

**MINUTES**  
**NVTC COMMISSION MEETING – DECEMBER 7, 2017**  
**NAVY LEAGUE BUILDING – FIRST FLOOR CONFERENCE ROOM**  
**ARLINGTON, VIRGINIA**

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman McKay at 7:35 P.M.

**Members Present**

John Cook  
Jim Corcoran  
Katie Cristol  
Christian Dorsey  
Phil Duncan (Alternate, Falls Church)  
Adam Ebbin  
John Foust  
Libby Garvey  
Catherine Hudgins  
David LaRock  
James LeMunyon  
Matt Letourneau  
Tim Lovain  
Jeff McKay  
David Meyer (Alternate, City of Fairfax)  
Ron A. Meyer  
J. Randall Minchew  
Jennifer Mitchell (Alternate, Commonwealth of Virginia)  
Paul Smedberg  
Jennifer Wexton

**Members Absent**

Sharon Bulova  
Jeff Greenfield  
David Snyder

**Staff Present**

Matt Cheng  
Karen Finucan Clarkson  
Andrew D'huyvetter  
Nobuhiko Daito  
Rhonda Gilchrest  
Dan Goldfarb  
Patricia Happ  
Scott Kalkwarf  
Kate Mattice  
Steve MacIsaac (counsel)  
G. Julian Palmer  
Doug Allen (VRE)  
Joe Swartz (VRE)

### Opening Remarks

Chairman McKay announced NVTC will be formally recognizing departing Commissioners at the January meeting. He reviewed several changes to the Agenda. Since Deputy Secretary of Transportation Nick Donohue cannot attend due to illness, Agenda Item #5 "Proposed Amendments to the I-66 Commuter Choice Program MOA" will be deferred to the January meeting for presentation and action. An action item has been added to the Agenda regarding a NVTC response to the LaHood Report on WMATA Reform, to be discussed after the Report from the Co-Chairs of the Legislative and Policy Committee.

Mr. Dorsey stepped out of the room.

### Minutes of the November 2, 2017 NVTC Commission Meeting

Mr. Letourneau moved, with a second by Ms. Cristol, to approve the minutes. The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Ebbin, Foust, Garvey, Hudgins, LaRock, Letourneau, Lovain, McKay, Ron Meyer, Minchew, Smedberg and Wexton. Commissioners Duncan, LeMunyon and David Meyer abstained.

### Consent Agenda

On a motion by Mr. Smedberg and a second by Chairman McKay, the Commission unanimously approved the following Consent Agenda Item:

- Approve the 2018 Meeting Schedule

Ms. Mattice noted that the February meeting will be held on February 8<sup>th</sup> in Richmond to coincide with the Virginia Association of Counties (VACO) Legislative Day. NVTC and NVTa will hold back-to-back meetings for those members serving on both boards.

The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Duncan, Ebbin, Foust, Garvey, Hudgins, LaRock, Letourneau, Lovain, McKay, David Meyer, Minchew, Smedberg and Wexton. Commissioners LeMunyon and Ron Meyer voted no.

### FY2017 Audited Financial Statements and Compliance Reports

Chairman McKay stated the Executive Committee, serving as the Audit Committee, was given a detailed presentation on the audit by PBMAres, LLP, NVTC's audit firm. Dwight Buracker of PBMAres, LLP, gave a brief presentation on the audit. He stated that PBMAres has issued an unqualified (clean) opinion that NVTC's financial statements, in all material respects, fairly and accurately present the financial position and changes in financial position of the organization. PBMAres also issued a clean report on the internal control of NVTC's financial reporting, compliance and other matters. Because NVTC received federal assistance during FY2017, PBMAres also issued a report on the

compliance with requirements of each federal program, and internal control over compliance related to those federal funds. That report identified no findings. He stated PBMAres did not identify any internal control deficiencies or other findings

Delegate Minchew moved, with a second by Mr. Ron Meyer, to accept and authorize the distribution of NVTC's FY2017 Audited Financial Statements and Compliance Reports. The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Duncan, Ebbin, Foust, Garvey, Hudgins, LaRock, LeMunyon, Letourneau, Lovain, McKay, David Meyer, Ron Meyer, Minchew, Smedberg and Wexton.

#### Proposed Amendments to the Memorandum of Agreement for the I-66 Commuter Choice Program

As announced in the opening remarks, this item was deferred to the January 4, 2018 meeting.

#### Report from the Co-Chairs of the Legislative and Policy Committee

Ms. Cristol provided highlights of the December 4<sup>th</sup> Joint NVTC-PRTC Legislative Briefing in Springfield. It was well attended with more than 115 people attending, including 23 legislators and elected officials. The event featured two panels, with one focusing on the challenges facing the region's transit agencies and the other highlighting the importance of transit to the business community.

Ms. Cristol updated the Commission on the latest legislative activities. Regarding federal legislation, the tax bill passed in the House and there are two versions in the Senate being considered. In both House and Senate bills, the commuter benefits are untouched for federal government employees. The House version would eliminate private employers from deducting the tax for benefits provided to their employees. She explained the importance of the commuter benefit since 65 percent of Metro riders and 90 percent of VRE riders use this benefit. She also reported that there are several legislative efforts related to WMATA, including Representative Comstock's bill released Monday which reauthorizes PRIIA, adds \$75 million annually to WMATA, and seeks a reform board as well as Compact changes to address labor issues.

