

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

The meeting of the Northern Virginia Transportation Commission was called to order by Chair Cristol at 7:01 P.M.

**Members Present via Electronic Participation**

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

**Members Not Present**

Libby Garvey

**Staff Present via Electronic Participation**

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

### Opening Remarks

Chair Cristol welcomed everyone to the September 3 NVTC meeting. She explained that given the ongoing COVID-19 public health emergency, 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.

### Tribute to Founding NVTC Commissioner Joseph Alexander

Chair Cristol announced that a NVTC founding member, Joseph Alexander, passed away at the age of 90 on August 30, 2020 at his home in Franconia. Mr. Alexander served on NVTC from its inception in 1964 until 1995, serving as chair for a three-year period from 1970 thru 1972. He served as the Lee District Supervisor on the Fairfax County Board for 32 years and he represented Fairfax County on NVTC for 31 of those years. He also represented NVTC on the WMATA Board of Directors for over 20 years, from 1971 – 1995, serving as chair four times. Furthermore, he was a founding member of the VRE Operations Board and served from 1988 -1995. VRE named one of its locomotives after him, honoring him for his service to VRE.

Chair Cristol stated that throughout his long tenure on NVTC Mr. Alexander was instrumental in helping establish the Metro system and the Franconia/Springfield Transportation Center, the VRE commuter rail system, and many other transit related projects. Even after he retired from political service in 1995, he continued to be a voice for transit as he transitioned to the role of a transportation consultant. He also continued to be active in the Virginia Transit Association (VTA) and the American Public Transportation Association (APTA). Joe Alexander truly was passionate about transit. As a life-long friend and supporter of NVTC, he would still attend many NVTC's events, including last year's December Legislative Briefing. Chair Cristol stated that he left a lasting impression on the region, the Commission, and members of NVTC and she hopes his legacy inspires the next generation.

Mr. McKay stated that Joe Alexander was a truly remarkable person and transformative character in Fairfax County, where he served on the Fairfax County Board of Supervisors for 32 years. Joe Alexander loved transit, which was reflected in all his work on WMATA, VRE and NVTC. He was very involved in APTA and he was known throughout the United States for his passion and advocacy for transit. Mr. McKay announced that the Fairfax County government ordered flags be flown at half-staff today in honor of Joe Alexander. Mr. McKay stated that Joe was a friend and

mentor, who was so proud of what Northern Virginia has done for transit. Mr. McKay thanked NVTC for its recognition of Joe Alexander's the impact on the Commission, as well as the flowers at the funeral service.

### Changes to the Agenda

Chair Cristol thanked NVTC Commissioners who serve in the General Assembly for participating in this meeting as the General Assembly is currently in Special Session. She explained that since there is a caucus meeting at 8:00 p.m. and some of them will need to leave the meeting early, she suggested moving *Agenda Item #6 Legislative Update* to right after *Agenda Item #2 Electronic Meeting*, which will allow legislators to participate in updating the Commission on the Special Session. There were no objections.

Chair Cristol also stated that WMATA General Manager/CEO Paul Wiedefeld had planned to attend this meeting to brief the Commission on WMATA Issues, but he unfortunately was pulled away and cannot participate. He plans to be at NVTC's October 1 meeting. She noted that the Commission will still hear from the WMATA Board members during their report.

### Electronic Meeting

Ms. Mattice reviewed Resolution #2417 "Finding Need to Conduct the September 3, 2020 Meeting Electronically" and noted that it is identical to the resolution passed last month except the date of 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 September 3, 2020, to discuss and transact the business of the Commission. Furthermore, the resolution states that the items on the September 3 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 September 3 meeting, NVTC solicited written comments through its social media and press releases. Comments received by 3:00 p.m. on September 3 were provided to Commissioners ahead of the meeting. Ms. Mattice noted that NVTC received one comment regarding the WMATA Office of Inspector General (OIG) Report on the Silver Line Phase 2 concrete panel issue.

Mr. Sullivan moved, with a second by Mr. Reid, to approve Resolution #2417 (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, Bell, Bennett-Parker, Cristol, de Ferranti, Filler-Corn, Foust, Krizek, Letourneau, McKay, Meyer, Palchik, Reid, Smedberg, Snyder, Sullivan, Turner and Walkinshaw.

## Legislative Update

General Assembly Update. Chair Cristol asked Speaker of the House Eileen Filler-Corn to give her insights on the Special Session, followed by any other legislator who wishes to comment.

Speaker of the House Filler-Corn stated that the General Assembly Special Session began August 18 and is focusing on legislation to address the most pressing challenges the Commonwealth faces today. The House is meeting virtually, with public participation also virtual. They have had robust public participation.

Ms. Filler-Corn stated that when the General Assembly adjourned in March, there was an excitement that they passed a fiscally sound budget, which would have strengthened Virginia's economy, made historic investments in transportation, and maintained a triple AAA bond rating. She was very proud to help carry Governor Northam's omnibus transportation bill, which made historic investments in transportation. The new fiscal reality is very different now and no one could have predicted the impacts of the COVID-19 public health emergency.

Ms. Filler-Corn stated that the Commonwealth needs to take a temporary budgetary timeout and pause on new spending in the budget and reexamine how best to reallocate the Commonwealth's resources. The General Assembly is working quickly to aid businesses, individuals and agencies hardest hit by the pandemic. She reviewed some of the budget revisions to address COVID-19 related assistance, criminal justice reform and police reform. She stated that it is a transformative package of legislation and goes to the heart of the inequities that have so long plagued the system in the Commonwealth. She noted that this Special Session is just the start of reform.

