

**MINUTES**  
**NVTC COMMISSION MEETING – JANUARY 4, 2018**  
**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 7:42 P.M.

**Members Present**

Sharon Bulova  
John Cook  
Jim Corcoran  
Katie Cristol  
Christian Dorsey  
Adam Ebbin  
John Foust  
Libby Garvey  
Jeff Greenfield  
Catherine Hudgins  
David LaRock  
James LeMunyon  
Matt Letourneau  
Tim Lovain  
Jeff McKay  
Ron A. Meyer  
J. Randall Minchew  
Paul Smedberg  
David Snyder

**Members Absent**

Jennifer Wexton

**Staff Present**

Matt Cheng  
Karen Finucan Clarkson  
Andrew D'huyvetter  
Nobuhiko Daito  
Rhonda Gilchrest  
Patricia Happ  
Scott Kalkwarf  
Kate Mattice  
Steve MacIsaac (counsel)  
Doug Allen (VRE)  
Mark Schofield (VRE)  
Joe Swartz (VRE)

### Opening Remarks

Chairman McKay announced that there is a full agenda, including election of officers; recognition of departing Commissioners; discussion on I-66 tolling issues and amendments to the Transform66: Inside the Beltway MOA; public comment on NVTC's Work Plan followed by approval of the FY2019 Budget and Work Plan; and several important VRE action items.

Chairman McKay thanked Deputy Secretary of Transportation Nick Donohue for attending to discuss I-66 tolling issues.

### Meeting Summary of the December 4, 2017 Joint NVTC-PRTC Legislative Briefing

Chairman McKay moved, with a second by Ms. Garvey, to approve the meeting summary. The vote in favor was cast by Commissioners Cook, Corcoran, Cristol, Dorsey, Foust, Garvey, Greenfield, LaRock, LeMunyon, Lovain, McKay, Minchew and Smedberg. Commissioners Bulova, Ebbin, Hudgins, Letourneau, Meyer, and Snyder abstained.

### Minutes of the December 7, 2017 NVTC Commission Meeting

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

### Annual Leadership and Governance

Election of NVTC Officers for 2018. Mr. Cook, chairman of the Governance and Personnel Committee (serving as the Nominating Committee), announced that the committee recommends the following slate of officers for 2018:

Chairman: Paul Smedberg  
Vice-Chairman: Matt Letourneau  
Secretary-Treasurer: Katie Cristol

Chairman McKay asked for any other nominations and there were none. Mr. Cook moved, with a second by Senator Ebbin, to approve the slate of officers. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Greenfield, Hudgins, LaRock, LeMunyon, Letourneau, Lovain, McKay, Meyer, Minchew, Smedberg and Snyder.

Chairman McKay administered the oath of office to the new officers. Chairman McKay passed the gavel to newly elected Chairman Smedberg, who began chairing the meeting.

Recognition of 2017 Chairman. Chairman Smedberg recognized Mr. McKay's outstanding service in 2017 as chairman. He noted that under Mr. McKay's leadership,

NVTC had many milestones including the implementation of the first 10 projects funded through the I-66 Commuter Choice program; approval of a 70-year agreement with the Commonwealth for the I-395 Express Lanes Multimodal program; and adoption of two NVTC resolutions articulating NVTC's priorities and principles for WMATA governance and reform. Chairman McKay helped solidify NVTC as a source for regional transit analysis through the release of a first-of-its-kind study quantifying the value of Metrorail and VRE to the Commonwealth's general fund, publication of NVTC's Regional Bus Analysis, the first in-depth analysis of Virginia's Metrorail ridership characteristics, and the launch of NVTC's T-BEST transit service optimization planning tool for use by NVTC's transit providers.

Chairman Smedberg read aloud the resolution of commendation prepared for Mr. McKay and presented him with the resolution and an award trophy. Mr. McKay thanked the Commission and stated he is most proud of NVTC's work over the last year on WMATA reform. Commissioners came together as one body to reach consensus on some important issues. None of NVTC's accomplishments last year would have been possible if Commissioners had not collaborated and worked together. He was honored to serve as chairman during this important year.

Recognition of Departing Commissioners. Chairman Smedberg announced NVTC wants to recognize the service of departing Commissioners Minchew, LeMunyon and Albo. Mr. Albo, who left the Commission earlier in 2017, was unable to attend the meeting so his resolution and award will be mailed to him.

Chairman Smedberg recognized the outstanding service of Delegate Minchew, who has served on NVTC since 2014 and was a member of the Executive Committee. Delegate Minchew was instrumental in helping get the Metro Safety Commission legislation passed that brought NVTC to the table to participate in the discussion of WMATA reforms. His friendly amendment to Delegate LeMunyon's HB2136 legislation helped bring about compromise. Delegate Minchew also patroned HB181 increasing the number of Loudoun County representatives on NVTC from one to two members. Chairman Smedberg presented Delegate Minchew with a resolution of commendation and an award trophy.

Delegate Minchew stated it has been an honor to serve as a member of both NVTC and the Northern Virginia Transportation Authority (NVTA). He observed there really is a difference between these two organizations and what they do. He stated NVTC has been a place where civil dialogue could occur, which was productive. He is pleased with the work done by NVTC, through the Governance and Personnel Committee, to reach agreement on language pertaining to needed reform at WMATA. He encouraged NVTC to continue to play a key role in WMATA reforms and getting Metro back to good and staying good.

Chairman Smedberg recognized the outstanding service of Delegate LeMunyon, who joined NVTC at the same time as Delegate Minchew in 2014. Last year, Delegate LeMunyon patroned HB2136 authorizing Virginia to become a signatory to the Washington Metrorail Safety Commission Interstate Compact, which establishes a state safety oversight authority for the Washington Metropolitan Area Transit Authority (WMATA) Rail System, pursuant to the mandate of federal law, to review, approve, oversee, and enforce the safety of the WMATA Rail System. HB2136 included language

that brought NVTC to the table to participate in the discussion of WMATA reform. Also, his HB599 legislation established responsibilities for various entities for long-range transportation planning for the Northern Virginia Transportation District; and now requires projects to be rated and evaluated for congestion reduction among other measures. Finally, as a strong advocate for transparency in all aspects of government, Delegate LeMunyon brought a greater awareness to NVTC on Freedom of Information Act (FOIA) related issues. Chairman Smedberg presented Delegate LeMunyon with a resolution of commendation and an award trophy.

Delegate LeMunyon stated that he will continue to be a toll paying traveler on I-66 and a fare paying traveler on Metro, so he is counting on NVTC to spend his money wisely.

Senator Ebbin expressed his appreciation to Delegate LeMunyon and Delegate Minchew for their effective leadership and diligence as legislators. The collective brain power of these two gentlemen will be missed in the General Assembly.

On a motion by Mr. Letourneau, and a second by Mr. Meyer, the Commission approved the resolutions of commendation. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Greenfield, Hudgins, LaRock, Letourneau, Lovain, McKay, Meyer, Smedberg and Snyder. Delegate LeMunyon and Delegate Minchew abstained.

Board and Committee Appointments. Ms. Mattice reviewed the committee membership of NVTC's Executive Committee, Legislative and Policy Committee, and Governance and Personnel Committee. NVTC's By-Laws determine the membership of the Executive Committee, and NVTC's chairman selects the members of the other committees. Committee membership is as follows:

**NVTC EXECUTIVE COMMITTEE**

Paul Smedberg, Chairman/WMATA Board  
 Matt Letourneau, Vice-Chairman  
 Katie Cristol, Secretary-Treasurer  
 Jim Corcoran, WMATA Board  
 Christian Dorsey, WMATA Board  
 Catherine Hudgins, WMATA Board  
 Adam Ebbin, General Assembly  
 Sharon Bulova, Fairfax Co. Board Chair  
 Jeff McKay, Immediate Past Chair

**NVTC LEGISLATIVE AND POLICY COMMITTEE**

Katie Cristol, Co-Chair  
 Jeff Greenfield, Co-Chair  
 Catherine Hudgins  
 Matt Letourneau  
 Paul Smedberg  
 Dave Snyder  
 Senate: Jennifer Wexton  
 House: (vacant)

**NVTC GOVERNANCE AND PERSONNEL COMMITTEE**

John Cook, Chairman  
 Jim Corcoran  
 Christian Dorsey  
 Adam Ebbin  
 Libby Garvey Jeff McKay  
 Ron Meyer  
 Jennifer Mitchell  
 Paul Smedberg  
 Dave Snyder

Chairman Smedberg stated NVTC appointments to serve on the WMATA Board of Directors, the VRE Operations Board, and the Virginia Transit Association Board of Directors are listed in Resolution #2350. WMATA Board members are appointed by NVTC on staggered terms. Mr. Corcoran's current term expires on January 9, 2018, but the Commission is being asked to reappoint him to the WMATA Board to serve until Governor Northam appoints his representative from the Commonwealth. VRE Operations Board members are selected by the individual jurisdiction and then appointed by NVTC. Ms. Mattice noted that some of these actions may be contingent on subsequent action by local boards and councils as their nominees may not be known by January 4, 2018.

