

**MINUTES**  
**NVTC COMMISSION MEETING – DECEMBER 3, 2020**  
**Via Electronic Participation**  
**Public Streaming via YouTube**

The meeting of the Northern Virginia Transportation Commission was called to order by Chair Cristol at 7:00 P.M.

**Members Present via Electronic Participation**

Canek Aguirre  
Walter Alcorn  
John J. Bell  
Elizabeth Bennett-Parker  
Katie Cristol  
Adam Ebbin  
Matt de Ferranti  
Eileen Filler-Corn  
John Foust  
Libby Garvey  
Paul Krizek  
Matt Letourneau  
Jeff McKay  
David Meyer  
Jennifer Mitchell (Alternate, Commonwealth of Virginia)  
Dalia Palchik  
David Reid  
David Snyder  
Richard Sullivan  
Michael Turner  
James Walkinshaw

**Members Not Present**

Paul Smedberg

**Staff Present via Electronic Participation**

Kate Mattice, Executive Director	
Matt Cheng	
Andrew D’huyvetter	
Allan Fye	Steve MacIsaac
Patricia Happ	Rich Dalton (VRE)
Rhonda Gilchrest	Mark Schofield (VRE)
Scott Kalkwarf	Joe Swartz (VRE)
Zachary Smith	Greg Potts (WMATA)
Melissa Walker	Jennifer DeBruhl (DRPT)
Aimee Perron Seibert	Dwight Buracker (PBMares)

### Opening Remarks

Chair Cristol welcomed everyone to the December 3 NVTC meeting. She stated that given the ongoing COVID-19 public health emergency, the meeting is being conducted electronically. This is possible because the governor signed into law on April 22, 2020 a legislative amendment to the budget bill to allow public bodies to meet electronically without a physical quorum present to discuss or transact the business statutorily required or necessary to continue operations of that public body. NVTC staff followed the procedures and guidelines in the legislation to give notice to the Commission, staff and the public.

Chair Cristol reviewed the procedures and instructions for the electronic meeting, including that all votes will be conducted by roll call vote. The only visual component of the meeting is the presentation slides which are being shown on Webex for Commissioners and on YouTube livestream for the public.

Commission Secretary Rhonda Gilchrest then called the roll and confirmed a quorum was present.

Chair Cristol reviewed the agenda and action items and suggested that the five VRE actions be done as a block vote. She also noted that each January, NVTC approves a slate of officers, committee memberships and board appointments. She encouraged Commissioners to reach out to her or Ms. Mattice if they wish to change their committee participation or wish to be considered for an officer or board appointment role. A proposed slate of officers and appointments will be included in the January meeting materials which will be distributed prior to the meeting.

Chair Cristol also congratulated Mr. Letourneau who was recognized last night with an award from the George Mason Schar School for excellence in regional leadership.

### Consent Agenda

Chair Cristol stated that there are two items on the Consent Agenda:

- A. Approve Resolution #2426: Finding Need to Conduct the December 3, 2020 NVTC Meeting Electronically (copy attached)
- B. Approve the 2021 NVTC Meeting Schedule

Before the vote, Ms. Mattice reported that one public comment was received expressing concerns about the gravity of the proposed FY 2022 WMATA budget cuts. The comment was provided to the commissioners in advance of this meeting.

Ms. Bennett-Parker moved, with a second by Mr. Sullivan, to approve the Consent Agenda. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, de Ferranti, Ebbin, Filler-Corn,

Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Mitchell, Palchik, Reid, Snyder, Sullivan, Turner and Walkinshaw.

#### Minutes of the November 5, 2020 NVTC Commission Meeting

Mr. Bell moved, with a second by Ms. Garvey, to approve the minutes of the November 5, 2020 meeting. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, Ebbin, Filler-Corn, Foust, Garvey, Krizek, McKay, Meyer, Mitchell, Palchik, Reid, Snyder, Sullivan, Turner and Walkinshaw. Commissioners de Ferranti and Letourneau abstained.

#### NVTC's FY 2020 Audited Financial Statements and Compliance Reports

Chair Cristol stated that the Commission is being asked to accept and authorize distribution of NVTC's FY 2020 Audited Financial Statements and Compliance Reports. Mr. Kalkwarf introduced Dwight Buracker, who represents NVTC's audit firm PBMares. Mr. Buracker is a partner at PBMares and the partner in charge of the NVTC audit as well as VRE's audit.

Mr. Buracker stated that he met with the Executive Committee, serving as the Audit Committee, prior to this meeting to give a more thorough presentation of the audit. He thanked NVTC staff for their cooperation, especially in light of it needing to be a remote audit due to the COVID-19 pandemic. The remote audit went very smoothly with multiple virtual meetings and screen sharing with NVTC accounting staff to allow PBMares to test the controls in place at NVTC. He stated that the financial audit includes three opinions on the financial statements, internal controls and federal compliance. All three received clean or unmodified opinions, which are the highest that can be issued.

Mr. Buracker also noted that the financial statement includes a section regarding the I-395/95 Commuter Choice funding activity, which is the first year it is being reported. It includes a breakdown of the funds between NVTC and PRTC, since both Commissions determine how the funding is used. He concluded by stating that PBMares issued a management letter that contains only upcoming Governmental Accounting Standards Board (GASB) pronouncements, which may impact the Commission in the future. Commissioners had no questions.

Mr. Reid moved, with a second by Mr. de Ferranti, to accept and authorize the distribution of NVTC's FY 2020 Audited Financial Statements and Compliance Reports. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Mitchell, Palchik, Reid, Snyder, Sullivan and Walkinshaw. (Mr. Turner did not participate in the vote since he had to leave the meeting for a short period between 7:12 and 7:29 p.m.)

