

**MINUTES**  
**NVTC COMMISSION MEETING – NOVEMBER 1, 2018**  
**NAVY LEAGUE BUILDING – FIRST FLOOR CONFERENCE ROOM**  
**ARLINGTON, VIRGINIA**

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Smedberg at 7:08 P.M.

**Members Present**

Sharon Bulova  
John Cook  
Jim Corcoran  
Katie Cristol  
Christian Dorsey  
Adam Ebbin  
John Foust  
Libby Garvey  
Catherine Hudgins  
David LaRock  
James M. LeMunyon  
Jeff McKay  
David Meyer  
Ron A. Meyer  
Paul Smedberg  
David Snyder  
Raul "Danny" Vargas  
Jennifer Wexton

**Members Absent**

Matt Letourneau  
Tim Lovain  
M. David Skiles

**Staff Present**

Kate Mattice, Executive Director  
Matt Cheng  
Karen Finucan Clarkson  
Nobuhiko Daito  
Joey de St. Aubin  
Andrew D'huyvetter  
Allan Fye  
Rhonda Gilchrest  
Dan Goldfarb  
Scott Kalkwarf  
Aimee Perron Siebert  
Jae Watkins  
Steve MacIsaac (counsel)  
Doug Allen (VRE)

## Opening Remarks

Chairman Smedberg welcomed everyone to the November 1<sup>st</sup> meeting. He asked Commissioners to gather in the lobby for a Commission photograph.

When Commissioners returned, Chairman Smedberg reviewed the meeting's action items related to the I-66 Commuter Choice Program, including the new Project Selection Process, the FY2020 Call for Projects, and the Revised Commuter Choice Standard Project Agreement. He also announced that there will be two separate Closed Sessions to conduct performance evaluations for NVTC Executive Director Kate Mattice and VRE CEO Doug Allen.

Chairman Smedberg announced that the Fairfax City Council has appointed David Meyer as the principal member on NVTC, replacing Jeff Greenfield. Mr. Meyer has served as an NVTC alternate since 2014. The Fairfax City Council also appointed Jon Stehle as the city's new alternate.

Finally, Chairman Smedberg reminded Commissioners that there will be a call for nominations at the December meeting for officers, appointees to various boards, and committee membership for the following positions:

1. Officers – chair, vice-chair, and secretary-treasurer
2. Members of the WMATA Committee, Program Advisory Committee, and Legislative and Policy Committee
3. Appointments to the Virginia Transit Association Board

Chairman Smedberg explained that the VRE Operations Board appointments are selected by each VRE jurisdiction, but those appointed must be NVTC Commissioners. NVTC's four WMATA Board appointments will serve on the WMATA Committee and the two principal WMATA appointments will also serve on the Executive Committee as non-voting members.

## Minutes of the October 4, 2018 NVTC Commission Meeting

Ms. Bulova moved, with a second by Ms. Garvey, to approve the amended minutes. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Garvey, Hudgins, LaRock, LeMunyon, McKay, Ron Meyer, Smedberg, Snyder, Vargas and Wexton.

## Closed Session – NVTC Executive Director Performance Evaluation

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

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

The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Garvey, Hudgins, LaRock, LeMunyon, McKay, Ron Meyer, Smedberg, Snyder, Vargas and Wexton.

The Commission entered into Closed Session at 7:20 P.M. and returned to Open Session at 8:11 P.M. Mr. Foust and Mr. David Meyer arrived during the Closed Session.

Chairman Smedberg moved, with a second by Mr. McKay, 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, Hudgins, LaRock, LeMunyon, McKay, David Meyer, Ron Meyer, Smedberg, Snyder, Vargas and Wexton.

Mr. McKay moved, with a second by Ms. Bulova, to approve the compensation changes for the executive director as discussed in Closed Session. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Hudgins, LaRock, LeMunyon, McKay, David Meyer, Ron Meyer, Smedberg, Snyder, Vargas and Wexton.

#### Washington Metropolitan Area Transit Authority

Report from the Interim WMATA Committee. Chairman Smedberg reported that the Interim WMATA Committee met for the third time on October 17<sup>th</sup> and discussed WMATA's proposed updates to the WMATA "Use Regulations" as well as the FY2020 preliminary WMATA budget outlook. The committee also reviewed WMATA's proposed parking changes and directed staff to send NVTC's letter to WMATA on this topic. The next Interim WMATA Committee meeting is scheduled for November 8<sup>th</sup> at 8:30 A.M. in NVTC's offices.

