



MINUTES  
NVT COMMISSION MEETING – JULY 10, 2014  
NVT CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Smedberg at 8:06 P.M.

**Members Present**

Richard Black  
John Cook  
Phil Duncan (Falls Church alternate)  
James Dyke  
William Euille  
Catherine Hudgins  
Mary Hynes  
James LeMunyon  
Jeff McKay  
J. Randall Minchew  
Jennifer Mitchell (DRPT alternate)  
Ken Reid  
Thomas Rust  
Paul Smedberg  
Jennifer Wexton

**Members Absent**

Sharon Bulova  
Jay Fisette  
John Foust  
Jeff Greenfield  
David F. Snyder  
J. Walter Tejada

**Staff Present**

Kelley Coyner  
Rhonda Gilchrest  
Claire Gron  
Scott Kalkwarf  
Jillian Linnell  
Kala Quintana  
Melissa Walker  
Doug Allen (VRE)  
Bryan Jungwirth (VRE)  
Steve MacIsaac (VRE)  
Joe Swartz (VRE)

Chairman Smedberg recognized a number of special guests:

- Senator Barbara Favola
- Senator Adam Ebbin
- Delegate Marcus Simon
- Scott Kasprovicz - Commonwealth Transportation Board
- Mike Lucier from Congressman Jim Moran's office
- Dominic Bonaiuto from Congressman Connelly's office
- Monica Backmon – NVTA Executive Director

Chairman Smedberg stated that there has been a lot of positive and exciting news since NVTC last met, including the Commonwealth Transportation Board (CTB) approving the final Six-Year Improvement Program (SYIP); DRPT transmitted the local and WMATA project agreements which will be approved in July – the first month of the fiscal year; and the opening of the Silver Line on July 26<sup>th</sup>.

Mrs. Hudgins stated that the opening of the Silver Line is a major milestone of decades of work with many regional partners. The Silver Line will operate from Wehle-Reston East to Largo, with five new stations in Virginia. This will complete Phase I of the Dulles Rail Project, with work to continue on Phase II extending service out to the Dulles Airport, which will be the largest Metrorail extension in the WMATA Compact. This new service will demonstrate what transit means to the community by opening up new neighborhoods as well as providing new economic development and vitality. She reported that to help mitigate impacts on the Blue Line, WMATA General Manager Sarles has announced that eight-car trains will run on at least 50 percent of Blue Line service. Chairman Smedberg also recognized the other NVTC Commissioners serving on the WMATA Board: Mary Hynes, Jim Dyke, and Bill Euille. He also drew attention to the Silver Line goody bags provided to Commissioners from WMATA. There is also a dedicated Silver Line website at [www.silverlinemetro.com](http://www.silverlinemetro.com).

#### Oath of Office for New Commissioners

Chairman Smedberg stated that Delegate James LeMunyon needs to be sworn in as a NVTC Commissioner. Chairman Smedberg administered the oath of office to Delegate LeMunyon. The Commission welcomed him to NVTC.

#### Approval of the Agenda

On a motion by Mr. McKay and a second by Mrs. Hynes, the Commission unanimously approved the agenda. The vote in favor was cast by Commissioners Black, Cook, Duncan, Dyke, Euille, Hudgins, Hynes, LeMunyon, McKay, Minchew, Reid, Rust, Smedberg and Wexton.

### Approval of the Minutes

Mrs. Hudgins moved, with a second by Mr. Black, to approve the minutes of the May 1, 2014 NVTC Meeting. The vote in favor was cast by Commissioners Black, Cook, Dyke, Hudgins, Hynes, McKay, Minchew, Reid, Rust, Smedberg and Wexton. Commissioners Duncan, Euille and LeMunyon abstained.

### Consent Agenda

On a motion by Mr. Euille and a second by Mrs. Hynes, the Commission unanimously approved the Consent Agenda, which includes the following items:

- Resolution #2251: Authorization to Sell Six VRE Legacy Gallery Railcars to Metra
- Resolution #2252: Approve Amendment to the VRE Financing Agreement with the Federal Railroad Administration

The vote in favor was cast by Commissioners Black, Cook, Duncan, Dyke, Euille, Hudgins, Hynes, LeMunyon, McKay, Minchew, Reid, Rust, Smedberg and Wexton.

