

MINUTES
NVTC COMMISSION MEETING – NOVEMBER 14, 2019
NVTC Suite #230 – 2300 WILSON BLVD.
ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Letourneau at 7:15 P.M.

Members Present

Canek Aguirre
Elizabeth Bennett-Parker
John Cook
Katie Cristol
Christian Dorsey
John Foust
Libby Garvey
Catherine Hudgins
David LaRock
James M. LeMunyon
Matt Letourneau
David Meyer
Ron A. Meyer
Jennifer Mitchell (Alternate, Commonwealth of Virginia)
M. David Skiles
David Snyder
Raul “Danny” Vargas

Members Absent

Richard Black
Sharon Bulova
Adam Ebbin
Jeff McKay
Paul Smedberg

Staff Present

Kate Mattice, Executive Director
Matt Cheng
Andrew D’huyvetter
Matt Friedman
Allan Fye
Rhonda Gilcrest
Dinah Girma
Dan Goldfarb
Patricia Happ
Scott Kalkwarf
Tenley O’Hara
Ben Owen
Zach Smith
Brittany Sumpter

Jae Watkins
Steve MacIsaac
Aimee Perron Siebert
Alex Thorup
Rich Dalton (VRE)
Joe Swartz (VRE)

Opening Remarks

Chairman Letourneau welcomed everyone to the November 14th NVTC meeting. He thanked Vice-Chair Cristol for chairing last month's meeting. He also congratulated those Commissioners who sought reelection for their respective offices. Following the Pledge of Allegiance, Chairman Letourneau reviewed the highlights and action items for the meeting. He welcomed Deputy Secretary of Transportation Nick Donohue, who will make a presentation on proposed changes to the I-66 Memorandum of Agreement. Chairman Letourneau also noted that there will be a Closed Session at the end of the meeting.

Minutes of the October 3, 2019 NVTC Commission Meeting

Mr. Ron Meyer moved, with a second by Mr. David Meyer, to approve the Minutes of the October 3, 2019 meeting. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Cook, Cristol, Dorsey, Foust, Hudgins, LaRock, LeMunyon, D. Meyer, R. Meyer, Mitchell, Skiles, Snyder and Vargas. Chairman Letourneau abstained.

Consent Agenda

Chairman Letourneau stated that the Consent Agenda has been amended to add #3F to reflect Arlington County's request for NVTC to send a letter of endorsement for the county's Ballston-MU Metrorail West Entrance Application to NVTA. The Commission is asked to approve the following Consent Agenda:

- A. Approve the 2020 Meeting Schedule
- B. Authorize the Chairman to Send a Letter of Endorsement for the City of Alexandria's Duke Street Bus Rapid Transit Project Application to NVTA
- C. Authorize the Chairman to Send a Letter of Endorsement for Arlington County's CC2DCA Intermodal Connector Project Application to NVTA
- D. Authorize the Chairman to Send a Letter of Endorsement for the City of Fairfax's Multimodal Applications to NVTA
- E. Authorize the Chairman to Send a Letter of Endorsement for Fairfax County's Multimodal Applications to NVTA
- F. Authorize the Chairman to Send a Letter of Endorsement for Arlington County's Ballston-MU Metrorail West Entrance Application to NVTA

In response to a question from Mr. LeMunyon, Ms. Mattice stated that NVTC staff did no formal assessment of these project applications. As in past practice, any jurisdiction can request NVTC endorse their project(s).

Ms. Cristol moved, with a second by Mr. Ron Meyer, to approve the Consent Agenda. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Cook, Cristol, Dorsey, Foust, Hudgins, Letourneau, D. Meyer, R. Meyer, Mitchell, Skiles, Snyder and Vargas. Delegate LaRock and Mr. LeMunyon abstained.

Commuter Choice Program

Chairman Letourneau stated that to accommodate Deputy Secretary Donohue's schedule, his presentation is being moved to the beginning of the Commuter Choice Agenda Item. There were no objections.

Chairman Letourneau 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.

Chairman Letourneau stated that 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. Any changes to the proposed MOA would require approval by the Commission and the Commonwealth Transportation Board at future meetings. Chairman Letourneau then introduced Deputy Secretary of Transportation Nick Donohue and welcomed him to the meeting.

Presentation by the Commonwealth on Proposed Changes to the I-66 Inside the Beltway Memorandum of Agreement. Deputy Secretary Donohue thanked NVTC for the opportunity to speak to the Commission. He stated that the Commonwealth appreciates its partnership with NVTC and remains committed to that partnership to find ways to move more people through Northern Virginia.

Deputy Secretary Donohue stated that the Commonwealth is proposing to use a portion of the toll revenues from I-66 Inside the Beltway to potentially pay the debt service on major transit improvements, such as the Long Bridge and Metrorail improvements in Rosslyn. A proposed amended MOA is currently being reviewed by NVTC's legal counsel and others.