Chairman Smedberg stated that there are no WMATA-related NVTC action items. Commissioners were provided with a final copy of NVTC's Report on the Performance and Condition of WMATA, which was approved last month. It has been sent to Governor Northam and the General Assembly.

Report from the Virginia WMATA Board Members. Mr. Corcoran reported that the WMATA General Manager introduced the proposed FY2020 budget, which was

discussed by the WMATA Finance Committee today. Mr. Corcoran reviewed several issues impacting the budget. As part of a major office consolidation plan, WMATA has announced a new headquarters location at L'Enfant Plaza. The selection of the new location is the first step in a consolidation strategy that will save \$130 million over the next 20 years. WMATA will downsize from 10 to seven facilities throughout the region. The WMATA Board will be asked to approve the sale later this month. Also, the FY2018 and FY2019 budgets were amended to reflect the recent arbitration decisions. The adjustments increase the FY2019 budget by \$89 million. Mr. Corcoran reported that General Manager Wiedefeld has agreed to make some changes to the proposed budget to stay within the three percent subsidy cap, which would be a budget just for current services. Mr. Wiedefeld also provided budget scenarios for additional and improved customer services to increase ridership if, in fact, jurisdictions want to fund it. Going forward, NVTC will have an opportunity to comment on the proposed budget.

Mr. Dorsey reported that over the last month WMATA has reconsidered dissolving the Metro Riders Advisory Council and instead it will be restructured. Hopefully it will provide greater value to WMATA. Regarding safety, he announced WMATA has passed the halfway mark in resolving the corrective action plans (CAP's) resulting from the 2015 L'Enfant smoke incident. The National Transportation Safety Board (NTSB) and the Federal Transit Administration (FTA) issued a total of 320 corrective action plans. In response to a question from Mr. Foust, Mr. Dorsey explained that there are still about 160 corrective action plans not certified. All 320 CAP's have been addressed but there is a process to resolve them. Since most of them were issued by FTA, the process includes WMATA submitting a plan to address the corrective action, FTA approves it, WMATA then implements the plan, and then FTA certifies final completion. There is no timetable for final certification. Mr. Dorsey reported that the good news is that WMATA is making consistent progress.

Mr. Dorsey also reported that the FTA certification process is underway for the Metro Safety Commission (MSC) and oversight is expected to be transferred to the MSC by April 2019. Mr. Corcoran reported another milestone of WMATA receiving a clean audit opinion for its FY2018 Financial Statement. He also reported that the Finance Committee is recommending WMATA Board approval of the Falls Church 3T bus extension. Ms. Mattice noted that I-66 Commuter Choice funds are being used for this project.

Ms. Cristol stated she is encouraged to hear that Mr. Wiedefeld is making adjustments to keep the budget within the three percent cap. She asked about options for additional services and how they would be funded. Mr. Corcoran reviewed some of the proposed service options (extending service hours, fare pass initiatives, weekend fares, etc.) but he noted that it still needs to be determined how they would be implemented and funded. Mr. Dorsey noted that there is no legal path to approve the general manager's budget as presented today, but they are policy decisions Mr. Wiedefeld left for the WMATA Board to consider over the next few months.

Mr. LeMunyon asked about funding for the new WMATA headquarters. Mr. Dorsey explained that funding will probably come from the capital program, which one-third comes from dedicated revenue sources. Mr. Corcoran stated there will be funds needed for upfront costs, but WMATA will save \$130 million over 20 years. Mr. LeMunyon asked if WMATA conducted an assessment of the pros and cons of leasing versus purchasing.

Mr. Corcoran replied that WMATA has this type of assessment already built into the guidelines for every real estate transaction. In response to a question from Mr. Foust, Mr. Corcoran stated that the assumption is that the current headquarters (Jackson Graham Building) will be sold or land-leased and those revenues will be used for the new headquarters.

Delegate LaRock asked about ongoing planning for the Rosslyn Tunnel and if there is a budget allocation for the tunnel. Mr. Dorsey stated that expansion of the existing tunnel or adding another tunnel is not in the current capital budget, although it is part of the strategic plan. Implementing eight-car trains and resuming automated trains could help traffic flow through the tunnel. Mr. McKay stated that expansion to an eight-car train set will move more people.

Mr. McKay stated that since NVTC did not receive a response from WMATA on NVTC's letter regarding parking, he hopes WMATA will consider the impact of non-rider parking fees on bus ridership. Mr. Dorsey stated NVTC and jurisdictional staff are closely monitoring this issue.

