

**MINUTES**  
**NVTC COMMISSION MEETING – FEBRUARY 4, 2021**  
**Via Electronic Participation**  
**Public Streaming via YouTube**

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

Members Present via Electronic Participation

Canek Aguirre  
Walter Alcorn  
John J. Bell  
Elizabeth Bennett-Parker  
Katie Cristol  
John Foust  
Libby Garvey  
Paul Krizek  
Jeff McKay  
David Meyer  
Jennifer Mitchell (Alternate, Commonwealth of Virginia)  
Dalia Palchik  
Paul Smedberg  
David Snyder  
Dan Storck (Alternate, Fairfax County)  
Mike Turner  
James Walkinshaw

Members Not Present

Adam Ebbin  
Matt de Ferranti  
Eileen Filler-Corn  
Matt Letourneau  
David Reid  
Richard Sullivan

Staff Present via Electronic Participation

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

### Opening Remarks

Chair Cristol welcomed everyone to the February 4, 2021 NVTC meeting. She stated that given the ongoing COVID-19 public health emergency, the meeting is being conducted electronically. This is possible because the governor signed into law on April 22, 2020 a legislative amendment to the budget bill to allow public bodies to meet electronically without a physical quorum present to discuss or transact the business statutorily required or necessary to continue operations of that public body. NVTC staff followed the procedures and guidelines in the legislation to give notice to the Commission, staff and the public.

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

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

Chair Cristol took a moment to recognize that today, February 4, is Transit Equity Day in honor of the legacy and contribution of Rosa Parks, the Civil Rights leader who challenged inequity by refusing to give up her seat on a segregated Montgomery, Alabama bus in 1955. February 4 was Rosa Park's birthday, so today is a fitting day to honor, celebrate and remember NVTC's commitment to transit equity throughout this region. Rosa Parks' courageous actions resulted in her arrest, the Montgomery Bus Boycott, and ultimately, the United States Supreme Court decision that declared segregation on buses unconstitutional. Chair Cristol noted that the nation still has a long way to go, but today, public transit is now a key method to provide equitable access to jobs, education, and community engagement.

Chair Cristol reviewed the Agenda and action items and noted that there will be a Closed Session at the end of the Agenda. Commissioners were provided with two blue items prior to the meeting, which include an updated Resolution #2438 to approve NVTC's state transit grant applications with the final information provided by the jurisdictions and a list of applications received under the Commuter Choice on the I-395/95 Corridor program, as well as confidential information for the Closed Session.

Chair Cristol also announced the release of NVTC's latest Annual Report, reflecting all the accomplishments of the Commission this last year – which starting with big news of the transportation omnibus bill and spiraled into new life under COVID. Yet, through all of it, the Commission accomplished quite a bit. A digital copy of the Annual Report will be provided to Commissioners and other stakeholders. She acknowledged NVTC's Manager of Outreach and Communications Matt Friedman for his great work on this report.

### Consent Agenda

Chair Cristol stated that there are two items on the Consent Agenda, which includes Resolution #2437: Finding Need to Conduct the February 4, 2021 Meeting Electronically and Resolution

#2438: Approve the FY 2022 State Transit Assistance Applications to DRPT. Before the vote, Ms. Mattice reported that no public comments were received prior to the meeting.

Ms. Garvey moved, with a second by Mr. McKay, to approve the Consent Agenda. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, Foust, Garvey, Krizek, McKay, Meyer, Palchik, Smedberg, Snyder, Turner and Walkinshaw. (Copies of the resolutions are attached.)

#### Minutes of the January 7, 2021 NVTC Commission Meeting

Ms. Palchik moved, with a second by Ms. Bennett-Parker, to approve the minutes of the January 7, 2021 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, Foust, Garvey, Krizek, McKay, Meyer, Palchik, Snyder, Turner and Walkinshaw. (Mr. Smedberg did not participate in the roll call vote.)

#### Washington Metropolitan Area Transit Authority

Chair Cristol asked Mr. Smedberg to give the WMATA Board Member Report, followed by WMATA Committee Chair Aguirre.

Report from Virginia WMATA Board Members. Mr. Smedberg reviewed a number of recent WMATA Board actions, including approval of an amendment to the FY 2021 WMATA Operating Budget. With an infusion of federal aid from the second relief bill, WMATA is able to use \$95.6 million in new federal aid to continue essential transit services and avoid layoffs that were previously approved for the end of FY 2021. Starting in the spring, the region can expect the following levels of service:

- Metrorail will standardize weekday and off-peak rail service frequencies on each line, operating from 5:00 a.m. to 11:00 p.m.
- Metrobus service will increase to 82% of pre-pandemic service. Metrobus is currently operating at 78% of pre-pandemic service and added service will help reduce crowding and restore service on some additional lines.

Mr. Smedberg stated that last month the WMATA Board also authorized a public hearing on revisions to the GM/CEO's proposed FY 2022 Budget and FY 2022 – 2027 Capital Improvement Program. Since the last Commission meeting, the NVTC WMATA Committee met and had a good discussion on the proposed FY 2022 WMATA Budget. Mr. Smedberg noted that WMATA Committee Chair Aguirre and NVTC staff will provide additional information later in the Agenda.

Mr. Smedberg also gave an update on the advancement of the federal reauthorization of the Passenger Rail Investment and Improvement Act (PRIIA), which would provide \$150 million for WMATA over a 10-year period. He recognized Senator Warner, who plans to introduce the Senate bill, and Congressman Connolly, who introduced the House bill. However, the two versions are not identical.

