

MINUTES
NVTC COMMISSION MEETING – MAY 7, 2020
Via Electronic Participation
Public Streaming via YouTube

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

Members Present via Electronic Participation

Canek Aguirre
Elizabeth Bennett-Parker
Katie Cristol
Matt de Ferranti
Adam Ebbin
John Foust
Matt Letourneau
Jeff McKay
David Meyer
Jennifer Mitchell (Alternate, Commonwealth of Virginia)
Dalia Palchik
Paul Smedberg
David Snyder
Michael Turner
James Walkinshaw

Members Absent

Walter Alcorn
Libby Garvey

Staff Present via Electronic Participation

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

Opening Remarks

Chair Cristol welcomed everyone to the May 7 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.

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 this meeting is the presentation slides which are being shown on Webex for Commissioners and on YouTube livestream for the public. Chair Cristol acknowledged the entire NVTC staff who put in countless hours preparing for this meeting, with a special acknowledgement to NVTC's Manager of IT and Web Resources Melissa Walker.

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

Chair Cristol then reviewed the action items, including an additional action related to Agenda Item #3 Electronic Participation. Resolution #2409 provides justification for NVTC to hold a business meeting during the current emergency declaration. This resolution will be the first action item.

Oath of Office for a New Commissioner

Chair Cristol announced that on April 28, 2020 the Arlington County Board appointed Matt de Ferranti to NVTC, to replace Christian Dorsey. Chair Cristol administered the oath of office to Mr. de Ferranti and the Commission welcomed him to NVTC.

Electronic Participation

Chair Cristol noted that there are two actions being requested for this item, including approval of Resolution #2409 "Finding Need to Conduct the May 7, 2020 Meeting Electronically" and approval of the revised NVTC Electronic Participation Policy.

Resolution #2409 Finding Need to Conduct the May 7, 2020 Meeting Electronically. Ms. Mattice reviewed Resolution #2409, which was provided to Commissioners and posted as a Blue Item on NVTC's website prior to the meeting. 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 May 7, 2020, to discuss and transact the business of the Commission. Furthermore, the resolution states that the items on the May 7 Agenda are statutorily required or necessary to continue operations of the Commission and the discharge of the Commission's lawful purposes, duties, and responsibilities.

Mr. Aguirre moved, with a second by Mr. de Ferranti, to approve Resolution #2409 (copy attached). The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Cristol, de Ferranti, Foust, Letourneau, Meyer, Palchik, Smedberg, Turner and Walkinshaw. Commissioners Ebbin, McKay and Snyder did not participate in the vote.

NVTC Electronic Participation Policy. Ms. Mattice stated that back in 2014 NVTC adopted its Electronic Participation Policy to allow Commissioners, under certain circumstances, to participate electronically in committee meetings. The policy did not allow Commissioners to participate electronically in monthly Commission meetings because the Navy League Building conference facility did not have the technology to do so. Since that time the Navy League has renovated its first-floor conference facility, including technology and audio-visual upgrades.

Ms. Mattice explained that NVTC staff had already planned to bring a revised Electronic Participation Policy to the Commission for action to reflect that there is now technology available to provide a way for Commissioners to participate electronically in other NVTC meetings. It is timely to present this revised policy for action as the provisions that allows NVTC to meet electronically during declared emergencies is also included in the policy. She stated that the legislation signed by Governor Northam provides 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 legislative amendment is effective through June 30, 2022, but staff will likely recommend to the NVTC Legislative and Policy Committee that a permanent legislative fix be sought during the next General Assembly Session.

Ms. Mattice reviewed the major changes to the revised NVTC Electronic Participation Policy compared to the previous version, which include:

- Incorporates current Freedom of Information Act Code language.
- Allows Commissioners to participate electronically in all NVTC public meetings.
- Allows a Commissioner, whose principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting, to participate electronically subject to the procedural requirements set forth in the policy.
- Reflects that the remote location where a Commissioner is participating electronically is no longer required to be open to the public unless three or more members of NVTC are gathered at the same remote location.
- Integrates reformatting changes and minor editing for consistency and clarity.

