

MINUTES
NVTC COMMISSION MEETING – NOVEMBER 2, 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 7:40 P.M.

Members Present

Sharon Bulova
John Cook
Katie Cristol
Christian Dorsey
Adam Ebbin
John Foust
Jeff Greenfield
Catherine Hudgins
David LaRock
Matt Letourneau
Tim Lovain
Jeff McKay
Ron A. Meyer
J. Randall Minchew
Jennifer Mitchell (Alternate, Commonwealth of Virginia)
Paul Smedberg
David Snyder
Jennifer Wexton

Members Absent

Jim Corcoran
Libby Garvey
James LeMunyon

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)
Doug Allen (VRE)
Joe Swartz (VRE)

Opening Remarks

Chairman McKay noted the highlights of this meeting include the I-395 Express Lanes Memorandum of Agreement, a report from the Co-Chairs of the Legislative and Policy Committee, and a NVTC staff presentation on Regional Bus Analysis on How Bus Serves Northern Virginia. The Commission will have a Closed Session at the end of the meeting to discuss a personnel matter.

Minutes of the October 5, 2017 NVTC Commission Meeting

Mr. Snyder moved, with a second by Ms. Bulova, to approve the minutes. The vote in favor was cast by Commissioners Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, Greenfield, LaRock, Letourneau, Lovain, McKay, Meyer, Minchew, Mitchell, Smedberg, Snyder and Wexton. Ms. Hudgins was out of the room for the vote.

Consent Agenda

On a motion by Mr. Snyder and a second by Ms. Bulova, the Commission unanimously approved the following Consent Agenda Item:

- Authorize the Executive Director to Sign a Memorandum of Agreement with Arlington County for Human Resources Support and Training

The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Greenfield, LaRock, Letourneau, Lovain, McKay, Meyer, Minchew, Mitchell, Smedberg, Snyder and Wexton. Ms. Hudgins was out of the room for the vote.

Ms. Hudgins came back into the room at 7:43 P.M.

I-395 Express Lanes Multimodal Program

Chairman McKay stated the Memorandum of Agreement is similar to the I-66 MOA and NVTC is pleased to see that the Commonwealth is looking to NVTC, and its partners at PRTC, to administer toll revenues to be used for transit projects along I-395 and I-95. Ms. Mattice stated that staff of NVTC, PRTC, VDOT, DRPT, and legal counsel have been working hard to finalize the MOA for Commission approval. Resolution #2345 has been drafted, which authorizes the executive director to execute the MOA subject to further non-substantive modifications designed to correct typographical errors and clarify language as may be approved by the executive director in consultation with legal counsel.

Ms. Mattice introduced Jen DeBruhl of DRPT who gave an update on the version of the MOA being presented for approval, which includes changes to rules regarding toll revenues being used for transit operations. Now up to half of the toll funds provided under this agreement can pay for operating costs for projects that are transit projects and are regional in nature if the service crosses jurisdictional boundaries and/or for service

providing a direct connection to Metrorail or VRE commuter rail stations. For all other toll funded projects, operating would be paid in the following maximum amounts: 1) up to 100 percent for the first five years; 2) up to 75 percent for year six; 3) up to 50 percent for year seven; and 4) up to 25 percent for year eight, with zero percent of operating costs after year eight.

Ms. DeBruhl stated that toll revenue funding will now be forwarded to NVTC and PRTC as a total package. Administratively, this is better for both NVTC/PRTC, as well as DRPT, and it give the Commissions the opportunity to earn interest on these funds, increasing the amount of funding that can be used for multimodal projects.

In response to a question from Mr. Meyer about the toll rates not being capped, Ms. Mattice stated this question is appropriate to direct to VDOT staff since tolling is covered under a separate agreement between Transurban and VDOT. She stated this resolution is not endorsing the overall tolling project.

Ms. Cristol commended staff from all the parties, including the Commissions, jurisdictions and the Commonwealth, for their efforts to reach agreement on the change in ongoing operating funds. This is important because it gives the region the ability to support transit long-term. Chairman McKay agreed staff did an excellent job and also acknowledged NVTC's legal counsel, Steve MacIsaac.

Ms. Mattice reviewed the timeline and process. The Commonwealth Transportation Board was briefed on the MOA last week and CTB approval will be sought in December. Since funds won't be available until after tolling starts in 2019 or later, NVTC and PRTC have time to reach agreement on how to jointly administer the program.

Ms. Cristol moved, with a second by Ms. Bulova, to approve Resolution #2345. The vote in favor was cast by Commissioners Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, Greenfield, Hudgins, LaRock, Letourneau, Lovain, McKay, Meyer, Minchew, Mitchell, Smedberg, Snyder and Wexton.