Report from the Chair of the NVTC WMATA Committee. WMATA Committee Chair Aguirre reported that the WMATA Committee met on January 21 and had a robust discussion on recent revisions to WMATA's proposed FY 2022 Budget. This revised proposed budget fully utilizes additional federal aid to maintain service levels and postpone layoffs until about January of 2022 when more service cuts and layoffs would be needed to close the remaining budget gap. The actions necessary to close the budget gap and the individual trade-offs they entail was a source of much discussion by committee members. He asked Mr. D'huyvetter to provide an overview of the budget and themes for NVTC's WMATA budget letter, which incorporates the committee's comments.

Mr. D'huyvetter provided an overview of the revisions to WMATA's proposed FY 2022 Budget and a summary of the NVTC WMATA Committee's discussion and comments from their January 21 meeting. These comments, along with comments from Commissioners from this meeting, will be the basis for the letter which staff will submit as part the public comment period on the WMATA budget.

Mr. D'huyvetter stated that WMATA estimates to receive approximately \$610 million as part of the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) in December. Even with the additional relief funding, WMATA projects a funding gap of approximately \$209.8 million for the FY 2022 Operating Budget. Last month the WMATA Board received an update on the proposed budget and authorized the budget to go out for public comment. The proposed budget gap is addressed in a number of ways. The first includes management actions, which total approximately \$58 million in savings, and include contractor cost reductions, deferment of wage increases for non-represented and represented personnel, and employee management programs such as voluntary separation. To address the remaining budget gap, WMATA has proposed Metrobus and Metrorail service reductions, which would begin in January 2022 when WMATA expects the additional federal aid to be exhausted. He reviewed the different proposed service reductions.

Mr. D'huyvetter explained that the proposed FY 2022 Budget proposal forgoes the 3% subsidy growth; assumes the Silver Line Phase 2 service begins in July 2021; does not shift additional operating expenses to the capital program; and includes an estimated \$108 million for additional COVID-19 relief aid for local bus operators.

Mr. D'huyvetter then reviewed the themes of NVTC's letter to WMATA on its FY 2022 Budget, which includes the feedback from WMATA Committee members:

- Open Silver Line Phase 2 as soon as possible with full service to all stations.
- Minimize, to the greatest extent possible, shifting operating expenses to the capital program for preventive maintenance to maintain a state of good repair for the capital program and preserve dedicated funding debt capacity.
- Maintain a dependable and sufficient level of service throughout FY 2022 by avoiding significant service reductions in the second half of FY 2022 that would adversely impact essential workers' much-needed access to transit and curtail the region's recovery efforts.

- Engage regional employers to develop innovative solutions to increase ridership as the region recovers while implementing strategies to demonstrate that it is safe to return to transit.
- Continue to seek additional federal support to avoid layoffs and support the region in recovering from the economic fallout of the pandemic.

Mr. D’huyvetter explained that staff will incorporate Commissioner’s comments from this meeting and then work with WMATA Committee Chair Aguirre to refine and develop a draft letter. At the March Commission meeting, staff anticipates asking the Commission to authorize Chair Cristol to submit the letter of comments on the FY 2022 WMATA Budget.

WMATA Chair Aguirre stated that staff will continue to monitor the budget and engage with WMATA staff and Virginia’s WMATA Board members. He also encouraged individual jurisdictions to submit their own comments to WMATA. Staff will continue to update the themes of the letter and will bring them back at the next meeting.

Chair Cristol stated that there is a real balance to using the federal relief funds wisely and keeping service levels to meet demand, but also recognizing not losing individuals and their talents through layoffs. Ms. Palchik stated that she and many of her colleagues are eager to see completion of the Silver Line Phase 2. She supports the theme of engaging regional employers to develop innovative solutions to increase ridership. She asked if it should be broadened to also engage universities and other educational entities.

Mr. Meyer stated that regarding the second bulleted theme, there is consensus from the WMATA Committee that the region does not want to see layoffs and degradation of service. Having said that, he stated that there is an acknowledgement that it may be necessary for a one-time shift of operating funds for capital. However, he noted that this is what got WMATA into trouble in the past by not investing in preventative maintenance and keeping the Metro system in a state of good repair. He emphasized that it is not a good practice long-term to shift operating funds and he personally would like to see a strong firewall between the capital fund and the operating fund.

Mr. Bell asked if WMATA has plans in place on how it would use additional federal relief funding if provided. Mr. Smedberg replied that WMATA staff is working closely with the congressional delegation but to be honest, it was a heavy lift to pass the second round of funding. He is not sure about a third round of funding, although there is some interest in funding specific projects. Mr. Bell stated that it is disappointing to hear there is not more support for transit. If the country wants the economy to come back, it will be much quicker if the transportation infrastructure is working.

Mr. Snyder stated that the third bulleted theme is important and expressed his opinion that it is much better to moderate service levels rather than start with high levels of service and then drop service way down, which would basically eliminate rail as a useable transit option. He urged a smooth approach to FY 2022 service levels. He also noted that it is important to keep an eye on how the region and country are getting control of the pandemic.

Mr. Smedberg announced that he and Mr. Alcorn will be participating in Virginia's public hearing on the budget scheduled for March 10. Chair Cristol announced that WMATA General Manager/CEO Paul Wiedefeld is expected to attend NVTC's March meeting.