Ms. Mattice reminded Commissioners that NVTC must have a physical quorum present for a Commissioner to participate electronically (although this provision does not apply to meetings during a declared emergency). Also, electronic participation is limited by law to two meetings of the public body per member each calendar year for Commissioners unable to attend due to a personal matter.

Mr. Aguirre moved, with a second by Ms. Palchik, to approve the revised NVTC Electronic Participation Policy. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Bennett-Parker, Cristol, de Ferranti, Foust,

Letourneau, McKay, Meyer, Palchik, Smedberg, Snyder, Turner and Walkinshaw. Senator Ebbin did not participate in the vote.

Minutes of the March 5, 2020 NVTC Commission Meeting

Mr. Aguirre moved, with a second by Mr. de Ferranti, to approve the minutes of the March 5, 2020 meeting. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Cristol, Foust, McKay, Meyer, Palchik, Smedberg, Snyder, Turner and Walkinshaw. Commissioners Bennett-Parker, de Ferranti, Ebbin and Letourneau abstained.

Consent Agenda

Chair Cristol stated that the Commission is asked to approve the following Consent Agenda:

- A. Authorize the Chair to Send a Letter of Support for Fairfax County's BUILD Transportation Grant Application

Mr. McKay moved, with a second by Senator Ebbin, 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, Bennett-Parker, Cristol, de Ferranti, Ebbin, Foust, Letourneau, McKay, Meyer, Palchik, Smedberg, Snyder, Turner and Walkinshaw.

Commuter Choice Program

Chair Cristol stated that due to the COVID-10 public health emergency, staff is proposing a different action than what was previously anticipated for this meeting. The Commission is being asked to authorize the executive director to notify the Commonwealth Transportation Board (CTB) of a change in the selection timeline for the Commuter Choice (I-66) Round Four Program of Projects. She asked Ms. Mattice to speak to the requested action.

Ms. Mattice stated that NVTC received a total of 14 applications for eligible projects for the Commuter Choice (I-66) Round Four program, requesting approximately \$33.7 million for the two-year program. Prior to the COVID-19 public health emergency, NVTC anticipated a total of \$25 million in toll revenues would be available to fund this two-year program. It was the intent for the May NVTC meeting to hold a public hearing on the Commuter Choice (I-66) Round Four program and ask for authorization to present to the CTB projects considered for funding under this program. However, NVTC was notified by the Virginia Department of Transportation (VDOT) in early April that toll revenue collections for I-66 Inside the Beltway were already down sharply when comparing March 2019 to March 2020, directly due to reduced traffic as a result of the COVID-19 public health emergency.

Ms. Mattice explained that this reduction in known revenues and uncertainty as to when revenues will rebound makes it challenging to predict the availability of I-66 Inside the Beltway toll revenues for the Commuter Choice (I-66) Round Four program. As such, staff recommend moving the selection and approval process for the Commuter Choice (I-66) Round Four program until later this calendar year when the amount of available revenue for this program should be more predictable.

Ms. Mattice stated that regarding existing Commuter Choice (I-66) funding obligations, VDOT notified NVTC that net FY 2020 toll revenue payments available to NVTC for its current Round Three projects will be nearly \$7 million below the approved budget. However, due to carryover balances and interest accrual, NVTC staff are confident in the ability to meet current project obligations.

Ms. Mattice stated that following Commission action, NVTC staff will notify all Round Four applicants as well as VDOT and DRPT of this action. NVTC will also suspend the public comment period (inclusive of any comments received to date) and reopen it in late summer to coincide with the development and selection of a Round Four Program of Projects. NVTC staff will reconvene the Program Advisory Committee (PAC) later in the summer to discuss the impact of COVID-19 related revenue and policy implications to both existing and proposed projects. In the fall, staff will return for Commission approval of a Commuter Choice (I-66) Program of Projects and subsequently, the CTB's approval of the program.

Ms. Bennett-Parker asked if the Commuter Choice (I-395/95) program will also be impacted by the COVID-19 public health emergency. Ms. Mattice stated that at this time staff does not anticipate any impact since NVTC was already planning to start the call for projects later this fall, with selection of projects next spring. NVTC staff is closely watching toll revenues for both corridors (I-66 and I-395/95).

