

MINUTES
NVTC COMMISSION MEETING – DECEMBER 3, 2015
NAVY LEAGUE BUILDING – FIRST FLOOR CONFERENCE ROOM
ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Vice-Chairman Fisette at 8:17 P.M.

Members Present

Richard Black
Sharon Bulova
John Cook
Jim Corcoran
William Euille
Jay Fisette
John Foust
Catherine Hudgins
Mary Hynes
David LaRock
James LeMunyon
Tim Lovain (Alternate, City of Alexandria)
Jeff McKay
David Meyer (Alternate, City of Fairfax)
J. Randall Minchew
Jennifer Mitchell (Alternate, Commonwealth of Virginia)
Karen Oliver (Alternate, City of Falls Church)
Ken Reid
Thomas D. Rust
J. Walter Tejada
Jennifer Wexton

Members Absent

Jeff Greenfield
Paul Smedberg
David F. Snyder

Staff Present

Karen Finucan Clarkson
Kelley Coyner
Rhonda Gilchrest
Dan Goldfarb
Scott Kalkwarf
David Koch
Kate Mattice
Aimee Perron-Seibert
Melissa Walker
Steve MacIsaac (Legal Counsel)
Doug Allen (VRE)
Joe Swartz (VRE)

Chairman's Remarks

Vice-Chairman Fisette recognized four Commissioners who are departing NVTC and tonight is their last meeting. Collectively, they have given 28 years of service to NVTC. Vice-Chairman Fisette presented Mr. Tejada, Mrs. Hynes, Mr. Reid and Mr. Euille with a letter of recognition and a framed poster highlighting NVTC's first 50 years, as each has been a tremendous contributor to the organization.

Vice-Chairman Fisette recognized Walter Tejada, current Vice-Chairman of the Arlington County Board, who has served on NVTC since 2014 as a Commissioner and member of the VRE Operations Board. Mr. Tejada has dedicated his political career to increasing and diversifying civic participation in transportation in the region. He advocated for traveler information in multiple languages on VRE, Metro and the region's bus systems. He was instrumental in the translation of VRE's Passenger Safety and Security material into Spanish, ensuring that vital emergency information is available to a greater number of passengers. In local, regional and state initiatives, such as NVTC's Envision Route 7 study and the new I-395 efforts, he set the bar high when it comes to involving communities in the decision making process so that they are well served by the resulting investments. Commissioners thanked Mr. Tejada for his service.

Vice-Chairman Fisette recognized Ken Reid who joined NVTC in 2012. As a Commissioner and Loudoun County Board Supervisor, Mr. Reid has worked hard to hold WMATA accountable, ensure NVTC is a trusted steward of public funds, and find cost-effective ways to advance commuter bus options for Loudoun County riders. He has been a steadfast supporter of equity in state transportation funding for the region, especially with respect to allocation of state capital and operating assistance to local and regional transit systems. Commissioners thanked Mr. Reid for his service.

Vice-Chairman Fisette stated Mary Hynes, current Chair of the Arlington County Board, has served on NVTC since 2008. She is also a member of the WMATA Board of Directors. She has worked hard to advance transit in the region through all channels, be they policies or programs, financial management or funding, planning, research and analysis or communication and outreach. She has insisted on holding WMATA accountable for providing fiscally sound, reliable and safe service. Vice-Chairman Fisette also noted Mrs. Hynes appreciation of the importance of data – its analysis and visualization – and her vision for harnessing its power as a planning tool that will help realize the promise of NVTC's Regional Bus Agenda. She has been a consistent voice for creating dedicated lanes, understands the need to create and protect dedicated transitways to better connect the region in years to come. Commissioners thanked Mrs. Hynes for her service.

Vice-Chairman Fisette acknowledged Mr. Euille, current Mayor of the City of Alexandria, for his service on NVTC since 2000. He has also served on the WMATA Board of Directors. Mr. Euille has been a leader at NVTC with a consistent voice for common sense and fair public policy. He also has an ability to cut to the essence of an issue and turn principle into practice. Mayor Euille's passion for transportation issues and appreciation of their significance to our communities invigorated discussions and crystalized issues before the Commission. Whether the venue was a Bus Rodeo, city council meeting, or gathering of the Virginia Municipal League or Virginia Transit

Association, he helped everyone understand and realize the promise of high-capacity, high-quality transit. Commissioners thanked Mr. Euille for his service.

Vice Chairman announced that Delegate Rust will also be leaving NVTC and will be recognized at a later meeting.

Minutes of the November 5, 2015 NVTC Meeting

Mr. Reid moved, with a second by Mrs. Bulova, to approve the minutes. The vote in favor was cast by Commissioners Black, Bulova, Cook, Fisette, Foust, Hudgins, Hynes, LaRock, Lovain, McKay, Meyer, Minchew, Reid, Rust, Tejada and Wexton. Commissioners Corcoran, Euille, LeMunyon and Oliver abstained.