### VRE

Report from the VRE Chief Executive Officer. Mr. Allen announced that at the APTA Rail Conference, VRE received the Gold Award for APTA's Annual Rail Safety and Security Awards in recognition of VRE's joint emergency drill with first responders at Accotink Bridge. He also reported that overall on-time performance (OTP) reached 85 percent for the month of June, which is down slightly due to heat restrictions and maintenance work being down on the tracks to continue "state of good repair." He also reported that VRE ran special Firecracker Trains on July 4<sup>th</sup>. Tickets sold out on the Fredericksburg Line and 90 percent on the Manassas Line. VRE broke even on costs with the ticket sales. He stated that it was a successful event with many families taking advantage of this service to D.C. to see the fireworks display. Mr. Allen stated that he signed the Notice to Proceed today for the Spotsylvania Station and the contractor will begin work on Monday, July 14<sup>th</sup>. The groundbreaking event for the Potomac Shores Station is scheduled for July 31<sup>st</sup> and Governor McAuliffe is scheduled to attend.

Second Amendment to the Corridor Improvement Project MOU Between VRE, DRPT and CSXT for the Addition of the Potomac Shores Station. Mr. Allen stated that the VRE Operations Board recommends Commission approval of Resolution #2253, which will authorize the VRE CEO to execute the amendment of the Corridor Improvement Project MOU detailing the Group 2 Improvements necessary to allow the Potomac Shores Station to open. The work needed to be done also helps to build VRE's infrastructure for the future, including the third track. Chairman Smedberg stated

that an updated amendment was provided as a blue item and noted that it does not change the resolution. He acknowledged all the hard work of VRE staff, Steve MacIsaac, the Prince William County Board of Supervisors, especially Maureen Caddigan, and county staff on this project.

Mr. Cook moved, with a second by Mr. Dyke, to approve Resolution #2253 (copy attached). The vote in favor was cast by Commissioners Black, Cook, Duncan, Dyke, Euille, Hudgins, Hynes, LeMunyon, McKay, Minchew, Rust, Smedberg and Wexton. Mr. Reid abstained.

Amendment to the Master Agreement Regarding Weighted Voting to the Participating and Contributing Jurisdictions for Approval. Mr. Allen stated that the VRE Operations Board recommends Commission approval of Resolution #2254, which will authorize the transmittal of the Master Agreement amendment to all Participating and Contributing Jurisdictions for their approval and execution and thereafter to be approved and executed by the Commissions. Mr. Allen explained that the VRE Master Agreement must be amended to incorporate the weighted voting requirement set forth in HB2152 which will become effective July 1, 2015, and will give the state representative a weighted vote. In response to a question from Chairman Smedberg, Mr. Allen stated that procedurally all nine jurisdictions must approve the Master Agreement Amendment.

Mr. Cook moved, with a second by Mr. Rust, to approve Resolution #2254 (copy attached). The vote in favor was cast by Commissioners Black, Cook, Duncan, Dyke, Euille, Hudgins, Hynes, LeMunyon, McKay, Minchew, Rust, Smedberg and Wexton. Mr. Reid abstained.

#### Work Session: Capital Funding Issues

Chairman Smedberg introduced the three speakers for this work session: Jillian Linnell, of NVTC staff, Monica Backmon, NVTA Executive Director, and Jennifer Mitchell, DRPT Director.

Federal: Trust Fund Solvency/Reauthorization. Ms. Linnell gave a brief update on federal funding issues. She stated that federal funding--specifically for capital investments--is a critical component of sustaining and expanding high quality, high capacity transit serving Northern Virginia. While the region receives no federal operating assistance, capital grants through federal formula programs including the Large Urbanized Area Program, State of Good Repair and Bus and Bus Facilities are vital to WMATA. WMATA also receives federal support from the Passenger Rail Investment and Improvement Act (PRIIA) and through federal highway funds flexed to the Federal Transit Administration (FTA). Additional FTA programs such as the Capital Investment Grant program, including New Starts and TIGER grants, among others, are also important to transit systems and localities in the region.

Ms. Linnell stated that three critical issues that impact all these funding programs are converging now. The Department of Transportation currently is predicting the Highway Account of the Highway Trust Fund will face insolvency as soon as August and

the Mass Transit Account faces insolvency before the end of December. Transportation Secretary Anthony Fox has stated that DOT will begin to implement cash management procedures for the highway program by August 1<sup>st</sup> if there is no Congressional action. She stated that if action is not taken by Congress, it could have a major negative impact on the economy, including the loss of hundreds of thousands of jobs especially in the construction field.

