

**MINUTES**  
**NVTC COMMISSION MEETING – SEPTEMBER 6, 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 7:13 P.M.

**Members Present**

Sharon Bulova  
Jim Corcoran  
Katie Cristol  
Christian Dorsey  
Adam Ebbin  
John Foust  
Libby Garvey  
Matt Letourneau  
Tim Lovain  
Jeff McKay  
David Meyer (Alternate, City of Fairfax)  
Jennifer Mitchell (Alternate, Commonwealth of Virginia)  
M. David Skiles  
Paul Smedberg  
David Snyder  
Raul “Danny” Vargas  
Jennifer Wexton

**Members Absent**

John Cook  
Catherine Hudgins  
David LaRock  
Ron A. Meyer

**Staff Present**

Kate Mattice, Executive Director  
Matt Cheng  
Karen Finucan Clarkson  
Andrew D’huyvetter  
Nobuhiko Daito  
Joey de St. Aubin  
Rhonda Gilchrest  
Dan Goldfarb  
Patricia Happ  
Scott Kalkwarf  
Aimee Perron Siebert  
Steve MacIsaac (counsel)  
Doug Allen (VRE)  
Joe Swartz (VRE)

### Opening Remarks

Chairman Smedberg welcomed everyone to the September 6<sup>th</sup> NVTC meeting. He acknowledged WMATA Board Chairman Jack Evans, who is present to discuss WMATA issues.

Chairman Smedberg stated that there is one change to the Agenda. The Commission will not be taking action on the letter to WMATA regarding parking policies, but rather have a discussion on the topic and will likely seek action at a future Commission meeting. WMATA has announced a delay in its public hearing, so staff anticipates more information will be available prior to the need to submit public comments.

### Oath of Office for New Commissioners

Chairman Smedberg announced that the Speaker of the House has appointed James M. LeMunyon, Raul “Danny” Vargas and M. David Skiles to serve on NVTC. He welcomed Mr. Skiles and Mr. Vargas to the meeting and noted Mr. LeMunyon was unable to attend.

Chairman Smedberg administered the oath of office to Mr. Vargas and Mr. Skiles. They both introduced themselves and Commissioners welcomed them to NVTC.

### Minutes of the July 5, 2018 NVTC Commission Meeting

Mr. Snyder moved, with a second by Ms. Garvey, to approve the July 5, 2018 Minutes. The vote in favor was cast by Commissioners Bulova, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Lovain, McKay, Meyer, Smedberg, Snyder and Vargas. Commissioners Letourneau, Skiles and Wexton abstained.

### Washington Metropolitan Area Transit Authority

Discussion with WMATA Board Chairman Jack Evans. Chairman Smedberg introduced WMATA Board Chairman Jack Evans, who also serves on the District of Columbia City Council. Mr. Evans thanked the Commission for letting him attend to give an overview of where WMATA is and where it is going. He observed it is a phenomenal achievement that there is now dedicated funding for WMATA.

Mr. Evans gave a brief history of WMATA, including how maintenance was deferred for many years resulting in the current challenges WMATA faces to restore the system. He observed that WMATA has made a lot of progress, but there is still more to do. Under the leadership of WMATA General Manager Paul Wiedefeld much work has been done, including a new management team, a change in the culture at WMATA, new railcars, and system improvements to tunnels, ties and stations. However, all of this has come at a high price tag.

Mr. Evans noted that the new dedicated funding is for capital needs, which will help keep the Metro system in a state of good repair, but there is still approximately \$3 billion in unfunded pension liability and other post-employment benefits (OPEB). He stated that if WMATA does nothing to solve this funding issue, within 5-10 years the operating budget will face severe fiscal challenges. He suggested two possible solutions: 1) the jurisdictions come up with the funding, which is not really a feasible option, at least from the District of Columbia's perspective; and 2) ask Congress to transfer WMATA's pension assets and liability to the federal government.

Mr. Evans also identified two large capital projects that are currently unfunded. Even with the passage of dedicated funding, the Rosslyn Tunnel is an unfunded expansion need that is required to address capacity constraints imposed by the existing Metrorail tunnel between Rosslyn and Foggy Bottom-GWU. Additional new services, like the Silver Line Phase 2, will add additional pressure to capacity in this corridor. The estimated cost of this project is \$5 billion. The Red Line tunnel is leaking which results in fires, so WMATA is looking at encapsulating the tunnel between the Dupont Circle and Medical Center Stations at an estimated cost of \$3-5 billion.

