

MINUTES
NVTC COMMISSION MEETING – DECEMBER 5, 2019
FIRST FLOOR LARGE CONFERENCE ROOM – 2300 WILSON BLVD.
ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Letourneau at 7:14 P.M.

Members Present

Canek Aguirre
Elizabeth Bennett-Parker
Richard Black
Sharon Bulova
John Cook
Katie Cristol
Christian Dorsey
Adam Ebbin
John Foust
Catherine Hudgins
James M. LeMunyon
Matt Letourneau
Jeff McKay
David Meyer
Ron A. Meyer
Jennifer Mitchell (Alternate, Commonwealth of Virginia)
M. David Skiles
Paul Smedberg
David Snyder
Raul "Danny" Vargas

Members Absent

Libby Garvey
David LaRock

Staff Present

Kate Mattice, Executive Director	
Matt Cheng	
Andrew D'huyvetter	
Matt Friedman	
Allan Fye	
Rhonda Gilchrest	
Dinah Girma	
Dan Goldfarb	
Patricia Happ	
Scott Kalkwarf	Jae Watkins
Tenley O'Hara	Steve MacIsaac
Ben Owen	Alex Thorup
Zach Smith	Rich Dalton (VRE)
Brittany Sumpter	Joe Swartz (VRE)

Opening Remarks

Chairman Letourneau welcomed everyone to the December 5th NVTC meeting. He reviewed the highlights and action items for the meeting. He also welcomed back Deputy Secretary of Transportation Nick Donohue, who is present to continue the discussion on proposed changes to the I-66 Memorandum of Agreement. Chairman Letourneau also noted that no Closed Session is needed at the end of the meeting. A copy of the proposed amendment to the executive director's contract has been provided to each Commissioner in a sealed envelope, which will be acted on at the end of the meeting.

Minutes of the November 14, 2019 NVTC Commission Meeting

Ms. Cristol moved, with a second by Ms. Bulova, to approve the Minutes of the November 14, 2019 meeting. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Black, Bulova, Cook, Cristol, Dorsey, Foust, Hudgins, LeMunyon, Letourneau, McKay, D. Meyer, R. Meyer, Snyder and Vargas. Commissioners Ebbin, Skiles and Smedberg abstained.

Recognition of Departing Commissioners

Chairman Letourneau announced that NVTC has eight Commissioners departing this month. Resolutions of commendation have been prepared for each one. He also stated that there is a cake to commemorate their departure that staff will pass out to Commissioners as he presents the Resolutions of Commendation.

Chairman Letourneau asked Mr. M. David Skiles to come to the front and noted that Mr. Skiles was appointed by the Speaker of the House of Delegates in August 2018 to serve on NVTC, with his term expiring on January 7, 2020. Chairman Letourneau recognized Mr. Skiles as a dedicated civic and community leader committed to improving the quality of life in Northern Virginia.

The resolution commending Mr. Skiles on his departure from NVTC was approved by acclamation. Chairman Letourneau presented a copy of the resolution to Mr. Skiles. (A copy of the resolution is attached.)

Chairman Letourneau called Mr. Raul "Danny" Vargas to the front and noted that Mr. Vargas was appointed by the Speaker of the House of Delegates in August 2018 to serve on NVTC, with his term expiring on January 7, 2020. Chairman Letourneau recognized Mr. Vargas for his congeniality and strong commitment to regionalism, as well as promoting sound policies to address challenges facing our transportation network today and in the future.

The resolution commending Mr. Vargas on his departure from NVTC was approved by acclamation. Chairman Letourneau presented a copy of the resolution to Mr. Vargas. (A copy of the resolution is attached.)

Chairman Letourneau called Mr. James LeMunyon to the front and noted that Mr. LeMunyon was appointed by the Speaker of the House of Delegates in August 2018 to serve on NVTC, with his term expiring on January 7, 2020. Prior to that, Mr. LeMunyon served on NVTC from 2014 – 2017 in his role as a member of the Virginia General Assembly representing the 67th District serving parts of Fairfax and Loudoun counties. Chairman Letourneau recognized Mr. LeMunyon for continuing to be a strong advocate for transparency in all aspects of government, as well as an advocate for transit and regional coordination.

The resolution commending Mr. LeMunyon on his departure from NVTC was approved by acclamation. Chairman Letourneau presented a copy of the resolution to Mr. LeMunyon. (A copy of the resolution is attached.)

Chairman Letourneau asked Senator Richard Black to come to the front and noted that Senator Black was appointed by the Virginia Senate to serve as a NVTC Commissioner in 2019 (he previously served on NVTC from 2012-2016). Senator Black has served as a member of the Virginia Senate since 2012 as the representative of the 13th District serving Loudoun and Prince William counties; and prior to that, he served as a member of the Virginia House of Delegates for the 32nd District representing Loudoun County from 1998 to 2006. Chairman Letourneau recognized Senator Black for being a dedicated public servant and long-serving legislator in the Virginia General Assembly and being able to effortlessly navigate challenging regional issues during his tenure at NVTC.

The resolution commending Senator Black on his departure from NVTC was approved by acclamation. Chairman Letourneau presented a copy of the resolution to Senator Black. (A copy of the resolution is attached.)

Chairman Letourneau asked Mr. Ron Meyer to come to the front and noted that as a Loudoun County Board of Supervisor, Mr. Meyer has served as a Commissioner of NVTC since July 2016, filling Loudoun County's second seat on the Commission created by HB181 (2016). Chairman Letourneau recognized Mr. Meyer as an advocate of smart investments in transportation infrastructure to reduce congestion and improve the economic outlook of the region. In addition to strong regional advocacy, he has been a strong advocate for the Washington Metropolitan Transit Authority's (WMATA) Silver Line Phase 2 project and ensuring Loudoun County residents realized the maximum return on their investment in WMATA.

The resolution commending Mr. Ron Meyer on his departure from NVTC was approved by acclamation. Chairman Letourneau presented a copy of the resolution to Mr. Meyer. (A copy of the resolution is attached.)

Chairman Letourneau asked Mr. John Cook to come to the front and noted that as a Fairfax County Board of Supervisor, Mr. Cook has represented Fairfax County on NVTC since 2010, serving as chair of the former Governance and Personnel Committee from 2017 – 2018. He was also appointed to the VRE Operations Board from 2010 – 2019, serving as its chair in 2015 and secretary in 2019.

Chairman Letourneau stated that while serving as chair of the VRE Operations Board, Mr. Cook guided the Operations Board in implementing recommendations of the 2015 VRE Management Audit, which included new governance models for the commuter rail system that have been instrumental in helping VRE achieve remarkable growth and the ability to provide safe, cost effective, and comfortable commuter rail service in Northern Virginia. NVTC and VRE have benefitted from Mr. Cook's ability to synthesize information and build consensus among his colleagues to reach the best conclusion to solve the most challenging issues facing the Northern Virginia region.

The resolution commending Mr. Cook on his departure from NVTC was approved by acclamation. Chairman Letourneau presented a copy of the resolution to Mr. Cook. (A copy of the resolution is attached.)

Chairman Letourneau asked Ms. Catherine Hudgins to come to the front. He noted that Fairfax County Board of Supervisor Catherine Hudgins has represented Fairfax County on the Northern Virginia Transportation Commission since 2004, serving as the chair of the NVTC WMATA Committee in 2019. As a thoughtful, steady and insightful leader who is a voice of reason and an agent for change, Ms. Hudgins has shown her dedication and advocacy for transit by serving as the NVTC principle director to the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors from 2008 – 2018, serving as Board chair in 2011 and 2012; and as the NVTC alternate director to the WMATA Board in 2004, 2018 and 2019.

