



MINUTES
NVTC COMMISSION MEETING – SEPTEMBER 4, 2014
GEORGE MASON UNIVERSITY – ARLINGTON CAMPUS
FOUNDERS HALL – ROOM #716 – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Smedberg at 6:04 P.M.

Members Present

Richard Black
Sharon Bulova
John Cook
James Dyke
Jay Fisette
John Foust
Jeff Greenfield
Catherine Hudgins
Mary Hynes
James LeMunyon
Jeff McKay
Jennifer Mitchell (DRPT alternate)
Thomas Rust
Paul Smedberg
David F. Snyder
Jennifer Wexton

Members Absent

William Euille
J. Randall Minchew
Ken Reid
J. Walter Tejada

Staff Present

Kelley Coyner
Scott Kalkwarf
Doug Allen (VRE)
Tom Hickey (VRE)
Bryan Jungwirth (VRE)
Joe Swartz (VRE)

Chairman Smedberg welcomed Secretary of Transportation Aubrey Layne. Ms. Coyner reminded Commissioners that NVTC's 50th Anniversary Celebration and Program will be held immediately following this meeting on the first floor at 6:30 P.M. At the conclusion of the 50th Anniversary Program, Chairman Smedberg will announce the NVTC Forum on the Role of Transit in Virginia's Economy to be held on December 12, 2014. A commemorative timeline poster of NVTC's 50 years of transit innovation will also be handed out.

Mr. Cook arrived at 6:05 P.M. Chairman Smedberg announced that quorum has been reached.

Approval of the Minutes

Mr. McKay requested a spelling correction to the minutes. Mr. Dyke moved, with a second by Mr. Black, to approve the amended minutes of the July 10, 2014 NVTC Meeting. The vote in favor was cast by Commissioners Black, Cook, Dyke, Fisette, Greenfield, Hudgins, Hynes, LeMunyon, McKay, Rust and Smedberg. Commissioners Bulova and Snyder abstained.

Consent Agenda

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

- Approval to Forward to the Jurisdictions the Preliminary Projections of NVTC's General and Administrative Direct Contributions for FY 2016
- Resolution Honoring the Service of Representative James P. Moran
- Resolution Honoring the Service of Representative Frank Wolf
- Resolution Honoring Ed Tennyson

The vote in favor was cast by Commissioners Black, Bulova, Cook, Dyke, Fisette, Greenfield, Hudgins, Hynes, LeMunyon, McKay, Rust, Smedberg and Snyder.

Remote Access in Respect to the Recent Amendment Regarding Electronic Participation in Commission Meetings

Ms. Coyner stated that the Freedom of Information Act (FOIA) sets forth the requirements for public meetings and provides limited opportunities for members to participate in meetings from remote locations through electronic means (i.e., telephone and video conferencing). Generally, those opportunities are when the member cannot attend the meeting because of a permanent or temporary disability, a medical condition,

an emergency, and/or personal reasons, as well as when the member's principal residence is more than 60 miles from the meeting location. Recent legislative amendments require that remote participation may be allowed only if the public body has adopted a written policy allowing for and governing how members may participate in meetings through electronic means. Ms. Coyner stated that Arlington County has adopted such a policy, while Fairfax County is not planning to adopt a policy. Ms. Coyner stated that if Commissioners are interested in considering the adoption of such a policy, staff will prepare a draft for discussion and action for a future meeting.

Senator Wexton and Mr. Foust arrived at 6:15 P.M. and 6:17 P.M., respectively.

Mr. Cook stated that at first glance remote participation seems like a good idea, but he is concerned that it would be hard for NVTC as an organization to be effective if members don't participate in person. Often when someone participates remotely they just observe and there is little participation in the discussion. Chairman Smedberg stated that there is generally a reason why they would not be able to attend in person. He stated that some sort of standard would need to be set. Mr. Cook stated that before staff spends too much time working on this, the Commission should have a discussion first. Chairman Smedberg noted that the information provided is enough to have a discussion.

Mrs. Hynes observed that a person needs to be physically present to be counted towards quorum. Periodically people travel or have other valid reasons they cannot attend a meeting. General Assembly members are already allowed to participate remotely at NVTC meetings during the General Assembly Session. In her opinion, it does not make sense that some members can participate remotely and others cannot. NVTC should at least consider this as an option. In Arlington County the policy includes a provision that there is a limit of two times that a person can participate remotely in a given calendar year.

