

The following items were handed out at
the July 5, 2018 NVTC Meeting.

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**MINUTES
NVTC STRATEGIC RETREAT – JUNE 22, 2018
POINT OF VIEW INTERNATIONAL RETREAT AND CONFERENCE CENTER
LORTON, VIRGINIA**

The Northern Virginia Transportation Commission's Strategic Retreat was called to order by Chairman Smedberg at 9:08 A.M.

Members Present

Sharon Bulova
John Cook
Jim Corcoran
Katie Cristol
Christian Dorsey
Adam Ebbin
Libby Garvey
Catherine Hudgins
Matt Letourneau
Tim Lovain
Jeff McKay
David Meyer (Alternate, City of Fairfax)
Ron A. Meyer
Jennifer Mitchell (Alternate, Commonwealth of Virginia)
Paul Smedberg
David Snyder

NVTC Staff Present

Matt Cheng
Karen Finucan Clarkson
Nobuhiko Daito
Andrew D'huyvetter
Rhonda Gilchrest
Dan Goldfarb
Patricia Happ
Scott Kalkwarf
Kate Mattice
Cheyenne Minor
Colethia Quarles
Aimee Perron Seibert
Steve MacIsaac (counsel)

Moderator

Robert Puentes,
ENO Center for Transportation

Members Absent

John Foust
Jeff Greenfield
David LaRock
Jennifer Wexton

Other Staff Present

Allan Fye – City of Alexandria
Yon Lambert – City of Alexandria
Lynn Rivers – Arlington County
Tim Roseboom – Arlington County
Chloe Ritter – City of Fairfax
Wendy Block Sanford – City of Fairfax
Tom Biesiadny – Fairfax County
Noelle Dominguez – Fairfax County
Kiran Bawa – City of Falls Church
Kerri Oddendino – City of Falls Church
Gwen Kennedy – Loudoun County
Penny Newquist – Loudoun County
Jen DeBruhl – DRPT
Clinton Edwards -- DRPT
Todd Horsley – DRPT
Sree Nampoothiri – NVTA
Bob Schneider – PRTC
Chuck Steigerwald – PRTC
Heidi Mitter – VDOT
Mark Schofield – VRE
Gregg Potts – WMATA
Jesse Herman – Supervisor Hudgins' Office

Welcome and Introductions

Chairman Smedberg welcomed everyone to NVTC's Strategic Retreat.

Chairman Smedberg stated that it has been close to four years since NVTC has held such a retreat and a lot of things have changed for the organization. He explained that the purpose of this retreat is to discuss new responsibilities for the Commission, in light of the legislative mandate of the Omnibus Transit Bill (HB1539/SB856), and discuss the impact of these efforts on NVTC's organizational structure, governance responsibilities, and staff resources. In particular, the focus will be on discussing NVTC's new roles with regards to WMATA – both NVTC's reporting and accountability requirements, as well as how NVTC – as a whole – can be represented on the WMATA Board.

Chairman Smedberg introduced Rob Puentes, President and CEO of the Eno Center for Transportation, who will serve as the moderator for the retreat and will keep the Commission on track and on time. Chairman Smedberg acknowledged NVTC staff for their hard work to organize the retreat. He then asked Ms. Mattice to provide information on logistics for the day.

Mr. Puentes stated he is honored to help facilitate this discussion and gave a few brief remarks. He stated the Strategic Retreat is to talk about NVTC, its unique role in the region, its responsibilities, and then to reach a collective understanding of how NVTC responds to the new legislative mandates regarding WMATA. He gave an overview of the day's agenda. He then asked all participants, both Commissioners and staff, to introduce themselves.

Who We Are and What Do We Do? Part 1 – The Big Picture

Chairman Smedberg gave a brief overview of NVTC's history. NVTC was founded in 1964 and has reinvented itself several times along the way. At the beginning, NVTC was at the table when Metrorail was just a vision. NVTC pushed for congressional funding and for Virginia to be strong part of the Metro Compact. In the meantime, NVTC built park-and-ride lots and ran express buses along I-395, which was called Shirley Highway. Later in the 1980's, NVTC moved to set up a commuter rail system called the Virginia Railway Express (VRE) – now 25 years strong. Most recently, NVTC is taking on new transit funding programs for I-66 and I-395, not to mention an elevated role with WMATA. He observed that NVTC has come a long way.

Chairman Smedberg asked Sharon Bulova, NVTC's longest serving Commissioner, to share some insights on NVTC's history and achievements. Ms. Bulova provided some historical context of the creation of VRE beginning in the 1980's. When she joined the Commission in 1988, NVTC was where the action was. During the 1980's and 1990's, NVTC was populated with the finest political leaders of the day. It was a time when the Metro system was expanding into Northern Virginia. She often thinks of NVTC in parental terms. Both NVTC and PRTC gave birth to VRE in 1992. It wasn't an easy birth or childhood. In her view, NVTC experienced a kind of post-partum depression during the following two decades, as it struggled with a challenge vacuum, where NVTC had been so involved in the establishment and expansion of Metro, as well as the creation of VRE, and then found itself with no new significant programs/projects.

Mr. Letourneau arrived at 9:30 A.M. and joined the discussion.

Ms. Bulova observed that 2018 is truly a new day for NVTC. As a result of the historic legislation passed by the General Assembly, NVTC is now tasked with managing an infusion of new dedicated funding that will help restore the Metro system to a state of good repair and provide additional funds to VRE for its growth. Along with funding, NVTC has the responsibility of oversight of WMATA, the major transit system in the region.

Ms. Mattice reviewed the work of NVTC, its staff, and how the Commission is formally organized. She stated that NVTC does not do these things in isolation and NVTC is purposeful in ensuring it coordinates across the region, by adding value and not duplicating efforts. She highlighted NVTC's regional partners.

Ms. Mattice stated that currently NVTC has a single formal committee – the Executive Committee – and over the past year three other ad hoc committees were established (Legislative and Policy Committee, Governance and Personnel, and the I-66 Working Group). They all have been helpful in moving key issues forward in the Commission. There will be further discussion on NVTC committee and staff structure later in the agenda.

Ms. Mattice stated that since 2014 NVTC's responsibilities have grown. She summarized NVTC's current and new responsibilities. She stated that today's retreat will focus on NVTC's new responsibilities with the enactment of Virginia's transportation omnibus transit funding bill. The law increases NVTC's role with oversight and reporting on WMATA capital and operating funding and changes the role of NVTC's governance of WMATA with the reduced role of alternate directors.

Mr. Puentes asked if there are other key areas where NVTC can be playing a unique added value role or areas where NVTC should elevate its role. Commissioners discussed elevating legislative coordination and relationships, both at the state and federal levels. Several Commissioners were interested in providing Commissioners with more "hands on" involvement. Several Commissioners cautioned about "mission creep" regarding federal coordination. There was discussion of having more coordination with VDOT, MDOT and DDOT. NVTC should play a larger role, especially on the federal level, but it should not compromise its other important work.

Mr. Puentes summarized that NVTC's role on the federal legislative front will be an ongoing discussion; there needs to be better collaboration among the region (Maryland and the District); and there needs to be a balance between NVTC's perspective versus jurisdictional, local, and regional perspectives.

The Commission took a break at 10:00 A.M. and returned at 10:15 A.M.

What Do We Do? Part 2 – Diving into the Details

Chairman Smedberg stated that with NVTC's new responsibilities stemming from the new Metro legislation, it is important to dive into what it all means. The first part of this discussion is all about the "what." How should NVTC define what oversight and

responsibilities it should have with WMATA? What are the areas where NVTC is in a unique position and can add value to providing oversight of WMATA?

Chairman Smedberg asked DRPT Director Jennifer Mitchell to provide the Commonwealth's perspective, followed by Aimee Perron Seibert, NVTC's government relations liaison, to provide a General Assembly perspective.

Ms. Mitchell highlighted the provision of HB1539/SB856 that will directly affect the role of NVTC, as well as the Commonwealth Transportation Board (CTB). The legislation directs CTB to withhold state funds for WMATA under certain circumstances. Ms. Mitchell reviewed those circumstances. The funds are also contingent on NVTC performing certain oversight responsibilities and collecting/delivering reports to the General Assembly.

Ms. Mitchell noted that over the past four years, there has been a deliberate shift of oversight responsibilities from Richmond to NVTC, which is an organization comprised of local elected officials who are best suited to make decisions at the local level.

Ms. Mitchell stated that specific to the legislation, DRPT will make a recommendation to the CTB that the requirements of the legislation have been met. In coordination with NVTC and others, DRPT is developing very clear guidelines. DRPT would like NVTC's adoption or concurrence of these guidelines. Ms. Mitchell reported that she gave a presentation to the CTB this week on DRPT's preliminary understanding of the guidelines. It will be presented for consideration to the CTB at its July meeting and for action at its September meeting. She will brief NVTC at its July 5th meeting. It is important to have these guidelines established before WMATA begins its budget process in October.

Ms. Mitchell stated that NVTC will also need to provide certification to the Commonwealth's Comptroller. This is significant because this is typically the role DRPT plays when it releases funds for projects. For WMATA funding, NVTC has been delegated this responsibility. In addition, there is a NVTC report due November 1st every year. NVTC is called to report on safety and reliability, financial performance, rail and bus operations, potential strategies to reduce cost growth and improve efficiency of WMATA operations, use of funds to improve safety and state of good repair for Metrorail. This report is where the General Assembly is looking to NVTC to do some detailed analysis, versus just passing along documents.

Ms. Mitchell stated that as part of the redistribution of state funding for operating and capital, WMATA funding will now be distributed in a block to NVTC, thus shifting the onus of oversight responsibilities to NVTC. NVTC will now have the ability to discuss how funds are used for operating and capital.

Ms. Mitchell stated that regarding VRE, NVTC manages many state grants for VRE, DRPT will also be looking to NVTC to provide oversight for the newly created the Commuter Rail Operating and Capital Fund (C-ROC). Regarding toll revenues from I-66 and I-395, NVTC is responsible for the stewardship of those toll revenues and to determine which transit projects are funded.

In response to a question from Ms. Bulova, Ms. Mitchell explained the different WMATA reporting requirements for Maryland and the District. Mr. Corcoran noted that most of the

reporting is already being done by WMATA. WMATA is addressing some governance issues that could put the organization out of Virginia compliance.

Ms. Mitchell stated that NVTC could look at these new responsibilities as a burden creating more work or see it as a lifting of a long-time tension of where decisions are made (Richmond versus local). This legislation recognizes that oversight and responsibility should be at NVTC.

Ms. Cristol asked a clarifying question about the criteria for the three percent cap. Ms. Mitchell stated DRPT is working on clarifying those situations where the cap would be exempted, such as safety directives from the Metro Safety Commission, major capital projects (i.e., Silver Line Phase II or Potomac Yard Station), or reimbursable funds since they don't impact subsidy.

Ms. Seibert stated that she talked with key General Assembly members regarding their expectations for NVTC based on the legislation that was passed. From a big picture standpoint, they want NVTC to be their eyes and ears on WMATA oversight. They also want communication -- to know what is happening and to know beforehand what is happening when possible on such things as closures, service impacts, etc. and that there is a plan to respond to the situation. Legislators see NVTC's role as more than just providing a report. Ms. Seibert stated that communication is the key. NVTC needs to be a liaison with key legislators.

Ms. Mitchell stated that she heard repeatedly, especially from legislators from other parts of the Commonwealth, they want to hear a single voice and one message regarding WMATA. NVTC can play that role of providing a single voice. This past legislative session, the region was much more successful in speaking with a unified voice. Ms. Seibert stated for a legislator not from this region, it becomes confusing with the alphabet soup of organizations (NVTC, NVTA, WMATA, TPB, COG, etc.) They don't understand how Northern Virginia works. Commissioners had a discussion about the benefits of a transit tour for legislators.

Chairman Smedberg asked Mr. Dorsey to provide his perspective, as a current WMATA Board member, on what role NVTC should play in the Metro space. Mr. Dorsey stated that NVTC is transitioning from where it was the appointing authority to the WMATA Board and largely played a supporting role with the local jurisdictions on how they interacted with WMATA. For the most part it worked well, largely due to the strength of Northern Virginia being a very cooperative and collaborative region, where Virginia's advocacy at the WMATA Board was based on the needs of the region. Moving forward, the region will not have the ability to do that because the number of Virginia WMATA Board members is shrinking to two. NVTC's role needs to change dramatically. He does not view this as entirely a bad thing, but as an area of opportunity and strength, especially for NVTC. NVTC can become that "one" voice. He observed that a voice doesn't have to be monotone and can have musicality and bring a dimension to the conversation, but it needs to come with NVTC being at the center.

Mr. Dorsey stated that moving forward, NVTC becomes the base for the discussions in the region about WMATA as well as educating and training Board members and stakeholders. So, it transitions to NVTC having primacy and jurisdictional staff now playing the supporting role. He stated that when it comes to interpreting the legislation,

there are different ways to interpret the word “oversight.” NVTC can be a watchdog waiting for wrongdoing (a “gotcha” mentality) or be a collaborative entity rooting for the success of WMATA and doing everything it can to be helpful. He views NVTC’s role as more of the latter. He stated this is a huge opportunity to keep the funds flowing to WMATA, through NVTC’s certification and reporting, but also a way to drive the narrative of Metro and provide real clear objective analysis of WMATA. It is important that NVTC does this well.

Mr. Dorsey stated Northern Virginia is the area for growth in the near future, which will impact Metro ridership and growth. NVTC should drive the conversation to make sure WMATA is responsive to a growing region in terms of ridership, new connections and new opportunities. He believes the Northern Virginia region should look at this positively and the key is to fulfill NVTC’s statutory responsibilities with an eye to take WMATA to the next level. Mr. Dorsey stated NVTC also does its best when it is focused on how to provide unique and added value.

Mr. Letourneau stated that it is now important to view Northern Virginia’s WMATA seat differently. It is truly a regional seat. He agreed this is an opportunity for NVTC to take on a leadership, accountability and credibility role. Chairman Smedberg stated that is a real opportunity for NVTC and it is incumbent upon NVTC to embrace these new responsibilities. It is important that WMATA not be a DC-centric or Maryland-centric organization. Virginia needs to have a strong voice at the table. It will require some shift in thinking. WMATA as an organization still has a long way to go.

Ms. Cristol observed that the last year has been filled with data, studies, and recommendations for WMATA. There was a cacophony of voices all making different recommendations. NVTC will now be a voice tracking Metro over time. Some of that will happen naturally since NVTC will submit annual reports, but NVTC should be attuned to look for longitudinal analysis.

Ms. Mattice stated that staff needs to understand Commissioner’s expectations on how deep staff should dive on the “what.” She had a conversation with WMATA General Manager Paul Wiedefeld and he conveyed he is looking for NVTC’s WMATA Board member to convey Northern Virginia’s position issues and drive the narrative.

Mr. Dorsey stated NVTC can play a key role in the conversation on service hour restrictions, capital budget and the Capital Funding Agreement (CFA), Metro service, and day-to-day framing of WMATA issues.

Ms. Garvey observed that since NVTC is comprised of local elected officials, directly representing a substantial number of Metro riders, NVTC has tremendous power getting the message out. Ms. Hudgins stated the voice needs to be knowledge based.

Ms. Bulova stated that the business sector and chambers have played a significant role in advocating for WMATA. NVTC needs to know its voice and role in that larger private sector role, and to have better coordination with them. Chairman Smedberg also noted that NVTC needs a different relationship with WMATA staff.

Mr. Puentes reviewed the “take-aways” so far from this session regarding the “what.” There is agreement that this is an opportunity and there are positives about these

changes and it is important to speak with one voice and NVTC needs to drive the narrative around transit. He stated the next session will focus on the “how” as to what needs to change internally with NVTC (committee structure) and mechanically how the work gets done (staff structure).

How Do We Do It? Part 1 – NVTC Committees

Chairman Smedberg asked Katie Cristol to lead off the discussion of NVTC’s committee structure. Ms. Cristol stated that before talking about the WMATA Board member appointment, it is important to talk about NVTC’s committee structure. A jurisdiction can no longer have direct representation on the WMATA Board, so structuring a WMATA Committee becomes even more important to provide oversight and accountability for the jurisdictions. She asked the Commission to consider the core functions and interests for the jurisdictions that will need to be addressed by membership on the committee. She gave several examples. Since the jurisdictions are providing significant funding to WMATA, the committee should be able to exert influence in the WMATA budget process and discussions. She asked how a jurisdiction seeks responsiveness from WMATA staff regarding jurisdictional issues.

Chairman Smedberg stated from his personal perspective the WMATA Committee needs to be a small group, one member from each jurisdiction, to be proactive and strategic. Commissioners reviewed a proposed NVTC Committee structure.

Mr. McKay stated that in his opinion the committee needs to be spry, able to meet quickly and respond as needed, so he agrees the committee should be small in size. He sees the committee as an addition to the current WMATA Board member caucus calls prior to WMATA Board meetings. There was discussion about the concern of decisions being made outside of the committee structure. Mr. MacIsaac reminded Commissioners of the legal FOIA issues regarding meeting requirements. The current WMATA Board caucus calls are not subject to FOIA requirements since they are considered WMATA business. He stated that it is important to preserve this.

Mr. Cook stated it is important to avoid parochialism. If the committee is too small, then people feel their voices are not being heard. To address this, he suggested using a James Madison approach of separation of power. He advocated for a larger committee with a member from each jurisdiction and a member from the General Assembly, as well as the WMATA Board members, but a member on the committee could not serve on the Executive Committee.

Mr. Dorsey stated it is important to preserve a way for everyone to have their voice heard but not to provide multiple ways for dissatisfied people who didn’t get their way to try to change the outcome. Mr. Cook revised his approach that the current and upcoming WMATA Board members do not serve on the Executive Committee. The WMATA Committee chair would serve on the Executive Committee, along with the other chairs of NVTC’s other committees.

Mr. Snyder arrived at 11:37 A.M.

Ms. Garvey stated it is important for Commissioners to stop thinking about the WMATA Board member as representing their own jurisdiction, since it is now a regional representative. She agreed there needs to be some checks and balances to make sure the Board member is representing NVTC and the region. If the majority of Commissioners do not think they are being represented well, then they should replace that member.

Ms. Cristol reviewed the principles discussed so far regarding the WMATA Committee:

- Division of power and responsibility in WMATA Committee relative to the Executive Committee
- Training and preparing responsibilities with institutional knowledge
- How to resolve the differences of opinion among the jurisdictions regarding WMATA issues (to have meaning and buy-in from all)
- Predictability in how conflicts are resolved

Ms. Bulova express concern that in the effort to diffuse power, it could thwart communication. Mr. Cook stated that the WMATA Committee chair would serve on the Executive Committee, but not in the role of a NVTC officer. He also stated that it is important to recognize that each jurisdiction should have a voice, but some jurisdictions pay more into WMATA so there needs to be a balance.