## Washington Metropolitan Area Transit Authority

Chair Cristol stated that she, probably along with the rest of the Commission, is stunned by the severity of the proposed cuts to the WMATA FY 2022 budget. In light of that, she expressed how grateful NVTC is to have Mr. Smedberg and Mr. Letourneau on the WMATA Board advocating for Virginia. She stated that the only solution to this budget crisis is for the federal government to provide federal assistance. She stated that Mr. Smedberg was unable to attend this meeting, so she asked Mr. Letourneau to give the WMATA Board Member Report.

Report from Virginia WMATA Board Members. Mr. Letourneau reported that WMATA is currently running its marketing campaign emphasizing the safety of the Metro system and encouraging the public to return to transit. He also reported that there was another train separation incident, which is concerning as it is the second such incident in recent months. Both incidents are under investigation. WMATA continues to make progress on the Rail Operations Control Center (ROCC).

Mr. Letourneau then spoke to the proposed FY 2022 budget cuts. He reported that the WMATA Board approved the changes to the FY 2021 budget and now the focus is on the FY 2022 budget, which will require drastic cuts. He clarified that the general manager's proposed FY 2022 budget is not considered a "worst case scenario" from a ridership standpoint. It assumes some growth in ridership. Given the news about vaccinations, there is reason to hope ridership will increase.

Mr. Letourneau stated that the FY 2022 budget anticipates revenues generating \$265 million against expenses of \$1.9 billion. Subsidies would be about \$1.1 billion and assumes a 3% increase, with exceptions of new service including Silver Line Phase 2, Cinder Bed bus facility, and increased safety support to maintain compliance with the Metrorail Safety Commission. This leaves a funding gap of about \$495 million for FY 2022. WMATA management is proposing about \$56 million in actions (reducing contractors, reducing performance increases for non-union employees, employee wage deferments, etc.). There is also a proposal for a one-time transfer of \$250 million in preventive maintenance costs from capital to operating. This funding would be backfilled by dedicated capital funding debt to keep the capital program whole. Mr. Letourneau stated that in his personal view this is not good policy and WMATA staff would agree, but it seems necessary.

Mr. Letourneau stated that Metrorail takes the biggest hit with service reductions (5:00 a.m. to 9:00 p.m. with no weekend service; average headways of 30 minutes; Yellow Line service only to Mt. Vernon Square; Red Line turnbacks; and 19 station closings). Changes to the Silver Line would include operating only from Ashburn to Ballston, which would mean riders would have to change trains to go into the District. WMATA would also need to lay off 1,500 rail employees. These proposed changes total about \$200 million in savings.

Regarding Metrobus cuts, Mr. Letourneau explained that there is a policy preference to preserve more bus service because current ridership is higher on bus and so many essential workers rely on the bus service. The budget proposal calls for service reductions on 41 bus lines. Virginia would end up with only eight remain bus routes. There would need to be another 900 bus employees laid off. These savings would total another \$105 million.

Mr. Letourneau stated that budget deliberations are anticipated in December through February with anticipated adoption of the FY 2022 budget in March 2021. He noted that the WMATA Board has not yet seen a line by line budget and hopefully it will be available soon.

Mr. Letourneau noted that WMATA needs the federal government to step up and pass a financial stimulus package with aid for transit. Chair Cristol stated that these proposed budget cuts will have a huge impact on Virginia, with the changes to the Silver Line service, station closures, fewer bus routes in Virginia, as well as Arlington County's vision for a premium bus network on Columbia Pike is now dashed. She asked about the process for calibrating the budget and if the budget can be adjusted after the fiscal year starts if ridership comes back, so that service is there to match ridership. Mr. Letourneau stated that this is a key point and WMATA is working on this issue, but he reminded Commissioners that service cannot switch "on a dime" and there is a 3 to 6-month lag to increase or decrease service. WMATA has already anticipated as part of the budget ridership gains on a quarterly basis of 6%, 17% and 22% each quarter. Two big factors are the federal workforce and the D.C. public schools as to when their timing is to bring people back to the office and schools.

Commissioners discussed the potential bus route cuts in Virginia and the significant impacts to Northern Virginia. Multiple Commissioners expressed their concerns about these cuts. Mr. Letourneau stated that his understanding of the justification for the bus cuts and consolidated route plans is based on ridership demand, equity issues and redundancy. For Virginia, the redundancy issue is a factor because Virginia has done a good job with its bus networks and many jurisdictions offer their own bus service. He understands the equity issue from the perspective of providing service to the people who need it the most, but there is another equity component from the standpoint of Virginia putting money into the Metro system and getting value back.

Ms. Garvey observed that there are costs associated with rehiring people and increasing service when the demand for service returns and she hopes WMATA factors these costs into the budget equation. Mr. Letourneau stated that the key will be WMATA's negotiations with the unions and considering options other than layoffs. Ms. Garvey stated that she hopes WMATA will look at the assumptions and talk with the jurisdictions. Mr. Sullivan asked that assuming the vaccines go well, does WMATA have a timeline for bringing back service. Mr. Letourneau explained that the budget will not get approved until March 2021 and the WMATA Board can revisit the budget if circumstances change.

Mr. Walkinshaw expressed his concern that these budget cuts due to the COVID-19 pandemic will turn into permanent eliminations of bus routes. He requested that when service can be restored that WMATA will look at the bus route ridership at pre-pandemic levels. Mr. Letourneau stated that NVTC has been instrumental in assisting with the dialogue between the jurisdictions and WMATA and he anticipates the same collaboration in the future as ridership increases.