**NVTC'S WMATA BOARD OF DIRECTORS**

<b>Principals:</b>	<b>Alternates:</b>
Jim Corcoran	Christian Dorsey
Catherine Hudgins	Paul Smedberg

**NVTC'S VRE OPERATIONS BOARD**

<b>Principals:</b>	<b>Alternates:</b>
Sharon Bulova	Jeffrey McKay
John Cook	
Katie Cristol	Libby Garvey
Paul Smedberg	Tim Lovain

**NVTC'S VTA BOARD OF DIRECTORS**

<b>Principals:</b>	<b>Alternates:</b>
David Snyder	Katie Cristol
Kate Mattice	Jeffrey McKay

Mr. McKay moved, with a second by Ms. Bulova, to approve Resolution #2350 (copy attached). The vote in favor was cast by Commissioners Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, Garvey, Greenfield, Hudgins, LaRock, LeMunyon, Letourneau, Lovain, McKay, Meyer, Minchew, Smedberg and Snyder. Mr. Corcoran abstained.

Signatories and Pension Trustees. Mr. McKay moved, with a second by Senator Ebbin, to approve Resolution #2351, which adds Ms. Cristol, as the newly elected Secretary-Treasurer, as a NVTC signatory and pension trustee. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Greenfield, Hudgins, LaRock, LeMunyon, Letourneau, Lovain, McKay, Meyer, Minchew, Smedberg and Snyder. (A copy of the resolution is attached.)

**Consent Agenda**

Delegate LaRock requested Item #4F be pulled from the Consent Agenda. Mr. Dorsey then moved, with a second by Ms. Bulova, the following Consent Agenda items:

- A. Authorize the Chairman to Send a Letter of Support for WMATA's Transit Project Applications for NVTAFunding
- B. Authorize the Chairman to Send a Letter of Support for the City of Alexandria's Transit Project Applications for NVTAFunding
- C. Authorize the Chairman to Send a Letter of Support for Arlington County's Transit Project Applications for NVTAFunding
- D. Authorize the Chairman to Send a Letter of Support for City of Fairfax's Transit Project Applications for NVTAFunding

E. Authorize the Chairman to Send a Letter of Support for Fairfax County's Transit Project Applications for NVTAFunding

The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Greenfield, Hudgins, Letourneau, Lovain, McKay, Meyer, Smedberg and Snyder. Delegate LaRock voted no and Delegates LeMunyon and Minchew abstained.

Letter of Support for City of Falls Church's Transit Project Applications for NVTAFunding

Mr. Snyder moved, with a second by Ms. Bulova, to authorize the chairman to send a letter of support for the City of Falls Church's transit project applications for NVTAFunding.

Mr. Foust stated he will abstain from this vote because one of the projects being proposed by Falls Church is partially located in his district and he would like to learn more about the project before taking a position.

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

Public Comment on NVTC's FY2018-2019 Work Plan

Chairman Smedberg opened the meeting for public comment.

Rob Whitfield of Reston and the Fairfax County Taxpayers Alliance, commended NVTC for its spirit of cooperation last year under the leadership of Chairman McKay. He observed that WMATA is facing huge challenges, in particular in leadership. He stated it is important to look at the taxpayers' interests. There needs to be fair play and a fair shake for taxpayers and too often at WMATA Board meetings over the last decade, the riders dominate in the decision-making process, resulting in fares not being raised at the same rate as expenses are increasing.

Mr. Whitfield stated that in his opinion NVTC has fallen short on what is needed for WMATA reform. He stated for 2018, WMATA needs to be the number one priority, followed by tolls on I-66, which in his view are a deterrent to the economic growth in the I-66 corridor. Finally, he asked NVTC's executive director to speak to when the full report of *The Value of Metrorail and the Virginia Railway Express to the Commonwealth of Virginia* will be available since she had previously stated it would be available on the website by the end of December.

There were no more speakers. Chairman Smedberg thanked Mr. Whitfield for his comments and closed the public comment period.

## NVTC FY2019 G&A Budget and Work Plan

Ms. Mattice stated that the FY2019 G&A Budget and Work Plan are being presented for action. The budget has been reviewed by jurisdiction staff, and was presented to the full Commission at its December 7<sup>th</sup> meeting. The proposed FY2019 G&A Budget includes resources to accomplish the NVTC Work Plan, including the administration of the I-66 Commuter Choice program.

Ms. Mattice reviewed NVTC highlights for 2017 and a look forward to 2018. On behalf of its jurisdictions, NVTC managed more than \$260 million in grant funds to support transit in Northern Virginia. NVTC continued its record of clean audit reports on its financial reporting, internal controls and compliance with federal program requirements. As NVTC continues to support its jurisdictions, it will continue to coordinate the implementation of new farebox technologies and set the stage for the region to embrace advances in fare payment technologies. NVTC research and analysis included the Regional Bus Analysis and the production of the first-ever in-depth analysis of Virginia Metrorail riders, allowing a better understanding of the geographic and demographic composition of Virginia's Metro riders. NVTC's analysis of the *Value of Metrorail and VRE to the Commonwealth*, was released and presented to the Commission.

In response to Mr. Whitfield's question, Ms. Mattice stated that the Commission was briefed on the *Value of Metrorail and VRE to the Commonwealth of Virginia* last fall and the intent was to have the technical appendices available online by the end of December. However, there was a delay due to staff illness in December. In response to a question from Delegate LaRock, Ms. Mattice stated that the full report should be available on the website within two weeks.

Ms. Mattice reviewed other NVTC accomplishments for 2017. Through the Governance and Personnel Committee, NVTC spent over six months examining opportunities for governance and operational reforms at WMATA. As a result, the Commission came together and issued two resolutions articulating the region's priorities for reforming and restoring WMATA to a world class transit system. Also in 2017, NVTC began implementation of its newest program, the I-66 Commuter Choice program with the launch of 10 new transit and multimodal projects aimed at helping commuters along the I-66 Inside the Beltway corridor.

Looking to the coming year, Ms. Mattice stated NVTC will continue to perform its solid financial management and analytical work; manage the second round of I-66 Commuter Choice project selection; and establish a formal agreement with PRTC on the joint administration of I-395 Express Lane multimodal projects. All of NVTC's proposed projects and activities are included in the Work Plan that was posted for public comment.

In response to a question from Ms. Garvey, Ms. Mattice explained that new technologies, such as phone apps and fare passes, are being explored for new fare payment technology. Mr. Cook stated he is glad to see emergency planning included in the Work Plan and asked for a briefing at the appropriate time during the year.

Mr. Dorsey moved, with a second by Mr. Meyer, to approve the FY2019 G&A Budget and Work Plan. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol,

Dorsey, Ebbin, Foust, Garvey, Greenfield, Hudgins, LaRock, Letourneau, Lovain, McKay, Meyer, Minchew, Smedberg and Snyder. Delegate LeMunyon voted no.

### Discussion of I-66 Tolling Operations

Deputy Secretary of Transportation Nick Donohue apologized for missing last month's Commission meeting due to illness. He stated that he is here this month to give an update on the project and an overview of the first two weeks of tolling (weeks of December 4<sup>th</sup> and December 11<sup>th</sup>). Since the last two weeks of December were during the holiday period, vacations and school closings, conclusions should not be drawn from that data. VDOT will be posting regular information about travel times, travel speeds, HOV usage, toll rates, etc. on the I-66 website. The Commonwealth wants this to be a transparent process. He understands there are strong opinions on both sides of this issue, just as there have been since the 1970's when the first lawsuit was filed regarding I-66.

Mr. Donohue gave some history and background of the project, including the compromise that was reached during the 2016 General Assembly Session. Before this project was first proposed in 2015, there were a host of changes that would need to take place regardless of tolling, including increasing HOV requirements from HOV-2 to HOV-3, as well as eliminating hybrid vehicles because the roadway was degraded and not meeting federal performance requirements.

Mr. Donohue reported that the Commonwealth is seeing some promising trends, but continued monitoring and evaluating is needed to make sure the toll road is providing benefit as intended. The materials provided to Commissioners show a comparison of two typical Mondays in December 2016 and December 2017. Data for 2016 shows operations stayed degraded (travel below 45 mph) for much of the rush hour period and was not meeting federal requirements (travel in excess of 45 mph for 90 percent of the time). For December 4, 2017 (Toll Day One) performance standards were met and maintained (above 45 mph) during the rush hour. There were several drops in speed and that's when the tolling prices increased. He explained that tolls rise to ensure continued travel speeds of at least 45 mph. Performance standards were met for all the days during the first two weeks of tolling.