Ms. Linnell stated that another issue is that the federal authorization legislation for surface transportation--Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21)--expires at the end of the fiscal year (September). Congress needs to take action either by a reauthorization bill or an extension. Another issue is the Department of Transportation and Housing and Urban Development annual appropriation bill that still needs to pass both the House and Senate. On June 10<sup>th</sup> the House approved its version but the Senate has not taken any action.

Ms. Linnell reported that Congress returned from its Fourth of July break and some action has occurred in shoring up the Highway Trust Fund. The House Ways and Means Committee marked up the current bill today (HR5021) which would raise \$11 billion and extend the current transportation policy through end of May 2015. The Bill passed Committee and it is expected to be taken up by the full House next week. On the Senate side, the Senate Finance Committee released a new Highway Trust Fund proposal late last night, which would recommend \$11 billion be transferred to the Highway Trust Fund. That bill passed out of Committee this afternoon and is expected to be before the full Senate next month. As of today, it looks more hopeful for at least a short-term solution to the Highway Trust Fund. There are still many unknowns about a long-term solution.

In response to a question from Mr. Rust, Ms. Linnell stated that it is not a new source of funding. She explained that traditionally the transportation program is funded using gas tax revenue and those receipts have not been reaching a level that matches the level that has been appropriated by Congress through MAP-21 legislation so general funds have been transferred for the last two years

Regional: HB2313/HB599 Implementation. Ms. Backmon gave some historical background of the creation of the Northern Virginia Transportation Authority (NVTA), which was created in 2002 by SB576 and in 2007 the General Assembly granted NVTC the authority to raise and collect up to seven taxes and fees to fund transportation projects in Northern Virginia. In 2008 the Virginia Supreme Court ruled the legislation unconstitutional. In April 2013 the General Assembly passed a new transportation funding bill (HB2313) with all taxes and fees imposed by the General Assembly. This provides approximately \$300 million in revenue annually. 70 percent of these revenues are to be used for regional projects and 30 percent goes back to the jurisdictions where the tax was collected. Ms. Backmon stated that NVTA developed a FY2014 project list. There is a caveat to the 70 percent that a project must be in the TransAction 2040 plan and part of the HB599 evaluation and rating process. For FY 2014 NVTA received an exemption from the HB599 process. The 34 projects on the FY 2014 list total \$209 million.

Beyond FY 2014, VDOT is in the process of analyzing HB599. As of today VDOT is evaluating and rating 37 projects for FY 2015. VDOT has released the preliminary results and will present them to the Project Implementation Working Group on July 11<sup>th</sup>. Ms. Backmon stated that this is important because NVTAs have not funded any project outside of TransAction 2040. In regards to revenue projections, because of sequestration revenue projections are down but trends are showing they are spiraling back. For jurisdictions to receive the 30 percent, the jurisdiction must enact the local Commercial and Industrial Property (C&I) tax or dedicate an equivalent amount to transportation to receive the full amount. There is also a maintenance of effort requirement. As of today, all NVTC jurisdictions are receiving their 30 percent funds.

State: Capital Funding Cliff and Other Pending Issues. DRPT Director Mitchell gave a presentation on the overall funding situation for transit in the Commonwealth particularly capital funding. She stated that a significant decline in revenue is expected by 2019. In 2011, SB1140 directed DRPT to work with the Transit Service Delivery Advisory Committee (TSDAC) to develop new methods for distributing operating funding based on performance metrics. Ms. Mitchell gave some highlights of the TSDAC process and the performance measures. Operating formulas went into effect last year for FY 2014. The working group went back and looked at the formulas and has recommended TSDAC continue to use them moving forward. The intent is to provide operators with incentives to operate efficiently. TSDAC also looked at capital allocation. Previously statewide needs were based on how many requests and how much funding was available. The new formula breaks out how types of assets and different matching levels are based on those assets. For example, rolling stock is funded at 68 percent while infrastructure (tracks, roadway improvements, maintenance facilities, etc.) is funded at 34 percent and technology is funded at 17 percent. These percentages reflect the importance the Commonwealth Transportation Board (CTB) is placing on investments to ongoing state of good repair.

Ms. Mitchell explained that the ten-year trend analysis for capital needs, which is based on the SYIP, shows that increased capacity has been made and sustained through an increase in funding since 2006 (almost tripling). Future growth and sustainability is dependent upon the funding commitment. She explained that the trend line does not include any future funding commitments for WMATA Momentum.

