

**MINUTES**  
**NVTC COMMISSION MEETING – FEBRUARY 2, 2017**  
**EAST READING ROOM – PATRICK HENRY BUILDING**  
**RICHMOND, VIRGINIA**

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman McKay at 4:06 P.M.

**Members Present**

Sharon Bulova  
John Cook  
Katie Cristol  
Christian Dorsey  
Libby Garvey  
Catherine Hudgins  
David LaRock  
James LeMunyon  
Jeff McKay  
Ron A. Meyer  
J. Randall Minchew  
Jennifer Mitchell (Alternate, Commonwealth of VA)  
David Snyder  
Jennifer Wexton

**General Assembly Members**

**Absent During Session**

David Albo  
Adam Ebbin

**Members Absent**

Jim Corcoran  
John Foust  
Jeff Greenfield  
Matt Letourneau  
Tim Lovain  
Paul Smedberg

**Staff Present**

Karen Finucan Clarkson  
Andrew D'huyvetter  
Rhonda Gilchrest  
Kate Mattice  
Aimee Perron Siebert  
Doug Allen (VRE)  
Paul Dean (VRE)  
Joe Swartz (VRE)

### Opening Remarks

Chairman McKay welcomed special guests and legislators, including Secretary of Transportation Aubrey Layne, Assistant Secretary of Transportation Nick Donohue, Commonwealth Transportation Board Member Marty Williams, DRPT Director Jennifer Mitchell, Senator Jennifer Wexton and Delegate Richard Sullivan. (Delegate Vivian Watts arrived later in the meeting.)

Chairman McKay also thanked Delegate Minchew and his staff for assisting NVTC to reserve this meeting space.

Chairman McKay explained that action items are being moved to the beginning of the meeting while there is still a quorum. There were no objections.

Chairman McKay also announced that WMATA General Manager/CEO Paul Wiedefeld will join NVTC at its March 2<sup>nd</sup> meeting to discuss WMATA issues.

### Minutes of the January 5, 2017 NVTC Commission Meeting

Senator Wexton moved, with a second by Mrs. Bulova, to approve the minutes. The vote in favor was cast by Commissioners Bulova, Cook, Cristol, Dorsey, Garvey, Hudgins, McKay, Myer, Mitchell, Snyder and Wexton.

### FY2018 State Transit Assistance Applications

Ms. Mattice stated that Resolution #2332 has been updated to include the final totals for the state assistance applications, which were due to DRPT on February 1<sup>st</sup>. NVTC applied for state operating and capital transit assistance on behalf of its five WMATA jurisdictions for the local bus systems and for their share of WMATA subsidies. NVTC also submits state assistance applications on behalf of VRE.

Ms. Mattice also noted NVTC is seeking state technical assistance funding from DRPT for FY2018 for \$150,000 (total project cost \$300,000 with state share at 50 percent) to conduct a conceptual engineering study of the Envision Route 7 project. NVTC is also seeking state assistance from DRPT's Intern Program to support NVTC's Fellows Program for FY2018.

Mr. Snyder moved, with a second by Ms. Cristol, to approve Resolution #2332. The vote in favor was cast by Commissioners Bulova, Cook, Cristol, Dorsey, Garvey, Hudgins, McKay, Myer, Mitchell, Snyder and Wexton.

### VRE Sale of Seven Legacy Passenger Railcars

Ms. Bulova stated that the VRE Operations Board recommends the Commissions authorize the VRE CEO to execute an agreement for the sale of the remaining seven

Legacy passenger railcars to The Foxville & Northern Railroad Company, LLC of Pelion, South Carolina for the sum of \$3,500. Resolution #2333 would accomplish this.

Ms. Bulova moved, with a second by Ms. Garvey, to approve Resolution #2333. The vote in favor was cast by Commissioners Bulova, Cook, Cristol, Dorsey, Garvey, Hudgins, McKay, Myer, Mitchell, Snyder and Wexton.

#### Update on the Metro Safety Commission Legislation

Chairman McKay thanked Secretary Layne for taking time out of his busy schedule to come update NVTC on the Metro Safety Commission (MSC) legislation. Secretary Layne reported that the bills establishing a Metro Safety Commission were reported out of both the House and Senate Transportation Committees this week. Senator Barker's bill (SB1251) received a unanimous vote, as did Delegate LeMunyon's bill (HB2136) with a friendly amendment from Delegate Minchew. The amendment, supported by the McAuliffe administration, requires Virginia's Secretary of Transportation to work with NVTC to commence discussions on revisiting the Metro compact. The talks would focus on recommendations to reform WMATA's Board, labor costs, pension deficit, safety and efficiency.