Mr. Reid asked to amend the minutes on Page 5 to change his comment about the escalators on the Silver Line to *"Mr. Reid asked if there is a reason some stations on the Silver Line only have escalators that only go up to the platform and escalators that only go down, thus requiring passengers to walk up or down from the platform via steps at least one way."* There were no objections to Mr. Reid's request.

Consent Agenda

In introducing the Consent Agenda, Ms. Coyner noted that NVTC staff has evaluated and ranked the proposals for a new copier lease, and recommends the highest ranked firm, Capital Office Solutions, NVTC's current vendor. Commissioners were provided with an updated memorandum on the copier lease.

Mrs. Hynes moved, with a second by Mr. Corcoran to approve the following Consent Agenda:

- A. Authorize the Executive Director to Execute a Five-Year Lease and Services Agreement for a Multifunction Copier with Capital Office Solutions

The vote in favor was cast by Commissioners Black, Bulova, Cook, Corcoran, Euille, Fisette, Foust, Hudgins, Hynes, LaRock, LeMunyon, Lovain, McKay, Meyer, Minchew, Oliver, Reid, Rust, Tejada and Wexton.

NVTC Financial Items

FY2015 Audit. Ms. Coyner stated that Mike Garber, partner at PBMares, is present to discuss the results of the annual audit. Following Mr. Garber's presentation, the Commission will be asked to accept the FY2015 Audited Financial Statements and Compliance Reports and to authorize staff to release the information to member jurisdictions, regulatory agencies and the public.

Mr. Garber reviewed the three documents which were provided to Commissioners. Earlier this evening Mr. Garber met with the Executive Committee, acting in its capacity as the Audit Committee, to discuss the audit in detail.

Mr. Garber reported that all three opinions are unmodified or “clean” opinions. The management letter includes one suggestion for management to focus on during FY2016. In response to a question from Delegate LeMunyon, Mr. Garber explained that the suggestion is in regards to cyber security and cyber insurance policies. PBMares has included this as a standard recommendation in other management letters, including VRE’s.

Delegate Minchew asked if language on Page 64 “...do not express an opinion on effectiveness of the Commission’s internal control and compliance” is standard. Mr. Garber replied that it is standard audit language. Auditors do a sampling of transactions, but cannot test every transaction all year long. From the sampling it looks like NVTC’s internal controls are functioning correctly. He explained that an auditor cannot offer an opinion that they are functioning 100 percent of the time.

Mrs. Bulova moved, with a second by Mr. Corcoran, to accept the FY2015 Audited Financial Statements and Compliance Reports and to authorize staff to release the information to member jurisdictions, regulatory agencies and the public. The vote in favor was cast by Commissioners Black, Bulova, Cook, Corcoran, Euille, Fisette, Foust, Hudgins, Hynes, LaRock, LeMunyon, Lovain, McKay, Meyer, Minchew, Oliver, Reid, Rust, Tejada and Wexton.

Mrs. Bulova recognized NVTC staff, especially Scott Kalkwarf, for their outstanding financial work.

NVTC Financial Items. Commissioners were provided with a copy of NVTC Financial Items for October, 2015. Vice-Chairman Fisette observed that gas tax revenues continue to decline. There were no questions from Commissioners.

Executive Director Report

Ms. Coyner reported that the Executive Committee is serving as the Nominating Committee for 2016 officers and board appointments. Commissioners are encouraged to submit nominations.

Ms. Coyner announced upcoming events including a Joint Federal and State Legislative and Policy Briefing hosted by NVTC and PRTC on December 10th. The briefing will cover WMATA, VRE and Regional Bus issues. It is an event to engage with Northern Virginia legislators, both federal and state. NVTC is also hosting two regional forums on WMATA on December 16th at Wakefield High School and December 17th at Wiehle-Reston Station Plaza. WMATA’s new General Manager/CEO has been invited to make a presentation followed by roundtable discussions with the public and stakeholders. Commissioners were encouraged to participate in these events.

In response to a question from Mr. Reid, Mr. MacIsaac noted that the statutes require NVTC members to be members of the governing bodies appointing them to NVTC. WMATA Board members must also serve on NVTC.

Emergency Preparedness

Ms. Coyner explained that Chairman Snyder had specifically requested this discussion. She suggested postponing this to a future meeting when Mr. Snyder can be present. There were no objections.