Ms. Cristol stated the 2018 NVTC Legislative and Policy Agenda, which was presented at last month's meeting for discussion, is presented tonight for action. She reviewed the key features, including maintaining and expanding opportunities for dedicated and sustainable transit funding, especially for WMATA and VRE; establishing a floor on the regional gas tax; and identifying funds to address the statewide transit capital shortfall. She explained that there is a push-pull dynamic between specificity and flexibility in the legislative package as NVTC wants to be clear in the "ask" but also wants to preserve the ability to stay flexible to respond to any potential legislation that support transit needs.

Ms. Cristol invited Aimee Perron Seibert to speak to NVTC's legislative strategy for the upcoming General Assembly Session. Ms. Perron Seibert agreed that it is important to

be flexible in light of the results of the recent elections and a new governor taking office on January 12<sup>th</sup>. NVTC is building partners and allies to have a unified voice in Richmond. NVTC is working with the Transit Stakeholders Group, which has grown to over 20 members and includes Northern Virginia and Hampton Roads members. The main message is that transit is a critical part of the Commonwealth's transportation system and an economic driver, and without additional state resources, we will not be able to keep our transit system safe, reliable and affordable. She stated Ms. Mattice has been building relationships with the chambers of commerce across the region to educate them about the impending funding needs and how it affects business. The Northern Virginia Chamber, in particular, has been an excellent partner and is committed to helping NVTC on Metro funding as well as the gas tax floor.

Ms. Perron Seibert stated the governor's budget will be released on December 18<sup>th</sup> and there is cautious optimism that there will be funding solutions in the budget for WMATA, VRE and transit in general.

Ms. Cristol moved, with a second by Mr. Corcoran, to adopt the 2018 NVTC Legislative and Policy Agenda.

Delegate LeMunyon suggested NVTC consider supporting a gas tax ceiling as well as a floor, or a percentage rather than a fixed price at the pump. He stated transit in Northern Virginia could get what it needs with a 5 1/2-cent per gallon tax. Ms. Cristol stated she interprets the Legislative and Policy Agenda allows flexibility to respond to a variety of potential legislation that would address the shortage of gas tax revenues.

Mr. Letourneau observed that a key feature in the Legislative and Policy Agenda language is that the Commonwealth's contribution should be flexible because it would allow for greater ability to issue bonds. He agreed with Delegate LeMunyon about a gas tax ceiling. Ms. Cristol stated it certainly is the intent of the Agenda to support a ceiling and/or a floor.

The Commission then voted on the motion and it passed. The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Duncan, Ebbin, Foust, Garvey, Hudgins, LaRock, Letourneau, Lovain, McKay, David Meyer, Ron Meyer, Minchew, Smedberg and Wexton. Delegate LeMunyon abstained.

Senator Ebbin recalled NVTC sponsored a transit tour of Northern Virginia for state legislators in conjunction with a Joint Committee on Transportation Accountability meeting in Northern Virginia approximately seven years ago. It was a great opportunity for legislators from across the state to see how the region's transit systems work and understand the needs the region is facing. He encouraged NVTC to plan such a tour for this General Assembly Session. There were no objections.

#### NVTC's Response to Former Secretary LaHood's Report on WMATA Reform

Chairman McKay stated that on December 5<sup>th</sup> Governor McAuliffe released the final report on Metro that he commissioned from former U.S. Secretary of Transportation Ray

LaHood. The formal release includes documents supporting LaHood's contention that a small reform board is legally permissible without opening the Compact. NVTC staff have worked with Governance and Personnel Committee Chair John Cook on a proposed response from the Commission. Commissioners were provided with an electronic copy of the draft letter earlier in the day. He stated that it is most important to convey that the local jurisdictions, through NVTC, need to be involved in the WMATA Board and governance. Local governments pay a large share of the funding for Metro and expect to have some representation and play a role.

Mr. Letourneau stated it is important that NVTC not endorse one specific model of how Virginia's appointment to the reform board is made, since there are multiple legislative strategies being introduced, such as Representative Comstock's bill. He suggested the letter reference that NVTC should continue to have a role in the appointment of Virginia's member to the reform board and any subsequent WMATA Board. Chairman McKay stated he would be happy to amend the letter to make that point.

Mr. Foust observed that NVTC should not participate in the governance of WMATA. Mr. Cook explained the intent of the letter. He suggested amending the third to last paragraph to read: "as such, should a reform board with just one member from Virginia be established, the representative should be jointly appointed by the Governor and NVTC."

Ms. Cristol stated that many in the room do not endorse a reform board. She asked if the letter should be amended to reflect this. Chairman McKay observed that NVTC did not take a specific position on a board model, so the letter was written to be consistent with NVTC's Resolution #2342. He agreed that there may be disagreement on the merits of a reform board, but if there is going to be a reform board, NVTC needs to advocate for representation on the board and the future WMATA Board.

Delegate LaRock stated the reference in the letter to \$600 million in annual sales and income tax revenue seems to be misquoted from NVTC's Economic Value Study. It should be attributed to Metro and VRE. He stated the letter should cite the source and NVTC should consider using another source besides an in-house study. He questioned the methodology and credentials of NVTC's study and referenced a real estate market study done in Loudoun County.