#### NVTC's FY 2022 General and Administrative Budget and 2021 Work Plan

NVTC's FY 2022 General and Administrative Budget. Chair Cristol reminded Commissioners that back in November, the Commission passed a resolution to shift the discussion and approval of NVTC's FY 2022 General and Administration budget until this winter so that the staff could have the most up to date information to help inform the discussions. Although NVTC's budget is primarily funded by state aid to the jurisdictions, there is also a recognition that the NVTC budget process is now caught up in the jurisdictions' budget processes. She explained that the Executive Committee has discussed the NVTC budget process and is recommending that the final decision on NVTC's budget be again deferred until after the jurisdictions have passed their budgets later this spring. NVTC does not need to approve the budget until the June meeting as the fiscal year does not start until July 1, 2021. She encouraged Commissioners to comment on this approach and if they have any objections. The budget would be presented later in the spring for Commissioner comment and discussion, followed by action to approve a month later.

Ms. Garvey expressed her opinion that postponing approval of the budget is a smart approach. She is pleased to see the Work Plan includes a number of post-COVID-19 initiatives, such as the marketing campaign and transit analysis.

Ms. Mattice gave a brief overview of the budget process, cost drivers for the FY 2022 budget, and sources of funding. She explained that for FY 2021, NVTC managed \$228 million in state aid for the jurisdictions. NVTC's "overhead" is less than 1.2% of the state aid. She quickly outlined the two budget options to maintain near zero growth in the G&A budget, while covering fixed cost obligations and supporting a strong professional staff.

Public Comment on NVTC's Work Plan. Ms. Mattice explained that each year the public is given an opportunity to provide comments to the Commission regarding NVTC's upcoming Work Plan. NVTC's public comment period on the draft Work Plan was held from January 19 through February 3, 2021. Due to the ongoing public COVID-19 emergency, NVTC conducted in-depth outreach seeking comments and offered the following four ways to submit comments remotely – from direct email, on NVTC's website, via voicemail, and by submitting a video. However, NVTC did not receive any comments this year. Ms. Mattice reviewed the highlights of the Work Plan, including NVTC deliverables and actions.

#### Report from the Chair of the Legislative and Policy Committee

Legislative and Policy Committee Chair David Meyer reported that the committee met on February 2 to discuss key bills in the 2021 General Assembly Session and the potential for federal infrastructure legislation with the new Administration and Congress. Because of last year's transportation omnibus bill and the General Assembly's actions to reduce the impact of the

pandemic on local transit operators during the Special Session, state legislators have not offered many transportation-related bills this Session. However, local cities and counties continue to face revenue losses resulting from the COVID-19 pandemic. To help support its localities, NVTC has requested a budget amendment for a one-time allocation of \$30 million in General Funds to help their localities pay their FY 2022 Metro bill. Over the last two days, NVTC Executive Committee and Legislative and Policy Committee members have been calling and sending letters to key General Assembly members to voice their support for this one-time budget request. He explained that there is an educational challenge to help legislators understand that this is a different issue than the federal relief funding to WMATA. The \$30 million would help the jurisdictions meet their commitments to WMATA. He stated that it is important to convey to legislators that the jurisdictions are facing severe budget challenges and keeping transit running is critical to the region's and the state's economic recovery.

Ms. Perron Seibert thanked those Commissioners who reached out to legislators over the last few days, especially since it is important for them to hear from the jurisdictions. She also thanked NVTC's legislative members for all their hard work during the Session. One of the big issues is that the revenue reforecast does not come out until after the budget is released on Sunday.

Delegate Krizek reviewed the importance of the next several days as the General Assembly leading up to the release of the budget. He stated that it has been a very busy Session and as it is virtual, there are challenges in being able to lobby legislators. Cross-Over Day is February 5 and the Special Session will start next Wednesday. Senator Bell agreed that it has been a challenging Session. He noted that Virginia's economy is resilient. He, along with his other NVTC legislative members, are fighting for NVTC and public transportation. If Virginia wants to have its economy rebound, it is important to have a good transit system. It is important to continue to get the message out to that transit is safe.

### Commuter Choice Update

Chair Cristol reported that the application period for the Commuter Choice on the I-395/95 Corridor Round Two program closed last week. She asked Commuter Choice Senior Program Manager Ben Owen to review the list of applications received and provide other updates on the I-66 Commuter Choice program.

For the Commuter Choice on the I-66 Corridor, Mr. Owen reminded Commissioners that the Round Four program was split into two (initial and supplemental programs) due to the reductions in toll revenues caused by the pandemic. The initial program was approved by NVTC and the Commonwealth Transportation Board (CTB) late last year. Staff is currently working with the recipients on their Standard Project Agreements. Looking ahead to the supplemental program, which will be based on available funding, staff is working with its Commonwealth partners on potential revenue estimates. For the first two quarters of FY 2021, I-66 Inside the Beltway toll revenue did not rebound and VDOT has not collected enough revenue to transfer any funds to NVTC for the Commuter Choice program. Staff plans to return next month with more information.

For the Commuter Choice on the I-395/95 Corridor, Mr. Owen reported that NVTC received 18 applications totaling \$26.2 million. The applications will now go through the eligibility review process and staff will present the list of eligible projects at the next Commission meeting, which will be followed by the scoring process. NVTC expects to receive approximately \$30 million over the next two years for the I-395/95 Commuter Choice program.

#### Virginia Railway Express

Chair Cristol stated that there are no VRE action items this month, although the Closed Session at the end of the Agenda pertains to VRE. She asked Mr. Dalton to give his CEO Report.

Mr. Dalton reported that VRE continues to operate at reduced service levels. He reviewed the measures VRE is taking to address the COVID-19 public health emergency. Mr. Dalton stated that this week the federal mask mandate went into effect. VRE was already under the state mask mandate and continues to see near 100% compliance with the mask requirement. He reported that on-time performance for the month of January was 92% systemwide with average daily ridership of approximately 1,000.