Mr. Foust asked for more information about the Silver Line Phase 2 and the timeline for start of operations and if the Silver Line is being treated the same way as the other Metro lines. Mr. Letourneau stated that the budget assumes the Silver Line Phase 2 will be operational at the beginning of FY 2022, subject to change due to construction issues outside of WMATA's control.

The Yellow Line will also see service end at Mt. Vernon Square, but other lines are not seeing the same level of interruption. He agrees that this is a concern.

Ms. Palchik observed that there seems to be deep budget cuts for Virginia and would like to know how it compares with cuts in the District and Maryland. She also asked if WMATA is looking at ways to incentivize those first waves of people getting the vaccine to get them back on transit. Mr. Letourneau stated that there will need to be hard discussions at the WMATA Board, where the board members are representing their own jurisdictions. Currently there has been no discussion by the Board of incentives.

Mr. Snyder stated that he understands WMATA has to start with a budget proposal, but he believes that there will need to be major fine tuning within the budget and that there are more opportunities for more give and take within the budget. He hopes that the jurisdictions will have an opportunity to provide input as he believes shutting down 19 stations and 30-minute headways are bad ideas. Mr. Letourneau stated that seeing the line by line budget will be helpful.

Mr. Meyer spoke to the proposed transfer of capital funds and he conveyed his long-term concerns for future budgets as it will be very hard to put the “genie back in the bottle” and that there may be a false sense of savings and could create a systemic long-term scenario impacting refurbishing the system for the future and the system’s safety. Mr. Letourneau reminded Commissioners that this is a WMATA staff proposal and not what the WMATA Board has approved. He also has concerns, but the shifting of the funds would avoid another \$160 million in service cuts and keep state of good repair projects funded. He agrees that it is not a sustainable approach for future years.

In response to a question from Mr. Krizek, Mr. Letourneau gave more information on potential layoffs. Mr. Krizek expressed his concern of WMATA losing the experience and expertise of trained employees. Mr. Letourneau stated that the total number of proposed layoffs for FY 2022 is 2,400. Mr. Potts added that the total WMATA workforce is about 12,000. There were 1,000 positions eliminated in FY 2021. Mr. Letourneau stated that about 40% of those 1,000 positions were vacant, but that would not be the case for FY 2022 layoffs.

Commissioners thanked Mr. Letourneau and Mr. Smedberg for all their hard work as members of the WMATA Board and for their guarding Virginia’s interest as these budget discussions continue.

Report from the Chair of the NVTC WMATA Committee. NVTC WMATA Committee Chair Mr. Aguirre reported that the WMATA Committee was previously scheduled to meet virtually in December, but the meeting is being moved to January 21 at 6:00 p.m. The meeting will focus on reviewing the WMATA General Manager’s proposed FY 2022 budget and formulating NVTC’s comments, which will be relayed to the Commission for approval at its February Commission meeting.

Mr. Aguirre stated that the final version of the 2020 Report on the Performance and Condition of WMATA, which is due to the governor and the General Assembly by December 15, is being

presented for Commission action. The Commission received a presentation on the report last month and there was general support for the recommended strategies which include:

- Communicate and encourage a safe return to transit
- Adapt rail service to meet changing demands
- Leverage regional expertise to improve Northern Virginia's bus network
- Continue focus on ongoing initiatives to reduce the growth in operating costs and improve operational efficiencies

Mr. Aguirre moved, with a second by Mr. McKay, to authorize the executive director to send NVTC's FY 2020 Report on the Performance and Condition of WMATA to the governor and the General Assembly. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Mitchell, Palchik, Reid, Snyder, Sullivan, Turner and Walkinshaw.

### Transit Technology Program

Ms. Mattice stated that the proposed 2021 Northern Virginia Regional Fare Collection Strategic Plan articulates NVTC's vision for an enhanced regionally integrated fare collection system and identifies NVTC's role in supporting and coordinating implementation of fare collection initiatives in the region. Considerable progress and innovation have been realized since the adoption and implementation of the 2018 strategic plan. Moving forward, the 2021 plan will address new challenges and maintain a state of good repair while modernizing the regional fare collection system. Staff plans to incorporate the feedback from this meeting and then present the Strategic Plan for action at the January meeting.

Ms. Mattice introduced Patricia Happ, who is the lead on this effort and has worked with NVTC's regional partner transit agencies to update the Strategic Plan. Ms. Happ provided the highlights of the draft 2021 Northern Virginia Regional Fare Collection Strategic Plan. She gave an overview of the planning process, history of fare collection, plan overview, proposed NVTC support actions, challenges and opportunities, and accomplishments since the 2018 strategic plan. She stated that one of the main takeaways of the work that has been done is that continued levels of NVTC support are needed to coordinate the enhancements of regional fare collections systems. She reviewed some of the challenges due to the COVID-19 pandemic including paused fare collection, reduced fare revenue, on-board customer interactions, and shared payment equipment.

Ms. Happ stated that some of the new opportunities through fare payments improvements include growing demand for mobile and contactless payments, modernization of back office software, multimodal trip planning and payment, and touchless technology. The plan is to bring the 2021 Northern Virginia Regional Fare Collection Strategic Plan back at the January 2021 meeting for action. Staff will then continue to make sure the plan is serving the region and the actions continue to be relevant. Staff plans to update the Commission on a regular basis.



Mr. de Ferranti thanked staff for the presentation especially in light of the challenges of fare collection due to the COVID-19 pandemic and he appreciates staff continuing this work as it will gain importance over the next few years.