Ms. Mattice stated NVTC's analysis was done using the Metropolitan Washington Council of Government's model and looked at the change in congestion as a result of land densities supported by Metro and VRE. There was a peer group that NVTC worked with at MWCOG, Federal Transit Administration, WMATA and George Mason University's Center for Regional Analysis, who validated the methodology and were involved in the analysis. The study was led in-house by a professional engineer working with economists and planners at each of the organizations. NVTC recently was asked by MWCOG and other organizations to use the same methodology to do this study regionwide. She did agree that the letter was unintentionally misquoted and agreed "and VRE" needs to be added. Chairman McKay suggested attaching the study. Ms. Mattice stated the summary is on the website and staff is finalizing the appendices and the full report should be available later this month. Chairman McKay stated he has no objection to widely distributing the study to all members of the General Assembly.

Mr. Smedberg moved, with a second by Mr. Letourneau, to authorize the chairman to send the letter, with the suggested changes, to Governor McAuliffe and Governor-Elect Northam. The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Duncan, Ebbin, Foust, Garvey, Hudgins, Letourneau, Lovain, McKay, David Meyer, Ron Meyer, Minchew, Smedberg and Wexton. Delegate LaRock and Delegate LeMunyon voted no.

#### NVTC FY2019 G&A Budget and Work Plan

Chairman McKay stated that the FY2019 Budget and Work Plan are being presented for discussion with action being requested at the January 4<sup>th</sup> meeting. The budget has been reviewed by jurisdiction staff, and was discussed by the Executive Committee in November and approved at the December 7<sup>th</sup> meeting to be provided to the full Commission. Ms. Mattice stated that the proposed FY2019 Budget includes resources to accomplish the NVTC Work Plan, including the administration of the I-66 Commuter Choice program. Total expenses are proposed to increase by \$162,400, or 6.9 percent over the approved FY2018 Budget. Of this increase, \$155,500 is for administration of the I-66 Commuter Choice program, leaving a net increase of \$6,900, or 0.3 percent over the approved FY2018 budget for the balance of NVTC's operating program. Staff levels are held constant at the FY2017 and FY2018 approved budget levels, and include a provision for performance-based increases averaging three percent. A modest increase in Non-Local Travel is proposed within the budget, as staff anticipates increased travel to Richmond during the fiscal year. She stated that the Work Plan is already available on the website for public comment. At the January 4<sup>th</sup> meeting, NVTC will hold a public comment period before approving the Budget and Work Plan.

Delegate LeMunyon observed that VDOT has scheduled a public hearing on January 4<sup>th</sup> for I-66 Outside the Beltway projects being funded with the concessionaire payment. He expressed his opinion that I-66 Inside the Beltway and Outside the Beltway programs need to be coordinated in the future. He hopes the Work Plan will include coordination so that in the future the public can come to only one public hearing to hear about all the projects in the entire I-66 corridor. Chairman McKay noted there is already coordination between VDOT, NVTA and NVTC, but he has no objection to emphasizing it in the Work Plan. Mary Hynes, a member of the Commonwealth Transportation Board, clarified that the VDOT public meeting on January 4<sup>th</sup> is because CTB is required to hold a public hearing on the projects associated with the concessionaire payment. These projects do not interact with the funding for I-66 Commuter Choice Program (Inside the Beltway). The concessionaire payment is a one-time payment.

Ms. Mattice explained that the Commission is being asked to authorize the executive director to sign a non-binding letter of intent with the NVTC office building owner to negotiate an amendment to the NVTC office lease. Due to the lack of space in NVTC's office suite, staff has explored opportunities that recently developed within the Navy League Building, where NVTC's offices are presently located. While NVTC has eleven full-time staff, one approved yet unfilled full-time position, and up to two fellows at any time, NVTC's suite includes only eight internal offices. Over the past several months, NVTC's real estate broker, MGA, Inc., has been working with NVTC staff to identify

opportunities with minimal impact and cost to the Commission. As a result of current building vacancy, MGA has identified an opportunity within the Navy League Building that could allow NVTC to extend its existing office lease, but for a larger space on the second floor that would accommodate NVTC's needs.

Ms. Mattice stated that while the specifics of the lease extension are still under negotiation, the next step is for NVTC to sign a Letter of Intent, so that NVTC through MGA, may finalize the terms of a lease amendment. The Letter of Intent is a non-binding document where all parties may walk away at any time without consequence. An early draft of the letter has been reviewed by NVTC counsel. Once final negotiations have been completed, representatives of MGA will brief the Commission on the terms that were reached with the Navy League. Assuming the terms are agreeable by the Commission, the executive director would seek approval to amend the office lease.

In response to a question from Senator Wexton, Ms. Mattice stated that there are approximately three years left on NVTC's current lease. Senator Wexton noted that in the past there has been discussion of NVTC exploring transit friendly office space further out. With the Silver Line in operation, there are now more options. Ms. Mattice stated that intent would be to extend the current lease another 10 years. NVTC's broker is benchmarking other facilities along the same corridor that have similar facilities (conference facility, kitchen, etc.). Ms. Garvey stated it sounds like NVTC is in a good negotiating position.