Memorandum of Agreement: Transform 66 Inside the Beltway

Vice-Chairman Fisette stated Resolution #2291 would authorize the Executive Director to sign the Memorandum of Agreement: Transform 66 Inside the Beltway (MOA). He explained that before the Commission considers the resolution, there will be three presentations from Assistant Secretary of Transportation Nick Donohue, NVTC Executive Director Kelley Coyner, and NVTC Legal Counsel Steve MacIsaac. Vice-Chairman Fisette noted that Mr. Donohue has another engagement tonight and cannot stay for the entire discussion.

Mr. Donohue noted the Memorandum of Agreement (MOA) was drafted cooperatively by the Commonwealth and NVTC and deals with only one aspect of the Transform 66 Inside the Beltway Project, which is how the toll revenues are used for multimodal improvement projects. He understands there are strong views on all sides of the I-66 issue. The I-66 corridor is one of the most contested and negotiated 10-miles of interstate in the entire country. The Commonwealth is moving forward with the project that was developed based on the McDonald Administration's I-66 Multimodal Study. Toll revenues will be used to enhance carpooling, transit and other improvements that will help move people through this corridor.

Mr. Donohue stated that the authority to implement the Transform 66 Inside the Beltway Project rests squarely with the Commonwealth Transportation Board (CTB). He stated Secretary Layne strongly believes that decisions regarding transit and TDM's improvements are best made at the regional level. As such, over the last six months the Commonwealth has been working with NVTC on the MOA that would provide the toll revenues to NVTC, as long as certain criteria are met, and NVTC can determine which projects will be funded. The MOA presented to NVTC is not about the overall project and the decision to toll or not toll is not a decision this body will make. It is the sole decision of CTB. The decision NVTC is voting on is whether NVTC wants to partner with the Commonwealth in recommending and identifying transit and other TDM improvements to be funded by toll revenues.

Mr. Donohue conveyed Secretary Layne's regrets that he was not able to attend tonight's meeting and the Secretary asked him to communicate that the Commonwealth Transportation Board is looking for NVTC to take action tonight. CTB will be considering action at its December 8-9 meeting. If NVTC determines it does not wish to participate or

to defer action, the resolution brought before the CTB will name DRPT as the agency that will program the multimodal improvements. The Secretary strongly believes that this is the only solution that is balanced, pragmatic and implementable that will make a difference to a corridor that effectively has remained unchanged since it opened to traffic in 1982.

Ms. Coyner gave a brief overview of the project of the development of the Framework Agreement known as the Memorandum of Agreement Transform 66: Inside the Beltway Project. Last March Secretary Layne designated, at the recommendation of Fairfax County, Arlington County and Falls Church, NVTC as the Commonwealth's partner in implementing the multimodal component of this project. Subsequently, NVTC worked with the Commonwealth and each of the jurisdictions to identify key issues and to insure that the MOA addressed them. In September, NVTC received an initial draft of the Framework Agreement (now called the "MOA") from the Commonwealth which was made available to all the member jurisdictions. At the request of Chairman Snyder, the mayors and chairs of the jurisdictions appointed staff and counsel to serve on a Working Group, which was convened to address the concerns from the individual jurisdictions. The Working Group met consistently throughout the process commenting on drafts from the Commonwealth. The MOA charges NVTC to developing and implementing a project selection process, including a prioritization process; providing financial management of the excess toll revenues; managing and ensuring compliance of all federal and state laws; establishing measures of effectiveness for the assessment at five years; and reporting regularly thereafter.

Mr. MacIsaac stated that the jurisdictions worked together to identify concerns and negotiate with the Commonwealth on the MOA. He reviewed the principal areas of concern and how they were addressed in the MOA, including clarifying how toll revenue will be used and what would flow to NVTC; enhancing the ability for NVTC to use this revenue stream to pay debt service which would enable NVTC to issue debt to fund multimodal projects, instead of just funding pay-go projects; and determining the nature of the components that could be funded. While the document is by no means perfect, from the perspective of NVTC staff and the Working Group it is greatly improved from the initial draft.

Mr. MacIsaac stated another focus was on the certainty of the projects selected by NVTC would be approved by the CTB. The MOA now has language that delegates NVTC the authority to select projects as long as NVTC meets the criteria, then the CTB shall approve the funding. The last area of concern was metrics by which the widening determination would be made. He reviewed how the toll revenues would be used. The MOA includes a provision for initial multimodal projects funded from a loan from the revolving toll account. NVTC can use up to \$10 million as an advanced allocation of funding to begin multimodal improvements.

Mrs. Bulova moved, with a second by Delegate Rust, to approve Resolution #2291.

Mrs. Bulova asked to speak to her motion. She stated that this body is not approving the Transform 66 Project. The action before the Commission is whether or not NVTC agrees to work with the Commonwealth and the CTB with NVTC having the major role in selecting

projects that would be funded with toll revenues should CTB approve the Transform 66 Project. The question is does NVTC want to be at the table to make the decisions about which projects should be submitted for funding.