#### I-66 Commuter Choice Program

Ms. Mattice stated that to date, NVTC has funded more than \$22 million in transit, TDM, ITS and outreach programs that are benefiting toll payers from Loudoun to Gainesville, to Fairfax, Arlington and Falls Church as part of the I-66 Commuter Choice Program. She asked Allan Fye to present the action items in Ms. Happ's absence.

Mr. Fye explained that there are three actions being requested. The first is Commission approval of a new Project Selection Process for the I-66 Commuter Choice Program. NVTC staff, consultants, and jurisdictional staff conducted a five-month re-examination and improvement effort to improve the Project Selection Process for the I-66 Commuter Choice Program. Both the Jurisdictional Staff Working Group and the Commissioner Working Group discussed and refined the recommended Project Selection Process. The results of this re-examination were presented to the Commission in October 2018.

Mr. Fye explained that the new Project Selection Process refines the technical evaluation to reward projects that use the corridor most efficiently, establishes program priorities prior to the application period, and provides an overall quantitative project score. The refined scoring captures both the technical evaluation and the prioritization in a single quantitative project score, reflecting local and regionwide impact.

In response to a question from Delegate LaRock, Mr. Fye provided a comparison between the previous selection process and the new quantitative approach. In response to a question from Ms. Cristol, Ms. Mattice explained that the Memorandum of Agreement (MOA) allows NVTC to pay up to 100 percent of operating costs of a project for five years and after five years it is reduced 25 percent every year. Ms. Cristol asked if staff knows how many projects will be returning with funding requests. Ms. Mattice stated that staff will need to wait to see what applications are submitted.

Mr. McKay moved, with a second by Ms. Cristol, to approve the I-66 Commuter Choice Program Project Selection Process. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Hudgins, LaRock, LeMunyon, McKay, David Meyer, Ron Meyer, Smedberg, Vargas and Wexton. Mr. Snyder abstained.

Mr. Fye also stated the Commission is being asked to approve the release of the I-66 Commuter Choice FY2020 Call for Projects. If approved, online applications will be accepted via NVTC's website from November 2, 2018 until January 16, 2019. The I-66 Commuter Choice Program follows the selection process prescribed in the MOA whereby eligible projects are evaluated, prioritized, selected and then submitted by NVTC to the CTB for approval. He noted that up to \$20 million will be available to fund projects that focus on the regional priorities of moving more people, maximizing cost effectiveness, maximizing transit operating funding, reducing single occupancy vehicle use, and improving transportation network connectivity.

Mr. Fye explained that NVTC staff have been conducting applicant briefing meetings with each eligible jurisdiction and agency to explain the program in detail and to discuss plans for applications. NVTC also held an Applicant Workshop on October 25, 2018.

In response to a question from Mr. LeMunyon, Ms. Mattice explained that the MOA dictates how the funds are used for operating. Mr. Fye also noted that the goal is to see the funds spent in a timely manner. Funds must be obligated within two years and spent by the fifth year.

Mr. Dorsey moved, with a second by Ms. Bulova, to authorize the FY2020 I-66 Commuter Choice Program Call for Projects. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Hudgins, LaRock, LeMunyon, McKay, David Meyer, Ron Meyer, Smedberg, Snyder, Vargas and Wexton.

Mr. Fye stated that the Commission is being asked to approve the revised I-66 Commuter Choice Program Standard Project Agreement (SPA). The SPA establishes the funding recipient and NVTC obligations for projects funded through the I-66 Commuter Choice Program. The revised SPA now includes language that gives notice of possible NVTC actions if funds awarded to a project are not used in a timely manner prescribed by the MOA or the project is cancelled. The revised language will allow NVTC to take action if a project does not meet the financial spend down requirements of the agreement. The amended agreement has been reviewed by jurisdictions and agencies eligible for funding. If approved, the revised SPA will apply to projects beginning with those funded under the FY2020 I-66 Commuter Choice Program.

Mr. Dorsey moved, with a second by Ms. Cristol, to approve the revised I-66 Commuter Choice Program Standard Project Agreement. The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Hudgins, LaRock, LeMunyon, McKay, David Meyer, Ron Meyer, Smedberg, Snyder, Vargas and Wexton.

