



# Commission Meeting Materials

*May 2021 – Electronic Meeting*



**novatransit.org**

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# Meeting Overview



**NVTC's May 6, 2021 meeting will be an electronic meeting**, which is possible since Governor Northam signed into law a legislative amendment to provide authority for public bodies, such as NVTC, to conduct electronic meetings during a declared state of emergency when it is impracticable or unsafe to assemble a quorum in a single location. The public will be able to access the audio live stream through YouTube and Facebook Live.

## Action Items

- Resolution "Finding Need to Conduct the May 6 NVTC Meeting Electronically"
- Letter Certifying Receipt of Certain Documents from WMATA Required by State Code
- Third Amended and Restated Memorandum of Agreement Transform66: Inside the Beltway Project
- VRE Operating/Access Agreement and the Amended Master Lease Agreement with CSXT

## Other Meeting Highlights

- Public Comment Received during Declared Emergency
- Reports from the Virginia WMATA Board Members, VRE CEO and DRPT Director
- Commuter Choice Update
- NVTC FY 2022 G&A Budget and Work Plan
- Federal Legislative Update
- Transit Resource Center Overview
- DRPT Presentation on Springfield to Quantico Enhanced Public Transportation Study
- Closed Session

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**NVTC COMMISSION MEETING  
THURSDAY, MAY 6, 2021  
Via Electronic Participation  
Public Streaming Via YouTube  
7:00 P.M.**

**AGENDA**

*NVTC is receiving public comment during the declared state of emergency, Persons wishing to provide **written public comments** should submit them by 3:00 p.m. on Thursday, May 6 via [NVTC's website](#). Comments will be provided to Commissioners prior to the May 6 meeting.*

6:00 p.m. – Executive Committee Meeting via electronic participation

1. Opening Remarks
2. ACTION ITEM: Approve the Consent Agenda (subject to approval by the chair)
  - A. Approve Resolution #2442: Finding Need to Conduct the May 6, 2021 NVTC Meeting Electronically
    - Public Comments Received During Declared State of Emergency
  - B. Authorize the Executive Director to Send a Letter Certifying Receipt of Certain Documents from WMATA Required by State Code
3. ACTION ITEM: Approve the Minutes of the March 4, 2021 NVTC Meeting
4. Commuter Choice Program
  - A. I-66 Technical Edits Regarding Debt Service Payments
    - ACTION ITEM: Approve Resolution #2443: Approve the Third Amended and Restated Memorandum of Agreement Transform66: Inside the Beltway Project
  - B. Report from the Chairs of the I-395/95 Joint Commission Working Group and the Program Advisory Committee
  - C. Presentation on Commuter Choice on the I-395/95 Corridor Round Two Scoring and Staff Recommendation of Program of Projects
5. NVTC FY 2022 General and Administrative Budget and Work Plan

6. Washington Area Transportation Authority (WMATA)
  - A. WMATA COVID-19 Response
  - B. Report from the Virginia WMATA Board Members
  - C. Other WMATA News
  - D. Report from the Chair of the NVTC WMATA Committee
7. Federal Legislative Update
8. Transit Resource Center
  - A. Transit Resource Center Overview
9. **Virginia Railway Express (VRE)**
  - A. VRE COVID-19 Response
  - B. VRE CEO Report and Minutes
  - C. **ACTION ITEM: Approve Resolution #2444: Authorize the VRE CEO to Execute the Amended and Restated Operating/Access Agreement and Master Lease Agreements with CSX Transportation**
10. Department of Rail and Public Transportation (DRPT)
  - A. Monthly DRPT Report
  - B. Presentation on the Springfield to Quantico Enhanced Public Transportation Feasibility Study
11. Executive Director Report
  - A. Executive Director Newsletter
  - B. Financial Reports
12. Closed Session

**TO:** Chair Cristol and NVTC Commissioners  
**FROM:** Kate Mattice  
**DATE:** April 29, 2021  
**SUBJECT:** Consent Agenda (subject to approval of the chair)

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At the May meeting the Commission will be asked to approve the Consent Agenda, which includes a resolution to conduct the meeting electronically and a letter to the Washington Metropolitan Area Transit Authority (WMATA) requesting data on uses of dedicated capital funding.

**ACTION ITEM: Approve the CONSENT AGENDA**

**A. Approve Resolution #2442: Finding Need to Conduct the May 6, 2021 NVTC Meeting Electronically**

The Commission is asked to approve Resolution #2442, which allows NVTC to confirm that the current declared COVID-19 public health emergency makes it both impracticable and unsafe for the Commission to assemble in a single location on May 6, 2021 to discuss and transact the business of the Commission. Furthermore, the resolution states that the items on this meeting's agenda are statutorily required or necessary to continue operations of the Commission and the discharge of the Commission's lawful purposes, duties and responsibilities. This is possible since Governor Northam signed legislation in response to the COVID-19 public health emergency to provide authority for public bodies, such as NVTC, to conduct electronic meetings during a declared state of emergency when it is impracticable or unsafe to assemble a quorum in a single location.

▪ Public Comments Received During Declared Emergency

According to the legislation signed by Governor Northam in response to the COVID-19 public health emergency ([budget amendment 137: Allow policy-making boards to meet virtually during emergency declarations, Item 4-0.01](#)), a public body or governing board convening a meeting in accordance with this subdivision shall make arrangements, if the means of communication allows, to provide the public with an opportunity to comment.

In advance of the May 6 meeting, NVTC solicited written comments from the public via [Google Forms through NVTC's website](#). Comments received by 3:00 p.m. on May 6 will be provided to Commissioners ahead of the meeting and Commissioners will have an opportunity to respond to the comments at the May 6 meeting.



## **B. Authorize the Executive Director to Send a Letter Certifying Receipt of Certain Documents from WMATA Required by State Code**

The Commission is asked to authorize the executive director to send a [letter to the Comptroller of Virginia certifying receipt of certain documents from the Washington Metropolitan Area Transit Authority \(WMATA\)](#). To date, three of the four required documents have been received by NVTC. The final document is [WMATA's FY 2022 capital budget](#), which was approved by the WMATA Board on April 22, 2021. WMATA staff are finalizing the approved FY 2022 full budget document with an anticipated release in June 2021. Once all required documents are received, NVTC's executive director will send the letter to the Comptroller of Virginia certifying receipt of all documents in accordance with state code.

### **Background**

Virginia's 2018 transit omnibus funding bill, [HB1539/SB856 \(2018\)](#), requires that NVTC request certain documents and reports from WMATA related to the transit agency's system budget, financial performance and operating characteristics. Funding from the Commonwealth Mass Transit Fund to support WMATA is contingent upon NVTC providing an annual certification to the Comptroller that such documents and reports have been received. NVTC must certify to the Virginia Comptroller receipt of the following:

- WMATA's Annual Capital Budget
- [WMATA's Annual Independent Financial Audit](#)
- [WMATA's National Transit Database Annual Profile](#)
- [WMATA's Single Audit Reports – issue in accordance with the Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards \(2 C.F.R. Part 200\)](#)

WMATA's annual National Transit Database profile for FY2018 was posted on the Federal Transit Administration's (FTA) website in November 2020. WMATA also posted its most recent Comprehensive Annual Financial Report (CAFR). The most recent Independent Auditor's report starts on page three of the report. WMATA also posted its most recent Single Audit Reports for the fiscal year ended June 30, 2020. These reports were issued in accordance with the Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards (2 C.F.R. Part 200). These received documents have been posted to [NVTC's WMATA Oversight webpage](#).

NVTC will continue the certification process annually on a schedule to match WMATA's fiscal year.

**RESOLUTION #2442**

**SUBJECT:** Finding Need to Conduct the May 6, 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 May 6, 2021, to discuss and transact the business of the Commission listed on the May 6, 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 May 6, 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 May 6, 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 6<sup>th</sup> day of May 2021.

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Katie Cristol  
Chair

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Dalia Palchik  
Secretary-Treasurer





June XX, 2021

**Chair**

Hon. Katie Cristol

**Vice Chair**

Hon. Canek Aguirre

**Secretary-Treasurer**

Hon. Dalia A. Palchik

**City of Alexandria**

Hon. Canek Aguirre

Hon. Elizabeth B. Bennett-Parker

**Arlington County**

Hon. Katie Cristol

Hon. Matt de Ferranti

Hon. Libby Garvey

**Fairfax County**

Hon. Walter L. Alcorn

Hon. John Foust

Hon. Jeffrey C. McKay

Hon. Dalia A. Palchik

Hon. James R. Walkinshaw

**City of Fairfax**

Hon. David Meyer

**City of Falls Church**

Hon. David F. Snyder

**Loudoun County**

Hon. Matthew Letourneau

Hon. Michael R. Turner

**Commonwealth of Virginia**

Hon. Paul C. Smedberg

**Virginia General Assembly****Senate**

Hon. John J. Bell

Hon. Adam Ebbin

**House of Delegates**

Hon. Eileen Filler-Corn

Hon. Paul Krizek

Hon. David Reid

Hon. Richard "Rip" Sullivan, Jr.

**Executive Director**

Katherine A. Mattice

Mr. David A. Von Moll  
 Comptroller of Virginia  
 Office of the Comptroller  
 Department of Accounts  
 P.O. Box 1971  
 Richmond, Virginia 23218-1971

Re: Request for Documents under Virginia Code § 33.2-3402

Dear Mr. Von Moll,

The Northern Virginia Transportation Commission (NVTC) certifies receipt of certain documents and reports from the Washington Metropolitan Area Transit Authority (WMATA) as detailed in Section 33.2-3402 of the Code of Virginia, pursuant to Chapter 854 of the 2018 Virginia Acts of Assembly.

These documents include the following:

- WMATA's Annual Capital Budget;
- WMATA's Annual Independent Financial Audit;
- WMATA's National Transit Database Annual Profile; and
- Single Audit Reports - issued in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200).

We have provided links to the documents on our website:  
<http://www.novatransit.org/wmata/wmata-oversight/>.

The Commonwealth provides transit capital and operating funding from the Commonwealth Mass Transit Fund to support WMATA. Access to this funding is contingent on upon NVTC providing this annual certification indicating receipt of these documents.

Best regards,

Katherine A. Mattice  
 Executive Director

cc: Greg Potts, WMATA  
 Jennifer Mitchell, DRPT

**MINUTES**  
**NVTC COMMISSION MEETING – MARCH 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 7:03 p.m.

Members Present via Electronic Participation

Canek Aguirre  
Walter Alcorn  
Katie Cristol  
Adam Ebbin  
Matt de Ferranti  
Eileen Filler-Corn  
John Foust  
Libby Garvey  
Paul Krizek  
Jeff McKay  
David Meyer  
Jennifer Mitchell (Alternate, Commonwealth of Virginia)  
Dalia Palchik  
David Reid  
Paul Smedberg  
David Snyder  
Dan Storck (Alternate, Fairfax County)  
Richard Sullivan  
James Walkinshaw

Members Not Present

John J. Bell  
Elizabeth Bennett-Parker  
Matt Letourneau  
Mike Turner

Staff Present via Electronic Participation

Kate Mattice, Executive Director	Aimee Perron Siebert
Andrew D’huyvetter	Steve MacIsaac (legal counsel)
Allan Fye	Rich Dalton (VRE)
Rhonda Gilchrest	Paul Wiedefeld (WMATA)
Scott Kalkwarf	Regina Sullivan (WMATA)
Ben Owen	Greg Potts (WMATA)
Zachary Smith	David Caudill (VDOT)
Melissa Walker	John Mason, Jr. (VDOT)

## Opening Remarks

Chair Cristol welcomed everyone to the March 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 welcomed WMATA General Manager Paul Wiedefeld, who is present to discuss Metro-related issues, and Virginia Department of Transportation Division Administrator for Tolling Operations David Caudill, who will give a presentation on I-66 Inside the Beltway toll revenues and projections. Chair Cristol also reviewed the rest of the Agenda and action items.

## Consent Agenda

Chair Cristol stated that there are two resolutions on the Consent Agenda, including Resolution #2440: Finding Need to Conduct the March 4, 2021 Meeting Electronically and Resolution #2441: Authorize the Delay in Approving the NVTC FY 2022 General and Administrative Budget. (Copies of the resolutions are attached.)

Before the vote, Ms. Mattice reported that no public comments were received prior to the meeting.

Mr. McKay moved, with a second by Mr. Smedberg, 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, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Garvey, Krizek, McKay, Meyer, Palchik, Reid, Smedberg, Snyder, Storck and Sullivan. (Mr. Storck voted as an alternate until Mr. Walkinshaw joined the meeting.)

## Minutes of the February 4, 2021 NVTC Commission Meeting

Mr. Aguirre moved, with a second by Mr. Reid, to approve the minutes of the February 4, 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, Cristol, de Ferranti, Filler-Corn, Foust, Garvey, Krizek, McKay, Meyer, Palchik, Reid, Smedberg, Snyder, Storck and Sullivan. Mr. Ebbin abstained.

## Washington Metropolitan Area Transit Authority

Chair Cristol welcomed WMATA General Manager/CEO Paul Wiedefeld, who is present to provide an update on the challenges facing WMATA and other Metro-relate issues.

Presentation by WMATA General Manager. Mr. Wiedefeld thanked the Commission, local governments, DRPT, the Commonwealth and the federal government for their support of Metro during the COVID-19 pandemic. He gave an overview of the operating budget, capital program, safety update, and legislative outlook and future challenges. Fortunately, the federal relief bill in December took care of the major budget concerns for FY 2021 and a good portion of the FY 2022 budget. For the FY 2022 operating budget, it will be important to remain flexible, anticipate change, and continue with strategy of “to know what we know” and bring things back into the budget if funding is identified in the future. For the FY 2022 operating budget, the original \$742 million gap is partially covered by federal relief funds, which results in a projected remaining funding gap of \$209.8 million. He explained that the recommendation is to retain FY 2021 service levels as long as possible to support regional FY 2021 service levels to support the regional economy and ridership rebound. The FY 2022 budget recommendations include:

- Forgoes 3% subsidy growth in FY2022, only \$42M of above base for exclusions
- Assumes Silver Line Phase 2 revenue service begins July 2021
- Seeks Collective Bargaining Agreement (CBA) Wage and Pay for Performance Deferral for unionized employees
- No shifts of operating costs to capital program for preventive maintenance
- Includes an estimated \$20M for Silver Line Phase 2 equity adjustments

Mr. Wiedefeld stated that after management actions, the remaining budget gap will require additional funding or service cuts and layoffs estimated beginning in January 2022 (FY 2022 Quarter 3 and Quarter 4).

Mr. Wiedefeld stated that the capital program, which is \$2.6 billion for FY 2022, will include addressing overdue capital needs and ongoing programs to sustain safety and state of good repair. He updated the Commission on some of the work being done and future work, including platform improvement projects, a new escalator replacement contract, and Alexandria Rail Yard signal modernization project.

Mr. Wiedefeld then gave a safety update and the impact of the COVID-19 pandemic to the system. WMATA has a workforce of 12,300 employees and WMATA has had a total COVID-19 related reports from 4,614 employees, with unfortunately four deaths. As of February 26, 2021, there have been 1,161 confirmed cases with two current hospitalizations. WMATA’s recovery activities include air filtration pilot projects for bus and rail, proactive and responsive cleaning protocols, face covering/hand sanitizer distribution, touchless fare collection, and real-time crowding information. He also reviewed protocols to protect the WMATA workforce, including vaccinations, mobile testing, safety kit distribution, office re-entry guidelines and a visitor screening portal.

Mr. Wiedefeld reported that WMATA continues to monitor federal legislation that impacts the system. There is House legislation that would provide an additional \$30.5 billion for pandemic

relief for transit agencies, which would continue to help WMATA with the FY 2022 budget gap. Legislation to continue federal dedicated funding for WMATA's state of good repair needs has been introduced in both the Senate and the House. Senator Warner and Congressman Connolly are sponsoring this legislation.

[Mr. Walkinshaw joined the meeting at 7:35 p.m.]

Mr. Wiedefeld stated that as the region comes out of the pandemic, it will be important to rethink transit as travel patterns may change. It will be important to monitor this and be ready to adapt. WMATA is committed to continue coordination with its regional partners to help meet these challenges.

Multiple Commissioners thanked Mr. Wiedefeld for WMATA's efforts during the pandemic. Ms. Palchik commended WMATA for its targeted Spanish-speaking marketing. She asked as the region's employers and educational institutions develop plans to re-open, how is WMATA working with employers and other regional stakeholders to get riders back on transit. Mr. Wiedefeld responded that WMATA is developing a whole marketing campaign, but the first phase will continue to focus on showing that the system is safe to use. WMATA staff have been in contact with business leaders and chambers of commerce about potential joint future campaigns.

Mr. McKay commended WMATA for forgoing a subsidy increase in light of the challenges facing local governments as well as protecting the capital program by not recommending shifting funds. He believes WMATA will need to heavily market to get people back to transit and asked if WMATA is starting early enough now that President Biden has moved up the date when every adult can be vaccinated. Mr. McKay stated that he is also hearing conflicting information about when the Silver Line Phase 2 will be completed. In his opinion the Silver Line Phase 2 is an important part of rebuilding Metrorail ridership and delays will adversely impact ridership. He asked if it's possible to compress the testing period.

Mr. Wiedefeld stated that WMATA will need to recalibrate the marketing campaign in light of President Biden's announcement. Regarding the Silver Line Phase 2, WMATA is continuing to work with the Metropolitan Washington Airports Authority (MWAA) but there are still outstanding issues that need to be resolved. WMATA is committed to making sure there is nothing holding up the project on WMATA's end. Mr. McKay expressed his appreciation for all WMATA's work during this difficult time. He also noted that the region and NVTC are willing to help WMATA in any way.

Mr. de Ferranti asked about WMATA's plans for vaccinations for its frontline employees. Mr. Wiedefeld stated that WMATA has the capability to administer the vaccines when they become available, so WMATA is working to procure vaccines. WMATA's highest priority is to vaccinate the Rail Operations Control Center (ROCC) employees, as those are highly specialized jobs that cannot be replaced.

Mr. Aguirre agreed with the comments that outreach is important to get people back to using transit. He also suggested WMATA marketing also target other languages and to keep the message simple using infographics. Mr. Aguirre also stated that it is his understanding that

WMATA is doing a low-income fare pass with the District of Columbia and noted that Alexandria is doing a study on low income fare passes for DASH. He asked how local jurisdictions and the Commonwealth can work with WMATA on ways to reduce barriers to reduced transit fares and promote transit equity. Mr. Wiedefeld responded that he expects the WMATA Board to discuss these issues in the context of transit in the future since the Board is focused on equity issues, especially fares and hours of service.

Mr. Snyder expressed several concerns about the proposed FY 2022 budget. He stated that the notion of spending funds in the first half of the year at a level not justified by ridership and then having virtually no funds left for the second half of the fiscal year, is not a good way to manage a budget. The proposal for Q3 and Q4 is irrational and unsupportable and he cannot encourage taxpaying citizens to support Metro with 30-minute headways and 20+ closed stations. He reemphasized that he cannot support the current budget proposal. Mr. Snyder also asked about WMATA's plans to remap the bus system.

Mr. Wiedefeld explained that to spread out the relief funding for the entire year would result in laying off workers since 70% of the budget is labor costs. The intent of the federal relief funding is to keep people employed; WMATA cannot assume there will be additional federal relief, although there is hope. He appreciates Mr. Snyder's comments and agrees that WMATA does not want to be in that situation for Q3 and Q4. Regarding bus, Mr. Wiedefeld stated that the Bus Transformation initiative, which started pre-COVID, is moving into the next phase of looking at the entire bus system. With the changing travel patterns and behaviors, as well as a greater focus on equity, this work is even more important.

Mr. Alcorn asked about the Title VI analysis being done for the Silver Line Phase 2. It is his understanding that WMATA is using demographic data from Wiehle Station riders. He is not sure this makes the most sense since the demographics are different for the communities in Fairfax County around the new stations. For example, Hutchinson Elementary School is a Title 1 school with a 94% minority population and Dogwood Elementary School is a Title 1 school with a 74% minority population. He also stated that regarding the future of transit, it is important not to give up on transit-oriented development. He asked if WMATA has looked at revenue models not dependent on rush hour fare collection. He also asked how much time is needed in advance for the WMATA Board to discuss and make changes to fare and revenue strategies.

Mr. Wiedefeld responded that WMATA is trying to understand the demographic issues for the Silver Line Phase 2. WMATA is also using ridership data from Reagan National Airport for comparison with Dulles Airport. Regarding fare and revenue strategies, he predicts it's a year-long discussion because factors will continue to change post-pandemic. He stated that equity issues need to be central to the discussion, as well as financial and environmental issues.

Ms. Garvey agreed with Mr. McKay's comments. Given all the factors, she believes the proposed budget is reasonable in these tough times. She asked for more information about Mr. Wiedefeld's plans for the Rail Operations Control Center (ROCC). Mr. Wiedefeld stated that the ROCC leadership now reports directly to him. He also put together a leadership team that has full access to any part of the WMATA organization. Staff from different departments, such as training, communications, human resources, IT, etc., are now working in-person at the ROCC. The focus is



on creating a “just” culture as the whole ROCC is reframed, including training, such as where WMATA recruits, what WMATA pays, work hours, etc.

Chair Cristol observed that local governments are also grappling with budget challenges and they are hearing from constituents about their concerns with the potential drastic Metro service changes coming in Q3 and Q4. While she understands WMATA needs to approve a budget, there is a credibility issue with the public if the drastic measures aren’t realized.

Mr. Wiedefeld explained that the WMATA budget process does not allow for service cuts without going out for public comment period and therefore, WMATA would have to start the budget process all over again. The WMATA Board’s philosophy is to plan for the worst-case scenario and hope federal funds are provided and cuts won’t be needed. It is hoped by April WMATA will have a better sense if there will be additional federal relief for transit agencies, as well as seeing the impact of vaccine availability. The WMATA Board will have the ability to adjust the budget accordingly.

Chair Cristol stated that NVTC may be able to help with educating the public on how the WMATA budget has been developed and why it is structured the way it is. On behalf of the entire Commission, she thanked Mr. Wiedefeld for his participation in this meeting and for all his hard work during the pandemic.

Report from Virginia WMATA Board Members. Mr. Smedberg observed that Mr. Wiedefeld and his team have been working extremely hard to manage all the challenges of the COVID-19 pandemic. Mr. Smedberg reminded Commissioners that the public comment period for WMATA’s FY 2022 budget is currently open and closes on March 16, 2021. There is also a Virginia-focused public hearing on the budget on March 10 at 6:00 p.m. He and Mr. Alcorn will be co-chairing the virtual hearing.

Mr. Smedberg also reported that WMATA and its jurisdictional partners have been working on a new six-year Capital Funding Agreement (CFA). The last agreement was from FY 2010 to FY 2015 with either one-year agreements or extensions since that time. This new agreement brings all parties of up to speed to reflect improvements to the capital program and dedicated funding. The WMATA Board anticipates approving it in April for signature by the jurisdictions.

Mr. Smedberg also announced that the WMATA Board is embarking on a whole strategic planning process, which will address the future of transit.

Report from the Chair of the NVTC WMATA Committee. Chair Cristol noted that Mr. Aguirre was having technical issues and she asked Mr. D’huyvetter to present the requested action. Mr. D’huyvetter reported that staff incorporated Commissioner’s comments regarding the themes for a budget letter from last month’s meeting. As staff continues to monitor federal legislation, WMATA Committee Chair Aguirre will work with Chair Cristol to draft the letter of comments incorporating those themes. The Commission is being asked to authorize Chair Cristol to submit the letter of comments to WMATA on the FY 2022 Operating and Capital Budget and the FY 2022 - FY 2027 Capital Improvement Program.

Mr. Aguirre returned to the meeting and noted that Commissioners are always welcome to participate in the WMATA Committee meetings.

Mr. Snyder stated that the themes capture the discussion of the WMATA Committee. He would like to see theme #3 (maintain a dependable and sufficient level of service throughout FY 2022) strengthened to include examples (don't support station closures and 30-minute headways).

Mr. Ebbin moved, with a second by Mr. Alcorn, to authorize the NVTC chair to send comments to WMATA on the FY 2022 Operating and Capital Budget and FY 2022 – FY 2027 Capital Improvement Program. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Garvey, Krizek, McKay, Meyer, Reid, Smedberg, Snyder, Sullivan and Walkinshaw. (Ms. Palchik did not participate in the roll call vote.)

### Legislative Update

Chair Cristol announced that the General Assembly concluded its Special Session on Monday. She acknowledged the hard work of NVTC's Zach Smith and Tenley O'Hara who both did an amazing job keeping the Commission updated on legislative and budget developments. Chair Cristol asked NVTC's Legislative Liaison Aimee Perron Seibert to give a wrap-up on the General Assembly Session and Executive Director Kate Mattice to follow with a brief federal update.

General Assembly Update. Ms. Perron Seibert reviewed several legislative initiatives NVTC was monitoring during the General Assembly Session. SB 1271 (Senator Pike/Delegate Sullivan), which provides public bodies to meet electronically during a public emergency, passed and is awaiting the governor's signature. HB 1931 (Delegate Levine) allows for greater flexibility for elected officials to participate electronically in meetings. The governor has already signed this legislation, which will go into effect July 1, 2021. HJ 542 (Delegate McQuinn) calls for a DRPT to conduct a transit equity study. Ms. Perron Seibert also reviewed the budget amendments that provided significant COVID-19 funding for transportation projects. NVTC should receive close to \$10 million for its jurisdictions to help pay their Metro bill. She especially thanked Speaker Filler-Corn, Delegate Krizek and Senator Ebbin, as well as other NVTC legislators, for their help in getting this passed. Other notable allocations include \$83.5 million for the VRE Manassas Line and \$10.9 for a fare free transit pilot program.

On behalf of the Commission, Chair Cristol thanked NVTC's General Assembly members for their advocacy for the funding issue and other NVTC priorities during the Session. Speaker Filler-Corn, Delegate Krizek and Delegate Sullivan all commended Aimee Perron Seibert for her invaluable advocacy for NVTC and the amazing job she did during this Session. Speaker Filler-Corn also gave a special thanks to Delegate Krizek for his leadership as chair of the Appropriations – Transportation and Public Safety Subcommittee.

Federal Legislative Update. Ms. Mattice reported that on February 27, 2021, the U.S. House of Representatives passed H.R. 1319, the "American Rescue Plan Act of 2021," which provides \$30.5 billion in critical COVID-19 emergency funding to help public transit agencies across the country to rebuild our nation's economy – including potential support for WMATA,

VRE, and OmniRide. During consideration of the bill, the Senate is expected to consider amendments, including possible amendments to cut or eliminate the public transit emergency funding. In addition, Senator Warner recently announced his Metro Safety, Accountability and Investment Act of 2021 – which would provide dedicated state of good repair funding to WMATA as well as reforms to the Office of Inspector General. There is also a companion bill on the House, which is a little different in scope, that was announced earlier last month.

Ms. Mattice also provided information on USDOT's latest INFRA Multimodal grant application process and the Federal Transit Administration's annual call for projects under Low or No Emission Transit Vehicles & Facilities where \$180 million will be available for bus and bus facilities that use advanced technologies to provide cleaner, more energy efficient transit operations. Regarding an infrastructure bill, key players on Capitol Hill and the Administration met today at the White House to begin discussions of the approach and scope of a major infrastructure package.

### Commuter Choice Update

Chair Cristol introduced Virginia Department of Transportation (VDOT) Division Administrator for Tolling Operations David Caudill, who is present to give a brief update to the Commission on the traffic performance of the I-66 Inside the Beltway facility and its anticipated revenue and expenses over the FY 2021 - FY 2022 period.

VDOT Presentation. Mr. Caudill also introduced VDOT's ITB Manager John Mason, Jr., who will be available to also answer questions. Mr. Caudill stated that for FY 2019 budget, toll revenue from I-66 Inside the Beltway was \$23.7 million, but with the COVID-19 pandemic toll revenue for FY 2021 is \$6.06 million and projected at \$8.075 million for FY 2022. In each of the first two quarters of FY 2021, gross toll revenue was flat at 28% of pre-COVID projections, which required VDOT to use reserve funds to cover its tolling-related expenses. VDOT does not expect to collect enough toll revenue to be able to make any payments to NVTC through the end of FY 2022.

Mr. Caudill explained that revenue does not have a linear relationship to volume. Currently, for I-66 Inside the Beltway volume is running 60% pre-COVID number of trips, but only 22% of pre-COVID revenue. The widening project has added capacity, which is good for operations, but it does impact revenues. Lower demand with increased teleworking has also impacted usage. VDOT is watching future improvements planned for the Theodore Roosevelt Bridge and any impacts of traffic flow, lane reductions, etc. Mr. Caudill explained that VDOT finds it prudent to project revenue very conservatively since the timing and extent of the expected rebound in toll-paying commute traffic following widespread COVID-19 vaccinations cannot reasonably be predicted at this time, nor the impact of people continuing to telework.

Mr. Snyder asked what happens if revenues rise above projections. Mr. Caudill replied that the intent would be to adjust the revenue projections and funds could transfer to NVTC. VDOT provides quarterly projections to NVTC, so the Commission will be kept up to date. Mr. Snyder stated that he understands that VDOT needs to be conservative in its projections, but he hopes that VDOT isn't locked into these numbers because NVTC has projects that need funding. Mr.

Caudill stated that there is a potential for NVTC to receive funding if revenue is higher than projected.

Chair Cristol thanked Mr. Caudill for his presentation as NVTC is very interested in funding its Commuter Choice program and it is helpful for the Commission to understand the revenue impacts of the pandemic.

Commuter Choice on the I-395/95 Corridor Round Two Project Eligibility. Mr. Owen reported that the call for projects for Commuter Choice on the I-395/95 Corridor Round Two (FY 2022 - FY 2023) closed on January 29, 2021 resulting in 18 proposed projects to expand transportation capacity in the I-395/95 corridor between Spotsylvania County and the Virginia-D.C. line. A total of eight eligible applicants submitted applications with a total funding request of \$26.2 million. Staff anticipate a total of about \$30 million to be available to fund the two-year program. Revenues from the 95 and 395 Express Lanes have been less affected by the COVID-19 public health emergency than I-66 Inside the Beltway given that the revenue is collected along a much longer facility that is tolled at all times rather than at peak periods only. Funding requests may change as NVTC staff confirm details of the proposed projects with applicants.

Mr. Owen explained that staff reviewed the applications for eligibility in collaboration with the Virginia Department of Rail and Public Transportation (DRPT) staff. To be eligible, a proposed project must benefit the corridor's toll payers by moving more people and expanding transportation options, among other requirements. Thirteen of the 18 projects were deemed eligible total \$21.9 million, which include nine enhanced bus services, including renewals of service improvements funded in prior rounds; two park-and-ride projects; one TDM strategy; and one new bus service.

Mr. Owen reviewed next steps. Staff will continue evaluating the applications with the new scoring process, which was approved by the Commissions last November. The technical evaluation results will be presented to the NVTC-PRTC Joint Commission Working Group at its April 22 meeting. The public comment period will run from April 16 through May 17. Staff intend to advance a Program of Projects for approval by both Commissions (NVTC and PRTC) and the Commonwealth Transportation Board (CTB) in June.

#### Virginia Railway Express

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

Mr. Dalton reported that VRE continues to operate at reduced service levels. VRE staff have been in discussions with other transit leaders to discuss COVID-19 related topics with the Biden Administration, including Secretary of Transportation Pete Buttigieg, Acting Administrator for the Federal Transit Administration Maria Fernandez and Acting Administrator for the Federal Railroad Administration Amit Bose, to make sure transit operators are doing well to ensure a safe return to transit for riders. Mr. Dalton also reported that on-time performance for the month of February was 93% systemwide with average daily ridership of approximately 1,000; however, VRE saw an increase to 1,500 average daily riders the first week of March.

## DRPT Report

DRPT Director Mitchell encouraged Commissioners to read the written DRPT Report. She reported that the statewide capital funding application process closed on February 1, 2021 and DRPT is currently evaluating grant applications. DRPT received over \$220 million in funding requests, but only have about \$69 million in capital funding is available. Ms. Mitchell also reported that DRPT began work on the Springfield to Quantico Transit Study, which is a directive from last year's General Assembly Session. DRPT plans a briefing for elected officials on March 11 at 1:30 p.m. DRPT is also looking forward to working on a Transit Modernization Study sponsored by Delegate McQuinn, which will look at transit needs across the Commonwealth.

Ms. Mitchell also reviewed transit funding resulting from the recently concluded General Assembly Session, including funding for the VRE Manassas Line, WMATA dedicated funding, and funding for a rail extension from Roanoke to New River Valley. There is also a \$10 million allocation for the Transit Equity Program, which can be used to support low-fare or no-fare programs. In conclusion, she reported that the Notice to Proceed was issued last week for the preliminary engineering for the Long Bridge project.

## Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter. She reviewed several upcoming meetings, included a joint meeting of the NVTC Program Advisory Committee and the NVTC-PRTC Joint Commission Working Group on April 22. She reminded Commissioners that NVTC's April meeting is canceled to allow the jurisdictions to hold their budget work sessions and hearings; the next Commission meeting will be May 6.

Ms. Mattice also gave an update on the transit marketing campaign, which is continuing with local radio, streaming services, and online. This effort was made possible by a grant from DRPT and is being done in cooperation with our regional transit providers. The message – public transit is here to take you where you need to go – is now playing around the region. The campaign is in week six (of 12) of Phase 1 of the campaign, which is radio/streaming, online and social media ads. Staff is working with the creative design contractor to finalize the 15 and 30 second video ads for Phase 2 of the campaign, which will be shown on YouTube and video streaming services.

Ms. Mattice noted that the Financial Report for January 2021 was provided to Commissioners in their meeting materials. There were no questions from Commissioners.

## Adjournment

Without objection, Chair Cristol adjourned the meeting at 9:16 p.m.

Approved this 6th day of May 2021.

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Dalia Palchik  
Secretary-Treasurer

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Katie Cristol  
Chair



## **RESOLUTION #2440**

**SUBJECT:** Finding Need to Conduct the March 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 March 4, 2021, to discuss and transact the



business of the Commission listed on the March 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 March 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.

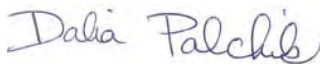
**BE IT FURTHER RESOLVED** that NVTC hereby finds that the items on the March 4, 201 Commission Meeting Agenda are encompassed within the continuity of operations ordinances adopted by several member localities of the Northern Virginia Transportation Commission as essential to the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19.

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



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Katie Cristol  
Chair



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Dalia Palchik  
Secretary-Treasurer



## **RESOLUTION #2441**

- SUBJECT:** Authorize the Delay in Approving the NVTC FY 2022 General and Administrative Budget
- WHEREAS:** According to the NVTC By-Laws, the executive director is to submit a proposed budget for the succeeding fiscal year to the Executive Committee for approval prior to January, which is then submitted to the Commission for action by its January meeting;
- WHEREAS:** Revenues to support NVTC's general and administration budget come from direct contributions from the member jurisdictions, an amount taken off the top of state aid received by NVTC on behalf of its member jurisdictions, and from toll revenues from the Commuter Choice program;
- WHEREAS:** At its October 1, 2020 meeting, the Commission approved the notice of direct contributions for FY 2022 from its member jurisdictions;
- WHEREAS:** NVTC and the Commonwealth Transportation Board approve the administrative expenses associated with the Commuter Choice program on a schedule that aligns with the project selection process;
- WHEREAS:** State aid received by NVTC comes from a portion of the Department of Rail and Public Transportation (DRPT) operating and capital assistance for its WMATA compact members' annual commitments to WMATA and those jurisdictions' local transit systems;
- WHEREAS:** At its November 5, 2020 meeting, the Commission approved Resolution #2423 to delay the budget approval process while waiting for DRPT to provide updated FY 2022 statewide revenue projections for operating and capital assistance for its WMATA compact members' annual commitments to WMATA and those jurisdictions' local transit systems as a result of the COVID-19 pandemic, which limited NVTC in its ability to prepare an informed FY 2022 General and Administrative Budget;
- WHEREAS:** The NVTC Executive Committee recommends a further delay in the budget approval process until after the jurisdictions approve their FY 2022 budgets in the spring of 2021, to allow Commissioners to have more insights into the unique budget challenges the jurisdictions are facing due to impacts of the COVID-19 pandemic; and
- WHEREAS:** A delay in approving NVTC's FY 2022 General and Administrative Budget until June 2021 will not impact NVTC operations as FY 2022 does not commence until July 1, 2021.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission, for the purposes of the Commission's FY 2022 General and Administrative Budget, hereby suspends the requirement in the NVTC By-Laws regarding the January deadline for submitting the proposed annual budget for Executive Committee and Commission action to allow for a delay in the budget approval process.

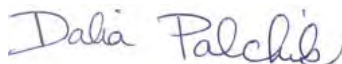
**BE IT FURTHER RESOLVED** that NVTC authorizes the executive director to submit the proposed FY 2022 General and Administrative Budget to the Executive Committee and the Commission to be submitted for action by the full Commission no later than the June 2021 Commission meeting.

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



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Katie Cristol  
Chair



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Dalia Palchik  
Secretary-Treasurer

**TO:** Chair Cristol and NVTC Commissioners  
**FROM:** Kate Mattice, Ben Owen and Jae Watkins  
**DATE:** April 29, 2021  
**SUBJECT:** Commuter Choice Program

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At the May meeting the Commission will be asked to approve technical edits to the Memorandum of Agreement for Commuter Choice on the I-66 Corridor. The Commission will also receive a report on the recent joint meeting of the I-395/95 Joint Commission Working Group and the Program Advisory Committee, as well as a briefing on Commuter Choice on the I-395/95 Corridor Round Two project scoring and staff's recommended programming approach.

**A. I-66 Technical Edits Regarding Debt Service Payments**

- **ACTION ITEM: Approve Resolution #2443: Approve the Third Amended and Restated Memorandum of Agreement Transform 66: Inside the Beltway Project**

The Commission will be asked to approve Resolution #2443, which would approve the Third Amended and Restated Memorandum of Agreement Transform 66: Inside the Beltway Project (technical edits are shown in track changes) and authorize the executive director to execute the agreement on behalf of the Commission. The Commonwealth recently identified language in the Second Amended MOA that would unintentionally constrain annual servicing payments for debt issued to finance the Long Bridge project and/or Rosslyn Metrorail station improvements. The existing wording would limit these servicing payments to the amounts of Inside the Beltway revenues transferred to NVTC for Commuter Choice purposes (i.e., a stipulated \$10 million escalating at 2.5% per year). The proposed revised text states, "At the time of debt issuance, it shall be demonstrated that the anticipated revenues are sufficient to allow for the required debt service and the annual NVTC [Commuter Choice] Payment."

Staff and legal counsel believe that the revised text sufficiently protects the toll revenue payments due to NVTC for Commuter Choice on the I-66 Corridor. Staff recommend that the Commission approve the Third Amended and Restated MOA, which contains the technical edits and no further substantive changes.

## **B. Report from the Chairs of the I-395/95 Joint Commission Working Group and the Program Advisory Committee**

I-395/95 Joint Commission Working Group Chair Jeff McKay and Program Advisory Committee Chair Dave Snyder will give a brief overview of their groups' April 22 joint meeting.

The Joint Commission Working Group (JCWG), which consists of three Commissioners apiece from NVTC and the Potomac and Rappahannock Transportation Commission (PRTC), agreed with staff's recommendation to fund all 13 eligible proposals received in response to the Commuter Choice on the I-395/95 Corridor Round Two (FY 2022-FY 2023) Program of Projects subject to the public comments received. The 13 proposals all represent effective strategies to move more people and expand transportation options in the I-395/95 corridor, and their total funding request of \$21.9 million can be accommodated within the \$30 million expected to be available for the two-year program.

The Program Advisory Committee (PAC) received an update on prospects for a Supplemental (FY 2022) Commuter Choice on the I-66 Corridor Round Four Program of Projects. Staff now anticipate per guidance from the Department of Rail and Public Transportation (DRPT) that NVTC will receive the initial \$5 million contribution from the I-66 Outside the Beltway Express Lanes concessionaire that is stipulated in the I-66 MOA during FY 2022.

Meanwhile, the Virginia Department of Transportation's Inside the Beltway toll revenue collections reached their highest level in March since the COVID-19 public health emergency began – \$652,000, representing 35-40% of pre-COVID-19 levels – and revenue may be available for new projects should the upswing continue. The PAC agreed with staff's recommendation to consider action on a Supplemental (FY 2022) Program of Projects this fall, when Inside the Beltway revenue availability and the timing of the Outside the Beltway payment should be clearer.

## **C. Presentation on Commuter Choice on the I-395/95 Corridor Round Two Scoring and Staff Recommendation of Program of Projects**

The Commission will receive a briefing on the projects being considered for funding under the [Commuter Choice on the I-395/95 Corridor](#) Round Two (FY 2022-FY 2023) program. NVTC received a total of 18 applications (\$26.2 million) under the call for projects that concluded in January. Thirteen applications with a total funding request of \$21.9 million met eligibility criteria and are under consideration for funding.

Staff anticipate full funding of approximately \$30 million for the two-year program. Revenues from the 95 and 395 Express Lanes have been less affected by the COVID-19 public health emergency than I-66 Inside the Beltway given that the revenue is collected along a much longer facility that is always tolled rather than at peak periods only.

The 13 applications and their total technical evaluation scores are shown in Table 1. More [detailed scoring results](#) are attached.

**Table 1: List of Proposed Projects Under Consideration for  
Round Two (FY 2022-FY 2023) Funding for Commuter Choice on the I-395/95 Corridor**

	<b>Applicant</b>	<b>Application Title</b>	<b>Application Score (100 Points)</b>	<b>Funding Request</b>	<b>Cumulative Funding Request</b>
1	OmniRide	Renewal of Enhanced Bus Service from Dale City to Ballston	86	\$291,831	\$291,831
2	Spotsylvania County	New Park and Ride Lot in Massaponax	77	\$1,100,000	\$1,391,831
3	Fairfax County	Renewal of Route 396 Express Bus Service: Backlick North Park and Ride to Pentagon	71	\$1,386,000	\$2,777,831
4	OmniRide	Renewal of Bus Service from Staffordboro to the Pentagon	71	\$704,773	\$3,482,604
5	OmniRide	Renewal of Bus Service from Staffordboro to Downtown D.C.	71	\$968,308	\$4,450,912
6	DASH	Enhanced Bus Service from Van Dorn Metro to the Pentagon	66	\$5,734,000	\$10,184,912
7	OmniRide	Renewal of Enhanced Bus Service on Route 1 Local: Quantico to Woodbridge VRE	66	\$541,169	\$10,726,081
8	OmniRide	Renewal of Enhanced Bus Service on Prince William Metro Express: OmniRide Transit Center to Franconia-Springfield Metro	66	\$434,776	\$11,160,857
9	FRED Transit	New Bus Service from Route 208 Park and Ride Lot to Fredericksburg VRE	64	\$1,218,800	\$12,379,657
10	DASH	Enhanced Bus Service from Mark Center to Potomac Yard	56	\$3,650,000	\$16,029,657
11	OmniRide	TDM Strategy-- I-395/95 Corridor Vanpool Monthly Incentive	55	\$604,800	\$16,634,457
12	Fairfax County	Enhanced Bus Service for Route 371: Lorton to Franconia - Springfield Metro Station	51	\$2,496,529	\$19,130,986
13	Prince William County	Horner Road Park and Ride Lot Expansion	49	\$2,800,000	\$21,930,986
	NVTC	<i>Program Administration and Oversight for FY 2022-FY 2023</i>	--	\$800,000	\$22,730,986



Staff's recommendation, endorsed by the Joint Commission Working Group, is to fund all 13 eligible proposals subject to the public comment received. The proposals can be accommodated within the available funding and, more importantly, align with the I-395/95 corridor improvement goals of moving more people and creating viable, effective transportation options. Specifically, all proposals represent one of the following:

- Enhancements to local bus routes in the City of Alexandria and Fairfax County to provide 15-minute or better daytime service at least on weekdays, markedly improving connections with Metrorail, job sites and services for both peak and off-peak commuters.
- Efforts to rebuild ridership post-pandemic and prepare for expected future travel patterns – including incentives to encourage new and returning vanpools, expansions of park-and-ride lot capacity in the corridor and establishment of a new Virginia Railway Express feeder bus service in the Fredericksburg area.
- Continuations of new and enhanced bus services funded under the Round One (FY 2020-FY 2021) program, to provide predictability and continuity for corridor commuters as they return to worksites.

Taken together, the 13 proposals are expected to move about 1,000 more people inbound through the I-395/95 corridor each morning upon full implementation and as travel patterns in the corridor revert to more typical conditions.

### Next Steps

[Public comment](#) on the 13 proposals under consideration for funding opened on April 16 and remains open through May 17. On April 28 staff held an interactive Virtual Town Hall meeting at which members of the public were able to learn more about the projects under consideration for funding as well as the overall Commuter Choice program. The meeting recording is available for viewing over [NVTC's YouTube channel](#).

Staff will brief the Commonwealth Transportation Board (CTB) on the proposals under consideration for funding in mid-May. At the Commissions' (NVTC and PRTC) June 3 meetings, staff will share the public comments received and seek the Commissions' approval of a Program of Projects, followed by the CTB's approval in mid-June. Staff will then distribute Standard Project Agreements for selected projects so that implementation may begin with the start of the new fiscal year on July 1, 2021.

**RESOLUTION #2443**

- SUBJECT:** Approve the Third Amended and Restated MOA to the Memorandum of Agreement Transform66: Inside the Beltway Project
- WHEREAS:** The Transform66: Inside the Beltway Project consists of dynamic tolling, conversion from HOV-2 to HOV-3, transit service, technology upgrades and infrastructure improvements to increase the number of people traveling in the corridor; and an evaluation of project effectiveness on I-66 and its related arterials;
- WHEREAS:** In 2015, Virginia Secretary of Transportation Aubrey Layne designated NVTC as the regional authority to identify and facilitate the delivery of the multimodal components of this project to maximize the transportation benefits of this project, as measured by the number of persons that are able to travel through the corridor;
- WHEREAS:** In January 2016, NVTC and the Commonwealth of Virginia entered into a Memorandum of Agreement (MOA) allowing NVTC to use toll revenues from I-66 Inside the Beltway to fund multimodal components that support the toll payers of this facility, which program is branded as Commuter Choice on the I-66 Corridor;
- WHEREAS:** In October 2016, NVTC and the Commonwealth of Virginia amended and restated the MOA to remove references to the use of tolls for widening the facility; modify language to enhance the credit-worthiness of the toll revenues; clarify the use of funds for transit operations; and address technical corrections identified by the Commonwealth, NVTC staff and NVTC jurisdictions;
- WHEREAS:** In January 2020, NVTC and the Commonwealth of Virginia again amended and restated the MOA to identify a minimum annual payment schedule over the life of the agreement for Commuter Choice on the I-66 Corridor while also allowing toll revenues to support two rail capital projects that support the movement of people along the I-66 Inside the Beltway Corridor and satisfy the requirements for use of toll revenue by benefitting the toll paying users of I-66, namely a new bridge structure that crosses the Potomac River to expand the capacity for commuter and intercity passenger rail service and new Metrorail-related improvements to, and serving, the Rosslyn Metrorail Station that would facilitate the movement of passengers and relieve train congestion on the Blue, Orange, and Silver Metrorail lines;
- WHEREAS:** The Commonwealth recently identified language in the Second Amended and Restated MOA that would unintentionally constrain the amount that the Commonwealth could expend on debt service for the rail capital projects; and
- WHEREAS:** The Commonwealth has identified clarifying text, reviewed by NVTC legal counsel, that sufficiently protects the toll revenue payments due to NVTC for Commuter Choice on the I-66 Corridor.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby approves the attached Third Amended and Restated Memorandum of Agreement Transform66: Inside the Beltway Project and authorizes the executive director to execute the agreement on behalf of the Commission.

Approved this 6<sup>th</sup> day of May 2021.

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Katie Cristol  
Chair

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Dalia Palchik  
Secretary-Treasurer

**SECOND-THIRD AMENDED AND RESTATED**  
**MEMORANDUM OF AGREEMENT**  
**TRANSFORM66: INSIDE THE BELTWAY PROJECT**

This ~~Third~~<sup>Second</sup> Amended and Restated Memorandum of Agreement (“MOA”) is entered into on \_\_\_\_\_, 2021~~0~~, between the Commonwealth Transportation Board (“CTB”), the Virginia Department of Transportation (“VDOT”), both acting by and through the Commissioner of Highways, and the Virginia Department of Rail and Public Transportation (“DRPT”), and the Northern Virginia Transportation Commission (“NVTC”) (collectively, the “Parties”).

**RECITALS**

**WHEREAS**, the CTB, VDOT, and ~~the Virginia Department of Rail and Public Transportation (“DRPT”)~~ have embarked upon a multimodal transportation program, Transform66, which seeks to fund and implement solutions to move more people in the Interstate 66 (“I-66”) corridor between Haymarket, Virginia and Route 29 in the Rosslyn area of Arlington County, Virginia; and

**WHEREAS**, the Transform66 program is composed of two distinct projects: (1) the Transform66: Inside the Beltway Project, which involves multimodal transportation improvements in the I-66 corridor beginning at the intersection of I-66 and I-495 (the “Beltway”) and ending at U.S. Route 29 in the Rosslyn area of Arlington County, Virginia (the “Transform66: Inside the Beltway Project” or the “Project”); the foregoing geographical limits are hereafter referred to as the “Project Corridor” or the “Corridor” which, for avoidance of doubt includes adjacent and nearby routes), and (2) the Transform66: Outside the Beltway Project, which involves multimodal transportation improvements in the I-66 corridor beginning at Haymarket, Virginia, and ending at the Beltway; and

**WHEREAS**, the improvement goals of the Transform66: Inside the Beltway Project, as originally stated, are to (1) move more people; (2) enhance transportation connectivity; (3) improve transit service; (4) reduce roadway congestion; and (5) increase travel options (collectively, the “Improvement Goals”), all of which will benefit the users of the portion of I-66 beginning at the Beltway and ending at U.S. Route 29 in the Rosslyn area of Arlington County, Virginia (the “Facility”); and

31           **WHEREAS**, in order to permit consistency and efficiency in NVTC’s administration of  
32 the use of toll funds in the Corridor and concessionaire funds in the I-395 corridor, the Parties  
33 desire to restate the aforesaid improvement goals as follows: (1) maximize person throughput in  
34 the Corridor; and (2) implement multimodal improvements to: (i) improve mobility along the  
35 Corridor, (ii) support new, diverse travel choices, and (iii) enhance transportation safety and travel  
36 reliability (collectively, the “Improvement Goals”) each of which will benefit the users of the  
37 Facility; and

38           **WHEREAS**, the Project will facilitate implementation of recommendations from VDOT’s  
39 June 2012 Final Report of the I-66 Multimodal Study Inside the Beltway, and the further  
40 refinements found in the August 2013 Supplemental Report, as well as recommendations from  
41 DRPT’s 2009 Transportation Demand Management/Transit Report (collectively, the  
42 "Commonwealth Reports"), and projects in the region’s constrained long range plan, as such plan  
43 may be updated from time to time, including but not limited to multimodal transportation  
44 improvements to the roadways and associated transportation and transit facilities in the vicinity of  
45 the Facility and the Corridor (“Components”) (as described in the aforesaid VDOT and DRPT  
46 reports and depicted in the diagram attached hereto and incorporated herein as Exhibit 1; and

47           **WHEREAS**, the Transform66: Inside the Beltway Project is intended to achieve the  
48 Improvement Goals by (1) converting the existing Facility to a tolled facility with dynamic tolling  
49 during the peak periods; (2) allowing mass transit and commuter buses to ride free at all times; (3)  
50 permitting HOV-2 vehicles to ride free at all times until the later of 2020 or until any increase to  
51 HOV-3 occupancy requirements for HOV lanes of I-66 outside the Beltway; (4) thereafter  
52 permitting HOV-3 vehicles to ride free at all times; (5) improving transit services; and (6)  
53 improving the Facility, including widening of I-66 eastbound from two lanes to three lanes  
54 between Exit 67 at the Dulles Connector Road (“Exit 67”) and Exit 71, the Fairfax Drive/Glebe  
55 Road exit (“Exit 71”), all subject to the conditions provided herein; and

56           **WHEREAS**, the multimodal transportation Components in the Transform66: Inside the  
57 Beltway Project must meet the criteria enunciated in this MOA; and

58           **WHEREAS**, VDOT, on behalf of the CTB, will control and manage tolling on the Facility,  
59 with the toll revenues being utilized and distributed according to this MOA, to support the tolling  
60 operations and tolling maintenance of the Facility, and to fund Components selected by NVTC

and approved by the CTB for the Project, designed specifically to attain the Improvement Goals;  
and

**WHEREAS**, the CTB intends to finance the widening of the Facility eastbound between Exits 67 and 71 from funds of the Commonwealth other than toll revenues of the Facility; and

**WHEREAS**, the CTB desires to delegate to NVTC the authority to select and administer the implementation of Components designed specifically to attain the Improvement Goals to be financed in whole or in part from the portion of the toll revenues of the Facility transferred to NVTC as provided in this MOA; and

**WHEREAS**, such delegation to NVTC shall not constitute approval by NVTC of the Commonwealth's actions to impose tolling along the Facility; and

**WHEREAS**, the Parties desire that, in addition to funding Components selected by NVTC and approved by the CTB, toll revenues may be used to fund one or both of the following two Components, including through issuance of debt, direct funding, a public private partnership, or other means: (1) a new bridge structure that crosses the Potomac River between Arlington County and the District of Columbia in the vicinity of the 14<sup>th</sup> Street Bridge complex and the Metro Fenwick Bridge to expand the capacity for commuter and intercity rail passenger service as defined by 49 U.S.C. §§ 24102(3) and (4) on July 1, 2019, and which may include, in addition to the river crossing, reasonably related new track approaches to the new bridge, as well as property acquisition and upgrades to the existing tracks on the Virginia and the District of Columbia sides of the new bridge (the "Potomac River Passenger Rail Bridge Component"); and (2) new Metrorail related improvements to, and serving, the Rosslyn Metrorail station in Arlington County that would facilitate the movement of passengers and relieve train congestion on the Blue, Orange, and Silver Metrorail lines, and which may include, but not be limited to, a new platform and station, pedestrian connections to the existing Rosslyn Metrorail station, and a future new extension of Metrorail under the Potomac River (the "Rosslyn Metrorail Station Component") (collectively, the "Passenger Rail and Metrorail Components" or "Rail Components"); and

**WHEREAS**, the Rail Components will achieve the Improvement Goals, and will benefit the users of the Facility, and satisfy the criteria hereafter set forth; and

**WHEREAS**, the Parties initially memorialized their agreement regarding the allocation and expenditure of certain toll revenue arising from travel on the Facility, the criteria for use of toll revenue to implement Components and the relationship between the Parties in a Memorandum

of Agreement dated January 5, 2016, and thereafter entered into an Amended and Restated Memorandum of Agreement dated January 5, 2017 (“the 2017 Amended and Restated MOA”), to reflect the time frame in which the eastbound widening of the Facility will occur and the funding to be used therefor, as well as other amendments related to use of toll revenue, duration of tolling and debt financing by NVTC to fund Components, and thereafter entered into an Amended and Restated Memorandum of Agreement dated January 16, 2020 to include provisions for the potential use of toll revenues to fund one or both of the Rail Components, and now wish to further amend and restate that agreement to include a technical amendment to the provisions for the potential use of toll revenues to fund one or both of the Rail Components.