Delegate Krizek, who is a member of the House Appropriations Committee, stated that the committee has been working hard to unfreeze funding or find new sources of funding for these important initiatives that were just outlined by Speaker Filler-Corn. He stated that of interest to NVTC is the budget language sponsored by Delegate Sullivan to change the requirements of the joint annual meeting NVTC is required to hold along with VRE, CTB and NVT. He stated that he sees no concern that it won't pass, but that is predicated on the House reaching agreement on the budget with the Senate.

Senator Bell stated that the Senate is making progress to make sure Virginia is safe and can protect Virginians from COVID-19, as well as racial and social injustice. He is confident that, at the end of the day, the House and Senate will come to agreement on the budget. One of the key themes for him during this Special Session is that the General Assembly do no harm. It is important to not do things that will cause new hardship or expense. He is proud of the legislation to protect renters from evictions during the pandemic. Mr. Bell stated that the Senate is meeting in Richmond, although their meetings are virtual. All public testimony is live via virtual means to provide transparency and interaction.

Ms. Seibert provided additional information about Delegate Sullivan's amendment to address the annual joint meeting, which is required for NVTC, VRE, CTB and NVT. This amendment would provide a way for these organizations to not be in violation of the statute. She also noted that NVTC was also monitoring a bill sponsored by Senator Locke changing rules for the Landlord

Tenant Act for people who have their primary residence in hotels, which has implications on the transient occupancy tax used to fund the state's dedicated capital funding to WMATA. That bill has been passed by to be considered in the 2021 General Assembly Session.

Ms. Mitchell gave a brief overview of a proposed budget amendment to allow DRPT to reallocate funding between the statewide transit capital program and the new transit ridership incentive program to provide flexibility to meet its obligations to NVTC for WMATA, as well as other state transit operators. Based on initial calculations, if DRPT does not get this flexibility it could be a \$25 million loss to NVTC for its support of WMATA. Ms. Mitchell also noted that there is a budget amendment to clarify and give DRPT authority to act on behalf of the Virginia Passenger Rail Authority until the Authority has been established and fully mobilized.

Federal Update. Ms. Mattice reported that Congress recessed for the traditional August break without securing a new COVID-19 relief package. Although the House voted on an emergency measure for the Postal Service on August 22, members are otherwise back in their districts and negotiations between the parties on pandemic legislation are at a standstill. The Senate declined to include additional emergency funding for transit in its most recent \$1 trillion COVID-19 relief bill in response to the House of Representative's HEROES Act passed in May. However, APTA is continuing to press for federal funding and estimates that the public transportation industry will need at least \$32 billion in the next round of emergency funding. Federal lawmakers will return to Capitol Hill on September 14, but there is no indication of when talks would resume on the next COVID-19 relief package.

Annual Joint NVTC-PRTC Legislative Briefing. Ms. Mattice announced that the annual Joint NVTC-PRTC Legislative Briefing is scheduled for Monday morning, December 7. The event will provide an overview of federal and state issues affecting transit in Northern Virginia. NVTC has invited Secretary of Transportation Shannon Valentine to participate as the keynote speaker. It has been decided that this year the event will be via a virtual format.

#### Minutes of the July 3, 2020 NVTC Commission Meeting

Mr. Krizek moved, with a second by Mr. Reid, to approve the minutes of the July 3, 2020 meeting. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, de Ferranti, Filler-Corn, Foust, Krizek, Letourneau, McKay, Meyer, Palchik, Reid, Sullivan, Turner and Walkinshaw. (Mr. Smedberg and Mr. Snyder did not participate in the vote.)

#### Washington Metropolitan Area Transit Authority

Chair Cristol reminded the Commission that WMATA General Manager Wiedefeld will be at the October meeting. She 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.

Mr. Ebbin joined the meeting at 7:51 p.m.

COVID-19 Update and Report from Virginia WMATA Board Members. Mr. Letourneau stated that since Mr. Smedberg was having power issues due to the storm, he would start the update and Mr. Smedberg can join the conversation if he can reconnect. *[Mr. Smedberg was not able to reconnect and did not participate in the rest of the meeting. Ms. Mitchell voted as his alternate for the remainder of the votes.]*

Mr. Letourneau stated that in August WMATA moved to the “managed re-entry” phase of its recovery plan and restored most rail and bus service to pre-COVID levels. On August 16, Metrorail returned to regular opening times, closing at 11 p.m. each night, and is providing near-normal peak and off-peak service. On August 23, WMATA restored Metrobus service to 75% of pre-pandemic levels on weekdays, 85% on Saturdays, and 90% on Sundays.

Mr. Letourneau stated that he plans to update the Commission in broad terms regarding the financial condition of WMATA, but first he would like to explain why WMATA has gone back to this level of service given the financial difficulties. He explained that under the CARES Act, WMATA could not make any labor changes when service was reduced, although WMATA had to continue to pay all those idle employees. Although the costs are higher to run a high level of service, most of those costs (80%) of those costs are labor related. WMATA is not expending a great deal more to run this additional service.

