



MONTHLY COMMISSION MATERIALS

July 2020 – Electronic Meeting

MEETING OVERVIEW – July 2, 2020

NVTC’s July 2 meeting will be an electronic meeting, which is possible since Governor Northam signed into law a legislative amendment to provide authority for public bodies, such as NVTC, to conduct electronic meetings during a declared state of emergency when it is impracticable or unsafe to assemble a quorum in a single location. The public will be able to access the audio live stream through YouTube and Facebook Live.

Action Items Include:

- Resolution “Finding Need to Conduct the July 2, 2020 NVTC Meeting Electronically”
- Appointment of Speaker Eileen Filler-Corn to the NVTC Executive Committee
- Proposed NVTC Disadvantaged Business Enterprise (DBE) Goal-Setting Methodology for FFY 2021-2023
- Commuter Choice Marketing Website Services Contract
- DRPT Master Agreement
- Government Relations Contract
- Letter to WMATA Requesting Data on Uses of Dedicated Capital Funding

Other Meeting Highlights:

- Oath of Office for New Commissioner
- Public Comment Received during Declared Emergency
- Overview of WMATA and VRE’s COVID-19 Response
- Reports from the Chair of the 3% Cap Working Group, the Chair of the NVTC WMATA Committee, and the Virginia WMATA Board Members
- Commuter Choice Program Update

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**NVTC COMMISSION MEETING
THURSDAY, JULY 2, 2020
Via Electronic Participation (to be confirmed)
Public Streaming via YouTube**

7:00 P.M.

AGENDA

NVTC is receiving public comment during the declared state of emergency. Persons wishing to provide written public comment should submit comments by 3:00 pm on July 2 via [NVTC's website](#). Comments will be provided to Commissioners prior to the July 2 meeting.

1. Opening Remarks
2. Oath of Office for New Commissioner
3. **Electronic Meeting**
 - A. **ACTION ITEM: Approve Resolution #2416: Finding Need to Conduct the July 2, 2020 NVTC Meeting Electronically**
 - B. Public Comments Received During Declared Emergency
4. **ACTION ITEM: Approve the Minutes of the June 4, 2020 NVTC Meeting**
5. **ACTION ITEM: Approve the Consent Agenda (subject to chair approval)**
 - A. **Appoint Speaker Eileen Filler-Corn to the NVTC Executive Committee**
 - B. **Authorize the Executive Director to Submit the Proposed NVTC Disadvantaged Business Enterprise (DBE) Goal-Setting Methodology for FFY 2021-2023 to the Federal Transit Administration**
 - C. **Approve the Award of the Commuter Choice Marketing Website Services Contract**
 - D. **Authorize the Executive Director to Sign the DRPT Master Agreement**
 - E. **Authorize the Executive Director to Execute a Contract for Government Relations**
 - F. **Authorize the Executive Director to Send a Letter to WMATA Requesting Data on Uses of Dedicated Capital Funding**

6. Washington Metropolitan Area Transit Authority (WMATA)

- A. WMATA COVID-19 Response
- B. Report from the Virginia WMATA Board Members
- C. Report from the Chair of the 3% Cap Working Group
- D. Report from the Chair of the NVTC WMATA Committee

7. Commuter Choice Program

8. Virginia Railway Express (VRE)

- A. VRE COVID-19 Response
- B. VRE CEO Report and Minutes

9. Department of Rail and Public Transportation (DRPT)

- A. DRPT Monthly Report
- B. Certification Letters from WMATA to the Commonwealth Transportation Board

10. Executive Director Report

- A. Executive Director Newsletter
- B. NVTC Financial Report

TO: Chair Cristol and NVTC Commissioners

FROM: Kate Mattice

DATE: June 25, 2020

SUBJECT: Oath of Office for New Commissioner

At the July meeting the ceremonial oath of office will be administered to a new Commissioner. On June 22, 2020, NVTC received notification that the Virginia Senate has appointed Senator John Bell to NVTC.

Oath of Office

I do solemnly swear that I will support the Constitution of the United States and the Commonwealth of Virginia and that I will faithfully discharge all the duties incumbent upon me as a member of the Northern Virginia Transportation Commission, according to the best of my ability.

TO: Chair Cristol and NVTC Commissioners

FROM: Kate Mattice

DATE: June 25, 2020

SUBJECT: Electronic Meeting

At the July meeting the Commission will be asked to approve a resolution to conduct the meeting electronically. Commissioners will also have the opportunity to respond to the written public comments received prior to the meeting.

A. ACTION ITEM: Approve Resolution #2416: Finding Need to Conduct the July 2, 2020 NVTC Meeting Electronically

At the July meeting the Commission will be asked to approve Resolution #2416. Governor Northam signed legislation in response to the current COVID-19 public health emergency to provide authority for public bodies, such as NVTC, to conduct electronic meetings during a declared state of emergency when it is impracticable or unsafe to assemble a quorum in a single location. This resolution allows NVTC to confirm that the declared emergency makes it both impracticable and unsafe for the Commission to assemble in a single location on July 2, 2020, to discuss and transact the business of the Commission. Furthermore, the resolution states that the items on this meeting's agenda are statutorily required or necessary to continue operations of the Commission and the discharge of the Commission's lawful purposes, duties, and responsibilities.

B. Public Comments Received During Declared Emergency

According to the legislation signed by Governor Northam in response to the COVID-19 public health emergency ([Amendment 137: Allow policy-making boards to meet virtually during emergency declarations, Item 4-0.01](#)), a public body or governing board convening a meeting in accordance with this subdivision shall:

2. *Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. **If the means of communication allows, provide the public or common interest community association members with an opportunity to comment;***

In advance of the July 2 meeting, NVTC will solicit written comments from the public via [Google Forms through NVTC's website](#). Comments received by 3:00 p.m. on July 2 will be provided to

Commissioners ahead of the meeting and Commissioners will have an opportunity to respond to the comments at the July 2 meeting.

RESOLUTION #2416

- SUBJECT:** Finding Need to Conduct the July 2, 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 July 2, 2020, to discuss and transact the business of the Commission listed on the July 2, 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 July 2, 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 July 2, 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 2nd day of July 2020.

Katie Cristol
Chair

Jeffrey C. McKay
Secretary-Treasurer

MINUTES
NVTC COMMISSION MEETING – JUNE 4, 2020
Via Electronic Participation
Public Streaming via YouTube

The meeting of the Northern Virginia Transportation Commission was called to order by Chair Cristol at 7:06 P.M.

Members Present via Electronic Participation

Canek Aguirre
Walter Alcorn
Elizabeth Bennett-Parker
Katie Cristol
Matt de Ferranti
Adam Ebbin
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
Paul Smedberg
David Snyder
Daniel Storck (Alternate, Fairfax County)
Richard Sullivan
Michael Turner
James Walkinshaw

Staff Present via Electronic Participation

Kate Mattice, Executive Director
Matt Cheng
Andrew D’huyvetter
Allan Fye
Rhonda Gilchrest
Dan Goldfarb
Patricia Happ
Scott Kalkwarf
Melissa Walker
Steve MacIsaac
Aimee Perron Seibert
Rich Dalton (VRE)
Greg Potts (WMATA)

Opening Remarks

Chair Cristol welcomed everyone to the June 4 NVTC meeting. She explained that given the ongoing COVID-19 public health emergency and Governor Northam's ban on the gathering of 10 or more people, this 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. All votes will be conducted by the commission secretary using a 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 gave the following statement before formally beginning the business meeting:

I want to take a moment to recognize the demonstrations for racial justice ignited by the murder of George Floyd that have been taking place across the United States and across Northern Virginia. Racial discrimination and the opportunity to confront it, is present in every feature of our lives and that includes transportation. Throughout our American history, public transit has been the sight of race-based violence like the killing of Officer Grant in the park system, and the confrontation of civil injustice, like the Montgomery bus boycott. Public transit should also be an opportunity to further racial justice in our region. Transit should be a fulcrum for denser more affordable housing to confront our history of housing segregation. Transit should be a tool for environmental justice providing a more sustainable alternative to the vehicle emissions that have a disparate impact on the respiratory health of our black and brown residents. Transit should be the public investment that provides equal access to education and jobs by addressing a half century legacy of racial exclusion and displacement of highway infrastructure projects. I know that we are each reflecting deeply on how to use our positions of power to make meaningful change for racial justice within our own jurisdictions and across the Commonwealth. We have an opportunity here too as Northern Virginia Transportation Commissioners to help build a more just society that so many are powerfully demonstrating right now.

Chair Cristol invited the other NVTC officers to comment. Vice Chair Aguirre observed that people are broken over this issue. He stated that he appreciates the chair's comments on how transportation affects equity in our lives. He encouraged his colleagues and elected officials to review their police department policies for transparency and change. He stated that at the end of the day, if we are not changing human behaviors as well as policies, then we won't be able to move forward. He stated that we need to create a new normal.

Secretary-Treasurer Jeff McKay stated that Fairfax County has a “One Fairfax” equity policy, which is a deliberate racial and social justice equity lens under which the county makes every decision as a county government. For example, simple decisions such as where bus stops are located, to more complex decisions such as what the budget priorities are going to be, are the spectrum with which all local governing bodies should be looking through that lens to make sure decisions are equitable. For some people, access to transit means access to jobs. NVTC needs to think about transit as an equalizer, as a human service, and as a connection to the economy and health care. He concluded by noting that to build a bridge forward for racial and social equity, a key component is how we intentionally think about transit.

Following a moment of reflection, Chair Cristol gave an opportunity for other Commissioners to comment. After several Commissioners commented, Chair Cristol returned the meeting back to the agenda.

Oath of Office for a New Commissioner

Chair Cristol announced that on May 14th NVTC was notified that Speaker of the House Filler-Corn appointed four new Commissioners to NVTC to fill the vacancies from the House of Delegates. Speaker Filler-Corn appointed herself, Delegate Paul Krizek, Delegate David Reid and Delegate Richard “Rip” Sullivan to serve on NVTC. The four new Commissioners were officially sworn in as a Commissioner earlier in the week, but as is NVTC’s custom, the chair administers a ceremonial oath of office to welcome new Commissioners to NVTC.

Chair Cristol administered the oath of office to Speaker Filler-Corn, Delegate Krizek, Delegate Reid and Delegate Sullivan. Commissioners welcomed them to NVTC.

Electronic Meeting

Ms. Mattice reviewed Resolution #2410 “Finding Need to Conduct the June 4, 2020 Meeting Electronically” and noted that it is the same resolution passed last month except the date of the meeting has been changed. She explained that this resolution confirms that the declared emergency makes it both impracticable and unsafe for NVTC to assemble in a single location on June 4, 2020, to discuss and transact the business of the Commission. Furthermore, the resolution states that the items on the June 4 Agenda are statutorily required or necessary to continue operations of the Commission and the discharge of the Commission’s lawful purposes, duties, and responsibilities.

Ms. Mattice also explained that according to the legislation signed by Governor Northam in response to the COVID-19 public health emergency, a public body convening a meeting during the declared emergency shall provide the public an opportunity to comment. Therefore, in advance of the June 4 meeting, NVTC solicited written comments through its social media and press releases. Comments received by 3:00 p.m. on June 4 were provided to Commissioners ahead of the meeting. NVTC received one comment regarding the acceptance by WMATA of the

Silver Line Phase 2 in regard to the concrete panels. Commissioners had no questions or comments.

Mr. Sullivan moved, with a second by Mr. McKay, to approve Resolution #2410 (copy attached). The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bennett-Parker, Cristol, de Ferranti, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Palchik, Reid, Smedberg, Snyder, Sullivan, Turner and Walkinshaw. Mr. Ebbin did not participate in the vote.

Minutes of the May 7, 2020 NVTC Commission Meeting

Mr. Letourneau moved, with a second by Mr. Smedberg, to approve the minutes of the May 7, 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, Bennett-Parker, Cristol, de Ferranti, Ebbin, Foust, Letourneau, McKay, Meyer, Palchik, Smedberg, Snyder, Turner and Walkinshaw. Commissioners Filler-Corn, Garvey, Krizek, Reid and Sullivan abstained.

Consent Agenda

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

- A. Authorize the Executive Director to Send a Letter Certifying Receipt of Certain Documents from WMATA Required by State Code
- B. Appoint Matt de Ferranti to the NVTC WMATA Committee

Delegate Reid moved, with a second by Delegate 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, Bennett-Parker, Cristol, de Ferranti, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Palchik, Reid, Smedberg, Snyder, Sullivan, Turner and Walkinshaw. Mr. Ebbin did not participate in the vote.

Virginia Railway Express

Chair Cristol suggested deferring Mr. Dalton's CEO report to after the presentation of the action items since he was addressing the PRTC Commission, which meets at the same time as NVTC.

Chair Cristol asked VRE Vice-Chair Elizabeth Bennett-Parker to present the action items. Chair Cristol explained that after Ms. Bennett-Parker presents the action items and Mr. Dalton gives his report, Commissioners will have a chance to ask questions or comment. If there are no objections, Chair Cristol suggested the Commission approve all the action items as a block and take one roll call vote.

Ms. Bennett-Parker reported that the VRE Operations Board met virtually for the first time on May 15, 2020 and at that meeting took action to recommend NVTC and PRTC approve four rail agreements and one parking agreement.

Amended and Restated Operating/Access Agreement with CSX Transportation. Ms. Bennett-Parker stated that Resolution #2411 would authorize the Acting VRE CEO to execute a one-year extension of the existing Amended and Restated Operating/Access Agreement with CSX Transportation (CSXT) through June 30, 2021. VRE's current operating access agreement with CSXT expires June 30, 2020. She explained that throughout the one-year extension period, VRE will continue to work with the Commonwealth, including DRPT and Virginia Passenger Rail Authority, and CSXT on the necessary agreements to continue VRE operations, consistent with the Virginia Rail Improvement Plan. This extension will allow time to complete the agreements in FY 2021.

Access and Storage Agreement with Amtrak. Ms. Bennett-Parker stated that Resolution #2412 would authorize the Acting VRE CEO to enter into a five-year agreement, with an option to extend for another five-year term, with Amtrak for access and mid-day storage at Washington Union Terminal. VRE's current agreement with Amtrak expires on June 30, 2020. Ms. Bennett-Parker explained that the agreement, executed in 2015, included an option for an additional five-year term. The preferred method, as determined by VRE legal counsel, is to update the current agreement instead of amending. The majority of the updates reflect the implementation of policies by the Northeast Corridor Commission related to the Passenger Rail Investment and Improvement Act of 2008. The proposed agreement will be for five years with an option to extend for another five-year term. There are no material changes from the previous agreement relative to cost, general provisions and scope of work.

Contract with Keolis Rail Services Virginia, LLC for Operating Services for Commuter Rail. Ms. Bennett-Parker stated that Resolution #2413 would authorize the Acting VRE CEO to amend the Contract for Operating Services for Commuter Rail with Keolis Rail Services Virginia, LLC by approving the second five-year option period and approving up to \$16,591,500 for the first year of the second option period, for a total contract value not to exceed \$196,003,057 through June 30, 2021.

Contract with Keolis Rail Services Virginia, LLC for Maintenance Services for Commuter Rail. Ms. Bennett-Parker stated that Resolution #2414 would authorize the Acting VRE CEO to amend the Contract for Maintenance Services for Commuter Rail with Keolis Rail Services Virginia, LLC by increasing the total contract authorization by \$9,012,749, for a total amount not to exceed \$39,920,852, through June 30, 2021. There are no material changes to the scope of work for the upcoming fiscal year.

Agreement with the City of Manassas for the Operation and Maintenance of the Parking Facility. Ms. Bennett-Parker stated that Resolution #2415 would authorize the Acting VRE CEO to amend the agreement with the City of Manassas for the operation and maintenance of the parking facility located in the City of Manassas. The amendment will permit the installation of fixed bicycle storage spaces and extend the term of the agreement for five years. The resolution will also authorize the amendment to include a provision allowing the agreement to be automatically extended for an additional five years, through June 2030, unless either party

provides notice to the other of its request not to automatically extend the term. Ms. Bennett-Parker stated that the agreement will stipulate the cost to purchase, install and maintain the bicycle lockers will be at the sole expense and responsibility of the City of Manassas. This resolution will not increase the estimated annual operation and maintenance cost for the parking facility.

There were no objections to including all the action items in one motion. Ms. Filler-Corn moved, with a second by Mr. Reid, to approve Resolution #2311, Resolution #2312, Resolution #2313, Resolution #2314 and Resolution #2315 as one motion. Chair Cristol asked if Commissioners had any questions or comments. There were none.

The Commission then voted on the motion. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bennett-Parker, Cristol, de Ferranti, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Palchik, Reid, Smedberg, Snyder, Sullivan, Turner and Walkinshaw. Mr. Ebbin did not participate in the vote. (Copies of the resolutions are attached.)

VRE CEO Report. Mr. Dalton reported that VRE continues to operate at a reduced service level since Northern Virginia entered into Phase 1 of recovery on May 29, 2020. VRE has seen daily ridership slowly increasing to over 600 daily trips. On-time performance for the month of May was 93%. He reviewed the measures VRE is taking to address COVID-19 public health emergency. Throughout the month of June, VRE will continue to install graphics and signage at platforms and on trains to support social distancing. As ridership grows, VRE can lengthen existing trains to further manage social distancing. Hand sanitizer dispensers will be installed on all trains and stations. VRE requires social distancing on the trains and face masks are required. Mr. Dalton also reviewed VRE's enhanced cleaning and disinfecting procedures. He was pleased to report VRE continues to have no positive COVID-19 cases. Chair Cristol asked for pre-pandemic ridership counts to put the impact in ridership into context. Mr. Dalton stated that VRE had over 18,000 daily trips prior to the pandemic.

Washington Metropolitan Area Transit Authority

Chair Cristol asked WMATA Board members Smedberg and Letourneau to give the WMATA COVID-19 Report and the Virginia WMATA Board Member Report, which will be followed by the other WMATA reports.

COVID-19 Update and Report from Virginia WMATA Board Members. Mr. Smedberg stated that WMATA remains in Phase 3 of its pandemic response plan and continues to discourage the use of the system except for essential travel. As of May 14, in alignment with local jurisdictions, WMATA now required the use of face coverings or masks on the system.

Mr. Smedberg reported that last month WMATA staff presented its three-phased recovery plan to the WMATA Board. WMATA has implemented the stabilization phase of the plan to provide enough service to accommodate a limited amount of non-essential work travel. This fall, WMATA anticipates implementing the managed re-entry phase as jurisdictions begin to relax social distancing policies with improved headways on Metrorail and expanded service hours for

Metrobus. He explained that WMATA needs the local jurisdictions to help communicate and distribute a survey for organizations regarding their return-to-work plans. This will be helpful information as WMATA needs time for switch over in demand. WMATA aims to keep service ahead of demand. The final phase of the plan is the recovery phase and a return to pre-pandemic service levels. This phase is expected occur in 2021 when social distancing is no longer necessary due to herd immunity or the discovery of a vaccine.

Mr. Smedberg reported that the WMATA Board approved an amendment to the FY 2021 operating budget, which will utilize all of the \$876.8 million in federal relief funding made available under the Coronavirus Aid, Relief, and Economic Security (CARES Act) available to WMATA. He explained that WMATA is providing a one-time \$109 million to credit to local jurisdictions intended for their local transit operators. As part of the recent actions taken by the WMATA Board, WMATA is using \$221 million in CARES Act money in the FY 2020 budget to offset revenue losses and WMATA does not anticipate needing any additional funding from the jurisdictions in FY 2020. WMATA is using the remaining \$546 million in CARES Act money in its FY 2021 budget, which will be used to cover operating revenue losses related to COVID-19. As a result of the CARES Act funding and other cost saving measures taken by management, WMATA will provide a \$143 million one-time subsidy credit to all WMATA funding partners. This credit is in addition to the \$109 million credit mentioned earlier, and this recognizes that WMATA's funding partners also face declining revenues to the tax streams that they used to fund WMATA.

Mr. Smedberg stated that the budget amendment also defers for six months all service and fare changes which were originally approved by the WMATA Board and planned to take effect on July 1, 2020. The WMATA Board reserves the right to revisit or further defer these changes depending on conditions in the future.

Mr. Letourneau reported that the WMATA Board approved a one-year extension of the Capital Funding Agreement (CFA) with the WMATA Compact funding jurisdictions. The extension will need to be approved by each governing body. This is the first CFA to include Loudoun County. The WMATA Board also approved an amendment to the Potomac Yard Reimbursable Project Agreement to provide access to the station from the southwest.

Mr. Letourneau reported that the WMATA Safety and Operations Committee received an update on the Silver Line Phase 2 project. From a budgetary and planning standpoint, WMATA has not changed its expectations for the Silver Line. There are 12 major quality issues identified, of which four are resolved, five are being addressed and three await a resolution. Regarding the concrete panels, he reported that the contract inspector is now in Virginia and inspecting all 700 panels and it is expected that this work will wrap up next month. Mr. Letourneau stated that an announcement of a revenue service date, which could be late spring or summer of 2021, depends on resolving the major quality issues and ATC tie-in work at Wiehle-Reston East.

Mr. Letourneau stated that the WMATA Board is aware of the role WMATA can play in addressing inequity with the populations served by the Metro system. This can be seen over the past months of continuing to provide service during the COVID-19 public health emergency for those communities that heavily rely on transit. The WMATA General Manager/CEO also addressed staff on equity issues in the past several days.

NVTC Working Group on the Impact of the 3% Operating Subsidy Cap. Chair Cristol reminded Commissioners that the Commonwealth's FY 2021 – FY 2022 budget directs the NVTC chair to convene a working group to review the impact of Virginia's 3% cap on WMATA's operating assistance payment. She observed that most Commissioners would agree that the 3% cap has been a doubled edge sword for the localities and Northern Virginia's interest in WMATA holistically and so she appreciates that the General Assembly is giving NVTC an opportunity to review the usefulness of the cap and report back. NVTC must report to the chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 10, 2020.

Chair Cristol stated that in mid-May NVTC staff sent formal invitations to members of the 3% Cap Working Group and began interviewing working group members to gather their input. The members of the working group are:

Chair: Katie Cristol, NVTC Chair, Arlington County

Vice Chair: Kate Mattice, NVTC Executive Director

Commonwealth Representative: Jennifer Mitchell, DRPT Director

Senior-Level Transportation Officials:

- Yon Lambert, City of Alexandria
- Dennis Leach, Arlington County
- Tom Biesiadny, Fairfax County
- Wendy Block Sanford, City of Fairfax
- Cindy Mester, City of Falls Church
- Penny Newquist, Loudoun County

Private Sector Stakeholders:

- Clayton Medford, Northern Virginia Chamber of Commerce
- The Honorable Randy Minchew, Former Member of the Virginia House of Delegates
- Stewart Schwartz, Coalition for Smarter Growth
- Jason Stanford, Northern Virginia Transportation Alliance

Ms. Mattice stated that NVTC has conducted initial phone interviews with each member of the 3% Cap Working Group, which have provided frank discussions resulting in valuable feedback. Staff will continue to gather input from the working group in advance of sharing their findings with the NVTC WMATA Committee later this summer. Ms. Mattice stated that the resulting report and recommendations will be brought to the Commission in the fall in advance of distribution to the General Assembly in November.

Report from the Chair of the NVTC WMATA Committee. NVTC WMATA Committee Chairman Aguirre reported that the next WMATA Committee meeting is scheduled for July 16, 2020. In addition to an update on the 3% Cap Working Group, the committee will discuss the 2020 update to the *Annual Report on the Performance and Condition of WMATA*.

Chair Cristol asked if Commissioners had questions or comments regarding any of the WMATA reports.

Mr. Turner asked for more information about the desired outcome or metrics for the concrete panels and mitigation efforts. Mr. Letourneau stated that it isn't feasible to tear down the

concrete and rebuild, so WMATA is looking at long-term mitigation efforts over the lifetime of the panels as well as anti-corrosion measures.

Mr. Turner also observed that if exceptions keep getting added to the 3% operating cap, it takes away the validity of the cap and therefore, he asked if it remains viable. He asked Chair Cristol to explain more about her “double edged” reference to the 3% cap. Chair Cristol explained that prior to the cap jurisdictions had limited predictability on their WMATA subsidy amounts. The 3% cap has made it more manageable, but it impacts service expansions and other service enhancements that jurisdictions may want for their constituents. She stated she personally would prefer to see the cap percentage higher than continue to see more exceptions being made. The 3% Cap Working Group doesn’t have answers yet as staff is synthesizing the feedback from the interviews. Mr. Letourneau also noted that since Virginia has a cap, it impacts the other Metro jurisdictions and they basically are limited by the 3% cap too. He gave some examples of the benefits and negative challenges of the cap.

Mr. Reid had additional questions about the concrete panels and asked if the contractor has set aside escrow funds to guarantee WMATA will have minimal impact in the future. Mr. Letourneau stated that this is the plan, but it hasn’t been fully negotiated yet. Mr. Smedberg stated that it is a significant issue and WMATA will not take over the project if it will place undue burden on WMATA.

DRPT Report

DRPT Director Mitchell encouraged Commissioners to read the written DRPT Report. She stated that a governor’s budget amendment allows the Commonwealth Transportation Board (CTB) to leave the existing Six-Year Improvement Program (SYIP) in place for a period up to June 30, 2021 or until a new SYIP can be adopted. The Commonwealth is waiting for a revised revenue forecast, which should be available later this summer. The CTB is scheduled to meet on June 17 and will be asked to take action to allocate one-fourth of the statewide operating assistance to make sure every transit system has adequate funding to keep operating. This will include NVTC receiving one-fourth of its funding from DRPT. As it currently stands, the CTB does not have flexibility to move funds between different sources of funding. A legislative fix may be sought if there is a Special Session of the General Assembly. Depending on revenue collection projections, if there is a reduction in the overall Transportation Trust Fund, all programs would see the same reduction. This could affect NVTC funding.

Director Mitchell stated that Governor Northam has required the use of face masks on all transit systems throughout the Commonwealth. The Commonwealth will be distributing face masks to over 40 transit systems over the next two weeks. Other guidelines and best practices for transit are being distributed.

Virginia Passenger Rail Authority

Chair Cristol reminded Commissioners that the transit omnibus legislation created a Virginia Passenger Rail Authority, which will have the ability to own, construct, acquire, and lease track and rail facilities. It will also be able to collect track lease fees, issue debt, and borrow money for capital purposes. The Rail Authority will be required to provide initial oversight of the proposed terms of the Long Bridge project agreement as well as continuing oversight of its actions on bond issuance and the sale of any land to the Major Employment and Investment Commission. The Authority will be governed by a 15-member board, which includes three citizen, non-elected members who reside in the boundaries of the NVTC jurisdictions. Both NVTC and PRTC have the opportunity to provide lists of recommended names to represent their jurisdictions on the Authority for consideration by the Governor, who will appoint the 12 non-legislative citizen board members.

Chair Cristol thanked Commissioners for providing names for consideration to serve on the Virginia Passenger Rail Authority. The NVTC Executive Committee provided names of potential individuals to serve on the Authority to the Commonwealth for consideration. The nominees included former elected officials, and leaders in transportation, planning and finance.

Transit Technology Program

Ms. Mattice stated that NVTC likes to showcase the excellent work staff is accomplishing and the Transit Technology program is one of these projects. NVTC's Transit Technology Program Manager Patricia Happ leads NVTC's regional fare collection initiatives and has worked for the past several years leading the regional fare payment working group for NVTC's jurisdictions and serves as a key participant in the Washington DC regions fare payment efforts.

Ms. Mattice provided some background information for new Commissioners about NVTC's past 20 years of work on regional fare collection and coordination with the local jurisdictions. She then asked Patricia Happ to give her presentation on the update to NVTC's Northern Virginia Regional Fare Collection Strategic Plan and the impacts of the COVID-19 public health emergency on regional fare collection.

Ms. Happ stated that NVTC approved the original Northern Virginia Regional Fare Collection Strategic Plan in 2018. It established goals and objectives for NVTC's support of regional partners in maintaining and modernizing fare payment and collection technology, as well as providing a shared vision with local flexibility for regional fare collection in the region. However, there have been considerable changes in the region since 2018 and it is time to update the Strategic Plan. The update will address long-term plans related to the COVID-19 public health emergency, WMATA's fare collection modernization initiatives, and the need to identify efforts in the original Strategic Plan and recommend changes to align with new and emerging transit agency needs. Ms. Happ stated that staff plans to complete the update in September, with a Commission briefing in the fall of 2020.

Ms. Happ provided an overview of what is being done by NVTC and its regional partners to protect the health and safety of transit employees, customers and the public during the COVID-19

public health emergency. Measures include rear door boardings and temporary fare elimination (all Northern Virginia transit systems have suspended fares except OmniRide). NVTC is also monitoring best practices at other transit agencies both domestically and internationally.

Ms. Palchik asked if there are non-smartphone options for people to purchase fare media. Ms. Happ stated that the use of smartphones is not the only way to use SmarTrip. Ms. Palchik stated that it is important to have non-app options. Ms. Happ stated that this will be part of the work done on the update. Chair Cristol observed that the exciting thing about next generation fare collection is that there will be interoperability. Ms. Mattice noted that NVTC is mindful of the different needs of various transit riders.

NVTC Transit Resource Center

Ms. Mattice stated that NVTC's Transit Resource Center is another great NVTC program and the focal point for the technical support and assistance NVTC provides to the region. The Transit Resource Center provides direct technical assistance to member jurisdictions; collects, analyzes, and reports data from all NVTC's programs; manages the Envision Route 7 Bus Rapid Transit (BRT) project; and supports coordination with other regional transportation organizations.

Ms. Mattice stated that the COVID-19 public health emergency has had a significant impact on transit ridership, with transit providers reporting major declines in ridership. NVTC's FY 2020 3rd Quarter Ridership Report (January to March 2020) is the first reporting period to capture the impact of the COVID-19 on the area's transit systems.

Ms. Mattice stated that NVTC's Transit Resource Center Program Manager Dan Goldfarb and Program Analyst Dinah Girma have been monitoring transit ridership, especially during the COVID-19 public health emergency. Ms. Mattice asked Mr. Goldfarb to give their presentation.

Mr. Goldfarb stated that when looking at the 3rd quarter data as a whole, there is a 10% decrease in ridership compared to the same time last year. Data reflects that riders were beginning to come back to transit, but then March hit with the COVID-19 public health emergency and ridership data slipped to a 30-50% decrease compared to the same time last year. WMATA then shut down eight Metrorail stations and service levels were reduced to 60%.

Mr. Snyder asked about rider habits and when transit opens back up, he predicts those who can continue to telework will do so and those with a car will commute that way. He asked what the transit systems are doing to get people comfortable with using transit again. Mr. Goldfarb stated that the regional transit systems are keyed into this and as they see demand increase, they are ready to respond. Mr. Letourneau stated that from WMATA's perspective this is not the time for everyone to return to using the Metro system. WMATA wants to make sure the system can operate safely. Chair Cristol also noted that there is concern about overcrowded buses. Mr. Alcorn stated that WMATA's message is that through the summer only essential workers should be using transit. He stated that as a region it will be important to work on how this message and future service transitions get communicated.

Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter. She reported that NVTC staff has started working with its regional partners to scope out a “get back on transit” marketing campaign for this fall. This was originally intended to focus on a return to Metrorail service after the summer platform shutdown, but staff recognize this campaign will be a bit different this year due to COVID-19. Like last year’s campaign, the focus audience will be those who are driving – using ad space on area radio stations. Staff will continue to brief the Commission as the campaign develops and the when and how the message is played out.

Ms. Mattice announced that the U.S. House Committee on Transportation and Infrastructure released its proposal called “Investing in a New Vision for the Environment and Surface Transportation in America” (INVEST in America) Act, which is a multi-year surface transportation reauthorization bill. The anticipated \$494 billion bill reauthorizing federal highway, transit, highway and motor carrier safety, and railroad grant programs for the next five years. The legislation includes a multi-year investment in WMATA’s state of good repair capital needs, funded at \$1.73 billion over 10 years. Staff are still reviewing the full bill, which includes a number of provisions including an increase in powers to the WMATA Office of the Inspector General.

Ms. Mattice reported that NVTC staff continue to work 100% remotely. Management is surveying staff to address any concerns and is following closely the guidance from the governor and the Centers for Disease Control and Prevention (CDC) on a safe re-opening strategy. NVTC will continue to hold meetings remotely during the declare state of emergency.

Ms. Mattice noted that the April 2020 Financial Report was provided to Commissioners. The report includes revenue trends for the regional gas tax collection. The regional gas tax supports a portion of the dedicated capital funding for WMATA, the C-ROC funding for VRE, and helps localities with their WMATA payments. This month’s report shows NVTC expenses and revenues reflecting gas tax receipts through February 2020, so NVTC should start seeing the impact of the reduction in fuel consumption in next month’s report.

Ms. Mattice announced that the next Commission meeting is scheduled for Thursday, July 2 at 7:00 pm. There is no August meeting scheduled, but staff anticipates a busy fall with actions on Commuter Choice, WMATA reports to the General Assembly, NVTC’s 2021 Legislative and Policy Agenda, among other actions.

Adjournment

Without objection, Chair Cristol adjourned the meeting at 9:02 P.M.

Approved this 2nd day of July 2020.

Katie Cristol
Chair

Jeffrey C. McKay
Secretary-Treasurer



RESOLUTION #2410

SUBJECT: Finding Need to Conduct the June 4, 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 June 4, 2020, to discuss and transact the business of the Commission listed on the June 4, 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 June 4, 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 June 4, 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 4th day of June 2020.



Jeffrey C. McKay
Secretary-Treasurer



Katie Cristol
Chair



RESOLUTION #2411

- SUBJECT:** Authorize the Acting VRE CEO to Extend the Amended and Restated Operating/Access Agreement with CSX Transportation (CSXT)
- WHEREAS:** The Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission ("Commissions") currently have an Amended and Restated Operating/Access Agreement with CSX Transportation relating to VRE operations in the Fredericksburg to Washington corridor, with the agreement ending June 30, 2020;
- 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 was established;
- WHEREAS:** The Virginia Passenger Rail Authority will manage the right-of-way acquired by the Commonwealth, including operating access agreements with VRE;
- WHEREAS:** VRE staff is currently working with the Commonwealth and CSX Transportation on agreements to continue VRE service consistent with the Virginia Rail Improvement Plan;
- WHEREAS:** Necessary funding has been incorporated into the FY 2021 budget to allow VRE to continue its operations over CSX Transportation tracks via this extension; and
- WHEREAS:** The VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby authorizes the Acting VRE Chief Executive Officer to execute an extension of the existing Restated and Amended Operating/Access Agreement with CSX Transportation through June 30, 2021 in a form approved by legal counsel.

Approved this 4th day of June 2020.

Jeffrey C. McKay
Secretary-Treasurer

Katie Cristol
Chair



RESOLUTION #2412

- SUBJECT:** Authorize the Acting VRE CEO to Execute an Agreement with Amtrak for Access and Storage at Washington Union Terminal
- WHEREAS:** The Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission (the "Commissions") have an Access and Storage Agreement with Amtrak to access and store VRE trains at Washington Union Station;
- WHEREAS:** The current VRE access and storage agreement with Amtrak expires June 30, 2020;
- WHEREAS:** The current agreement includes access and mid-day storage at Washington Union Terminal;
- WHEREAS:** The current agreement includes an option for an additional five-year term;
- WHEREAS:** It was determined by VRE legal counsel the preferred approach was to develop a new agreement to include updated policies by the Northeast Corridor Commission in accordance with the Passenger Rail Investment and Improvement Act of 2008;
- WHEREAS:** A new agreement has been reached for a five-year term with an option to extend the term an additional five years upon advanced written notice to Amtrak;
- WHEREAS:** The new agreement will provide VRE with continued access and mid-day storage and other services at Washington Union Terminal; and
- WHEREAS:** The VRE Operations Board recommends the following action.
- NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby authorizes the Acting VRE Chief Executive Officer to enter into a five-year agreement, with an option to extend for an additional five-year term subject to further approval by the Commissions, with Amtrak for access and mid-day storage at Washington Union Terminal in a form approved by legal counsel.

Approved this 4th day of June 2020.

Jeffrey C. McKay
Secretary-Treasurer

Katie Cristol
Chair



RESOLUTION #2413

- SUBJECT:** Authorize the Acting VRE CEO to Execute an Amendment for the Second Option Period and the First Year of the Second Option Period of the Contract with Keolis Rail Services Virginia, LLC for Operating Services for Commuter Rail
- WHEREAS:** On October 16, 2009, the VRE Operations Board approved a five-year contract, with two five-year option periods, with Keolis Rail Services Virginia for VRE operations and maintenance services and mobilization in the amount of \$18,459,348 through June 30, 2011;
- WHEREAS:** A contract amendment was approved on December 17, 2010 in the amount of \$2,085,000;
- WHEREAS:** On May 20, 2011, the Operations Board approved the second contract year, through June 30, 2012, in the amount of \$17,954,527, for a total contract value not to exceed \$38,498,875;
- WHEREAS:** On April 20, 2012, the Operations Board approved the third contract year, through June 30, 2013, in the amount of \$18,008,591, for a total contract value not to exceed \$56,507,466;
- WHEREAS:** On April 19, 2013, the Operations Board approved the fourth contract year, through June 30, 2014, in the amount of \$18,974,041, for a total contract value not to exceed \$75,481,507;
- WHEREAS:** On April 18, 2014, the Operations Board approved the fifth contract year, through June 30, 2015, in the amount of \$20,115,047, for a total contract value not to exceed \$95,596,554;
- WHEREAS:** On May 15, 2015, the Operations Board approved the first year of the first option period, through June 30, 2016, in the amount of \$20,931,000, for a total contract value not to exceed \$116,527,554;
- WHEREAS:** On May 20, 2016, the Operations Board further authorized amending the agreement to remove the requirements for the Maintenance of Equipment and Facilities;
- WHEREAS:** On May 20, 2016, the Operations Board approved the second year of the first option period, through June 30, 2017, in the amount of \$15,463,003, for a total contract value not to exceed \$131,990,557;
- WHEREAS:** On April 21, 2017, the Operations Board approved the third year of the first option period, through June 30, 2018, in the amount of \$15,416,000, for a total contract value not to exceed \$147,406,557;

WHEREAS: On April 20, 2018, the Operations Board approved the fourth year of the first option period, through June 30, 2019, in the amount of \$15,718,000, for a total contract value not to exceed \$163,124,557;

WHEREAS: On May 17, 2019, the Operations Board approved the fifth year of the first option period, through June 30, 2020, in the amount of \$16,287,000, for a total contract value not to exceed \$179,411,557;

WHEREAS: Approval of this resolution will award the second and final five-year option period; and

WHEREAS: The VRE Operations Board recommends the Commissions take the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby authorizes the Acting VRE Chief Executive Officer to execute the second five-year option period of the Contract for Operating Services for Commuter Rail with Keolis Rail Services Virginia, LLC.

NOW, THEREFORE, BE IT FURTHER RESOLVED that NVTC authorizes the Acting VRE CEO to amend the Contract for Operating Services for Commuter Rail with Keolis Rail Services Virginia, LLC by approving up to \$16,591,500 for the first year of the second option period, for a total Contract value not to exceed \$196,003,057 through June 30, 2021.

Approved this 4th day of June 2020.



Jeffrey C. McKay
Secretary-Treasurer



Katie Cristol
Chair



RESOLUTION #2414

- SUBJECT:** Authorize the Acting VRE CEO to Execute and Amendment for the Fifth Year of the Contract with Keolis Rail Services Virginia, LLC for Maintenance Services for Commuter Rail
- WHEREAS:** In 2015, the VRE Operations Board recommended, and the Commissions approved, a five-year Contract for Maintenance Services for Commuter Rail with Keolis Rail Services Virginia, LLC; and,
- WHEREAS:** The Contract start date and total authorization was amended in May of 2016;
- WHEREAS:** On April 21, 2017, the Operations Board recommended, and the Commissions subsequently approved the second contract year, through June 30, 2018, in the amount of \$7,092,267, for a total contract value not to exceed \$14,344,638;
- WHEREAS:** On April 20, 2018, the Operations Board recommended, and the Commissions subsequently approved the third contract year, through June 30, 2019, in the amount of \$7,674,000, for a total contract value not to exceed \$22,018,638;
- WHEREAS:** On May 17, 2019, the Operations Board recommended, and the Commissions subsequently approved the fourth contract year, through June 30, 2020, in the amount of \$8,889,465 for a total contract value not to exceed \$30,908,103;
- WHEREAS:** The current contract authorization runs through June 30, 2020;
- WHEREAS:** The increase in contract authorization will allow for continued maintenance services and life cycle maintenance work scheduled for FY 2021; and
- WHEREAS:** The VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby authorizes the Acting VRE Chief Executive Officer to amend the Contract for Maintenance Services for Commuter Rail with Keolis Rail Services Virginia, LLC by increasing the total Contract authorization by \$9,012,749, for a total amount not to exceed \$39,920,852 through June 30, 2021

Approved this 4th day of June 2020.

Jeffrey C. McKay
Secretary-Treasurer

Katie Cristol
Chair



RESOLUTION #2415

- SUBJECT:** Authorize the Acting VRE CEO to Amend the Agreement with the City of Manassas for the Operation and Maintenance of the Manassas Parking Facility
- WHEREAS:** The City of Manassas and the Commissions executed an agreement in October 2009 for the operation and maintenance of a joint use parking facility in the City of Manassas;
- WHEREAS:** The agreement was amended in July 2015 extending it for five years;
- WHEREAS:** Both parties wish to extend the agreement for an additional term of five years;
- WHEREAS:** Both parties wish to amend the agreement to permit the addition of designated bicycle storage inside the parking facility to be installed and maintained by the City of Manassas; and
- WHEREAS:** The VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby authorizes the Acting VRE Chief Executive Officer to amend the agreement with the City of Manassas for the operation and maintenance of the Manassas Parking Facility to extend the agreement an additional five years and to allow the City of Manassas to add designated bicycle storage inside the parking facility.