Deputy Secretary Donohue provided some background information about the Long Bridge and its Draft Environmental Impact Study (DEIS) process. The Commonwealth of Virginia is a sponsor of the Long Bridge project and will be the main beneficiary after the project is completed. After the federal environmental approvals are completed, Virginia would be the lead entity advancing this project forward. The Commonwealth is currently working on a funding plan. The Long Bridge is not a stand-alone project and the total cost is estimated in the range of \$3.6-\$3.7 billion. He stated that Secretary of Transportation Shannon Valentine has spoken publicly that funding shares should be divided equally (one-third each) between the Commonwealth, the federal government, and the region. I-66 toll revenues would be considered as part of the regional funding, even though the Commonwealth would issue the bonds.

Deputy Secretary Donohue explained that the Commonwealth is asking NVTC to consider amendments to the I-66 Memorandum of Agreement (MOA) that would allow the

Commonwealth to issue bonds backed by the I-66 toll revenues to help support capital costs of major transit improvement projects. The Commonwealth would guarantee NVTC \$10 million in annual toll revenues (with a 2.5 percent inflation/escalation each year) from the I-66 Inside the Beltway. The Commonwealth also intends to reevaluate the use of toll revenues from I-66 Outside the Beltway to direct \$5 million to NVTC, which would add up to a \$15 million annual Commuter Choice program for NVTC to administer. If the Commonwealth decides not to sell debt for the Long Bridge, then nothing would change under the MOA.

Mr. LeMunyon asked if there has been any congestion reduction analysis. Secretary Donohue stated there is analysis currently being done for the I-95 corridor showing that adding a general-purpose lane on the I-95 corridor from the last exit in Spotsylvania County to the D.C. line would cost approximately \$12.5 billion. The modelling shows that it would improve congestion in the Fredericksburg region but by day two following completion congestion north of Occoquan would be essentially the same as it is now. This demonstrates that to move more people and provide faster and more reliable travel times, the region will need to rely on increased transit service. VRE can move 1,000 people on an eight-car train, which is equivalent to the number of people who travel on a general-purpose lane during rush hour. Each additional VRE train on the Manassas and Fredericksburg lines can move more people through those corridors. The Long Bridge project is essential to adding more VRE trains.

Mr. Cook stated that from a VRE standpoint, it would be impossible to overstate the importance of the Long Bridge project, which would allow VRE to fulfill its System Plan to increase its current 20,000 trips per day to 50,000 trips per day in the future. Analysis shows that if VRE does not grow its system, it cannot maintain its current level and won't be able to fund itself. The Long Bridge project is critical to VRE.

DRPT Director Mitchell stated that updated I-66 Outside the Beltway analysis shows that VRE service can be expanded on the Manassas Line with additional trains to carry three to four times more person throughput than the original I-66 Outside the Beltway analysis.

Ms. Cristol stated that initially she perceived that the Long Bridge project would be less value to the I-66 Corridor compared to the I-95 Corridor, but it is worth noting that the VRE Manassas Line travels through the Long Bridge, which is currently at 98 percent capacity. Since the Long Bridge is owned by CSX, as the need grows for more freight service, there is a potential for CSX to "kick-off" VRE. Both corridors would be significantly impacted.

Mr. Snyder asked about the current amount of toll revenues being generated for the Commuter Choice program. Ms. Mattice explained that the amount varies as NVTC receives funding projections from VDOT each January. Last year \$17 million was projected. Mr. Snyder stated from a regional perspective the Long Bridge project is important; however, he finds it remarkable that a major part of the funding would come out of one of the smallest pots of money, which is funding projects that are largely unfundable by other sources. He stated that it is fundamental to maintain the current level of funding to NVTC from the I-66 toll revenues. Mr. Donohue stated that the amendment plus funding from I-66 Outside the Beltway would stipulate that NVTC would receive \$15 million starting this year (with the 2.5 percent escalation each year). This is slightly

less than what NVTC is currently receiving, but it would provide additional rail service, which advances the Commuter Choice program.

Mr. Snyder observed that there has been no discussion about the Rosslyn Tunnel. Mr. Donohue stated that the Long Bridge and Rosslyn Tunnel projects are at different stages. Long Bridge is at 30 percent design and within two years the project can be put out to bid, with new trains running by the 2030-2031 timeframe. WMATA is still working on state of good repair and although there has been significant progress, the Rosslyn project is farther out, likely 10 plus years.

Mr. Letourneau stated that the Rosslyn project is important to Loudoun County. The Blue/Orange/Silver Capacity and Reliability Study is about 12 months from completion. He is concerned that NVTC maintains the ability to contribute to that project as well. He would like to see whatever is done for Long Bridge be the model for what is done for Rosslyn in the future. He asked about reverse tolling on I-66, which would dramatically change the revenue picture for that corridor. He requested updated performance data on I-66 for the December meeting.