Vice-Chairman Fisette asked if Commissioners had specific questions for Mr. Donohue before he has to leave.

Mr. Cook asked if there are limits to the amount of money that could be used for widening. Fairfax DOT staff's opinion is that NVTC will not be able to bond. He asked Mr. Donohue if he agrees that it would be problematic to use tolls for bonding. He also asked if NVTC votes no or defers action, would the 40 percent limit be applied to DRPT or would DRPT be permitted to use 100 percent for widening. Mr. Donohue stated that he can't speak to Fairfax DOT's opinion but believes it refers to the Commission's ability to sell bonds. The Commonwealth is confident in its ability to sell bonds and confident 40 percent is sufficient to cover bonds for widening. The 40 percent would apply the same to DRPT.

Mr. Reid stated that he has heard estimates of \$100 million for widening of the four mile section between the Dulles Connector Road and Ballston. He asked where this estimate comes from and why is it so high. Mr. Donohue stated that the cost estimates were prepared by engineers who compared similar spot improvements done on I-66 where additional lanes were added.

Delegate LeMunyon asked Mr. Donohue to walk through the process, timeframe and triggers for widening. Mr. Donohue reminded Commissioners that all this MOA does is deal with toll revenues. It does say that the Commonwealth can use toll revenues to widen I-66 eastbound based on an evaluation, which would take place five years after tolling begins (2022 projected). Actual widening would take 2-3 years after that to complete. Delegate LeMunyon observed that additional eastbound lane would not be available for public use until the 2024-2025 timeframe.

Mr. Foust observed that nothing in the MOA would preclude the Commonwealth from widening I-66 separately outside of the use of toll revenues. Mr. Donohue agreed that this is an accurate statement.

In response to a question from Delegate Minchew, Mr. Donohue reviewed the two triggers for widening. After five years, the facility will be evaluated. For a period of 180-days, speeds will be evaluated. If the eastbound lanes of I-66 between the Dulles Connector Road and Exit 71 (Ballston) are operating at an average speed of less than 50 miles per hour for more than 10 percent of the time between the hours of 5:00am and 10:00am on weekdays, it would trigger widening. The second trigger deals with parallel roadways (Route 50 from I-495 to Route 120 (Glebe Road); Route 29 from I-495 to Route 120 (Glebe Road); Route 237 (Washington Boulevard) from Route 29 to Route 120 (Glebe Road); and Route 7 from I-66 to Route 50). If average travel times increase by 10 percent or more, it will trigger widening. If the triggers are not met, then there would be no widening and it would be reevaluated after two years.

In response to a question from Vice-Chairman Fisette, Mr. Donohue explained that there are very strict legal requirements so that any toll revenue generated on I-66 Inside the

Beltway must be used to benefit the toll paying users. This would be the case regardless if NVTC or DRPT is the organization determining how toll revenues would be used.

Delegate Rust gave a brief explanation why he seconded the motion. NVTC is faced with a simple question -- do we want to be a part of the decision making of how this toll revenue will be used or not? If we choose to not go forward with this agreement then we are in essence giving that authority back to Richmond. NVTC and the region are in a better position to make these decisions. It gives NVTC the opportunity to set standards of how projects are chosen. He believes that NVTC is the appropriate body to make these decisions.

Senator Wexton asked if there is anything in this agreement that moves up widening in terms of priority. She referenced an earlier version that had some different language. Mr. Donohue explained that if the triggers are met, the very next draw of revenue would be the 40 percent to widen the road. It would become a high priority. Senator Wexton asked what assurances are there that once the facility is built and tolls are implemented that the Commonwealth would not extend the period of time. Mr. Donohue stated he could only speak to this Administration, but they are committed to this intent. Senator Black observed that since the triggers are evaluated five years after tolls begin, the current Administration will no longer be in office, so it becomes a non-binding promise. Mr. Donohue disagreed and stated that the MOA is an independent document between the CTB and NVTC and only can be amended by mutual agreement between both organizations.

In reply to a question from Mr. Corcoran, Mr. Donohue stated the MOA does not place any restrictions on the Commonwealth's ability to modify tolling hours and expansion in the future but it does bind the Commonwealth with the existing toll revenues to widen the road.

Mr. Donohue left the meeting and did not return.

Mr. Reid moved to amend Section II.A.4.C of the MOA to change "40 percent" to "70 percent." Senator Black seconded the motion.

In response to a question from Vice-Chairman Fisette, Mr. MacIsaac stated that it is not out of order to make a motion to amend the agreement but it is conditioning the potential approval of the MOA by the CTB. If the Commonwealth Transportation Board is unwilling to accept the amendment, then NVTC would not be part of the agreement. Vice-Chairman Fisette noted that this document has been negotiated by the Commonwealth and the jurisdictions. NVTC would be modifying it at its own risk.