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

Ms. Cristol thanked Commissioners for attending the Legislative and Policy Committee meeting prior to this meeting. The Committee plans to bring the 2018 NVTC Legislative and Policy Agenda for Commission adoption at the December meeting. WMATA funding will be a priority. NVTC does not plan to advance a specific funding solution but will make a strong case for additional funding for transit, including Metro and VRE, and to the value of transit to the region and the Commonwealth. NVTC's legislative program will address the establishment of a floor to the regional gas tax and the transit capital fiscal cliff.

Regarding federal legislation, Ms. Cristol stated that NVTC is watching the development of the tax reform legislation to see that it does not eliminate the commuter tax benefit. The issue of Metro funding and governance will also be addressed in federal legislative section of the NVTC Legislative and Policy Agenda.

Ms. Cristol stated that at the December meeting, the Commission will focus on NVTC's legislative strategy, messages, partners, and roles of Commissioners. Chairman McKay encouraged the jurisdictions to support/endorse in whole or in part of NVTC's Resolution #2342 on WMATA Reform as part of their own legislative packages.

Ms. Mattice reminded Commissioners of the December 4th Joint NVTC-PRTC Legislative and Policy Briefing at the Springfield Hilton at 9:00 A.M. The event will have two panel discussions--one with the business community regarding the investment in transit, as well as a panel of transit experts, including WMATA General Manager Paul Wiedefeld, VRE CEO Doug Allen, and DRPT Director Jennifer Mitchell. Chairman McKay stated that this event has been well attended in the past and is a good legislative push before the General Assembly Session starts. He encouraged Commissioners to invite their colleagues.

Washington Metropolitan Area Transit Authority

Mr. Dorsey reported that the WMATA Board has revised committee assignments. Mr. Corcoran will serve as Second Vice Chair of the Executive Committee and chair of the Capital and Strategic Planning Committee; Ms. Hudgins will serve as a member of the Safety of Service Delivery Committee; Mr. Dorsey will serve as vice Chair of the Finance and Budget Committee; and Mr. Smedberg will serve as Vice Chair of the Business Oversight Committee.

Mr. Dorsey noted that a copy of the General Manager's presentation on the proposed FY2019 WMATA Budget, which was released today, was provided to Commissioners. The operating budget is considered a continuing services budget with contained growth of a three percent subsidy increase for the jurisdictions. However, it is a base budget with diminished service levels and does not include operating for Silver Line Phase II, nor does it address several key budget risks, such as the outcome of collective bargaining and binding arbitration. The base will grow in future years, which will create budget processes in later fiscal years unless there are fundamental changes to WMATA's business model.

Mr. Dorsey stated the Capital Improvement Program (CIP) Budget is a \$1.3 billion program. Speaking only as one member of the Arlington County Board, he stated that this is well beyond what Arlington can pay as its share. Since 85 percent of the budget is from work that is already committed in contracts, there is little room to reduce costs without degrading safety and reliability of service. He stated something fundamentally different must happen with the CIP program if it is going to be realized.

Chairman McKay stated that according to the chart in the handout regarding the jurisdictional capital funding requirement, there will be a \$1 billion increase over the next six years without a dedicated revenue source.

Mr. Smedberg explained that the Silver Line Phase II is not included in the budget because the project timeline has it opening during the FY2020 budget year. He also reported that the Finance Committee voted to take the budget surplus of \$17 million and use a portion to offset the budget deficit, leaving \$2.6 million to put in a Rainy-Day Fund.

He stated that this highlights some of the systemic issues WMATA is faced with even with all the efforts of the General Manager.

Mr. Dorsey reported that ridership for the first quarter shows rail ridership is maintaining pre-SafeTrack levels, with some softness in numbers for off-peak and weekend service. It is a quality of service issue. Metrobus ridership decline is substantial, which is now aligning with the national trend. WMATA is doing research to address ridership issues. He stated that the region may need to rethink the whole bus network.

Mr. Letourneau asked if other forms of transportation trends (biking, Uber, etc.) would impact how WMATA looks at a different overall bus model. Mr. Dorsey stated the region has promoted multimodal transportation options and it's working, but it is impacting Metro ridership.

Mr. Meyer asked if WMATA is looking at private partnerships to improve fare technology, such as using mobile ticketing technology. Mr. Dorsey stated WMATA has done a study but it is on hold because of cost and capacity in light of prioritizing safety and security issues. Surveys show this type of technology is not a high rider demand. Ms. Mattice reported NVTC is working with the jurisdictions and transit providers on new fare payment technologies.