NOW, THEREFORE, BE IT FURTHER RESOLVED that NVTC authorizes the Acting VRE CEO to include, within the amendment, a provision allowing the agreement to be automatically extended for an additional five years, through June 2030, unless either party provides notice to the other of its request not to automatically extend the term.

Approved this 4th day of June 2020.

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

Jeffrey C. McKay
Secretary-Treasurer

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

Katie Cristol
Chair

Agenda Item #5: Consent Agenda



TO: Chair Cristol and NVTC Commissioners

FROM: Kate Mattice

DATE: June 25, 2020

SUBJECT: Consent Agenda (Subject to Approval by the Chairman)

ACTION ITEM: Approve the CONSENT AGENDA

A. Appoint Speaker Filler-Corn to the NVTC Executive Committee

The Commission is asked to appoint Speaker Eileen Filler-Corn as the General Assembly representative to the NVTC Executive Committee, replacing Senator Ebbin, who will remain the non-voting member on the NVTC Legislative and Policy Committee. NVTC's other new Commissioners appointed from the House of Delegates have expressed interest in actively participating in other NVTC committees (Delegate Sullivan/NVTC WMATA Committee; Delegate Reid/NVTC Program Advisory Committee; and Delegate Krizek/NVTC Legislative and Policy Committee). Per [NVTC's By-Laws](#), while members of the General Assembly are not appointed as official committee members of the WMATA Committee and Program Advisory Committee, they can participate in committee meetings. As a reminder, all Commissioners are welcome to participate in any NVTC committee. An updated [2020 NVTC Committee and Board Appointments](#) is attached.

B. Authorize the Executive Director to Submit the Proposed NVTC Disadvantaged Business Enterprise (DBE) Goal-Setting Methodology for FFY 2021-2023 to the Federal Transit Administration

The Commission is asked to authorize the executive director to submit the proposed [NVTC Disadvantaged Business Enterprise \(DBE\) Goal-Setting Methodology for FFY 2021–2023](#) to the Federal Transit Administration (FTA) for review and concurrence. FTA requires that any recipient who reasonably anticipates awarding more than \$250,000 in FTA funds in prime contracts in a federal fiscal year develop an overall DBE goal for DBE participation on work conducted with FTA funding. NVTC administers FTA grants in excess of \$250,000 for the cities of Alexandria and Falls Church. For FY 2021-2023, only the City of Alexandria meets the contracting value threshold for establishing a DBE goal. NVTC, with the assistance of city staff, determined that the proposed DBE goal is 15% of the federal monies the City of Alexandria will expend in FTA funded transportation projects.

The DBE goal must be updated and submitted to FTA for review every three years. The deadline for submission is August 1, 2020.

C. Approve the Award of the Commuter Choice Marketing Website Services Contract

The Commission is asked to authorize the executive director to execute a two-year contract with OPIN Software, Inc. to provide web design and development services to the Commuter Choice program for an amount not to exceed \$150,000. The contract includes two additional one-year extensions for site maintenance, dependent on performance and funding availability.

This contract will support the design and development of a marketing and content-focused website that will encourage transportation alternatives and promote the goals of the Commuter Choice program. Staff incorporated the findings from the '2019 Transportation Demand Management (TDM) and Marketing Needs Assessment' into the strategy and scope of the request for proposals. This study identified ways that the Commuter Choice program can add value to the existing TDM landscape in Northern Virginia. The qualitative research from the needs assessment and future collaboration with jurisdictional partners will shape the content strategy for the website. Under the scope of work, OPIN Software, Inc. will create, launch and maintain a user-friendly and adaptive website that will showcase the program offerings to the diverse regional audience of commuters. The agency will also develop a strategic content strategy that will position Commuter Choice as the premier provider of commuter related information and resources for Northern Virginians.

The selection of OPIN Software, Inc. was made as part of a competitive procurement process approved by the Commission at its January 2020 meeting. NVTC received proposals from four firms under the solicitation. Based on evaluation of the proposals, NVTC determined that OPIN Software, Inc. is the most qualified to perform this work. The contract is fully funded with previously allocated toll revenue.

D. Authorize the Executive Director to Sign the DRPT Master Agreement

The Commission is asked to authorize the executive director to execute a new standard Master Agreement for the use of Commonwealth Transportation Funds with the Department of Rail and Public Transportation (DRPT). The agreement contains the terms and conditions governing receipt of grants supported by the Commonwealth Transportation Fund and is incorporated by reference in all DRPT project agreements. The agreement, which replaces the current agreement dated April 24, 2012, is effective July 1, 2020 and will remain in force until a new agreement is executed. The agreement has been reviewed by legal counsel.

E. Authorize the Executive Director to Execute a Contract for Government Relations

The Commission is asked to authorize the executive director to execute a contract for government relations services with the Commonwealth Strategy Group (Aimee Perron Seibert), to represent NVTC before the Virginia General Assembly and administrative agencies of the Commonwealth on matters affecting NVTC and its role in public transportation in the Commonwealth. NVTC is awarding this contract under a contract that was competitively procured by VRE. The contract is for two years, with a value not to exceed \$92,250 plus expenses.

F. Authorize the Executive Director to Send a Letter to WMATA Requesting Data on Uses of Dedicated Capital Funding

The Commission is asked to authorize the executive director to send a letter to WMATA requesting data on the uses of the dedicated funding authorized under [HB1539/SB856 \(2018\)](#). NVTC's legislatively required [Annual Report on the Performance and Condition of WMATA](#) requires NVTC to report on the uses of Virginia's dedicated capital funding.

This 2020 update to the Annual Report will be the second report to include this information. The letter articulates NVTC's request for total actual expenditures of Virginia dedicated funding by WMATA's Capital Improvement Program (CIP) Program for FY 20202.

2020 NVTC COMMITTEE AND BOARD APPOINTMENTS

NVTC EXECUTIVE COMMITTEE

Chair, Katie Cristol
 Vice-Chair and WMATA Committee Chair, Canek Aguirre
 Secretary-Treasurer, Jeff McKay
 Legislative & Policy Committee Chair, David Meyer
 Program Advisory Committee Chair, David Snyder
 General Assembly Member, Eileen Filler-Corn
Non-Voting Members:
 WMATA Principal Member, Paul Smedberg
 (Commonwealth Appointee)
 WMATA Principal Member and Immediate Past
 Chair, Matt Letourneau (NVTC Appointee)

NVTC WMATA COMMITTEE

Chair, WMATA Alternate Member, Canek Aguirre
 WMATA Principal Member, Matt Letourneau
 WMATA Principal Member, Paul Smedberg
 WMATA Alternate Member, Walter Alcorn
 Commission Members:
 (drawn from member jurisdictions in a representative manner)
 City of Falls Church, David Snyder
 City of Fairfax, David Meyer
 Arlington County, Matt de Ferranti

NVTC LEGISLATIVE AND POLICY COMMITTEE

Chair, David Meyer
 Commission Members:
 (drawn from member jurisdictions in a representative manner)
 City of Alexandria, Canek Aguirre
 Arlington County, Libby Garvey
 City of Falls Church, David Snyder
 Fairfax County, James Walkinshaw
 Loudoun County, Matt Letourneau
Non-Voting Member:
 General Assembly Member, Adam Ebbin

NVTC PROGRAM ADVISORY COMMITTEE

Chair, David Snyder
 Commission Members:
 (drawn from member jurisdictions in a representative manner)
 City of Alexandria, Elizabeth Bennett-Parker
 Arlington County, Libby Garvey
 City of Fairfax, David Meyer
 Fairfax County, John Foust
 Loudoun County, Michael Turner

NVTC'S WMATA BOARD OF DIRECTORS

Principals:	Alternates:
Paul Smedberg (Commonwealth Appointee) Term expires 01-04-2022	Canek Aguirre Term expires 01-05-2021
Matt Letourneau (NVTC Appointee) Term expires 01-03-2023	Walter Alcorn Term expires 01-04-2024

NVTC'S VIRGINIA RAILWAY EXPRESS OPERATIONS BOARD *

Principals:	Alternates:
Fairfax County:	Fairfax County:
Walter Alcorn	Jeff McKay
Daniel G. Storck	
James Walkinshaw	
City of Alexandria:	City of Alexandria:
Elizabeth Bennett-Parker	Canek Aguirre
Arlington County:	Arlington County:
Katie Cristol	Libby Garvey

NVTC'S VIRGINIA TRANSIT ASSOCIATION BOARD OF DIRECTORS

Principals:	Alternates:
David Snyder	Katie Cristol
Kate Mattice	Elizabeth Bennett-Parker



DISADVANTAGED BUSINESS ENTERPRISE

Goal Setting Methodology
FFY 2021 – 2023

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Introduction

In accordance with 49 CFR 26.45, the Northern Virginia Transportation Commission (NVTC) presents its overall Disadvantaged Business Enterprise (DBE) goal and Goal-Setting Methodology for the Federal triennial period of fiscal years 2021 through 2023.

The purpose of the DBE goal-setting process is to ensure nondiscrimination in the award and administration of FTA-assisted contracts, to create a level playing field on which DBEs can compete fairly for those contracts, and to ensure the DBE Program is narrowly tailored in accordance with applicable law.

Background

NVTC was established to manage and control the functions, affairs, and property of the Northern Virginia Transportation District—which was created by the Transportation District Act of 1964 (§ 33.2-1900 through 33.2-1935 of the Virginia Code). The purpose of the Act is to facilitate “the development of transportation systems [...] for the orderly growth and development of the urban areas of the Commonwealth; for the safety, comfort and convenience of its citizens; and for the economical utilization of public funds.” NVTC provides a policy forum for the region and allocates up to \$200 million in state, regional and federal transit assistance each year among member jurisdictions.

According to 49 CFR 26.45(a), FTA recipients who reasonably anticipate awarding more than \$250,000 in FTA funds in prime contracts in a federal fiscal year must develop overall goals for DBE participation in FTA-assisted contracts once every three years. NVTC is a recipient of Federal Transit Administration (FTA) funds in excess of \$250,000, which it passes directly to its two subrecipients, the cities of Alexandria and Falls Church, Virginia. As a condition of receiving this financial assistance, NVTC must, therefore, comply with the FTA’s DBE goal requirements.

Since NVTC is only a pass-through entity, it considered the upcoming activity of its subrecipients to determine where potential contract awards and opportunities exist for DBE participation. Through this evaluation, NVTC determined that the City of Alexandria is the only subrecipient that will have awards during the FFY 2021–2023 triennial period.¹ Therefore, NVTC’s FFY 2021–2023 overall DBE goal is essentially the same as the City of Alexandria’s FFY 2021–2023 overall DBE goal.

¹ Although the City of Falls Church receives FTA funds through NVTC, the city does not anticipate any contract awards during FFY 2021–2023.

City of Alexandria DBE Goal and Methodology FFY 2021–2023

1. Summary

The City of Alexandria, with the assistance of the Northern Virginia Transportation Commission (NVTC), has determined that the overall Disadvantaged Business Enterprise (DBE) goal for Federal Fiscal Years (FFY) 2021–2023 is **15%** of the federal monies it will expend in Federal Transit Administration (FTA)-assisted contracts. The City of Alexandria estimates that, in meeting its 15% overall goal, 7.5% will be obtained through race/gender neutral measures and 7.5% through race/gender conscious participation.

2. FFY 2021–2023 FTA-Assisted Contracts

The City of Alexandria made its FFY 2021–2023 FTA-funded contract projections by first assessing the federal funds it currently has remaining in each of its active FTA grants. The city then determined where, within those active grants, potential contract awards exist during the FFY 2021–2023 triennial period. Through this analysis, the city anticipates that it will award FTA-funded contracts during the FFY 2021–2023 triennial period in its Eisenhower Metro Crosswalk, King-Callahan-Russell Construction, and Potomac Yards Metroway Extension projects.²

Table 1 displays the active grant(s) associated with each project, the project name, and the remaining amount of FTA-assistance available to be attributed to the project.

TABLE 1: ANTICIPATED AWARDS		
FTA Grant	Project Name	FTA Assistance
VA-04-0022	Eisenhower Metro Crosswalk CMIS	\$ 100,000
VA-95-X107	Eisenhower Metro Crosswalk Construction	\$ 400,000
VA-04-0048	Eisenhower Metro Crosswalk Design	\$ 80,000
VA-04-0033	King-Callahan-Russell CMIS	\$ 150,000
	King-Callahan-Russell Construction	\$ 986,976
VA-04-0024	Potomac Yard – Metroway Extension to the North	\$ 1,256,416
VA-03-0117		
VA-95-X106		
Total		\$ 2,973,392

² Transportation projects that are funded by FTA but have been awarded in previous years were not included for consideration in this goal-setting methodology.

Next, the city evaluated the possible subcontracting opportunities within these larger projects. **Table 2** represents the results of this analysis. Table 2 displays the actual categories of work that will be available during FFY 2021–2023, the appropriate six-digit North American Industry Classification System (NAICS) codes, and their respective cost estimates.³

TABLE 2: WORK CATEGORIES		
Work Categories	NAICS	Estimated FTA Dollars per NAICS
Construction Management/ Concrete Paving / Asphalt	237310	\$328,613
Pouring and Finishing Concrete Foundations	238110	\$46,687
Electrical Contractors and Other Wiring Installation Contractors	238210	\$335,316
Demolition/ Site Preparation	238910	\$27,545
Hauling	484220	\$32,000
Landscape Architectural Services	541320	\$50,000
Civil Engineering Services	541330	\$100,000
Surveying	541370	\$44,000
Public Relations	541820	\$112,000
Landscape Services	561730	\$15,000
Maintenance of Traffic/ Flagging	561990	\$40,000
Totals		\$1,131,161

The city believes that these categories of work accurately reflect where opportunities, both prime and subcontracting, truly exist for DBE participation during the FFY 2021–2023 triennial period.

3. Local Market Area Determination

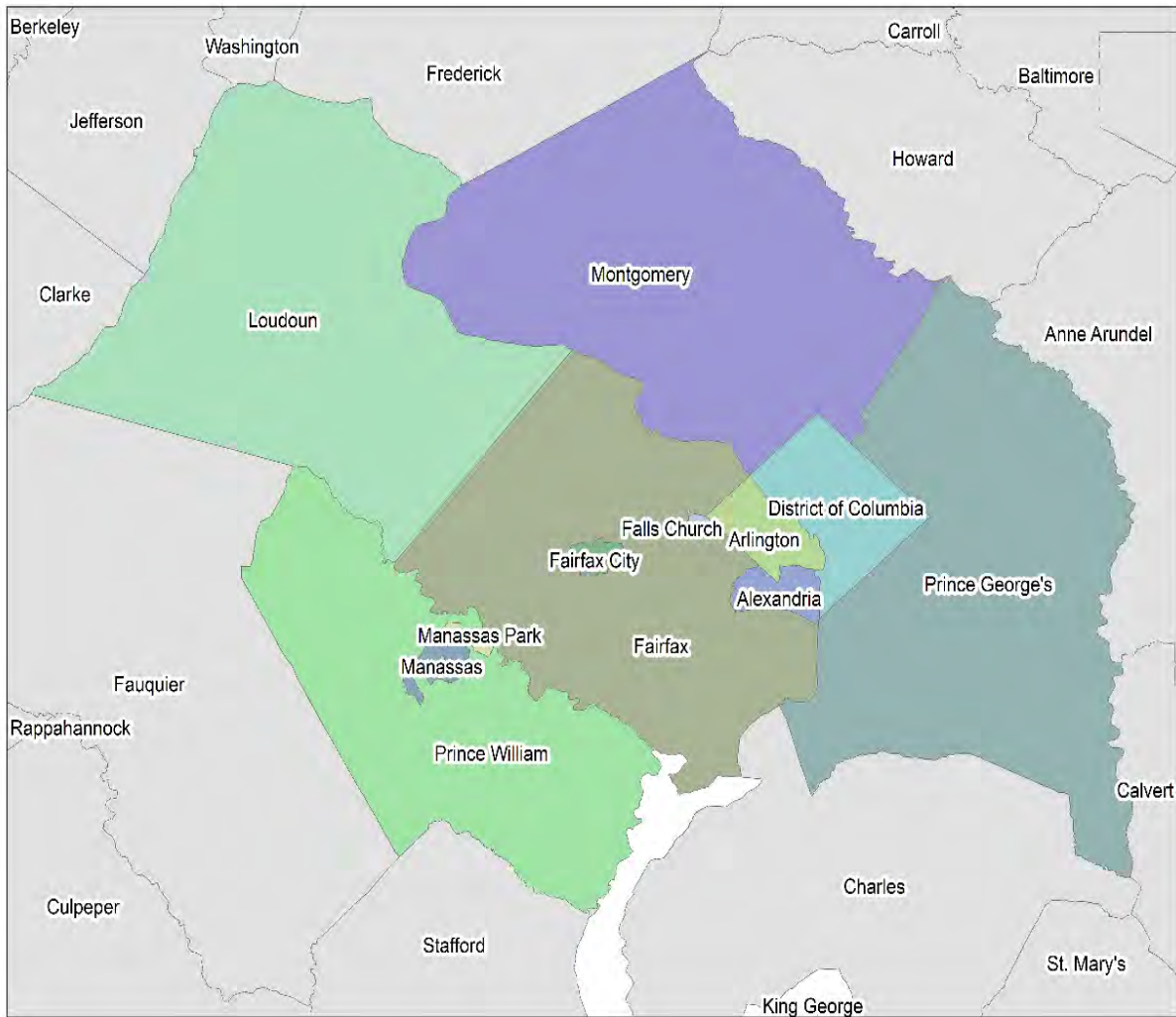
The City of Alexandria finds most of its contractors and subcontractors in the following jurisdictions:

- City of Alexandria, Virginia
- Arlington County, Virginia
- Fairfax County, Virginia
- City of Fairfax, Virginia
- City of Falls Church, Virginia
- Loudoun County, Virginia
- Prince William County, Virginia
- District of Columbia

³ The work category costs estimates were provided by staff and included for the purposes of weighting.

- Montgomery County, Maryland
- Prince George's County, Maryland

Thus, the City of Alexandria has determined that these cities and counties represent its local market area. The local market area is depicted in the geographical area map below:



4. Methodology

According to federal guidance, the overall DBE goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on a federal recipient's FTA-assisted contracts. The goal must reflect its determination of the level of DBE participation it would expect absent the effects of discrimination.

In determining its overall goal, the City of Alexandria strictly followed federal guidance. The following steps outline the methodology used:

4.1. Step One: Base Figure Determination (49 CFR 26.45(c))

During Step One of the goal-setting process, the City of Alexandria calculated a base figure for the relative availability of DBE firms that are ready, willing, and able to compete for the FTA-assisted contracts it intends to let during FFY 2021–2023.

Base Figure Formula

Federal guidance provides the following formula for determining the base figure percentage of ready, willing, and able DBE firms for FTA-assisted contracts:

$$\text{Step One Base Figure} = \frac{\text{Ready, willing, and able DBEs}}{\text{All firms ready, willing, and able (including DBEs and non-DBEs)}}$$

The following steps were used to calculate the relative availability of DBEs:

- The source of data used to identify the DBE firms that are ready, willing, and able to bid is the Commonwealth of Virginia Unified Certification Program (UCP) DBE Directory. The Directory provides an all-inclusive list of DBE firms which have been certified by the Commonwealth of Virginia and is maintained by the Virginia Department of Small Business Supplier Diversity.
- The source of data used to identify all firms (both DBE and non-DBE) for each NAICS category that are ready, willing, and able to bid is the United States Census Bureau County Business Patterns database.
- In order to ensure an apples to apples comparison between the UCP DBE Directory and the Census database, the city only included certified DBE firms located within its local market area.
- Staff then divided the number of DBE firms identified for each NAICS works category that are ready, willing, and able to bid on the contracts the City of Alexandria intends to let during FFY 2021–2023 by the number of all firms (DBE and non-DBE) that are also ready, willing, and able to bid.

Table 3 below represents the results:

TABLE 3: RELATIVE AVAILABILITY OF DBE FIRMS			
Work Categories	NAICS	Total # of DBE Firms	Total# of ALL Firms (DBE and non-DBE)
Construction Management/ Concrete Paving / Asphalt	237310	78	109
Pouring and Finishing Concrete Foundations	238110	31	203
Electrical Contractors and Other Wiring Installation Contractors	238210	56	733
Demolition/ Site Preparation	238910	49	210
Hauling	484220	154	195
Landscape Architectural Services	541320	16	87
Civil Engineering Services	541330	125	1803
Surveying	541370	11	59
Public Relations	541820	22	812
Landscape Services	561730	21	1223
Maintenance of Traffic/ Flagging	561990	11	205
Total		574	5639

Step One Base Figure = 574 DBEs / 5639 Total Firms

= .1018

= 10.2%

The Step One Base Figure calculated is **10.2%**, which indicates that there are 10.2% ready, willing and able DBEs in the City of Alexandria's market area to perform work in each selected NAICS code.

Weighting

Federal guidance suggests that weighting can help ensure that the Step One Base Figure is as accurate as possible. The city weighted the Step One Base Figure of 10.2% by incorporating the amount of estimated FTA-assistance that will be spent under each NAICS code. The weighted percentage was determined by dividing the estimated amount of FTA dollars per NAICS by the total amount of FTA dollars per NAICS. Staff then multiplied the weight percentage by the respective relative availability of DBEs in each NAICS category. This produced the weighted ratio. The weighted ratios for all NAICS categories were then added to determine the weighted availability of DBEs, which is **29.12%**.

See **Table 4** below:

TABLE 4: WEIGHTED AVAILABILITY OF DBE FIRMS						
Work Categories	NAICS	Estimated FTA Dollars per NAICS	Estimated % of Total FTA Dollars per NAICS	Total # of DBE Firms	Total# of ALL Firms (DBE and non-DBE)	Weighted Availability of DBEs
Construction Management/ Concrete Paving / Asphalt	237310	\$328,613	29%	78	109	0.207887522
Pouring and Finishing Concrete Foundations	238110	\$46,687	4%	31	203	0.006302853
Electrical Contractors and Other Wiring Installation Contractors	238210	\$335,316	30%	56	733	0.022647168
Demolition/ Site Preparation	238910	\$27,545	2%	49	210	0.005681920
Hauling	484220	\$32,000	3%	154	195	0.022341466
Landscape Architectural Services	541320	\$50,000	4%	16	87	0.008129172
Civil Engineering Services	541330	\$100,000	9%	125	1803	0.006129003
Surveying	541370	\$44,000	4%	11	59	0.007252186
Public Relations	541820	\$112,000	10%	22	812	0.002682627
Landscape Services	561730	\$15,000	1%	21	1223	0.000227698
Maintenance of Traffic/ Flagging	561990	\$40,000	4%	11	205	0.001897468
Totals		\$1,131,161	100%	574	5639	0.291179083

4.2. Step Two: Base Figure Adjustment (49 CFR 26.45(d))

According to 49 CFR 26.45(d), once a federal recipient has calculated a base figure, it must examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at its overall goal.

During Step Two of the goal-setting process, the City of Alexandria considered several factors to determine if an adjustment to the Step One Base Figure is necessary. These factors include the following:

- The current capacity of DBEs to perform work in the city's FTA-assisted contract opportunities, as measured by the volume of work DBEs have performed in recent years
- Evidence from disparity studies conducted in the City of Alexandria's market area
- Evidence from related fields that affect the opportunities for DBEs to form, grow, and compete

4.2.1. Past Participation

Federal guidance states that the first step in adjusting the Step One Base Figure for past participation is to determine its "median" past participation percentage. The median, as opposed to the average, is recommended because the process of determining the median excludes all outliers (abnormally high or abnormally low) past participation percentages.

The following is the City of Alexandria’s DBE Attainment for the past three federal fiscal years:⁴

DBE ATTAINMENT	
FFY 2017	0%
FFY 2018	0%
FFY 2019	0%

The median past participation percentage is 0%.⁵

The city then added the weighted base figure of 29.12% to the median of the past three years, 0%, and divided that figure by 2 to get the average:

$$29.12 + 0 = 29.12\%$$

$$29.12 / 2 = 14.56\%$$

After establishing the weighted base figure obtained in Step One and analyzing past DBE participation in Step Two, the resultant adjusted base figure for past participation is 14.56%, rounded up to **15%**.

4.2.2. Disparity Studies

Two counties in the state of Maryland, Montgomery and Prince George’s County, make up a portion of the City of Alexandria’s market area. Therefore, the city studied the following disparity study:

- “Disadvantaged Business Enterprise Disparity Study: Volume I”. Prepared for the Maryland Department of Transportation, June 25, 2018.⁶

The study concluded that disparities exist in contracting opportunities for minority- and women-owned businesses in the Maryland Department of Transportation’s (MDOT) unique market area. However, the City of Alexandria has determined that because of the vast differences between the City of Alexandria’s and MDOT’s relevant market area and contracting opportunities, it is inappropriate for the city to use MDOT’s disparity study to further adjust the DBE goal.

⁴ DBE Attainment for FFY 2017 through FFY 2019 was determined by analyzing the **Awards and Commitments (Section A)** of the DBE Semi-annual Uniform Reports previously submitted, by NVTC, to FTA in TrAMS.

⁵ It is worth noting here that although the City of Alexandria may not have made any *new* “awards” to DBEs during this period, it did, nonetheless, make significant “ongoing payments” to DBE firms present in *existing* contracts.

⁶ NERA Economic Consulting (2018). 2018 DBE Disparity Study— Maryland Department of Transportation. NERA Economic Consulting, “Disadvantaged Business Enterprise Disparity Study: Volume I”. Prepared for the Maryland Department of Transportation June 25, 2018. Retrieved May 28, 2020 from Web site: <http://www.mdot.maryland.gov/newMDOT/MBE/Documents/2018%20DBE%20Disparity%20Study%20Vol%201.pdf>

4.2.3. *Other Evidence*

The City of Alexandria determined that it does not have enough relevant evidence regarding statistical disparities in DBEs' ability to obtain financing, bonding or insurance, or enough data on education, training and union apprenticeship programs to further adjust the 15% DBE goal.

In consideration of these factors, the City of Alexandria adjusted its Step One Base Figure to **15%**.

5. Race/ Gender-Neutral and Race/ Gender-Conscious Breakdown (49 CFR 26.51)

According to 49 CFR 26.51, the maximum feasible portion of the overall goal must be met by using race/gender neutral means of facilitating DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

For its FFY 2018–2020 overall goal, the City of Alexandria proposed that 100% of the goal would be met by race/gender neutral means. Accordingly, the city instituted the following mechanisms aimed at obtaining DBE participation:

- Participation in pre-bid meetings with DBE firms before procurements were released to the public for bidding.
- Attending virtual and physical meetings with contractors who might be interested in bidding on work for the City of Alexandria.
- Providing information on how firms can learn of the city's opportunities through the city's E-Procure and the Commonwealth of Virginia's Eva systems.
- Working with the Commonwealth of Virginia and other entities to pre-qualify potential bidders as potential DBEs.
- Providing technical assistance as needed.

Federal guidance suggests that looking at the amount by which a federal recipient exceeded its overall goals in past years, past participation obtained by DBE prime contractors, and past participation obtained by DBE subcontractors on contracts without goals, are all useful tools in helping it project the race/gender-neutral participation it can expect in the future. However, as discussed in the above section, the City of Alexandria's DBE Attainment for the past three federal fiscal years was 0%. Accordingly, it is not appropriate for the city to rely on these methods to determine its race/gender-neutral projections for FFY 2021–2023.

According to the U.S. Department of Transportation's "Tips for Goal-Setting in the DBE Program," if a federal recipient has instituted new and comprehensive mechanisms aimed at obtaining

additional DBE participation through race/gender-neutral means, these efforts might provide the basis for estimating a greater level of race/gender-neutral participation for the upcoming year.⁷ The key here is that any such efforts used to justify race/gender-neutral participation in the upcoming fiscal year must be:

- new,
- ready for immediate implementation,
- described in detail, and
- likely to result in additional DBE participation.

A new mechanism that the City of Alexandria has created is an internal **DBE Task Force**. The purpose of the Task Force is to ensure the city considers all opportunities for DBE participation in FTA-assisted procurements and develop innovative ways that DBEs can learn of, and compete for, such opportunities. The members of the Task Force include the following individuals:

- Representative of the Northern Virginia Transportation Commission (NVTC)
- Representative of Transportation Planning (City of Alexandria)
- Representative of Purchasing (City of Alexandria)
- Representative of Department of Project Implementation (City of Alexandria)

The City of Alexandria believes that this group of forward-thinkers are best-suited to consciously and vigorously unbundle larger projects into smaller subparts for which small businesses and DBEs will be more likely able to compete. The group will meet quarterly to assess DBE participation and make modifications, where necessary,⁸ to ensure the city remains on track to meeting the maximum feasible portion of the overall goal through race/gender-neutral means.

In addition, the following are some of the efforts the City of Alexandria will continue to implement to foster DBE participation:

- Arrange solicitation times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and make contracts more accessible to small businesses;
- Provide assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements,

⁷ <https://www.transportation.gov/osdbu/disadvantaged-business-enterprise/tips-goal-setting-disadvantaged-business-enterprise>

⁸ Per 49 CFR 26.51(f)(2), if, during the course of any year in which a federal recipient is using contract goals, it determines that it will exceed its overall goal, it must reduce or eliminate the use of contract goals to the extent necessary to ensure that the use of contract goals does not result in exceeding the overall goal. If it determines that it will fall short of its overall goal, then it must make appropriate modifications in its use of race-neutral and/or race-conscious measures to allow it to meet the overall goal.

eliminating the impact of surety costs from bids, and providing services to help DBEs and other small businesses obtain bonding and financing);

- Deliver information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs and other small businesses on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- Ensure distribution of the DBE Directory, through electronic means, to the widest feasible universe of potential prime contractors;
- Perform outreach to non-certified DBEs, which will include activities related to building the population of available DBEs to perform work on FTA-assisted contracts;
- Provide technical assistance as needed.

Accordingly, through the institution of the new DBE Task Force and continued outreach efforts, the city believes that it can achieve 50% of its FFY 2021–2023 overall goal through race/gender neutral measures. The city believes that 50% accurately accounts for the city’s inability to meet goals in the past,⁹ while also accounting for the new initiatives it has in place, ready for immediate implementation.

Thus, the overall DBE goal for FFY 2021–2023 (15%) will consist of a 50/50 split, where **7.5% of the goal will be obtained through race/gender-neutral measures and 7.5% through race/gender-conscious participation.**¹⁰

6. Public Consultation

According to 49 CFR 26.45(g)(1)(i), in establishing an overall goal, federal recipients must provide for consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and its efforts to establish a level playing field for the participation of DBEs. The consultation must include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process.

⁹ Federal guidance states that it is appropriate to consider past history of inability to meet goals when determining how much of its goal a federal recipient should meet through race/gender-neutral means. It further states that if it has relied exclusively on race/gender-conscious measures in the past to meet its overall goals, but has not been able to achieve them, this may justify relying exclusively on race/gender-conscious means to meet its goal for the upcoming year.

¹⁰ The race/gender-conscious percentage was determined by calculating the difference between the overall goal (15%) and the race/gender-neutral percentage (7.5%).

On Wednesday, May 27, 2020, the City of Alexandria hosted a Virtual DBE Public Consultation event via Microsoft Teams. The city sent out invitations to the following individuals:

- Gloria Flanagan (Assistant Director, Alexandria Small Business Development Center)
- Maria Ciarrocchi (Chief Operating Officer and Vice President of Alexandria Chamber of Commerce)
- Marlo Johnson (Manager Small Business Programs, WMATA)
- John Schneidawind (Vice President, Public Affairs, American Road and Transportation Builders Association)
- Richard Gordon (Virginia Department of Small Business and Diversity)
- Ramon Ceballos (Metropolitan Washington Airports Authority)
- Michael Zajur (Executive Director, Virginia Hispanic Chamber of Commerce)
- Susana Marino (Northern Virginia Hispanic Chamber of Commerce)
- My Lan Tran (Asian Chamber of Commerce)
- Sheila Dixon (NOVA Black Chamber of Commerce)
- Sharon Plymire (Virginia Department of Transportation)
- Leslie Martin (NOVA District Civil Rights Manager)
- Mr. Darren Brown (VDOT Business Opportunity and Workforce Development Center)
- Jim Maslanka (City of Alexandria Transportation Planning Section)
- Brittany Sumpter (Northern Virginia Transportation Commission)
- Reginald Arno (City of Alexandria Department of Project Implementation)
- Jason Hawkins (City of Alexandria Purchasing Department)
- Daphne Kott (City of Alexandria Department of Project Implementation)
- Murphy Ng (City of Alexandria Department of Project Implementation)

Below is the invitation that was sent out:

Greetings!

As a recipient of Federal Transit Administration (FTA) funding, the City of Alexandria is committed to leveling the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for our federally funded transportation contracts. To accomplish this effort, we have developed a Disadvantaged Business Enterprise (DBE) goal for DBE participation in our FTA-assisted projects over the next three years and we want to hear from you!

*We invite you to join us on **May 27, 2020 from 1 PM to 2 PM** for a Virtual Consultation, where we will be sharing the process we used to calculate our proposed DBE goal with representatives of minority, women's, and community organizations that may have information concerning the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on opportunities for DBEs. Due to your unique position in the community, we believe that you can*

provide us with valuable feedback about our goal setting process, identify areas that we may have overlooked for DBE participation in our federally funded transportation contracts, and offer insight on ways we can further establish a level playing field for the participation of DBEs.

Your participation in this discussion is vital! If you are able to join us, please reply to this email and indicate you can make it to the meeting. When the meeting time comes up click on the Microwave Teams character, and you will join the meeting.

We look forward to connecting with you soon!

Kind Regards,

Jim Maslanka

The following individuals participated in the virtual meeting:

- Gloria Flanagan (Assistant Director, Alexandria Small Business Development Center)
- Marlo Johnson (Manager Small Business Programs, WMATA)
- Ramon Ceballos (Metropolitan Washington Airports Authority)
- Susana Marino (Northern Virginia Hispanic Chamber of Commerce)
- Leslie Martin (NOVA District Civil Rights Manager)
- Mr. Darren Brown (VDOT Business Opportunity and Workforce Development Center)
- Sharon Plymire (Virginia Department of Transportation)
- Daphne Kott (Alexandria Department of Project Implementation)
- Reginald Arno (Alexandria Department of Project Implementation)
- Murph Ng (Alexandria Department of Project Implementation)
- Jason Hawkins (Alexandria Purchasing Department)
- Brittany Sumpter (Northern Virginia Transportation Commission)
- Jim Maslanka (Alexandria Transportation Planning)

After introductions were made, Jim Maslanka and Brittany Sumpter gave a presentation which explained what DBE firms were, how firms can become certified, and the step-by-step process that was followed to develop the overall FFY 2021–2023 DBE goal. The table below outlines the feedback received and the City of Alexandria’s response:

FEEDBACK	RESPONSE
It was recommended that Construction Management and Concrete Paving expenses be combined under one NAICS code.	Staff grouped Construction Management and Concrete Paving under the NAICS code 237310.

FEEDBACK	RESPONSE
<p>It was suggested that the state of Virginia was too broad of a market area and the city should consider only firms in Northern Virginia.</p>	<p>Staff's original calculation considered the relative availability of DBEs in the entire state of Virginia. The purpose for expanding the market area to the entire state was to capture the maximum amount of potential DBE firms that may be interested in doing work with the City of Alexandria. However, after consultation, the city re-directed its focus to where it found majority of its contractors and subcontractors. Accordingly, the city revised its local market area to include the following jurisdictions: City of Alexandria, Virginia; Arlington County, Virginia; Fairfax County, Virginia; City of Fairfax, Virginia; City of Falls Church, Virginia; Loudoun County, Virginia; Prince William County, Virginia; District of Columbia; Montgomery County, Maryland; Prince George's County, Maryland</p>
<p>It was recommended that the city engage in "direct solicitation" to locate DBE firms that could provide the services needed.</p>	<p>Staff will consider this technique if it becomes necessary to actually meet the goal, while also remaining mindful of federal guidance regarding full and open competition; set-asides (§26.43; good faith efforts (Appendix A to Part 26); and maintaining a generally narrowly tailored DBE Program.</p>
<p>It was suggested that the city look into banking as another sector that might have DBE firms.</p>	<p>While the City of Alexandria does not have any banking opportunities present in its FFY 2021–2023 projections, the city does comply with 49 CFR 26.27 as it relates to DBE Financial Institutions. The city will continue to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, make reasonable efforts to use these institutions, and encourage prime contractors to use such institutions.</p>
<p>There was concern that the NAICS code 484220 will only capture information about hauling materials "in" to a</p>	<p>In utilizing the six-digit NAICS code 484220, the city is relying on the most refined data to capture the "hauling" work category. Furthermore, the North American</p>

FEEDBACK	RESPONSE
site but will not capture firms that haul demolished items "off" the site.	Industry Classification System does not signify whether the firms haul items "on" or "off" site.
It was suggested that the goal should account for the cost of supplies and equipment.	Project management staff from the city confirmed that they are unable to itemize the costs of the various components that add up to the unit rate of a specific item. Therefore, they are unable to include these types of items in their work breakdown/ cost estimates. Accordingly, the city could not consider this work category in its DBE goal methodology.
It was recommended that Asphalt paving should be considered as a DBE subcontracting opportunity.	The NAICS code for Asphalt Paving is 237310, which was already considered in the original methodology. Staff, however, included the word "asphalt" in the work category title to make this more apparent.
It was recommended that demolition should be considered as a DBE subcontracting opportunity.	The city added 238910 Demolition/ Site Preparation as a work category in its revised DBE methodology.

7. Public Notice

According to 26.45(g)(1)(ii), a federal recipient must provide a published notice announcing its proposed overall goal before submission to the operating administration on August 1st. The notice must be posted on its official Internet Web site and may be posted in any other sources (e.g., minority-focused media, trade association publications).

On June 22, 2020, both NVTC and the City of Alexandria posted the proposed overall DBE goal to its respective websites. See confirmations below:



PUBLIC NOTICE: DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR FFY 2021–FFY 2023

The Northern Virginia Transportation Commission (NVTC) announces a proposed **Disadvantaged Business Enterprise (DBE) goal of 15%** for DBE participation on work conducted with Federal Transit Administration (FTA) funding during the Federal triennial period of 2021 through 2023.

The purpose of the DBE goal is to ensure nondiscrimination in the award and administration of FTA-assisted contracts, to create a level playing field on which DBEs can compete fairly for those contracts, and to ensure the DBE Program is narrowly tailored in accordance with applicable law.

The 15% proposed goal was derived in coordination with the City of Alexandria using the Virginia Department of Small Business and Supplier Diversity's DBE Directory; U.S. Census Bureau database; and consultation with local, minority, and small business organizations.

In accordance with 49 CFR Part 26.45(g), NVTC invites maximum public participation and solicits comments regarding the proposed goal. Please submit comments regarding the proposed DBE goal to NVTC's DBE Liaison Officer, Brittany Sumpter, via mail or email at the following addresses:

Mail: Attn: Brittany Sumpter
2300 Wilson Boulevard, Suite 230
Arlington, VA 22201

Email: brittanysumpter@novatransit.org

Comments on the proposed DBE goal will be accepted from June 22, 2020 to July 23, 2020.

Disadvantaged Business Enterprise

The Disadvantaged Business Enterprise (DBE) program is a Federal program designed to remedy ongoing discrimination and the continuing effects of past discrimination in federally-assisted highway, transit and airport contracting markets nationwide. The primary remedial goal and objective of the DBE program is to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for federally-funded transportation contracts.

NVTC has developed and implemented a DBE program and overall agency goal that conforms to the U.S. Department of Transportation's (DOT) standards set forth in 49 CFR Part 26. The overall agency goal is updated on a triennial basis.

PUBLIC NOTICE: Disadvantaged Business Enterprise Triennial Goal For FFY 2021- FFY 2023

The objectives of NVTC's DBE program are:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- To ensure that only firms fully meeting the eligibility requirements of the DBE program are permitted to participate as DBEs;
- To help create a level playing field on which DBEs can fairly compete for DOT-assisted contracts;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts;
- To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by NVTC and its subrecipients;
- To assist in the development of firms that can compete successfully in the marketplace outside of the DBE program; and
- To ensure that the DBE program is narrowly tailored in accordance with applicable federal, state and local laws;

These objectives will be implemented through NVTC's DBE program utilizing race-neutral measures to the maximum extent feasible.

Small businesses interested in participating in DOT-assisted contracts with NVTC under the DBE program must be Virginia DBE certified. More information regarding the certification process for the Commonwealth of Virginia can be found by visiting the [Virginia Department of Small Business and Supplier Diversity](#).

Transportation Planning

PUBLIC NOTICE: DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR FFY 2021- FFY 2023

In accordance with 49 CFR Part 26.45(g), the City of Alexandria invites maximum public participation and solicits comments regarding the proposed goal. Please submit comments regarding the proposed DBE goal to the City's Principal Planner, Jim Maslanka, via email at Jim.Maslanka@alexandriava.gov.