Mr. de Ferranti moved, with a second by Mr. Aguirre, to authorize the executive director to notify the CTB of a change in the selection timeline for the Commuter Choice (I-66) Round Four Program of Projects.

Mr. Snyder stated that he wants to make sure this action is not viewed in any way as jeopardizing the revenues NVTC would expect considering the changes in the tolls and he asked if there are downsides to taking this action. Ms. Mattice stated that NVTC staff are working closely with the Commonwealth, as there may be a delay in the release of the Six-Year Improvement Program (SYIP). So, at this time, staff does not anticipate this will change what NVTC is able to do. NVTC will be watching closely the first-year funding (FY 2020 revenue funding) and will have a better sense in the fall of any impacts.

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, Bennett-Parker, Cristol, de Ferranti, Ebbin, Foust, Letourneau, McKay, Meyer, Palchik, Smedberg, Snyder, Turner and Walkinshaw.

Washington Metropolitan Area Transit Authority

Chair Cristol asked WMATA Board members Smedberg and Letourneau to give a brief update as part of the Virginia WMATA Board Member Report on how WMATA is leveraging the federal relief funding made available under the federal Coronavirus Aid, Relief, and Economic Security (CARES Act).

Report from Virginia WMATA Board Members. Mr. Smedberg stated that two weeks ago the WMATA Board approved a resolution in response to the CARES Act, which allocated \$1.02 billion to the Washington, DC area for Federal Transit Administration (FTA) direct recipients. Only direct recipients are responsible for meeting FTA reporting requirements and submitting reimbursements. As part of this action the WMATA Board also approved the availability of an operating subsidy credit to local transit providers who are not federal funding recipients. He asked Ms. Mattice to explain what this means to the jurisdictions.

Ms. Mattice stated that WMATA will include these credits in each jurisdiction's next quarterly billing statement, which will be the first quarter FY 2021 payment due on July 1, 2020. These credits were calculated according to a methodology that mirrors the allocation of the FTA formula funding to the DC area based upon data submitted to the National Transit Database as well as other factors. These credits would allow NVTC jurisdictions to use these savings to support their local transit systems' capital, operating, and other expenses already incurred or anticipated to prevent, prepare for, and respond to COVID-19. In addition, the local jurisdictions can use these credits to cover the loss of their own local revenues – for example the loss in regional gas tax revenues and sales taxes - that would have been used to fund their WMATA operating subsidy payment. She stated that while it is not required, it is encouraged that NVTC jurisdictions share with NVTC staff any jurisdictional board resolutions or budget actions that result from the credit provided by WMATA.

Mr. Smedberg thanked Ms. Mattice and the rest of her staff for their work on behalf of the jurisdictions as they were a valuable part of this funding discussion with WMATA staff. Mr. Letourneau agreed and also thanked Mr. Smedberg, as WMATA Board Chairman, for his leadership. He stated that the WMATA General Manager and all the WMATA employees should be recognized as they are providing essential front-line services during this declared emergency.

Mr. Letourneau reported that the WMATA Board will be revisiting the FY 2021 budget and potentially stepping back on the implementation of certain fare and service initiatives. He explained that one of the items for discussion will be the opening of the Silver Line Phase 2. The FY 2021 WMATA budget includes start-up costs associated with Phase 2 starting in April 2021. He stated that one issue is that there could be delay regarding the concrete panels as the inspector has not been able to travel to Virginia due to the COVID-19 public health emergency. He asked for feedback from jurisdictional staff prior to the next WMATA Board meeting regarding the Silver Line Phase 2 and its implications on the WMATA budget. He stated that there are both positive and negative financial implications to a delay in service. Mr. Smedberg agreed that it would be helpful to receive jurisdictional input. The WMATA Safety of Operations Committee will get an update on the project at its next week's meeting. Chair Cristol asked Commissioners to work with their jurisdictional staff to provide input.