Mr. Foust had a question about the WMATA pension plan. Mr. Dorsey stated that about 79 percent is funded for this year's evaluation. Mr. Dorsey also provided his perspective on the recent Purple Line actions taken by the WMATA Board. He clarified that he considered the Board's policy deliberations to be appropriate given the circumstances.

Delegate LaRock observed the General Manager is not considering a fare increase or service reductions in his proposed FY2019 budget, although additional funding will be needed from the jurisdictions. Mr. Dorsey stated there was a fare increase last year so it would be contrary to WMATA's policy to not raise fares in successive years. In his opinion, a fare increase could have an adverse impact on ridership and diminish any potential budget increases. Delegate LaRock expressed his opinion that WMATA does not want to dip into the pockets of those who use transit, but will financially impact non-Metro riders. Chairman McKay noted Metro service still provides a benefit to drivers on the roads by keeping other drivers off the road. He noted the I-66 tolling is ready to start and people are looking at transit alternatives. It is important to make Metro service as attractive as possible because fares will be a factor. He would also like to see a reduction in parking costs at those facilities that are at lower capacity. Ms. Bulova stated riders are starting to see improvements to the Metro system and raising fares right now is not a good way to win back riders.

In response to a question from Delegate Minchew, Mr. Dorsey stated that WMATA has done fare elasticity modelling developed by a third-party source. Mr. Foust observed that there are many riders who can't afford a fare increase and he asked if WMATA has looked at subsidized fares based on need. Ms. Hudgins stated Metro currently has senior and disability subsidies, but they are not based on income. Mr. Dorsey stated Utah's light rail system initiated income based fares, which is starting to generate some notice in the transit world.

Mr. Smedberg also noted WMATA is looking at ridership trends, as they relate to increase in teleworking. WMATA is seeing substantially lower ridership on Fridays. WMATA needs to figure out how to manage these different work trends.

Virginia Railway Express

Chairman McKay stated that there are no action items, but asked Mr. Allen to give his CEO Report. Mr. Allen recapped VRE's activities during Rail Safety Week (September 25-28) as well as VRE's annual disaster drill on October 7th. Mr. Allen reported on-time performance for September was 89 percent systemwide (87 percent on the Fredericksburg Line and 91 percent on the Manassas Line). Average daily ridership for September was 19,500. He also noted VRE hosted a system tour for VRE Operations Board Member Pamela Sebesky and one of her staff members. He invited Commissioners to participate in a system tour.

Mr. Allen stated VRE is submitting a letter of support and comment on the Draft Environmental Impact Statement (DEIS) for the DC2RVA High Speed Rail project. The comments will be technical in nature. Also, a list of VRE projects is being prepared to submit to NVTa for funding. The list is expected to be approved at the November Operations Board meeting, followed by Commission approval in December.

Mr. Allen stated staff is monitoring FRA System Safety Rule 270, which requires reporting on all safety features of a railroad. VRE is working with FRA to seek clarification of this rule, since VRE operates on host railroads and does not control all safety elements and does not have access to all this information.

Mr. Allen stated VRE will host the annual Santa Trains on December 9th, with tickets going on sale November 20th. Commissioners were encouraged to contact VRE if they would like tickets.

Department of Rail and Public Transportation

Ms. Mitchell announced Governor McAuliffe appointed Mark Rosenker, a former National Transportation Safety Board member, and Greg Hull, the former director of security and operations support at the American Public Transportation Association, as Virginia's two members of the Metro Safety Commission. Maryland and the District of Columbia appointments are expected soon. Work is continuing to hire an executive director and other staff.

Ms. Mitchell stated that the 60-day public comment period for the Draft Environmental Impact Study (DEIS) for the DC2RVA High Speed Rail project ends on November 7th. Five public hearings were held throughout the Northern Virginia region, including Alexandria, Fredericksburg and Quantico. There will be a special meeting of the CTB Rail Committee on November 9th in Ashland to present DRPT's recommendations for DC2RVA and it is anticipated the CTB will vote on the recommendations in December.

Ms. Mitchell also announced new Amtrak service to Roanoke that began on October 31st. The new service is an extension of Amtrak's Northeast Regional that adds a new rail segment between Roanoke and Lynchburg. DRPT provided funding and project management services.

In response to a question from Chairman McKay, Ms. Mitchell stated Secretary LaHood's report is expected to be presented to the governor in November and then to the General Assembly.

Delegate Minchew noted the governor will be releasing his proposed FY2020 budget on December 9th. He asked about the timing of submitting rail funding. Ms. Mitchell explained DRPT has already submitted preliminary budget information to the governor's office. DRPT plans to submit a proposal addressing legislative action to respond to the fiscal cliff.