### Legislative Update

Mr. Meyer reminded Commissioners that last month the Commission was presented with NVTC's proposed 2021 Legislative and Policy Agenda, which is being presented for approval at this meeting. Based upon the feedback from the Commission last month, the final document includes talking points on the importance of sustained investment in public transit, as well as revised language regarding electronic participation that provides some flexibility to support a range of approaches that would increase the use of electronic meetings. As a reminder, he reviewed the NVTC's state legislative priorities:

- Protect Existing Transit Programs and Funding
- Connect Riders to Opportunity through Transit
- Continue Support for the Transforming Rail in Virginia Program
- Restore Funding for NVTA
- Preserve NVTC Stewardship of NVTC Programs
- Update Remote Public Meeting Requirements

Mr. Meyer also reviewed NVTC's federal legislative priorities:

- Reauthorize Dedicated Federal Funding for WMATA
- Continue Support for COVID-19 Relief for Transit Agencies
- Reauthorize the FAST Act and Fix the Highway Trust Fund
- Identify Federal Funding and Financing for Long Bridge
- Continue Support for Commuter Tax Benefits

He then asked Ms. Perron Seibert and Ms. Mattice for their comments. Ms. Perron Seibert gave a brief General Assembly update. The General Assembly Session starts on January 13, 2021 and it is a short session year. The 2021 General Assembly Session will be virtual with the House of Delegates meeting completely virtual and the Senate live streaming and meeting in person with social distancing and other safeguards. There will be strict bill limits with senators allowed 12 bills and delegates allowed seven bills. The governor's proposed budget will be released on December 16, 2020.

Ms. Mattice stated that in the federal space there are a lot of moving targets and staff continues to track the various bills being considered. A bipartisan group, including Senator Warner, introduced a \$908 billion COVID-19 relief package that includes \$45 billion for airlines, rail and transit. Those participating in the virtual Joint NVTC-PRTC Legislative Briefing on December 7 will have an opportunity to hear about this from Senator Warner and Senator Kaine. Secretary of Transportation Shannon Valentine is also participating as the keynote speaker and there will be a panel consisting of WMATA General Manager/CEO Paul Wiedefeld, VRE CEO Rich Dalton, NVTA Executive Director Monica Backmon, PRTC Executive Director Bob Schneider and NVTC Executive Director Kate Mattice.



Mr. Meyer moved, with a second by Mr. McKay, to adopt the final 2021 NVTC Legislative and Policy Agenda.

Mr. Snyder asked if NVTC has sufficiently addressed the financial situation at WMATA that was discussed earlier in the agenda in the Legislative and Policy Agenda. Mr. Meyer stated that on the state level, this is NVTC's first priority, which includes doing no harm regarding the revenue streams in the Commonwealth. The concept of seeking funding assistance is imbedded in both the state and federal legislative priorities.

Mr. McKay stated that he would support NVTC drafting a letter to the federal congressional delegation with specifics on the current crisis at WMATA and reinforce the magnitude of the crisis. Mr. Meyer agreed and stated that it is also important to convey the economic benefits from transit. Mr. McKay noted that NVTC has previously done studies on the benefits of transit, especially Metro, to the Commonwealth's statewide economy. The letter could emphasize the importance of Metro service to the state and the nation. Chair Cristol stated that this is an excellent idea. Mr. Meyer stated he accepts Mr. McKay's comments as an amendment to his motion. Multiple Commissioners agreed that it is important to convey the value of transit to the region, state and nation. Ms. Filler-Corn stated that it is all about educating the legislators. NVTC's past study on the benefit of transit was very helpful in the General Assembly.

Mr. Letourneau stated that this region is appreciative of all the Commonwealth and DRPT have done for transit in this region during the pandemic. He asked if it is possible to assume there could be legislation to address WMATA's financial crisis. Ms. Filler-Corn stated that it is worthwhile to pursue this, and her office can work with NVTC staff. Mr. Letourneau suggested the cover letter for the NVTC Legislative and Policy Agenda reference that NVTC is seeking legislative help, both on the state and federal level. Mr. Meyer stated that he supports this as part of his motion. Mr. McKay agreed as seconder of the motion.

The Commission then voted on the amended motion and it passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Mitchell, Palchik, Reid, Snyder, Sullivan, Turner and Walkinshaw.

### Virginia Railway Express

Chair Cristol remarked that Mr. Dalton will provide his regular VRE CEO report as well as a VRE Orientation, which is done on an annual basis as a result of a recommendation from the VRE Management Audit. This will be followed by VRE Operations Board Vice-Chair Elizabeth Bennett-Parker presenting the action and information items. At the conclusion, Chair Cristol stated that she will propose voting on the five VRE actions items as a block vote, unless there are objections.

VRE Orientation. Mr. Dalton stated that VRE is jointly owned by NVTC and PRTC, but the Commissions have delegated many actions to the VRE Operations Board. He reviewed the approval authority the Commissions retain. VRE is known for safe and healthy operations, high customer satisfaction, quality service, reliable service, and strong partnerships. He reviewed VRE

operations (pre-pandemic) including an overview of service, stations, staff and crews, and equipment.

Mr. Dalton stated that for post-pandemic, VRE's visionary \$3.7 billion infrastructure improvement program will separate freight and passenger rail, enhancing VRE service reliability and allow for longer and more frequent trains. When the 10-year plan is fully implemented, VRE can explore adding bi-directional service.

Mr. Dalton also invited Commissioners and staff to take a VRE tour to see operations in real-time.