Mr. Letourneau cautioned that any By-Law changes regarding committee membership not be too specific. There are too many variables (elections, life, etc.) to say if you serve on the WMATA Committee then you can't serve on the Executive Committee. Some jurisdictions only have one Commissioner. He stated it is also important for the committees to be staffed well.

Mr. McKay responded it is important to be practical about the responsibilities of staff. Keeping the committee membership small is important. Commissioners need to have faith in the person representing the region on the WMATA Board. It is important to not tie his/her hands when they deal with other WMATA jurisdictions (Maryland, District of Columbia, and the federal government). NVTC's WMATA Board member needs flexibility to respond to real-time discussions at the WMATA Board meetings. He cautioned NVTC to not be overly prescriptive. Chairman Smedberg agreed and stated he has seen this happen at WMATA with other jurisdictional representatives.

Ms. Cristol reiterated that the committee needs to be responsive to the jurisdictions. She suggested asking the WMATA General Manager to meet with the committee on a quarterly basis. Mr. Dorsey stated he is optimistic that this process will improve the status quo. WMATA is not equipped to respond to multiple voices. Chairman Smedberg noted jurisdictions are represented on the Management Advisory Committee (MAC), where issues can also be discussed.

The Commission then discussed the pros and cons of members serving on the WMATA Committee as well as the Executive Committee. There was agreement that NVTC Commission meetings should not be the place to deal with committee issues. Mr. Snyder stated that every jurisdiction should have the right to serve on any of the NVTC committees.

Ms. Cristol summarized the discussion of the general principles for the formation of the WMATA Committee:

- Division of power and responsibilities
- WMATA Committee is the place for preparation for training and institutional knowledge of WMATA issues
- Predictability of how to resolve conflict/differences of opinion among the jurisdictions
- Every jurisdiction should be included in any committee
- Recognition that NVTC's Commission agenda will need to shift too—more work happens at the committee level
- A person that serves as the WMATA Board member or an alternate, should not serve as an officer of the Executive Committee, to provide checks and balances
- Jurisdictional interest will be raised at the committee level not the full Commission
- Recognition that there need to be a reflection that some jurisdictions contribute more to WMATA
- Emphasize regionalism – if there is something bad for one jurisdictions, then it's probably bad for all the jurisdictions

Mr. McKay stated that this sounds good, but it will get complicated. NVTC needs to decide if the WMATA Committee will take action or seek consensus. Any commissioner can attend any committee meeting. Ms. Cristol asked what happens if consensus cannot be reached. Mr. McKay stated then the WMATA Board member needs to take it all into consideration and make a decision. David Meyer stated that NVTC should be intentional in the future to revisit and discuss what is working and what is not, and make adjustments if needed.

Mr. McKay circulated a proposed chart showing a possible rotation among the jurisdictions for NVTC's principal and alternate appointments. Since the Commonwealth retains one principal appointment every year, the four largest NVTC jurisdictions (Fairfax County, Arlington County, City of Alexandria, and Loudoun County) would share the other principal appointment based on two-year terms. Since Fairfax County provides the largest local share to WMATA, the county would have the NVTC appointment every other two-year term. The alternate appointment would be the jurisdictions going next into the principal seat. The rotation would be used for planning purposes and could change if needed. He stated that this would be policy not law. He agreed with Mr. Letourneau that things happen (life, elections, etc.) and there needs to be flexibility. He observed that there is no perfect solution but this can be a path forward.

Mr. McKay stated the proposed rotation chart recommends the first principal member would be from Arlington County reflecting Mr. Dorsey's service on the WMATA Board. Paul Smedberg will be leaving at the end of the year and Cathy Hudgins has served faithfully for many years and would like to step down and resign as a principal.

Chairman Smedberg asked Mr. MacIsaac about the practicality of a two-year term based on the Code requirements. Mr. MacIsaac stated the Code provides WMATA Board members serve a four-year term. In his opinion it does not preclude the Commission having the understanding that each member could resign after two-years and move the alternate forward into the principal role. He cautioned to not formalize this process.

Ms. Garvey noted that two-years is a blink of the eye and she has found it can take three to four years to really understand a job. Since Mr. Dorsey is already a WMATA Board alternate and has experience, she is comfortable with him serving two years, but as NVTC

moves forward, she is not comfortable with an absolute two-year term. There could be opportunities and reasons to have longer terms. She expressed her opinion that the chart gets back to the old way of thinking. If NVTC does this right, everyone will be comfortable with the principal representing the region. She would like to see knowledge and experience a priority in selecting a principal, as opposed to which jurisdiction they represent.

Senator Ebbin noted that the Code can probably be changed with future legislation to alter the terms.

Mr. Letourneau stated it is good to have principles to guide NVTC, but he does not like the prescriptive chart. There needs to be flexibility. Local elections can be a challenge—Alexandria has three-year terms; Arlington County has staggered terms; and both Loudoun and Fairfax counties' boards are up for reelection every four years. It is important that NVTC establish the principle that every jurisdiction should have the opportunity to serve, but not based on a rotation chart.

Mr. Corcoran expressed his concern that if the seat rotates every two years, Virginia will probably lose the opportunity to serve as a committee chair. Ms. Mitchell noted it could also impact Virginia's leadership opportunities on the WMATA Board.

Mr. Dorsey stated Mr. McKay's chart is a policy position. The matrix could shift if needed. How much a jurisdiction contributes should be a consideration, but ridership should also be a factor. He seeks defaulting to Fairfax County having more representation because the county represents the diversity of Metro's impact on Northern Virginia.

Mr. McKay stated he can contemplate opportunities where Fairfax County could nominate someone from the City of Fairfax or the City of Falls Church as the county's recommendation, which would provide an opportunity for smaller jurisdictions to get in the rotation. He asked Commissioners to look at the chart as a way to plan for the future.

Commissioners discussed the pros and cons of the rotation chart and some of the variables that could impact future actions. Ms. Cristol stated that she would rather see principles or a common expectation that there will be a rotation among jurisdictions proportionate to their contribution. Ms. Hudgins noted that NVTC can always modify the rotation, but it is important to start with some kind of template.

Ms. Mattice stated that there is interest from some Commissioners for NVTC to take action at this retreat, including appointing Mr. Dorsey as the principal member to the WMATA Board of Directors. She stated that this can be discussed after the lunch break.

The Commission broke for lunch at 12:55 P.M. and returned at 1:45 P.M. Ron Meyer left during lunch and did not return.

How Do We Do It? Part 2 – NVTC Staff

Ms. Mattice stated that during the break, staff captured the general consensus of Commissioners regarding the following principles:

1. Creation of a WMATA Committee
2. Principles of Appointing NVTC's WMATA Board Principal and Alternate
 - Serving as the regional representative
 - Regular rotation among the jurisdictions that is inclusive and proportional
 - Flexibility to change/respond
 - Proposed chart as guide
3. Designate New NVTC WMATA Board Principal

Chairman Smedberg stated earlier today Ms. Mattice talked about NVTC's new responsibilities with Commuter Choice and other responsibilities and then the Commission dove into NVTC's new WMATA responsibilities. Based on those discussions, he stated that he hopes all can agree that NVTC needs to be adequately resourced to be successful in these new areas. He expressed his opinion that it's time for the executive director to have a deputy director. Chairman Smedberg reported that Ms. Mattice provided the Executive Committee with some compelling data earlier this month:

- NVTC's financial responsibilities have grown from \$230 million/year in FY2018 to over \$430 million in FY2019.
- Amazingly, NVTC's administrative budget "overhead rate" equates to less than one percent (0.8 percent). The work staff does is a really good value, especially knowing that most other agencies have an overhead rate of 3-8 percent (some even more).
- NVTC is in a strong position now and in the future with the ability to use some funding from the toll revenues to support those new programs on I-66 and I-395. VDOT is still using the I-66 revenues to cover their administrative costs to the tune of 6-7 percent of the gross revenues. That provides a big relief valve to the jurisdictions who share in the administrative costs of NVTC.

Chairman Smedberg asked Ms. Mattice to share the proposed staffing changes and budget revisions and where she sees the organization moving forward specifically related to staff.

Ms. Mattice stated that NVTC's new responsibilities will require additional resources. She is proposing to reinstitute a deputy director role – effectively her previous position – to take on the managing responsibility of the MAC, as well as the new Commission committees. Chairman Smedberg stated he potentially sees the executive director's role changing in terms of outreach and more of an engagement with legislators, the Commonwealth, CTB, DRPT, etc. The Commission may need to look at her job description moving forward.

Ms. Mattice stated that with the ability to bring in staff to focus on Commuter Choice, NVTC can free up resources elsewhere to allow for two staff to be dedicated to WMATA issues – one program manager and one data analyst. The immediate need is to staff up in support of the WMATA Committee and the first round of oversight reporting due to the

General Assembly in November 2018. As was approved by CTB earlier this week, NVTC needs to move out on the recruitment of both a full-time Commuter Choice program manager and an outreach/TDM manager. (The program does also allow for some partial funding for other key staff supporting that effort.)

Ms. Mattice explained that since NVTC is a small organization, it is important to work in a matrix environment. This proposed staffing structure will best leverage the talents across the organization. She referred to a proposed staff structure located in the meeting binders. She sees this proposed structure also as a key step in building capacity to manage I-395 Commuter Choice once it comes online late in 2019. It is expected that another one or two positions could be funded with toll revenues once the toll revenues come online in mid-fiscal year 2020.

Ms. Mattice stated that it is estimated that the increase of four total positions and necessary costs for increased outreach will have a total impact on the NVTC G&A budget of just over \$180,000 (covered 100 percent by state aid). It is estimated that a new budget at this level would represent less than one percent of the total funding administered by NVTC. With Commission concurrence, Ms. Mattice stated she would like to present this revised budget to the Commission at the July meeting for approval so she can immediately begin recruiting.

Mr. Snyder expressed his opinion that NVTC staff is doing an excellent job. His focus is to make sure NVTC is successful in the management of funds. He asked if more staff or resources are needed in this area. Ms. Mattice responded that this past year a grants and compliance manager was added and she sees an opportunity to add another staff member to the finance and administration group next year.

Commissioners discussed staffing for NVTC's WMATA Board member and the WMATA Committee, as well as to address the new reporting requirements. They also discussed the nuisances of the title of the deputy director position. Mr. Letourneau stated it is important for the new position to be a senior level position. Ms. Cristol stated she would like to see a few staff deep on WMATA issues to provide redundancy. Ms. Mattice stated NVTC has been working to increase redundancy, so when staff is on vacation or out of the office, the work is still covered. Ms. Mitchell stated the new deputy director position needs to be recognized by the other WMATA jurisdictions (Maryland, DC and Federal Government) as the Virginia staff person that can go toe-to-toe with their staff. She agreed it should be a senior staff level person, with strong negotiating skills, leadership and experience. Mr. Cook stated this position should not be office administration and suggested changing the job title.

Ms. Bulova asked NVTC's legal counsel, Mr. MacIsaac, if NVTC should shift to a counsel of counsel approach, like what is done at NVTA, to provide collaboration with jurisdictional counsel. She asked if there is a need for this type of coverage with NVTC's new responsibilities. Mr. MacIsaac stated it is not needed right now and he does not feel in-house counsel is needed either. Most of his work is technical rather than legal. In the past, there has been concerns raised by the jurisdictions of the risk of conflicts. Also, the smaller jurisdictions may not have the same resources as the larger jurisdictions. Ms. Mattice stated that jurisdictional counsels have collaborated on different NVTC agreements. Mr. MacIsaac stated help from other colleagues is always welcome. It is important to have counsel looking out for NVTC's interests.

Ms. Mattice stated NVTC may need to look at more federal representation. Ms. Cristol stated her opinion that this is not needed at this time. Mr. Letourneau stated more discussion on this topic may be needed in the future.

Chairman Smedberg observed that there is consensus to endorse the new staffing structure. There were no objections. Commissioners agreed that the new deputy director position needs to be a senior level position. Commissioners are willing to accept reasonable increased funding in the budget to make sure NVTC finds an experienced person.

Ms. Mattice stated that she will bring the Revised FY2019 G&A Budget to the Commission for approval at the July 5th meeting. Ms. Mattice stated she will scope out the job description of the deputy director role and provide more details at the July meeting.

At 2:30 P.M, Chairman Smedberg called for a five-minute break.

Conclusion/Next Steps

Chairman Smedberg stated the focus of this session is to discuss next steps on where NVTC goes from here. He expressed his opinion that the Strategic Framework and Work Plan can be updated later. There were no objections. He asked if there is consensus to move forward on changing the NVTC By-Laws. Mr. Letourneau asked if the executive director has enough clarity from the Commission to do that. Ms. Mattice responded she would like to discuss By-Law changes with the Executive Committee on July 5th and then have the summer to refine any changes.

Ms. Mattice reviewed the rest of the proposed NVTC Commission Structure, which includes changes to the Executive Committee membership and three committees (WMATA Committee, Legislative and Policy Committee, and Program Advisory Committee). Staff and the Executive Committee will continue to work on the structure over the summer as there are potential changes to the By-Laws.

Commissioners agreed that they should act on the WMATA Board appointment at this retreat, as well as the principles of the process, so that the July 5th meeting isn't a repeat of today's discussion. Chairman Smedberg stated it will be important for NVTC to have discussions with DRPT on how NVTC interacts with the Commonwealth's WMATA Board member.

Ms. Cristol reviewed the principles posted up on the wall. Ms. Cristol stated that the Commission is in agreement that Christian Dorsey will assume Cathy Hudgins seat as Principal on the WMATA Board. Commissioners then further discussed the pros and cons of taking action on the appointment at this retreat. Senator Ebbin noted all NVTC jurisdictions are represented at this retreat. Chairman Smedberg stated he would like to see action today because decisions and changes are happening already at WMATA. The WMATA Board meets next week. In response to a question from Mr. Lovain, Ms. Mattice stated the retreat agenda was posted and all other meeting requirements under FOIA

were met. Mr. Letourneau suggested adding an item on the July 5th Agenda to affirm today's action regarding WMATA appointments.

Ms. Bulova moved, with a second by Senator Ebbin, to appoint Christian Dorsey as NVTC's WMATA Board member. Ms. Cristol asked if it is understood that this appointment will stand until NVTC makes its 2019-2020 appointments. Ms. Bulova stated that is correct. Mr. Snyder stated the action reflects the urgency to make the appointment. The action is effective as of June 22, 2018. The Commission then voted on the motion and it passed unanimously. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Ebbin, Garvey, Hudgins, Letourneau, Lovain, McKay, D. Myer, Smedberg and Snyder. Mr. Dorsey abstained.

Ms. Mattice stated a resolution of affirmation of this action will be presented at the July 5th meeting. Staff will also send a letter to WMATA notifying them of this action.

Ms. Bulova moved, with a second by Ms. Cristol, to appoint Cathy Hudgins to serve as a WMATA Board alternate to Christian Dorsey.

Mr. Dorsey noted he served as the alternate to Mr. Corcoran. Ms. Bulova withdrew her motion and made a new motion to appoint Cathy Hudgins to serve as the WMATA Board alternate to the Commonwealth's WMATA Board member, effective immediately. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Garvey, Letourneau, Lovain, McKay, D. Myer, Smedberg and Snyder. Ms. Hudgins abstained.

Mr. McKay moved, with a second by Mr. Snyder, to approve both sets of principles written on the wall:

Principles Regarding the NVTC WMATA Committee:

1. Predictability and fairness in how differences of opinions are resolved among the jurisdictions
2. The WMATA Committee is a place to build knowledge of future NVTC WMATA Board members and to pass on institutional knowledge
3. All jurisdictions can be included in the committee
4. Jurisdictional interests and issues with WMATA are raised in this committee
5. Regionalism

Principles for the WMATA Board Appointment:

1. Serves as regional representative
2. Regular rotation that is inclusive and proportional
3. Flexibility to change/respond
4. Proposed chart as guide

The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Garvey, Hudgins, Letourneau, Lovain, McKay, D. Myer, Smedberg and Snyder.

Ms. Mattice reviewed the directives she heard from the Commission regarding staff structure and budget – to bring the Revised FY2019 G&A Budget for action at the July 5th meeting; provide more information about the deputy director position and job title; and a plan on how to staff the WMATA Board member and the WMATA Committee. Ms. Cristol

added a directive to seek more information about the Commonwealth's WMATA Board appointment.

Mr. Cook asked for clarification about Mr. McKay's motion. He thought the motion was to only approve the five principles of the WMATA Committee. Mr. McKay stated it was to approve both sets of principles written on the wall. Since there was some confusion, Mr. McKay moved again the Principle for the WMATA Board Appointment. Senator Ebbin seconded.

Mr. Letourneau stated he is not sure the proposed rotation chart is needed. Ms. Bulova stated it will be used as a guide and can be changed. Mr. Letourneau stated he is not advocating not to have a plan. He is not concerned with the rotation for the next 3-4 years, but is concerned with a 20-year plan, since there are too many variables. He can see it as illustrative but not a guide. In response to a question from Mr. Letourneau, Mr. MacIsaac recommended the chart not be included in any By-Law changes. Mr. Cook agreed there needs to be structure but he doesn't think the Commission is ready to vote on the rotation chart.

Mr. Cook moved a substitute motion to direct staff and the Executive Committee to bring a resolution for action to the full Commission based on the principles written on the wall. There was no second.

Ms. Bulova stated that it is her understanding that the main motion was to approve those principles. Mr. McKay agreed his motion was to move approval of these principles, not By-Law changes.

Senator Ebbin offered a friendly amendment to direct staff to prepare a resolution reflecting an illustrative chart as a starting point to guide future options for rotation of future WMATA appointments. Mr. McKay accepted this friendly amendment to his main motion to approve the Principles to the WMATA Board Appointment. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Garvey, Hudgins, Letourneau, Lovain, McKay, D. Myer, Smedberg and Snyder.

Ms. Mattice explained that changing NVTC By-Laws is a multi-month process. The first step will be for the Executive Committee to discuss any changes at its July 5th meeting and to work on them over the summer. Proposed changes will be presented to the full Commission in September with final approval in October. Mr. Corcoran requested that any proposed changes be provided to Commissioners well in advance of requested action.

Chairman Smedberg thanked Commissioners for participating in these important discussions about NVTC's future. He also thanked Mr. Puentes for facilitating the retreat. Ms. Mattice thanked staff for their work in making the retreat a success. Mr. Dorsey thanked the Commission for giving him the opportunity to play a key role in moving WMATA forward.