Mr. Donohue stated VDOT will continue to monitor the arterial roads. Data is showing that parallel routes in the morning and evening are seeing the same or slightly improved travel times. He stated that it is important to gather up to six months of data to make an honest determination about changes in travel patterns.

Mr. Donohue explained how the toll rates work, which are the same as how they work for I-95, I-395 and I-495. They vary based on demand. The federal requirements are explicit in that travel speeds must be maintained over 45 mph for 90 percent of the time to ensure bus riders and carpoolers have free flow travel to incentivize people to consider these options, which will ultimately move more people through the corridor.

Mr. Donohue stated that the average toll for the first two weeks of tolling was \$13.48 roundtrip (\$8.88 average eastbound toll; \$4.60 average westbound toll). This is \$3.52 less than the estimated average projected toll cited at the 2015 public hearings. He admits



there were some extremely high tolls during the first week. The tolls went up to \$40 for six minutes on December 5<sup>th</sup> around 8:30 A.M. Twenty-nine people made the choice to pay that amount to use the road. It is important to note that the top posted toll rate is very different than the toll most people paid. The following Thursday, tolls reached \$44. He explained that when it reaches this level, it really is saying that the road is close to becoming congested. Seventeen people found value and paid the \$44 to use the road. Free flow was maintained during these times.

Mr. Donohue noted that at last month's NVTC meeting, there was concerns raised that the Commonwealth stated the maximum toll rate would not exceed \$17 roundtrip. He stated that the VDOT 2015 public meeting materials listed \$17 as an average toll amount, with a bullet noting that tolls may be higher or lower based on demand. Regarding the issue of expanded hours of operation, he gave an overview of how congested the roadway was before tolling. On most days, drivers trying to beat the HOV requirements would jam the roadway and it would become extremely congested, reducing average travel speed down to 25 mph and it would stay congested for 45 minutes or longer. Travel speeds would then degrade near the end of HOV restrictions. Expanding the hours, which were proposed in the McDonnell administration's multimodal study, is necessary to make sure the roadway does not become severely congested. When it becomes congested it is extremely difficult to recover.

Mr. Donohue noted there are alternate routes for drivers. For a driver in December 2016 at 6:00 A.M. it took 20 minutes to travel from Nutley Street to the Roosevelt Bridge using I-66. In December 2017 after implementation of tolling, the same driver could have used I-66, exited on the Beltway and used Route 50 and would've reached the bridge in the same amount of time. He stated that there are viable route alternatives, as well as transit and slugging options.

Mr. Donohue noted there is a relationship between I-66 Inside the Beltway and I-66 Outside the Beltway projects. The deal the Commonwealth made for the public-private partnership procurement (signed in November 2017) for the Outside the Beltway project includes a \$578.9 million concessionaire payment, which has already been transferred to the Commonwealth. The Outside the Beltway P3 contract includes a provision that would create a compensation event if the I-66 Inside the Beltway tolling hours or requirements are different than what was agreed to in the 2016 General Assembly compromise. This would likely impact the concessionaire payment. He noted that the provision was made public before final bids were received.

Mr. Donohue reviewed what could happen if tolls were suspended. It would eliminate a travel choice for solo drivers, and carpoolers and buses would experience slower speeds. Hybrid vehicles would still not be allowed to use the roadway, and funding would be eliminated for improvements along the corridor. And as stated previously, it would also likely trigger a compensation event for the Outside the Beltway contract.

Mr. Letourneau thanked Mr. Donohue and his staff for responding quickly to his concerns about signage westbound near the Roosevelt Bridge. Mr. Letourneau stated he would like to see more data on how other routes are performing. He has been using I-66 for almost 12 years and there are differences now, including back-ups on Route 267 approaching Route 123 and I-495. Mr. Donohue stated data is being captured for Route

123 and can be provided. Data is showing it is tracking about the same or better. Mr. Letourneau asked about enforcement, because he is aware of solo drivers travelling I-66 for free with a E-ZPass Flex transponder switched to HOV. It has always been his contention that one of the reasons the corridor was seeing degradation was the high number of violators. He asked if there is new technology that can catch HOV violators.

Mr. Donohue stated the Commonwealth does not condone any driver breaking the law. Prior to tolling, violation rates were at 45 percent and now they are at about five percent. There is technology at the toll gantries to make it easier for state troopers to identify HOV violators. The Commonwealth is also continuing to monitor new technology options. Mr. Letourneau stated he wishes the Commonwealth had taken steps to reduce violation rates before they initiated tolling.

Mr. Meyer referenced page 44 of a 2015 VDOT report and a 2016 CTB report regarding VDOT's projected average toll for a full-length trip. He expressed his opinion that the idea that the Commonwealth is representing that it is beating its projections, as opposed to what was pledged to the General Assembly and the public, is duplicitous.

Mr. Donohue stated that the average toll is about \$6.50 per trip, which is slightly higher than the projected \$6.00. He acknowledged the VDOT document Mr. Meyer quoted does include an inaccurate statement. He apologized and explained there was one toll consultant preparing the work and a different consultant summarizing it. However, accurate information was presented at the 2015 public hearings, which was presented to hundreds of people versus a handful of people who saw the inaccurate report language. He stated that the Commonwealth would not intentionally mislead the public. He apologized again and stated that the Commonwealth has always been clear I-66 would operating in the same manner as the I-495, I-95 and I-395 express lanes.

In response to a question from Mr. Meyer, Mr. Donohue confirmed that HOV drivers are not being included in the average toll prices.

Mr. Cook asked if the Commonwealth is setting the tolls based on trying to achieve a 55 mph speed. Mr. Donohue stated that it is not the target in the algorithm. There are a host of factors inputted into the algorithm. The Commonwealth will review after more data is captured to see if some of the inputs can be adjusted. It would not be appropriate to manipulate the algorithm until more data is captured. Mr. Cook stated he is glad to hear that because the perception is that the Commonwealth is aiming for 55 mph. Mr. Cook also noted that although the public hearing information was correct, the average person would not anticipate a toll of \$40 or more. He stated it would be helpful for the Commonwealth in its review to acknowledge a \$40 toll is a problem and there should be some mechanism to avoid that, such as a hard cap or rebate.

In response to a question from Senator Ebbin, Mr. Donohue stated HOV-2 users can travel on I-66 free with a E-ZPass Flex transponder. He also provided some background on the tolling project before the 2016 General Assembly compromise.

In response to several questions from Delegate LaRock, Mr. Donohue confirmed HOV users are not part of the toll data statistics. When tolls reach the \$40 level it means the roadway is close to becoming congested. There are 10 different independent tolls a driver

can pay depending on when they enter and exit the facility. Delegate LaRock asked about how much advance notice a driver has regarding the price of the toll to be able to make an informed decision whether to use I-66 or an alternate route. Mr. Donohue stated that there are updating toll signs about a mile ahead of the facility. Also, variable message signs provide travel times on alternate routes, including Route 50, so drivers can make choices.

Senator Ebbin stepped out of the room at 9:05 P.M.

Mr. Dorsey asked if there is specific data about the people who chose to pay the high \$40 or \$44 tolls. Mr. Donohue stated the data cannot identify specific drivers. VDOT expects to conduct surveys in the future to capture this type of information. Mr. Dorsey also asked about safety metrics. Mr. Donohue stated VDOT is tracking accidents. Mr. Dorsey stated it is hard to draw any conclusions after only two weeks of data.

Mr. Snyder stated a consistent concern from the jurisdictions along I-66 has been the danger of diverted traffic to parallel routes and neighborhoods. There are safety issues. He asked what the Commonwealth is doing to collect data on this issue. Mr. Donohue stated that there have been slight increases in travel volume on Route 50. Route 7 and Route 29 have generally stayed the same. However, travel times have not increased. The Commonwealth will continue to monitor this. He also reminded Commissioners that toll revenues can be used to make improvements on the parallel roads.

Mr. McKay observed that transit has yet to be mentioned in this discussion, although NVTC is a transit organization. Congestion problems will not be solved without a transit component. He stated that some jurisdictions have seen upticks in bus and Metro ridership and he heard anecdotally there may be slug lines forming. However, there is insufficient data to draw clear conclusions. As a member of a transit organization, he wants to see this transit data. Mr. Donohue stated VDOT will work with NVTC and the local transit operators to understand the transit data as it relates to the roadway data.