#### DRPT Report

DRPT Director Mitchell encouraged Commissioners to read the written DRPT Report. She stated that regarding the statewide capital funding application process that ended on February 1, DRPT received 557 requests totaling \$221 million, of which \$157 million are for state of good repair projects and \$65 million in expansion projects. However, there is only \$69 million available.

Ms. Mitchell stated that DRPT will be looking to make sure it can meet its WMATA funding commitments. The draft Six-Year Improvement Program (SYIP) is expected to be presented to the Commonwealth Transportation Board in March. The Commonwealth expects a \$22 million gap in the WMATA capital funding commitment, which is a result in the dramatic decrease in the transient occupancy tax revenue. The Commonwealth expects similar shortfalls will continue into the future years until tourism and hotel occupancy returns back to normal. DRPT is looking for ways to fill this gap.

#### Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter. She reviewed several upcoming meetings, including the next NVTC Meeting on March 4 with WMATA General Manager/CEO Paul Wiedefeld participating. She encouraged Commissioners to be on the lookout for NVTC's new marketing campaign which went live last week on radio, social media sites and streaming sites. She asked NVTC Communications and Outreach Manager Matt Friedman to give a brief presentation on the current media campaign.

Mr. Friedman reported that NVTC's regional marketing campaign launched Monday, January 25, which was made possible by a grant from DRPT with local matches from Arlington and Fairfax Counties; the cities of Alexandria, Falls Church and Fairfax; as well as OmniRide and VRE. This is



NVTC's second regional marketing campaign. The first one followed the summer 2019 shutdown of six Metrorail stations in Northern Virginia. This year's campaign theme is "Moving Forward Together" with the tagline "public transit is here to get you there."

Mr. Friedman explained that Phase 1 of the campaign includes display ads (WTOP.com, WAMU.com, DCist.com and other online sites), social media ads (Facebook, Instagram, Twitter, LinkedIn), radio, audio streaming and podcast ads (during news and traffic reports on WTOP and WAMU, as well as the Kojo Nnamdi Show on WAMU). Phase 2 will include video ads which are currently in development (YouTube and OTT (Over the top television)).

Mr. Friedman explained that all ads direct people to the redesigned Novarides.org website. The website still includes trip-planning resources for all of the transit providers that serve Northern Virginia and adds COVID-19 and public transit resources.

Mr. Friedman stated that similar to the last marketing campaign, staff will receive updates on the performance of the ads throughout the campaign. So far, there were 1,245 visitors through February 3 (7% of last campaign total of 17,590).

Mr. Snyder asked if staff has considered using testimonials from people who are using transit to show others that it is safe to use. Mr. Friedman replied that this is a great idea and staff can take it under consideration but noted that there are budget limitations, so staff has been focusing on animated video clips versus "live" videos. However, there may be ways to use transit rider's "stories" in social media. Ms. Mattice also noted that local transit providers are doing some of this already.

Mr. Snyder stated that he would also like more information on toll revenues regarding the I-66 Inside the Beltway tolls. Ms. Mattice stated that staff is already working with VDOT staff and plan to come back in March with more details and will invite VDOT to brief the Commission.

Ms. Garvey agreed that video testimonials are a good idea and stated that the Northern Virginia Regional Commission (NVRC) has done some of that type of marketing. Ms. Palchik stated that she likes the message of the campaign and agreed that there might be some opportunity to connect with NVRC with what they are doing. She asked about targeting some of the Spanish-speaking media.

Ms. Mattice noted that the Financial Report for December 2020 was 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. Aguirre, the following motion to go into Closed Session:

Pursuant to the Virginia Freedom of Information Act (Section 2.2-3711.A.3 of the Code of Virginia), the Northern Virginia Transportation Commission moves to

convene a Closed Session to discuss one matter involving the acquisition of real property for public purposes relating to the Broad Run VRE station where discussion in public would adversely affect the Commission's negotiating strategy and bargaining position.

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, Foust, Garvey, McKay, Meyer, Palchik, Smedberg, Snyder, Turner and Walkinshaw. (Mr. Krizek did not participate in the vote.)

The Commission entered into Closed Session at 8:39 p.m. Staff who also participated in the Closed Session included Ms. Mattice, Mr. MacIsaac, Mr. Dalton, Mr. Schofield and Ms. Hoeffner. The Commissioner returned to Open Session at 9:22 p.m.

Chair Cristol moved, with a second by Ms. Palchik, 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, Bennett-Parker, Cristol, Foust, Garvey, McKay, Meyer, Palchik, Smedberg, Snyder, Turner and Walkinshaw. (Mr. Bell and Mr. Krizek did not participate in the vote.)

Ms. Bennett-Parker moved, with a second by Mr. Bell, to approve Resolution #2439 (copy attached). The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, Foust, Garvey, McKay, Meyer, Palchik, Smedberg, Turner and Walkinshaw. Mr. Snyder abstained. (Mr. Krizek did not participate in the vote.)

### Adjournment

Without objection, Chair Cristol adjourned the meeting at 9:06 p.m.

Approved this 4th day of March 2021.

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Dalia Palchik  
Secretary-Treasurer

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Katie Cristol  
Chair



## **RESOLUTION #2437**

- SUBJECT:** Finding Need to Conduct the February 4, 2021 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 February 4, 2021, to discuss and transact the business of the Commission listed on the February 4, 2021 Commission Meeting Agenda.

**BE IT FURTHER RESOLVED** that NVTC that hereby finds that meeting by electronic means is authorized because the items on the February 4, 2021 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.

**BE IT FURTHER RESOLVED** that NVTC hereby finds that the items on the February 4, 2021 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 4<sup>th</sup> day of February 2021.