**NOW, THEREFORE**, in consideration of the foregoing recitals, the mutual covenants and agreements contained herein, and the mutual benefit to the Parties of attaining the Improvement Goals, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

#### **I. Nature of the Parties’ Interest Under This MOA**

This MOA provides for the transfer to and use by NVTC of specified funds collected from the CTB’s tolling of the Facility, as allowed by law and according to the terms of this MOA, for the selection and administration of Components to attain the Improvement Goals. This MOA is specifically subject to, and is governed by applicable state and federal laws concerning the allowable use of tolls, including but not limited to § 33.2-309 of the *Code of Virginia* (1950), as amended (“Virginia Code”), 23 U.S.C. §§ 129 and 166 and the terms of any agreement by and between the Federal Highway Administration (“FHWA”) and VDOT that may be required in order to toll the Facility.

This MOA does not grant NVTC any authority over I-66, the tolling of I-66, or any other roadways in the I-66 corridor. It also does not address toll revenues that may be derived from the tolling of I-66 outside the Beltway. It also does not obligate VDOT or the CTB to provide any specified amount of revenues beyond the toll revenues generated from the Facility and allocated by the CTB in compliance with Virginia Code § 33.2-309 as provided in this MOA, all subject to appropriation by the General Assembly.

#### **II. Basic Agreement; Roles and Responsibilities**

A. VDOT, DRPT, and the CTB shall have the following roles and responsibilities:

**1. Design and Construction of Dynamic Tolling Operation on I-66 Inside the Beltway.** VDOT shall be responsible for the design and construction of all



improvements and facilities to convert the existing Facility to a dynamic tolled operation (the "Conversion"). Funding to accomplish this Conversion will be advanced from the Toll Facilities Revolving Account pursuant to Virginia Code § 33.2-1529 and repaid out of toll revenues collected from the Facility.

**2. Toll Collection and Establishment.** Subject to the necessary approvals of the CTB and FHWA, and in accordance with law, VDOT and the CTB, as applicable, shall establish, charge, modify and collect tolls throughout the term of this MOA for vehicles using the Facility during peak hours, which shall include dynamic pricing to ensure travel speeds in accordance with 23 U.S.C. § 166. The CTB reserves the right to make any changes to the tolling of the Facility that increase the hours or directions of tolling and any toll revenue generated from any change shall be governed by this MOA.

**3. HOV Requirements.** In accordance with the long range plan adopted by the National Capital Region Transportation Planning Board, VDOT and the CTB shall take the required actions necessary to change the Project HOV-2 designation to HOV-3 by the later of January 2, 2020, or upon any increase to HOV-3 occupancy requirements for HOV lanes of I-66 outside the Beltway

**4. Use of Toll Revenues.** VDOT shall include in the annual budget presented to the CTB for approval in June of each year, an estimate of the toll revenues anticipated to be collected in the upcoming year and the proposed allocation of all such toll revenues, including to pay the NVTC Payment (as defined below) and any NVTC or Rail Component Debt Service (as defined below) in the upcoming year. Allocation of these toll revenues shall be provided in the following order with the intent that, after the allocations provided for in (a), (b), (c), (d), (e), (f), and (g), all remaining toll revenues, including those carried forward in accordance with II.A.4(c), shall be made available for additional Components selected by NVTC in accordance with (c):

- (a) reasonable costs and expenses of tolling operation and tolling maintenance, including reasonable reserves for major maintenance of tolling operations of the Facility;

(b) Debt Service on Rail Component Debt (as defined below) for one or both of the Rail Components. At the time of debt issuance, it shall be demonstrated that the anticipated revenues are sufficient to allow for the required debt service and the annual NVTC Payment (as defined below); not to exceed the NVTC Payment (as defined below);

(c) the NVTC Payment (as defined below) for Components selected by NVTC and approved by the CTB under the terms of this MOA, and any implementation costs related to Components, as well as operating costs related to Components;

(d) Pay go for Rail Components between the estimated start of the Long Bridge construction in 2022 and 2034;

(e) repayments to the Toll Facilities Revolving Account (i) for any allocation advanced from the Toll Facilities Revolving Account for the Conversion and (ii) the initial allocation to NVTC of \$10 million for the Project described in II.C., with a repayment schedule for the Conversion allocation and the initial allocation to NVTC (x) of not less than 25 years from the first date of disbursement, (y) reflecting a 0% interest rate, and (z) annually committing not more than six percent of anticipated toll revenues to such repayment; provided, however, if toll revenues remaining after the allocation described above in II.A.4(a), (b), (c) and (d) is below two times the amount budgeted for allocation described below in II.A.4(f), then the repayment to the Toll Facilities Revolving Account shall not exceed an amount that would result in the toll revenues remaining after the allocations described in II.A.4(a), (b), (c), and (d) of less than one and a half times the amount budgeted for allocation in II.A.4(f);

(f) Debt Service on NVTC Debt (as defined below) incurred to finance Components selected by NVTC and approved by the CTB under the terms of this MOA: provided that the annual amount of the Debt Service payments does not exceed 60 percent of toll revenues remaining after the allocations described above in II.A.4(a), (b), (c), and (d); provided further that no NVTC Debt may be incurred unless the toll revenues remaining after the

allocation described above in II.A.4(a), (b), (c), and (d) in the fiscal year prior to the fiscal year the NVTC Debt will be incurred must be at least two times the maximum annual scheduled Debt Service on all outstanding NVTC Debt and the proposed NVTC Debt in the then-current or any future fiscal year;

(g) repayment to the Toll Facilities Revolving Account not paid in any prior and current year in accordance with II.A.4(e) as a result of not meeting the coverage requirements specified in II.A.4(f);

(h) any remaining revenues for Components selected by NVTC and approved by the CTB under the terms of this MOA, and any implementation costs related to Components, as well as operating costs related to Components. To the extent Components have not yet been selected by NVTC and approved by the CTB for funding with any remaining revenues, the remaining revenues shall be carried forward to the next fiscal year and made available to NVTC for Components approved in accordance with the provisions of this MOA.

"NVTC Debt" means (i) any bonds, promissory notes, loan, financing or credit agreements under which NVTC is obligated to repay money borrowed to finance a Component, (ii) all installment sales, conditional sales and capital lease obligations incurred or assumed by NVTC to finance a Component. The term "incurred" as used in the MOA with respect to NVTC Debt shall also mean issued or assumed. "Debt Service on NVTC Debt" means for a fiscal year or other measurement period the aggregate of the payments to be made in respect of the principal of and interest on NVTC Debt and the associated financing or trustee's fees or charges and required deposits to any reserve funds.

"Rail Component Debt" means (i) any bonds, promissory notes, loan, financing or credit agreements under which the issuer is obligated to repay money borrowed to finance a Rail Component, (ii) all installment sales, conditional sales and capital lease obligations incurred or assumed by the issuer to finance a Rail Component. The term "incurred" as used in the MOA with respect to Rail Component Debt shall also mean issued or assumed.

"Debt Service on Rail Component Debt" means for a fiscal year or other measurement period the aggregate of the payments to be made in respect of the principal of and interest on Rail Component Debt and the associated financing or trustee's fees or charges and required deposits to any reserve funds.

"NVTC Payment" means an annual payment calculated as follows: \$10 million increased by 2.5% each year starting in fiscal year 2021 as set forth in the attached Exhibit 2.

**5. Limit on Operating Costs.** NVTC may not expend more than 50% of the allocation described above in II.A.4(c) during the preceding nine fiscal-year period for operating costs. In addition, with respect to operating costs, NVTC may only use the toll revenues:

(a) to pay operating costs for toll revenue funded Components that are transit operations and are regional in nature because: (i) the service crosses jurisdictional boundaries and/or (ii) the service provides a direct connection to Metrorail or VRE stations; and

(b) to pay operating costs for all other individual toll revenue-funded Components only in the following maximum amounts: (i) up to 100% of operating costs for the first five years, (ii) up to 75% of operating costs for year six, (iii) up to 50% of operating costs for year seven, (iv) up to 25% of operating costs for year eight, and (v) 0% of operating costs after year eight.

**6. Approval of Components of the Project.** Provided NVTC complies with the criteria established herein for selection of Components, and subject to II.A.4. above, the CTB shall consider, approve, and allocate toll revenue funding for such Components. Each year, NVTC shall submit to DRPT a list of proposed Components for funding ("Funded Components") for presentation by DRPT and NVTC at a regularly-scheduled CTB workshop. Such proposed Funded Components shall be selected by NVTC in accordance with a process established by NVTC consistent with the terms of this MOA. In addition, NVTC must provide to DRPT for DRPT's review and input any draft written materials, presentations, or recommendations that NVTC intends to provide to the CTB for any workshop relating to proposed Funded Components at least fifteen working days before

NVTC finalize any such written materials, presentations, or recommendations. Each proposed Funded Component presented to the CTB for approval shall be identified separately with supporting documentation, including a description of the benefits that were the basis for evaluation and selection of each such proposed Funded Component. If the proposed Funded Components are selected in accordance with NVTC's selection process and the proposed Components whether funded with the NVTC Payment of the Concessionaire Payment (as defined below) meet the Project Criteria (defined below), then the CTB will consider and approve the proposed Funded Components by an affirmative vote and, subject to appropriation by the General Assembly, allocate NVTC Payment and NVTC Concessionaire funds for such Funded Components.

VDOT and DRPT may provide technical assistance to NVTC in its preparation of recommendations to the CTB for funding of Components, as well as in the implementation of Components approved by the CTB for funding. DRPT will provide the CTB with an analysis of whether Components proposed by NVTC meet the requirements of this MOA and DRPT will provide a copy of the analysis to NVTC for review and input at least fifteen working days prior to it being sent to the CTB.

**7. Suspension of Tolling.** VDOT shall, in its sole discretion, and in accordance with Virginia Code § 33.2-613(B) as amended, have the right to order immediate suspension of Facility tolling in the event I-66 is required for use as an emergency mass evacuation route. VDOT shall lift any such emergency toll suspension as soon as the need for emergency mass evacuation ceases. Neither the Commonwealth of Virginia, the CTB, nor VDOT shall have any liability to NVTC for any loss of toll revenues or any increase in costs and expenses attributable to any such toll suspension to facilitate emergency mass evacuation.

If I-66 is designated for immediate use as any alternate route for diversion of traffic from another highway or is temporarily closed to all lanes in one or both directions due to a significant incident or emergency, VDOT shall have the right to order the immediate suspension of tolling in the direction(s) of any diversion. Neither the Commonwealth of Virginia, the CTB, nor VDOT shall have any liability to NVTC

for the loss of any toll revenues or any increase in costs and expenses attributable to the hours the toll suspension is in effect.

**8. Duration of Tolling:** Nothing in this MOA shall obligate or be construed as obligating VDOT to continue or cease tolls after the end of this MOA's term except as provided in III and IV.

**9. Operation and Maintenance of I-66.** Except as set forth in II.A.4(a), VDOT shall throughout the term of this MOA, maintain and operate, or cause others to maintain and operate the Facility from Highway Maintenance and Operating Fund revenues.

**10. Annual Budget Process.** In preparation for the CTB's annual budget process, VDOT shall estimate toll revenues and anticipated allocation of the estimated toll revenues for the upcoming six-year period presented in the Six Year Financial Plan and Six Year Improvement Program and provide said estimates to NVTC not later than January 30<sup>th</sup> of each year.

The CTB agrees to do the following:

(a) Each year and in accordance with the schedule of the Department of Planning and Budget of the Commonwealth, the CTB or the CTB's designee shall request that the Governor include in the budget to be delivered to the General Assembly during their next session a provision that there be appropriated from the revenues expected from the Facility amounts sufficient to pay the budgeted amount of funds expected to be provided to NVTC during the next succeeding fiscal year or biennial period, as applicable.

(b) The CTB shall use its best efforts to have (i) the Governor include, in each biennial or any supplemental budget that is presented to the General Assembly, the amounts described in (a) above and (ii) the General Assembly deposit, appropriate and reappropriate, as applicable, such amounts.

(c) The CTB shall take all actions necessary to have payments which are made pursuant to (b) above charged against the proper appropriation made by the General Assembly.



(d) The CTB shall notify the NVTC promptly upon becoming aware of any failure by the General Assembly to appropriate for the next succeeding fiscal year or biennial period, as applicable, amounts sufficient to pay the budgeted amounts due NVTC.

**11. Quarterly Payments.** VDOT shall provide quarterly payments of actual toll revenues to NVTC of those toll revenues allocated pursuant to II.A.4(c) of this MOA by the 15<sup>th</sup> day of each quarter. The quarterly payment shall be equal to the lesser of 25 percent of the amount appropriated and allocated under II.A.4(c), or the toll revenues available to make such payment. To the extent VDOT is unable in any quarter to provide the full 25 percent of the amount appropriated and allocated, the VDOT shall make up the deficiency in subsequent quarters and fiscal years to the extent toll revenues are available to do so after the allocations are made pursuant to II.A.4(a), (b), (c), (d), (e), (f), and (g). Neither VDOT nor DRPT shall deduct from such quarterly payments any administrative fee or other charges. At NVTC's request, VDOT may elect to provide monthly payments of the actual toll revenues to NVTC. If VDOT so elects, the payments shall be made on a monthly basis with the necessary changes to the foregoing in points of detail.

**1. Reports.** VDOT shall provide quarterly reports documenting the actual revenues and distributions of said toll revenues to NVTC.

B. NVTC shall have the following roles and responsibilities:

**1. Coordination and Development of Transportation Plan; Use of Toll Revenues; Compliance with Laws Limiting Use.** As part of the Six Year Improvement Program presented to the CTB for approval in June of each year, NVTC shall submit to the CTB, a list of Components proposed to be funded in whole or in part with toll revenues from the Facility. Such Components shall be selected by NVTC in accordance with a process established by NVTC pursuant to this MOA. Such Components shall be separately identified with supporting documentation as set forth in Exhibit 3. The CTB shall consider and approve the Components selected by NVTC, and allocate toll revenues for them, pursuant to II.A.4, provided the Components meet the criteria below and are selected in

338 accordance with NVTC's selection process described in II.B.2. Each proposed  
339 Component must meet each of the following five criteria:

- 340 (a) Must benefit the toll-paying users of the Facility;  
341 (b) Must have the capacity to attain one or more of the Improvement Goals;  
342 (c) Must be one of the following multimodal transportation improvements  
343 serving the Corridor:

344 i. New or enhanced local and commuter bus service, including  
345 capital and operating expenses (e.g., fuel, tires, maintenance, labor  
346 and insurance), subject to the limitations in II.A.5, and transit  
347 priority improvements;

348 ii. Expansion or enhancement of transportation demand  
349 management strategies, including without limitation vanpool, and  
350 formal and informal carpooling programs and assistance;

351 iii. Capital improvements for Washington Metropolitan Area  
352 Transit Authority rail and bus service, including capital and  
353 operating expenses, subject to the limitations in II.A.5, and  
354 improved access to Metrorail stations and Metrobus stops;

355 iv. New or enhanced park and ride lot(s) and access or improved  
356 access thereto;

357 v. New or enhanced VRE improvements or services, including  
358 capital and operating expenses, subject to the limitations in II.A.5.

359 vi. Roadway improvements to address impacts from the dynamic  
360 tolling of the Facility on roadways in the Corridor (including but not  
361 limited to Routes 7, 29, 50, and 309, and Washington Boulevard,  
362 Wilson Boulevard, and Westmoreland Street);

363 vii. Transportation Systems Management and Operations as defined  
364 in 23 U.S.C. § 101(a)(30) on December 1, 2015; and

365 viii. Projects identified in the Commonwealth Reports or projects in  
366 the region's constrained long-range plan or regional transportation

plans approved by the Northern Virginia Transportation Authority,  
as any such plan may be updated from time to time.

(d) For non-debt financed Components, must demonstrate the ability to obligate the toll revenues to the cost of the Component within two fiscal year and to expend the toll revenues within five fiscal years of the fiscal year in which the funds are allocated by the CTB except to the extent to which the CTB approves an extension of such timeframes upon the request of NVTC; and

(e) Must demonstrate that the Components will be in compliance with all applicable laws, rules and regulations and have received or will receive all required regulatory approvals.

Under no circumstances shall the aforesaid criteria be modified except by written amendment to this MOA agreed to in writing by the Parties.

NVTC shall have no right to use the toll revenues to pay any debt, obligation or liability unrelated to the Project, or for any purposes other than those specified in this MOA.

NVTC understands and agrees that in the selection and implementation of Components using the toll revenues, it is bound by the provisions of Virginia Code § 33.2-309 as well as all other state and federal laws and regulations that limit the use of toll revenues, and toll revenues from interstate highways specifically. Accordingly, NVTC agrees to provide VDOT access to all records relating to Components and the use of the toll revenues. Further, NVTC will provide all such records for inspection and audit by VDOT, DRPT, and federal agencies, including but not limited to the United States Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration, or their designees, upon reasonable notice at all times during the term of this MOA.

NVTC agrees to promptly furnish to VDOT and DRPT copies of all reports and notices it delivers to bondholders or other credit providers or any trustee relating to the use of the toll revenues.

**2. Project Component Selection Process:** Any Component to be proposed for CTB approval shall be selected by NVTC through a process established by NVTC. Such process shall include the following three elements:

(a) A request to submit proposed Components issued by NVTC to all jurisdictions and other public transportation providers in Planning District 8;

(b) The evaluation, prioritization, and selection of proposed Components by NVTC, the development of a funding strategy for each proposed Component, and the submission of selected Components by NVTC to the CTB; and

(c) A public hearing held by NVTC prior to NVTC's selection of Components for submission to the CTB.

The CTB shall consider and approve the Components selected by NVTC and, subject to appropriation by the General Assembly, shall allocate toll revenues for such Components, pursuant to II.A.4, provided the Components meet the criteria in II.B.1. As part of the list of Components submitted to the CTB for consideration and approval and allocation of toll revenues, NVTC may submit for CTB consideration and approval additional Components that exceed the annual estimated toll revenues for that year. Provided those Components meet the criteria in II.B.1, the CTB shall consider and approve such additional Components and, pursuant to II.A.4 and subject to any other approvals that may be necessary, approve the allocation of toll revenues for such Components up to the amount of actual toll revenues for that year that are sufficient to fund one or more of those additional Components.

**3. Financing of Components of the Project.** NVTC may use toll revenues appropriated by the General Assembly and allocated by the CTB to NVTC to support the financing of approved Components, however, the amount of annual Debt Service to be paid from toll revenues shall be limited as set forth in II.A.4(f).

NVTC is solely responsible for obtaining and repaying all NVTC Debt at its own cost and risk, and without recourse to the Commonwealth of Virginia, the

CTB, VDOT, and/or DRPT, for any Component for which toll revenues have been provided to NVTC under this MOA.

The Commonwealth of Virginia, the CTB, VDOT, and DRPT have no liability whatsoever for payment of any Debt Service on any NVTC Debt incurred by NVTC in connection with this MOA, or any other sum secured by or accruing under any financing document entered into by NVTC as a result of this MOA. No document evidencing or associated with any NVTC Debt for the financing of any Component shall contain any provisions whereby a trustee would be entitled to seek any damages or other amounts from the Commonwealth of Virginia, CTB, or VDOT due to any breach of this MOA.

Each bond, promissory note or other document evidencing NVTC Debt must include a conspicuous recital on its face stating: (a) payment of the principal and interest does not constitute a claim against VDOT's interest in I-66 or any part thereof; (b) payment is not an obligation of the Commonwealth of Virginia, VDOT, DRPT, the CTB, or any other agency, instrumentality or political subdivision of the Commonwealth of Virginia moral or otherwise; and (c) neither the full faith and credit nor the taxing power of the Commonwealth of Virginia, VDOT, DRPT, the CTB, or any other agency, instrumentality, or political subdivision of the Commonwealth of Virginia and/or its member jurisdictions, is pledged to the payment of the principal and interest on such NVTC Debt.

NVTC shall not enter into agreements with holders of any NVTC Debt incurred by NVTC or its member jurisdictions that contain a pledge or claim on the toll revenues or NVTC's interest in the toll revenue under this MOA except such debt issued for Components. If, despite such efforts, toll revenues are applied to satisfy any debt of NVTC that is not properly payable out of toll revenues in accordance with this MOA and state and federal law, NVTC shall reimburse in full any such toll revenues or accounts from any other available revenues other than the toll revenues.

**4. Monitoring:** NVTC shall provide an annual report to the CTB within 120 days of the end of NVTC's fiscal year. The report shall contain at a minimum the following items:

(a) A description of the Components selected for funding in the past fiscal year and the benefits that were the basis for evaluation and selection of each such Component;

(b) Starting in 2020, a review of the Components funded in past fiscal years describing the degree to which the expected benefits were realized or are being realized; and,

(c) In the event that a funded Component is not providing substantially similar benefits to those that were the basis for evaluation and selection of the Component, the report shall evaluate the viability of a plan to either, (i) modify such Component; or (ii) redeploy assets in such Component to other eligible Components that are expected to provide greater benefits.

(d) The proposed uses of: (i) residual, unobligated balances of toll revenue funds carried over from prior years, and (ii) interest earned on such toll revenue funds.

**5. Accounting.** NVTC shall receive and manage, as a fiduciary, the toll revenue appropriated by the General Assembly, allocated by the CTB, and distributed to it by VDOT. NVTC shall maintain all funds and accounts containing said toll revenues from this MOA separate and apart from all other funds and accounts of NVTC. The revenues and expenses relating to the use of the toll revenues, and the Components undertaken with the toll revenues from this MOA, shall not be commingled with any other funds, accounts, venues, or expenses of NVTC. NVTC shall create and maintain for the term of this MOA segregated accounting and financial reporting for the Components financed by toll revenues provided by this MOA and reported as a separate fund in NVTC's financial statements, and such accounting shall constitute a "special revenue fund" as defined by the Governmental Accounting Standards Board. Expenditures will be recorded and reported for each Component.

All toll revenues provided to NVTC pursuant to the terms of this MOA shall be held by NVTC in accounts with a financial institution under an arrangement that, to the extent reasonably practicable, preclude such funds from being an asset



subject to the claims of creditors of NVTC, other than a holder of NVTC Debt, or other claims related to the Components undertaken in accordance with this MOA.

**6. Quality Management.** NVTC shall be responsible for all quality assurance and quality control activities necessary to properly manage the funding of the development, design, construction, purchases, acquisition, operation and maintenance of any Component it has undertaken pursuant to this MOA, and will develop and provide to VDOT and DRPT for information purposes its manuals, policies, and procedures to accomplish the same.

**7. Public Information.** During the term of this MOA, NVTC shall provide information to the public concerning the Components it has undertaken, including any public meetings and public hearing that may be required by law or regulation.

**8. Regulatory Approvals.** NVTC shall obtain, keep in effect, maintain, and comply with all regulatory approvals necessary for funding the development, operation, and maintenance of any Components funded under this MOA.

**9. Contracting Practices.** During the term of this MOA, NVTC covenants and agrees, that with respect to the Components it has undertaken, it will comply with all requirements of state and federal laws relating to anti-discrimination, including but not limited to Titles VI and VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act, and shall contractually require the same of all contractors, subcontractors, vendors, and recipients of any funding. NVTC recognizes the importance of the participation of minority, women-owned and small businesses through the federal and local Disadvantaged Business Enterprise programs and will abide by such programs in implementing Components.

NVTC shall comply with all applicable federal requirements, including those applicable to highways that are part of the National Highway System.

**10. Insurance and Indemnity by Contractors.** NVTC shall include the Commonwealth of Virginia, the CTB, VDOT, DRPT, and their officers, employees and agents, as additional insureds on NVTC's insurance policies so that they are protected from and against any losses actually suffered or incurred, except for losses to the extent caused by the negligence or willful misconduct of such entity or person, from third party claims that are directly related to or arise out of: (a) any

519 failure by NVTC to comply with, to observe or to perform in any material respect  
520 any of the covenants, obligations, agreements, terms or conditions in this MOA, or  
521 any breach by NVTC of its representations or warranties in this MOA; (b) any  
522 actual or willful misconduct or negligence of NVTC, its employees or agents in  
523 direct connection with the Project or any related Components; (c) any actual or  
524 alleged patent or copyright infringement or other actual or alleged improper  
525 appropriation or use of trade secrets, patents, proprietary information, know-how,  
526 trademarked or service-marked materials, equipment devices or processes,  
527 copyright rights or inventions by NVTC in direct connection with the Project or;  
528 (d) inverse condemnation, trespass, nuisance or similar taking of or harm to real  
529 property committed or caused by NVTC, its employees or agents in direct  
530 connection with the Project; or (e) any assumed liabilities. NVTC shall  
531 contractually require its contractors, subcontractors, vendors, and others working  
532 or performing services related to any Component it has funded to indemnify the  
533 Commonwealth of Virginia, the CTB, VDOT, DRPT, and their officers, employees  
534 and agents from the same losses.

535 All insurance purchased by NVTC or its contractors pursuant to this section  
536 shall name the Commonwealth of Virginia, the CTB, VDOT, DRPT, and their  
537 officers, employees and agents as additional insureds.

538 This provision shall survive the expiration or earlier termination of this  
539 MOA.

540 In the event any third-party claim to which this section applies is asserted  
541 in writing against the Commonwealth, the CTB, VDOT, DRPT, or their officers,  
542 employees, and agents, VDOT will as promptly as practicable notify NVTC in  
543 writing of such claim, which shall include a copy and any related correspondence  
544 or documentation from the third party asserting the claim. However, any failure to  
545 give such prompt notice shall not constitute a waiver of any rights of VDOT unless  
546 such failure limits or precludes the availability of those rights.

547 **C. Initial Multimodal Transportation Improvements.** NVTC shall undertake a  
548 Component selection process upon execution of this MOA, and submit to the CTB a list of  
549 Components for an advanced allocation of funding in the amount of \$10 million (which

shall be provided upon commencement of construction of the dynamic tolling of the Facility as provided in II.A.1, and shall be repaid as specified in II.A.4). Components shall be multimodal transportation improvements that meet the criteria set forth in II.B.1 and are capable of being obligated not later than at the time tolling begins on the Facility. In the event litigation is filed challenging the implementation of the Project, or a Component of the Project, prior to the initiation of tolling, or in the event any other action prohibits or restricts the ability to toll the Facility, then the CTB may withhold this funding until such time that the litigation or other event or action is resolved in a manner that allows the Project to be implemented. NVTC may choose to expend other funds after the execution of this MOA for Components identified through the selection process described in this MOA prior to the commencement of construction. Any such expenditures are at NVTC's risk but shall be reimbursable from the advanced allocation identified in this paragraph provided the expenditures otherwise comply with the provisions of the MOA.

**D. Annual Concessionaire Payment to NVTC.** In addition to the toll revenues paid to NVTC as provided in II.A.4, DRPT shall transfer to NVTC in any year toll revenues are being used pursuant to II.A.4.(b) or II.A.4.(d) the sum of \$5 million, escalated each year by 2.5% (the "Concessionaire Payment"), as set forth in Exhibit 4, subject to the following:

1. The Concessionaire Payment shall be subject to appropriation by the General Assembly to the CTB, and shall be made available to NVTC each year in accordance with the annual budget process set forth in Section II.A.10., specifically including the request each year by the CTB to the Governor, with the assistance of VDOT and DRPT, to include the Concessionaire Payment in the budget for the upcoming fiscal year.
2. Upon appropriation, the Concessionaire Payment shall be transferred by DRPT to NVTC within 30 days of DRPT's receipt of the funds.
3. The Concessionaire Payment shall be used for Components in accordance with the requirements of Section II.B.

**E. Widening and Related Improvements to I-66.** VDOT will proceed with plans to widen the eastbound lanes of the Facility from two lanes to three lanes between the Dulles Connector Road and Exit 71.

The design for the widening shall be limited to increasing the number of eastbound lanes of the Facility from two lanes to three lanes consistent with an approved environmental assessment conducted pursuant to the National Environmental Policy Act, and other laws and regulations applicable to the widening, and shall apply the principals of Context Sensitive Solutions as described in FHWA’s Publication FHWA-HEP-07-014 as follows:

- Avoid, minimize or mitigate impacts to the parks, stream corridors, and vegetation along the corridor and within the right-of-way;
- Avoid, minimize or mitigate impacts to the W&OD Trail and the Custis Trail;
- Reduce the cost of this component of the Project; and
- Avoid, minimize or mitigate the need for acquisition of additional right-of-way.

**III. Term.** Unless this MOA is otherwise terminated in accordance with VII, the term of this MOA shall expire on January 11, 2057 (the “Expiration Date”) subject to the provisions of IV.

**IV. Debt Financing:** NVTC shall not incur any NVTC Debt that is dependent on toll revenue from the Project and which matures or extends beyond Expiration Date. If this MOA is terminated in accordance with VII prior to the Expiration Date, and there is outstanding NVTC Debt for which toll revenues has been pledged to pay Debt Service or there are pay-go Components which are yet to be completed, and further provided the use of toll revenues to pay Debt Service or the costs of the pay-go Components is not a misuse of toll revenues under this MOA and the cause or basis of the termination, then, subject to CTB approval, tolls shall continue to be imposed on the Facility and toll revenues shall continue to be allocated in accordance with II.A.4(a), (b), (c), (d), (e), (f)g to pay Debt Service or to complete the pay-go Components. The CTB will not approve funding for pay-go Components for more than two fiscal years past the termination of the MOA in accordance with VII prior to the Expiration Date.

**V. Amended and Restated Agreement.** This Second Amended and Restated MOA is intended to represent a continuation of the 2017 Amended and Restated MOA, as amended and restated upon the terms and conditions set out herein, and from and after the date hereof supersedes and

replaces the 2017 Amended and Restated MOA and supersedes all other prior agreements, understandings, representations, or communications, whether written or oral.

**VI. Amendment.** This MOA may be altered, amended or revoked only by an instrument in writing signed by all Parties or their permitted successor(s) or assignee(s).

**VII. Termination.** This MOA may be terminated (a) by a Party for material non-compliance with this MOA which has not either been remedied, or a remedy commenced and diligently pursued thereafter, within 120 days after written notice from the other Party, and (b) by written agreement of the Parties. However, prior to any termination, the Parties shall meet and confer to make a good faith attempt to resolve any non-compliance issues as follows. Within 30 days of the notice, the Commissioner of Highways, the Director of Rail and Public Transportation and the NVTC Executive Director shall meet to discuss resolution of the non-compliance issues. If a resolution cannot be reached within 30 days, the Secretary of Transportation and the Chairman of NVTC shall meet within 30 days to discuss resolution of the non-compliance issues. If a resolution cannot be agreed upon within 30 days, the termination shall be effective as set forth in the written notice and in accordance with this MOA.

**VIII. Notices.** Notices shall be made in writing and shall not be effective for any purpose unless and until actually received by the addressee or unless served personally, by independent reputable overnight commercial courier, by facsimile transmission followed by a timely service of the original, or by deposit in the United States mail, postage and fees fully prepaid, registered or certified mail, with return receipt requested, addressed as follows:

**If to NVTC:**

Executive Director  
Northern Virginia Transportation Commission  
2300 Wilson Boulevard, Suite 230  
Arlington, VA 22201  
Fax: 703-524-1756

**If to VDOT:**

Virginia Department of Transportation  
1401 East Broad Street  
Richmond, Virginia 23219

Attn: Commissioner of Highways

Fax: 804-786-2940

**If to DRPT:**

Virginia Department of Rail and Public Transportation

600 East Main Street, Suite 2102

Richmond, VA 23219

Attn: Director of Rail and Public Transportation

Fax: 804-225-3752

*With a copy to:*

Office of the Attorney General

Chief, Transportation Section

202 North Ninth Street

Richmond, Virginia 23219

Fax: 804-692-1647

Any Party may, by notice as specified above, in writing designate an additional or a different entity or mailing address to which all such notices should be sent.

**VIII. Relationship of the Parties.** The relationship of NVTC to VDOT and DRPT shall be one of an independent contractor, not an agent, partner, lessee, joint venture, or employee.

**IX. No Third Party Beneficiaries.** Nothing contained in this MOA is intended or shall be construed as creating or conferring any rights benefits or remedies upon or creating any obligations of the Parties toward any person or entity not a party to this MOA.

**X. Governing Law.** This MOA shall be governed and construed in accordance with the laws of the Commonwealth of Virginia.

**XI. Assignment.** This MOA may be assigned only with the written approval of the other Party. In the event of an agreed assignment, there will be an amendment to this MOA to reflect the change in Parties.

**XII. Survival.** If any provisions in this MOA are rendered obsolete or ineffective, the Parties agree to negotiate in good faith appropriate amendments to, or replacement of such provisions, in order to restore and carry out the original purposes to the extent practicable. If any provision is rendered void or invalid, all remaining provisions shall survive.

**XII. Notice of Legal Proceedings.** The Parties agree to promptly notify each other if they become aware of any claim or legal proceeding that could impact the program, projects, and activities undertaken pursuant to this MOA.

**XIII. Construction of Agreement.** This MOA is intended by the Parties to be construed as a whole, and indivisible, and its meaning is to be ascertained from the entire instrument. All parts of the MOA are to be given effect with equal dignity, including but not limited to the recitals at the beginning of this MOA, and all such parts, including the recitals, are to be given full force and effect in construing this MOA. No provision of any recital shall be construed as being controlled by, or having less force and effect, than any other part of this MOA because the provision is set forth in a recital.

**XIV. No Personal Liability.** This Agreement shall not be construed as creating any personal liability on the part of any officer, employee, or agent of the Parties; nor shall it be construed as giving any rights or benefits to anyone other than the Parties.

**XV. No Waiver of Sovereign Immunity.** Nothing in this MOA shall be deemed a waiver of sovereign immunity by any Party.

**XVI. Appropriations.** All obligations of the CTB to allocate toll revenues are subject to appropriation by the Virginia General Assembly.

*This space intentionally left blank*



In Witness Whereof, the Parties hereby cause this MOA to be executed, each by its duly authorized officers, as of the date below.

COMMONWEALTH TRANSPORTATION BOARD

\_\_\_\_\_  
Secretary of Transportation

Date: \_\_\_\_\_

VIRGINIA DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Commissioner of Highways

Date: \_\_\_\_\_

VIRGINIA DEPARTMENT OF RAIL AND PUBLIC  
TRANSPORTATION

\_\_\_\_\_  
Director of Rail and Public Transportation

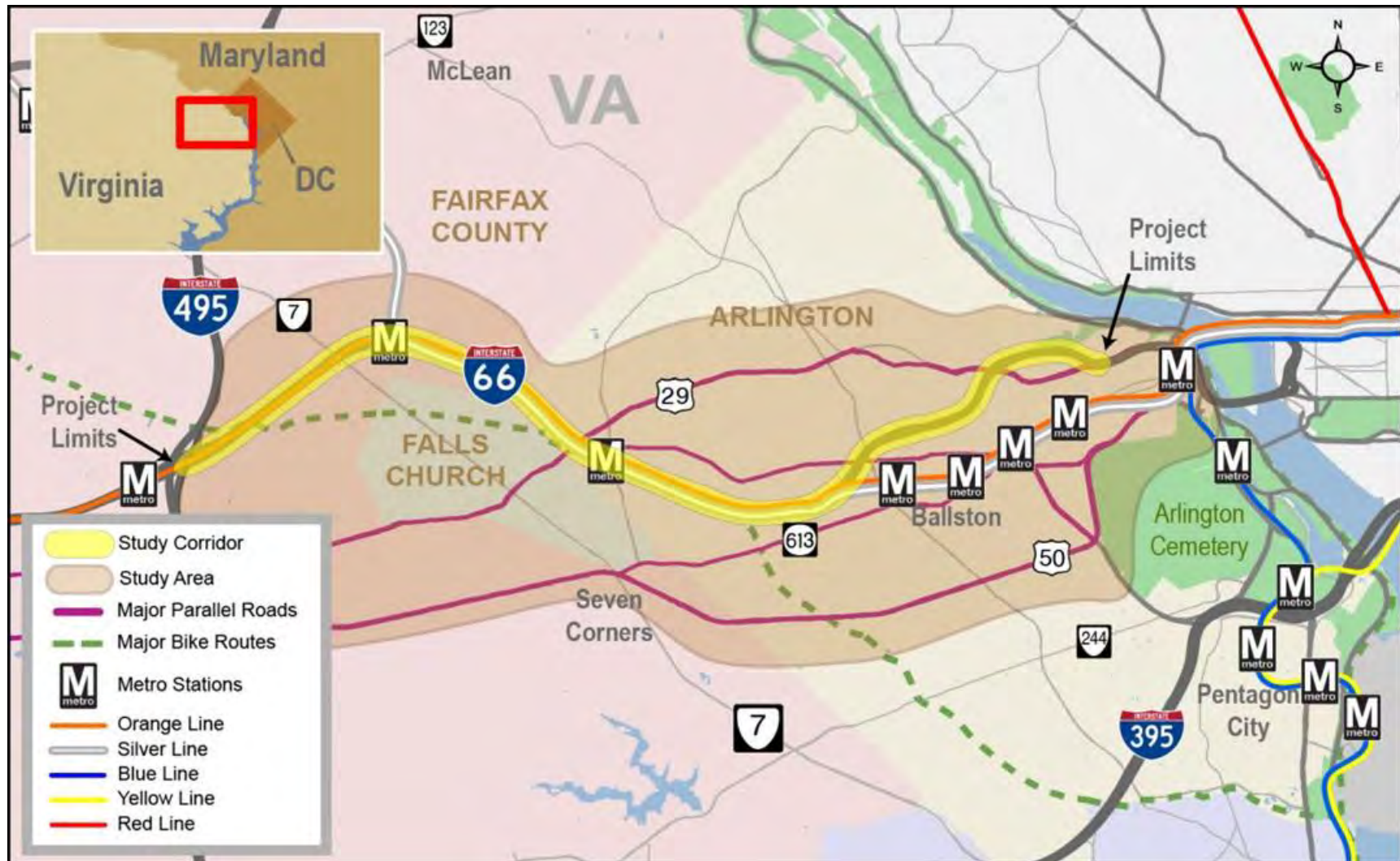
Date: \_\_\_\_\_

NORTHERN VIRGINIA TRANSPORTATION COMMISSION

\_\_\_\_\_  
Katherine A. Mattice  
Executive Director

Date: \_\_\_\_\_

Exhibit 1



<b>Exhibit 2</b>			
<b>MINIMUM ANNUAL TRANSIT INVESTMENT</b>			
<b>Payment Due Date</b>	<b>Minimum Annual Transit Investment (\$ Nominal)</b>	<b>Payment Due Date</b>	<b>Minimum Transit Investment (\$ Nominal)</b>
FY 2021	\$10,000,000	FY 2042	\$16,795,819
FY 2022	\$10,250,000	FY 2043	\$17,215,714
FY 2023	\$10,506,250	FY 2044	\$17,646,107
FY 2024	\$10,768,906	FY 2045	\$18,087,259
FY 2025	\$11,038,129	FY 2046	\$18,539,441
FY 2026	\$11,314,082	FY 2047	\$19,002,927
FY 2027	\$11,596,934	FY 2048	\$19,478,000
FY 2028	\$11,886,858	FY 2049	\$19,964,950
FY 2029	\$12,184,029	FY 2050	\$20,464,074
FY 2030	\$12,488,630	FY 2051	\$20,975,676
FY 2031	\$12,800,845	FY 2052	\$21,500,068
FY 2032	\$13,120,867	FY 2053	\$22,037,569
FY 2033	\$13,448,888	FY 2054	\$22,588,509
FY 2034	\$13,785,110	FY 2055	\$23,153,221
FY 2035	\$14,129,738	FY 2056	\$23,732,052
FY 2036	\$14,482,982	FY 2057	\$24,325,353
FY 2037	\$14,845,056		
FY 2038	\$15,216,183		
FY 2039	\$15,596,587		
FY 2040	\$15,986,502		
FY 2041	\$16,386,164	<b>Total</b>	<b>\$597,339,480</b>

**Exhibit 3****Components Selected by NVTC in Accordance with the Memorandum of Agreement Transform66: Inside the Beltway Project****Sample Documentation**

<b>Component Name</b>	<b>Component Description</b>	<b>Component Location</b>	<b>Component Budget</b>	<b>Improvement Goal</b>	<b>Multimodal Component Type</b>	<b>Compliance with Terms of the MOA</b>
1.						<i>This component has been approved by NVTC pursuant to the Project Component Selection Process. Documentation is included to support this compliance.</i>

<b>Exhibit 4</b>			
<b>Concessionaire Payment to NVTC</b>			
<b>Payment Due Date</b>	<b>Concessionaire Payment (\$ Nominal)</b>	<b>Payment Due Date</b>	<b>Concessionaire Payment (\$ Nominal)</b>
		FY 2042	\$8,193,082
FY 2022	\$5,000,000	FY 2043	\$8,397,909
FY 2023	\$5,125,000	FY 2044	\$8,607,857
FY 2024	\$5,253,125	FY 2045	\$8,823,053
FY 2025	\$5,384,453	FY 2046	\$9,043,630
FY 2026	\$5,519,064	FY 2047	\$9,269,720
FY 2027	\$5,657,041	FY 2048	\$9,501,464
FY 2028	\$5,798,467	FY 2049	\$9,739,000
FY 2029	\$5,943,429	FY 2050	\$9,982,475
FY 2030	\$6,092,014	FY 2051	\$10,232,037
FY 2031	\$6,244,315	FY 2052	\$10,487,838
FY 2032	\$6,400,423	FY 2053	\$10,750,034
FY 2033	\$6,560,433	FY 2054	\$11,018,785
FY 2034	\$6,724,444	FY 2055	\$11,294,254
FY 2035	\$6,892,555	FY 2056	\$11,576,611
FY 2036	\$6,064,869	FY 2057	\$11,866,026
FY 2037	\$7,241,491		
FY 2038	\$7,422,528		
FY 2039	\$7,608,091		
FY 2040	\$7,798,294		
FY 2041	\$7,993,251	<b>Total</b>	<b>\$298,669,741</b>

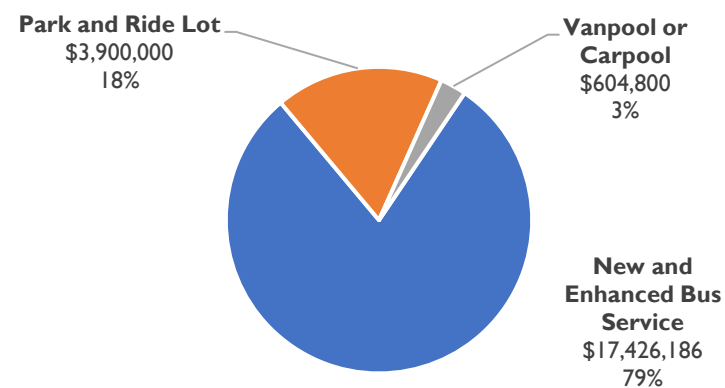


## Commuter Choice on the I-395/95 Corridor Round Two (FY 2022-FY 2023) Application Evaluations

**DRAFT**

Applicant	Application Title	Application Type	Technical Merit (70 Points)	Annualized Cost Effectiveness (15 Points)	Applicant Preference (10 Points)	Interagency Collaboration (5 Points)	Application Score (100 Points)	Funding Request	Cumulative Funding Request
OmniRide	Renewal of Enhanced Bus Service from Dale City to Ballston	Enhanced Bus Service	56	15	10	5	<b>86</b>	\$291,831	\$291,831
Spotsylvania County	New Park and Ride Lot in Massaponax	Park and Ride Lot	47	15	10	5	<b>77</b>	\$1,100,000	\$1,391,831
Fairfax County	Renewal of Route 396 Express Bus Service: Backlick North Park and Ride to Pentagon	Enhanced Bus Service	56	5	10	0	<b>71</b>	\$1,386,000	\$2,777,831
OmniRide	Renewal of Bus Service from Staffordboro to the Pentagon	Enhanced Bus Service	56	10	0	5	<b>71</b>	\$704,773	\$3,482,604
OmniRide	Renewal of Bus Service from Staffordboro to Downtown D.C.	Enhanced Bus Service	56	10	0	5	<b>71</b>	\$968,308	\$4,450,912
DASH	Enhanced Bus Service from Van Dorn Metro to the Pentagon	Enhanced Bus Service	46	5	10	5	<b>66</b>	\$5,734,000	\$10,184,912
OmniRide	Renewal of Enhanced Bus Service on Route 1 Local: Quantico to Woodbridge VRE	Enhanced Bus Service	46	15	0	5	<b>66</b>	\$541,169	\$10,726,081
OmniRide	Renewal of Enhanced Bus Service on Prince William Metro Express: OmniRide Transit Center to Franconia-Springfield Metro	Enhanced Bus Service	46	15	0	5	<b>66</b>	\$434,776	\$11,160,857
FRED Transit	New Bus Service from Route 208 Park and Ride Lot to Fredericksburg VRE	New Bus Service	39	10	10	5	<b>64</b>	\$1,218,800	\$12,379,657
DASH	Enhanced Bus Service from Mark Center to Potomac Yard	Enhanced Bus Service	46	5	0	5	<b>56</b>	\$3,650,000	\$16,029,657
OmniRide	TDM Strategy-- I-395/95 Corridor Vanpool Monthly Incentive	Vanpool or Carpool	40	10	0	5	<b>55</b>	\$604,800	\$16,634,457
Fairfax County	Enhanced Bus Service for Route 371: Lorton to Franconia - Springfield Metro Station	Enhanced Bus Service	46	5	0	0	<b>51</b>	\$2,496,529	\$19,130,986
Prince William County	Horner Road Park and Ride Lot Expansion	Park and Ride Lot	29	5	10	5	<b>49</b>	\$2,800,000	\$21,930,986

### TOTAL FUNDING REQUEST BY PROJECT TYPE



Applications have been evaluated based on the information documented in the submitted applications or in subsequent technical clarifications. The evaluation is consistent with the methodology established in the project selection process adopted by the Commissions in November 2020.

Transit operating funding requests total \$14,015,536 (64% of all requested funds) and are defined based on FTA Circulars 9030 and 9040 (urbanized and rural area formula grant programs) and includes fuel, oil, driver salaries and fringe benefits, dispatcher salaries and fringe benefits, and licenses.

The table above does not include NVTC's set-aside for program administration activities. Staff are working to identify the needed amount of funding for these activities over the two fiscal years.

Were all proposed transit operations projects funded, the overall proportion of funding allocated to transit operations over the duration of the program to date would still be within the 50% cap stipulated in the program memorandum of agreement.

**TO:** Chair Cristol and NVTC Commissioners  
**FROM:** Kate Mattice, Scott Kalkwarf and Allan Fye  
**DATE:** April 29, 2021  
**SUBJECT:** NVTC FY 2022 General and Administrative Budget and Work Plan

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At the May meeting the proposed FY 2022 General and Administrative Budget and 2021 Work Plan will be presented to the Commission. The Commission will be asked to take action on the budget and Work Plan at the June meeting.

### **General and Administrative Budget**

Staff met with the Executive Committee at the January meeting to discuss options for the FY 2022 NVTC General and Administrative Budget. As a result of those discussions, staff provided two options for consideration at the February Commission meeting for approval in March: Option A which included a provision for staff compensation increases, and Option B which did not. Due to uncertainties surrounding the current environment and jurisdictions' own budgets, the NVTC budget process was delayed until May with approval to be sought in June. The current proposed FY 2022 General and Administrative Budget mirrors Option A as presented in February.

The proposed budget includes resources to accomplish the NVTC Work Plan, including the administration of the I-66 and the I-395/95 Commuter Choice programs, oversight of WMATA, and increased financial management activities. The proposed budget totals \$3,833,500, including \$960,000 for the administration of the Commuter Choice program, which is funded entirely with toll related revenue, and \$2,873,500 for the remaining operating program, which is funded by other sources, primarily from state aid to the member jurisdictions.

Total expenses are proposed to increase by \$70,000, or 1.9% over the approved FY 2021 budget. The FY 2022 proposed budget maintains staff levels constant with the prior year, which includes a new financial support position that was not filled during FY 2021 due to budget concerns related to the pandemic. A provision for minimal cost-of-living (COLA) and performance-based increases for existing staff is included.

The budget is funded by direct contributions from the NVTC member jurisdictions and an amount taken off the top of state assistance as it becomes available to NVTC, as well as toll revenues from the Commuter Choice program. Project chargebacks include revenue covering the budgeted Commuter Choice program costs for anticipated staff time, contracted support and related costs. Appropriated surplus above NVTC's minimum operating requirement is also included as a source of revenue, which is the result of positive budget variances in prior years, and a portion of the estimated positive variance for FY 2021. Because of a decrease in the available surplus and



anticipated Commuter Choice chargebacks as compared to the FY 2021 approved budget, jurisdiction contributions from state aid would increase by \$218,500 over the FY 2021 approved budget.

## 2021 Work Plan

The proposed [NVTC 2021-2022 Work Plan](#) provides an overview of the programmatic and operational work conducted by staff to support the goals and objectives of the Commission. The proposed Work Plan covers the period from July 2021 to June 2022 reflecting comments from the Management Advisory Committee and the public.