Mr. Ron Meyer requested an issue be addressed with VDOT regarding the high tolls, especially eastbound. People aren't getting the guaranteed speed even with the high tolls. He would like to see a type of refund to those that paid the toll but did not get any

benefit from it, similar to WMATA's Rush Hour Promise program. He realizes that many people are happy with the toll revenues, but he is not. Ms. Mattice stated that she will pass these comments along to VDOT.

### Report from the Chair of the Legislative and Policy Committee

Ms. Cristol, chair of the Legislative and Policy Committee, stated that the committee met last month to discuss DRPT's proposed changes to the way it funds transit operating assistance as well as the proposed NVTC 2019 Legislative and Policy Agenda.

Ms. Mattice gave a brief update on the work of the Transit Service Delivery Advisory Committee (TSDAC) regarding the DRPT operating assistance changes. This will impact all transit systems, except for WMATA. The next TSDAC meeting is scheduled for November 13<sup>th</sup>. NVTC may want to provide comments to the Commonwealth Transportation Board.

Ms. Cristol reviewed NVTC's legislative priorities for the upcoming year – at both the state and federal level – which are outlined in the proposed 2019 NVTC Legislative and Policy Agenda. The Commission will be asked to approve the agenda at next month's meeting.

Ms. Cristol observed that the 2018 General Assembly Session was full of activity related to transit, resulting in dedicated funding for WMATA and VRE, a fix to the regional gas tax, changes to the state transit funding program, and new responsibilities for NVTC. Going into the coming year, NVTC does not anticipate any specific "asks" to the General Assembly. That said, there are a number of things that should be kept on the radar for the future, such as restoring regional transportation funding and addressing the future state capital fiscal cliff.

Ms. Cristol stated that in the federal space, there may be several key legislative activities that NVTC will be following:

- The dedicated funding for WMATA (PRIIA) will expire next year; that will leave a \$300 million/year deficit;
- The federal transit program (and highway program) will be expiring in 2020. There will need to be a big push to get that funded, with controversy likely over how to pay for it; and
- A possible Infrastructure package that could include one or both of the items above.

Senator Ebbin asked if there is a cap to the federal commuter tax benefit and if it should be increased with inflation. Ms. Mattice explained that current legislation provides an annual escalation, similar to what is provided for the parking benefit.

Ms. Cristol noted that Aimee Perron Siebert was available to answer questions. Mr. Ron Meyer asked if there are any solutions floating around at the state level to address the fiscal cliff. Ms. Siebert observed that it is still far enough away that no single solution is being considered. Staff is continuing to monitor this issue. Mr. McKay stated that the

Transit Capital Project Revenue Advisory Board provided a full report to the General Assembly, which outlined options but there was no specific recommendation.

Ms. Cristol stated that the Legislative and Policy Committee discussed an internet sales tax. She stated that it will be important to remind the General Assembly that in 2013 when it was considering the outcome of a federal Market Place Fairness Act, the General Assembly explicitly earmarked any funds flowing from that federal action to be used for transportation and transit.

In response to a question from Ms. Garvey, Mr. Dorsey explained that the PRIIA funding is exclusive for WMATA. Without any further action, PRIIA funds will stop flowing in FY2020.

Ms. Cristol invited everyone to attend the December 10<sup>th</sup> Joint NVTC-PRTC Legislative Briefing in Springfield. There will be a moderated discussion with Deputy of Transportation Shannon Valentine (invited), WMATA General Manager Paul Wiedefeld, VRE CEO Doug Allen, among others. It will be great opportunity to hear from the region's transit general managers about how they are implementing the big changes from the transit legislation earlier this year.

Mr. Ron Meyer and Delegate LaRock left at 8:57 P.M. and did not return.

#### Envision Route 7 Conceptual Engineering Update

Mr. Goldfarb introduced Jamie Henson, from Kittelson & Associates, who gave an overview of the Phase III Conceptual Engineering Study. Mr. Henson stated that Phase III includes mapping demographics and travel conditions, identifying potential station locations, conceptually laying out the facility, and identifying potential rights of way. The study is trying to answer where and how much right of way is needed; can the stations connect to populations of needs and future land use; and how to avoid conflicts with utilities and with the National Environmental Policy Act (NEPA) process. Phase III is expected to conclude the summer of 2019.

Mr. McKay asked if there is any funding identified for final engineering. Mr. Goldfarb stated that Phase II included developing different funding strategies. A smaller traffic engineering study will most likely be the next step while funding streams are being lined up. Ms. Bulova observed that the Route 7 corridor is an environmentally sensitive corridor. Mr. Henson stated that the goal is to identify any environmental concerns so there are no surprises during the NEPA process.