Mr. Letourneau reported that the WMATA Board has met numerous times since April and has now started talking about what a phased-in approach to recovery will look like following the COVID-19 public health emergency. WMATA cannot just flip a switch and bring back full service; it will take time. He also reported that the WMATA Board approved a dedicated bond revenue resolution and WMATA plans to issue debt in the future to continue the capital funding program as planned.

In response to a question from Mr. Turner, Mr. Smedberg reviewed some of the outstanding issues of the Silver Line Phase 2 project. Thirteen issues were identified and although some have been addressed, there are still outstanding issues, including concrete panels, train control system interface testing, and gravel beds for railroads. The WMATA Board continues to be clear that that significant issues need to be resolved before WMATA accepts the project. Mr. Letourneau stated that WMATA is on a path to resolving most of the outstanding issues. The software integration issue can be addressed during the summer shutdown. The concrete panel issue is still unknown until inspections occur and WMATA knows the actual condition of each panel.

Mr. Snyder wanted to reiterate his previous comments given at past NVTC and WMATA meetings on behalf of the City of Falls Church regarding the city's concerns about financial and revenue issues.

NVTC Working Group on the Impact of the 3% Operating Subsidy Cap. Chair Cristol explained that 2018 transit funding legislation in Virginia holds WMATA to a 3% cap on the annual growth in the operating subsidies that are paid by the Compact jurisdictions – including NVTC jurisdictions. A recent budget amendment from the 2020 General Assembly Session was signed by the governor and directs the NVTC chair to convene a working group to study the impact of the 3% cap and to report back to the legislature any recommendations.

Chair Cristol reported that she worked with the NVTC WMATA Committee chair and NVTC staff on a proposed process and composition for the working group. The NVTC WMATA Committee discussed this at its April 30 meeting. She noted that the 3% cap is a challenging subject. Through this Commission, NVTC jurisdictions have voiced the need to control costs at WMATA. At the same time there is a recognition that WMATA is a regional system and that actions taken by one signatory can have impacts to other parties and to WMATA's budget process.

Ms. Mattice stated that staff will be reaching out to transportation directors and comparable senior staff within NVTC jurisdictions, as well as DRPT Director Mitchell, and private sector stakeholders to establish the working group. Interviews and group meetings will be conducted between now and the summer to hear from technical and budget staff their assessment of the impact – and as the law requesting this study says - “usefulness” of the cap. NVTC will also reach out to colleagues from the other WMATA Compact members (Maryland and the District) to provide some additional background and context for this Virginia-focused product.

Ms. Mattice stated that there is a recognition that the placement of the operational subsidy cap in 2018, as well as the expansion of exceptions to the cap just passed this General Assembly Session, were prior to the COVID-19 public health emergency. Staff will be examining, to the extent possible given the deadline of this report, how COVID-19 impacts and federal relief funding may play into the discussion of the operational cap. Staff will summarize the findings of

the working group in a report to the WMATA Committee and Commission for consideration later this calendar year in advance of the November 10, 2020 legislative deadline.

Ms. Mitchell stated that during the legislative process there was discussion among the jurisdictions and it is fair to say that there is not yet a consistent position among the jurisdictions towards the 3% cap. She stated that the 3% cap has been a double-edged sword with unexpected consequences and some budgetary issues with WMATA and the other Compact jurisdictions. She encouraged NVTC jurisdictions to reach consensus or at least a majority opinion, through the work of the 3% Cap Working Group, and look at how the cap has worked over the last several years and whether the cap should remain, be modified or removed.

Report from the Chair of the NVTC WMATA Committee. NVTC WMATA Committee Chair Aguirre reported that the WMATA Committee met virtually on April 30. In addition to a 3% cap discussion and an update on COVID-19/CARES Act, the committee discussed the 2020 update to the Annual Report on the Performance and Condition of WMATA. He explained that NVTC is required to provide this annual report to the governor and General Assembly. The report provides key financial, reliability, and ridership performance data, as well as the uses of Virginia's dedicated capital funding to WMATA. The report also provides strategies to reduce the growth in costs and improve operating efficiencies at WMATA. This chapter provides NVTC with an opportunity to state its policy priorities for these strategies.