Chairman Letourneau stated that as WMATA Board chair in 2011, Ms. Hudgins spearheaded several changes to improve WMATA's governance and oversaw a process in which the transit agency adopted its first-ever bylaws and modernized code of ethics during a turbulent time for the transit agency following a fatal train-on-train collision in 2009. She prioritized a safety culture, investing in the equipment, facilities and personnel needed to enhance safety, and establishing policies and procedures that enhance system safety during her tenure as WMATA Board chair. Ms. Hudgins also had a key role in ensuring the completion of the Metrorail Silver Line's first phase to Reston and securing an agreement that allowed for construction of the second phase to Dulles International Airport and Loudoun County.

The resolution commending Ms. Hudgins on her departure from NVTC was approved by acclamation. Chairman Letourneau presented a copy of the resolution to Ms. Hudgins. (A copy of the resolution is attached.) Commissioners gave her a standing ovation. He asked if Ms. Hudgins wanted to make any comments. Ms. Hudgins stated that it has been a joy to work with her fellow Commissioners over the years. She stated that NVTC has been a favored Commission for her to serve on because of its dedication to transit.

Chairman Letourneau asked Ms. Sharon Bulova to come to the front. He noted that Fairfax County Board of Supervisors Chair Sharon Bulova joined NVTC in 1988, serving as chair in 1996 and as secretary-treasurer in 2019. He noted that Ms. Bulova is the Commission's longest serving member, having made an indelible mark on transportation, especially public transit, in the region during her 30-plus years of service.

Chairman Letourneau recognized Ms. Bulova's efforts in founding VRE; bringing Metrorail to Tysons and Dulles International Airport; and advocating for high-quality transportation, which have all contributed greatly to Northern Virginia's quality of life and economic vitality. She is known as a congenial and pragmatic elected official who builds consensus by working individually with each of her fellow Commissioners.

Chairman Letourneau noted that Ms. Bulova is a founding member and the longest-continuously serving member on the Virginia Railway Express (VRE) Operations Board, where she has been instrumental in helping VRE achieve remarkable growth and the ability to provide safe, cost effective, accessible, reliable, convenient and comfortable commuter rail services. She also worked with her colleagues as chair of the Fairfax County Board of Supervisors to obtain the largest Transportation Infrastructure Finance and Innovation Act (TIFIA) loan ever issued by the federal government to help fund the \$5.8 billion Washington Metropolitan Transit Authority (WMATA) Silver Line project.

The resolution commending Ms. Bulova on her departure from NVTC was approved by acclamation. Chairman Letourneau presented a copy of the resolution to Ms. Bulova. (A copy of the resolution is attached.) Commissioners gave her a standing ovation. He asked if Ms. Bulova wanted to make any comments. Ms. Bulova stated that NVTC has been like a family to her over these many years. She joined NVTC when VRE was being studied and is proud now to see the service VRE is providing. NVTC as an organization has changed over the years and she is now leaving with NVTC in the most amazing place. Things are really happening at NVTC -- a key place to make positive changes to the region. She also observed that the issues that NVTC as a Commission wrestles with are not always easy and require collaboration among different jurisdictions, different parties, different perspectives, but it gets ironed out here at NVTC.

Consent Agenda

Chairman Letourneau stated that the Consent Agenda has one action item:

- A. Authorize the Executive Director to Issue a Request for Proposals for Creative Design Services

Mr. Skiles moved, with a second by Mr. R. Meyer, to approve the Consent Agenda. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Black, Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, Hudgins, LeMunyon, Letourneau, McKay, D. Meyer, R. Meyer, Skiles, Smedberg, Snyder and Vargas.

NVTC's FY2019 Audited Financial Statements and Compliance Reports

Mr. Kalkwarf introduced Mike Garber, partner with PBMares LLP, who conducted NVTC's audit for FY2019. Mr. Garber stated that he did not get a chance to present the results of the annual audit with the Executive Committee prior to this meeting.

Mr. Garber stated that PBMAres issued three opinions that are unqualified (clean) opinions on NVTC's financial statements, internal control of NVTC's financial reporting, compliance and other matters, and federal awards since NVTC received federal assistance during FY2019. Further, PBMAres did not identify any internal control deficiencies or other findings.

Mr. Garber commended Mr. Kalkwarf and his team for no journal entries this year. Mr. Garber also reviewed the management letter. He noted that there is a new table (page 53) in the audit which reflects the I-66 Commuter Choice program revenue.

Commissioners had no questions. Chairman Letourneau noted that the auditors are always available to answer Commissioners' questions concerning the audit.

Mr. Skiles moved, with a second by Ms. Bulova, to accept and authorize distribution of NVTC's FY2019 Audited Financial Statements and Compliance Reports. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Black, Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, Hudgins, LeMunyon, Letourneau, McKay, D. Meyer, R. Meyer, Skiles, Smedberg, Snyder and Vargas.

Proposed Amendments to the I-66 Memorandum of Agreement

Chairman Letourneau stated that a copy of a red-lined version of the proposed amendments to the I-66 Memorandum of Agreement (MOA) was handed out to Commissioners. He reminded Commissioners that NVTC entered into an agreement with the Commonwealth back in 2015 to accept a portion of the revenues from I-66 Inside the Beltway to select and fund projects that move more commuters through that corridor. To date, NVTC has allocated more than \$40 million in toll revenue funding to 36 projects that are moving 8,000 people through the corridor each morning.

In December 2017, the Commonwealth approached NVTC with a proposal to use a portion of the toll revenues to pay the debt service on major transit improvements that would include the Long Bridge and Metrorail improvements in Rosslyn. The Commission decided to postpone any decision at that time. Last month Secretary Donohue returned to talk about the Commonwealth's proposal which would, again, seek to use a portion of the toll revenues to fund capital projects – including the Long Bridge and Rosslyn Metrorail improvements.

Chairman Letourneau stated that he has asked Ms. Mattice and Deputy Secretary Donohue to walk Commissioners through the proposed changes of the MOA. It is still a work in progress, but the Commonwealth has requested NVTC signal a willingness to continue discussions with the Commonwealth into the new year, which is reflected in Resolution #2396. He explained that it does not bind NVTC to any agreement with the Commonwealth. Any changes to the proposed MOA would require approval by the Commission and the Commonwealth Transportation Board at future meetings.

Ms. Mattice reviewed the elements of current agreement with the Commonwealth – known as the Transform66: Inside the Beltway Project Memorandum of Agreement (MOA). She then reviewed the proposed changes to the MOA. She stated that as was presented at the last Commission meeting, the Commonwealth proposes to use revenues for debt service and pay-go expenses for specific transit capital improvements, with a current focus on the Long Bridge but allows for future opportunities for improvements related to improving Metrorail passenger throughput at Rosslyn. She reviewed the specific changes to sections of the MOA.

Chairman Letourneau stated that the Executive Committee had some discussion on the MOA and a concern was raised about the ability for NVTC to fund Rosslyn improvements in the future from a commitment standpoint with Long Bridge funding. Mr. D. Meyer noted that once the Long Bridge is done, then the focus can pivot to funding Rosslyn; however, it is important to be mindful not to use all the resources on Long Bridge and then struggle to fund other important projects.

Mr. LeMunyon asked if toll money is used for the Long Bridge, will the project be scored like other projects in the Commuter Choice program. Ms. Mattice stated that as the proposed amendments are currently drafted, only the portion of the toll revenue coming to NVTC would go through the scoring process as part of the Commuter Choice program. Mr. Donohue stated that there have been extensive studies of the Long Bridge regarding the project's impacts and benefits to the region. Mr. LeMunyon stated that regardless of how toll revenue is allocated, if some projects have to go through a scoring process, while other projects don't, that is not good policy.

Mr. Donohue stated that the Commonwealth is exploring the viability of using the federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan program, which provides favorable financing terms. Ms. Cristol asked several questions regarding the TIFIA program.

Chairman Letourneau raised a concern about the Commonwealth proceeding with their plan and then what happens if there is legal challenge and it is successful. Mr. Donohue observed that the Administration would not have let him come to NVTC to present these proposed amendments if they were unsure of the legality. The Commonwealth has extreme confidence that it will meet the Meeks criteria. If it is decided to sell debt, the Commonwealth will sell the debt, and the risk relative to that debt will reside with the Commonwealth or the bond holders. If there was a challenge, there would be no risk to NVTC. Chairman Letourneau stated his concern was more for the Commonwealth and not necessarily the Commuter Choice program.