Mr. Cook asked if any part of the project includes plans to convert existing lanes to bus-only lanes. Mr. Goldfarb stated the plan is not to convert existing lanes, but the study will look at what is out there and what is currently planned. NVTC's study is working in tandem with a Fairfax County study, which is going into more detail and includes traffic simulation. That study will most likely set the policy of when and how to repurpose lanes.



## NVTC FY2017 Regional Transit Performance Report

Mr. Daito provided an overview of the NVTC FY2017 Regional Transit Performance Report (previously referred to as NVTC's Annual Transit Performance Report). This report covers the performance of public transit systems in Northern Virginia for FY2017 (July 1, 2016 – June 30, 2017). The report summarizes data received from transit operators and the National Transit Database (NTD) FY2017 report, which was recently released by the Federal Transit Administration (FTA). The highlight of FY2017 was WMATA's SafeTrack work, which was an accelerated track work plan to address safety recommendations and rehabilitate the Metrorail system to improve safety and reliability. The program began in June 2016 and ended in June 2017, and much of the work involved single tracking and line segment shut downs on lines that serve Northern Virginia. The report reflects the impact of this work showing significantly lower ridership of Metrobus and other bus systems which complement Metrorail compared to FY2016. In FY2017, Northern Virginia transit providers experienced an overall ridership decline of -9 percent. Metrorail carries the bulk of the ridership decline (-12 percent) and other transit systems in Northern Virginia declined by an average rate of -2 percent. ART and VRE experienced ridership increases of +7 percent and +9 percent, respectively.

Mr. Daito then highlighted several of the figures. He noted that Figures 1 and 2 summarize key performance indicators of all operators in the region, and Figures 3 through 4C show aggregate and days of the week average ridership statistics of Metrorail by station. Figure 7 shows that the ridership of VRE increased in FY2017 compared to FY2016, which may be because commuters used VRE as an alternative to Metrorail during SafeTrack. Figures 9 through 12 summarize ridership of Metrobus, which shows an overall declining trend. Figures 13 through 18 are ridership trends of Northern Virginia transit operators.

## Department of Rail and Public Transportation

Chairman Smedberg stated DPRT Director Mitchell was unable to attend this meeting but she asked that Commissioners refer to the written DRPT Report. Clinton Edwards of DRPT was in the audience to answer any questions. There were no questions.

Senator Wexton left the room and did not return.

## Virginia Railway Express

VRE CEO Report. Mr. Allen reported that VRE continues to focus on safety and highlighted several training events. He reported that VRE continues to be on schedule to meet the December 31, 2018 Positive Train Control (PTC) deadline. VRE has submitted paperwork to the Federal Railroad Administration (FRA) for an extension just in case it is needed. He also reported that on-time performance (OTP) for July and August was impacted by extreme weather, but he was happy to report that OTP bounced back in September. He also noted that VRE conducted a system tour for new NVTC Commissioners Vargas and Skiles. Mr. Vargas thanked VRE staff for giving the tour, which was very informative.

Chairman Smedberg noted that there are no VRE action items this month.

Draft VRE 2019 Legislative Agenda. VRE's 2019 Legislative Agenda includes both state and federal issues. The VRE Operations Board is expected to take action at its November meeting to recommend the agenda to the Commissions for their approval at their December meetings.

VRE and the Role of the Commissions. Mr. Allen gave a presentation on VRE and the Role of the Commissions, outlining the work of VRE, its staff and the Operations Board. The VRE Management Audit (2015) recommended an annual training session for Commissioners on their roles and responsibilities with respect to their oversight of VRE. Mr. Allen stated that VRE is co-owned by NVTC and the Potomac and Rappahannock Transportation Commission (PRTC). The two Commissions own VRE's assets; bear all responsibility/risks; and are accountable for funds provided by federal/state/local sources. They appoint Commissioners to serve on the VRE Operations Board to monitor transit performance, agency finances, and compliance with local, state, and federal requirements on behalf of the Commissions and their member jurisdictions.