The Commission then voted on the motion. The vote in favor was cast by Commissioners Black, Cook, LeMunyon, Minchew, Reid and Wexton. The vote in opposition was cast by Commissioners Bulova, Corcoran, Euille, Fisette, Foust, Hudgins, Hynes, LaRock, Lovain, McKay, Meyer, Oliver, Rust and Tejada. The motion did not pass.

Mr. Reid moved, with a second by Delegate LeMunyon, to amend NVTC Resolution #2291 to add the following "Whereas, NVTC will not support tolls during the current HOV period without the addition of additional lane capacity from Ballston to the Toll Road."

Those voting in favor of the motion were Commissioners LaRock, LeMunyon, Minchew, Reid and Wexton. Those voting against the motion were Commissioners Bulova, Cook, Corcoran, Euille, Fisette, Foust, Hudgins, Hynes, Lovain, McKay, Meyer, Oliver, Rust, and Tejada. Senator Black abstained. The motion did not pass.

Delegate LeMunyon expressed concern and stated it is unfortunate that the Commonwealth is saying this is the way it's going to be, either NVTC approves it or DPRT will be chosen. It is not so much what the MOA does, but what it doesn't do. It doesn't fix the intersection of the Dulles Connection Road; it doesn't make it easier to connect to the West Falls Metrorail station; and it doesn't add the capacity the road really needs. He suggested the best course of action would be to start over and come up with a plan that solves the congestion problems.

Delegate Minchew stated that it has been said that the approval of the MOA should not be construed as NVTC endorsing tolls. He believes this is a bit ingenuous. Secondly, a toll increase commensurate with an increase in capacity is fair; a toll increase without a commensurate increase in capacity is not fair. While this document is far better than what he expected, he will not support it.

Mr. McKay stated that it was made clear in Mr. Donohue's remarks that at any point and time the Commonwealth can do what it wants. He agreed with Delegate Rust about what NVTC is actually voting on tonight – which agency will get to decide what projects will be funded. At any point in time it does not preclude other projects from happening. He stated that it is inconceivable that anyone would think the long-term solution to I-66 is the absence of additional transit. Not enough lanes can be built to solve the problem and transit has to be part of the equation. Local elected officials, as members of NVTC, in Northern Virginia are being invited to the table to help decide where that revenue goes. This is an invitation that we haven't gotten before. He realizes his perspective is a little different and thanked the Commonwealth for partnering with the organization that deals in transit in Northern Virginia, to help prioritize and invest in transit on I-66, and to ultimately move more people.

Mr. McKay observed that this agreement has come a long way and is far more acceptable than the original agreement. In his opinion, the Commonwealth has listened to the local governments, particularly members of NVTC, to come to this point. Transit needs to be part of the solution and this is the way to make sure it happens. That didn't happen with the I-395 toll lane project.

Mr. Cook stated that he does not agree that the only issue is whether NVTC has a role or not. If the MOA is not agreed to then what happens to the toll revenue is an unknown. The agreement was compromised so much that now none of it works. The amount of toll revenue available for multimodal projects is relatively small (about \$8 million a year). After taking out expenses and other costs, the region is left with very little for multimodal improvements. When the triggers are met, the amount dips to approximately \$3 million. He is not sure you can bond \$100 million to widen I-66 with only that amount. He agrees with Mr. McKay that we need more transit as well as widening, connections and improvements to other roadways. He agrees with Delegate LeMunyon that we need it

done differently. Let the Commonwealth come up with a better solution, hopefully seeking assistance from the General Assembly.

Ms. Coyner stated that VDOT has estimated \$8 million/year for the toll revenue is the net amount expected to be available for the multimodal projects after VDOT pays for the toll facility maintenance; the total toll revenue from the facility is higher.

Mr. Reid moved to amend the MOA regarding evaluation to determine widening to replace the reference to “five years” to “within three years after the commencement of tolling the facility.” He explained that Mr. Donohue stated it would be closer to 2-3 years rather than five to widen I-66. Delegate Minchew seconded the motion.

Vice-Chairman Fisette stated that he believes Mr. Donohue said it would be 2-3 years after the five years of monitoring, not after tolling begins. Mr. Reid stated he stands corrected, but does not want to withdraw his motion.

The Commission then voted on the motion and it failed. The vote in favor of the motion was cast by Commissioners LeMunyon, Minchew, Reid and Wexton. The vote in opposition was cast by Commissioners Bulova, Corcoran, Eulle, Fisette, Foust, Hudgins, Hynes, Lovain McKay, Meyer, Oliver, Rust, and Tejada. Commissioners Black, Cook and LaRock abstained.