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Dalia Palchik  
Secretary-Treasurer



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Katie Cristol  
Chair



## **RESOLUTION #2438**

**SUBJECT:** Approve the FY 2022 State Transit Assistance Applications to DRPT

**WHEREAS:** The Northern Virginia Transportation Commission (NVTC) wishes to obtain state and federal grants to help defray NVTC, Washington Metropolitan Area Transit Authority (WMATA), local bus systems and Virginia Railway Express (VRE) operating and capital costs.

**NOW, THEREFORE, BE IT RESOLVED** that NVTC's executive director, or her designee, is authorized, for and on behalf of NVTC and as an agent for its members:

- 1) To execute and file applications to the Virginia Department of Rail and Public Transportation (DRPT) for grants of public transportation assistance for FY 2022 commencing July 1, 2021 in the amount of \$133.5 million in eligible local transit operating costs to defray a portion of the public transportation cost of NVTC and its members for operations;
- 2) To accept from DRPT and execute grants in such amounts as may be awarded; and
- 3) To furnish DRPT such documents and other information as may be required for processing the grant requests.

**BE IT FURTHER RESOLVED** that NVTC's executive director, or her designee, is authorized, for and on behalf of NVTC and as an agent for its members:

- 1) To file applications to DRPT for grants of public transportation assistance for FY 2022 for capital expenses totaling \$136.5 million in costs to defray the costs borne by NVTC and its members for capital expenditures;
- 2) To revise the capital portion of the application to reflect refined estimates by the local governments when they become available;
- 3) To accept from DRPT and execute grants in such amounts as may be awarded; and
- 4) To furnish to DRPT such documents and other information as may be required for processing the grant request.

**BE IT FURTHER RESOLVED** that NVTC's executive director, or her designee, is authorized, for and on behalf of NVTC and PRTC and their members:

- 1) To file FY 2022 VRE applications to DRPT in the amount of \$57.1 million in eligible operating costs and \$5.5 million in non-federal costs for capital (\$27.7 million total costs);
- 2) To revise the application to reflect refined estimates by VRE;
- 3) To accept from DRPT and execute grants in such amounts as may be awarded; and

- 4) To furnish to DRPT such documents and other information as may be required for processing the grant request.

**BE IT FURTHER RESOLVED** that NVTC's executive director, or her designee, is authorized, for and on behalf of NVTC:

- 1) To accept from DRPT and execute the grant for WMATA capital and operating purposes per Section 33.2-1526.1 of the Code of Virginia in such amounts as may be awarded; and
- 2) To furnish to DRPT such documents and other information as may be required for processing the grant request.

**BE IT FURTHER RESOLVED** that NVTC certifies that the funds for all of the above grants will be used in accordance with the requirements of Section 58.1 638.A.4 of the Code of Virginia, that NVTC will provide matching funds in the ratio required by the Act, that the records of receipts of expenditures of funds granted to NVTC may be subject to audit by DRPT and by the State Auditor of Public Accounts, and that funds granted to NVTC for defraying the public transportation expenses of NVTC shall be used only for such purposes as authorized in the Code of Virginia.

**BE IT FURTHER RESOLVED** that NVTC's executive director, or her designee, is authorized for and on behalf of NVTC and its members, to furnish to the Transportation Planning Board, the Commonwealth Transportation Board, and other state and federal funding agencies such documents, information, assurances and certifications as may be required for pursuing the above grant requests and continuing previously awarded grants.

**BE IT FURTHER RESOLVED** that NVTC's executive director, or her designee, is authorized to amend the above described applications at the request of NVTC's member jurisdictions to include the most recent information and project costs.

Approved this 4<sup>th</sup> day of February 2021.



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Dalia Palchik  
Secretary-Treasurer



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Katie Cristol  
Chair



## **RESOLUTION #2439**

- SUBJECT:** Concurrence in PRTC Authorizing a Bona Fide Offer to Purchase the Land and Improvements Located in Prince William County at 10305 Piper Lane and (AKA 10307–10367 Piper Lane), 10405 Piper Lane and 10236 Residency Road, Manassas, Virginia 20110, and in the City of Manassas at 10599 Residency Road, Manassas, Virginia 20110, GPINs 7594-99-5687, 7594-99-5235, AND 7695-00-2208 in Prince William County, and 092/01 00/60C in the City of Manassas, Consisting of 712,135 Square Feet, More or Less, Pursuant to Section 25.1-204 of the Code of Virginia
- WHEREAS:** The Northern Virginia Transportation Commission (NVTC) is a transportation district commission and political subdivision of the Commonwealth of Virginia established in accordance with the provisions of the Transportation District Act of 1964, Sections 33.2 – 1900 et seq. of the Code of Virginia, 1950, as amended;
- WHEREAS:** The Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission (“Commissions”), also a transportation district commission and political subdivision of the Commonwealth of Virginia established in accordance with the provisions of the Transportation District Act of 1964, §§ 33.2 – 1900 et seq. of the Code of Virginia, 1950, as amended, jointly own and operate the Virginia Railway Express commuter rail service (“VRE”), the details of which partnership are set forth in the Master Agreement for the Provision of Commuter Rail Services in Northern Virginia entered into between and among the Commissions and the counties of Arlington, Fairfax, Prince William, Stafford, and Spotsylvania, and the cities of Alexandria, Fredericksburg, Manassas, and Manassas Park;
- WHEREAS:** Since 2015, the Commissions have analyzed alternatives for expansion of VRE facilities in the western part of Prince William County, and determined that the preferred alternative was a project to expand and enhance the VRE rail equipment maintenance and storage facility at the Broad Run VRE commuter rail station, including the construction, maintenance, and operation of additional commuter rail parking for VRE patrons using the Broad Run VRE station;
- WHEREAS:** Through engineering analysis, privately owned property hereafter described has been identified as the proper location for the required additional commuter rail parking, and necessary due diligence has been completed regarding the use of the property for this purpose including engineering, title examination, environmental study, and an appraisal;
- WHEREAS:** The Commissions have determined that the aforesaid privately owned property should be acquired for VRE purposes; and