Mr. Vargas stated that it seems the legal exposure is minimized based on what has been said, but he is more concerned about the public expectation exposure, making sure the Commonwealth is prepared to show the direct benefit of the Long Bridge to the toll payers from Loudoun County, western Fairfax County and Prince William County. He stated that the message needs to be very clear. Mr. LeMunyon stated that VRE clearly benefits from the Long Bridge project, but it is unfortunate that the Commonwealth's proposal creates winners and losers in Virginia. He believes that the people in Northern Virginia deserve better public policy. The Commonwealth needs to go back to the drawing board and come up with a win-win solution; the Commonwealth should not be funding VRE at the expense of all the other projects that won't get funded for the next 35 years.

Chairman Letourneau stated that he shares the concern that western Fairfax and Loudoun users are not going to see the direct benefit compared to the benefit others will see; however, there may be a way in the Commuter Choice program to offset that discrepancy. Mr. Snyder stated that his jurisdiction is also disadvantaged with traffic diversion, upcoming changes to HOV-3, and that reduced pot of Commuter Choice money could be used for projects that would not benefit his jurisdiction.

Mr. Skiles stated that the Long Bridge is a regional priority project, which has been discussed by the region for a long time. There are benefits to the project and a clear need for increased capacity. By investing in increased capacity for VRE, the entire transportation eco system benefits. He understands the concerns, but it is a necessary project that needs to be done.

Mr. Donohue observed that when the original proposal for using toll revenue for transit was presented to the Commission, it was anticipated that \$5-7 million would be available for the Commuter Choice program. The amount now being discussed is double of what was anticipated.

Ms. Mattice stated that the Commonwealth proposes to preserve a minimum payment of \$10 million per year plus 2.5% annual escalation to NVTC for the multimodal program. There are two items that appear to be missing from the proposed changes:

- The “waterfall” does not currently include language that clearly states that NVTC would receive any residual payments after debt service and pay-go commitments are made.
- In addition, the Commonwealth is proposing that NVTC receive an additional \$5 million per year plus 2.5% annual escalation from proceeds related to I-66 Outside the Beltway.

Mr. Donohue stated that it is the Commonwealth’s intent to include these changes in the MOA.

Chairman Letourneau asked for data on where the toll payers are originating from when they begin their commuter using I-66 Inside the Beltway. Deputy Secretary Donohue stated he can ask for this information to be compiled. Ms. Cristol stated that the discussion has lost the thread of what the Commuter Choice program is designed to offer in that it is not to benefit the people of certain jurisdictions from which drivers come from but to provide relief to the toll payers. Relief to the toll payer is when there are fewer cars on I-66, regardless of where they originated. If the Long Bridge results in more capacity for VRE, which takes more cars off the road, then the relief will result in lower tolls and/or more capacity on I-66. This is a benefit to all toll payers. Chairman Letourneau explained that he was asking because of the question of whether the Outside the Beltway toll funds can be used for Inside the Beltway projects. Ms. Cristol stated that is a valid question but cautioned that there is a risk to NVTC’s regionally focused Commuter Choice program if Commissioners try to make this a “tit for tat” about where individual projects are located. Mr. Dorsey agreed with Ms. Cristol and suggested that destination data is more critical to know where toll payers are going to identify projects that will provide relief. Mr. R. Meyer stated that then the Long Bridge project needs to be scored compared to other projects, which would be difficult to do.

Ms. Mitchell stated that the studies on the impact of improvements to the Long Bridge show that VRE ridership can double (1.9 million current annual riders to 4 million riders) and many of those

new riders would be otherwise driving on I-66. The new Long Bridge is a 100-year asset. She stated that NVTC has already discussed adding an annualization factor to the scoring of projects. Mr. LeMunyon suggested raising the price of a VRE ticket by \$3, which would result in an additional \$12 million a year. Deputy Secretary Donohue stated the Commonwealth is in the process of developing a financing plan for the Long Bridge and VRE is part of that process. Ms. Cristol stated that VRE will be finalizing its role in the financing plan, which is anticipated at \$12-13 million. It makes more sense for VRE to use capital funds instead of raising fares since there is a relationship between ridership and how high the fares can go before VRE loses riders.

Ms. Mattice reviewed the remaining proposed amendments, including relief on the operating assistance cap and other technical amendments. Since the Commonwealth proposes that the I-66 MOA be amended to match the I-395 MOA, many of the redlined changes are to align the drafting language to be consistent with the language of the I-395 MOA.

Ms. Bulova stated that it is not just about replacing a bridge; the Long Bridge is a game changer and will go way beyond increasing VRE capacity. It will ultimately open the opportunity for more commuter rail and more rail in general throughout the entire region. She appreciates the Commonwealth looking for ways to cobble together funding from various sources, including funding from the state for rail and not taking away from other sources. The region and the Commonwealth need to work together.

Chairman Letourneau asked about outstanding issues that need to be resolved. Ms. Mattice stated that language needs to be added about the Outside the Beltway payment, tighten up language about remaining revenues come to NVTC after the waterfall, and technical edits.

Ms. Bulova moved, with a second by Mr. McKay, to approve Resolution #2396, which supports ongoing discussions with the Commonwealth regarding the I-66 MOA.

Deputy Secretary Donohue stated that the Commonwealth takes seriously its relationship with NVTC. The Commonwealth would like to move forward with potential legislation during the next General Assembly Session regarding the Long Bridge. The Commonwealth does not want to move forward without some indication that NVTC in general is willing to continue discussing changes to the MOA.

Mr. Snyder stated that he is not against the Long Bridge project, but he is not in favor of funding the Long Bridge in this way and will vote against the resolution. Senator Black stated that he will not support the motion. From the standpoint of Loudoun County and western Fairfax County, he does not see what benefit his constituents gain from this. He believes that if NVTC votes to continue discussions, it is a vote in favor of making it happen. Mr. Foust stated that he will support the resolution but the message to the General Assembly should be that they need to identify new funding sources for transportation. Mr. LeMunyon agreed with Mr. Snyder in that he is not opposed to the Long Bridge project, but he believes the resolution will be interpreted by the General Assembly that NVTC will concede the toll revenue. Mr. Vargas expressed his support for the Long Bridge and finding creative ways to fund it, but he is not sure there needs to be a resolution at this time.

Chairman Letourneau stated that he understands the regionalism of the Long Bridge project. He also thinks it can be easier for some jurisdictions when they don't have constituents paying \$35 in tolls every day. It's a challenge to go back to those toll payers and justify how the tolls are being spent. The region needs to do a better job in addressing the benefits to the toll payers with all the projects. That said, Long Bridge is a project that cannot be done by a single jurisdiction, it requires many players and, in general, he is supportive of NVTC being a part of that.

Mr. R. Meyer expressed his support for the resolution. With Long Bridge, VRE expansion to Haymarket would be possible and also a game changer. If it will take thousands of people off I-66 each day, it will benefit Loudoun County commuters. His biggest concern is that it will lock the region into big tolls for 35 years.

The Commission then voted on the motion and it passed with a 15-4 vote. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, Hudgins, Letourneau, McKay, D. Meyer, R. Meyer, Skiles and Smedberg. The vote in opposition was cast by Commissioners Black, LeMunyon, Snyder and Vargas. (A copy of Resolution #2396 is attached.)

Commissioners Ebbin, D. Meyer and Skiles stepped out of the room.

Washington Metropolitan Area Transit Authority

Report from the Chair of the NVTC WMATA Committee. Ms. Hudgins reported that there was no committee meeting in November. The next NVTC WMATA Committee Meeting is December 18th at 8:30 A.M. The committee will be discussing WMATA's proposed FY2021 budget and reviewing a draft letter of comments. Pending the committee's review, the full Commission will consider the letter at its January meeting.