Mr. Aguirre stated that after much discussion, the committee directed staff to make a major update to the report by providing context for COVID-19 related data and policy impacts. While conditions are still uncertain for WMATA during this crisis, the committee felt that it was vitally important for the report to be as contextually relevant as possible as this report will be delivered to the governor and General Assembly in December. He also stated that because the data included in the report often lags by a few years, the effects of COVID-19 on ridership and performance data will only begin to be felt in the 2020 report with the bulk of the impacts in future reports. NVTC staff will explore what this update could look like and the committee will discuss it at a future committee meeting.

Chair Cristol asked Commissioners to hold their questions and comments until after the 2020 Metrorail Station Shutdown presentation. There were no objections.

2020 Metrorail Station Shutdown and Mitigation Strategy Update. Ms. Mattice introduced Matt Cheng, who is the lead for managing the regional coordination efforts for the Platform Improvement Project shutdown and mitigation plans. She stated that Mr. Cheng is an amazing detail-oriented analyst who has ensured that the right people are at the table for these discussions – even as the scope of the shutdown has changed. His regular coordination conference calls – many with close to 80 individuals participating – have provided a meaningful venue for regional staff to roll up their sleeves and solve problems.

Mr. Cheng stated that this summer begins Phase II of the WMATA Platform Improvement Project to reconstruct 20 outdoor station platforms across the Metrorail system, which includes the replacement of concrete and conduct station renewal at four Orange Line stations (East Falls Church, West Falls Church, Dunn Loring and Vienna). Complete station closures begin on May 23, however WMATA has already begun construction due to some of the stations being closed for

the COVID-19 public health emergency. During the main construction phase, WMATA will be installing completely new platform edges, replacing concrete, replacing all station flooring with non-slip tile as well as updating customer amenities such as information screens and lighting.

Mr. Cheng stated that during construction Orange Line service will run between Ballston and New Carrollton only and there will be no Silver Line trains. Instead, customers will need to take the Orange Line when traveling in DC, MD and the Rosslyn-Ballston Corridor. WMATA has committed to providing three bus shuttles initially during this closure, all of which will be free. WMATA has designed this shuttle plan to be scale-able and flexible so if at some point during the summer the stations were to reopen and demand returns, they would incorporate these currently closed stations into the shuttle plan.

Mr. Cheng explained that NVTC's role leading up to and throughout the shutdown is to facilitate a regional coordination group led by WMATA and made up of local transportation agencies, the Commonwealth, first responders, bus operators and communication staff. NVTC holds regular coordination calls and meetings so that jurisdictional staff can ask questions directly to the WMATA project managers, coordinate on communication and service and share resources and best practices. This is also an opportunity to report on parallel projects that could affect the shutdown such as the I-66 widening or the Ballston Multimodal project.

Mr. Cheng stated that NVTC also conducted a similar coordination and review process for the Blue and Yellow Lines shutdown last summer. It was hoped that the lessons learned from last summer's shutdown and mitigation strategies that worked well, would be able to transfer to this summer's shutdown. However, due to the COVID-19 public health emergency, many of the strategies that were planned within the coordination group, such as in-person outreach, town hall events as well as extra jurisdictional bus service are not possible due to social distancing or paused until travel restrictions are lifted. WMATA and its partners are still making an aggressive communication push and providing a flexible shuttle plan, but some of the local mitigation strategies that worked last summer such as TDM, transit and business incentives, are not really applicable with the current travel restrictions and telework being enforced.

Mr. Cheng stated that one concern is coordination on the expanded shutdown of the Silver Line, as well as ensuring there are enough resources to provide seats to riders if travel restrictions are lifted and demand for commuting along the Orange and Silver Line corridors returns significantly. To that end, WMATA is working with the local agencies to right-size some of their shuttle service and plan for service contingencies. The challenge right now is coming up with and sharing new mitigation and transit strategies that complement the WMATA shuttles given the uncertainty about future ridership and jurisdictional level of service available during this project. This issue was discussed at WMATA last week, and NVTC staff are working to ensure both Commissioner and staff concerns are addressed.