Mr. Evans then spoke to the recent Board of Arbitration ruling on the labor agreement impasse between ATU Local 689 and WMATA. The arbitrators did not adopt any of WMATA management's positions and did not make any changes to the existing pension system. The ruling includes an \$82 million wage increase over the next two years. Mr. Letourneau noted that at some point the calculation needs to be made to the unions that having a job is more important than benefits that cannot be funded. Mr. Corcoran stated WMATA is looking at more privatization where possible because WMATA cannot afford to hire new employees at these rates.

Mr. Evans stated he is not asking the Commission for any action, but just wants NVTC to be aware of the issues WMATA is facing since these are issues that need to be solved collectively.

Senator Ebbin asked what happens to traffic through the Rosslyn Tunnel when the Silver Line Phase 2 becomes operational. Mr. Evans explained that it will take trains longer to get through the tunnel, thus lengthening commute times. Mr. Corcoran stated tunnel capacity is 28 trains per hour and WMATA is currently operating 26 trains, so there is not much room for additional capacity. Chairman Smedberg observed that the Rosslyn Tunnel issue not only impacts Orange and Silver Line riders, but also Yellow and Blue Line riders as the Blue Line shares the tunnel.

Mr. McKay observed that there is concern about next summer's anticipated major shutdown of Metrorail service and he implored the WMATA Board to put together an incentive package, such as free parking and/or reduced fares to attract riders to come back. Some of Virginia's parking facilities, especially on the Blue and Yellow Lines, are already at half capacity because of the combined cost of parking fees and high fares so that it becomes no longer economical to take Metro, especially for long-distance riders.

Mr. Evans stated that public transportation only works if it's convenient, reliable and affordable. As a potential solution, he advocated for a flat fare. It would cost WMATA \$300 million in lost fare revenue for the first year, but he speculated whether ridership would increase enough to make it feasible in the long run. He stated that WMATA needs to be thinking outside of the box on these types of issues.

Mr. Snyder asked how WMATA moves forward to address these financial issues. Mr. Evans reiterated asking the federal government to help with the pension liability, since he doesn't see the region to be able to come up with additional funding. He stated that the Metro system carries a substantial percentage of the federal workforce in the region, and that the federal government does not contribute any operating funds. He added that one way it could contribute would be to take over the pension liability. The \$10 billion in unfunded projects (Rosslyn Tunnel and the Red Line) should be discussed by local boards and councils to seek solutions.

Mr. Meyer observed that when the federal government increased the transit subsidy to \$240, ridership rates went way up. He suggested asking Congress to raise the subsidy to \$400 (or more) because it incentivizes people to use transit.

Report from the Chairman of the Interim WMATA Committee. Chairman Smedberg reminded Commissioners that the Interim WMATA Committee was created to immediately begin focusing on responding to NVTC's new WMATA oversight and reporting responsibilities as required under the HB1539/SB856 (2018). The committee is to provide guidance on the proposed CTB policy statement; provide feedback to NVTC staff on the initial NVTC WMATA Performance Report, which is due November 1<sup>st</sup>; and provide immediate support to NVTC's WMATA Board member in advance of the FY2020 budget cycle occurring this fall. This committee is just interim and a formal WMATA Committee will be established through changes to the NVTC By-Laws.

Chairman Smedberg stated that the Interim WMATA Committee met for the first time on August 2<sup>nd</sup> and will continue to meet through this calendar year on the third Wednesday of the month at 8:30 A.M. at NVTC's offices. The November and December committee meetings may need to be modified since the WMATA Board schedule will change due to holidays.

Chairman Smedberg stated the Interim WMATA Committee recommends the Commission approve Resolution #2365, which is NVTC Support of CTB Policy and Guidelines for Implementation of Governance and Funding Reforms for WMATA. He asked DRPT Director Jennifer Mitchell to speak to the CTB policy.

Ms. Mitchell explained that the HB1539/SB856 legislation includes a number of potential withholding provisions. The purpose of the CTB policy and guidelines is to have a clear set of procedures the Commonwealth Transportation Board can use in the future to determine whether a withholding action is necessary. It provides value in being transparent and having a process to provide documentation to the Commonwealth. The CTB is expected to take action on the policy and guidelines at its September meeting.