Report from Virginia WMATA Board Members. Mr. Dorsey stated that WMATA Board will hold a work session on the capital budget. He reviewed the general manager's proposed changes to the operating and capital budgets, including changes to bus service and extended service hours.

Senator Black left the meeting at 8:46 P.M. and did not return.

Mr. Smedberg reviewed the specific changes proposed for fares, transfers and discounts. He stated that jurisdictional staff have conveyed a strong desire for parity in the transfer policy between the local services and Metro system and he and Mr. Dorsey have asked WMATA to look at the policy and revenue implications of this. He also noted that WMATA's general manager is complying with the legislatively mandated 3% cap on operating subsidy. Budget deliberations will continue December through February, with Board adoption in March 2020.

Mr. R. Meyer expressed his dissatisfaction with first hearing about WMATA proposing to change station names in the media. It is problematic that Loudoun County, where one of the stations is located, was not notified or consulted directly by WMATA before it was announced in the media.

He hopes the WMATA Board will address this issue. Mr. Smedberg explained that WMATA was looking at revenue opportunities. He noted that there were lessons learned and the issue has been tabled. Mr. Foust also expressed his disappointment but was pleased with WMATA's response to table it and appreciate their response to his concerns. Mr. Dorsey stated that it was a process fail that all parties weren't brought to the table.

Senator Ebbin returned to the discussion at 8:52 P.M.

Mr. Snyder expressed his concern that the extended hours primarily benefit the District of Columbia but will be paid for by fare increases to Maryland and Virginia riders. Mr. Dorsey stated that the budget process will look at the entire budget with a keen eye of making sure Metro service serves everyone.

Mr. D. Meyer returned to the discussion at 8:55 P.M.

Mr. Cook stated that at the last meeting he politely asked about the Cinder Bed Road Garage strike and now 45 days later nothing has been done, which is not acceptable. He is extremely dissatisfied that his constituents still can't ride the bus. WMATA has a contract with Transdev, which has failed to do its job of providing service and in his opinion Transdev is in breach of contract. He believes NVTC should instruct the Virginia WMATA Board members to bring a motion before the WMATA Board. Mr. Dorsey stated that he would welcome direction from the Commission.

Mr. McKay stated that the frustration level is high because it is not clear why a breach of contract has not been declared. There is a sense of urgency to take action. He reminded Commissioners that the Cinder Bed contract was an experiment with privatization to save money and address the 3% cap. Maryland has a 3% cap too and he is not aware that Maryland has any privatization of its bus system. This was a deliberate decision by the WMATA Board and management to privatize this service and now there has been no service for over a month. There needs to be a justification of why Transdev is not in breach of contract. Ultimately, the issue at Cinder Bed is the reason Fairfax County is now dealing with issues with the Connector going on strike. It now puts at risk all the transit providers in the region.

Mr. Dorsey stated that the General Manager has been delegated the authority to negotiate and execute the contract, so the WMATA Board would not declare a contract to be in breach; the general manager would make that declaration. Mr. Cook stated that the WMATA Board still has oversight. He observed that within two hours of Transdev informing Fairfax County they would not deliver its contracted service for the Connector; the Fairfax County Board of Supervisors scheduled a meeting. WMATA has had 45 days to do something and nothing has been done.

Mr. Cook moved, with a second by Mr. R. Meyer, to direct Mr. Dorsey, as the Northern Virginia representative to the WMATA Board, to call for a motion at the WMATA Board meeting to hold Transdev in breach of contract regarding Cinder Bed.

Ms. Bulova stated that Fairfax County prepared a draft resolution for the Commission to consider, which references the Cinder Bed strike but also raises other concerns. Copies of the resolution

were provided to Commissioners. Mr. Cook requested his motion be kept separate from the resolution. Mr. McKay stated that he is prepared to vote in favor of both Mr. Cook's motion and the resolution.

Chairman Letourneau stated that Mr. Cook's motion will be voted on first.

Mr. Foust stated that he supports the motion, but there should be some caveat since no one has seen the contract. Mr. Cook agreed and if, in fact, legal counsel were to advise that Transdev was not in breach of contract, NVTC should not ask Mr. Dorsey to make the motion.

Mr. McKay observed that it is important not to just look at the date of the strike, since there were issues before that time (workers not reporting, constituents stranded, etc.). It is important to look at the impact on service for the duration of the contract.

The Commission voted to approve the motion. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Bulova, Cook, Cristol, Ebbin, Foust, Hudgins, LeMunyon, Letourneau, McKay, D. Meyer, R. Meyer, Snyder and Vargas. Mr. Dorsey and Mr. Smedberg abstained. (Mr. Skiles was not present for the vote.)

Ms. Bulova moved, with a second by Mr. McKay, to approve the following resolution prepared by Fairfax County:

SUBJECT: Concerns about Privatization of WMATA Services

WHEREAS: In exchange for providing \$154 million annually to the Washington Metropolitan Area Transit Authority (WMATA) for State of Good Repair needs, the Virginia General Assembly imposed a 3% cap on increases to WMATA's annual operating budget;

WHEREAS: WMATA's management has used, or is considering using, a variety of strategies to reduce annual operating costs, including privatizing the operations at the Cinder Bed Road Bus Garage and is considering privatizing the operations of the Metrorail Silver Line;

WHEREAS: WMATA's private operator and the union have been unable to agree to a labor contract;

WHEREAS: Employees at the Cinder Bed Road Bus Garage have been on strike for more than 45 days; and

WHEREAS: This disruption of service has created significant hardships for transit riders in Northern Virginia.

NOW THEREFORE BE IT RESOLVED that the Northern Virginia Transportation Commission (the Commission) hereby expresses concern about the two-tier wage and benefit structure that has been created by WMATA's decision to contract out the operations of the Cinder Bed Road Bus Garage.

BE IT FURTHER RESOLVED that the Commission urges WMATA management to take a more active role in resolving the labor contract at the Cinder Bed Road Bus Garage, so that bus service can be restored to passengers as quickly as possible.

BE IT FURTHER RESOLVED that the Commission urges that if WMATA Board intends to contract out the Metrorail Silver Line train operations, that it avoids the establishment of a two-tier wage and benefit structure between its own employees and a contractor's employees, which has created problems at its Cinder Bed Road Bus Garage.

BE IT FURTHER RESOLVED that the Commission requests that WMATA seek other strategies to reduce costs to limit its annual operating subsidy increase to 3%.

Mr. Skiles returned to the discussion at 9:11 P.M.

Ms. Bulova stated that the issue is not about not privatizing operations. Fairfax County has also contracted out other county services. However, in this case, there is a two-tiered wage and benefit structure at Cinder Bed so that WMATA employees are working next to contractor employees, but they are receiving different wages and benefits. It is not working and creating friction. Fairfax County wants to make sure this gets resolved and also wants to look ahead at the Silver Line service. WMATA intends to privatize service and the county is concerned that the same issues will result.

Mr. R. Meyer stated that Loudoun County has issues with the resolution. The first issue is that the resolution was not shared ahead of the meeting. There is also problematic language within the resolution.

Mr. R. Meyer made a motion to amend the resolution to delete from the second whereas clause "... and is considering privatizing the operations of the Metrorail Silver Line;" as well as delete the 1st, 3rd and 4th resolve clauses. Chairman Letourneau seconded.

Senator Ebbin asked that the motion be divided for each resolve clause, so he can vote for the resolve clause that "requests that WMATA seek other strategies to reduce costs to limit its annual operating subsidy increase to 3%."

Chairman Letourneau stated that with the greatest respect and understanding the urgency, this is not how NVTC operates. To have a policy decision dropped on the Commission with no notice or prior discussion, is unfair to Loudoun County, staff and the entire Commission. Given the urgency of what happened today with the Connector strike, he thinks taking some action at this meeting is appropriate but NVTC speaking for the entire region on a policy issue cannot happen this quickly. The reason he supports Mr. R. Meyer's amendment is that it takes out the policy references to privatization.