Comments on the proposed DBE goal will be accepted from June 22, 2020 to July 23, 2020.

Vision Zero

Vision Zero is a multidisciplinary, multi-national traffic safety concept that aims to achieve a transportation system with no deaths and serious injuries. It began in Sweden in 1997 and has since been adopted by other countries and cities around the world. The Vision Zero concept proposes that adopting communities recognize that traffic deaths and serious injuries are preventable through proper engineering, enforcement, evaluation and education. Thus, when communities adopt Vision Zero programs they are, in effect, rethinking traffic safety and setting programs and aggressive timelines to eliminate traffic deaths and serious injuries.

Long Range Transportation Planning Studies

The Transportation Planning Division is responsible for leading long range transportation planning efforts and participating in



8. Public Comment

According to 26.45(g)(2), at its discretion, a federal recipient may inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at its principal office and for a 30-day comment period. Notice of the comment period must include addresses to which comments may be sent.

On June 22, 2020, NVTC informed the public that the goal and methodology were available for inspection and comments. NVTC utilized the following means to notify the public and solicit comments:

- Posting the goal and methodology to its website on June 22, 2020, with Brittany Sumpter being directed as the point of contact.
- Posting a notice on NVTC's social media platforms (Twitter, Facebook, and LinkedIn)
- Reaching out to those that attended the May 27, 2020 Virtual Public Consultation event and encouraging them to share the methodology with its group members and to direct all comments to Brittany Sumpter.

The City of Alexandria also posted the goal and methodology to its website on June 22, 2020 and informed the public that the goal and methodology were available for inspection and comments. Jim Maslanka was designated as the point of contact for the City of Alexandria.

To date, no comments have been received.

9. Proactive Engagement

Although it is not required, the City of Alexandria engaged in a tremendous amount of outreach and discussions with those in the community regarding its DBE Program and FFY 2021–2023 Proposed DBE goal. The conversations were centered on ways the city can best position itself to locate DBEs, share upcoming opportunities, and increase DBE participation in its FTA-funded projects.

The following is an excerpt of those conversations:

- On March 12, 2020, staff participated in a Minority and Economic Development Roundtable event, hosted by the Alexandria Chamber of Commerce, that discussed the opportunities and challenges minority-owned businesses face in doing business with the City of Alexandria. Those in attendance included Chamber leadership and representatives from local businesses, such as banks, IT consulting, construction, and food catering. city staff particularly addressed questions related to the city's DBE and SWaM Programs, the procurement/solicitation process, and future city related events.

- Following the Roundtable event, staff provided to the Alexandria Chamber of Commerce a list of its FFY 2021–2023 upcoming projects and DBE needs and asked that it be distributed to its members.
- In April 2020, the city sent Ms. Flanagan of the Alexandria Small Business Development Center a listing of the types of work it will be requiring from FFY 2021–2023 and asked that she share it with the firms that interface with her organization.
 - As a result of this dissemination of information, staff received a referral from her about a firm based in Alexandria who is interested and capable of doing some of the work the city has programmed. This firm is currently acquiring DBE certification.
 - Alexandria will make sure that this firm is notified about specific opportunities for participation as a DBE when the work is released.
- On April 16, 2020, staff spoke with Ms. Marlo Johnson, head of WMATA’s Office of Small Business Programs, and she provided an extensive amount of suggestions on how the city could obtain more DBE participation.
 - She stated that a very useful technique for getting DBE firms to solicit interest in work is to do direct solicitations to firms self-identifying themselves as having capabilities determined by a NAICS code.
 - She also suggested that using a mass e-mail, perhaps using the blind e-mail feature, can be a very good way of advertising a piece of work.
 - She also indicated that a quarterly newsletter indicating up-coming solicitations might also be a good way of indicating business opportunities.
 - She encouraged the city to attend as many DBE events as possible and transcribe all of the business cards from different contacts into one master list that can be used to solicit work from DBE firms whenever the opportunity arises.
- In April 2020, staff reached out to Mr. John Schneidawind of the American Road Builders Association and he indicated that his organization was no longer doing in person activities to partner contractors with DBEs, as they had in the past, until the COVID-19 pandemic passes.
- On April 15, 2020, staff spoke with Mr. Richard Gordon of the Virginia Department of Small Business and Supplier Diversity about the program he administers. He indicated that his primary clients are the Virginia Department of Transportation and the Washington Metropolitan Airports Authority.
 - He offered to send an e-mail blast to DBE firms listed in the Virginia DBE Directory concerning the City of Alexandria’s upcoming opportunities.
- In November 2019, staff made initial contact with the Virginia Hispanic Chamber of Commerce, and were eventually were able to set up a telephone conversation with the Executive Director, Michael Zajur, in January 2020. During the call, staff discussed upcoming opportunities for doing business with the City of Alexandria.
 - In April 2020, staff followed-up with Mr. Zajur, via email, for recommendations on finding DBE firms that can participate on projects with the City of Alexandria.

- On May 7, 2020, the City of Alexandria's Purchasing Department partnered with the Asian Chamber of Commerce to host a webinar highlighting how to do business with the City of Alexandria.
 - Seventeen people attended the webinar, with most of the focus on how to do business with the City of Alexandria.
- On May 12, 2020, staff engaged in an in-depth follow-up discussion with Ms. Tran from the Asian Chamber of Commerce regarding ways DBE firms could become more involved in the city's contract opportunities.
 - She shared her belief that most DBE work appeared to be in construction, where seemingly only Black and Hispanic DBE firms do the work (and not Asians).
 - She indicated that racism is a big factor that limits the use of Asian-American, Black, and Hispanic DBEs.
 - She indicated that there is an "old boy network" that keeps much of the work in the hands of a few firms.
 - She indicated that it takes firms a lot of time to network, learn of work that is provided, and locate DBEs that are not part of the "old boys" network.
 - She suggested that the city start analyzing the DBEs that are used on its projects to determine whether prime contractors are actually using new DBE firms to do some of the work. "The new DBE firms need a chance," she said.
 - She was concerned that prime contractors seem to be "wedded" to using only DBEs who they already know.
 - Another problem Ms. Tran has observed is that there seems to be a very low DBE attendance at meetings oriented to DBEs.
 - She commended the city on thinking ahead for the next three years, determining which FTA-funded projects the city will award, and identifying the types of work DBEs could participate in.
 - Ms. Tran encouraged the city to continue screening for the participation of DBEs, make an effort to influence Primes to try new DBE subcontractors, and make a serious effort to monitor the performance of DBEs.
- In February 2020, staff made initial contact with Ms. Sheila Dixon, the new Executive Director of the Black Chamber of Commerce, and explained the process for doing business with the City of Alexandria.
 - She invited the city to an April 30, 2020 Zoom call with her organization to speak about upcoming opportunities.
 - The call included 15 individuals from all parts of Northern Virginia.
 - Staff received excellent feedback from a woman who owns a trucking company who will look into opportunities as a DBE.
 - Another person on the call indicated that, in previous times, he had a difficult time getting information about DBE opportunities at the City of Alexandria. He wanted to know how he could receive information about opportunities. Staff provided him with the information on how to do so.

- Another person indicated that there seems to be a shortage of black-owned firms that do construction. He urged black-owned businesses to either be established or to expand to get more construction work as a subcontractor to a larger firm.
- Ms. Dixon is also in the process of developing a portal that will provide a more seamless method of partnering chamber members with agencies that want to do business with them.
- On April 21, 2020, staff spoke with Mr. Darren Brown of VDOT's Business Opportunity and Workforce Development (BOWD) Center.
 - The primary purpose of this program is to provide training, assistance and services to disadvantaged business enterprises to help these businesses grow, become self-sufficient, more competitive in pursuing federally funded contract opportunities, move into non-traditional areas of work and compete in the marketplace beyond the DBE program.
 - Mr. Brown offered his services as a speaker to speak about the DBE program and his agency.
 - He also offered to distribute the information regarding the city's upcoming opportunities to his database of over 2,000 DBE firms.

10. Conclusion

In conclusion, the City of Alexandria has determined that the overall DBE goal for FFY 2021–2023 is 15% of the federal monies it will expend in FTA-assisted contracts. The city understands that this goal is only a projection for what it believes it can achieve during FFY 2021–2023. As a result, it will continue to monitor DBE participation during each year to determine whether this projection is on target. This will be done by analyzing the DBE awards and commitments reported to the FTA on a semi-annual basis for actual DBE participation.

If the DBE awards/commitments are *less* than the overall DBE goal, the city will develop a written analysis of the shortfall and create a corrective action plan, which will be implemented to remedy the shortfall. Conversely, if the DBE awards/commitments are *greater* than the overall DBE goal, the city will reduce or eliminate the use of contract goals to the extent necessary to ensure that the use of contract goals does not result in exceeding the overall goal, as required by Federal guidance. Also, in the event that any significant changes are made to the City of Alexandria's FTA-assisted contract projections, the city will re-calculate the overall DBE goal and, if warranted, submit an adjusted overall DBE goal for FTA approval.

MASTER AGREEMENT

FOR USE OF

COMMONWEALTH TRANSPORTATION FUNDS

NORTHERN VIRGINIA TRANSPORTATION COMMISSION

This Master Agreement (“Agreement”), is made and executed as of the ____ day of _____, 2020 between the Virginia Department of Rail and Public Transportation (“Department”), acting by and through its Director, and the Northern Virginia Transportation Commission (“Grantee”) (collectively Department and Grantee referred to as “Parties”). On a case by case basis, the Parties will enter into a project specific agreement (“Project Agreement”) that includes the overall purpose for which grants are awarded (“Project”), the total cost of a Project, the Department and Grantee participation, Project time period, and any subsequent amendments thereto. This Agreement constitutes the terms and conditions governing receipt of grants supported by Commonwealth transportation funds and governs and is incorporated by reference in all Project Agreements approved by the Department. The terms of this Agreement shall apply to all actions such as executing a Project Agreement, requesting reimbursement, requesting extensions or other actions taken pursuant to complete a Project (“Grant Transactions”) from the date of this Agreement until a new Master Agreement for the use of Commonwealth transportation funds is executed by the Department and the Grantee.

ARTICLE 1. PROGRAMS AND FUNDING

§ 1.1 This Agreement contains requirements that must be adhered to by the Grantee for all grants received from the Department.

§ 1.2 Funding is subject to annual appropriation by the Virginia General Assembly (“General Assembly”), allocation by the Commonwealth Transportation Board (“CTB”), and execution by the Parties of this Agreement and an associated Project Agreement. For any grants administered by the Department, the CTB or the General Assembly may change the percentage of the local share that can be financed by Commonwealth transportation funds to a higher or lower percentage than set forth in the Project Agreement. In the event such a change occurs, the applicable percentage will be the new

percentage set by the CTB or the General Assembly. All Eligible Project Costs incurred prior to the date of the change will be governed by the previous percentage.

§ 1.3 In the event that the Grantee receives a subsequent allocation of funding from the Commonwealth of Virginia (“Commonwealth”) other than the Department, or receives Federal funding for a Project, the allocation of grant funds originally allocated for that Project shall be reduced by the amount of the subsequent allocation of Commonwealth or Federal funding. Within thirty (30) days of receipt, the Grantee shall notify the Department in writing when a subsequent allocation of Commonwealth or Federal funding is received.

§ 1.4 The Grantee shall provide funds from sources other than Federal funds, except as may otherwise be authorized by Federal statute, in an amount sufficient, together with the grant funding governed by this Agreement, to assure payment of the total cost of the Project. The Grantee further agrees that no refund or reduction of the amount so provided will be made at any time, unless there is at the same time a refund and/or de-obligation to the Department of a proportional amount of the grant funds paid or to be paid by the Department. The Grantee is obligated to provide its share of Project cost as detailed in the Project Agreement.

§ 1.5 Payment of funds by the Department pursuant to a Project Agreement shall not exceed the Department funding amount identified in the applicable Project Agreement.

ARTICLE 2. ELIGIBLE PROJECT COSTS

§ 2.1 The Grantee agrees to incur costs in accordance with Project Agreements and this Agreement (“Eligible Project Costs”). The Department shall provide reimbursement of Eligible Project Costs submitted by the Grantee in proportion to the percentage of total funding to be provided by the Department pursuant to the Project Agreement. All expenses for which the Grantee seeks reimbursement by the Department shall be charged at the actual cost(s) to the Grantee with no Grantee markup.

§ 2.2 Eligible Project Costs must meet the following requirements:

- A. Be necessary in order to accomplish the Project as identified in an associated Project Agreement;
- B. Be reasonable for the goods or services purchased;
- C. Be actual net costs charged to the Grantee (i.e., the price paid minus any refunds, rebates, salvage, or other items of value received by the Grantee which have the effect of reducing the cost actually incurred and paid);
- D. Be incurred during the time period specified in the associated Project Agreement;
- E. Be in accordance with 2 C.F.R. Pt. 200 Subpart E;
- F. Be based on a cost allocation plan that has been approved in advance by the Department if the costs are indirect costs;
- G. Be documented in accordance with the terms of this Agreement;
- H. Be treated uniformly and consistently under generally accepted accounting principles; and
- I. There must be sufficient remaining allocated Commonwealth transportation funds pursuant to the associated Project Agreement to make the requested reimbursement.

Costs incurred by the Grantee to correct deficiencies in a Project, including costs related to the Grantee's failure to comply with the terms of this Agreement or a Project Agreement, do not qualify as Eligible Project Cost.

The Department shall make the final determination as to whether costs submitted for reimbursement qualify as Eligible Project Costs.

ARTICLE 3. REIMBURSEMENT OF GRANTEE

§ 3.1 Some Projects involving operating costs will require payment based on a schedule. Payment schedules for such projects will be detailed in the Project Agreement. The Department will make payment to the Grantee of the Department's share of scheduled payments as outlined in the Project Agreement. For other Projects not subject to a schedule of payments, grant funds will be distributed by the Department to the Grantee on a reimbursement basis.

§ 3.2 The Grantee shall submit requests for reimbursement using the form ("Project Reimbursement Form") provided by the Department through the Department Online Grant Administration System ("OLGA"). The Grantee shall submit Project Reimbursement Forms no more frequently than once a month and within 90 days from incurrence of Eligible Project Costs. Project Reimbursement Forms must be supported by third party evidence. The Department shall have the right to request additional details. The Grantee shall provide information within 30 days of the Department's request for additional information. The Department will make reimbursement of approved Eligible Project Costs within 30 days of the Department's receipt and approval of Grantee's Project Reimbursement Form. The Grantee shall submit its final reimbursement request to the Department within 90 days of expiration of funding for the Project Agreement.

§ 3.3 The Department shall have the right, in its sole discretion, to withhold reimbursement for Project Reimbursement Forms or line items in Project Reimbursement Forms found to be incomplete or not in conformance with the requirements of this Agreement or the associated Project Agreement. The Department will notify the Grantee of the basis for withholding total or partial reimbursement and will work with the Grantee to resolve disputed items.

§ 3.4 Reimbursement by the Department is not a waiver of Department's claim that said cost violates this Agreement or Project Agreement. Reimbursement is not a final decision by the Department as to validity of the cost as an Eligible Project Cost.

§ 3.5 Any reimbursement paid to the Grantee by the Department not in accordance with the provisions of this Agreement, associated Project Agreement, or Federal, State, or local law, shall be repaid to the Department by the Grantee within 60 days of the Department's written notice to the Grantee of the repayment obligation.

§ 3.6 The Grantee is responsible for payment of all third-parties performing work on behalf of the Grantee ("Contractors"). The Grantee shall attach copies of Contractors' invoices to each Reimbursement request.

§ 3.7 The Grantee shall remit payment to Contractors within five business days of receipt of reimbursement from Department. If, for any reason, the Grantee cannot remit payment to Contractor within five days, the Grantee shall immediately notify the Chief Financial Officer of the Department ("CFO") in writing, inform the CFO of the date Grantee will remit payment to its Contractors, and deposit the reimbursement funds received in an interest bearing account. The Grantee shall use all interest proceeds toward the Project, reducing the funding obligation of the Department outlined in the Project Agreement. Depending upon the Grantee's revised Contractor payment date, the Department may require the Grantee to repay the funds to the Department. If the Grantee fails to comply with this provision, the Department will require the Grantee to prepay Contractors prior to submitting Project Reimbursement Forms.

§ 3.8 With the exception of debt service specifically identified in a Project Agreement, the Grantee may not seek reimbursement for interest payments or charges on debt financing vehicles used to fund Projects.

ARTICLE 4. LAPSE OF FUNDS

§ 4.1 A Project Agreement obligates the Grantee to undertake and complete a Project within the period from the Project Start Date to the Project Expiration Date as identified in the Project Agreement. The Department shall not provide any Reimbursement for any expenses incurred after the Project Expiration Date.

§ 4.2 The Grantee's submission of a Project Reimbursement Form marked "Final," is Grantee's certification that it has completed the Project.

§ 4.3 The Department will withdraw any remaining Commonwealth transportation funds allocated for the Grantee's Project for which a final Project Reimbursement Form has been submitted and paid. Withdrawn funds will be allocated to other projects.

ARTICLE 5. MAINTENANCE OF RECORDS

§ 5.1 The Grantee shall maintain all books, accounting records, and any other documents supporting the Grantee's activities and costs for every Project Agreement. The Grantee shall maintain such records for four years from the end of the state fiscal year (June 30) in which the final payment is made. The Grantee shall maintain records pertaining to facilities for the Useful Life of the facility. The Grantee shall maintain records pertaining to land in perpetuity. The Grantee shall require Contractors to similarly maintain their books, accounting records, and any other documents supporting the Contractors' activities and costs incurred, and require Contractors contain a similar provision in their contracts with subcontractors.

ARTICLE 6. AUDIT AND INSPECTION OF RECORDS

§ 6.1 The Grantee and Contractors shall permit the authorized representatives of the Department to inspect and audit their records related to the performance of this Agreement. Acceptable records are original documents (such as timesheets, travel reimbursements, invoices, receipts, etc.) that are the basis

of entries on the Payment Reimbursement Forms. The Department may require the Grantee to furnish certified reports of all expenditures under any contracts or subcontracts.

§ 6.2 The Grantee must follow the requirements of 2 C.F.R. pt. 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.” A Single Audit¹ is required when an entity spends \$750,000 or more of Federal funds in a year. The Grantee must maintain auditable records and adequate supporting documentation. Grantees spending less than \$750,000 of Federal assistance during any one fiscal year are not required to undergo a Single Audit unless specifically requested by the Department. The Department reserves the right to require any recipient of State funds to undergo an audit the scope of which will be defined by the Department and performed on any matter relating to a Project Agreement.

§ 6.3 If an independent Certified Public Accountant, other auditor, the Department, or any other party conducting an authorized audit finds the Grantee to be out of compliance with any provision of this Agreement, any Project Agreement, or any relevant Federal, State, or local law or regulation, the Grantee must provide a satisfactory corrective action plan to the Department within 60 days of notification of that finding. The scope of any audit conducted must include expenditures made by Contractors and any other recipients of pass-through funds.

§ 6.4 The Grantee agrees if any audit finds payments by the Department were (1) unsupported by acceptable records, or (2) in violation of any other provisions of this Agreement or associated Project Agreement, within 60 days of audit findings, the Grantee will promptly refund unsupported payments or payments found in violation.

¹ Single Audit is an annual audit where all non-Federal entities that expend \$750,000 or more of Federal awards in a year are required to obtain an annual audit in accordance with the Single Audit Act Amendments of 1996, 31 U.S.C. § 7501 *et seq.*, and applicable U.S. DOT “Single Audit” requirements of 2 C.F.R. pt. 1201, which incorporate by reference 2 C.F.R. part 200.

§ 6.5 The Grantee must submit audited financial statements to the Department within six months following the end of the Grantee's fiscal year to:

Virginia Department of Rail and Public Transportation
Attention: Audit Manager
600 East Main Street, Suite 2102
Richmond, VA 23219

§ 6.6 The Grantee shall include language consistent with this Article in its contracts with Contractors to provide the Department the same access to Contractors' books and records, and requiring the Contractors to include language consistent with this Article in all subcontracts.

ARTICLE 7. PROCUREMENT OF SERVICES

§ 7.1 If the Grantee is not subject to the Virginia Public Procurement Act, then the Grantee shall utilize, and require its Contractors to utilize, competitive processes as follows:

- .1 for procurement of professional services as defined by § 2.2-4301 of the *Code of Virginia* (1950), as amended – a competitive negotiation process acceptable to the Department that is similar to applicable portions of the process set forth in §§ 2.2-4302.2 and 2.2-4303.B of the *Code of Virginia* (1950), as amended. Additional information regarding procedures for procurement of professional services can be found at §§ 2.2 and 3.1 of the most recent edition of the Commonwealth's Construction and Professional Services Manual ("CPSM");
- .2 for procurement of construction services, a nonprofessional service as defined by § 2.2-4301 of the *Code of Virginia* (1950), as amended – a competitive bidding process acceptable to the Department that is similar to applicable portions of the process set forth in §§ 2.2-4302.1 and 2.2-4303.D of the *Code of Virginia* (1950), as amended. Additional information regarding procedures for procurement of construction services can be found at § 7.1 of the most recent edition of the CPSM; and

.3 for procurement of nonprofessional services other than construction services as defined by § 2.2-4301 of the *Code of Virginia* (1950), as amended – a competitive sealed bidding or a competitive negotiation process acceptable to the Department that is similar to applicable portions of the processes set forth in §§ 2.2-4302.1, 2.2-4302.2, and 2.2-4303.C of the *Code of Virginia* (1950), as amended.

§ 7.2 The Department reserves the right to review and approve, in advance, any request for proposals or solicitation to bid. The Department also reserves the right to require that the Grantee not execute any contract, amendment, or change order thereto, or to obligate itself in any manner with any third party with respect to the Grantee's rights, duties, obligations, or responsibilities under this Agreement or any Project Agreement unless and until authorized to do so in writing by the Department.

ARTICLE 8. ASSIGNMENTS

§ 8.1 Assignment of any portion of this Agreement or of any Project Agreement must be preapproved by the Department in writing.

ARTICLE 9. TERM, ENTIRE AGREEMENT, AND AMENDMENT

§ 9.1 This Agreement shall be effective immediately upon its execution.

§ 9.2 This Agreement, and associated Project Agreements, constitute the entire and exclusive agreement between the Parties relating to all specific matters covered therein. All prior or contemporaneous verbal or written agreements, understandings, representations, and/or practices relative to the foregoing are hereby superseded, revoked and rendered ineffective for any purpose.

§ 9.3 The execution of this Agreement and any associated Project Agreements may include electronic signatures using Personal Identification Number (PIN) based access.

§ 9.4 In order to effect a uniform set of terms governing Grant Transactions, effective as of the date of this Agreement, the Grantee and Department agree the terms of this Agreement supersede any and all

previous Master Agreements previously entered between the parties. Any ongoing Project Agreements will be governed by the terms of this Agreement.

ARTICLE 10. NOTICES AND DESIGNATED REPRESENTATIVE

§ 10.1 All notices or communications with respect to this Agreement and associated Project Agreements shall be in writing and shall be deemed delivered (a) by hand, upon day of delivery, (b) by prepaid overnight delivery service, upon the next business day or (c) by U.S. Mail, certified, postage prepaid, return receipt requested, on the third business day following mailing. All notices or communications with respect to this Agreement and associated Project shall be delivered to the addresses set forth below or such other addresses as may be specified by a party.

Designated
Representative:

Department:

Virginia Department of Rail and Public Transportation
600 East Main Street, Suite 2102
Richmond, VA 23219
Attention: Chief Financial Officer
Chief of Public Transportation

Grantee:

NAME AND TITLE

ADDRESS

E-MAIL ADDRESS

ARTICLE 11. TERMINATION OF PROJECT AGREEMENT

§ 11.1 Grantee's Termination for Convenience. At any time, the Grantee may terminate a Project Agreement for its convenience by providing written notice to the Department. The termination will be

effective 30 days after the Department's receipt of the Grantee's notice. Upon such termination, the Grantee will repay all funds received from the Department pursuant to the Project Agreement.

§ 11.2 Grantee's Termination for Cause

§ 11.2.1 The Grantee may terminate a Project Agreement for cause by providing written notice to the Department.

§ 11.2.2 The Department will have 90 days from receipt of the Grantee's notice, or such longer time as agreed by the Parties, to cure the breach ("Department's Cure Period"). If the breach remains uncured at the end of the Department's Cure Period, the termination shall be effective the day after expiration of the Department's Cure Period.

§ 11.2.3 If a Project Agreement is validly terminated pursuant to Section 11.2, the Grantee will not be required to repay funds disbursed by the Department and are confirmed as Eligible Project Costs by the Department's audit.

§ 11.3 Department's Termination for Convenience

§ 11.3.1 At any time, the Department may terminate a Project Agreement for its convenience by providing written notice of termination to the Grantee. Upon receipt of notice, the Grantee shall cease all Project work as soon as is practicable and refrain from entering into contracts in furtherance of the Project. The termination shall be effective 10 Days after the Grantee's receipt of the Department's notice.

§ 11.3.2 If the Department terminates a Project Agreement pursuant to Section 11.3, the Grantee will not be required to repay funds disbursed by the Department prior to the effective date of the termination and are confirmed Eligible Project Costs by the Department's audit. The Grantee may seek reimbursement for Eligible Project Costs for which it has not previously sought reimbursement incurred prior to the effective date of the termination.

§ 11.3.3 The Grantee waives all claims for damages and expenses related to a termination by the Department pursuant to Section 11.3.

§ 11.4 Department's Termination for Cause

§ 11.4.1 The Department may terminate a Project Agreement for cause by written notice to the Grantee upon the Grantee's breach, insolvency, or assignment for benefit of creditors.

§ 11.4.2 The Grantee shall have 30 Days from receipt of notice, or such longer time as agreed by the Parties, to cure or provide assurances acceptable to Department of solvency ("Grantee's Cure Period"). If the breach remains uncured at the end of the Grantee's Cure Period, the termination shall be effective the day after expiration of the Department's Cure Period.

§ 11.4.3 If the Department terminates a Project Agreement for cause, the Grantee shall repay the Department all funds received pursuant to a Project Agreement, and shall not be entitled to further repayment. The Grantee shall make such payment within 60 days following effective day of termination.

ARTICLE 12: FORCE MAJEURE

§ 12.1 Force Majeure Event means fire, flood, war, rebellion, terrorism, riots, strikes, or acts of God, which may affect or prevent either Party from timely or properly performing its obligations under this Agreement.

§ 12.2 Delays caused by a Force Majeure Event shall not be deemed a breach or default under this Agreement. A Force Majeure Event will automatically result in a day-for-day extension to the performance period if any is specified in the Project Agreement. If the Department determines a Force Majeure Event renders Project Completion impossible or impractical, the Department may terminate the Project Agreement pursuant to Section 11.3.

§ 12.3 Within five days of occurrence, the Grantee will provide the Department written notice and documentation of the Force Majeure Event requesting relief necessary, and detailing required additional investigation, and analysis to determine extent of delay and remedy. Within 15 days of receipt of the Grantee's submission, the Department shall review the submission and determine whether the Grantee is entitled to the requested relief. Within 30 days of the Department's determination, the Grantee may appeal by requesting Director review. The Director's written decision is final.

ARTICLE 13. LIABILITY AND INSURANCE

§ 13.1 The Grantee shall be responsible for damage to life and property, including environmental pollution and/or contamination, arising from (a) its Contractors, subcontractors, agents and employees activities related to this Agreement or any associated Project Agreement and (b) any subsequent use of the Project.

§ 13.2 The Grantee shall carry sufficient insurance or have a sufficient self-insurance program to cover the risks for work performed under this Agreement and any associated Project Agreement. If the Grantee's insurance fails to cover agents, Contractors or subcontractors, the Grantee will require agents, Contractors and subcontractors performing work on Projects to carry insurance sufficient to cover risks associated with activities associated with a Project. Insurance purchased by the Grantee, its agents, Contractors, or subcontractors, shall list the Commonwealth, the Department, the Virginia Department of Transportation, and the officers, agents and employees of these entities as additional insureds.

§ 13.3 To the extent allowable by law, the Grantee shall indemnify, defend and hold harmless the Commonwealth, the Department, the Virginia Department of Transportation, and their officers, agents, and employees of these entities from and against all damages, claims, suits, judgments, expenses, actions and costs of every name and description, arising out of or resulting from any act or omission by the Grantee, its Contractors, subcontractors, agents or employees in the performance of the work

covered by this Agreement or associated Project Agreement. Nothing in this Agreement shall constitute a waiver of sovereign immunity of any Party.

§ 13.4 The obligations of this Article shall survive the termination or completion of this Agreement and any Project Agreement and the Department's payment.

ARTICLE 14. CONFLICT OF INTEREST

§ 14.1 The State and Local Government Conflict of Interests Act, § 2.2-3100 *et seq.* of the *Code of Virginia* (1950), as amended, shall apply if the Grantee is a local or state government, or a local or state governmental agency, commission, or authority.

§ 14.2 The following shall apply if the Grantee is not subject to the State and Local Government Conflict of Interests Act, § 2.2-3100 *et seq.* of the *Code of Virginia* (1950), as amended:

.1 The following definitions shall apply concerning conflict of interest provisions in this Agreement and any associated Project Agreement:

“Contract” or “agreement” means any agreement, including any contract or subcontract, whether written or not, to which the Grantee is a party, or any agreement on behalf of the Grantee, including any contract or subcontract, which involves the payment of funds appropriated by the General Assembly of Virginia distributed pursuant to or subject to this Agreement or any associated Project Agreement.

“Employee” means any person employed by the Grantee, whether full time or part time.

“Thing of pecuniary value” means any thing having a monetary value including gifts, loans, services, securities, tangible objects, and business and professional opportunities.

.2 Other than the salary and remuneration received from the Grantee as a normal attribute of employment with the Grantee, no employee of the Grantee shall solicit, offer to accept, or accept, any money or other thing of pecuniary value or financial benefit or advantage, for the employee or for any other person, especially for any of the following reasons:

- a. in consideration of the use of the employee's position or status with the Grantee to obtain for any person or business any employment with or any contract with the Grantee or with any Contractor, subcontractor, or supplier of the Grantee, including any consulting or professional services contract.
- b. from any person or business other than the Grantee for performing any services for the Grantee in connection with any projects funded pursuant to or subject to this Agreement or any Project Agreement written hereunder.
- c. from any person or business other than the Grantee for rendering any decision or directing any course of action in connection with any Projects funded pursuant to or subject to this Agreement or any Project Agreement.

.3 If any contract is obtained in violation of this Article or if the terms of this Article are violated, the Department may require the Grantee to take whatever legal action is necessary to rescind, void, invalidate, or cancel such contract or other action taken and/or to recover any funds paid in violation of the provisions of this Article, and remit recovered funds to the Department.

ARTICLE 15. COVENANT AGAINST CONTINGENT FEES

§ 15.1 The Grantee warrants that it has not, and shall not, employ or retain any company or person, other than a bona fide employee working solely for the Grantee, to solicit or secure a Project Agreement, and that it has not, and shall not, pay or agree to pay any company or person, other than a bona fide

employee working solely for the Grantee, any fee, commission, percentage, brokerage fee, or other considerations, contingent upon or resulting from the award or making of a Project Agreement. Upon breach or violation of this Article, the Department shall have the right to terminate this Agreement or any Project Agreement pursuant to Section 11.4 of this Agreement.

ARTICLE 16. NON-DISCRIMINATION

§ 16.1 In the solicitation or awarding of any contracts directly related to this Agreement or any associated Project Agreement, the Grantee shall not discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by Virginia law relating to discrimination in employment.

§ 16.2 During the performance of this Agreement or any associated Project Agreement, the Grantee agrees as follows: (a) the Grantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by Virginia law relating to discrimination in employment. The Grantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause; (b) the Grantee, in all solicitations or advertisements for employees placed by or on behalf of the Grantee, will state that the Grantee, where applicable, is an equal opportunity employer. Notices, advertisements and solicitations placed in accordance with Federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

§ 16.3 In all solicitations, either by competitive bidding or negotiation made by the Grantee for work to be performed under a contract, including procurement of materials or equipment, each potential Contractor shall be notified by the Grantee of the Grantee's obligations under this Agreement and the

regulations relative to nondiscrimination on the grounds of age, race, religion, sex, color, disability or national origin.

ARTICLE 17. DRUG-FREE WORKPLACE

§ 17.1 During the performance of this Agreement and any Project Agreement, the Grantee agrees to (a) provide a drug-free workplace for its employees; (b) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition; (c) state in all solicitations or advertisements for employees placed by or on behalf of the Grantee that the Grantee maintains a drug-free workplace; and (d) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this section, “drug-free workplace” means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Agreement.

ARTICLE 18. SMALL, WOMEN, AND MINORITY (SWAM) BUSINESSES

§ 18.1 The Grantee is encouraged to seek and use Small, Women, and Minority (“SWAM”) enterprises in relation to any Project Agreement issued pursuant to this Agreement. § 2.2-4310 of the *Code of Virginia* (1950), as amended, addresses SWAM enterprises.

ARTICLE 19. PERSONS WITH DISABILITIES

§ 19.1 The Grantee, its agents, employees, assigns or successors, and Contractors, shall comply with the provisions of the Virginians with Disabilities Act (§ 51.5-40 through § 51.5-46 of the *Code of Virginia* (1950), as amended), the terms of which are incorporated herein by reference.

ARTICLE 20. NONRESTRICTIVE CLAUSE

§ 20.1 Solicitation documents will be based upon clear and accurate descriptions of the technical requirements for the material, product, or service to be procured. The descriptions will not contain features that unduly restrict competition.

ARTICLE 21. SPECIFIC PROJECT CONSIDERATIONS

§ 21.1 The Americans with Disabilities Act (“ADA”) established universal access by requiring complementary paratransit services to be provided for visitors if they have been certified as “ADA paratransit eligible” by a public entity. If the Grantee provides paratransit services, the Grantee must honor the certification of a visitor qualified by another public entity for a period of 60 days during a calendar year. The visiting rider shall not have to provide any additional documentation, or participate in interviews or any other reviews to gain the complementary certification. If the visitor needs service beyond the 60 days in a calendar year, the visitor must go through the paratransit system’s qualification process.

§ 21.2 Any motor vehicles purchased under this grant shall comply with Motor Vehicle Safety Standards as established by the United States Department of Transportation and with the Motor Vehicle Standards of the *Code of Virginia* (Title 46.2).

§ 21.3 The Department requires a systematic, multi-disciplined approach design to optimize the value of each dollar spent on a Project through the engagement of a team of architects, engineers or other professionals to identify, analyze and establish a value for a function of an item or system Value

Engineering (“VE”) for any project with a total cost in excess of \$10 million (“Major Capital Projects”). A Major Capital Project is usually identified during the application review process. VE for a Project should be performed early in the design process before major decisions have been completely incorporated into the design, at or near the end of preliminary engineering (“PE”) or at 30 percent of design. Some large or complex projects may require more than one VE study over their duration. For Major Capital Projects, upon completion of the VE phase, the Grantee shall submit the VE report to the Department. The Department may also require that VE be performed on individual Projects that do not qualify as Major Capital Projects. The Grantee is encouraged to conduct VE on all Projects for construction, including bus maintenance and storage facilities, as well as on those Projects regarding revenue railcar acquisition and rehabilitation.

§ 21.4 The Department encourages the Grantee to confer with other transit operations and maintenance experts in order to benefit from their experiences and to improve the performance of the process or product being reviewed (“Peer Review”). Although the Grantee is encouraged to conduct a Peer Review with all capital projects, the Department may require Peer Review in some instances.

§ 21.5 The Grantee is encouraged to perform crime prevention reviews during the design phase of all Department-funded transit facilities with particular focus on the incorporation and use of crime prevention through environmental design techniques. This review should be carried out as a project intended to improve and increase the safety and security of an existing or planned transit system or facility for both transit patrons and transit employees. The level of the review should complement the size and scope of the Project. Local crime prevention professionals should be included in the review process. Review documentation should remain on file by the Grantee and be available for Department review upon request.

ARTICLE 22. SPECIAL CAPITAL PROVISIONS

§ 22.1 The purchase of all equipment and services, and the construction of any facilities financed in whole or in part pursuant to a Project Agreement (“Project Equipment” and “Project Facilities”), shall be undertaken by the Grantee in accordance with Article 7 of this Agreement, Virginia law, and accepted good business practices. All plans, specifications, estimates of costs, award of contracts, performance and acceptance of work, and procedures in general are subject at all times to all applicable laws, rules, regulations, and orders. The Department reserves the right to review and approve all solicitations for purchase of equipment, facilities, and services prior to their issuance by the Grantee.

§ 22.2 The Grantee agrees that the Project Equipment and Project Facilities shall remain in service in the area and be used for the purpose for which they were purchased for the duration of the Useful Life. Useful Life will be defined by the Grantee utilizing Generally Accepted Accounting Principles, Internal Revenue Service or other industry practice standard agreeable to Department. If any Project Equipment or Project Facilities is not used for the intended purpose defined in the Project Agreement during the Project Equipment’s and Project Facilities’ Useful Life, the Grantee shall immediately notify the Department. In the case of Project Equipment, the Department shall have the option of requiring the Grantee either to transfer title to the Project Equipment to the Department or to remit to the Department an amount equal to a proportional share of the fair market value remaining in the Project Equipment based upon the Department’s ratio of participation detailed in the Project Agreement. In the case of Project Facilities, the Grantee shall remit to the Department the proportional share of the remaining fair market value of the Project Facilities based upon the ratio of the Department’s participation detailed in the Project Agreement. The Grantee shall keep records of the use of the Project Equipment and Project Facilities for review by the Department upon request.

§ 22.3 At any time, the Grantee shall permit the Department or its authorized representatives to inspect all vehicles, Project Facilities and Project Equipment; all transportation services rendered by the Grantee using such vehicles, Project Facilities or Project Equipment; and all relevant Project data and records.

§ 22.4 The Grantee shall maintain, in amount and form satisfactory to the Department, and in accordance with the laws of the Commonwealth, such insurance or self-insurance adequate to protect Project Facilities or Project Equipment and persons using such Project Facilities or Project Equipment throughout their use. The Department will be named as an additional insured.

§ 22.5 With regard to contracts for construction or facility improvement totaling less than \$250,000, the Grantee shall follow its own requirements relating to bid guarantees, performance and payment bonds. For contracts in excess of \$250,000, the Grantee shall adhere to the following minimum requirements:

- A bid bond from each bidder from a surety company legally authorized to do business in Virginia. The amount of the bid bond shall not exceed five percent (5%) of the bid price. This bid bond is a guarantee that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.
- A performance bond for 100% of the contract price.
- A payment bond for 100% of the contract price.
- In lieu of a bid, payment, or performance bond, a bidder may furnish a certified check in the amount required for the bond.
- The Grantee shall seek Department approval of its bonding policy and requirements if they do not comply with these criteria.

§ 22.6 When any motor vehicle is purchased with funds supplied by the Department pursuant to this Agreement or any associated Project Agreement, the Department reserves the right, in its sole discretion, to require that a lien or security interest be placed upon the title of said vehicle to secure the amount of

the funds supplied by the Department, with the lien or security interest to be perfected and recorded upon the certificate of title in the manner prescribed by law, with the certificate of title to be sent to the Department.

ARTICLE 23. MISCELLANEOUS PROVISIONS

§ 23.1 This Agreement and any Project Agreement shall, in all respects, be governed by the laws of the Commonwealth without giving effect to its principles of conflicts of law. Nothing in this Agreement or any Project Agreement shall constitute a waiver of sovereign immunity. Any legal action concerning this Agreement or any Project Agreement shall be brought in a Circuit Court of the Commonwealth.

§ 23.2 The Grantee shall comply with all of the requirements specified in an associated Project Agreement, as well as all related and relevant Federal, State, and local law and regulations.

§ 23.3 If any term or provision of this Agreement or any Project Agreement is determined to be invalid, illegal or unenforceable, it shall not affect the legality, validity, or enforceability of any other part of this Agreement, and the remaining parts of this Agreement or any Project Agreement shall be binding upon the Parties.

§ 23.4 All provisions of this Agreement and any Project Agreement shall be binding upon the Parties and their respective successors and assigns.

§ 23.5 Upon the Department's request, the Grantee shall appoint one principal representative selected by the Department to the oversight board of any public transit service provider on which the Commonwealth is not already represented by a principal member and which benefits from state funding provided to the Grantee. If the members of an oversight board are determined through public election, or if complying with this requirement will violate a federal or state statute or General Assembly authorization, this provision shall not apply.

§ 23.6 The Grantee shall adhere to the current grant administration requirements issued by the Department and if required by the Department maintenance of asset inventory and performance reporting through OLGA.

§ 23.7 Any repayment by the Grantee to the Department for funds granted by the Department pursuant to this Agreement and any associated Project Agreement shall also require the payment of interest using the prevailing statutory legal rate of interest established by the Virginia General Assembly, calculated from the date Reimbursement was made by the Department to date of repayment by the Grantee.

§ 23.8 All covenants and provisions of this Agreement shall be made expressly a part of any contracts executed by the Grantee, and shall be binding on the Contractors, their agents, and employees.

ARTICLE 24. UNAUTHORIZED ALIENS

§ 24.1 The Grantee certifies that it does not, and that it shall not, during the performance of this Agreement and any Project Agreement, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986 (the Act). The Grantee will also contractually require any Contractors who participate in any Project funded pursuant to this Agreement and any Project Agreement to comply with this provision. Unauthorized alien means, with respect to the employment of an alien (which is defined as any person not a citizen or national of the United States), at a particular time, that the alien is not at that time either (a) an alien lawfully admitted for permanent residence, or (b) authorized to be so employed by the Act or by the United States Attorney General.

