

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

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

Members Present

Sharon Bulova
John Cook
James Dyke
William D. Euille
Jay Fisette
John Foust
Jeffrey Greenfield
Catherine Hudgins
Mary Hynes
Jeffrey McKay
David Ramadan
Paul Smedberg
David F. Snyder
Christopher Zimmerman

Members Absent

Richard Black
Barbara Comstock
Mark R. Herring
Joe May
Ken Reid
Thomas Rust

Staff Present

Doug Allen (VRE)
Kelley Coyner
Rhonda Gilchrest
Claire Gron
Kala Quintana

Minutes of the October 3, 2013 NVTC Meeting

On a motion by Mrs. Bulova and a second by Mr. Smedberg, the Commission approved the minutes. The vote in favor was cast by Commissioners Bulova, Cook, Dyke, Euille, Fisette, Foust, Greenfield, Hudgins, Hynes, McKay, Ramadan, Smedberg Snyder and Zimmerman.

NVTC Executive Director's Report

Chairman McKay stated that he and Ms. Coyner both agree that an Executive Director's Report should be a regular feature of NVTC meetings in order for the Executive Director to update the Commission on what NVTC staff is accomplishing.

Ms. Coyner gave an overview of the activities over the past month. NVTC participated in a Fairfax Delegation Meeting and will continue courtesy meetings with General Assembly members and working with the Legislative Committee to develop NVTC's State and Federal Legislative and Policy Agenda for 2014. Ms. Coyner reported that Kala Quintana has also been working closely with jurisdictional staff and other regional partners in monitoring the development of their legislative agenda.

Ms. Coyner encouraged Commissioners to provide comments on the draft NVTC Legislative and Policy Agenda, which will be distributed prior to the next NVTC meeting. The Legislative and Policy Agenda will be discussed and approved at NVTC's December 5, 2013 meeting. NVTC has also invited the Northern Virginia General Assembly Delegates and Congressional Delegates to NVTC's December 5th meeting to participate in the legislative discussion.

Ms. Coyner also reviewed activities including site visits to the jurisdictions and local transit systems, as well as other partnership activities. At the request of the jurisdictions, NVTC staff is working to convene a Transit Demand Management Agencies Work Session. NVTC is also working with PRTC to schedule a joint meeting, possibly in February in Richmond, and a co-sponsored event later in the spring.

Ms. Coyner also noted that the Executive Committee will serve as the Nominating Committee to recommend a slate of officers for 2014. She encouraged Commissioners to provide suggestions or comments to any Executive Committee member with respect to nominations for 2014.

VRE

Report from VRE. Mr. Allen reported that VRE received notification that it will receive an additional \$15 million for FY 2014 from the MAP-21 State of Good Repair Program. This will allow the VRE Operations Board at its November 15th meeting to consider using these funds to purchase seven railcars to replace the remaining Legacy railcars. This will virtually give VRE a complete new fleet.

Mr. Allen reported that overall on-time performance (OTP) for the month of October was 94 percent systemwide. The federal government shutdown impacted 30 percent of VRE ridership during that time, but ridership bounced back immediately as soon as the shutdown was over. Mr. Allen also reported that VRE continues to work on the VRE System Plan and it is anticipated that it will be completed by December 2013.

VRE's Financial and Debt Management Principles. Mrs. Bulova reported that the VRE Operations Board recommends Commission approval of Resolution #2226, which would approve VRE's Financial and Debt Management Principles. She explained that the VRE Capital Committee, chaired by Jonathan Way, met over the last year and established a set of Financial and Debt Management Principles for VRE.

Mrs. Bulova moved with a second by Mr. Smedberg, to approve Resolution #2226 (copy attached with the VRE Financial and Debt Management Principles). The vote in favor was cast by Commissioners Bulova, Cook, Dyke, Euille, Fisette, Foust, Greenfield, Hudgins, Hynes, McKay, Ramadan, Smedberg Snyder and Zimmerman.