**WHEREAS:** Since the property is located within its territory and the use of eminent domain may become necessary, the Potomac and Rappahannock Transportation Commission will take lead responsibilities to acquire the property on behalf of the Commissions and the Northern Virginia Transportation Commission will be asked to evidence its concurrence with actions required to be taken by the Potomac and Rappahannock Transportation Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission ("Commission") hereby concurs with the actions taken by the Potomac and Rappahannock Transportation Commission in the resolution attached hereto.

Approved this 4th day of February 2021.



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Katie Cristol  
Chair



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Dalia Palchik  
Secretary-Treasurer



**MOTION: BODDYE**

**SECOND: ANGRY**

**RE: AUTHORIZING A BONA FIDE OFFER TO PURCHASE THE LAND AND IMPROVEMENTS LOCATED IN PRINCE WILLIAM COUNTY AT 10305 PIPER LANE (AKA 10307 – 10367 PIPER LANE), 10405 PIPER LANE AND 10236 RESIDENCY ROAD, MANASSAS, VIRGINIA 20110, AND IN THE CITY OF MANASSAS AT 10599 RESIDENCY ROAD, MANASSAS, VIRGINIA 20110, GPINs 7594-99-5687, 7594-99-5235, AND 7695-00-2208 IN PRINCE WILLIAM COUNTY, AND 092/01 00/60C IN THE CITY OF MANASSAS, CONSISTING OF 712,135 SQUARE FEET, MORE OR LESS, PURSUANT TO SECTION 25.1-204 OF THE CODE OF VIRGINIA**

**ACTION: APPROVED**

**WHEREAS**, the Potomac and Rappahannock Transportation Commission is a transportation district commission and political subdivision of the Commonwealth of Virginia established in accordance with the provisions of the Transportation District Act of 1964, Sections 33.2 – 1900 et seq. of the Code of Virginia, 1950, as amended; and

**WHEREAS**, the Potomac and Rappahannock Transportation Commission and the Northern Virginia Transportation Commission (“Commissions”), also a transportation district commission and political subdivision of the Commonwealth of Virginia established in accordance with the provisions of the Transportation District Act of 1964, §§ 33.2 – 1900 et seq. of the Code of Virginia, 1950, as amended, jointly own and operate the Virginia Railway Express commuter rail service (“VRE”), the details of which partnership are set forth in the Master Agreement for the Provision of Commuter Rail Services in Northern Virginia entered into between and among the Commissions and the counties of Arlington, Fairfax, Prince William, Stafford, and Spotsylvania, and the cities of Alexandria, Fredericksburg, Manassas, and Manassas Park; and

**WHEREAS**, since 2015, the Commissions have analyzed alternatives for expansion of VRE facilities in the western part of Prince William County, and determined that the preferred alternative was a project to expand and enhance the VRE rail equipment maintenance and storage facility at the Broad Run VRE commuter rail station, including the construction, maintenance, and operation of additional commuter rail parking for VRE patrons using the Broad Run VRE station; and

**WHEREAS**, through engineering analysis, privately owned property hereafter described has been identified as the proper location for the required additional commuter rail parking, and necessary due diligence has been completed regarding the use of the property for this purpose including engineering, title examination, environmental study, and an appraisal;

**WHEREAS**, the Commissions have determined that the aforesaid privately owned property should be acquired for VRE purposes.

**NOW, THEREFORE, BE IT RESOLVED** by the Potomac and Rappahannock Transportation Commission ("Commission") that:

1. The Commission hereby authorizes the Virginia Railway Express Chief Executive Officer or his designee to make a bona fide offer, pursuant to Section 25.1-204 of the Code of Virginia, in the amount of Seven Million, Three Hundred Thirty Seven Thousand, and Nine Hundred Dollars (\$7,337,900), to purchase those certain parcels or portions of parcels of real property, with improvements thereon and appurtenances thereunto belonging, known as 10305 Piper Lane (aka 10307 – 10367 Piper Lane), 10405 Piper Lane and 10236 Residency Road, Manassas, Virginia 20110 in Prince William County, and at 10599 Residency Road, Manassas, Virginia 20110 in the City of Manassas, GPINs 7594-99-5687 (partial acquisition), 7594-99-5235 (total acquisition), and 7695-00-2208 (partial acquisition) in Prince William County, and 092/01 00/60C (total acquisition) in the City of Manassas, which parcels and portions of parcels consists of 712,135 square feet, more or less ("Property"), for public purposes, which purposes will enhance the public health, convenience and welfare.
2. The Property is more particularly described in **Attachment A**, and is more fully shown on the following three plats prepared by Johnson, Mirmiran & Thompson, Inc., entitled:
  - a) "Boundary Survey and Division of Contractors Storage, LLC Properties, Lot 2 of Inst. #200601240012196 (GPIN 7594-99-5687) and Tract 2 of DB 2683, PG 1554 (GPIN 7594-99-5235)"
  - b) "A Division of Contractors Storage, LLC Property, Lot 1 of Inst. #200601240012196, GPIN 7695-00-2208"
  - c) "Boundary Survey of Contractors Storage, LLC Property, A Portion of Tract 1, Deed Book 2683, Page 1554, GPIN 092-01-00-60C"
3. The Property is needed by the Commission for the following public uses: the construction, maintenance, and operation of public parking for commuter rail patrons using the existing Broad Run VRE commuter rail station, and facilities ancillary to the boarding platforms at the commuter rail station.
4. The Commission is authorized by, inter alia, Sections 33.2 – 1915.A.2, .5.a, and C, and 1919.11 of the Code of Virginia 1950, as amended, and other laws of the Commonwealth of Virginia, to acquire interests in private real property for the purpose of carrying out the Commission's powers and duties, and to acquire interests in private real property by condemnation whenever, in the opinion of the Commission, a public necessity exists therefor.