Mr. Foust stated his focus is on the miles per hour speed and he pleased to hear that the Commonwealth is going to look at this as how it relates to the algorithm. He is also concerned with impacts to alternate routes. He expressed surprise that the Commonwealth is seeing improvements on I-66 as well as the parallel routes. There may be some missing data. Mr. Donohue agreed more data is needed and the Commonwealth is committed to evaluate the data. It is important to have sufficient data before making any changes to the algorithm, so as not to have unintended consequences. Drivers would also be upset if they paid a \$20 toll to sit in traffic congestion.

Delegate LeMunyon questioned how much latitude the Commonwealth has to change the algorithm based on the Outside the Beltway contract provisions. Mr. Donohue stated that as long as the express lanes hours are from 5:30-9:30 A.M and 3:00-7:00 P.M., and HOV increases to HOV-3 when the Outside the Beltway project opens, then the compensation provision in the contract is not triggered. In response to another question from Delegate LeMunyon, Mr. Donohue stated that the plan was always to begin tolling Inside the Beltway in 2017.

Mr. Corcoran thanked Delegates LeMunyon and Minchew for helping to reach the I-66 General Assembly compromise that resulted in widening much sooner than originally planned. He asked what impact the new lanes will have on tolling. Mr. Donohue stated I-66 eastbound has a serious chokepoint where the Dulles Connector Road merges into I-66. Widening is expected to create better operational flow likely resulting in lower tolls, but it is too soon to speculate. For the record, he is not saying that lower tolls will be the outcome.

Senator Ebbin returned to the discussion at 9:23 P.M.

Mr. Greenfield stated that there seems to be agreement that more data and objective analysis is needed, especially since the month of December was not a normal commuting month. He stated it is important to look at the impacts. How many cars are getting off I-66 and diverting to other roads? Is WMATA seeing more parking usage at the Vienna Metrorail station? Are commuters switching to transit? He stated that local jurisdictions can provide data on increased ridership for local transit operators. He is hopeful the Commission can reach consensus with the Commonwealth without a formal resolution.

Delegate Minchew asked if the average toll rate refers to “medium” or “mean.” Amanda Baxter, VDOT project manager, confirmed it refers to “mean.” Delegate Minchew stated that \$40 tolls create shocking headlines. He stated that there should be a way to increase throughput by fine tuning the algorithm and still keep tolls lower. In response to another question from Delegate Minchew, Mr. Donohue stated widening will begin in 2018 and be completed by 2020. There are no permanent right-of-way purchases necessary although temporary easements for access will be needed during construction.

Ms. Cristol agreed more time is needed to collect data, especially transit data. She asked how the algorithm works in relationship to price and average speed. Mr. Donohue explained that it is a relationship between volume, value of time, and HOV usage. With time and experience, it can be modified based on trends and behavior. It is important to balance the flow throughout the entire roadway. HOV usage and the different entry and exits points impact that balance.

Delegate LaRock stated he is also interested in seeing throughput numbers and asked if VDOT is measuring travel times on all the roadways. Mr. Donohue explained how VDOT computes travel speeds. Delegate LaRock questioned whether teleworking is impacting travel times, creating a false positive with the initial data. Mr. Donohue agreed more data is needed. The goal is to move more people through the corridor so the Commonwealth will look at modifying the algorithm to do that.

Ms. Hudgins agreed that more time is needed for analysis and she believes at least six months of data is needed to know if the mechanisms are working. She urged NVTC to wait for more data and see how the transportation network is impacted.

Chairman Smedberg thanked Mr. Donohue for his presentation and answers.

### Resolution Presented by Mr. Meyer on I-66 Tolling

Mr. Meyer apologized for getting so passionate about the tolling issue at last month's meeting and questioning some Commissioner's motives. This month, he is presenting a modified resolution which is a consensus document that is more regionally focused. He stated he personally would like the resolution to be stronger but this is a compromise document he hopes Commissioners can agree to approve. The resolution is not demanding action, but just asking for consideration to take action. He stated he is open to amendments. He then read multiple comments from his constituents about how they have been impacted by the new tolls.

Mr. Letourneau made several friendly amendments to the resolution:

- First resolve clause to replace "consider taking action" with "evaluate" to read "...NVTC requests that the Commonwealth evaluate "Transform 66 – Inside the Beltway" to lower tolling costs..."
- Second resolve clause to replace "modifying" with "evaluating" to read "...NVTC requests the Commonwealth consider evaluating the hours of operation..."
- Delete fifth whereas clause.

Mr. Meyer accepted these friendly amendments.

Mr. Letourneau observed that many people now feel like I-66 Inside the Beltway is not accessible to them. He understands that the goal is to provide a choice to use the road at a certain cost, but if a person commutes regularly it is not possible to pay this level of toll on a daily basis. He stated that Mr. Meyer's resolution simply is asking the Commonwealth to evaluate tolling costs, dropping speed requirements, adding a cap and changing hours of operation. The resolution is not endorsing or demanding these changes. He observed Deputy Secretary Donohue has already indicated that the Commonwealth will be evaluating some of this. As elected officials, it is important to formally ask the questions.

Ms. Garvey asked Mr. Donohue when the evaluation can be completed if NVTC passes this resolution. Mr. Donohue stated he cannot speak for the new administration, which takes office next week, nor how they would respond to the request. The Commonwealth needs more data, whether its two, four or eight weeks, to understand the algorithms.

Mr. Dorsey stated that even though the wording of the resolution is softer, it still prejudices the outcome. He applauded Mr. Meyer for modifying the resolution, but there just isn't enough information to be able to ask for changes. Ms. Bulova expressed her appreciation of the tenor of Mr. Meyer's resolution, however, she agreed it prejudices the outcome. She stated that it is also important to know how the Outside the Beltway agreement impacts the hours of operations Inside the Beltway. Mr. Donohue explained that the contract does not dictate the hours in the future, but if hours are modified it would result in a compensation event for the Outside the Beltway concessionaire agreement. He cannot speak to the scale, scope or impact of a compensation event.

Ms. Bulova stated that she agrees there needs to be evaluation, such as how it is working, what is the road capacity, what has been the usage, and how have people shifted their commuting patterns and if they are using more transit.

Mr. Lovain stated he appreciates the steps Mr. Meyer has taken to modify the resolution, but it still goes too far. The resolution assumes the system is broken. Regarding hours of operation, there is the issue of the Outside the Beltway contract. He agrees that evaluation is needed with good data, and this is what Mr. Donohue has said they will do. In his opinion, the resolution is unnecessary. Ms. Hudgins stated that evaluating the project is important, but less than six months of tracking data won't provide a clear picture. Mr. Foust stated he will support the resolution since there is nothing wrong with NVTC going on record saying these issues should be evaluated.

Mr. McKay stated he can understand Mr. Meyer and Mr. Letourneau's advocacy but has a problem with the venue component. NVTC jurisdictions are benefitting from the toll revenues from the I-66 project. As a member of NVTC, his number one concern is how it impacts transit. There were similar concerns raised about I-95 and I-395 tolling. Just as he had serious concerns about the I-395 tolling project, NVTC was not the venue to bring his concerns forward. NVTC should be helping people have commuting options especially transit options. NVTC has no authority on the toll rates and management of the program. He would like to have NVTC invite Deputy Secretary Donohue to come back in a reasonable period of time after evaluating the data, including input from the judications on impacts to transit. At that point, NVTC could decide if it should make any recommendations for change.

Senator Ebbin thanked Mr. Meyer for modifying his resolution. He does not see a problem with NVTC asking for evaluation as long as it is not done in a hostile manner. Senator Ebbin stated he would like to see more information about potential impacts to the Outside the Beltway contract.

Mr. Cook stated he is concerned about tolls costs, but not about the hours of operations. He does not think there needs to be a resolution tonight and suggested holding off until March since Mr. Donohue has already committed to the evaluation. Mr. Greenfield also expressed his hope that the Commission can compromise and agree to table the motion until April or May.

Mr. Greenfield moved to table the motion until the May meeting. Mr. Cook seconded. The motion was defeated with a 6-12 vote. The vote in favor was cast by Commissioners Cook, Corcoran, Foust, Greenfield, Hudgins and Lovain. The vote in opposition was cast by Commissioners Bulova, Cristol, Dorsey, Ebbin, Garvey, LaRock, LeMunyon, Letourneau, McKay, Meyer, Minchew and Smedberg. Mr. Snyder did not vote.

Ms. Garvey stated she appreciates what her colleagues are trying to accomplish, but there already seems to be consensus that Commissioners want evaluation. She suggested staff come back at the February meeting with a list of what NVTC wants evaluated. It is important to be clear about what type of information NVTC wants to see.