Ms. Mitchell stated that in 2007, the CTB authorized the state to issue Capital Project Revenue (CPR) bonds. It was \$3 billion in bonding authority with a minimum of 20 percent designated for transit. DRPT elected to receive those funds over a 10 year period (\$60 million annually) whereas VDOT accelerated the bond allocation for a number of high priority projects and used the majority of that bonding capacity early. In addition to funds being used for the capital program, \$50 million per year is designated to WMATA for the PRIAA match. She explained that at this time, there is no ongoing commitment to continue to fund this after the 10 year commitment is done even though these funding needs continue. When added to the 20 percent funding commitment for transit capital plus funding for Dulles Toll Road and Dulles Rail Project, the total share of the CPR bonds that went to transit was approximately 40 percent, which is significantly higher than the 20 percent minimum. Ms. Mitchell highlighted this because

a significant amount of the state's transit improvement program has been funded by the CPR bonds.

Ms. Mitchell stated that in 2013, HB2313 provided an additional \$15 million in revenue for transit capital on an annual basis. For FY 2015 there is a total of \$158 million in revenues that are being allocated statewide for transit capital projects, including \$48 million from the Mass Transit Trust Fund, which is a sustainable source of funding. Transit receives 14.7 percent and the rest goes to highway projects. For FY 2015, \$110 million of CPR bond revenues are going into the program.

Ms. Mitchell stated that DRPT is seeing an increasing amount of needs and thus is projecting a significant drop in the match ratio. A provision in HB2313 was designed to help fund transit capital needs through the Marketplace Fairness Act. Failure of the federal government to pass this legislation results in a net loss to transit. It was expected to realize about \$20-23 million annually between FY2014 and FY2019 for a total loss of \$129.5 million by FY2019. The funds would have been deposited in the Mass Transit Trust Fund with 72 percent for operating, 25 percent for capital, and three percent for special programs. Unlike highway funding, there is no substitute provision in HB2313. In response to a question from Mr. Reid, Ms. Mitchell stated that the Marketplace Fairness Act is federal legislation that has not passed but it would establish a sales tax on internet purchases and was expected to generate a significant amount of revenue to Virginia.

Ms. Mitchell stated that the net effect to transit capital revenues beginning in 2018 are projected to permanently decline by about 62 percent. The FY 2015 amount which is approximately \$158 million will drop to just over \$60 million by 2021. The result will be that the difference will need to be borne by local agencies and jurisdictions. For example, currently there is a 68 percent match for replacement buses or rolling stock but by 2021 it will drop to about 30 percent. There will also be similar drops in infrastructure projects and other projects. The net result is that local matching tiers will increase significantly. In 2021, local matching shares will be closer to 50 percent across the board.

Ms. Mitchell then reviewed the impacts on the local operators, which will require the local jurisdictions to fill the funding gap. For Northern Virginia where there are significant transit needs and it will be a challenge but it will also be very difficult in rural communities because they don't have the ability to shift around capital funding sources or necessarily have large capital plans where they can make tradeoffs or defer major projects. It will result in services being cut so there will be many transit needs that go unfulfilled. Many of these agencies will also have difficulty in matching federal funds and it is expected that many capital projects will be deferred or cancelled. There is a potential for local agencies to incur much more debt financing to be able to finance major capital projects. Ultimately, the larger capital needs that are deferred will result in higher O&M costs, shorter life cycles of assets, and lower reliability of operations.

Regarding matching shares, Ms. Mitchell stated that prior to 2009 the state provided about 25 percent on an aggregate level as the state match. Following bond authorization the state has been able to increase its aggregate share across all asset

categories from 50 to 70 percent for capital needs. That was continued after the TSDAC distribution formula went into effect in FY2014. After FY2019, DRPT expects a decrease of at least \$100 million in transit funding. Matching that with increasing needs will result in projections of only \$65 million in revenue with \$650-800 million in need, which translates into a 10 percent match.