VRE CEO Report and VRE COVID-19 Response. Mr. Dalton reported that VRE continues to operate at reduced service levels. He reviewed the measures VRE is taking to address the COVID-19 public health emergency, which include enhanced measures to be ready to welcome back riders. He stated that riders can view capacity of each train using VRE's train utilization webpage. Mr. Dalton reported that VRE saw ridership drop off slightly in November compared to October. For November, there were approximately 1,350 daily trips. On-time performance for the month of November was 93% systemwide.

VRE FY 2022 Budget Update. Ms. Bennett-Parker stated that this item is just an update and no action is being requested. The Commission will be asked to approve the revised FY 2021 VRE budget and the proposed FY 2022 budget at its January 2021 meeting. She reported that the key VRE budget assumptions and projections initially presented as part of the preliminary FY 2022 budget have not changed, and daily ridership and passenger revenue have remained steady at reduced levels throughout the fall. Federal CARES Act funding remains available to backstop lost passenger revenue and support VRE operations through FY 2022. The ongoing pandemic will require deviations from normal budget adoption processes, including the allocation of jurisdictional subsidy based on the previous year's budget rather than the results of the Master Agreement survey.

VRE's FY 2020 Comprehensive Annual Financial Report (CAFR). Ms. Bennett-Parker stated that the Commission is being asked to approve Resolution #2427, which will accept and authorize distribution of VRE's FY 2020 Comprehensive Annual Financial Report (CAFR). The FY 2020 VRE 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 20 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.

2021 VRE Legislative Agenda. Ms. Bennett-Parker stated that the Commission is being asked to approve Resolution #2428, which will approve the 2021 VRE Legislative Agenda. At its November 20 meeting, the VRE Operations Board amended the 2021 VRE Legislative Agenda to add language under the *Meetings Held Through Electronic Communication Means* section of the state legislative agenda to support removing the state limit on how often members may participate electronically when there is a physical quorum present, while retaining VRE's authority to govern such participation with additional guidelines or restrictions.

Agreement with the City of Manassas Park for the Design, Construction, Operation and Maintenance of a Parking Garage at the VRE Manassas Park Station. Ms. Bennett-Parker stated that the Commission is being asked to approve Resolution #2429, which will authorize the VRE CEO to execute an agreement with the City of Manassas Park for the design, construction, operation and maintenance of a parking garage at the VRE Manassas Park Station, as well as authorize the VRE CEO to execute all deeds and other documents required to accept the conveyance of real property by the city to the Commissions. This item was deferred from last month and since then VRE and City of Manassas Park staff have worked through final contract language to collaboratively address the city's request to have the ability to reacquire the garage parcel used for the construction of the parking garage in the event VRE service at the Manassas Park Station is discontinued. VRE and city staff are proposing a ground lease of the garage parcel, and other requirements of the city in the event VRE service is discontinued. Prior to soliciting for construction of the parking garage, staff will bring to the VRE Operations Board a recommendation to the Commissions for authorization of a ground lease with the City of Manassas Park.

Virginia Passenger Rail Authority (VPRA) Agreements. Ms. Bennett-Parker stated that the Commission is being asked to approve two resolutions related to two separate VPRA agreements. Resolution #2430 will authorize the VRE CEO to execute an agreement with the Virginia Passenger Rail Authority (VPRA), or alternatively DRPT for later assignment to the VPRA, for Passenger Rail Operations and Access. The Passenger Rail Operations and Access Agreement includes provisions to enable VRE trains to operate on right-of-way acquired by the Commonwealth of Virginia from CSX Transportation (CSXT); to provide the right for VRE to manage VRE station facilities located in the right-of-way; and to increase VRE service once planned improvements within the railroad corridor are completed. It is anticipated the Agreement will be executed with DRPT and later assigned to the VPRA when practical.

Ms. Bennett-Parker stated that Resolution #2431 will authorize the VRE CEO to execute an agreement with the Virginia Passenger Rail Authority (VPRA), or alternatively DRPT for later assignment to the VPRA, for Passenger Rail Improvements and Funding. The Passenger Rail Improvements and Funding Agreement includes provisions for the two Commissions (NVTC and PRTC) to fund a portion of the planned improvements and the purchase of real property for right-of-way acquired by the Commonwealth from CSXT. The Commissions will utilize Commuter Rail Operating and Capital (CROC) funds for both a debt issuance and on a pay-as-you-go (PAYGO) basis as the source of the funding commitment. Once complete, the planned improvements will allow a significant increase in VRE service in accordance with the term of a separate Operating and Access Agreement with the Virginia Passenger Rail Authority. Finally, it is anticipated the agreement will be executed with DRPT and later assigned to the VPRA when practical.

Ms. Bennett-Parker then asked Mr. Dalton to speak to the agreements. Mr. Dalton reviewed key points of the agreements. Regarding indemnity and liability default provisions, he highlighted that they are very similar to provisions in other VRE access agreements.

Mr. Schofield gave highlights of the proposed passenger rail improvements and funding agreement. VRE and the Commonwealth have been working on the agreement for the past year.

The agreement allows as much flexibility as possible to structure the debt issuance in an advantageous way given the market conditions at the time of the debt issuance. He gave a quick overview of the CROC-backed debt, CROC PAYGO contribution, supported program elements and future agreements. The goal is to issue debt in about 12 months. Staff anticipates returning to the Operations Board and Commissions at least two more times with actions related to an updated debt management policy and formal approval of a detailed debt issuance plan.

Mr. Snyder asked Mr. McIsaac, NVTC and VRE legal counsel, what is the ultimate liability for any debt issued. Mr. MacIsaac responded that there is no liability and no recourse on any member jurisdictions of NVTC or PRTC for the debt backed by CROC debt. There will be a debt service reserve to protect any shortfall of debt service payments, but in no instance is the full faith and credit of any jurisdiction pledged to support any of the debt. Mr. Snyder requested that this question and answer be reflected in the minutes.