Mr. Letourneau moved, with a second by Mr. Skiles, to approve Resolution #2365 (copy attached). The vote in favor was cast by Commissioners Bulova, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Letourneau, Lovain, McKay, Meyer, Skiles, Smedberg, Snyder, Vargas and Wexton.

Comments on WMATA Parking Pilots and Other Parking Programs. Chairman Smedberg reminded Commissioners that no action is being requested at this time. He observed that the draft letter is a perfect example of how NVTC can provide WMATA with a single Northern Virginia message on its policies, as well as an area where the new Interim WMATA Committee can be a venue for focused regional deliberations and discussions.

Chairman Smedberg reported that the Interim WMATA Committee discussed the parking policies at its August 2<sup>nd</sup> meeting. The committee expressed general support of continuing WMATA's parking pilot to extend the weekday hours of revenue collection and the reduction of parking fees at stations with low utilization. However, the committee noted concern regarding the parking charges on the weekends (with the exception of special events). The committee also shared concerns with the implementation of a non-rider fee for stations where other public transportation services (i.e., local bus or commuter rail) are used by customers. The draft letter reflects the committee's discussion.

Mr. Letourneau expressed his opinion that he does not quite recall the committee discussion having the same tenor as the letter. There were differing views on parking charges, but he wouldn't call it "strong concerns." He has determined that Loudoun County did assume parking charges on weekends as part of its financial models, as well as the impact on the county's relationships with private developers. County staff is concerned about consistency with WMATA parking policies and what is happening in the private sector. There is also a concern about potential impacts to airport parking if airport users park at Metro stations near Dulles Airport instead of at the airport. He stated that Loudoun County can continue to support charging for parking on the weekends understanding that it could impact ridership. Chairman Smedberg agreed there was a general expression of support in continuing the pilot program.

In response to a question from Mr. Skiles regarding underutilized parking facilities, Mr. Dorsey stated that NVTC's monthly WMATA Report includes parking utilization information.

Report from the Virginia WMATA Board Members. Mr. Corcoran stated the WMATA Board has not formally met since July. Next week's board meeting will operate under the new board structure. There are now just two major committees besides the Executive Committee. He serves as the chairman of the Finance and Capital Committee and Mr. Dorsey is a member of the Safety and Operations Committee.

Mr. Corcoran announced WMATA has issued a RFP for the design and manufacture of 8000 series railcars. Railcar orders won't be placed until the end of 2019. WMATA will continue to replace 2000 and 3000 series railcars with arriving 7000 series railcars and the future 8000 series.

In response to several questions, Mr. Dorsey provided more information about the Board of Arbitration decision on the labor agreement impasse between ATU Local 689, WMATA's largest union, and WMATA. The award raises wages for represented employees by an annual average of 1.6 percent over four years, increasing operating expenses by \$82 million. It is retroactive to FY2017. The first-year (FY2017) wage increase is zero percent, one percent for FY2018, 2.5 percent for FY2019, and an average 2.3 percent for FY2020. The award also increases employee healthcare coverage contributions, for which WMATA expects to save \$21 million. There were no changes to the current pension structure, but he stated that hopefully the pension issues can be revisited sooner than later. WMATA also reached a labor agreement with its second largest union that provides modest wage increases in exchange for greater employee contributions to healthcare.

Mr. Corcoran asked Ms. Mitchell to speak to the Metro Safety Commission (MSC). Ms. Mitchell reported that today the Federal Transit Administration (FTA) issued a press release that describes the process that will take place for FTA to review the MSC certification documentation and begin the transition process for safety oversight from FTA to the MSC. Ms. Mitchell stated the MSC is scheduled to meet on September 10<sup>th</sup> and expected to authorize the executive director to submit final documentation required for certification. She assured Commissioners that the press release is good news and part of the transition process. She is confident that the MSC will meet the April 2019 deadline. In response to a question from Chairman Smedberg, Mr. Dorsey stated that the MSC is expected to meet with the WMATA Board later in September.

Mr. Vargas asked if there are other significant WMATA capital projects in the out years. Mr. Corcoran stated that over the next few years there will be major station improvements across the system, major work needed on the Red Line as Mr. Evans described, procurement of railcars, and ongoing other capital projects. In response to another question from Mr. Vargas, Mr. Corcoran explained the proposed Purple Line is not a WMATA project.