Mr. Letourneau stated that regarding the budget, the CARES Act funding will run out by the end of this year. Without major budget changes or federal funds, WMATA will have difficulties running the Metro system and make payroll. So, the WMATA Board is working through some serious budget implications. The Board is well aware that the jurisdictions are also facing financial difficulties and recognize they aren’t in a position to provide additional funding. The only way to address the budget is to reduce service and costs. The WMATA Board meets on September 10 to discuss a public docket for reductions. The WMATA General Manager has discussed these implications with labor leaders and there is a mutual understanding of the situation. Although he can’t go into further detail, Mr. Letourneau stated that he did want to assure Commissioners that the WMATA Board is committed to provide as much communication as possible with the jurisdictions and NVTC as it goes through this process. He and Mr. Smedberg will also keep NVTC and jurisdictional staff as informed as possible.

Regarding other WMATA news, Mr. Letourneau stated that the WMATA Board had a very busy July, with a number of notable updates and actions. The WMATA Finance and Capital Committee received an update on WMATA’s sustainability initiatives. Most notable is that WMATA is entering into a lease agreement to begin installing new solar installations four Metrorail stations. The Safety and Operations Committee received an update on the collision near the Farragut West Station, where it was determined that human factors were the probable cause of the incident. The operator of the train involved in the collision was involved in multiple prior incidents, and the operator has since separated from WMATA. The WMATA Executive Committee received an update on WMATA’s Framework for Transit Equity. The purpose of the Transit Equity Framework is to advance equitable policies and practices that support WMATA’s mission. The framework outlines specific areas including policing, public participation, fares and service, sustainability, contracting and performance reporting that will be the focus of review and action plans.

Mr. Letourneau also announced that this year's Platform Improvement Project is on track to be completed by September 8 with the reopening of the Vienna and Dunn Loring Stations. Ronald Reagan Washington National Airport Station is also undergoing platform reconstruction through December 2020, but the station will remain open during construction.

Mr. Letourneau announced that this week WMATA launched a new mobile payment option for riders with an iPhone or Apple watch. Mobile payments are accepted anywhere SmarTrip is accepted today including Metrorail stations, Metrobus fareboxes, parking garage exits, and on all local bus systems. This has been something NVTC has been discussing for a few years.

Mr. Sullivan thanked Mr. Letourneau for his report and stated that the budget implications are sobering. He asked about ridership and if it has increased as people are beginning to return to work. Mr. Letourneau replied that there has been an incremental increase in Metrorail ridership and Metrobus didn't have the same drop off the way rail did, although WMATA is seeing a slight decline in Metrobus ridership, which could be caused by people losing their jobs. There has been an increase in people returning to work, but WMATA is not seeing the same increases in rail ridership.

Mr. Turner asked if these tough budget decisions will affect Silver Line Phase 2. Mr. Letourneau replied that he can't answer that right now, but for the construction project itself there should be no impact since it is a Metropolitan Washington Airports Authority (MWAA) project. Regarding the public comment NVTC received about the concrete panels, Mr. Letourneau stated that the WMATA Board is expected to hear more about the Office of Inspector General's (OIG) report next week. It is his understanding that the report is being finalized.

Mr. Bell asked if there are any updates on public awareness campaigns letting the public know that it is safe to return to transit. Mr. Letourneau stated that WMATA's plans should be available soon and he agreed rider confidence is a big issue. WMATA's campaign is expected to start in the fall. He has asked WMATA to share this information with NVTC Commissioners. Mr. Bell observed that it is important to share WMATA's method of sanitizing and daily cleaning routines so the public can be confident WMATA is doing everything it can to keep riders safe. He noted that if WMATA shares this information with NVTC Commissioners, they in turn can reach out to their constituents to provide this information. He stated that it is important to gain riders' confidence. Mr. Letourneau asked Mr. Potts to follow up with Commission on this issue.

Mr. Reid stated that he and other legislators won't be able to stay to hear the State of Transit presentation and discussion and asked if the presentation can be made available to Commissioners. Chair Cristol stated that the meeting is being recorded on NVTC's YouTube channel. Ms. Mattice offered to send the presentation slides to Commissioners and she also offered that staff is happy to answer any questions offline. The presentation is also available on NVTC's meeting webpage.

Commissioners Ebbin, Filler-Corn, Krizek, Reid and Sullivan left the meeting and did not return.

Mr. Snyder stated that face masks are a fundamental requirement and asked how WMATA is enforcing the requirement and what is the level of compliance from riders. He also asked if WMATA has the ability to increase bus service versus rail service. Mr. Letourneau stated that the WMATA Board is briefed regularly on mask compliance and there is a very high compliance rate. He also stated that WMATA has some ability to adjust individual bus routes and tailor service to need, but the challenge is that most of WMATA's revenue comes from rail and currently WMATA is not collecting bus fares.

Mr. de Ferranti asked if there has been any discussion of federal funding coming later in the year. He would hate to see decisions made that cannot be reversed. Mr. Letourneau stated that the WMATA Board has discussed this from a timing perspective, but it can take months to implement major service changes. WMATA continues to advocate for a federal funding COVID-19 package for transit, alongside other transit operators and advocates.

NVTC 3% Cap Working Group. Chair Cristol reminded Commissioners that this year NVTC was tasked by the General Assembly to convene a working group on the usefulness of the 3% cap on the growth in Virginia's operating subsidy payments to WMATA and whether any additional items should be excluded from the cap. Over the summer, the working group absorbed and considered a great deal of information regarding the impact of the cap. NVTC staff also met with regional stakeholders from WMATA, D.C. and Maryland to discuss how Virginia's cap impacts them and inform the working group of the cap's effect beyond Virginia.