Appointments of John Cook as Chairman and Jonathan Way as Vice Chairman to the VRE Joint Audit Committee. Mrs. Bulova reminded the Commission that it voted last month to establish a VRE Joint Audit Committee. VRE Operations Board Chairman Smedberg has recommended that Mr. Cook be appointed to serve as Chairman of that committee. It also makes sense to appoint a Vice Chairman and Mr. Way, a PRTC Commissioner, has agreed to serve in this capacity. Since the Joint Audit Committee is tasked to perform a function on behalf of the Commissions, it is appropriate for the appointments to be affirmed by the Commissions.

Mrs. Bulova moved approval of Resolution #2227, which approves these appointments (copy attached). Mr. Greenfield seconded the motion. The vote in favor was cast by Commissioners Bulova, Cook, Dyke, Euille, Fisette, Foust, Greenfield, Hudgins, Hynes, McKay, Ramadan, Smedberg Snyder and Zimmerman.

Chairman McKay requested that a minor typographical error be corrected in the second whereas clause so that the word "the" be deleted in the first line. There were no objections.

The Commission then voted on the motion and it passed. The vote in favor was cast by Commissioners Bulova, Cook, Dyke, Euille, Fisette, Foust, Greenfield, Hudgins, Hynes, McKay, Ramadan, Smedberg Snyder and Zimmerman.

Ms. Coyner gave an update on the work already being done with the VRE Joint Audit Committee. She reported that she participated with Mr. Cook, Mr. Way, Mr. Harf, and Mr. Allen in a preliminary planning session where they paid special attention to the Management Audit. Mr. Allen is ready to work with the committee next week to define a scope of work.

WMATA Momentum Support. Mrs. Bulova reported that the VRE Operations Board passed a resolution at its October meeting that endorses the WMATA Momentum Plan. NVTC endorsed it in June 2013.

VRE System Plan Update. Mrs. Bulova reported that the VRE Operations Board received a briefing on the preliminary recommendations for the VRE System Plan at its last meeting. VRE staff and the consultant continue to work on this long-range system plan to guide system investments through 2040. As Mr. Allen stated previously, VRE plans to finalize the draft plan by the end of the year.

Results of the 2013 Annual Customer Service Survey. Mrs. Bulova reported that the results of the VRE annual customer survey, which was conducted last May, were presented to the VRE Operations Board. The survey was completed by 6,305 riders. VRE continues to see improvement in nearly every category. While on-time performance (OTP) has been the number one concern for VRE riders for many years, this year passengers identified pricing as the number one issue. The survey shows that 89 percent of responders rated OTP as excellent or above average, the highest rating VRE has ever received in this category. Passengers also identified more frequent service and more seats on trains as their biggest priorities to be addressed in the next year.

Transit Service Delivery Advisory Committee (TSDAC)

Chairman McKay introduced Cindy Mester from Falls Church who is a member of the Transit Service Delivery Advisory Committee (TSDAC). Ms. Coyner reported that the Commonwealth Transportation Board adopted the performance-based operating assistance allocation methodology recommended by TSDAC at its meeting on October 17th. The CTB did not address NVTC's objection to the way in which DRPT calculated Metrorail ridership.

Ms. Coyner also reported that TSDAC approved the capital assistance allocation methodology including the switch to calculating state share based on total (gross) cost instead on non-federal (net) cost. In addition to undermining the adopted tiering approach, the change from net to gross cost will increase the local contribution required in NVTC jurisdictions by an estimated \$17 million and will put tremendous pressure on NVTC jurisdictions to federalize their systems. This in turn penalizes this region and will cause a shift in the amount of state assistance. Northern Virginia already makes the greatest level of funding contributions to its transit system network.

Ms. Coyner also explained that TSDAC rejected proposals from Cindy Mester and Al Harf which would have addressed these concerns by adopting a hold harmless provision for a fixed time or by postponing the implementation date of the change in the approach to calculating the state share. Either approach would have allowed DRPT to base their recommendation on more accurate data and with much needed information on how federal funding will affect the allocation of state capital funds over the next three years. Al Harf and Cindy Mester were the only ones to cast "no" votes. They have

prepared a Minority Report outlining the issues. At this point, the TSDAC recommendations have gone out for public comment, which are due by November 28, 2013. The Commonwealth Transportation Board (CTB) is expected to take action on the TSDAC capital recommendation at its December 4th meeting.