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IN TESTIMONY THEREOF, the Parties have caused this Agreement to be executed, each by its duly authorized officers, all as of the day, month, and year first written.

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION**

BY: _____
DIRECTOR DATE

WITNESS: _____
(NAME AND TITLE) DATE

NORTHERN VIRGINIA TRANSPORTATION COMMISSION

BY: _____
CHIEF EXECUTIVE OFFICER DATE

WITNESS: _____
(NAME AND TITLE) DATE



July XX, 2020

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Vice Chair

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Secretary-Treasurer

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Senate

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Hon. David Reid

Hon. Richard "Rip" Sullivan, Jr.

Executive Director

Katherine A. Mattice

Paul Wiedefeld

General Manager/CEO

Washington Metropolitan Area Transit Authority

600 5th Street, NW

Washington, DC 20001

Re: Request for Data on Uses of Virginia's Dedicated Capital Fund for FY 2020

Dear Mr. Wiedefeld:

The Northern Virginia Transportation Commission (NVTC) requests that WMATA deliver to NVTC information on the uses of Virginia's WMATA Capital Fund no later than October 1, 2020 in order for NVTC to complete its *Annual Report on the Performance and Condition of WMATA*.

NVTC is responsible for producing an annual report to the governor and General Assembly on the performance and condition of WMATA. Since Virginia's dedicated funding was utilized by WMATA in FY 2020, this year's iteration of the report must include information on the use of Virginia's dedicated funding to improve the safety and condition of the rapid heavy rail mass transportation system. In order to complete this chapter of the report, we request that you provide to us the best available information on the total actual expenditures of Virginia's dedicated funding by CIP Program (such as Railcar Acquisition, Railcar Maintenance/Overhaul, Railcar Maintenance Facilities, Propulsion, etc.) for FY 2020.

Virginia's commitment to dedicated funding for WMATA provides the authority with a stable revenue source to help bring the system back to a state of good repair. The information you provide will help the Commission articulate the benefits of dedicated funding to the governor and General Assembly and demonstrate the progress WMATA has made in keeping the system safe, reliable, and affordable.

Best regards,

Katherine A. Mattice
Executive Director

Agenda Item #6: Washington Metropolitan Area Transit Authority (WMATA)



TO: Chair Cristol and NVTC Commissioners

FROM: Kate Mattice, Andrew D’huyvetter and Zach Smith

DATE: June 25, 2020

SUBJECT: Washington Metropolitan Area Transit Authority (WMATA)

On March 11, 2020 the World Health Organization declared COVID-19 a pandemic setting forth a series of actions at the federal, state, and local levels to combat and contain the spread of the virus during this public health emergency. Since that time, NVTC jurisdictional transit agencies, including WMATA and VRE, have implemented substantial changes to transit operations, many of which are being updated daily. The information provided in these staff reports reflect decisions as of the publication date and are subject to change.

At the July meeting the Commission will receive reports from the chairs of NVTC’s 3% Cap Working Group and the NVTC WMATA Committee, as well as the Virginia WMATA Board members.

A. WMATA COVID-19 Response

On March 13, WMATA implemented Phase 3 of its Pandemic Flu Plan. Phase 3 is the highest level of response and includes all subsequent mitigation steps required during a public health emergency. WMATA expects to be at Phase 3 until further notice and has [developed a website for customers to stay up-to-date with the latest information](#). Below are additional steps WMATA has taken to address the COVID-19 public health emergency:

- On June 28, WMATA [is anticipated to reopen 15 Metrorail stations](#) across the system. In Virginia, these stations include Clarendon, Virginia Square, Eisenhower Avenue, and Van Dorn Street Stations. All stations west of Ballston on both the Silver Line and Orange Line remain closed to rail service due to the platform improvement project, with access for shuttle and local bus service only.
- In late June, WMATA will make adjustments to its stabilization service plan to improve route efficiency and reduce crowding. WMATA will add 136 trips to 12 lines in the District of Columbia and Prince George’s County to address areas of known crowding. In order to make these bus service changes, WMATA will temporarily suspend service on four routes that have low ridership and nearby alternatives (NH2, C14, G2, M6) and reduce service on seven routes (22A, 62, D2, E2, H6, U4, X8).

- On May 18, WMATA [required riders to wear cloth face coverings](#) when traveling on the system.

B. Report from the Virginia WMATA Board Members

▪ Establishment of Metro Transit Police Department (MTPD) Investigations Review Panel

On June 23, the WMATA Board approved a charter to [establish the Metro Transit Police Department \(MTPD\) Investigations Review Panel](#). The review panel will include citizen members and police members from the Metro Transit Zone and will provide recommendations to the MTPD Chief of Police and the WMATA Board on changes to MTPD training and policies that will improve the integrity of investigations and the thoroughness and fairness of the process consistent with best practices in law enforcement.

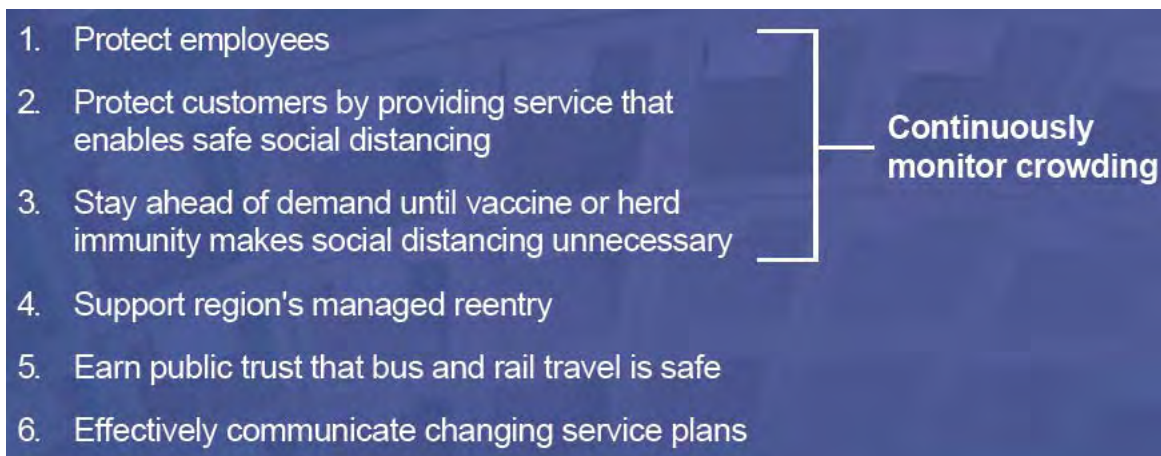
The panel is authorized by the WMATA Board as an advisory body or committee consistent with [WMATA Board Bylaws](#). The review panel will consist of three police department members from across the region who are selected by the MTPD Chief of Police and four citizen members from within the region who are appointed by the WMATA Board of Directors. The citizen members are to be drawn from each signatory (DC, MD, and VA) with one at-large member.

▪ COVID-19 Recovery Planning and Budget Update

On June 11, the WMATA Board [received a presentation on WMATA's COVID-19 recovery plan and budget impacts](#). WMATA staff provided an overview of a multi-phase strategy to address employees, customers and service delivery moving forward.

WMATA continues to follow Centers for Disease Control and Prevention (CDC) guidelines to reduce the risk of exposure among its workforce including work schedule changes, increased cleaning and disinfecting of equipment and facilities, and providing personal protective equipment.

Figure 1: WMATA's Service Restoration Strategy





Source: [WMATA Presentation on COVID-19 Recovery Planning](#)

WMATA has developed three pre-planned service levels (Figure 2) based on various workforce availability scenarios and customer social distancing. Social distancing reduces capacity by approximately 80% on railcars and buses. In order to achieve optimal social distancing, WMATA must provide more service than ridership demands, and this service needs to be provided in advance.

- **Stabilization Phase:** Stabilization service maintains similar or better service to what existed in May at 35% of normal peak service. On Metrorail, WMATA has re-opened the first and eighth railcars to passengers to increase capacity while encouraging social distancing and requiring face coverings. WMATA is implementing changes on 12 Metrobus routes in D.C. and Maryland to provide additional trips and address areas of known crowding.
- **Managed Re-Entry Phase:** The managed re-entry phase is anticipated to be implemented between mid-August and mid-September as jurisdictions begin to relax social distancing policies. It is expected that businesses, schools, and childcare facilities will reopen and that large-scale telework is likely. Service during the managed re-entry phase will be 70-80% of normal peak service.
- **Recovery Phase:** The recovery phase is the return of pre-pandemic service levels when social distancing is no longer necessary. CDC guidance suggests that this phase is likely to occur in 2021.

Figure 2: Phased Approach for Metro Services

Stabilization	Managed re-entry (tentative)	Recovery (tentative)
 RAIL <ul style="list-style-type: none"> Implementation in progress ~20-minute headways Span: Weekdays 5 AM - 9 PM Weekends 8 AM - 9 PM Stations west of Ballston closed Cars one and eight reopened when appropriate 	<ul style="list-style-type: none"> Estimated start in August-October 2020 Doubled capacity from current state: ~10-minute headways Span: Weekdays 5 AM - 9 PM Weekends 7/8 AM - 9 PM All stations open (dependent on completion of platform program for stations west of Ballston) 	<ul style="list-style-type: none"> Estimated start in Spring 2021 Ridership peaks emerging, evenings reviving Service near pre-pandemic levels, with peak service Span: Weekdays 5 AM - Midnight
 BUS <ul style="list-style-type: none"> Address current crowding issues Sunday-like headways, with some adjustments based on ridership to date Sunday-only routes operated; fewer on weekends Span: 4 AM - 11 PM Rear-door boarding, front of bus still isolated 	<ul style="list-style-type: none"> May be earlier than rail All routes operating, but: <ul style="list-style-type: none"> less frequently than normal no extra peak service focused on local service Span: 4 AM - Midnight Rear-door boarding only 	<ul style="list-style-type: none"> Full weekday service All routes operating Normal span of service Resume front-door boarding Possibly accelerate installation of targets on rear doors, enabling all-door boarding

Source: [WMATA Presentation on COVID-19 Recovery Planning](#)

During the stabilization period, WMATA will take advantage of low ridership to reduce impacts to customers from critical state of good repair construction projects. WMATA has outlined July track work projects and will announce future projects on a rolling basis.

Figure 3: WMATA's July Track Work Plan

- **July 6-18:**
 - U St to Ft. Totten
 - Closed Stations: Columbia Heights and Georgia Ave
- **July 19-July 25:**
 - Judiciary Sq to Rhode Island
 - Closed Station: Union Station and NoMa
- **July 26-August 1:**
 - Ft. Totten to Silver Spring
 - Closed Station: Takoma



Source: [WMATA Presentation on COVID-19 Recovery Planning](#)

WMATA surveyed Metrorail and Metrobus riders between April and May to gauge their awareness of the service recovery plans. One in four customers who use Metrorail, or both Metrorail and Metrobus, are aware of WMATA's recovery plan and 67% favor the plan.

WMATA reported on the COVID-19 public health emergency's impact to the operating and capital budgets. The operating revenue loss was \$65.4 million in April, but the CARES Act reimbursements and budget savings is anticipated to offset any revenue losses in the FY 2020 Operating Budget.

The most significant impact to the capital program has been workforce availability challenges that affect our ability to support capital work, such as providing escorts and establishing work zones. In addition, some projects may see delays due to productivity and supply chain disruption.

▪ Update on the Platform Improvement Project

On June 11, the WMATA Finance and Capital Committee [received an update on the Platform Improvement Project](#) and overview of future phases. The Platform Improvement Project is currently in its second phase to address critical safety and state of good repair projects at Vienna, Dunn-Loring, West Falls Church, and East Falls Church along the Orange Line. Work at the four stations is progressing well, and the contractor is currently on schedule to open the stations by Labor Day weekend. WMATA combined the Phase 2 Platform Improvement Project with a separate project to connect Metrorail with the Silver Line Phase 2 stations.

Figure 4: Phase 2 Platform Improvement Project Progress (As of June 11, 2020)

Scope Item	% Complete
Platform Edge Demolition	100
Platform Tile and Topping Slab Removal	100
Ceiling Panel Removal	95
Skylight Demolition	90
Platform Edge Pour back	10
Installation of Mezzanine Tile	25
Fire Alarm Conduit Installation	85

Source: [WMATA Presentation on COVID-19 Recovery Planning](#)

By the end of Phase 2, 50% of the Platform Improvement Project will be complete. Platform improvements at 10 remaining stations will be addressed in Phases 3 and 4. WMATA anticipates the start of Phase 3 in Spring 2021 with work at Arlington Cemetery and Addison Road Stations. Phase 3 will include a three-month closure of the Arlington Cemetery Station, no Blue Line Service, and Yellow Line service departing from both Huntington and Franconia-Springfield Stations from mid-February to mid-May 2021. Phase 4 will include work at Ronald Reagan National Airport station from Fall 2022 – Spring 2023. In addition, platform reconstruction of five stations along the Orange Line in Maryland will be performed in Phase 4.

- Acquisition of Housing Credits for the Jackson Graham Building

On June 11, the WMATA Board [approved the purchase of \\$6 million in housing credits](#) for the Jackson Graham Building (JGB) site. In 2018, WMATA entered into a joint development agreement to redevelop and ground lease JGB as part of its office consolidation strategy. In order to develop residential units on the site, WMATA must purchase housing credits. The cost of the housing credits will be reimbursed by the developer as part of the joint development agreement.

- FY 2021 Virginia PRIIA Agreement

On June 11, the WMATA Board [authorized the negotiation of the FY 2021 Passenger Rail Investment and Improvement Act \(PRIIA\) funding agreement between DRPT and WMATA](#). The federal funding that WMATA receives annually under PRIIA requires a 50% local match that is allocated equally among D.C., Maryland, and Virginia. DRPT is responsible for Virginia's share of the PRIIA match. The current agreement between WMATA and DRPT expires on June 30, 2020. The FY 2021 PRIIA agreement will extend current agreement for an additional year with Virginia and continue to provide \$50 million in PRIIA matching funds already included in the FY 2021 Capital Budget. WMATA and DRPT will continue to negotiate on a longer-term agreement.

- Election of FY 2021 Officers

On June 11, the WMATA Board unanimously approved officers for FY 2021. Mr. Smedberg was selected as WMATA Board chair, Ms. Gidigbi as 1st vice chair and Mr. Goldman as 2nd vice chair for FY 2021.

C. Report from the Chair of the 3% Cap Working Group

On May 22, Governor Northam [signed the state's biennial budget](#) directing the chair of NVTC to convene a working group to review the impact of Virginia's 3% cap on WMATA's operating subsidy payments. Members of the working group and VA WMATA Board members met one-on-one with NVTC staff to offer their perspectives on the 3% cap on WMATA prior to the first working group meeting.

On June 23, working group members met to refine their comments on the usefulness of the cap and its exclusions. The working group will meet again in July and September to continue discussions and to complete their findings, which will be presented to the NVTC WMATA Committee for review. The Commission will receive and approve the report in the fall before the report's November 10 due date to the chairs of the House Appropriations and Senate Finance and Appropriations Committees.

D. Report from the Chair of the NVTC WMATA Committee

The next NVTC WMATA Committee meeting is scheduled for July 16 at 6:00 p.m. The July committee meeting will include an update on how the *Annual Report on the Performance and Condition of WMATA* will reflect conditions presented by the COVID-19 public health emergency and an overview of the 3% Cap Working Group's discussions to date.

Agenda Item #7: Commuter Choice Program



TO: Chair Cristol and NVTC Commissioners

FROM: Kate Mattice, Ben Owen and Jae Watkins

DATE: June 25, 2020

SUBJECT: Commuter Choice Program

At the July meeting the Commission will receive an update on the Commuter Choice on the I-66 Corridor Round Four (FY 2021-2022) program.

Background

At the May meeting the Commission authorized NVTC's executive director to notify the Commonwealth Transportation Board (CTB) of changes to the timeframe for selection of projects under the Commuter Choice (I-66) Round Four (FY 2021-2022) program. Staff sought the delay because the COVID-19 public health emergency made it challenging to predict the amount of revenue that will be available for the Round Four program. Specifically, toll revenues from the I-66 Inside the Beltway facility decreased significantly beginning in mid-March and regional peak-period commute travel is just beginning to resume as stay-at-home orders are eased.

The Commission also supported staff's recommendation to suspend the Commuter Choice (I-66) Round Four public comment period and reopen it in late summer to coincide with the development and selection of a Round Four Program of Projects.

Next Steps

Staff are working with both the Department of Rail and Public Transportation (DRPT) and the Virginia Department of Transportation (VDOT) to identify a projected toll revenue amount the I-66 inside the Beltway corridor for FY 2021 and FY 2022. Currently, staff anticipate the Program Advisory Committee (PAC) recommending a Commuter Choice (I-66) Round Four program of projects to the Commission for approval in the September/October timeframe. The approval process will be coordinated with the required CTB briefings and approval. Please note that this timeline is subject to change based on the availability of financial projections from NVTC's Commonwealth partners and relevant executive orders related to the ongoing public health emergency.

In anticipation of program selection, staff recommends that the public comment period be reopened from September 1 to September 21, during which a virtual town hall will be held to directly solicit public comments on [proposed projects for Round Four](#). Additional outreach will

take place via NVTC's website and social media channels and staff will provide a dedicated phone line to receive verbal comments.

A written public comment report will be provided to the PAC and the Commission prior to the selection of a Commuter Choice (I-66) Round Four Program of Projects.



ROUND FOUR (FY 2021-2022) PROJECT PROFILES

Thank you for reviewing the proposed projects for Round Four of the Commuter Choice program on the I-66 corridor.

For more information on the Commuter Choice program,
visit novatransit.org.



About Commuter Choice

Commuter Choice on the I-66 corridor is a partnership between the Commonwealth of Virginia and NVTC. Led by NVTC, the program funds transit and multimodal projects in Northern Virginia through a competitive process using a portion of the toll revenues from I-66 Inside the Beltway.

All projects supported through Commuter Choice aim to move more people and increase multimodal options for people who live, play and work in Northern Virginia.

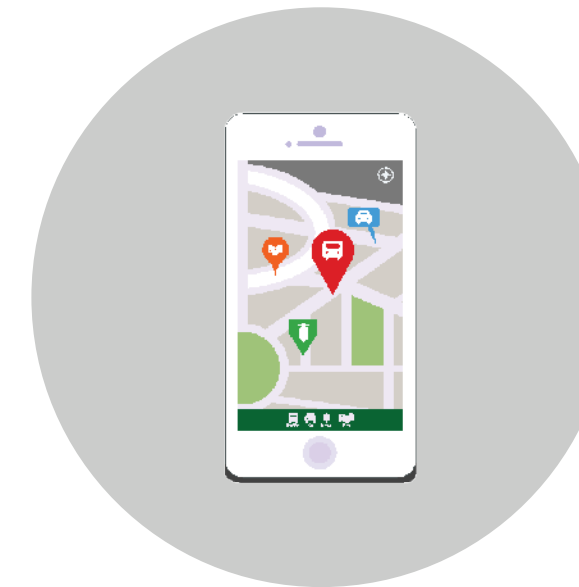
Maximize Person Throughput



Implement Multimodal Improvements



Improve
mobility



Support new,
diverse travel
choices



Enhance
transportation
safety and
travel reliability

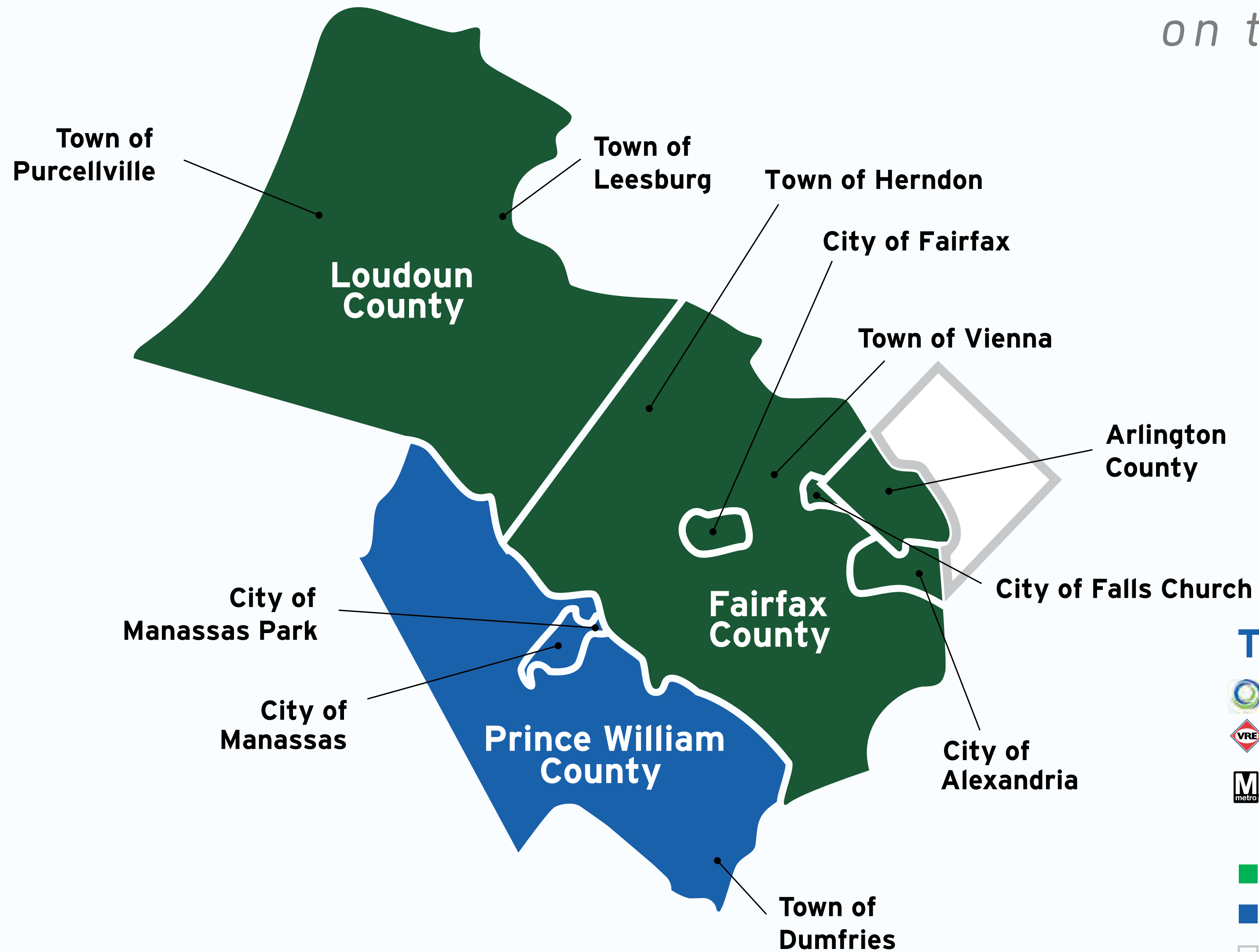


- Eligible applicants, including local jurisdictions and local transit agencies, submit potential projects.
- Projects are evaluated, scored and shared with Commissioners, staff and the public.
- After the public comment period, Commissioners recommend a program of projects to the Commonwealth Transportation Board (CTB).
- The CTB approves a program of projects and includes the projects in the Six-Year Improvement Plan (SYIP).
- Recipients of approved grants implement the projects and request reimbursements through the Commuter Choice program.

How does the program work?




ELIGIBLE APPLICANTS

on the I-66 corridor



Transit Agencies

-  OmniRide
-  Virginia Railway Express
-  Washington Metropolitan Area Transit Authority (Metrobus/Metrorail)

-  NVTC Jurisdiction
-  PRTC Jurisdiction
-  Non-Eligible Jurisdiction



Round Four (FY 2021-2022) Applications: Project Scores and Funding Requests

Ref. #	Applicant	Application Title	Application Score (max. 100 points)	Funding Request
1	Arlington County	Ballston-MU Metrorail Station West Entrance	97	\$10,000,000
2	Fairfax County	McLean Metrorail Station North Entrance	85	\$1,000,000
3	OmniRide	Renewal of Bus Service from Gainesville to Pentagon/Navy Yard	80	\$461,100
4	City of Falls Church	Restoration of Peak-Period Metrobus Route 28X, Tysons Corner to Mark Center	73	\$3,305.967
5	Loudoun County	Renewal of Metro Connection Route 88X Dulles South Extension	71	\$649,819
6	OmniRide	Renewal of Bus Service from Haymarket to Rosslyn	71	\$137,100
7	OmniRide	New Bus Service from Gainesville to NoMa	63	\$3,886,200
8	Loudoun County	Renewal of Purcellville Metro Connection Bus Service	62	\$1,418,060
9	OmniRide	TDM Strategy - I-66 Corridor Vanpool Parking Benefit	62	\$85,000
10	Fairfax County	New Bus Service from Reston South to Crystal City	59	\$5,110,800
11	City of Fairfax	City of Fairfax Bike Share Implementation	59	\$460,000
12	Arlington County	Lee Highway HOV and Bus-Only Lane in Rosslyn	57	\$710,000
13	Town of Vienna	New Park and Ride at Patrick Henry Library	56	\$5,500,000
14	Fairfax County	TDM Strategy - Fare Buy-Down on Bus Service from Reston North to Crystal City	44	\$154,500
		Total Funding Request		\$ 32,878,546

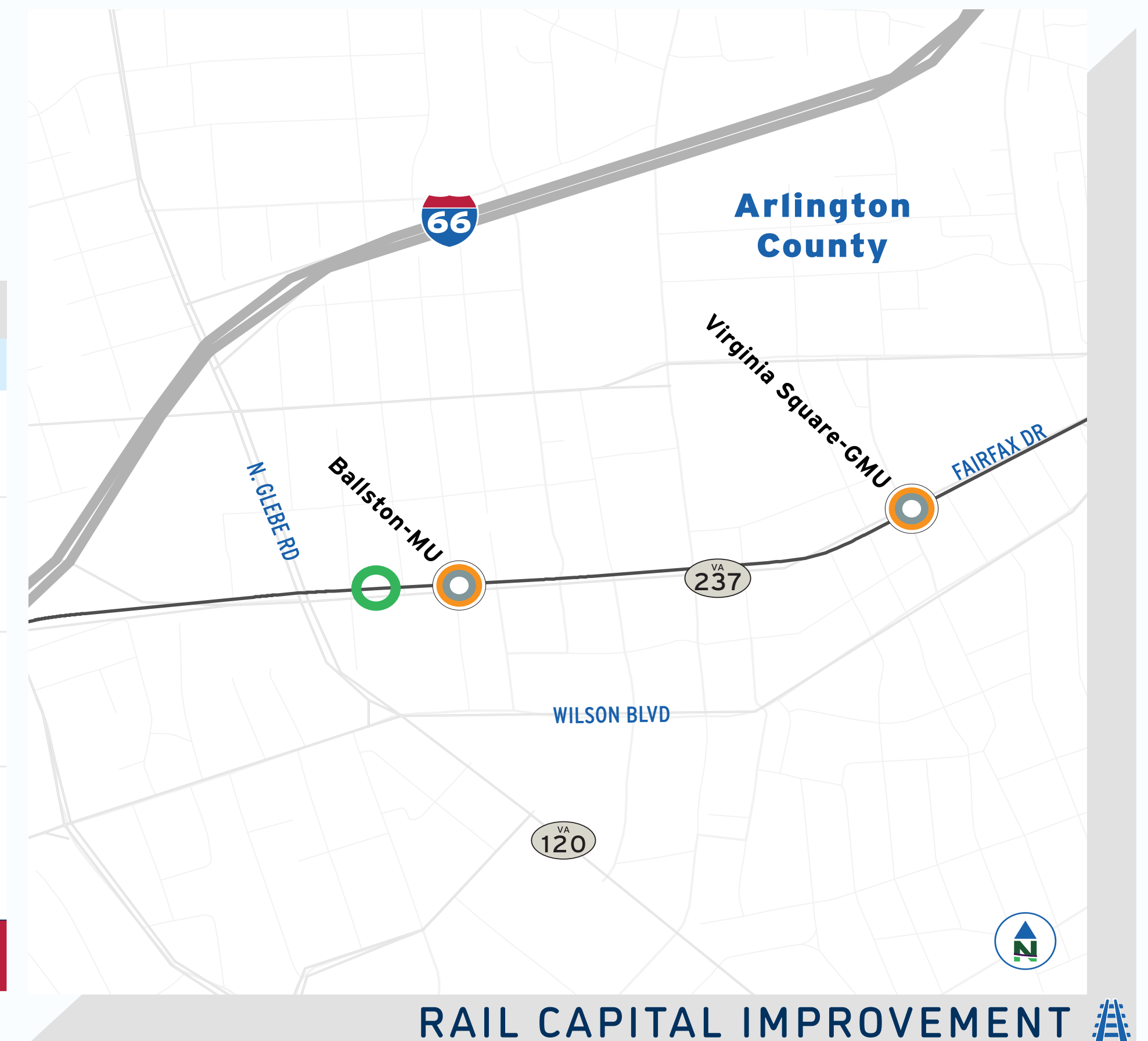
ARLINGTON COUNTY

Ballston-MU Metrorail Station West Entrance

Commuter Choice funding would support the construction of a second entrance to the Ballston-MU Metrorail Station at the intersection of North Fairfax Drive and North Vermont Street in Arlington. Nearly a quarter-mile from the existing entrance, a second entrance will shorten the walk for commuters in an area where the population is predicted to almost double in the next 20 years. The project would also add bus stops and related amenities to facilitate smooth transfers for passengers accessing the new station entrance by bus.

FUNDING REQUEST \$10,000,000

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	67
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	15
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	10
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	5
TOTAL APPLICATION SCORE (up to 100 points)	97



RAIL CAPITAL IMPROVEMENT

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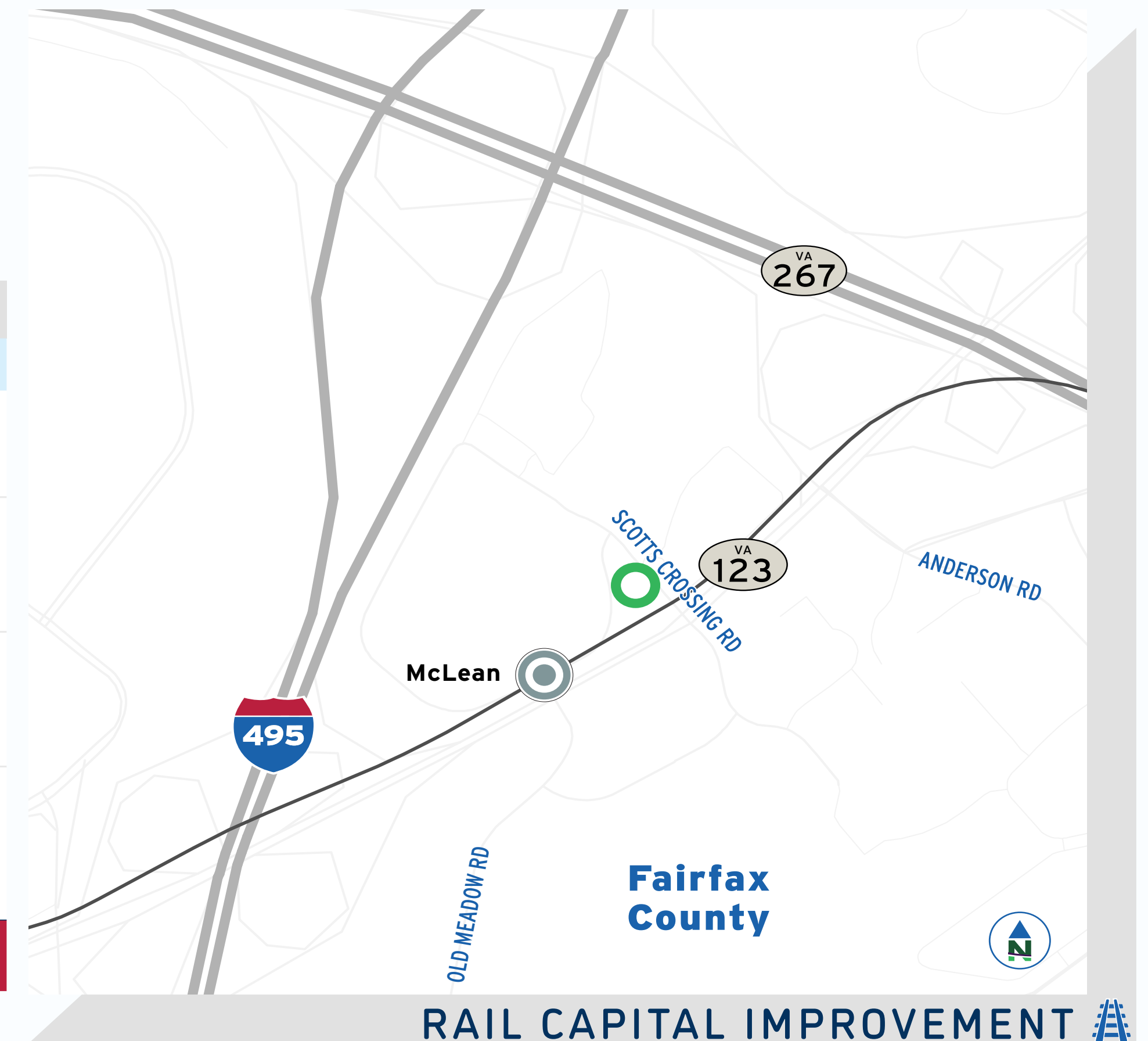
FAIRFAX COUNTY

McLean Metrorail Station North Entrance

Commuter Choice funding would support the addition of a second entrance to the McLean Metrorail Station on Scotts Crossing Road. Commuters that wish to access the existing entry from the north need to cross State Route 123, a ten-lane crossing that could be a barrier to some. With up to 2,000 prospective residents moving into the redeveloping area north of the current station, this project would create a shorter, more convenient walk to the Metro and increase its visibility.

FUNDING REQUEST \$1,000,000

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	60
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	10
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	10
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	5
TOTAL APPLICATION SCORE (up to 100 points)	85



RAIL CAPITAL IMPROVEMENT

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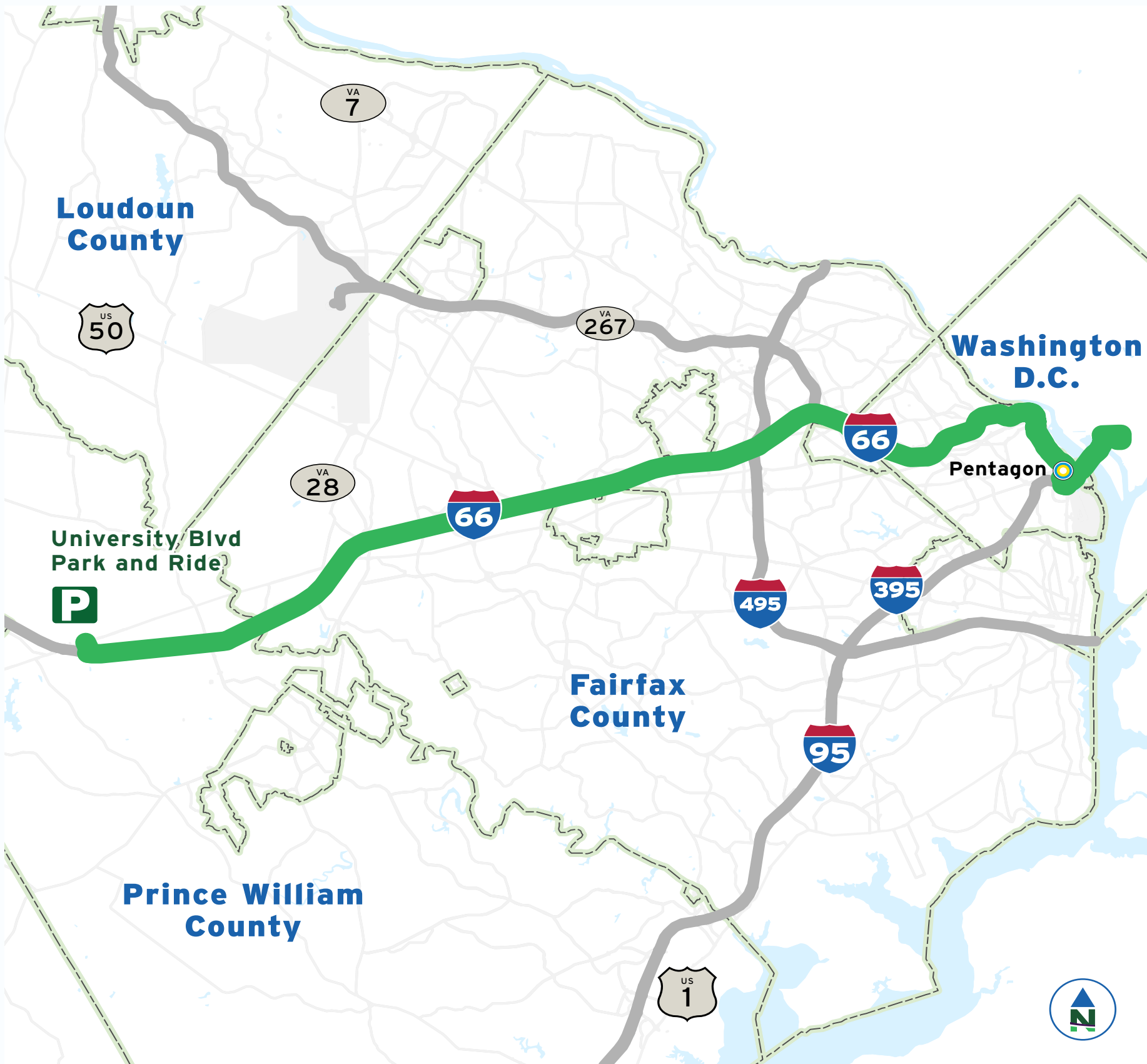
OMNIRIDE

Renewal of Bus Service from Gainesville to Pentagon/Navy Yard

Funded in both the inaugural year of the Commuter Choice program and again in Round Three (FY 2020), this project supports the Gainesville to the Pentagon/Navy Yard express bus service between the University Boulevard Park and Ride lot and the Pentagon/Navy Yard. With consistent utilization of the service since its inception, the service is expected to grow to serve over 400 daily riders in the next year. The renewal would continue support for this highly-utilized commuter bus service through June 2022.

FUNDING REQUEST \$461,100

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	60
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	10
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	10
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	0
TOTAL APPLICATION SCORE (up to 100 points)	80



ENHANCED BUS SERVICE

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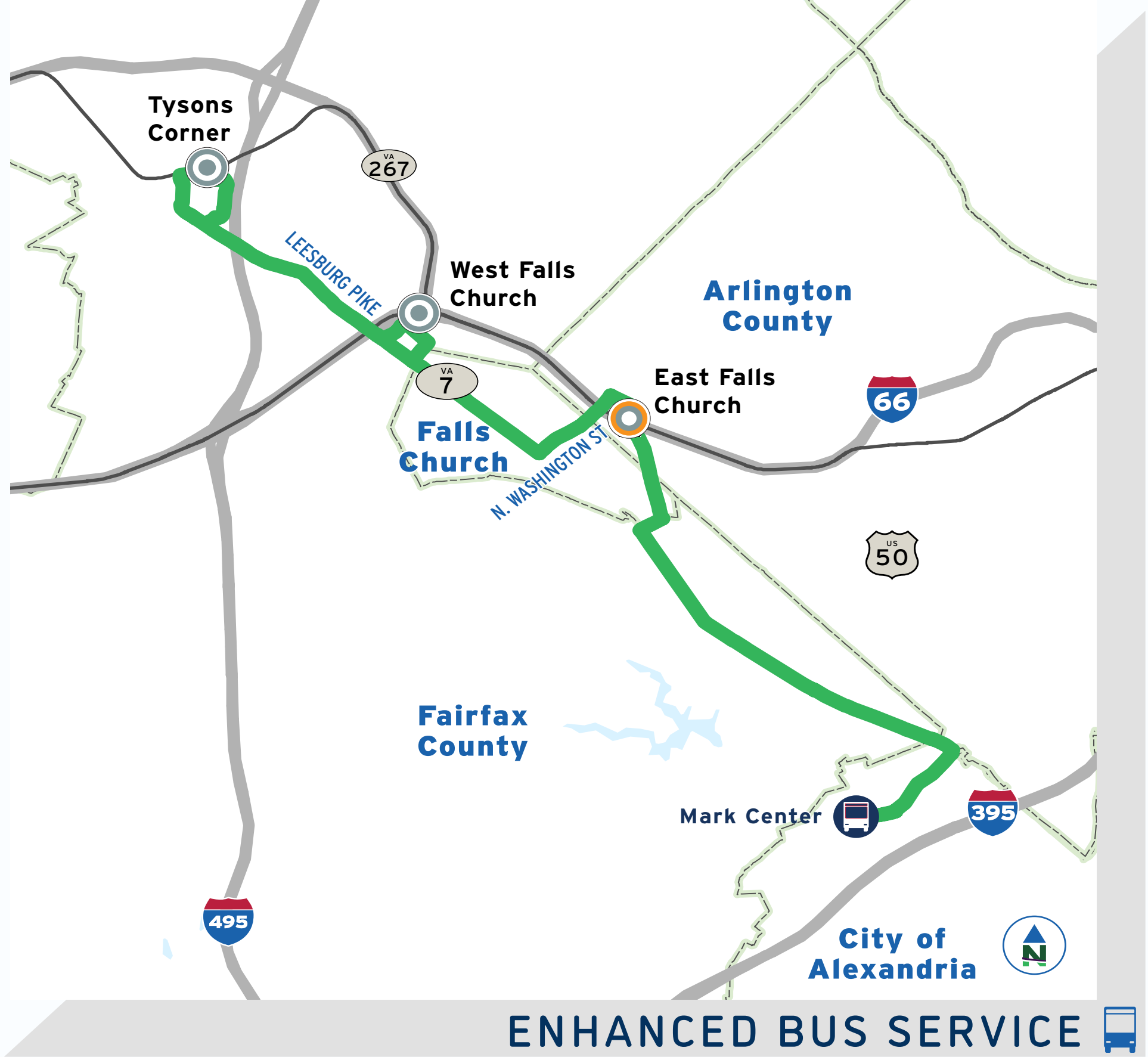
CITY OF FALLS CHURCH

Restoration of Peak-Period Metrobus Route 28X, Tysons Corner to Mark Center

Commuter Choice funding would support the reestablishment of express bus service along Route 7 between Tysons Corner and the Mark Center in Alexandria. This bidirectional, peak period service would run every 20 minutes and include stops at the Tysons Corner Metrorail station, the West Falls Church Metrorail station, the East Falls Church Metrorail station, the Seven Corners Transit Center and Mark Center. The grant would support two years of operational costs as well as add new bus stop amenities.