Ms. Garvey asked about the status of the concrete issue on the Silver Line Phase 2 project. Mr. Corcoran explained that it is a Metropolitan Washington Airports Authority (MWAA) issue, since they are building the Silver Line. However, WMATA engineers are working closely with MWAA. Mr. Dorsey stated WMATA is looking for surety bonds or some other type of instrument so that if issues manifest once WMATA takes over, it won't be a financial burden to WMATA.

Mr. Letourneau asked if WMATA can collectively bargain the pension issue. Mr. Dorsey explained that this was WMATA's proposal allowing the pension to continue for current employees but to enroll future employees into 401k accounts. The Board of Arbitration would not address the pension issue, so it remains unchanged.

Mr. Snyder suggested WMATA look at private sector funding options. He also asked the status of eight car trains versus six car trains and observed that WMATA will lose riders if six car trains continue to be overcrowded. Mr. Dorsey stated the current WMATA

acquisition of 7000 series railcars will effectively allow the system to have the ability to run all eight car trains, if demand is there.

### Proposed Changes to NVTC By-Laws

Ms. Mattice stated the proposed changes to the NVTC By-Laws reflect 2018 General Assembly action and the discussion and actions taken at the June 22<sup>nd</sup> Strategic Retreat. The following recommended changes are the result of discussions by the Executive Committee, with the assistance of staff and counsel:

- Revise language in Section 2.C. regarding NVTC's four members representing the House of Delegates to align with the General Assembly budget amendment passed during the 2018 Session which amended Virginia Code Section §33.2-1904 to allow the Speaker of the House to appoint non-House members to NVTC.
- Revise language in Section 5.B(1) regarding NVTC Officers, adding "The chairman shall not also be an appointee to the WMATA Board of Directors as a principal member."
- Add new and revised language in Section 10 regarding NVTC's Committees to:
  - Articulate general provisions for all committees;
  - Revise the membership and provide technical clarification to the charge of the Executive Committee; and
  - Establish standing committees for WMATA, Legislative and Policy, and Program Advisory, with language on membership, charge and structure for each committee.
- General technical and conforming edits.

Ms. Mattice reported that the Executive Committee met prior to this meeting and has provided several more edits to the proposed draft version. She reviewed these changes with the Commission:

1. Page 3, Section 2.C. to read "The General Assembly of Virginia is represented by two senators, appointed by the Senate Committee on Rules, and four delegates or as otherwise designated by the Speaker of the House of Delegates."
2. Page 6, Section 10.B.1. and Page 8, Section 10.D.1. "non-voting" replaces "ex-officio".
3. Page 7, Section 10.B.3.f. delete proposed change and return to original by-law text.

4. Page 7, Section 10.B.3.h. redline “or establish the” to reflect words not original text and are included in proposed change.
5. Page 8, Section 10.C.2.c. delete proposed “interests and” so sentence reads “Ensure that member jurisdictions’ issues are elevated to WMATA when appropriate.”
6. Page 8, Section 10.C.3. delete proposed “monthly and at such additional times as may be...to coordinate” and add “as” and “to align” for sentence to read “Meetings: The WMATA committee shall meet as necessary to align with activities of and decisions coming before the WMATA Board of Directors.”
7. Page 8, Section 10.D.2.c. delete proposed “legislative staff and members at the” and replace with “appropriate” and delete proposed “level both during and outside of session” and replace with “entities as needed” for sentence to read “Meet with appropriate state and federal entities, as needed.”

Senator Wexton asked if some of the by-law changes are to memorialize practices and not the result of legislative changes. Ms. Mattice replied that some changes are the result of discussions at the Strategic Retreat about sharing leadership roles within the Commission and not having one person serve multiple leadership roles, as well as having geographical representation on committees.

Mr. Snyder suggested adding the following wording to Section 10.A.3 “All NVTC members may attend any and all committee meetings.” Ms. Cristol observed that language is already included in Section 10.A.4.

There were no objections to these changes. In response to a question from Ms. Bulova, Ms. Mattice stated the Commission will be asked to vote on the proposed by-law changes at the October Commission meeting.

### Commonwealth Transportation Board Testimony

Ms. Mattice stated that the Commonwealth Transportation Board (CTB) will meet September 17-18, 2018 and will consider a prioritization process for allocating funds for state transit capital projects. The new approach was mandated by the omnibus transit funding bill (HB1539/SB856). A 45-day public comment period on DRPT’s proposed process begins on September 10<sup>th</sup>. She explained that DRPT’s proposed process, while reasonable given the legislative requirement, will create fiscal uncertainty for the Virginia Railway Express and Northern Virginia’s six local bus systems.