Mr. Donohue stated that reverse tolling was discussed during the last two General Assembly Sessions, but the Commonwealth did not take a position on those bills. If the Commonwealth were to take a position, it would not do so until it conducted analysis on the impact to parallel routes and held public meetings. With the current performance data, VDOT is seeing a better outcome than anticipated on travel times for other parallel routes. Chairman Letourneau stated it is important for VDOT to look at I-66 post toll times. He noted that if revenues increase significantly through reverse tolling, the Commonwealth's proposal is less of a risk to NVTC. He is not opposed to using NVTC's I-66 toll revenue for big projects.

Mr. Dorsey stated that the Blue/Orange/Silver Capacity and Reliability Study is expected to result in preferred alternative(s) by Fall 2020. He stated that the Commonwealth's 10-year horizon of the Rosslyn Tunnel will actually be much less as WMATA begins seeking competitive funding much sooner than that for this project.

Mr. Vargas stated that the benefits of the Long Bridge project to VRE are self-evident. In response to his question about I-66 expanded lanes, Deputy Secretary Donohue stated that the investment revenue studies are showing that volume is expected to increase after the third lane is added. Similarly, when HOV-2 converts to HOV-3 (when I-66 Outside the Beltway tolling begins) there will be more capacity for solo drivers, which should result in lower toll rates.

Mr. Foust left the meeting at 7:49 P.M. and did not return.

Delegate LaRock stated that the I-66 toll revenues must benefit the toll users and the Long Bridge is not in the I-66 corridor. Deputy Secretary Donohue explained that the use of the toll revenues must comply with the Meeks Decision. By providing additional commuter bus or other transit service, it takes more people off the roads resulting in less demand and thus lower toll rates. The reason the Commonwealth believes that the Long Bridge project does benefit the I-66 toll user is because the Manassas VRE line parallels I-66 and runs through the Long Bridge. By providing more capacity on VRE, it benefits the I-66 Inside the Beltway corridor, as about 50 percent of the users of I-66 Inside the Beltway start their commute Outside the Beltway.

Mr. Ron Meyer stated that Long Bridge is a huge asset to the east coast. From a NVTC perspective, NVTC is representing commuters in the I-66 corridor. He hopes the Commonwealth will urge Washington DC to be a funding partner, as DC benefits economically by bringing more people into the District, just as NVTC jurisdictions are interested in bringing new business into their own jurisdictions. The Long Bridge project will also benefit the federal government. He asked if the Commonwealth issues bonds backed by I-66 toll revenues, does that lock the General Assembly from taking future action on the tolling formula. Deputy Secretary Donohue stated there is not a simple answer in that if the Commonwealth were to sell debt it would require General Assembly approval. A required revenue stream needs to be available for debt service, but it may be possible to make changes as long as it demonstrates to the bond holders that the Commonwealth can still service the debt. Any changes to the tolling formula for the first few years of bonding would be unlikely. Mr. Ron Meyer stated that it seems it would lock the General Assembly of the ability to lower tolls, but he also noted that for better or worse, the region does need these projects.

Mr. LeMunyon stated that in his opinion using I-66 toll revenues for the Long Bridge would violate the Meeks Decision. He asked if there are other provisions of federal law that speak to how tolls are spent on interstate highways. He also does not think the toll payer driving on I-66 will understand the benefit to them. Deputy Secretary Donohue explained that there are state and federal laws, but the Meek Decision is the most constraining on toll revenues. It is a unique provision for Virginia. The Commonwealth Attorney General's office has done extensive research on this issue and they feel confident it would not violate the Meeks Decision. He offered to provide federal code citations to staff to distribute to Commissioners.

Mr. Snyder stated the guarantee of maintenance of current funding is very important, especially for the smaller jurisdictions. He would like to see more data to support the argument of how the Long Bridge benefits I-66 toll users. He stated that Falls Church has seen increased traffic on parallel roads and asked for more data. He also asked if the sound walls along I-66 are being replaced since some of them are falling down. It is his understanding that they would be replaced as part of the I-66 project. Deputy Secretary Donohue stated that this is his understanding as well, but he will confirm this. Usually the sound walls are done at the end of a project. Regarding parallel routes, VDOT monitors key parallel routes. With the exception of the George Washington Parkway, VDOT has seen increased travel speed on parallel routes. Deputy Secretary Donohue offered to work with Mr. Snyder on which routes he is concerned about. Chairman Letourneau requested Deputy Donohue provide this information to the full Commission.

Ms. Garvey arrived at 8:05 P.M. and joined the discussion.

In response to a question from Delegate LaRock, Deputy Secretary Donohue stated that the new second Long Bridge (preferred alternative) would be owned by the Commonwealth of Virginia. The bridge will not be constructed if the Commonwealth does not receive agreement from the host railroads that VRE and Amtrak will be able to add capacity and have perpetual operating rights. Currently VRE does not have perpetual operating rights.