Chair Cristol reported that on July 16 the NVTC WMATA Committee received an update on the working group's efforts and provided feedback for the report to the General Assembly. The 3% Working Group met on July 30 and agreed with the comments provided by the NVTC WMATA Committee earlier in July. The working group found that the cap is useful in managing the growth of Virginia's subsidy payments to WMATA. Because the cap is so new, the 3% Working Group recommends the following:

- No changes should be made to the existing 3% cap legislation at this time;
- No additional exclusions should be considered at this time;
- NVTC should work with DRPT to clarify existing state policy guidance regarding the current legislative exclusions to the cap; and
- NVTC should continue to explore potential modifications to Virginia's 3% cap legislation, with the scope and timing of such an effort to be determined by the Commission.

Chair Cristol stated that the 3% cap working group will meet next week to complete the report to the General Assembly. The report will then go to the WMATA Committee on September 17 for review before being presented to the Commission in October, followed by approval in November. The final report is due to the chairs of the House Appropriations and the Senate Finance and Appropriations Committees by November 10. She thanked staff, especially Zach Smith, for being instrumental in this effort.

Report from the Chair of the NVTC WMATA Committee. NVTC WMATA Committee Chairman Aguirre reported that on July 16 the WMATA Committee met to discuss the 2020 update to the Annual Report on the Performance and Condition of WMATA and received an



update on the 3% Cap Working Group. As mentioned by Chair Cristol, the WMATA Committee provided feedback to the 3% Cap Working Group to recommend no legislative changes to the cap in the report to the General Assembly. The WMATA Committee is scheduled to meet on September 17 and October 29.

### State of Transit in Northern Virginia

Chair Cristol stated that the Executive Committee received a preview presentation on this topic at its meeting earlier in the evening. She asked Executive Director Kate Mattice and Director of Finance and Administration Scott Kalkwarf to brief the Commission on the State of Transit in Northern Virginia.

Ms. Mattice reviewed the current trends in commuter travel, as well as ridership perceptions and challenges. She stated that since there is no crystal ball, it is hard to predict what will happen with transit in the future, but staff looked at where transit is now in the midst of the COVID-19 public health emergency and what to expect as people return to work. She acknowledged Dan Goldfarb who did much of the modelling and analysis to pull all data together for this presentation.

Ms. Mattice observed that transit ridership was looking up last year but starting in March 2020 the region saw significant drops in ridership due to COVID-19. Stay at home orders affected ridership differently for the various transit systems. Metrorail and VRE ridership got hit the hardest, while local bus and Metrobus weren't impacted as severely. Transit provided essential service for the region's essential workers during the pandemic. She reported that over the past few weeks, all transit systems have begun to bring service back online, many returning to near-normal service.

Ms. Mattice stated that increased work-from-home will continue to affect the region's travel networks. Pre-COVID-19, regional telework was consistent at 10% of workers. In general, Virginians now working from home are in the 35-50% range. It is anticipated that this number will decline as more people head back to the office in September and October. She stated that the level of telework affects Northern Virginia roadways differently. As more people return to work, traffic will increase on the highway and collector roads. The arterials—typically the last link to the office – did not see much reduced traffic during the pandemic, so the change will not be as great as in-person work increases. This means for transit that as people start to go back to work, there will be a greater need for transit, especially Metrorail and VRE.

Ms. Mattice stated that the public's perceptions of safety on transit will continue to affect ridership. Early Center for Disease Control (CDC) guidance cautioned against transit use, but it was found to be baseless if face masks and distancing were required. Cleaning protocols, spacing and ventilation appear to be rider's biggest concerns. She stated that marketing/communication efforts will be vital to improving rider confidence.

Mr. Kalkwarf gave an overview of the transit revenue outlook. He reviewed the transit revenue resources including revenue through NVTC and revenue direct to WMATA. He stated that effective FY 2021 the WMATA Capital Fund withholding is now fixed at \$22.2 million per year.

This is about an \$8 million increase in the tax withholding over the method in effect during FY 2019 and FY 2020. Also, effective FY 2021, the tax rate converted to \$0.076 per gallon (\$0.077 diesel), revenue neutral, but indexed. The tax generated in May and collected by NVTC in July is the first month with the increase in the WMATA capital fund withholding. The estimated FY 2021 gross and net gas tax collections, assuming the state-wide motor fuels projections can be applied to the regional tax. The impact to NVTC collections is a \$14 million decrease over FY2020.

Mr. Kalkwarf stated that NVTC receives capital and operating assistance from DRPT for the NVTC local systems, except for Loudoun County, and the jurisdictions shares of WMATA funding requirements. The state assistance is allocated among the jurisdictions by NVTC's Subsidy Allocation Model (SAM) formula and the allocated state assistance is held in trust at NVTC where it is available for the jurisdictions' transit needs. Each year DRPT releases a Six Year Improvement Program (SYIP) which includes the current year funding. While the FY 2021 SYIP is delayed, the FY 2020 SYIP has been extended to provide primarily operating assistance for the first quarter based on FY 2020 funding levels, and subject to CTB approval, DRPT plans to provide similar assistance for the second quarter.