Delegate LaRock joined the meeting at 4:14 P.M.

Secretary Layne explained that Delegate Minchew's amendment includes an emergency clause that requires 80 percent of the House to vote in favor otherwise Delegate LeMunyon will remove the amendment and the MSC legislation will move forward. Secretary Layne stated that it is a good compromise. From Virginia's perspective, the Commonwealth wants to send a message that Virginia is serious about WMATA reform.

Delegate Minchew and Delegate Vivian Watts arrived at 4:16 P.M.

Secretary Layne asked Delegate Minchew to speak to his amendment. Delegate Minchew stated that this is important legislation. Knowing that the WMATA Compact cannot be amended quickly, it was important to protect Virginia's interests moving forward. He wants to see WMATA Compact reform and for WMATA to become a world-class system.

Chairman McKay thanked all those involved in reaching this compromise. It is important for all three jurisdictions (Maryland, Virginia and the District of Columbia) to pass the MSC legislation since federal funding could be at stake. He observed that NVTC as an organization has been a consistent voice seeking Metro reforms. Virginia is interested in reform but also acknowledged Maryland and the District need to be part of the solution. He is pleased to see NVTC is included in the process and looks forward to working with the Secretary of Transportation.

Ms. Cristol stated Delegate LeMunyon introduced a resolution (HJ617) which called for the Governor to open and review the WMATA Compact. Secretary Layne stated that HJ617 was not considered by the Committee in lieu of the new amendment proposed by Delegate Minchew. Secretary Layne noted that the McAuliffe Administration felt strongly

that the process should not be politicized, which could cause a problem reaching consensus among the three jurisdictions. Therefore, the Secretary of Transportation (and not the Governor) will coordinate with NVTC to engage with Maryland and the District to look at reforms.

Mr. Snyder thanked all those involved in reaching this compromise. He stated that this puts a marker down that the issues will be addressed. WMATA is important to the region as well as the federal government since many government employees use Metro to commute to work. He is also pleased to see that NVTC will have a role, which will keep the localities involved as key stakeholders. As Compact jurisdictions, they have certain financial and legal responsibilities. He hopes this will send a message to Maryland and the District that we all need to work cooperatively to resolve the issues at WMATA.

Ms. Bulova also thanked Delegate Minchew for his contributions. It is important to pass identical language by all three jurisdictions and Delegate Minchew's amendment sets the ball into motion to work together to address WMATA Compact issues. Secretary Layne agreed that the administration and legislators found a way to come together to move things forward. This has been a theme throughout the last four years of the McAuliffe Administration and some significant progress has been made on important issues, such as the I-66 legislation last year and now the MSC legislation.

Mr. Dorsey asked about the substance of the amendment. Secretary Layne replied that DRPT has initiated work on several of the issues noted in the amendment. There is also a great deal of work and analysis that has already been done by other organizations. He observed that the messenger may be just as important as the message. NVTC will be brought into the process. Mr. Dorsey predicted that the price for having some of these discussions with the other WMATA partners will be deeper conversations about funding issues. Secretary Layne observed that some of the comments coming from other WMATA Board members have not been helpful. Mr. Cook cautioned not to waste a lot of time waiting for retractions. The focus needs to be on getting people in the room to start a discussion.

Ms. Hudgins observed that WMATA performed when it needed to perform for the two-days of service for the Inauguration followed by the Women's March, but it took a lot of behind the scenes to make that happen. WMATA experienced its second highest ridership record for the day of the Women's March. She stated that for this Compact process to work, close and constant attention will be needed. She agreed with Mr. Dorsey that without a funding discussion, nothing will happen.

Mr. Meyer thanked Delegate Minchew for his efforts, which will start the discussion of Compact reform. This is a great compromise amendment. Regarding funding, he observed that it will be difficult for the jurisdictions and the Commonwealth to make up the funding gap alone. To get additional funding (federal, state and local) it will be important to look at Compact reforms. Secretary Layne stated that he is a firm believer of the concept that before you ask for more money you need to provide proof you are using the money you have been given wisely. Understanding where WMATA stands today and how it compares to other benchmarks, such as other transit systems, will be key. WMATA General Manager Wiedefeld is doing a good job of moving us there but he

would even admit Metro is not where it needs to be. Secretary Layne stated that it is a financial story, a political story, and a Metro story—of what it can become.

