its promises and it can be implemented as efficiently as possible. He also hopes that this complicated group of taxes, which is replacing a simple tax, will work. On a local matter, the 12 percent tax on small businesses is a burden that they cannot bear.

Mr. Fisette asked for insights from NVTC's General Assembly members regarding HB 2313. Delegate Rust observed that it was lawmaking at its best. He gives the Governor credit for putting forth a legislative proposal to get something accomplished. He is confident that it will raise the projected revenues. A critical component was that Northern Virginia and Hampton Roads, which are both different from the rest of the state and should be treated differently, are now allowed to raise, keep and spend revenue. The transit occupancy tax will generate \$347 million annually, which will flow to NVT. There are a number of conditions, including that it can only be spent on transportation. In a response to Mr. Fisette, Delegate Rust explained that if it is used for anything else, the taxes will vanish at the end of that year. Chairman McKay asked if there is a chance that this provision could be changed by the Governor so that if any one jurisdiction spends it incorrectly all the jurisdictions would not be penalized.

Senator Herring observed that the Speaker of the House did an outstanding job when he ruled the Senate redistricting plan non-germane. It was like a "reset" button had been pushed and it removed the toxic atmosphere in the Senate, which allowed members to work together on this legislation. It was a big step for General Assembly members to recognize the need for new revenue for transportation funding. Within a large legislative package, there will always be things to like and dislike, but it is all about compromise.

Delegate May stated that one of the biggest challenges was addressing statewide maintenance, which was resolved by the 3.5 percent gas tax. It is also indexed, so as gasoline prices increase so will the gas tax. The important thing is that this legislation allows the Northern Virginia region to collect revenues and spend them in the region as opposed to the current system of only having 30-cents on every tax dollar returned to this region. Delegate Rust and Delegate Albo deserve a lot of credit for getting this legislation passed. Delegate Rust acknowledged Delegate May and his important role. Delegate May also acknowledged DRPT Director Drake for her efforts.

Delegate Comstock stated that she voted against HB 2313 because of her concern regarding double taxation for Northern Virginia taxpayers and the new tax component for hybrid vehicles.

WMATA Items

Mrs. Hudgins reported that WMATA's General Manager set 12 targeted goals according to the strategic plan. Eight are on target and two have seen improvement from last year. Both Metrorail and Metrobus on-time performance and reliability saw

significant improvements over the last year. MetroAccess has continually been on target for the last two years. Elevator and escalator availability improved over the last year and customer injuries were down 10 percent. Crime rates in parking lots reached an all-time low, however small thefts of small electronic devices drove crime rates up on bus and rail. WMATA is beginning to see the funding commitments made by the federal, state and local jurisdictions pay off.

Mrs. Hudgins also reported that the General Manager, Richard Sarles, is in his third year of a three-year contract. Both the WMATA Board and Mr. Sarles are willing to consider a contract renewal. It is important to have continuity especially since WMATA is making progress.

Chairman McKay observed that the Dashboard Report is very helpful and thanked Mrs. Hudgins for updating the commission on the WMATA General Manager's review process. He stated that the investments to the Metro system are beginning to pay off in the quality of service provided to riders. He agreed continuity is important, especially with several upper management personnel departing WMATA in the near future. Public safety is also important.

Mr. Dyke stated that the WMATA Board adopted a resolution honoring Mrs. Hudgins for her two consecutive terms of steady leadership as WMATA's Board Chairman. Chairman McKay noted that her leadership was during some difficult times. Mrs. Hudgins stated that she did not do it by herself and it takes a good General Manager and his leadership team, as well as the WMATA Board's cooperation, to get things accomplished.

Mrs. Hynes stated that as NVTA starts up again, it will be important to convey WMATA's big project needs, including eight-car trains, dedicated bus ways, and switch improvements to provide for an effective connection of the Silver Line with the Blue Line. These would be great transit projects to fund with some of the new revenues resulting from HB 2313.

Delegate Comstock asked about the crime issue, especially as it relates to human trafficking and if WMATA has seen any improvement. Mrs. Hudgins replied that this issue needs to be focused on at a regional level.