5. The Commission is of the opinion, and hereby determines and finds, that: (a) a public necessity exists for the acquisition of the Property for public purposes, to-wit: the construction, maintenance, and operation of public transportation facilities, specifically, the expansion of public parking for commuter rail patrons using the existing Broad Run VRE commuter rail station as a component of the expansion and enhancement of the existing VRE rail equipment maintenance and storage facility at the Broad Run VRE commuter rail station; (b) such public use is acceptable and approved by the Commission; and (c) the Commission has reviewed this acquisition for purposes of complying with Section 1-219.1 of the Code of Virginia, 1950, as amended.

6. The record owner of the property is Contractor Storage, LLC.

**Votes:**

**Ayes:** Angry, Boddye, Franklin, Kandasamy, B. Smith, Vega, Allen, Shelton, Sebesky, Rishell, Kelly, Frazier, Skinner, DeBruhl, Guzman, Barker

**Abstain:**

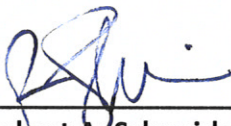
**Nays:**

**Absent from Vote:**

**Alternate Present Not Voting:** Short, R. Smith, Mensing, Moore

**Absent from Meeting:** Bailey, Candland, Hansford, Lawson, Wheeler, Bohmke, Coen, Banks, Graham, McLaughlin, Ross, Mitchell, Horsley, Pittard, Carter

**ATTEST:**

  
Robert A. Schneider, PhD, Executive Director

ATTACHMENT A

GPIN 7594-99-5235

All that certain real property situated in the County of Prince William, Commonwealth of Virginia, described as follows:

Beginning at a set iron pin at the intersection of the eastern right of way line of Piper Lane (Route 660) and the northwestern right of way line of Norfolk Southern Railroad; thence along the eastern right of way of said Piper Lane, along the arc of a curve to the right, concave to the east, having a radius of 426.00 feet, through a central angle of  $02^{\circ}16'55''$ , an arc length of 16.97 feet and being subtended by a chord bearing North  $16^{\circ}11'05''$  West 16.97 feet to a set iron pin at the most southern corner of Lot 2 as said lot is shown and so designated on that certain plat entitled "Plat Showing The Division Of The Property Of Contractors Storage, LLC", by Land Design Consultants, dated November, 2005, and recorded as Instrument Number 200601240012197 among the land records of Prince William County, Virginia; thence along the southern boundary of said Lot 2 the following two courses: (1) North  $54^{\circ}24'38''$  East 408.58 feet to a set iron pin; and (2) North  $59^{\circ}13'50''$  East 201.14 feet to a set iron pin at the most southern corner of Lot 1 of the aforementioned Instrument Number 200601240012197; thence along the southern boundary of said Lot 1 the following two courses: (1) North  $53^{\circ}31'39''$  East 25.70 feet to a set iron pin; and (2) South  $81^{\circ}28'21''$  East 22.63 feet to a set iron pin on the northwestern right of way line of Norfolk Southern Railroad; thence along said northwestern right of way line the following three courses: (1) South  $53^{\circ}31'39''$  West 42.50 feet to a set iron pin; (2) South  $59^{\circ}13'50''$  West 201.26 feet to a set iron pin; and (3) South  $54^{\circ}24'38''$  West 413.55 feet to the point of beginning, containing 0.2375 acres, more or less, and being all of Tract 2 as said tract is described in Deed Book 2683, at Page 1554, among said Prince William County records.

GPIN 7594-99-5687

All that certain real property situated in the County of Prince William, Commonwealth of Virginia, described as follows:

A portion of Lot 2 as said lot is shown and so designated on that certain plat entitled "Plat Showing The Division Of The Property Of Contractors Storage, LLC", by Land Design Consultants, dated November, 2005, and recorded as Instrument Number 200601240012197 among the land records of Prince William County, Virginia, more particularly described as follows:

Beginning at a set iron pin on the eastern right of way line of Piper Lane (Route 660) at the most southern corner of said Lot 2; thence along said eastern right of way line the following five courses: (1) along the arc of a curve to the right, concave to the east, having a radius of 426.00 feet, through a central angle of  $02^{\circ}12'56''$ , an arc length of 16.47 feet and being subtended by a chord bearing North  $13^{\circ}56'09''$  West 16.47 feet to a set iron pin; (2) North  $12^{\circ}49'41''$  West 69.56 feet to a set iron pin; (3) along the arc of a tangent curve to the right, concave to the east, having a radius of 191.00 feet, through a central angle of  $30^{\circ}13'26''$ , an arc length of 100.75 feet and