Proposed NVTC staff actions and deliverables for 2021 and 2022 include the following:

2021-2022 NVTC Deliverables and Actions		
<b>Commuter Choice</b> <ul style="list-style-type: none"> <li>I-395/95 Round Two Selections</li> <li>I-66 Round Four Supplement + Round Five Call for Projects</li> <li>Corridor Transit Analyses</li> <li>Annual Reports to CTB</li> </ul>	<b>Transit Resource Center</b> <ul style="list-style-type: none"> <li>Annual Transit Performance Report</li> <li>Post-COVID Transportation Analyses</li> <li>Updated Regional Bus Assessment</li> <li>TBEST Analysis Reports</li> <li>Route 7 BRT Phase VI Analysis Contract Award</li> </ul>	<b>Financial Analysis and Reporting</b> <ul style="list-style-type: none"> <li>Administer annual WMATA subsidy and local transit funding</li> <li>Annual allocation of regional gas tax</li> <li>Financial projections and analysis</li> <li>DRPT grant applications and grant agreements</li> <li>Commuter Choice reimbursements</li> <li>Annual updates to SAM formula</li> <li>Federal grant management and reporting</li> <li>Title VI certification to FTA</li> </ul>
<b>NVTC Oversight of WMATA</b> <ul style="list-style-type: none"> <li>Annual Report on the Performance and Condition of WMATA</li> <li>Supplemental Report from the 3% Cap Working Group</li> <li>WMATA budget letters and testimony, when appropriate</li> </ul>	<b>Legislative and Policy Efforts</b> <ul style="list-style-type: none"> <li>Joint NVTC-PRTC Legislative Briefing</li> <li>Annual Legislative and Policy Agenda</li> <li>Policy briefs and tracking reports</li> </ul>	<b>Commission Management</b> <ul style="list-style-type: none"> <li>Monthly materials</li> <li>Annual agenda and meeting schedule</li> </ul>
<b>Transit Technology</b> <ul style="list-style-type: none"> <li>Implementation of Regional Fare Collection Strategic Plan tasks</li> </ul>	<b>Communications</b> <ul style="list-style-type: none"> <li>Public outreach for Commuter Choice program milestones</li> <li>Daily headlines, weekly and monthly newsletters</li> <li>Post-COVID marketing campaign</li> </ul>	<b>Internal Operations</b> <ul style="list-style-type: none"> <li>General and Administrative Budget and Work Plan</li> <li>Telework and IT support</li> </ul>
<b>NVTC Staff Support to VRE</b> <ul style="list-style-type: none"> <li>Audited annual ridership survey and GIS analysis</li> </ul>		



**PROPOSED BUDGET**

**FISCAL YEAR  
2022**

**(July 1, 2021 – June 30, 2022)**

**May 6, 2021**

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION**  
**SCHEDULE OF REVENUE**  
**Proposed Budget FY 2022**

	<b><u>FY 2020 Actual</u></b>	<b><u>Approved Budget FY 2021</u></b>	<b><u>Proposed Budget FY 2022</u></b>	<b><u>Increase (Decrease)</u></b>
Local Share from State Aid (Note 1)	\$ 1,903,253	\$ 2,140,753	\$ 2,359,253	\$ 218,500
Local Direct Contributions (Note 1)				
Alexandria	39,016	39,567	41,964	2,397
Arlington	61,616	64,369	66,434	2,065
City of Fairfax	4,966	4,651	4,453	(198)
Fairfax County	164,451	163,471	160,006	(3,465)
Falls Church	2,291	2,099	2,064	(35)
Loudoun	11,907	10,090	9,325	(765)
Total Local Direct	<u>284,247</u>	<u>284,247</u>	<u>284,247</u>	<u>-</u>
Total Contributions	2,187,500	2,425,000	2,643,500	218,500
Interest and Other Revenue	12,847	13,000	10,000	(3,000)
Project Chargebacks (Note 2):				
Commuter Choice Program	890,305	984,300	960,000	(24,300)
VRE	80,000	80,000	80,000	-
Project Grant Billings (Note 3)	6,252	40,000	40,000	-
Appropriated Surplus (Note 4)	158,534	221,200	100,000	(121,200)
<b>Total Revenue</b>	<b><u>\$ 3,335,438</u></b>	<b><u>\$ 3,763,500</u></b>	<b><u>\$ 3,833,500</u></b>	<b><u>\$ 70,000</u></b>
<i>Commuter Choice Programs (Note 25)</i>	<i>890,305</i>	<i>984,300</i>	<i>960,000</i>	<i>(24,300)</i>
<i>Operating Program, Excluding C.C.</i>	<i><u>\$ 2,445,133</u></i>	<i><u>\$ 2,779,200</u></i>	<i><u>\$ 2,873,500</u></i>	<i><u>\$ 94,300</u></i>

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION  
SCHEDULE OF EXPENDITURES**

Proposed Budget FY 2022

	<u>FY 2020 Actual</u>	<u>Approved Budget FY 2021</u>	<u>Proposed Budget FY 2022</u>	<u>Increase (Decrease)</u>
<u>Personnel Costs</u>				
Salaries and Wages (Note 5)	\$ 1,880,724	\$ 1,991,700	\$ 2,052,700	\$ 61,000
Fellow Program (Note 5)	7,815	50,000	50,000	-
Total Personnel Costs	1,888,539	2,041,700	2,102,700	61,000
<u>Benefits</u>				
Employer's Contributions				
FICA and Medicare (Note 6)	129,749	140,100	144,000	3,900
Group Health Insurance (Note 7)	136,740	176,600	183,100	6,500
Retirement (Note 8)	154,446	174,000	170,000	(4,000)
Workers & Unemployment Comp.	3,849	5,100	5,500	400
Life Insurance	6,381	6,800	6,800	-
Long Term Disability Insurance	9,587	10,000	11,000	1,000
Total Benefit Costs	440,752	512,600	520,400	7,800
<u>Administrative Costs</u>				
Commissioners Per Diem (Note 9)	11,551	14,600	14,500	(100)
<b>Rents:</b>	<b>305,090</b>	<b>393,400</b>	<b>408,200</b>	<b>14,800</b>
Office Rent (Note 10)	284,319	366,000	379,600	13,600
Parking / Metrochek	20,771	27,400	28,600	1,200
<b>Insurance:</b>	<b>8,053</b>	<b>6,800</b>	<b>7,400</b>	<b>600</b>
Public Official Bonds	2,600	2,000	2,300	300
Liability and Property (Note 11)	5,453	4,800	5,100	300
<b>Travel, Training and Development</b>	<b>35,946</b>	<b>44,600</b>	<b>44,000</b>	<b>(600)</b>
Conferences / Prof. Devel (Note 12)	21,619	27,100	27,100	-
Non-Local Travel	2,203	3,100	2,500	(600)
Local Travel, Meetings (Note 13)	12,124	14,400	14,400	-
<b>Communication:</b>	<b>15,422</b>	<b>15,500</b>	<b>16,000</b>	<b>500</b>
Postage (Note 14)	1,604	1,400	1,400	-
Telephone and Data (Note 15)	13,818	14,100	14,600	500
<b>Publications &amp; Supplies</b>	<b>29,611</b>	<b>28,700</b>	<b>28,900</b>	<b>200</b>
Office Supplies (Note 16)	3,651	2,800	3,000	200
Duplication and Printing (Note 17)	10,541	10,900	10,900	-
Public Engagement (Note 18)	15,419	15,000	15,000	-
<b>Operations:</b>	<b>23,860</b>	<b>37,500</b>	<b>37,700</b>	<b>200</b>
Furn.and Equip. (Capital) (Note 19)	8,676	13,600	13,000	(600)
Repairs and Maintenance	683	1,000	1,000	-
Computer Operations (Note 20)	14,501	22,900	23,700	800
<b>Other General and Administrative</b>	<b>8,494</b>	<b>9,600</b>	<b>10,000</b>	<b>400</b>
Memberships	1,520	1,600	1,600	-
Fees and Miscellaneous	6,830	6,500	6,900	400
Advertising (Note 21)	144	1,500	1,500	-
Total Administrative Costs	438,027	550,700	566,700	16,000
<u>Contracting Services and Other</u>				
Auditing (Note 22)	30,300	24,500	25,100	600
Contract Services & Support (Note 23)				
Commuter Choice	426,027	479,000	463,600	(15,400)
Other Technical	76,793	120,000	120,000	-
Legal (Note 24)	35,000	35,000	35,000	-
Total Contract Services	568,120	658,500	643,700	(14,800)
<b>Total Operating Program</b>	<b>\$ 3,335,438</b>	<b>\$ 3,763,500</b>	<b>\$ 3,833,500</b>	<b>\$ 70,000</b>
Commuter Choice Programs	890,305	984,300	960,000	(24,300)
Operating Program, Excluding C.C.	<u>\$ 2,445,133</u>	<u>\$ 2,779,200</u>	<u>\$ 2,873,500</u>	<u>\$ 94,300</u>

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION**  
**Notes to Fiscal Year 2022 Proposed Budget**

**1. Revenue: Jurisdictional Contributions**

**Revenue from Local Direct Contributions**

Each NVTC jurisdiction is assigned a share of the local portion of NVTC's administrative budget based on its share of revenue received by NVTC on behalf of jurisdictions from all sources in the previous year. This procedure is required by state statute and results in changes in contributions from one year to another that vary for each jurisdiction depending on relative shares of revenue received. The allocation in this FY2022 budget is based on the FY2020 revenue and Subsidy Allocation Model (SAM) formula.

**Revenue from State Assistance**

NVTC receives state operating and capital assistance for its WMATA compact members' annual commitments to WMATA and those jurisdictions' local transit systems. NVTC allocates this revenue among the jurisdictions based on NVTC's SAM and holds the funds in trust for the jurisdictions' transit use. Before the funding is allocated, NVTC's SAM resolution states that amounts are to be applied to certain NVTC projects, and a portion of the general and administrative budget of NVTC. The amount used for NVTC's general and administrative expenses is determined each year by NVTC's approved budget.

**2. Revenue: Project Chargebacks**

This category includes reimbursable expenses related to the administration of the Commuter Choice programs, and charges for NVTC staff support for VRE and reimbursed from VRE's budget.

**3. Revenue: Project Grant Billings**

The FY2022 budget assumes a grant from DRPT's Intern Program that provides funding at 80 percent of payroll and related costs of NVTC's Transit Fellows program.

**4. Revenue: Appropriated Surplus**

Included as a source of revenue in the FY2022 budget is projected excess accumulated surplus that is available to offset the budget expenses, which is the result of prior year favorable budget variances and a portion of the FY2021 projected budget variance. This available surplus is in excess of the Commission's anticipated minimum operating requirements.

**5. Personnel Costs**

**Salaries and Wages**

The FY2022 budget holds staff levels constant with the prior year budget, and includes a provision for Merit and COLA increases for existing staff.

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION**  
**Notes to Fiscal Year 2022 Proposed Budget**

**Fellows Program**

The budget continues the NVTC Fellows Program, which began in FY2015, by building NVTC's technical capacity and strengthening its ties with members of the research network. The budget assumes grant funds from DRPT's Intern Program will be available to provide 80 percent of payroll and related costs of this program.

The Fellows Program provides a cost efficient and flexible way to employ new graduates and mid-career professional to complete specific short-term projects over a one- to six-month period. While the primary purpose is to provide high-priority technical expertise for specific projects and products, it has also served as a valuable recruitment tool and created opportunities to connect with university programs within Virginia and nationally.

**6. FICA and Medicare**

NVTC's budgeted share of FICA and Medicare taxes is a function of budgeted payroll and the current tax rates.

**7. Group Health Insurance**

A provision for health insurance coverage is included for all NVTC staff positions, with the exception of the Executive Director position, regardless of whether or not the current employees in those positions participate in NVTC's health insurance plan. Unless all eligible employees participate in NVTC's health insurance program, actual expenditures will be less than budgeted. The budgeted amount is based on actual rates with a provision for increasing premiums.

**8. Retirement**

The budgeted amount of employer pension contributions for the NVTC Target Benefit Pension Plan is based on actuarial formulas using budgeted staff and salary levels for FY2022. Because the formulas take into account factors in addition to payroll costs, such as years to retirement and investment return, changes in budgeted contributions do not necessarily change directly with budgeted payroll. The estimated liability is reduced by non-vested funds that were forfeited by former plan participants and are expected to be available during the fiscal year.

**9. Commissioners' Per Diem**

The FY2022 budget is based upon the FY2019 actual expenditures, which includes per diem costs of the WMATA and Program Advisory Committees, which began meeting in FY2019. Commissioners, other than senators and delegates, are paid by NVTC at the statutory rate of \$50.

**10. Office Rent**

The administrative office lease was renewed during FY2019 for a larger space effective March 15, 2019 to accommodate NVTC's increasing staff levels. Rent expense included in the FY2022 budget is based upon the fixed costs of the lease, which increase at 2.5 percent per year, plus 1 percent for pass-through expenses and real estate taxes. The lease contains a provision for the abatement of the first month's rent for the first seven years of the lease, and the additional abatement of approximately 29 percent of the leased space for the balance of the first lease year ending March 14, 2020. Off-site file storage is also included in this budget line.

**11. Insurance: Liability and Property**

The FY2022 budget is based on the most recent premium year with a provision for increasing costs.

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION**  
**Notes to Fiscal Year 2022 Proposed Budget**

**12. Conference / Professional Development**

Included in this line for FY2022 are the estimated registration fees for conferences, professional development, in-house training, and accreditation and related travel costs. The budget assumes NVTC staff will participate in training opportunities and speaking engagements at the Governor's Transportation Conference, the Virginia Transit Association Conference, the Transportation Research Board, and the Virginia chapter of the American Planning Associations, as well as represent the Commission at events hosted by a variety of organizations. These funds will also allow our professional staff to maintain the required trainings to keep their professional accreditations. Wherever possible, NVTC will continue to minimize travel expenditures through locally sponsored events, online conferences, and events where the registration fee is discounted or waived.

**13. Local Travel, NVTC and Other Meetings**

This line includes the costs of NVTC Commission meetings, hosting regional meetings and events, and the costs of NVTC staff traveling to meetings elsewhere in the region.

**14. Postage**

This item is based on an average of prior years' actual costs.

**15. Telephone and Data**

This line includes the fixed contracted cost for phone and data service at NVTC's office, and mobile and data service for staff.

**16. Office Supplies**

The FY2022 budget for this item is based on the average of prior years' actual costs.

**17. Duplication and Printing**

During FY2016, NVTC negotiated a five-year copier lease and service contract. The FY2022 budget is based on these agreements and projected usage levels.

**18. Public Engagement**

The budget includes a provision for costs related to public engagement on WMATA matters as required by HB1539, costs related to public engagement as required by HB1285, the costs to produce NVTC's annual report, and other public outreach costs such as social media.

**19. Furniture and Equipment**

This budget category provides for the replacement and acquisition of office furniture and equipment, including computer hardware.

**20. Computer Operating Expense**

Computer operating expenses include outside network consulting and services, software licensing fees, software upgrades and supplies, web hosting fees, hosted email, and a provision for disaster recovery efforts.



## **NORTHERN VIRGINIA TRANSPORTATION COMMISSION**

### **Notes to Fiscal Year 2022 Proposed Budget**

The FY2022 budget is based on an average of prior year actual costs, recognizing an increase in NVTC's software requirements and staff levels with a provision for security enhancements.

#### **21. Advertising (Personnel/Procurement)**

The FY2022 budget includes a provision for personnel and procurement advertising. An average of prior year costs was used to develop the budgeted amount as this category fluctuates from year to year based on needs.

#### **22. Auditing**

NVTC entered into a three-year contract for auditing services beginning with the audit of FY2015, with two, two-year options. The FY2022 budget is based on the costs included in this contract.

#### **23. Contract Services and Support**

##### **Commuter Choice Programs**

###### I-66 Commuter Choice Program

As part of a 40-year agreement with the Commonwealth of Virginia, NVTC has been assigned the authority to administer a program of projects to be funded using revenue generated by the tolling of I-66 Inside the Beltway. In FY2017, NVTC launched the initial year of the I-66 Commuter Choice Program. The FY2022 budget assumes NVTC will continue to administer this program and provide all program administration and outreach.

###### I-395 Commuter Choice Program

In 2017, NVTC and the Potomac and Rappahannock Transportation Commission (PRTC) entered into a 66-year agreement with the Commonwealth of Virginia to fund a program of projects to be funded by revenues generated by the tolling of I-95/I-395. The FY2022 budget assumes NVTC will continue to administer this program on behalf of both NVTC and PRTC and provide all program administration and outreach.

##### **Other Technical**

The FY2022 budget includes a provision for research and technical support efforts, specialized analysis, related publications, and a provision for contracted human resource support. NVTC's state liaison activities contract is also funded in this line item.

Whenever possible, NVTC intends to leverage other funding sources and utilize contracts of other agencies in an effort to reduce costs.

#### **24. Legal**

In FY2015, the Commission appointed Arlington County's Counsel as Counsel to NVTC. Appointed Counsel has provided essential services in matters internal to the commission and in relation to the Commission's roles and responsibilities with regard to WMATA. In addition, Counsel has provided advice, drafting, and training with respect to compliance with Virginia FOIA and Open Meetings Act requirements, as well as review of contracts, agreements and board resolutions. NVTC's Counsel also serves as counsel for VRE.



# NVTC Work Plan

## July 2021 to June 2022

*The NVTC Work Plan serves as a guiding document for NVTC staff to support the mission of the Commission. This Work Plan identifies specific programs, projects and tasks that NVTC staff intend to perform during the period from July 2021 through June 2022 (FY 2022). This document also includes reference to activities from January through June 2021 to provide continuity with NVTC's approved 2020-2021 Work Plan. It is intended to be a living document that can be updated as priorities and projects change.*

*This document supports NVTC's Strategic Framework, Implementation Plan and was developed in consultation with the Management Advisory Committee (MAC), the body of professional staff representing NVTC's jurisdictions and partners. The MAC is a forum to facilitate cooperative regional solutions, to keep local governments informed and to solicit feedback on ongoing programs, projects and initiatives.*

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## NVTC's Mission, Vision and Strategic Goals

**Mission:** As the premier transit organization in Northern Virginia, NVTC brings the region together to plan, coordinate and secure funding for transit systems that are financially sustainable and high performing.

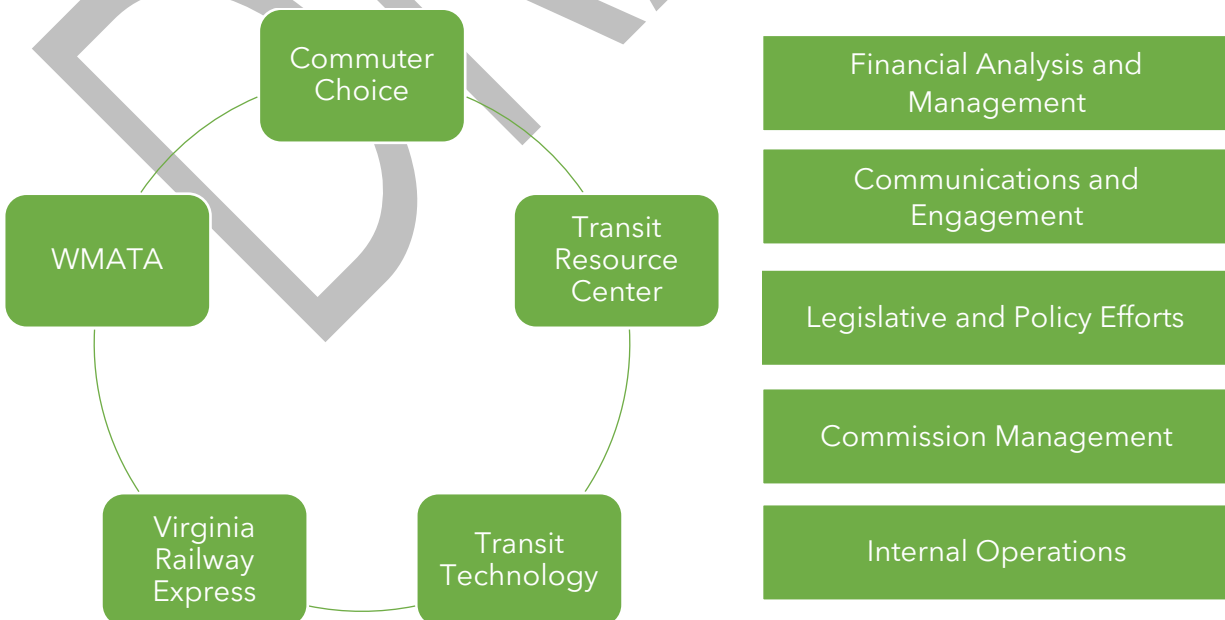
**Vision:** Northern Virginia businesses and residents are served by a high capacity, high quality network of transit systems that allows our diverse region to thrive economically.

### Strategic Goals:

- Increase the capacity of the regional transit network by expanding and improving the quality, coverage, and frequency of new and existing systems, including Metro, VRE and new transit services.
- Improve the access and mobility throughout Northern Virginia by connecting the regional and local transit systems.
- Promote safe, reliable, and financially sound performance and management of regional transit systems.

## Programs and Crosscutting Functions

NVTC has five programs that support the implementation of the Commission's mission and vision. These programs provide technical assistance, enable data collection and analysis, facilitate regional engagement and jurisdictional coordination as well as manage a groundbreaking funding program. It is important to note that these programs interact with and support each other on a regular basis, enabling NVTC to provide comprehensive support to member jurisdictions, partner agencies and to the Commission. In addition, these programs provide the best representation for our jurisdictions and ensure NVTC's work adds value for Northern Virginia, the greater DC region and the Commonwealth.



## **A. NVTC Committee Structure**

NVTC has three standing committees. In addition to the Executive Committee, NVTC has the Program Advisory Committee (PAC), the WMATA Committee and the Legislative and Policy Committee. The scope of each of these committees is articulated in NVTC's By-Laws.

For all committees, NVTC staff is responsible for the development and distribution of Committee materials, meeting logistics (in coordination with the Commission Secretary) and all other responsibilities to support the needs of the Committee.

## **B. NVTC Programs**

### **Commuter Choice**

The Commuter Choice program is a groundbreaking program that invests toll revenue into transit service, transportation demand management and other multimodal improvements along the I-66 Inside the Beltway and I-395/95 toll corridors. NVTC, in partnership with the Potomac and Rappahannock Transportation Commission (PRTC), Virginia Department of Transportation (VDOT), Virginia Department of Rail and Public Transportation (DRPT) and the Commonwealth Transportation Board (CTB), manages this competitive funding program through the tasks outlined in the section below.

#### **1) Program Management and Administration**

- a) Provide ongoing administration of the Commuter Choice program (I-66 inside the Beltway and I-395/95 corridors) to ensure compliance with relevant Memorandums of Agreement (MOAs).
  - i. Work with staff and legal counsel on policy decisions governing future calls for projects and program administration.
  - ii. Coordinate with regional and state agencies that administer other competitive funding programs to align program milestones.
  - iii. Coordinate with PRTC (as needed) on the ongoing management and administration of the Commuter Choice in the I-395/95 Corridor Program.
  - iv. Work with financial counsel and financial advisors on financing issues as needed.
  - v. Maintain and update the Commuter Choice program website to provide relevant, timely information for applicants, grantees and stakeholders.
  - vi. Monitor program operations and communications with grantees to identify any needed policy changes or updates.
  - vii. Execution of Standard Project Agreements (SPA) and ongoing monitoring and reporting to ensure compliance with all SPA requirements.
  - viii. Coordinate with NVTC's WMATA program to develop policy guidance to enable WMATA-operated / Commuter Choice-funded projects to be considered WMATA's annual budget process, including potential adoption of policy guidance by the WMATA Board and/or Commission(s).

- b) Prepare Commuter Choice annual report and program updates
  - i) Prepare and submit the fiscal year report to the CTB as required by the MOA.
  - ii) In coordination with NVTC's Transit Resource Center, prepare Corridor Transit Reports (subject to data availability) for presentation to the PAC and Commission(s).
  - iii) Update (as needed) grantee handbook that provides a comprehensive guide to Commuter Choice program eligibility, policies and procedures.

**Deliverables:** Supplemental I-66 Round Four Selection; I-395/95 Round Two Project Evaluation and Program Development and Selection; Commuter Choice Annual Report to the CTB; Corridor Transit Reports; I-66 Round Five Call for Projects

## 2) Project Selection Process

- a) Prepare Commuter Choice application materials received from the calls to secure Commission(s) approval.
- b) Hold briefings with eligible applicants. Provide technical assistance and guidance during application process.
- c) Lead technical consultants (in coordination with DRPT) in the initial eligibility screening, evaluation and scoring of project applications.
- d) Provide program updates at Commission(s) meetings and present final program of projects for Commission(s) approval.
- e) Coordinate with DRPT to receive Commonwealth Attorney General project eligibility concurrence and to prepare project list and supporting materials for CTB consideration.
- f) Develop staff-recommended program of projects for consideration by the Program Advisory Committee (PAC)/Joint Commission Working Group (JCWG) and consideration by the Commission(s).
- g) Hold public hearing and facilitate online public outreach efforts to explain projects to the public and answer questions about the program.

**Deliverables:** Eligibility screening workshop with DRPT; Workshops with eligible applicants; PAC and JCWG briefings

## 3) Reimbursement and Financial Reporting

- a) Host quarterly meetings with grantees to receive required project level reports and ensure projects are meeting implementation, reporting and financial milestones.
- b) Review and approve project reimbursement requests.
- c) Track expenses and reimbursements by corridor, fiscal year program, project, grantee, etc.
- d) Coordinate with NVTC financial team to develop policy/programmatic solutions for financial-related questions/issues.

**Internal Coordination:** Transit Resource Center, NVTC's WMATA program, Financial Analysis and Management, Communications and Engagement, Legislative and Policy, Commission Management and Internal Operations

## **NVTC Oversight of Washington Metropolitan Area Transit Authority**

NVTC exercises leadership through the appointment and support of Virginia's members of the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors to promote safe, reliable and financially sound performance, management and oversight of WMATA. Staff supports the NVTC WMATA Committee to facilitate and represent jurisdictional interests and to ensure access to NVTC's WMATA principal director.

### 1) WMATA Committee Support

- a) Develop and implement the committee's annual work plan.
- b) Manage and staff the NVTC WMATA Committee to facilitate committee guidance and feedback, leading to committee endorsement and recommendation for the full Commission to approve of the *Annual Report on the Performance and Condition of WMATA*.
- c) Manage and staff the NVTC WMATA Committee to provide a venue for discussion of WMATA issues directly affecting the NVTC region and NVTC jurisdictions.
- d) Manage and lead a jurisdictional staff working group to provide staff support for NVTC's WMATA Board principal member and members of NVTC's WMATA Committee.
- e) Inform NVTC Commissioners of pending WMATA Board decisions of regional significance.

### 2) Annual Report on the Performance and Condition of WMATA

- a) Develop and submit to the General Assembly and the Governor an annual report on the performance and condition of WMATA that includes the following:
  - a. The safety and reliability of the rapid heavy rail mass transportation system and bus network.
  - b. The financial performance of WMATA related to the operations of the rapid heavy rail mass transportation system, including farebox recovery, service per rider and cost per service hour.
  - c. The financial performance of WMATA related to the operations of the bus mass transportation system, including farebox recovery, service per rider and cost per service hour.
  - d. Potential strategies to reduce the growth in such costs and to improve the efficiency of WMATA operations.
  - e. Use of the funds provided from the Mass Transit Fund to improve the safety and condition of the rapid heavy rail mass transportation system.
  - f. Ridership of the rapid heavy rail mass transportation system and the bus mass transportation system.
- b) Manage technical staff to ensure that the report will meet expectations of the Commission, the General Assembly and the Administration.
- c) Communicate and present this report to the Commonwealth Transportation Board, Governor's Office, General Assembly and other interested stakeholders.
- d) Publish the report and associated information on NVTC's website.

3) Annual Certification of WMATA Documents

- a) Request the following documents from WMATA annually:
  - a. Annual capital budget; annual independent financial audit;
  - b. National Transit Data annual profile; and
  - c. Single audit report issued in accordance with the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 C.F.R. Part 200).
- b) Certify the receipt of these documents to Commonwealth Comptroller no later than June 30 of each year.

4) Virginia WMATA Board Member Support

- a) Facilitate the annual appointment of Virginia's two principal and two alternate members of the WMATA Board of Directors (January).
- b) Provide primary staff support on WMATA related meetings and issues to NVTC's WMATA Board principal member or their designated alternate.
- c) Facilitate and lead NVTC WMATA Board member preparation calls in advance of WMATA Board and committee meetings. Participate in WMATA-run Board meeting preparation calls and provide input as necessary.
- d) Ensure communication and facilitation between the Commonwealth and NVTC's principal WMATA Board members.
- e) Provide staff support to WMATA Board members prior to NVTC Commission meetings.
- f) Participate on WMATA's Jurisdictional Coordinating Committee (JCC).
  - a. Monitor and report on the development of WMATA's annual operating and capital budgets and multi-year CIP.
  - b. Coordinate with jurisdictional staff and DRPT on WMATA's compliance with CTB policy guidelines for the implementation of governance and funding reforms for WMATA.
  - c. Actively participate in the development of the Capital Funding Agreement.

5) Support for Northern Virginia Jurisdictions

- a) Participate and provide reports on JCC deliberations and WMATA Board actions to Northern Virginia jurisdictions, as requested.
- b) Facilitate jurisdictional issues with WMATA that rise to the attention of the NVTC WMATA Board principal member.
- c) Assist Loudoun County as it transitions to full participation in WMATA leading up to the completion of the Silver Line Phase 2.
- d) Participate in WMATA-led planning studies, including but not limited to the Metrobus Transformation Project, Blue-Orange-Silver Corridor Study, etc.

6) 3% Cap Working Group Supplemental Analysis

- a) Re-convene Working Group to continue 3% cap discussion based on Commission guidance provided in 2020.
- b) Develop work plan, schedule, and prepare meeting materials for Working Group and coordinate with NVTC WMATA Commission.
- c) Prepare Draft and Final supplemental report for Working Group, NVTC WMATA Committee and Commission endorsement/acceptance.

7) Spring 2021 Arlington Cemetery Station Closure Coordination

- a) Facilitate regional calls with WMATA and affected stakeholders to coordinate mitigation efforts and communications strategies.
- b) Track and resolve issues identified during planning meetings and coordination calls.
- c) Brief the Commission prior to and throughout the shutdown (as requested or needed) and document lesson learned.

**Deliverables:** Annual Report on the Performance and Condition of WMATA; Annual certification letter to Commonwealth; Supplemental Report from the 3% Cap Working Group

**Internal Coordination:** Transit Resource Center, Transit Technology, Commuter Choice, VRE, Legislative and Policy Efforts, Financial Analysis and Management and Internal Operations

## **Transit Resource Center**

The Transit Resource Center provides technical assistance to member jurisdictions; collects, analyzes and reports data from all NVTC's programs; manages the Envision Route 7 Bus Rapid Transit (BRT) project; and supports coordination with other regional transportation organizations. An overview of the tasks within the Transit Resource Center are outlined below.

1) Regional Transit Performance Data Collection and Analysis

- a) Support required data collection efforts.
  - a. Work with local governments to coordinate collection of performance data for the Federal Transit Administration's (FTA) National Transit Database (NTD).
  - b. Manage the contract for NTD data collection on behalf of Northern Virginia's transit systems. Oversee data collection efforts to facilitate the receipt of federal funds to the region.
  - c. Report the Washington Metropolitan Area Transit Authority's (WMATA) monthly ridership and parking utilization to comply with the Department of Rail and Public Transportation's (DRPT) OLGA reporting requirements and report to NVTC Commissioners. Ensure that the data are consistent, timely and accurate.
- b) Conduct and Support Regional Transit Analysis
  - a. Use technical tools to perform in-depth, regional and multijurisdictional analyses in support of Northern Virginia transit systems.



- b. Analyze various operational scenarios including additions, eliminations and modifications of bus routes, service level changes (e.g., increases and cuts) and changes in external circumstances, including demographic changes, macroeconomic shocks and changes in networks of complementing transit systems (as requested by jurisdictions or transit providers).
- c. Conduct additional post-COVID and recovery-related analysis for presentation to the MAC and Commission.
- d. Provide jurisdictional and regional transit performance data through materials and presentations, and post standardized, downloadable data on NVTC's website.
- e. Provide data analysis for NVTC jurisdictions and the Commission on regional and national issues that impact transit planning, operations, organizations and ridership.
- f. Disseminate findings through authoring reports and presentations.

**Deliverables:** Annual Transit Performance Report; Post-COVID Transportation Analysis Reports; Regional Bus Assessment Report; TBEST Analysis Reports

2) Commuter Choice Corridor Analyses

- a) Report on Transit Performance in Commuter Choice Corridors
  - a. Conduct regular analysis on the transit ridership and other metrics to understand the performance of transit along the I-66 Inside the Beltway and I-395/95 Corridors, including the impacts of COVID-19 and recovery efforts.
  - b. Coordinate with VDOT, Transurban and TPB to collect corridor-based data necessary for analyses.

**Deliverables:** Corridor Transit Reports (subject to data availability)

3) Envision Route 7 Bus Rapid Transit (BRT) Study

- a) Procure consultant services for Phase IV (pending grant and local match approval).
  - a. Continue to coordinate with relevant jurisdictional and stakeholder staff to further the study of high-quality transit on Route 7.
  - b. Assist in identifying financial resources for continued study and programing for BRT along the Route 7 corridor.
- b) Continue advocating for high quality transit in the Route 7 corridor and inclusion of transit options for the corridor in regional planning studies.

**Deliverables:** Scope of work and budget for Phase IV; RFP for Phase IV

4) Regional Coordination and Collaboration

- a) Provide technical support to the NVTa (Northern Virginia Transportation Authority) on regional planning efforts in order to better provide for regional transit needs in their regional transportation plan (TRANSACTION).
- b) Participate regionally focused technical, program or study committees assisting in planning, funding, preliminary engineering and environmental analysis for transit in the region, including but not limited to:
  - a. Transportation Planning Board

- b. Potomac and Rappahannock Transportation Commission
- c. Northern Virginia Transportation Authority
- d. Northern Virginia Regional Commission
- e. Virginia Department of Rail and Public Transportation
- f. Virginia Department of Transportation
- g. Virginia Railway Express
- h. Metropolitan Washington Council of Governments
- i. Washington Metropolitan Area Transit Authority

**Internal Coordination:** NVTC's WMATA program, Grants Management, Commuter Choice, Communications and Engagement, Legislative and Policy Efforts and Internal Operations

## Transit Technology

The Transit Technology program oversees the implementation of NVTC's Regional Fare Collection Strategic Plan and engages with regional, state and national transit technology stakeholders to build Commission knowledge about innovative transit mobility services and emerging technologies. An overview of the tasks within the Transit Technology Program are outlined below.

### 1) Implementation of the NVTC's 2021 Regional Fare Collection Strategic Plan

- a) Provide updates to the Program Advisory Committee and the Commission on the status of milestones in the 2021 Strategic Plan.
- b) Facilitate regional coordination through the Fare Collection Working Group.
- c) Support efforts to market WMATA's SmarTrip mobile apps and other fare payment initiatives to users.
- d) Manage existing DRPT technical assistance grant to support jurisdictions' and transit providers fare collection efforts.
- e) Manage consultant support provided through DRPT's technical assistance grant, including approving work products and annual work plans, reviewing and approving invoices, coordinating with Northern Virginia DRPT grant staff, etc.
- f) Prepare for potential FY 2023 DRPT Technical Assistance Grant to support the efforts identified in the 2021 Regional Fare Collection Strategic Plan.

**Internal Coordination:** NVTC's WMATA program, NVTC's VRE Support, Financial Analysis and Management, Communications and Outreach and Internal Operations

## NVTC Support of Virginia Railway Express

NVTC, as co-owner (with the Potomac and Rappahannock Transportation Commission) of the Virginia Railway Express (VRE), provides oversight of the railway to promote safe, reliable and financially sound performance and management.

### 1) VRE Operations Board Support

- a) Facilitate the annual appointment of NVTC's principal and alternate members of the VRE Operations Board.

- b) Provide staff support, in coordination with jurisdictional staff when necessary, to NVTC-appointed VRE Board members.
- c) Participate on VRE's Coordination Committee (VCC) and Chief Administrative Officer's Task Force and attend VRE Operations Board meetings.

2) Budget and Financial Management

- a) Facilitate NVTC's approval of VRE's annual operating and capital budgets, including the prioritization of the Commuter Rail Operation and Capital (C-ROC) Fund. Participate and provide technical support at budget review sessions.
- b) Apply and receive state and regional assistance on behalf of VRE, including DPRT transit capital and operating funding, Rail Enhancement Funds, SmartScale and NVTA funds.
- c) Assist VRE planning staff on ridership, travel forecasting, federal funding programs and other technical items.

3) VRE Customer Service and Annual Ridership Surveys

- a) Provide staff and technical support to VRE for the customer service surveys each spring by assisting with on-board survey distribution.
- b) Provide staff and technical support to VRE for the Master Agreement Annual Ridership Survey each fall by assisting with on-board survey distribution and conducting the survey address verification process using GIS technology.

4) Technical and Communications Support

- a) Amplify and actively share VRE public communications through NVTC social media.
- b) Serve on technical and legislative advisory committees, as requested.
- c) Review Operations Board materials for consistency with the Master Agreement and approved budgets. Maintain close communications with PRTC and VRE staff to coordinate the writing and presentation of VRE action items to the two Commissions.

**Deliverables:** Audited annual survey report and maps

**Internal Coordination:** NVTC's WMATA program, Legislative and Policy, Financial Analysis and Management, Transit Resource Center, Transit Technology and Internal Operations

## **C. Financial Analysis and Administration**

Identify and implement cooperative strategies with member governments to maximize transit revenues aimed at achieving adequate, dedicated, stable and reliable financial support from the federal government, Commonwealth, region and private sector. Facilitate the fair and equitable allocation of transit assistance among governments. Manage grants, contracts, and trust funds fairly and effectively, according to state and federal laws and NVTC's policies.

### **Support for Member Jurisdictions**

- 1) Ensure the stability of the current sources of transit funding available to NVTC's local governments.

- 2) Serve as the central point of contact for Northern Virginia transit system financial information.
- 3) Analyze funding proposals produced by regional and statewide studies and identify policy issues for consideration by the Commission.
- 4) Identify and help obtain funding for new transit projects that are recommended by NVTC's jurisdictions.

**Deliverables:** Provide NVTC funding, local system and WMATA subsidy data to interested parties.

## Financial Analysis

### 1) Regional Gas Tax Revenues

- a) Monitor NVTC's regional gas tax receipts from the Division of Motor Vehicles (DMV) for reasonableness of collections in total and by jurisdiction.
- b) Employ database and spreadsheet models to identify unanticipated discrepancies at the taxpayer level by jurisdiction and in total.
- c) Maintain communications with DMV regarding both unusual activities identified by NVTC and DMV audit activity. Make suggestions for improving the program.
- d) Brief the MAC as needed on processes, issues and solutions.

### 2) State Transit Revenues

- a) Participate on the Transit Service Delivery Advisory Committee (TSDAC) to assist DRPT in reviewing the distribution process for transit capital and operating funds.

### 3) Transit Funding Opportunities

- a) Produce financial projections and an analysis of the growing gap between transit operating and capital needs versus available financial resources.
- b) Participate in regional and statewide efforts to define public transit needs and identify funding sources.
- c) Identify and seek to implement stable, reliable, permanent and dedicated funding sources for operating and capital expenses for WMATA, VRE and local transit systems.
- d) Coordinate regional efforts and prepare analytic tools, communication materials and editorials to promote such funding.

**Deliverables:** Annual formula for allocation of gas tax revenue; Input to the DRPT funding process; Financial analysis and projections, as needed.

## Grants Management, Trust Funds, Contracts and Compliance

### 1) State Assistance

- a) Review and monitor DRPT assistance calculations of WMATA assistance to NVTC as grantee for NVTC jurisdictions' share of WMATA operating subsidies and capital requirements.

- b) Report WMATA annual ridership, and other information requested by DRPT as a requirement for receiving state assistance. .
  - c) Review and submit state operating and capital assistance applications for local systems through DRPT's Online Grant Administration (OLGA) system as agent for the NVTC jurisdictions.
  - d) Manage NVTC and NVTC jurisdiction state grants, including the preparation and review of timely grant invoicing.
  - e) Participate with VRE and NVTC jurisdictions in quarterly project status review meetings with DRPT.
  - f) Work with DRPT and grantees to achieve the maximum funding available.
- 2) Commuter Choice in the I-66 and I-395/95 Corridors
- a) Monitor and reconcile net toll revenue receipts from VDOT with actual collections and Commonwealth Transportation Board (CTB) approved project funding levels.
  - b) Review reimbursement requests for adequate support of eligible expenses; approve and disburse funds.
  - c) Ensure recipient compliance with project agreement provisions.
  - d) Account for direct costs of administering the program.
  - e) Account for and report toll revenue activity as a separate Special Revenue fund.
- 3) NVTC Subsidy Allocation Model
- a) Maintain NVTC's subsidy allocation model (SAM) utilizing the most recent WMATA and local budget information on transit costs, revenues and subsidies.
  - b) Determine each local government's share of NVTC assistance using the annual SAM percentages.
  - c) Apportion shares of the direct local contributions to NVTC's administrative budget using the annual SAM percentages.
  - d) Provide projections and other analysis of annual transit assistance to the NVTC jurisdictions for planning purposes.
- 4) NVTC Jurisdiction Trust Funds
- a) Allocate revenue to NVTC jurisdictions through the NVTC trust fund upon receipt using the annual SAM percentages.
  - b) Prepare timely and accurate quarterly cash flow forecasts of available transit assistance sources and uses for the NVTC jurisdictions.
  - c) Prepare quarterly reports of actual NVTC trust funds activity for use by NVTC jurisdictions.
  - d) Manage and invest trust funds according to NVTC policy by safeguarding assets while maximizing liquidity and investment return.
- 5) Commuter Rail Operations and Capital Fund (C-ROC)
- a) Monitor collections of all C-ROC Funds from the Department of Motor Vehicles (DMV).

- b) Provide periodic reports to the Commissions about the funds in the C-ROC Fund, including monthly receipts, amounts expended, the amount of funds held and investment earnings.

6) Financial Reporting, Accounting, Audit, Compliance and Contracting

- a) Prepare the annual financial statements, disclosures and supplementary information for NVTC's annual audit.
- b) Manage a multi-year audit services contract.
- c) Accomplish unqualified auditors' opinions and provide financial and compliance reports to the appropriate regulatory agencies.
- d) Maintain up-to-date compilations of state and federal grant regulations and ensure staff is adequately trained in grant, contract and project management.
- e) Maintain current documents and policies to facilitate prompt procurement in compliance with state and federal laws.
- f) Perform internal accounting functions, including invoicing, accounts receivable, cash receipts, accounts payable, disbursements and transfers, payroll, general ledger and reconciliations.

7) Federal Grants

- a) Apply for federal grants on behalf of member jurisdictions and manage grants as the designated recipient for FTA funds. Currently, NVTC is the designated recipient of federal grants for the cities of Alexandria and Falls Church. For these grants, NVTC will:
  - i. Maintain subrecipient agreements which outline terms, conditions and expectations.
  - ii. Ensure subrecipient agreements include all the information required by FTA and 2 CFR 200.
  - iii. Review reimbursement requests to ensure costs are reasonable, allocable and allowable in accordance with 2 CFR 200 and terms of the award.
  - iv. Host quarterly project management meetings with the subrecipient and FTA.
  - v. File quarterly financial and milestone reports (1/30, 4/30, 7/30, 10/30), semi-annual Disadvantaged Business Enterprise (DBE) reports (6/1, 12/1) and other required documentation in FTA's grants management system (TrAMS).
  - vi. Monitor subrecipients to ensure proper stewardship of federal funds and performance goal attainment.
  - vii. Provide technical assistance as needed.
  - viii. Close out completed grants.
- b) Report on NVTC's FY 2021-2023 DBE Overall Goal in accordance with 2 CFR 26.45.
- c) Administer Title VI and DBE Programs and provide technical assistance to subrecipients as needed.
- d) Ensure NVTC and subrecipients are in compliance with all relevant FTA regulations and guidelines in numerous areas such as legal, financial management, technical capacity,

continuing control, maintenance, procurement, civil rights and National Transit Database.

- e) Attend workshops and webinars presented by FTA to maintain awareness of changes in federal requirements and processes.
- f) Submit annual certifications and assurances to the FTA and maintain subrecipient's signed annual certifications and assurances on file.

8) Title VI Civil Rights Compliance

- a) Ensure NVTC's compliance with the federal Title VI program.

**Deliverables:** DRPT grant applications and grant agreements for local and WMATA assistance; Commuter Choice program reimbursements; annual updates to SAM formula; Trust Fund revenue projections and reporting; annual audited financial statements including reporting by funds; annual Title VI certification to FTA

**Internal Coordination:** Commuter Choice, Transit Resource Center, Transit Technology, NVTC's VRE support, NVTC's WMATA program, Legislative and Policy Efforts, Commission Management and Internal Operations

## **D. Communications and Engagement**

Improve the public's understanding and appreciation of transit's role in Northern Virginia and the Commonwealth and increase participation in transit-related decision-making.

2) Partnerships

- a) Identify opportunities to host or participate in transit-related events with Northern Virginia's chambers of commerce and other business representatives.
- b) Identify and apply for grants, in partnership with local jurisdictions and transit agencies, to support a multi-faceted marketing campaign designed to increase bus and rail ridership in Northern Virginia.
- c) Identify opportunities to host one or more transit tours of Northern Virginia for state legislators.
- d) Partner with government agencies, business groups and national, state and local associations to promote transit through educational programs, complementary messaging and attendance at conferences, seminars and workshops.
- e) Partner with WMATA, VRE and local transit agencies to promote advances in fare collection and innovative transit technology initiatives.
- f) Leverage network of jurisdictional and agency public information officers to facilitate the sharing of information, work on projects of mutual benefit and leverage resources.
- g) Serve on the Virginia Transit Association's (VTA) annual awards and conference planning committees.

3) Internal and External Relations

- a) Serve as the point of contact for the news media, interest groups, U.S. Congress and Virginia General Assembly, and public for transit issues in Northern Virginia.
  - i. Keep the news media, interest groups and local jurisdictions apprised of Commission meetings and hearings, actions, analyses, research, reports and events.
  - ii. Share transit-related information from external sources – print/broadcast media, online publications and bloggers, transit agencies and state/local governments – with Commissioners, MAC, agency public information officers, transit advocacy groups, staff and through social media channels.
  - iii. Participate and speak at chamber of commerce events, homeowner association meetings and jurisdictional governing-body and committee meetings as requested.
- b) Develop and distribute information and resources necessary for Commissioners to fulfill their responsibilities, including the annual member manual, NVTC website, e-newsletters and monthly Executive Director reports.
- c) Develop and distribute written and visual communications, such as project fact sheets, issue briefs, web content, frequently asked questions, news releases and targeted e-mail communications on transit-related topics, as well as testimony for Commissioners and NVTC senior leadership.
- d) Provide experts for news media interviews on regional transportation and transit topics and conduct media training to support leadership and staff.

4) Commuter Choice Outreach and Marketing

- a) Plan and implement public meetings and public input process.
- b) Plan and implement groundbreaking events in collaboration with local jurisdictions and transit providers.
- c) Promote the Commuter Choice program and events through NVTC's social media and other venues.
- d) Create and maintain a Commuter Choice website focused on marketing of projects and programs to toll facility users and the general public (upon completion of the Needs Assessment Study).

**Deliverables:** Public outreach report for Supplemental I-66 Round Four and I-395/95 Round Two Programs of Projects; Content development for Commuter Choice Marketing website

5) Online Communication

- a) Maximize NVTC's online presence to further its mission.
  - a. Build NVTC's website as a research and information resource.
  - b. Expand NVTC's social media presence to drive traffic to novatransit.org and program pages; raise NVTC's profile and promote discussion of regional transit issues.



- c. Maintain up-to-date project information on the website to inform the public and Commissioners on the latest project news.
- d. Use online analytics and surveys to monitor the effectiveness of online communication and outreach efforts.
- e. Develop new content, such as podcasts and videos, to enhance NVTC's reputation as the primary source of transit-related information in Northern Virginia and improve the public's understanding of both transit and NVTC's role in the region.

6) Public Outreach

- a) Develop and implement communications plans and budgets for transit studies and multimodal grant programs.
  - a. Publicize and solicit public comment through multiple channels, such as meetings and hearings, advertising, pop-up events, online crowdsourcing, email, mail and telephone.
  - b. Plan and promote public meetings and hearings in consultation with local jurisdictions, transportation agencies and transit providers.
  - c. Design and create materials, such as flyers, handouts, infographics, email blasts, display boards, PowerPoint presentations and videos.
- b) Plan and implement activities that engage the public and promote NVTC programs and initiatives.
- c) Participate in and support the annual public meeting for Northern Virginia transportation organizations, as required by HB1285 (2018).
- d) Support and coordinate with Commuter Choice program outreach and marketing efforts.
- e) Complete COVID-rebound marketing effort to return riders to transit; analyze results to gain insights for potential future campaigns.
- f) Update and streamline NVTC website to ensure user friendliness and adherence to usability standards.
- g) Unify NVTC outreach materials to ensure consistent branding and messaging across all platforms.
- h) Expand in-person outreach efforts through networking and attendance at public events.

**Deliverables:** Daily headlines email; Weekly updates for Commissioners and jurisdictional staff; Monthly newsletter; Annual organizational report; News releases and media relations; Website and social media posts; COVID-rebound marketing campaign scope and budget; Presentations and handouts

**Internal Coordination:** NVTC Programs, Legislative and Policy Efforts, Financial Analysis and Management and Internal Operations

## **E. Legislative and Policy Efforts**

### **Legislative and Policy Committee Support**

Per the Commission's By-Laws, the Legislative and Policy Committee is responsible for the development of the annual legislative and policy agenda and serves as a venue for discussion of legislative and policy matters that directly affect NVTC programs, the NVTC region, and transit in Northern Virginia. The committee is typically convened regularly between October and March.

NVTC staff is responsible for the development and distribution of committee materials, meeting logistics (in coordination with the Commission Secretary), and all other responsibilities to support the needs of the committee.

### **Development of Legislative and Policy Agenda**

Devise, coordinate and implement legislative and policy strategies based on sound policy analysis in coordination with legislative staff from relevant jurisdictions, agencies and partner organizations.

#### **1) State and Federal Legislative Policy Agenda**

- a) Assist NVTC's Legislative and Policy Committee with adopting a state and federal legislative and policy agenda to guide NVTC's legislative support in the coming year.
- b) Develop strategies to effectively implement NVTC's annual legislative and policy agenda in collaboration with NVTC jurisdictions' legislative liaisons and the Virginia Transit Association (VTA).
- c) Work with delegations in Richmond and Washington D.C. as needed to promote NVTC's approved agenda. Focus should include, but not be limited to long term, sustainable transit capital funding and maintenance of existing NVTC programs and authorities.
- d) Identify transit issues that require policy decisions. Assemble data and perform policy analyses to facilitate those decisions (e.g. fare integration, development of new technology, service expansion, customer safety, system security and the business case for and value of public transit).
- e) Conduct an annual joint NVTC and PRTC legislative briefing.
- f) Develop messaging and a plan to educate the public about the need for transit funding in Virginia as well as the benefits of public transit throughout the Commonwealth.

#### **2) Virginia General Assembly Session**

- a) Prepare and support NVTC legislative and policy efforts before and during the General Assembly.
- b) Reach out to legislators to garner support for NVTC's legislative agenda and educate them about the benefits of public transportation.
- c) Prepare informative district-specific legislative maps showing transit service and performance for all members of the Northern Virginia delegation.

- d) Conduct NVTC's February meeting at the General Assembly in Richmond, pending an in-person General Assembly has resumed.
- e) Use an online legislative monitoring service and share access with member jurisdictions.
- f) Provide legislative alerts to Commissioners and local staff during the General Assembly Session.

3) Commonwealth Transportation Board

- a) Prepare written statements and deliver testimony at the CTB's semi-annual hearings on transit funding priorities and other hearings as appropriate.
- b) Advocate for NVTC's policies, including balanced transportation and stable and reliable funding.
- c) Support DRPT's Transit Service Delivery Advisory Committee (TSDAC) by following the Commonwealth transit funding reform process, facilitating discussions by jurisdictional staff and relaying feedbacks of transit agencies to TSDAC discussions.