FUNDING REQUEST \$3,305,967

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	53
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	5
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	10
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	5
TOTAL APPLICATION SCORE (up to 100 points)	73



ENHANCED BUS SERVICE

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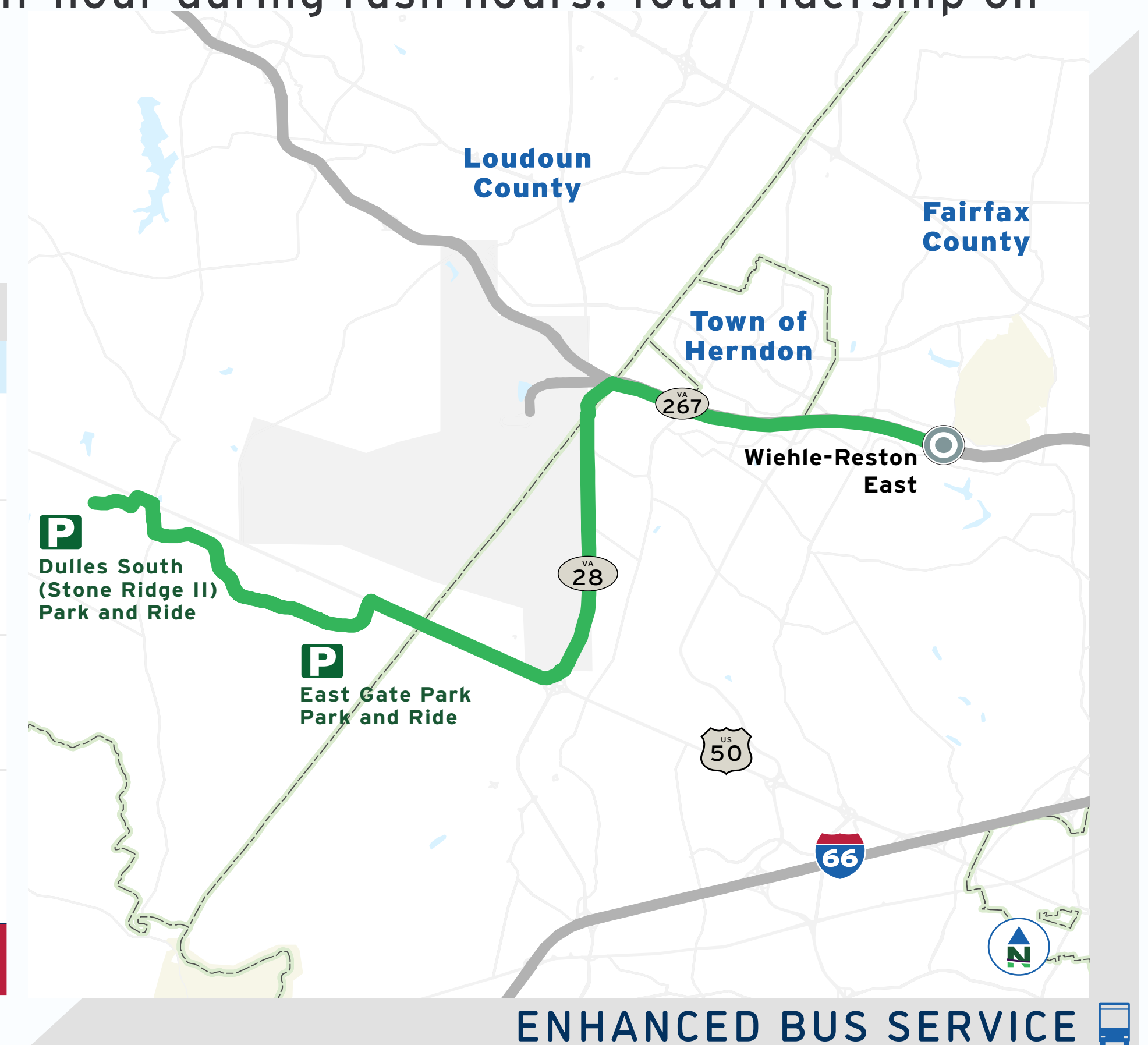
LOUDOUN COUNTY Renewal of Metro Connection Route 88X Dulles South Extension

Commuter Choice funding would support two further years of operations of Loudoun County Transit's extended Metro Connection 88X service to the Dulles South/Stone Ridge II lot, initially funded in Round Two (FY 2019) of the Commuter Choice program on the I-66 corridor. The extended route links the Dulles South and East Gate park-and-ride lots with the Wiehle-Reston East Metrorail station, with buses about every half-hour during rush hours. Total ridership on this route has increased by nearly 30 percent compared to pre-extension service.

FUNDING REQUEST \$649,819

APPLICATION SCORES

MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	56
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	10
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	0
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	5
TOTAL APPLICATION SCORE (up to 100 points)	71



ENHANCED BUS SERVICE

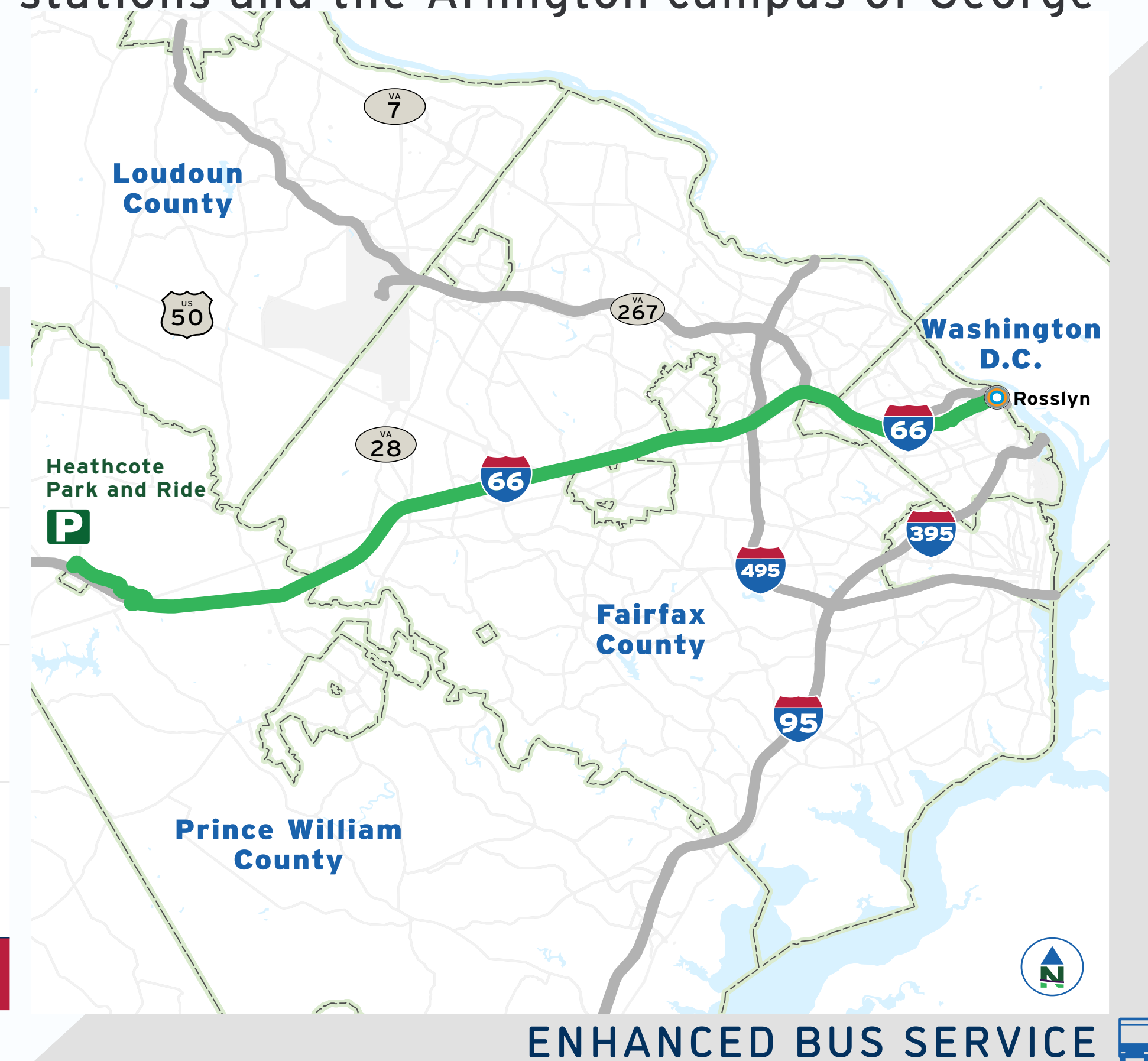
The information contained in this summary is subject to change pending further review. Published April 6, 2020.

OMNIRIDE Renewal of Bus Service from Haymarket to Rosslyn

A renewal of a bus service initially funded in Round Three (FY 2020) of the Commuter Choice program on the I-66 corridor, this project supports four morning and four evening peak direction, express bus trips between the Heathcote Commuter lot in Haymarket and Rosslyn-Ballston corridor. Completed in December 2018, the Heathcote Commuter lot has 230 spaces, and buses originating from the lot connect to four Metrorail stations and the Arlington campus of George Mason University.

FUNDING REQUEST \$137,100

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	56
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	15
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	0
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	0
TOTAL APPLICATION SCORE (up to 100 points)	71

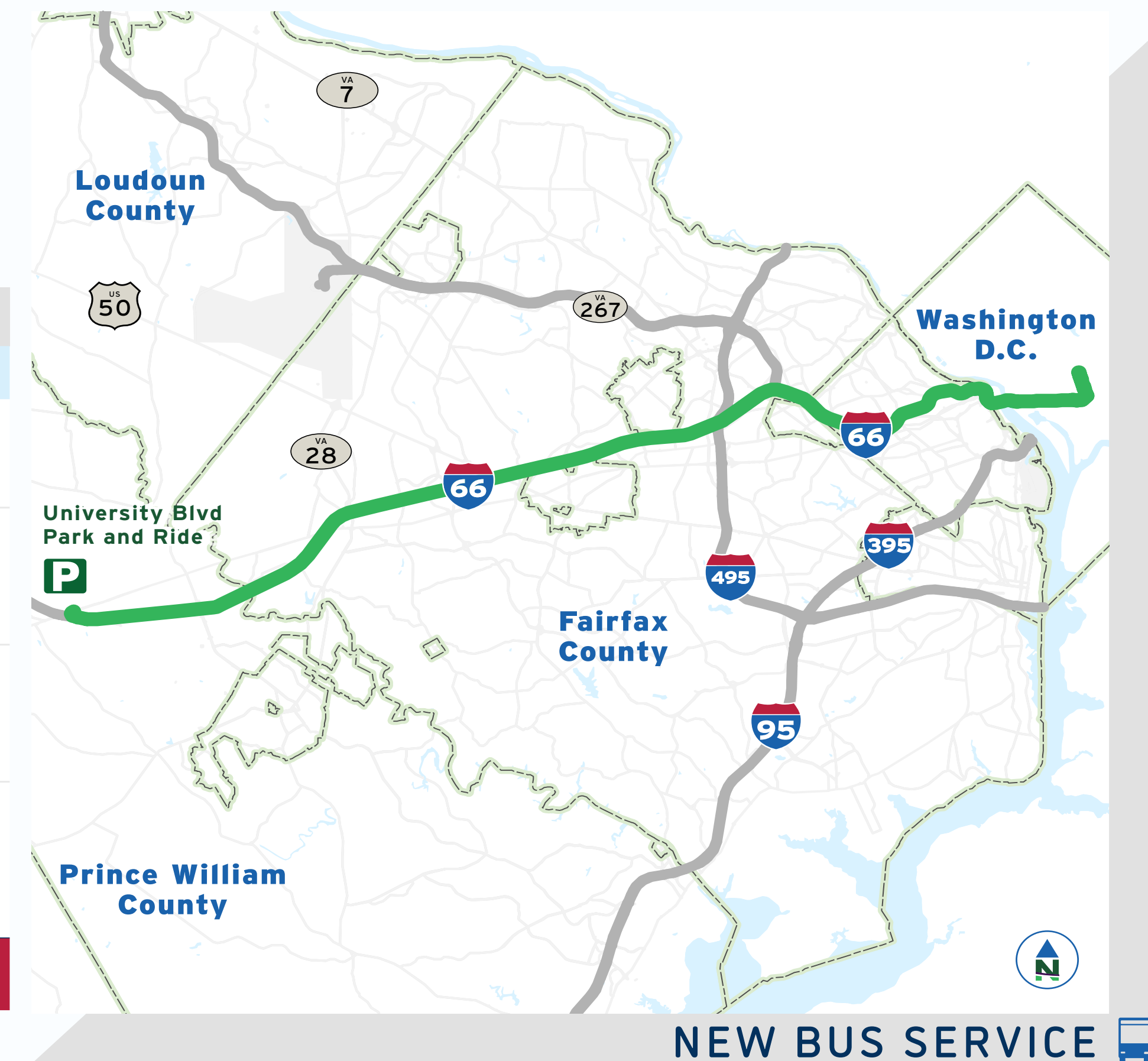


OMNIRIDE New Bus Service from Gainesville to NoMa

Commuter Choice funding would support the operating costs for four morning and four evening peak direction trips between Gainesville and the Union Station/NoMa area of Washington, D.C., and the purchase of four new motorcoaches. The new bus service would provide a one-seat ride from Gainesville to several major employers in Washington, D.C., including the State Department, the Commerce Department, the Federal Bureau of Investigation, Capitol Hill, and others along North Capitol St including Union Station with a terminus on K St Northeast.

FUNDING REQUEST \$3,886,200

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	53
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	5
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	0
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	5
TOTAL APPLICATION SCORE (up to 100 points)	63



NEW BUS SERVICE
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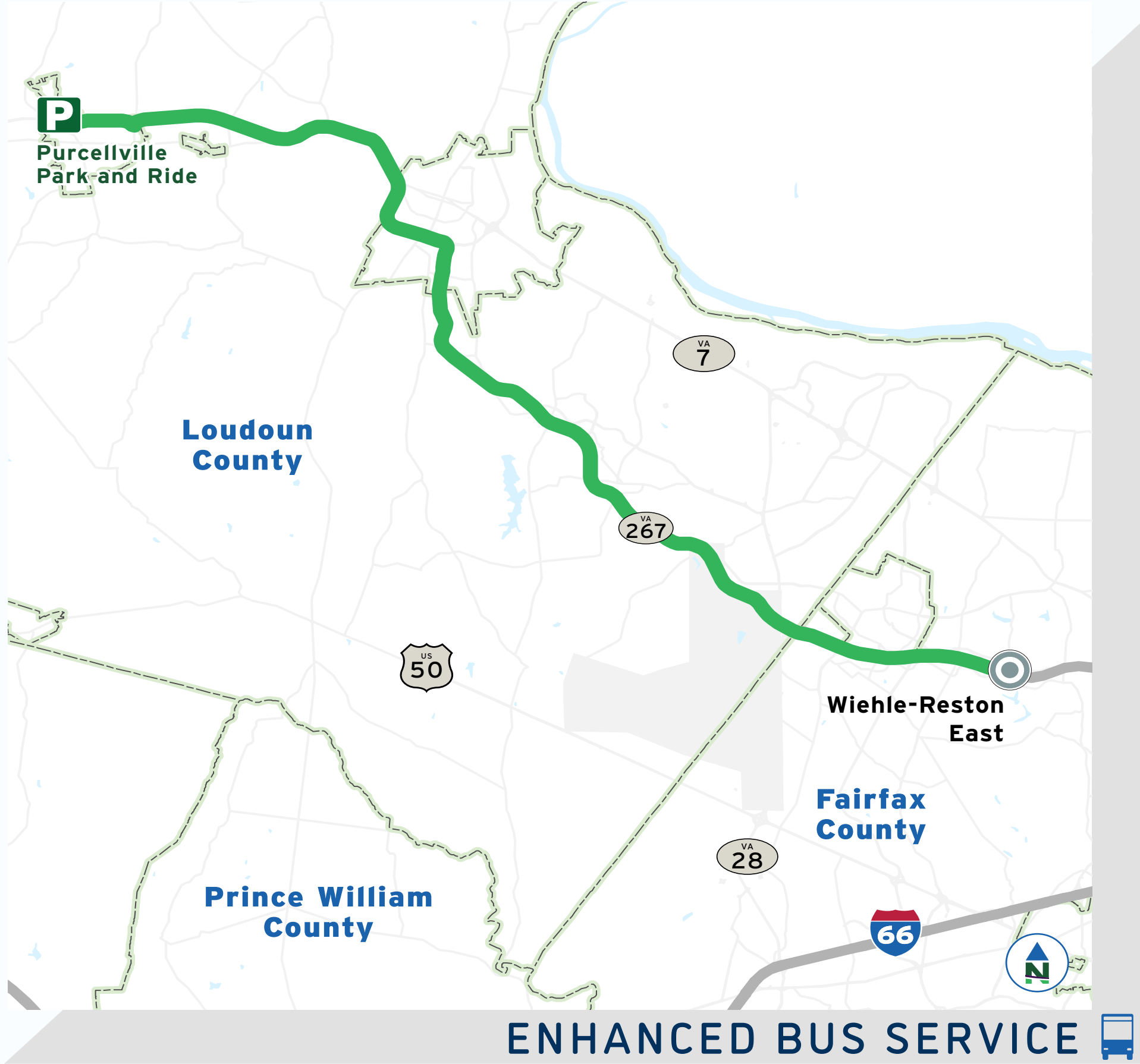
LOUDOUN COUNTY

Renewal of Purcellville Metro Connection Bus Service

Commuter Choice funding would support two years of operating costs for the Metro Connection bus service linking the Town of Purcellville to the Wiehle-Reston East Metrorail station and the leasing fees for 125 parking spaces. Initially funded in Round Two (FY 2019) of the Commuter Choice program, this successful route has experienced consistent ridership growth on its nine weekday, peak-period round trips.

FUNDING REQUEST \$1,418,060

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	42
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	5
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	10
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	5
TOTAL APPLICATION SCORE (up to 100 points)	62



ENHANCED BUS SERVICE

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OMNIRIDE
TDM Strategy - I-66 Corridor Vanpool Parking Benefit

This project supports a new transportation demand management (TDM) strategy to encourage vanpooling by offsetting expensive parking rates in major employment areas. The Vanpool Alliance plans to provide a \$200 a month incentive payment to newly formed, eligible vanpools that travel along the I-66 corridor into Arlington and Washington, D.C. The grant would support the TDM strategy for up to two years.

FUNDING REQUEST \$85,000

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	47
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	15
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	0
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	0
TOTAL APPLICATION SCORE (up to 100 points)	62



TRANSPORTATION DEMAND MANAGEMENT (TDM) 

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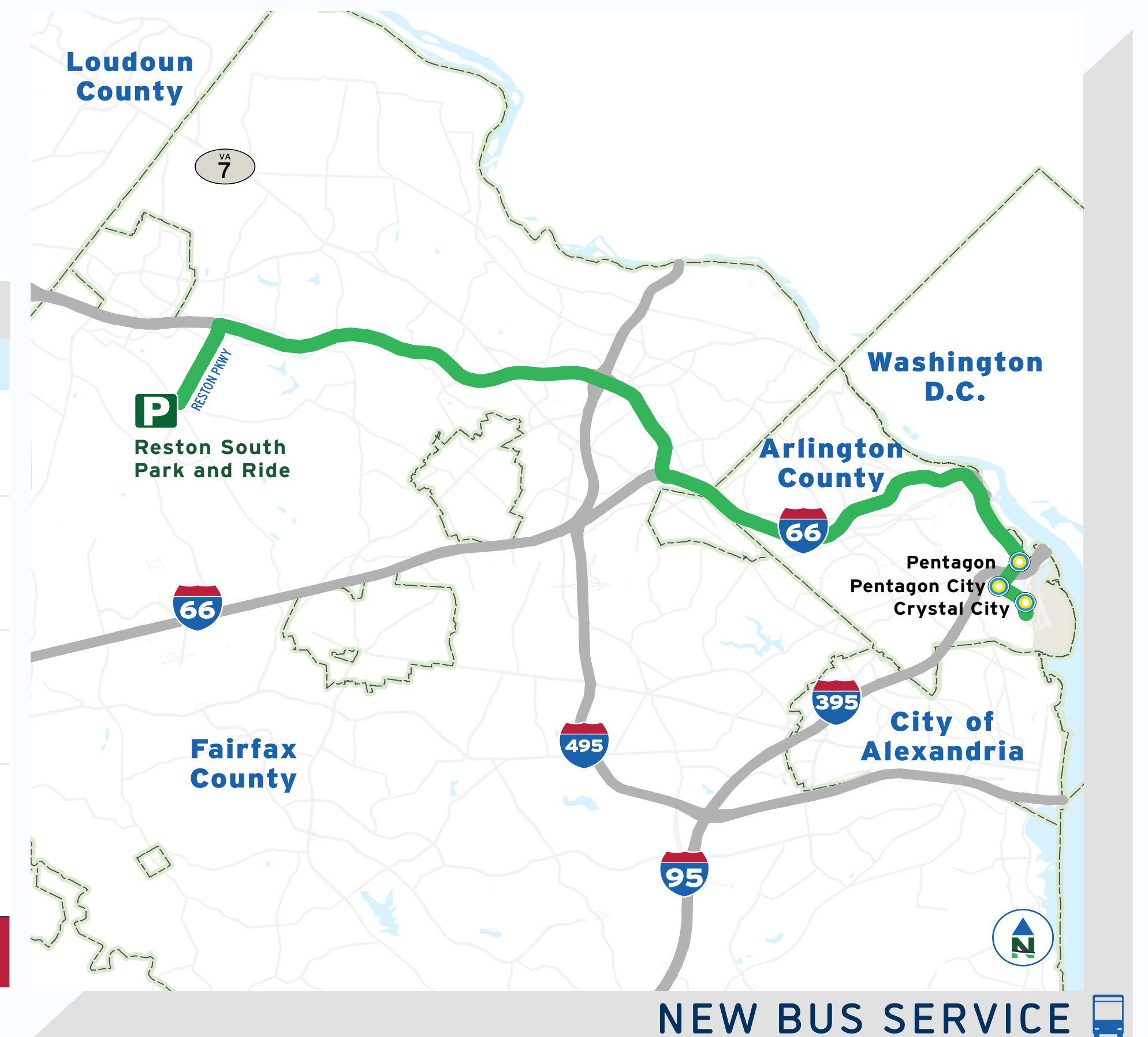
FAIRFAX COUNTY

New Bus Service from Reston South to Crystal City

Commuter Choice funding would support two years of operating costs for express bus service between the Reston South Park and Ride lot and employment areas in Arlington, namely the Pentagon, Pentagon City and Crystal City. Funds would also support the purchase of six buses to service the 10 morning and 10 evening peak direction trips.

FUNDING REQUEST \$5,110,800

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	49
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	5
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	0
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	5
TOTAL APPLICATION SCORE (up to 100 points)	59



NEW BUS SERVICE
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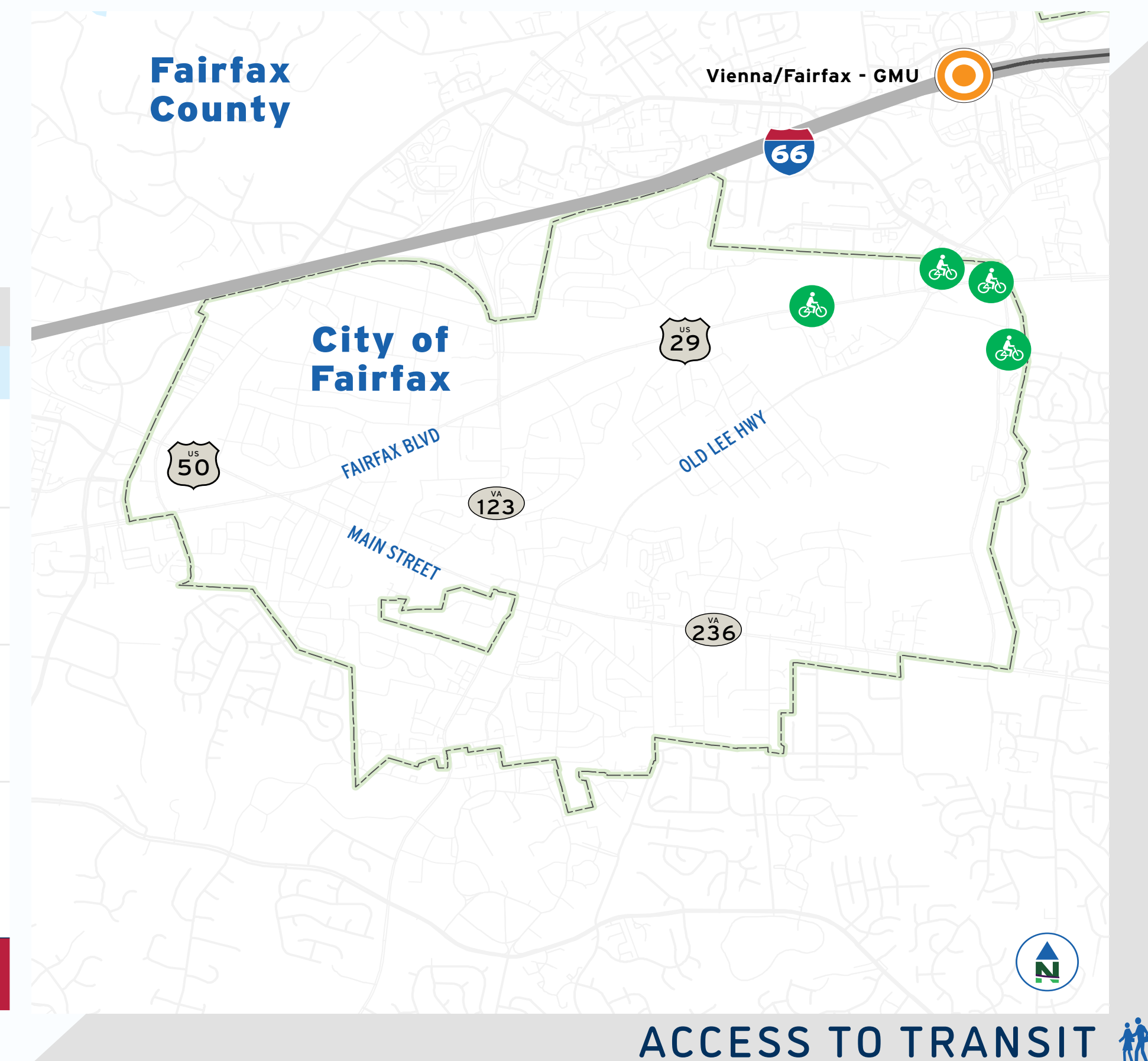
CITY OF FAIRFAX

Bike Share Implementation

This project supports the addition of four bike share stations in the City of Fairfax within the two-mile 'bike shed' of the Vienna Metrorail station. The stations would help residents and visitors connect to Metrorail, commuter buses and regional trails and add to the extensive Capital Bikeshare network, including a nearly complete expansion project in Fairfax County.

FUNDING REQUEST \$460,000

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	34
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	10
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	10
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	5
TOTAL APPLICATION SCORE (up to 100 points)	59



ARLINGTON COUNTY

Lee Highway HOV and Bus-Only Lane in Rosslyn

Commuter Choice funding would support the design and construction of peak-period, peak-direction high-occupancy vehicle (HOV)/bus-only lanes on Lee Highway (US 29) through pavement treatment, restriping, and signage. The project's focus is a segment of Lee Highway between North Veitch Street and Rosslyn that carries up to 60 buses, including Arlington Transit (ART), Metrobus and Loudoun County Transit buses.

FUNDING REQUEST \$710,000

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	42
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	10
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	0
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	5
TOTAL APPLICATION SCORE (up to 100 points)	57



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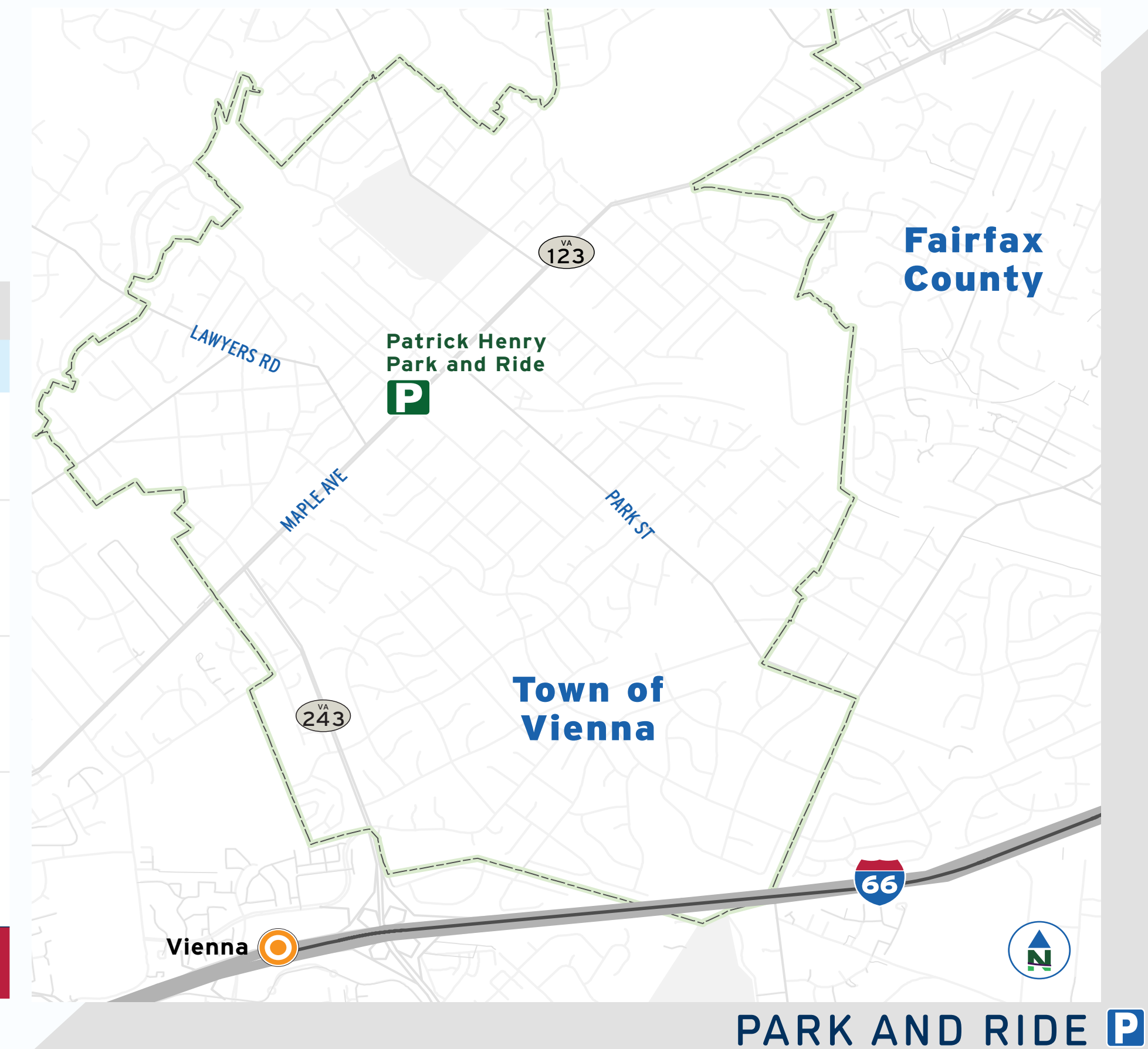
TOWN OF VIENNA

New Park and Ride at Patrick Henry Library

Commuter Choice funding would support the design and construction of 84 parking spaces as a part of a new park-and-ride facility at the Patrick Henry Library located at the intersection of Maple Avenue (Route 123) and Center St South in the Town of Vienna. The designated parking spaces will encourage commuters to carpool, vanpool or use the existing transit systems that connect to Metrorail and other employment areas.

FUNDING REQUEST \$5,500,000

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	36
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	5
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	10
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	5
TOTAL APPLICATION SCORE (up to 100 points)	56



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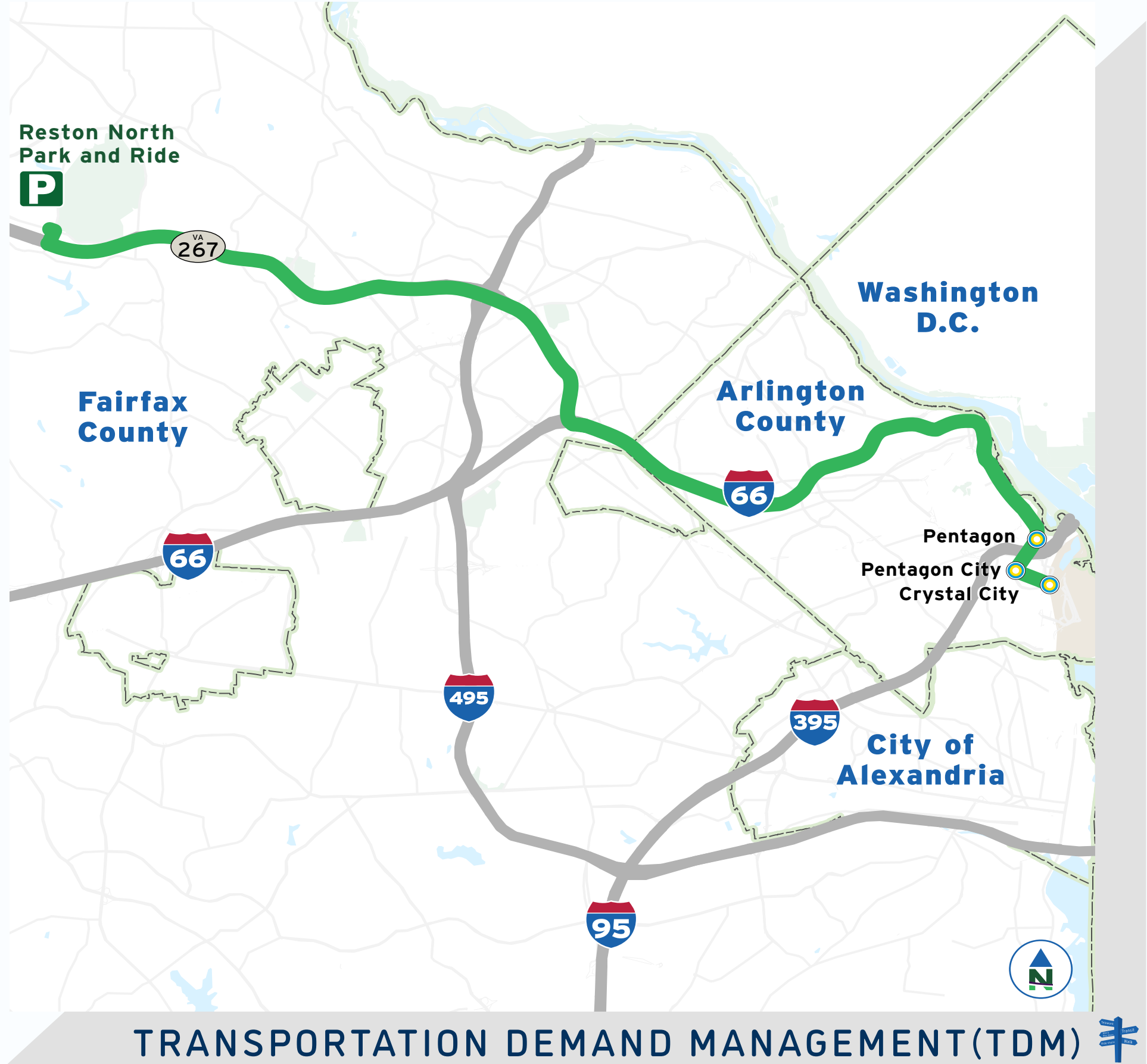
FAIRFAX COUNTY

TDM Strategy - Fare Buy-Down on Bus Service from Reston North to Crystal City

This project supports a TDM strategy to subsidize the fare of the Fairfax Connector express bus service between the Reston North Park and Ride and several stops in Arlington County, including the Pentagon, Pentagon City and Crystal City. The fare for this route is currently \$7.50. Commuter Choice funds would reduce the fare to \$4.25, aligning the value with other express bus services offered by Fairfax Connector.

FUNDING REQUEST \$154,500

APPLICATION SCORES	
MEASURE	SCORE
Technical Merit (up to 70 points) Expected ability of the project to address some or all I-66 Improvement Goals	29
Annualized Cost Effectiveness (up to 15 points) The impact created per million dollars of toll revenue investment, taking into account the project's useful life	15
Applicant Preference (up to 10 points) How the project ranks in priority or preference among the other projects submitted by each specific applicant	0
Interagency Collaboration (up to 5 points) Whether the project proposal was coordinated with other jurisdictions or agencies in the region	0
TOTAL APPLICATION SCORE (up to 100 points)	44



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Thank you for reviewing the information in this summary. Be sure to add your feedback about the proposed projects by completing an online form using the link below.

www.surveymonkey.com/r/66R4comments

We want to hear from you!

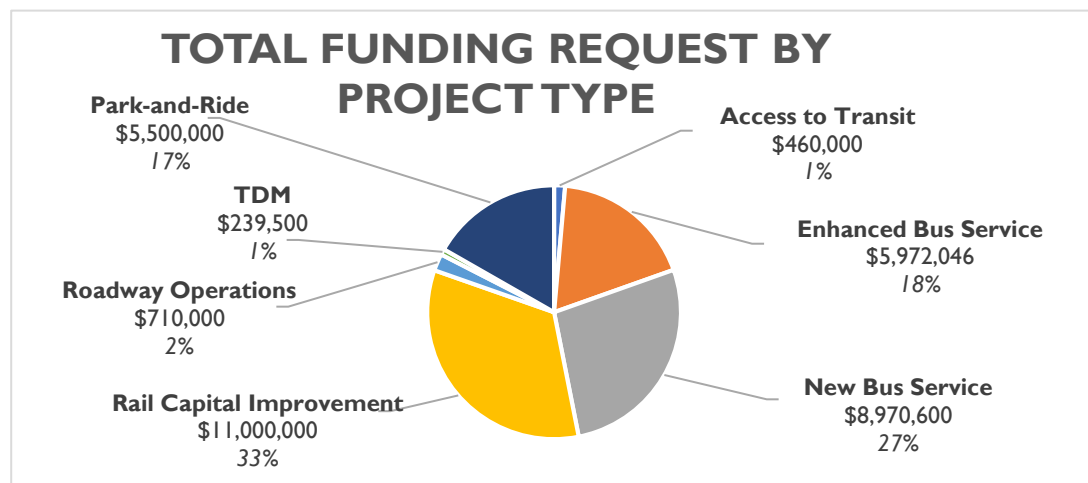


Thank you!