being subtended by a chord bearing North 02°17'02" East 99.59 feet to a set iron pin; (4) North 17°23'45" East 304.37 feet to a set iron pin; and (5) along the arc of a tangent curve to the left, concave to the west, having a radius of 644.00 feet, through a central angle of 20°16'46", an arc length of 227.94 feet and being subtended by a chord bearing North 07°15'22" East 226.75 feet to a set iron pin; thence leaving said right of way line, along a new line the following three courses: (1) North 83°26'41" East 201.60 feet to a set iron pin; (2) South 01°19'43" East 51.39 feet to a set iron pin; and (3) North 88°40'17" East 68.04 feet to a set iron pin on the eastern boundary of the aforesaid Lot 2; thence along the eastern boundary of Lot 2 the following two courses: (1) South 01°19'43" East 129.94 feet to a set iron pin; and (2) South 32°31'32" East 238.78 feet to a set iron pin on the northwestern boundary of that certain parcel conveyed to Contractors Storage, LLC and described as Tract 2 in Deed Book 2683, at Page 1554, among said Prince William County records; thence along the northwestern boundary of said Tract 2 the following two courses: (1) South 59°13'50" West 201.14 feet to a set iron pin; and (2) South 54°24'38" West 408.58 feet to the point of beginning, containing 4.6615 acres, more or less.

GPIN 7695-00-2208

All that certain real property situated in the County of Prince William, Commonwealth of Virginia, described as follows:

A portion of Lot 1 as said lot is shown and so designated on that certain plat entitled "Plat Showing The Division Of The Property Of Contractors Storage, LLC", by Land Design Consultants, dated November, 2005, and recorded as Instrument Number 200601240012197 among the land records of Prince William County, Virginia, more particularly described as follows:

Beginning at a set iron pin at the most northeastern corner of said Lot 1, being a point on the eastern right of way line of Residency Road (Route 782) at the southern terminus of its full 80 foot right of way width; thence along the eastern boundary of said Lot 1, South 08°12'17" East 253.81 feet to a set iron pin on the northwestern right of way line of Norfolk Southern Railroad; thence along said northwestern right of way line the following two courses: (1) South 52°41'24" West 5.32 feet to a set iron pin; and (2) South 53°31'39" West 1232.45 feet to a set iron pin at the most northeastern corner of that certain parcel conveyed to Contractors Storage, LLC and described as Tract 2 in Deed Book 2683, at Page 1554, among said Prince William County records; thence along the northern boundary of said Tract 2 the following two courses: (1) North 81°28'21" West 22.63 feet to a set iron pin; and (2) South 53°31'39" West 25.70 feet to a set iron pin at the most southern corner of the aforesaid Lot 1; thence along the western boundary of said Lot 1 the following three courses: (1) North 32°31'32" West 238.78 feet to a set iron pin; (2) North 01°19'43" West 187.56 feet to a set iron pin; and (3) North 88°40'43" East 260.25 feet to a set iron pin; thence along a new line the following two courses: (1) North 61°28'18" East 320.09 feet to a set iron pin; and (2) North 17°18'04" West 231.85 feet to a set iron pin on the southern boundary of that certain parcel conveyed to the Commonwealth of Virginia in Deed Book 357, at Page 110, among said Prince William County records; thence along the southern boundary of said Commonwealth of Virginia parcel the following two courses: (1) South 87°34'07" East 86.83 feet to a found concrete monument; and (2) North 67°46'24" East 539.16 feet to a found



concrete monument on the western right of way line of Residency Road (Route 782) at the southern terminus of its full 80 foot right of way width; thence along said right of way line, around the perimeter of a cul-de-sac the following six courses: (1) North 67°46'24" East 15.46 feet to a set iron pin; (2) South 08°12'17" East 25.00 feet to a set iron pin; (3) along the arc of a tangent curve to the right, concave to the northwest, having a radius of 25.00 feet, through a central angle of 82°09'45", an arc length of 35.85 feet and being subtended by a chord bearing South 32°52'35" West 32.86 feet to a set iron pin; (4) along the arc of a reverse curve to the left, concave to the northeast, having a radius of 63.00 feet, through a central angle of 262°09'45", an arc length of 288.26 feet and being subtended by a chord bearing South 57°07'24" East 94.98 feet to a set iron pin; (5) North 08°12'17" West 122.71 feet to a set iron pin; and (6) North 66°24'03" East 15.56 feet to the point of beginning, containing 8.8766 acres, more or less.

GPIN 092/01 00/60C

All that certain real property situated in the City of Manassas, County of Prince William, Commonwealth of Virginia, described as follows:

Beginning at a set iron pin on the northwestern right of way line of Norfolk Southern Railroad at the southeastern corner of Lot 1 as said lot is shown and so designated on that certain plat entitled "Plat Showing The Division Of The Property Of Contractors Storage, LLC", by Land Design Consultants, dated February, 2005, and recorded as Instrument Number 200601240012197 among the land records of Prince William County, Virginia; thence along the eastern boundary of said Lot 1, North 08°12'17" West 253.81 feet to a set iron pin on the eastern right of way line of Residency Road (Route 782) at the most southern corner of that certain parcel conveyed to Advantage Property Management, LLC in Instrument Number 200402240031328 among said Prince William County records; thence along the southeastern boundary of said Advantage Property Management parcel North 66°24'03" East 281.43 feet to a set iron pin; thence continuing along said southeastern boundary and along the southeastern boundary of that certain parcel conveyed to 9700 Court, LLC in Instrument Number 202006050043996 among said Prince William County records, North 66°37'44" East 643.67 feet to a set iron pin on the northwestern right of way line of Norfolk Southern Railroad; thence along said northwestern right of way line South 52°41'24" West 1021.58 feet to the point of beginning, containing 2.6086 acres, more or less and being all of Parcel 1 as said parcel is shown and so designated on the that certain plat entitled "Plat Showing Division Of The Property Of Contractors Storage, LLC", by Charles P. Johnson & Associates, Inc., dated November, 2003, and recorded as Instrument Number 200406220104926 among said Prince William County records.