4) Transit Industry Groups and Trade Associations

- a) Participate in analysis and dialogs on local, state and national transit issues with state and national transit industry associations and other bodies.
- b) Virginia Transit Association (VTA)
  - i. Contribute to VTA's state legislative strategy for the transit industry and strengthen VTA's response to Northern Virginia's concerns.
  - ii. Provide technical and communications support regarding the economic benefits of transit.
  - iii. Co-chair VTA events and encourage NVTC Commissioners to serve as VTA officers.
  - iv. Serve as VTA's member of the Transit Service Delivery Advisory Committee (TSDAC), providing technical guidance on performance-based funding for transit capital and operations.
  - v. Serve on VTA's awards and conference planning committees.
- c) American Public Transportation Association (APTA)
  - i. Provide technical assistance and feedback to APTA on federal transit program implementation issues.
  - ii. Participate in defining and implementing a federal legislative strategy as part of a broad, nationwide pro-transit coalition.
- d) Provide technical assistance and policy analysis support to state and national boards and committees, including, but not limited to:
  - i. DRPT's Transit Service Delivery Advisory Committee (TSDAC)
  - ii. VTA Executive Committee
  - iii. The General Assembly's Joint Committee on Transportation Accountability
  - iv. APTA Legislative Committee
  - v. APTA Policy and Planning Committee
  - vi. APTA Public Private Partnership Committee

- vii. APTA Commuter Rail Committee
- viii. Institute for Transportation Engineers
- ix. Transit Cooperative Research Program (TCRP) Dissemination and Implementation of Research Findings Project Panel

**Deliverables:** Joint NVTC/PRTC Legislative Briefing; policy briefs and supporting information to support legislative priorities; legislative tracking reports

**Internal Coordination:** NVTC Programs, Communications and Engagement, Financial Analysis and Management, Commission Management and Internal Operations

## F. Commission Management

Provide staff support and execute duties to ensure the smooth running of day-to-day operations of the Commission.

- 1) Develop and distribute information and resources necessary for Commissioners to fulfill their responsibilities, including the annual member manual, NVTC website, e-newsletters and monthly Executive Director reports.
- 2) Prepare materials for monthly Commission meetings. Coordinate with external speakers to present to the Commission when appropriate.
- 3) Schedule, oversee and record minutes of Commission meetings, as well as other NVTC events.
- 4) Provide accurate and timely responses to Commissioners, jurisdictional staff and the public.
- 5) Support NVTC's committees, through the development of agendas, meeting summaries and handouts.
- 6) Ensure the issuance of per diem payments for Commissioners.
- 7) Verify Commissioner compliance with state regulations regarding economic and financial disclosure statements.
- 8) Conduct new Commissioner orientations.
- 9) Maintain archival Commission materials and provide access to archival documentation when requested.
- 10) Respond to Freedom of Information Act (FOIA) requests.

**Deliverables:** Annual Commission Meeting Schedule; Monthly Commission kit

**Internal Coordination:** NVTC Programs, Financial Analysis and Management, Communications and Engagement, Legislative and Policy Efforts and Internal Operations

## G. Internal Operations

Strengthen NVTC as an organization through improvements of internal policies to ensure a rewarding and equitable work environment.

### 1) Human Resources and Administration

- a) Develop the annual NVTC general and administrative (G&A) budget, in coordination with jurisdictional staff, for consideration by the Commission in the fall.
- b) Continue to leverage human resources support assistance to enhance and support human resource functions.
- c) Continue NVTC Transit Fellows Program to attract talent to supplement NVTC staff on specific projects.
- d) Develop and implement a professional development plan for staff, including appropriate training.
- e) Develop and implement a staff earning structure and align job descriptions and benefits, such as health and retirement, with NVTC's jurisdictions.
- f) Administer employee benefit programs, including retirement plan, 457 plan, group health insurance, group life insurance, disability insurance, flex benefit plan, bike share, and Zip Car.

### 2) Telework and Office Space

- a) Provide technical support to staff to enable telework and other remote work activities.
- b) Resolve issues related to the office space (lease, maintenance, facilities, etc.).

### 3) Information Technology

- 1) Provide ongoing staff support, troubleshooting for all office software and hardware.
- 2) Provide ongoing information technology improvements to ensure a productive and secure working environment for staff, virtually and in the office.
- 3) Research, order or work with contractors to obtain staff equipment as requested.
- 4) Set up all new IT equipment for current or additional staff.

**Deliverables:** NVTC General and Administrative Budget; NVTC Work Plan

**Internal Coordination:** NVTC Programs, Communications and Engagement, Financial Analysis and Management; Commission Management

**TO:** Chair Cristol and NVTC Commissioners  
**FROM:** Kate Mattice, Andrew D’huyvetter and Zachary Smith  
**DATE:** April 29, 2021  
**SUBJECT:** Washington Metropolitan Area Transit Authority

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

At the May meeting the Commission will receive reports from the Virginia WMATA Board members and the chair of the NVTC WMATA Committee.

#### **A. WMATA COVID-19 Response**

On March 13, 2020 WMATA implemented Phase 3 of its Pandemic Flu Plan, which is the highest level of response and includes all subsequent mitigation steps required during a public health emergency. WMATA expects to be at Phase 3 until further notice and has developed a [website](#) for customers to stay up-to-date with the latest information. The March 2020 passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) provided WMATA with funding to address immediate needs related to the pandemic, providing necessary funding to maintain labor, increase employee and rider protections, and maintain a basic level of transit service partially through fiscal year 2021.

Further relief funding was provided by the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) in December 2020 and the American Rescue Plan Act of 2021 (ARPA) which was signed into law on March 11, 2021. Both of these efforts provide additional federal relief funding to WMATA that support longer term relief and recovery. Because of the funding provided in both the CRRSAA and the recently enacted ARPA, WMATA has averted severe service cuts and layoffs that had been previously proposed during FY 2021 and FY 2022.

Metrorail is currently operating at 12-minute headways on the Blue, Orange, Silver, Green and Yellow Lines with six-minute headways on the Red Line on weekdays. Metrobus service was expanded in March 2021 to reach 82% of pre-COVID service levels.

## B. Report from the Virginia WMATA Board Members

- Adoption of the FY 2022 Operating and Capital Budgets and FY 2022 – 2027 Capital Improvement Program (CIP)

On April 22 the WMATA Board [adopted the FY 2022 budget and FY 2022 – 2027 Capital Improvement Program \(CIP\)](#). The adopted FY 2022 budget reflects \$193.4 million in federal relief funding from the [American Rescue Plan Act of 2021 \(ARPA\)](#) that was enacted on March 11. Because of the additional federal relief funding, the FY 2022 budget also eliminates previously proposed Metrobus service reductions, Metrorail service reductions and station closures, and FTE reductions that were scheduled were to take effect in January 2022.

Following the direction provided by the Commission at its February meeting, the NVTC chair submitted a [letter of comments on WMATA's proposed FY 2022 budget](#) that was authorized for the public docket prior to the passage of ARPA. Due to timing issues, NVTC's letter of comments does not address the changes made to the proposed FY 2022 budget as a result of additional federal funding.

The FY 2022 operating budget assumes \$237.3 million in revenues driven in part by a slight increase in ridership projections due to removing proposed service reductions (Figure 1). Though access to the COVID-19 vaccine is improving, the budget assumes ridership in FY 2022 will be at 106 million trips or 34% of pre-pandemic levels due to continued uncertainty around rider sentiment and future travel patterns.

**Figure 1: FY 2022 Operating Budget on the Public Docket and FY 2022 Adopted Operating Budget**

<i>\$ in Millions</i>	<b>FY2022 Docket</b>	<b>FY2022 Adopted</b>
Revenue	\$222.0	\$237.3
Expense	\$1,889.5	\$2,069.9
<b>Operating Deficit</b>	<b>\$1,667.5</b>	<b>\$1,832.5</b>
FY2022 Subsidy	\$1,153.1	\$1,109.7
<b>Funding Gap</b>	<b>(\$514.5)</b>	<b>(\$722.9)</b>
Relief Funding	\$514.5	\$722.9
<b>Remaining Gap</b>	<b>\$0.0</b>	<b>\$0.0</b>

Note: Amounts are rounded for presentation purposes and may not sum

Source: WMATA April 8 Finance and Capital Committee

Operating costs increased by \$180.4 million from the proposed FY 2022 budget on the docket due to restoring transit service in the second half of FY 2022, collective bargaining agreement (CBA) wage and pay for performance increases which were not included in the proposed budget, and some paratransit services. The total jurisdictional operating subsidy is also reduced by \$43.4 million below what was proposed on the docket, and the \$722.9 million in federal relief from both CRRSAA and ARPA offset the remaining funding gap to balance the budget.



The FY 2022 operating budget maintains approved Metrobus service improvements (85% of pre-pandemic bus service levels) scheduled to begin in June 2021 throughout FY 2022. Current Metrorail service levels (80% of pre-pandemic levels) is also maintained throughout FY 2022 (Figure 2). In addition, the FY 2022 budget includes funding for Silver Line Phase 2 revenue service to begin in January 2022, although WMATA will not set a target service date until all identified issues with its construction by the Metropolitan Washington Airports Authority have been resolved to meet acceptance standards.

**Figure 2: FY 2022 Metrorail and Metrobus Service Levels**

<b>Proposed FY2022 Year-Round Service</b>	
<b>Metrorail</b> 80% of pre Covid-19 service	<b>Metrobus</b> 85% of pre Covid-19 service
<b>Maintain existing service levels</b>	<b>Maintain existing service levels and improvements effective June 2021</b>
<i>Span:</i> Close 11 pm, 7 days  <i>Frequency:</i> Weekdays: 12 min BL/OR/GR/YL/SV / 6 min RD Weekends: 15 min BL/OR/GR/YL/SV / 12 min RD Evenings: 20 min BL/OR/GR/YL/SV / 20 min RD  No station closures, no turnbacks	Extend to 2 am on 34 lines 7 days 6 lines/restore weekday peak coverage 4 lines with full or partial restoration of all-day service 10 lines with restoration of Saturday service 9 lines with restoration of Sunday service
<b>Total FTE Reduction: 0</b>	<b>Impact: \$171.4M</b>

Source: WMATA April 8 Finance and Capital Committee

The FY 2022 operating budget also:

- Maintains \$20 million to mitigate Silver Line Phase 2 service Title VI impacts and fund the WMATA Board's equity initiatives;
- Funds \$0.5 million to operate Potomac Yard Station in the fourth quarter of FY 2022; and
- Reduces the jurisdictional Metrobus operating subsidy requirements for Fairfax County by \$0.8 million because Fairfax Connector will operate the 3A Metrobus route.

The FY 2022 capital budget totals \$2.6 billion and the FY 2022-2027 Capital Improvement Program (CIP) totals \$13.6 billion. The CIP prioritizes continued state of good repair improvements, customer safety and service reliability through projects such as tunnel ventilation improvements, track rehabilitation, railcar procurement and bus garage construction.

The COVID-19 public health emergency continues to pose a risk to the FY 2022 budget as uncertainty remains around the timing of the region's economic recovery. Additional budget risks include the federal reauthorization of Passenger Rail Investment and Improvement Act (PRIIA) funding and the start date of Silver Line Phase 2.



- Approval of WMATA Resolution on CRRSAA

On April 22 the WMATA Board [approved a resolution approving the allocation of CRRSAA funding](#) to provide \$89 million in subsidy credits from the FY 2022 Jurisdictional contributions to support local transit operations. CRRSAA allocated \$830.7 million to the Washington DC Urbanized Area for Federal Transit Administration (FTA) direct recipients, which makes WMATA, PRTC and the Maryland Transit Administration (MTA) eligible to receive funding (Table 1).

**Table 1: Washington DC Urbanized Area Sub-Allocation of CARES Act Funding**

<b>Federal Recipient</b>	<b>Sub-allocation</b>
WMATA	\$713,935,675
PRTC (includes VRE and City of Fredericksburg)	\$80,723,700
MTA	\$36,051,198
<b>Total</b>	<b>\$830,710,573</b>

Source: WMATA [April 8 Finance and Capital Committee](#)

WMATA received \$714 million in CRRSAA funding. On January 14, 2021, the WMATA Board amended the FY 2021 budget to use \$95.6 million in CRRSAA funds to close the FY 2021 budget funding gap, leaving \$529 million available for FY 2022 budget. Similar to the CARES Act, WMATA will provide an operating subsidy credit to local transit providers who are not federal funding recipients using a methodology that mirrors the allocation of the FTA formula funding to the Washington, DC area (Table 2).

**Table 2: WMATA Subsidy Credit to Non-Federal Transit Providers**

<b>Jurisdiction Subsidy Credit</b>	<b>Service Provider</b>	<b>Allocation</b>
<b>District of Columbia</b>	<b>District Department of Transportation</b>	<b>\$12,742,727</b>
	Arlington County	\$5,822,703
	City of Alexandria	\$4,969,671
	City of Fairfax	\$736,038
	City of Falls Church	\$158,832
	Fairfax County	\$21,383,788
	Loudoun County	\$8,273,918
	Other Virginia Vanpool	\$1,187,313
	<b>Virginia Total</b>	<b>\$42,532,263</b>
<b>Maryland</b>	Montgomery County	\$23,064,934
	Prince George's County	\$10,401,214
	<b>Maryland Total</b>	<b>\$33,466,148</b>
<b>Other</b>	<b>Transportation Planning Board</b>	<b>\$133,557</b>
	<b>Jurisdiction Subsidy Credit Total</b>	<b>\$88,874,695</b>

Source: [WMATA April 8 Finance and Capital Committee](#)

- Approval of Six-Year Capital Funding Agreement (CFA) and District of Columbia Local Capital Funding Agreement

On April 22 the WMATA Board [approved a six-year capital funding agreement \(CFA\) with the WMATA funding jurisdictions and a local capital funding agreement \(LCFA\) with the District of Columbia](#). The WMATA funding jurisdictions are the District of Columbia, the State of Maryland, and the Counties of Arlington, Fairfax and Loudoun, and the Cities of Alexandria, Falls Church and Fairfax. The CFA provides the terms and conditions for WMATA funding jurisdictions' allocated contributions associated with the \$2.6 billion FY 2022 capital budget and future capital budgets through FY 2027. The LCFA addresses District-specific statutory requirements of federal anti-deficiency and funding limitations. The new six-year CFA and LCFA also confirms:

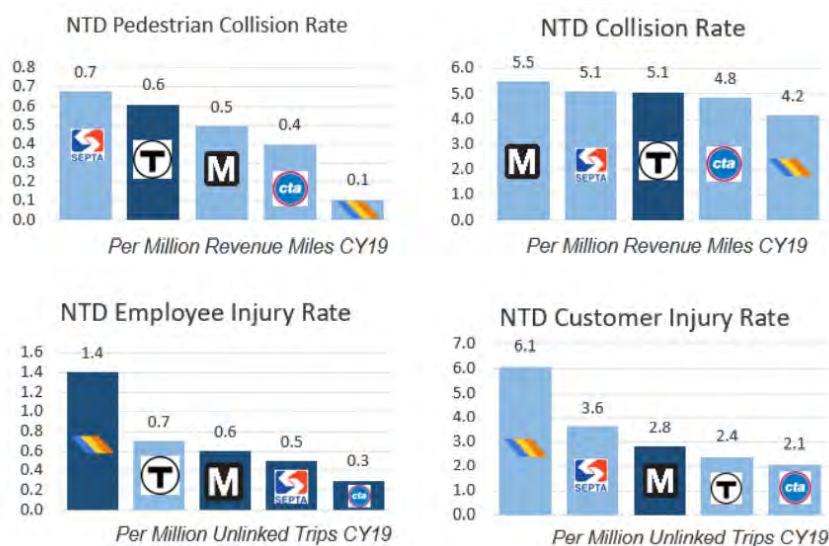
- Management of capital program on expenditure basis
- Schedule for capital program process
- Reporting, reconciliation, and audit requirements
- Allocated contribution funding from jurisdictions and a 3% annual growth cap on the funding jurisdictions' total contribution

The current CFA and LCFA will expire on June 30, 2021.

- Metrobus & MetroAccess Safety Initiatives

On April 8 the WMATA Safety and Operations Committee received a presentation on current safety initiatives on Metrobus and MetroAccess. There are four main metrics to gauge bus safety performance: 1) National Transit Database (NTD) pedestrian strikes; 2) NTD collision rate; 3) employee injury rate; and 4) NTD customer injury rate (Figure 3).

**Figure 3: Metrobus Safety Performance Compared to Peer Agencies**



Source: WMATA Presentation on Metrobus and MetroAccess Safety Initiatives

WMATA's NTD pedestrian strike metric decreased from 23 strikes in CY 2019 to eight in CY 2020, which placed WMATA as having the third-highest strike rate among four peer transit agencies.

WMATA staff attributed a pedestrian strobe light initiative as a factor in reduced pedestrian strikes and more attentive pedestrians in crosswalks.

WMATA's NTD bus collision rate decreased 31% year from CY 2019 to CY 2020. The majority of the collisions were rated as non-preventable, which includes cases where the bus was struck in the rear or a vehicle runs a stop sign or red light and strikes a Metrobus. WMATA staff was awarded a 2019 grant from the Virginia Department of Transportation for a six-month pilot to install a bus collision avoidance system on Metrobuses as a factor in the decreased collisions. WMATA installed the system on five buses operating out of the Four Mile Run bus garage, and results of the pilot indicate that operators using the system reduced near-miss collisions by 25%. Phase 2 of the pilot will expand the system to more buses across the region.

The employee injury rate also decreased 30% from CY 2019 to CY 2020. Injury categories that saw the largest decreases included stress or assaults, collision-related and ergonomic injuries. WMATA staff credit strategic deployment of the Tactical Operations Division, the "Respect Your Ride" youth campaign, bus operator de-escalation and conflict resolution training, and continued use of the bus silent alarm and protective shields with reducing the employee injury rate.

The NTD customer injury rate had a 19% year over year decrease. WMATA's initiative to retrofit mirrors, which moved high-mounted mirrors to a lower position, was successful in reducing the number of customer injuries that stem from mirror strikes and helped remove operator blind spots. In addition, WMATA also piloted floating bus stops in the District of Columbia to reduce customer injuries among cyclists. Floating bus stops are bumped-out bus bulbs which allows transit vehicles to stay in their own lane without jumping in front of cyclists. Funding was also allocated in the FY 2022 budget for six additional floating bus installations in the District of Columbia.

To improve Metrobus safety during the ongoing COVID-19 pandemic, WMATA continues to communicate real-time crowding information, use operator barriers, disinfect surfaces twice each day, and upgrade interior air filters.

There are two metrics to gauge MetroAccess safety performance: 1) the collision rate; and 2) NTD customer injury rate. The overall MetroAccess collision rate had a 38% decrease from CY 2019 to CY 2020, with the majority of collisions occurring as a result of non-preventable actions such as when the MetroAccess vehicle was rear-ended while stopped. To further reduce collisions on MetroAccess, WMATA has expanded the DriveCam system on MetroAccess vehicles to better identify the root causes of collisions and other incidents.

The NTD customer injury rate decreased 57% year from CY 2019 to CY 2020. Injuries were primarily related to falls during boarding or alighting, so MetroAccess continues to engage an occupational therapist to address assistance-related injuries.

- Amendment to the FY 2021 Capital Budget and Debt Authorization

On March 25 the WMATA Board of Directors [authorized an amendment to increase the FY 2021 capital budget](#) and authorized the negotiation and competitive sale of up to \$874 million in dedicated funding backed bonds. The amendment to increase the FY 2021 capital budget by \$255 million will support the accelerated platform state of good repair program, the construction of the new station at Potomac Yard, and IT investments for remote work and cyber security initiatives. The increase to the capital budget will be funded by \$360 million in dedicated funding-backed debt and reimbursable projects. The remaining dedicated funding bonds are anticipated to be used in the FY 2022 capital budget, which includes a total dedicated funding debt requirement of \$1.027 billion.

- Silver Line Phase 2 Update

On March 11 the WMATA Safety and Operations Committee [received an update on Silver Line Phase 2](#). WMATA staff are tracking 17 major quality issues. Seven issues are being addressed and 10 remain unresolved. WMATA will not set a target service date until all identified issues have been resolved to meet acceptance standards. The Metropolitan Washington Airports Authority's (MWAA) response to the unresolved issues will determine the path forward and timing for WMATA's acceptance or rejection of the project. As the intended future owner and operator, WMATA determines when all the conditions necessary for acceptance have been satisfied.

### C. Other WMATA News

- Washington Metrorail Safety Commission (WMSC) Presents Annual Reports on WMATA Rail Safety and Operations

On April 13 the WMSC presented an [Annual Report on the Safety of the WMATA Rail System in 2020](#) and the [WMSC 2020 Annual Operations Report](#). Both reports are required by the WMSC Interstate Compact.

- WMATA Announces Contract Award for 8000-Series Railcars

On March 17 WMATA announced the selection Hitachi Rail Washington LLC to build the system's 8000-series railcars in the U.S. The contract, valued up to an estimated \$2.2 billion, includes a base order of 256 railcars, with options to build up to 800 in the fleet. The 8000-series railcars are funded in part using new dedicated capital funding established by the District of Columbia, Maryland and Virginia.

The 8000-series will further improve customers' on-board experience with more digital screens and real-time information, dynamic maps, electrical outlets for charging personal devices, and additional handholds throughout the interior. In addition, Hitachi is exploring sites in the region with plans to add an assembly plant for the 8000-series railcars that will result in direct and indirect local jobs and return WMATA's investment to the local economy.

- WMATA is Seeking Proposals to Accelerate the Yellow Line Bridge and Tunnel Rehabilitation Project

On March 5 WMATA issued a request for proposals for a Construction Manager at Risk (CMAR) in preparation to rehabilitate the Yellow Line Bridge spanning the Potomac River and repair the tunnels between Pentagon and L'Enfant Plaza stations. The CMAR will coordinate with WMATA during the design process and provide a guaranteed price for construction. WMATA expects construction to begin in fall 2022 with completion by the end of the year. Additional details on the project timeline and impacts to service are anticipated at a later date.

- WMATA Begins Phasing Out Older SmarTrip Cards as Part of Fare Payment Upgrades

The first generation of [SmarTrip cards which were produced prior to 2012 will be phased out](#) in conjunction with the year-long rollout of new faregates in stations and new fareboxes on buses. The first stations are scheduled to begin installation of the new faregates no earlier than June. Customers have several options to make a switch or transfer balances to a new or existing SmarTrip card or virtual SmarTrip card on a mobile device. All newer SmarTrip cards start with the serial number "0167" and do not need to be replaced.



#### D. Report from the Chair of the NVTC WMATA Committee

The WMATA Committee last met in January and the next NVTC WMATA Committee Meeting is scheduled for May 20, 2021 at 6:00 p.m.





March 15, 2021

**Chair**

Hon. Katie Cristol

**Vice Chair**

Hon. Canek Aguirre

**Secretary-Treasurer**

Hon. Dalia A. Palchik

**City of Alexandria**

Hon. Canek Aguirre

Hon. Elizabeth B. Bennett-Parker

**Arlington County**

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Hon. Libby Garvey

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Hon. Michael R. Turner

**Commonwealth of Virginia**

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**Virginia General Assembly**

**Senate**

Hon. John J. Bell

Hon. Adam Ebbin

**House of Delegates**

Hon. Eileen Filler-Corn

Hon. Paul Krizek

Hon. David Reid

Hon. Richard "Rip" Sullivan, Jr.

**Executive Director**

Katherine A. Mattice

Ms. Jennifer Ellison

Board Corporate Secretary

Washington Metropolitan Area Transit Authority (WMATA)

600 Fifth Street, NW

Washington, D.C. 20001

Re: Comments on Proposed Fiscal Year 2022 WMATA Budget (Docket B21-01 and B22-02)

Dear Ms. Ellison:

On behalf of the Northern Virginia Transportation Commission (NVTC), I write to convey our comments regarding the Washington Metropolitan Area Transit Authority's (WMATA's) proposed FY 2022 Operating Budget and FY 2022-2027 Capital Improvement Program as part of its public comment period. Our budget priorities are as follows:

- Maintain a dependable and sufficient level of rail and bus service throughout FY 2022
- Open Silver Line Phase 2 as soon as possible
- Rebuild ridership
- Minimize shifting operating expenses to the capital program

FY 2022 Operating Budget

Our regional congressional delegation was again successful in securing additional relief aid from the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) and the recent American Rescue Plan Act of 2021 (ARPA). Because the CRRSAA aid did not fully close the operating budget gap in FY 2022, we are grateful that the additional federal relief funding provided in the ARPA will help WMATA avoid layoffs and drastic service changes as our economy begins to recover.

Prior to the passage of the ARPA, the proposed budget maintained FY 2021 levels of rail and bus service in the first half of FY 2022 followed by sharp reductions in service for the last half of FY 2022 in order to defer layoffs and maintain service levels as long as possible. The proposed service reductions—notably 30-minute headways on rail, twenty-two station closures and significant consolidation and reduction of Metrobus lines in Virginia to fewer than ten routes—were deeply concerning, and we appreciate Congress for providing additional federal relief funding so WMATA can **maintain a dependable and sufficient level of service** across the entire year for essential workers and to support a regional recovery.

The Silver Line Phase 2 will provide Metrorail service to six stations in Fairfax and Loudoun Counties and connect the region to Dulles International Airport. This is a fast-growing corridor, and Metrorail service is key to Northern Virginia's mobility, accessibility, economic development and congestion relief goals. We encourage WMATA to **open the Silver Line Phase 2 as soon as possible** in FY 2022 with full service to all stations (Ashburn to Largo Town Center).

We hope to see an end to the pandemic through the distribution of effective vaccines throughout 2021. As employers, schools and individuals consider their reopening and recovery plans and strategies, we encourage WMATA to **rebuild ridership and demonstrate that it is safe to return to transit**. We support WMATA's marketing efforts in this area and encourage WMATA to engage with regional stakeholders such as employers and universities to welcome riders back and attract new riders. An excellent way to build ridership is integrating our local transit providers into existing pass products—notably the monthly pass—and improving pass integration with SmartBenefits. Lastly, we appreciate that the General Manager's proposed budget acknowledges the fiscal strain that our jurisdictions are facing during the pandemic by forgoing the 3% subsidy growth.

#### FY 2022 Capital Budget and FY 2022 - FY 2027 Capital Improvement Program

NVTC supports the priorities of the FY 2022 Capital Budget and FY 2022 - 2027 Capital Improvement Program. In the proposed budget, WMATA continues to leverage periods of lower ridership from the pandemic to accelerate investment in its capital program to address critical state of good repair projects and prepare for the return of riders to the system. We support WMATA's continued focus on safety and reliability in its capital improvement program to address the system's estimated \$15.7 billion backlog in state of good repair projects. As part of our 2021 Legislative Agenda, NVTC is also actively supporting efforts to reauthorize federal dedicated funding, which is critical to support the capital program's short and long-term funding needs.

The current proposed budget aligns with WMATA Board policy and only shifts \$60 million in eligible operating expenses to the capital budget for preventive maintenance. NVTC urges WMATA to **minimize, to the greatest extent possible, shifting operating expenses to the capital program** for preventive maintenance in order to maintain state of good repair priorities for the capital program and preserve limited dedicated funding debt capacity. Our region has invested billions of dollars in maintaining and rebuilding WMATA, and we must not fall back upon unsustainable budget actions that undermine efforts to achieve and maintain a state of good repair.

NVTC and its jurisdictions are committed to WMATA's success. We look forward to working with WMATA as the agency continues to recover from the effects of the pandemic.

Sincerely,



Katie Cristol  
NVTC Chair

**TO:** Chair Cristol and NVTC Commissioners  
**FROM:** Kate Mattice and Zachary Smith  
**DATE:** April 29, 2021  
**SUBJECT:** Federal Legislative Update

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At the May meeting Executive Director Kate Mattice will provide an update on federal legislative and administrative activities.

#### House Committees Seek Transportation Policy and Project Ideas

The U.S. Congress is considering major transportation legislation this spring. As a part of that effort, each House member has been asked to identify both policy recommendations as well as specific projects that should be considered as a part of the highway and transit elements of the next surface transportation bill to submit to the House Transportation and Infrastructure Committee. In addition, the House Appropriations Committee is also seeking requests for transportation projects for the FY 2022 appropriations process. NVTC submitted a [letter to members of the Northern Virginia House delegation](#) seeking support for NVTC's legislative agenda as well as regional transit projects. In particular, the letter seeks Congressional support for planning funds to continue development of NVTC's Envision Route 7 bus rapid transit line as well as changes to current federal transit legislation to allow mileage credit for bus routes that run on tolled high occupancy lanes.

#### American Rescue Plan Act of 2021

On March 11 President Biden signed the [American Rescue Plan Act \(ARPA\) of 2021](#) into law. ARPA provides \$30.5 billion of emergency federal relief funding for public transit agencies. The Federal Transit Administration (FTA) communicated the apportionment notice on March 25 to urban and rural areas and tribal governments that are eligible to receive funding under the FTA formula programs. FTA will make \$1.4 billion in ARPA funding available to the Washington DC Urbanized Area for FTA direct recipients, which includes the Washington Metropolitan Area Transit Authority (WMATA), Potomac and Rappahannock Transportation Commission (PRTC), and Maryland Transit Administration (MTA). The Washington DC Urbanized Area previously received \$1.02 billion from the CARES Act and \$830 million from CRRSAA.

FTA guidance states that the ARPA funding recipients can seek reimbursement for:

- Payroll for public transit providers, including private providers of public transportation.
- Operating costs of public transit during the public health emergency, including the purchase of personal protective equipment.
- Administrative leave for operations or contractor personnel due to reductions in service.



In addition, ARPA funds must be obligated by September 30, 2024.

### American Jobs Plan

On March 31 the White House released the [American Jobs Plan](#), a \$2 trillion infrastructure plan. The plan includes \$621 billion for transportation infrastructure and resiliency upgrades, and specifically the American Jobs Plan includes:

- \$85 billion to modernize existing public transportation and for transit expansion;
- \$80 billion for passenger and freight rail service;
- \$174 billion for domestic investments in electric vehicle and battery manufacturing, including tax incentives and grants programs;
- \$20 billion for a new program that provides transportation accessibility for disadvantaged areas;
- \$50 billion in dedicated investments to improve infrastructure resiliency, including rail, roads and other transportation assets; and
- \$25 billion for a dedicated fund specifically for large projects that benefit regional or the national economy.

Congressional Democrats have indicated that the infrastructure package could pass through the budget reconciliation process by July 4, 2021.

### White House FY 2022 Discretionary Funding Request

On April 9 the White House released the [“skinny budget”](#) which outlines the Administration’s discretionary spending priorities for FY 2022 to inform Congress as they begin appropriations. Funding would be in addition to the infrastructure package and stimulus bills. Transportation spending priorities include:

- \$2.5 billion for the Capital Investment Grant program, a 23% increase from the 2021 enacted level, to improve accessibility to high-quality transit.
- \$250 million for grants for transit agencies to purchase low- and no-emission buses.
- \$110 million for a new Thriving Communities initiative, which would foster transportation equity by providing capacity building grants to underserved communities.

The Administration’s full budget, which includes more details and non-discretionary spending priorities is anticipated later in the spring.

### Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Program

On April 13 the U.S. Department of Transportation published a notice of funding opportunity for \$1 billion in FY 2021 discretionary grants for infrastructure investments through the new [Rebuilding American Infrastructure with Sustainability and Equity \(RAISE\) program](#). The RAISE program was formerly known as the Better Utilizing Investments to Leverage Development (BUILD) program under the Trump administration and the Transportation Investment Generating

Economic Recovery (TIGER) program during the Obama administration. As with previous TIGER and BUILD grants, projects for RAISE funding will be evaluated based on merit criteria that include safety, environmental sustainability, quality of life, economic competitiveness, state of good repair, innovation, and partnership. Applications for FY 2021 projects are due July 12, 2021 and funding is available for obligation through September 30, 2024.



April 12, 2021

**Chair**

Hon. Katie Cristol

**Vice Chair**

Hon. Canek Aguirre

**Secretary-Treasurer**

Hon. Dalia A. Palchik

**City of Alexandria**

Hon. Canek Aguirre

Hon. Elizabeth B. Bennett-Parker

**Arlington County**

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**House of Delegates**

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Hon. Paul Krizek

Hon. David Reid

Hon. Richard "Rip" Sullivan, Jr.

**Executive Director**

Katherine A. Mattice

The Honorable Gerald Connolly  
U.S. House of Representatives  
2238 Rayburn House Office  
Washington, D.C. 20515

The Honorable Jennifer Wexton  
U.S. House of Representatives  
1217 Longworth House Office  
Washington, D.C. 20515

The Honorable Don Beyer  
U.S. House of Representatives  
1119 Longworth House Office  
Washington, D.C. 20515

Dear Members of the House of Representatives:

The Northern Virginia Transportation Commission (NVTC) respectfully submits the following project priorities and legislative changes for consideration during surface transportation appropriations and authorization discussions:

- **Envision Route 7 Bus Rapid Transit (BRT) Planning, Design and NEPA Study**
- **Restoration of the Federal Funding Credit for Transit on HOT Lanes**

Attached are summaries of each of these proposals, including the requested project and funding status information. Project information has been submitted to the online appropriations application, as appropriate.

In addition, NVTC also voices its support for the following transit projects that will be submitted by our member jurisdictions:

- The City of Alexandria's DASH Electric Bus Fleet
- The City of Falls Church's Smart City Test Bed
- Fairfax County's Richmond Highway BRT
- Virginia Railway Express
  - L'Enfant Station and Fourth Track Project
  - Procurement of 21 Railcars

Your support of public transit in our region has been unwavering. The COVID-19 relief that you've provided to our transit providers has ensured that our buses and trains can continue to operate, providing essential services to the region's workers and families. As Congress looks to renew its commitment to surface transportation through the reauthorization of the FAST Act, we urge you to continue the momentum by supporting a surface transportation bill that provides long-term, sustainable funding for public transportation and invests in projects that grow and rebuild transit ridership to support our continued economic recovery from the COVID-19 pandemic.

A new surface transportation bill is vital to Northern Virginia's transit infrastructure and investments, particularly the Washington Metropolitan Area Transit Authority (WMATA) and the Virginia Railway Express (VRE). As we emerge from the COVID-19 pandemic, increased federal investment in transit can do more than maintain service, it can help bolster our transit network and grow our economy for decades to come.

In December 2020, NVTC unanimously approved the attached "2021 NVTC Legislative and Policy Agenda," which outlines the Commission's federal policy priorities to support transit in a surface transportation bill. NVTC's federal legislative priorities focus on supporting a strong and healthy public transit network that serves our region. Key policy actions are as follows:

- **Reauthorize Dedicated Federal Funding for WMATA**
- **Continue Support for COVID-19 relief for Transit Agencies**
- **Reauthorize the FAST Act and Fix the Highway Trust Fund**
- **Identify Federal Funding and Financing for Long Bridge**
- **Continue Support for Commuter Tax Benefits**

We appreciate your consideration of our requests as NVTC is fully committed to working collaboratively with members of Congress to prioritize transit at the federal level. Please do not hesitate to contact me or Executive Director Kate Mattice at 571-457-9523 if we can be of further assistance.

Sincerely,



Katie Cristol  
NVTC Chair

Attachments:            NVTC 2021 Federal Legislative and Policy Agenda  
                                Envision Route 7 Bus Rapid Transit  
                                Restoration of Federal Funding Credit for Transit on HOT Lanes

## **2021 LEGISLATIVE AND POLICY AGENDA FEDERAL PRIORITIES**

### **Reauthorize Dedicated Federal Funding for WMATA**

In 2008, Congress passed the Passenger Rail Investment and Improvement Act, which authorized dedicated funding of \$1.5 billion over 10 years to WMATA for needed capital and safety improvements. With these important federal funds, WMATA has been able to address key state of good repair needs such as replacement rail cars, IT upgrades and station platform rehabilitation. These federal funds continue to be an important investment in sustaining and improving WMATA's regional transit network. NVTC urges Congress to reauthorize dedicated federal funding for both operating expenses and capital and state of good repair needs for WMATA of at least \$150 million per year.

### **Continue support for COVID-19 Relief for Transit Agencies**

Thanks to the passage of the CARES Act, WMATA saw short-term financial relief due to this infusion of federal aid. Due to the prolonged recovery from the pandemic and subsequent shortfalls in ridership and fare revenue, WMATA anticipates additional financial and operating challenges without more federal support. NVTC urges Congress to provide additional COVID-19 relief funding for transit agencies increased costs and revenue losses.

### **Reauthorize the FAST Act and Fix the Highway Trust Fund**

The Fixing America's Surface Transportation (FAST) Act of 2015 provided \$61.1 billion over five fiscal years for programs administered by the Federal Transit Administration (FTA). The next surface transportation bill should support major transit state of good repair investments, transit innovations and technologies as well as expansion projects (i.e. Long Bridge, Rosslyn Tunnel Improvements and roadway upgrades to support Bus Rapid Transit routes). NVTC urges Congress to reauthorize the surface transportation bill funded by dedicated, sustainable revenues to ensure major transit investment programs are adequately funded. Further, NVTC supports Congressional efforts to fix structural issues and address the long-term sustainability of the Mass Transit Account of the Highway Trust Fund (HTF). The HTF shortfall must be addressed to meet the needs of transit today and in the future.

### **Identify Federal Funding and Financing for Long Bridge**

NVTC supports federal funding and financing for the Long Bridge expansion project. The Long Bridge Corridor plays an essential role in the Washington metropolitan region, the east coast transportation network and the national railroad network. An expanded Long Bridge is projected to achieve \$17 million in time savings for rail users and between \$24 - 59 million in time savings for road users per year by 2040. As the only rail crossing between Virginia and cities along the Northeast Corridor, Long Bridge is vital to the future of mobility and economic growth in Northern Virginia and communities along the East Coast.

### **Continue Support for Commuter Tax Benefits**

Commuter tax benefits make transit service more attractive to commuters who currently drive alone. NVTC supports the continuation of federal transit commuter benefits that are on par with the tax incentive provided for parking. Further, NVTC encourages federal programs that support the use of carpools, vanpools, rideshare, bike share and transportation demand management (TDM) as effective tools to eliminate traffic congestion.

## 2021 LEGISLATIVE AND POLICY AGENDA

# Making the Case for a Thriving Transit Network

Northern Virginia's economic growth and global competitiveness are directly tied to the region's transit network. With more than 847,000 jobs located within a quarter mile of a rail station or bus stop, Northern Virginia is among the nation's most transit-accessible areas. However, the COVID-19 pandemic has had a significant impact on travel behavior and transit ridership. Below are a few messages that underscore why transit still matters in Northern Virginia during and beyond the pandemic:

- During the coronavirus (COVID-19) outbreak, public transit agencies across the country continue to work tirelessly to provide safe and efficient service and working to secure the health and safety of riders, the public and transit employees.
- This crisis has thrown into the spotlight the importance of public transportation in keeping our society working and how important it will be to the economic recovery of our communities and the nation.
- Transit provides much-needed access for workers who don't have paid leave and still rely on transit. We also have loved ones, friends and neighbors who need transit to get to supermarkets, pharmacies and medical facilities.
- Transit provides an economic foundation for Northern Virginia. Amazon HQ2 and other businesses have moved to the region partly due to the extensive transit network.
- Our region invested billions of dollars in building, maintaining and repairing the Metrorail system. We must continue to support the system now or we face the prospect of costly repairs in the future.
- Our region has adopted aggressive environmental goals which include reducing single occupancy car traffic and expanding transit. A robust transit system encourages people to drive less and reduces vehicle emissions. Furthermore, we cannot afford to add a traffic crisis on top of the current crises our nation is facing.

Public transportation in Northern Virginia is as vital now as ever. The pandemic has revealed much about our region, but one revelation is the critical importance of effective, well-funded public transportation that connects us.

### Transit Systems that Serve NVTC's Communities






NVTC seeks \$7M in federal support to complete the **planning, conceptual design and National Environmental Policy Act (NEPA) analyses** to help ready the **Envision Route 7 Bus Rapid Transit** project for final design and construction. The Envision Route 7 BRT will provide a high performing limited stop bus transit service that will connect the Mark Center in Alexandria to Tysons in Fairfax County through Bailey's Crossroads, Seven Corners and Falls Church.

This regional project is being done in partnership with Fairfax County, City of Falls Church, Arlington County and the City of Alexandria. Envision Route 7 is part of a network of BRT routes that includes *Metroway BRT* in the City of Alexandria and Arlington County, the *West End Transitway* in the City of Alexandria, and the *Embark Richmond Highway BRT* in Fairfax County. These high capacity BRT routes will connect with Northern Virginia's existing transit network of rail, bus and commuter rail to better serve the people and businesses of Northern Virginia.

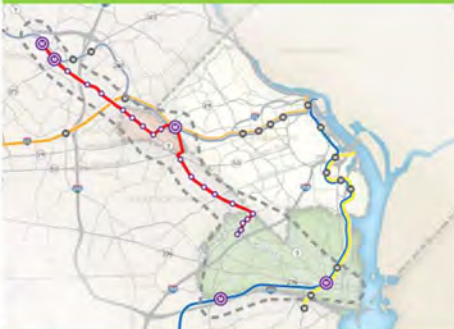
The Envision Route 7 BRT project will provide as many as 42,000 transit trips each day along the corridor, connect important business and residential areas and, most importantly, provide high quality transit along this important historic corridor.

### Bus Rapid Transit (BRT)



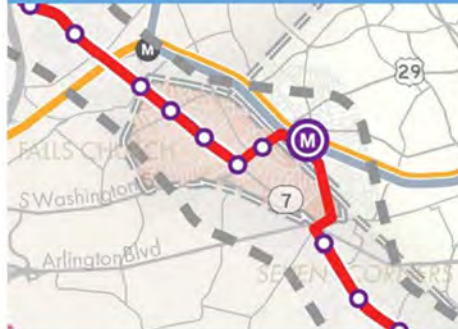
- > Ridership is comparable to that of light rail
- > Mode is compatible with Alexandria's West End Transitway
- > Ability to compete for federal grants is highest
- > Flexibility in meeting various travel conditions along Route 7 is greatest

### Tysons to Mark Center



- > Ridership estimates are comparable with other alignments
- > Connection to Alexandria's West End Transitway is seamless, contributing to a developing regional BRT network
- > Access to jobs at the Mark Center and residences and businesses along Route 7 is enhanced

### Connection to East Falls Church Metrorail Station



- > Ridership estimates are 38 percent higher with connection
- > Connections to Downtown Falls Church and neighborhoods in Seven Corners are enhanced
- > Mid-corridor connection to Metrorail's Orange and Silver lines is established.

In an assessment against the Federal Transit Administration's Capital Investment Grants program, this 12.5-mile BRT route would rate Medium High, demonstrating strong ridership, accessibility, land use and environment impacts. At an estimated capital cost of less than \$300 million, the project would also rate as High in cost effectiveness.

Visit <http://www.envisionroute7.com/> for more information,  
or contact NVTC's Executive Director Kate Mattice at 571-457-9523 or [katemattice@novatransit.org](mailto:katemattice@novatransit.org)

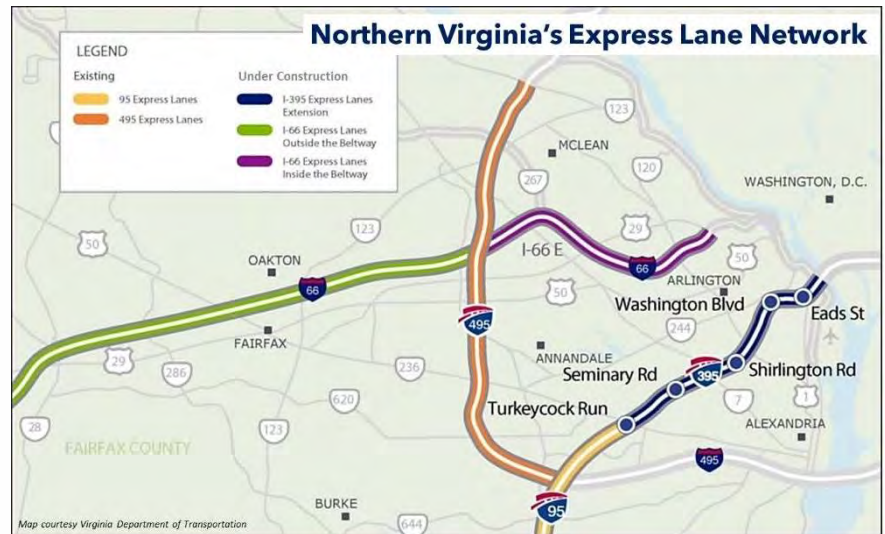
## Envision Route 7 Bus Rapid Transit (BRT) Planning, Conceptual Design and NEPA Study

Planning Documentation	<ul style="list-style-type: none"> <li>The Envision Route 7 Bus Rapid Transit (BRT) project is in the planning phase and it is included in Northern Virginia's long-range transportation plan, Transaction. At the appropriate time, it will be submitted for inclusion in the National Capital Region Transportation Planning Board Transportation Improvement Program (TIP) and Constrained Long Range Plan (CLRP).</li> </ul>
Funding Request	<ul style="list-style-type: none"> <li>NVTC is requesting \$7,000,000 to complete the Planning, Conceptual Design and National Environmental Policy Act (NEPA) phases of the project to allow the project to enter Project Development under the Federal Transit Administration's FTA Capital Investment Grants (CIG) funding.</li> </ul>
Funding Sources	<ul style="list-style-type: none"> <li>Planned sources of funding to complete design and construct of the Envision Route 7 BRT project currently include (but not limited to) the Virginia Department of Rail and Public Transportation, Commonwealth of Virginia, Northern Virginia Transportation Authority, local funding and the FTA CIG program.</li> </ul>
Letters of Support	<ul style="list-style-type: none"> <li>See attached.</li> </ul>
Public Engagement	<ul style="list-style-type: none"> <li>At each phase of the Envision Route 7 BRT planning process, NVTC has conducted extensive outreach along the corridor proactively and consistently engaged key stakeholders including low income communities, communities of color, the general public, employers, local jurisdictions as well as elected leaders from local jurisdictions and NVTC.</li> <li>Outreach methods include public meetings open and accessible to the public, online surveys, online interactive tools, presentations to elected bodies and a project website.</li> <li>Throughout the planning, conceptual design and NEPA stages, NVTC will continue to engage the general public and the existing list of stakeholders while searching for innovative and non-traditional ways to engage with low-income, minority and under-represented communities along the corridor to ensure high-quality, consistent and multi-language access to all project information and engagement.</li> </ul>
Project Phase	<ul style="list-style-type: none"> <li>Planning and Environmental Review (NEPA).</li> </ul>
NEPA category of action	<ul style="list-style-type: none"> <li>Anticipated NEPA category of action: NVTC will work with FTA to determine the appropriate category of action, likely a Categorical Exclusion or Environmental Assessment.</li> </ul>
Status of Environmental Review	<ul style="list-style-type: none"> <li>N/A</li> </ul>
Previous Federal Funding	<ul style="list-style-type: none"> <li>Phase 1 feasibility study was funded through a \$350,000 grant from the Federal Transit Administration. All subsequent work, including analysis to select the locally preferred alternative and conceptual engineering along the corridor was funded by the Virginia Department of Rail and Public Transportation, the Cities of Alexandria and Falls Church as well as the Counties of Arlington and Fairfax.</li> </ul>



NVTC seeks a legislative fix to the **eligibility of FTA's High Intensity Motorbus (HIMB)** State of Good Repair Program (**49 U.S.C. Section 5337(d)**) to explicitly **include any route miles that travel on high-occupancy toll (HOT) lanes**. A fix to this legislative definition will stop the loss of up to \$2 million in Federal state of good repair funding to Northern Virginia.

Under the High Intensity Motorbus Program, grants are apportioned to urbanized areas using a formula that is based in part on the number of miles the bus route goes along a high-occupancy vehicle (HOV) lane. However, bus miles driven on high-occupancy toll (HOT) lanes - including those that used to be HOV - are excluded from FTA's funding formula, reducing the amount of assistance available to help our local transit operators maintain their buses and bring them to a state of good repair.



In our region, Metrobus, Loudoun County Transit, DASH, Fairfax Connector and OmniRide are all affected by this policy because they operate key bus routes that used to be HOV but are now HOT Lanes (Interstates 395 and 95 and Interstate 66 Inside the Beltway). Each system operates bus routes on these now-HOT lanes where our buses have historically made and continue to make efficient use of existing capacity and provide more reliable travel times to all users, including transit passengers.

Unfortunately, the impact of the existing definition will only be made worse when Interstate 66 Outside the Beltway HOT lanes and the extension of I-95 Express Lanes begin operating because additional bus routes will be eliminated from the formula. Beyond Northern Virginia, other areas across the country are also considering transit service on HOT lanes to balance a growing population and lack of space to expand roadways. However, this current policy inhibits these efforts, and we urge Congress to expand the definition of eligibility through legislative action.

Proposed language *in italics*:

(d) High Intensity Motorbus State of Good Repair.—

(1) Definition.—

For purposes of this subsection, the term “high intensity motorbus” means public transportation that is provided on a facility with access for other high-occupancy vehicles *or a high-occupancy tolled facility that provides free access to high-occupancy vehicles.*

For more information, contact NVTC's Executive Director Kate Mattice at 571-457-9523 or [katemattice@novatransit.org](mailto:katemattice@novatransit.org)

Information as of April 9, 2021

**TO:** Chair Cristol and NVTC Commissioners  
**FROM:** Kate Mattice, Allan Fye, Dan Goldfarb and Dinah Girma  
**DATE:** April 29, 2021  
**SUBJECT:** Transit Resource Center

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At the May meeting the Commission will receive an update on the activities of the Transit Resource Center and an overview of how transit in Northern Virginia continues to adapt during the COVID-19 public health emergency.

#### **A. Transit Resource Center Overview**

The [Transit Resource Center](#) provides technical assistance to member jurisdictions; collects, analyzes, and reports data from all NVTC's programs; manages the Envision Route 7 Bus Rapid Transit (BRT) project; and supports coordination with other regional transportation organizations. The following are major initiatives within the Transit Resource Center.

- Envision Route 7

The [Envision Route 7 Bus Rapid Transit \(BRT\)](#) project is planned as a high performing BRT service that connects Tysons (via Falls Church, Seven Corners, and Bailey's Crossroads) to the Mark Center in Alexandria where a portion of the service will share infrastructure with the West End BRT in Alexandria. Figure 1 (below) provides an overview of the corridor alignment and shows potential stop locations.

The Route 7 BRT project is part of a larger, regional network of BRT services planned in Northern Virginia that includes the Metroway BRT in the City of Alexandria and Arlington County, the West End Transitway in the City of Alexandria, and the Embark Richmond Highway BRT in Fairfax County.

Early phases of the Envision Route 7 project 1) identified and documented the need for transit in the Route 7 corridor from Alexandria to Tysons; 2) generated early ridership estimates that support high-capacity transit; 3) identified BRT as the appropriate transit mode; 4) selected a Locally Preferred Alternative (LPA); and 5) determined right-of-way needs and early capital cost estimates. Phase IV, which is scheduled to begin in Fall 2021, will focus on traffic impacts and benefits while future phases will focus on the environmental review and detailed design.

At the June Commission meeting, staff plan to seek Commission approval to release the Request for Proposals for Phase IV. Following the procurement process, staff will return in the fall to request Commission approval to award a consultant contract.

**Figure 1: Envision Route 7 BRT Corridor**



- National Transit Database Support

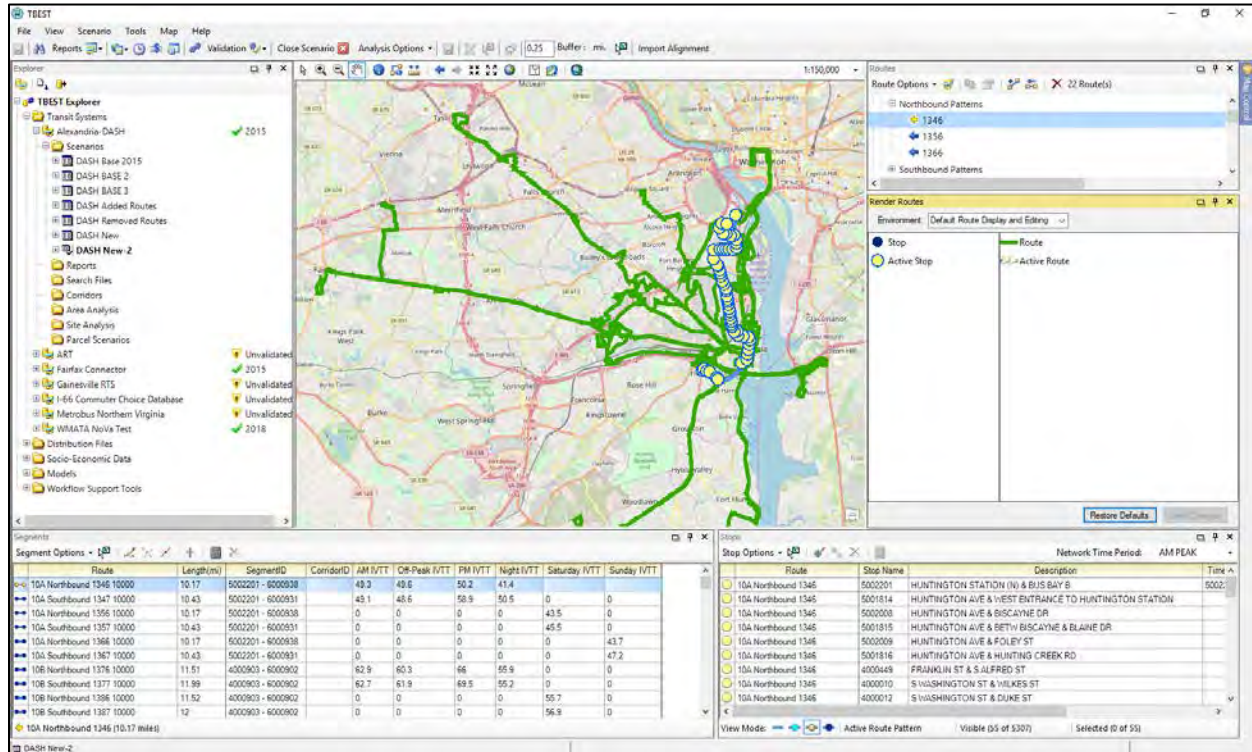
NVTC works with local jurisdictions and transit agencies to coordinate the collection of performance data for the Federal Transit Administration's (FTA) [National Transit Database](#) (NTD) and manages a technical support contract for NTD data collection. The data submitted to NTD plays a vital role in calculating annual federal formula funds that are used to support WMATA.