Commissioners and staff thanked Ms. Hudgins for her many years of service on the WMATA Board. Ms. Hudgins stated she had some very happy days at WMATA and some long days. She was happy to serve and will be delighted to see it flourish in Mr. Dorsey's capable hands.

Adjournment

Without objection, Chairman Smedberg adjourned the retreat at 3:33 P.M.

Approved this 5^h day of July 2018.

Paul C. Smedberg
Chairman

Katie Cristol
Secretary-Treasurer



COMMONWEALTH of VIRGINIA
Office of the
SECRETARY of TRANSPORTATION

**Transform66: Inside the Beltway
6 Month Performance Review**

Nick Donohue
Deputy Secretary of Transportation
July 5, 2018



Transform66: Inside the Beltway

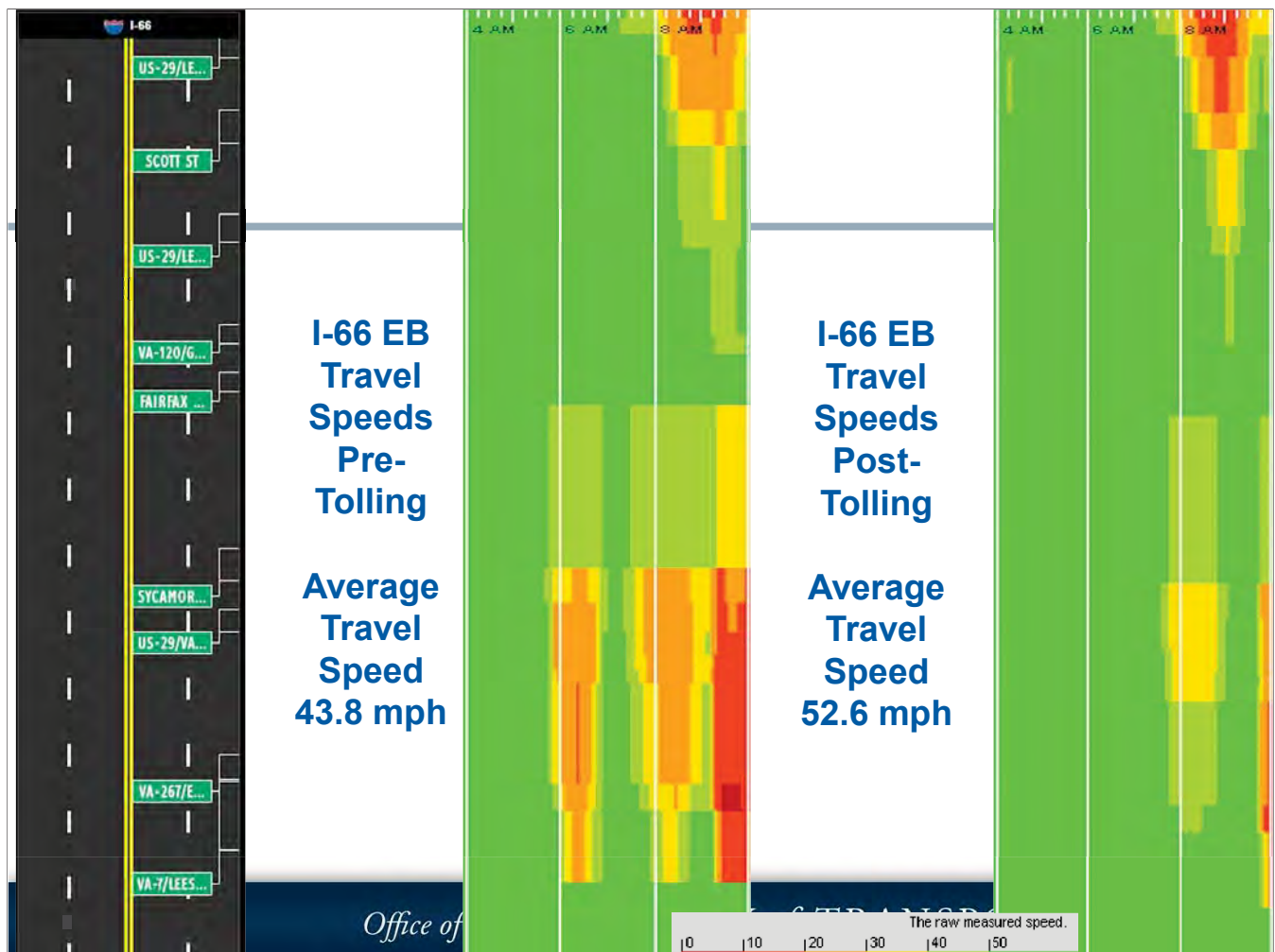
- **Result of a multi-year planning that started during the McDonnell Administration**
- **2016 compromise reached with General Assembly**
 - Convert I-66 to express lanes from 5:30a-9:30a EB and 3:00p-7:00p WB
 - Widening I-66 EB from the Dulles Connector Road to Ballston
 - groundbreaking took place last week
 - Re-invest toll revenues in the corridor for improvements recommended by NVTC – \$24M allocated to-date
 - HOV-2 to HOV-3 when 66 Outside the Beltway opens in 2022

Transform66: 6-Month Performance Review

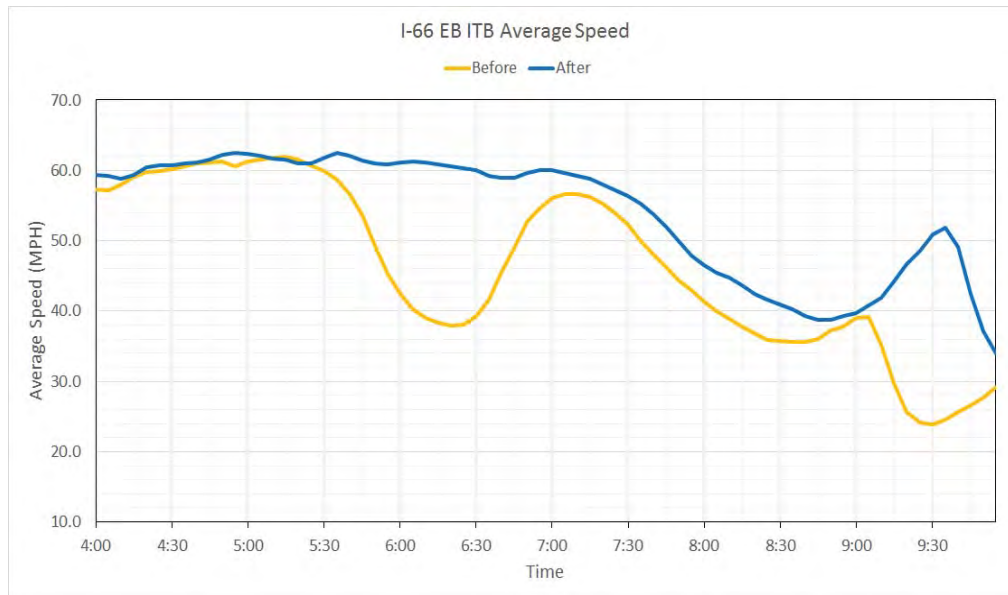
- Morning peak period travel speeds
 - I-66
 - Parallel arterials
- Evening peak period travel speeds
 - I-66
 - Parallel arterials
- Toll rates and usage
- Morning shoulder period analysis
- Incidents

3

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I-66 Eastbound Average Travel Speeds Pre- and Post-Tolling 6 month comparison

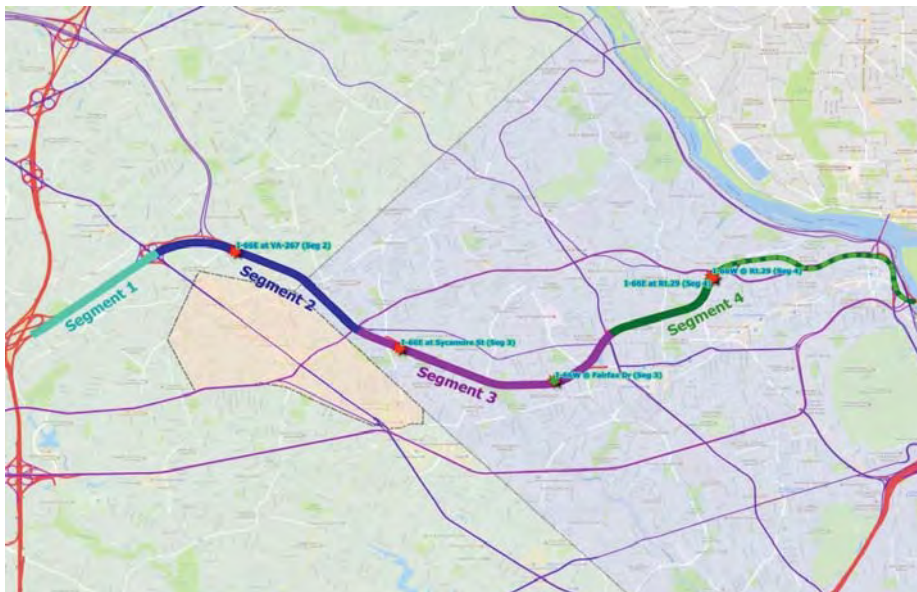


Before
43.8 mph

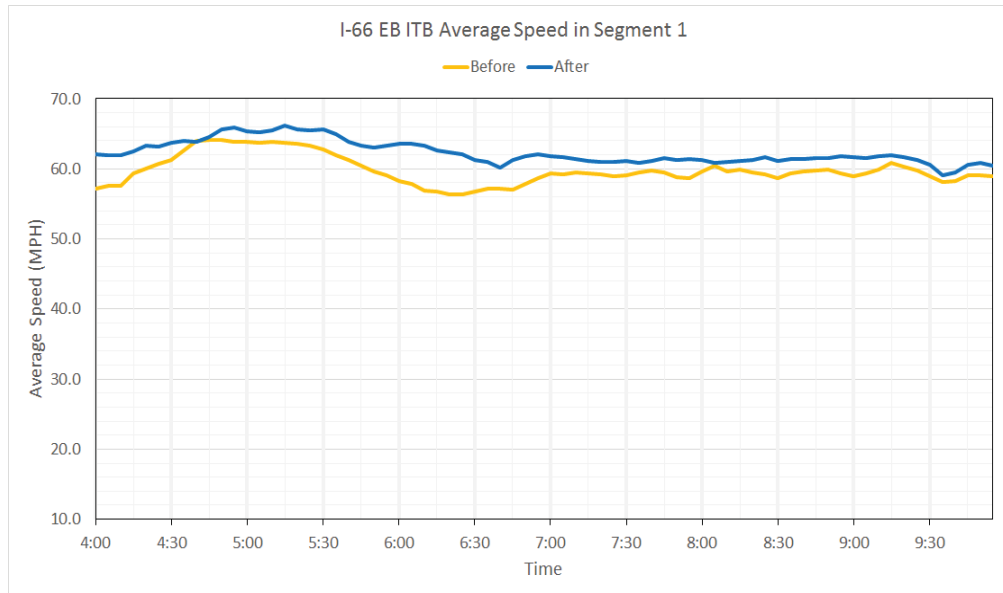
After
52.6 mph

20.1%
increase

I-66 Inside the Beltway - Segments



I-66 EB Segment 1 Average Travel Speeds Pre- and Post-Tolling 6 month comparison



**Before
59.1 mph**

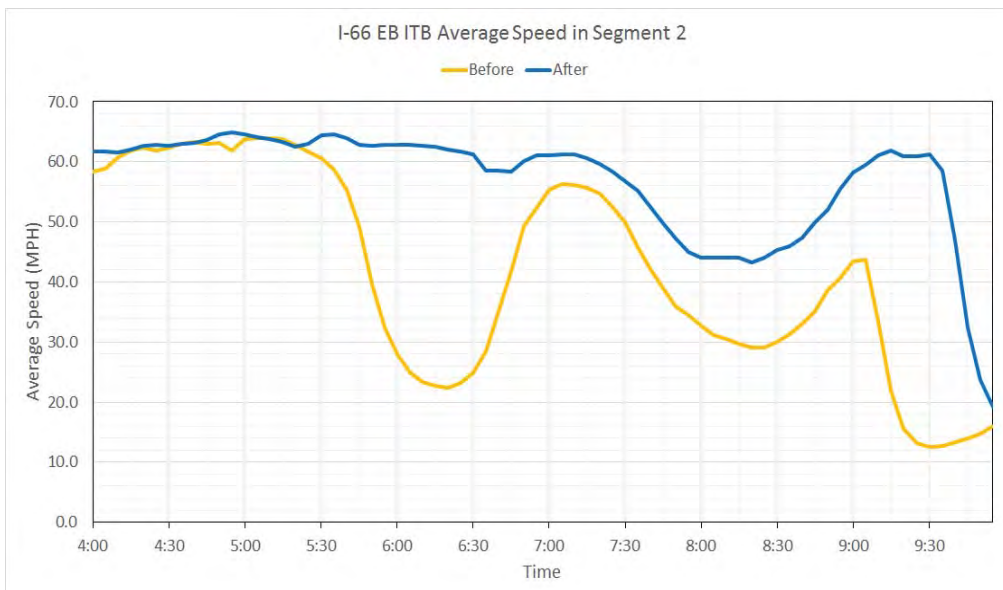
**After
61.9 mph**

**4.7%
increase**

7

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I-66 EB Segment 2 Average Travel Speeds Pre- and Post-Tolling 6 month comparison



**Before
37.8 mph**

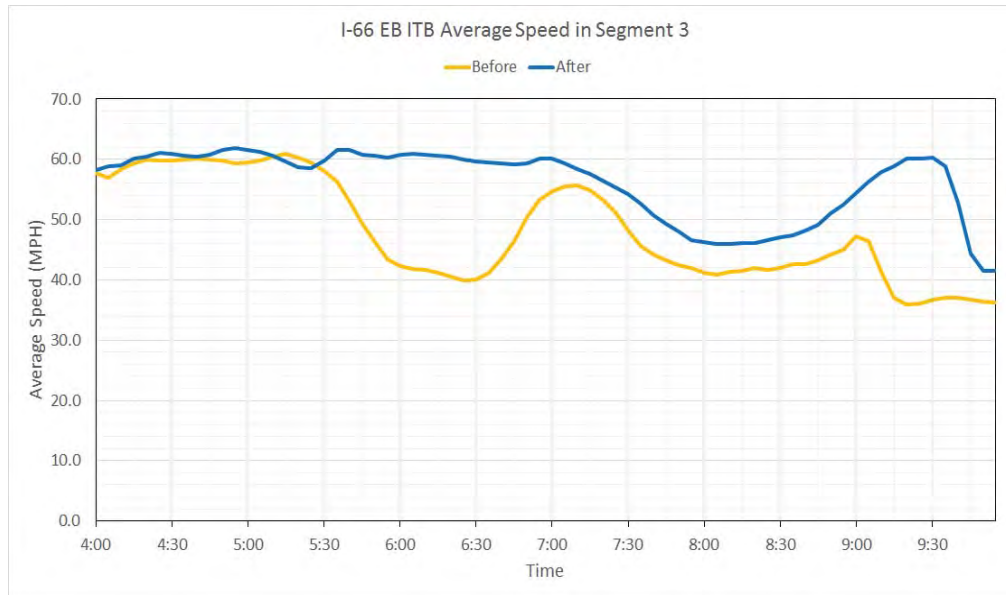
**After
56.3 mph**

**48.9%
increase**

8

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I-66 EB Segment 3 Average Travel Speeds Pre- and Post-Tolling 6 month comparison