Mr. McKay stated that he can appreciate the chair's comments, but he supports the main motion and not the amendment. Fairfax County just had thousands of people stranded by the Connector strike. It will happen to other systems too. It would have been great to resolve the Cinder Bed issue 45 days ago and it would have been great to circulate the resolution a week ago. He explained that there are two employees at Cinder Bed doing the same job but getting different wages and benefits. This would not happen with a private employer or a local government. It is important for WMATA to take a second look at privatization for the Silver Line because at the end of the day, saving money is important but it is more important to move people. He is not saying don't do privatization of the Silver Line, but that WMATA needs to look at the issue before any decision is made. He stated that he would be happy to change some of the language in the resolution.

Mr. D. Meyer stated that looking back, it was all about a safety culture at WMATA, which cuts across all of this. A 3% operating cap on a complex system as Metro is nonsensical and bad public policy. He suggested going back to the General Assembly to raise the cap limit. He agrees with Mr. McKay's comments regarding two people working side by side and receiving different wages and benefits is not good policy. It is a seed that will bring about a bad safety culture. He cannot support the substitute motion.

Mr. Dorsey reminded the Commission that this privatization issue did not emerge 45 days ago. This issue has been known to all the players for a long time. Mr. Vargas stated that privatization can and does work when done properly. He asked if the first resolve clause was changed to a whereas clause would it be more acceptable to those opposed to the resolution. Mr. McKay disagreed with Mr. Dorsey and stated that knowing about privatization is different than agreeing to a two-tiered system. There were different ways WMATA could have privatized the service.

Senator Ebbin withdrew his request to sever.

Mr. LeMunyon asked if a resolution really needs to be passed tonight to allow Fairfax County and Loudoun County time to collaborate on a resolution. Mr. R. Meyer stated that he would accept this as a friendly amendment. Mr. McKay stated that it would be a terrible option for three reasons: deferring action would be interpreted as Commissioners are okay with 30 more days without service; there will be eight new Commissioners in January who won't know the issues; and the issue of privatization could come up at the WMATA Board before NVTC's next meeting. Mr. Smedberg stated he is not aware that it is on the agenda.

Ms. Cristol stated that she supports the substitute motion but noted that Ms. Bulova and Mr. McKay made excellent points about the problems with a two-tiered system. She can also support it one month from now and agrees with other Commissioners that this is a policy issue and having a divided vote muddles the message. She asked for Commissioner feedback on deferring the resolution.

Mr. Cook stated that he agrees with the chair's general statement about process as a general principle but noted that NVTC only meets once a month and situations can change rapidly. His number one concern is that people can ride the bus and this is above and beyond any other issue raised at this meeting. He expressed concern that this region is getting sucked into a proxy war. There is a nationwide battle between Transdev, the number one strike breaker contractor for transit in the county, and ATU, which is the number one union for transit workers in the country. He does not want to see this region as the "guinea pig" and battle ground for a union war. It will not be just Fairfax County affected as it will move to other transit systems. He suggested changing the wording in the second to last resolve clause from "avoid" to "consider challenges of" or "further evaluate."

Mr. Aguirre expressed his uneasiness with seeing the resolution for the first time tonight, but also understands the urgency. He asked if there is a way to give Mr. Dorsey some direction without taking formal action. Mr. Skiles suggested convening an ad hoc group to wordsmith the language of the resolution. Chairman Letourneau stated that is not possible with the Freedom of

Information Act requirements of a public meeting. Mr. Foust stated that he will oppose the amendment.

Chairman Letourneau suggested calling a recess and there were no objections. He recessed the meeting at 9:48 P.M. During the recess, Ms. Mitchell left the meeting and did not return. The Commission reconvened at 10:11 P.M.

Mr. R. Meyer withdrew his amendment from consideration. Commissioners were provided with a copy of the resolution from the main motion marked with changes. Ms. Bulova withdrew her main motion from consideration.

Ms. Bulova moved, with a second by Mr. McKay, to approve the original resolution, with the suggested changes. She read the new resolution into the record:

SUBJECT: Concerns about Privatization of WMATA Services

WHEREAS: In exchange for providing \$154 million annually to the Washington Metropolitan Area Transit Authority (WMATA) for State of Good Repair needs, the Virginia General Assembly imposed a 3% cap on increases to WMATA's annual operating budget;

WHEREAS: WMATA's management has used, or is considering using, a variety of strategies to reduce annual operating costs, including privatizing the operations at the Cinder Bed Road Bus Garage and is considering privatizing the operations of the Metrorail Silver Line;

WHEREAS: WMATA's private operator and the union have been unable to agree to a labor contract;

WHEREAS: Employees at the Cinder Bed Road Bus Garage have been on strike for more than 45 days; and

WHEREAS: This disruption of service has created significant hardships for transit riders in Northern Virginia;

WHEREAS: The Northern Virginia Transportation Commission (the Commission) hereby expresses concern about the two-tier wage and benefit structure that has been created by WMATA's decision to contract out the operations of the Cinder Bed Road Bus Garage and how it has resulted in service disruptions.

NOW THEREFORE IT BE IT RESOLVED that the Commission urges WMATA management to take a more active role in resolving the labor contract at the Cinder Bed Road Bus Garage, so that bus service can be restored to passengers as quickly as possible.

BE IT FURTHER RESOLVED that the Commission urges that WMATA evaluates the effects of a two-tier wage and benefit structure between its own employees and a contractor's employees in current and future contracting decisions.

BE IT FURTHER RESOLVED that the Commission requests that WMATA seek other strategies to reduce costs to limit its annual operating subsidy increase to 3%.

Mr. Dorsey observed that it would be more accurate in the first resolve clause to use "labor dispute" instead of "labor contract." There were no objections to this wording change.

The Commission then voted on the amended resolution and it was approved. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, Hudgins, Letourneau, McKay, D. Meyer, R. Meyer, Skiles, Snyder and Vargas. Commissioners LeMunyon and Smedberg abstained. (A copy of the resolution, now named Resolution #2399, is attached.)

Ms. Mattice suggested that due to the lateness of the hour, Mr. Cheng could give his presentation on Post Summer 2019 Shutdown Lessons Learned at a future meeting. There were no objections.

Report from the Chair of the Legislative and Policy Committee

Legislative and Policy Committee Chairman David Meyer directed staff to give the report. Mr. Smith gave a brief overview of the NVTC 2020 Legislative and Policy Agenda, which includes the changes suggested by Commissioners at last month's meeting.

Commissioners Hudgins and Smedberg left the meeting at 10:16 P.M. and did not return.

Mr. Aguirre moved, with a second by Ms. Cristol, to approve the 2020 Legislative and Policy Agenda. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, Letourneau, McKay, D. Meyer, R. Meyer, Skiles, Snyder and Vargas. Mr. LeMunyon abstained.

Mr. D. Meyer reminded Commissioners that the annual Joint NVTC-PRTC Legislative Briefing will be held on Monday, December 9th at 8:30 A.M. at the Embassy Suites by Hilton Springfield (8100 Loisdale Road, Springfield, VA). Ms. Mattice stated that the event will provide an overview of federal and state issues affecting transit in Northern Virginia. NVTC has invited Secretary of Transportation Shannon Valentine, WMATA General Manager Paul Wiedefeld, and VRE Chief Operating Officer Rich Dalton, to join NVTC Executive Director Kate Mattice and PRTC Executive Director Bob Schneider, to preview the policy issues and concerns of transit in Northern Virginia.

Ms. Mattice also noted that Virginia Transit Association Legislative Day is January 27, 2020 and Virginia Municipal League/Virginia Association of Counties Legislative Day is February 6, 2020. She also announced that NVTC will not hold a meeting on February 6th, so Commissioners are urged to participate in the VML/VACO day.