Mrs. Hynes stated she is comfortable with moving forward with the MOA and saying to the region that we choose to partner with the Commonwealth to bring money to our region to improve this corridor. Arlington County can live with the widening. She noted those organization in Arlington County who have supported this, including the Arlington Chamber of Commerce, Arlington County Transportation Commission, Coalition for Smarter Growth, and the Sierra Club. As the terminus for all the traffic that has to go over the bridge, the county understands what it means to have lots of people move through their boundaries. Everyone came to the table and in the end the MOA “moves the ball” to do better for our residents and commerce in the region. She agreed that it is not perfect, but doing nothing is not an option.

Mr. Reid stated that he speaks on behalf of his constituents and for those that are being ignored by this issue. Fifty-eight percent of people going eastbound on I-66 are from Fairfax County, 18 percent from Loudoun County, 11 percent from West Virginia, and five percent from Prince William County. They will have to pay tolls as much as \$17 a day, but drivers going westbound, including residents from the District of Columbia, will not be tolled. This will put more traffic on the side roads; it will create a situation where people won’t be able to slug; and there is not going to be enough toll revenue generated to fund anything except pay-go projects. He strongly encouraged other members to not support this.

Delegate LeMunyon observed that the General Assembly raised taxes two and a half years ago to bring more than \$200 million to Northern Virginia through NVTa for the region’s transportation needs. That money is bondable and can be used for any of the projects discussed. For the region to go through the complexity and process of this project for a relatively small amount of toll revenue to be used for multimodal projects

borders on the absurd. He suggested going to the NVTa to get these projects funded that way.

Delegate LaRock made a substitute motion to delay the vote to the April meeting. Mr. Reid seconded the motion.

Mrs. Bulova stated that a vote to delay means NVTC misses the opportunity to be at the table and she will not support the motion to defer. Delegate LeMunyon stated he will support the motion if only to allow the General Assembly to come up with another solution. Mr. Euille stated that it took 23 years for the General Assembly to pass a funding bill for transportation. No one wants to wait that long to solve the problems on I-66.

The Commission then voted on the substitute motion and it failed. The vote in favor of the motion was cast by Commissioners Black, LaRock, LeMunyon, Minchew and Reid. The vote in opposition was cast by Commissioners Bulova, Cook, Corcoran, Euille, Fisette, Foust, Hudgins, Hynes, Lovain, McKay, Meyer, Oliver, Rust, Tejada and Wexton.

Vice-Chairman Fisette spoke to the main motion to approve Resolution #2291. He sees this MOA as a long, well-worked, hard-fought compromise. He agreed that it is not a perfect document. However, the Commonwealth has made a commitment to move more people through the corridor and not just move vehicles. He agrees with Delegate LeMunyon that these toll revenues alone are not going to make the difference. NVTa has a responsibility to step up and help make it work. He believes it is the most cost efficient approach to try to solve the problems on I-66 Inside the Beltway, to give these multimodal improvements a chance at getting multiple people into vehicles and buses, as well as improve air quality. It's exciting to see the Commonwealth embrace a philosophy of not just adding asphalt as the solution, but encouraging high occupancy vehicles. If it doesn't work, then there are triggers in place and widening will happen.

The Commission then voted on the main motion to approve Resolution #2291. The vote in favor was cast by Commissioners Bulova, Corcoran, Euille, Fisette, Foust, Hudgins, Hynes, Lovain, McKay, Meyer, Oliver, Rust and Tejada. The vote in opposition was cast by Commissioners Black, Cook, LaRock, LeMunyon, Minchew, Reid and Wexton. The final vote was 13-7 in favor. (A copy of the resolution is attached.)

Senator Black left the room and did not return.

WMATA

Mr. Corcoran stated that WMATA's new General Manager/CEO Paul Wiedefeld, began work on November 30th. Mr. Corcoran reported that the audit results will be released soon. There will be some recommendations because the corrective recommendations to the FY2014 audit were made after the close of FY2015 so there will be some carryover. He also reported that the WMATA Board heard initial findings from the Management Audit and will receive the full report in two weeks.

Mrs. Hynes explained authorization is being sought to send a letter to WMATA regarding core capacity improvements. In 2002, WMATA released its Core Capacity Study outlining the critical system improvements needed to keep transportation viable in the region. Although Rosslyn was deemed a core station and should have received regional support, but funding was not available. Arlington County moved forward with the critical improvements. Three high-speed elevators, an underground station mezzanine and passageway connection, and an emergency stairway were fully funded by Arlington County as a reimbursable project. Virginia is still entitled to a station to be funded. The letter would request that WMATA acknowledge the Crystal City Metrorail station as a core station for the purposes of core capacity investments.