Mr. Cheng stated that members of the regional coordination group are coordinating on updated communications on the project, so that the public may be informed of the expanded shutdown and work that is going on at the Orange Line stations before the May 23rd start date. NVTC is also monitoring local bus recovery to see if the routes run by Fairfax Connector, OmniRide and Loudoun County Transit that serve the affected stations could restart during the platform project, which could potentially give returning commuters better options to transverse the shutdown

area completely. Each jurisdiction will determine when they can resume transit services that are affected by the Orange and Silver Lines shutdown, but NVTC will continue to share resources and coordinate regionally on transit recovery during this project. Finally, WMATA is working with the group to keep them informed about the platform construction progress and schedule given the project work restrictions.

Mr. Cheng stated that he would be happy to answer any regional coordination question and Greg Potts is available to answer WMATA specific questions.

Mr. Snyder stated that for the City of Falls Church, the city is finding that it is paying for Metro services that the city is not getting and in other cases not getting any service at all. He is hearing an increasing amount of frustration from his constituents. He stated that the city is committed to working through this, but it is not working well for the city regarding Metro service now nor for the foreseeable future. It is his understanding that bus shuttles won't even stop at the East Falls Church Station as long as the station is closed. He asked about the metrics that will be used for opening this station and establishing some sort of service for those customers who use that station. He also stated employers are asking about what they should expect, since the message seems to be that if people are teleworking, they should continue to do so because there won't be much service. He also asked if the number of people who can be on a bus at any a given time is reduced, how is WMATA responding to provide adequate service.

Mr. Potts replied that regarding the criteria for opening stations, there are currently 19 stations closed due to the COVID-19 public health emergency. The WMATA Board will be hearing a report next week about a recovery plan. WMATA is coordinating with federal, state, local and regional authorities on best practices for when the region "opens back up." The WMATA Safety Office is working the social distancing aspect with bus planners since having full buses this summer is not a good idea. He assured NVTC that more specific criteria will be forthcoming from WMATA.

Mr. Snyder thanked everyone for their work under these difficult conditions.

Mr. Foust stated that he does not understand why the Silver Line is being shut down completely this summer and in his opinion the case has not been made. His concern is that decisions are being made for the convenience of WMATA and it is important to think about the people who ride Metro and their convenience. He stated that it is important to get the economy back on track and people back to work.

Mr. Letourneau stated that he understands Mr. Foust's frustration and had many of the same questions as the Reston-Wiehle Station is Loudoun County's lifeline to the entire Metrorail system. After talking with WMATA staff, it comes down to WMATA staff not confident that construction could be done safely under social distancing guidelines unless the stations were completely closed. It is believed that if there aren't closed, it will take the project much longer to complete.

Ms. Palchik thanked Mr. Letourneau, Mr. Cheng and Mr. Potts for their help to coordinate and improve the communication between WMATA and the jurisdictions. She noted that closing both the Orange and Silver Lines make reopening of the region more difficult. That being said, she is hopeful that through better communication this will improve the short-term and long-term

outcomes, as well as seeing a shift of outreach plans to virtual platforms for the public. She is anticipating more information from WMATA about safety guidance for riders and employees, as well as a timeline, especially for getting the East Falls Church Station and the Silver Line back in service as soon as possible.

Mr. McKay associated his comments with those of his colleagues, Mr. Foust and Ms. Palchik, and stated that obviously closing the Orange and Silver Lines will impact a significant number of people. He stated that it will be important for WMATA to coordinate with the Tysons Partnership throughout the process. He is also interested in ways WMATA can tighten the timeline and make sure that it does not slide. He suggested WMATA look at ways to incentivize riders to come back to the system after the summer shutdown and the COVID-19 public health emergency are over, such as reduced or free parking and reduced transit fares.

Fare Collection Update. Chair Cristol stated that this item was provided as a written report only. Staff will give a presentation on fare collection at a future meeting, including how COVID-19 may fundamentally change the way fares are collected on buses.

DRPT Report

DRPT Director Mitchell encouraged Commissioners to read the written DRPT Report. She stated that the governor's budget amendment #110 was included in the approved budget, which allows the Commonwealth Transportation Board 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 in the next 60-90 days. DRPT is currently evaluating its next steps. She provided an overview of the Transportation Trust Fund and how funds are allocated, focusing on the potential impacts of the COVID-19 public health emergency to WMATA funding. DRPT is aware that jurisdictions are in the process of adopting their budgets.