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Table 2:
Detailed Round Four (FY 2021-2022)
Application Evaluations

Applicant	Application Title	Application Type	Technical Merit (70 Points)	Annualized Cost Effectiveness (15 Points)	Applicant Preference (10 Points)	Interagency Collaboration (5 Points)	Application Score (100 Points)	Funding Request	Cumulative Funding Request
NVTC	I-66 Commuter Choice Program Administration, Evaluation, Oversight, Marketing and Outreach	Program Administration	-	-	-	-	-	\$800,000	\$800,000
Arlington County	Ballston-MU Metrorail Station West Entrance	Rail Capital Improvement	67	15	10	5	97	\$10,000,000	\$10,800,000
Fairfax County	McLean Metro Station North Entrance	Rail Capital Improvement	60	10	10	5	85	\$1,000,000	\$11,800,000
PRTC	Renewal of Bus Service from Gainesville to Pentagon/Navy Yard	Enhanced Bus Service	60	10	10	0	80	\$461,100	\$12,261,100
City of Falls Church	Restoration of Peak-Period Metrobus Route 28X, Tysons Corner to Mark Center	Enhanced Bus Service	53	5	10	5	73	\$3,305,967	\$15,567,067
Loudoun County	Renewal of Metro Connection Route 88X Dulles South Extension	Enhanced Bus Service	56	10	0	5	71	\$649,819	\$16,216,886
PRTC	Renewal of Bus Service from Haymarket to Rosslyn	Enhanced Bus Service	56	15	0	0	71	\$137,100	\$16,353,986
PRTC	New Bus Service from Gainesville to NoMa	New Bus Service	53	5	0	5	63	\$3,886,200	\$20,240,186
Loudoun County	Renewal of Purcellville Metro Connection Bus Service	Enhanced Bus Service	42	5	10	5	62	\$1,418,060	\$21,658,246
PRTC	TDM Strategy – I-66 Corridor Vanpool Parking Benefit	TDM	47	15	0	0	62	\$85,000	\$21,743,246
Fairfax County	New Bus Service from Reston South to Crystal City	New Bus Service	49	5	0	5	59	\$5,110,800	\$26,854,046
City of Fairfax	City of Fairfax Bike Share Implementation	Access to transit	34	10	10	5	59	\$460,000	\$27,314,046
Arlington County	Lee Highway HOV and Bus-Only Lane in Rosslyn	Roadway Operations	42	10	0	5	57	\$710,000	\$28,024,046
Town of Vienna	New Park and Ride at Patrick Henry Library	Park-and-Ride	36	5	10	5	56	\$5,500,000	\$33,524,046
Fairfax County	TDM Strategy – Fare Buy Down on Bus Service from Reston North to Crystal City	TDM	29	15	0	0	44	\$154,500	\$33,678,546



Applications have been evaluated based on the information documented in the submitted applications or in subsequent technical clarifications. The evaluation is consistent with the methodology established in the project selection process adopted by the Commission in November 2019.

Transit operating funding requests total \$7,512,979 (22 percent of all requested funds) and are defined based on FTA Circulars 9030 and 9040 (urbanized and rural area formula grant programs) and includes fuel, oil, driver salaries and fringe benefits, dispatcher salaries and fringe benefits, and licenses.

TO: Chair Cristol and NVTC Commissioners

FROM: Kate Mattice

DATE: June 25, 2020

SUBJECT: Virginia Railway Express (VRE)

On March 11, 2020 the World Health Organization declared COVID-19 a pandemic setting forth a series of actions at the federal, state, and local levels to combat and contain the spread of the virus during this public health emergency. Since that time, NVTC jurisdictional transit agencies, including WMATA and VRE, have implemented substantial changes to transit operations, many of which are being updated daily. The information provided in these staff reports reflect decisions as of the publication date and are subject to change.

At the July meeting the Acting VRE CEO will update the Commission on VRE's response to the COVID-19 public health emergency and other activities. There are no VRE actions this month.

A. VRE COVID-19 Response

On Tuesday, March 17, VRE began operating on an "S" schedule, which is traditionally used on holidays and during inclement weather, due to the significant drop in ridership as a result of the COVID-19 public health emergency. An [update from Acting VRE Chief Executive Officer Rich Dalton](#) is attached that highlights VRE service changes, ridership and the steps VRE is implementing to help contain the spread of the coronavirus.

B. VRE CEO Report and Minutes

Acting VRE CEO Rich Dalton will provide his report. The [Minutes of the June 19, 2020 VRE Operations Board meeting](#) and the [VRE CEO Report for June 2020](#) are attached.



VIRGINIA RAILWAY EXPRESS

TO: Northern Virginia Transportation Commission Chair Cristol and Commissioners

FROM: Rich Dalton, Acting Chief Executive Officer

DATE: June 23, 2020

SUBJECT: VRE Monthly Update

Over the last four weeks, as Virginia entered phases one and two of reopening, VRE has seen ridership grow by 45 percent, though the numbers are still low. Average daily ridership has gone from about 560 at the end of May to 820 through mid-June. Daily ridership exceeded 900 on June 16 for the first time in three months. Here's what ridership looks like over the past four weeks compared to the same weeks in 2019.

Week Ending	FY 2020 Ridership	Average Daily Ridership FY 2020	FY 2019 Ridership	Numeric Difference	Percentage Difference
May 29*	2,247	562	75,933	-73,686	-97.0%
June 5	3,068	614	99,948	-96,880	-96.9%
June 12	3,741	745	98,948	-95,207	-96.2%
June 19	4,134	823	97,940	-93,806	-95.8%

*No service on Memorial Day

We are monitoring ridership to accommodate social distancing on our platforms and trains. Under our current distancing plan, roughly a third of our seats are available to passengers. While we have three different railcar configurations, the average car holds 130 passengers, 45 of which are available to riders.

As ridership grows, we can lengthen and add trains. Before increasing service, we might, for example, take our six-car train sets to eight cars. We estimate that when daily ridership exceeds 3,000 additional trains may be needed, though ridership patterns could affect that calculation.

Our [train utilization trends web page](#) has been updated to reflect total seats, maximum capacity to support social distancing, and current daily ridership. This information will serve as a decision-making tool for passengers who want the greatest amount of distancing. We also are exploring ways to notify passengers when trains are near or at capacity.

Passengers are required to wear a facial covering on our platforms and trains in accordance with the [Governor's Executive Order 63](#). We regularly remind riders of this requirement via social media and email. New station signage encourages the use of VRE Mobile as a touchless alternative to our ticket vending machines.

VRE railcars are disinfected twice a day, after morning and evening service, with special attention given to frequently touched surfaces.

Overnight cleanings now use acidic electrolyzed water, a potent yet nonirritating disinfectant that kills viruses, even those more resilient to disinfection, and bacteria. The hypochlorous acid produced by electrolyzing the water can be 100 times more powerful than the hypochlorite ion in bleach, yet it does not irritate the eyes and skin and does not damage fabric and metal. Hypochlorous acid relies on a process called lysis to kill viruses and bacteria. The acid causes the cell's membrane to rupture, resulting in its death.

Our new enhanced cleaning system is environmentally friendly, using only salt, tap water, and electricity. By generating our cleaning solution on site and on demand, we eliminate the environmental impact from the distribution and disposal of hazardous conventional chemicals, while creating a healthy indoor environment.

Our Continuity of Operations team meets virtually each day and is in constant contact. VRE's supply chain, staffing, business processes, and other functional areas of the organization remain in good shape.



MINUTES
VIRGINIA RAILWAY EXPRESS
OPERATIONS BOARD MEETING

June 19, 2020

WebEx Electronic Meeting with YouTube Live-Stream

Members Present

*Walter Alcorn (NVTC)
 *Andrea Bailey (PRTC)
 *Preston Banks (PRTC)
 *Elizabeth Bennet-Parker (NVTC)
 *Meg Bohmke (PRTC)
 *Katie Cristol (NVTC)
 *Margaret Franklin (PRTC)
 *Matt Kelly (PRTC)
 *Jeanine Lawson (PRTC)
 *Cindy Shelton (PRTC)
 *Gary Skinner (PRTC)
 *Dan Storck (NVTC)
 *James Walkinshaw (NVTC)

Jurisdiction

Fairfax County
 Prince William County
 City of Manassas Park
 City of Alexandria
 Stafford County
 Arlington County
 Prince William County
 City of Fredericksburg
 Prince William County
 Stafford County
 Spotsylvania County
 Fairfax County
 Fairfax County

Members Absent

Jennifer Mitchell (DRPT)
 Ralph Smith (PRTC)

Commonwealth of Virginia
 City of Manassas

Alternates Present

*Michael McLaughlin (DRPT)

Commonwealth of Virginia

Alternates Absent

Canek Aguirre (NVTC)
 Victor Angry (PRTC)
 Pete Candland (PRTC)
 Hector Cendejas (PRTC)
 Deborah Frazier (PRTC)
 Libby Garvey (NVTC)
 Jason Graham (PRTC)
 Jeff McKay (NVTC)
 Pam Sebesky (PRTC)
 Gary Snellings (PRTC)
 Ann Wheeler (PRTC)

City of Alexandria
 Prince William County
 Prince William County
 City of Manassas Park
 Spotsylvania County
 Arlington County
 City of Fredericksburg
 Fairfax County
 City of Manassas
 Stafford County
 Prince William County

*Voting Member

**Delineates arrival/departure following the commencement of the Operations Board Meeting. Notation of exact arrival/departure time is included in the body of the minutes.

Staff and General Public

Rich Dalton – VRE
John Duque - VRE
Robert Hostelka - VRE
Lezlie Lamb – VRE
Steve MacIsaac – VRE Legal Counsel
Kate Mattice – NVTC
Becky Merriner – PRTC

Kristin Nutter – VRE
Dallas Richards – VRE
Dr. Bob Schneider – PRTC
Mark Schofield – VRE
Alex Sugatan - VRE
Joe Swartz – VRE

Call to Order – 1

Chairman Skinner called the meeting to order at 9:00 A.M.

Roll Call – 2

Resolution Finding Need to Conduct June 19, 2020 Meeting Electronically – 3

Mr. Dalton briefed the Operations Board on Agenda Item 3, a Resolution Finding Need to Conduct June 19, 2020 Meeting Electronically.

Ms. Franklin moved, with a second by Ms. Cristol, to approve Resolution #03-06-2020, Finding Need to Conduct June 19, 2020 Meeting Electronically. The vote in favor was cast by Members Alcorn, Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Franklin, Kelly, Lawson, McLaughlin, Shelton, Skinner, Storck, and Walkinshaw.

Approval of the Agenda –4

Ms. Lawson moved, with a second by Ms. Bailey to approve the agenda as presented. The vote in favor was cast by Members Alcorn, Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Franklin, Kelly, Lawson, McLaughlin, Shelton, Skinner, Storck, and Walkinshaw.

Approval of the Minutes of the May 15, 2020 VRE Operations Board Meeting – 5

Ms. Bohmke moved, with a second by Ms. Bailey, to approve the Minutes from May 15, 2020. The vote in favor was cast by Members Alcorn, Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Franklin, Kelly, Lawson, McLaughlin, Shelton, Skinner, Storck, and Walkinshaw.

Chairman's Comments – 6

Chairman Skinner welcomed everyone participating in and viewing the meeting. The Chairman thanked VRE and Keolis staff for their efforts to keep VRE Operating during these unprecedented times. Chairman Skinner recognized Juneteenth and quoted Governor Northam's announcement naming it a state holiday this year and that he will be introducing legislation to make it a permanent holiday.

Acting Chief Executive Officer's Report – 7

Mr. Dalton briefed the Operations Board on the following items of interest:

- COVID-19 Response
- VRE's Financial Position
- Planning for the return of riders

Public Comment Time – 8

The Chairman announced that public comments were being accepted electronically through the Public Comments Form. A link to the form can be found at vre.org and the link would remain active through the end of the meeting. The Clerk will read the comments into the record prior to adjournment.

Action items - 9

Authorization to Execute a Contract for Seat Bottoms for Passenger Railcars – 9A

Ms. Cristol moved, with a second by Mr. Walkinshaw to authorize the Acting CEO to execute a contract with FELLFAB Corporation for seat bottoms for passenger railcars in the amount of \$1,072,675, plus a ten percent contingency of \$107,268, for a total not to exceed \$1,179,943.

The vote in favor was cast by Members Alcorn, Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Franklin, Kelly, Lawson, McLaughlin, Shelton, Skinner, Storck, and Walkinshaw.

Authorization to Execute a Sole Source Contract for Central Diagnostic Cloud Services for VRE Locomotives – 9b

Ms. Lawson moved, with a second by Ms. Bennett-Parker, to authorize the Acting CEO to execute a sole source contract for Central Diagnostic Cloud Services for VRE Locomotives with Wabtec Railway Electronics. The contract is for a term of three years in the amount of \$406,221, plus a ten percent contingency of \$40,622, for a total amount not to exceed \$446,843.

The vote in favor was cast by Members Alcorn, Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Franklin, Kelly, Lawson, McLaughlin, Shelton, Skinner, Storck, and Walkinshaw.

Authorization to Amend the Maintenance Services for VRE Facilities Task Order for On-Call Services – 9C

Ms. Bailey moved, with a second by Ms. Shelton, to authorize the Acting CEO to amend the current task order for on-call services executed with NVE, Inc, under the Maintenance Services for VRE Facilities contract in the amount of \$300,000, plus a five percent contingency of \$15,000, for a total of \$315,000, increasing the authorization for this task order to an amount not to exceed \$698,250.

The vote in favor was cast by Members Alcorn, Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Franklin, Kelly, Lawson, McLaughlin, Shelton, Skinner, Storck, and Walkinshaw.

Authorization to Execute a Contract for an Enterprise Resource Planning Software Solution and Technology Services – 9D

Ms. Bennett-Parker moved, with a second by Mr. Kelly, to authorize the Acting CEO to execute a contract with Tyler Technologies, Inc. for the purchase and implementation of an Enterprise Resource Planning (ERP) software solution and technology services in the amount of \$1,450,320, plus a twenty percent contingency of \$290,064, for a total not to exceed \$1,740,384.

The vote in favor was cast by Members Alcorn, Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Franklin, Kelly, Lawson, McLaughlin, Shelton, Skinner, Storck, and Walkinshaw.

Authorization to Issue a Task Order for Accounting and Financial Support Services for Enterprise Resource Planning Implementation – 9E

Ms. Bohmke moved, with a second by Mr. Kelly, to authorize the Acting CEO to issue a task order to RSM US, LLP for accounting and financial support services for ERP implementation in the amount of \$286,500, plus a ten percent contingency of \$28,650, for a total amount not to exceed \$315,150.

The vote in favor was cast by Members Alcorn, Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Franklin, Kelly, Lawson, McLaughlin, Shelton, Skinner, Storck, and Walkinshaw.

Authorization to Execute a Letter of Intent Regarding the Design, Funding and Construction of the Planned VRE Crystal City Station – 9F

Ms. Cristol moved, with a second by Ms. Bennett-Parker, to authorize the Acting CEO to execute a Letter of Intent with JBG-Smith regarding the design, funding and construction of the planned VRE Crystal City Station.

The vote in favor was cast by Members Alcorn, Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Franklin, Kelly, Lawson, McLaughlin, Shelton, Skinner, Storck, and Walkinshaw.

Information Items – 10

Spending Authority Report – 10A

In, the following purchases greater than \$50,000 but less than \$100,000 were made between February and April 2020

- On May 5, 2020, VRE amended an existing Task Order with Vanasse Hangen Brustlin, Inc. under the General Planning Consulting Services Contract, increasing the total commitment to \$95,528, to provide real estate services for the Broad Run Expansion Project.
- On May 15, 2020, VRE issued an Emergency Purchase Order to Spraying Systems Co. (Patho-Sans) in the amount of \$53,000 to acquire an electrolyzed water sanitizing system to be utilized for the purpose of enhanced cleaning and disinfecting of VRE's rolling stock and yard facilities.

VRE Coordination with the Transforming Rail in Virginia Plan – 10B

VRE Staff briefed the VRE Operations Board on key elements of the Transforming Rail in Virginia plan as it relates to VRE.

Chairman Skinner asked the Clerk to read public comments. Public Comments received during the defined Public Comment period are attached.

Operations Board Members Time – 11

There were no Board Member comments.

Mr. Kelly, moved with a second by Ms. Bennett-Parker, to adjourn the meeting.

The vote in favor was cast by Members Alcorn, Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Franklin, Kelly, Lawson, McLaughlin, Shelton, Skinner, Storck, and Walkinshaw.

The meeting adjourned at 10:20 a.m.

Gary Skinner
Chair

Jeanine Lawson
Secretary

CERTIFICATION

This certification hereby acknowledges the minutes for the June 19, 2020 Virginia Railway Express Operations Board Meeting have been recorded to the best of my ability.



Lezlie M. Lamb



VIRGINIA RAILWAY EXPRESS
OPERATIONS BOARD

Virginia Railway Express Operations Board

Resolution 3-06-2020

Resolution Finding Need to Conduct June 19, 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”); and,

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; and,

WHEREAS, the Virginia Railway Express Operations Board finds that it has a responsibility to demonstrate to the public, through the Board’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; and,

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 communication 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,



Northern Virginia
Transportation Commission
2300 Wilson Blvd., Suite 230
Arlington, VA 22201
703-524-3322



Virginia Railway Express
1500 King Street, Suite 202
Alexandria, VA 22314
703-684-1001
VRE.org



Potomac and Rappahannock
Transportation Commission
14700 Potomac Mills Road
Woodbridge, VA 22192
703-580-6121

WHEREAS, jurisdictions of the Virginia Railway Express Operations Board 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 to meet electronically to transact business to assure the continuity of government;

NOW, THEREFORE, BE IT RESOLVED, the Virginia Railway Express Operations Board hereby finds that meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Operations Board to assemble in a single location on June 19, 2020, to discuss and transact the business of the Operations Board listed on the June 19, 2020 Operations Board Meeting Agenda; and,

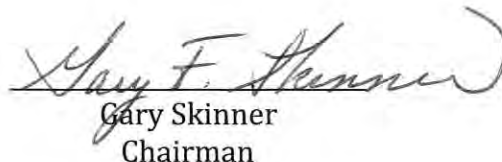
BE IT FURTHER RESOLVED, the Virginia Railway Express Operations Board hereby finds that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are statutorily required or necessary to continue operations of the Operations Board and the discharge of the Operations Board's lawful purposes, duties, and responsibilities; and,

BE IT FURTHER RESOLVED, the Virginia Railway Express Operations Board hereby finds that the items on the June 19, 2020 Operations Board Meeting Agenda are encompassed within the continuity of operations ordinances adopted by several member localities of the Virginia Railway Express Operations Board to assure the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19.

Approved this 19th day of June 2020



Jeanine Lawson
Secretary



Gary Skinner
Chairman

**Virginia Railway Express
Operations Board**

**Resolution
9A-06-2020**

**Authorization to Execute a Contract for
Seat Bottoms for Passenger Railcars**

WHEREAS, the VRE Operations Board adopted a life cycle maintenance strategy in January 2014 to maintain VRE locomotives and passenger railcars at the highest level of reliability throughout the equipment lifecycle; and,

WHEREAS, passenger seat bottom cushions have lost their ability to bear weight and are unable to return to their original dimensions; and,

WHEREAS, the VRE Operations Board authorized the Chief Executive Officer to issue an Invitation for Bids for the purchase and delivery of seat bottoms for passenger railcars on December 15, 2017; and,

WHEREAS, an Invitation for Bids was issued on January 17, 2020 with bids due May 29, 2020; and,

WHEREAS it was determined FELLFAB Corporation was the lowest responsive-responsible bidder;

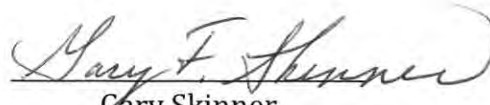
NOW, THEREFORE, BE IT RESOLVED THAT, the VRE Operations Board does hereby find that, in accordance with recently adopted amendments to budget bills HB 29 and 30, meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Operations Board to assemble in a single location on June 19, 2020, and that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are statutorily required or necessary to continue operations of the Operations Board and the discharge of the Operations Board's lawful purposes, duties, and responsibilities; and further find that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are encompassed within the continuity of operations ordinances adopted by member localities of the Virginia Railway Express Operations Board to assure the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19; and,

BE IT FURTHER RESOLVED THAT, the VRE Operations Board does hereby authorize the Acting Chief Executive Officer to execute a contract with FELLFAB Corporation of Atlanta, Georgia, for Seat Bottoms for Passenger Railcars in the amount of \$1,072,675, plus a 10 percent contingency of \$107,268, for a total amount not to exceed \$1,179,943.

Approved this 19th day of June 2020



Jeanine Lawson
Secretary



Gary Skinner
Chairman

**Virginia Railway Express
Operations Board**

**Resolution
9B-06-2020**

**Authorization to Execute a Sole Source Contract for
Central Diagnostic Cloud Services for VRE Locomotives**

WHEREAS, the Central Diagnostic System is designed to increase on-time reliability and the performance of VRE's locomotives; and,

WHEREAS, the Central Diagnostic System provides preventive maintenance and troubleshooting data used to diagnose problems; and,

WHEREAS, the Central Diagnostic System provides select VRE and Wabtec Railway Electronics personnel critical information such as GPS location, fault codes and descriptions, operator actions, and other reference information; and,

WHEREAS, Wabtec Railway Electronics maintains VRE's cloud based central diagnostic operating system; and,

WHEREAS, in accordance with state and federal requirements, and VRE Procurement Policies, a determination has been made, and public notice thereof will be provided, that Wabtec Railway Electronics is the original equipment manufacturer and the only contractor able to provide Central Diagnostic Cloud Services for VRE's locomotives;

NOW, THEREFORE, BE IT RESOLVED THAT, the VRE Operations Board does hereby find that, in accordance with recently adopted amendments to budget bills HB 29 and 30, meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Operations Board to assemble in a single location on June 19, 2020, and that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are statutorily required or necessary to continue operations of the Operations Board and the discharge of the Operations Board's lawful purposes, duties, and responsibilities; and further find that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are encompassed within the continuity of operations ordinances adopted by member localities of the Virginia Railway Express Operations Board to assure the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19; and,


BE IT FURTHER RESOLVED THAT, the VRE Operations Board does hereby authorize the Acting Chief Executive Officer to execute a Sole Source Contract with Wabtec Railway Electronics of Germantown, Maryland for Central Diagnostic Cloud Services for VRE

Locomotives for a term of three years in the amount of \$406,221, plus a 10 percent contingency of \$40,622, for a total amount not to exceed \$446,843.

Approved this 19th day of June 2020



Jeanine Lawson
Secretary



Gary Skinner
Chairman

**Virginia Railway Express
Operations Board**

**Resolution
9C-06-2020**

**Authorization to Amend the Maintenance Services for VRE Facilities
Task Order for On-Call Services**

WHEREAS, on April 20, 2018, the Operations Board authorized a new five-year contract with a base period of three years and one two-year option for Maintenance Services for VRE Facilities with NVE, Inc.; and,

WHEREAS, the Operations Board concurrently authorized issuance of a task order for On-Call Services for miscellaneous repair, installation and inspection services at VRE rail stations, maintenance and storage facilities, and office locations; and,

WHEREAS, additional task order authorization is requested to enable continued On-Call Services to be performed through the base term of the contract;

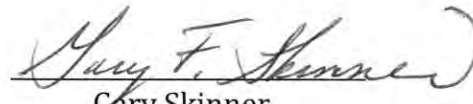
NOW, THEREFORE, BE IT RESOLVED THAT, the VRE Operations Board does hereby find that, in accordance with recently adopted amendments to budget bills HB 29 and 30, meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Operations Board to assemble in a single location on June 19, 2020, and that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are statutorily required or necessary to continue operations of the Operations Board and the discharge of the Operations Board's lawful purposes, duties, and responsibilities; and further find that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are encompassed within the continuity of operations ordinances adopted by member localities of the Virginia Railway Express Operations Board to assure the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19; and,

BE IT FURTHER RESOLVED THAT, the VRE Operations Board does hereby authorize the Acting Chief Executive Officer to amend the current Task Order for On-Call Services executed with NVE, Inc. under the Maintenance Services for VRE Facilities contract in the amount of \$300,000, plus a five percent contingency of \$15,000, for a total of \$315,000. This will increase the total authorization for this task order from \$698,250, to a total amount not to exceed \$1,013,250.

Approved this 19th day of June 2020



Jeanine Lawson
Secretary



Gary Skinner
Chairman

**Virginia Railway Express
Operations Board**

**Resolution
9D-06-2020**

**Authorization to Execute a Contract for an Enterprise Resource
Planning Software Solution and Technology Services**

WHEREAS, VRE currently manages its business functions with multiple, non-integrated software systems; and,

WHEREAS, VRE has performed an analysis to define the specifications for an Enterprise Resource Planning (ERP) solution; and,

WHEREAS, the analysis showed VRE would benefit greatly from an ERP system to provide efficiency for staff through the creation of a single source of data for integrated financials, procurement, inventory management and invoice processing, and one that is scalable and capable of integrating with existing VRE applications; and,

WHEREAS, software license/maintenance agreements are classified as an exception to VRE's Purchasing Policies and Procedures and do not require a competitive solicitation process; and,

WHEREAS, the VRE Technical Evaluation Team reviewed and evaluated proposed software solutions from a range of potential providers and unanimously recommended the Munis® ERP system provided by Tyler Technologies, Inc.; and,

WHEREAS, the VRE Operations Board relies upon staff to have complied with all applicable laws, regulations, policies and procurement procedures that pertain to this action in the development of its recommendation to the VRE Operations Board;

NOW, THEREFORE, BE IT RESOLVED THAT, the VRE Operations Board does hereby find that, in accordance with recently adopted amendments to budget bills HB 29 and 30, meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Operations Board to assemble in a single location on June 19, 2020, and that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are statutorily required or necessary to continue operations of the Operations Board and the discharge of the Operations Board's lawful purposes, duties, and responsibilities; and further find that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are encompassed within the continuity of operations ordinances adopted by member localities of the Virginia

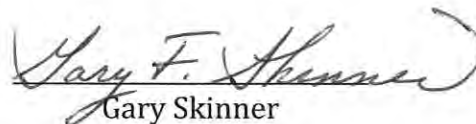
Railway Express Operations Board to assure the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19; and,

BE IT FURTHER RESOLVED THAT, the VRE Operations Board does hereby authorize the Acting Chief Executive Officer to execute a contract with Tyler Technologies, Inc. of Plano, Texas, for the purchase and implementation of an Enterprise Resource Planning (ERP) Software Solution and Technology Services in the amount of \$1,450,320, plus a 20% contingency of \$290,064, for a total amount not to exceed \$1,740,384.

Approved this 19th day of June 2020



Jeanine Lawson
Secretary



Gary Skinner
Chairman

**Virginia Railway Express
Operations Board**

**Resolution
9E-06-2020**

**Authorization to Issue a Task Order for Accounting and Financial
Support Services for Enterprise Resource Planning Implementation**

WHEREAS, VRE is initiating the implementation of an organization-wide Enterprise Resource Planning software solution; and,

WHEREAS, specialized consulting support services are necessary to ensure the new Enterprise Resource Planning software system meets audit requirements, incorporates modernized policies and procedures for accounting and finance, and provides effective support for the goals and objectives of VRE; and,

WHEREAS, Prince William County has an existing task order contract with RSM US LLP for internal audit services which includes a rider clause that extends the contract to other public entities for the purpose of cooperative purchasing; and,

WHEREAS, the critical services of ensuring audit compliance and mitigating internal risk fall within the scope of the Prince William County contract, and RSM has extensive expertise with assisting in ERP system implementations and data migrations;

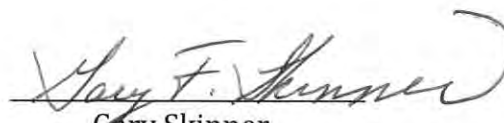
NOW, THEREFORE, BE IT RESOLVED THAT, the VRE Operations Board does hereby find that, in accordance with recently adopted amendments to budget bills HB 29 and 30, meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Operations Board to assemble in a single location on June 19, 2020, and that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are statutorily required or necessary to continue operations of the Operations Board and the discharge of the Operations Board's lawful purposes, duties, and responsibilities; and further find that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are encompassed within the continuity of operations ordinances adopted by member localities of the Virginia Railway Express Operations Board to assure the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19; and,

BE IT FURTHER RESOLVED THAT, the VRE Operations Board does hereby authorize the Acting Chief Executive Officer to issue a Task Order to RSM US LLP for Accounting and Financial Support Services for Enterprise Resource Planning Implementation in the amount **\$286,500, with a 10 percent contingency of \$28,650, for a total amount not to exceed \$315,150.**

Approved this 19th day of June 2020



Jeanine Lawson
Secretary



Gary Skinner
Chairman

**Virginia Railway Express
Operations Board**

**Resolution
9F-06-2020**

**Authorization to Execute a Letter of Intent Regarding the Design,
Funding and Construction of the Planned VRE Crystal City Station**

WHEREAS, a new VRE Crystal City Station has been proposed on JBG-SMITH property; and,

WHEREAS, VRE and JBG-SMITH intend to collaborate on the station design; and,

WHEREAS, the station design will aim to support the broader vision that JBG-SMITH is pursuing for National Landing (i.e. Crystal City, Pentagon City, and adjacent areas) while ensuring that VRE's design requirements are met; and,

WHEREAS, ongoing coordination will minimize redesign costs and overall disruption of VRE and JBGS activities; and,

WHEREAS, a Letter of Intent will identify the collaboration process;

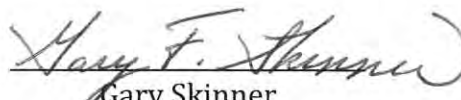
NOW, THEREFORE, BE IT RESOLVED THAT, the VRE Operations Board does hereby find that, in accordance with recently adopted amendments to budget bills HB 29 and 30, meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Operations Board to assemble in a single location on June 19, 2020, and that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are statutorily required or necessary to continue operations of the Operations Board and the discharge of the Operations Board's lawful purposes, duties, and responsibilities; and further find that meeting by electronic means is authorized because the items on the June 19, 2020 Operations Board Meeting Agenda are encompassed within the continuity of operations ordinances adopted by member localities of the Virginia Railway Express Operations Board to assure the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19; and,

BE IT FURTHER RESOLVED THAT, the VRE Operations Board does hereby authorize the Acting Chief Executive Officer to execute a Letter of Intent with JBG-SMITH regarding the design, funding, and construction of the planned VRE Crystal City Station in a form approved by legal counsel.

Approved this 19th day of June 2020



Jeanine Lawson
Secretary



Gary Skinner
Chairman

CEO REPORT

JUNE 2020



OUR MISSION

The Virginia Railway Express, a joint project of the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission, will provide safe, cost-effective, accessible, reliable, convenient, and customer responsive commuter-oriented rail passenger service. VRE contributes to the economic vitality of its member jurisdictions as an integral part of a balanced, intermodal regional transportation system.



CEO REPORT | JUNE 2020

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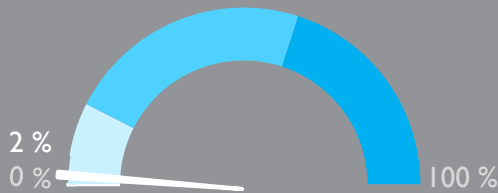
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VIRGINIA RAILWAY EXPRESS
A better way. A better life.

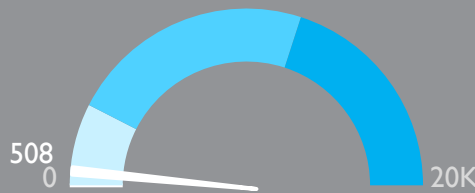


SUCCESS AT A GLANCE



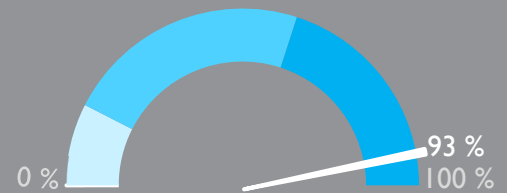
PARKING UTILIZATION

The total number of parking spaces used in the VRE system during the month, divided by the total number of parking spaces available.



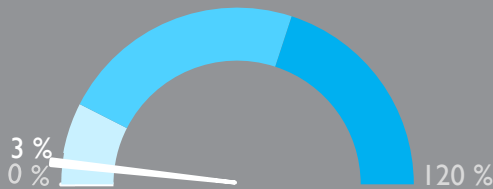
AVERAGE DAILY RIDERSHIP

The average number of boardings each operating day inclusive of Amtrak Step-Up boardings and reduced, "S" schedule, service.
Same month, previous year: 18,656



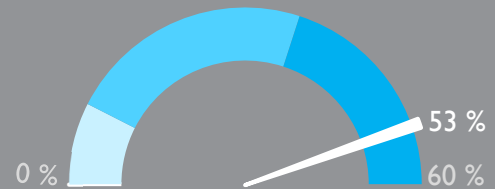
ON-TIME PERFORMANCE

Percent of trains arriving at their destination within five minutes of the schedule.
Same month, previous year: 56%



SYSTEM CAPACITY

The percent of peak hour train seats occupied. The calculation excludes reverse flow and non-peak hour trains.



OPERATING RATIO

Through April 2020

The monthly operating revenues divided by the monthly operating expenses, which depicts the percent of operating costs paid by the riders.
Board-established goal: 52%

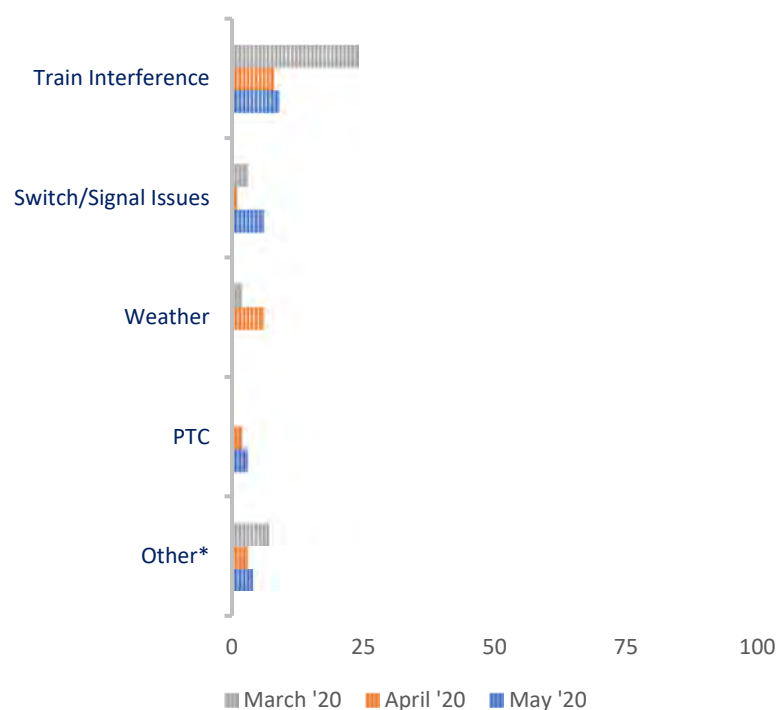
May 2020

ON-TIME PERFORMANCE

OUR RECORD

	May 2020	April 2020	May 2019
Manassas Line	93%	95%	44%
Fredericksburg Line	94%	93%	68%
Systemwide	93%	94%	56%

PRIMARY REASON FOR DELAY



VRE operated 320 trains in May. Our on-time rate for May was 93 percent.

Twenty-two trains arrived more than five minutes late to their final destinations. Of those late trains, 12 were on the Manassas Line (55 percent), and 10 were on the Fredericksburg Line (45 percent).

Of the 22 delays, eight lasted longer than 30 minutes. Significant disruptions lead to an average delay time of 41 minutes.

At 93 percent, systemwide on-time performance remains at a high level. Despite reduced passenger and freight traffic, congestion remained the leading cause of delay for our trains.

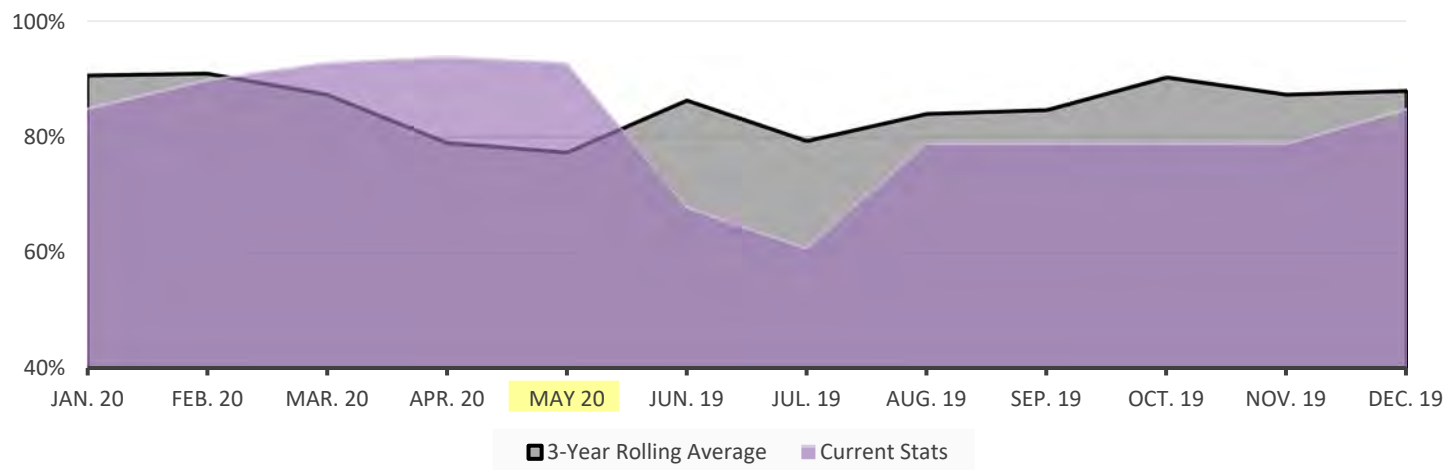
*Includes trains that were delayed due to operational testing and passenger handling.