Mrs. Hynes moved, with a second by Mrs. Hudgins, to authorize NVTC's Chairman to send the letter.

Mrs. Bulova asked if Commissioners would see the letter before it was sent. Vice-Chairman Fisette suggested staff draft the letter and bring it back to the Commission at the next meeting. There were no objections and the motion was taken off the table.

Mr. Corcoran thanked Mr. Euille and Mrs. Hynes for their service on the WMATA Board of Directors. The entire Commission thanked them with applause.

Mrs. Hynes stated that a draft letter has been prepared to send to WMATA requesting data and analysis underlying the new electronic payments program so that systems of NVTC and PRTC can make sound decisions about participating in the regional implementation of NEPP.

Mrs. Hynes moved, with a second by Mr. McKay, to authorize NVTC's Chairman to send the letter to WMATA.

Mr. Reid observed that Loudoun County has nine new buses scheduled for delivery over the next year and there are no fareboxes to install. He asked that the letter include a bullet point asking WMATA to clarify the cost and time for an interim solution to bridge SmarTrip and NEPP. Mrs. Hynes accepted this suggestion as a friendly amendment. Mr. McKay agreed.

The Commission then voted on the amended motion and it passed. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Euille, Fisette, Foust, Hudgins, Hynes, LaRock, LeMunyon, Lovain, McKay, Meyer, Minchew, Oliver, Reid, Rust, Tejada and Wexton.

Mrs. Hynes stated that on November 30th WMATA release the General Manager's proposed FY2017 Operating and Capital Budgets. Currently no fare increase, no service reductions and no subsidy increases are included in the proposed budget. Several fare passes are being proposed, including a University pass and a combined rail/bus pass. There is also a proposal to cap rail fare at \$5, but this could have implications for jurisdictional payments for long-haul riders. Mrs. Hynes stated that she proposed a Freedom Pass where a person would pick their commute and pay upfront for 36-38 trips.

Virginia Railway Express

Report from the VRE Chief Executive Officer. Mr. Allen gave a brief report on the Spotsylvania Station opening and the new train service that started November 30th on the Fredericksburg Line. He also announced that federal legislation was passed to extend the Positive Train Control (PTC) to December 2018. However, VRE is not slowing down on implementing PTC.

VRE Audit. Ms. Bulova moved, with a second by Mr. Meyer, to approve Resolution #2292, which would accept VRE's FY2015 Comprehensive Annual Financial Report and the associated information from the auditors and authorize VRE's Chief Executive Officer to forward these documents to interested groups, firms and members of the public. VRE's audit, which was conducted by PBMares, LLC. They issued an unmodified (clean) opinion.

The vote in favor of the motion was cast by Commissioners Bulova, Cook, Corcoran, Euille, Fisette, Foust, Hudgins, Hynes, LaRock, LeMunyon, Lovain, McKay, Meyer, Minchew, Oliver, Rust, Tejada and Wexton. Mr. Reid abstained. (A copy of the resolution is attached.)

Commonwealth and Regional Agency Reports

Ms. Mitchell encouraged Commissioners to read the written DRPT report. There were no questions or comments.

Adjournment

On a motion by Mr. Reid and a second by Mr. McKay, the Commission unanimously voted to adjourn. Vice-Chairman Fisette adjourned the meeting at 10:19 P.M.

Approved this 7th day of January 2016.