Ms. Mitchell stated that there are a number of potential mitigation strategies. DRPT will be working with the McAuliffe Administration and the General Assembly to look at opportunities to fill the gap. This is a huge priority for DRPT. One possibility is to reauthorize the CPR bonds on a revolving basis, but that would depend on the underlying revenue potential which right now is tax revenue based on insurance premiums. There may or may not be enough underlying revenue to support this level of bonding on an ongoing basis. With HB2 there will be opportunity for projects to receive other sources of funds. There may be opportunities to increase the share for transit from the Transportation Trust Fund above the 14.7 percent. She expects that the solution will not be any single one of these strategies and maybe a combination or something that has not even been identified yet. DRPT is concerned because transit needs are growing across the state, especially with WMATA Momentum. The state would like to continue to be a significant funding partner but it will be a challenge with the decline in state funds.

Delegate LeMunyon asked how much of the \$158 million statewide revenue for FY 2015 will go to Northern Virginia. Ms. Mitchell replied that it is approximately 65 percent.

Mr. Reid noted that Senator Barbara Favola had arrived. He stated that Loudoun County does not get as much of the share of funding for local fixed route service as some of the other systems in Virginia because WMATA gets a large portion of that funding. Mr. Reid stated that Loudoun County had to take over its fixed route service because of the loss of federal funding. Now the County is spending a lot of its gas tax revenue but will need to be used for its WMATA contribution in five years when Phase II of Silver Line is complete. Mr. Reid stated that this issue also affects other small jurisdictions. Ms. Coyner stated that the issue is the way the local match is calculated since Northern Virginia designates its federal funds to WMATA, which is about 35 percent. The region is in the process of evaluating the effective rate of that contribution on our systems. When CTB approved the approach it directed DRPT to analyze the equity issue, which is a timely issue. Ms. Mitchell stated that this is something DRPT is looking at and will make a recommendation back to the CTB on the equity issue. She stated that DRPT will be asking for NVTC's help as DRPT looks for solutions.

Mrs. Hynes asked what NVTC and/or the localities can do to help. Ms. Mitchell stated that it is important to continue to talk about the issue and elevate everyone's awareness of the implications of this issue. It will be a significant issue for local budgets because localities will need to find ways to fill the funding gaps.

Ms. Coyner stated that this work session was developed to underscore the different ways projects are funded. With federal funds in jeopardy and the state capital funding cliff looming, it is important to spread awareness as the first step. Second is the



real need for NVTC to join others to look for ways to find solutions to the problem and to underscore the funding needs.

Delegate Rust asked if the CPR bonds count against the state's bonding capacity or are they self sustaining. Ms. Mitchell stated that she is not 100 percent sure but she believes that they are included in the state's bond ceiling. Delegate Rust stated that it would be important to look into this. Ms. Mitchell stated that the statewide revenue picture is also dire and there will be challenging issues with a lot of competing funds. Delegate Rust stated that HB2313 was dependent on the Marketplace Fairness Act for transit. It would be a pretty tough sell to go back and make major changes to HB2313.

#### Report from the Legislative and Policy Committee

Mr. McKay gave an update from the Legislative and Policy Committee. He stated that nearly a year ago the Commission began to refresh its role as a technical resource on transit issues especially those related to funding. After working through a new legislative and policy agenda last fall, the Committee continued its work to promote successful implementation of the top priorities under the state portion of the agenda. This year's overall effort recognizes that not only is the legislative cycle really year round—with implementation and development ongoing during the "off season" —but that the policy and agency activity is key to realizing securing high quality, high capacity transit service.

Mr. McKay explained that the Legislative and Policy Committee asked staff to develop a timeline for the remainder of the year; analyze key issues related to federal, state, and regional funding and to find approaches to exploit the opportunities and challenges in each area; identify a series of key issues which the Commission should weigh in on; and develop concise one pagers on key issues as resource for Commissioners placing the highest priorities of the issues discussed during this work session.

Mr. McKay moved, with a second by Mr. Euille, to authorize the Chairman, or as appropriate the Executive Director, to send letters to the Congressional Delegation regarding the implications of the exhaustion of Highway Trust Funds and the importance of Long Term Reauthorization of Federal Surface Transportation Programs with particular emphasis on formula and discretionary grant programs that are essential to WMATA and local and regional transit systems; and letters to the Northern Virginia General Assembly Delegation and the Governor regarding implications of the pending state capital funding cliff.

Mr. McKay stated that since the other two issues are not as time sensitive he asked the Executive Director to give a presentation at a future meeting on the state's new capital allocation formula, including how DPRT calculates the local match for state assistance, and the metrics for consideration as part of the HB2 prioritization process since there are new NVTC Commissioners. Following the briefing, NVTC could send comments.