Chairman McKay thanked Secretary Layne for his comments. He stated that nothing is more critical to the region than getting Metro fixed. He reminded everyone that there will be a great opportunity to continue this discussion at next month's meeting with Mr. Wiedefeld.

Delegate Minchew left the meeting at 4:42 P.M.

#### Presentation by CTB Member Marty Williams

Chairman McKay introduced Marty Williams, CTB member and Chair of the Transit Capital Project Revenue Advisory Board (RAB). Mr. Williams stated that during the 2016 General Assembly Session, the Transit Capital Project Revenue Advisory Board was established by HB1359 to examine the effects of the loss of state transit capital funds, identify additional sources of revenue, and develop proposals for prioritization of transit capital funds.

Mr. Williams stated that the General Assembly charged the Revenue Advisory Board with developing a project-based prioritization methods for DRPT's transit capital program. It is to be modeled on the Smart Scale prioritization process. This has some challenges as it is applied to transit. It will have different formulas but the same guiding principles as Smart Scale.

Mr. Williams noted that when he started in the General Assembly in 1995, no one cared about buses except legislators from Northern Virginia. There is a cultural change going on where more regions are interested in buses. For example, the City of Richmond is depending more and more on transit. Legislators in other parts of the Commonwealth are also beginning to recognize the economic value that Northern Virginia brings to the entire Commonwealth.

Mr. Williams stated that the RAB submitted to the Governor and the General Assembly an Interim Report in January 2017. The next RAB meeting is scheduled for March 6<sup>th</sup> and the final report to the General Assembly is due by August 1, 2017.

Delegate LeMunyon arrived at 4:49 P.M.

DRPT Director Mitchell stated that DRPT estimates \$110 million a year will be lost in funding and that includes funds going to WMATA and DRPT's capital program. State revenues won't even cover State of Good Repair needs in the future. She stated that DRPT, the Revenue Advisory Board and TSDAC understand this is a heavy lift and a lot of work needs to be accomplished before next July. It will be important to demonstrate the economic benefits of transit to the state. DRPT has hired a consultant to help with this work. Mr. Williams stated it is also important to show how transit benefits the business community in order to gain their support, which will be critical to get legislation passed in the future. Chairman McKay observed that it will need to be a statewide effort—legislators, local governments, state officials, business community, and citizens.

Mr. Snyder stated it is important to collectively calculate the costs of inaction. It is also important for people to understand the full economic picture—transportation in Northern Virginia provides the basis for a huge flow of revenues to the rest of the Commonwealth. There needs to be a broader understanding of the entire financial structure of the Commonwealth to highlight the fact that by allowing Northern Virginia to solve its transportation problems, it is increasing and preserving the flow of dollars to Richmond and in turn allows other regions to provide what their citizens need far beyond just transportation, such as paying for teachers and police officers.

Mr. Williams stated there is a much greater recognition by legislators that Northern Virginia is an economic engine, but cautioned Northern Virginia not to make it “us against them.” It needs to be a partnership. Ms. Garvey observed that the message is important and asked if it would be good idea to hire a messaging consultant.

Ms. Mattice reviewed the work NVTC is currently doing, with assistance from staff from the Metropolitan Washington Council of Governments, the Transportation Planning Board and WAMATA, to look at the benefits of Metro to the entire Commonwealth. The messaging will be important as this work moves forward.

Ms. Cristol stated it was helpful to hear Ms. Mattice’s presentation to the VRE Operations Board on the work of the RAB and TSDAC. She would like more information on the revenue sources being considered. Ms. Mitchell responded that this work is just beginning. Chairman McKay stated that it is important to “paint the picture” of what happens if we do nothing.

### Department of Rail and Public Transportation

DRPT Director Mitchell reported the proposed budget legislation includes six new DRPT staff positions and an increase in passenger rail funding to help fund these positions. The Atlantic Gateway Project includes \$500 million in rail projects that DRPT will be responsible for managing. DRPT needs to have a more hands-on approach in managing these projects to help contain cost overruns. These new positions will be dedicated to managing the Atlantic Gateway projects. She reviewed several other budget amendments DRPT is also monitoring. Ms. Mitchell also reported that state grant applications were due by February 1<sup>st</sup> and DRPT will now begin the review process.