Ms. Mattice stated that NVTC’s testimony speaks to the Northern Virginia’s transit agencies’ need for predictable funding so that they can replace old buses, upgrade dated technology, and maintain a reliable fleet; notes that the proposed prioritization process is a significant break from the predictable flow of funding that transit agencies rely on to invest wisely; calls attention to the fact that transit agencies will be at a disadvantage to



Virginia's district highway offices, which have predictable funding for their road maintenance and state of good repair activities; and suggests that the most appropriate application of a prioritization process would be for major expansion projects.

In response to several questions from Senator Wexton, Ms. Mattice explained that the proposal calls for 80 percent of funding to be allocated to state of good repair projects with the remaining 20 percent for major enhancement projects. The prioritization process will be evaluated based on asset age and condition, as well as service impact. Ms. Mitchell explained that the legislation requires a prioritization process be developed. DRPT's proposed process will provide predictability and ensure projects are funded at a level sufficient for them to move forward and be completed.

Ms. Bulova moved, with a second by Ms. Cristol, to authorize the executive director to present NVTC's testimony to the Commonwealth Transportation Board. The vote in favor was cast by Commissioners Bulova, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Letourneau, Lovain, McKay, Meyer, Skiles, Smedberg, Snyder and Vargas. Senator Wexton abstained.

#### Office Lease Amendment

Chairman Smedberg stated that the Commission is being asked to approve Resolution #2366, which would authorize the executive director to sign a second amendment to NVTC's office lease for an additional 2,387 feet to accommodate current and anticipated staff needs. Ms. Mattice explained that since the Commission approved an amended lease in March 2018 for a larger space on the second floor of the Navy League Building, NVTC was given additional responsibilities as a result of HB1539/SB856 as well as the Commonwealth directing NVTC to establish a transit demand management/outreach program for the I-66 Commuter Choice program.

Ms. Mattice explained that staff explored ways to modify the current second-floor space plan to accommodate NVTC's additional staff and storage needs but determined it would not provide adequate space resulting in NVTC needing to lease satellite space to accommodate staff and storage needs in the near future. There will be no financial impact of this amendment on NVTC's General and Administrative budget until March 2020, since provision of the lease give NVTC a full year of free rent for the first year. After March 2020, the net annual impact of this amendment on NVTC's General and Administrative budget will be approximately \$82,000 plus 2.5 percent/year base rent escalation. This increase equates to 2.6 percent of NVTC's FY2019 approved G&A budget.

Mr. Letourneau asked if staff is confident that the amount of space will be sufficient for the term of the lease. Ms. Mattice replied yes since there is some surplus space that will allow for growth.

Mr. McKay moved, with a second by Mr. Corcoran, to approve Resolution #2366 (copy attached). The vote in favor was cast by Commissioners Bulova, Corcoran, Cristol,

Dorsey, Ebbin, Foust, Garvey, Letourneau, Lovain, McKay, Meyer, Skiles, Smedberg, Snyder, Vargas and Wexton.

#### I-66 Commuter Choice Update

Patricia Happ, program manager, updated the Commission on the latest developments of the I-66 Commuter Choice program, in anticipation of several upcoming actions items at the October meeting, when the Commission will be asked to authorize the executive director to submit the NVTC I-66 Commuter Choice Program FY2018 Annual Report to the Commonwealth Transportation Board (CTB); presented with the results of the re-examination of the I-66 Commuter Choice program prioritization and evaluation criteria; and asked to authorize the issuance of this year's I-66 Commuter Choice program Call for Projects.

Ms. Happ stated that the I-66 Commuter Choice Commissioner Working Group met prior to this meeting to provide feedback to staff on the prioritization process and evaluation criteria.

#### Northern Virginia Transit Response Coordination Program Update

Ms. Mattice introduced NVTC's new Program Analyst, Matt Cheng, who is managing the Northern Virginia Transit Response Coordination program. Mr. Cheng served as a transit fellow before becoming a permanent staff member.