Ms. Mester thanked NVTC and other jurisdictional staff for their assistance during the TSDAC process over the last six months. She explained that the October 29th TSDAC divided vote was the only time that TSDAC made a decision that was not unanimous. She reviewed the three main reasons for their dissenting vote outlined in the Minority Report regarding the recommendations:

- 1) They undermine the tiered approach;
- 2) Is premised on assumptions about future federal funding that are highly conjectural; and
- 3) Results in an outcome whereby Northern Virginia is the only area of the state that would have to increase local support in percentage terms to capture the increased state funding promised by HB 2313.

Ms. Mester reviewed the counterproposals she presented at the meeting, including a one-year delay in implementation or a two-year hold harmless, but they did not muster sufficient support by the majority of TSDAC. TSDAC did agree to consider the suggestions as part of the work program that could result in changes in the future. Since Northern Virginia stands to be negatively impacted by the majority recommendations for years before assessment of this issue might lead to an amendment, Ms. Mester and Mr. Harf felt compelled to cast dissenting votes.

Chairman McKay thanked Ms. Mester and Mr. Harf for their valiant efforts. Ms. Mester replied that it has been an honor to serve in this role representing Northern Virginia.

In response to a question from Mr. Fisette, Mrs. Hynes observed that based on the TSDAC recommendations, Northern Virginia's match will be 30 percent compared to most of the other regions having only to pay four percent. Mr. Smedberg had several questions concerning percentages for Hampton Roads region. Chairman McKay observed that the Hampton Roads rail project is not being treated the same way Metrorail is. It seems that TSDAC recommendations are advantageous to all other areas in the Commonwealth, including Hampton Roads. Ms. Mester replied that this is why they requested postponing action.

Mr. Snyder asked what action is needed by NVTC and/or the individual jurisdictions. Ms. Coyner explained that NVTC has already given authorization at its last meeting to Chairman McKay to submit comments on behalf of the Commission. It would be helpful for jurisdictions to also submit comments. Since these are complex issues and it is important to get comments correct, NVTC is available for technical assistance to the jurisdictions. Mr. Snyder asked if there is a way to describe the issue

so that the public can understand especially how it impacts them. He requested NVTC prepare an understandable description of the issues in order to engage our citizens. He stated that the public has the right to know that Northern Virginia is being treated unfairly and different than other areas of the state. Ms. Mester noted that the Minority Report was meant to be a technical report.

Chairman McKay agreed that it is important to describe it in layman's terms so the public can understand. He also expressed his opinion that NVTC should send it to the Northern Virginia General Assembly Delegation so they know Northern Virginia's concerns. Mr. Dyke stated that in addition to written comments, it is important to keep the dialogue open between NVTC and DRPT and he encouraged NVTC to continue to work to set up a meeting between the two organizations before the November 29th comment deadline. Delegate Ramadan asked that the information provided to the General Assembly Delegation include recommendations on how NVTC would like to see this resolved. Chairman McKay also observed that this issue will be part of NVTC's Legislative and Policy Agenda, which will be discussed at next month's meeting.

Mrs. Hynes also agreed that it is important that NVTC make the point to the public of why this matters and what it means for people living in Northern Virginia. One way to make this point is to review how much more local funds would be needed to access the state funding over the last three years. This could be done for each jurisdiction. She also noted that this basically becomes another tax increase for the citizens of this region, on top of the tax increases resulting from HB2313 to pay for transportation. These are the reasons why it matters. It is about economic activity of this region and the amount of revenue sent down to Richmond from this region. It is important to make it tangible for the public to understand. The point is also how much taxpayers in Northern Virginia should have to pay in order to access the revenue that is sent to Richmond. Mrs. Hudgins agreed that that this is an important point.

Mr. Zimmerman observed that part of HB2313 requires local jurisdictions to maintain their local level of effort. In this case, the state will not be maintaining its level of effort. He stated that we want a state level of effort as they require of us at the local level.