### Virginia Railway Express

VRE CEO Doug Allen gave a brief update on VRE activities. VRE met with DRPT and CSX staff to discuss rail issues, including the Atlantic Gateway project. Coordination will be key for this very congested I-95 rail corridor. A program office is being set up where all the engineers can collaborate.

Mr. Allen reported VRE continues to reach out to legislators to convey VRE’s need for additional funding to remain viable and/or to expand the system (\$45-\$60 million annually). VRE will seek legislation next Session. He stated DRPT’s consultant confirmed

VRE's Financial Plan analysis is accurate and went further and put a value on the level of service capacity VRE provides today. VRE provides approximately \$4 billion in capacity in terms of equivalent capacity compared to widening highways in Northern Virginia. With VRE's next level of service adding longer trains, the amount increases to \$7 billion and under full expansion it would be \$14 billion.

Mr. Allen gave a brief update on the Gainesville-Haymarket Extension Study. Prince William County is working diligently to look at the alternatives. He expects the VRE Operations Board will reach a conclusion soon on the preferred alternative.

#### Comments by General Assembly Member Vivian Watts

Delegate Watts asked to share a few observations before she left. She stated that the financial issues with transit do not sit in isolation. Some of the reasons it is getting more attention in Richmond is due to the 2013 federal government sequestration and its impact to Northern Virginia's economic engine. The most convincing argument to date of the region's needs is the SafeTrack tour she participated in where she saw the deteriorated rail ties. That is a better message to the rest of the state, since often they assume the Metro system is sophisticated and shiny. She stated that the funding from HB2313 for Northern Virginia was accurate as to what was projected in 2013. This is stable funding and comes from diverse sources. We do not have the diversity of the tax base of our urban jurisdictions. Going back to the counties to find a funding source would bring back the real estate tax. She concluded by stating that all these battles need to be fought simultaneously to weave a tapestry rather than going from crisis to crisis.

Mr. Meyer asked about potential legislation to replace the gas tax. Delegate Watts stated that in 2013 it started with a proposal to eliminating the gas tax. Many legislators are wary of any perceived tax increase and are focused on local politics rather than the broader health of the Commonwealth's economy.

Since Delegate LeMunyon missed the earlier MSC discussion, Ms. Mitchell expressed her appreciation to Delegate LeMunyon for all his time spent on the MSC legislation.

Delegate Watts left the meeting.

#### Washington Metropolitan Area Transit Authority

Ms. Hudgins reported WMATA held a public hearing on the budget last week and the WMATA Board will begin deliberations on the budget at their next Board meeting.

#### Executive Director Report

Ms. Mattice stated that she had nothing to add to her written report.

Adjournment

Mr. Meyer moved, with a second by Ms. Hudgins, to adjourn the meeting. Without objection, Chairman McKay adjourned the meeting at 5:31 P.M.

Approved this 2<sup>nd</sup> day of March 2017.

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Jeffrey C. McKay  
Chairman

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Matthew F. Letourneau  
Secretary-Treasurer





## **RESOLUTION #2332**

**SUBJECT:** FY2018 State Transit Assistance Applications

**WHEREAS:** The Northern Virginia Transportation Commission (NVTC) wishes to obtain state and federal grants to help defray NVTC, WMATA, local bus systems and Virginia Railway Express (VRE) operating and capital costs.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission's Executive Director is authorized, for and on behalf of NVTC and as an agent for its members:

- 1) To execute and file applications to the Virginia Department of Rail and Public Transportation (DRPT) for grants of public transportation assistance for FY2018 commencing July 1, 2017 in the amount of \$590.2 million in eligible operating costs to defray a portion of the public transportation cost of NVTC and its members for operations;
- 2) To accept from DRPT and execute grants in such amounts as may be awarded; and
- 3) To furnish DRPT such documents and other information as may be required for processing the grant requests.

**BE IT FURTHER RESOLVED** that NVTC's Executive Director is authorized, for and on behalf of NVTC and its members:

- 1) To file applications to DRPT for grants of public transportation assistance for FY2018 for capital expenses totaling \$221.5 million in costs (\$137.0 million non-federal) to defray the costs borne by NVTC and its members for capital expenditures, with a minimum four percent local participation required;
- 2) To revise the capital portion of the application to reflect refined estimates by WMATA or local governments when they become available;
- 3) To accept from DRPT and execute grants in such amounts as may be awarded; and
- 4) To furnish to DRPT such documents and other information as may be required for processing the grant request.