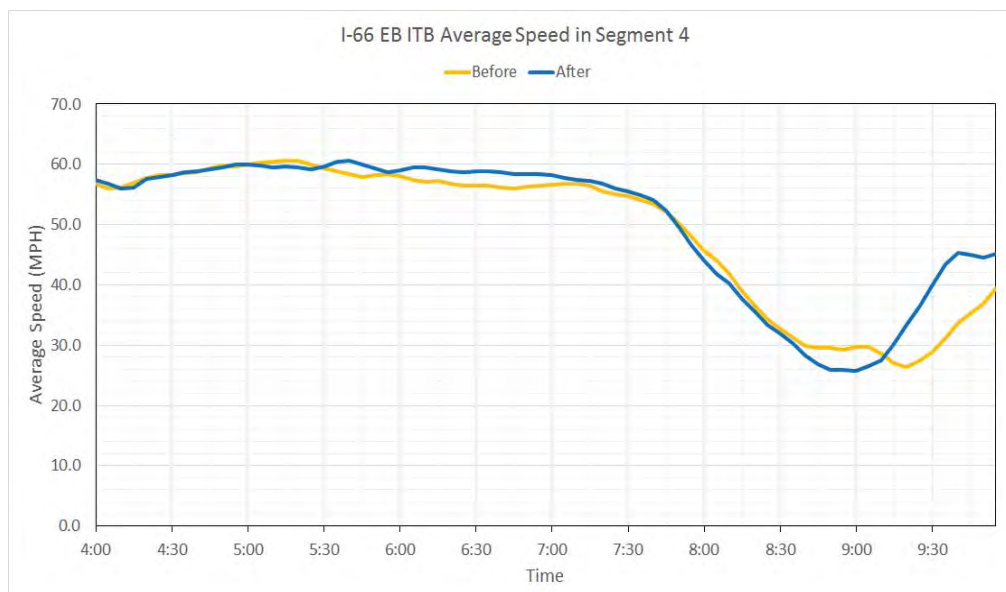


Before
45.3 mph

After
55.3 mph

22.1%
increase

I-66 EB Segment 4 Average Travel Speeds Pre- and Post-Tolling 6 month comparison

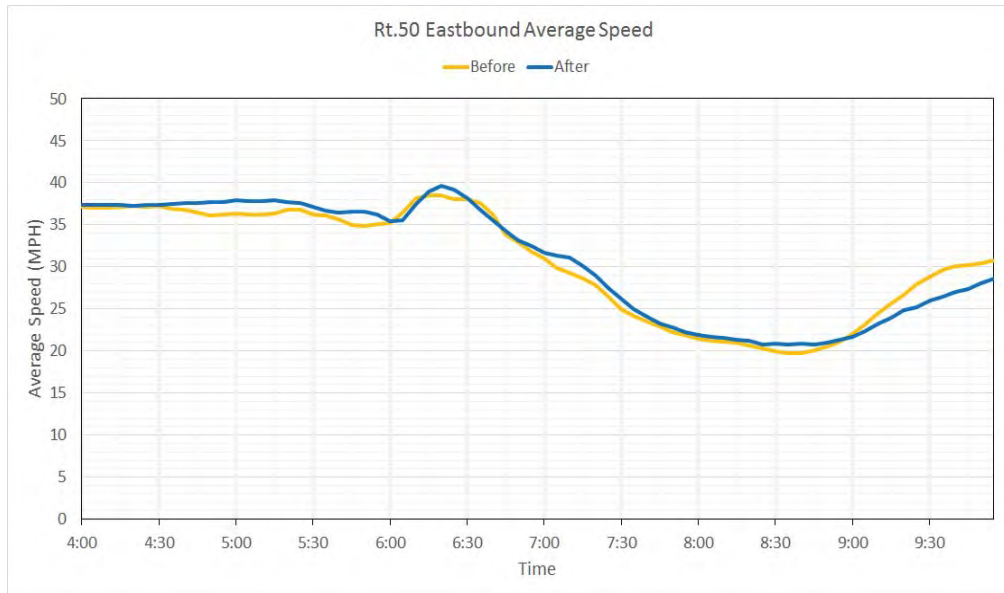


Before
47.4 mph

After
48.0 mph

1.3%
increase

Route 50 EB AM Average Travel Speeds Pre- and Post-Tolling 6 month comparison

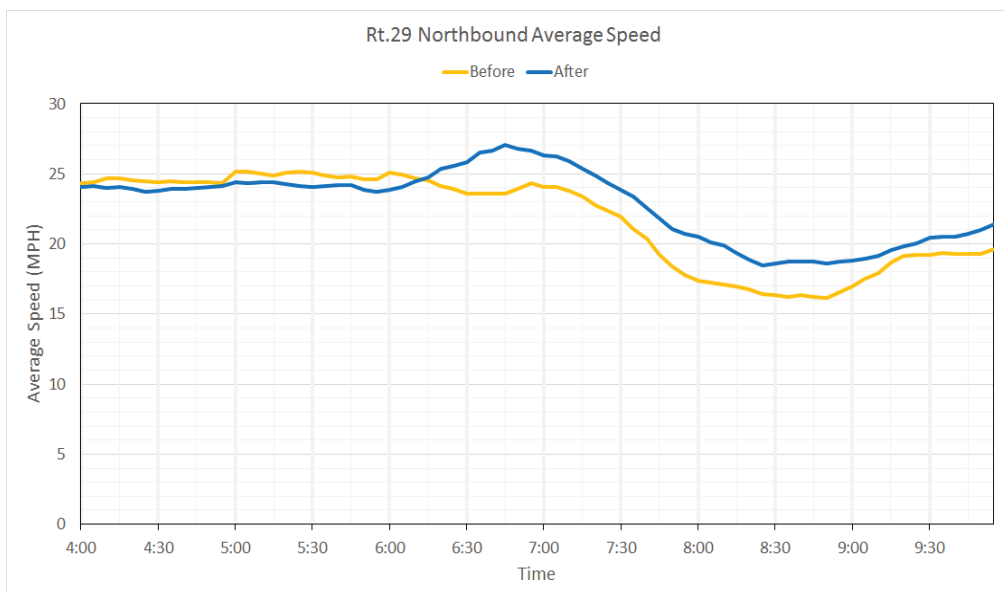


**Before
28.3 mph**

**After
28.7 mph**

**1.3%
increase**

Route 29 EB AM Average Travel Speeds Pre- and Post-Tolling 6 month comparison

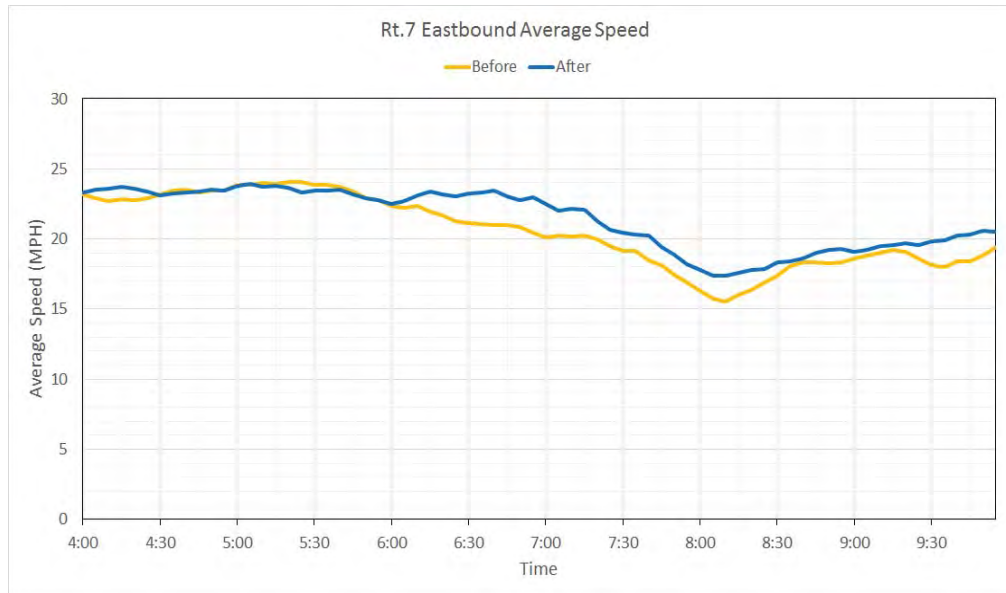


**Before
21.0 mph**

**After
22.6 mph**

**7.7%
increase**

Route 7 EB AM Average Travel Speeds Pre- and Post-Tolling 6 month comparison



**Before
19.7 mph**

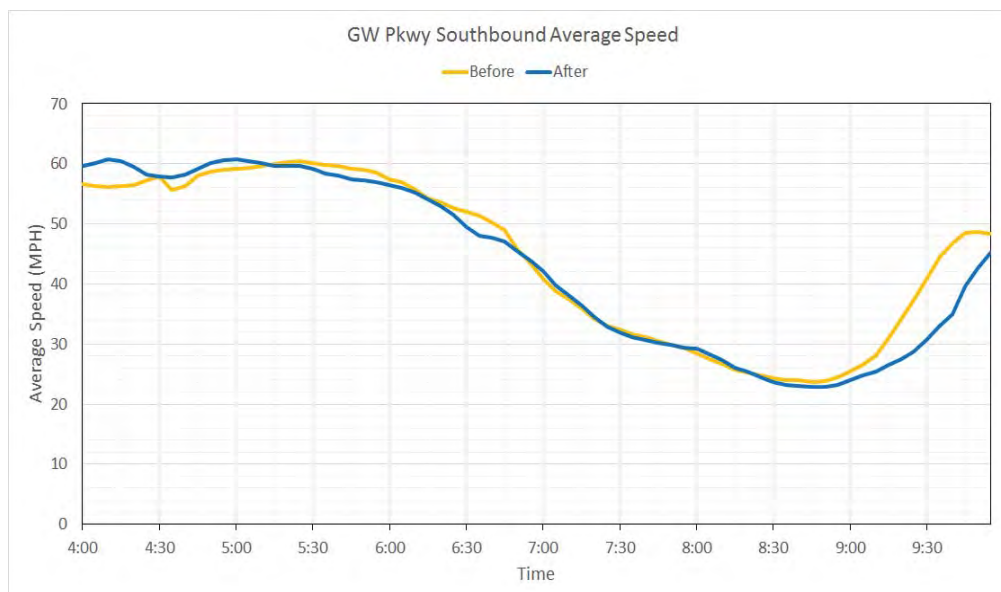
**After
20.8 mph**

**5.6%
increase**

13

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GW Parkway SB AM Average Travel Speeds Pre- and Post-Tolling 6 month comparison



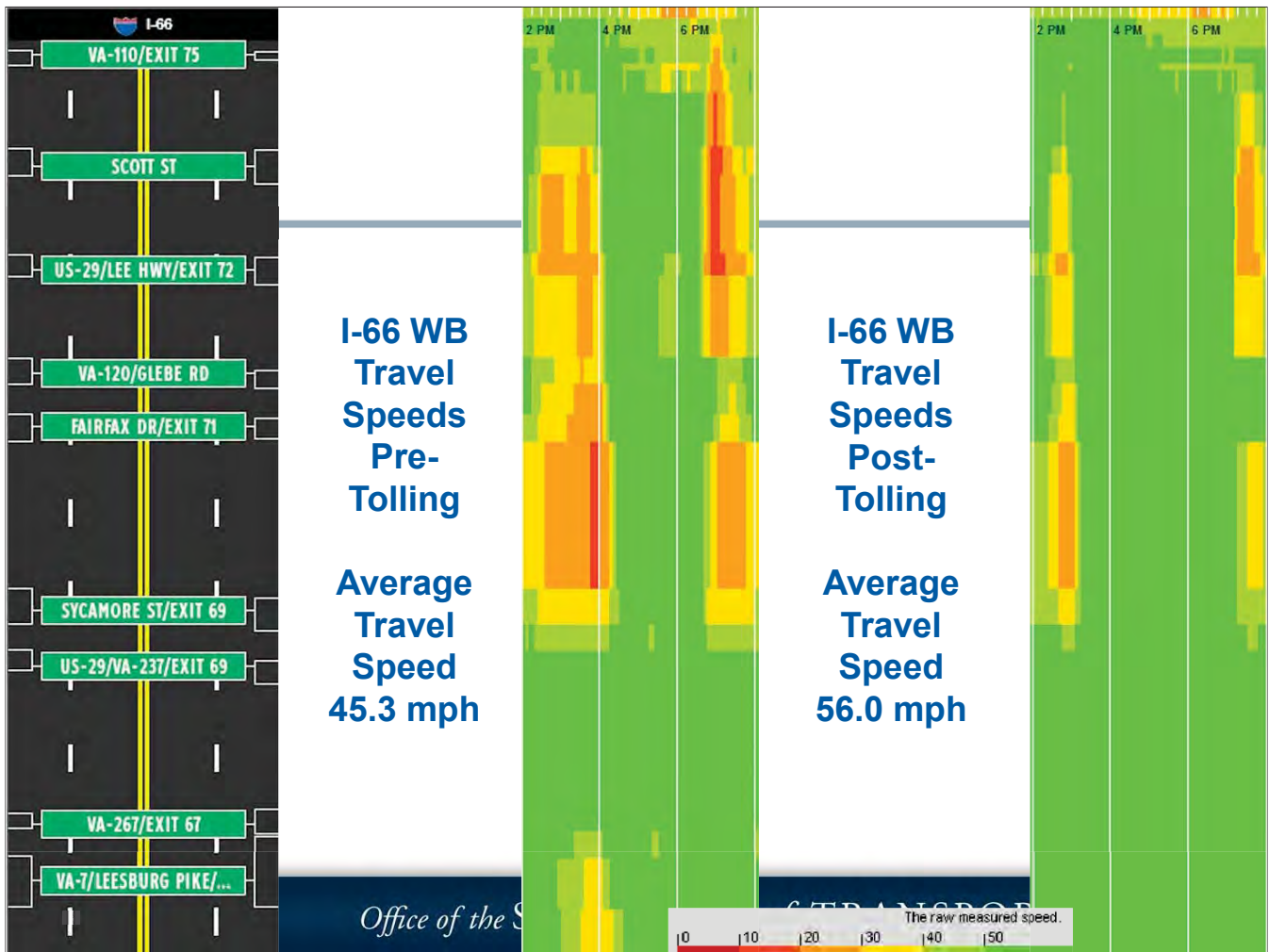
**Before
38.9 mph**

**After
37.9 mph**

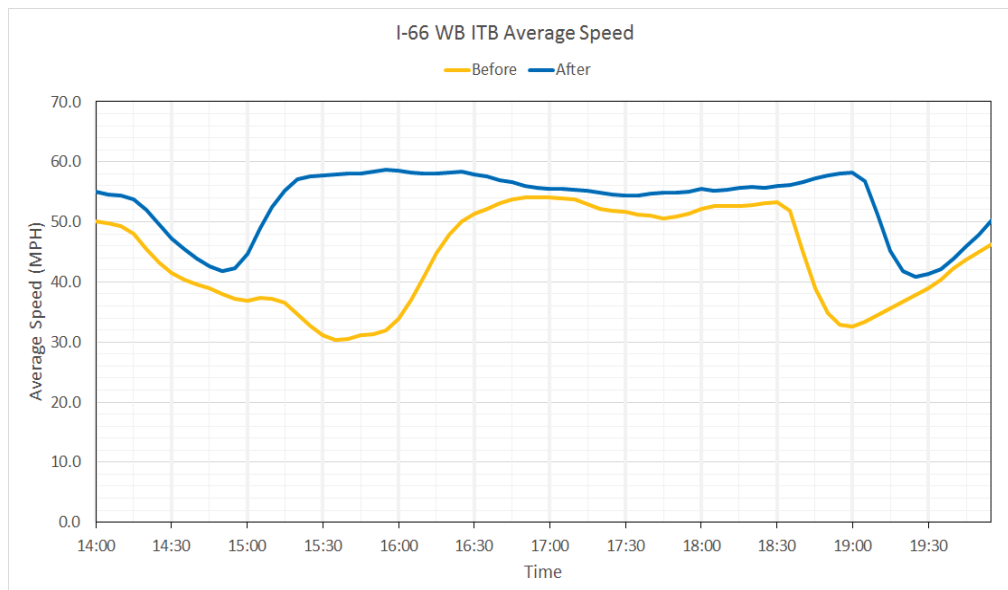
**2.7%
decrease**

14

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I-66 Westbound PM Average Travel Speeds Pre- and Post-Tolling 6 month comparison