Ms. Garvey moved, with a second by Mr. Corcoran, to authorize the executive director to sign a Letter of Intent to negotiate the office lease.

Mr. Letourneau observed that Senator Wexton raised a valid point that NVTC should be exploring other office markets, especially with the Silver Line now in operation. He asked if analysis could be done for a broader search area. Chairman McKay noted that there are other affordable office markets, such as along the Blue and Yellow Lines. He reminded Commissioners that staff's daily commute will be impacted if the office relocates a long distance, while Commissioners only come once a month. Other considerations include NVTC's relationship with Arlington County and the significant amount of staff assistance NVTC receives from the county (legal counsel and human resources support). There is more to consider than just location. He stated that if Commissioners want to widen the scope of the search area, they need to be direct in what that scope should be.

The Commission then voted on the motion and it passed. The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Duncan, Ebbin, Foust, Garvey, Hudgins, LaRock, Letourneau, Lovain, McKay, David Meyer, Ron Meyer, Minchew, Smedberg and Wexton. Delegate LeMunyon voted no.

Delegate LeMunyon expressed his opinion that as long as meetings are held in this location, it is like a "closed meeting" for those people who cannot get here. NVTC needs to be in a place more convenient to the public in Northern Virginia. Senator Ebbin stated he does not understand the reference to a "closed meeting" since this location is accessible by Metrorail, bus and has available parking. Delegate LeMunyon clarified that

NVTC meets the legal requirements of an open meeting but for the public who live in Loudoun and western or Southern Fairfax, it is a long distance to travel.

Delegate Minchew left the meeting at 8:35 P.M. and did not return.

Chairman McKay stated the Executive Committee discussed how NVTC staff is negotiating for technology upgrades for this conference facility to be able to stream the meetings electronically. This would provide even more access to the public.

Mr. Letourneau expressed his opinion that NVTC does not need to take immediate action to broaden the search but he does think a discussion at some point is needed. There is a fiscal element to consider if there are more affordable market areas. Chairman McKay encouraged Commissioners to contact the executive director with suggestions since this negotiation with the landlord is a limited opportunity.

#### Washington Metropolitan Area Transit Authority

Ms. Hudgins gave a few highlights from today's UITP International Rail Forum for North America. It was a good opportunity to hear about transit around the world, with many organizations having the same kind of issues WMATA is facing. Mr. Corcoran reported that the WMATA performance metrics (financial, safety, reliability) continue to improve since SafeTrack. Mr. Smedberg observed the Back2Good handout is a good summary.

Delegate LeMunyon observed that the data shows that Metro station parking garage usage has increased except for the West Falls Church station. He hopes someday the I-66 toll can be reversed from the Beltway to encourage commuters to park at the West Falls Church station and take Metro. Ms. Hudgins reported WMATA is looking at tools to improve service delivery, including parking (i.e. varying parking costs for underutilized stations).

#### Virginia Railway Express

VRE CEO Report. Mr. Allen reported that for the month of October on-time performance was 91 percent systemwide and average daily ridership was 19,700. He gave a brief update on the Potomac Shores Station, L'Enfant Station storage, and the expansion of the Crossroads maintenance facility.

Mr. Allen announced the list of projects endorsed by NVTA for the I-66 Outside the Beltway projects to receive concessionaire payment funding was presented to the CTB. CTB on December 6<sup>th</sup> and action is scheduled in January to add these projects to the Six-Year Improvement Plan. VRE is expected to receive \$128 million for the Manassas Line Capacity Expansion and Real-Time Traveler Information Project.

Mr. Allen reported the CAO Task Force met today to review VRE's proposed FY2019 budget and concurred with the funding of VRE's analysis. The Task Force has



recommended approval of the budget. The Commissions will be asked to approve the budget in January.

VRE's FY2017 Comprehensive Annual Financial Report (CAFR). Mr. Smedberg stated that Resolution #2346 would accept and authorize the distribution of VRE's FY2017 Comprehensive Annual Financial Report (CAFR) and associated information from the auditors. VRE's audit firm, PBMares, LLP, has issued an unqualified (clean) opinion. Their opinion letter states that VRE's statements, in all material respects, fairly and accurately present the financial position of the organization.

Mr. Smedberg moved, with a second by Ms. Cristol, to approve Resolution #2346. The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Duncan, Ebbin, Foust, Garvey, Hudgins, LaRock, LeMunyon, Letourneau, Lovain, McKay, David Meyer, Ron Meyer, Minchew, Smedberg and Wexton.

2017/2018 VRE Legislative Agenda. Mr. Smedberg stated Resolution #2347 would approve the 2017/2018 VRE Legislative Agenda and authorize the VRE CEO to actively pursue the elements set forth in the document. Federal issues include Positive Train Control (PTC) implementation, commuter benefits, and 49 CFR Part 270 System Safety Program. State issues will focus on a protective floor for the regional 2.1 percent motor fuels tax; additional Commonwealth transit capital support; and additional VRE capital and operating funding.

Mr. Smedberg moved, with a second by Ms. Garvey, to approve Resolution #2347. The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Duncan, Ebbin, Foust, Garvey, Hudgins, LaRock, Letourneau, Lovain, McKay, David Meyer, Ron Meyer, Minchew, Smedberg and Wexton. Delegate LeMunyon abstained.