Regional Bus Analysis: How Bus Serves Northern Virginia

Ms. Mattice stated that over the last two years, NVTC staff have been analyzing how bus transit serves Northern Virginia across jurisdictions and regardless of service provider. Preliminary information was provided at the September meeting. She introduced Dan Goldfarb, project manager, to give a presentation on the findings. Mr. Goldfarb stated that based on the analysis, staff found that there are no significant regional gaps in service. The current bus routes cover the jurisdictions well, serving both lower and higher income populations. Bus service provides good mobility with high levels of accessibility to jobs. The buses are a key link for riders to access Metro and VRE.

Mr. Goldfarb stated that analysis also shows that there are key corridors in the region that could potentially have upgraded services levels. These corridors could form a system of high quality bus in the future allowing for greater mobility, less reliance on personal automobiles, and more multimodal mobility choices. NVTC's initial analysis shows that these corridors warrant more study to refine the idea and determine feasibility. Mr. Goldfarb explained NVTC staff has created TBEST, which is a transit boarding estimation tool, and all this data will help with the next level of analysis.

Mr. Snyder thanked staff for this good work. He stated that bus service is critical to the region's multimodal system. TBEST is an example of the value NVTC provides to the jurisdictions. He remarked that the findings are good news that the region is doing a good job providing bus service, but it is important to not stop here.

Executive Director Report

Ms. Mattice reminded Commissioners that the another WMATA Public Forum is scheduled for November 16th at the Navy League Building. The annual Joint NVTC-PRTC Legislative Briefing will be held at the Springfield Hilton on December 4th. Commissioners were provided with a new NVTC lapel pin.

Ms. Mattice stated that this past month has been a busy month for NVTC staff. NVTC is taking the lead on fare collection and held a visioning workshop this week, which was led by Patricia Happ. NVTC is working with all the Northern Virginia transit providers. Ms. Mattice stated that she participated in three sessions at the Governor's Transportation Conference, along with Greg Potts from WMATA and Jen DeBruhl of DRPT, about the value of Metro to the region and the Commonwealth.

Ms. Mattice stated that in regard to the I-66 Commuter Choice Program FY2018 Call for Projects, Ms. Happ is working one-on-one with the applicants to answer questions about their applications. Ms. Mattice also reported NVTC's website has been updated with a new WMATA section.

Ms. Mattice reported that the FY2019 Budget will be presented at the December meeting. She previewed the key budget issues. The FY2019 G&A Budget is an overall flat budget and staff does not anticipate any notable changes.

Chairman McKay stated that he has asked the Governance and Personnel Committee to serve in the function of the Nominating Committee. Mr. Cook invited Commissioners to talk to him if they would like to serve next year. The committee will present a slate of nominations at the December meeting to be voted on at the January meeting.

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

Closed Session

Mr. Smedberg moved, with a second by Ms. Bulova, the following motion:

Pursuant to the Virginia Freedom of Information Act (Sections 2.2-3711A (1) of the Code of Virginia), the Northern Virginia Transportation Commission authorizes a Closed Session for the purpose of discussion of one personnel matter.

The vote in favor was cast by Commissioners Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, Greenfield, Hudgins, LaRock, Letourneau, Lovain, McKay, Meyer, Minchew, Mitchell, Smedberg, Snyder and Wexton.

The Commission entered into Closed Session at 9:06 P.M. and returned to Open Session at 9:41 P.M.

Mr. Smedberg moved, with a second by Mr. Letourneau, the following certification:

The Northern Virginia Transportation Commission certifies that, to the best of each member's knowledge and with no individual member dissenting, at the just concluded Closed Session:

1. Only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia were discussed; and
2. Only such public business matters as were identified in the motion by which the Closed Session was convened were heard, discussed or considered.

The vote in favor was cast by Commissioners Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, Greenfield, Hudgins, LaRock, Letourneau, Lovain, McKay, Meyer, Minchew, Mitchell, Smedberg, Snyder and Wexton.

Mr. Greenfield moved, with a second by Mr. Dorsey, to approve a four percent increase to the executive director's compensation as discussed during the Closed Session. The vote in favor was cast by Commissioners Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, Greenfield, Hudgins, LaRock, Letourneau, Lovain, McKay, Meyer, Minchew, Mitchell, Smedberg, Snyder and Wexton.

Mr. Cook stated that for the record the Governance and Personnel Committee, as well as the full Commission, held discussions on the executive director's performance evaluation.

Adjournment

Mr. Snyder moved, with a second by Ms. Cristol, to adjourn the meeting. Without objection, Chairman McKay adjourned the meeting at 9:43 P.M.

Approved this 7th day of December 2017.

Jeffrey C. McKay
Chairman

Matthew F. Letourneau
Secretary-Treasurer