Mr. Kalkwarf reviewed other areas NVTC is monitoring, including the budget bill introduced at the Special Session of the General Assembly to provide additional flexibility in funding transportation programs. Regarding the Commuter Choice on the I-66 Corridor program, under a 40-year agreement with the Commonwealth, NVTC receives revenue from the I-66 tolling facility to fund a program of projects to benefit the users of the corridor. Revenue is net of the costs of operating the facility. Under an amended agreement, effective FY 2021 NVTC is to receive a \$10 million escalating annual payment, subject to available toll revenue, and effective FY 2022 NVTC is to receive an additional \$5 million escalating concessionaire payment, for a total of \$15 million annually. Due to significantly lower toll revenue due to the pandemic, NVTC is anticipating much less (approximately \$1.8 million) in toll revenue for FY 2021. For the Commuter Choice on the I-395/95 program, NVTC and PRTC receive an annual \$15 million concessionaire payment from Transurban, which is expected in the next few months.

Mr. de Ferranti stated that the majority of Metro costs are labor costs (80%), but there are still an additional 10-20% in costs. He asked if there comes a point when running the system is worth it if ridership remains very low. Ms. Mattice stated that a big challenge in changing service is that bus/rail operators and mechanics are very skilled and hard to recruit. So, transit systems would not want to reduce the workforce if service demand is expected to come back. There are also other factors involved. Mr. Letourneau stated that it is important to provide at least a minimum level of service for the people that rely on both rail and bus to get to work. His personal opinion is that he would like to see WMATA begin to collect fares Metrobus as soon as possible. Currently fares are not being collected as riders are required to board from the back. He stated that his reasoning is for revenue, but also it sends a message to the public that it is safe to ride transit again. The more normal the rider's experience is will reinforce that it is a safe thing to do.

Ms. Palchik stated that it seems things have changed since the July NVTC meeting when only essential workers were encouraged to use transit, and now the message seems to be that transit is ready to welcome back riders as the system is safe. She asked if there is a concerted push on messaging and incentives. Ms. Mattice stated that the jurisdictions are about to launch a "safe to come back to transit" push, which is geared for the post-Labor Day timeframe. The local transit

systems plan to focus in the fall on “we are safe” and NVTC will follow-up with its marketing campaign after that. She has not heard about incentives and that may be a budget issue, but it’s certainly important to keep talking about them.

Mr. Bell asked about WMATA’s monthly burn rate (revenues versus costs). Mr. Letourneau stated that he believes more information on this will be presented at the September 10 WMATA Board meeting, but the estimate is that WMATA is losing \$2 million each day.

Mr. Snyder agreed with Mr. Letourneau’s comment about restoring bus fares. He also stated WMATA needs to work with building management and public and private employers to make the case for transit. Chair Cristol suggested engaging the local chambers of commerce to help get the message out. Mr. Letourneau stated WMATA would welcome any help. He stated that even though the region has seen more people return to work, it is not seeing the same increase in transit usage. It may be a safety issue, but he doesn’t want to discount that traffic is a lot better and for some people driving may be an option. As traffic congestion increases, the equation may change.

#### NVTC Transit Resource Center

Ms. Mattice stated that in 2016 NVTC sought to identify a comprehensive transit planning and data analysis tool to assist local jurisdictions in studying transit service changes. Staff identified TBEST, which stands for Transit Boardings Estimation and Simulations Tool, as an appropriate modeling structure to help transit agencies develop their short-term scenario planning and assess Northern Virginia transit networks. She asked NVTC Program Analyst Matt Cheng, who runs NVTC’s TBEST program, to give his presentation.

Mr. Cheng gave his presentation showcasing one of NVTC’s analytical tools, a transit planning software called TBEST, that staff have been working on for the past couple of years. It was developed out of the need to have a more data driven approach to transit planning, and the need for some jurisdictions to understand and react to bus changes. TBEST was originally developed by the Florida Department of Transportation and Center for Urban Transportation Research to assist agencies with their transit development plans.

Mr. Cheng stated that TBEST combines parcel land use, employment and census data to build a database of socioeconomic information that enables forecast ridership at the bus stop level. Since 2016 NVTC staff have developed this unique database for all Northern Virginia jurisdictions, as well as integrated Fairfax Connector, ART, DASH, CUE and WMATA transit systems into the model. This integration in TBEST has allowed NVTC staff to provide technical support for several key studies for Northern Virginia systems including, ridership forecasting for the Alexandria Transit Vision Plan, as well as ridership and accessibility analysis for upcoming Fairfax Connector area studies in Franconia-Springfield, Silver Line Phase II and Centreville-Vienna.

Mr. Cheng reviewed the three “pillars” of outputs of transit performance data that TBEST provides:

- Ridership estimation and stop level demand projection – how many people are boarding transit and the stop to system level.
- Socioeconomic and land use market analysis – what areas are transit routes covering, what are the demographics of riders near transit stops.
- Rider travel time or network accessibility – how much population, employment and other areas are accessible from certain origins and destinations using the transit network.

Mr. Cheng stated that a possible strategy moving forward could be for NVTC to provide local decision makers with more consistent, regionally focused data to help assist in anything from COVID-19 transit recovery or future sustainable planning. The main feature of TBEST is that it can calculate future ridership for every stop for every route in a system using land use and demographic data. Mr. Cheng reviewed several different scenarios of how TBEST data can be used, including predicting amounts of boardings for bus stops; creating forecasts for more broad changes on a scenario level (service frequency changes, changing route shapes, stop locations or even socio economic conditions); and determining the effect of adding a large amount of office workers to a specific area of Northern Virginia and how it impacts transit ridership. TBEST integrates all census and regional employment data including Title VI, commercial, service and industrial employment, language attributes, education level, and other household information to help planners understand the exact coverages of their transit routes.