- Transit Boarding Estimation and Simulation Tool (TBEST)

NVTC has invested in and maintains TBEST (Transit Boarding Estimation and Simulation Tool), a vital transit planning tool that was developed by the Florida Department of Transportation and is being used by many jurisdictions and transit agencies across Virginia. TBEST uses land use and current bus networks as inputs to develop short-term ridership forecasts, calculate cost estimates, and perform environmental justice (EJ) analysis. NVTC pro-actively coordinates with DRPT and TPB to keep the TBEST database for Northern Virginia up-to date. Figure 2 (below) shows the graphic user interface for the TBEST application. The data is in a geodatabase and the application runs on top of the database.



Figure 2: TBEST Application



To date, staff has used this tool to support transit planning efforts in the City of Alexandria and Fairfax County and staff is working with the City of Fairfax to develop a scope of work for TBEST support.

#### ■ Data Collection, Research and Analysis

NVTC is a repository for a growing amount of valuable [transit data](#) (ridership, parking utilization, etc.) and uses the data to support research and analytical efforts for NVTC programs. Recent staff activities have included analysis of current transit ridership. This research has included analysis of current trends, evaluation of work at home data, modeling of different telework scenarios to help guide future planning activities that incorporate the impacts of COVID on transit.

Recent data analysis for local transit data during the second quarter of FY 2021, shows an increase in ridership from previous months in the year. Bus ridership has shown less of a decrease than rail modes. This is a function of rail ridership in Northern Virginia being primarily used by commuters. Bus modes serve commuters and non-work trip purposes. Bus is more likely to serve transit dependent people. The data shows that bus also provides greater accessibility to different income groups.

#### ■ Regional Coordination

NVTC participates on regionally focused technical, program and study committees to assist in the planning, funding, preliminary engineering and environmental analysis for transit in the region.

Staff are currently supporting and/or participating in planning efforts and technical committees at the Northern Virginia Transportation Authority (NVTA), Virginia Department of Rail and Public Transportation (DRPT) and the Metropolitan Washington Council of Government's Transportation Planning Board (TPB).

**TO:** Chair Cristol and NVTC Commissioners  
**FROM:** Kate Mattice  
**DATE:** April 29, 2021  
**SUBJECT:** Virginia Railway Express (VRE)

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

At the May meeting VRE CEO Rich Dalton will update the Commission on VRE's response to the COVID-19 public health emergency and other activities. The Commission will be asked to authorize the execution of the Amended and Restated Operating/Access and the Master Lease Agreements with CSX Transportation.

**A. VRE COVID-19 Response**

On Tuesday, March 17, 2020, VRE began operating on an "S" schedule, which is traditionally used on holidays and during inclement weather, due to the significant drop in ridership as a result of the COVID-19 public health emergency. An [update from VRE Chief Executive Officer Rich Dalton](#) is attached that highlights VRE service changes, ridership and the steps VRE is implementing to help contain the spread of the coronavirus.

**B. VRE CEO Report and Minutes**

At the May meeting VRE CEO Rich Dalton will provide his report. The [Minutes of the April 16, 2021 VRE Operations Board meeting](#) and the [VRE CEO Report for April 2021](#) are attached. Since NVTC did not have an April meeting, the [VRE CEO Report for March 2021](#) and the [Minutes of the March 19, 2021 VRE Operations Board meeting](#) can be found on VRE's website.

**C. ACTION ITEM: Approve [Resolution #2444](#): Authorize the VRE CEO to Execute the Amended and Restated Operating/Access Agreement and the Master Lease Agreements with CSX Transportation**

The Commission is asked to approve [Resolution #2444](#), which will authorize the VRE Chief Executive Officer to execute the [Amended and Restated Operating Access Agreement](#) and the

Amended Master Lease Agreement with CSX Transportation (CSXT). Both agreements reflect changes to the contractual relationship between the Commissions (NVTC and PRTC) and CSXT resulting from the right-of-way acquisition by the Commonwealth. CSXT will continue to dispatch and maintain both CSXT and Virginia Passenger Rail Authority (VPRA) owned tracks resulting in a seamless VRE operation. The Commissions will continue to lease station property from CSXT that is not part of the acquisition by the Commonwealth.

The Commissions currently have an Operating Access Agreement with CSXT related to VRE Operations in the Fredericksburg to Washington corridor. The agreement was entered into in 1994; and has been amended and extended several times. In June of 2011, a new amended and restated agreement was executed with a five-year term ending June 30, 2016. Since that time, the Commissions have authorized the VRE CEO to amend the agreement to extend the term annually with the current extended agreement expiring on June 30, 2021.

In December of 2019, the Commonwealth of Virginia announced the Virginia Rail Improvement Program, currently referred to as Transforming Rail in Virginia. One of the many elements of the program includes the acquisition of CSXT right-of-way in the Commonwealth. The terms of this transaction are detailed in a Comprehensive Rail Agreement (CRA) between CSXT and the Commonwealth. During the 2020 General Assembly Session, the VPRA was established. Until the VPRA is established as an organization, DRPT has performed all staff functions and has entered into all agreements which will later be assigned to VPRA. In part, the VPRA will own and manage the right-of-way acquired by the Commonwealth; and will have operating agreements with the Commissions and Amtrak, as well as a Joint Operating and Maintenance Agreement (JOMA) with CSXT. VRE staff have executed the necessary operating and station lease agreements with DRPT/VPRA pertaining to the right-of-way purchased by the Commonwealth. VRE staff have been working with CSXT in parallel on an amended and restated operating access agreement and an amended master lease agreement to capture the contractual relationship needed with CSXT to ensure VRE service continues in the Fredericksburg to Washington corridor.

### **Substantive Provisions of New Agreements; Changes from Previous Agreements:**

The agreements with CSXT primarily account for separation of the corridor ownership between CSXT and VPRA. The major terms include:

- **General.** Since CSXT will dispatch all trains on VPRA railroad property as well as its own and will maintain both its right of way and VPRA's, the terms of the new agreement with CSXT are not substantially different from past agreements.
- **VPRA-CSXT Agreements Govern.** The terms of the VRE-CSXT agreement are subject to the Comprehensive Rail Agreement and Joint Operations and Maintenance Agreement between VPRA and CSXT as they may be amended over time.
- **Term.** The term of the CSXT agreement is no longer in 5-year increments. This agreement will be coterminous with the Joint Operations and Maintenance Agreement – 100 Years unless sooner terminated.
- **Contract Fee.** The current train mile fee and other charges remain unchanged. CSXT will bill VRE directly for access fees related to use of VPRA tracks.

- **Annual Escalation.** Remains at the greater of 4% or CPI.
- **Station Leases.** Reset Station Lease rates to \$1.00 per year for each existing and currently planned station site. Going forward, expanded footprints will be negotiated at fair market value for each new station location or expanded station.
- **Service Plan.** Removed the defined rush hour period. VRE service will now be governed by the service plan which is part of the Comprehensive Rail Agreement and the Operations and Access Agreement between VRE and VPRA.
- **Third Mainline.** Removed the Commissions commitment for constructing a 3rd mainline. This will now be part of the Comprehensive Rail Agreement that includes the Planned Infrastructure Improvements led by VPRA resulting in incremental additional passenger and commuter rail service.
- **Corridor Coordination.** Dissolved the Joint Operations Committee and replaced it with one or more coordination management committees as identified in the Joint Operations and Maintenance Agreement. Representatives from the Commissions will participate in these coordination management committees.
- **Liability.** Increased the cap for excess liability insurance coverage to be carried by the Commissions to meet the current federal requirement of \$317,864,228.
- **Indemnification.** VRE will continue, through its Liability Insurance Plan, to provide full indemnification of CSXT, regardless of fault, for all commuter rail related incidents on both CSXT property and VPRA's.





VIRGINIA RAILWAY EXPRESS

TO: Northern Virginia Transportation Commission Chair Cristol and Commissioners

FROM: Rich Dalton, Chief Executive Officer

DATE: April 27, 2021

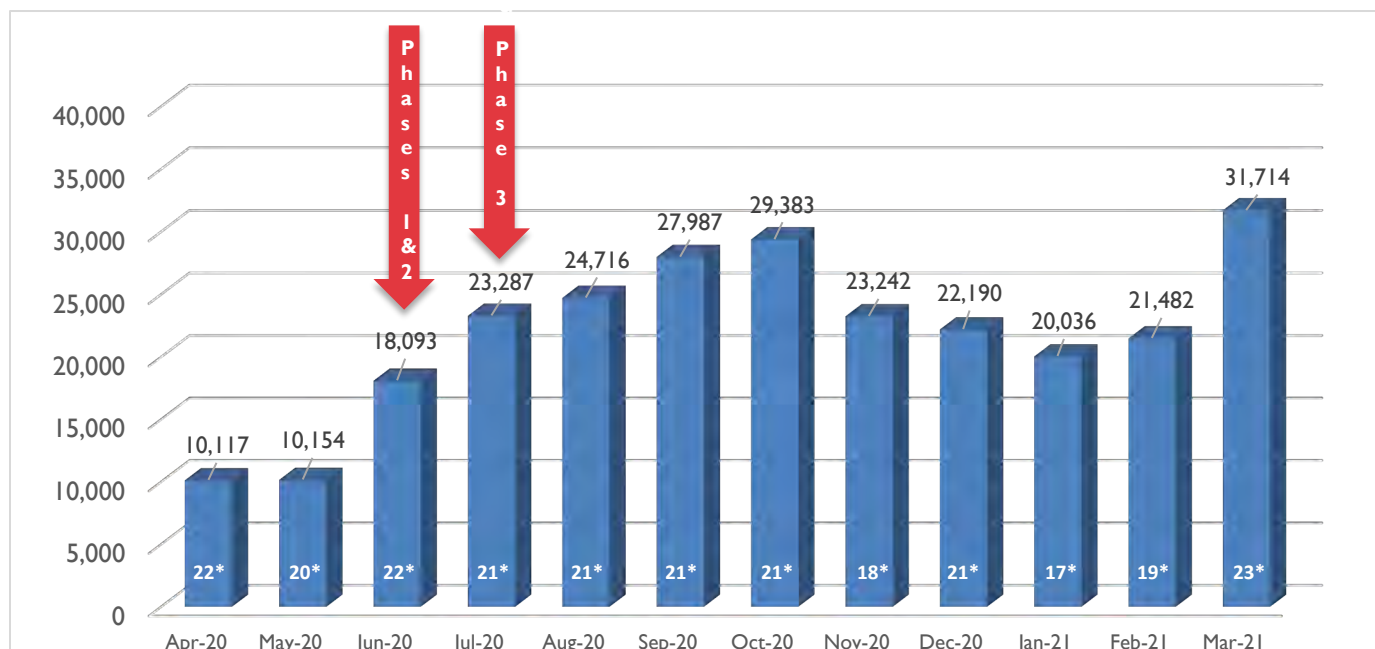
SUBJECT: VRE Monthly Update

Ridership rose steadily in April. During the week of April 9, ridership surpassed our previous pandemic high and has been growing since. Over the past four weeks, the number of passengers has increased more than 15.5 percent. Here's what our passenger counts look like over the past four weeks compared to the same weeks in 2020.

Week Ending	2021 Ridership	2021 Average Daily Ridership	2020 Ridership	Numeric Difference	Percentage Difference
April 2	6,781	1,356	2,982	+ 3,799	+127.4%
April 9	7,313	1,463	2,117	+ 5,196	+245.4%
April 16	7,547	1,509	2,187	+ 5,360	+245.1%
April 23	7,836	1,567	2,211	+ 5,625	+254.4%

## Monthly Ridership

April 2020 - March 2021



\*Days of Service

While VRE continues to operate an S+ schedule, we are looking to return to a full service as early as June 1<sup>st</sup> or soon after. Our reduced service schedule means large gaps between trains, which many passengers and potential passengers find inconvenient. With ridership slowly trending upward, it is in our interest to make VRE's schedule as attractive as possible. The additional trains will allow for greater social distancing in the short term and continued social distancing as demand increases. Moving to a full service will coincide with implementation of our seasonal schedule, which is designed to mitigate varying scheduled arrival times during heat order restrictions on select trains on the Fredericksburg Line.

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

The federal government's Coronavirus Response and Relief Supplemental Appropriations Act, which was signed into law on December 27, 2020, allocated nearly \$831 million to Section 5307 recipients in the Washington, D.C. region. VRE anticipates receiving \$65-\$69 million. Staff recommended to Operations Board members at their April meeting the funds be used to offset jurisdictional subsidies and the commonwealth's track access fee reimbursement for fiscal year 2022. We anticipate an action item at the May Operations Board meeting on the subsidy relief proposed below.

Jurisdiction	Approved Total FY 2022 Subsidy	Proposed Operating Subsidy Relief (74%)	Proposed Total FY 2022 Subsidy
Fairfax County	\$6,379,017	(\$4,721,011)	\$1,658,006
Prince William County	\$5,930,777	(\$4,389,276)	\$1,541,501
Stafford County	\$2,477,175	(\$1,833,319)	\$643,856
Spotsylvania County	\$1,503,754	(\$1,112,905)	\$390,849
Manassas	\$807,234	(\$597,421)	\$209,813
Manassas Park	\$468,364	(\$346,629)	\$121,735
Fredericksburg	\$367,089	(\$271,677)	\$95,412
Arlington	\$218,219	(\$161,500)	\$56,719
Alexandria	\$149,151	(\$110,384)	\$38,767
<b>Total</b>	<b>\$18,300,780</b>	<b>(\$13,544,122)</b>	<b>\$4,756,658</b>



**MINUTES**  
**VIRGINIA RAILWAY EXPRESS**  
**OPERATIONS BOARD MEETING**  
**April 16, 2021**

Virtual Meeting via Webex

**Members Present**

\*Andrea Bailey (PRTC)  
 \*Preston Banks (PRTC)  
 \*Elizabeth Bennett-Parker (NVTC)  
 \*Meg Bohmke (PRTC)\*\*  
 \*Katie Cristol (NVTC)  
 \*Margaret Franklin (PRTC)\*\*  
 \*Matt Kelly (PRTC)  
 \*Jeanine Lawson (PRTC)  
 Jennifer Mitchell (DRPT)  
 \*Cindy Shelton (PRTC)  
 \*Gary Skinner (PRTC)  
 \*Ralph Smith (PRTC)  
 \*Dan Storck (NVTC)  
 \*James Walkinshaw (NVTC)

**Jurisdiction**

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

**Members Absent**

Walter Alcorn (NVTC)

Fairfax County

**Alternates Present**

\*Michael McLaughlin (DRPT)

Commonwealth of Virginia

**Alternates Absent**

Canek Aguirre (NVTC)  
 Victor Angry (PRTC)  
 Pete Candland (PRTC)  
 Hector Cendejas (PRTC)  
 Deborah Frazier (PRTC)  
 Libby Garvey (NVTC)  
 Jason Graham (PRTC)  
 Jeff McKay (NVTC)  
 Alanna Mensing (PRTC)  
 Pam Sebesky (PRTC)

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

\*Voting Member

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

**Staff and General Public**

Rich Dalton – VRE  
John Duque – VRE  
Karen Finucan-Clarkson – VRE  
Chris Henry - VRE  
Robert Hostelka - VRE  
Lezlie Lamb – VRE  
Steve MacIsaac – VRE Legal Counsel  
Kate Mattice – NVTC

Kristin Nutter – VRE  
Dallas Richards - VRE  
Dr. Bob Schneider – PRTC  
Mark Schofield – VRE  
DJ Stadler - VPRA  
Alex Sugatan - VRE  
Joe Swartz – VRE  
Shannon Valentine – Commonwealth of Virginia

Chair Bennett-Parker called the meeting to order at 9:00 A. M. The Roll Call followed.

**Consent Agenda – 2**

- Resolution Finding Need to Conduct the April 16, 2021 Meeting Electronically – 2A
- Approval of the Agenda – 2B
- Authorization to Issue an Invitation for Bids for Repair and Overhaul of Air Brake Equipment – 2C
- Authorization to Issue an Invitation for Bids for Rehabilitation of Wheelsets and Traction Motor Assemblies – 2D

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

**Approval of the Minutes of the March 19, 2021 VRE Operations Board Meeting – 3**

Ms. Bailey moved, with a second by Ms. Cristol, to approve the Minutes from March 19, 2021 VRE Operations Board meeting. The vote in favor was cast by Members Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Kelly, Lawson, McLaughlin, Shelton, Skinner, Smith, Storck and Walkinshaw.

**Chair's Comments – 4**

Chair Bennett-Parker announced there would be a Closed Session later in the meeting; and reminded participants there would be a meeting of the Finance Committee following the Operations Board meeting.

Chair Bennett-Parker related her participation representing VRE at a ceremony marking the signing of agreements that will allow the Transforming Rail in Virginia initiative to progress. U.S. Transportation Secretary Pete Buttigieg, Governor Ralph Northam, Virginia Transportation Secretary Shannon Valentine, DRPT Director Jennifer Mitchell, U.S Representative Don Beyer and the CEOs of VRE, Amtrak and CSX were on hand to celebrate this historic achievement.

Chair Bennett-Parker introduced Virginia Passenger Rail Authority Executive Director, DJ Stadler. Director Stadler spent twelve years as an Executive Vice President at Amtrak and prior to that, worked for the Federal Railroad Administration.

## **Chief Executive Officer's Report – 5**

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- Safety COVID-19 Update
- Ridership
- Performance
- Project Spotlight: Railcar Procurement

## **Public Comment Time –6**

Chair Bennett-Parker stated that in the virtual meeting environment, Public Comments were being accepted electronically through the VRE Website. The Chair asked the Clerk to read any comments received into the record. Ms. Lamb read a comment from Mr. John Avila from Lorton (attached.)

## **Action Items - 7**

### **Authorization to Exercise a Contract Option and Amend a Task Order for Maintenance Services for VRE Facilities -7A**

Ms. Bailey moved, with a second by Ms. Shelton, to authorize the CEO to exercise a contract option and amend a task order for Maintenance Services for VRE Facilities. The vote in favor was cast by Members Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Kelly, Lawson, McLaughlin, Shelton, Skinner, Smith, Storck and Walkinshaw.

### **Authorization to Exercise a Contract Option for Custodial and Seasonal Services for VRE Facilities – 7B**

Ms. Bailey moved, with a second by Ms. Bohmke, to authorize the CEO to exercise a contract option for Custodial and Seasonal Services for VRE Facilities. The vote in favor was cast by Members Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Kelly, Lawson, McLaughlin, Shelton, Skinner, Smith, Storck and Walkinshaw.

### **Authorization to Exercise a Right of Entry Agreement for MCBQ Construction Activities Adjacent to the VRE Quantico Station Parking Lot– 7C**

Ms. Bailey moved, with a second by Ms. Cristol, to authorize the CEO to exercise a Right of Entry Agreement with the United States of America/Navy/NAVFAC for temporary construction activities, environmental sampling and any other non-permanent actions required for construction activities related to the Marine Corps Base Quantico parking project adjacent to the VRE Quantico Station southern parking lot. The vote in favor was cast by Members Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Kelly, Lawson, McLaughlin, Shelton, Skinner, Smith, Storck and Walkinshaw.

## **Information Items - 8**

### **Spending Authority Report – 8A**

In, the following purchases greater than \$50,000 but less than \$200,000 were made:

- On March 9, 2021, VRE issued a Task Order to Vanasse Hangen Brustlin, Inc. in an amount not to exceed \$71,004 under the General Planning Consulting Services (GPC) contract to provide real estate acquisition negotiation services for the proposed purchase of the Contractors Storage LLC properties associated with the Broad Run Expansion project.

- On March 18, 2021, VRE amended an existing Task Order for Passenger Car Truck Overhaul Oversight with STV Incorporated under the Mechanical Engineering Consulting Services (MEC) contract to increase the total commitment for this Task Order by \$30,037 to an amount not to exceed \$122,148.
- On March 18, 2021, VRE amended an existing Task Order for General Engineering Services with STV Incorporated under the Mechanical Engineering Consulting Services (MEC) contract to increase the total commitment for this Task Order by \$67,141 to an amount not to exceed \$165,351.
- On March 18, 2021, VRE amended an existing Task Order for Engineering Services for Life Cycle Maintenance with STV Incorporated under the Mechanical Engineering Consulting Services (MEC) contract to increase the total commitment for this Task Order by \$65,815 to an amount not to exceed \$163,537.
- On March 26, 2021, VRE issued a Sole Source Purchase Order to Winchester Interconnect in the amount of \$99,994 to acquire new communication and multiple unit cables for VRE's fleet of locomotives and railcars.
- On March 31, 2021, VRE issued a Blanket Purchase Order to Railroad Friction Products in an amount not to exceed \$60,000 to acquire new brake shoes on an as needed basis for VRE's fleet of locomotives and railcars.

#### Construction Manager/General Contractor (CM/GC) Alternative Delivery Method – 8B

VRE Chief Engineer, Dallas Richards, briefed the Operations Board on VRE's plan to implement the Construction Manager/General Contractor (CM/GC) alternative delivery method for the Alexandria Station Improvement Project and subsequently other projects in the Capital Improvement Program.

#### Use of Federal Relief Funds in the FY 2022 Operating Budget – 8C

VRE Chief Financial Officer, Mark Schofield, briefed the Operations Board on a plan staff is recommending, to utilize available federal pandemic relief funds to replace local jurisdiction operating subsidy and state reimbursement of track access fees in VRE's FY 2022 budget.

#### Closed Session – 9

Vice-Chair Lawson moved, with a second by Ms. Bailey, pursuant to the Virginia Freedom of Information Act (Section 2.2-3711.A (6) and (8) of the Code of Virginia,) to convene a closed meeting for the purpose of discussing the investment of public funds related to the provision of commuter rail services where competition or bargaining is involved, where, if made public initially, the financial interest of the Commissions would be adversely affected; and, for the consultation with legal counsel and staff concerning the terms and conditions of an agreement for the provision of such public funds.

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

Vice-Chair Lawson moved, with a second by Ms. Bailey to certify that to the best of each member's knowledge and with no individual member dissenting, at the just concluded Closed Session, only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed; and, 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 in favor was cast by Members Bailey, Banks, Bennett-Parker, Bohmke, Cristol, Kelly, Lawson, McLaughlin, Skinner, Smith, Storck and Walkinshaw.

[Ms. Shelton left during the Closed Session]

**Board Members' Time – 10**

Chair Bennett-Parker asked if Members had any additional business.

Ms. Cristol moved, with a second by Ms. Bailey, to adjourn the meeting.

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

Approved this 21<sup>st</sup> day of May 2021

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Elizabeth Bennett-Parker  
Chair

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James Walkinshaw  
Secretary

**CERTIFICATION**

This certification hereby acknowledges the minutes for the April 16, 2021 Virginia Railway Express Operations Board Meeting have been recorded to the best of my ability.



Lezlie M. Lamb



# CEO REPORT

APRIL 2021





# OUR MISSION

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



CEO REPORT | APRIL 2021

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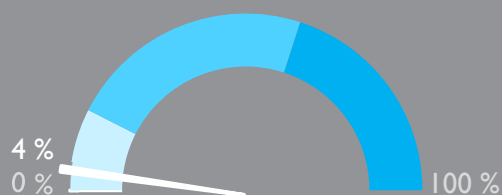
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VIRGINIA RAILWAY EXPRESS  
A better way. A better life.

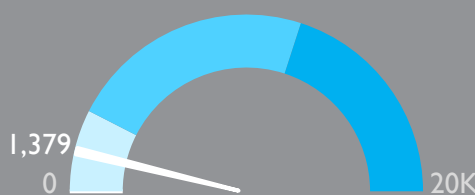


# PERFORMANCE AT A GLANCE



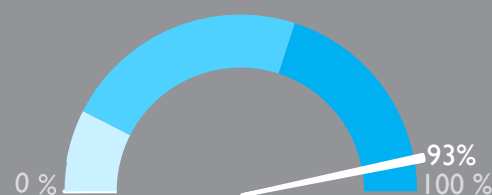
PARKING  
UTILIZATION

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



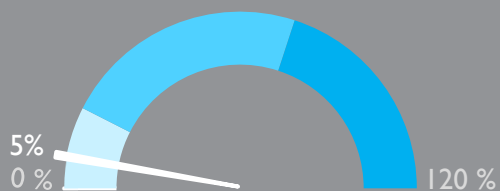
AVERAGE DAILY  
RIDERSHIP

The average number of boardings each operating day inclusive of Amtrak Step-Up boardings and reduced, "S" schedule, service.  
Same month, previous year: 8,764



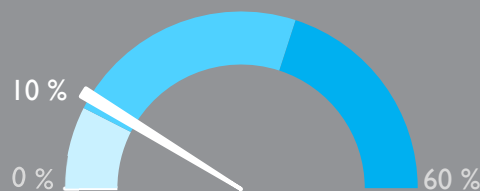
ON-TIME  
PERFORMANCE

Percent of trains arriving at their destination within five minutes of the schedule.  
Same month, previous year: 93%



SYSTEM CAPACITY

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



OPERATING RATIO  
*Through February 2020*

Year-to-date operating revenues divided by year-to-date operating expenses, which represents the share of operating costs paid by the riders.  
Board-approved goal: 52%

March 2021

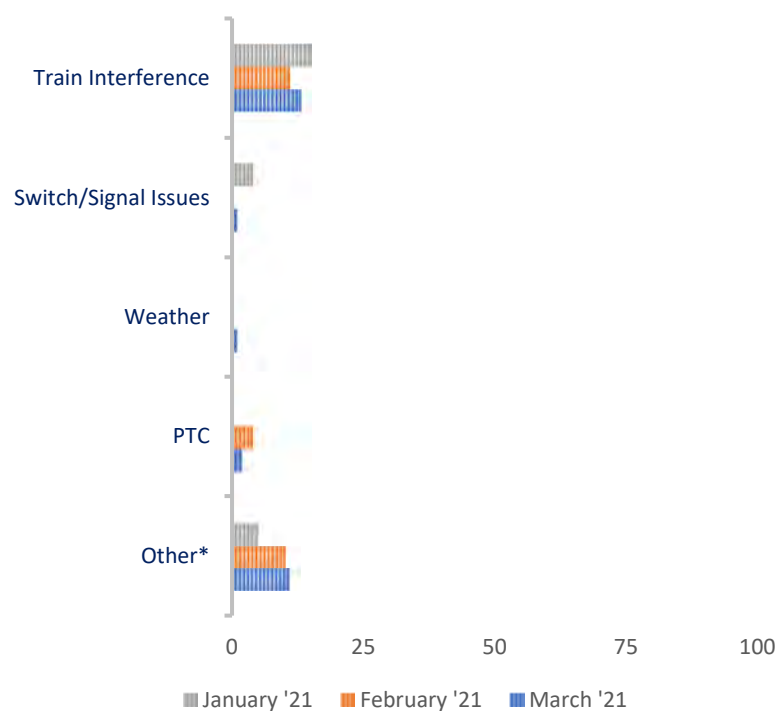


# ON-TIME PERFORMANCE

## OUR RECORD

	March 2021	February 2021	March 2020
Manassas Line	93%	93%	94%
Fredericksburg Line	93%	92%	92%
Systemwide	93%	93%	93%

## PRIMARY REASON FOR DELAY



VRE operated 414 trains in March. Our on-time rate for March was 93 percent.

Twenty-eight trains arrived more than 5 minutes late to their final destinations. Of those late trains, 13 were on the Manassas Line (46 percent), and 15 were on the Fredericksburg Line (54 percent).

Train interference has consistently been the leading cause for delays of late and was again in March.

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

## LATE TRAINS

	System Wide			Fredericksburg Line			Manassas Line		
	Jan	Feb	Mar	Jan	Feb	Mar	Jan	Feb	Mar
Total late trains	24	25	28	11	15	15	13	10	13
Average minutes late	14	16	25	12	15	31	15	18	19
Number over 30 minutes	0	2	5	0	1	4	0	1	1
Heat restrictions	0	0	1	0	0	1	0	0	0

# ON-TIME PERFORMANCE

## VRE SYSTEM



## FREDERICKSBURG LINE



## MANASSAS LINE

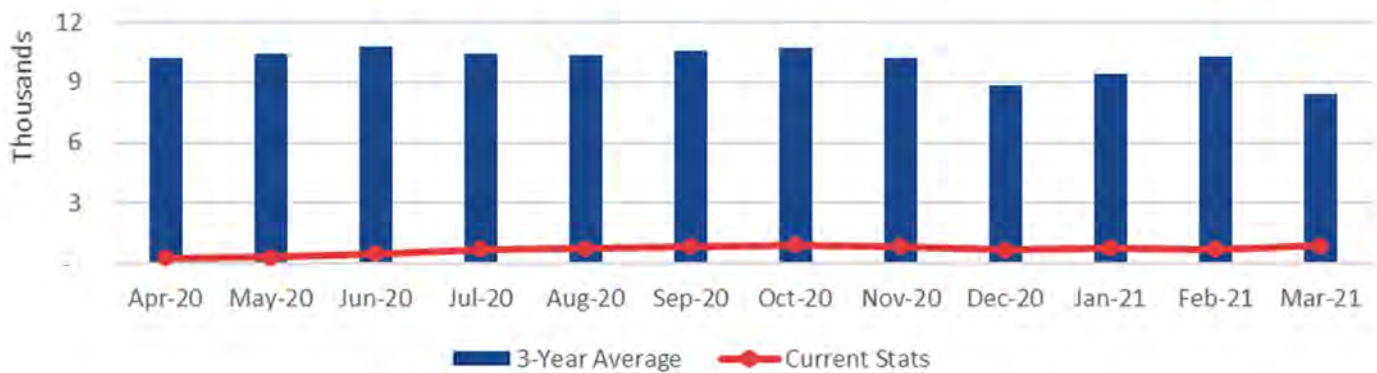


## AVERAGE DAILY RIDERSHIP

### VRE SYSTEM



### FREDERICKSBURG LINE



### MANASSAS LINE



## RIDERSHIP UPDATES

Average daily ridership (ADR) in March was 1,379. The average for the last two months was 1,155, so we did have a noteworthy increase in ridership. We continue to operate an "S" Schedule Plus (which includes trains 300 and 307), as necessitated by the COVID-19 pandemic.

	March 2021	February 2021	March 2020
Monthly Ridership	31,714	21,482	192,815
Average Daily Ridership	1,379	1,131	8,692
Full Service Days	0	0	11
"S" Service Days	23	19	11

## SUMMONSES ISSUED

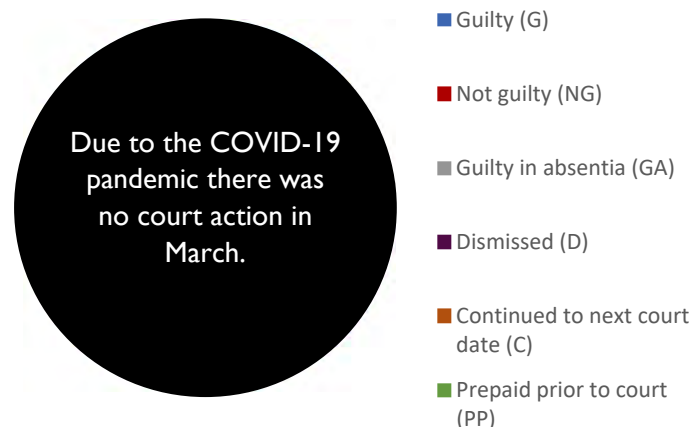
### VRE SYSTEM



## SUMMONSES WAIVED OUTSIDE OF COURT

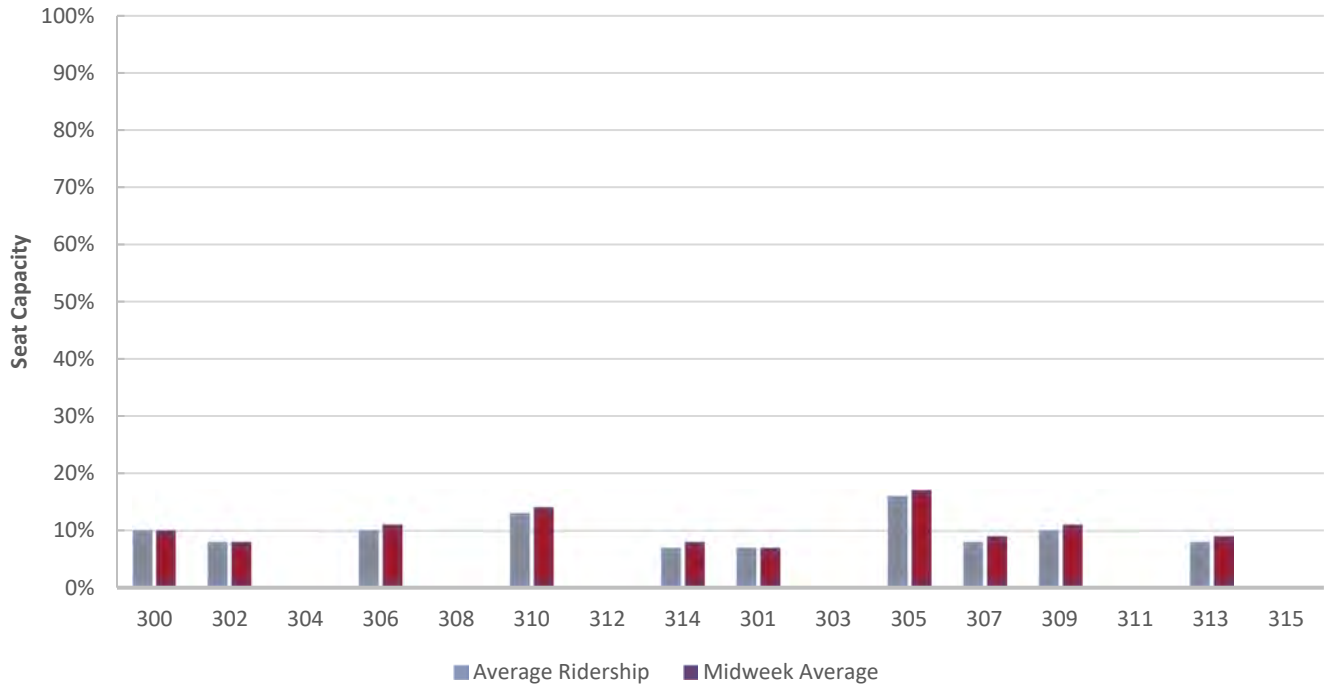
Reason for Dismissal	Occurrences
Passenger showed proof of a monthly ticket	0
One-time courtesy	0
Per the request of the conductor	0
Defective ticket	0
Per ops manager	0
Unique circumstances	0
Insufficient information	0
Lost and found ticket	0
Other	0
<b>Total Waived</b>	<b>0</b>

## MONTHLY SUMMONSES COURT ACTION

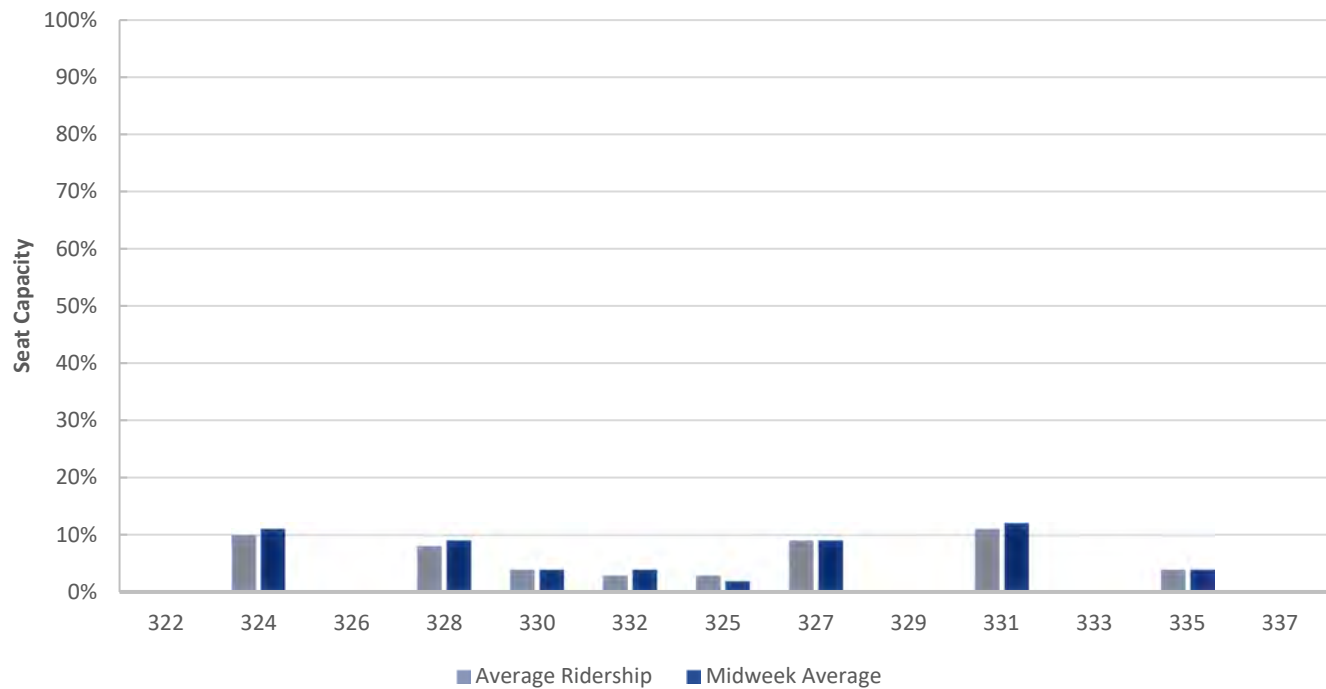


# TRAIN UTILIZATION

## FREDERICKSBURG LINE



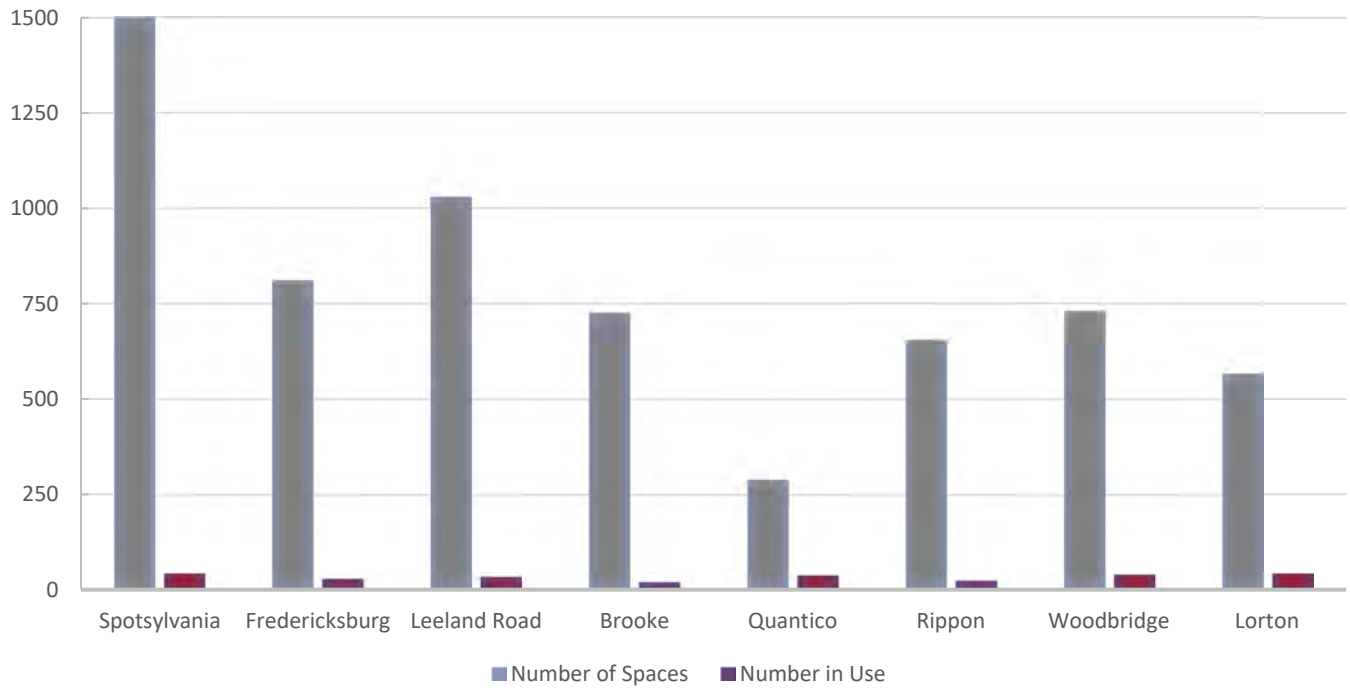
## MANASSAS LINE



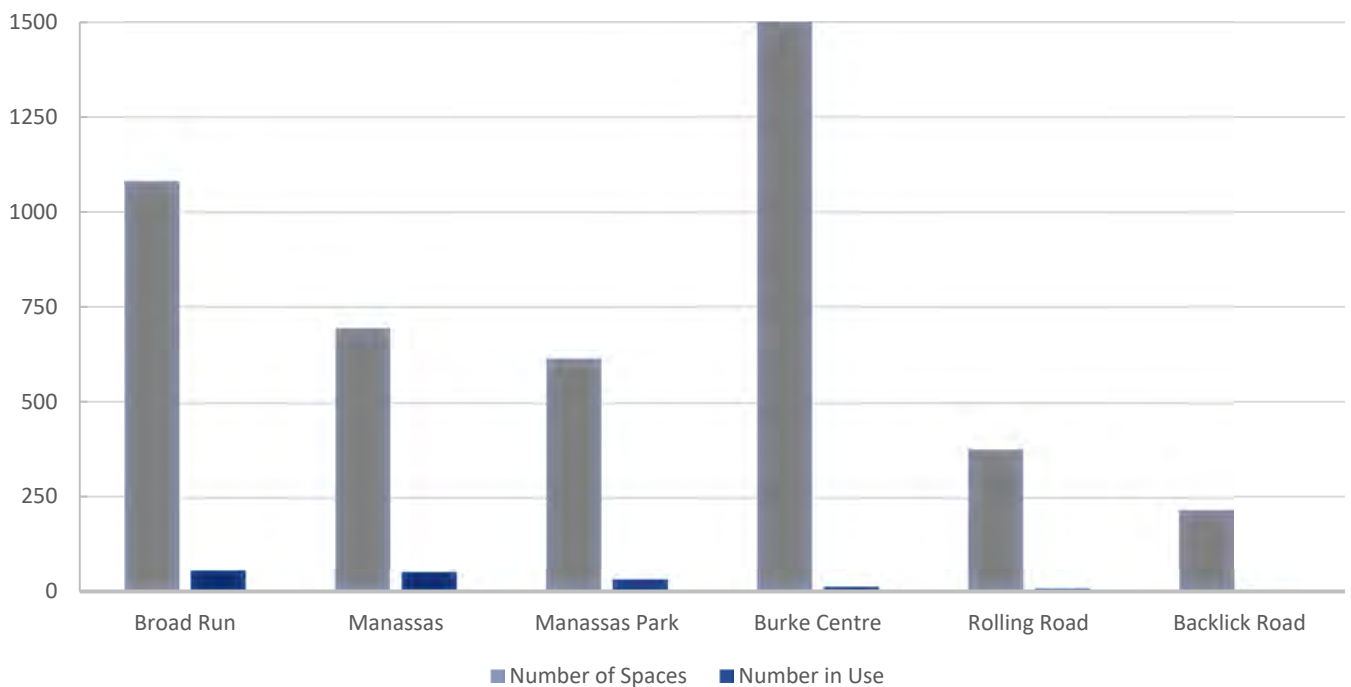


## PARKING UTILIZATION

### FREDERICKSBURG LINE



### MANASSAS LINE



# FACILITIES UPDATE

The following is a status update of VRE facilities projects.

## Completed projects:

1. Replacement of signage at Franconia-Springfield Station
2. Repair of leaking ground hydrant adjacent to sidewalk at Woodbridge Station garage
3. Construction of renovations to Alexandria headquarters reception area
4. Replacement of water heater at Fredericksburg office



*Alexandria HQ reception area*



*Alexandria HQ reception area*

## Projects scheduled to be completed this quarter:

1. Replacement of west platform and canopy lighting at Woodbridge Station
2. Submission of IFB package for canopy roof replacement at Backlick Road Station
3. Replacement of deck joint sealant at Manassas Station parking garage
4. Replacement of lighting at Broad Run MASF service & inspection building
5. Submission of IFB package for replacement of tactile warning strips at various stations

## Projects scheduled to be initiated this quarter:

1. Issuance of GEC task orders for design of minor structural repairs at Franconia-Springfield, Woodbridge, Rippon, Brooke and Manassas stations
2. Minor stair steel repairs and caulking at Franconia-Springfield Station
3. Painting of Franconia-Springfield Station
4. Repair of minor cracks in west platform at Woodbridge Station
5. Repair of platform sealer delamination at Spotsylvania Station
6. Replacement of lighting at Manassas Station parking garage
7. Issuance of general signage services request for quotes

## Ongoing projects:

1. Design of waiting area at L'Enfant Station
2. Replacement of signage at Franconia-Springfield, Woodbridge and Leeland Road stations

3. Replacement of waste and recycling receptacles at various stations
4. Design of subsequent phases of renovations to Alexandria headquarters
5. Overhaul of emergency generators at Woodbridge and Manassas Stations, Alexandria headquarters and Fredericksburg office

## UPCOMING PROCUREMENTS

- Renewal of locomotive head end power engine systems
- Program management consulting services
- Canopy roof replacement at the Backlick Road Station
- Modernization of VRE Woodbridge Station east elevator
- Forklift trucks
- Passenger car wheelchair lift assemblies
- Purchase of LED light fixtures
- Construction of L'Enfant south storage track wayside power
- Variable Messaging System replacement
- Tactile strip replacements
- Headquarters renovations
- Construction management services for Fredericksburg Station platform rehabilitation

# CAPITAL PROJECTS UPDATES

The following is a status update of VRE capital projects.

Completed projects or major project milestones:

1. Construction initiated on Lifecycle Overhaul & Upgrade Facility (LOU)
2. Construction initiated on Quantico Station Improvements

Projects or project phases scheduled to be completed this quarter:

3. Franconia-Springfield Station Improvements draft final design plans and specifications
4. Broad Run Expansion (BRX) Section 106 Consultation
5. Construction of Benchmark Road Slope Stabilization Complete (Hamilton to Crossroads overall project/funding closeout and stakeholder concurrence anticipated this quarter)

Projects or project phases scheduled to be initiated this quarter:

6. Execution of Contract for Construction of Quantico Station Improvements and Pre-NTP activities - NTP forthcoming
7. Execution of Contract for Construction of Lifecycle Overhaul & Upgrade Facility (LOU) and Pre-NTP activities - NTP forthcoming
8. Board Authorization, Execution of Contract for Construction of Rolling Road Station Improvements and Pre-NTP activities – NTP forthcoming
9. Execution of Contract and NTP for CM for Construction of Quantico Station Improvements

Ongoing projects:

10. Broad Run Expansion (BRX)
11. Manassas Park Parking Improvements
12. Rolling Road Station Improvements
13. Crossroads Maintenance and Storage Facility (MSF) – land acquisition completed
14. Lifecycle Overhaul & Upgrade Facility (LOU)
15. Quantico Station Improvements
16. Franconia-Springfield Station Improvements
17. Alexandria Station Improvements
18. Alexandria Station Track I Access (Slaters Lane)
19. Crystal City Station Improvements
20. L'Enfant Train Storage Track - South
21. L'Enfant Station Improvements
22. New York Avenue Midday Storage Facility
23. Potomac Shores VRE Station – *design by others*
24. Washington Union Station Improvements Environmental Impact Statement – *study by others*
25. DC2RVA Environmental Impact Statement – *study by others*
26. Long Bridge Project – *study by others*

*Projects Progress Report Follows*

## PASSENGER FACILITIES

PROJECT	DESCRIPTION	PHASE					
		CD	PE	EC	RW	FD	CN
Alexandria Station Improvements	Eliminate at-grade track crossing, add elevators, modify platforms.	◆	◆	◆	N/A	●	
Franconia-Springfield Station Improvements	Extend both platforms and widen East Platform for future third track.	◆	◆	◆	N/A	●	
Potomac Shores Station Improvements	New VRE station and parking in Prince William County provided by private developer.	◆	●	◆	N/A		
Quantico Station Improvements	Extend existing platform, construct new second platform with pedestrian overpass.	◆	◆	◆	N/A	●	
Manassas Park Parking Improvements	Parking garage to increase parking capacity to 1,100 spaces.	◆	◆	●	N/A		
Rolling Road Station Improvements	Extend existing platform and rehabilitate existing station	◆	◆	◆	N/A	●	●
Crystal City Station Improvements	Replace existing side platform with new, longer island platform.	◆	●	●	N/A		
L'Enfant Station Improvements	Replace existing platform with wider, longer island platform. Add fourth track (VA-LE)	◆			N/A		

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

STATUS: ◆ Completed ● Underway ■ On Hold

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

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

\* \$2,181,630 authorization divided across the "Penta-Platform" program stations

ESTIMATED COSTS (\$)						STATUS	
Total	Funded	Unfunded	Authorized	Expended <sup>2</sup>	Percent Complete <sup>1</sup>	Project Completion Date	
31,875,014	31,875,014	-	2382759	2193257	90%	2nd QTR 2023	● Getting ready for Alternate delivery CMGC Procurement. CSX and City of Alexandria review progressing.
13,000,000	13,000,000	-	*	935,100	35%	4th QTR 2023	● FD underway with anticipated completion 2nd QTR 2021. Ongoing coordination with DRPT projects.
No costs for VRE. Private developer providing station.					30%	TBD	● Potomac Shores VRE Station design underway to include parking structure. 90% Design Submittal received and under review by CSX and VRE.
18,372,949	18,372,949	0	21,505,529	1,034,908	35%	TBD	● CM Contract Executed and NTP issued. Execution of Construction contract forthcoming pending final funding agreement, pre-NTP activities anticipated 2nd Quarter 2021. Construction NTP to follow.
25,983,000	25,983,000	0	2,238,144	670,225	30%	4th QTR 2022	● Progressing towards 60% design at relocated site.
5,000,000	2,000,000	3,000,000	640,503	418,887	70%	4th QTR 2021	● Contractor working on pre-NTP submittals.
49,940,000	19,098,463	30,841,537	1,584,619	1,366,909	30%	2nd QTR 2024	● PE & EC initiated in Oct 2019 and anticipated completion 3rd QTR 2021.
70,650,000	62,465,721	8,184,279	130,501	65,150	50%	2nd QTR 2023	● DRPT LONP received. Real estate research in progress under LONP.