Delegate Ramadan strongly encouraged NVTC to include in its Legislative Agenda support for a bi-partisan effort to seek legislation to change the CTB allocation formula. He plans to sponsor legislation again this year.

Mr. Snyder again on behalf of NVTC thanked Ms. Mester and Mr. Harf for their efforts on TSDAC.

NVTC Financial Items

NVTC Financial Report for September 2013. The financial report was provided to Commissioners and there were no questions.

NVTC State Assistance Process. Ms. Coyner stated that as discussed at last month's meeting, NVTC's jurisdictions have not received their capital and operating funds from DRPT. To date, reserve funds from the Trust Fund Account have been used to cover the first two quarterly payments to WMATA, but NVTC will not be able to do so for the payment due January 1, 2014. Chairman McKay explained that \$40 million in state operating and capital has not been received. He asked for an update from DRPT. Joe Swartz reported that at this time, the jurisdictions have the contracts and DRPT is waiting for them to be returned. He agreed that it has been a lengthy process. Chairman McKay observed that there needs to be a more efficient approach to this because the number of agreements now that the jurisdictions need to approve has increased fivefold. Mr. Swartz stated that there is an understanding by DRPT that tweaks could help improve the process. This is the first year of implementation and it has taken a lot longer than expected. It should be quicker next year. Mr. Dyke stated that DRPT will continue to work on this issue and add it to agenda for the meeting between DRPT and NVTC.

Chairman McKay observed that this has had a big impact especially on the smaller jurisdictions that do not have large reserves. Mr. Fisette observed that the January 1st deadline is only six weeks away. He reminded the Commission that it was criticized in the past for amounts in the Trust Fund reserves, but this problem proves that it is good that NVTC has a large reserve otherwise the bills would not have been paid. Ms. Hynes stated that it is fortunate that this did not coincide when the District could not make its WMATA payment because of the federal government shutdown. WMATA would have been in a terrible financial position. Ms. Coyner stated that staff continues to monitor this. In the case of Fairfax County, one of the project agreements has a \$4 million invoice that cannot proceed until the project agreement issues are resolved.

FY 2014 Proposed Revised Budget. Chairman McKay reported that when Ms. Coyner was hired as NVTC's Executive Director she was asked to review NVTC management. Ms. Coyner stated that her preliminary management review looked at the core functions, including finance, human resources, safety and security, and technology issues. Based on her review, she identified gaps which resulted in her making a series of changes in job functions in order to better align staff with the current needs of NVTC and its member jurisdictions. In addition, several measures have been identified that have no fiscal impact that can help assure NVTC takes advantage of new opportunities, especially with the New Electronic Payments Program (NEPP) and NVTA regional funding.

Ms. Coyner explained that a proposed budget adjustment of \$169,000 is being requested to partially bridge gaps for FY 2014. This adjustment is spread across four principal budget lines and will better align the resources to NVTC's priorities. This plan was developed in consultation with the Executive Committee.

Chairman McKay explained that the Executive Committee discussed the question of whether we want to take NVTC to the next level in communication and outreach, as well as professional development, or are we content to keep it status quo.

This budget adjustment would fill some gaps especially in communication, IT support and legislative issues. He explained that this links back to the new Executive Director's Report being featured in the agenda in which the Commission will be getting better feedback on what NVTC as a staff is doing to promote issues both regionally and at the state level.

In response to a question from Chairman McKay about the timing of the action, Ms. Coyner stated that staff is seeking approval at this meeting.

Mr. Dyke moved, with a second by Mr. Smedberg, to approve the budget adjustment. The vote in favor was cast by Commissioners Cook, Dyke, Euille, Fisette, Foust, Greenfield, Hudgins, Hynes, McKay, Smedberg Snyder and Zimmerman. Delegate Ramadan abstained since this is a budget issue but noted that he supports the concept. (Mrs. Bulova was out of the room during the vote but returned during the WMATA discussion.)

Chairman McKay requested that future agendas are clear regarding what actions are being requested.