Mr. Cheng stated that NVTC staff need to keep the model and land use fairly up to date in order to capture accurate results, and staff is gearing up for some major socioeconomic updates including the release of the census 2020 information, which will really help staff further analyze the trends of growth and travel in this region.

Mr. Cheng concluded by stating that NVTC staff continue to assist local, regional and state partners with TBEST technical assistance. There has been some interest from the jurisdictions in supporting some of our transit agencies in their own use of TBEST and DRPT has been a major proponent of it statewide. It could be helpful tool in transit recovery after COVID-19 and moving forward with a more data driven, sustainable approach.

Due to the lateness of the hour, Chair Cristol thanked Mr. Cheng for his presentation and suggested Commissioners contact staff directly if they have questions.

### Commuter Choice Program

Ms. Mattice stated that Commuter Choice Senior Program Manager Ben Owen and his team were hard at work over the summer working on both the Commuter Choice on the I-66 Corridor program and the Commuter Choice on the I-395/95 Corridor program. She asked him to provide an update and outline the actions that are coming to the Commission in the fall.

Commuter Choice on the I-66 Corridor Update. Mr. Owen stated that he and his team have charted a path for moving ahead with the Commuter Choice I-66 Round Four program, which was reviewed by Program Advisory Committee (PAC) members over the past several weeks. Of the 14 eligible projects, 11 are still under consideration for funding with a total funding

request of \$17 million. Three applications have been deferred by their applicants until the next round of funding and two applicants decreased their funding amount request. Because of the COVID-19 public health emergency, NVTC is allowing a one-time flexibility for existing programs to continue until their Commuter Choice funds are spent down. Usually the program is for a set 24-month period and if funds are left over, there would be a three-month grace extension. This one-time flexibility is because many systems were suspended or operated at reduced service levels.

Mr. Owen stated that in January 2020 it was anticipated that NVTC would receive approximately \$25 million over the two-year Commuter Choice I-66 Round Four program. The COVID-19 public health emergency that began in March caused a steep and enduring decline in the I-66 Inside the Beltway toll revenues that fund the Commuter Choice program. In the spring of 2020, monthly toll revenues dropped to approximately 10% of VDOT budgeted level.

Mr. Owen stated that combined with carryover and interest funding, NVTC staff propose an initial Round Four program selection of approximately \$4 million. As VDOT's FY 2021 revenues are based upon projections through next June, NVTC staff are proposing that the program expect no more than \$1.8 million in new FY 2021 toll revenues (50% of projected) for the Commuter Choice program plus an additional \$2.2 million from recoveries, carryover of previous balances and interest payments. While this is a conservative approach, any additional new revenues beyond the \$1.8 million in FY 2021 would still be available to NVTC for a second Supplemental Round Four program next year. Furthermore, NVTC would also anticipate the use of existing carryover revenues to program oversight and administration consistent with the approved FY 2021 NVTC General and Administrative Budget. NVTC would not solicit new proposals for the Supplemental Round Four program and would pull from the pool of projects unfunded in the Initial Round Four program.

Mr. Owen stated that based upon the very limited available revenues and the uncertainty of when travel volumes will increase in the I-66 Inside the Beltway corridor, NVTC staff have identified six projects for an initial funding program for Round Four. These projects provide the highest confidence for performance and/or support the return to travel patterns in the future, specifically continued operating funding for three existing Commuter Choice transit routes as well as three lower cost capital projects that would be underway quickly and support longer-term ridership growth. The staff proposed projects for the initial Round Four (FY 2021) funding include:

<u>Applicant</u>	<u>Application Title</u>	<u>Application Score (100 Points)</u>	<u>Funding Request</u>
Fairfax County	McLean Metro Station North Entrance	85	\$1,000,000
OmniRide	Renewal of Bus Service from Gainesville to Pentagon/Navy Yard	80	\$461,100
OmniRide	Renewal of Bus Service from Haymarket to Rosslyn	71	\$137,100
City of Fairfax	City of Fairfax Bike Share Implementation	59	\$460,000
Arlington County	Lee Highway HOV and Bus-Only Lane in Rosslyn	57	\$710,000
Loudoun County	Renewal of Purcellville Metro Connection Bus Service	52	<u>\$709,030</u>
<b>TOTAL FUNDING REQUEST</b>			<b>\$3,477,230</b>

The remaining projects include new transit services, transit demand management efforts, and larger capital projects, would continue to be eligible for funding consideration in a Supplemental Round Four (FY 2022) program of projects at the discretion of the Commission, pending available toll revenues.

Mr. Owen stated that NVTC's Program Advisory Committee (PAC) will meet on September 17 to make a recommendation on the proposed Round Four Program of Projects for Commission action at the October meeting. Staff are also working with the Commonwealth to identify a timeframe for briefing and seeking approval from the Commonwealth Transportation Board on the projects under consideration for funding. The current timeframe for the workshop briefing and approval is October and December, respectively. Public comment on the projects under consideration for funding is open from September 1 through September 21. A virtual town hall meeting will take place at noon on Friday, September 11, for members of the public to learn more about the proposed projects. Staff will share the comments with the PAC and the Commission prior to or in conjunction with any approval action on a Program of Projects.