Submission of VRE Projects to NVTa for Funding Consideration in the FY2018-2023 Six-Year Program. Mr. Smedberg stated the VRE Operations Board recommends Commission approval to submit a list of projects to the Northern Virginia Transportation Authority (NVTa) for evaluation and funding consideration in its FY2018-2023 Six-Year program and authorize the VRE CEO to submit the approved projects for funding, make any necessary corrections to project amounts or descriptions in the applications, and execute all project funding agreements that may result from consideration of the projects. Resolution #2348 would accomplish this. Mr. Smedberg explained that Resolution #2348 was updated to add NVTa TransAction project numbers for each project.

Mr. Dorsey returned to the meeting at 8:54 P.M.

Mr. Smedberg moved, with a second by Ms. Cristol, to approve the amended Resolution #2348.

In response to a question from Delegate LeMunyon, Mr. Swartz from VRE explained that this action is being requested as a back-up in case the I-66 Outside the Beltway concessionaire payment does not get approved. VRE will withdraw the application in January if the I-66 Outside the Beltway Concessionaire Payment is approved by the Commonwealth Transportation Board.

Delegate LeMunyon stated this is a classic example why there should be a coordinated decision-making effort. He cannot understand how this funding works and neither will the public. Chairman McKay agreed that it can be complicated with the many pools of funding and the criteria established through the General Assembly and/or the federal government, but it is not an uncommon practice for local governments to pick the most strategic funding source where they think the project will fare the best. Ms. Mitchell agreed it is a common practice throughout the Commonwealth.

Mr. Letourneau stepped out of the room at 9:01 P.M.

The Commission then voted unanimously to approve Resolution #2348. The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Dorsey, Duncan, Ebbin, Foust, Garvey, Hudgins, LaRock, LeMunyon, Lovain, McKay, David Meyer, Ron Meyer, Minchew, Smedberg and Wexton.

Submission of VRE Projects to NVTC for FY2018 I-66 Commuter Choice Funding Consideration. Mr. Smedberg stated the VRE Operations Board recommends Commission approval to submit three projects (Crystal City Station Improvements, L'Enfant Station and Track Improvements, and Manassas Line Real-Time Multimodal Traveler Information System projects) to NVTC for funding consideration in its FY2018 I-66 Commuter Choice program. All the projects are identified in VRE's Capital Improvement Program and the System Plan 2040. Resolution #2349 would authorize the VRE CEO to submit the approved projects for funding, make any necessary corrections to project amounts or descriptions in the applications, and execute all project funding agreements that may result from consideration of the projects.

Mr. Smedberg moved, with a second by Ms. Cristol, to approve Resolution #2349. The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Dorsey, Duncan, Ebbin, Foust, Garvey, Hudgins, LaRock, LeMunyon, Lovain, McKay, David Meyer, Ron Meyer, Minchew, Smedberg and Wexton.

#### Department of Rail and Public Transportation

Ms. Mitchell announced that during his press conference on Tuesday, Governor McAuliffe stated he plans to include a proposal for dedicated Metro funding in his budget bill, which will be dependent on Maryland and the District of Columbia dedicating funds and the creation of a reform board, as recommended in Secretary LaHood's Report on WMATA.

Mr. Letourneau rejoined the meeting at 9:03 P.M.

Ms. Mitchell reported that Virginia and Maryland have appointed their two members to the Metro Safety Commission. The District of Columbia has made one appointment so far. She also reported at its December 6<sup>th</sup> meeting, the CTB approved DRPT's recommendations for the DC2RVA project. The District's Department of Transportation is scheduled to hold a public meeting on the Long Bridge Project on December 14<sup>th</sup>.

### Transit Performance and Ridership

Ms. Mattice stated these two reports, the FY2018 1<sup>st</sup> Quarter Ridership Report and the FY2016 Annual Transit Performance Report, are provided routinely to the Commission. For the quarterly report, she explained that because of the surges and other service disruptions that took place in FY2017, it makes it difficult to discern any long-term trend when comparing FY2018 statistics with FY2017. NVTC staff will continue to monitor and analyze ridership of transit services in Northern Virginia. Overall, most transit agencies in experienced ridership declines during the first quarter. For the FY2016 Annual Performance Report, annual passenger trips of most Northern Virginia regional transit services during FY2016 showed declines when compared to FY2015. Metrorail, Metrobus, and VRE ridership by month showed decreases from FY2015 to FY2016 except in the months of February and March.

Ms. Mattice stated these reports are available on NVTC's website. In response to a question from Ms. Garvey, Mr. Dorsey stated that companies such as Lyft and Uber do not release ridership data.

### Executive Director Report

Ms. Mattice stated that the third WMATA Public Forum was held on November 16<sup>th</sup> and it was well attended by the public. On December 3<sup>rd</sup>, the CTB approved the I-395 Memorandum of Agreement (MOA), which NVTC approved at its November meeting. NVTC and PRTC will need to create an agreement between the two Commissions on how to implement the funding program. Ms. Mattice stated that the I-66 Commuter Choice Program FY2018 Call for Projects deadline is December 22<sup>nd</sup>. She introduced NVTC's extern, Julian Palmer from Carleton University.