Virginia Railway Express (VRE)

VRE CEO Report. Acting CEO Rich Dalton gave his report. He reported that VRE operated 588 trains in November and of that total 125 trains were delayed. VRE's definition of delayed is a train that exceeds the five-minute threshold at the destination station. Seventy-two percent of those delays were due to rail congestion. This has become a real issue for VRE and its service reliability. Ridership for November dropped to 13,000, which is typical for the month of November. He also invited Commissioners to attend the December 14th Santa Trains. Tickets this

year sold out on-line within 3.5 minutes and within two hours at vendor locations. VRE also participates in the annual Marine Corps' Toys for Tots campaign.

VRE's FY2019 Comprehensive Annual Financial Report (CAFR). Ms. Bulova stated that the FY2019 audit was conducted by the firm of PBMares, LLP, the auditor for VRE, PRTC and NVTC. PBMares reviewed the statements and presented their opinion to the VRE Audit Committee prior to the November 15th Operations Board meeting, followed by a presentation to the full Operations Board. The audit opinion letter states that the VRE statements, in all material respects, fairly and accurately present the financial position of the organization. This opinion is the best outcome of a financial audit. Resolution #2397 would approve the VRE CAFR.

Ms. Bulova moved, with a second by Mr. McKay, to approve Resolution #2397 (copy attached). The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, LeMunyon, Letourneau, McKay, D. Meyer, R. Meyer, Skiles, Snyder and Vargas.

2020 VRE Legislative Agenda. Ms. Bulova stated that the VRE Legislative Agenda was presented as an information item at NVTC's November 14th meeting and is similar in content to NVTC's Legislative and Policy Agenda. Resolution #2398 would approve the agenda.

Ms. Bulova moved, with a second by Mr. McKay, to approve Resolution #2398 (copy attached). The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Bulova, Cook, Cristol, Dorsey, Ebbin, Foust, LeMunyon, Letourneau, McKay, D. Meyer, R. Meyer, Skiles, Snyder and Vargas.

VRE FY2021 Budget Update. Ms. Bulova updated the Commission on the FY2021 VRE budget. The preliminary FY2021 VRE budget presented to the Operations Board in September included a funding gap of \$2.1 million. Since that time, VRE staff was able to eliminate that funding gap and the budget is now currently balanced. VRE staff will continue to refine the operating budget assumptions as needed, but no major changes are expected. The final budget will be presented to the Operations Board on December 20th to be recommended for Commission approval at NVTC and PRTC's January meetings.

Department of Rail and Public Transportation

Chairman Letourneau noted that DRPT Director Mitchell had to leave so he encouraged Commissioners to read her written report.

Proposed FY2021 NVTC General and Administrative Budget and Proposed 2020 Work Plan

Chairman Letourneau explained that Commission action on the budget and Work Plan is not being requested at this meeting. They are just being presented as information items. However, at its meeting earlier in the evening, the Executive Committee approved the FY2021 G&A Budget and 2020 Work Plan for consideration by the Commission. The Executive Committee

recommends the Commission approve the budget version with an additional financial position. NVTC will hold a public hearing on the 2020 Work Plan at its January 16th meeting.

Mr. Kalkwarf reviewed the proposed FY2021 NVTC General and Administrative Budget document contains a base budget, as well as an option for the addition of a new financial staff position. The proposed budget includes resources to accomplish the NVTC Work Plan, including the administration of the I-66 and the I-395 Commuter Choice programs, oversight of WMATA, and increased financial management activities. The proposed budget totals \$3,656,100, including \$984,300 for the administration of the I-66 and I-395 Commuter Choice programs, which is funded entirely with toll related revenue, and \$2,671,800 for the remaining operating program which is funded by other sources, primarily from the member jurisdictions.

Mr. Kalkwarf explained that the total expenses are proposed to decrease by \$18,400, or 0.5% over the approved FY2020 budget. The budget for the administration of the Commuter Choice programs decreased by \$215,700, leaving a net increase of \$197,300, or 8.0%, over the approved FY2020 budget for the balance of NVTC's operating program. The decrease in the Commuter Choice program is due to an expected decrease in contracted technical and outreach support. As the program matures, less outside technical help is anticipated as processes and products which have been developed in prior years will be utilized in the future. The amount included in the prior year budget for outreach support did not materialize, as the budget assumed an earlier start date for the support.

Mr. Kalkwarf explained that another notable item in the budget is the office rent. During FY2019, NVTC's office lease was renewed for a larger space effective March 15, 2019 to accommodate NVTC's growing staff levels. The lease calls for the base rent to increase at 2.5% annually. The lease contains two provisions for the abatement of rent. One provision abates the first month's rent each year for seven years, and the second provision abates the rent on approximately 29% of the leased space for the balance of the first lease year ending March 2020. The FY2021 budget shows a 29.1% increase, largely because the second abatement provision was fully recognized in FY2019 and FY2020.

Mr. Kalkwarf reminded Commissioners that the budget is funded by contributions from the NVTC member jurisdictions and an amount taken off the top of state assistance as it becomes available to NVTC, as well as toll revenues from I-66 and I-395. Project chargebacks include revenue covering the budgeted Commuter Choice programs costs for anticipated staff time, contracted support and related costs. Appropriated surplus above NVTC's minimum operating requirement is also included as a source of revenue, which is the result of positive budget variances in prior years. The \$197,300 increase from FY2020 to FY2021 in the balance of the operating program (which excludes Commuter Choice) is funded using \$66,200 of increased carryover funds, \$1,000 interest and other revenue, and \$130,100 (5.9%) of increased funding from member jurisdictions.

Mr. Kalkwarf then reviewed the budget option that includes the addition of a financial staff position. The Executive Committee asked that staff provide a budget including the costs of this position as an option for the Commission to consider. The position would provide needed assistance to the existing financial staff as NVTC's responsibilities and activity continue to grow. The position would also provide for some redundancy in performing a variety of financial tasks,

as well as a mechanism for succession planning. The new position would increase the operating program (excluding Commuter Choice) by \$107,400, or an additional 4.3% over the prior year, bringing the jurisdiction increase to 10.9% instead of the 5.9 % as included in the base proposed budget.

Chairman Letourneau noted that the budget process included input from the jurisdictions about the subsidy changes. The Commission will be asked to approve the budget and Work Plan at the January 16, 2020 meeting.

NVTC Transit Resource Center

Ms. Girma provided an update on the FY2020 1st Quarter Transit Performance Report and the FY2020 1st Quarter Parking Utilization Report. She explained that the FY2020 Quarterly Transit Performance Report is a reframed effort that provides an overview of the transit service in Northern Virginia focused on quarterly ridership and parking utilization. The report is compiled at the end of each quarter during the current fiscal year and reflects transit boardings for all modes as well as quarterly fiscal year-to-date parking utilization at WMATA rail facilities.

Ms. Girma reported that overall bus and commuter rail ridership in Virginia is trending upwards for this past quarter, with the exception of DASH which reported a 10% decline in ridership during the first quarter of FY2020. This decrease was caused by the 2019 Platform Improvement Project, which resulted in a 13% ridership decline during the closure, as well as a 60% decrease in Bus-to-Rail/Rail-to-Bus transfers. In addition, major construction at the King Street Metro Station bus loop that began in November 2018 has required all buses at that location to be displaced to on-street stops on adjacent streets. Metrorail in Virginia is showing a 1% decrease in ridership, but it is important to note that several large capital projects likely impacted Metrorail ridership in the first quarters of both FY2019 and FY2020. VRE experienced a 3% increase in ridership during the first quarter of FY2020.

Ms. Girma also reviewed the Parking Utilization Fiscal Year to Date (FYTD) data. Parking was available at no cost at Huntington, Van Dorn, and Franconia-Springfield Stations during the Summer 2019 Platform Improvement Project due to construction work and thus eliminated the ability to collect parking utilization data during that time period.

To summarize, Ms. Girma noted that the 2019 Platform Improvement Project has impacted ridership and parking utilization. Mr. Dorsey noted that besides the impact of the Summer Shutdown, ridership and parking are trending upward. Mr. LeMunyon noted that stations not affected by the Summer Shutdown all show a significant increase. This is good news.

Senator Ebbin left the meeting at 10:33 P.M. and did not return.

Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter. She reviewed several upcoming meetings, included the NVTC WMATA Committee meeting on December 18th.

NVTC's January meeting will be held on the 16th (not the 2nd). NVTC does not plan to hold a February meeting and instead encourages Commissioners to participate in VACO/VML Legislative Day in Richmond on February 6, 2020.

Executive Director Employment Contract Amendment

Chairman Letourneau reminded Commissioners that they have a copy of the proposed action regarding the executive director's contract. The Commission held Ms. Mattice performance review during a Closed Session at the last meeting and this amendment is reflective of that discussion.

Chairman Letourneau moved, with a second by Ms. Cristol, to approve the third amendment to the employment contract between NVTC and Executive Director Kate Mattice and authorize the chair to execute it on behalf of the Commission. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Bulova, Cook, Cristol, Dorsey, Foust, LeMunyon, Letourneau, McKay, D. Meyer, R. Meyer, Skiles, Snyder and Vargas.

Adjournment

Without objection, Chairman Letourneau adjourned the meeting at 10:36 P.M.

Approved this 16th day of January 2020.

Katie Cristol
Chair

Jeffrey C. McKay
Secretary-Treasurer



RESOLUTION #2396

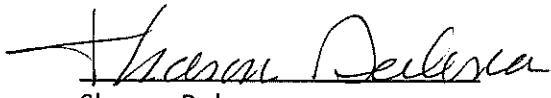
- SUBJECT:** Ongoing Discussions to Modify the 2017 Amended and Restated Transform66 Inside the Beltway Project Memorandum of Agreement (MOA)
- WHEREAS:** The *Transform66: Inside the Beltway Project* consists of dynamic tolling, conversion from HOV-2 to HOV-3, transit service, technology upgrades and infrastructure improvements to increase the number of people traveling in the corridor; and an evaluation of project effectiveness on I-66 and its related arterials;
- WHEREAS:** In 2015, Virginia Secretary of Transportation Aubrey Layne designated NVTC as the regional authority to identify and facilitate the delivery of the multimodal components of this project to maximize the transportation benefits of this project, as measured by the number of persons that are able to travel through the corridor;
- WHEREAS:** In January 2016, NVTC and the Commonwealth of Virginia entered into a Memorandum of Agreement (MOA) allowing NVTC to use toll revenues from I-66 Inside the Beltway to fund multimodal components that support the toll payers of this facility;
- WHEREAS:** In October 2016, NVTC and the Commonwealth of Virginia amended and restated the MOA to remove references to the use of tolls for widening the facility; modify language to enhance the credit-worthiness of the toll revenues; clarify the use of funds for transit operations; and address technical corrections identified by the Commonwealth, NVTC staff and NVTC jurisdictions;
- WHEREAS:** The Commonwealth has identified two projects that support the movement of people along the I-66 Inside the Beltway Corridor and satisfy the requirements for use of toll revenue by benefitting the toll paying users of I-66, which are a new bridge structure that crosses the Potomac River to expand the capacity for commuter and intercity passenger rail service, and new Metrorail-related improvements to, and serving, the Rosslyn Metrorail Station that would facilitate the movement of passengers and relieve train congestion on the Blue, Orange, and Silver Metrorail lines;
- WHEREAS:** NVTC and the Commonwealth continue to recognize that transit operations along I-66 provides the most beneficial option for moving more people through the corridor;
- WHEREAS:** NVTC seeks to ensure there is a minimum guaranteed funding available from the toll revenues to support at least \$10 million/year multimodal Commuter Choice program administered by NVTC through the life of the 40-year agreement;
- WHEREAS:** The Commonwealth has committed to work with NVTC on an agreement that would provide an additional \$5 million per year (with a 2.5% annual escalation) for the Commuter Choice program from I-66 Outside the Beltway funds with advanced funding starting in FY2021; and

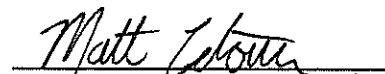
WHEREAS: NVTC and Commonwealth continue to negotiate the terms of the MOA.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby supports ongoing discussions with the Commonwealth to amend the 2017 Amended and Restated Transform66 Inside the Beltway Project Memorandum of Agreement to permit the use of a share of revenues for financing and/or pay-go of rail components related to the Long Bridge and/or Rosslyn Metrorail station.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the results of this discussion, in the form of a Second Amended and Restated Transform66 Inside the Beltway Project Memorandum of Agreement will be provided to the Commission for consideration at a future meeting.

Approved this 5th day of December 2019.


Sharon Bulova
Secretary-Treasurer


Matthew F. Letourneau
Chairman



RESOLUTION #2397

SUBJECT: Accept and Authorize the Distribution of VRE's FY2019 Comprehensive Annual Financial Report (CAFR)

WHEREAS: The VRE Operations Board has contracted with the firm of PBMares, LLC for the audit of its financial statements;

WHEREAS: The audit of the VRE FY2019 financial statements has been completed;

WHEREAS: The auditors have issued an unmodified opinion that the VRE statements, in all material respects, fairly and accurately present the financial position of the commuter rail operation; and

WHEREAS: The VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission accepts VRE's FY2019 Comprehensive Annual Financial Report (CAFR) and associated information from the auditors and hereby authorizes the Acting VRE Chief Executive Officer to forward these documents to interested groups, firms, and members of the public.

Approved this 5th day of December 2019.

Sharon Bulova
Secretary-Treasurer

Matthew F. Letourneau
Chairman



RESOLUTION #2398

SUBJECT: Approval of the 2020 VRE Legislative Agenda

WHEREAS: VRE is an essential part of the regional transportation network for the Northern Virginia and DC Metropolitan region;

WHEREAS: VRE serves residents throughout the Commonwealth to provide a meaningful public transportation option;

WHEREAS: It is essential for VRE to educate and advocate for desired legislative and regulatory outcomes with members of Congress and their staff, with staff of federal entities, in the Virginia General Assembly and with the Governor and his administration;

WHEREAS: VRE has coordinated its Legislative Agenda with the staffs of the Commissions and member jurisdictions; and

WHEREAS: The VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby approves the 2020 VRE Legislative Agenda and authorizes the Acting VRE Chief Executive Officer to actively pursue the elements set forth in the attached document.

Approved this 5th day of December 2019.

Sharon Bulova
Secretary-Treasurer

Matthew F. Letourneau
Chairman



RESOLUTION

- SUBJECT:** Commending the Honorable Sharon Bulova on the Occasion of Her Departure from the Northern Virginia Transportation Commission
- WHEREAS:** The Honorable Sharon Bulova joined the Northern Virginia Transportation Commission in 1988, serving as chair in 1996 and as secretary-treasurer in 2019;
- WHEREAS:** When Ms. Bulova departs NVTC, she will be the Commission's longest serving member, having made an indelible mark on transportation, especially public transit, in the region during her 30-plus years of service;
- WHEREAS:** Ms. Bulova worked with her colleagues as Chair of the Fairfax County Board of Supervisors to obtain the largest Transportation Infrastructure Finance and Innovation Act loan ever issued by the federal government to help fund the \$5.8 billion Washington Metropolitan Transit Authority (WMATA) Silver Line project;
- WHEREAS:** Ms. Bulova is a founding member and the longest-continuously serving member on the Virginia Railway Express (VRE) Operations Board;
- WHEREAS:** Ms. Bulova was instrumental in helping VRE achieve remarkable growth and the ability to provide safe, cost effective, accessible, reliable, convenient and comfortable commuter rail services;
- WHEREAS:** Ms. Bulova is known as a congenial and pragmatic elected official who builds consensus by working individually with each of her fellow Commissioners; and
- WHEREAS:** Ms. Bulova's efforts in founding VRE; bringing Metrorail to Tysons and Dulles International Airport; and advocating for high-quality transportation have contributed greatly to Northern Virginia's quality of life and economic vitality.
- NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission commends the Honorable Sharon Bulova for her service to NVTC, the citizens of Northern Virginia, and the Commonwealth of Virginia.
- BE IT FURTHER RESOLVED** that NVTC prepare a copy of this resolution for presentation to Ms. Bulova as an expression of its gratitude and in appreciation of her work on the Commission in promoting and funding public transit and ridesharing in Northern Virginia.