Mr. Cheng provided a brief update on NVTC's Northern Virginia Transit Response Coordination program (formerly known as the Emergency Preparedness program). He explained that this program originated in 2003, when NVTC saw the need for a regional effort to bring together local transit operators, emergency personnel and other government agencies to coordinate emergency response for incidents at Metrorail stations. During 2003-2007, NVTC convened regular working group meetings, comprised of first responders and transit operators to help develop the first set of regional emergency coordination plans. In the years following, each agency updated their own set of emergency transit plans. WMATA, with assistance from NVTC jurisdictional staff, developed its Emergency Response Evacuation Plans (EREPs), which are detailed evacuation protocols for each Metrorail Station in the system.

Mr. Cheng explained that WMATA's EREPs and many prior NVTC emergency preparedness efforts were only focused on how to actually evacuate people from the station and did not possess enough detail about coordinating alternate transit service for riders between/away from stations once they were evacuated in the event of an emergency or station bypass. In 2015, NVTC's own Emergency Preparedness program was reconfigured to address this problem, to develop regional surface transit plans to complement the station evacuation protocols (EREPs) that were already in place. Since then, NVTC has been convening regular meetings of a regional transit coordination group to develop clear and consistent plans for bus bridge operation and alternate transit service

between Metrorail stations in the event of service disruptions. At this same time, NVTC led another coordinating effort for the SafeTrack surges in which NVTC brought some of the same stakeholders from the Emergency Preparedness Group and the same regional transit operators together to plan mitigation efforts.

Mr. Cheng stated that NVTC staff saw tremendous value in bringing the right expertise to the table and these regular meetings helped set the early precedent and structure for regional cooperation for events like SafeTrack surges. The scope of the program was changed to better address the current service conditions and needs of local transit operators. Instead of planning only for emergency situations, where there is a physical incident, NVTC also served as a resource for facilitating planning sessions on scheduled service disruptions and major Metrorail capital work.

Mr. Cheng reported that over the past couple of months NVTC staff have been updating the original Northern Virginia Bus Bridge plans with WMATA and local transit agencies as well as updating efforts to coordinate operator response for future service disruptions. Staff have taken WMATA's proprietary turn by turn directions for its bus bridge operations, analyzed and translated them into map form and also discussed the operating logistics with local agencies to create a standardized framework for responding to disruptions at Metrorail stations, whether those disruptions be planned capital work or unplanned emergencies.

Mr. Cheng reported that NVTC has just about completed all the station bus bridge plans for Arlington Metrorail stations and will soon be moving on to finalizing Fairfax County and the City of Alexandria stations. NVTC has been preparing for services changes in the upcoming year by holding coordination calls with local jurisdictions and stakeholders to plan for upcoming service disruptions, this includes planning for the summer 2019 Yellow and Blue Line work, Metrorail capital work in the fall and spring, as well as the 2020 Silver Line Phase 2 opening.

In response to a question from Mr. Vargas, Mr. Cheng responded that each jurisdiction conducts its own table top exercises and WMATA conducts one every quarter. NVTC staff participates and makes sure all systems are on the same page. Ms. Mattice stated that because of all the work that has been done, it has been an easy pivot to begin to plan for next year's Metrorail service disruptions.

#### FY2018 4<sup>th</sup> Quarter Ridership Report

Mr. Daito reported that the FY2018 4<sup>th</sup> Quarter Ridership Report shows that ridership among Northern Virginia transit agencies increased one percent in the 4<sup>th</sup> quarter of FY2018 when compared to the same time period in FY2017. Ridership of Metrorail, VRE, and DASH increased by four percent, one percent, and two percent, respectively, while other systems experienced ridership decreases.

## Department of Rail and Public Transportation

Ms. Mitchell referred Commissioners to her written report, which covers recent DRPT activities.

## Virginia Railway Express

Chairman Smedberg stated there are no VRE actions items this month. He asked Mr. Allen to give his CEO Report.

Mr. Allen reported that VRE continues to be on schedule to meet the December 31, 2018 Positive Train Control (PTC) deadline. VRE is currently scheduling interoperability testing with the host railroads through November. VRE will submit paperwork to the Federal Railroad Administration for an extension just in case it is needed.

Mr. Allen reported on-time performance (OTP) was down to 77 percent for the month of July, primarily due to weather issues of flooding and high winds. VRE's L'Enfant Mid-Day Storage project has been completed, so VRE no longer needs to dead-head trains to Manassas during the day. He also noted that VRE submitted a BUILD grant application for final design of the L'Enfant Station improvements. If awarded, VRE will consider using Commuter Rail Operating and Capital (CROC) funds for the \$3 million required match.