LATE TRAINS

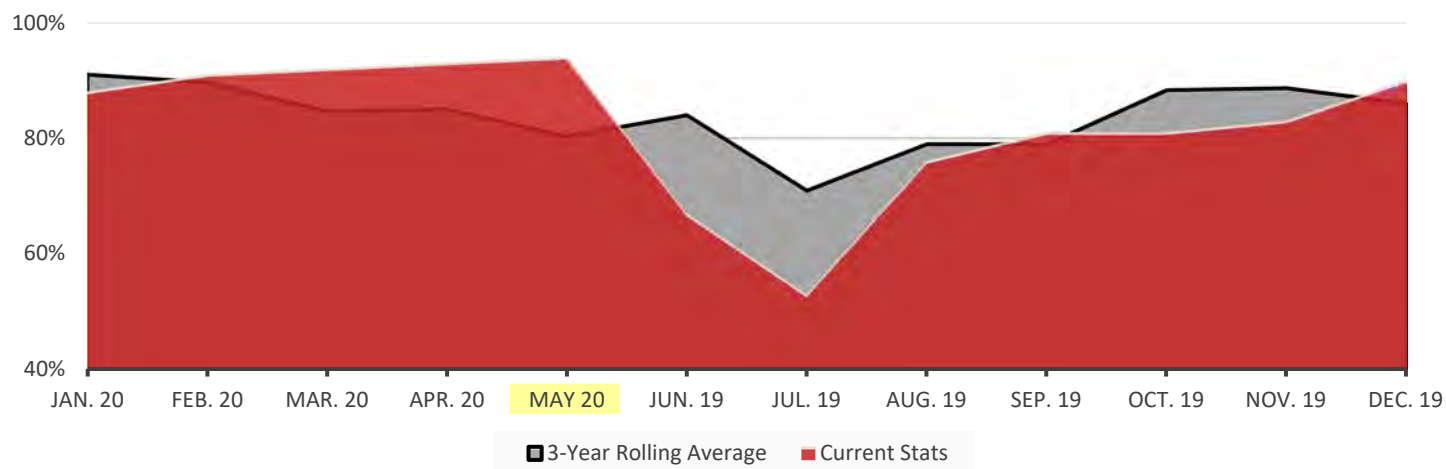
	System Wide			Fredericksburg Line			Manassas Line		
	Mar.	Apr.	May	Mar.	Apr.	May	Mar.	Apr.	May
Total late trains	36	20	22	21	12	10	15	8	12
Average minutes late	10	20	41	10	27	58	10	10	28
Number over 30 minutes	0	2	8	0	2	5	0	0	3
Heat restrictions	1	1	1	1	1	1	0	0	0

ON-TIME PERFORMANCE

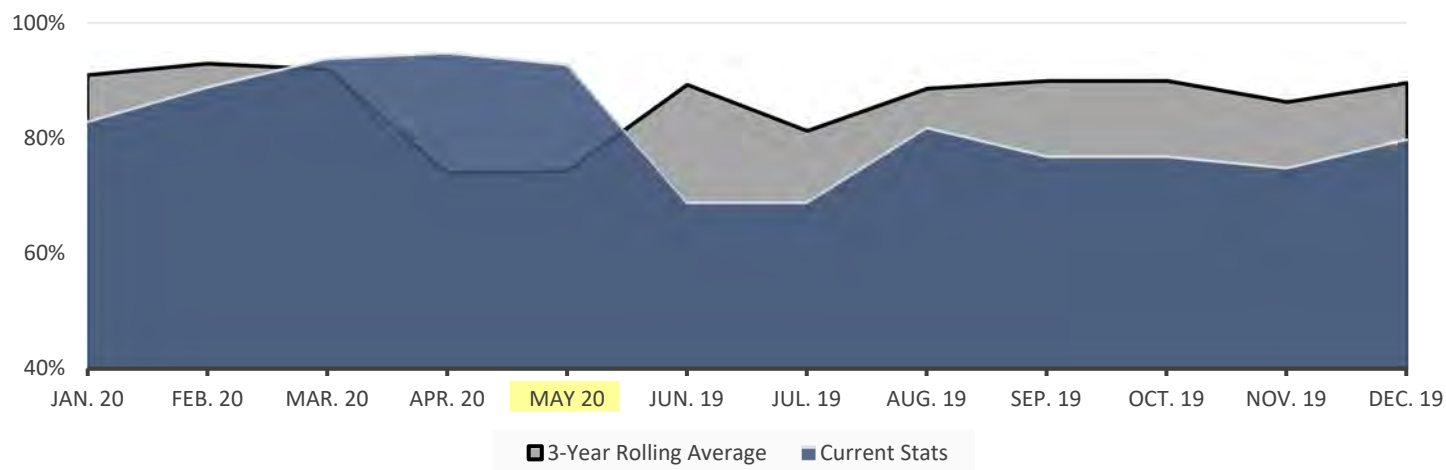
VRE SYSTEM



FREDERICKSBURG LINE

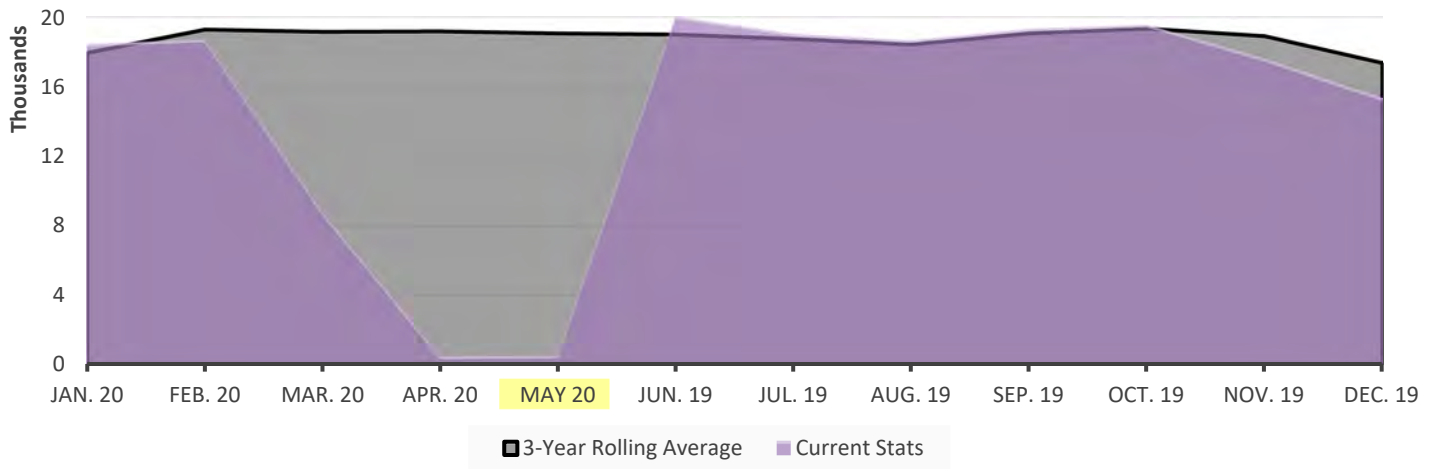


MANASSAS LINE

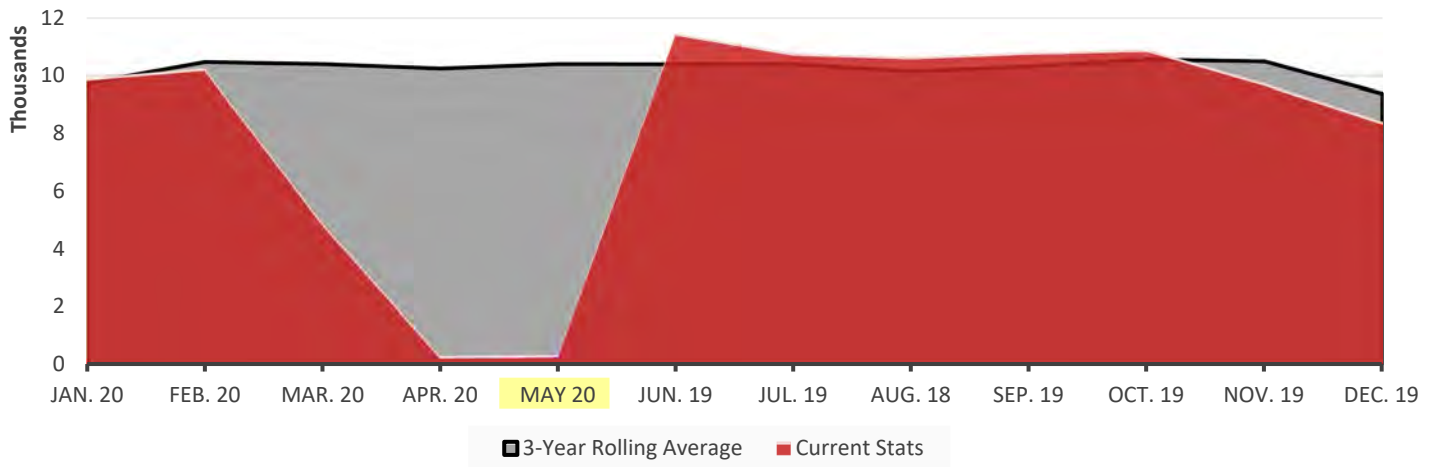


AVERAGE DAILY RIDERSHIP

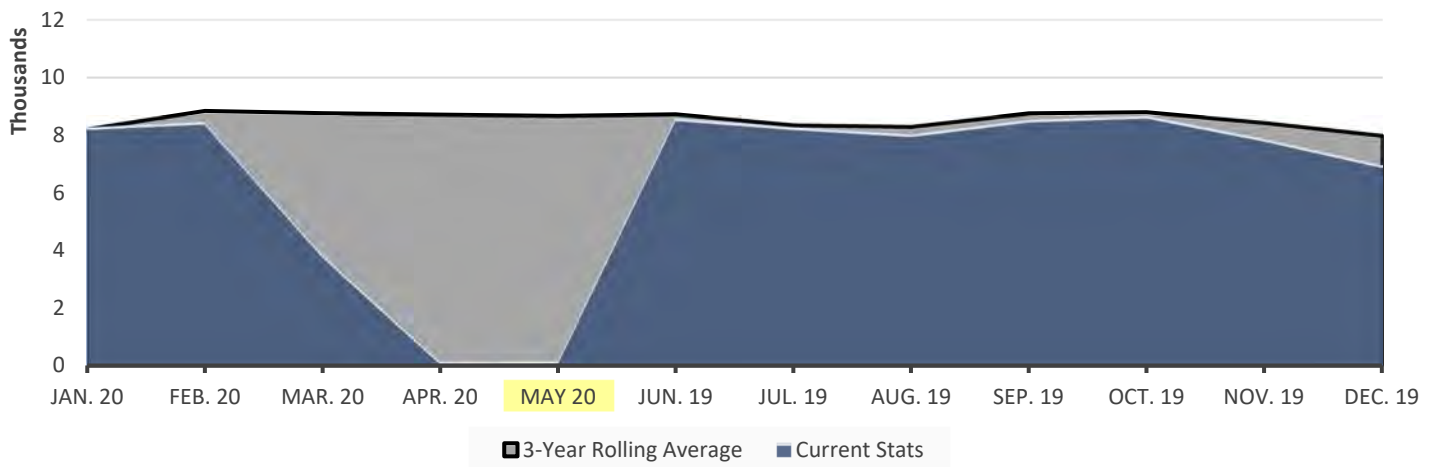
VRE SYSTEM



FREDERICKSBURG LINE



MANASSAS LINE



JUNE 2020

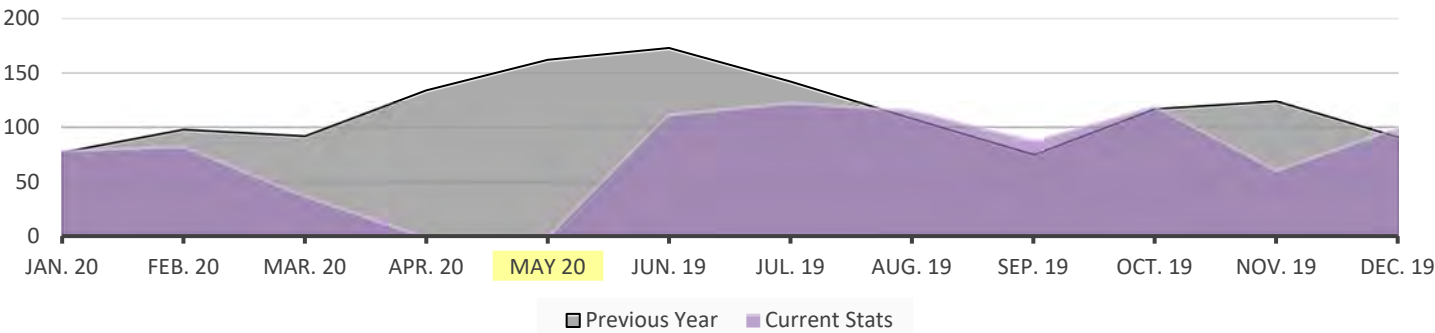
RIDERSHIP UPDATES

Average daily ridership (ADR) in May was approximately 500. ADR for the month was only marginally higher than April (460) as we continue to run on the “S” schedule necessitated by the COVID-19 pandemic.

	May 2020	April 2020	May 2019
Monthly Ridership	10,154	10,102	410,431
Average Daily Ridership	508	459	18,656
Full Service Days	0	0	22
“S” Service Days	20	22	0

SUMMONSES ISSUED

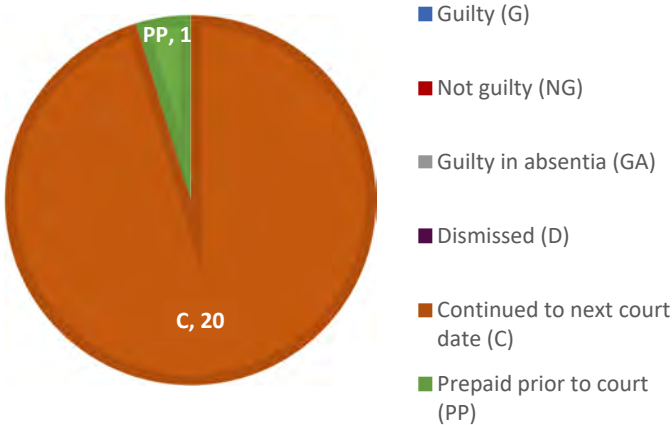
VRE SYSTEM



SUMMONSES WAIVED OUTSIDE OF COURT

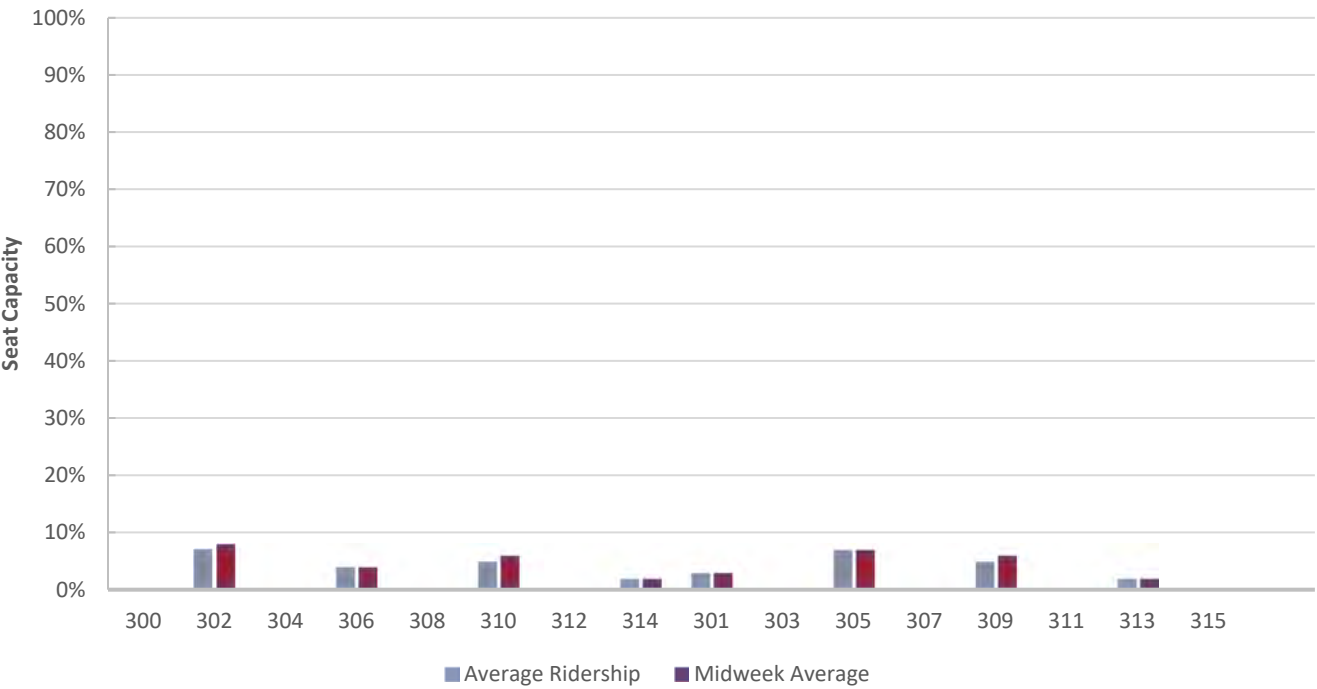
Reason for Dismissal	Occurrences
Passenger showed proof of a monthly ticket	6
One-time courtesy	2
Per the request of the conductor	0
Defective ticket	0
Per ops manager	0
Unique circumstances	0
Insufficient information	1
Lost and found ticket	0
Other	7
Total Waived	16

MONTHLY SUMMONSES COURT ACTION

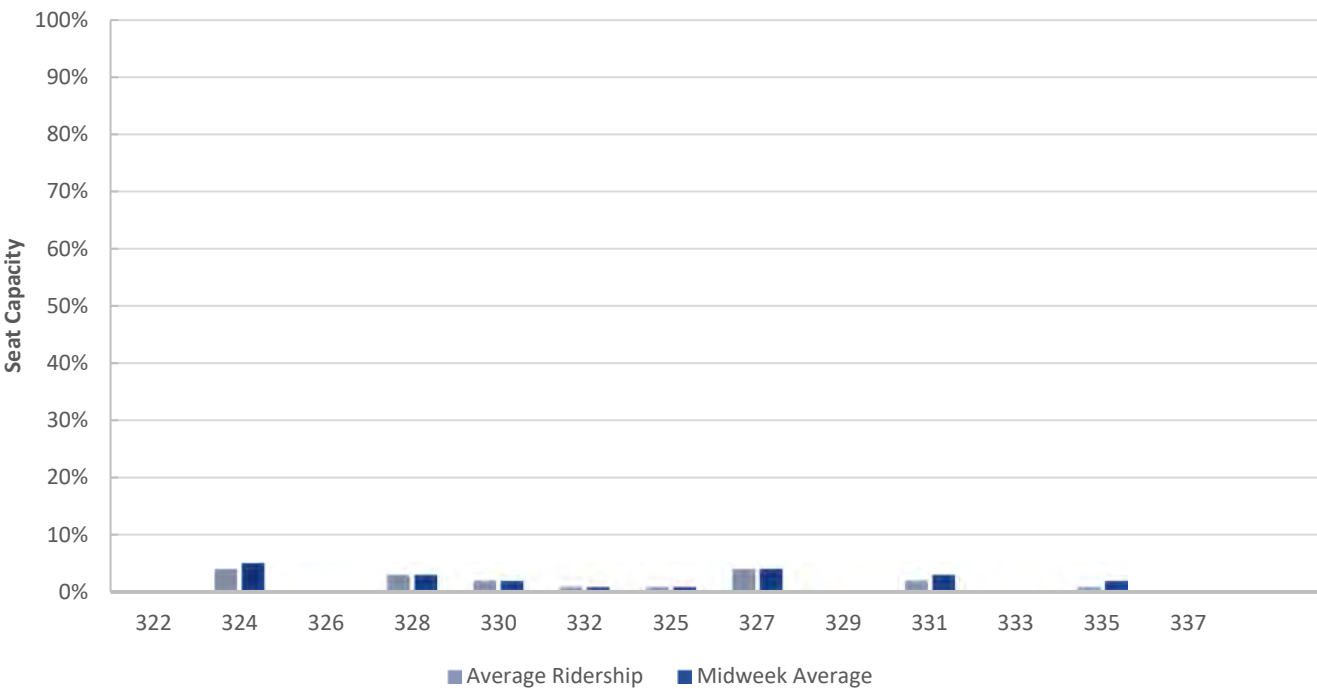


TRAIN UTILIZATION

FREDERICKSBURG LINE

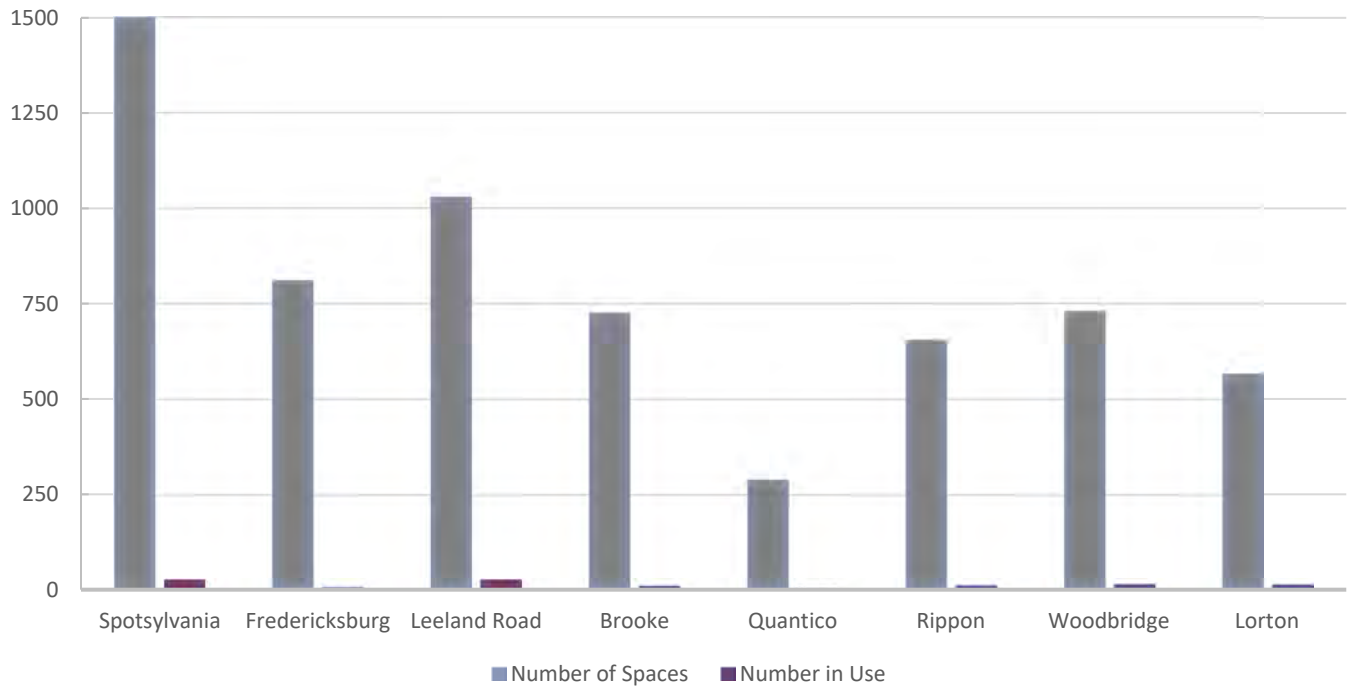


MANASSAS LINE

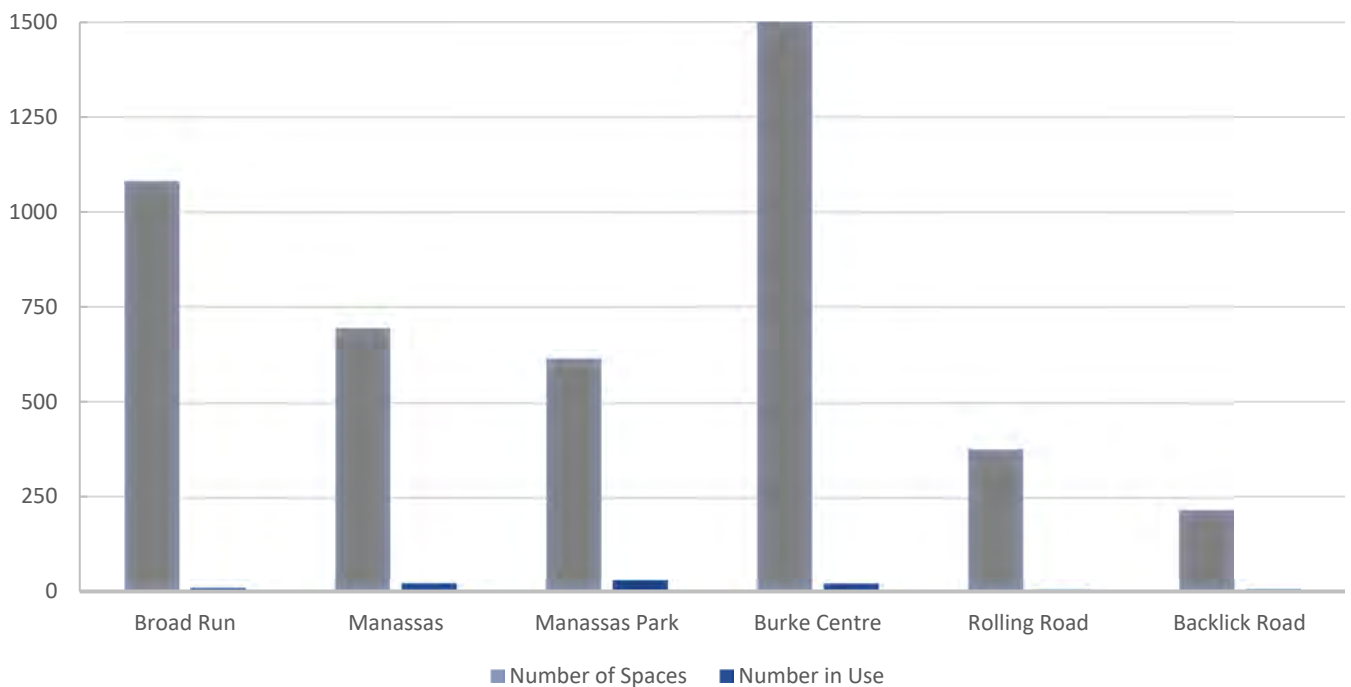


PARKING UTILIZATION

FREDERICKSBURG LINE



MANASSAS LINE



FINANCIAL REPORT FOR APRIL 2020

Fare revenue through the first ten months of FY 2020 is approximately \$3.0 million below budget (an unfavorable variance of -8.3%) and is -3.7% below the same period in FY 2019.

The ongoing coronavirus (COVID-19) pandemic has had a material negative impact on VRE ridership. Average daily ridership in April was 460 trips per day, as compared to 18,692 per day in February (the last full month not affected by the pandemic). We expect to report significant continuing impacts related to the pandemic in May and June 2020.

The operating ratio through April is 53%, which is above VRE's budgeted operating ratio of 52% for the full twelve months of FY 2020. VRE is required to budget a minimum operating ratio of 50%.

A summary of the FY 2020 financial results through April follows, including information on major revenue and expense categories. Please note that these unaudited figures are preliminary.

FY 2020 Operating Budget Report							
Month Ended April 30, 2020							
	CURR. MO. ACTUAL	CURR. MO. BUDGET	YTD ACTUAL	YTD BUDGET	YTD \$ VARIANCE	YTD % VARIANCE	TOTAL FY19 BUDGET
Operating Revenue							
Passenger Ticket Revenue	1,429,371	3,824,683	33,461,162	36,508,333	(3,047,172)	-8.3%	43,810,000
Other Operating Revenue	61,650	19,643	267,516	187,500	80,016	42.7%	225,000
Subtotal Operating Revenue	1,491,021	3,844,325	33,728,677	36,695,833	(2,967,156)	-8.1%	44,035,000
Jurisdictional Subsidy (1)	-	-	17,767,748	17,767,748	-	0.0%	13,239,555
Federal/State/Other Jurisdictional Subsidy	2,687,734	2,748,082	26,835,888	27,438,835	(602,947)	-2.2%	32,665,351
Appropriation from Reserve/Other Income	-	-	-	-	-	0.0%	-
Interest Income	114,442	43,651	1,252,771	416,667	836,105	200.7%	500,000
Total Operating Revenue	4,293,197	6,636,059	79,585,085	82,319,083	(2,733,998)	-3.3%	90,439,906
Operating Expenses							
Departmental Operating Expenses	5,383,342	6,673,303	63,044,797	70,037,806	6,993,010	10.0%	84,203,149
Debt Service	518,480	518,480	5,184,828	5,184,798	(30)	0.0%	6,221,757
Other Non-Departmental Expenses	-	1,310	27,000	12,500	(14,500)	0.0%	15,000
Total Operating Expenses	5,901,822	7,193,092	68,256,625	75,235,104	6,978,479	9.3%	90,439,906
Net income (loss) from Operations	(1,608,625)	(557,033)	11,328,460	7,083,979	4,244,481		-
Operating Ratio			53%	52%	Budgeted Goal	52%	50%

(1) Total jurisdictional subsidy is \$17,767,748. Portion shown as budgeted is attributed to Operating Fund only.

FACILITIES UPDATE

The following is a status update of VRE facilities projects.

Completed projects:

1. Issuance of GEC Task Order for design of platform widening at L'Enfant Station
2. Submission of IFB package for modernization of east elevator at Woodbridge Station
3. Replacement of dead and damaged trees at Spotsylvania Station
4. Cleaning of oil/water separator at Manassas parking garage
5. Replacement of HVAC system at Alexandria Headquarters Suite 201
6. Repaving and restriping of VRE Fredericksburg Office parking lot

Projects scheduled to be completed this quarter:

1. Submission of IFB package for painting of Franconia-Springfield Station
2. Submission of IFB package for canopy roof replacement at Backlick Road Station
3. Submission of IFB package for replacement of tactile warning strips at various stations
4. Installation of social distancing platform decals and signage at all stations except Union Station
5. Cleaning of HVAC system ductwork at VRE offices, vendor spaces and maintenance and storage facility buildings

Projects scheduled to be initiated this quarter:

1. Issuance of GEC Task Order for design of minor structural repairs at Franconia-Springfield, Woodbridge, Rippon and Brooke Stations
2. Repair of minor cracks in west platform at Woodbridge Station
3. Cleaning of storm drainage systems in Woodbridge and Manassas parking garages

Ongoing projects:

1. Replacement of signage at Franconia-Springfield, Woodbridge and Leeland Road Stations
2. Replacement of waste and recycling receptacles at various stations
3. Design of renovations to Alexandria Headquarters

UPCOMING PROCUREMENTS

- Construction of the Lifecycle Overhaul and Upgrade Facility
- Program management services
- Canopy roof replacement at the Backlick Road Station
- Modernization of VRE Woodbridge Station east elevator
- Passenger car wheelchair lift assemblies
- Construction of Rolling Road Station platform extension
- Purchase of LED light fixtures
- Construction of L'Enfant south storage track wayside power
- Variable Messaging System replacement
- Tactile strip replacements
- Pavement repairs and striping at the Rippon and Leeland Road stations and Fredericksburg Lot G
- Franconia-Springfield Station painting services
- Purchase of forklift trucks
- Final design services for VRE Broad Run expansion
- Safety and security consulting services
- Renewal of locomotive head end power engine systems
- Overhaul of emergency generators
- Headquarters renovations

CAPITAL PROJECTS UPDATES

The following is a status update of VRE capital projects.

Completed projects or major project milestones:

1. Long Bridge Project (*study by others*) – DRPT issued a RFP for architectural/engineering consulting services, with proposals due August 4. DDOT and FRA expect to publish the final environmental impact statement this summer.
2. New Washington Union Station Improvements (*study by others*) – FRA released the Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation for comment from agencies and the public on June 4. Two telephonic public hearings will take place on July 14.

Projects or project phases scheduled to be completed this quarter:

3. Franconia-Springfield Station Improvements updated design for the planned third track project
4. Lorton Station Second Platform design close-out until the future fourth track project is underway
5. Rippon Station Improvements preliminary design plans
6. Brooke Station Improvements preliminary design plans
7. Leeland Road Station Improvements preliminary design plans
8. Broad Run Expansion (BRX) Section 106 Consultation
9. Construction of Benchmark Road Slope Stabilization (Hamilton to Crossroads closeout)










Projects or project phases scheduled to be initiated this quarter:










10. IFB for construction of Quantico Station Improvements
11. IFB for construction of Lifecycle Overhaul & Upgrade Facility (LOU)
12. IFB for construction of Rolling Road Station Improvements
13. Request for proposals (RFP) advertised for LOU Construction Management

Ongoing projects:

14. Broad Run Expansion (BRX)
15. Manassas Park Parking Improvements
16. Rolling Road Station Improvements
17. Crossroads Maintenance and Storage Facility (MSF) – land acquisition completed
18. Lifecycle Overhaul & Upgrade Facility (LOU)
19. Benchmark Road Slope Stabilization (Hamilton to Crossroads closeout)
20. Leeland Road Station Improvements
21. Brooke Station Improvements
22. Quantico Station Improvements
23. Rippon Station Improvements
24. Lorton Station Second Platform
25. Franconia-Springfield Station Improvements
26. Alexandria Station Improvements
27. Alexandria Station Track I Access (Slaters Lane)
28. Crystal City Station Improvements
29. L'Enfant Train Storage Track - South
30. L'Enfant Station Improvements
31. New York Avenue Midday Storage Facility
32. Potomac Shores VRE Station – *design by others*
33. Long Bridge Project – *study by others*
34. Washington Union Station Improvements Environmental Impact Statement – *study by others*
35. DC2RVA Environmental Impact Statement – *study by others*

Projects Progress Report Follows

Total ¹	ESTIMATED COSTS (\$)				Percent Complete ¹	Project Completion Date	STATUS	
	Funded	Unfunded	Authorized	Expended ²				
32,500,000	32,500,000	-	33,285,519	30,578,003	99%	3rd QTR 2018		Close-out pending repair of storm damage to embankment.
3,965,000	3,965,000	-	2,937,323	1,699,610	60%	4th QTR 2019		CSXT Construction Agreement received. CM underway.
38,183,632	38,183,632	-	3,176,039	2,143,583	70%	TBD		FD completion pending Final Electrical Design Coordination with REC. IFB anticipated 2nd Quarter 2020, upon
2,950,000	2,950,000	-	2,950,000	163,565	100%	1st QTR 2020		Land acquisition has been completed.
89,666,508	89,666,508	-	3,588,305	2,257,455	90%	4th QTR 2021		Preliminary design has been completed and continuing to collaborate with Amtrak on agreements.
75,264,693	75,264,693	-	69,457,809	47,915,644	99%	4th QTR 2020		All cars received. Completion date reflects end of warranty period.
14,191,833	14,191,833	-	10,294,079	7,984,451	95%	4th QTR 2018		Implementation Completed. Final stabilization and familiarization phase in process.
110,700,000	82,526,398	28,173,602	5,855,650	4,539,446	80%	4th QTR 2024		PE design and EC underway. Property acquisition due diligence underway.
3,510,307	3,510,307	-	3,510,627	2,282,853	70%	3rd QTR 2019		Big Commerce/Moovel collaboration underway for web based ticketing portal. Uplift to new platform scheduled for mid-summer.

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TRACK AND INFRASTRUCTURE

PROJECT	DESCRIPTION	PHASE					
		CD	PE	EC	RW	FD	CN
Hamilton-to-Crossroads Third Track	2¼-miles of new third track with CSXT design and construction of signal and track tie-ins.	◆	◆	◆	N/A	◆	◆

MAINTENANCE AND STORAGE FACILITIES

L'Enfant Train Storage Track - South	Conversion of CSXT Temporary Track to VRE Storage Track (1,350 feet) and Associated Signal Work	◆	◆	◆	N/A	●	●
Lifecycle Overhaul & Upgrade Facility	New LOU facility to be added to the Crossroads MSF.	◆	◆	◆	N/A	◆	■
Crossroads Maintenance and Storage Facility - Land Acquisition	Acquisition of 19.5 acres of land, construction of two storage tracks and related site improvements.	◆	N/A	N/A	●	N/A	N/A
New York Avenue Midday Storage Replacement Facility	Midday storage facility replacement for Ivy City storage facility.	◆	●	●	●		

ROLLING STOCK

Passenger Railcar Procurement	Acquisition of 29 new railcars.	◆	N/A	N/A	N/A	◆	◆
Positive Train Control	Implement Positive Train Control for all VRE locomotives and control cars.	◆	N/A	N/A	N/A	◆	●

PLANNING, COMMUNICATIONS AND IT










Broad Run Expansion (was Gainesville-Haymarket Extension)	NEPA and PE for expanding commuter rail service capacity in Western Prince William County	◆	●	●	-	-	-
Mobile Ticketing	Implementation of a new mobile ticketing system.	◆	N/A	N/A	N/A	◆	●

PHASE: CD - Conceptual Design PE - Preliminary Engineering EC - Environment Clearance RW - Right of Way Acquisition FD - Final Design CN - Construction

STATUS: ◆ Completed ● Underway ■ On Hold

¹ Total project cost estimate in adopted FY2020 CIP Budget; percentage complete based on VRE Operations Board authorization

² Does not include minor (< \$50,000) operating expenditures

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	Funded	Unfunded	Authorized	Expended ²				
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Agenda Item #9: Department of Rail and Public Transportation (DRPT)



TO: Chair Cristol and NVTC Commissioners

FROM: Kate Mattice

DATE: June 25, 2020

SUBJECT: Department of Rail and Public Transportation (DRPT)

At the July meeting DRPT Director Jennifer Mitchell will give her report, including an update on the impacts of the COVID-19 public health emergency on state transit funding.

A. DRPT Monthly Report

The [monthly DRPT Report](#), which provides updates on DRPT programs and initiatives, is attached.

B. Certification Letters from WMATA to the Commonwealth Transportation Board

By July 1, WMATA is anticipated to send two certification letters to the Commonwealth Transportation Board (CTB) documenting: 1) compliance with requirements associated with the WMATA Capital Fund and 2) certification that no alternate directors violated the WMATA's bylaws regarding alternate participation. Staff will provide these documents when available.



COMMONWEALTH of VIRGINIA

Jennifer L. Mitchell
Director

Virginia Department of Rail and Public Transportation
600 E. Main Street, Suite 2102
Richmond, VA 23219

Ph: 804-786-4440
Fax: 804-225-3752
Virginia Relay Center
800-828-1120 (TDD)

TO: Chair Cristol and NVTC Commissioners

FROM: Jennifer Mitchell, Director

DATE: June 24, 2020

SUBJECT: Virginia Department of Rail and Public Transportation (DRPT) Update

The Commonwealth Transportation Board (CTB) met remotely on June 17. At the business meeting, the CTB [approved](#) the addition of the quarterly operating assistance payments for the first quarter of FY21 for transit providers and Transportation Demand Management (TDM) agencies. The \$39.8 million WMATA NVTC allocation for first quarter FY 21 capital and operating match was included in this action. The CTB also approved one capital project, a debt service payment to PRTC for the Manassas Park VRE parking garage and the addition of certain federal funds to the SYIP. All other FY 21 state funding applications are on hold pending action on an FY 21-26 SYIP, until then the FY20-25 SYIP remains in effect.

Grant agreements for state funding of local mitigation strategies related to WMATA's 2020 Platform Improvement Program (PIP) work have been approved and sent to applicants for execution. DRPT awarded a total of \$1,492,575 in state funding to Arlington County, Fairfax County, the City of Fairfax, OmniRide and NVTC. The grants were awarded at 80% state funding with a 20% local match required. The effective date of the grant funding is March 1, 2020. Grant amounts and mitigation strategies vary by Grantee and include supplemental local transit service, traffic and curb control, expanded commuter store hours, additional bicycle racks, community education and outreach, a VRE shuttle and a post-PIP marketing campaign to encourage transit ridership.

DRPT staff in both Alexandria and Richmond are still advised to telework until further notice per Governor Northam's executive order.

The Commonwealth of Virginia was closed on Friday, June 19 in observance of Juneteenth. On June 16, Governor Northam informed state employees that Juneteenth was being recognized as a state holiday in 2020 and that he would support legislation to make it a permanent holiday.

DRPT.Virginia.gov

Improving the mobility of people and goods while expanding transportation choices.

TO: Chair Cristol and NVTC Commissioners

FROM: Kate Mattice

DATE: June 25, 2020

SUBJECT: Executive Director Report

A. Executive Director Newsletter

NVTC's [Executive Director Newsletter](#) provides updates on specific NVTC projects and programs and highlights items of interest at the federal and state levels and among partners such as the Transportation Planning Board (TPB) and the Northern Virginia Transportation Authority (NVTA).

This month the Executive Director Newsletter reports on demolition work proceeding on schedule at four Orange Line Metrorail stations in Northern Virginia, an award for the 2019 marketing campaign that followed the first summer Metrorail shutdown and a study showing demand for commuter rail service connection the Baltimore region and Northern Virginia.

B. NVTC Financial Report

The [May 2020 Financial Report](#) is provided for your information.

Executive Director Newsletter

July 2020



In recent months I've used this space to write about the COVID-19 pandemic's devastating effects on public transit and our efforts to shore up the service providers that serve Northern Virginia and the jurisdictions that help fund them. While adapting to rapid shifts in how we travel the region and how we work, the staff at NVTC have never stopped looking forward to what happens once society begins to return to normal.

We will dive into an ambitious agenda for the final months of 2020. We'll take important steps with our Commuter Choice program – soliciting public comment and selecting projects for Round Four of Commuter Choice in the I-66 Corridor and opening the Round Two call for projects for Commuter Choice in the I-395/95 Corridor. We'll produce and deliver the third Annual Report on the Performance and Condition of WMATA and the first-ever report from the 3% Cap Working Group. Throughout the summer, members of the WMATA program team will continue coordination efforts involving the Metrorail shutdown. They'll provide a summary report on the shutdown in the fall.

The NVTC Transit Resource Center will produce a host of reports, including the Annual Transit Performance Report. The Transit Resource Center will also be prepared to begin Phase 4 of the Envision Route 7 Bus Rapid Transit Study, pending a decision on funding from the Virginia Department of Rail and Public Transportation. The Transit Technology team continues to work with WMATA and other regional transit providers on new fare payment systems and will provide an update to the Northern Virginia Regional Face Collection Strategic Plan. On the legislative side, we will develop our state and federal legislative agenda for 2021 and cohost our annual legislative briefing with PRTC.

All of this groundwork ensures that NVTC will be prepared when people are ready to return to work, to school, to shops and restaurants and to the trains and buses that help get them there.

Executive Director

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Working group assembled on 3% WMATA budget cap . . . 3

Study examines Virginia-Maryland commuter train connections. 4

Decals lead the way for distancing on VRE platforms and trains 4

Northern Virginia Transportation Commission
2300 Wilson Blvd., Ste. 230
Arlington, VA 22201



NoVaTransit.org
NoVaRides.org
[@NoVaTransit](https://twitter.com/NoVaTransit)
[@NoVaTransit](https://www.facebook.com/NoVaTransit)



Key Dates

- July 15 - 16 Commonwealth Transportation Board
- July 16 - NVTC WMATA Committee
- July 17 - VRE Operations Board
- Sept. 3 - NVTC Commission

NVTC swears in new Commissioners

Four new Commissioners from the House of Delegates joined NVTC last month. At the June Commission meeting, Chair Katie Cristol swore in Virginia House Speaker Eileen Filler-Corn (Fairfax County), Del. Paul Krizek (Fairfax County), Del. David Reid (Loudoun) and Del. Rip Sullivan (Arlington-Fairfax County). Executive Director Kate Mattice and Board Secretary Rhonda Gilchest provided detailed orientation sessions for the new Commissioners prior to the Commission meeting.



Reconstruction of Orange Line Metrorail stations proceeding on schedule

Metro General Manager Paul Wiedefeld told the Metro Board of Directors that the rebuilding of four Orange Line stations in Northern Virginia is on schedule, despite the need for contractors to adopt physical distancing requirements due to COVID-19. The four stations, as well as five on the Silver Line, closed in late May as part of Metro's Platform Improvement Project. The stations will be closed for the summer, with the reopening date to be announced.

According to Metro, in the early weeks, construction crews focused on demolition work, including the removal of all tiles from the platforms, mezzanines and pedestrian bridges. They also prepared for the pouring of new concrete platform edges, which included the installation of supportive shoring.

Shuttle ridership levels were low during the first weeks of the shutdown. Metro says buses were not crowded and lines to board the buses were short. Bus shuttle ridership equaled 5% of normal rail ridership at the closed stations.

July 2020

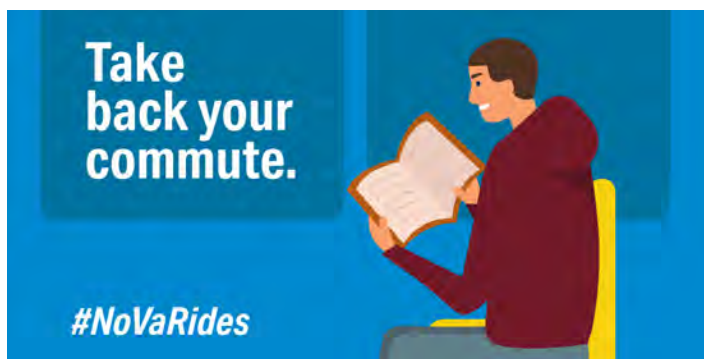


Dunn Loring (top); West Falls Church (middle); Vienna (bottom). Courtesy: Metro



NVTC-led team wins VTA award

The Virginia Transit Association has named our NoVaRides marketing campaign as winner of the award Outstanding Public Transportation Marketing - Regional. Last year, NVTC partnered with VRE, DASH, OmniRide and Fairfax Connector for the first-ever joint transit marketing campaign in Northern Virginia. The campaign, known as NoVaRides, launched following the summer-long shutdown of six Metrorail stations and encouraged commuters to ride public transportation. NoVaRides was heard on radio, and seen in movie theaters, online and in social media. A new dedicated website with a trip-planning tool and links to all regional transit systems supported the ads. The campaign's advertisements directed people to "find their best route" at novarides.org. The award is scheduled to be formally handed out at a luncheon this fall.