Mr. Snyder stated that the City of Falls Church's application (Restoration of Peak-Period Metrobus Route 28X, Tysons Corner to Mark Center) scored very well but has been bumped to the next round of funding. Based on staff's comments, he observed that the Supplemental Round Four (FY 2022) program is conditional on funding. He expressed his strong reservations and concern about this proposal since it was his understanding that the project would be funded. Chair Cristol asked staff to connect with Mr. Snyder and the city's transit staff to discuss his concerns. Mr. Snyder stated that the projects is a corridor project and would serve essential workers and not just the city.

Commuter Choice on the I-395/95 Corridor Update. Mr. Owen stated that NVTC staff are preparing for the Commuter Choice on the I-395/95 Corridor Round Two (FY 2022-2023) call for projects this fall. Staff are currently working with NVTC's Commonwealth partners to understand the potential impacts of COVID-19 on available revenue for the program. Working thru DRPT to try to understand the likelihood of full payment from Transurban given the COVID-19 public health emergency, NVTC should have a better idea of this year's payment around the time that the call for projects would open in November, given that the annual payment is due around the anniversary of the 395 Express Lanes' opening in November. However, staff plan to advance the call for projects regardless, providing as much continuity as possible for transit services and other operations projects that successfully recompile for funding. Staff have also begun to engage with the Potomac and Rappahannock Transportation Commission (PRTC), which has joint approval authority with NVTC over the I-395/95 corridor program, and recently briefed members of the NVTC-PRTC Joint Commission Working Group (JCWG) on the upcoming call for projects.

Mr. Owen stated that as part of the approval action to open the call for projects in November, staff will seek the Commissions' approval of a set of proposed policy changes to the Commuter Choice program:

- A framework for supporting larger capital projects within the structure of Commuter Choice that would manage the risk associated with more complex projects and, for ease of programming, introduce Commuter Choice funding awards that span consecutive two-year programs.

- A minimum funding award for Commuter Choice projects commensurate with recipients' administrative responsibilities under the program.
- A framework for transportation demand management (TDM) projects that would ensure funds are targeted to toll payers and have directly measurable outcomes.
- A requirement for upfront executive- or Board/Council-level support documentation for proposed projects that would require the significant engagement of a third party, such as VDOT, WMATA or another jurisdiction, for successful implementation.

Both NVTC and PRTC will be asked to approve the technical evaluation process for the Round Two program. Staff intend to mirror the evaluation process used for the I-66 Round Four program with no substantive changes. At the time that the I-66 Round Four technical evaluation process was adopted, staff indicated an intent, supported by applicants and the PAC/Commission, to use this process in both corridors for at least five years.

#### DRPT Report

DRPT Director Mitchell announced that today the Record of Decision, which completes the environmental process for the Long Bridge project, has been signed. It took over four years to complete and represents a strong collaboration between the Commonwealth, D.C. Department of Transportation (DDOT), Federal Railroad Administration (FRA), VRE, Amtrak and CSX. This is a huge milestone for the project and gives the ability to move forward with the preliminary engineering.

Ms. Mitchell stated that DRPT continues to work to mobilize the Virginia Rail Passenger Authority. Board appointments are expected to be announced in the next few weeks. She also corrected her July DRPT written report and noted that the Commonwealth Transportation Board (CTB) did meet in August with one agenda item (Hampton Roads Bridge tunnel). The next CTB meeting is scheduled for September 16-17, which will include action to extend transit operating assistance by one quarter and DRPT's recommendation regarding WMATA certification.

#### Virginia Railway Express

Chair Cristol stated that there are no VRE action items this month. She asked Mr. Dalton to give his report.

Mr. Dalton reported that VRE continues to operate at reduced service levels. VRE has seen daily ridership slowly increasing from 1,000 daily trips at the beginning of the July to approximately 1,200 daily trips by the end of August. On-time performance for the months of July and August were 94% and 90%, respectively. He reviewed the measures VRE is taking to address the COVID-19 public health emergency, which include enhanced measures to be ready to welcome back riders. He also noted that VRE continues to require masks and will provide them if a passenger does not have one. VRE is still seeing almost 100% compliance.

Mr. Dalton stated that in August he presented to the Operations Board an unaudited review of VRE's financial status for FY 2020. Before counting any federal or state funding related to pandemic assistance, VRE's preliminary net operating budget was \$900,000. This was possible because VRE was in a strong financial position in February before COVID-10 hit, as well as being about to realize reduced expenses as a result of lower service levels and management-directed deferred discretionary spending. VRE staff continue to work remotely and business functions are fully operational. Mr. Dalton stated that VRE continues to scenario plan for various levels of ridership and funding for FY 2021. VRE continues to maintain prudent fiscal management. His focus continues to be on the health and safety of the riders, staff and contracted service providers, with an eye on life after COVID-19.

Mr. Dalton thanked Mr. de Ferranti for taking time to tour VRE operations and see VRE's enhancements to respond to the pandemic. Chair Cristol noted that VRE always has an open-ended invitation for Commissioners to take a VRE tour. Mr. de Ferranti thanked Mr. Dalton and his team for the tour.

Chair Cristol stated that there will be a Closed Session at the end of the meeting to discuss the appointment of a new VRE CEO.

#### Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter. She observed that with the many presentations during this meeting, it is evident that staff has been busy over the summer. She thanked Commissioners for their engagement in the many committee meetings that have been scheduled. She reviewed the upcoming committee meetings and events:

- The Legislative and Policy Committee is scheduled to meet virtually on September 10 at 4:00 p.m. to begin working on strategy and substance for the 2020 NVTC Legislative and Policy Agenda.
- The Program Advisory Committee is scheduled to meet virtually on September 17 at 5:00 p.m., to discuss its recommendation to the Commission for the October meeting regarding the Commuter Choice on the I-66 Corridor Round Four Program of Projects.
- The WMATA Committee is scheduled to meet virtually on September 17 at 6:00 p.m. to focus on the annual Report of the Performance and Condition of WMATA and the 3% Cap Report. The WMATA Committee will then meet again on October 29 at 6:00 p.m.
- The annual Joint NVTC-PRTC Legislative Briefing will be a virtual format on the morning of December 7.

Ms. Mattice noted that the Financial Reports for June 2020 and July 2020 were provided to Commissioners in their meeting materials. There were no questions from Commissioners.



### Closed Session

Chair Cristol reviewed the Closed Session procedures for the benefit of the listening public. She stated that the livestream will resume when the committee returns to Open Session. Ms. Cristol moved, with a second by Mr. Meyer, the following motion to go into Closed Session:

Pursuant to the Virginia Freedom of Information Act (Section 2.2-3711.A.1 of the Code of Virginia), the Northern Virginia Transportation Commission moves to convene a Closed Session to discuss a personnel matter concerning the appointment of the Virginia Railway Express Chief Executive Officer.

The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, de Ferranti, Foust, Letourneau, McKay, Meyer, Mitchell, Palchik, Snyder, Turner and Walkinshaw.

The Commission entered into Closed Session at 9:28 p.m. NVTC Legal Counsel Steve MacIsaac participated in the Closed Session. The Commission returned to Open Session at 9:46 p.m.

Chair Cristol moved, with a second by Ms. Bennett-Parker, the following certification:

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

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

The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, de Ferranti, Foust, Letourneau, Meyer, Mitchell, Palchik, Snyder, Turner and Walkinshaw. (Mr. McKay did not participate in the vote.)

Chair Cristol reported that following a thorough recruitment and selection process, the VRE Operations Board unanimously recommended that the Commissions (NVTC and PRTC) appoint Richard Dalton as VRE's Chief Executive Officer. Resolution #2418 would appoint Richard A. Dalton as the VRE Chief Executive Officer effective upon action by each of the Commissions and execution of the Employment Agreement by the Commissions and Mr. Dalton. The resolution also approves the Employment Agreement and authorizes the chair to execute it on behalf of the Commission.

Chair Cristol moved, with a second by Ms. Bennett-Parker, to approve Resolution #2418 (copy attached). The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, de Ferranti, Foust, Letourneau, McKay, Meyer, Palchik, Snyder, Turner and Walkinshaw. (Ms. Mitchell did not participate in the vote.)

Chair Cristol stated that PRTC is also voting on this appointment at its September 3 meeting. On behalf of the Operations Board and NVTC, she gave a hearty congratulations to Mr. Dalton. She appreciates his expertise, deep passion for VRE, his vision for the future, and commitment to partner with the two Commissions and the Operations Board.

Mr. Dalton thanked the Commission and appreciates the opportunity to lead VRE. He looks forward to working with the Commission and NVTC staff, as well as the PRTC Commission and staff, jurisdictional staff and other valued stakeholders to continue VRE's success. He thanked his wife, Beverly, and the rest of his family. He stated that the support received from family and friends is an integral part in the work done for the region and the community VRE serves. Chair Cristol also thanked his family as she knows first-hand the amount of time he devotes to VRE.

### Adjournment

Without objection, Chair Cristol adjourned the meeting at 9:54 p.m.

Approved this 1<sup>st</sup> day of October 2020.

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Katie Cristol  
Chair

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Jeffrey C. McKay  
Secretary-Treasurer



## **RESOLUTION #2417**

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

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

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

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

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

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

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

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

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

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



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Jeffrey C. McKay  
Secretary-Treasurer



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Katie Cristol  
Chair



## RESOLUTION #2418

**SUBJECT:** Appointment of VRE Chief Executive Officer

**WHEREAS:** The Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission appointed Richard A. Dalton as the Acting Virginia Railway Express Chief Executive Officer ("VRE CEO"), effective 11:00 p.m. on November 14, 2019, when a vacancy arose in that position, and delegated to the Virginia Railway Express Operations Board responsibility to recruit and recommend to the Commissions candidates for appointment to the position;

**WHEREAS:** The Virginia Railway Express Operations Board established a nationwide VRE CEO recruitment and selection process utilizing the services of a recruitment contractor, and appointed a VRE CEO selection committee to manage the process;

**WHEREAS:** Fifty-four candidates submitted applications for the position, and three finalists were selected by the selection committee for interview; and

**WHEREAS:** Having concluded its recruitment and selection process, the Virginia Railway Express Operations Board recommends the appointment of Richard A. Dalton as the VRE CEO in accordance with the terms of the employment agreement agreed upon by the Operations Board and Mr. Dalton and presented to the Commission (the "Employment Agreement").

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby appoints Richard A. Dalton as the VRE Chief Executive Officer effective upon action by each of the Commissions and execution of the aforesaid Employment Agreement by the Commissions and Mr. Dalton.

**BE IT FURTHER RESOLVED** that the Northern Virginia Transportation Commission hereby approves the Employment Agreement and authorizes the chair to execute it on behalf of the Commission.

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

Jeffrey C. McKay  
Secretary-Treasurer

Katie Cristol  
Chair