WMATA

Vital Signs/Dashboard Report. Mrs. Hudgins reported that Metrobus ridership has increased to 34.8 million which is above budget projections. MetroAccess ridership is also above projections with 539,000 ridership totals. Also, passenger fares plus parking were \$3.1 million above budget for the quarter, while non-transit revenue was \$0.2 million above budget. In response to a question from Chairman McKay, Mrs. Hynes stated that parking revenue is performing as expected based on budget projections.

Mrs. Hudgins also announced that the National Transportation Safety Board (NTSB) has closed seven more of WMATA's outstanding safety recommendations, bringing the total number closed to 20 out of 29. WMATA continue to make steady progress towards closing all 29 recommendations. Of the remaining nine, four recommendations have been submitted to NTSB for closure.

Mr. Zimmerman observed that in terms of ridership, Metrorail is running infrequent service except for peak times. This can discourage people from using Metrorail off peak times, which can be 12-20 minutes. He compared Metro service frequency compared to other countries that run six minute headways during off peak hours. Mrs. Hudgins agreed that frequency of service is critical. WMATA continues to look at how much service it can provide. She stated that part of the 2025 Plan includes 8-car trains running all day, which will be helpful. WMATA is also currently working on a Customer Pledge that will address frequency of service. Chairman McKay observed that when WMATA implemented peak of the peak service it wasn't just a ridership and revenue issue but it was also to address public safety concerns with enormous overcrowding of platforms. WMATA was trying to spread ridership more throughout the

day better to deal with some other inadequate infrastructure issues with the stations. He asked for a report at next month's meeting as to whether WMATA sees any patterns in pushing people in and out of peak periods.

New Electronic Payments Program (NEPP) Procurement and Implementation.

Ms. Coyner reported that in anticipation of WMATA awarding a contract for the NEPP system, NVTC has been working to put in place a Memorandum of Understanding (MOU) with the local jurisdictions, VRE and PRTC. The MOU would authorize NVTC to contract on behalf of these entities, to secure a unified price, and organize participation by Northern Virginia systems in the Conceptual Design Review (CDR) and the initiation of a pilot program. Two actions are being requested at tonight's meeting:

- 1) Authorize NVTC's Executive Director to enter into a MOU with its regional transit partners and PRTC to coordinate the testing, technical assistance, funding and implementation of the WMATA NEPP program.
- 2) Approve Resolution #2228 which would authorize NVTC's Executive Director to apply for an off-cycle technical assistance grant from DRPT in an amount not to exceed \$200,000.

Ms. Coyner stated that NVTC staff has been working with DRPT staff to secure this off-cycle funding for technical assistance for January 1 - June 30, 2014. Based on a high-level scope of work and historical experience, NVTC is seeking this \$200,000 grant to provide the rapid ramp-up required to participate effective in the CDR and the pilot. The grant would provide a 50 percent match by local jurisdictions.

Mrs. Hudgins moved, with a second by Mr. Dyke, to authorize the Executive Director to enter into the MOU and to approve Resolution #2228. The vote in favor was cast by Commissioners Bulova, Cook, Dyke, Euille, Fisette, Foust, Greenfield, Hudgins, Hynes, McKay, Ramadan, Smedberg Snyder and Zimmerman.

WMATA Budget Development. Mrs. Hudgins reported that WMATA's budget is under development and it is anticipated that the General Manager will present the FY 2015 budget to the WMATA Board in December.

Regional Transit System Plan (RTSP). WMATA is developing this long-range, multi-modal, multi-operator plan for the D.C. metropolitan area. Preliminary recommendations include building new rail lines in the Core and in Virginia; adding new stations with pedestrian tunnels; developing a circular line to connect underserved activity centers; prioritizing a regionally significant integrated surface transit network; and improving multi-modal access at stations. WMATA plans to include Metro 205 projects in the 2014 CLRP Update. WMATA will release a full Regional Network and Metro 205 implementation plan next fall, with the goal of Board approval in winter 2014.