## TRACK AND INFRASTRUCTURE

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

## MAINTENANCE AND STORAGE FACILITIES

L'Enfant Train Storage Track - South	Conversion of CSXT track to VRE storage track and as well as signal and wayside-power work.	◆	◆	◆	N/A	●	●
Lifecycle Overhaul & Upgrade Facility	New LOU facility to be added to the Crossroads MSF.	◆	◆	◆	N/A	◆	●
Crossroads Maintenance and Storage Facility - Land Acquisition	Acquisition of 19.5 acres of land, construction of two storage tracks and related site improvements.	◆	N/A	N/A	●	N/A	N/A
New York Avenue Midday Storage Replacement Facility	Midday storage facility replacement for Ivy City storage facility.	◆	●	●	●		

## ROLLING STOCK

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

## PLANNING, COMMUNICATIONS AND IT

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

PHASE: CD - Conceptual Design PE - Preliminary Engineering EC - Environment Clearance










RW - Right of Way Acquisition FD - Final Design CN - Construction

STATUS: ◆ Completed ● Underway ■ On Hold

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

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



ESTIMATED COSTS (\$)						STATUS	
Total <sup>1</sup>	Funded	Unfunded	Authorized	Expended <sup>2</sup>	Percent Complete <sup>1</sup>	Project Completion Date	
32,500,000	32,500,000	-	33,285,519	30,578,003	100%	3rd QTR 2018	 Benchmark Slope project complete. Hamilton-to-Crossroads Third Track Complete.
3,965,000	3,965,000	-	2,937,323	1,699,610	60%	4th QTR 2019	 CSXT Construction Agreement received. CM underway.
38,183,632	38,183,632	-	48,342,297	5,888,376	10%	3rd QTR 2023	 Notice to proceed issued to construction contractor on December 14, 2020.
2,950,000	2,950,000	-	2,950,000	163,565	100%	1st QTR 2020	 Land acquisition completed.
89,666,508	89,666,508	-	3,588,305	2,257,455	90%	4th QTR 2021	 Preliminary design has been completed and continuing to collaborate with Amtrak on agreements.
75,264,693	75,264,693	-	69,457,809	47,915,644	99%	4th QTR 2020	 All cars received. Completion date reflects end of warranty period.
14,191,833	14,191,833	-	10,294,079	7,984,451	95%	4th QTR 2018	 Implementation completed.
110,700,000	82,526,398	28,173,602	5,855,650	4,539,446	80%	4th QTR 2024	 PE design and EC underway. Property acquisition due diligence underway.
3,510,307	3,510,307	-	3,510,627	2,282,853	70%	1st QTR 2021	 American Eagle working on redesign with uplift to new platform.



## VIRGINIA RAILWAY EXPRESS

1500 KING STREET, SUITE 202 • ALEXANDRIA, VA 22314 • 703.684.1001

[VRE.ORG](http://VRE.ORG)



**RESOLUTION #2444**

**SUBJECT:** Authorize the VRE CEO to Execute the Amended and Restated Operating/Access and Amended Master Lease Agreements with CSX Transportation

**WHEREAS:** The Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission (“Commissions”) currently have an Amended and Restated Operating/Access Agreement with CSX Transportation relating to Virginia Railway Express (VRE) operations in the Fredericksburg to Washington corridor, with the agreement ending June 30, 2021;

**WHEREAS:** In December of 2019, the Commonwealth of Virginia announced the Virginia Rail Improvement Plan, which includes the acquisition of CSX Transportation right-of-way in the Commonwealth including in the Fredericksburg to Washington corridor;

**WHEREAS:** During the 2020 Virginia General Assembly Session, the Virginia Passenger Rail Authority (VPRA) was established;

**WHEREAS:** In part, the VPRA will own and manage the right-of-way acquired by the Commonwealth from CSX Transportation;

**WHEREAS:** in December of 2020, the Commissions approved the Operating/Access and Master Lease agreement with the VPRA to account for VRE service on the newly acquired VPRA right-of-way;

**WHEREAS:** The current agreements the Commissions have with CSX Transportation must be amended to accommodate the acquisition of CSXT right-of-way by the Commonwealth; and

**WHEREAS:** The VRE Operations Board recommends the Commissions authorize the VRE Chief Executive Officer to execute the Amended and Restated Operating/Access and Master Lease agreements with CSX Transportation in a form approved by legal counsel.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby authorizes the VRE Chief Executive Officer to execute the Amended and Restated Operating Access Agreement and the Amended Master Lease Agreement with CSX Transportation in a form approved by legal counsel.

Approved this 6<sup>th</sup> day of May 2021.

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Dalia Palchik  
Secretary-Treasurer

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Katie Cristol  
Chair

CSXT Draft 4/12/21

Revised [●], 2021

**AMENDED AND RESTATED  
OPERATING/ACCESS AGREEMENT**

Between

**CSX TRANSPORTATION, INC.**

and

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION AND POTOMAC AND  
RAPPAHANNOCK TRANSPORTATION COMMISSION**

**CONCERNING COMMUTER RAIL SERVICE**

THIS AMENDED AND RESTATED OPERATING ACCESS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2021 ("Agreement") is by and between CSX TRANSPORTATION, INC., a corporation organized and existing under the laws of the Commonwealth of Virginia, with a principal place of business at 500 Water Street, Jacksonville, Florida 32202 (hereafter the "Railroad"), and the NORTHERN VIRGINIA TRANSPORTATION COMMISSION and the POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION, bodies politic and corporate and political subdivisions of the Commonwealth of Virginia, established under the provisions of the Transportation District Act of 1964, as amended, and having principal places of business at 2300 Wilson Boulevard, Suite 620, Arlington, Virginia 22201, and 14700 Potomac Mills Road, Woodbridge, Virginia 22192, respectively (hereinafter, individually, a "Commission" and, collectively, the "Commissions");

#### EXPLANATORY STATEMENT

A. The Railroad is engaged in the business of providing efficient, reliable freight rail transportation services to industrial and commercial enterprises. The Railroad has the following obligations to its key constituents: (i) to its shippers: to provide high quality, reliable service; (ii) to its employees: to provide a safe place to work where their skills and talents can be fairly and productively utilized; and (iii) to its shareholders:

to engage in efficient operations that will assure superior returns.

B. The Railroad is the owner of a system of railroad lines, including the railroad line between Richmond, Virginia and Washington, D.C. (the "RF&P Subdivision"). The RF&P Subdivision is a fully integrated component of the Railroad's system and serves as a primary link between its operations in the North and South.

C. The Railroad's freight rail operations also promote significant economic interests within the Commonwealth of Virginia and thereby enhance the welfare of its citizens. Within the RF&P Subdivision, the Railroad currently serves substantial utilities and business enterprises, annually transporting thousands of carloads of coal, nonmetallic mineral, paper and food and consumer commodities in a safe and environmentally superior manner. It is the Railroad's intention to attract more traffic off the already overburdened highway system, thus helping ease congestion and reduce pollution.

D. The National Rail Passenger Corporation ("NRPC" or "AMTRAK") also utilizes the RF&P Subdivision to provide intercity passenger rail services, pursuant to its mandate and authority under Federal Law.

E. The Commissions are engaged in planning and operating a high quality, world-class public transportation rail system, known as the Virginia Railway Express ("VRE"), that is reliable, safe

and economical, with financial assistance from the Commonwealth of Virginia (the "Commonwealth") and the United States Government through such agencies as the Federal Transit Administration ("FTA") and the Federal Railroad Administration ("FRA"). The Commissions have become leaders in providing an efficient and environmentally sound alternative to single occupant automobile travel on the overcrowded highway network at a significantly lower cost. By foregoing automobile travel, the Commissions' commuters make a significant contribution in reducing automobile generated pollution, which is responsible for nearly two-thirds of all air pollution in Northern Virginia. The Commissions' commuter rail service is an important component of the region's approach to meeting the air quality standards set by the Federal Government in the Clean Air Act Amendments of 1990. In addition to the mobility provided to the daily commuters and the reduction in air pollution, the Commissions' commuter service is important to the region's economy by providing significant, meaningful employment itself, as well as reliable transportation for commuters to and from important employment centers in Washington, D.C. and Northern Virginia. Energy conservation from this mass transit service also reduces dependence on foreign oil.

F. In view of the potential benefits of commuter rail services to the Commonwealth, the Railroad and the Commissions undertook cooperative efforts to initiate certain commuter rail



services within that portion of the RF&P Subdivision between MP 110.0 (RO Interlocking) and MP 53.2 (XR) (the "Commuter Corridor"), pursuant to an Operating/Access Agreement dated December 1, 1989, between Richmond, Fredericksburg and Potomac Railroad Company (the "Original Agreement"). The Original Agreement was to expire on November 30, 1994, but was extended for additional periods until a new agreement was entered into on January 10, 1995 (the "1995 Agreement").

G. Subsequent to execution of the 1995 Agreement, CSXT assumed and succeeded to the rights and responsibilities of the Consolidated Rail Corporation ("Conrail") under the Operating Agreement with the Commissions dated December 1, 1989 (the "Conrail Agreement"). This enlarged the RF&P Subdivision to include the former Conrail territory with the Commissions' operation commuter services between MP CFP 53.2 (XR) (also referred to as Crossroads) and MP CFP 112.3 (Virginia Avenue Interlocking) (also referred to as CP Virginia). Both the 1995 Agreement and the Conrail Agreement have been amended and extended numerous times through to the present by letter agreements and formal agreements, including the Amendment to Operating/Access Agreement, dated January 31, 2002, and the Amended and Restated Operating/Access Agreement, dated July 1, 2011, and the eight amendments thereto (the "Existing Agreement").

H. Since the start of its operations, the Commissions' commuter rail service was well received by the public and the Commissions expanded its initial commuter rail service to its current service levels, through amendment of the Existing Agreement, the terms of which included a Corridor Improvement Project to construct a new Third Mainline that would increase the amount of capacity available to both freight and passenger rail traffic in the Commuter Corridor.

I. The Virginia Department of Rail and Public Transportation, an executive department of the Commonwealth of Virginia ("DRPT") has negotiated with Railroad to purchase portions of Railroad's right of way and other rights to specified railroad assets, to design and construct certain improvements within the Commuter Corridor, among other locations, for the benefit of one or both Parties, to increase intercity and commuter passenger trains operating in the Commuter Corridor and to address operational matters (the "Transaction").

J. To implement the Transaction, the Railroad and DRPT have executed the Transaction Agreements.

K. A separate operations and access agreement between DRPT and the Commissions has been executed governing the Commuter Rail Service on Commonwealth-Dispatched Tracks.

L. As part of the Transaction, as certain construction milestones are achieved, as set forth in the Comprehensive Rail

Agreement, the Service Plan, attached hereto as Exhibit A, allows for expansion of the Service.

M. In light of the foregoing, the Railroad and the Commissions desire to amend and restate the Existing Agreement in its entirety as set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereto agree as follows:

## **ARTICLE ONE**

### **DEFINITIONS**

1.1 The following terms (except as otherwise expressly provided or unless the context otherwise requires) for all purposes of this Agreement shall have the meanings hereafter specified:

Access Fee: The dollars-per-train-mile compensation rate established in Exhibit C-1 that is multiplied by the scheduled mileage of VRE Trains over the CSXT-Dispatched Tracks, as may be adjusted in accordance with Exhibit C-1. The Access Fee is one component of the Contract Fee.

Amendment Effective Date: Shall be the same date as Sale Date 1, as used in the Comprehensive Rail Agreement.

Commonwealth-Dispatched Tracks: The Commonwealth-Owned Tracks that are dispatched on behalf of DRPT by an entity other than Railroad.

Commonwealth-Owned Tracks: The railroad operating facilities in the Commuter Corridor that are owned by the Commonwealth of Virginia, or an agency or political subdivision thereof, as identified on Exhibit B-2 to this Agreement.

Commuter Corridor: The Railroad's railroad line between MP CFP 112.3 (Virginia Avenue Interlocking) (also referred to as CP Virginia) and MP CFP 53.2 (XR) (also referred to as Crossroads), it being understood and agreed that this Agreement does not address or contemplate operation of the Service beyond the limits of such railroad line.

Commuter Rail Service: Passenger rail service in an urban area, its suburbs and more distant outlying communities in the applicable greater metropolitan area, excluding (1) urban rapid transit operations not connected to the general railroad system; and (2) any intercity passenger rail route or service operated by NRPC in the Commonwealth of Virginia.

Comprehensive Rail Agreement: That certain Comprehensive Rail Agreement between CSXT and DRPT made and entered into as of March 26, 2021, as may be amended from time to time, the current version of which, as of the execution date of this Agreement, is attached hereto as Exhibit G. CSXT will provide copies of amendments to the Comprehensive Rail Agreement to the Commissions.

Contract Fee: The Access Fee and the General Supervision Fee set forth in Exhibit C-1, which compensation is payable by the Commissions to Railroad pursuant to Section 5.1(b) for the operation of the Service over the CSXT-Dispatched Tracks.

CSXT-Dispatched Tracks: The railroad operating facilities in the Commuter Corridor that are dispatched and maintained by or on behalf of Railroad, regardless of whether it is CSXT-Owned Tracks or Commonwealth-Owned Tracks. CSXT-Dispatched Tracks includes all CSXT-Owned Tracks and certain Commonwealth-Owned Tracks, including such additional CSXT-Dispatched Tracks as may be constructed as part of the Transaction Agreements that are located between the endpoints described in Exhibit B.

CSXT-Owned Tracks: The railroad operating facilities in the Commuter Corridor that are not Commonwealth-Owned Tracks.

Equipment: The locomotives and cars complying with Section 2.4 of this Agreement which are at any time used by the Commissions, or either of them, or by an agent or Operator, to provide rail commuter Service over the Railroad's tracks.

General Supervision Fee: The fee for certain Railroad services, such as a VRE Trainmaster, VRE Commuter Desk Specialist, and general and administrative expenses. It is one component of the Contract Fee.

Joint Operating and Maintenance Agreement: That certain Joint Operating and Maintenance Agreement between CSXT and DRPT dated and effective as of March 26, 2021, as may be amended from time to time, the current version of which, as of the execution date of this Agreement, is attached hereto as Exhibit H. CSXT will provide copies of amendments to the Joint Operating and Maintenance Agreement to the Commissions.

Operator: Shall mean any person, firm, corporation or other legal entity contracting with or utilized by the Commissions to operate all or any part of the Service or to be responsible for providing and supervising on-train personnel for operation of the Equipment and Trains. The term may include one or both of the Commissions. An Operator must be approved by and remain subject to the continuing approval of the Railroad.

RF&P Subdivision: The RF&P Subdivision consists of the Railroad's railroad line between Richmond, Virginia, and Washington, D.C.

Service: The Service shall consist of all Trains, whether occupied or empty, which are used to provide Commuter Rail Service pursuant to the authority granted by this Agreement or the Transaction Agreements, on the Tracks. Service includes the movement of Trains operated at the times identified in Exhibit A to this Agreement, on the Commuter Corridor, and the movement of

Special Trains allowed pursuant to Section 3.1. As the Infrastructure Improvements (as defined in the Comprehensive Rail Agreement) are completed, the Service will be expanded automatically in accordance with Exhibit A, the Comprehensive Rail Agreement, and the Joint Operating and Maintenance Agreement. Service may be amended at any time by written agreement of the parties.

Station Leases: The Station Leases shall consist of the separate Lease Agreements between the Commissions and the Railroad, for the leasing of certain real property for the operation of commuter rail passenger service stations, including those stations enumerated on the annexed Exhibit E, as amended from time to time. Railroad shall continue to make available to the Commissions those passenger facilities listed in Exhibit E under that certain Master Lease Agreement, dated May 6, 2013, as amended, including specifically an amendment made contemporaneously with this Agreement, and as may be amended from time to time.

Tracks: The Tracks subject to this Agreement shall be the CSXT-Dispatched Tracks, including all signaling facilities. The Tracks are shown or described in Exhibit B attached to this Agreement, and may be revised by the parties from time to time. With respect to any obligation of the Commissions wherever



contained in this Agreement to defend, indemnify, protect, save harmless Railroad, or provide insurance with respect to these obligations or for the benefit of Railroad, any reference to Tracks refers to both CSXT-Dispatched Tracks and Commonwealth-Dispatched Tracks.

Train: A Train subject to this Agreement shall consist of a locomotive unit, or more than one unit coupled, with or without cars, whether or not carrying passengers, having not less than 4.0 horsepower per trailing ton, displaying markers or carrying an end of train device, and capable of adhering to the schedule standards specified for the Service.

Transaction Agreements: Means the Comprehensive Rail Agreement, the Joint Operating and Maintenance Agreement, and the Ancillary Agreements, as defined in the Comprehensive Rail Agreement.

Special Train: Specified in Exhibit F, as may be allowed pursuant to Section 3.1 of this Agreement.

VRE Cure Period: Shall mean the thirty(30) day period after Railroad provides written notice to the Commissions that the Commissions are in default of this Agreement, giving rise to Railroad's right to terminate this Agreement, other than the

payment of amounts due under this Agreement, for which the VRE Cure Period shall be five (5) business days.

## **ARTICLE TWO**

### **CONDITIONS**

2.1 This Agreement shall supersede and replace the 1995 Agreement and the Conrail Agreement, and shall be effective as of July 1, 2011, for the term hereof. The Commissions acknowledge that they have executed separate agreements with Norfolk Southern Railway and NRPC, which agreements grant the Commissions the right to operate commuter rail service over the lines of each of those railroads. The Commissions shall promptly provide Railroad with current copies of such agreements and any subsequent amendments thereto, upon the execution of such agreements or amendments.

2.2 In the event that the terms and provisions of any agreement described in Section 2.1 shall at any time be interpreted, modified or amended so as to become more favorable to another railroad contracting with the Commissions than the terms and provisions of this Agreement are to Railroad, Railroad may request the Commissions to modify this Agreement so as to incorporate such interpretation, modification or amendment, in whole or in part, by amendment to this Agreement.

2.3 The Commissions have informed Railroad that they may desire to operate the Service through an agent. Any person, firm,

corporation or other legal entity contracting with or utilized by the Commissions to operate all or any part of the Service on the CSXT-Dispatched Tracks shall be an Operator within the meaning of this Agreement, must be approved in advance by Railroad, which approval shall not be unreasonably withheld, and must at all times during the term of this Agreement remain acceptable to Railroad. If at any time an Operator becomes unacceptable to Railroad, Railroad shall notify the Commissions of such unacceptability and the Commissions shall promptly select a new Operator acceptable to Railroad. An Operator must comply at all times with all applicable provisions of this Agreement. The Commissions shall not have the right to assign this Agreement or any portion hereof to any other person or entity, or to permit any person or entity other than Operator acceptable to Railroad to exercise such rights or enter upon the property of Railroad without the written consent of Railroad. The retention of an Operator by the Commissions shall not relieve the Commissions of any of their obligations under this Agreement.

2.4 (a) Railroad shall have no responsibility, but shall have the right, to inspect any Equipment of the Commissions. Railroad shall have no responsibility to maintain, service or repair any of the Equipment of the Commissions, but all such Equipment shall at all times comply with applicable federal, state and local requirements and with Railroad's standards for

locomotives and cars permitted to operate over Railroad's Tracks, which standards, as adopted and revised from time to time by the Railroad in its sole discretion, shall be identified and specified in writing to the Commissions. Upon adoption by Railroad of any revised standards, the Commissions shall be afforded a reasonable notice from Railroad to bring its Equipment into compliance with the revised standards, subject to all requirements of applicable law.

(b) All Equipment used in the Service shall comply with the provisions of the federal Locomotive Inspection Act and the Federal Safety Appliance Acts, as amended, and with all regulations adopted pursuant to either Act. The Commissions and any Operator shall also comply with any other applicable laws, regulations or rules, state or federal, covering the operation, condition, inspection or safety of the Equipment.

(c) The Commissions shall defend, indemnify, protect and save wholly harmless Railroad, its corporate affiliates, and its and their respective officers, directors, agents and employees from all fines, penalties, costs, expenses and liabilities imposed upon or asserted against Railroad, its corporate affiliates or any of its or their officers, agents or employees as a result of an alleged violation by the Commissions or an Operator of either (i) any of the laws, rules and regulations to which reference is made in Subsection 2.4(b) or (ii) any of the terms of this Agreement.

2.5 (a) Operation of the Service on the CSXT-Dispatched Tracks shall at all times comply with the Railroad's operating rules, safety rules, instructions (including verbal or written directive of the Railroad's operating officers) and other regulations. The Commissions, an Operator and all personnel of either and of the Railroad who are present on the Equipment at any time shall comply fully with the applicable laws, regulations or rules, whether federal, state or local, covering the operation, maintenance, condition, inspection, testing or safety of personnel or Equipment employed in the maintenance and operation of any of the Trains.

(b) The Commissions shall defend, indemnify, protect and save wholly harmless Railroad, its corporate affiliates and its and their respective officers, director, agents and employees from all fines, penalties, costs, expenses and liabilities imposed upon or asserted against Railroad, its corporate affiliates, or its or their respective officers, directors, agents or employees as the result of an alleged violation by the Commissions or an Operator of any of the laws, rules and regulations to which reference is made in Subsection 2.5(a).

(c) The Commissions shall make such arrangements with Railroad as may be required to ensure that all persons operating Equipment or Trains over the CSXT-Dispatched Tracks must be fully competent, trained and qualified for the tasks they are performing.

All persons operating Equipment or Trains must be approved by and remain subject to approval by the Railroad. Upon the request of the Commissions, Railroad shall provide training appropriate to qualify the Operator's crew in accordance with then current Federal certification procedures and operating rules of Railroad, and shall conduct periodic orientation sessions with the participation of Railroad's dispatchers (including the chief dispatcher for the territory) and the Operator's personnel. The Commissions shall pay to Railroad, promptly upon receipt of bills therefore, all expenses incurred by Railroad for qualifying, testing, and maintaining the qualifications of the Operator's personnel and conducting the orientation sessions, pursuant to this Section 2.5(c). In addition, the Commissions shall pay to Railroad promptly upon receipt of bills all expenses incurred by Railroad for training Railroad personnel as a result of the Service. Reimbursable costs shall include the costs of all labor furnished by Railroad, including pilots, if any. The labor rates shall be set forth in attached Exhibit C-3 and periodically updated by Railroad.

(d) Whenever the Service shall be modified so as by such modification alone to require a change in Railroad's Timetables, Railroad will furnish the Commissions or their designee with Timetables, Switch Keys, Operating Rule Books, Safety Rule Books, and any related publications or material deemed

necessary by Railroad, and the Commissions shall pay Railroad the cost of such related publications or material, including, but not limited to the actual cost of printing and distributing new Timetables.

(e) The Commissions, at their sole expenses, shall obtain, install and maintain, in all locomotives used with Commission's Trains operating over the Tracks, functioning radios to transmit and receive appropriate Railroad frequencies.

(f) Any investigation or hearing concerning the violation of any operating rule, safety rule or instructions of Railroad by any of the employees of the Commissions or of its Operator may be attended by any official of the Commissions and of the Operator designated by the Commissions, and any such investigation or hearing shall be conducted in accordance with any applicable collective bargaining agreements.

(g) Railroad shall have the right to exclude from the CSXT-Dispatched Tracks or Railroad property any employee of the Commissions or its Operator determined by Railroad to be in violation of Railroad's rules, regulations, orders or instructions, whether issued by Timetable, bulletin or otherwise. The Commissions shall indemnify, defend and save wholly harmless Railroad, its corporate affiliates and its and their respective officers, agents and employees from and against any and all claims,

liabilities and expenses resulting from such exclusion or from performance by an employee who has been so excluded.

2.6 (a) The Commissions acknowledge that their right to use of the Tracks is subject to Railroad's rights, as set forth in the Transaction Agreements. The Commissions understand that Railroad heretofore granted rights to use of the Tracks to other railroad companies, to NRPC, and to MCI, Plantation Pipeline, and WilTel (which continue through their successors, as applicable), and that the rights herein granted are subject to such prior rights of others and to such rights as the Railroad has granted or may elect, in its sole discretion (subject to the terms of any then-existing Station Lease), to grant in the future to other persons or corporations. The Commissions' right to provide Service on the Commuter Corridor is subsumed by and co-extensive with DRPT's rights to provide Commuter Rail Service over the Commuter Corridor, as limited by this Agreement and the Commissions' statutory authority. Notwithstanding the foregoing, Railroad acknowledges that the Commissions and Railroad have agreed upon a schedule of operations for the Service as specified in Exhibit A, as such may be amended from time to time under the provisions of this Agreement, much of which Service having been made possible by improvements funded by or on behalf of the Commissions, or which improvements DRPT has agreed to make. The Commissions hereby agree that they will not assert, directly or through any Operator, that



the Trains or the Service is entitled to preference over the Railroad's freight operations, or over the freight operation of another railroad company entitled to use the Tracks, or over the intercity passenger trains of NRPC, in the use of any part of the Tracks. Railroad hereby agrees that it will make reasonable efforts to secure adherence to the Service specifications set out in Exhibit A, and as it may be amended, on the Tracks subject to this Agreement. In no event shall Railroad suffer any penalty or incur any damage claim for or arising from delays or disruptions in Service for any reason, including, but not limited to, basic or restorative maintenance or improvements undertaken within the Commuter Corridor, conflicting freight or NRPC intercity passenger services.

(b) Any proposed modification of the Service or of its scheduled operations, will be determined in accordance with Article 3 hereof. Railroad retains exclusive authority to approve or reject, in its sole discretion, appropriate modifications to the Contract Fee whenever the Commissions propose modifications to the Service or to its scheduled operations, other than the additional Service contemplated by Exhibit A.

(c) The Commissions acknowledge that DRPT and Railroad have agreed to establish one or more coordination or management committees, the terms of which are governed by the Joint Operating and Maintenance Agreement. The Commissions will participate in

such committees as provided in the Joint Operating and Maintenance Agreement, and the current Joint Operations Committee provided for in the Existing Agreement will dissolve.

2.7 In the event that operation of the Service requires the prior approval of or exemption from regulations by the Surface Transportation Board, the Federal Railroad Administration or any other governmental agency, securing such approval or exemptions shall be the exclusive responsibility of the Commissions. The Commissions shall not commence the Service, either in their own behalf or by means of any third party Operator, until any such approval or exemptions becomes effective. To the extent Railroad deems appropriate, Railroad will make reasonable efforts to support the actions which the Commission may initiate pursuant to this Section.

2.8 Railroad shall at all times have exclusive control of the management of all operations over the CSXT-Dispatched Tracks. The Commissions recognize that delays or cancellations of the Service due to conflicts with Railroad's freight service, NRPC's intercity passenger service, weather, labor difficulties, track or equipment failure, conflicting schedules or missed connections of NRPC trains, of trains of Railroad, or trains of other railroads entitled to use of the Tracks, or from other causes, are probable. Although Railroad will make reasonable efforts to avoid such delays or cancellations, Railroad shall in no event be responsible for or

liable to the Commissions, or its Operator, or any passenger for the consequences of any such delay or cancellation.

2.9 Maintenance of the Tracks will be performed in accordance with the Joint Operating and Maintenance Agreement. Performance by Railroad of its maintenance obligations will occasionally result in delays or cancellations of operations of the commuter rail passenger service. Delays or cancellations so occasioned will not relieve the Commissions of any obligations herein set forth, or give rise to any rights in the Commissions not otherwise set forth herein.

2.10 Clearing of wrecks will be governed by Article 10 of the Joint Operating and Maintenance Agreement unless otherwise agreed upon by Railroad and the Commissions, with the written consent of DRPT.

2.11 If during the term of this Agreement the CSXT-Owned Tracks should be appropriated or otherwise acquired, in whole or in part, by a governmental body or agency thereof, or by a quasi-public body, all awards or compensation for the CSXT-Owned Tracks or parts thereof resulting from such appropriation or acquisition shall be paid to Railroad subject to the provisions of this Agreement concerning the reimbursement of any federal interest in the CSXT-Owned Tracks. The Commissions shall be entitled to participate in condemnation proceedings to seek recovery of compensation attributable to property which it owns to the extent

permissible under applicable law. In the event of a partial appropriation or acquisition as herein contemplated, the parties hereto shall endeavor to reach agreement as to the appropriate adjustment, if any, to the Contract Fee. In the event agreement is not reached, the issue shall be resolved in accordance with the provisions of Article Eleven.

### **ARTICLE THREE**

#### **ACCESS**

3.1 Railroad hereby grants to the Commissions, subject to the terms and conditions of this Agreement, the right to use the Tracks with the Commissions' Trains in the provision of the Service, including the Special Trains, set forth in Exhibit A. With the written consent of the Railroad, and subject to such terms and conditions as the Railroad may prescribe, the Commissions may operate test trains and trains required for employee training. In addition, Railroad may allow, at its sole discretion, the operation of Special Trains by the Commissions in addition to those in Exhibit A, upon the Commissions' request, at the rates set forth on the annexed Exhibit F and upon such other terms and conditions (including, without limitation, the same provisions for and evidence of such indemnification and insurance applicable to other Trains in the Service), as the Railroad may require in its sole discretion.

3.2 The rights granted to the Commissions herein shall relate solely to use of the Tracks of Railroad for the operation of Trains in the provision of the Service. Station Leases regarding the facilities listed in Exhibit E are addressed in a separate Master Lease Agreement.

#### **ARTICLE FOUR**

##### **TERM**

4.1 The Term of this Agreement commenced as of July 1, 2011 and, as of the Amendment Effective Date, shall be coterminous with the Joint Operating and Maintenance Agreement.

4.2 Termination of this Agreement for any cause shall not relieve any of the parties hereto from any obligations or liabilities accrued under this Agreement as of the time such termination becomes effective. Without limiting the generality of the foregoing, it is specifically recognized that any obligation on the part of a party to assume financial responsibility, to indemnify and insure or to make a payment of money shall survive termination of this Agreement.

#### **ARTICLE FIVE**

##### **PAYMENT**

5.1 (a) The premise upon which Railroad and the Commissions have agreed to the continuation of the Service pursuant to this Agreement is that Railroad will permit operation of the Service with the following conditions: (1) the Commissions will make

payment to Railroad of the Contract Fee pursuant to Section 5.1(b); and (2) the Railroad (and its licensees, its corporate affiliates and its and their respective officers, agents and employees) will incur no liability or losses from the operation of the Service. Any such claims for recovery of costs incurred or lost revenue must be raised by Railroad within 90 days of such event by written notice to the Commissions as defined in Article 13. The Commissions, therefore, hereby undertake to hold harmless Railroad (which term, as used in this Section 5.1, shall include Railroad, its licensees, its corporate affiliates, and its and their respective officers, agents and employees) against all losses, costs, expenses, obligations, maintenance or discontinuance of the Service. The enumeration of any such costs or expenses and inclusion of provisions requiring payment to or indemnification of Railroad by the Commissions for such expenses, costs and risks elsewhere in this Agreement shall in no way diminish the liability of the Commissions to compensate or indemnify Railroad for any such costs, liabilities, expenses or obligations as hereafter occur, it being the intent of the parties that Railroad be fully protected, indemnified and made whole by the Commissions against any such costs, expenses, liabilities and obligations so caused or so exacerbated, whether or not specifically described in this Agreement.

(b) In addition to such other sums which accrue under other provisions of this Agreement, the Commissions agree to pay Railroad the Contract Fee in accordance with Exhibit C-1 of this Agreement. The Commissions shall pay the Railroad each month an Access Fee of \$28.26 per train mile on the CSXT-Dispatched Tracks. The Access Fee may be escalated annually pursuant to Section 5.1(d) below, but otherwise will not be adjusted except by mutual agreement of the parties. The parties acknowledge that, as the Commonwealth undertakes those Infrastructure Improvements set forth in Exhibit E to the Comprehensive Rail Agreement, the Commissions intend to shift incrementally the primary operation of the Service from CSXT-Dispatched Tracks to Commonwealth-Dispatched Tracks, thereby reducing the total number of train miles of CSXT-Dispatched Tracks used by the Commissions to operate the Service. Accordingly, during the life of this Agreement, the parties anticipate that the total amount of compensation paid by the Commissions to Railroad will likely decrease over time, even though the Access Fee may escalate annually pursuant to Section 5.1(d) below.

(c) Upon the Commissions' request, Railroad may agree to accept an annual payment of the Contract Fee with an appropriate discount and such other terms that are mutually acceptable to the parties.

(d) On and after July 1, 2021, the Access Fee may be increased annually by Railroad during the term of this Agreement on each July 1st by the greater of the following amounts:

(i) four percent (4%) per year, calculated on the Access Fee in effect the previous year; or

(ii) the increase in the CPI Urban Wage Earners and Clerical Workers for Washington, D.C. - Maryland - Virginia.

(e) Payment of the Contract Fee shall be made no less than five (5) days prior to the first day of each month by wire transfer to such account as Railroad designates in writing to the Commissions.

(f) The amounts payable to the Railroad under this Agreement shall be subject to audit or review for up to three years following payment thereof. Notwithstanding the foregoing, the Contract Fee shall be subject to audit and review only to the extent necessary to verify the number of train miles for the purpose of its variable component.

5.2 In addition to the payments specified hereinabove, the Commissions shall also pay to Railroad monthly, within thirty (30) days of demand when supported by appropriate documentation, any amounts which Railroad shall have failed to earn from or been forced to pay to NRPC pursuant to Appendix V (as it may from time to time be amended) of the Basic Agreement between Railroad and NRPC governing the operation of intercity passenger service over



lines of Railroad and attributable to the presence of Equipment, personnel, passengers or property of the Commissions or of an Operator or to the normal or abnormal operation or to the malfunction of the Service while on the CSXT-Dispatched Tracks.

5.3 In addition to the payments specified elsewhere in this Article Five, the Commissions shall also pay to Railroad, within thirty (30) days of demand, when supported by appropriate documentation, any amounts which become due to be so paid pursuant to the provisions of Article Two, Article Seven, Article Eight and Article Nine. Railroad's reimbursable labor costs shall utilize the approved public rate for overhead percentages that Railroad uses for all such projects.

In addition to the payments specified hereinabove, the Commissions shall also pay to Railroad monthly, within thirty (30) days of receipt by VRE of an invoice, when supported by appropriate documentation, expenses incurred by Railroad for maintenance costs pursuant to the provisions of Section 6.2 hereof.

5.4 Invoices for amounts due to Railroad under this Agreement shall be prepared substantially in accordance with the format annexed to this Agreement as Exhibit C-2, as it may be changed from time to time by Railroad.

5.5 If Railroad is at any time required by law, rule, regulation or ordinance or by order of a court or of any administrative agency to give the commuter rail service priority

over Railroad's freight operations or NRPC's intercity passenger service on the CSXT-Dispatched Tracks, the Railroad shall be entitled to terminate this Agreement immediately upon delivery of written notice to the Commissions, unless the Commissions provide Railroad with a legally binding and effective waiver of all such priority as it may relate to the Service and indemnification against all liability attributable to or arising from the Commissions' waiver of, and Railroad's failure to comply within the otherwise applicable priority requirements, which waiver and indemnification shall be in form and substance acceptable to Railroad in Railroad's sole judgment. Should an event occur which triggers Railroad's rights under this Section 5.6, both parties shall attempt to negotiate, in good faith, a suitable amendment to this Agreement which might avoid the need, in the sole discretion of the Railroad, to exercise its right to immediately terminate this Agreement pursuant to this Section 5.6.

## **ARTICLE SIX**

### **MAINTENANCE**

6.1 Subject to the provisions of Sections 2.7, 2.8 and 2.9 hereof, and excepting force majeure, Railroad shall, during the term of this Agreement, keep and maintain the Tracks as provided in the Joint Operating and Maintenance Agreement. Railroad does not guarantee the condition of the Tracks or that the Service will not be delayed or interrupted. Failure on the part of the Railroad

to maintain the Tracks as required in this Article Six, including but not limited to any FRA findings or reports, shall in no event impose any liability on the Railroad (or its licensees, its corporate affiliates, or its or their respective officers, agents or employees), nor shall any such failure absolve the Commissions of any of the obligations imposed upon them by Article Nine hereof.

6.2 The Commissions shall reimburse the Railroad for actual maintenance and inspection costs of certain Tracks, constructed primarily for the use and benefit of VRE (VRE Crossroads Lead, VRE L'Enfant South Storage Track), as specified in Exhibit B.

## **ARTICLE SEVEN**

### **CLAIMS SERVICE**

7.1 The provision of claims handling service in connection with any aspect of the commuter rail service shall be the exclusive responsibility of the Commissions, and in no event shall the Commissions or its Operator assert any right to require provision of such service from the Railroad or any affiliate thereof.

## **ARTICLE EIGHT**

### **RAILROAD POLICE**

8.1 The provision of the services of railroad police or law enforcement personnel in connection with any aspect of the commuter rail service shall be the exclusive responsibility of the Commissions, and in no event shall the Commissions or any Operator

assert any right to require provision of the services of such railroad police or law enforcement personnel from the Railroad of any affiliate thereof.

## **ARTICLE NINE**

### **RISK OF LIABILITY**

9.1 (a) The Commissions shall protect, defend, indemnify and save harmless Railroad from any loss, cost or expense incurred by Railroad (including, but not limited to, lost incentives, penalties, detour and rerouting expenses), and all liability for death, personal injury or property damage, (including, but not limited to, the property and employees of Railroad, which is attributable in any way to, or which is exacerbated by, the operation of the Service over the CSXT-Dispatched Tracks and the Commonwealth-Dispatched Tracks, or to the presence of cars, equipment, personnel, contractors, agents or passengers of the Commissions or an Operator on or about the Commuter Corridor. The Commissions shall indemnify and save Railroad harmless under this Article Nine whether or not such death, injury or damage is caused, in whole or in part, by the negligence, regardless of its character or degree, of Railroad, and whether the damages are compensatory, punitive or exemplary, provided, that the liability of the Commissions under this Article Nine shall not exceed Three Hundred and Twenty Two Million, Eight Hundred and Sixty Four Thousand and Two Hundred and Twenty Eight Dollars (\$322,864,228.00) (or such

greater sum as may be required by the provisions of Section 9.2 hereof) in any one calendar year.

(b) To guarantee payment of their obligations under this Article Nine, the Commissions shall, subject to the approval and continuing supervision of the Division of Risk Management of the Commonwealth of Virginia (the "Division"), procure and at all times maintain a policy or policies of liability insurance, with annual aggregate limits of at least Three Hundred and Twenty Two Million, Eight Hundred and Sixty Four Thousand and Two Hundred and Twenty Eight Dollars (\$322,864,228.00) (or with such additional limits as may be required by the provisions of Section 9.2 hereof covering the liability assumed by the Commissions under this Article Nine. Such insurance may consist of a program of self-insurance approved and administered by the Division for up to Five Million Dollars (\$5,000,000.00), with the balance of the coverage (at least \$317,864,228.00 in excess of the \$5 million self-insured retention) to be obtained through commercial insurance. All insurance policies shall name Railroad as an insured, shall provide liability insurance covering the liabilities assumed by the Commissions under this Agreement, and shall be endorsed to provide that the insurance company will give Railroad thirty (30) days prior written notice if the policies are to be terminated or modified during the term of this Agreement. The Commissions shall provide Railroad with copies of all commercial insurance policies,

including all current endorsements, carried by the Commissions pursuant to this Section 9.1, and a copy of all agreements, including amendments thereto, between the Commissions and the Division relating to the coverage, structure, administration or funding of the Commissions' insurance program at least ten (10) business days before the expiration of any such policy, including all current endorsements. Such copy shall be delivered to:

CSX Transportation, Inc.

500 Water Street

Jacksonville, Florida 32202

Attention: Director - Insurance

(with a copy to its General Counsel at the same address as set forth above).

(c) In accordance with Section 2.2-1839 of the Code of Virginia, the Division has established the Northern Virginia and Potomac Rappahannock Transportation Commissions Commuter Rail Operations Liability Insurance Plan, a copy of which is annexed as Exhibit D (the "Plan"). The Plan is and shall be maintained by the Commissions and administered by the Division in accordance with Section 15.2-4518 of the Virginia Code and constitutes a "liability policy" for the purposes of that Section and Section 15.2-4526 of the Virginia Code. It is the intention of the parties that the Plan provides coverage for all liability which is or may

be imposed upon or assumed by the Commissions under this Article Nine. The parties further agree that, subject to the additional criteria set forth in this Article Nine (including, but not limited to Sections 9.1(b), 9.1(d) and 9.2), the Plan is sufficient, as of the date hereof, to fulfill the obligations of the Commissions with respect to the procurement and maintenance of liability insurance pursuant to Section 9.1(b). Notwithstanding the terms and conditions of the Plan and subject to the limits of Virginia law, the Commissions' obligation set forth herein is absolute and Commissions shall be fully obligated to fully indemnify Railroad for all claims as set forth in Section 9.1 of this Agreement. The Plan shall not be amended without the agreement of the Railroad evidenced by amendment of this Agreement.

(d) The Commissions shall provide to Railroad a copy of all reports which are submitted pursuant to Part B(2) (b) of the Plan. The reports to be made pursuant to Part C(3) of the Plan shall include the balance sheets and income statements of the Trust Fund (as defined by Section 9.1(f)).

(e) If, at any time, the total insurance coverage applicable to the liabilities assumed by the Commissions under this Article Nine falls below Three Hundred and Twenty Two Million, Eight Hundred and Sixty Four Thousand and Two Hundred and Twenty Eight Dollars (\$322,864,228.00) or, because of pending claims, is reasonably expected to fall below Three Hundred and Twenty Two

Million, Eight Hundred and Sixty Four Thousand and Two Hundred and Twenty Eight Dollars (\$322,864,228.00) (or, in each case, such greater coverage as may be required by the provisions of Section 9.2), or such coverage is otherwise subject to challenge or diminution for any reason (including, without limitation, court decisions or applicable laws or regulations affecting the validity or enforceability of the Plan or this Article Nine), notice of such fact shall be given promptly by the Division to the Commissions, the Railroad and the Operator. If the Commissions fail to immediately (i.e., the day of such notice) restore the available insurance coverage to Three Hundred and Twenty Two Million, Eight Hundred and Sixty Four Thousand and Two Hundred and Twenty Eight Dollars (\$322,864,228.00) (or such higher level as may be required by the provisions of Section 9.2), or to otherwise obtain relief from any other causes which may diminish such coverage for any reason, the Service and all rights granted the Commissions under Article Three of this Agreement shall immediately cease and shall not be resumed until the full Three Hundred and Twenty Two Million, Eight Hundred and Sixty Four Thousand and Two Hundred and Twenty Eight Dollars (\$322,864,228.00) in insurance coverage (or such higher levels as may be required by the provisions of Section 9.2) has been obtained; provided, however, the cessation of passenger service shall not occur until after the Railroad has consulted with the



Commissions and determined, in its sole judgment, that the coverage specified herein will not be promptly restored; and provided further that the Service and all rights granted the Commissions under Article Three of this Agreement shall immediately cease at any time the total insurance coverage falls below \$317,864,228.00. Any determination by Railroad under this subparagraph (e) shall be conclusive and not subject to challenge by the Commissions.

(f) Pursuant to the Plan, the Division administers the Commuter Rail Operations Liability Insurance Trust Fund (the "Trust Fund") for the purposes of implementing and funding the Commissions' obligations under the Plan and this Article Nine. The Commissions shall ensure that, at all times, the Trust Fund is solvent and adequately funded for the purposes contemplated by this Article Nine, and shall arrange for a review by the Division of the financial condition of such Trust Fund and the commercial insurance and self-insurance maintained under the Plan, from time to time, as requested by Railroad. Such review shall include a written certification to Railroad that the Trust Fund is solvent, and that the Plan's insurance program fails to comply with the requirements of this Article Nine, or that the Trust Fund is not adequately funded, the Division shall promptly give notice of such fact to Railroad, the Commissions and the Operator. If Railroad determines that the Trust Fund is not adequately funded, Railroad may give notice of such fact to the Commissions. If the

Commissions fails to immediately (i.e., the day of such notice by the Division or Railroad) provide funding in amounts determined by the Division or by Railroad to be adequate or obtain the required insurance, the Service and all rights of the Commissions under Article Three of this Agreement shall immediately cease until such funding and/or insurance is provided; provided, however, the cessation of passenger service shall not occur until after the Railroad has consulted with the Commissions and determined, in its sole judgment, that adequate funding and/or insurance will not be promptly restored. Any determination by Railroad under this subparagraph (f) shall be conclusive and not subject to challenge by the Commissions. Notwithstanding the foregoing, in the event that the Division fails to comply with any of the requirements of this Agreement, including but not limited to those set forth in this Article 9, the Commissions shall take all actions, including the commencement of litigation and/or direct purchase of policies of insurance, to prevent a breach of such requirement.

(g) In the event that Railroad determines, in its sole judgment, that either this Article Nine or the Plan (or the insurance coverage provided thereunder) is invalid or unenforceable for any reason, or that the Commissions have otherwise failed to comply with its obligations under this Article Nine, such determination shall constitute a default pursuant to Section 12.2 of this Agreement. Any determination by railroad

under this subparagraph (g) shall be conclusive and not subject to challenge by the Commissions.

(h) The term "Railroad," as used in this Article Nine, shall include not only CSX Transportation, Inc., but also its licensees, corporate affiliates and its and their respective officers, directors, agents and employees.

(i) The Commissions policy or policies of liability insurance shall include coverage for Terrorism and Sabotage.

9.2 (a) If, as a result of any statute enacted by the Commonwealth of Virginia or the Federal Government, the minimum liability limitation of Commissions is increased to an amount in excess of \$322,864,228.00, the amount of liability insurance that Commissions are required to procure and maintain in order to guarantee its obligations under this Article or to the general public, is increased to an amount in excess of \$322,864,228.00, then the minimum liability limit of \$322,864,228.00 (or higher amount if increased pursuant to subparagraph 9.2(b) below) set forth in Section 9.1 of this Article shall be automatically increased and the liability insurance shall be amended to reflect such higher amount. If the exposure of the Railroad to liability under this Agreement or under the Station Leases is increased by statute or judicial decision, the limits on the liability of the Commissions pursuant to this Agreement shall be increased proportionately and the limits of the liability insurance carried

by the Commissions shall be increased to reflect such increased exposure. As a condition to employing self-insurance to cover such higher amount of increased exposure, the Commissions agree to obtain the advance approval of both the Railroad and the Division. In the event the Commissions fail to obtain and maintain the insurance required by this Section for any reason (including the unavailability of such insurance), then either party shall have the right to terminate this Agreement by delivery of written notice to the other.

(b) At any time during the term of this Agreement, upon Railroad's request, the parties hereto will review and evaluate the number and cost of claims which have been made against the insurance carried by the Commissions, the actual and potential liabilities incurred by the Commissions for death, personal injury or property damage, any relevant judicial decisions, inflation and current trends in the cost of tort claims, and the likelihood and potential cost of future claims. Based on this review and evaluation, the parties will determine whether there are reasonable grounds to increase the limit of the Commissions' liability under Subsection 9.1(a) or to increase the limits and expand the coverage of the insurance required to be carried by the Commissions under Subsection 9.1(b) and Subsection 9.1(d) hereof. If the parties are unable to agree, the dispute shall be resolved in accordance with the provisions of Article Eleven; provided,

however, that in no event shall the liability of the Commissions or the amount of insurance to be carried by the Commissions be reduced below the limits required by Section 9.1 hereof. Any increase in the amount of insurance coverage which results from the application of this Section 9.2 shall automatically cause a proportionate adjustment to the limits specified in Subsection 9.1(e) hereof.

9.3 Immediately upon the execution and delivery of this Agreement, the parties shall execute and deliver a Station Lease with respect to the station Facilities enumerated in the annexed Exhibit E. It is contemplated that an additional agreement (including Station Leases and amendments thereto) may be entered into between Commissions and Railroad concerning the construction, maintenance, use and removal of certain ancillary facilities, including, among others, stations, platforms, canopies, parking areas and depots, for the accommodation of the Commissions' employees, and particularly passengers. It is understood that the indemnification and insurance provisions of this Article Nine of this Agreement shall apply with respect to such construction, maintenance, use and removal by the Commissions, any Operator, its or their employees, agents, contractors, passengers, invitees and the general public of any such facilities.

9.4 The Commissions expressly understand and agree that their obligations to indemnify Railroad and hold Railroad harmless

under the provisions of this Article Nine also extend to and include the obligation to indemnify and hold Railroad harmless from and against any and all damages (including punitive and exemplary damages), penalties, losses, fines, claims, liens, suits, liabilities, costs (including cleanup costs), judgments and expenses (including attorneys, consultants or expert fees and expenses) of every kind and nature suffered by or asserted against Railroad as a direct or indirect result of or due to the presence or escape of any hazardous materials, substances, wastes or other environmentally regulated substances on or from the Tracks, a Train or Equipment which presence or escape is attributable in any way to, or is exacerbated by, the operation of the Service over the Tracks or the presence of the Commissions' or any Operator's Equipment, personnel or passengers on or about Railroad's property.

9.5 (a) Railroad shall give notice to the Division of Risk Management and to the Commissions as soon as reasonably practicable whenever the Railroad receives credible notice from any party that it is the intention of such party to hold Railroad responsible for an incident for which the Commissions are potentially liable under Section 9.1 hereof.

(b) Railroad agrees: (1) to cooperate in the defense of claims of which it gives the Division of Risk Management notice hereunder; (2) to allow the Division of Risk Management, within

its sole discretion, to settle or defend any such claim; and (3) to execute all documents reasonably required to enable the Division of Risk Management to recover amounts paid by the Division of Risk Management on behalf of the Commissions to persons other than Railroad.

## **ARTICLE TEN**

### **RISK OF LABOR CLAIMS**

10.1 The Commissions will indemnify and hold harmless Railroad, its corporate affiliates, and its and their respective officers, agents and employees against any and all costs and payments, including, but not limited to, awards of benefits, back pay, penalty pay, allowances and awards of damages of any kind, however they may be denominated, and all arbitration, administrative and litigation expenses, arising out of claims or grievances made by or on behalf of employees of Railroad, or its corporate affiliates in connection with the implementation, operation or termination of the Service, whether pursuant to employee protective conditions imposed by a governmental agency as conditions for that agency's approval or exemption of the Service or this Agreement, or pursuant to a collective bargaining agreement.

## **ARTICLE ELEVEN**

### **DISPUTE RESOLUTION**

Disputes will be resolved in accordance with Article 24 of the Comprehensive Rail Agreement, as if the Commissions were Railroad's counterparty to that agreement. However, for disputes not involving DRPT, and not reasonably anticipated to involve DRPT, with CSXT's consent, which will not be unreasonably withheld, mediation may take place in Alexandria, Virginia.

## **ARTICLE TWELVE**

### **DEFAULT**

12.1 The following items shall be considered a default by the Commissions under this Agreement:

- (a) Failure on the part of the Commissions or its Operator to comply with the conditions of Article Two related to safety of operations or as provided in Subsection 2.5(a) of Article Two.
- (b) Failure on the part of the Commissions to comply with any of the provisions of Article Nine hereof or the Plan.
- (c) Failure on the part of the Commissions to replace any Operator which becomes unacceptable to Railroad within a reasonable time following notice.
- (d) Failure of the Commissions timely to make any payment required to be made to Railroad under any provision of this Agreement.
- (e) Failure on the part of the Commissions to substantially comply with any of its obligations under this Agreement.

12.2 If the Commissions are in default under this Agreement, CSXT shall provide to the Commissions written notice within five



(5) business days of actual knowledge of such default. During a VRE Cure Period, CSXT shall not terminate this Agreement but may provide to the Commissions notice of its intent to terminate this Agreement. However, if CSXT otherwise has cause to terminate this Agreement, CSXT may suspend, as of the date of breach, the Service during a VRE Cure Period until such time as the underlying breach or default of the Commissions has been cured, or until the VRE Cure Period has expired without cure, at which time CSXT may continue to suspend service or elect any applicable remedy to which it is entitled.

12.3 The parties acknowledge that, under Article 14 of the Comprehensive Rail Agreement, DRPT has the right, but not the obligation, to cure defaults by the Commissions under this Agreement before Railroad may terminate this Agreement.

12.4 Failure on the part of Railroad to substantially comply with its obligations under Article Six of this Agreement shall constitute a default by Railroad giving the Commission the right to terminate this Agreement on ten (10) days prior written notice.

### **ARTICLE THIRTEEN**

#### **NOTICES**

13.1 Any report, notice or other communication required or permitted hereunder shall, unless otherwise specified, be in writing and shall be delivered by hand or deposited in the United States mail, postage prepaid, addressed as follows:

If to Railroad:

CSX Transportation, Inc.

500 Water Street

Jacksonville, Florida 32202

Attention: Assistant Vice President - Passenger  
Services

(with a copy to its General Counsel at the same address  
as set forth above)

If to Commissions:

Chief Executive Officer

Virginia Railway Express

1500 King Street, Suite 202

Alexandria, Virginia 22314

(With a copy to the

County Attorney of Arlington County

2100 Clarendon Boulevard, Suite 403

Arlington, Virginia 22201)

Either party may change the address at which it shall receive communications and notifications hereunder by notifying the other party in writing of such change.