Chair Cristol asked if Commissioners had any objections to voting the five VRE action items as a block vote. There were no objections.

Mr. De Ferranti moved, with a second by Ms. Bennett-Parker, to approve the following block vote:

- Resolution #2427: Accept and Authorize Distribution of VRE's FY 2020 Comprehensive Annual Financial Report (CAFR)
- Resolution #2428: Approve the 2021 VRE Legislative Agenda
- Resolution #2429: Authorize the VRE CEO to Execute an Agreement with the City of Manassas Park for the Design, Construction, Operation and Maintenance of a Parking Garage at the VRE Manassas Park Station
- Resolution #2430: Authorize the VRE CEO to Execute an Agreement with the Virginia Passenger Rail Authority (VPRA), or Alternatively the Department of Rail and Public Transportation for Later Assignment to the VPRA, for Passenger Rail Operations and Access
- Resolution #2431: Authorize the VRE CEO to Execute an Agreement with the Virginia Passenger Rail Authority (VPRA), or Alternatively the Department of Rail and Public Transportation for Later Assignment to the VPRA, for Passenger Rail Improvements and Funding

The Commission voted on the block of five actions and they passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Palchik, Reid, Sullivan, Turner and Walkinshaw.

Mr. Snyder abstained, and Ms. Mitchell explained that since she will be a counter signatory on the two VPRA agreements, she will also abstain. (Copies of the resolutions are attached.)

### DRPT Report

DRPT Director Mitchell encouraged Commissioners to read the written monthly DRPT Report. Director Mitchell reported that the Commonwealth Transportation Board is scheduled to meet on December 9. Action will be requested on the FY 2021 Six-Year Plan amendments and the

Commuter Choice on the I-66 Corridor Round Four Program of Projects. She thanked VRE staff for all their hard work on the VPRA agreements and the Commission for voting for the VPRA agreements. She observed that it has been a great partnership between DRPT and VRE and she is looking forward to moving ahead to the next chapter of transforming rail in Virginia.

DRPT Chief of Public Transportation Jennifer DeBruhl gave a presentation on the I-495 American Legion Bridge Transit/TDM Study. Ms. DeBruhl stated that in fall of 2019 Virginia Governor Northam and Maryland Governor Hogan announced the Capital Beltway Accord to Rebuild American Legion Bridge and Connect Interstate Highway System. This complements Virginia's I-495 NEXT project and Maryland's Managed Lane Study. The I-495 American Legion Bridge Transit/TDM Study is funded and managed jointly by DRPT and the Maryland Department of Transportation/Maryland Transit Administration (MDOT/MTA) and is separate from other improvement projects in the corridor. The focus of the study is to develop and prioritize transit options and travel demand management for bistate travel across the bridge.

Ms. DeBruhl reviewed the study and stakeholder groups, the study process and the engagement process. She reviewed existing transit and rail in the corridor but noted that there is currently no transit service operating over the bridge, which is a real gap in the transportation network. Data shows significant travel demand to key Virginia destinations (Tysons, Dunn Loring and VA 7 corridor, with moderate travel demand to Fairfax and Arlington). There is significantly more demand coming from Maryland into Virginia compared to the reverse from Virginia into Maryland. The study has looked at a number of potential transit connections and has narrowed it down to eight connections. She reviewed the prioritization methodology used which is based on three categories (productivity, equity, and connectivity). Next steps include development the investment packages for consideration and public outreach and engagement. The draft report is expected in January 2021, which will launch the public comment period.

Ms. DeBruhl announced that last week Secretary Valentine committed dedicated ongoing funding support for transit services along the corridor as part of the I-495 NEXT project. This will lead into potential future transit expansion along the corridor.

Chair Cristol stated that it is good to see transit alternatives for this congested corridor. She asked if there has been any discussion of a dedicated transit payment from the I-495 NEXT expansion project, like there is for I-66 and I-395/95. Ms. DeBruhl stated that Secretary Valentine is committed to this type of investment as part of the I-495 NEXT project. Chair Cristol stated that the I-495 NEXT project has huge environmental impacts and that there needs to be an acknowledgement that with adding all that asphalt, congestion will still continue unless transit is a key component.

Mr. Foust stated that the I-495 NEXT project is within his district and he has been following it closely. He stated that it will be important to focus on a transit component. The commitment of \$700,000 a year will not do a lot and more funding is needed.

Mr. McKay observed that the DRPT presentation was well received, but he is concerned with when this study became public and when localities will ultimately need to take positions on the I-495 NEXT project. He is happy to see transit funding added and that the Commonwealth is

looking at different stages and layers, especially in light of how important the managed lane project is in Maryland to the success of what happens in Virginia. Fairfax County has submitted comments on the I-495 NEXT project to VDOT but he wants to make certain DRPT also reviews these comments as some of them relate to transit. He stated that doing nothing in this corridor is not a solution. There will be huge environmental issues with the I-495 NEXT project but there is still time for the project team to address some of those issues. It is important to keep the dialogue going and decide if the region wants transit added to this corridor. For the future, he hopes the public involvement piece is earlier in the process.