Ms. Bulova moved a substitute motion to invite the Secretary of Transportation or her designee to return to NVTC in the May-June timeframe with an evaluation of the operation

of I-66 tolling and of commuting shifts regarding transit. Ms. Cristol and Mr. Snyder both seconded the motion.

Delegate Minchew observed that Mr. Meyer's resolution includes four factual whereas clauses and two resolve clauses that are not mandating any work, but just asking for evaluation. While he appreciates Ms. Bulova's compromise, he will support the main motion to approve the resolution.

Mr. Snyder expressed his support for Ms. Bulova's substitute motion because it relates to the overall performance of the project (tolling, hours of operation, displacement and transit) and it is in a timeframe that will allow good data to be able to evaluate the project to know how to move forward. It's a more comprehensive approach.

Mr. Dorsey echoed Mr. Snyder's comments. He stated it is expansive enough to include more areas of concern to include qualitative attitudes of users for all modes of travel, safety concerns and micro impacts. The timing allows for a comprehensive evaluation. He observed that if both motions are about asking the Commonwealth to really look at this program and report back to NVTC, the substitute motion's broader scope is better than focusing on a few specific issues. Mr. Meyer's resolution does not encompass all the concerns raised.

Mr. Cook stated he cannot support the resolution because it points to an answer. It is also important to include the evaluation of tolls.

Ms. Cristol stated the resolution is about lowering tolls, which prejudices a solution. She wants the costs of tolls to be evaluated in the context of the transit benefits and reducing congestion. The region is trying to solve a broader problem of easing some of the worst congestion in the United States. She observed that the substitute motion results in a "big picture" approach. She expressed her concern that NVTC does not ruin its reputation by taking premature action. She will not support the resolution.

Mr. McKay stated he would rather not take action on either the main or substitute motion, but will support the substitute motion because it has a more reasonable timeframe and includes a transit component.

Mr. Letourneau observed that there seems to be a fundamental disagreement of whether NVTC should be expressing concern about the cost of tolling. His position is that NVTC should because that's where the public is. No one is saying we don't want transit benefits or trying to improve the system to reduce congestion, but we want the Commonwealth to do it in a way that they keep the tolls as low as they can and still make it work.

Mr. Meyer stated his resolution makes no value judgement and it's a broad resolution. Mr. Dorsey stated that if the intent is for NVTC to ask for evaluation, the message has been clearly delivered to Secretary Donohue at tonight's meeting. Ms. Hudgins stated she wants to know the data before being specific about solutions. She wants to know what's the best performance out of the facility.

Ms. Bulova repeated her motion. The Commission then voted on the substitute motion and it passed on a vote of 11-8. The vote in favor was cast by Commissioners Bulova,

Corcoran, Cristol, Dorsey, Garvey, Greenfield, Hudgins, Lovain, McKay, Smedberg and Snyder. The vote in opposition was cast by Commissioners Cook, Ebbin, Foust, LaRock, LeMunyon, Letourneau, Meyer and Minchew.

The substitute motion then became the main motion. The main motion passed on a vote of 12-6-1. The vote in favor was cast by Commissioners Bulova, Corcoran, Cristol, Dorsey, Foust, Garvey, Greenfield, Hudgins, Lovain, McKay, Smedberg and Snyder. The vote in opposition was cast by Commissioners Cook, LaRock, LeMunyon, Letourneau, Meyer and Minchew. Senator Ebbin abstained.

#### Proposed Amendments to the Memorandum of Agreement for the Transform66: Inside the Beltway Project

Chairman Smedberg stated Resolution #2352 would authorize the executive director to sign an Amended Memorandum of Agreement (MOA) between NVTC and the Commonwealth for the Transform 66: Inside the Beltway Project.

Mr. Donohue reviewed the proposed amendments, which would make permissible the use of I-66 Inside the Beltway toll revenues for debt service or other payments towards construction of a new passenger/commuter rail bridge in proximity to the Long Bridge and/or modifications to the Rosslyn Metrorail station to facilitate Metrorail passenger movement, as well as eliminate any restrictions in the MOA related to using funding for operating costs, allowing that policy decision to be determined by NVTC. This proposed amendment was presented to the Commonwealth Transportation Board (CTB) for consideration at its December 5<sup>th</sup> workshop and will be presented for approval at its January 10<sup>th</sup> meeting.

Mr. Donohue further explained that by including these two projects in the “waterfall” allocation of toll revenues, the MOA would specifically make these projects separate from NVTC’s I-66 Commuter Choice program and would be administered by the Commonwealth, while also providing a guarantee of revenues that would be viewed favorably by the financial markets. The Commonwealth proposes to continue a guarantee a minimum level of toll revenues to NVTC for its I-66 Commuter Choice program in the amount of \$10 million per year (increased by 2.5 percent annually). If the Commonwealth does not pursue either or both projects, NVTC would be entitled to all remaining revenues after the cost of tolling operations and maintenance and reimbursement of the Toll Facilities Revolving Fund.

Mr. Donohue explained that the Commonwealth is requesting these amendments at this time because the Commonwealth is in discussions with CSXT regarding potential rail improvements in the I-95 rail corridor. Having this in place will allow for flexibility for the Commonwealth to sell bonds without having to wait for NVTC and CTB approval. The Commonwealth would notify NVTC in advance of selling debt.

In response to a question from Mr. Letourneau, Mr. Donohue stated the Commonwealth would be constrained with the amount of debt it could sell based on the payment to NVTC. A baseline revenue amount of \$10 million annually, with an escalation of 2.5 percent, is being guaranteed for the I-66 Commuter Choice program. Mr. Letourneau stated this may



inhibit NVTC to fund other projects in the future. He also asked if these two projects are in the design phase. Mr. Donohue stated the Long Bridge project is currently in the NEPA process and a fair amount of design will be completed when that process is done. Mr. Letourneau stated that NVTC evaluates and scrutinizes projects for the I-66 Commuter Choice program before committing funding. He does not believe these two projects are at that level. Mr. Donohue stated the Commonwealth has more information and work done on the Long Bridge project compared to the other Commuter Choice projects. The Long Bridge Study has been ongoing for several years in cooperation with VDOT and VRE. This project is a transformational project for this region and the Commonwealth's ability to advance it is to navigate a series of negotiations with CSXT. The Commonwealth needs the flexibility and all the tools available should it reach an agreement with the railroad. The Commonwealth does not want to have to halt negotiations for several months to seek NVTC and CTB approval on the MOA amendments.

Regarding the Rosslyn project, Mr. Donohue noted this is another transformational project in the I-66 corridor. By agreeing to the MOA amendments, it does not mean NVTC is committing to an open-ended cost of the two projects. These would be Commonwealth projects not NVTC projects.

Mr. Snyder observed that the Long Bridge is an east coast corridor project and expressed his concern of giving a blank check and blank authorization to a project using toll revenues dedicated to the I-66 corridor. He does not know how effective the Commonwealth will be in negotiating with the private sector. He recognizes the importance of the Long Bridge to VRE, but this seems to be granting very broad authority to the Commonwealth and he does not want the toll revenues to become the "cash cow" for the Long Bridge project.

Delegate LeMunyon observed that the Long Bridge is a project of statewide significance and should be first run through the Appropriations and Finance Committees to determine if there is state funding available. He asked what happens if for some unforeseen reason the toll revenues don't cover the bonds or NVTC's \$10 million. Mr. Donohue stated NVTC's toll revenues are guaranteed. Delegate LeMunyon observed that the Long Bridge is not along the I-66 corridor and there are strict guidelines of what toll revenues can be used for to benefit I-66 users. Mr. Donohue stated federal requirements are that toll revenues need to be used for transportation. State requirements are stricter in that they need to meet the Meeks Case which only allows toll revenue to be used to benefit the toll payers. The Commonwealth would seek a legal opinion that the Long Bridge project meets the Meeks Case.

Mr. Meyer stated that if the projects benefits the I-66 corridor, then they could come before NVTC as part of the I-66 Commuter Choice program, so an amendment to the MOU is not necessary. He expressed his concern that it is changing the original intent of the I-66 Commuter Choice program. His other concern is that it could provide an incentive to further raise the tolls on I-66 to meet the bonds.

Mr. Dorsey observed that the MOA amendment regarding operation has yet to be discussed. He has no problem calling out these two projects as important transformative projects, but it is inconsistent to think that NVTC could not quickly amend the MOA should the need arise.

Ms. Bulova asked if action is necessary at this meeting. She considers both projects important and worthy. She suggests NVTC table this item to come back at a future meeting. There were no objections.