Mr. Snyder expressed his support for eight-car trains. He also stated that something that is low cost and high impact in terms of service to the riders is improved communication. He asked NVTC's WMATA Board members to take this issue back to the Board. He stated that it is important to get the riders to participate more with management.

DRPT Report

Chairman McKay explained that he requested that DRPT include a report to NVTC each month in order to provide better communication between NVTC and DRPT.

Mr. Dyke commended Chairman McKay for his suggestion and feels that it will be beneficial to strengthen communication between the two agencies.

Mr. Dyke reviewed some of the behind the scenes events that occurred during the General Assembly Session which reflected cooperation and coordination between the jurisdictions and the Commonwealth. He reported that because of the federal sequestration, it is likely that the Commonwealth will lose some PRIAA funding. However, the Commonwealth is still committed to paying its full share of the \$50 million contribution for WMATA service. As a result of HB 2313 a new Service Delivery Advisory Board is being created, which will include among others representatives from VTA, VACO and VML. He encouraged NVTC to coordinate with its jurisdictions to determine local officials from Northern Virginia who will serve on this Board.

Mr. Dyke gave a report on various projects throughout the Commonwealth. He reported that DRPT held a meeting to assist in getting the Route 1 Corridor project moving forward. The SuperNova study is complete and the action plan is being developed. DRPT is encouraging more local input as this study moves forward. He stated that two DRPT employees are embedded at WMATA and MWAA (Metropolitan Washington Airports Authority) for DRPT oversight. Joe Schwartz is at WMATA and Phil Leon is at MWAA. DRPT has provided congestion mitigation funding to reduce the VRE step-up fare from \$5 to \$3 during the I-95 HOT Lanes construction project. The draft EIS has been signed for the I-66 Outside the Beltway study and public hearings have been scheduled.

Mr. Dyke stated that as soon as the new NVTC Executive Director is identified, he and DRPT Director Drake are prepared to meet with the new Executive Director and Chairman McKay to discuss ways to further enhance communication between NVTC and DRPT.

Regional Transportation Items

Transit Systems Receiving Support from Toll Revenues. An NVTC commissioner asked staff to research this issue. According to the Federal Highway Administration (FHWA) in 2010 four states distributed state toll revenues for mass transit purposes, including California (\$27.4M), Delaware (\$73.4M), New Jersey (\$6.7M) and New York (\$518M). Also two states distributed local toll revenues for mass transit: California (\$38.5 M) and New York (\$762M). According to the FY 2011 National Transit Database filings to FTA, 36 transit agencies in 11 states and territories reported receiving funding from tolls.

Virginia State Contributions for Hampton Roads Transit and Dulles Rail. NVTC staff responded to a request from a commissioner concerning capital contributions by the Commonwealth for the Dulles Rail project as compared to the Hampton Roads Transit (HRT) called the "Tide."

Regional Transportation Data Clearinghouse. In order to improve access and facilitate transportation data sharing in the region, the National Capital Region Transportation Planning Board (TPB) staff is creating the Regional Transportation Data Clearinghouse (RTDC).

MWCOG Survey: What Do People Think About Congestion Pricing? TPB, in partnership with the Brookings Institution, studied public support for congestion pricing in the Washington, DC metropolitan area. The final draft of the report was released in January, 2013.

Texas Transportation Institute 2012 Urban Mobility Report. In February 2013, TTI released this annual publication examining congestion throughout the United States. According to the report, congestion in 2011 was below its 2005 peak; however, as the economy recovers, so too will congestion levels.

NVTC Financial Items for December, 2012 and January, 2013

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

Presentation to Mr. Taube

Senator Herring, Delegate May, Delegate Rust and Delegate Comstock presented a General Assembly resolution approved by both Houses expressing appreciation for Mr. Taube's almost 30 years of service as NVTC's Executive Director. Senator Herring presented the framed resolution to Mr. Taube.