**ARTICLE FOURTEEN**

## MISCELLANEOUS

14.1 Force Majeure. Each party will be excused from performance of any of its obligations hereunder (except Article Nine), to the other party, where such nonperformance is occasioned by any event beyond its control, which shall include, without limitation, any order, rule or regulations of any federal, state or local government body, agent or instrumentality, work stoppage, accident, natural disaster or civil disorder, provided that the party excused hereunder shall use all reasonable efforts to minimize its nonperformance and to overcome, remedy or remove such event in the shortest practical time. Railroad shall promptly undertake and complete the repair, restoration or replacement of any property which is necessary for the provision of the Service, or for the performance of any of the Railroad's other obligations hereunder which is damaged or destroyed as a result of the force majeure occurrence, subject to the Commissions' agreement to reimburse Railroad for the full cost of such repair, restoration or replacement.

14.2 The article and section headings herein are for convenience only and shall not affect the construction hereof. Neither this Agreement nor any of the terms hereof may be terminated, amended, supplemented, waived or modified orally, but only by an instrument in writing signed by all of the parties

hereto, unless a specific provision hereof expressly permits one party to effect termination, amendment, supplementation, waiver or modification hereunder, in which case such change shall be made in accordance with the terms of such provision. All exhibits attached hereto, and as they may be amended, are integral parts of this Agreement and the provisions set forth in the exhibits shall bind the parties hereto to the same extent as if such provisions had been set forth in their entirety in the main body of this Agreement.

14.3 In the event that any material provision of this Agreement is found to be invalid or unenforceable in any respect, either party may immediately terminate this Agreement by delivery of written notice to the other party.

14.4 The failure of either party to insist at any time upon the strict observance or performance of any of the provisions of this Agreement, or to exercise any right or remedy in this Agreement, shall not impair any such right or remedy to be construed as a waiver or relinquishment thereof.

14.5 This Agreement and each and every provision hereof are for the exclusive benefit of the parties hereto and not for the benefit of any third party. Nothing herein contained shall be construed as creating or increasing any right in any third party to recovery by way of damages or otherwise against either of the parties hereto.

14.6 The rights and obligations of the Railroad and the Commissions hereunder may be assigned only with the prior consent of the other party, except in the event of dissolution, merger or other even terminating the existence of either the Railroad as a corporate entity or one or both of the Commissions, as bodies politic, in which case the rights and obligations of either party hereunder shall be assumed by the party's successor and assigns.

14.7 While it is understood and agreed that the Commissions shall act together in all matters affecting the Service, the rights and obligations of the Commissions hereunder shall be shared jointly and severally.

14.8 This Agreement shall be governed by the laws of the Commonwealth of Virginia.

14.9 CSXT and DRPT have agreed to certain rights and obligations in the Transaction Agreements with respect to dispatching (Article 5 of the Joint Operating and Maintenance Agreement), maintenance (Article 7 of the Joint Operating and Maintenance Agreement), capital improvements (Article 8 of the Joint Operating and Maintenance Agreement, Exhibit E of the Comprehensive Rail Agreement), clearing of wrecks (Article 10 of the Joint Operating and Maintenance Agreement), construction and engineering (the Master Engineering Agreement (CSXT), Master Engineering Agreement (DRPT), Master Development and Construction Agreement (CSXT), and Master Development and Construction

Agreement (DRPT)), all of which will apply to the Commuter Corridor. These cited portions of the Transaction Agreements will govern in the event of a conflict with this Agreement.

Except as provided in the previous paragraph, or as otherwise expressly set forth herein, in the event of a conflict between this Agreement, as amended and any of the Transaction Agreements, this Agreement will govern, provided, however, for the avoidance of doubt, Articles 7, 9 and 10 of this Agreement, and any obligation of the Commissions wherever contained in this Agreement to defend, indemnify, protect, save harmless Railroad, or provide insurance with respect to these obligations or for the benefit of Railroad, will control in the event of any conflict between the Transaction Agreements and this Agreement.

14.10 The parties acknowledge that the action or inactions of DRPT pursuant to the Transaction Agreements may impact the rights and obligations of the Commissions under this Agreement. The Commissions consent to the terms hereof.

14.11 Effective July 1, 2020, legislation enacted by the Virginia General Assembly and signed by the Governor of Virginia created the Virginia Passenger Rail Authority ("VPRA"). The Parties acknowledge that, as of the date of this Agreement, the necessary executive and administrative actions to permit VPRA to undertake the rights, responsibilities and obligations of DRPT imposed by the Transaction Agreements, as of the date of this

Agreement, have not been completed, and it is therefore neither practical nor reasonable to have VPRA possess and undertake such rights, responsibilities and obligations as of the date of this Amendment. Accordingly, the Commissions agree and consent to the future assignment by DRPT, and the assumption by VPRA, of all of DRPT's rights, responsibilities and obligations under the Transaction Agreements (memorialized in an assignment and assumption agreement). Following the effective date of such assignment and assumption agreement, all references to DRPT in this Agreement shall mean VPRA unless context clearly means otherwise. In the event VPRA is dissolved, the references to DRPT shall again refer to DRPT.

IN WITNESS WHEREOF, the Railroad and Commissions have caused their names to be signed hereto by their officers thereunto duly authorized and their seals, duly attested, to be hereunto affixed as of the day and year first above written.

Attest:

CSX TRANSPORTATION, INC.

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Title:

Attest:

NORTHERN VIRGINIA TRANSPORTATION  
COMMISSION and POTOMAC AND  
RAPPAHANNOCK TRANSPORTATION  
COMMISSION

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Title:



EXHIBIT A

SERVICE PLAN

[TO COME ONCE FINALIZED]

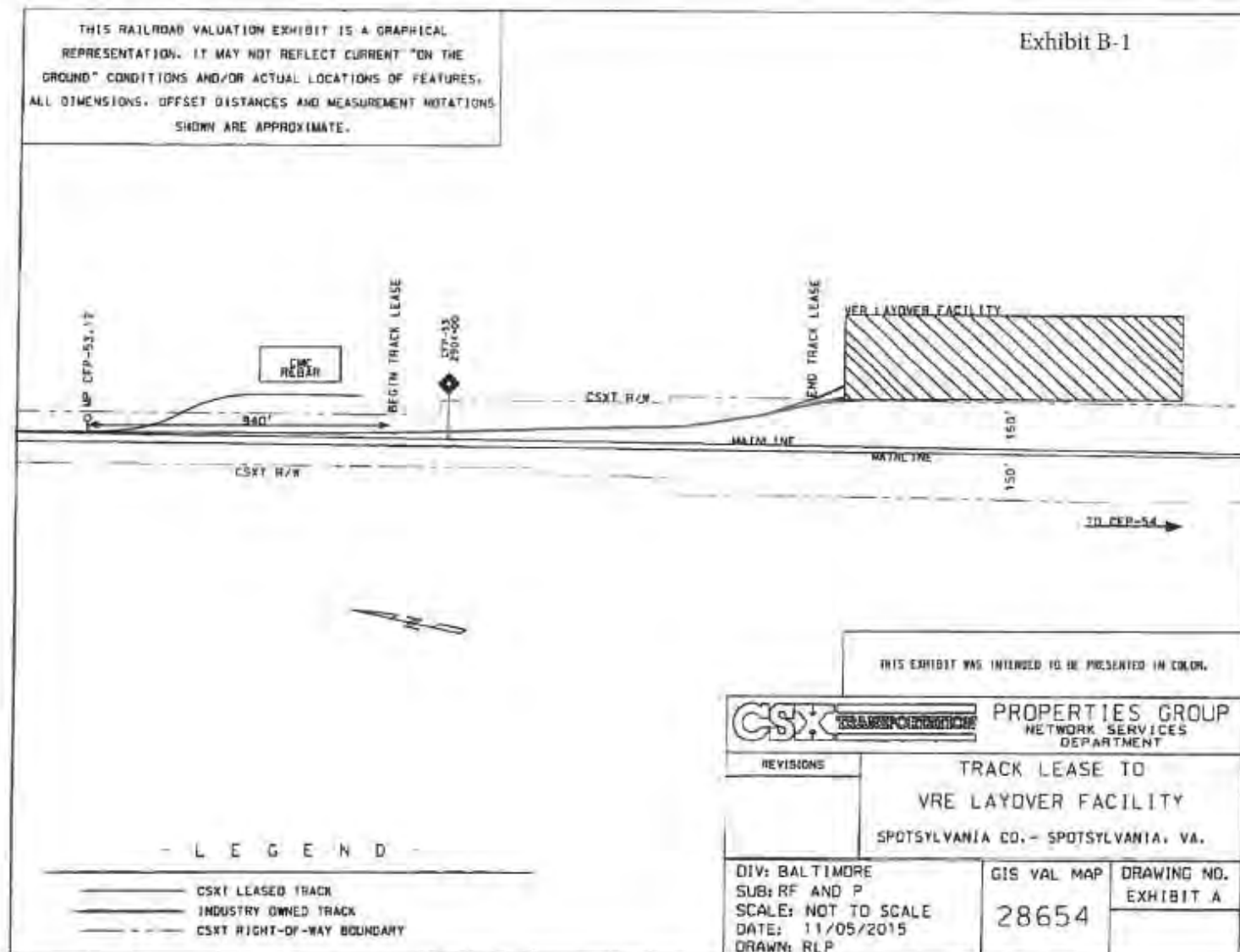
CURRENT DRAFT

EXHIBIT B

CSXT-DISPATCHED TRACKS

[TO COME FROM CSXT]

CURRENT DRAFT

EXHIBIT B-1

**EXHIBIT B-2**

**COMMONWEALTH-OWNED TRACKS**

**[TO COME]**

CURRENT DRAFT

EXHIBIT C-1

CONTRACT FEE

[TO COME ONCE FINALIZED]

CURRENT DRAFT

EXHIBIT C-2

## SAMPLE INVOICE

**CSX Appendix and Invoice Format**  
**Invoice for Virginia Railway Express Operations**  
**Jul-20**

CONTRACT FEE

I	General Supervision	
	VRE Trainmaster	12,740
	VRE Commuter Desk Specialist	10,529
	G&A	10,109
		<u>\$ 33,377.76</u>
II	Access Fee	<u>\$ 630,691.78</u>
III	Contract Fee Total	<u><u>\$ 664,069.54</u></u>

SUPPLIED SERVICES

Communications Monthly Charge:	TBD
Expenses:	TBD
Special Trains:	TBD
Sub Total:	\$

**TOTAL DUE:**\$ 664,069.54

EXHIBIT C-3

LABOR RATES

[TO BE ATTACHED]

CURRENT DRAFT

EXHIBIT D

NORTHERN VIRGINIA AND POTOMAC RAPPAHANNOCK TRANSPORTATION  
COMMISSIONS COMMUTER RAIL OPERATIONS LIABILITY INSURANCE PLAN

[TO BE ATTACHED]

CURRENT DRAFT



EXHIBIT E

PASSENGER FACILITIES

[TO COME FROM CSXT AFTER AMENDMENT TO LEASE]

CURRENT DRAFT

EXHIBIT F

SPECIAL TRAINS

[TO BE ATTACHED]

CURRENT DRAFT

EXHIBIT G

COMPREHENSIVE RAIL AGREEMENT

[TO COME ONCE FINALIZED]

CURRENT DRAFT

EXHIBIT H

JOINT OPERATING AND MAINTENANCE AGREEMENT

[TO COME ONCE FINALIZED]

CURRENT DRAFT

## **Second Amendment to the Master Lease Agreement**

This Second Amendment to the Master Lease Agreement (“Amendment”), is made this [●] day of [●], 2021 (the “Amendment Effective Date”), by and among CSX Transportation, Inc., as lessor (the “Railway”), and the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission, as lessees (collectively the “Commissions,” and the Commissions and the Railway are collectively referred to herein as the “Parties”).

WHEREAS, the Parties entered into the Master Lease Agreement (“MLA”) dated May 6, 2013, as amended by the Supplement and Amendment Agreement, dated June 28, 2019, under which Railway leases to the Commissions the surface rights to certain commuter rail stations, some of which preceded the start of the Commissions’ commuter rail service and some of which were constructed by the Commissions (the “Premises”).

WHEREAS, Railway and the Virginia Department of Passenger Rail Transportation (“DRPT”) have entered into that certain Comprehensive Rail Agreement (the “CRA”) pursuant to which DRPT will purchase from Railway, among other property, a portion of the RF&P Corridor (the portion so purchased, “Segment 1”), subject to a retained, perpetual, exclusive freight easement, governed by the Joint Operating and Maintenance Agreement (“JOMA”).

WHEREAS, the property sold under the CRA includes portions of the Premises that are subject to the MLA.

WHEREAS, the Parties desire to amend the MLA to remove the portion of the Premises located within Segment 1 from the MLA, and to allow the Commissions to retain the remainder, rent free (other than as provided herein), for the duration of the JOMA.

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performances herein contained, and other consideration the receipt and sufficiency of which is hereby acknowledged, and with the intent to be legally bound hereby, the Commissions and Railway agree to incorporate the above recitals into this Amendment and further contract, promise and agree as follows:

1. Premises. The Premises are hereby revised to reflect the station sites in accordance with **Exhibit A**.
2. Term. The Term of the MLA is hereby revised to be coterminous with the Amended and Restated Operating Access Agreement between Railway and the Commissions dated as of the Amendment Effective Date, unless earlier terminated in accordance with Section 12 of the MLA.
3. Rent. The Commissions are hereby relieved of their obligation to pay rent for (i) the Premises as the Premises exist on the Amendment Effective Date, and (ii) additions to or expansions of the Premises at the Alexandria, Franconia, Quantico, and Fredericksburg stations sites that are advanced beyond conceptual design (30%) phase as of the

Amendment Effective Date. Any future additions to or expansion of the Premises shall be subject to market rent to be paid by the Commissions to the Railway.

4. Future Additions and/or Expansions. Any future additions to or expansions of the Premises shall be subject to the Railway's approval and a written amendment to the MLA executed by all Parties prior to the commencement of any construction.
5. Effective Date. This Amendment shall be effective as of the Amendment Effective Date.
6. No Other Changes. Other than as expressly set forth in this Amendment, the MLA shall remain in full force and effect.

IN WITNESS WHEREOF, each of the undersigned, intending to be legally bound, has caused this Amendment to be executed and delivered as of the Amendment Effective Date.

CSX Transportation, Inc.

By: \_\_\_\_\_  
Name:  
Title

Northern Virginia Transportation Commission

By: \_\_\_\_\_  
Name:  
Title

Potomac and Rappahannock Transportation Commission

By: \_\_\_\_\_  
Name:  
Title

Exhibit A

(Premises)

[To Be Inserted]

CURRENT DRAFT

**TO:** Chair Cristol and NVTC Commissioners  
**FROM:** Kate Mattice  
**DATE:** April 29, 2021  
**SUBJECT:** Department of Rail and Public Transportation (DRPT)

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At the May meeting DRPT Director Jennifer Mitchell will give her report, including an update on the impacts of the COVID-19 public health emergency on state transit funding. DRPT staff will also give a presentation on the [Springfield to Quantico Enhance Public Transportation Feasibility Study](#).

**A. Monthly DRPT Report**

At the May meeting DRPT Director Mitchell will give her report. The [monthly DRPT Report](#), which provides updates on DRPT programs and initiatives, is attached.

**B. Presentation on the Springfield To Quantico Enhanced Public Transportation Feasibility Study**

At the May meeting DRPT Chief of Public Transportation Jennifer DeBruhl will give a presentation on the [Springfield to Quantico Enhanced Public Transportation Feasibility Study](#). DRPT is conducting a feasibility study of enhanced public transportation services between the Franconia-Springfield Metro station in Fairfax County and the Quantico Marine Base in Prince William County. The study will assess transit enhancements which could include options such as additional express bus services, increased VRE commuter rail service levels, Bus Rapid Transit (BRT), or an extension of Metrorail. In addition, the study will also assess the planned land use and identify potential station areas and development opportunities. DRPT will submit the final report and recommendation to the General Assembly by December 1, 2021.

DRPT has also solicited guidance and feedback from regular meetings of a Technical Advisory Committee (TAC) comprised of stakeholders from Fairfax County, Prince William County, NVTC, PRTC, U.S Department of Defense, VRE and WMATA. DRPT also seeks ongoing input from elected officials and the public from [online surveys](#) (May 15 deadline) and a public meeting to be held on May 4, 2021.





## COMMONWEALTH of VIRGINIA

Jennifer L. Mitchell  
Director

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

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

TO: Chair Cristol and NVTC Commissioners

FROM: Jennifer Mitchell, Director

DATE: April 27, 2021

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

The Commonwealth Transportation Board (CTB) met virtually on March 17 and April 20/21. At the March 17 workshop, the CTB received a [briefing](#) on the 2021 Transportation Initiative, which includes \$323.4 million in one-time funding allocated to the Commonwealth Transportation Fund. Up to \$32.4 million is being allocated to DRPT to cover an anticipated \$22.4 million shortfall in WMATA dedicated funding for FY22. This funding is being provided from state sources, with the balance being allocated to NVTC for assistance with jurisdictional capital and operating subsidies. At the business meeting, the CTB [approved](#) a prioritization policy for VTrans mid-term needs and updated the policy guide, which can be found on the [VTrans website](#).

At the April 20 workshop, the CTB received an update on the \$860.3 million DRPT [FY22 budget](#) and \$5.7 billion [FY22-27 Six Year Improvement Program](#) (SYIP). The budget increases transit operating assistance in FY22 by two percent and fully funds the \$154.5 million WMATA dedicated funding requirement (including the funding from the 2021 Transportation Initiative). The transit capital program is focused primarily on state of good repair, funding replacement of assets that are at or exceed 95 percent of their useful life which is primarily replacement vehicles. No major expansion projects are recommended to receive funding in FY22. The [draft SYIP](#) and FY22 [agency budget](#) are available on DRPT's website. Nine virtual [public meetings](#) are being held between April 22 and May 5 with each one focused on a CTB District. The Northern Virginia (NOVA) District meeting will be held on Monday, May 3 at 6 PM. Comments are being accepted through May 17 and can be sent to [DRPTPR@drpt.virginia.gov](mailto:DRPTPR@drpt.virginia.gov) or submitted via the [online](#) or [mail-in](#) comment forms.

Also at the April 20 workshop, the CTB received a [briefing](#) on the I-495 Northern Extension (495 NEXT) project. The project will have a dedicated Transit Improvement Fund that will provide

*DRPT.Virginia.gov*

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

\$5.2 million for the purchase of vehicles and \$2.2 million annually for operations. The [final report](#) of the I-495 Transit and Transportation Demand Management (TDM) study is available on the [project page](#) on DRPT's website.

At the April 21 [business meeting](#), the CTB voted to add the \$247,500 Federal Transit Administration (FTA) COVID-19 transit recovery toolkit Demonstration Grant to the FY21-26 SYIP. DRPT actively solicited feedback from transit agencies in the development of this project and will include agency participation on a stakeholder group and in interviews for this project. The project is anticipated to kick off in early May.

DRPT is holding a Transit Service Delivery Advisory Committee (TSDAC) meeting on April 29. The agenda includes 2021 legislative updates, the FY22 budget and SYIP, and FY22 grant application process and transit and TDM program updates. Participants must [register](#) in advance. The agenda as well as previous TSDAC meeting agendas, minutes, presentations, and archived recordings are available on the [project page](#) on DRPT's website.

DRPT is holding a virtual public meeting for the Springfield to Quantico Enhanced Public Transportation feasibility study on May 4. Participants must [register](#) in advance, and language assistance must be requested at least seven days in advance. DRPT is also conducting a [survey](#) about transportation usage in the corridor until May 15. More information about the study is available on the [project page](#) on DRPT's website.

On April 8, Governor Ralph Northam [announced](#) the appointment of Donald A. ("DJ") Stadtler, Jr. to the position of Executive Director the Virginia Passenger Rail Authority (VPRA). Mr. Stadtler was an Executive Vice President at Amtrak for the past 12 years and worked for the Federal Railroad Administration (FRA) in financial positions for the 11 years before that.

On March 30, Governor Northam [announced](#) the Commonwealth had finalized agreements with Amtrak, CSX, and the Virginia Railway Express (VRE) to expand passenger, freight, and commuter rail service in the Washington, DC to Richmond corridor. The agreement will double Amtrak service to nearly hourly and increase VRE service by 60 percent in the next ten years.

DRPT is hiring for a Northern Virginia (NOVA) [transit planner position](#) based in Alexandria. The posting closes on May 7. DRPT is also hiring for two [statewide transit planning manager](#) positions based in Richmond. The posting closes on April 28. The VPRA is hiring a [procurement manager](#) position based in Richmond. It is open until filled. Finally, two DRPT employees have accepted positions with the VPRA. DRPT's Chief Financial Officer (CFO) Steve Pittard has accepted the same position at the VPRA, and DRPT's Chief of Rail Mike McLaughlin will be the Chief Operating Officer of the VPRA.

**TO:** Chair Cristol and NVTC Commissioners  
**FROM:** Kate Mattice  
**DATE:** April 29, 2021  
**SUBJECT:** Executive Director Report

---

**A. Executive Director Newsletter**

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

This month the Executive Director Newsletter reports on the project approval process for Commuter Choice on the I-395/95 corridor, next steps for planning the Envision Route 7 Bus Rapid Transit (BRT) system and comments from Virginia's Metro Board members on the recently-passed budget.

**B. NVTC Financial Reports**

The February 2021 and March 2021 Financial Reports are provided as information.



## Executive Director Newsletter

May 2021

Since the onset of the COVID-19 pandemic more than a year ago, I've preached the need to keep looking forward and to plan for the time when people return to rails, buses and roads. It's a message heeded by our Commuter Choice team as they solicited and scored a Program of Projects for I-395/95. The Express Lanes have experienced a steady uptick in daily usage, reminding us of the importance of supporting other ways to move through this busy corridor.

Our regional transit partners have also been hard at work to make sure they meet the needs of returning passengers. The Metro Board of Directors recently approved a budget that provides a robust level of service and GM/CEO Paul J. Wiedefeld expects to ask the Board for additional service increases as the year goes on. Later this month, the third and final wave of the Platform Improvement Project impacting Northern Virginia Metrorail stations will wrap up. The multi-year project has improved platform safety and communications and added amenities for riders.

Meanwhile, VRE has experienced a surge in returning riders and is surveying passengers about their commuting plans. The system has been running on a reduced schedule for more than a year, but is considering returning to the full schedule by the end of the month.

We're not out of the pandemic woods, but the preparation done by our staff and at the region's transit agencies helps ease the road (and rails) to recovery.

*Executive Director*

### Inside This Issue

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DASH features winners of poetry contest	6
USDOT announces \$1 billion in available infrastructure funding	7
Amtrak: Biden infrastructure plan would provide new and improved service	7

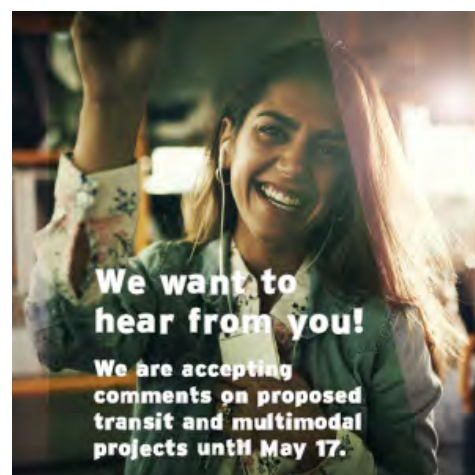
### Key Dates

- May 18-19 - Commonwealth Transportation Board
- May 20 - NVTC WMATA Committee
- May 21 - VRE Operations Board
- June 3 - Commission Meeting
- June 25 - VRE Operations Board
- June 22-23 - Commonwealth Transportation Board

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



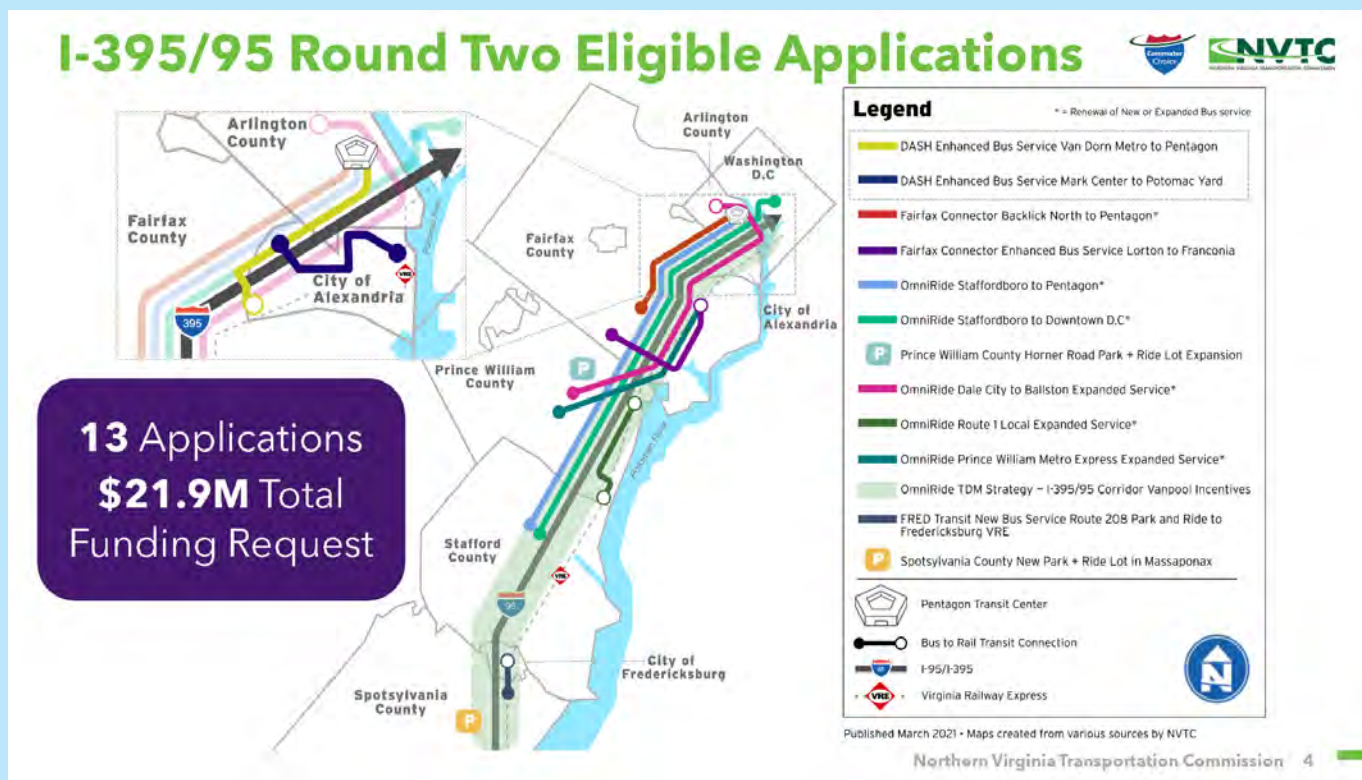
[NoVaTransit.org](https://www.NoVaTransit.org)  
[NoVaRides.org](https://www.NoVaRides.org)  
[@NoVaTransit](https://twitter.com/NoVaTransit)  
[@NoVaTransit](https://twitter.com/NoVaTransit)





## Committees endorse next Commuter Choice funding steps for the I-395/95 and I-66 corridors

A joint [committee meeting](#) April 22 resulted in endorsements of the Commuter Choice team's recommendations for the next funding steps on both the I-395/95 and I-66 corridors. For the I-395/95 corridor program, the Joint Commission Working Group (JCWG) – which consists of three Commissioners each from NVTC and the Potomac and Rappahannock Transportation Commission (PRTC) – endorsed staff's recommendation to fund all 13 eligible proposals under consideration for Round Two (FY 2022-FY 2023) funding, subject to public comments received. JCWG members agreed that all 13 proposals, which have a total funding request of \$21.9 million, represent compelling efforts to move more people and expand transportation options in the I-395/95 corridor and that all merit funding support from the up to \$30 million expected to be available over the two fiscal year period. Staff will brief the full Commissions and Commonwealth Transportation Board on this approach in May. Approvals of a Round Two program of projects are expected in June.



NVTC held an interactive Virtual Town Hall meeting on our [YouTube](#) channel April 28 for members of the public to learn more about the proposals and Commuter Choice. To help spread the word about the Virtual Town Hall, [Public comment](#) on the 13 proposals is open through Monday, May 17.

The NVTC Program Advisory Committee supported the Commuter Choice team's plan to bring forward a Supplemental (FY 2022) Round Four Program of Projects for the I-66 corridor program for approvals this October, rather than this spring. While no new revenue is available to fund additional projects, staff expect to have at least \$5 million available this fall. Much of the funding will be from the I-66 Outside the Beltway Express Lanes concessionaire's initial payment to the Commonwealth for transit improvements in advance of the Express Lanes' opening next year. Portions of these regular, stipulated

payments are designated for Commuter Choice in the coming years. The [Supplemental Program](#) would be drawn from the total of five new bus services, new commuter incentives, and larger capital proposals submitted to the Round Four (FY 2021-FY 2022) call for projects in January 2020. Consideration for the Supplemental Program will be based on the proposals' technical scores, subject to funding availability and public comment, as previously adopted by the Commission.

## Metro Board passes FY 2022 budget



Metro's Board of Directors approved a \$4.7 billion operating and capital budget April 22 for fiscal year 2022 that maintains current service levels and enhancements, while continuing to accelerate Metro's capital investment in safety-critical repairs and service reliability improvements.

Under the \$2.07 billion operating budget, Metro will maintain service at 80-85% percent of pre-pandemic levels to support expected ridership growth as the region resumes events, classroom learning and businesses reopen with increased capacity.

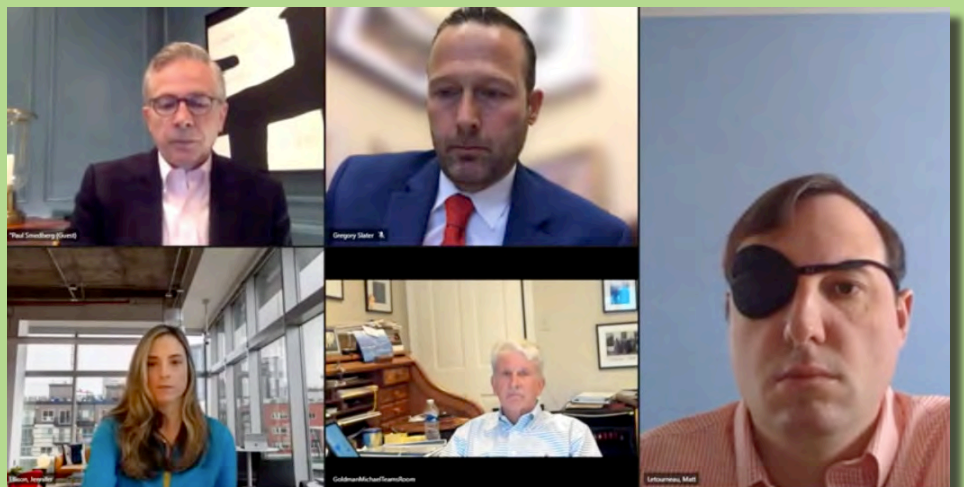
Metro GM/CEO Paul J. Wiedefeld [said](#) the agency is watching ridership demand as well as progress with the COVID-19 vaccines. He expects to return to the Board in May and September with recommendations to expand service.

The operating budget is supported by \$722.9 million in federal relief funding, including \$193.4 million through the American Rescue Plan Act (ARPA), enacted last month. The funding helped Metro close a budget gap that eliminated the need for drastic bus and rail service cuts, station closures and employee layoffs.

Board Chair Paul Smedberg [noted](#) the importance of the work done by the Congressional delegations in the Washington region, "Without it, we'd be having a very, very different conversation right now, so I really want to applaud our Congressional delegation for their work and continued support and everything they do on our region's behalf as it relates to transit."

The Board also approved a six-year capital funding agreement (CFA) with the jurisdictions that fund Metro: the counties of Arlington, Fairfax and Loudoun and the cities of Alexandria, Falls Church and Fairfax.

Finally, the Board [authorized](#) a public hearing on the construction of a second entrance for the Crystal City Metro station this summer. The Arlington-led project will be built at the corner of 18th Street South and Crystal Drive and enhance access to VRE and Metroway. It's expected to open in fall 2023.





## Envision Route 7 to move forward this year

NVTC's work to help plan for a Bus Rapid Transit (BRT) system between the Silver Line in Tysons and the Mark Center in Alexandria will move into the next phase in the coming months.

The next step for [Envision Route 7](#) will be the Phase IV Mobility Analysis. Under the leadership of Transit Resource Center Program Manager Dan Goldfarb, staff will evaluate and determine the mobility benefits and impacts resulting from the proposed BRT. The study will be divided into two steps and will build off the work recently completed by [Fairfax County](#) which was related to the alignment in [Tysons](#) and required roadway expansions. NVTC will use the data sets and model files from the Fairfax County work. The Phase IV-1 effort will focus on the segment from Tysons to Seven Corners and it will incorporate the work done in Tysons. The future Phase IV-2 will examine Seven Corners to Alexandria.

The goals for the Envision Route 7 Phase IV Mobility Analysis include:

- To quantify and document the mobility benefits of the BRT project
- To identify project impacts and develop reasonable and feasible mitigation solutions
- Previous study phases found BRT would benefit commuters with key connections to Mark Center, Tysons and Metro and serve other trip purposes including shopping and recreation

NVTC continues to coordinate with Arlington and Fairfax counties and the cities of Alexandria and Falls Church, as well as regional and state agencies. The project Technical Advisory Committee (TAC), comprised of members from the jurisdictions and other agencies, meets regularly. Staff expects to ask the Commission to approve a request for proposals this summer and bring a contractor on board this fall.



*A rendering of what a BRT system on Route 7 could look like.*

## **Virginia Passenger Rail Authority names first executive director**

A longtime Amtrak executive will lead the Virginia Passenger Rail Authority (VPRA). Gov. Ralph Northam [announced](#) that Donald A. (“DJ”) Stadtler, Jr. will serve as executive director of the authority charged with overseeing a \$3.7 billion dollar expansion of passenger rail service in the Commonwealth. Stadtler served as an executive vice president at Amtrak for the past 12 years and has extensive experience in the rail industry. “The Commonwealth welcomes DJ Stadtler to the Virginia Passenger Rail Authority as we transform the future of rail in our Commonwealth,” said Governor Northam in a news release. “The work of the VPRA will be critical to expanding service, improving reliability, and enhancing mobility—and ensuring it happens in an equitable, environmentally sustainable way.”

The General Assembly established the VPRA last year as part of the [Transforming Rail in Virginia](#) initiative. Key priorities include building a new Long Bridge over the Potomac River between Virginia and the District of Columbia and expanding VRE commuter service on the Fredericksburg line by 60%.



*Donald A. (“DJ”) Stadtler, Jr. Photo courtesy: Virginia Department of Rail and Public Transportation.*



## Metro phases out older SmarTrip Cards

Metro [announced](#) in April that it would phase out SmarTrip cards produced prior to 2012 as it invests in new faregates, fareboxes and fare payment systems. Chips in the older cards are not compatible with new technology. The agency estimates about 400,000 older SmarTrip cards were in use before the onset of the COVID-19 pandemic. Additional information and instructions on how to transfer your balance to a new or existing SmarTrip card can be found at [wmata.com/cardreplacement](http://wmata.com/cardreplacement).

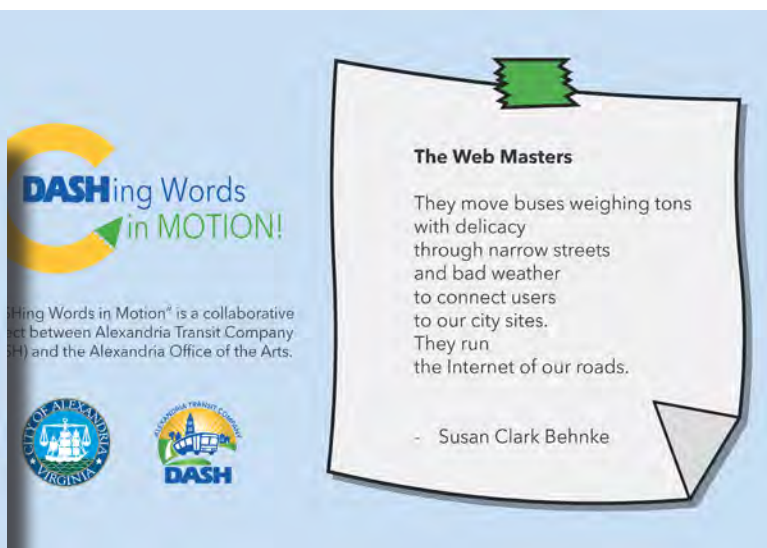
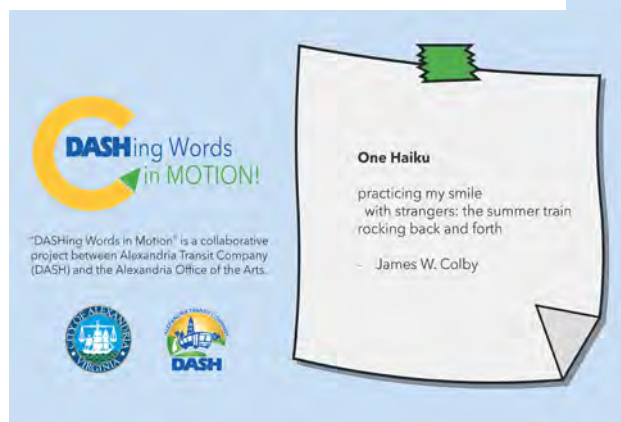


Photo by [thisisbossi on Flickr](#). Licensed under Creative Commons.

## DASH features winners of poetry contest



DASH and Alexandria's Office of the Arts selected the works of eight [poets](#) as part its annual DASHING Words in Motion contest. This year's competition drew 40 submissions. Winning poems are featured on buses in April and May.



## USDOT announces \$1 billion in available infrastructure funding



The U.S. Department of Transportation (USDOT) [announced](#) a Notice of Funding Opportunity (NOFO) to apply for \$1 billion in discretionary grant funding during the current fiscal year. The program first known as TIGER and then BUILD also has a new name: Rebuilding American Infrastructure with Sustainability and Equity (RAISE). USDOT will hold a series of webinars on the grant application process, which closes July 12.

“In communities across the country, there is tremendous need for transportation projects that create high-quality jobs, improve safety, protect our environment, and generate equitable economic opportunity for all Americans,” said U.S. Secretary of Transportation Pete Buttigieg in a news release.

Since 2009 USDOT has provided \$8.935 billion in grants to projects in all 50 states, the District of Columbia and Puerto Rico. [Previously awarded](#) grants went toward The Long Bridge National Environmental Policy Act (NEPA) documentation and Metro’s Platform Improvement project.

## Amtrak: Biden infrastructure plan would provide new and improved service

Amtrak [says](#) President Joe Biden’s proposal to provide \$80 billion for the railroad would provide new and improved train service to millions of additional passengers. As the president unveiled his infrastructure plans, Amtrak released a statement saying the proposals would also provide state of good repair and improve trip times for the Northeast Corridor, noting that it has dozens of bridges, stations and tunnels that are beyond their design lives and in need of immediate replacement or rehabilitation. Amtrak’s 2035 vision includes new and enhanced service in Virginia.



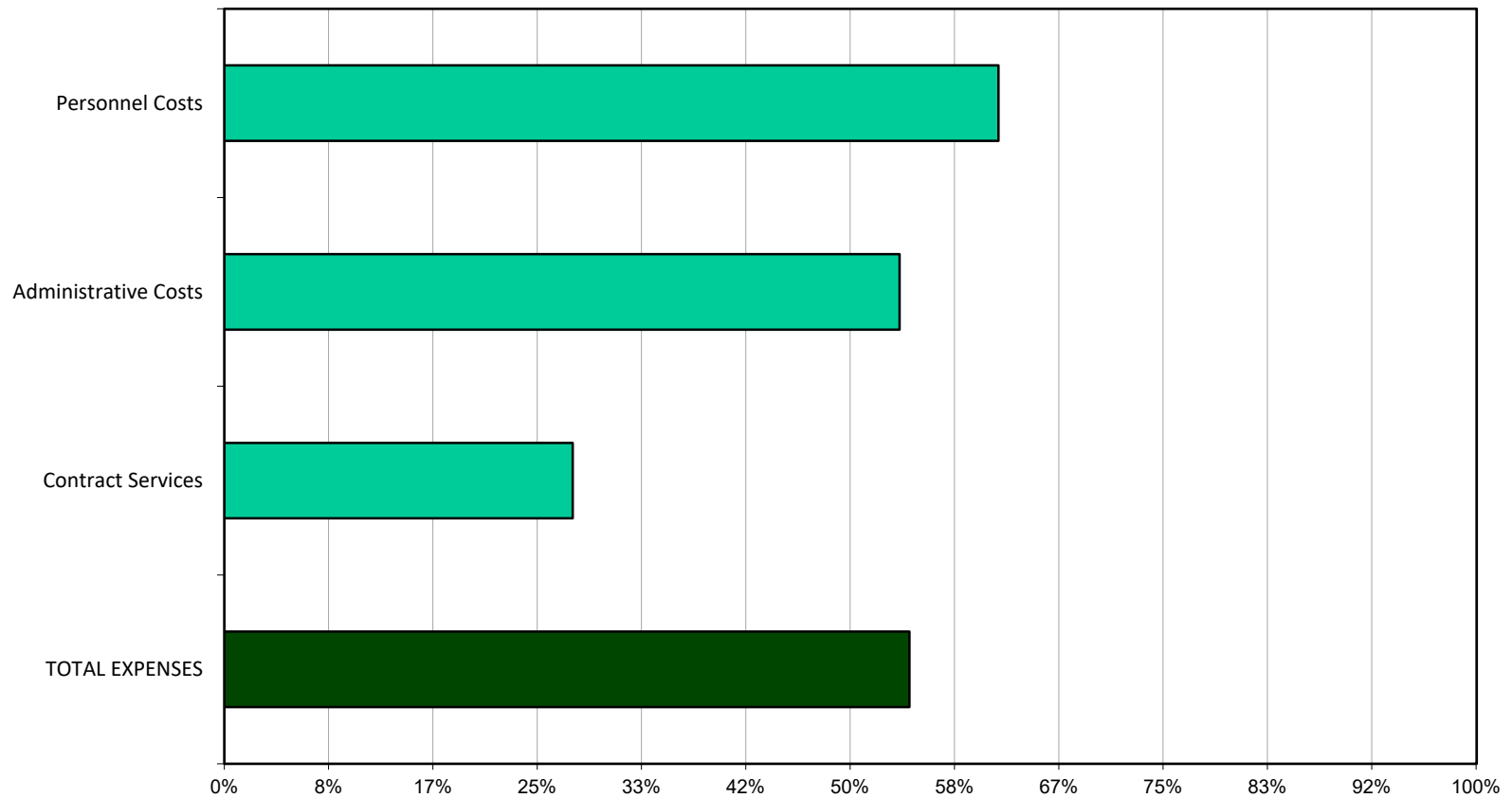
Map courtesy Amtrak



# Northern Virginia Transportation Commission

Financial Reports  
February 2021

PERCENTAGE OF FY 2021 NVTC ADMINISTRATIVE BUDGET USED  
FEBRUARY 2021  
(TARGET 66.7% OR LESS)



**Note: Refer to pages 2 and 3 for details**

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION**  
**G&A BUDGET VARIANCE REPORT**  
**February 2021**

	<b><u>Current Month</u></b>	<b><u>Year To Date</u></b>	<b><u>Annual Budget</u></b>	<b><u>Balance Available</u></b>	<b><u>Balance %</u></b>
<b><u>Personnel Costs</u></b>					
Salaries and Wages	\$ 153,706.59	\$ 1,250,977.66	\$ 2,041,700.00	\$ 790,722.34	38.7%
Temporary Employee Services	-	-	-	-	
Total Personnel Costs	<u>153,706.59</u>	<u>1,250,977.66</u>	<u>2,041,700.00</u>	<u>790,722.34</u>	<u>38.7%</u>
<b><u>Benefits</u></b>					
Employer's Contributions:					
FICA	10,752.52	89,801.01	140,100.00	50,298.99	35.9%
Group Health Insurance	12,021.79	94,437.59	176,600.00	82,162.41	46.5%
Retirement	15,922.00	128,916.00	174,000.00	45,084.00	25.9%
Workmans & Unemployment Compensation	339.73	2,800.57	5,100.00	2,299.43	45.1%
Life Insurance	100.80	5,239.11	6,800.00	1,560.89	23.0%
Long Term Disability Insurance	881.41	6,915.70	10,000.00	3,084.30	30.8%
Total Benefit Costs	<u>40,018.25</u>	<u>328,109.98</u>	<u>512,600.00</u>	<u>184,490.02</u>	<u>36.0%</u>
<b><u>Administrative Costs</u></b>					
Commissioners Per Diem	1,100.00	10,250.00	14,600.00	4,350.00	29.8%
<i>Rents:</i>	<i>30,478.93</i>	<i>243,228.59</i>	<i>393,400.00</i>	<i>150,171.41</i>	<i>38.2%</i>
Office Rent	30,372.63	242,981.04	366,000.00	123,018.96	33.6%
Parking & Transit Benefits	106.30	247.55	27,400.00	27,152.45	99.1%
<i>Insurance:</i>	<i>478.14</i>	<i>5,478.49</i>	<i>6,800.00</i>	<i>1,321.51</i>	<i>19.4%</i>
Public Official Bonds	-	1,600.00	2,000.00	400.00	20.0%
Liability and Property	478.14	3,878.49	4,800.00	921.51	19.2%
<i>Travel:</i>	<i>425.00</i>	<i>2,316.73</i>	<i>44,600.00</i>	<i>42,283.27</i>	<i>94.8%</i>
Conference / Professional Development	425.00	1,976.09	27,100.00	25,123.91	92.7%
Non-Local Travel	-	-	3,100.00	3,100.00	100.0%
Local Travel, Meetings and Related Expenses	-	340.64	14,400.00	14,059.36	97.6%

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION**  
**G&A BUDGET VARIANCE REPORT**  
**February 2021**

	<b><u>Current</u></b> <b><u>Month</u></b>	<b><u>Year</u></b> <b><u>To Date</u></b>	<b><u>Annual</u></b> <b><u>Budget</u></b>	<b><u>Balance</u></b> <b><u>Available</u></b>	<b><u>Balance</u></b> <b><u>%</u></b>
<i>Communication:</i>	957.57	8,968.58	15,500.00	6,531.42	42.1%
Postage	-	453.46	1,400.00	946.54	67.6%
Telephone and Data	957.57	8,515.12	14,100.00	5,584.88	39.6%
<i>Publications &amp; Supplies</i>	406.00	8,804.39	28,700.00	19,895.61	69.3%
Office Supplies	-	279.90	2,800.00	2,520.10	90.0%
Duplication and Paper	406.00	3,929.37	10,900.00	6,970.63	64.0%
Public Engagement	-	4,595.12	15,000.00	10,404.88	69.4%
<i>Operations:</i>	1,196.23	11,770.77	37,500.00	25,729.23	68.6%
Furniture and Equipment (Capital)	-	1,024.48	13,600.00	12,575.52	92.5%
Repairs and Maintenance	50.00	382.50	1,000.00	617.50	61.8%
Computer Operations	1,146.23	10,363.79	22,900.00	12,536.21	54.7%
<i>Other General and Administrative:</i>	701.82	6,141.48	9,600.00	3,458.52	36.0%
Memberships	80.75	1,139.72	1,600.00	460.28	28.8%
Fees and Miscellaneous	621.07	5,001.76	6,500.00	1,498.24	23.0%
Advertising (Personnel/Procurement)	-	-	1,500.00	1,500.00	100.0%
Total Administrative Costs	<u>35,743.69</u>	<u>296,959.03</u>	<u>550,700.00</u>	<u>253,740.97</u>	<u>46.1%</u>
<u>Contracting Services</u>					
Auditing	-	9,500.00	24,500.00	15,000.00	61.2%
Contract Services and Support - Commuter Choice	13,704.34	99,646.83	479,000.00	379,353.17	79.2%
Contract Services and Support - Other	6,024.41	50,748.81	120,000.00	69,251.19	57.7%
Legal	2,916.67	23,333.36	35,000.00	11,666.64	33.3%
Total Contract Services	<u>22,645.42</u>	<u>183,229.00</u>	<u>658,500.00</u>	<u>475,271.00</u>	<u>72.2%</u>
 Total Gross G&A Expenses	<u><u>\$ 252,113.95</u></u>	<u><u>\$ 2,059,275.67</u></u>	<u><u>\$ 3,763,500.00</u></u>	<u><u>\$ 1,704,224.33</u></u>	<u><u>45.3%</u></u>

**NVTC**  
**RECEIPTS and DISBURSEMENTS**  
**February 2021**

February 2021

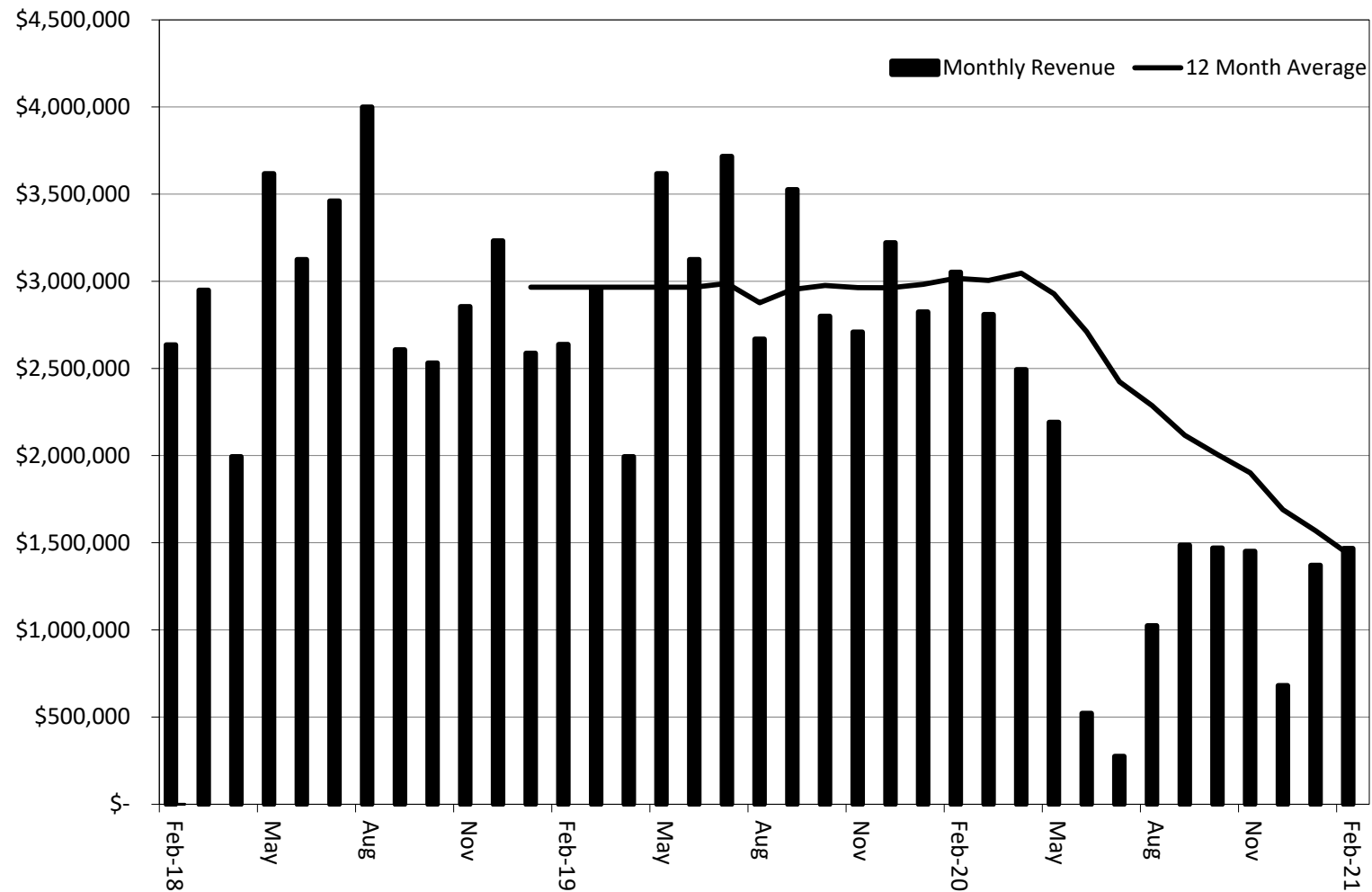
			Virginia LGIP				
Date	Payer / Payee	Purpose	Wells Fargo Checking	Wells Fargo Savings	NVTC G&A / Project	Commuter Choice	Trusts
RECEIPTS							
1	DMV	Motor Vehicle Fuels Sales tax receipt					\$ 1,371,032.19
1	DMV	C-ROC			1,250,000.00		
12	DRPT	Operating assistance - City of Fairfax					230,844.00
12	DRPT	Capital and operating assistance - WMATA					15,686,733.00
25	VRE	Staff support		7,230.27			
25	Arlington County	G&A contribution		64,369.00			
28	Banks	Investment earnings		4.91	66.10	4,397.52	16,002.65
			-	71,604.18	1,250,066.10	4,397.52	17,304,611.84
DISBURSEMENTS							
1-28	Various	G&A expenses	(207,282.63)				
1	DMV	C-ROC			(1,250,000.00)		
10	Kimley-Horn	Consulting - Fare collection project	(2,730.00)				
10	Kimley-Horn	Consulting - Commuter Choice I-66	(5,020.78)				
10	Kimley-Horn	Consulting - Commuter Choice I-395/95	(6,523.56)				
10	SIR	Consulting - Commuter Choice I-66 outreach	(2,160.00)				
25	Falls Church	Commuter Choice I-66 project reimbursement				(22,049.00)	
25	Arlington County	Commuter Choice I-66 project reimbursement				(28,858.00)	
25	Fairfax County	Commuter Choice I-66 project reimbursement				(520,000.00)	
25	Loudoun County	Commuter Choice I-66 project reimbursement				(1,279,630.00)	
25	DASH	Commuter Choice I-395/95 project reimbursement				(418,466.00)	
25	NVRC	Commuter Choice I-395/95 project reimbursement				(35,677.00)	
28	Banks	Service charges	(53.14)	(16.06)			
			(223,770.11)	(16.06)	(1,250,000.00)	(2,304,680.00)	-
TRANSFERS							
10	Transfer	From LGIP to checking	200,000.00		(200,000.00)		
			200,000.00	-	(200,000.00)	-	-
NET INCREASE (DECREASE) FOR MONTH			\$ (23,770.11)	\$ 71,588.12	\$ (199,933.90)	\$ (2,300,282.48)	\$ 17,304,611.84