#### FY2018 I-66 Commuter Choice Program Update

Patricia Happ, project manager, reported NVTC received 18 applications for the FY2018 program. The applications will go through an evaluation process to determine eligibility and a list of eligible projects will be presented at the February 8<sup>th</sup> meeting. Staff will then work with the Working Group to build a program of projects as well as study several policy issues. Project scores and the policy decisions will be presented at the March Commission meeting. Public comment period will follow, with a public hearing held at the April Commission meeting. The Commission will be asked in May to approve the FY2018 Program of Projects to be advanced to the CTB in June for their approval.

#### Washington Metropolitan Area Transit Authority

Mr. Dorsey moved, with a second by Mr. Corcoran, to authorize the executive director to send a letter to WMATA commenting on the FY2019 budget.

Delegate LeMunyon expressed surprise that the letter does not reference NVTC's resolution on WMATA finance and operations, in which it asked WMATA for a plan to operate with efficiencies comparable to other transit systems. Ms. Mattice stated staff can follow up with WMATA staff on that issue, but this letter is in response to the proposed WMATA budget document.

The Commission then voted on the motion and it passed. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Greenfield, Hudgins, LaRock, LeMunyon, Letourneau, Lovain, McKay, Meyer, Minchew, Smedberg and Snyder.

#### Virginia Railway Express

VRE CEO Report. Due to the lateness of the hour, Mr. Allen did not give his report.

Revised FY2018 and Recommended FY2019 VRE Operating and Capital Budgets. Ms. Bulova moved, with a second by Ms. Cristol, to approve Resolution #2353 to adopt and refer the Revised FY2018 and Recommended FY2019 VRE Operating and Capital Budgets to the jurisdictions.

Mr. Allen stated the recommended FY2019 VRE Operating and Capital Budget is balanced and totals \$149.5 million (\$88.5 million in operating; \$60.9 million in capital). The budget includes a three percent jurisdictional subsidy increase and no fare increase, except for a \$1 increase in the cost of the Amtrak Step-Up ticket.

The Commission then voted on the motion and it passed. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Hudgins, LaRock, LeMunyon, Letourneau, Lovain, McKay, Minchew, Smedberg and Snyder. Commissioners Greenfield and Meyer were not in the room for the vote. (A copy of Resolution #2353 is attached.)

VRE RRIF Loan Refinance. Ms. Bulova stated Resolution #2354 would approve a debt financing agreement with the Virginia Resources Authority (VRA) for the purpose of achieving debt service savings through a refinancing of VRE's existing Railroad Rehabilitation and Improvement Financing (RRIF) loan that was used to purchase railcars. Mr. Allen stated that at current market conditions, refinancing of this debt would yield net present value savings to VRE and its member jurisdictions of approximately 12 percent of the refunded principal amount.

In response to a question from Chairman Smedberg, Mr. MacIsaac stated the issue for Closed Session is independent from this action.

Ms. Bulova moved, with a second by Mr. Cook, to approve Resolution #2354 (copy attached). The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Greenfield, Hudgins, LaRock, LeMunyon, Letourneau, Lovain, McKay, Minchew, Smedberg and Snyder. Mr. Meyer was not in the room for the vote.

2018 VRE Operations Board Officers. Ms. Bulova reported that at its December 15<sup>th</sup> meeting, the VRE Operations Board approved the following slate of VRE officers for 2018:

Chairman:	Martin Nohe (PRTC)
Vice-Chairman:	Katie Cristol (NVTC)
Secretary:	Maureen Caddigan (PRTC)
Treasurer:	John Cook (NVTC)
Immediate Past Chair:	Paul Smedberg (NVTC)

The 2018 officers will be installed at the January 19, 2018 VRE Operations Board Meeting.

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

Ms. Cristol provided highlights of the December 7<sup>th</sup> Legislative and Policy Committee meeting, in which they discussed the governor's proposed budget. Ms. Mattice agreed to provide the summary sheet to Commissioners.

Mr. Cook stated it is important to make sure that NVTC's legislative program does not lead to an endorsement of the governor's proposal to spend NVTA funding on WMATA.

Mr. Meyer returned to the meeting at 11:02 P.M.

## Department of Rail and Public Transportation

Mr. Horsley directed Commissioners to the written DRPT Report.

## Executive Director Report

Ms. Mattice directed Commissioners to the written Executive Director Newsletter. She reminded Commissioners that the February 8<sup>th</sup> meeting will be held at 4:00 P.M. in the East Reading Room of the Patrick Henry Building in Richmond. Secretary of Transportation-Elect Shannon Valentine is confirmed to join NVTC at the meeting.

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

## Closed Session

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

Pursuant to the Virginia Freedom of Information Act (Sections 2.2-3711.A (1) and (8) of the Code of Virginia), the Northern Virginia Transportation Commission authorizes a Closed Session for the purpose of discussing one personnel matter involving a contractor employed by NVTC, and one matter requiring consultation with legal counsel and necessary staff concerning the terms and conditions of a proposed Virginia Resources Authority refinancing of an existing Railroad and Rehabilitation Improvement Financing loan.

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

The Commission entered Closed Session at 11:05 P.M. and returned to Open Session at 11:13 P.M. Mr. Meyer left the meeting during the Closed Session.

Chairman Smedberg moved, with a second by Ms. Bulova, 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, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Greenfield, Hudgins, LaRock, LeMunyon, Letourneau, Lovain, McKay, Minchew, Smedberg and Snyder.

Ms. Bulova moved, with a second by Senator Ebbin, to approve a limited waiver of potential conflicts for McGuire Woods LLP and the proposed VRE refinancing of NVTC's existing Railroad Rehabilitation Improvement Financing loan, consistent with the request for such a waiver.

Mr. Snyder stated he presumes the motion is put forward on advice of counsel. Ms. Bulova confirmed yes. The Commission then voted on the motion and it passed. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Greenfield, Hudgins, LaRock, LeMunyon, Letourneau, Lovain, McKay, Minchew, Smedberg and Snyder.

### Adjournment

Mr. Greenfield moved, with a second by Delegate Minchew, to adjourn the meeting. Without objection, Chairman Smedberg adjourned the meeting at 11:14 P.M.

Approved this 8<sup>th</sup> day of February 2018.

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Paul C. Smedberg  
Chairman

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Katie Cristol  
Secretary-Treasurer



## **RESOLUTION #2350**

**SUBJECT:** Selection of NVTC Representatives to Various Boards

**WHEREAS:** NVTC is empowered to make appointments to the Board of Directors of the Washington Metropolitan Area Transit Authority (WMATA), the Virginia Railway Express (VRE) and the Virginia Transit Association (VTA);

**WHEREAS:** Some of NVTC's jurisdictions may not formally appoint their NVTC members prior to NVTC's January meeting and some may not be ready with recommendations for appointment to various boards;

**WHEREAS:** Secretary Aubrey Layne designated James Corcoran to be the Secretary's designee on NVTC and the WMATA Board to fill the unexpired term of James W. Dyke, Jr., and that appointment became effective February 1, 2015, with the term expiring January 9, 2018; and

**WHEREAS:** Governor-Elect Northam will not be sworn in as Governor of the Commonwealth of Virginia until January 13, 2018;

**WHEREAS:** The Commission is being asked to reappoint Mr. Corcoran to the WMATA Board to serve until Governor Northam appoints his representative from the Commonwealth.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby appoints and confirms the following persons to serve as Principals and Alternates to the WMATA Board, subject to possible subsequent action by NVTC's jurisdictions that alters their NVTC members for 2018 and their recommendations for members of the various boards:

### **WMATA Board:**

#### Principals

James Corcoran

Catherine Hudgins  
(term expires 01/05/2021)

#### Alternates

Christian Dorsey  
(term expires 01/09/2019)

Paul Smedberg  
(term expires 01/02/2020)

**BE IT FURTHER RESOLVED** that NVTC hereby appoints the following persons to serve on the VRE Operations Board, subject to possible subsequent action by NVTC's jurisdictions that alters their NVTC members for 2018 and their recommendations for members of the various boards:

**VRE Operations Board:**

Principals

Sharon Bulova  
John C. Cook  
Paul Smedberg  
Katie Cristol

Alternates

Jeffrey C. McKay  
  
Tim Lovain  
Libby Garvey

**BE IT FURTHER RESOLVED** that NVTC hereby appoints the following persons to serve on the Virginia Transit Association Board, subject to possible subsequent action by NVTC's jurisdictions that alters their NVTC members for 2018 and their recommendations for members of the various boards:

**VTA Board:**

Principals

David F. Snyder  
Katherine A. Mattice

Alternates

Jeffrey C. McKay  
Katie Cristol

Approved this 4<sup>th</sup> day of January 2018.

