

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.

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



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.

Jeffrey C. McKay
Secretary-Treasurer

Katie Cristol
Chair