Chair Cristol thanked DRPT Director and her staff, as well as the CTB, for delivering financial transit aid for the first month of losses due to the COVID-19 public health emergency.

Legislative Update

Chair Cristol stated that the Legislative Update includes a General Assembly update by Ms. Perron Seibert, a federal update by Ms. Mattice, and an update on the impacts of the COVID-19 public health emergency to transit funding and gas tax revenue by Mr. Kalkwarf.

Ms. Perron Seibert stated that the General Assembly reconvened for the Veto Session on April 22 to consider the governor's amendments to both legislation and the state budgets. It was a historic setup, where the House of Delegates met outside the Capitol Building and the Senate met at the Virginia Science Museum to observe social distancing during the COVID-19 public health emergency. During this Veto Session, legislation was passed that allows NVTC and other public bodies a way to meet electronically during a declared emergency. She thanked Senator Ebbin and Mr. MacIsaac for all their hard work to help get this legislation passed. She also

reported that some legislation has been delayed due to the current situation, including the peer-to-peer vehicle rental tax (SB 735, 2020 Session) will be delayed until October 1, 2020. The legislation that created the Virginia Passenger Rail Authority was successfully passed and the establishment of the authority is already moving forward.

Ms. Mattice stated that the Commission has already discussed the CARES Act related to WMATA. For the bigger picture, on March 27, 2020, President Trump signed a \$2.2 trillion emergency relief package that includes \$25 billion for transit operators. For the Washington, DC region, this means funding for WMATA, VRE and OmniRide. In addition, the package includes \$150 billion for fiscal relief to states and municipalities that can be used to address the fiscal impacts of the COVID-19 public health emergency, in general. These funds are made available to existing FTA formula program grantees at a 100% federal share, with no local match required, and will be available to reimburse capital, operating, and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19.

Ms. Mattice announced that the American Public Transit Association (APTA) is calling for Congress to provide an additional \$23.8 billion in emergency response and recovery funding for transit. There is a recognition that the costs associated with lost revenues as well as protecting transit workers is astronomical. It is proposed that \$19 billion of that would be put in the Federal Transit Administration's (FTA) emergency relief program.

Mr. Kalkwarf stated that there is still much uncertainty about the impact COVID-19 will have on transit funding for NVTC. Excluding the Commuter Choice program, NVTC has two main funding sources for its jurisdictions' transit use. These include assistance through DRPT, and the NVTC regional gas tax, which is administered by the Department of Motor Vehicles. The majority of NVTC's assistance is through DRPT, which last year, for example, equaled about 85% of its transit revenue, with the regional gas tax making up the difference.

Mr. Kalkwarf stated that DRPT funding for NVTC includes operating and capital assistance for the local transit systems, as well as assistance to help jurisdictions' fund their shares of WMATA's operating and capital needs. Not until revised state revenue forecasts and the FY 2021 SYIP are released in the coming months will NVTC will have an idea of how much assistance it may receive.

Mr. Kalkwarf noted that while the NVTC regional gas tax plays a smaller role than the DRPT assistance, it is still an important revenue source to help NVTC jurisdictions meet their WMATA funding requirements. The regional gas tax revenue has been somewhat flat for the past couple of years, due to a price floor that's been in effect. Before COVID-19, gross revenues totaled about \$54 million annually. From that, each month a fixed dollar amount is withheld by the Commonwealth for WMATA dedicated funding and for the VRE C-ROC fund. This totals about \$19 million annually, leaving NVTC with 65% of the gross collections. As part of the transportation omnibus funding bill, the fixed amount increases to about \$28 million effective July 1, 2020, leaving NVTC with a little less than 50% of the gross collections. He stated that the important point here is if tax collections were to drop by 65% in a given month this fiscal year, it would mean NVTC doesn't see any revenue in that month since the Commonwealth's share comes off of the collections first. And starting in July, NVTC will not see any revenue if collections are at about 50% of pre-COVID-19 levels. To-date, DMV does not have updated revenue projections, and the drop-in revenue generated in March will not even be known until the end of this month.