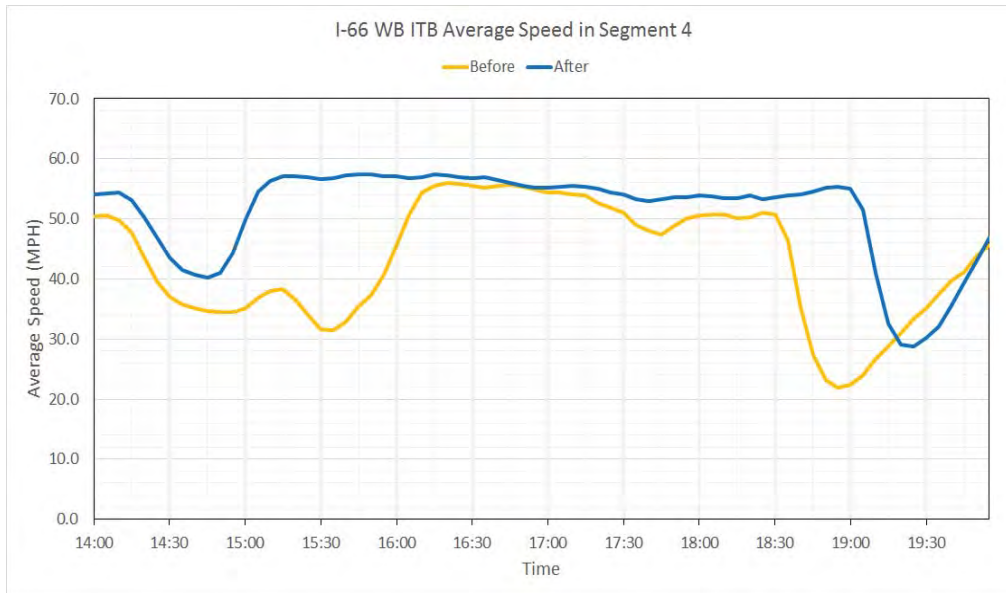


**Before
45.3 mph**

**After
56.0 mph**

**23.6%
increase**

I-66 WB Segment 4 Average Travel Speeds Pre- and Post-Tolling 6 month comparison

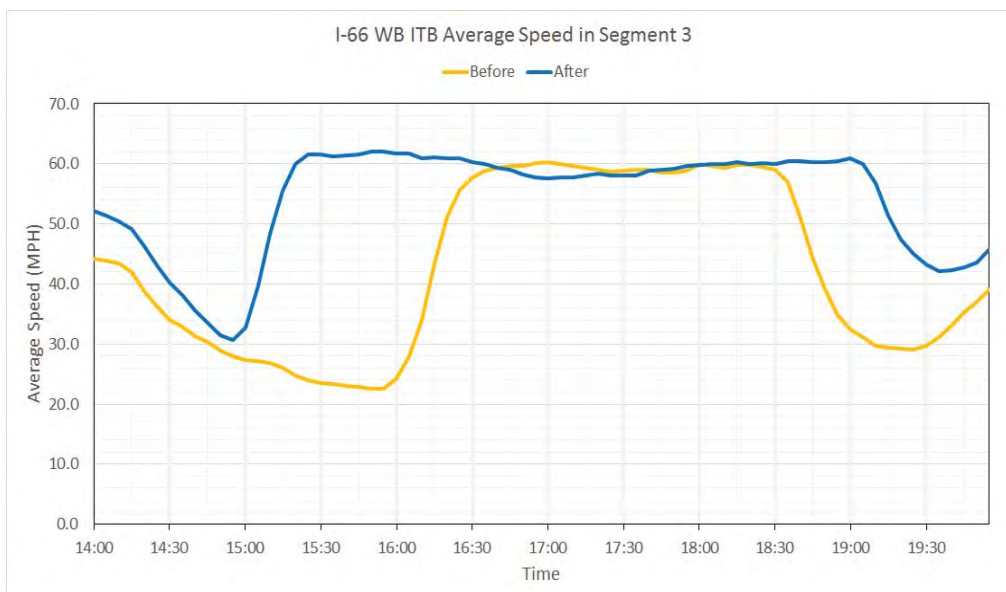


**Before
45.9 mph**

**After
55.3 mph**

**20.5%
increase**

I-66 WB Segment 3 Average Travel Speeds Pre- and Post-Tolling 6 month comparison

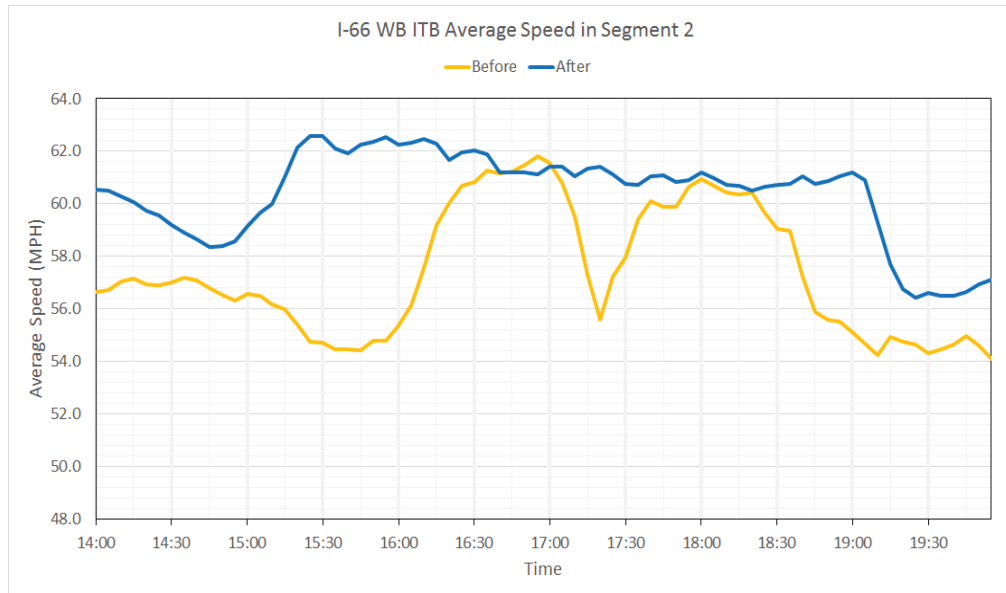


**Before
46.6 mph**

**After
58.6 mph**

**25.8%
increase**

I-66 WB Segment 2 Average Travel Speeds Pre- and Post-Tolling 6 month comparison

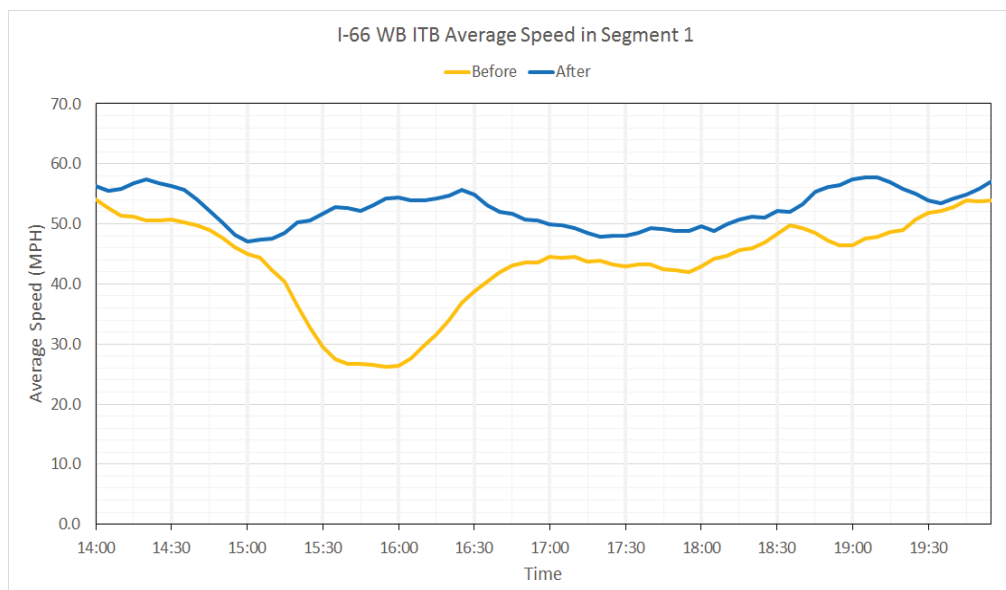


**Before
58.2 mph**

**After
61.3 mph**

**5.3%
increase**

I-66 WB Segment 1 Average Travel Speeds Pre- and Post-Tolling 6 month comparison

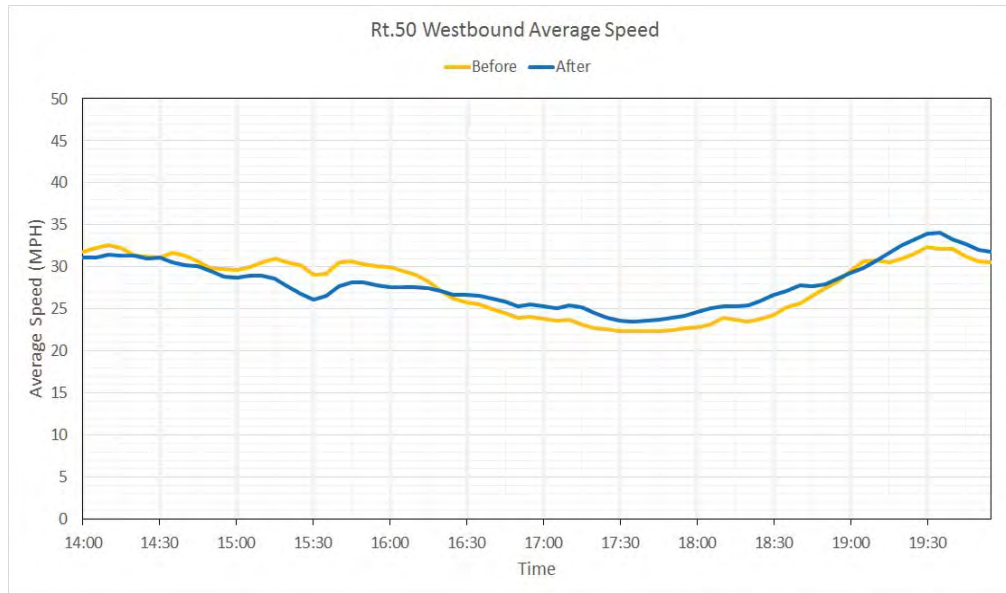


**Before
40.1 mph**

**After
51.3 mph**

**27.9%
increase**

Route 50 WB PM Average Travel Speeds Pre- and Post-Tolling 6 month comparison

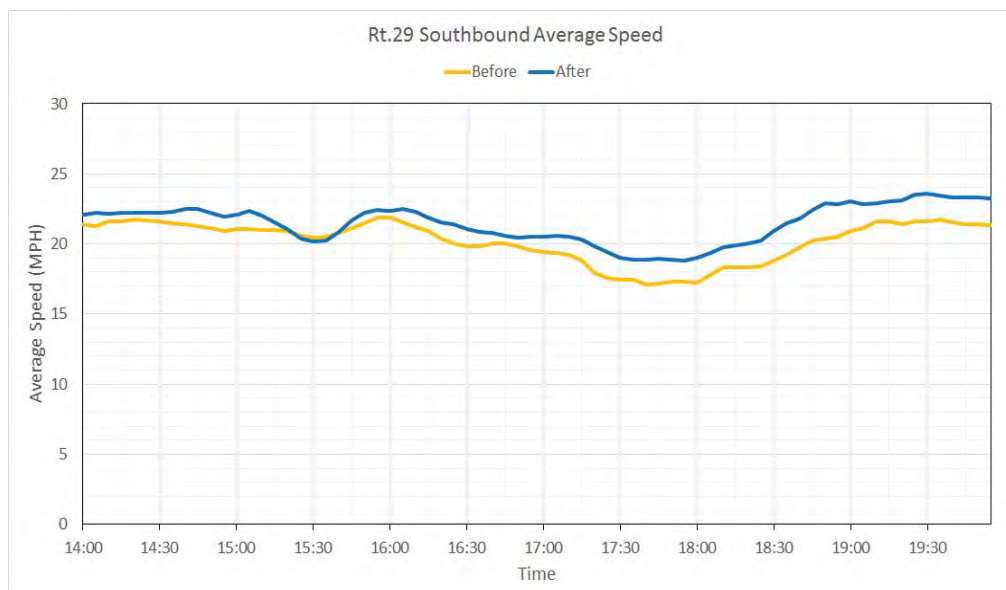


**Before
26.1 mph**

**After
26.3 mph**

**0.9%
increase**

Route 29 WB PM Average Travel Speeds Pre- and Post-Tolling 6 month comparison

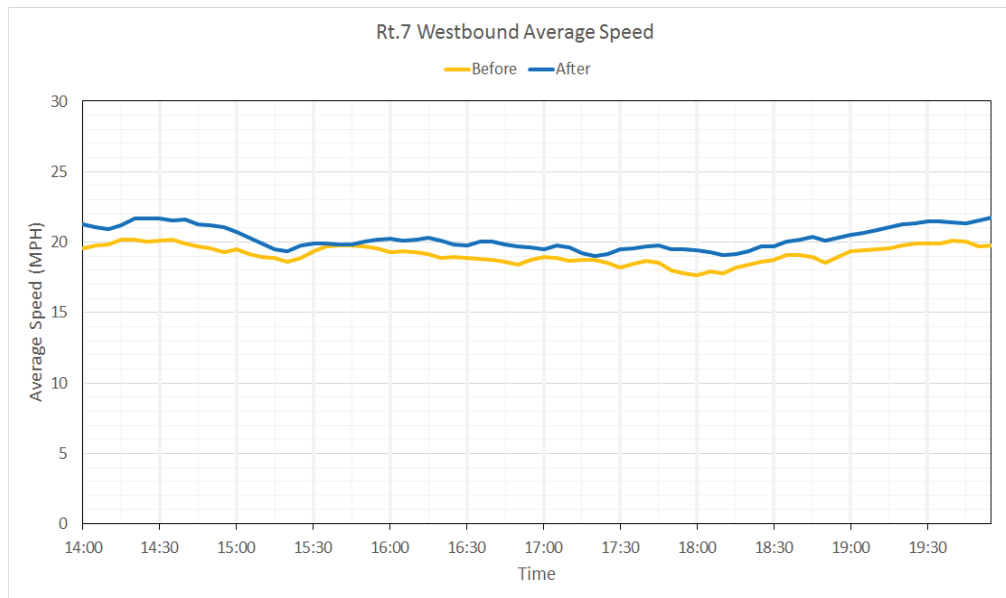


**Before
19.6 mph**

**After
20.8 mph**

**6.2%
increase**

Route 7 WB PM Average Travel Speeds Pre- and Post-Tolling 6 month comparison

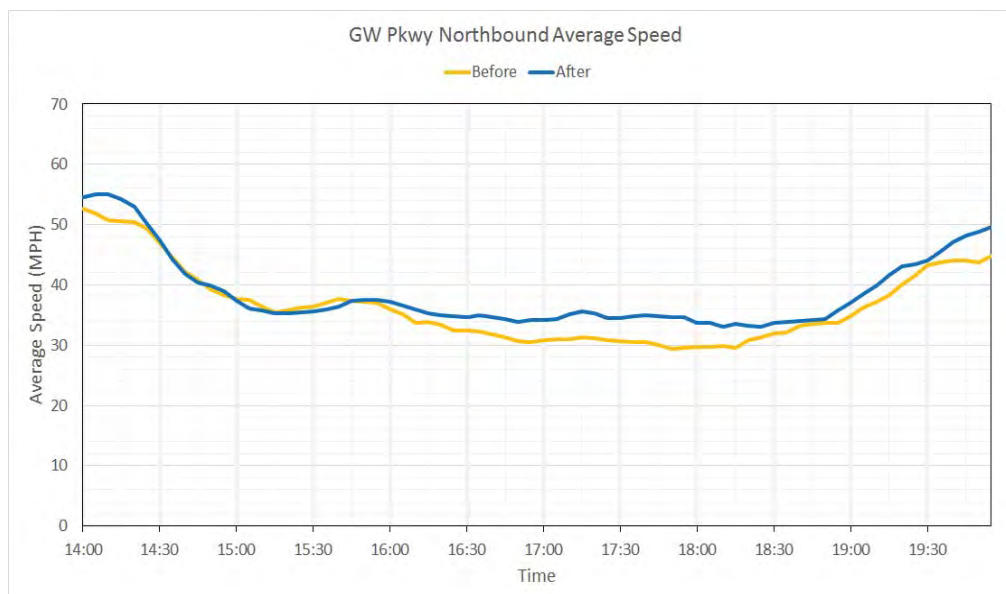


**Before
18.8 mph**

**After
19.8 mph**

**5.1%
increase**

GW Parkway NB PM Average Travel Speeds Pre- and Post-Tolling 6 month comparison



**Before
32.9 mph**

**After
35.0 mph**

**6.3%
increase**

Toll Rates and Usage

- **\$13.09 average price for round trips**
 - \$8.49 average price for eastbound trips
 - \$4.60 average price for westbound trips
- **30,184 average daily vehicle trips**
 - 13,688 average daily eastbound trips
 - 16,496 average daily westbound trips
- **43% of trips on average are HOV**
 - 49.0% of eastbound trips on average are HOV
 - 37.9% of eastbound trips on average are HOV

25

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Toll Rates and Usage

- **0.28% of all toll payers paid more than \$40 during the first six months**
- **These toll rates are experienced during the height of rush hour between 8am and 9am**
- **HOV usage peaks between 8am and 9am, and appears to be increasing during this time as well**

HOV Penetration	December 2017	May 2018
8:00 – 8:30a	49.3%	59.3%
8:30 – 9:00a	44.9%	54.1%

26

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Toll Rates and Usage

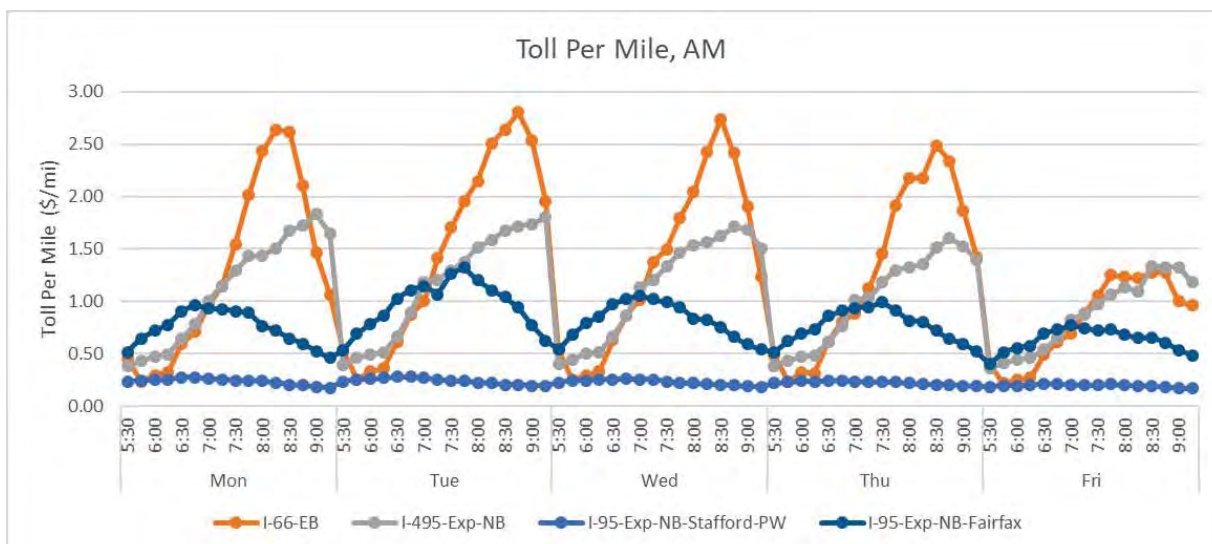
Average Eastbound Toll Paid and HOV Usage

5:30-6:00	6:00-6:30	6:30-7:00	7:00-7:30	7:30-8:00	8:00-8:30	8:30-9:00	9:00-9:30
\$2.54	\$2.64	\$5.06	\$7.59	\$11.63	\$14.13	\$13.86	\$8.52
31.4%	34.7%	45.5%	56.5%	59.0%	56.8%	52.2%	38.1%

Average Westbound Toll Paid and HOV Usage

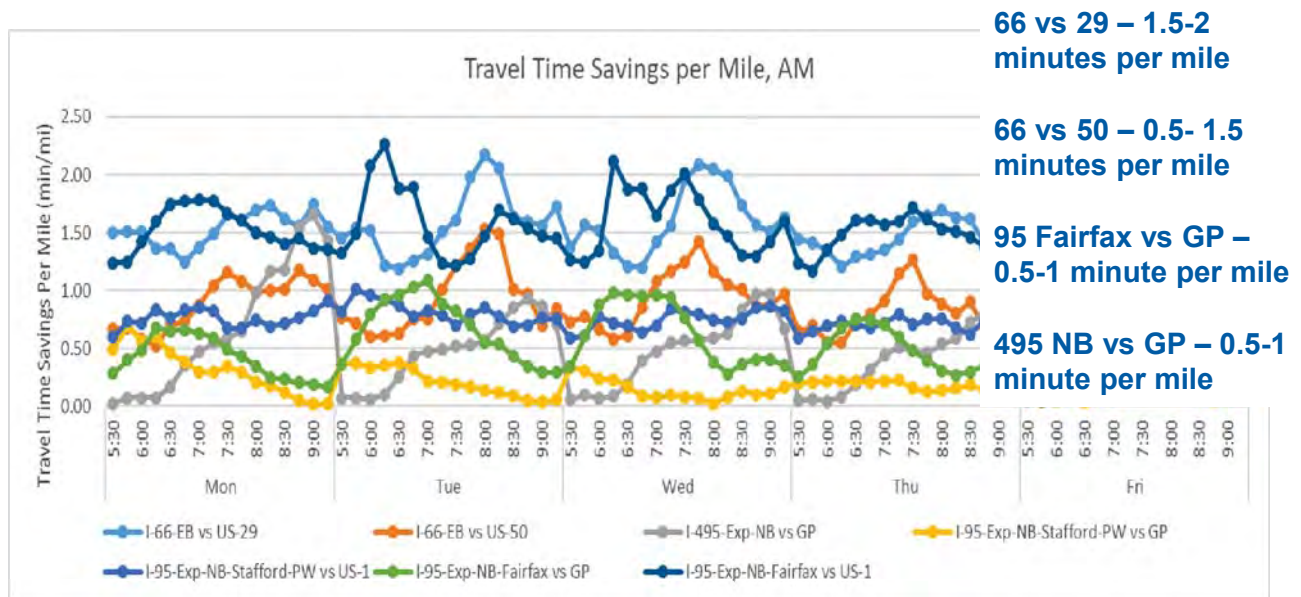
3:00-3:30	3:30-4:00	4:00-4:30	4:30-5:00	5:00-5:30	5:30-6:00	6:00-6:30	6:30-7:00
\$4.34	\$3.92	\$4.32	\$5.17	\$5.36	\$5.67	\$4.71	\$3.67
28.3%	31.2%	39.3%	43.3%	45.4%	45.1%	39.2%	30.3%