Mr. David Meyer stated that since the edge of the Potomac River on the Virginia side is the border between the District and Virginia, he asked if there is precedence of a state owning a bridge outside its borders. Deputy Secretary Donohue stated that this issue has been extensively

researched and the Commonwealth lawyers are confident that Virginia can own property outside of the Commonwealth as long as it has a rational benefit in relationship to governmental activities within the Commonwealth. There is a white paper on this issue. Mr. David Meyer asked if it would be protected by any potential lawsuits from the District. Deputy Secretary Donohue stated that the lawyers are confident that Virginia would win any lawsuit.

Mr. LeMunyon asked if CSX gets a benefit from a second bridge, is there any effort to request funding from CSX. Deputy Secretary Donohue stated that the benefit from CSX is for passenger trains to be running up and down their corridor using other capacity on a railroad where today they are saying we cannot use. This has been CSX's stated position for a long time that they do not want additional passenger rail service in their corridor. Ms. Mitchell stated that there is an economic value to CSX providing additional train slots and perpetual operating access. It may be more economic value to the Commonwealth than actual upfront funding.

Delegate LaRock stepped out of the room.

Chairman Letourneau urged Commissioners to provide any follow-up questions to staff to forward to the Commonwealth. Deputy Secretary Donohue is willing to speak with individual Commissioners as well. Chairman Letourneau stated that he will be working with the executive director on the timing of bringing the proposed MOA amendments back for Commission consideration, which could be as early as December. The Commonwealth Transportation Board would also have to approve the amendments.

I-66 Commuter Choice Program. Chairman Letourneau stated that there are two actions to consider for I-66 and an I-395/95 update. He stated that last month Ben Owen, the Commuter Choice program manager, presented the proposed changes to the Commuter Choice Technical Evaluation Criteria and the shift to a two-year call for projects beginning with Round Four of I-66 (covering FY2021 to FY2022).

Mr. Owen stated that over the spring and summer staff met with the Program Advisory Group (PAC) to discuss potential changes to how Commuter Choice projects are scored. Staff took that feedback and developed an updated scoring approach, which was presented to and endorsed by the PAC. The changes respond to direction from the PAC to account for the long-term benefits of capital projects with long-lived assets. Staff is proposing further changes to separate the technical evaluation process more clearly from the project prioritization that falls under the Commission's purview, and to encourage applicants to collaborate on projects. The proposed changes include:

1. Annualize the Cost Effectiveness measure
2. Remove the "Regional Priorities" criterion and reallocate its 20 points
3. Increase the Technical Merit weight
4. Create a new Interagency Collaboration criterion

Mr. Owen stated that should the Commission approve the changes, staff hopes to retain the new process without further substantive changes for at least the next five years.

Ms. Garvey moved, with a second by Ms. Mitchell, to approve the changes to the Commuter Choice Technical Evaluation Criteria. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Cook, Cristol, Dorsey, Garvey, Hudgins, LeMunyon, Letourneau, D. Meyer, R. Meyer, Mitchell, Skiles, Snyder and Vargas. (Delegate LaRock was not present for the vote.)

Chairman Letourneau stated that the Commission is being asked to authorize a call for projects for Round Four (FY2021-FY2022) of the I-66 Commuter Choice program. Projects selected for funding will be included in the Commonwealth's FY2021-FY2026 Six Year Improvement Program. Online applications will be accepted via the NVTC website from November 15, 2019 until January 31, 2020. NVTC staff will be hosting an application workshop in December to discuss changes to the application and to answer applicant questions.

Delegate LaRock returned to the discussion.

Mr. Snyder moved, with a second by Ms. Bennett-Parker to authorize the executive director to issue a call for projects for Round Four (FY2021-FY2022) of the I-66 Commuter Choice program. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Cook, Cristol, Dorsey, Garvey, Hudgins, LaRock, LeMunyon, Letourneau, D. Meyer, R. Meyer, Mitchell, Skiles, Snyder and Vargas.

I-395/95 Commuter Choice Program. Ms. Mattice reported that on October 17th the Commonwealth Transportation Board (CTB) approved NVTC and PRTC's I-395/95 Commuter Choice Inaugural Program of 10 projects, totaling \$19.0 million in toll revenues. Staff are working with recipients to execute a Standard Project Agreement (SPA) for each of the approved projects, all but one of which will be underway by Toll Day 1, scheduled for November 17, 2019. Mr. Owen stated that seven bus services funded under this program have started service, including five OmniRide services and two DASH bus services. Ms. Mattice observed that the new OmniRide route from Stafford had 24 passengers on its first bus at 4:30 A.M. last Monday.

Washington Metropolitan Area Transit Authority

Report from the Chair of the NVTC WMATA Committee. NVTC WMATA Committee Chair Cathy Hudgins stated that the committee did not meet in October and there is nothing new to report. The next meeting is scheduled for December 18th at 8:30 A.M.