Mr. Reid asked if Commissioners will get a copy of the letters. Mr. McKay stated that due to time sensitivity of these issues and the need for NVTC to weigh in on them quickly, Commissioners will receive a copy of the letters after they are sent. Mr. Reid observed that a resolution can be more powerful than a letter. Delegate LeMunyon stated that he normally would prefer to see the letters before they are sent. Ms. Coyner stated that in this instance, these are issues that NVTC has already gone on record. She stated that she will be happy to circulate copies of the letters to Commissioners after they are sent.

The Commission then voted on the motion and it passed. The vote in favor was cast by Commissioners Black, Cook, Duncan, Dyke, Euille, Hudgins, Hynes, LeMunyon, McKay, Minchew, Reid, Rust, Smedberg and Wexton.

### Commonwealth of Regional Agency Reports

WMATA. Mrs. Hudgins reported that the Capital Funding Agreement (CFA) process is underway. WMATA staff met with Northern Virginia jurisdictional staff and other regional funding partners on June 30 to discuss a proposed work plan for the development of a new Capital Funding Agreement. The CFA identifies how capital investments will be funded and is being replaced now to address the first phase of Momentum known as Metro 2025. Ms. Hudgins stated that the target for completing a draft agreement is late fall 2014 in order to have a final agreement in place before July 2015. In response to a question from Mr. Reid, Mrs. Hynes explained that the work being done on the CFA is at the staff level and the new agreement will come before the WMATA Board at the end of the process. She stated that it will come to NVTC as a report but not an action item. Mrs. Hudgins stated that Loudoun County will be a part of this CFA. Ms. Coyner stated that on Monday, July 14, NVTC staff will participate in a meeting between WMATA and Loudoun county staff to discuss the CFA. Mr. Reid stated that he would like to see a briefing on the CFA at a future NVTC meeting.

Mrs. Hudgins stated that in its CY2014 Work Plan, the Office of Inspector General (OIG) included a review of WMATA's local jurisdictional subsidies. WMATA held a brief meeting with jurisdictional staff on June 27 to outline plans for the study, which they expect to complete in March 2015. Mrs. Hudgins also announced that WMATA plans for the pilot phase of the NEPP to run from January to June 2015.

Department of Rail and Public Transportation (DRPT). Ms. Mitchell reported that the final \$3.2 billion Six-Year Improvement Program (SYIP) was approved by the Commonwealth Transportation Board on June 18<sup>th</sup>. Total operating expenses for Northern Virginia is \$377.9 million and total capital expenses is \$433.1 million. FY 2015 Program highlights for transit include \$7.2 million for program management, preliminary engineering and NEPA/Planning for the Columbia Pike and Crystal City Streetcar Projects, \$6 million for the multi-year VRE track lease payments, funding for VRE second platforms, and \$13.1 million for five VRE expansion railcars. WMATA state funding in the SYIP for FY 2015 is \$91 million in operating assistance and \$42 million in capital assistance. This is in addition to the \$50 million in state funds for the PRIAA match and \$9 million for Metro 2025 program, which totals \$200.3 million in state

funding for WMATA in FY2015. CTB also approved a total of \$216.5 million in funds for FY2015-FY2020 for Fixed Guideway Projects including Virginia Beach Light Rail and the Fairfax/Arlington Streetcar. Ms. Mitchell also stated that project agreements and agency letters for NVTC jurisdictions that are the grantees have already been transmitted.

Ms. Mitchell also gave an update on the Route 1 Multimodal Alternatives Analysis. The evaluation of the alternatives that began in April will be completed this summer. The Executive Steering Committee, Technical Advisory Committee and Citizens Involvement Committee meetings are being delayed until September and the public meeting delayed to October in order to brief elected officials in Fairfax and Prince William Counties.

Northern Virginia Transportation Authority (NVTA). Ms. Backmon reported that in coordination with NVTA, VDOT is conducting a study to evaluate and rate transportation projects in the Northern Virginia Transportation District that reduce congestion and improve mobility during emergencies. VDOT's HB599 study includes the development of a Project Selection Model (PSM) and a Project Evaluation Model (PEM) which will be applied to 70 percent of regional VDOT performed a basic evaluation and rating for the 32 NVTA and five CTB projects nominated for evaluation. The results will be received by the Project Implementation Working Group (PIWG) and will go before the full NVTA at its next meeting.