Mr. Snyder thanked Mr. Taube for his service. He noted that Mr. Taube always treated the smaller jurisdictions as equals with the larger jurisdictions. Mrs. Bulova expressed her appreciation for Mr. Taube for making things happen in transit that were pivotal in changing the Washington Metropolitan region, including the expansion of the Metro system, both rail and bus, as well as the creation and establishment of VRE. She added that Mr. Taube was very effective in working behind the scenes to advance transit.

Closed Session

Chairman McKay moved, with a second by Mr. Smedberg, to convene a closed session, as authorized by Virginia Code section 2.2-3711.A.1, for the purpose of discussing a personnel matter.

The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fissette, Foust, Greenfield, Herring, Hudgins, Hynes, May, McKay, Rust, Smedberg, Snyder and Zimmerman.

The commission entered into closed session at 9:15 P.M. and returned to open session at 9:51 P.M.

Mr. Zimmerman moved, with a second by Mrs. Bulova, the following certification:

The Northern Virginia Transportation Commission certifies that 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 by the commission.

The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, May, McKay, Rust, Smedberg, Snyder and Zimmerman.

Mr. Fisette moved, with a second by Delegate Rust, to approve Resolution #2213, which would authorize the Executive Committee to transmit an offer of employment and authorize the Chairman to execute an employment agreement with the candidate discussed during the Closed Session. (A copy of the resolution is attached.) The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, May, McKay, Rust, Smedberg, Snyder and Zimmerman.

On behalf of the commission, Mrs. Hudgins acknowledged Mr. Fisette's leadership role in the search for a new Executive Director. Mr. Fisette announced that the offer of employment to serve as NVTC's new Executive Director will go to Kelley Coyner.

Adjournment

Without objection, Chairman McKay adjourned the meeting at 9:52 P.M.

Approved this 4th day of April, 2013.

Jeffrey McKay
Chairman

David F. Snyder
Secretary-Treasurer



RESOLUTION #2211

SUBJECT: Approval of FY 2014 NVTC and VRE State Administrative/FTM, Capital, and Related Grant Applications and Authority to Apply for Funds from the Commonwealth Transportation Board, Federal Transit Administration and other Grant Agencies.

WHEREAS: The Northern Virginia Transportation Commission (NVTC) wishes to obtain state and federal grants to help defray NVTC, WMATA, local bus systems and Virginia Railway Express (VRE) operating and capital costs.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission's executive director is authorized, for and on behalf of NVTC and as an agent for its members, 1) to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT), for grants of public transportation assistance for the fiscal year 2014 commencing July 1, 2013 in the amount of \$216.7 million to defray the public transportation cost of NVTC and its members for administration, fuels, tires, lubricants and maintenance parts at a matching ratio of 95%; 2) to accept from DRPT grants in such amounts as may be awarded; and 3) to furnish DRPT such documents and other information as may be required for processing the grant request.

BE IT FURTHER RESOLVED that NVTC's executive director is authorized, for and on behalf of NVTC and its members, 1) to file an application to DRPT, for grants of public transportation assistance for FY 2014 for capital expenses in an amount that will not exceed \$114.9 million to defray up to 95 percent of the costs borne by NVTC and its members for equipment, facilities and the associated expenses of any approved capital grant; 2) to revise the capital portion of the application to reflect refined estimates by WMATA or local governments when they become available; 3) to accept from DRPT grants in such amounts as may be awarded; and 4) to furnish to DRPT such documents and other information as may be required for processing the grant request.



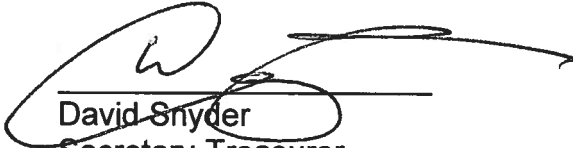
BE IT FURTHER RESOLVED that NVTC's executive director is authorized, for and on behalf of NVTC and PRTC and their members, 1) to execute and file FY 2014 VRE applications to DRPT and to seek up to \$14.7 million for FTM and administrative costs and up to \$12.7 million for capital; 2) to revise the application to reflect refined estimates by VRE; 3) to accept from DRPT grants in such amounts as may be awarded; and 4) to furnish to DRPT such documents and other information as may be required for processing the grant request.