Report from the Virginia WMATA Board Members. Mr. Dorsey reported that last week the WMATA Board held a special Board meeting resulting in his reassignment to the Safety and Rail Committee and being removed as chair of the Finance and Capital Committee due to a WMATA Ethics Committee reprimand for his failure to timely disclose a campaign contribution from Amalgamated Transit Union, Local 689. Mr. Dorsey stated that the campaign contribution was duly and properly reported to state campaign finance requirements but was an oversight on his part in not disclosing it in a timely fashion to WMATA. He did voluntarily disclose to WMATA after he recognized his oversight. The WMATA Ethics Committee required him to return the campaign contribution, which he is doing.

Mr. Dorsey reminded Commissioners that for a number of months several Commissioners have been asking for an update on fare technology and WMATA's progress on a mobile app. The WMATA General Manager has stated that he will update the Finance and Capital Committee in the near future. The NVTC WMATA Committee and staff will continue to work on this issue with WMATA staff to get this moving on behalf of Northern Virginia.

Mr. Dorsey also noted that the WMATA Executive Committee received a presentation on the FY2019 Financial Statement Audit and Single Audit Reports. This is the fourth year the audit was produced on time and WMATA received a clean finding.

Mr. Dorsey reported that the WMATA Finance and Capital Committee recommended that the WMATA Board approve a FY2020 operating budget amendment to provide additional bus service on Metrobus 3Y in Arlington County. Arlington County requested that WMATA provide additional service on Metrobus 3Y for two years, to be funded through Arlington County's receipt of NVTC's I-66 Commuter Choice Grant.

Mr. Dorsey noted that the Finance and Capital Committee received a quarterly update on fare evasion. The combined operating revenue loss on Metrobus and Metrorail attributed to fare evasion in FY2019 was nearly \$40 million. Fare evasion on Metrobus occurs significantly more often than on Metrorail. WMATA is designing upgraded faregates to improve customer service and prevent fare evasion on Metrorail. On Metrobus, WMATA will continue to offer de-escalation training for bus operators to deal with fare evaders. WMATA is looking at ways to create a greater culture of compliance given that the level of ability to enforce fare evasion since the District decriminalized fare evasion.

Mr. Dorsey stated that the Safety and Operations Committee received an update on WMATA's preventative maintenance program during overnight hours. Under the current service hours adopted in FY2018, capital renewal and preventive maintenance work has contributed to a seven-year high customer on time performance. WMATA has made significant progress in shifting from reactive to proactive maintenance work in the Metrorail system. Based on progress made to date, WMATA is proposing service changes to overnight hour and weekend service in the FY2021 budget. WMATA is proposing extending service by four hours a week: Monday through Thursday closing times extended to midnight (from 11:30 PM); and Friday and Saturday extended to 2AM (from 1AM). On Sunday, WMATA is proposing increasing the frequency of service to 12-min headways, matching Saturday service.

Mr. Dorsey stated that the WMATA General Manager has released his proposed FY2021 budget. The budget totals \$3.8 billion and complies with the three percent subsidy cap. This budget improves service and the customer experience, limits operating subsidy growth to the legislatively-mandated level and prioritizes the rehabilitation and replacement of assets to improve passenger and worker safety. WMATA will produce a more detailed draft budget book in December. Budget deliberations are anticipated in December through February with anticipated adoption of the FY2021 budget in March 2020. Staff will work with the NVTC WMATA Committee chair to prepare a draft letter of budget comments. The WMATA Committee will consider these comments at its December 18th meeting for Commission action in January.

Chairman Letourneau asked if the Metro Safety Commission (MSC) has weighed in on the proposed extended service hours. Mr. Dorsey replied that the MSC will presumably comment on this issue.

Mr. Snyder asked in order to benefit a few late-night riders, is WMATA in any way shifting less service or shutdowns at the expense of many more daily riders. Mr. Dorsey replied that this is a valid question and it is important to determine if WMATA is truly ready to deliver these extended hours and what the consequences will be. The Board is still waiting for assurances from WMATA staff that these proposed service hours will not require other shutdowns of the system. Mr. D’huyvetter stated that the long-term shutdowns are not the same type of work done during overnight maintenance work. With new hours, there would need to be some single tracking and line segment shutdowns after 10:00 P.M. for maintenance. Mr. Snyder expressed concern regarding any diminished service that would impact the majority of riders to benefit a smaller number of riders. Mr. Dorsey agreed that it is important to understand the impacts, which will be part of the budget discussions.

In response to a question from Ms. Cristol, Ms. Happ explained that NVTC is working on regional fare collection, including next generation fare payment. WMATA is currently working on a mobile app and a longer-term fare solution.