The Financial Report for October 2017 was provided to Commissioners and there were no questions.

### New Business

Mr. Ron Meyer moved, with a second by Mr. Letourneau, to adopt a resolution on I-66 tolling circulated at the beginning of the meeting.

Mr. Ron Meyer explained that this resolution was written in collaboration with multiple Commissioners. Loudoun County Board of Supervisors passed a similar resolution with a vote of 9-0. He stated that the tolling on I-66 Inside the Beltway, which started on December 1<sup>st</sup>, is vastly different than what VDOT promised. This week tolls were as high at \$40. He stated NVTC is the right organization to send this resolution to the Commonwealth, as it is the entity who is receiving the toll funds for transit. The resolution is flexible on how to fix the problem (roll back target from 55 mph to 45 mph, return to original hours of HOV operations, change the algorithms, etc.). He stated that NVTC needs to stand united for its citizens.

Ms. Cristol moved a substitute motion to defer this resolution to the January 4<sup>th</sup> meeting. Mr. Dorsey seconded the motion.

Ms. Cristol spoke to her motion expressing concern about what the resolution says about tolling and about NVTC. NVTC has established a reputation as a “sober voice in the room” versus political posturing. She would like to defer this until NVTC can conduct the kind of substantive analyses with actual data, which the Commission has become known for and then make real and substantive suggestions to improve the tolling program. With no more than four days of data and eight hours of reflection, now is not the time to send this resolution.

Mr. Lovain expressed his support for the substitute motion. He is troubled by the resolution clause “if a solution cannot immediately be implemented, VDOT should suspend.” In his opinion, the goal should be to perfect the algorithm and the way to do that is to let the program run with real traffic data. It deserves some time.

Mr. Foust also supports the substitute motion because it is premature, but he hopes VDOT is listening. He questioned the target 55 mph requirement during the AM peak period, which is pushing more traffic onto alternate roadways, while costing toll users more than what they should have to pay.

Delegate LeMunyon agreed with the points made, but observed that this resolution is not binding on VDOT. By passing the resolution tonight, NVTC would send a message of urgency. He stated that there is a difference between toll algorithms and the aspect of extending the toll hours and not allowing hybrid vehicles to use I-66 anymore. In his opinion, these are two mistakes made by VDOT. He observed that a project may only benefit some people, but should never harm anyone. He encouraged NVTC to support this resolution tonight.

Senator Ebbin understands the high tolls are jarring, but he will support the substitute motion. This merits some further discussion and he has some concerns with some of the specific resolution language. He wants to hear from VDOT and since NVTC has already allocated almost \$10 million in advanced toll revenues, he does not want to rush this.

Mr. David Meyer stated that this initiative is unique and the only type of project in the United States. The tolling has only been implemented for four days. As frustrating as this is for many people, change is difficult. He suggested even waiting an additional 60 days to allow time for the program to be monitored, especially with the upcoming holidays, which can change commuting patterns.

Chairman McKay stated that since Mr. Donohue could not attend tonight’s meeting, he is planning to attend the January meeting, so the Commission would have an opportunity to hear a presentation on the tolling and ask questions.

Mr. Cook stated that there is something wrong with tolls going up to \$40 and people are entitled to an explanation since we were told it would be at the most \$17. He will not support an indefinite deferment of the resolution, but it would be helpful to have more than

four days of data. He stated that VDOT should be asked to come to the January meeting and specifically address the I-66 tolling issue, or otherwise he will not vote for the substitute motion. Chairman McKay stated he has already conveyed this to Mr. Donohue during a phone conversation earlier today.

Chairman McKay stated he supports the substitute motion as he is interested in seeing how transit is impacted and if commuting patterns are changing, and how alternate routes are impacted. As a member of NVTC, he wants to see the whole picture. This does not mean that he doesn't have concerns about the high tolls.

Mr. Dorsey stated the resolution makes a political statement. He would like to see NVTC lead the charge to bring solutions once there is sufficient data. For those reasons, he will support the substitute motion. Ms. Hudgins agreed.

Mr. Letourneau stated he disrespectfully disagrees. This is the first time he has been directed by his board to take a position at a regional meeting. The Loudoun County Board directed him and Mr. Ron Meyer to bring this resolution to NVTC. That's an indication of how seriously Loudoun County takes this issue. There is an urgency due to the disturbing comments from the Secretary of Transportation and VDOT calling the high tolls "intended" and "good news" and there has been no indication that VDOT understands that a \$30 or \$40 toll is not okay. For the next 30 days, real people will continue to pay the high level of tolls. There needs to be an acknowledgement that paying \$40 tolls to travel on I-66 is not acceptable. Sending the resolution doesn't mean NVTC cannot come back and do the analysis or have further discussion. He respectfully urged Commissioners to send a message that the tolling is not working.

Ms. Garvey stated she supports the substitute motion. She did express concern how the high tolls are affecting low-wage earners who live in Loudoun and western Fairfax who cannot afford to pay the tolls. There may be spill-over effects that may result in unintended consequences affecting the hospitality industry and construction industry. She would like information on this specific issue.