Approved this 5th day of December 2019.


Matthew F. Letourneau
Chairman



RESOLUTION

SUBJECT: Commending the Honorable Catherine Hudgins on the Occasion of Her Departure from the Northern Virginia Transportation Commission

WHEREAS: The Honorable Catherine Hudgins joined the Northern Virginia Transportation Commission in 2004, serving as the chair of the NVTC WMATA Committee in 2019;

WHEREAS: Ms. Hudgins served as the NVTC principle director to the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors from 2008 – 2018, serving as Board chair in 2011 and 2012; and as the NVTC alternate director to the WMATA Board in 2004, 2018 and 2019;

WHEREAS: As WMATA Board chair in 2011, Ms. Hudgins spearheaded several changes to improve WMATA's governance and oversaw a process in which the transit agency adopted its first-ever bylaws and modernized code of ethics during a turbulent time for the transit agency following a fatal train-on-train collision in 2009;

WHEREAS: Ms. Hudgins prioritized a safety culture, investing in the equipment, facilities and personnel needed to enhance safety, and establishing policies and procedures that enhanced system safety during her tenure as WMATA Board chair;


WHEREAS: Ms. Hudgins had a key role in ensuring the completion of the Metrorail Silver Line's first phase to Reston and securing an agreement that allowed for construction of the second phase to Dulles International Airport and Loudoun County; and

WHEREAS: Ms. Hudgins is appreciated by her colleagues for being a thoughtful, steady and insightful leader who is a voice of reason and an agent for change.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission commends the Honorable Catherine Hudgins for her service to NVTC, the citizens of Northern Virginia, and the Commonwealth of Virginia.

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

Approved this 5th day of December 2019.


Matthew F. Letourneau
Chairman



RESOLUTION

SUBJECT: Commending the Honorable John Cook on the Occasion of His Departure from the Northern Virginia Transportation Commission

WHEREAS: The Honorable John Cook was appointed to serve on the Northern Virginia Transportation Commission in 2010, serving as chair of the former Governance and Personnel Committee from 2017 - 2018;

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

WHEREAS: Mr. Cook was appointed to the VRE Operations Board from 2010 – 2019, serving as its chair in 2015 and secretary in 2019;

WHEREAS: While serving as chair of the VRE Operations Board, Mr. Cook guided the Board in implementing recommendations of the 2015 VRE Management Audit, which included new governance models for the commuter rail system that have been instrumental in helping VRE achieve remarkable growth and the ability to provide safe, cost effective, and comfortable commuter rail service in Northern Virginia;

WHEREAS: Mr. Cook is adept at synthesizing information and building consensus among his colleagues to reach the best conclusion to solve the most challenging issues facing the Northern Virginia region; and

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

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

Approved this 5th day of December 2019.

Matthew F. Letourneau
Chairman



RESOLUTION

SUBJECT: Commending the Honorable Ron Meyer on the Occasion of His Departure from the Northern Virginia Transportation Commission

WHEREAS: The Honorable Ron Meyer has served as a Commissioner of the Northern Virginia Transportation Commission since July 2016, filling Loudoun County's second seat on the Commission created by HB181 (2016);

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

WHEREAS: Mr. Meyer has been an advocate of smart investments in transportation infrastructure to reduce congestion and improve the economic outlook of the region;


WHEREAS: In addition to strong regional advocacy, Mr. Meyer was also a strong advocate for the Washington Metropolitan Transit Authority's (WMATA) Silver Line Phase 2 project and ensuring Loudoun County residents realized the maximum return on their investment in WMATA;

WHEREAS: Mr. Meyer has played an outsized role in holding both the Commonwealth and local governments accountable to the residents of Northern Virginia; and

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

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

Approved this 5th day of December 2019.


Matthew F. Letourneau
Chairman



RESOLUTION

SUBJECT: Commending the Honorable Richard Black on the Occasion of His Departure from the Northern Virginia Transportation Commission

WHEREAS: The Honorable Richard Black has served as a member of the Virginia Senate since 2012 as the representative of the 13th District serving Loudoun and Prince William counties;

WHEREAS: Prior to that, Senator Black served as a member of the Virginia House of Delegates for the 32nd District representing Loudoun County from 1998 to 2006;

WHEREAS: Senator Black was appointed by the Virginia Senate to serve as a Commissioner of the Northern Virginia Transportation Commission in 2019;

WHEREAS: Senator Black previously served on NVTC from 2012-2016;

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

WHEREAS: Senator Black is a dedicated public servant and long-serving legislator in the Virginia General Assembly, he was able to effortlessly navigate challenging regional issues during his tenure at NVTC.

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

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

Approved this 5th day of December 2019.

Matthew F. Letourneau
Chairman



RESOLUTION

SUBJECT: Commending the Honorable James M. LeMunyon on the Occasion of His Departure from the Northern Virginia Transportation Commission

WHEREAS: The Honorable James M. LeMunyon was appointed by the Speaker of the House of Delegates in August 2018 to serve on the Northern Virginia Transportation Commission, with his term expiring on January 7, 2020;

WHEREAS: Mr. LeMunyon previously served on NVTC from 2014 – 2017 in his role as a member of the Virginia General Assembly representing the 67th District serving parts of Fairfax and Loudoun counties;

WHEREAS: As a member of the General Assembly, Mr. LeMunyon patroned several bills that brought changes to the transit landscape of the Northern Virginia region, including HB2136 authorizing Virginia to become a signatory to the Washington Metrorail Safety Commission Interstate Compact, which establishes a state safety oversight authority for the Washington Metropolitan Area Transit Authority (WMATA) Rail System; HB2136 bringing NVTC to the table to participate in the discussion of WMATA reforms; and HB599 establishing responsibilities for long-range transportation planning for the Northern Virginia Transportation District and requiring projects to be rated and evaluated for congestion reduction among other measures;


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

WHEREAS: Mr. LeMunyon continues to be a strong advocate for transparency in all aspects of government, as well as an advocate for transit and regional cooperation.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission commends the Honorable James M. LeMunyon for his service to NVTC, the citizens of Northern Virginia, and the Commonwealth of Virginia.

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

Approved this 5th day of December 2019.


Matthew F. Letourneau
Chairman



RESOLUTION

SUBJECT: Commending M. David Skiles on the Occasion of His Departure from the Northern Virginia Transportation Commission

WHEREAS: Mr. M. David Skiles was appointed by the Speaker of the House of Delegates in August 2018 to serve on the Northern Virginia Transportation Commission, with his term expiring on January 7, 2020;

WHEREAS: Mr. Skiles has served as a Commissioner of the Northern Virginia Transportation Commission from 2018 to 2019;


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

WHEREAS: Mr. Skiles is a dedicated civic and community leader committed to improving the quality of life in Northern Virginia.

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

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

Approved this 5th day of December 2019.


Matthew F. Letourneau
Chairman



RESOLUTION

SUBJECT: Commending Raul “Danny” Vargas on the Occasion of His Departure from the Northern Virginia Transportation Commission

WHEREAS: Mr. Raul “Danny” Vargas was appointed by the Speaker of the House of Delegates in August 2018 to serve on the Northern Virginia Transportation Commission, with his term expiring on January 7, 2020;

WHEREAS: Mr. Vargas has served as a Commissioner of the Northern Virginia Transportation Commission from 2018 to 2019;

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

WHEREAS: Mr. Vargas is known by his colleagues for his congeniality and strong commitment to regionalism; and

WHEREAS: Mr. Vargas promotes sound policies to address challenges facing our transportation network today and in the future.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission commends Raul “Danny” Vargas for his service to NVTC, the citizens of Northern Virginia, and the Commonwealth of Virginia.

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

Approved this 5th day of December 2019.



Matthew F. Letourneau
Chairman