#### NVTC's 50<sup>th</sup> Anniversary Event

Chairman Smedberg announced that NVTC's 50<sup>th</sup> Anniversary event is scheduled for September 4<sup>th</sup> at George Mason University. NVTC plans to honor Congressmen Moran and Wolf for their many years of service to the Northern Virginia region.

#### Executive Director's Report

Ms. Coyner stated that at a previous meeting, NVTC staff presented transit ridership. Staff has now provided additional information compiled by jurisdiction staff to look at the ridership trends. She stated that in order to provide more timely information, NVTC will now report on ridership on a quarterly basis. Due to the lateness of the hour, Ms. Coyner directed Commissioners to her written report and offered to answer any questions.

#### NVTC Financial Report

The financial report for May 2014 was provided and there were no questions from Commissioners.

## Closed Session

Mr. McKay moved, with a second by Mrs. Hynes, to convene a Closed Session, as authorized by Virginia Code section 2.2-3711.A. (1) and (7), for the purpose of discussing one personnel matter and for the purpose of consultation with legal counsel concerning case number 1:12-cv-00268 pending in the United States District Court for the District of Columbia.

The vote in favor was cast by Commissioners Black, Cook, Duncan, Dyke, Euille, Hudgins, Hynes, LeMunyon, McKay, Minchew, Reid, Rust, Smedberg and Wexton.

The Commission entered into Closed Session at 9:36 P.M. and returned to an Open Meeting at 10:12 P.M.

Mr. McKay moved, with a second by Mr. Rust, the following certification:

The Northern Virginia Transportation Commission certifies that, to the best of each member's knowledge and with no individual member dissenting, 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.

The vote in favor was cast by Commissioners Black, Cook, Duncan, Dyke, Euille, Hudgins, Hynes, LeMunyon, McKay, Minchew, Reid, Rust, Smedberg and Wexton.

Mr. Black moved, with a second by Mr. McKay, to authorize the Chairman to execute an amendment to Ms. Coyner's employment contract in accordance with the Closed Session discussion. The vote in favor was cast by Commissioners Black, Cook, Duncan, Dyke, Euille, Hudgins, Hynes, LeMunyon, McKay, Minchew, Reid, Rust, Smedberg and Wexton.

Mr. Reid asked staff to brief the Commission at the next meeting regarding NVTC developing a policy for remote voting in response to new legislation. Ms. Coyner stated that staff will add this to the agenda.

Adjournment

Without objection, Chairman Smedberg adjourned the meeting at 10:17 P.M.

Approved this fourth day of September, 2014.

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Paul C. Smedberg  
Chairman

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Jay Fisette  
Secretary-Treasurer



## **RESOLUTION #2254**

**SUBJECT:** Authorization to Transmit the Amended VRE Master Agreement Regarding Weighted Voting to the Participating and Contributing Jurisdictions for Approval

**WHEREAS:** The Virginia Railway Express (VRE) Master Agreement for the Provision of Commuter Rail Service in Northern Virginia (the "Master Agreement") was approved by the Potomac and Rappahannock Transportation Commission (PRTC) and the Northern Virginia Transportation Commission (NVTC), as well as the Participating and Contributing Jurisdictions;

**WHEREAS:** The Master Agreement sets forth the requirements for passage of motions by the VRE Operations Board;


**WHEREAS:** The Virginia General Assembly has enacted a statutory requirement amending §15.2-4507 and providing that for each year the state contribution is greater or equal to the highest contribution from a single jurisdiction, the Chairman of the Commonwealth Transportation Board or his designee shall have a weighted vote equal to the highest contributing jurisdiction;

**WHEREAS:** An amendment to Section II, Part B, Paragraph 4 of the current Master Agreement is necessary for compliance with §15.2-4507 as amended; and

**WHEREAS:** The VRE Operations Board recommends the following action.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission does hereby authorize the transmittal of the attached proposed amendment to the Master Agreement for the Provision of Commuter Rail Service in Northern Virginia to the Participating and Contributing Jurisdictions for their approval and execution, after which it will be approved and executed by the Commissions.

Approved this 10<sup>th</sup> day of July 2014.