Mr. David Meyer asked why the federal government could not develop a universal fare payment system that all systems could use and be integrated. Ms. Mattice stated that the Federal Transit Administration (FTA) and the U.S. Department of Transportation (USDOT) have been sharing best practices in fare technology. However, there is a federal prohibition where FTA cannot be involved in fares. Open payments are an area of interest and is being currently piloted in New York City. Mr. Ron Meyer urged NVTC to get “squeakier” to be a little louder on open payments progress to get this moving forward. He observed that if he can do a mobile payment at a fast food restaurant, he should be able to do it to buy fares.

Delegate LaRock asked about the \$40 million in fare evasion and if WMATA has policing authority. Mr. Dorsey responded that the Metro Transit Police enforce laws, which vary across jurisdictions, and provide training to bus operators to de-escalate fare-related conflicts. The issue is that the District decriminalized fare evasion and has not set up an administrative procedure to deal with citations. On certain bus routes, one out of every three riders are evading fares. Virginia is only seeing two percent fare evasion. Mr. D’huyvetter stated that the estimates for revenues lost due to fare evasion is \$11 million for rail and \$29 million for bus. Mr. Snyder asked if there is any way to penalize the District, as Virginia and Maryland are basically subsidizing the revenue loss.

Mr. LeMunyon asked if WMATA has data on error rates on SmarTrip and failure of WMATA’s faregates to collect revenue. Mr. Dorsey replied he will ask. Mr. Vargas suggested looking at best practices of other systems regarding fare evasion. In response to a question from Ms. Garvey, Mr. Dorsey stated it is important to separate decriminalization and fare evasion. There is the issue with decriminalization to ensure that people aren’t being jailed for not paying a fare. The real issue is the adjudication of fare evaders with a civil penalty.

Mr. Cook stated that the Transdev employee strike at the Cinder Bed Bus Garage continues and Metrobus riders, mainly in Fairfax County, have had no service or significantly reduced service for the duration of the strike. He asked what is Transdev's obligation to WMATA and if there is a termination clause for non-performance or if the strike is in breach of contract. Mr. Dorsey stated that the contract does not speak directly to a labor action, but WMATA does have the ability to terminate the contract for non-performance. He will work with Mr. Smedberg and find out more information.

Chairman Letourneau thanked Mr. Dorsey with how helpful he was working through the Loudoun bus issues at WMATA last month on behalf of the county.

Report from the Chairman of the Legislative and Policy Committee

Legislative and Policy Committee Chairman David Meyer reported that the committee met at 5:00 P.M. prior to this meeting to review the proposed NVTC 2020 Legislative and Policy Agenda, which is being introduced tonight, followed by Commission action at the December meeting. He asked Ms. Perron-Siebert and Mr. Thorup to give a brief summary of how they perceive the upcoming General Assembly Session.

Ms. Perron-Siebert stated that as a result of the elections last week, House and Senate majority changed. New leadership for the House of Delegates includes Speaker of the House: Delegate Eileen Filler-Corn; Majority Leader: Delegate Charniele Herring; and Caucus Chair: Delegate Rip Sullivan. Other leadership positions will be decided soon. Several committee chairs have been announced: Delegate Vivian Watts, Chair of the Finance Committee; Delegate Luke Torian, Chair of the Appropriations Committee; Delegate Jeion Ward, Chair of the Commerce and Labor Committee; and Delegate Roslyn Tyler, Chair of the State Education Committee. Ms. Perron-Siebert stated that the Senate has not yet announced leadership appointments.

Ms. Perron-Siebert reminded the Commission of the December 9th Joint NVTC-PRTC Legislative Briefing at 8:30-11:00 A.M. in Springfield. Secretary of Transportation Shannon Valentine is the confirmed keynote speaker.

Mr. Smith gave a brief overview of the state and federal legislative priorities included in the NVTC 2020 Legislative and Policy Agenda. There were no questions.

Mr. David Meyer also announced that Virginia Transit Association's Legislative Day is January 27, 2020 and Virginia Association of Counties/Virginia Municipal League's Legislative Day is February 6, 2020.

At 8:58 P.M., Chairman Letourneau suggested the Commission take a 10-minute break. There were no objections. The Commission reconvened at 9:10 P.M.

NVTC Transit Resource Center

Chairman Letourneau stated that the Commission is being asked to take action to accept the Envision Route 7 Phase III Report. He reported that for the past several years, NVTC has been working with Fairfax County, Falls Church, Arlington, and Alexandria to develop the necessary planning and engineering for a future Bus Rapid Transit line that would run along Route 7 from Tysons to the Mark Center in Alexandria via the East Falls Church Metro station. NVTC staff have completed the final stages of the Phase III Conceptual Engineering Study, a key step to continue the planning and design for this 11-mile BRT.