Northern Virginia AM Express Lane Toll Rates per Mile



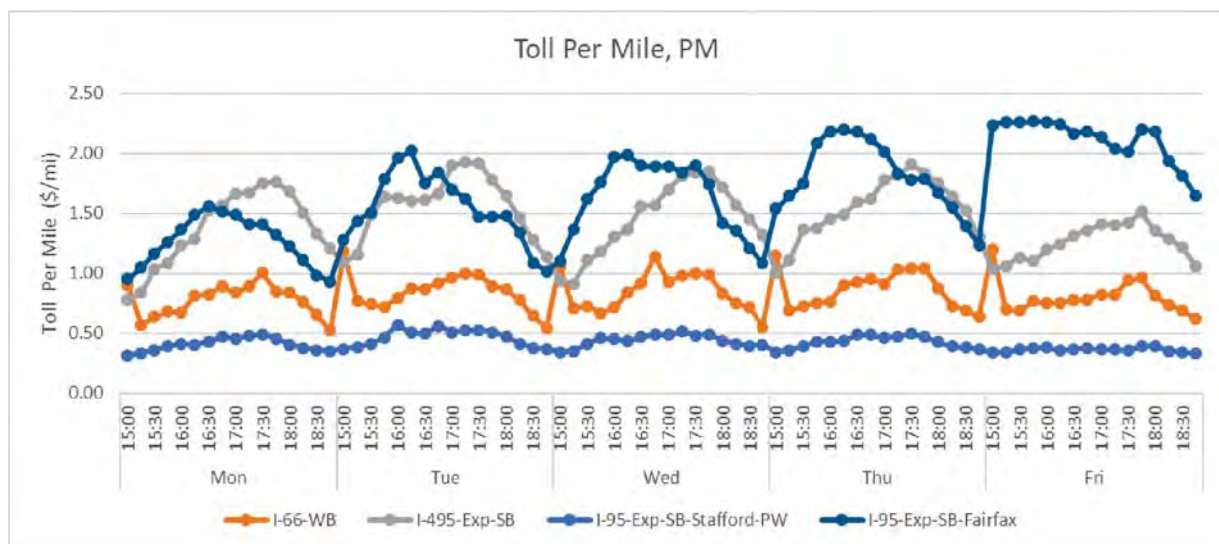
* Compiled by UVA Center for Transportation Studies

Northern Virginia AM Estimated Travel Time Savings from Express Lanes



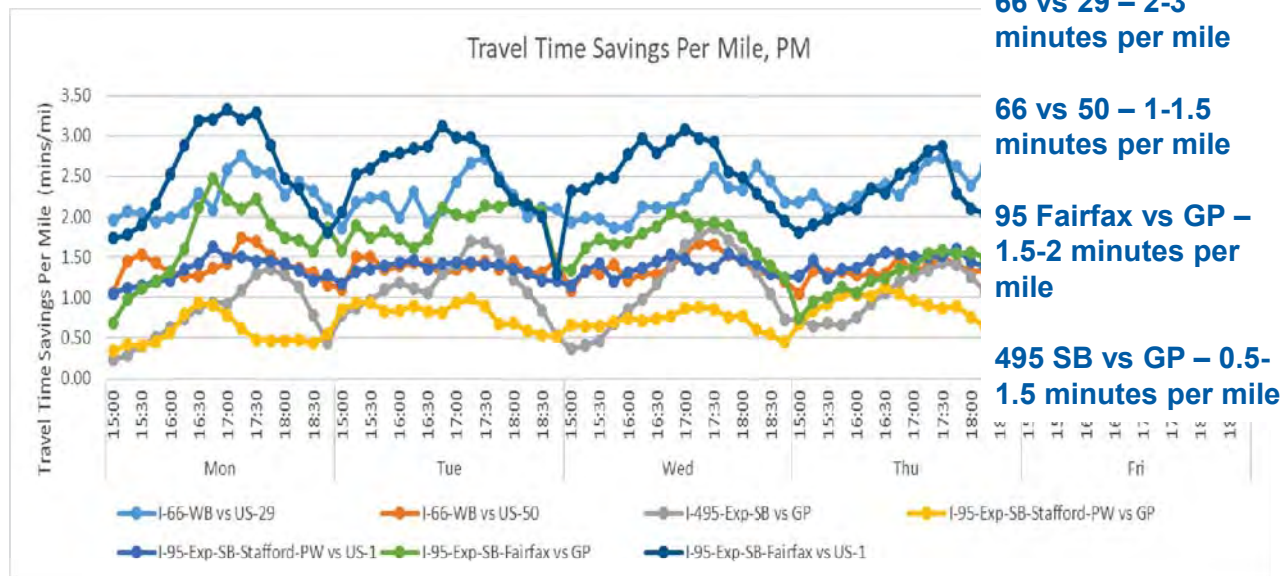
* Compiled by UVA Center for Transportation Studies

Northern Virginia PM Express Lane Toll Rates per Mile



* Compiled by UVA Center for Transportation Studies

Northern Virginia PM Estimated Travel Time Savings from Express Lanes



* Compiled by UVA Center for Transportation Studies

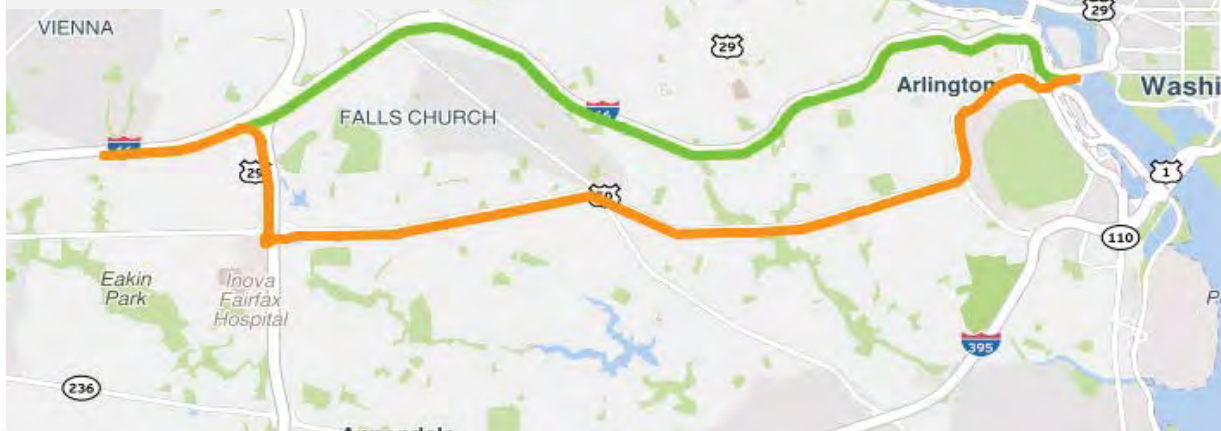
Month-to-Month Usage Statistics

	January	February	March	April	May
EB AM Peak Traffic	12,961	13,958	13,656	14,832	15,340
WB PM Peak Traffic	15,364	16,656	16,447	17,398	18,130
Total Daily HOV Traffic	12,233	13,559	13,101	14,306	14,712

AM Shoulder Period – 6:00am Travel Times

Pre-Tolling:
66 Nutley to TR
bridge –
17.4 minutes

Post-Tolling:
66 Nutley to Route 50
to TR bridge –
20.6 minutes



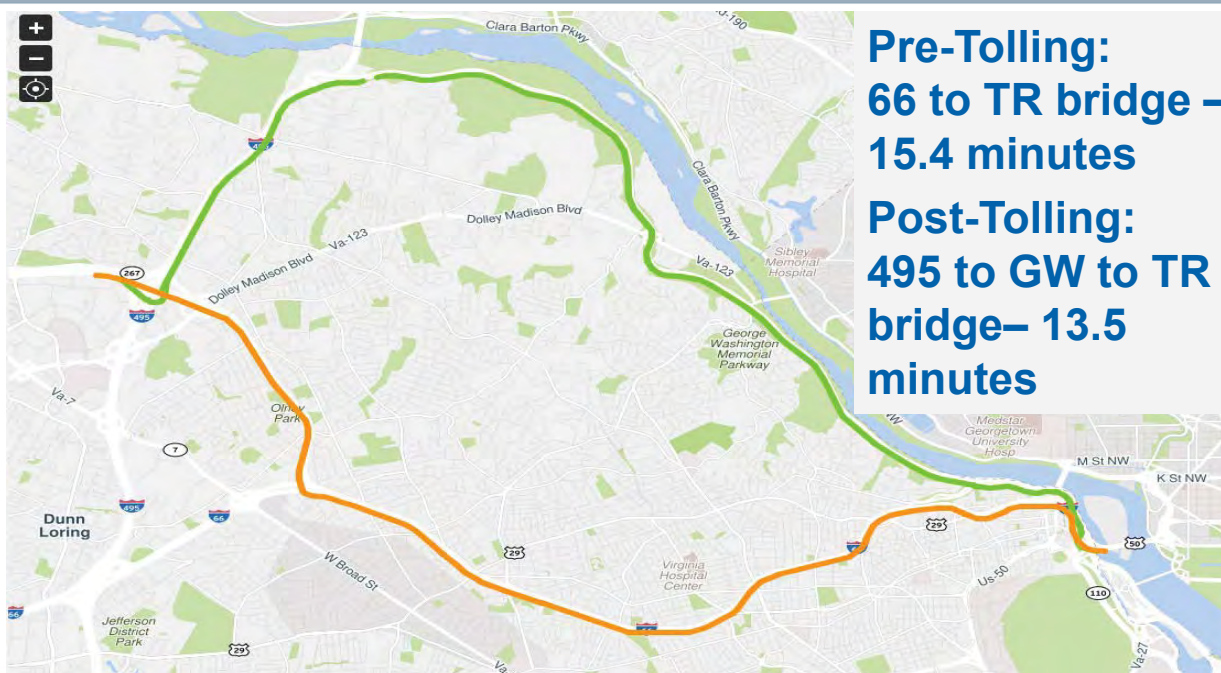
33

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AM Shoulder Period – 6:00am Travel Times

Pre-Tolling:
66 to TR bridge –
15.4 minutes

Post-Tolling:
495 to GW to TR
bridge– 13.5
minutes



34

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Incidents on I-66

Pre- and Post-Tolling 6 month comparison

	Eastbound		Westbound	
Time Period	Pre-Tolling	Post-Tolling	Pre-Tolling	Post-Tolling
Crashes	248	218	164	132
% Change	12.1% Decrease		15.0% Decrease	

Moving Forward

- Will continue to monitor performance of Express Lanes and parallel routes
 - Seek to identify potential operational improvements
- Construction on new eastbound lane is underway and will be complete in 2020
- VDOT is testing modifications to tolling system to evaluate opportunities to move more people
- Will continue partnership with NVTC to re-invest toll revenues in the corridor



Transit Performance in the I-66 Inside the Beltway Corridor

Presentation to the Commission
July 5, 2018

Nobuhiko Daito, PhD

Program Analyst
nobuhikodaito@novatransit.org



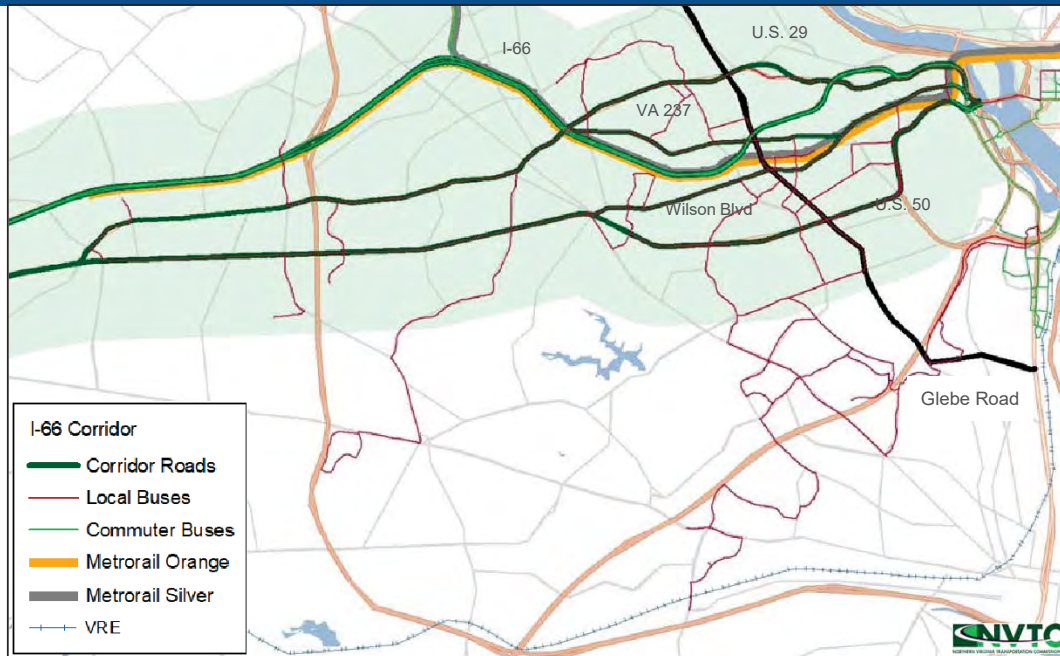
Overview

- I-66 Inside the Beltway Corridor Changes:
 - Tolling (started on December 4, 2017)
 - I-66 Commuter Choice Program (started in FY 2017)
- Report corridor performance to date:
 - **Public transportation's roles in the corridor**
 - **Performance of transit services before and after tolling**



I-66 Inside the Beltway Corridor

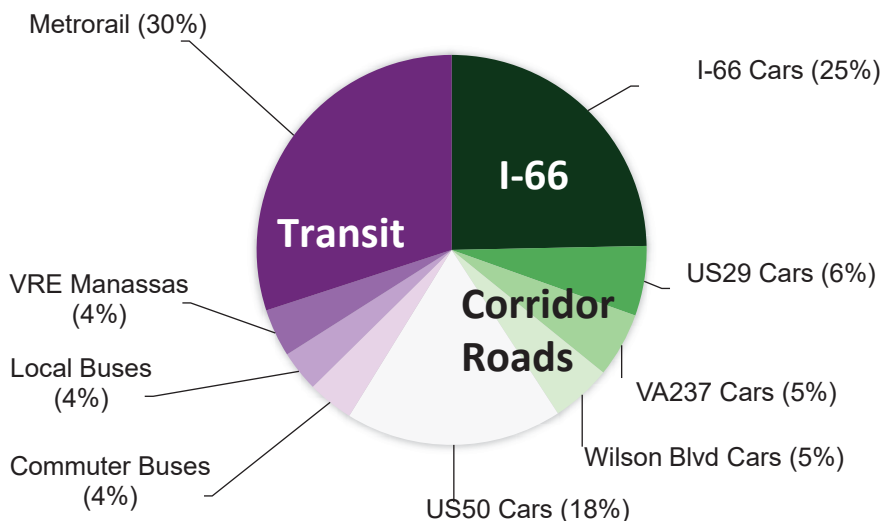
I-66 Corridor consists of highways and public transportation services serving east-west connections



Source: Transportation Planning Board (2016)

How Do Commuters Travel on I-66 Corridor?

Prior to tolling, over 40% of commuters took public transportation in the corridor



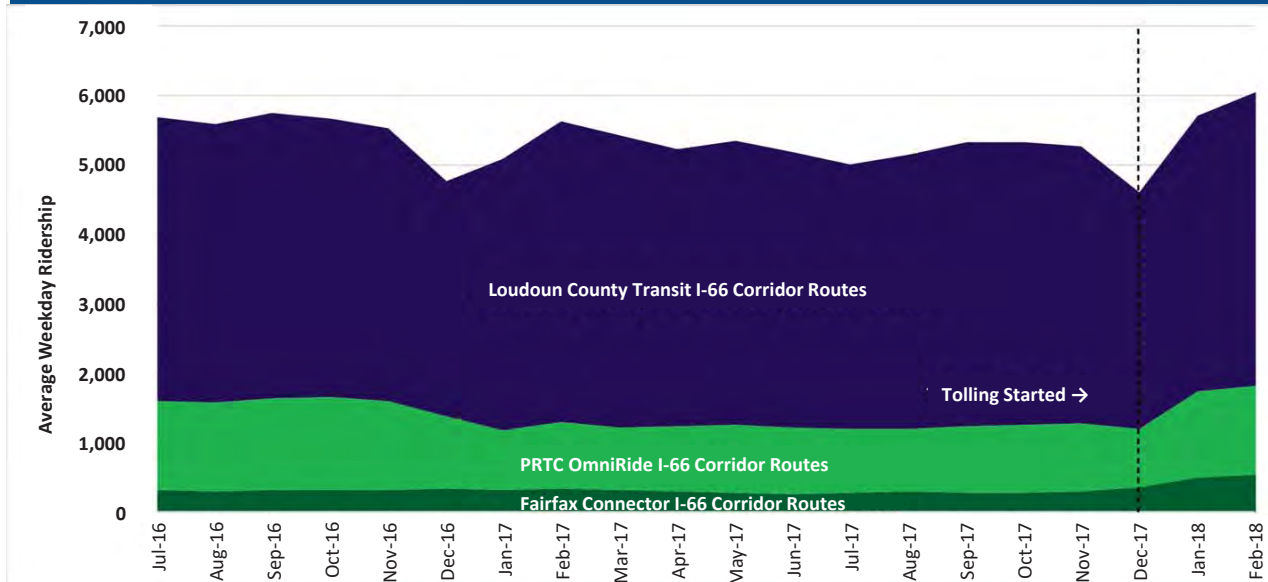
Source: Transportation Planning Board (2016)



How is Ridership Before and After I-66 Tolling?

Average Weekday Ridership of I-66 Corridor Express Buses

The tolls are encouraging express bus ridership in the corridor.



Note: Average Weekday Ridership of following services. Loudoun County Transit I-66 Corridor Routes: 101-111, 201-211, 251-253, 301-309, 401-420, 501-511, 601-612, 651-654, 701-708, 800D, and 801-822. PRTC OmniRide I-66 Corridor Routes: LH, G-100, G-200, M-100, and M-200. Fairfax Connector I-66 Corridor Routes: 599 and 699. These services extend peak periods only.
Source: Loudoun County, Fairfax County, and PRTC

The Tolls Are Improving Transit Run Time.

- VDOT reports show a 15% increase in operating speeds on I-66
- Transit operators report:
 - *"Easier travel into and out of the DC"*
 - *"Improved running time" on some routes, "operating within expected running time parameters" on other routes*
 - PRTC OmniRide saw run-time reliability improvement and switched western Prince William County - Pentagon services from I-495/I-395 to I-66/ITB/Route 110



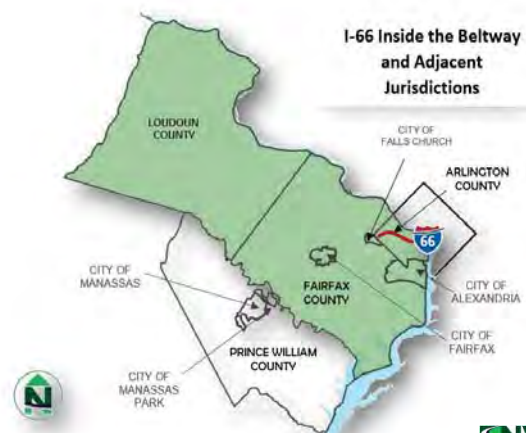
Key Findings

- ✓ Public transportation moves 40% of commuter trips in the corridor during peak period.
- ✓ The new I-66 Commuter Choice-sponsored bus routes are attracting new riders to transit and increasing person throughput.
- ✓ Tolling has improved reliability and speeds for transit along I-66.