Delegate LeMunyon reported that a contingency of General Assembly members held a news conference taking a much more aggressive position on the tolls compared to the resolution presented to NVTC. Mr. Ron Meyer stated NVTC should at least be able to vote on calling for the hours of tolling to be changed back. It may be easy for some to say to wait a month to take action, but there is real money associated with real people. A delay impacts people who cannot afford to pay these high tolls. It could cost a driver \$300-\$600 over the next month. He encouraged Commissioners to amend the resolution rather than defer.

Mr. Dorsey stated that it should not be interpreted that those who support the substitute motion are in support of the tolling. They may not like the tolling, but don't believe the timing is right. NVTC as an organization has a reputation of not just making statements, but also providing solutions. Ms. Cristol agreed and stated the spirit of the substitute motion is not a statement about tolling but a statement about this Commission—that NVTC wants to be part of the solution and provide constructive solutions. We can't forget the real problem that every day our constituents sit in the worst congestion in the United

States. People lose economic opportunities and time. They elected us to fix the problem. That doesn't mean that we support the tolling, it simply says that NVTC can be part of the solution.

The Commission then voted on the substitute motion, which passed with a vote of 13-5. The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Dorsey, Duncan, Ebbin, Foust, Garvey, Hudgins, Lovain, McKay, David Meyer, and Smedberg. The vote in opposition was cast by Commissioners LaRock, LeMunyon, Letourneau, Ron Meyer, and Wexton.

Ms. Garvey stated she assumes these concerns will be conveyed to VDOT and Deputy Secretary Donohue.

### Adjournment

Mr. Letourneau moved, with a second by Mr. Lovain, to adjourn the meeting. Without objection, Chairman McKay adjourned the meeting at 9:45 P.M.

Approved this fourth day of January 2018.

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Paul C. Smedberg  
Chairman

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Katie Cristol  
Secretary-Treasurer



## **RESOLUTION #2346**

**SUBJECT:** Accept and Authorize Distribution of VRE's FY2017 Comprehensive Annual Financial Report (CAFR)

**WHEREAS:** The Virginia Railway Express (VRE) Operations Board has contracted with the firm of PBMares, LLC for the audit of its financial statements;

**WHEREAS:** The audit of the VRE FY2017 financial statements has been completed; and

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission accepts VRE's FY2017 Comprehensive Annual Financial Report (CAFR) and associated information from the auditors and hereby authorizes the VRE Chief Executive Officer to forward these documents to interested groups, firms, and members of the public.

Approved this 7<sup>th</sup> day of December 2017.

  
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Matthew F. Letourneau  
Secretary-Treasurer

  
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Jeffrey C. McKay  
Chairman



## **RESOLUTION #2347**

**SUBJECT:** Approve the 2017/2018 VRE Legislative Agenda

**WHEREAS:** The Virginia Railway Express (VRE) is an essential part of a regional transportation network for the Northern Virginia and DC Metropolitan region;

**WHEREAS:** VRE serves residents throughout the Commonwealth to provide a meaningful public transportation option;

**WHEREAS:** It is essential for VRE to advocate for its funding needs and legislative/regulatory concerns with members of Congress and their staff, with staff of federal entities, in the Virginia General Assembly, and with the governor and his administration;

**WHEREAS:** VRE has coordinated its Legislative Agenda with the staffs of the Commissions and member jurisdictions; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission does hereby approve the 2017/18 VRE Legislative Agenda and authorizes the VRE Chief Executive Officer to actively pursue the elements set forth in the Agenda.

Approved this 7<sup>th</sup> day of December 2017.

Matthew F. Letourneau  
Secretary-Treasurer

Jeffrey C. McKay  
Chairman





## RESOLUTION #2348

**SUBJECT:** Approve the Submission of VRE Projects to NVTA for FY2018-2023 Six-Year Program Funding Consideration

**WHEREAS:** The passage of House Bill 2313 requires the Northern Virginia Transportation Authority (NVTA) to fund highway projects that have been both included in TransAction and evaluated for congestion relief and emergency evacuation by VDOT or mass transit capital projects that increase capacity;

**WHEREAS:** The NVTA has issued a Call for Projects to agencies and jurisdictions for consideration for funding with expected FY 2018 through FY 2023 revenues;

**WHEREAS:** VRE has identified a set of projects that expand VRE capacity consistent with the VRE Capital Improvement Program (CIP) and System Plan 2040 where funding to continue to advance the project through implementation has not yet been identified;

**WHEREAS:** Each of the projects satisfies NVTA funding eligibility requirements to both be included in the TransAction long-range regional transportation plan and increase transit capacity; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission does hereby approve the submission of the projects identified in Attachment 1, for a total request up to \$168 million, to the NVTA for consideration for funding in its FY2018-2023 Six Year Program. The projects encompass NVTA TransAction Project No.93, VRE Fredericksburg Line Rail Capacity Improvements; Project No. 298, VRE Alexandria-DC Rail Capacity Improvements; Project No. 300, VRE Manassas Line Rail Capacity Enhancements; Project No. 301, VRE Fredericksburg Line Service Expansion.

**BE IT FURTHER RESOLVED** that NVTC/PRTC authorizes the VRE Chief Executive Officer to submit the approved projects for funding, to make any necessary corrections to project amounts or descriptions, to remove the L'Enfant station and track improvements project dependent on its eligibility for NVTA funding, and to execute all project agreements on behalf of the Commissions.