Mr. Allen reported that VRE conducted its annual customer service survey back in May 2018 and the results of the survey are very positive. VRE achieved all-time high satisfaction ratings in several categories, including Responsiveness of VRE staff (94 percent), Overall Service Quality (93 percent), and Overall Crew Performance (95 percent).

Mr. Allen reported that the VRE Operations Board endorsed the site located north of the Broad Run Station and Norfolk Southern (NS) tracks as the preferred location for expanded station parking. Adding the north site location will provide access to the station from both sides of the tracks, as well as an alternate to the Piper Lane entrance.

In response to a question from Mr. Skiles, Mr. Allen stated that one of the biggest challenges facing the region is next year's anticipated shutdown of Metrorail service. VRE continues to look for options to provide more service during the service disruptions. VRE is continuing to coordinate with the host railroads. Ms. Cristol noted VRE retained riders during the past SafeTrack surges.

## Executive Director Report

Ms. Mattice reported that it was a busy summer for staff as they worked on follow-ups from the Strategic Retreat. There were also important meetings, including the I-66 Commuter Choice Staff Working Group, the first Interim WMATA Committee meeting,

and an Executive Committee meeting to review changes to NVTC By-Laws. She also met with multiple transportation directors of the jurisdictions to discuss transit issues of importance to those jurisdictions.

Ms. Mattice stated that the summer was also a busy time recruiting for new staff positions. Ms. Mattice announced that Allan Fye has accepted the position of director of programs and policy. Mr. Fye comes from the City of Alexandria where he served as the division chief of transit services. He will start September 17<sup>th</sup>. As was previously announced, Matt Cheng has also joined the staff as a program analyst. She introduced a new transit fellow, Joey de St. Aubin, who is a recent graduate of Georgia State University and will be supporting NVTC's communications activities.

Ms. Mattice reviewed several upcoming events. The Transit Service Delivery Advisory Committee (TSDAC) meets on September 7<sup>th</sup>. The next phase of TSDAC deliberation will focus on the allocation of state operating funds for transit. She will continue to work closely with jurisdictional staff to make sure all questions and concerns are addressed with this next round of deliberations. DRPT will present a recommended approach for state operating funds to the CTB by the end of this calendar year.

Ms. Mattice stated she has been asked to join the Strategy Advisory Panel (SAP) for the Bus Transformation Project, a regional effort to develop a unified vision, strategies, and an action plan to update the Washington region's business model for running a sustainable bus system. Dan Goldfarb is a member of the technical team. The first SAP meeting will occur at the Project Kickoff Summit on September 12, 2018.

Ms. Mattice announced the Joint NVTC-PRTC Legislative Briefing will be held on Monday, December 10<sup>th</sup> at the Embassy Suites in Springfield (new location).

In response to a question from Mr. Snyder, Ms. Mattice stated the Commission will be briefed later in the fall on NVTC's Transit Boardings Estimation and Simulation Tool (TBEST), which is part of NVTC's Regional Bus Agenda, and the Envision Route 7 Conceptual Engineering project.

Chairman Smedberg announced the Commission will have a closed session at the October meeting to discuss the VRE CEO's performance evaluation. Ms. Mattice's performance review will be discussed in closed session at the November meeting. Chairman Smedberg will be sending out executive director evaluation materials to Commissioners.

Adjournment

Without objection, Chairman Smedberg adjourned the meeting at 9:09 P.M.

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

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Paul C. Smedberg  
Chairman

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Katie Cristol  
Secretary-Treasurer



## RESOLUTION #2365

**SUBJECT:** NVTC Support of CTB 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;

**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;

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

**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 in advance of the Silver Line Phase 2 becoming operational;

**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 NVTC;

**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;

**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;

**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 33.2-1526.1(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



**RESOLUTION #2365 cont'd**

Board of Directors has not adopted bylaws that would prohibit such participation by alternate directors.