NVTC's Next Steps

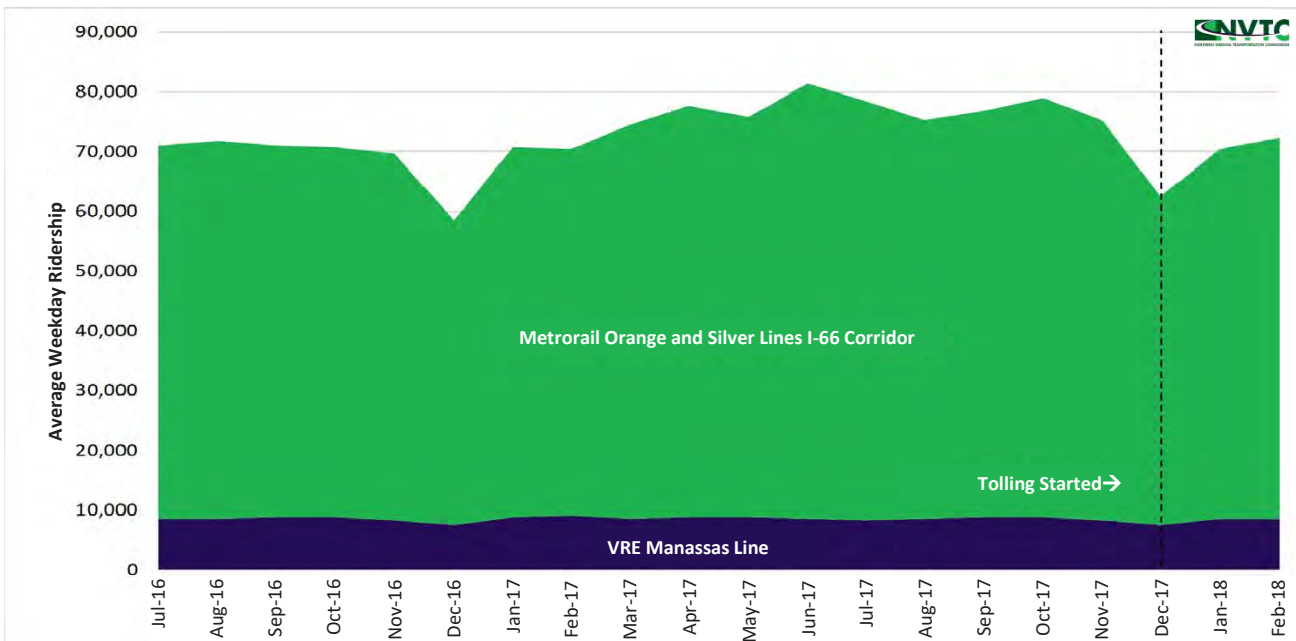
- Bi-annual person throughput corridor survey by TPB (next survey anticipated in 2019)
- Continued reporting of performance statistics for transit serving the corridor





How is Ridership Before and After I-66 Tolling?

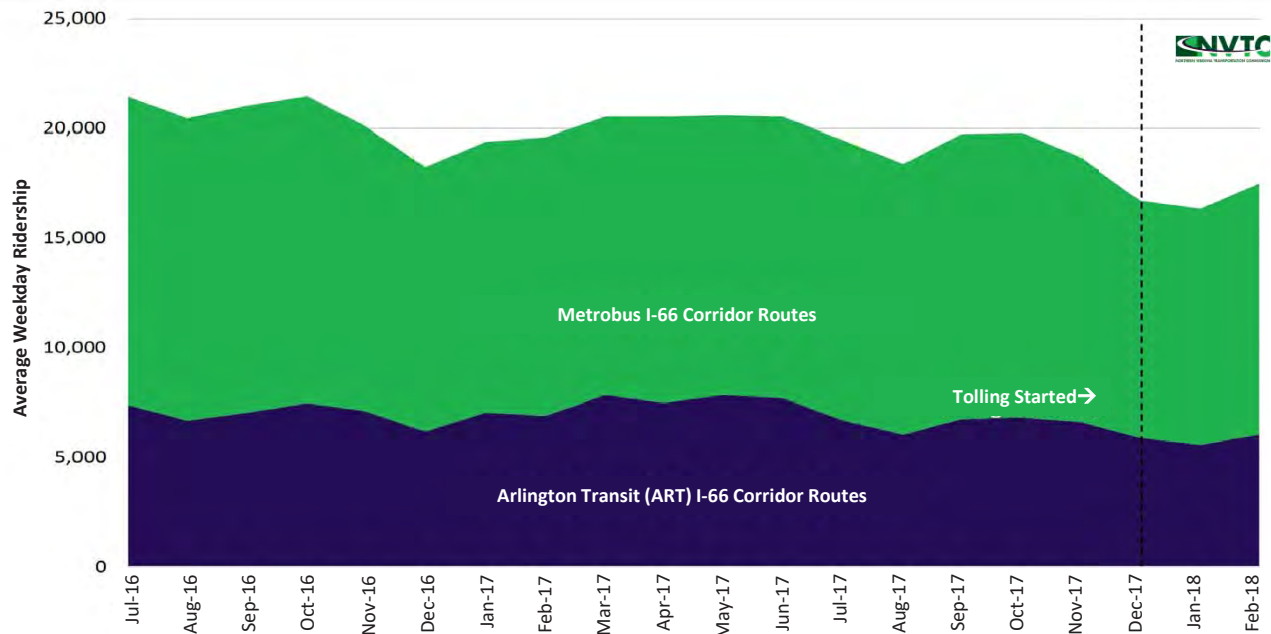
Average Weekday Ridership of I-66 Corridor Railways



Note: Metrorail average weekday ridership of trips between Wiehle-Reston East, Spring Hill, Greensboro, Tysons Corner, McLean, Vienna, Dunn Loring, West Falls Church, and East Falls Church and all other stations. Ridership includes peak and non-peak periods.
Source: WMATA and VRE

How is Ridership Before and After I-66 Tolling?

Average Weekday Ridership of I-66 Corridor Local Buses

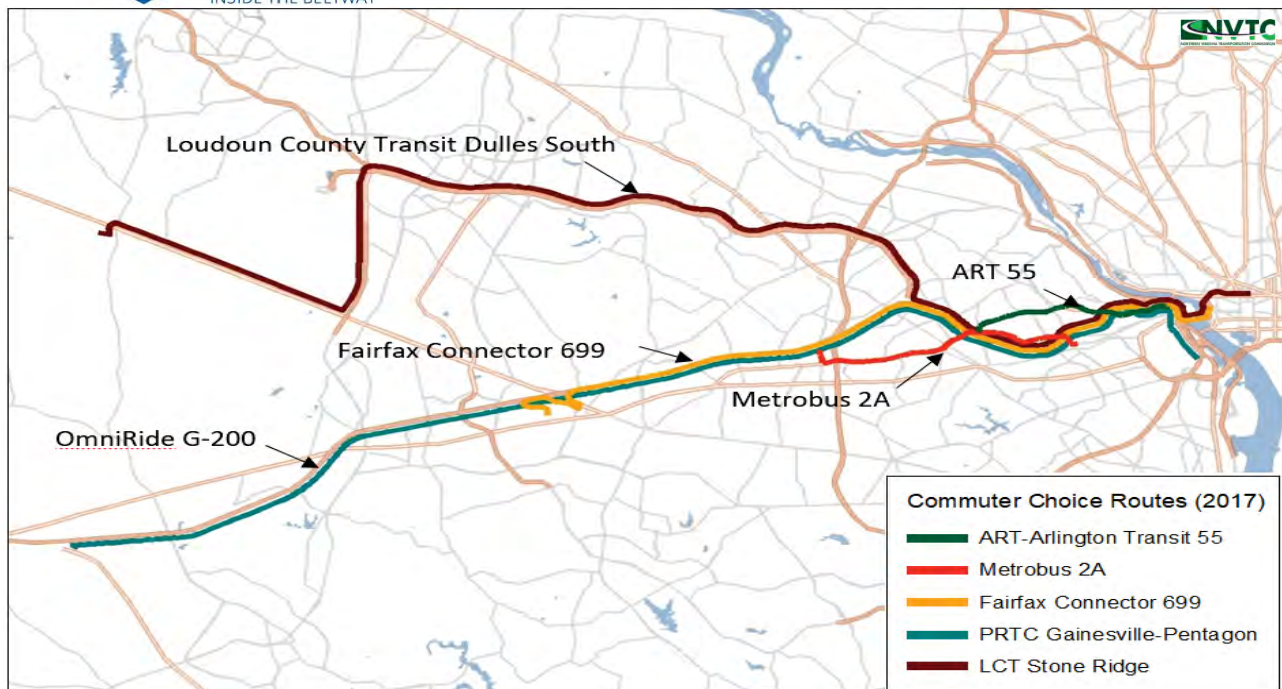


Note: Metrobus average weekday ridership of 1A,B,E,Z; 2A; 3A; 3Y; 4A,B; 5A; 22A,B,C,F; and 25B. ART – Arlington Transit average weekday ridership of 41, 51, 52, 55, and 75. Ridership includes peak and non-peak periods.

Source: WMATA and Arlington County

How is Ridership Before and After I-66 Tolling?

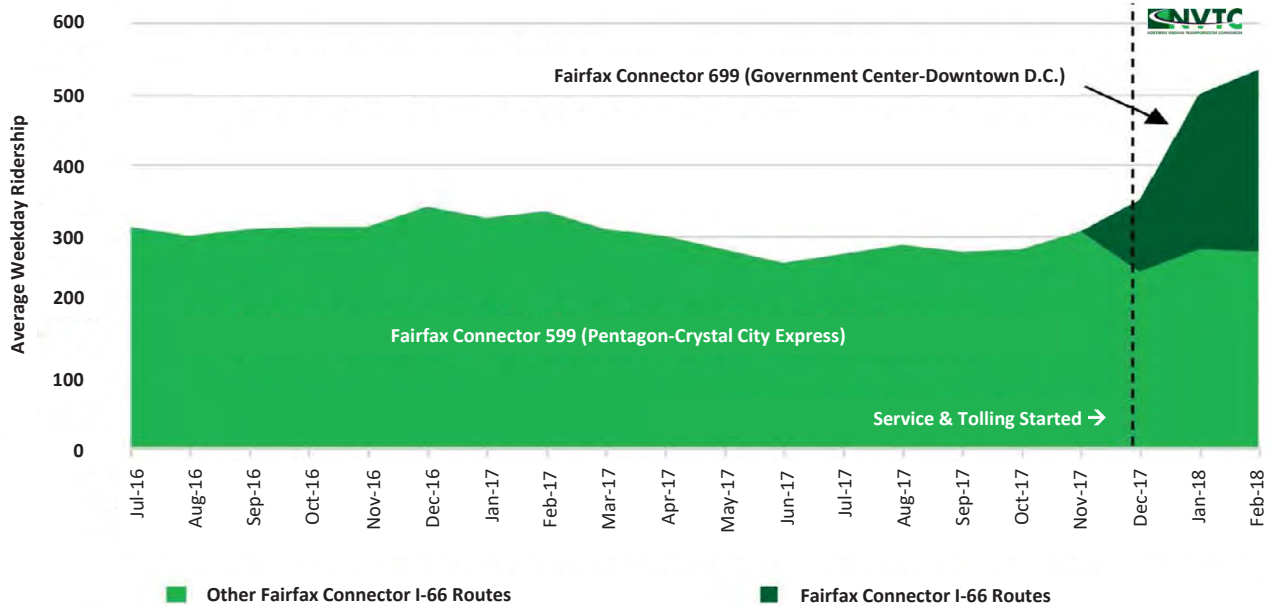
Bus Routes Supported by Commuter Choice Program (2017)



Source: NVTC

How is Ridership Before and After I-66 Tolling?

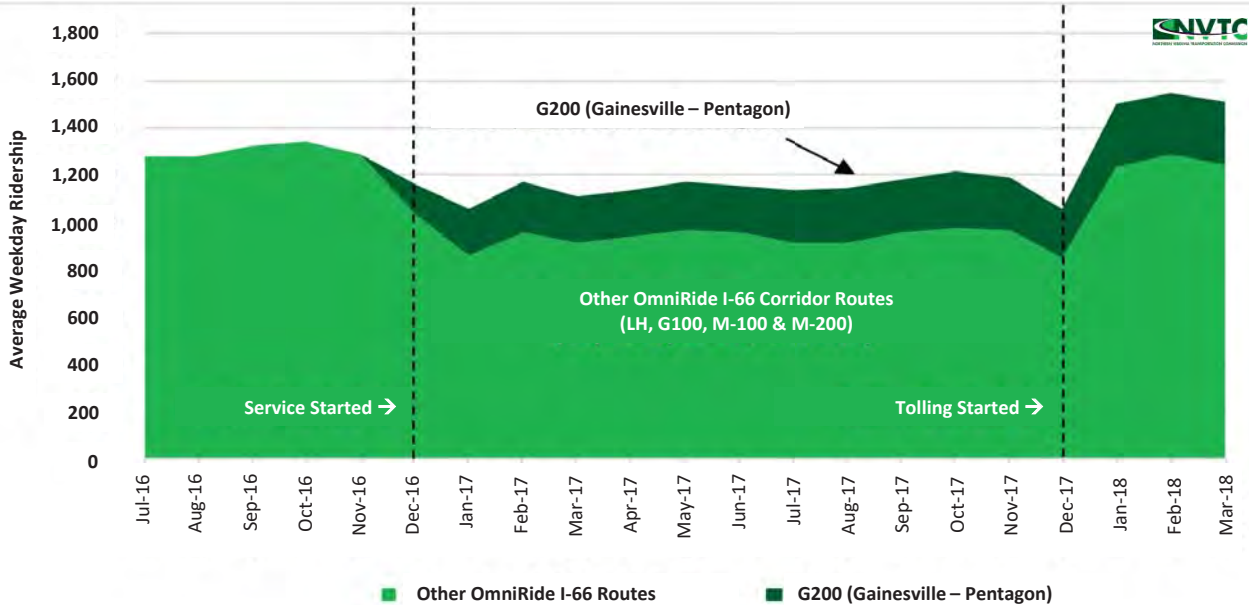
Average Weekday Ridership of I-66 Corridor Routes:
Fairfax Connector



Note: Services only during peak periods.
Source: Fairfax County

How is Ridership Before and After I-66 Tolling?

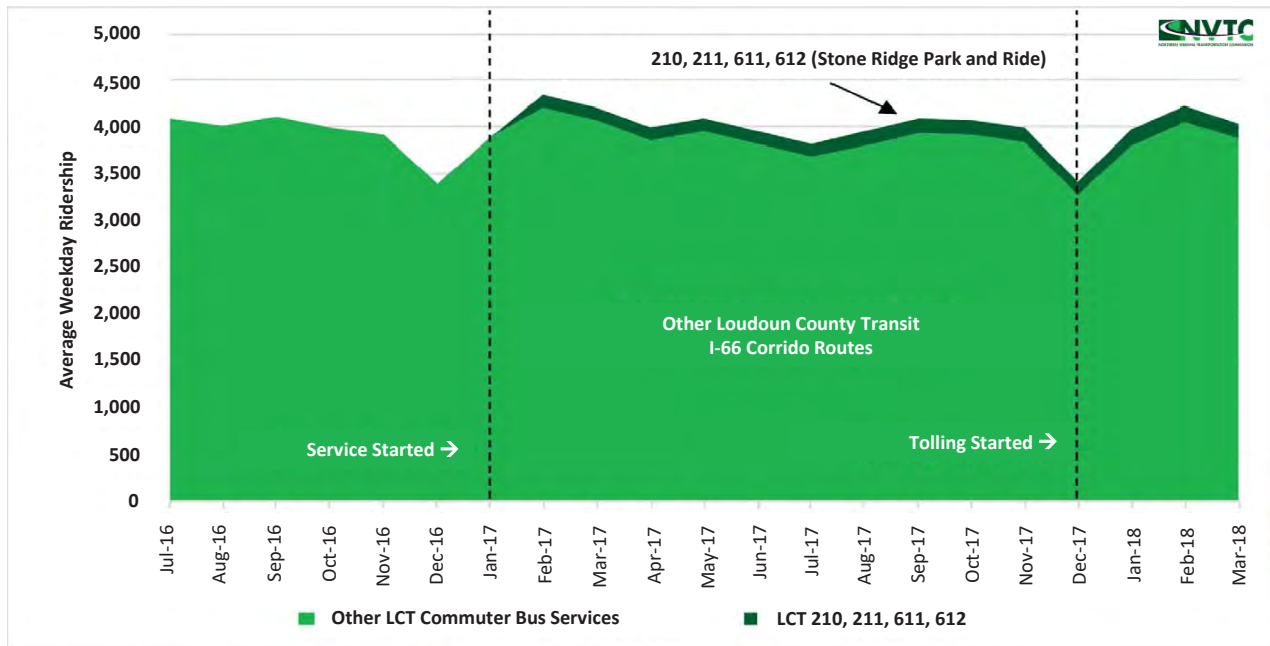
Average Weekday Ridership of I-66 Corridor Routes:
PRTC OmniRide I-66 Corridor Services



Note: Other OmniRide I-66 corridor routes are LH, G-100, M-100, & M-200. Services are only during AM and PM peak periods.
Source: PRTC

How is Ridership Before and After I-66 Tolling?