However, the U.S. Energy Information Administration, and others, report around a 40% to 50% percent drop in demand for gasoline nationwide. How that translates to the NVTC region will be known over the next few months. Mr. Kalkwarf assured Commissioners that as more information becomes available, staff will be closely monitoring the impact on NVTC gas tax collections and DRPT assistance.

Virginia Passenger Rail Authority

Chair Cristol stated that the transit omnibus legislation created a Virginia Passenger Rail Authority (VPRA), 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. As mandated by an amendment to the budget, VPRA 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 (MEI) Commission.

Chair Cristol explained that the VPRA will be governed by a 15-member board, which includes three members who reside in the boundaries of the NVTC jurisdictions. NVTC has the opportunity to provide a list of recommended names to represent its jurisdictions on the VPRA for consideration by the governor, who will appoint the 12 non-legislative board members. She stated that it is important for NVTC to take advantage of this opportunity to provide names for consideration. She asked Commissioners to provide names of people they recommend for consideration directly to the chair or executive director. The list of recommended names will be discussed by the Executive Committee and the Commission will be updated at the June meeting.

DRPT Director Mitchell gave an update on the steps being taken to get the Virginia Passenger Rail Authority established. The Commonwealth is looking for people to serve on the authority with a variety of experience and expertise, including financial, legal and business and not just rail expertise.

Mr. Snyder asked for a more thorough discussion at a future meeting about the VPRA. He is concerned about overlaps and conflicts regarding governance and the relationship between the authority and NVTC. Chair Cristol noted that these two organizations have different roles and authority. She will reach out to Mr. Snyder to get more information about his concerns and the Commission can have a more detailed discussion at a future meeting.

Virginia Railway Express (VRE)

Chair Cristol noted that there were no VRE action items this month. Acting VRE CEO Rich Dalton gave his report. He gave an update on two recent unfortunate incidents that involved VRE service. On April 20, VRE Train #306 struck a person in the CSX right-of-way north of Long Bridge, with the person being pronounced dead at the scene. The DC Metro Police are investigating the incident. On May 5, VRE Train #313 struck a person on the CSX right-of-way south of the Crystal City Station, with the person being pronounced dead at the scene. The City of Alexandria Police and CSX are conducting an investigation. Mr. Dalton stated that VRE expresses its condolences

to the family members. Once the investigations are closed, he will update the VRE Operations Board and both Commissions.

Mr. Dalton reported that VRE ridership is down 97% compared to the same time last year. VRE is running at a reduced level of service. VRE is projecting a new deficit from operations for FY 2020 of approximately \$2.2 million, before recognizing the assistance of \$1.1 million emergency grant funding from DRPT. VRE is analyzing and applying for funding from the CARES Act.

Mr. Dalton acknowledged VRE's partners and recognized the VRE staff and crews who are working on the front-line to provide essential service for passengers. He reported that to-date, VRE has no positive COVID-19 cases among staff or crew members. He finally noted that VRE is already working hard on ways to welcome riders back when the region reopens.

Chair Cristol gave a brief update on the VRE CEO search process, which is underway. The hope is to bring a candidate for approval to the Commissions at their July meeting, but no later than the September meeting.

Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter. She thanked the entire NVTC staff for their efforts in working to make this virtual meeting a success.

Ms. Mattice concluded her report by noting that the financial report was provided to Commissioners. There were no questions.

Adjournment

Chair Cristol thanked Commissioners for participating in NVTC's first virtual meeting.

Without objection, Chair Cristol adjourned the meeting at 9:15 P.M.

Approved this 4th day of June 2020.

Katie Cristol
Chair

Jeffrey C. McKay
Secretary-Treasurer



RESOLUTION #2409

SUBJECT: Finding Need to Conduct the May 7, 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 May 7, 2020, to discuss and transact the business of the Commission listed on the May 7, 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 May 7, 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 May 7, 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 7th day of May 2020.

Katie Cristol
Chair

Jeffrey C. McKay
Secretary-Treasurer