Mr. Goldfarb, NVTC's program manager and staff lead on the Envision Route 7 project, introduced Jamie Henson, associate planner for Kittelson & Associates, who provided an overview of the Phase III Study. Mr. Henson stated that the Envision Route 7 project is planning for the implementation of exclusive-lane transit along the Route 7 corridor (from Tysons to the Mark Center) to provide high quality BRT service. The Phase III Study created layouts for the corridor, identified right-of-way needs and updated cost estimates to provide a path forward for NVTC and the jurisdictions to obtain right-of-way. Throughout the Phase III Study, NVTC staff and the consultants have worked closely with the technical advisory committee.

Ms. Garvey asked if there is potential for future expansion opportunities to provide BRT service from the Mark Center to the Amazon Headquarters, Pentagon and Innovation Center. Mr. Goldfarb responded that the Phase II Study showed the flexibility of BRT service, so it certainly could be expanded if demand warrants it. There has already been some discussion of connecting BRT service with the Van Dorn Metro Station and Columbia Pike.

Mr. Dorsey moved, with a second by Mr. Snyder, to accept the Envision Route 7 Phase III Final Report. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Cook, Cristol, Dorsey, Garvey, Hudgins, LaRock, LeMunyon, Letourneau, D. Meyer, R. Meyer, Mitchell, Skiles, Snyder and Vargas.

Department of Rail and Public Transportation

DRPT Director Mitchell announced that ridership for the statewide passenger rail service operated by Amtrak is up ten percent, with 924,000 riders statewide. She also reported that at its meeting on October 17, 2019 the CTB approved a resolution accepting DRPT's analysis and recommendations related to WMATA's compliance with Chapter 854 of the 2018 Virginia Acts of Assembly and the September 2018 CTB Policy and Guidelines for Implementation of Governance and Funding Reforms for FY2020. DRPT recommended no enforcement actions for FY2020 based upon its analysis of the information submitted by WMATA. Ms. Mitchell also announced the Governor's Transportation Conference is next week. There will be a tour of the Long Bridge.

Virginia Railway Express

Chairman Letourneau noted that there is a leadership transition underway at VRE. Since this is a subject identified for the Closed Session at the end of the meeting, he asked Commissioners to hold their questions until that time.

Ms. Cristol, who serves as the chair of the VRE Operations Board, reported that the VRE Operations Board announced on October 18th that CEO Doug Allen would be leaving VRE. The Operations Board will start a search for a new CEO with strong leadership qualities to move VRE to the next level. The Operations Board passed a resolution recommending both NVTC and PRTC take action to end the employment agreement with Mr. Allen and to delegate to the VRE Deputy Chief Executive Officer Rich Dalton all duties and responsibilities of the VRE CEO. The Commission will be asked to take action following the Closed Session at the end of this meeting. PRTC took action at its November 7th meeting.

Mr. Dalton gave a report on VRE activities. On-time performance (OTP) has rebounded over the last several months. However, for the month of October VRE has been operating with heat restrictions orders and there were a few major service disruptions near the end of the month, which impacted OTP. October's average daily ridership was about 19,000. At the direction from the Operations Board, VRE conducted a customer communication survey on October 30th to get direct feedback from riders, including the timeliness and quality of VRE communication to the passengers. The results will be presented to the VRE Operations Board. Finally, Mr. Dalton announced that VRE will run its annual Santa Trains on December 14th with tickets going on sale November 25th. VRE would be happy to provide tickets to NVTC Commissioners.

Chairman Letourneau noted that the VRE 2020 Legislative Agenda was provided as an information item and will be brought back for Commission action at the December meeting.

Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter.

Ms. Mattice provided highlights of NVTC's Post -Shutdown Marketing Campaign. There has been a strong positive response to the NovaRides.org campaign – the marketing campaign focused on getting drivers to switch to public transit.

Ms. Mattice reviewed NVTC's on-line presence with this campaign. Since the September 16th launch, display ads managed by 2060 Digital, a partner of WTOP radio, have made 2.4 million impressions and led to 5,553 clicks to NoVaRides.org. NVTC's click through rate (CTR) is four times the national standard at 0.23 percent. Ads on Facebook and Instagram have provided a combined 3.5 million impressions with post engagement of 74,181, link clicks of 1,894 and a CTR of 0.05 percent. She stated that NVTC's own data shows that there have been 10,006 visits to NoVaRides.org people are spending an average of over five minutes on the page. Unique pageviews are 8,924. NVTC's 15 and 30 second YouTube ads have also performed well. From

September 20th through November 4th, they have been viewed 86,500 times and the percentage of people watching 100 percent of the videos is 48.63 percent.

Ms. Mattice noted that the success of this campaign would not have been possible without the financial support and partnership from DRPT and the local jurisdictions. NVTC plans to keep the NoVaRides.org running using its own social media efforts after the campaign concludes in a few weeks. The intent is to do a similar campaign after the Orange Line shutdown next summer.