Mr. Allen reviewed the authority retained by the Commissions, which includes:

- Operating access agreements with CSX, Norfolk Southern (NS) and Amtrak
- Insurance
- Amendments to the Master Agreement
- Hiring and termination of the VRE CEO
- Statewide and federal grant applications
- Approval of legislative agendas
- Approval of strategic plans
- Sale or purchase of real property and equipment in the Commissions' name
- Approval of annual budgets/six-year financial plans
- Other major policies such as terms for new entrants

Mr. Allen explained that the Commissions have delegated authority to the VRE Operations Board to approve contractual agreements (not retained by Commissions), providing funding is included in the approved budget. Any item can be sent to the Commissions for approval at the request of an Operations Board member. The VRE CEO has contractual spending authority of up to \$100,000. Contracts above \$50,000 are reported as information items to the Operations Board following award.

Mr. Allen reviewed the work of his staff, ridership and demographics of VRE riders, and the System Plan 2040. A 2016 financial analysis showed a \$45 million annual need through 2040 to maintain current service levels. A new financial analysis is underway to update the information and assumptions. During the last General Assembly Session, legislation was passed that created a Commuter Rail Operating and Capital (C-ROC) Fund, which provides \$15 million annually with regional gas tax revenue.

Mr. Allen reviewed notable actions taken by the Operations Board over the last year, including:

- Authorized early phases to develop a new mid-day train storage facility;
- Helped guide and endorsed preferred concepts for station projects, including Crystal City Station improvements and the Broad Run Expansion project;
- Authorized a Financial Plan update incorporating a new financial modeling platform;
- Directed the development of the VRE Legislative Agenda which resulted in passage of C-ROC dedicated funding;
- Approved the recommendation to refinance the RIFF railcar loan and achieved net present value savings of 12 percent.

### Executive Director Report

Ms. Mattice reported that the Navy League will begin renovating the first-floor conference room space starting tomorrow. As was announced last month, NVTC's December and January meetings will be relocated across the street (2311 Wilson Blvd). Commissioners will still be able to park in this building and walk across the street. Committee meetings will be held in NVTC's Conference Room in Suite #620. All attendees will need to check in at the security desk in the lobby of the building across the street. A photo ID will be required.

The Financial Report for September 2018 was provided to Commissioners. There were no questions.

Mr. LeMunyon asked if NVTC received any comments back from General Assembly members regarding NVTC's Report on the Performance and Condition of WMATA. Ms. Mattice stated that the report was delivered to Governor Northam and General Assembly earlier this week, which included an invitation to meet with individual members. She also plans to brief the CTB at its December meeting.

### Closed Session – VRE CEO Performance Evaluation

Ms. Bulova moved, with a second by Senator Ebbin, the following motion:

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

The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Hudgins, LeMunyon, McKay, David Meyer, Smedberg, Snyder and Vargas.

The Commission entered into Closed Session at 9:27 P.M. and returned to Open Session at 9:36 P.M.

Chairman Smedberg moved, with a second by Ms. Garvey, 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, Hudgins, LeMunyon, McKay, David Meyer, Smedberg, Snyder and Vargas.

Ms. Bulova moved, with a second by Mr. David Meyer, to approve the fifth amendment to Mr. Allen's contract as discussed during the Closed Session, which is reflected in Resolution #2369 (copy attached). Mr. Cook offered a friendly amendment for the Commission to endorse the comments made by the VRE Operations Board. Ms. Bulova agreed to this friendly amendment.

The vote in favor was cast by Commissioners Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Hudgins, LeMunyon, McKay, David Meyer, Smedberg, Snyder and Vargas.

### Adjournment

Without objection, Chairman Smedberg adjourned the meeting at 9:37 P.M.

Approved this 6<sup>th</sup> day of December 2018.

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Paul C. Smedberg  
Chairman

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Katie Cristol  
Secretary-Treasurer



## RESOLUTION #2369

**SUBJECT:** Approve an Amendment to the VRE Chief Executive Officer's Employment Agreement.

**WHEREAS:** The Virginia Railway Express (VRE) Operations Board has concluded an evaluation of the VRE Chief Executive Officer's performance for the fifth year of his service;

**WHEREAS:** The VRE Operations Board is recommending an amendment to the VRE Chief Executive Officer's employment agreement ("the Fifth Amendment") based on an assessment of his performance, and

**WHEREAS:** The Northern Virginia Transportation Commission has reviewed the VRE Operations Board recommendation and concurs.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission does hereby approve a Fifth Amendment to the employment agreement with Mr. Allen, in accordance with the materials provided in Closed Session, and authorizes NVTC's Chairman to execute it on behalf of the Commission.

Approved this 1<sup>st</sup> day of November 2018.

  
Katie Cristol  
Secretary-Treasurer

  
Paul C. Smedberg  
Chairman