Average Weekday Ridership of I-66 Corridor Routes:
PRTC OmniRide I-66 Corridor Services

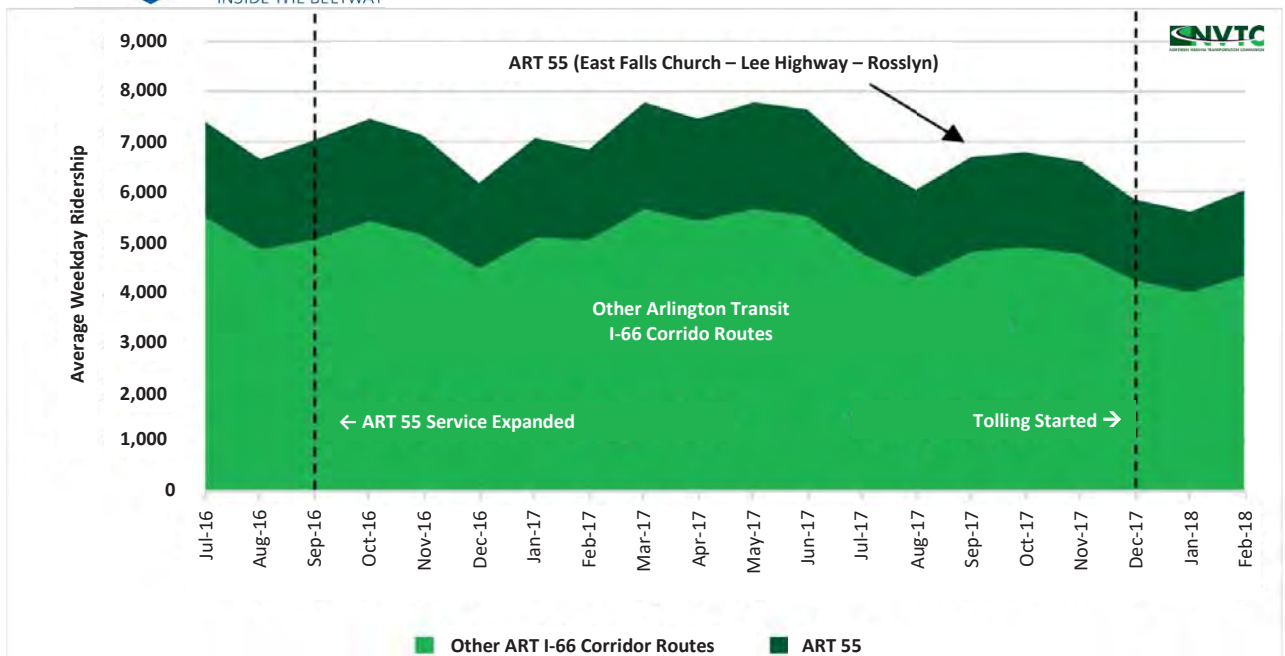


Note: Other Loudoun County Transit I-66 Corridor Routes are 101-111, 201-209, 251-253, 301-309, 401-420, 501-511, 601-610, 651-654, 701-708, 800D, & 801-822. Services are only during AM and PM peak periods.

Source: Loudoun County Transit

How is Ridership Before and After I-66 Tolling?

Average Weekday Ridership of I-66 Corridor Routes:
ART-Arlington Transit I-66 Corridor Services

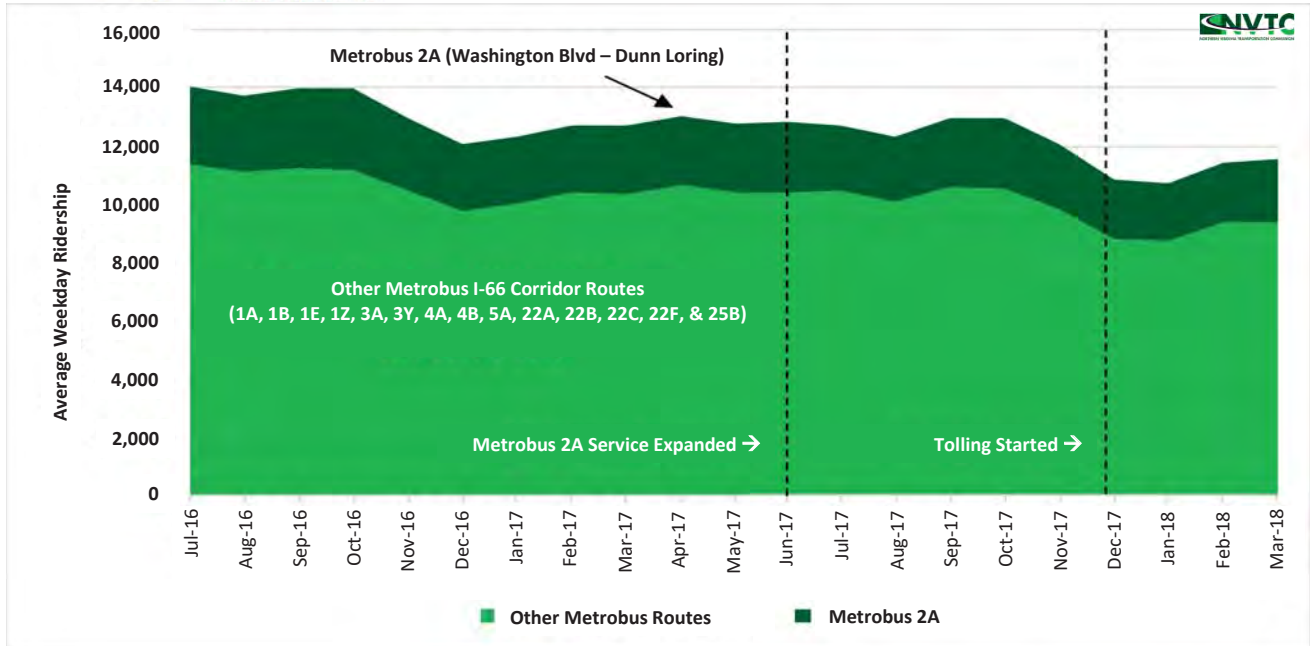


Note: Other Arlington County Transit I-66 Corridor Routes are 41, 51, 52, and 75. Services extend peak and non-peak periods.

Source: Arlington County

How is Ridership Before and After I-66 Tolling?

Average Weekday Ridership of I-66 Corridor Routes:
Metrobus I-66 Corridor Services



Note: Other I-66 Corridor Routes are 1A,B,E,Z; 3A; 3Y; 4A,B; 5A; 22A,B,C,F; and 25B. Services extend peak and non-peak periods.

Source: WMATA

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TO: Chairman Smedberg and NVTC Commissioners

FROM: Kate Mattice

DATE: June 28, 2018

SUBJECT: WMATA #5B Action Item (UPDATED)

B. ACTION ITEM: Authorize the Executive Director to Execute a Contract to Support the Development of the 2018 NVTC Report to the General Assembly on WMATA Performance and Condition

The Commission is asked to authorize the Executive Director to execute a contract with WSP USA for data collection, analysis, and report preparation of the first annual NVTC Report on the Performance and Condition of the Washington Metropolitan Area Transit Authority (WMATA). This report is required under Virginia Law (§ 33.2-3403) which directs NVTC to report to the Governor and the General Assembly by November 1st of each year on a number of performance elements related to WMATA's operations and capital expenditures. The contract will run from July to November 2018 with a value not to exceed \$60,000. These funds are included the revised FY2019 NVTC G&A budget.

In coordination with NVTC staff and Commission leadership, the consultant will develop a report outline, coordinate with WMATA staff to acquire the necessary data, develop and prepare text and graphics, and produce draft and final layout that would be suitable for print format. The consultant will also provide data and document templates for use by NVTC staff in the development of future annual reports. Throughout the process, the consultant will receive direction from NVTC staff and Commissioners on the scope and depth of data analysis, presentation, and final narrative.

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DRAFT – FOR DISCUSSION PURPOSES ONLY

(07-05-18)

**RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD**

September 18, 2018

MOTION

Made By:

Seconded By:

ACTION:

Title: Approval of Policy and Guidelines for Implementation of Governance and Funding Reforms for the Washington Metropolitan Area Transit Authority (WMATA)

WHEREAS, the Commonwealth Transportation Board (CTB), the Northern Virginia Transportation Commission (NVTC), and the jurisdictions that comprise NVTC who provide local funding and receive transit service from the Washington Metropolitan Area Transit Authority (WMATA) are mutually interested in the success of the WMATA; and

WHEREAS, WMATA was established pursuant to an interstate compact between Virginia, Maryland, and the District of Columbia to operate a regional mass transit system in the Washington, D.C. metropolitan area; and

WHEREAS, NVTC was founded in part to represent the interests of the Commonwealth during the establishment of WMATA; and

WHEREAS, NVTC's member jurisdictions – the cities of Alexandria, Falls Church, and Fairfax and the counties of Arlington and Fairfax – are the Compact funding partners, with Loudoun County becoming a funding partner as the Silver Line Phase 2 becomes operational; and

WHEREAS, Section 33.2-1936 of the *Code of Virginia* establishes that the Northern Virginia Transportation District has unique needs and that the operation of the rapid heavy rail mass transportation system and the bus mass transportation system by WMATA provides particular and substantial benefit to the persons living, traveling, commuting, and working in the localities embraced by the NVTC; and

WHEREAS, Section 33.2-3401 of the *Code of Virginia*, pursuant to Chapter 854 of the 2018 Virginia Acts of Assembly, establishes a WMATA Capital Fund to provide Virginia's agreed upon share of regional dedicated capital funding to WMATA; and

WHEREAS, Section 33.2-1526.1 of the *Code of Virginia*, pursuant to Chapter 854 of the 2018 Virginia Acts of Assembly, restructures the Commonwealth Mass Transit Fund so that 53.5 percent of the funds shall be allocated to NVTC for distribution to WMATA on behalf of its local jurisdictions for capital purposes and operating assistance ("Commonwealth Mass Transit Fund WMATA Allocation"), as determined by the Commission; and

WHEREAS, the enactment clauses of Chapter 854 of the 2018 Virginia Acts of Assembly requires the Commonwealth Transportation Board to withhold funding available to WMATA pursuant to Section o33.2-1526.1(C)(3) of the *Code of Virginia* Allocation under the following conditions:

- (i) The seventh enactment requires the CTB shall withhold 20 percent of the funds available if (i) any alternate directors participate or take action at an official WMATA Board meeting or committee meeting as Board directors for a WMATA compact member when both directors appointed by that same WMATA Compact member are present at the WMATA Board meeting or committee meeting or (ii) the WMATA Board of Directors has not adopted bylaws that would prohibit such participation by alternate directors.
- (ii) The eighth enactment requires that, beginning July 1, 2019, the CTB shall withhold 20 percent of the funds available each year unless (i) WMATA has adopted a detailed capital improvement program covering the current fiscal year and, at a minimum, the next five fiscal years, and at least one public hearing on such capital improvement program has been held in a locality embraced by the NVTC, and (ii) WMATA has adopted or updated a strategic plan within the preceding 36 months, and at least one public hearing on such plan or updated plan has been held in a locality embraced by the NVTC. The first strategic plan adopted to comply with such requirements shall include a plan to align services with demand and to satisfy the other recommendations included in the report submitted pursuant to Item 436 R of Chapter 836 of the Acts of Assembly of 2017.
- (iii) The first enactment requires that, in any year that the total Virginia operating assistance in the approved WMATA budget increases by more than 3 percent from the total operating assistance in the prior year's approved WMATA budget, the Board shall withhold an amount equal to 35 percent of the funds available. The following items shall not be included in the calculation of any WMATA budget increase: (i) any service, equipment, or facility that is required by any applicable law, rule, or regulation; (ii) any capital project approved by the WMATA Board before or after the effective date of this provision; and (iii) any payments or obligations of any kind arising from or related to legal disputes or proceedings between or among WMATA and any other person or entity.

WHEREAS, it is in the best interest of the CTB, NVTC, and the jurisdictions that are WMATA Compact funding partners to ensure that WMATA receives the full allocation of funding from the Commonwealth Mass Transit Fund that is distributed by the NVTC on behalf of its jurisdictions; and

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following policy and guidelines to govern future Board decisions related to the Governance and Funding Reforms for the Washington Metropolitan Area Transit Authority enacted by the General Assembly of Virginia in 2018:

Participation by Alternate Directors of the WMATA Board (Enactment Clause 7 of Chapter 854 of the 2018 Virginia Acts of Assembly)

1. The CTB shall withhold funding if the WMATA Board of Directors has not adopted bylaws that prohibit the participation of alternate directors specified in clause (ii) of Enactment Clause 7.
2. When determining whether to withhold funding in response to an action taken by an alternate director that is prohibited by clause (i) of Enactment Clause 7, the CTB shall consider the following as prohibited activities by alternate directors at an official WMATA Board or committee meeting (unless the alternate director is acting in the absence of a Board director who serves on the committee): (i) participating in the discussion among Board directors; (ii) making or seconding a motion; (iii) voting on motions, resolutions or other Board actions; (iv) being counted toward the required quorum; (v) attendance or participation in any Executive Session of the WMATA Board or its committees; (vi) any action in violation of WMATA Bylaws. Attendance by alternate directors at official WMATA Board or committee meetings, excluding Executive Sessions, shall not be a basis for withholding funding, nor shall the provision of information or reports to directors at a WMATA committee meeting in response to a request to do so by the director chairing the committee meeting.
3. WMATA shall provide a written notification to the CTB by July 1 of each year that it has adopted bylaws that prohibit the participation of alternate directors specified in clause (ii) of Enactment Clause 7 and that not violations of the bylaws by alternate directors have occurred during the previous year.
4. WMATA shall immediately notify the CTB in writing if a violation of its bylaws by an alternate director or some other action prohibited by this CTB policy occurs.

Adoption of a Detailed Capital Improvement Program (Enactment Clause 8(i) of Chapter 854 of the 2018 Virginia Acts of Assembly)

1. The CTB shall withhold funding if:
 - a. Beginning July 1, 2019, WMATA has not annually adopted or updated by July 1 of each year a detailed capital improvement program covering the current fiscal year and the next five fiscal years, including projections of funding sources and uses for the six-year period.
 - b. Beginning July 1, 2019, WMATA has not annually held by July 1 of each year at least one public hearing on such capital improvement program held in a locality embraced by the NVTC.
2. WMATA shall provide a written notification to the CTB by July 1 of each year that it has: (i) adopted a capital improvement program that complies with the above requirements; and (ii) held a public hearing on the capital improvement program in a locality embraced by the NVTC.

Adoption or Update of a Strategic Plan (Enactment Clause 8(ii) of Chapter 854 of the 2018 Virginia Acts of Assembly)

1. The CTB shall withhold funding if:

- a. Beginning July 1, 2019, the WMATA Board has not adopted or updated a strategic plan within the preceding 36 months. After submission of the first strategic plan, WMATA must submit updated plans every 3 years thereafter.
 - b. Beginning July 1, 2019, WMATA has not held at least one public hearing on such strategic plan held in a locality embraced by the NVTC.
2. The first strategic plan adopted to comply with such requirements shall include a plan to align services with demand and to satisfy the other recommendations included in the report submitted pursuant to Item 436 R of Chapter 836 of the Acts of Assembly of 2017.
3. WMATA shall provide a written notification to the CTB by July 1 of the year of any strategic plan update that it has: (i) adopted or updated a strategic plan that complies with the above requirements; and (ii) held a public hearing on the strategic plan or strategic plan update in a locality embraced by the NVTC.

3% Cap on Growth in Total Virginia Operating Assistance (Enactment Clause 1 of Chapter 854 of the 2018 Virginia Acts of Assembly)

1. The CTB shall withhold funding if:
 - a. The total operating subsidy for Virginia in the current year approved WMATA budget increases (effective July 1) by more than 3 percent over the prior year approved WMATA budget (as of June 30).
2. The following items shall not be included in the calculation of any WMATA budget increase:
 - a. Any service, equipment, or facility that is required by any applicable law, rule, or regulation.
 - i. Includes, but is not to, compliance with any safety directives to WMATA issued by the Metrorail Safety Commission (MSC), the Federal Transit Administration (FTA), the National Transportation Safety Board (NTSB) or any other relevant safety oversight agency; actions taken to comply with the Americans with Disabilities Act (ADA); and actions taken to comply with Title VI requirements.
 - b. Any capital project approved by the WMATA Board before or after the effective date of this provision.
 - i. The planned Potomac Yard Metrorail Station in Alexandria and the completion of Phase 2 of the Silver Line Metrorail project in Fairfax and Loudoun Counties are specific approved major capital projects that shall not be included in the calculation of any WMATA budget increase. The operating assistance impacts of other capital projects that expand service frequency, duration or scope, shall be included in the calculation.
 - ii. The operating assistance impacts of capital projects that address a state of good repair need may be excluded from the calculation of any WMATA operating assistance increase.

- iii. Operating subsidy increases resulting from service disruptions caused by implementation of approved capital projects to address State of Good Repair Needs or from emergency system shutdowns shall not be included in calculation of any WMATA budget increase.
 - c. Any payments or obligations of any kind arising from or related to legal disputes or proceedings between or among WMATA and any other person or entity.
 - d. Operating subsidies for specific WMATA transit services that are 100% funded by a single WMATA member jurisdiction or from other non-WMATA funding sources.
 - e. Regularly-scheduled adjustments of the regional subsidy allocation formulas by WMATA.
3. WMATA shall provide a written notification to the CTB by July 1 of each year of the annual growth in total Virginia operating assistance, including a detailed description of the costs contributing to the increased operating subsidy and a year over year comparison of such costs. WMATA shall also provide a detailed description and justification of costs considered exempt from the calculation of the annual growth rate in operating subsidy. The written notification shall include sufficient documentation to allow the CTB to perform its own verification of the annual growth rate and amount of total Virginia operating assistance.
4. By July 1 of each year, WMATA shall notify the CTB if it is scheduled or plans to adjust the regional subsidy allocation formulas in the budget to be proposed for the next fiscal year.

Resolution of Withholding of Funds

1. The CTB will release any withheld funding upon approval or implementation of an approved mitigation action.
 - a. The CTB will determine what constitutes an approved mitigation action, except that approval by the WMATA Board of a budget amendment reducing the amount of annual operating assistance required by Virginia to no more than 3 percent greater than the prior year shall be considered an approved mitigation action for a violation of the restriction related to the 3% cap on growth in Virginia operating assistance.
2. The CTB shall retain as a penalty any funding withheld during a fiscal year in response to a violation for which there is no mitigation.

Additional Considerations

1. The CTB, the Virginia Department of Rail and Public Transportation (DRPT), WMATA, the NVTC, and NVTC's member jurisdictions shall proactively collaborate to avoid activities that would require the CTB to withhold funding.
2. WMATA shall submit the documents required to demonstrate compliance to DRPT by the deadlines specified. DRPT will analyze the information received from WMATA and present to the CTB, in September of each year (beginning in 2019), a recommendation on enforcement actions, if any, that are required to be taken by this policy.

3. DRPT will provide regular reports to the CTB on observations related to compliance with this policy throughout the year.
4. After November 1 of each year, the NVTC shall present to the CTB the findings included in its report on the performance and condition of WMATA required under Section 33.2-3403 of the *Code of Virginia*.
5. The CTB reserves the right to approve exceptions to this policy at any time in response to special or extraordinary circumstances.

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NVTC Major Actions: July – Dec 2018 Outlook