NVTC and Alexandria host disadvantaged business enterprise event

Grants Manager and DBE Officer, Brittany Sumpter, partnered with the City of Alexandria, to host their first ever "Virtual DBE Public Consultation" event. As a direct recipient of Federal Transit Administration (FTA) funding, NVTC is committed to ensuring that our sub-recipients continue to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for their federally funded-transportation contracts.

The consultation solicited feedback and criticism of Alexandria's FY 2021 – 2023 Proposed DBE Goal Methodology from representatives of minority, women's, and community organizations in the area, which is required by FTA. Among



those in attendance were representatives from the Alexandria Small Business Development Center, Northern Virginia Hispanic Chamber of Commerce, WMATA Small Business Programs Department and VDOT Business Opportunity Development Center. The input received from this consultation will be taken into consideration and used to support Alexandria's FY 2021 – 2023 DBE Goal, which NVTC will bring before the Commission in July for consent to submit to FTA.

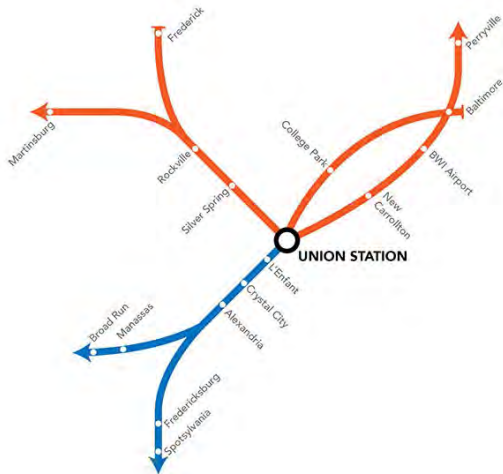
Working group assembled on 3% WMATA budget cap

The recently-enacted Virginia budget directs the chair of NVTC to convene a working group to review the impact of Virginia's 3% cap on WMATA's operating assistance payments. In response to the budget provision and consultation with the NVTC WMATA Committee, NVTC Chair Katie Cristol invited local government representatives, private sector stakeholders and DRPT Director Jennifer Mitchell to participate in the working group. The working group is tasked with providing a report on the usefulness of the cap and identifying additional items that could be excluded from the cap to the chairs of the House Appropriations and Senate Finance Appropriations Committees by November 10, 2020.

The working group will meet over the summer to discuss its recommendations on the cap. Prior to the report's transmittal to the appropriate committee chairs in the General Assembly, the working group's efforts and findings will be presented to the NVTC WMATA Committee for review prior to consideration by the Commission this fall.

Study examines Virginia-Maryland commuter train connections

A study looking at the demand for what's known as "run-through" service for VRE and MARC commuter trains found that such rail service could attract up to 16,200 trips per day by 2030. This represents an increase of 2,300 trips over the 13,900 "run-through equivalent" trips taken today by VRE and MARC riders. The analysis suggests that the largest commuter rail run-through market exists between the Penn & Camden lines and VRE Shared Line. By 2030, run-through service could attract approximately 11,600 trips along this corridor between Baltimore and Alexandria, increasing to 12,400 by 2040. The analysis suggests limited demand for run-through service south of Alexandria. NVTC's Dan Goldfarb sits on the technical committee for the study commissioned by the Transportation Planning Board and Metropolitan Washington Council of Governments.



Decals lead the way for distancing on VRE platforms and trains

Virginia Railway Express (VRE) is taking additional precautions to ensure the health and safety of its passengers and train crews. VRE is working to make social distancing on its platforms and trains as simple as possible, providing hand sanitizer, and promoting VRE Mobile as an alternative to ticket vending machines.

VRE will install platform decals to support social distancing. On-board graphics will indicate where



Stickers show which seats to avoid on a VRE train (above) and where to stand at a station (right) to ensure proper distancing. *Courtesy: VRE*



passengers should sit and stand in railcars. Decals will guide riders to window seats in every other row to ensure proper distancing.

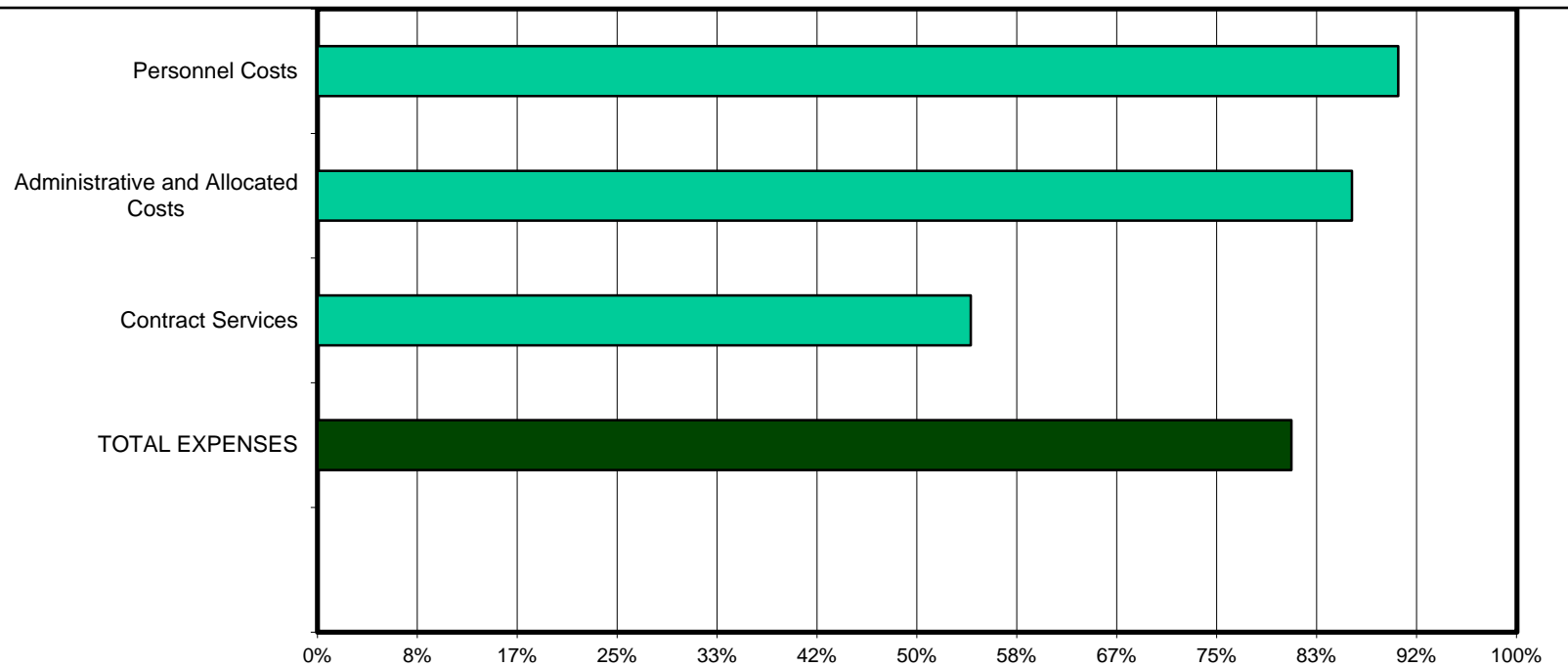
Hand sanitizer dispensers will soon be available on trains and at stations. Passengers will find them on platforms, in station waiting rooms, and near the priority seating on trains. VRE will continue to remind riders of the importance of good hand hygiene through social media and signage on trains and at stations. Face coverings remain mandatory under the Governor's recent executive order.

While ticket vending machines at VRE stations are cleaned twice daily, the VRE Mobile app is an ideal option for riders who prefer not to use the machines. VRE Mobile, which supports SmartBenefits, makes it easy to purchase, validate and display tickets on a smartphone. Individual assistance setting up a VRE Mobile account is available.

Northern Virginia Transportation Commission

Financial Reports
May 2020

Percentage of FY 2020 NVTC Administrative Budget Used
May 2020
(Target 91.7% or less)



Note: Refer to pages 2 and 3 for details

NORTHERN VIRGINIA TRANSPORTATION COMMISSION
G&A BUDGET VARIANCE REPORT
May 2020

	<u>Current Month</u>	<u>Year To Date</u>	<u>Annual Budget</u>	<u>Balance Available</u>	<u>Balance %</u>
<u>Personnel Costs</u>					
Salaries and Wages	\$ 146,839.65	\$ 1,714,169.17	\$ 1,881,500.00	\$ 167,330.83	8.9%
Temporary Employee Services	-	-	-	-	
Total Personnel Costs	146,839.65	1,714,169.17	1,881,500.00	167,330.83	8.9%
<u>Benefits</u>					
Employer's Contributions:					
FICA	10,435.32	118,623.54	128,000.00	9,376.46	7.3%
Group Health Insurance	12,021.79	124,717.97	169,300.00	44,582.03	26.3%
Retirement	13,761.00	140,681.00	148,100.00	7,419.00	5.0%
Workmans & Unemployment Compensation	158.00	3,686.62	6,000.00	2,313.38	38.6%
Life Insurance	717.81	6,081.81	6,900.00	818.19	11.9%
Long Term Disability Insurance	813.62	8,773.07	9,100.00	326.93	3.6%
Total Benefit Costs	37,907.54	402,564.01	467,400.00	64,835.99	13.9%
<u>Administrative Costs</u>					
Commissioners Per Diem	1,000.00	10,351.27	17,800.00	7,448.73	41.8%
<i>Rents:</i>	<i>31,177.63</i>	<i>274,556.93</i>	<i>303,700.00</i>	<i>29,143.07</i>	<i>9.6%</i>
Office Rent	30,372.63	253,798.51	283,400.00	29,601.49	10.4%
Parking & Transit Benefits	805.00	20,758.42	20,300.00	(458.42)	-2.3%
<i>Insurance:</i>	<i>368.00</i>	<i>6,148.00</i>	<i>6,800.00</i>	<i>652.00</i>	<i>9.6%</i>
Public Official Bonds	-	2,100.00	2,000.00	(100.00)	-5.0%
Liability and Property	368.00	4,048.00	4,800.00	752.00	15.7%
<i>Travel:</i>	<i>1,109.91</i>	<i>34,971.66</i>	<i>42,800.00</i>	<i>7,828.34</i>	<i>18.3%</i>
Conference / Professional Development	(292.04)	20,680.09	26,200.00	5,519.91	21.1%
Non-Local Travel	-	2,203.04	4,300.00	2,096.96	48.8%
Local Travel, Meetings and Related Expenses	1,401.95	12,088.53	12,300.00	211.47	1.7%
<i>Communication:</i>	<i>942.10</i>	<i>14,007.89</i>	<i>13,800.00</i>	<i>(207.89)</i>	<i>-1.5%</i>
Postage	-	1,467.07	1,400.00	(67.07)	-4.8%
Telephone and Data	942.10	12,540.82	12,400.00	(140.82)	-1.1%
<i>Publications & Supplies</i>	<i>806.00</i>	<i>27,586.95</i>	<i>25,600.00</i>	<i>(1,986.95)</i>	<i>-7.8%</i>
Office Supplies	-	3,449.89	2,700.00	(749.89)	-27.8%
Duplication and Paper	806.00	10,685.56	10,900.00	214.44	2.0%
Public Engagement	-	13,451.50	12,000.00	(1,451.50)	-12.1%

NORTHERN VIRGINIA TRANSPORTATION COMMISSION
G&A BUDGET VARIANCE REPORT
May 2020

	<u>Current Month</u>	<u>Year To Date</u>	<u>Annual Budget</u>	<u>Balance Available</u>	<u>Balance %</u>
<i>Operations:</i>	1,016.80	17,925.20	36,500.00	18,574.80	50.9%
Furniture and Equipment (Capital)	-	4,782.12	14,600.00	9,817.88	67.2%
Repairs and Maintenance	-	582.50	1,000.00	417.50	41.8%
Computer Operations	1,016.80	12,560.58	20,900.00	8,339.42	39.9%
<i>Other General and Administrative:</i>	783.70	8,002.03	9,300.00	1,297.97	14.0%
Memberships	128.67	1,439.53	1,400.00	(39.53)	-2.8%
Fees and Miscellaneous	655.03	6,562.50	6,400.00	(162.50)	-2.5%
Advertising (Personnel/Procurement)	-	-	1,500.00	1,500.00	100.0%
Total Administrative Costs	<u>37,204.14</u>	<u>393,549.93</u>	<u>456,300.00</u>	<u>62,750.07</u>	<u>13.8%</u>
<u>Contracting Services</u>					
Auditing	-	23,175.00	23,800.00	625.00	2.6%
Contract Services and Support - Commuter Choice	33,600.35	368,731.98	690,500.00	321,768.02	46.6%
Contract Services and Support - Other	4,041.67	49,583.37	120,000.00	70,416.63	58.7%
Legal	2,916.63	32,083.33	35,000.00	2,916.67	8.3%
Total Contract Services	<u>40,558.65</u>	<u>473,573.68</u>	<u>869,300.00</u>	<u>395,726.32</u>	<u>45.5%</u>
 Total Gross G&A Expenses	<u>\$ 262,509.98</u>	<u>\$ 2,983,856.79</u>	<u>\$ 3,674,500.00</u>	<u>\$ 690,643.21</u>	<u>18.8%</u>

NVTC
RECEIPTS and DISBURSEMENTS
May 2020

May 2020			Virginia LGIP				
Date	Payer / Payee	Purpose	Wells Fargo Checking	Wells Fargo Savings	NVTC G&A / Project	Commuter Choice	Trusts
RECEIPTS							
1	DMV	Motor Vehicle Fuels Sales tax					\$ 2,492,951.51
1	DMV	C-ROC			1,250,000.00		
1	Commuter Choice	Project reimbursement			152,590.00		
5	DRPT	Capital grant receipt - Fairfax					885,345.00
6	DRPT	Capital grant receipt - Arlington					230,081.00
6	DRPT	Capital grant receipt - VRE			19,815.00		
7	DRPT	Capital grant receipt - Arlington					13,745.00
11	DRPT	Capital grants receipts - VRE			617,017.00		
11	DRPT	Technical assistance - Fare collection			9,149.00		
14	DRPT	Capital grants receipts - VRE			729,936.00		
18	DRPT	Operating assistance - City of Fairfax					200,414.00
18	DRPT	Operating assistance - Fairfax					4,067,229.00
18	DRPT	Operating assistance - Alexandria					1,048,739.00
18	DRPT	Operating assistance - Arlington					889,024.00
18	AIG	Insurance refund		20.10			
18	VRE	Staff support		7,185.06			
18	DELL	Refund		235.17			
18	AICPA	Refund		549.00			
18	DRPT	Operating assistance - VRE			2,675,594.00		
19	DRPT	Capital grant receipt - VRE			319,373.00		
22	DRPT	Capital grants receipts - Fairfax					48,844.00
26	DRPT	Capital grant receipt - Fairfax					63,481.00
27	DRPT	Capital and operating assistance - WMATA					13,251,467.00
27	DRPT	Capital grant receipt - Fairfax					7,754.00
29	DMV	Motor Vehicle Fuels Sales tax					2,190,736.12
29	DMV	C-ROC			1,250,000.00		
31	Banks	Investment earnings		14.96	136.13	26,431.97	88,708.31
			-	8,004.29	7,023,610.13	26,431.97	25,478,518.94
DISBURSEMENTS							
1-31	Various	G&A expenses	(233,162.94)				
1	VRE	C-ROC			(1,250,000.00)		
1	NVTC	95/395 Commuter Choice project reimbursement				(152,590.00)	
6	VRE	Grant revenue			(19,815.00)		
11	VRE	Grant revenue			(617,017.00)		
14	VRE	Grant revenue			(729,936.00)		
14	SIR	I-66 Commuter Choice outreach	(20,136.25)				
14	Kimley-Horn	Consulting - I-66 Commuter Choice	(13,122.04)				
14	Kimley-Horn	Consulting - 95/395 Commuter Choice	(198.00)				
18	VRE	Grant revenue			(2,675,594.00)		
19	VRE	Grant revenue			(319,373.00)		
29	VRE	C-ROC			(1,250,000.00)		
31	Banks	Service charges	(53.79)	(24.77)			
			(266,673.02)	(24.77)	(6,861,735.00)	(152,590.00)	-
TRANSFERS							
14	Transfer	LGIP to checking	250,000.00		(250,000.00)		
			250,000.00	-	(250,000.00)	-	-
NET INCREASE (DECREASE) FOR MONTH			\$ (16,673.02)	\$ 7,979.52	\$ (88,124.87)	\$ (126,158.03)	\$ 25,478,518.94

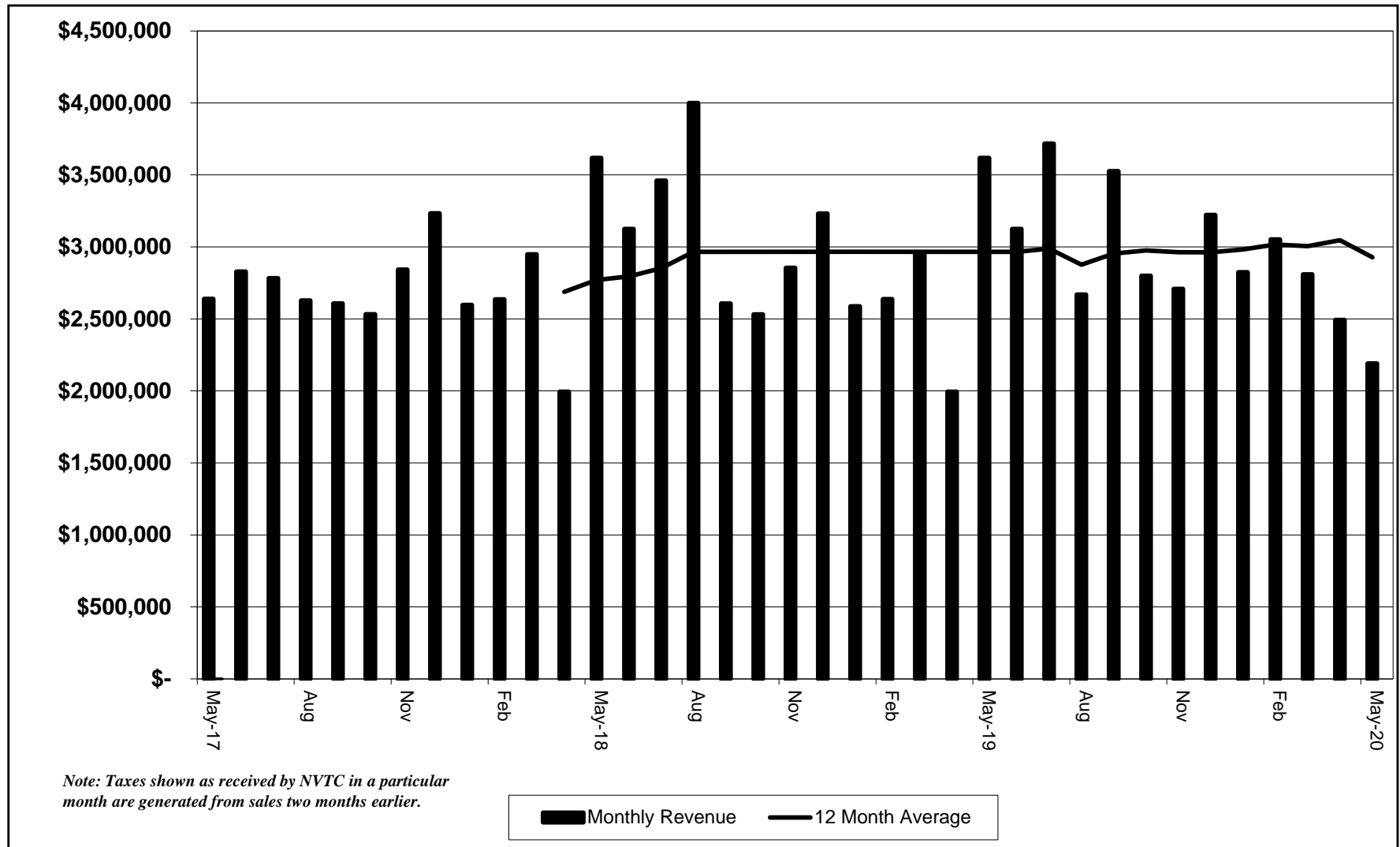
**NVTC
INVESTMENT REPORT
May 2020**

Type	Rate	Balance 4/30/2020	Increase (Decrease)	Balance 5/31/2020	Balance				
					NVTC G&A/Project	Commuter Choice	Jurisdictions Trust Fund	Loudoun Trust Fund	
<u>Cash Deposits</u>									
Wells Fargo: NVTC Checking	N/A	\$ 94,608.73	\$ (16,673.02)	\$ 77,935.71	\$ 77,935.71	\$ -	\$ -	\$ -	
Wells Fargo: NVTC Savings	0.160%	107,031.14	7,979.52	115,010.66	115,010.66	-	-	-	
<u>Investments</u>									
Bank of America: Virginia Local Government Investment Pool	0.675%	194,005,828.52	25,264,236.04	219,270,064.56	110,954.50	46,257,050.80	132,994,091.47	39,907,967.79	
		<u>\$ 194,207,468.39</u>	<u>\$ 25,255,542.54</u>	<u>\$ 219,463,010.93</u>	<u>\$ 303,900.87</u>	<u>\$ 46,257,050.80</u>	<u>\$ 132,994,091.47</u>	<u>\$ 39,907,967.79</u>	

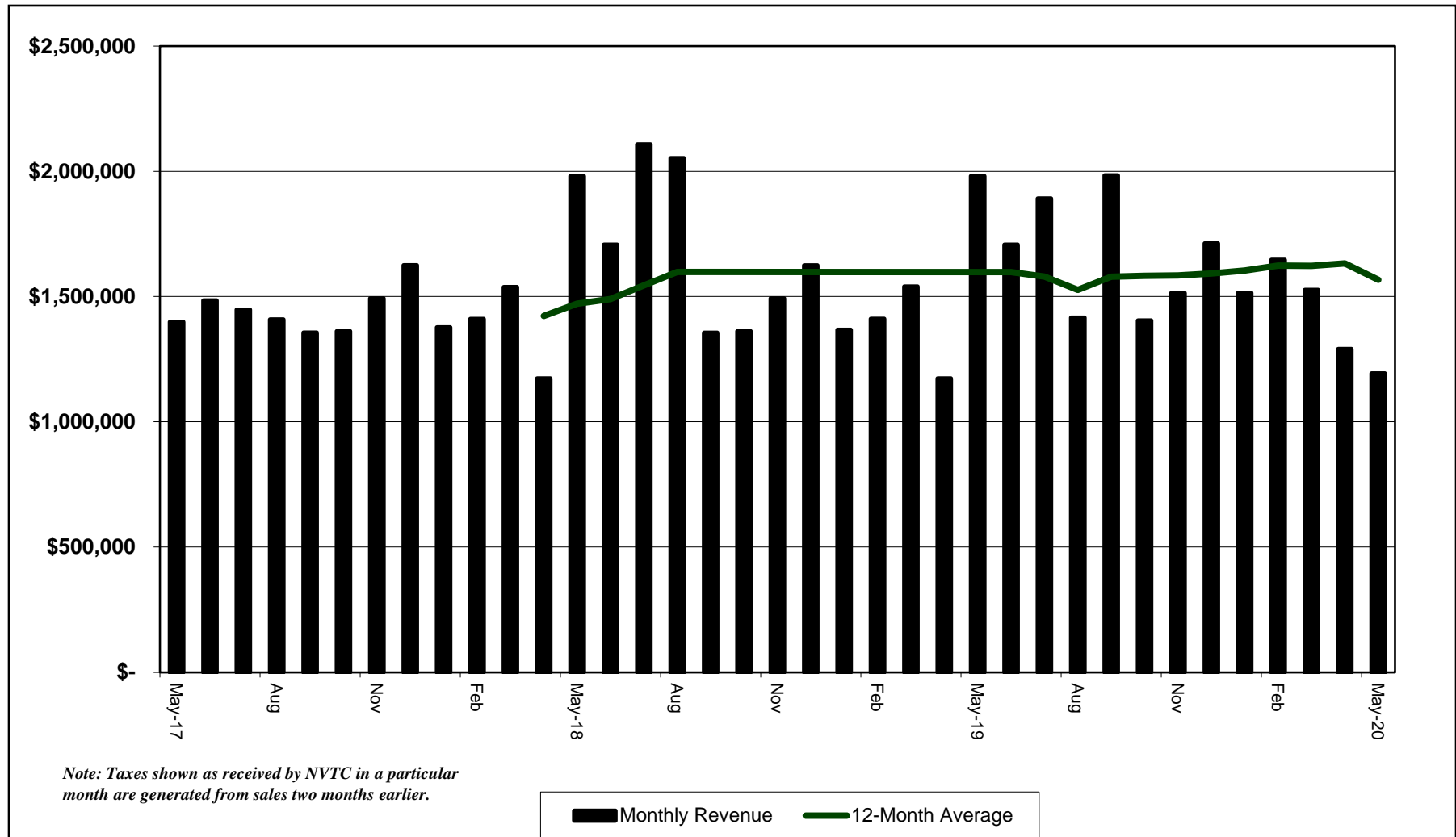
NVTC MONTHLY GAS TAX REVENUE

ALL JURISDICTIONS

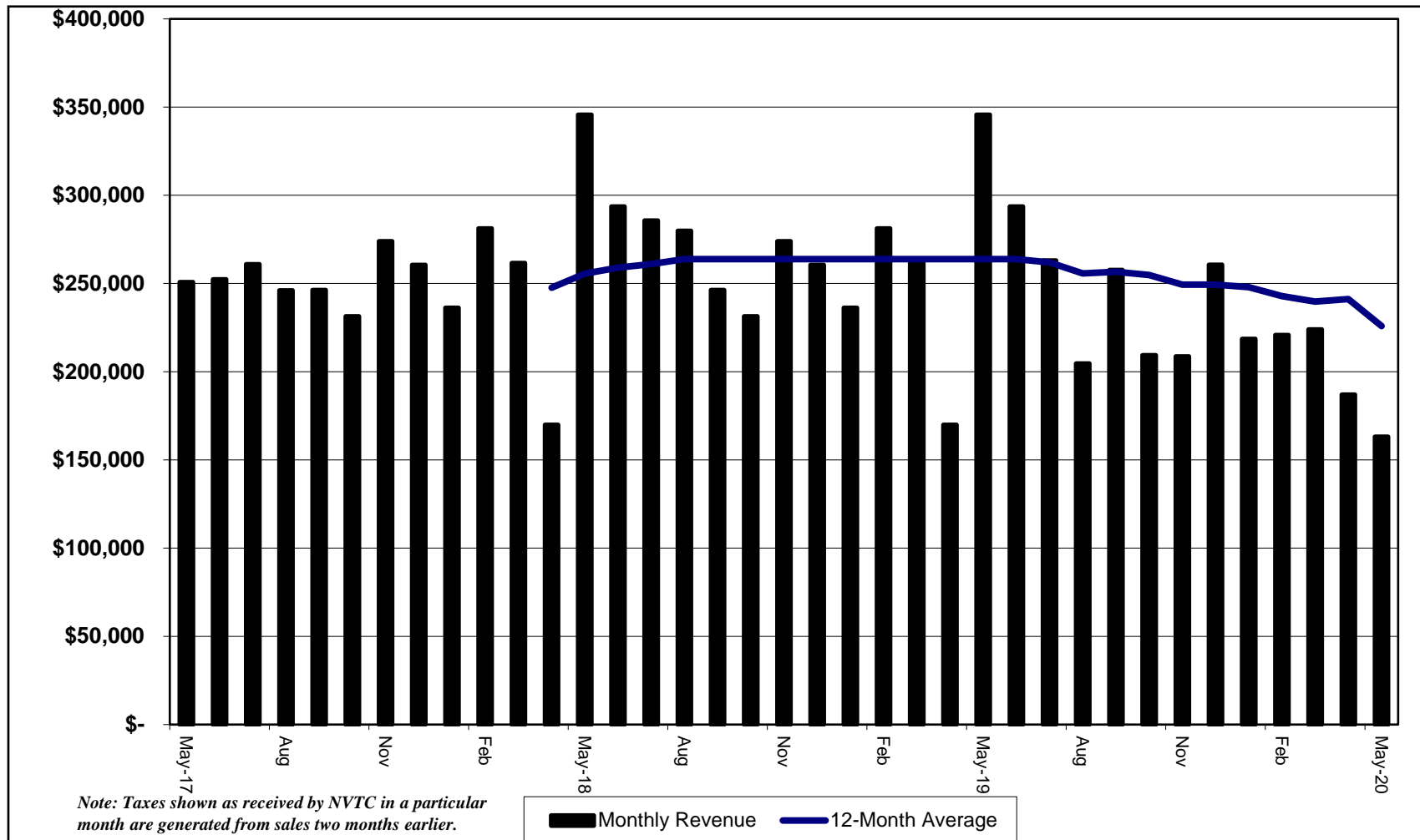
FISCAL YEARS 2017-2020



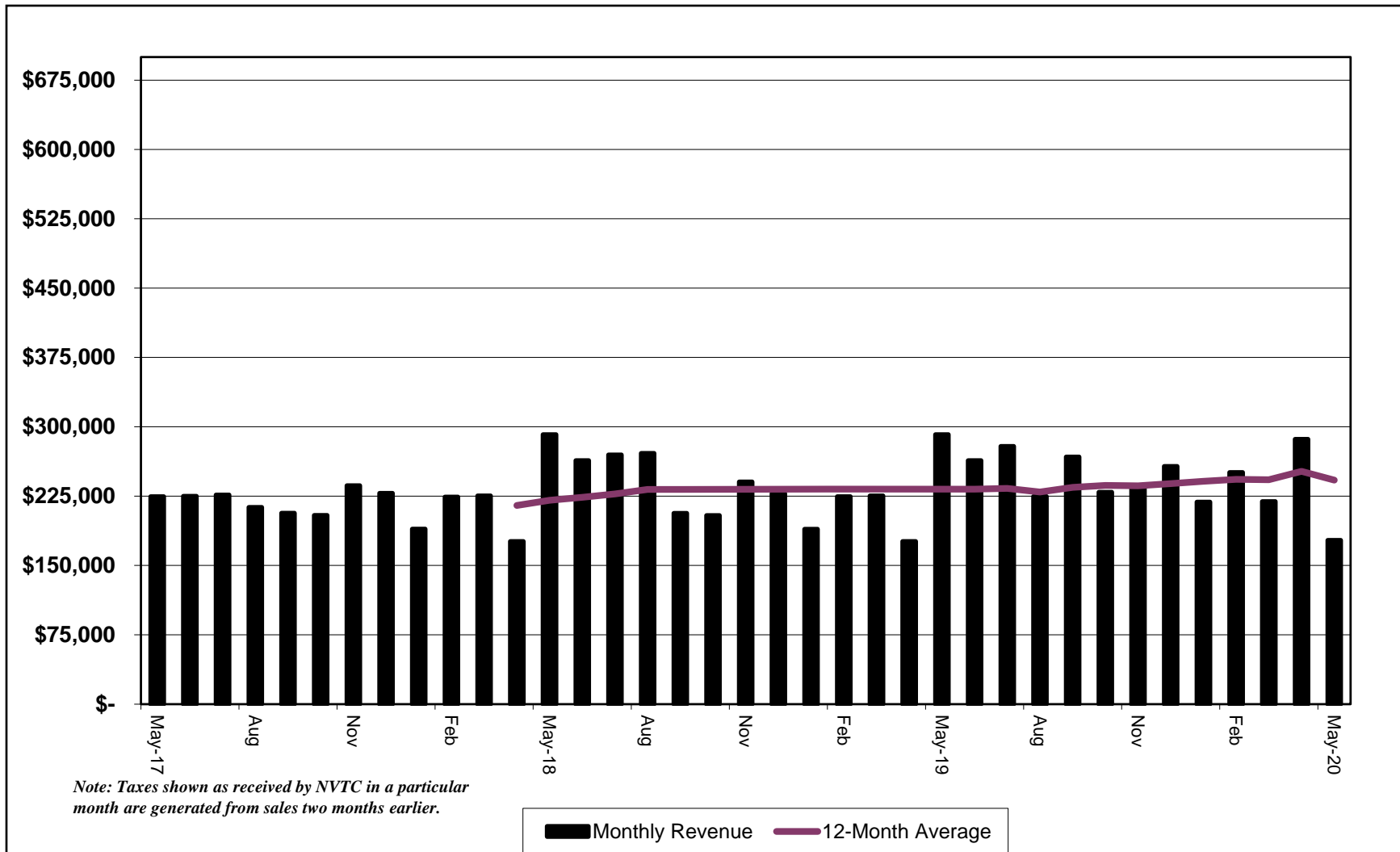
NVTC MONTHLY GAS TAX REVENUE FAIRFAX COUNTY FISCAL YEARS 2017-2020



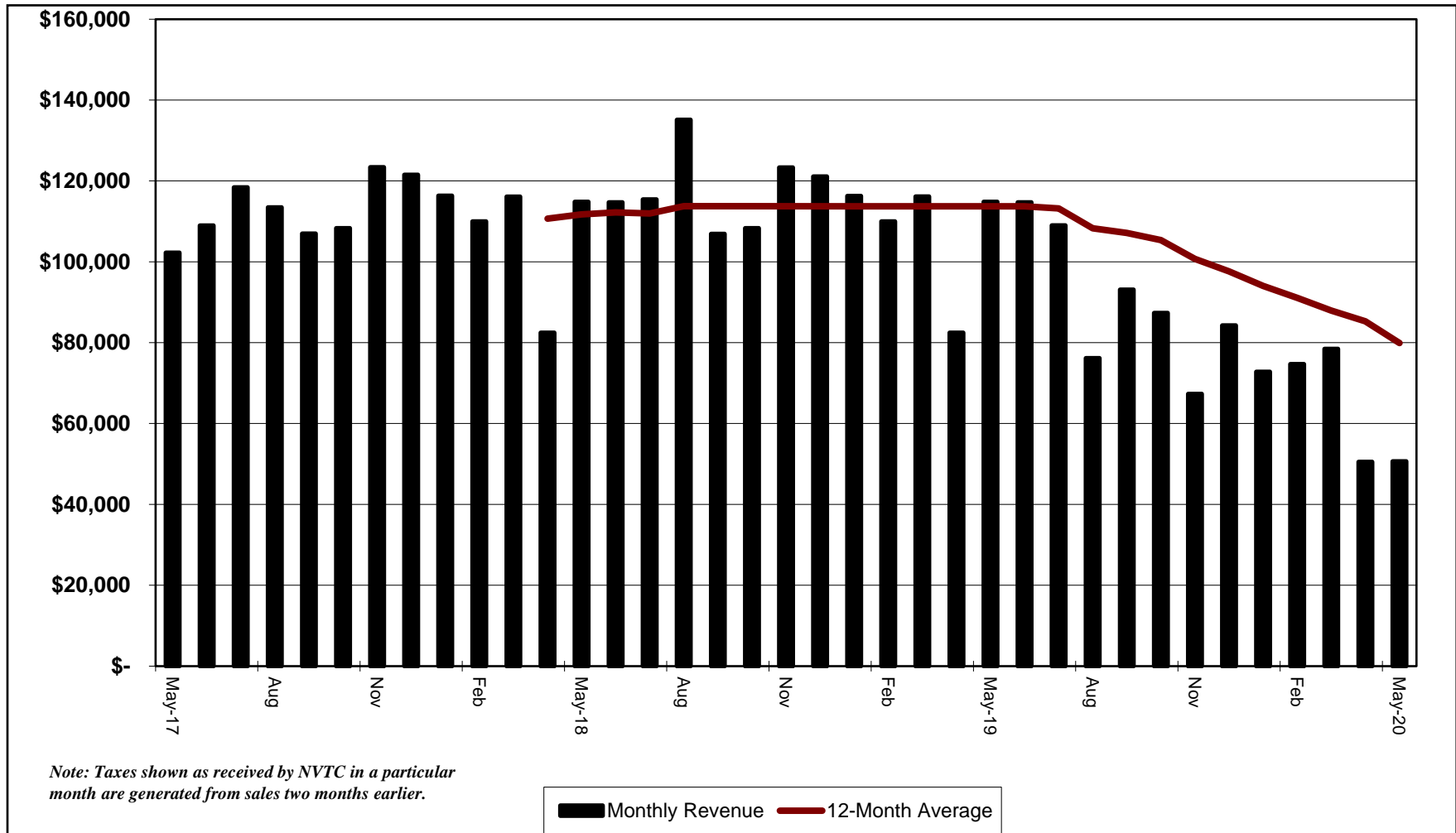
NVTC MONTHLY GAS TAX REVENUE CITY OF ALEXANDRIA FISCAL YEARS 2017-2020



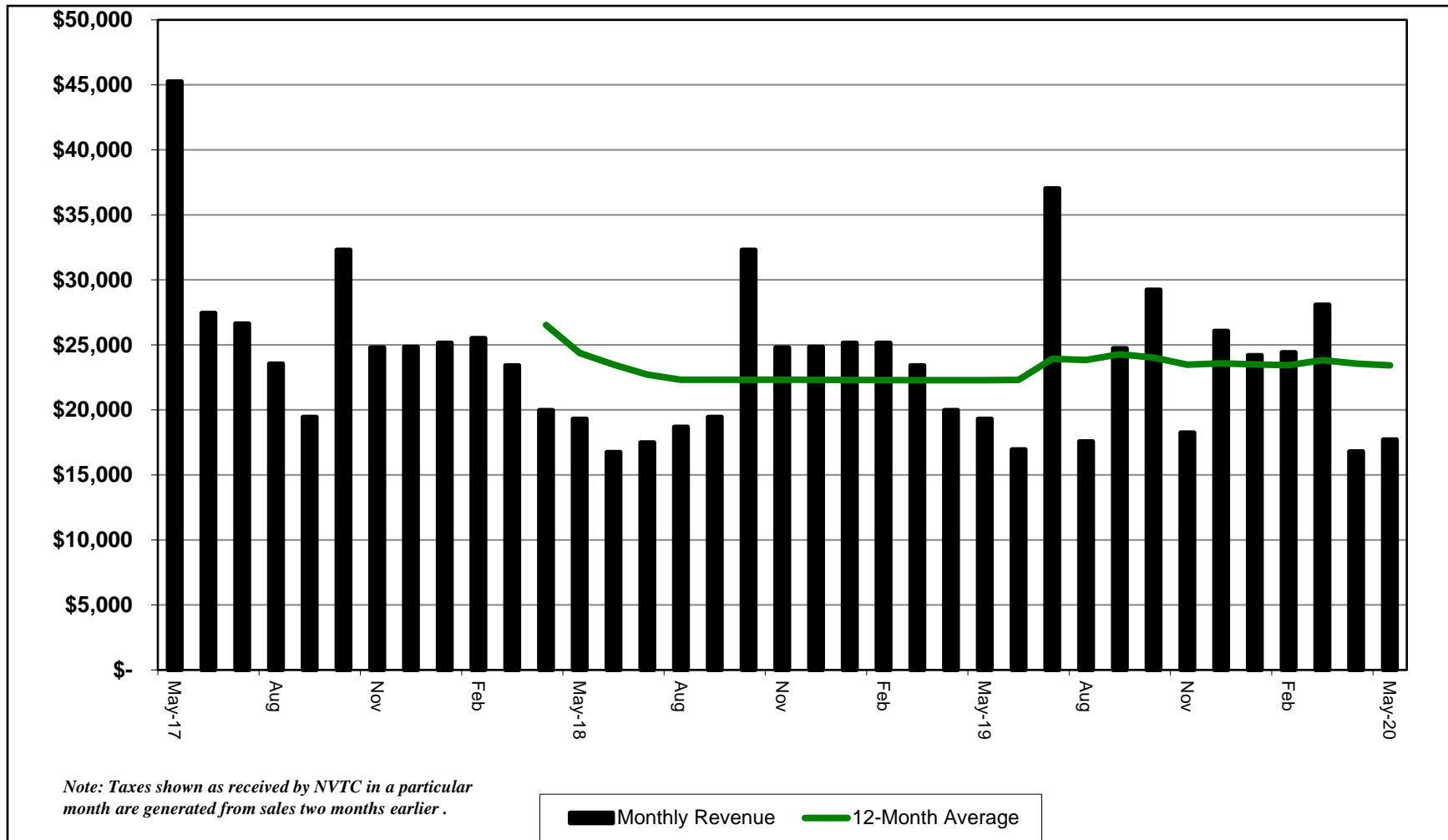
NVTC MONTHLY GAS TAX REVENUE ARLINGTON COUNTY FISCAL YEARS 2017-2020



NVTC MONTHLY GAS TAX REVENUE CITY OF FAIRFAX FISCAL YEARS 2017-2020



NVTC MONTHLY GAS TAX REVENUE CITY OF FALLS CHURCH FISCAL YEARS 2017-2020



NVTC MONTHLY GAS TAX REVENUE LOUDOUN COUNTY FISCAL YEARS 2017-2020