Ms. Mattice also stated that she will be speaking to newly elected officials at a GMU Schar School Event on November 18th along with Deputy Secretary Donohue, Mayor of Fairfax David Meyer, and Monica Backmon of the Northern Virginia Transportation Authority. This will be an opportunity to provide a transit 101 to new local and state elected officials from Northern Virginia. She also noted that the Governor's Transportation Conference is being held next week at the Hyatt Regency Crystal City, where Transurban expects to present NVTC with a symbolic "check" for the I-395/95 toll revenue payment.

Ms. Mattice concluded her report by reviewing several upcoming NVTC meetings, committee meetings and events.

Ms. Mattice noted that the Financial Report for September 2019 was provided to Commissioners and there were no questions.

Mr. Ron Meyer stated that he would like to see more funding for social advertising to keep the NoVaRides.com campaign going and asked staff to look at including this as part of the FY2021 budget discussion.

Closed Session

Chairman Letourneau moved, with a second by Mr. Ron Meyer, the following motion:

Pursuant to the Virginia Freedom of Information Act (Section 2.2-3711A.1 of the Code of Virginia), the Northern Virginia Transportation Commission moves to convene a Closed Session to discuss personnel matters involving the employment agreement with the VRE Chief Executive Officer, the employment agreement of the NVTC executive director, and one appointee of NVTC.

The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Cook, Cristol, Dorsey, Garvey, Hudgins, LaRock, LeMunyon, Letourneau, D. Meyer, R. Meyer, Mitchell, Skiles, Snyder and Vargas.

The Commission went into Closed Session at 9:33 P.M. and returned to Open Session at 10:13 P.M.

Mr. LeMunyon moved, with a second by Ms. Cristol, the following certification:

The Northern Virginia Transportation Commission Executive Committee certifies that, to the best of each member's knowledge and with no individual member dissenting, at the just concluded Closed Session:

- 1) Only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed; and
- 2) Only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered.

The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Cook, Cristol, Dorsey, Garvey, Hudgins, LaRock, LeMunyon, Letourneau, D. Meyer, R. Meyer, Mitchell, Skiles, Snyder and Vargas.

Ms. Cristol moved, with a second by Chairman Letourneau, to approve Resolution #2395, which would terminate Doug Allen's contract and appoint the Deputy Chief Executive Officer Rich Dalton to serve as Acting VRE CEO effective November 14, 2019.

Delegate LaRock asked if execution of this resolution excludes Mr. Allen seeking relief in the future. Mr. MacIsaac stated that Mr. Allen left on favorable terms so it would be hard to determine what possible cause of action he could take. Mr. Vargas called the question.

The Commission then voted on the resolution and it passed. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Cook, Cristol, Dorsey, Garvey, Hudgins, LaRock, LeMunyon, Letourneau, D. Meyer, R. Meyer, Mitchell, Skiles, Snyder and Vargas. (A copy of the resolution is attached.)

Adjournment

Without objection, Chairman Letourneau adjourned the meeting at 10:17 P.M.

Approved this 5th day of December 2019.

Matthew F. Letourneau
Chairman

Sharon Bulova
Secretary-Treasurer



RESOLUTION #2395

SUBJECT: Termination of Employment Contract of VRE Chief Executive Officer

WHEREAS: The Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission (PRTC) entered into an employment agreement with Doug Allen dated September 13, 2012, appointing Doug Allen as the Virginia Railway Express Chief Executive Officer;

WHEREAS: The Commissions delegated to the VRE Operations Board responsibility for oversight and evaluation of the performance of the VRE Chief Executive Officer;

WHEREAS: By resolution dated October 18, 2019, the Virginia Railway Express Operations Board recommended that the employment agreement with Doug Allen as the VRE Chief Executive Officer be terminated without cause; and

WHEREAS: By the aforesaid resolution, the VRE Operations Board placed Doug Allen on administrative leave with pay pending action by the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission on the Operations Board's aforesaid recommendation, and further delegated to the VRE Deputy Chief Executive Officer all duties and responsibilities of the VRE Chief Executive Office until further action by the Commissions.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby terminates the employment agreement with Doug Allen as the VRE Chief Executive Officer, without cause, effective 11:00 P.M. on November 14, 2019.

BE IT FURTHER RESOLVED that NVTC hereby appoints the VRE Deputy Chief Executive Officer as the Acting Chief Executive Officer effective 11:00 P.M. on November 14, 2019, until further action by the Commissions.

BE IT FURTHER RESOLVED that the Acting Chief Executive Officer shall have all of the duties and responsibilities of the Chief Executive Officer, including all authority delegated to the Chief Executive Officer by the Commissions or the Operations Board, and the authority to sign documents, instruments, and the like to the extent the Chief Executive Officer has been authorized to do so.

Approved this 14th day of November 2019.

A handwritten signature in dark ink, appearing to read "Sharon Bulova", is written over a horizontal line.

Sharon Bulova
Secretary-Treasurer

A handwritten signature in dark ink, appearing to read "Matt Letourneau", is written over a horizontal line.

Matthew F. Letourneau
Chairman