Mr. Snyder expressed his interest in the juxtaposition of building a road project which may significantly reduce the number of people seeking to use transit. He sees an emergence of a network which is less reliant on trips from Virginia to the District and looking at new destinations with different sets of demands. He stated that the study may want to focus on providing better transportation within Northern Virginia and linking systems more to recognize different emerging travel and utilization patterns and then creating the linkage to Maryland. He likes the direction the study is going. He stated that the big question is finding a way to finance it but suggested it may be helpful to continue this type of transit planning even if there are delays on the Maryland side. For planning purposes, he suggested continuing the work on this to reduce congestion and increase transit service. Ms. DeBruhl stated that working on a bistate study has been a good experience for Virginia, with the partnership and coordination being strengthened with Maryland and she hopes it will continue. In terms of roadway improvements and the connection to transit and how they interrelate, it is more than just financial. Part of the challenge is there will need to be time savings benefits for people to switch to transit.

Mr. Snyder stated that he would like to see connections to the Route 7 Bus Rapid Transit project. Ms. DeBruhl agreed that there are lots of opportunities to connect transit that results from this study to other transit options in the region.

### Transit Resource Center

Ms. Mattice stated that the written report was provided as an information item and she directed Commissioners attention to the ridership and parking data which can be found in the report. There were no questions.

### Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter. She reviewed several upcoming meetings, including the annual Joint NVTC-PRTC Legislative Briefing will be a virtual webinar on December 7 from 9-11:30 a.m.; a joint public meeting with NVTC, NVTA, VRE, DRPT and VDOT on Tuesday, December 8<sup>th</sup> at 6:00 p.m.; and the WMATA Committee meeting on January 21 at 6:00 p.m. NVTC's next meeting is scheduled for January 7, 2021.

Ms. Mattice stated that NVTC continues to work with its partners to seek additional federal funding for COVID-19 pandemic relief for the region's transit systems. NVTC recently participated

in signing onto several letters in partnership with other agencies requesting federal assistance. Staff will be now work on letters to the congressional delegation and the General Assembly, reflecting the direction given during the legislative discussion at this meeting.

Ms. Mattice noted that the Financial Report for October 2020 was provided to Commissioners in their meeting materials. There were no questions from Commissioners.

### Adjournment

Without objection, Chair Cristol adjourned the meeting at 10:03 p.m.

Approved this 7<sup>th</sup> day of January 2021.

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Katie Cristol  
Chair

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Dalia Palchik  
Secretary-Treasurer





## **RESOLUTION #2426**

**SUBJECT:** Finding Need to Conduct the December 3, 2020 Meeting Electronically

**WHEREAS:** On March 12, 2020, the Governor of Virginia declared a state of emergency in Virginia in response to the spread of novel coronavirus, or COVID-19, a communicable disease of public health threat as so declared by the State Health Commissioner on February 7, 2020 (“COVID-19”);

**WHEREAS:** In subsequent Executive Orders, particularly Executive Order Nos. 53 and 55, as amended, the Governor of Virginia, among other measures designed to ensure safe physical distancing between individuals, prohibited public and private in person gatherings of 10 or more individuals and ordered all individuals in Virginia to remain at their place of residence, with limited exceptions, to mitigate the impacts of COVID-19 and prevent its spread;

**WHEREAS:** The Northern Virginia Transportation Commission finds that it has a responsibility to demonstrate to the public, through the Commission’s conduct, the importance of maintaining proper physical distance from others and to avoid gathering in public where the risks of infection are highest, and to take measures that promote physical distancing in order to protect the public health and mitigate the impacts and spread of COVID-19, including, among others, conducting meetings electronically whenever possible;

**WHEREAS:** On April 22, 2020, the Virginia General Assembly adopted, and the Governor signed, budget bill amendments to HB 29 that expressly authorize “any public body, including any state, local, [or] regional body” to “meet by electronic means without a quorum of the public body . . . physically assembled at one location when the Governor has declared a state of emergency . . . , provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body . . . to assemble in a single location; (ii) the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body . . . and the discharge of its lawful purposes, duties, and responsibilities” among other provisions; and

**WHEREAS:** Several member jurisdictions of the Northern Virginia Transportation Commission have adopted continuity of government ordinances pursuant to Va. Code Ann. § 15.2-1413 which ordinances, among other provisions, authorize regional bodies of which the locality is a member may meet electronically to transact business essential to the continuity of government.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby finds that meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Commission to assemble in a single location on December 3, 2020, to discuss and transact the business of the Commission listed on the December 3, 2020 Commission Meeting Agenda.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that NVTC that hereby finds that meeting by electronic means is authorized because the items on the December 3, 2020 Commission Meeting Agenda are statutorily required or necessary to continue operations of the Commission and the discharge of the Commission's lawful purposes, duties, and responsibilities.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that NVTC hereby finds that the items on the December 3, 2020 Commission Meeting Agenda are encompassed within the continuity of operations ordinances adopted by several member localities of the Northern Virginia Transportation Commission as essential to the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19.

Approved this 3<sup>rd</sup> day of December 2020.



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Jeffrey C. McKay  
Secretary-Treasurer



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Katie Cristol  
Chair



## RESOLUTION #2427

- SUBJECT:** Accept and Authorize the Distribution of VRE's FY 2020 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 FY 2020 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 FY2020 Comprehensive Annual Financial Report (CAFR) and associated information from the auditors and hereby authorizes the VRE Chief Executive Officer to forward these documents to interested groups, firms, and members of the public.

Approved this 3<sup>rd</sup> day of December 2020.

A handwritten signature in black ink, appearing to read "Jeff McKay", is written over a horizontal line.

Jeffrey C. McKay  
Secretary-Treasurer

A handwritten signature in black ink, appearing to read "Katie Cristol", is written over a horizontal line.

Katie Cristol  
Chair



## RESOLUTION #2428

- SUBJECT:** Approve the 2021 VRE Legislative Agenda
- WHEREAS:** VRE is an essential part of 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 2021 VRE Legislative Agenda and authorizes the Chief Executive Officer to actively pursue the elements set forth in the document.