Mrs. Bulova stated that Fairfax County has allowed some remote participation in Board Committee meetings, with strict criteria (reasons such as a hardship, approval from the chairman and agreement from the rest of the committee). She stated that with some kind of guidance, it could be helpful to have such a policy. She also agrees with Mr. Cook that there can be very little participation from people calling in remotely. She stated that it may be appropriate to look at forming a policy but to be cautious that provisions are included that members are using the privilege sparingly.

Mr. McKay asked if participation mean voting or just listening, asking questions and making comments. Ms. Coyner stated that it would include voting. She noted that voting is important as an official act but it may be different in culture compared to County Board or City Council voting. She stated that another consideration is that NVTC does not have the technology at this time to effectively provide remote participation.

Chairman Smedberg wondered if this topic will spark a debate over the meeting start time. By tradition, NVTC and PRTC meet on the same night. Since Doug Allen

and Jennifer Mitchell typically attend both meetings, NVTC's meeting starts later to accommodate them travelling to NVTC after their participation in the PRTC meeting.

Mr. Snyder observed that in the private sector there has already been a major shift to teleconferencing. In his opinion, moving at least a step in that direction would be a positive step for NVTC.

Commonwealth and Regional Agency Reports

WMATA. Mrs. Hudgins reported that on August 29th WMATA agreed to a settlement in a qui tam or whistleblower suit. The two-year old whistleblower complaint was regarding procurement practices related to two contracts. WMATA has been working to overhaul financial controls, made substantial improvements in procurement, accounting and grants management. Mrs. Hudgins also reported that the Silver Line opened July 26th and preliminary ridership data is being collected. This new service is beneficial to the corridor, for Fairfax County and the region.

Department of Rail and Public Transportation (DRPT). Ms. Mitchell reported that Governor McAuliffe has appointed Jim Corcoran, President and CEO of the Fairfax Chamber of Commerce, to NVTC and the WMATA Board. He will be replacing Jim Dyke, who has been appointed to serve on the Commonwealth Transportation Board. She thanked Mr. Dyke for his thoughtful and dedicated service to NVTC and WMATA. DRPT is working with Mr. Dyke and Mr. Corcoran on a transition plan given the complexity of a few issues before the WMATA Board of Directors. She stated that Mr. Corcoran sends his regrets since he is out of the country and cannot attend tonight's meeting and celebration.

Ms. Mitchell stated that decreases in statewide revenue have impacted the Transportation Trust Fund. DRPT is in the process of revising the Six-Year Improvement Program (SYIP). There will be public hearings on pre-allocation in October. Secretary Layne stated that the CTB will be notified of this revision, briefed on the proposed revision in October, and will be requested to approve a revised SYIP in November. To avoid having to recalculate and pull back operating assistance, DRPT is looking to make adjustments in capital funding. To do this DRPT must secure permission from the CTB to flex funds and must identify unobligated balances from out years from which to draw these funds. Ms. Mitchell explained that this would just be a temporary fix for this year. DRPT expects to see similar decreases in funding in FY 2016.

Virginia Railway Express (VRE). Mr. Allen reported that the new railcars are in operation and the old railcars have been sold to Metra in Chicago. Two other important events are the groundbreaking ceremonies for the Potomac Shores and the Spotsylvania Stations. He also reported that VRE continues to have quarterly meetings with CSX and DRPT to coordinate projects.

Northern Virginia Transportation Authority (NVTA). Mrs. Hynes reported that NVTA received an interim report at its July meeting from VDOT on the Project Selection Model from the HB599 study. Final detailed ratings will be presented by December. Internal project rankings by NVTA will begin soon. She announced that Deputy Secretary of Transportation Nick Donohue is scheduled to give a presentation on HB2 at the September 11th NVTA meeting. Mr. Snyder stated that NVTA is in a critical phase right now with a number of key issues being considered.

NVTC Financial Report

The financial reports for June and July 2014 were provided and there were no questions from Commissioners. Ms. Coyner stated that NVTC has closed out FY 2014 and the auditors will arrive next Monday to begin their audit fieldwork on NVTC and VRE. She reported that the grant agreements for the individual jurisdictions as grantees for the local capital and operating assistance are in the process of being executed, with all expected to be completed by the end of September.

Adjournment

Chairman Smedberg recognized Deputy Secretary of Transportation Nick Donohue and former Fairfax County Board Chair and Past NVTC Commissioner Kate Hanley for attending the meeting.

Without objection, Chairman Smedberg adjourned the meeting at 6:30 P.M. and Commissioners proceeded to the 50th Anniversary Celebration Event.

Approved this second day of October, 2014.

Paul C. Smedberg
Chairman

Jay Fisette
Secretary-Treasurer