  
Paul C. Smedberg  
Chairman

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Jay Fisette  
Secretary-Treasurer



## **RESOLUTION #2253**

**SUBJECT:** Authorization to Execute the Second Amendment to the Corridor Improvement Project MOU between VRE, DRPT and CSXT for the Addition of the Potomac Shores Station

**WHEREAS:** On January 31, 2002, the Virginia Railway Express (VRE) executed a Memorandum of Understanding (MOU) with CSX Transportation (CSXT) and the Commonwealth of Virginia's Department of Rail and Public Transportation (DRPT) that detailed the process to jointly identify and implement improvements to the CSXT rail corridor between Washington, D.C. and the VRE Crossroads Yard and corresponding enhancements in VRE rail service following such improvements in order to implement VRE's commitment to build a third mainline in the rail corridor as set forth in the Operating and Access Agreement with CSXT;

**WHEREAS:** VRE and Prince William County have long-held plans for a station at the Potomac Shores site;

**WHEREAS:** A proffer statement was approved by the Prince William County Board of Supervisors in July 2013 that included a commitment by the Potomac Shores developer to fund and construct the VRE Potomac Shores Station;


**WHEREAS:** The Potomac Shores developer will commence design and construction of the VRE Potomac Shores Station upon receipt of evidence of CSXT approval to permit VRE service to the station; and

**WHEREAS:** The VRE Operations Board recommends the following action.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission authorizes the VRE Chief Executive Officer to execute the attached Second Amendment to the January 31, 2002 Memorandum of Understanding (MOU) with CSX Transportation (CSXT) and the Commonwealth of Virginia's Department of Rail and Public Transportation (DRPT) pertaining to the addition of the VRE Potomac Shores Station.

Res. #2253 Cont'd

Approved this 10<sup>th</sup> day of July 2014.

  
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Paul C. Smedberg  
Chairman

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Jay Fisette  
Secretary-Treasurer





## **RESOLUTION #2252**

**SUBJECT:** Approval of an Amendment No. 1 to the Federal Railroad Administration Financing Agreement

**WHEREAS:** The Northern Virginia Transportation Commission (NVTC) entered into a Financing Agreement with the Federal Railroad Administration (FRA) dated October 31, 2007 for the purchase of rolling stock, with the Potomac and Rappahannock Transportation Commission (PRTC) as a consenting party;

**WHEREAS:** Section 4.6(a) of the Financing Agreement requires that audited financial statements be provided to the FRA within 120 days of the end of each fiscal year;

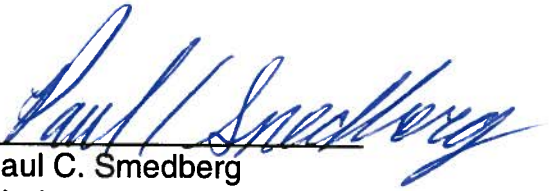
**WHEREAS:** The VRE audited financial statements are available after the November Operations Board meeting, which is beyond the 120 day timeframe;

**WHEREAS:** The FRA has approved a change to the terms of the Financing Agreement to accommodate the VRE schedule for the provision of the required information; and

**WHEREAS:** The VRE Operations Board recommends the following action.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission approves Amendment No. 1 to the Financing Agreement between NVTC and the FRA to amend Section 4.6(a) to require that audited financial statements be delivered by 150 days after the end of each fiscal year, with unaudited statements provided within 120 days and that the Executive Directors of NVTC and PRTC be authorized to sign the amendment on behalf of the Commissions.

Approved this 10<sup>th</sup> day of July 2014.

  
Paul C. Smedberg  
Chairman

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Jay Fisette  
Secretary-Treasurer



## **RESOLUTION #2251**

**SUBJECT:** Authorization to Sell Six VRE Legacy Gallery Cars

**WHEREAS:** In February of 2013, the Virginia Railway Express (VRE) Operations Board granted authority to sell the remaining Legacy Gallery cars in anticipation of the new railcar delivery;


**WHEREAS:** VRE posted a Request for Interest (RFI) on the VRE website for public sale;

**WHEREAS:** A proposal was received from Metra of Chicago, Illinois to purchase the V430, V431, V433, V437, V440 and V449 Legacy Gallery cars and spare parts; and

**WHEREAS:** The VRE Operations Board recommends the following action.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission authorizes the VRE Chief Executive Officer to sell six Legacy Gallery cars V430, V431, V433, V437, V440 and V449 and spare parts to Metro of Chicago, Illinois for a total amount of \$3,000.

Approved this 10<sup>th</sup> day of July 2014.



Paul C. Smedberg  
Chairman

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Jay Fisette  
Secretary-Treasurer