**BE IT FURTHER RESOLVED** that NVTC's Executive Director is authorized, for and on behalf of NVTC and PRTC and their members:

- 1) To file FY2018 VRE applications to DRPT in the amount of \$52.2 million for operating costs, \$89.4 million in total costs for capital (\$36.5 million non-federal), and to request \$2.9 million from the Rail Enhancement Program;
- 2) To revise the application to reflect refined estimates by VRE;
- 3) To accept from DRPT and execute grants in such amounts as may be awarded; and
- 4) To furnish to DRPT such documents and other information as may be required for processing the grant request.

**BE IT FURTHER RESOLVED** that NVTC's Executive Director is authorized, for and on behalf of NVTC:

- 1) To file an application for Technical Assistance with DRPT for the Envision Route 7 project in the amount of \$300,000, with state funds anticipated at 50 percent;
- 2) To accept from DRPT and execute the grant in such amount as may be awarded;
- 3) To furnish to DRPT such documents and other information as may be required for processing the grant request; and
- 4) To secure the required local match from the participating NVTC jurisdictions.

**BE IT FURTHER RESOLVED** that NVTC's Executive Director is authorized, for and on behalf of NVTC:

- 1) To file an application with DRPT under the Intern Program in the amount of \$50,000, with state funds anticipated at 80 percent;
- 2) To accept from DRPT and execute the grant in such amount as may be awarded; and
- 3) To furnish to DRPT such documents and other information as may be required for processing the grant request.

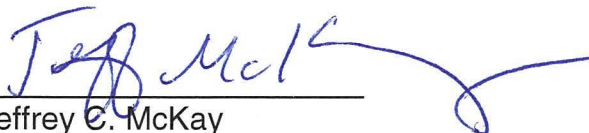
**BE IT FURTHER RESOLVED** that NVTC certifies that the funds for all of the above grants will be used in accordance with the requirements of Section 58.1 638.A.4 of the Code of Virginia, that NVTC will provide matching funds in the ratio required by the Act, that the records of receipts of expenditures of funds granted to NVTC may be subject to audit by DRPT and by the State Auditor of Public Accounts, and that funds granted to NVTC for defraying the public transportation expenses of NVTC shall be used only for such purposes as authorized in the Code of Virginia.

**BE IT FURTHER RESOLVED** that NVTC's Executive Director is authorized, for and on behalf of NVTC and its members, to furnish to the Transportation Planning Board, the Commonwealth Transportation Board, and other state and federal funding agencies such documents, information, assurances and certifications as may be required for pursuing the above grant requests and continuing previously awarded grants.

**BE IT FURTHER RESOLVED** that NVTC's Executive Director is authorized to amend the above described applications at the request of NVTC's member jurisdictions to include the most recent information and project costs.

Approved this 2<sup>nd</sup> day of February, 2017.

  
Matthew F. Letourneau  
Secretary-Treasurer

  
Jeffrey C. McKay  
Chairman





## RESOLUTION #2333

**SUBJECT:** Authorize the VRE CEO to Execute an Agreement for the Sale of Seven Legacy Passenger Railcars

**WHEREAS:** In February of 2013, the VRE Operations Board authorized the VRE Chief Executive Officer to sell the remaining Legacy Gallery railcars in anticipation of the delivery of new railcars;

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

**WHEREAS:** A proposal was received from The Foxville & Northern Railroad Company, LLC for the purchase of the V413, V415, V421, V424, V426, V427 and V428 railcars;


**WHEREAS:** VRE anticipates receiving new railcars that will be put into service in the spring of 2017 to replace these Legacy Gallery railcars;

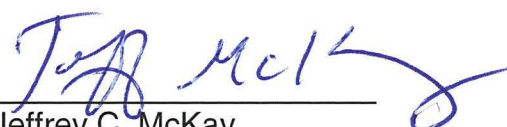
**WHEREAS:** Upon execution of this sales agreement, no Legacy Gallery railcars will remain in inventory and the Request for Interest (RFI) will be closed; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby authorizes the VRE Chief Executive Officer to execute an agreement for the sale of seven Legacy Gallery passenger railcars to The Foxville & Northern Railroad Company, LLC of Pelion, South Carolina, for the sum of \$3,500.

Approved this 2<sup>nd</sup> day of February 2017.

  
Matthew F. Letourneau  
Secretary-Treasurer

  
Jeffrey C. McKay  
Chairman