BE IT FURTHER RESOLVED that NVTC certifies that the funds for all of the above grants will be used in accordance with the requirements of Section 58.1 638.A.4 of the Code of Virginia, that NVTC will provide matching funds in the ratio required by the Act, that the records of receipts of expenditures of funds granted to NVTC may be subject to audit by DRPT and by the State Auditor of Public Accounts, and that funds granted to NVTC for defraying the public transportation expenses of NVTC shall be used only for such purposes as authorized in the Code of Virginia.

BE IT FURTHER RESOLVED that NVTC's executive director is authorized, for and on behalf of NVTC and its members, to furnish to TPB, CTB and other state and federal funding agencies such documents, information, assurances and certifications as may be required for pursuing the above grant requests and continuing previously awarded grants.

BE IT FURTHER RESOLVED that NVTC's executive director is authorized to amend the above described applications at the request of NVTC's member jurisdictions to include the most recent information and project costs.

Approved this 7th day of March, 2013


David Snyder
Secretary-Treasurer


Jeffrey McKay
Chairman



RESOLUTION #2212

SUBJECT: Disadvantaged Business Enterprise Policy, Program and Goal.


WHEREAS: The Federal Transit Administration (FTA) requires grant recipients to adopt a policy, program and goal for awarding contracts to certified Disadvantaged Business Enterprises (DBE); and

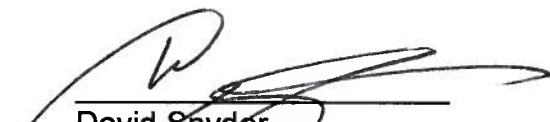
WHEREAS: NVTC has relied on PRTC to adopt such policies, program and goals and file mandatory reports on behalf of NVTC (and VRE), but now FTA is requiring NVTC to adopt its own policy, program and goal.

WHEREAS: At its January 3, 2013 meeting NVTC authorized staff to seek public review and comment on the draft policy, program and goal with no comments received.

NOW, THEREFORE BE IT RESOLVED that the Northern Virginia Transportation Commission hereby authorizes its staff to publish immediately the proposed policy, program and goal of at least 10.3 percent of its federally funded contract value to be awarded to DBE's for the three-year period of FY 2012-2014.

Approved this 7th day of March, 2013.



Jeffrey McKay
Chairman

David Snyder
Secretary-Treasurer



RESOLUTION #2213

SUBJECT: Offer of Employment as NVTC's Executive Director.

WHEREAS: NVTC's Executive Director announced his retirement on December 6, 2012 and on that date the commission authorized NVTC's Executive Committee to recruit candidates for the vacant position;


WHEREAS: Following a nationwide recruiting effort, NVTC's Executive Committee has recommended a candidate; and

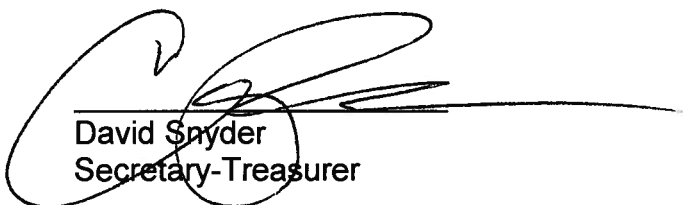
WHEREAS: The full commission has interviewed that candidate.

NOW, THEREFORE BE IT RESOLVED that the Northern Virginia Transportation Commission authorizes its Executive Committee to transmit an offer of employment to the candidate consistent with the confidential instructions dated March 7, 2013 discussed during the just concluded closed session.

BE IT FURTHER RESOLVED that the Executive Committee is hereby authorized to finalize, and the chairman is authorized to execute on the Commission's behalf an employment agreement with said candidate consistent with those confidential March 7th instructions.

Approved this 7th day of March, 2013.


Jeffrey McKay
Chairman


David Snyder
Secretary-Treasurer