Metro 2025 (Momentum). The 2025 Committee received a briefing on Metro 2025 outreach activities at a meeting in October. WMATA is focusing on outreach to elected officials/funders, customers, business community and civic groups, the planning

community, Momentum “Champions,” and universities. The committee also discussed the roles and responsibilities of Momentum endorsers/supporters moving forward, and a representative from each jurisdiction provided an update on recent efforts to secure funding for Metro 2025 projects.

Department of Rail and Public Transportation (DRPT) Report

Mr. Dyke reported that the Super NoVA Transit and TDM Action Plan project team is currently updating the recommendations based on the comments received from the stakeholders. The Plan Report is currently under development and will be available to stakeholder review and comment by the November stakeholder meeting. He also reported that the first public meeting for the Route 1 Multimodal Alternatives Analysis was held on October 9th and the project team has developed the draft land use analysis methodology report and draft ridership modeling report. The project team continues to coordinate with VDOT and staff from Fairfax and Prince William counties on advancing the project. Mr. Dyke stated that he will continue to follow-up with DRPT staff on the TSDAC issue.

Finally, Mr. Dyke announced that Joe Swartz is leaving DRPT and taking a position as Chief of Staff for VRE. This will be his last NVTC meeting representing DRPT. The Commission congratulated Mr. Swartz on his new position at VRE.

Northern Virginia Transportation Authority (NVTa) and JACC Update

Ms. Coyner announced that no appeal of the decision in the bond validation suit was filed, which means that the Fairfax County Circuit Court decision is final and clears the way to begin executing projects identified on the Bond Project list and related activities, including issuing bonds. NVTa action is contemplated at the December meeting. The NVTa Project Implementation Working Group is scheduled to meet tomorrow and will discuss issues related to HB599, how to begin the FY 2015 Process and how NVTa should proceed with its Six-Year Improvement Plan (SYIP).

Ms. Coyner reported that the Jurisdiction and Agency Coordination Committee (JACC) met on October 10th and received an update from VDOT on the status of their program to address the changes in project analysis imposed by HB599 and HB2313. VDOT has established an aggressive program to implement HB599 and establish criteria. VDOT needs to evaluate and rank enough projects so that NVTa projects and the Six-Year Plan (SYP) are not unnecessarily delayed. Mr. Zimmerman stated that this is a significant matter because NVTa will be collecting hundreds of millions in revenue and then be limited to only a handful of road projects. Chairman McKay noted that the jurisdictions raised concerns on this issue and he asked if anything else is needed. Mr. Zimmerman stated that it is important that VDOT hear the concerns.

Mrs. Bulova announced that NVTA has hired Michael Longhi to serve as Chief Financial Officer. Mr. Longhi has most recently served as the Special Auditor to the Fairfax County Board of Supervisors and before that he worked for Arlington County.

Information Items

MWCOG/TPB Commuter Bus Staging Area Study. TPB commenced a study to examine the need for commuter bus staging, layover and mid-day parking locations in the District and Arlington County. The study will identify short-term solutions and develop a long-term vision for the region. The final report is due June 2014.

MAP-21 MPO Representation. The Federal Transit Administration (FTA) released proposed policy guidance concerning representation on Metropolitan Planning Organization (MPO) Boards. Under MAP-21, the TPB will be required to incorporate a specifically-designated public transportation representative on its Board by October 2014.

Regional Transportation Priorities Plan (RTTP). TPB released a revised draft of the RTTP for public comment. NVTC staff will submit comments on the revised draft plan on behalf of the Commission prior to the November 10th deadline.

CTB Reallocation Hearing Testimony. On October 22nd Chairman McKay testified before the Commonwealth Transportation Board (CTB) on the current FY 2014-FY 2019 Six-Year Program and the development of the FY 2015 – FY 2020 Six-Year Program.

MWCOG/TPB Planning Website. TPB launched a new website (www.transportationplanninghub.org) which will serve as the one-stop-shop for transportation planning for the region. The website details transportation planning processes, major projects, and agency contact information for the District, Maryland and Virginia.

Adjournment

Without objection, Chairman McKay adjourned the meeting at 9:29 PM.

Approved this 5th day of December, 2013.

Jeff McKay
Chairman

David F. Snyder
Secretary-Treasurer