  
Katie Cristol  
Secretary-Treasurer

  
Paul C. Smedberg  
Chairman





## RESOLUTION #2351

**SUBJECT:** Designation of NVTC Signatories and Pension Trustees

**WHEREAS:** The Honorable Katie Cristol has been elected Secretary-Treasurer of NVTC for 2018; and

**WHEREAS:** NVTC desires that the person holding the office of Secretary-Treasurer be designated as an official signatory as well as a pension trustee.

**NOW, THEREFORE BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby selects the following persons to serve as NVTC signatories (who are eligible to sign individually for any transaction of less than \$5,000 and with one other signatory for transactions of \$5,000 or greater):


Hon. Katie Cristol  
Katherine A. Mattice  
Scott C. Kalkwarf

Secretary-Treasurer  
Executive Director  
Director of Finance and Administration

**BE IT FURTHER RESOLVED** that the individuals listed above shall serve as NVTC employees' pension trustees, with the addition of NVTC's Assistant Financial Officer, Colethia Quarles.

Approved this 4<sup>th</sup> day of January 2018.

  
Katie Cristol  
Secretary-Treasurer

  
Paul C. Smedberg  
Chairman





## RESOLUTION #2353

**SUBJECT:** Adopt and Refer the Revised FY2018 and Recommended FY2019 VRE Operating and Capital Budgets to the Jurisdictions

**WHEREAS:** The VRE Master Agreement requires the Commissions be presented with a fiscal year budget for their consideration at their respective January meetings prior to the commencement of the subject fiscal year;

**WHEREAS:** The VRE Chief Executive Officer has provided the VRE Operations Board with the FY2019 Operating and Capital Budget within the guidelines developed in cooperation with the chief administrative officers of the local jurisdictions;

**WHEREAS:** The FY2019 budget proposes a three percent increase in the total jurisdictional subsidy over the FY2018 contribution level;

**WHEREAS:** The FY2019 budget proposes an increase to the amount charged to VRE passengers for Amtrak Step-Up tickets from \$7 to \$8, effective the first week of July 2018, with the start of the FY2019 budget;

**WHEREAS:** Apart from the Amtrak Step-Up increase described above, the FY2019 budget proposes no other changes to passenger fares;

**WHEREAS:** VRE staff recommends a budget based on a service level of 32 daily trains and average daily ridership of 19,000 trips; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby adopts the FY2019 VRE Operating and Capital Budget in the following amounts and forward this budget to the local jurisdictions for inclusion in their budgets and appropriations in accordance with the Master Agreement:

Operating Budget	\$ 88,522,679
Capital Budget	<u>60,942,515</u>
Total Operating and Capital	\$149,465,194

**BE IT FURTHER RESOLVED** that NVTC adopt the amended FY 2018 Operating and Capital Budget in the following amounts:

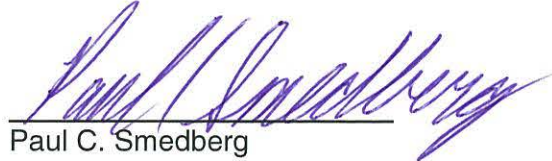
Operating Budget	\$ 85,346,443
Capital Budget	<u>64,675,346</u>
Total Operating and Capital	\$150,021,789

**BE IT FURTHER RESOLVED** that NVTC authorizes the Executive Directors of both PRTC and NVTC to submit to the Transportation Planning Board of the National Capital Region and to the Federal Transit Administration or other federal agencies, the appropriate Transit Improvement Program and grant applications for FY2018 and FY2019.

**BE IT FURTHER RESOLVED** that NVTC authorizes its Executive Director to submit to the Commonwealth the approved budget as part of the FY2019 state aid grant applications.

Approved this 4<sup>th</sup> day of January 2018.

  
Katie Cristol  
Secretary-Treasurer

  
Paul C. Smedberg  
Chairman





## **RESOLUTION #2354**

**SUBJECT:** Authorize VRE to Refinance the VRE RRIF Loan

**WHEREAS:** The Northern Virginia Transportation District Commission (“NVTC”) and the Potomac and Rappahannock Transportation District Commission (“PRTC,” and, together with NVTC, the “Commissions”) jointly own and operate the Virginia Railway Express (the “VRE”) commuter rail service in Northern Virginia and the District of Columbia pursuant to the “Master Agreement for Provision of Commuter Rail Services in Northern Virginia – Establishment of the Virginia Railway Express” dated as of October 3, 1989, as amended (the “Master Agreement”), among the Commissions and the Participating and Contributing Jurisdictions described in such Master Agreement;

**WHEREAS:** NVTC, with the consent of PRTC and the Participating and Contributing Jurisdictions, entered into a financing agreement with the Federal Railroad Administration pursuant to its Railroad Rehabilitation and Improvement Financing program in 2007 and subsequently borrowed a total of \$68,953,913 pursuant to a series of draws under the program for railcars delivered between 2008 and 2012 (collectively, the “FRA Loan”);

**WHEREAS:** The FRA Loan is now administered by the U.S. Department of Transportation’s Build America Bureau;

**WHEREAS:** The Master Agreement provides that the Commissions shall utilize reasonable debt financing to the extent that such financing is advantageous to the VRE and is in the interest of the parties to the Master Agreement, but requires that the Commissions not incur debt related to the VRE without the consent of all Participating and Contributing Jurisdictions;

**WHEREAS:** The Commissions have determined to refinance the FRA Loan with the proceeds of a loan to be obtained from the Virginia Resources Authority (“VRA”) in an amount not to exceed \$56,000,000, for a term not to exceed 15 years from its delivery date, and generating net present value savings of at least three percent of the refunded principal (collectively, the “VRA Loan”); and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission does hereby approve the following:

1. The VRA Loan, upon the terms and conditions set forth in the VRA Term Sheet dated December 15, 2017 (a copy of which has been provided to the Commissions), with such changes thereto as may be approved in writing by the Chairman, Vice Chairman or Executive Director of NVTC, is hereby authorized.



2. The Chairman, Vice Chairman or Executive Director of NVTC is authorized to determine and approve the final details of the VRA Loan, including, without limitation, the aggregate principal amount of the VRA Loan, the interest rates on the VRA Loan, the dates (including payment dates) of the VRA Loan documents and the amounts and prices of any optional or mandatory prepayments, provided, however, that the aggregate principal amount of the VRA Loan shall not exceed \$56,000,000, its term shall not exceed 15 years from its delivery date, it shall generate net present value savings of at least three percent of the refunded principal, and its other terms and conditions shall be substantially as provided in the VRA Term Sheet described above. The VRA Loan will require that the Commissions grant the VRA security interests in the participating jurisdictions' jurisdictional payments under the Master Agreement. The approval of the Chairman, Vice Chairman or Executive Director of NVTC of such details shall be conclusively evidenced by the execution and delivery of the loan documents for the VRA Loan, which VRA Loan documents shall be prepared or reviewed by VRE's bond counsel and reviewed by its general counsel, it being acknowledged and understood that the repayment obligations of the VRA Loan and the related financing covenants will be evidenced by a local bond to be issued by NVTC and a local bond sale and financing agreement to be negotiated and entered into by NVTC and VRA. The consummation of the VRA Loan shall be subject to the consent of the Participating and Contributing Jurisdictions as described in the recitals to this Resolution.
3. The Chairman, Vice Chairman or Executive Director of NVTC is authorized to approve, execute and deliver on behalf of NVTC, and, if required, the Secretary or any Assistant Secretary of NVTC is authorized to affix and attest the seal of NVTC to, the VRA Loan documents described above and such other documents, instruments or certificates as they deem necessary or appropriate, in consultation with VRE's bond counsel and general counsel, to carry out the VRA Loan transaction authorized by this resolution. The approval of the Chairman, Vice Chairman or Executive Director of NVTC shall be conclusively evidenced by the execution and delivery of such documents, instruments or certificates. Such officers of NVTC and the Executive Director are further authorized to do and perform such other things and acts as they deem necessary or appropriate, in consultation with VRE's bond counsel and general counsel, to carry out the VRA Loan transaction authorized by this resolution. All of the foregoing previously approved, executed, delivered, done or performed by such officers of NVTC or the Executive Director are in all respects hereby approved, ratified and confirmed.
4. This resolution shall take effect immediately upon its adoption.

Approved this 4<sup>th</sup> day of January 2018.