Approved this 7<sup>th</sup> day of December 2017.

Matthew F. Letourneau  
Secretary-Treasurer

Jeffrey C. McKay  
Chairman

# Attachment 1

| Project Name   | Description  | Phase Requested for Funding   | Year Funding Requested     | Estimated Cost (\$YOE) | Proposed NVTAFunding Request |
|--|--|---|----------------------------|------------------------|------------------------------|
| Crystal City Station Improvements, TransAction Project No. 298, VRE Alexandria-DC Rail Capacity Improvements   | Relocated and expanded station with longer platform and service on two tracks  | Final Design  | FY20                       | \$42,000,000           | \$4,000,000                  |
| L'Enfant Station and Track Improvements, TransAction Project No. 298, VRE Alexandria-DC Rail Capacity Improvements   | Relocated and expanded station with longer platform and service on two tracks, addition of fourth through the station from L'Enfant interlocking to Virginia interlocking.   | Final Design  | FY21                       | \$71,000,000           | \$6,000,000                  |
| Woodbridge Station and Track Improvements, TransAction Project No. 93, VRE Fredericksburg Line Rail Capacity Improvements and Project No. 301, VRE Fredericksburg Line Service Expansion | Expanded station with longer platform and service on three tracks, addition of Occoquan third track through the station from the Franconia-Springfield to Occoquan third track segment to near Featherstone Rd., including crossing of the Occoquan River. | Final Design  | FY22                       | \$230,000,000          | \$29,500,000                 |
| Manassas Park Station Parking Garage, TransAction Project No. 300, VRE Manassas Line Rail Capacity Enhancements  | Addition of a parking garage to provide additional parking for the station and a grade-separated pedestrian connection from the garage to the station platform.  | Construction  | FY19                       | \$25,983,000           | \$23,480,000                 |
| Manassas Station Improvements, TransAction Project No. 300, VRE Manassas Line Rail Capacity Enhancements   | Expanded station with longer platform and pedestrian connection to the Prince William Street surface parking lot   | Preliminary Engineering/ Environmental Review, Final Design, Construction | FY19 Design<br>FY21 Const. | \$9,125,000            | \$9,125,000                  |
| Broad Run Station and MSF Improvements, TransAction Project No. 300, VRE Manassas Line Rail Capacity Enhancements  | Expanded station with longer platform and additional parking, expanded train storage for longer trains   | Final Design, Construction  | FY19 Design<br>FY20 Const. | \$56,256,000           | \$44,156,000                 |
| Manassas Line Third Track, TransAction Project No. 300, VRE Manassas Line Rail Capacity Enhancements   | Third main track on the Norfolk Southern Railway from the VRE Broad Run station to Grant Avenue in Manassas  | Final Design, Construction  | FY19 Design<br>FY21 Const. | \$20,131,000           | \$20,131,000                 |
| Manassas Line Real-Time Multimodal Traveler Information System, TransAction Project No. 300, VRE Manassas Line Rail Capacity Enhancements  | Software and equipment to support the provision of VRE real-time traveler information  | System Design and Procurement of Software and Equipment                   | FY19                       | \$6,561,000            | \$3,481,000                  |
| VRE Rolling Stock, TransAction Project No. 300, VRE Manassas Line Rail Capacity Enhancements   | 10 expansion coaches to lengthen VRE Manassas Line trains  | Procurement of Coaches  | FY19                       | \$33,370,000           | \$28,120,000                 |
| Total  |  |   |                            | \$494,426,000          | \$167,993,000                |



## RESOLUTION #2349

**SUBJECT:** Approve the Submission of VRE Projects to NVTC for FY2018 I-66 Commuter Choice Funding Consideration

**WHEREAS:** The Northern Virginia Transportation Commission (NVTC) has issued a Call for Projects for consideration for funding with expected FY 2018 I-66 Inside the Beltway toll revenues available through the I-66 Commuter Choice program;

**WHEREAS:** The Virginia Railway Express (VRE) has identified three projects within the I-66/VRE Manassas Line corridor that will benefit toll payers, included in the VRE Capital Improvement Program (CIP) and System Plan 2040, where funding to continue to advance the project through implementation has not yet been identified; and

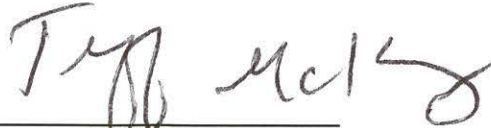
**WHEREAS:** The VRE Operations Board recommends the following action.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission does hereby approve the submission of the Crystal City Station Improvements, L'Enfant Station and Track Improvements, and Manassas Line Real-Time Multimodal Traveler Information System projects to NVTC for funding consideration in its FY2018 Commuter Choice program.

**BE IT FURTHER RESOLVED** that NVTC authorizes the VRE Chief Executive Officer to submit the approved projects for funding, to make any necessary corrections to project amounts for descriptions, and to execute all project agreements on behalf of the Commissions.

Approved this 7<sup>th</sup> day of December 2017.

  
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Matthew F. Letourneau  
Secretary-Treasurer

  
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Jeffrey C. McKay  
Chairman