Jay Fisette
Chairman

Paul C. Smedberg
Secretary-Treasurer



RESOLUTION #2291

- SUBJECT:** Authorize the Executive Director to Execute the Memorandum of Agreement for the Transform 66: Inside the Beltway Multimodal Project
- WHEREAS:** The Interstate 66 (I-66) corridor is a crucial, regional, multimodal corridor in Northern Virginia, that includes the Metrorail Orange and Silver Lines, Arlington Boulevard, Lee Highway, Route 7 and other important facilities that connect people and businesses to economic opportunity across the region;
- WHEREAS:** The Virginia Department of Rail and Public Transportation (DRPT) in its 2009 *Transportation Demand Management/Transit Report* and the Virginia Department of Transportation (VDOT) in its June 2012 *Final Report of the I-66 Multimodal Study Inside the Beltway* and August 2013 *Supplemental Report* identified transportation improvements to the roadways and associated transportation and transit facilities in the vicinity of I-66 through a multiphase project now called *Transform 66: Inside the Beltway*;
- WHEREAS:** Based on the recommendations made in the studies, the Commonwealth Transportation Board (CTB), VDOT and DRPT initiated a multimodal transportation program, Transform 66, which includes the *Transform 66: Inside the Beltway Project*, beginning at the intersection of I-66 and I-495 (the "Beltway") and ending at U.S. Route 29 in the Rosslyn area of Arlington County, Virginia;
- WHEREAS:** The *Transform 66: Inside the Beltway Project* consists of dynamic tolling, conversion from HOV-2-to-HOV-3, transit service, technology upgrades and infrastructure improvements that increase the number of people traveling in the corridor; an evaluation of their effectiveness on I-66 and its related arterials; and funding for the widening of I-66 if objective criteria are met;
- WHEREAS:** Revenue from the tolling component of the *Transform 66: Inside the Beltway Project* will fund projects that benefit those using I-66, including crucial transit services; technology upgrades; roadway, intersection and park-and-ride lot improvements; carpools and vanpools; and other improvements that will move more people by better connecting transportation systems, improving transit services and travel options, and reducing roadway congestion;
- WHEREAS:** On October 21, 2015, the National Capital Region Transportation Planning Board adopted the Constrained Long Range Plan (CLRP), which includes the *Transform 66: Inside the Beltway Project* and requires "the Commonwealth Transportation Board adopt a policy that: (1) ensures toll revenues are used to support multimodal improvements that benefit the users of the corridor, and (2) that the widening component of such project would only take place after an evaluation of the effectiveness of the tolling and multimodal components, and the performance of the facility including parallel roadways, to be conducted no sooner than two years after conversion to HOV-3;"
- WHEREAS:** To ensure that the investments funded by toll revenues benefit the toll payers and reflect the Region's priorities, the Commonwealth proposes a partnership with the Northern Virginia Transportation Commission (NVTC), a regional body charged with ensuring that high-quality, high-capacity transit connects people and business to economic opportunity;

- WHEREAS:** NVTC is comprised of 20 Commissioners, representing the counties of Arlington, Fairfax and Loudoun, the cities of Alexandria, Fairfax and Falls Church, and the Commonwealth; two rail systems, Metrorail and the Virginia Railway Express, which it co-owns with the Potomac Rappahannock Transportation Commission; local and regional bus systems, including DASH, ART, CUE, Fairfax Connector, Loudoun County Transit, and Metrobus; and the Vanpool Alliance;
- WHEREAS:** NVTC – through funding, planning, programming and financing – supports all forms of transit and related activities, including express and commuter bus, local bus, bus rapid transit, commuter rail, Metrorail, vanpool and carpool programs, technology, design standards and roadway investments that maximize the person throughput of existing infrastructure, and investments that provide transit customers safe, affordable and reliable service;
- WHEREAS:** The Commonwealth proposes that VDOT control and manage tolling on I-66 Inside the Beltway, with toll revenues being used and distributed according to the attached Memorandum of Agreement to support the tolling operations and tolling maintenance of I-66 Inside the Beltway and fund components selected by NVTC and approved by the CTB;
- WHEREAS:** In addition, the CTB intends to finance the widening of the I-66 between Exits 67 and 71 from I-66 toll revenues, subject to the conditions in the Memorandum of Agreement;
- WHEREAS:** Secretary of Transportation Aubrey Layne, in his letter of March 25, 2015, designated NVTC as the regional authority to identify and help deliver the multimodal components of this project to maximize the transportation benefits of this project, as measured by the number of persons that are able to travel through the corridor;
- WHEREAS:** NVTC shall have the responsibility for component selection; financing and financial management; compliance, including evaluation, reporting, and quality assurance; and providing information to the public; and
- WHEREAS:** This delegation to NVTC shall not constitute approval by NVTC of the Commonwealth's actions to impose tolling along the Facility.
- NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby authorizes the Executive Director to execute the attached *Memorandum of Agreement Transform 66: Inside the Beltway Project*.

Approved this third day of December 2015.



Jeffrey McKay
Secretary-Treasurer



David F. Snyder
Chairman



RESOLUTION #2292

SUBJECT: Accept and Authorize Distribution of VRE's FY2015 Comprehensive Annual Financial Report (CAFR)

WHEREAS: The VRE Operations Board has contracted with the firm of PBMares, LLC for the audit of its financial statements;

WHEREAS: The audit of VRE's FY2015 financial statements has been completed;

WHEREAS: The auditors have issued an unqualified opinion that VRE's statements, in all material respects, fairly and accurately present the financial position of the commuter rail operation;

WHEREAS: The VRE Operations Board accepts the FY 2014 Comprehensive Annual Financial Report (CAFR) and associated information from the auditors; and

WHEREAS: The VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby accepts VRE's FY 2015 Comprehensive Annual Financial Report (CAFR) and associated information from the auditors and authorizes the VRE Chief Executive Officer to forward these documents to interested groups, firms and members of the public.

Approved this third day of December 2015.



Jeffrey McKay
Secretary-Treasurer



David F. Snyder
Chairman