Katie Cristol  
Secretary-Treasurer



Paul C. Smedberg  
Chairman



## RESOLUTION

- SUBJECT:** Commending the Honorable Jeffrey C. McKay on the Occasion of His Service as Chairman of the Northern Virginia Transportation Commission for 2017
- WHEREAS:** The Honorable Jeffrey C. McKay was elected Chairman of the Northern Virginia Transportation Commission (NVTC) for 2017;
- WHEREAS:** Supervisor McKay was first elected to the Fairfax County Board of Supervisors in 2007, representing the Lee District;
- WHEREAS:** Supervisor McKay has served as a Commissioner on the Northern Virginia Transportation Commission since March 2008 and as chair in 2013 and 2017;
- WHEREAS:** NVTC serves as the voice of public transit in Northern Virginia, promoting the region's transit network through effective and efficient bus and rail systems and ridesharing programs to foster economic vitality in the Region and the Commonwealth;
- WHEREAS:** Supervisor McKay has been an advocate of balanced transit investments in the region, emphasizing transportation infrastructure enhancements, economic development, improved transit service, and pedestrian-friendly initiatives;
- WHEREAS:** Supervisor McKay led NVTC during its 53<sup>rd</sup> year of operations and, as chairman, saw the region through many milestones, including implementation of the first 10 projects funded through the I-66 Commuter Choice Program; approval of a 70-year agreement with the Commonwealth for the I-395 Express Lanes Multimodal Program; and adoption of two NVTC resolutions articulating NVTC's priorities and principles for WMATA governance and reform;
- WHEREAS:** Supervisor McKay elevated NVTC's role as the voice of transit in Northern Virginia through active engagement with local and regional media outlets on issues of transit ridership, the I-66 Commuter Choice program, commuter tax benefits, WMATA reforms, and the value of transit; and led ongoing collaboration and communication with elected officials, business leaders, and industry groups on transit issues affecting Northern Virginia;
- WHEREAS:** Supervisor McKay helped solidify NVTC's place as the source for regional transit analysis through the release of a first-of-its-kind study quantifying the value of Metrorail and VRE to the Commonwealth's general fund, publication of NVTC's Regional Bus Analysis identifying opportunities for regional bus coordination in Northern Virginia, presentation of the first in-depth analysis of Virginia's Metrorail ridership characteristics, and the launch of NVTC's T-BEST transit service optimization planning tool for use by NVTC's transit providers; and
- WHEREAS:** During his tenure as Chairman, Supervisor McKay also oversaw NVTC's coordination of Northern Virginia's response to WMATA's SafeTrack surge, initiation of region-wide bus farebox upgrades, conducting of federal transit data reporting training, completion of Metrorail station emergency plan updates, and exploration of new transit fare technologies.
- NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission commends the Honorable Jeffrey C. McKay for his leadership of NVTC for 2017 and his service to the citizens of Northern Virginia and the Commonwealth of Virginia.
- BE IT FURTHER RESOLVED** that NVTC prepare a copy of this resolution for presentation to Supervisor McKay as an expression of its gratitude and in appreciation of his leadership and work on the Commission in promoting and funding public transit and ridesharing in Northern Virginia.

Approved this 4<sup>th</sup> day of January 2018.

Paul C. Smedberg, Chairman



## RESOLUTION

**SUBJECT:** Commending the Honorable J. Randall Minchew on the Occasion of His Departure from NVTC and the General Assembly

**WHEREAS:** The Honorable J. Randall Minchew has served as a member of the Virginia General Assembly since 2012 as the representative of the 10<sup>th</sup> District serving parts of Loudoun, Frederick and Clarke counties;

**WHEREAS:** Delegate Minchew has served as a Commissioner on the Northern Virginia Transportation Commission since May 2014 and also as a member of the Executive Committee;

**WHEREAS:** NVTC serves as the voice of public transit in Northern Virginia, promoting the region's transit network through effective and efficient public bus and rail systems and ridesharing programs to foster economic vitality in the Region and the Commonwealth;

**WHEREAS:** Delegate Minchew is recognized as a highly effective legislator in the Virginia General Assembly, consistently gaining high marks from nonpartisan organizations;

**WHEREAS:** Delegate Minchew's HB181 legislation increased Loudoun County's representation on NVTC from one to two Commissioners; and

**WHEREAS:** During the 2017 General Assembly Session, Delegate Minchew was instrumental in ensuring passage of Metro Safety Commission legislation; and his friendly amendment to HB2136 brought NVTC to the table to participate in the discussion of WMATA reforms by requiring Virginia's Secretary of Transportation to work with the Commission to commence discussions on revisiting the Metro Compact.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission commends the Honorable J. Randall Minchew for his service to NVTC, the citizens of Northern Virginia, and the Commonwealth of Virginia.

**BE IT FURTHER RESOLVED** that NVTC prepare a copy of this resolution for presentation to Delegate Minchew as an expression of its gratitude and in appreciation of his leadership and work on the Commission in promoting and funding public transit and ridesharing in Northern Virginia.

Approved this 4<sup>th</sup> day of January 2018.

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Paul C. Smedberg  
Chairman





## RESOLUTION

- SUBJECT:** Commending the Honorable James M. LeMunyon on the Occasion of His Departure from NVTC and the General Assembly
- WHEREAS:** The Honorable James M. LeMunyon has served as a member of the Virginia General Assembly since 2010 as the representative of the 67<sup>th</sup> District serving parts of Fairfax and Loudoun counties;
- WHEREAS:** Delegate LeMunyon has served as a Commissioner on the Northern Virginia Transportation Commission since May 2014 and also as a member of the Governance and Personnel Committee;
- WHEREAS:** NVTC serves as the voice of public transit in Northern Virginia, promoting the region's transit network through effective and efficient public bus and rail systems and ridesharing programs to foster economic vitality in the Region and the Commonwealth;
- WHEREAS:** Delegate LeMunyon has served as a member of the House General Laws, Education, and Transportation Committees and the Transportation Subcommittee; as the Deputy Whip for the Republican majority and chair of the General Laws Subcommittee on Procurement and the Freedom of Information Act;
- WHEREAS:** Delegate LeMunyon patroned HB2136 authorizing Virginia to become a signatory to the Washington Metrorail Safety Commission Interstate Compact, which establishes a state safety oversight authority for the Washington Metropolitan Area Transit Authority (WMATA) Rail System, pursuant to the mandate of federal law, to review, approve, oversee, and enforce the safety of the WMATA Rail System;
- WHEREAS:** HB2136 included language that brought NVTC to the table to participate in the discussion of WMATA reforms;
- WHEREAS:** Delegate LeMunyon's HB599 legislation established responsibilities for various entities for long-range transportation planning for the Northern Virginia Transportation District and required projects to be rated and evaluated for congestion reduction among other measures; and
- WHEREAS:** As a strong advocate for transparency in all aspects of government, Delegate LeMunyon brought a greater awareness to NVTC on Freedom of Information Act related issues.
- NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission commends the Honorable James M. LeMunyon for his service to NVTC, the citizens of Northern Virginia, and the Commonwealth of Virginia.
- BE IT FURTHER RESOLVED** that NVTC prepare a copy of this resolution for presentation to Delegate LeMunyon as an expression of its gratitude and in appreciation of his leadership and work on the Commission in promoting and funding public transit and ridesharing in Northern Virginia.

Approved this 4<sup>th</sup> day of January 2018.

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Paul C. Smedberg  
Chairman



## RESOLUTION

**SUBJECT:** Commending the Honorable David B. Albo on the Occasion of His Departure from NVTC and the General Assembly

**WHEREAS:** The Honorable David B. Albo has served as a member of the Virginia General Assembly since 1994 as the representative of the 42<sup>nd</sup> District serving Fairfax County;

**WHEREAS:** Delegate Albo served as a Commissioner on the Northern Virginia Transportation Commission from June 2016 to June 2017 and, previously, from 2002-2010;

**WHEREAS:** NVTC serves as the voice of public transit in Northern Virginia, promoting the region's transit network through effective and efficient public bus and rail systems and ridesharing programs to foster economic vitality in the Region and the Commonwealth;

**WHEREAS:** Delegate Albo has served as a member of the Courts of Justice (chair); General Laws; Privileges and Elections Committees in the General Assembly; and

**WHEREAS:** Delegate Albo has been a consistent and tireless leader in transportation policy activities supporting Northern Virginia, especially his championing of HB3202 and HB2313 with Speaker William Howell, which leveled the playing field for transportation funding in Northern Virginia.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission commends the Honorable David B. Albo for his service to NVTC, the citizens of Northern Virginia, and the Commonwealth of Virginia.

**BE IT FURTHER RESOLVED** that NVTC prepare a copy of this resolution for presentation to Delegate Albo as an expression of its gratitude and in appreciation of his leadership and work on the Commission in promoting and funding public transit and ridesharing in Northern Virginia.

Approved this 4<sup>th</sup> day of January 2018.

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Paul C. Smedberg  
Chairman