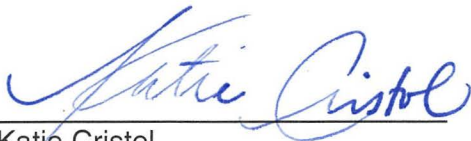
- ii. The eighth enactment requires that, beginning July 1, 2019, the CTB shall withhold 20 percent of the funds available each year unless (i) WMATA has adopted a detailed capital improvement program covering the current fiscal year and, at a minimum, the next five fiscal years, and at least one public 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 three 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:** The Department of Rail and Public Transportation actively engaged NVTC, its staff and its jurisdictions in the development of the proposed policy; and

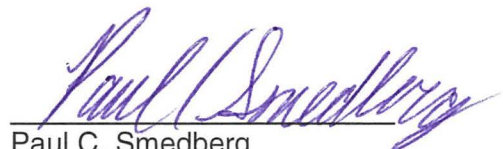
**WHEREAS:** It is in the best interest of the CTB, NVTC, and the jurisdictions that are WMATA Compact funding partners to ensure that WMATA receives the full allocation of funding from the Commonwealth Mass Transit Fund that is distributed by the NVTC on behalf of its jurisdictions.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby supports the attached policy and guidelines proposed for approval by CTB at its September 2018 meeting to guide in future CTB decisions related to the Governance and Funding Reforms for the Washington Metropolitan Area Transit Authority enacted by the General Assembly of Virginia in 2018.

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



Katie Cristol  
Secretary-Treasurer



Paul C. Smedberg  
Chairman



Excerpt from the Commonwealth Transportation Board's Resolution: Approval of Policy and Guidelines for Implementation of Governance and Funding Reforms for the Washington Metropolitan Area Transit Authority (WMATA)

**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 in regards to the activities of alternate directors. 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 no 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 limited 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 major capital project approved by the WMATA Board before or after the effective date of this provision.
    - i. Includes operating subsidy increases related to major capital projects that improve WMATA's state of good repair, support a major system expansion project (such as the planned Potomac Yard Metrorail Station in Alexandria and the Silver Line Metrorail Phase 2 project in Fairfax and Loudoun Counties), and respond to service disruptions caused by implementation of approved capital projects to address state of good repair needs or from emergency system shutdowns.
  - 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 funded in whole by one or more WMATA member jurisdictions and/or from other non-WMATA funding sources.
  - e. Regularly-scheduled adjustments of the inputs to the regional subsidy allocation formulas by WMATA.
3. WMATA shall provide a written notification to the CTB no later than 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.
6. Given that the condition of the WMATA system may change over time, the CTB will consider revisions and/or updates to these guidelines every two years.



## RESOLUTION #2366

**SUBJECT:** Authorize the Executive Director to Amend NVTC's Office Lease

**WHEREAS:** The Northern Virginia Transportation Commission resolved to amend the current office lease at the Navy League Building, 2300 Wilson Blvd., Suite 620 in Arlington on March 1, 2018 for a larger suite to accommodate its present needs;

**WHEREAS:** Due to recent developments, including the enactment of HB1539/SB856 (2018), the addition of a I-66 Commuter Choice TDM/Outreach program directed by the Commonwealth, and desired staffing levels as discussed at the June 2018 Strategic Retreat, NVTC's office space requirements have increased;

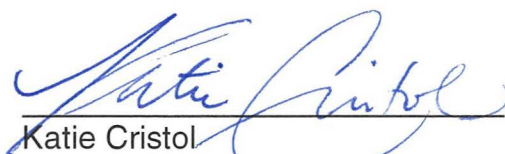
**WHEREAS:** NVTC is in a unique position where the new office suite under the first lease amendment is adjacent to vacant space, and the building management is willing to lease a portion of this space to NVTC;

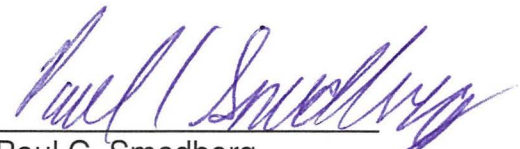
**WHEREAS:** The additional space will accommodate NVTC's current and future needs; and

**WHEREAS:** The second lease amendment provides an additional 2,387 square feet under the same terms as the first amendment, with a provision for the additional space rent free for the first year, and six months of escalated rent abated over the next six years.

**NOW, THEREFORE BE IT RESOLVED** that the Northern Virginia Transportation Commission authorizes its executive director to execute the second lease amendment, subject to final review by legal counsel, and such further non-substantive modifications as may be approved by the executive director in consultation with legal counsel, with an effective date of March 1, 2019, for an 8,302 square foot suite at the present location, for a period equal to that of the first lease amendment.

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

  
Katie Cristol  
Secretary-Treasurer

  
Paul C. Smedberg  
Chairman