Approved this 3<sup>rd</sup> day of December 2020.

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Katie Cristol  
Chair

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Jeffrey C. McKay  
Secretary-Treasurer



## RESOLUTION #2429

- SUBJECT:** Authorize the VRE CEO to Execute an Agreement for Design, Construction, Operations and Maintenance of a Parking Garage at the VRE Manassas Park Station
- WHEREAS:** The City of Manassas Park originally provided parking for VRE riders by constructing a 300-space surface parking lot;
- WHEREAS:** As VRE ridership grew, and available parking spaces diminished, the City of Manassas Park agreed to convey a 4.8-acre parcel owned by the city to VRE to construct an additional 300-parking space lot adjacent to the city's original surface parking lot, which the VRE constructed;
- WHEREAS:** As VRE ridership has continued to increase, VRE and the City of Manassas Park have collaborated on developing additional parking capacity at the VRE Manassas Park Station;
- WHEREAS:** VRE and the City of Manassas Park have obtained funding for the design and construction of additional parking capacity;
- WHEREAS:** VRE and the City of Manassas Park have collaborated to determine the location and conceptual design - including the estimated number of additional parking spaces - and the responsibilities for the ongoing operation and maintenance; and
- WHEREAS:** The VRE Operations Board recommends the following action.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby authorizes the VRE Chief Executive Officer execute an Agreement for the Design, Construction, Operation and Maintenance of a Parking Garage at the VRE Manassas Park Station, subject to approval as to form by legal counsel.

**BE IT FURTHER RESOLVED** that NVTC authorizes the VRE Chief Executive Officer to execute all deeds and other documents required to accept the conveyance of real property by the City of Manassas Park to the Commissions.

Approved this 3<sup>rd</sup> day of December 2020.

Jeffrey C. McKay  
Secretary-Treasurer

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Katie Cristol  
Chair



## RESOLUTION #2430

- SUBJECT:** Authorize the VRE CEO to Execute an Agreement with the Virginia Passenger Rail Authority, or alternatively the Department of Rail and Public Transportation for Later Assignment to the Virginia Passenger Rail Authority, for Passenger Rail Operations and Access
- WHEREAS:** The Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission (PRTC) (the “Commissions”) currently have an Amended and Restated Operating/Access Agreement with CSX Transportation relating to VRE operations in the Fredericksburg to Washington corridor;
- WHEREAS:** In December of 2019, the Commonwealth of Virginia announced the Virginia Rail Improvement Plan which includes the acquisition of CSX Transportation right-of-way in the Commonwealth;
- WHEREAS:** During the 2020 Virginia General Assembly Session, the Virginia Passenger Rail Authority (“Rail Authority”) was established;
- WHEREAS:** The Rail Authority will manage the right-of-way acquired by the Commonwealth in the Fredericksburg to Washington corridor, including the Operating and Access agreement with VRE;
- WHEREAS:** Once the right-of-way is acquired by the Commonwealth, the Commissions will need to have an Operating and Access Agreement in place with the Rail Authority;
- WHEREAS:** Executing this agreement will ensure continued seamless operation of VRE service; and
- WHEREAS:** The VRE Operations Board recommends the following action.
- NOW, THEREFORE, BE IT RESOLVED,** that the Northern Virginia Transportation Commission authorizes the VRE Chief Executive Officer to execute an agreement with the Virginia Passenger Rail Authority, or alternatively the Department of Rail and Public Transportation for later assignment to the Virginia Passenger Rail Authority, for Passenger Rail Operations and Access, subject to approval as to form by legal counsel.

Approved this 3<sup>rd</sup> day of December 2020.

Jeffrey C. McKay  
Secretary-Treasurer

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Katie Cristol  
Chair



## RESOLUTION #2431

- SUBJECT:** Authorize the VRE CEO to Execute an Agreement with the Virginia Passenger Rail Authority, or alternatively the Department of Rail and Public Transportation for later assignment to the Virginia Passenger Rail Authority, for Passenger Rail Improvements and Funding
- WHEREAS:** In December of 2019, the Commonwealth of Virginia announced the Virginia Rail Improvement Plan which includes the acquisition of CSX Transportation right-of-way in the Commonwealth;
- WHEREAS:** During the 2020 Virginia General Assembly Session, the Virginia Passenger Rail Authority (“Rail Authority”) was established;
- WHEREAS:** Once the right-of-way is acquired by the Commonwealth, the Rail Authority will work collaboratively with CSX Transportation to construct Planned Improvements, in part, for the benefit of additional VRE service;
- WHEREAS:** The Northern Virginia Transportation Commission (NVTC) and the Potomac Rappahannock Transportation Commission (PRTC) (the “Commissions”) will provide a funding contribution to the Rail Authority to fund a portion of the Supported Program Elements and the purchase of real property;
- WHEREAS:** The Commissions will commit annual Commuter Rail Operating and Capital (CROC) funds for a CROC-Backed Debt issuance as well as pay-as-you-go contributions; and
- WHEREAS:** The VRE Operations Board recommends the following action.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby authorizes the VRE Chief Executive Officer to execute an agreement with the Virginia Passenger Rail Authority, or alternatively the Department of Rail and Public Transportation for later assignment to the Virginia Passenger Rail Authority, for Passenger Rail Improvements and Funding, subject to approval as to form by legal counsel.

Approved this 3<sup>rd</sup> day of December 2020.

Jeffrey C. McKay  
Secretary-Treasurer

Katie Cristol  
Chair