**NVTC**  
**INVESTMENT REPORT**  
**February 28, 2021**

Type	Rate	Balance 1/31/2021	Increase (Decrease)	Balance 2/28/2021	Balance			
					NVTC G&A/Project	Commuter Choice	Jurisdictions Trust Fund	Loudoun Trust Fund
<u>Cash Deposits</u>								
Wells Fargo: NVTC Checking	N/A	\$ 107,778.70	\$ (23,770.11)	\$ 84,008.59	\$ 84,008.59	\$ -	\$ -	\$ -
Wells Fargo: NVTC Savings	0.160%	30,045.49	71,588.12	101,633.61	101,633.61	-	-	-
<u>Investments</u>								
Bank of America: Virginia Local Government Investment Pool	0.115%	227,830,043.36	14,804,395.46	242,634,438.82	677,837.76	47,932,622.97	151,709,550.53	42,314,427.56
		<u>\$ 227,967,867.55</u>	<u>\$ 14,852,213.47</u>	<u>\$ 242,820,081.02</u>	<u>\$ 863,479.96</u>	<u>\$ 47,932,622.97</u>	<u>\$ 151,709,550.53</u>	<u>\$ 42,314,427.56</u>

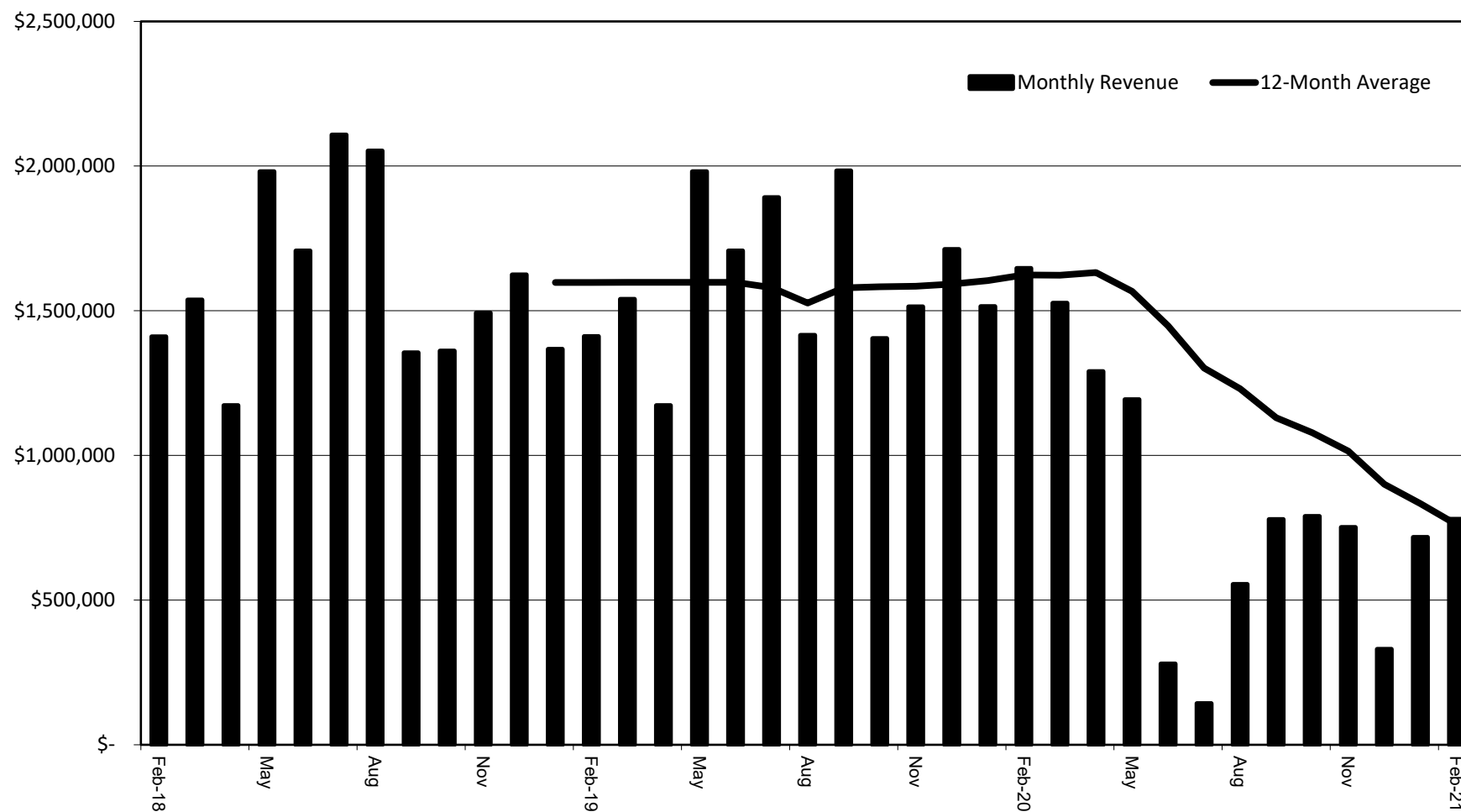


# NVTC MONTHLY GAS TAX REVENUE ALL JURISDICTIONS FISCAL YEARS 2018-2021



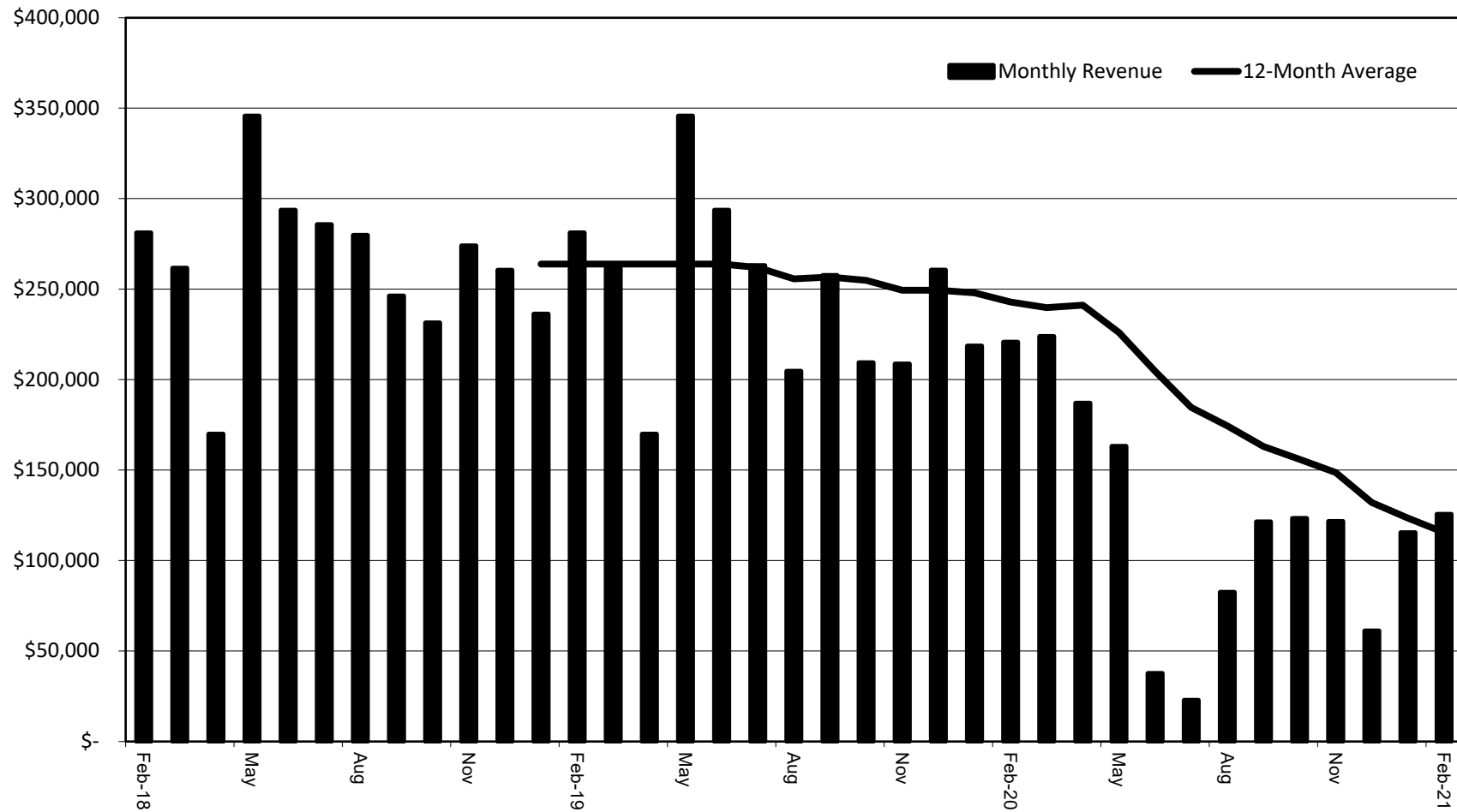
Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier.

# NVTC MONTHLY GAS TAX REVENUE FAIRFAX COUNTY FISCAL YEARS 2018-2021

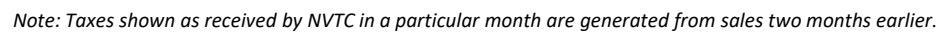
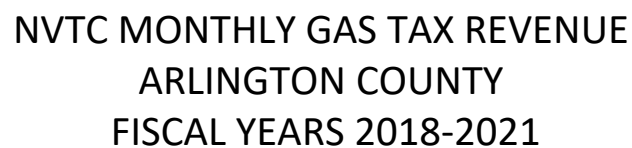


*Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier.*

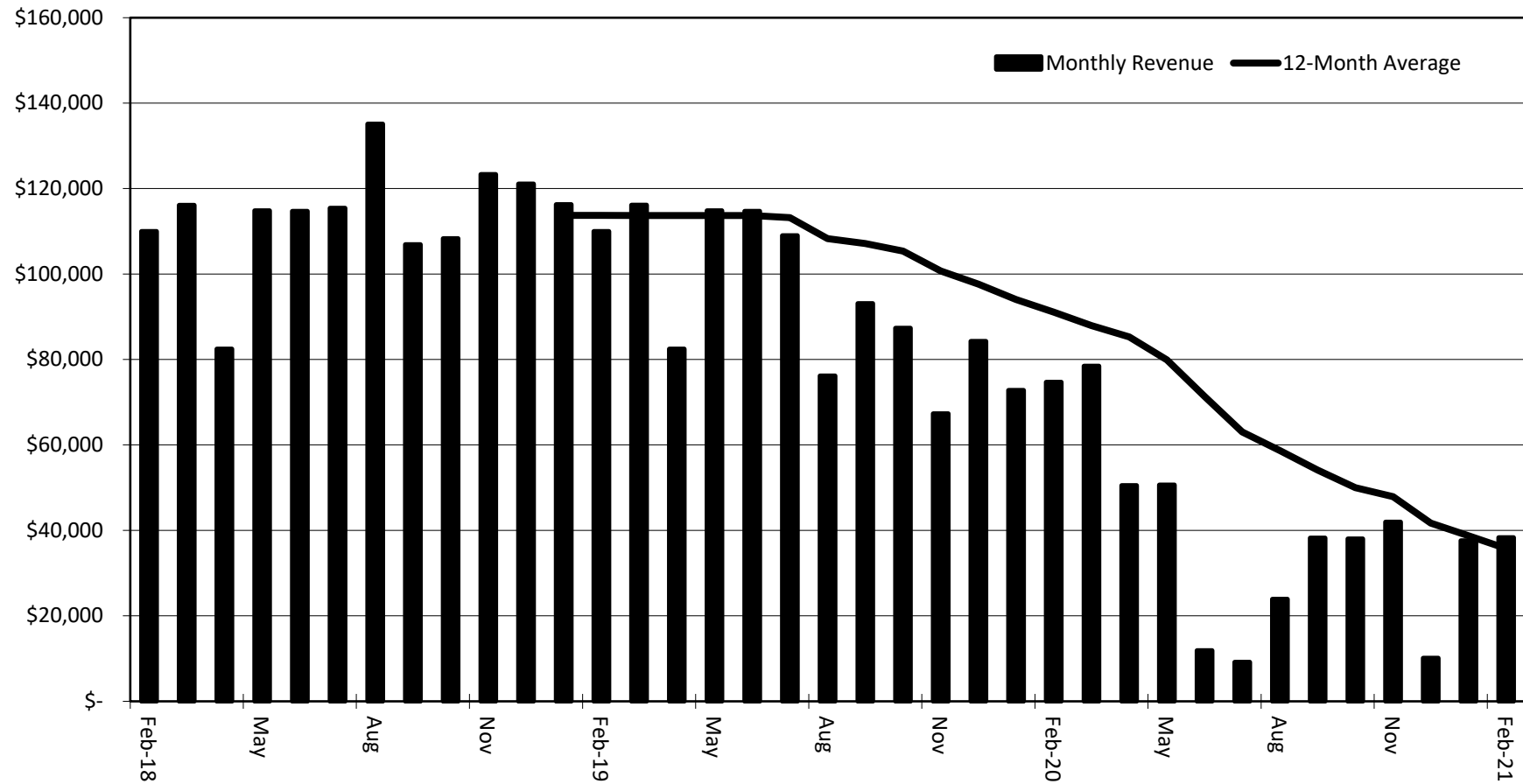
# NVTC MONTHLY GAS TAX REVENUE CITY OF ALEXANDRIA FISCAL YEARS 2018-2021



*Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier.*

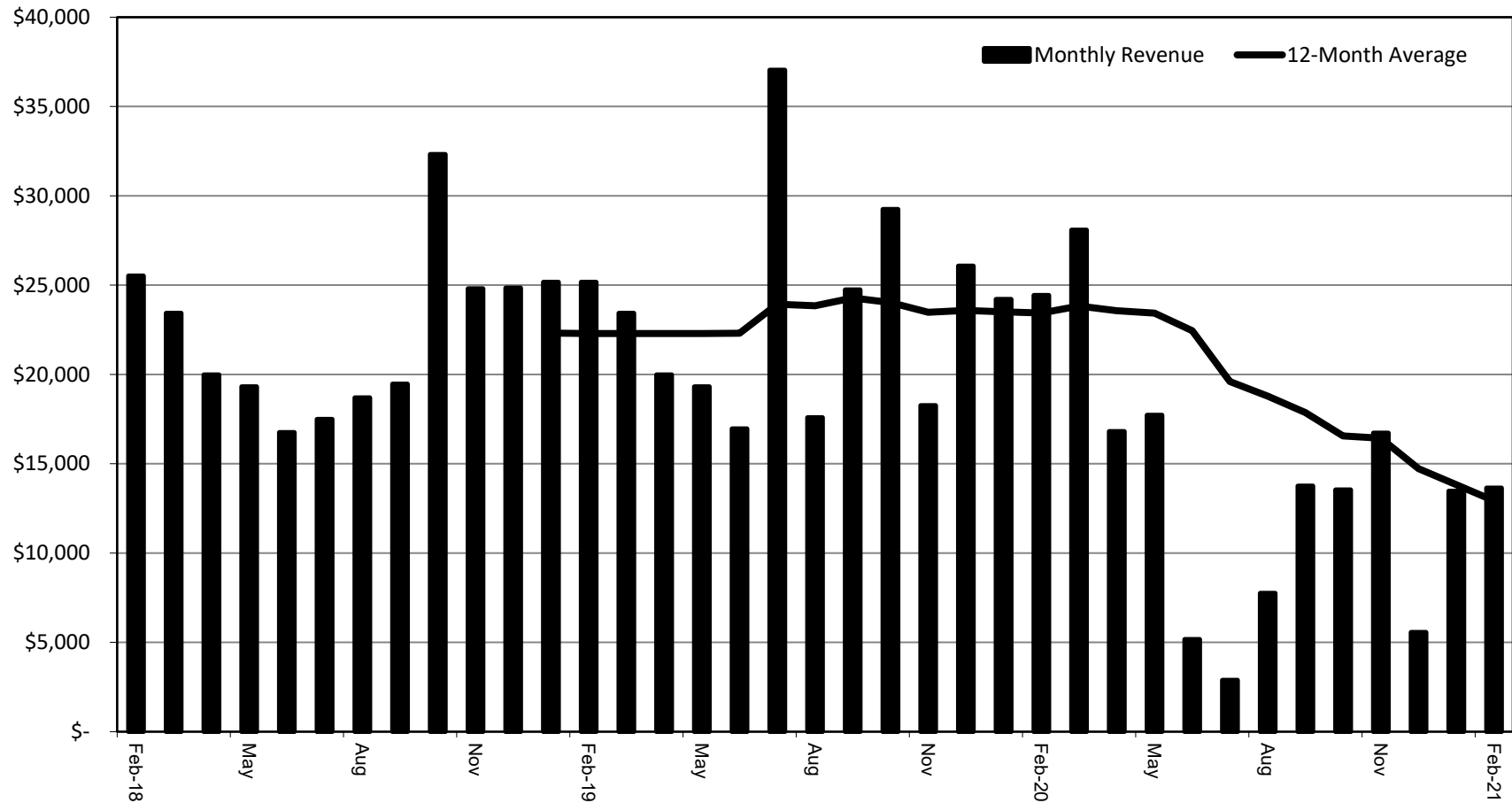


# NVTC MONTHLY GAS TAX REVENUE CITY OF FAIRFAX FISCAL YEARS 2018-2021



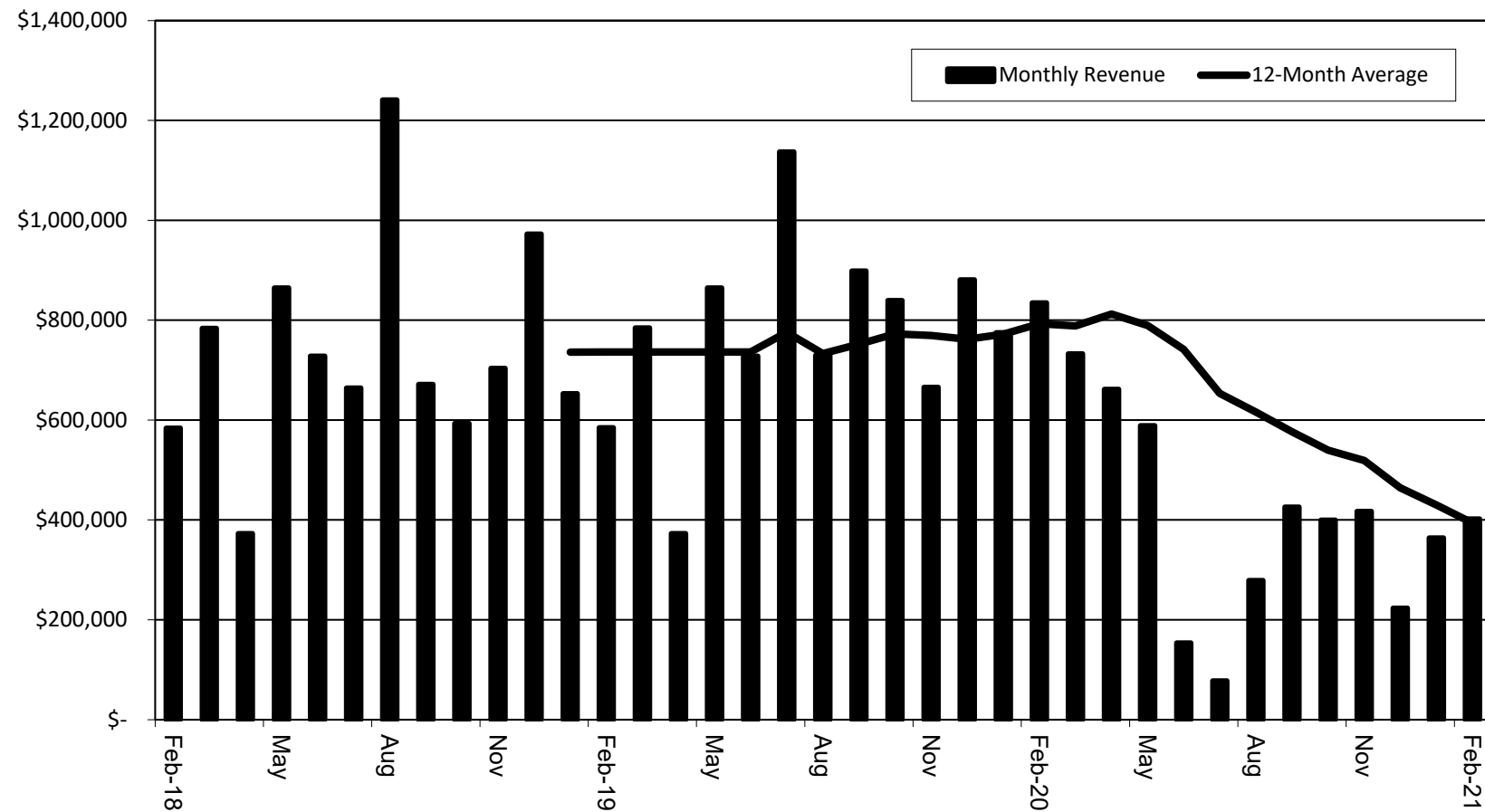
*Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier.*

# NVTC MONTHLY GAS TAX REVENUE CITY OF FALLS CHURCH FISCAL YEARS 2018-2021



*Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier .*

# NVTC MONTHLY GAS TAX REVENUE LOUDOUN COUNTY FISCAL YEARS 2018-2021



*Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier.*

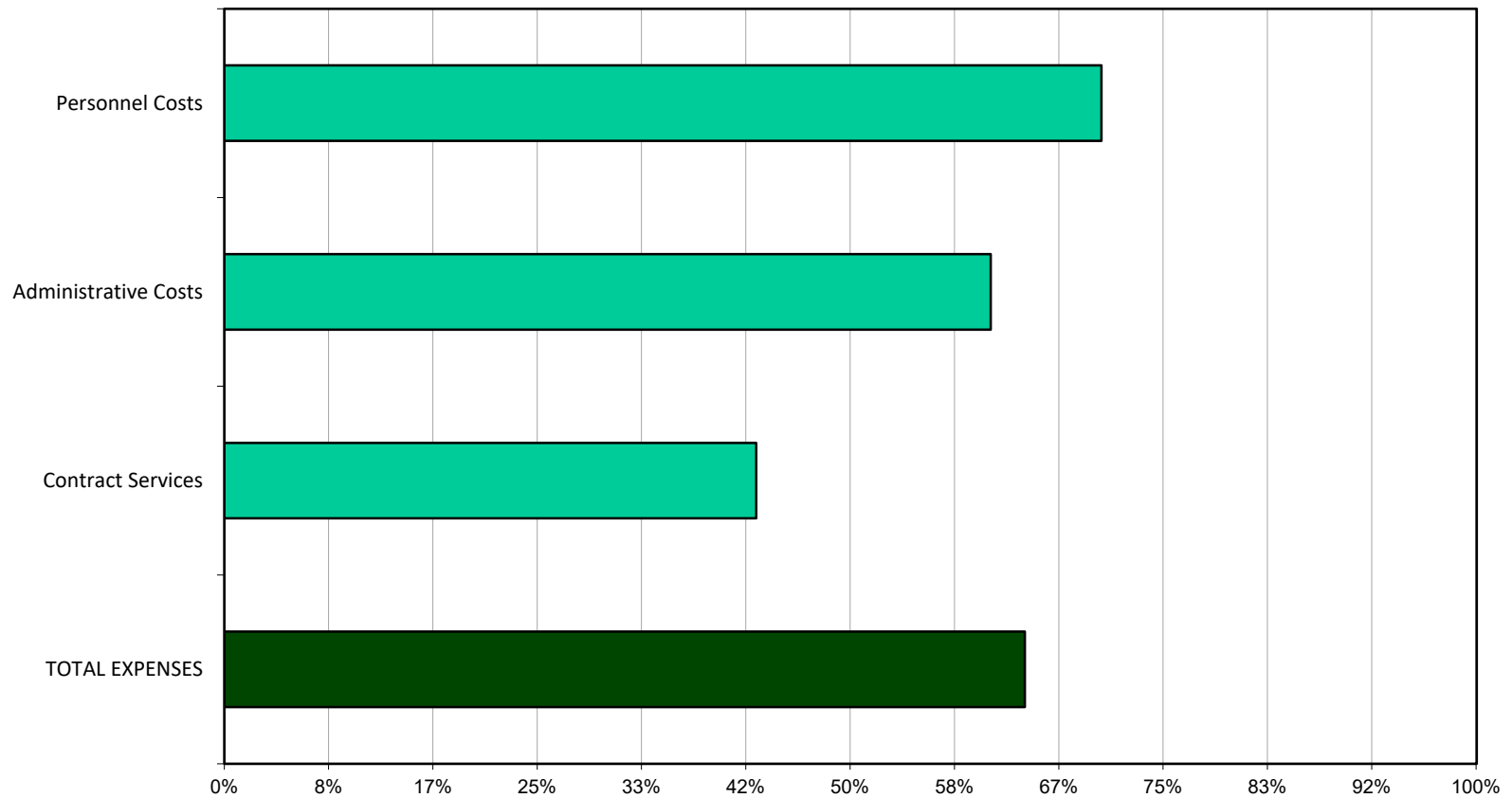


# Northern Virginia Transportation Commission

Financial Reports  
March 2021



PERCENTAGE OF FY 2021 NVTC ADMINISTRATIVE BUDGET USED  
MARCH 2021  
(TARGET 75% OR LESS)



**Note: Refer to pages 2 and 3 for details**

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION**  
**G&A BUDGET VARIANCE REPORT**  
**March 2021**

	<b><u>Current Month</u></b>	<b><u>Year To Date</u></b>	<b><u>Annual Budget</u></b>	<b><u>Balance Available</u></b>	<b><u>Balance %</u></b>
<b><u>Personnel Costs</u></b>					
Salaries and Wages	\$ 169,642.84	\$ 1,420,620.50	\$ 2,041,700.00	\$ 621,079.50	30.4%
Temporary Employee Services	-	-	-	-	
Total Personnel Costs	<u>169,642.84</u>	<u>1,420,620.50</u>	<u>2,041,700.00</u>	<u>621,079.50</u>	<u>30.4%</u>
<b><u>Benefits</u></b>					
Employer's Contributions:					
FICA	10,752.52	100,553.53	140,100.00	39,546.47	28.2%
Group Health Insurance	12,021.79	106,459.38	176,600.00	70,140.62	39.7%
Retirement	15,922.00	144,838.00	174,000.00	29,162.00	16.8%
Workmans & Unemployment Compensation	776.23	3,576.80	5,100.00	1,523.20	29.9%
Life Insurance	100.80	5,339.91	6,800.00	1,460.09	21.5%
Long Term Disability Insurance	881.41	7,797.11	10,000.00	2,202.89	22.0%
Total Benefit Costs	<u>40,454.75</u>	<u>368,564.73</u>	<u>512,600.00</u>	<u>144,035.27</u>	<u>28.1%</u>
<b><u>Administrative Costs</u></b>					
Commissioners Per Diem	1,000.00	11,250.00	14,600.00	3,350.00	22.9%
<i>Rents:</i>	<i>30,432.06</i>	<i>273,660.65</i>	<i>393,400.00</i>	<i>119,739.35</i>	<i>30.4%</i>
Office Rent	30,372.61	273,353.65	366,000.00	92,646.35	25.3%
Parking & Transit Benefits	59.45	307.00	27,400.00	27,093.00	98.9%
<i>Insurance:</i>	<i>478.14</i>	<i>5,956.63</i>	<i>6,800.00</i>	<i>843.37</i>	<i>12.4%</i>
Public Official Bonds	-	1,600.00	2,000.00	400.00	20.0%
Liability and Property	478.14	4,356.63	4,800.00	443.37	9.2%
<i>Travel:</i>	<i>-</i>	<i>2,316.73</i>	<i>44,600.00</i>	<i>42,283.27</i>	<i>94.8%</i>
Conference / Professional Development	-	1,976.09	27,100.00	25,123.91	92.7%
Non-Local Travel	-	-	3,100.00	3,100.00	100.0%
Local Travel, Meetings and Related Expenses	-	340.64	14,400.00	14,059.36	97.6%

**NORTHERN VIRGINIA TRANSPORTATION COMMISSION**  
**G&A BUDGET VARIANCE REPORT**  
**March 2021**

	<b><u>Current</u></b> <b><u>Month</u></b>	<b><u>Year</u></b> <b><u>To Date</u></b>	<b><u>Annual</u></b> <b><u>Budget</u></b>	<b><u>Balance</u></b> <b><u>Available</u></b>	<b><u>Balance</u></b> <b><u>%</u></b>
<i>Communication:</i>	661.55	9,630.13	15,500.00	5,869.87	37.9%
Postage	-	453.46	1,400.00	946.54	67.6%
Telephone and Data	661.55	9,176.67	14,100.00	4,923.33	34.9%
<i>Publications &amp; Supplies</i>	5,879.87	14,684.26	28,700.00	14,015.74	48.8%
Office Supplies	73.87	353.77	2,800.00	2,446.23	87.4%
Duplication and Paper	406.00	4,335.37	10,900.00	6,564.63	60.2%
Public Engagement	5,400.00	9,995.12	15,000.00	5,004.88	33.4%
<i>Operations:</i>	1,088.82	12,859.59	37,500.00	24,640.41	65.7%
Furniture and Equipment (Capital)	-	1,024.48	13,600.00	12,575.52	92.5%
Repairs and Maintenance	50.00	432.50	1,000.00	567.50	56.8%
Computer Operations	1,038.82	11,402.61	22,900.00	11,497.39	50.2%
<i>Other General and Administrative:</i>	548.54	6,690.02	9,600.00	2,909.98	30.3%
Memberships	80.75	1,220.47	1,600.00	379.53	23.7%
Fees and Miscellaneous	467.79	5,469.55	6,500.00	1,030.45	15.9%
Advertising (Personnel/Procurement)	-	-	1,500.00	1,500.00	100.0%
Total Administrative Costs	<u>40,088.98</u>	<u>337,048.01</u>	<u>550,700.00</u>	<u>213,651.99</u>	<u>38.8%</u>
<u>Contracting Services</u>					
Auditing	7,125.00	16,625.00	24,500.00	7,875.00	32.1%
Contract Services and Support - Commuter Choice	84,947.62	184,594.45	479,000.00	294,405.55	61.5%
Contract Services and Support - Other	4,482.75	55,231.56	120,000.00	64,768.44	54.0%
Legal	-	23,333.36	35,000.00	11,666.64	33.3%
Total Contract Services	<u>96,555.37</u>	<u>279,784.37</u>	<u>658,500.00</u>	<u>378,715.63</u>	<u>57.5%</u>
 Total Gross G&A Expenses	 <u><u>\$ 346,741.94</u></u>	 <u><u>\$ 2,406,017.61</u></u>	 <u><u>\$ 3,763,500.00</u></u>	 <u><u>\$ 1,357,482.39</u></u>	 <u><u>36.1%</u></u>

NVTC  
RECEIPTS and DISBURSEMENTS  
March 2021

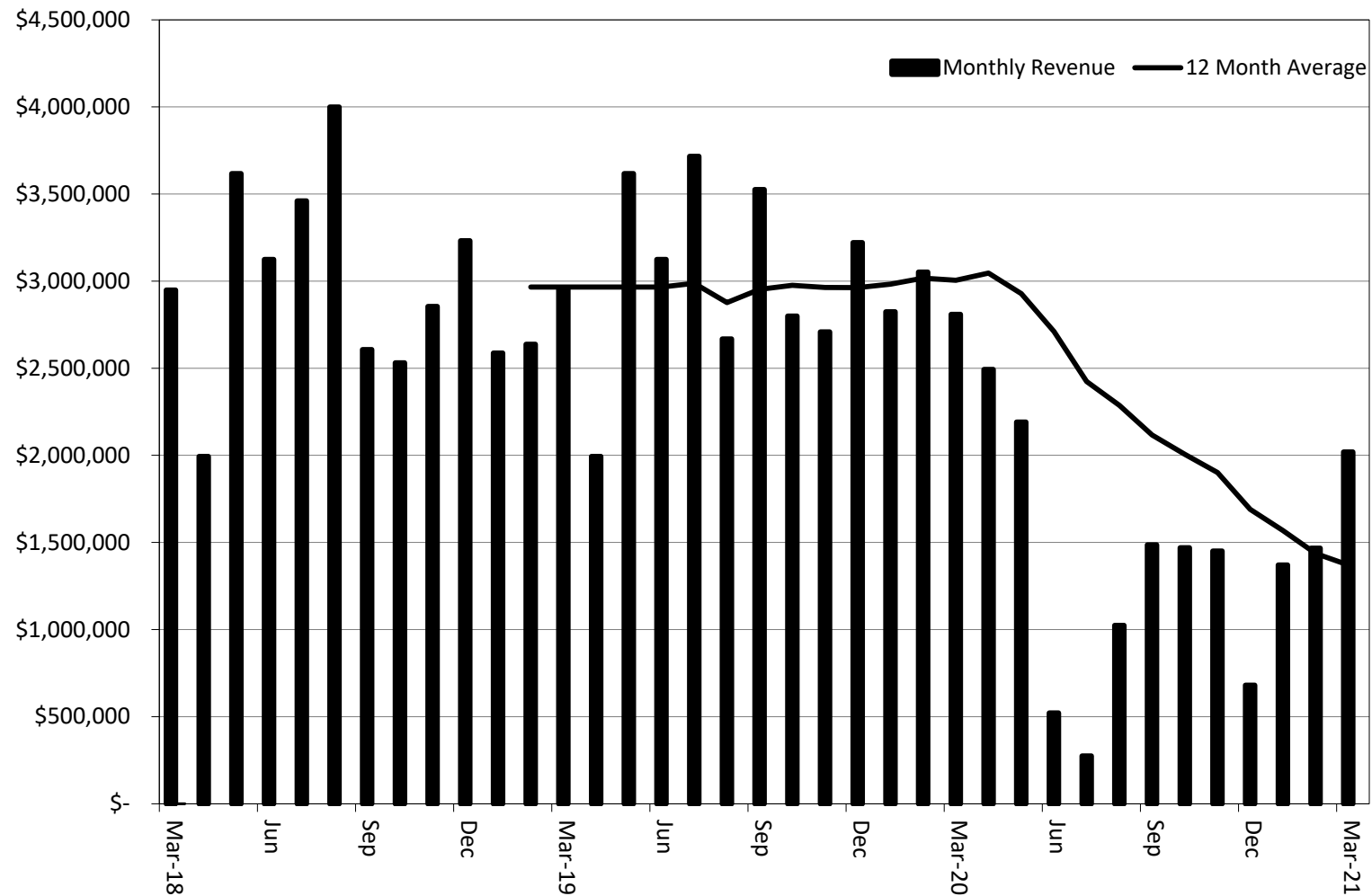
March 2021

			Virginia LGIP				
Date	Payer / Payee	Purpose	Wells Fargo Checking	Wells Fargo Savings	NVTC G&A / Project	Commuter Choice	Trusts
RECEIPTS							
1	DMV	Motor Vehicle Fuels Sales tax receipt					\$ 1,467,128.32
1	DMV	C-ROC			\$ 1,250,000.00		
1	DRPT	Capital grant receipt - VRE			\$ 64,000.00		
1	DRPT	Grant receipt - Falls Church			\$ 2,882.00		
10	VRE	Staff support		\$ 7,245.01			
13	DRPT	Operating assistance - Alexandria					\$ 1,310,767.00
18	DRPT	Capital grant receipts - VRE			\$ 79,925.00		
19	DRPT	Capital grant receipts - VRE			\$ 284,724.00		
22	DRPT	Capital and operating assistance - WMATA					\$ 15,686,733.00
25	DRPT	Capital grant receipt - Arlington					\$ 85,491.00
26	DRPT	Capital grant receipts - VRE			\$ 173,359.00		
30	DMV	C-ROC			1,250,000.00		
30	DMV	Motor Vehicle Fuels Sales tax receipt					2,019,021.51
31	DRPT	Capital grant receipt - Arlington					25,276.00
31	Banks	Investment earnings		14.47	32.76	4,022.27	16,862.58
			-	7,259.48	3,104,922.76	4,022.27	20,611,279.41
DISBURSEMENTS							
1-31	Various	G&A expenses	(286,972.24)				
1	VRE	C-ROC			(1,250,000.00)		
1	VRE	Grant revenue			(64,000.00)		
4	Falls Church	Costs incurred			(2,882.00)		
10	2060 Digital	Regional transit marketing campaign	(35,125.00)				
10	WAMU	Regional transit marketing campaign	(67,412.82)				
10	WTOP	Regional transit marketing campaign	(22,750.00)				
10	Stantec	Consulting - NTD collection project	(8,509.32)				
10	Kimley-Horn	Consulting - Regional fare project	(4,853.28)				
10	Kimley-Horn	Consulting - I-66 Commuter Choice	(99.00)				
10	Kimley-Horn	Consulting - I-395/95 Commuter Choice	(9,748.62)				
10	OPIN Digital	Outreach - I-66 Commuter Choice	(73,670.00)				
10	SIR	Outreach - I-66 Commuter Choice	(1,430.00)				
18	VRE	Grant revenue			(79,925.00)		
19	VRE	Grant revenue			(284,724.00)		
26	VRE	Grant revenue			(173,359.00)		
30	VRE	C-ROC			(1,250,000.00)		
31	Banks	Service charges	(55.77)	(8.92)			
			(510,626.05)	(8.92)	(3,104,890.00)	-	-
TRANSFERS							
10	Transfer	From LGIP to LGIP (NTD project)			8,509.32		(8,509.32)
10	Transfer	From LGIP to checking	450,000.00		(450,000.00)		
			450,000.00	-	(450,000.00)	-	-
NET INCREASE (DECREASE) FOR MONTH			\$ (60,626.05)	\$ 7,250.56	\$ (449,967.24)	\$ 4,022.27	\$ 20,611,279.41

**NVTC  
INVESTMENT REPORT  
March 31, 2021**

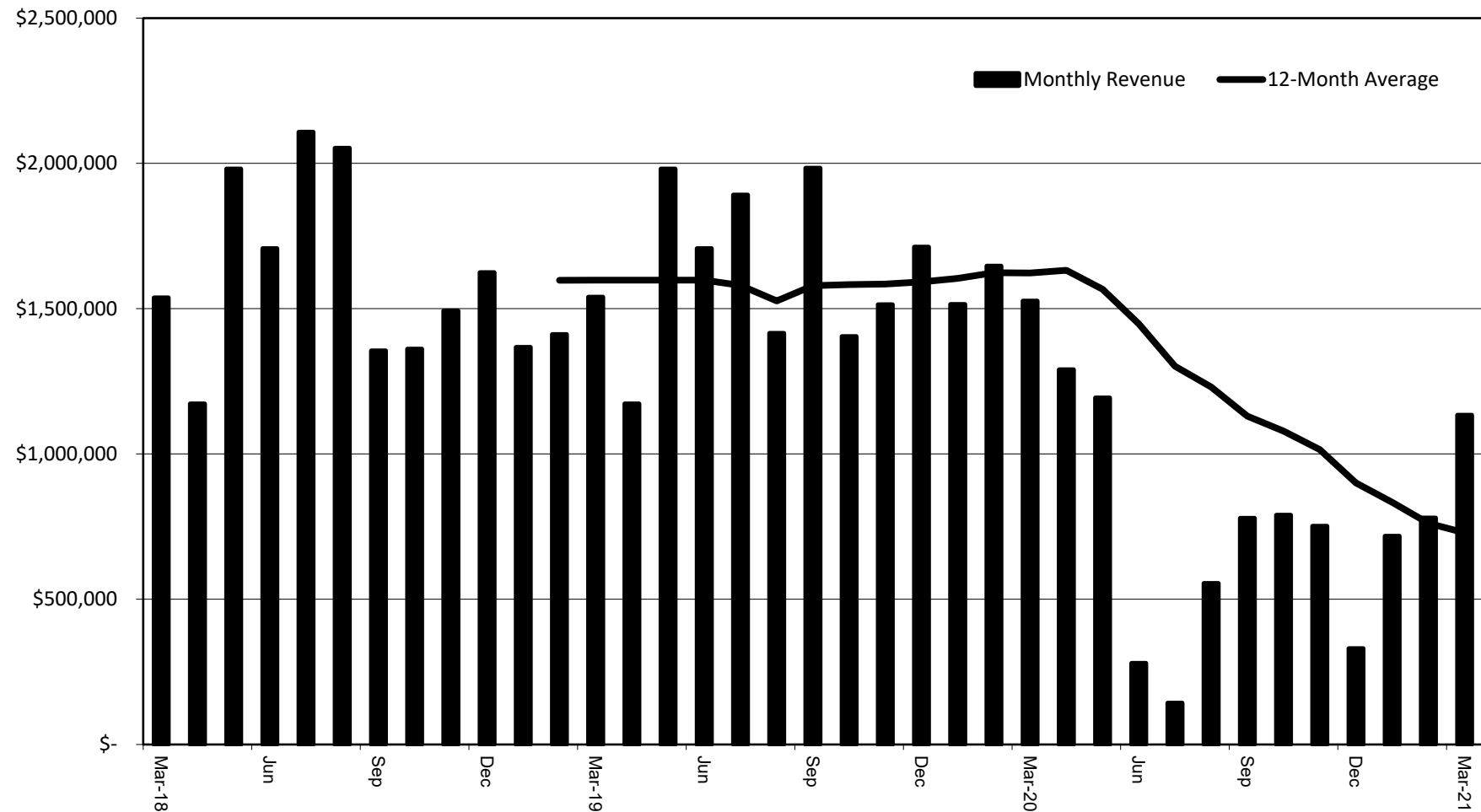
Type	Rate	Balance 2/28/2021	Increase (Decrease)	Balance 3/31/2021	Balance			
					NVTC G&A/Project	Commuter Choice	Jurisdictions Trust Fund	Loudoun Trust Fund
<u>Cash Deposits</u>								
Wells Fargo: NVTC Checking	N/A	\$ 84,008.59	\$ (60,626.05)	\$ 23,382.54	\$ 23,382.54	\$ -	\$ -	\$ -
Wells Fargo: NVTC Savings	0.160%	101,633.61	7,250.56	108,884.17	108,884.17	-	-	-
<u>Investments</u>								
Bank of America: Virginia Local Government Investment Pool	0.099%	242,634,438.82	20,165,334.44	262,799,773.26	236,379.84	47,936,645.24	171,411,397.15	43,215,351.03
		\$ 242,820,081.02	\$ 20,111,958.95	\$ 262,932,039.97	\$ 368,646.55	\$ 47,936,645.24	\$ 171,411,397.15	\$ 43,215,351.03

# NVTC MONTHLY GAS TAX REVENUE ALL JURISDICTIONS FISCAL YEARS 2018-2021



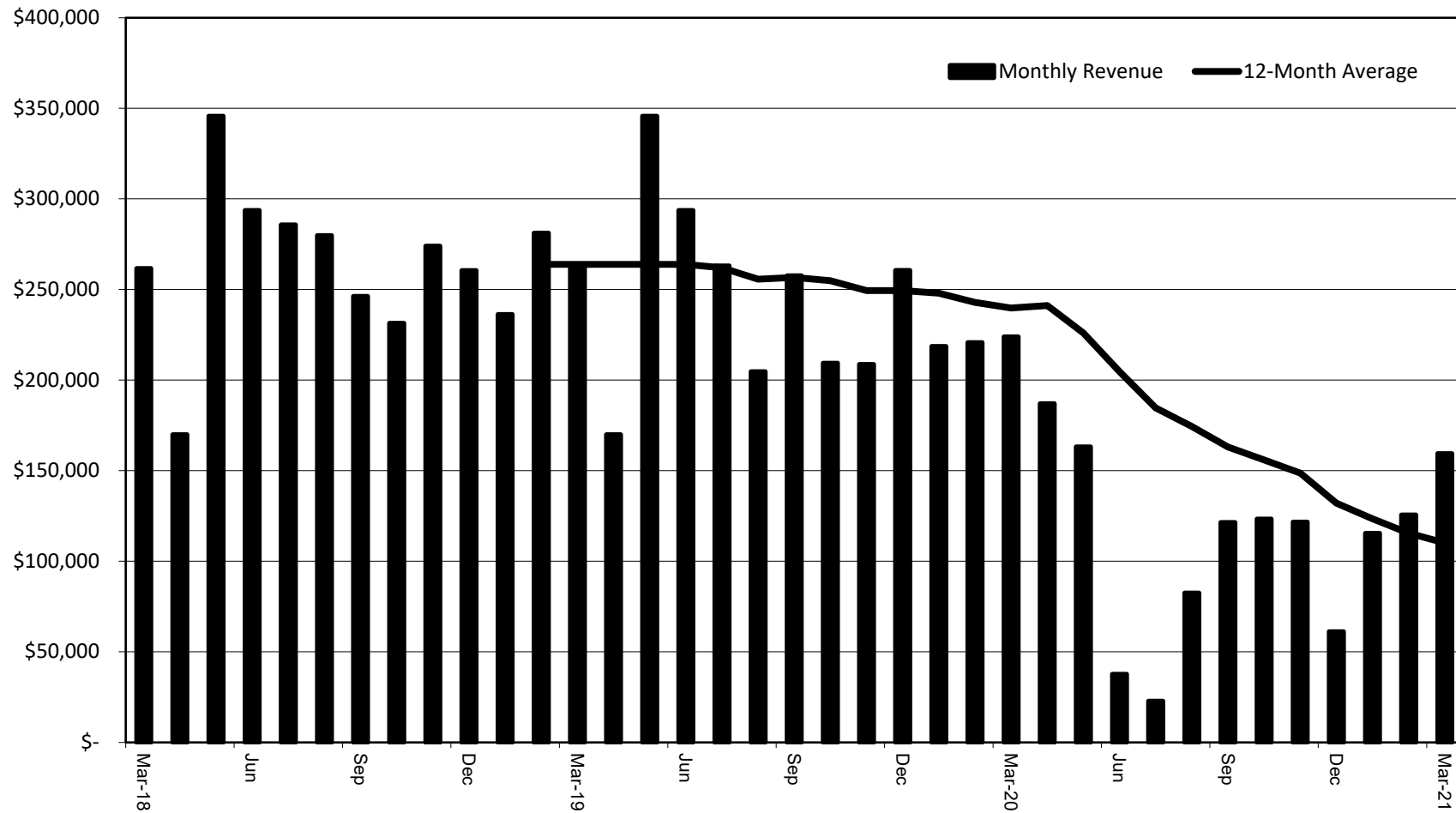
Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier.

# NVTC MONTHLY GAS TAX REVENUE FAIRFAX COUNTY FISCAL YEARS 2018-2021



*Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier.*

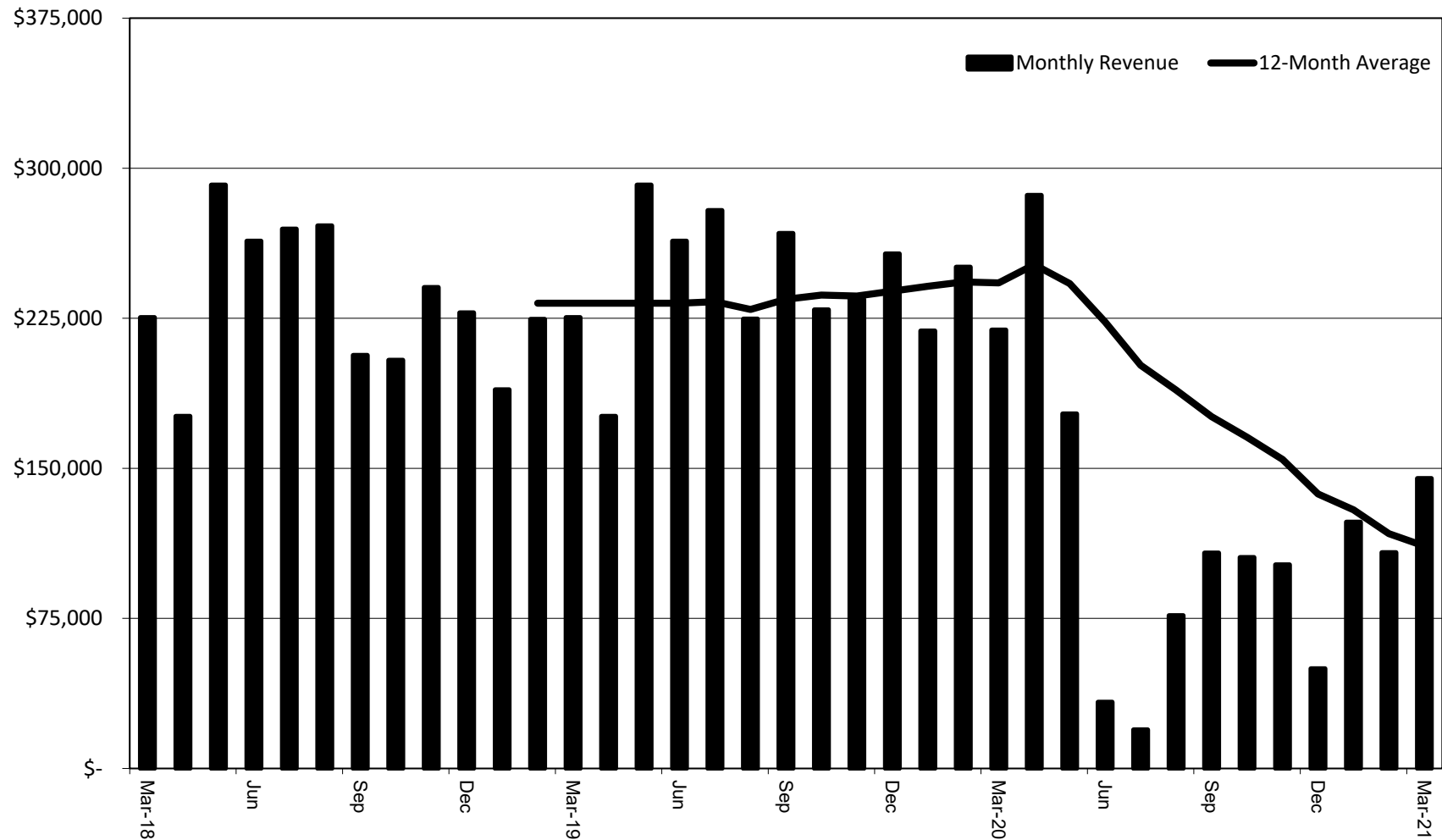
# NVTC MONTHLY GAS TAX REVENUE CITY OF ALEXANDRIA FISCAL YEARS 2018-2021



*Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier.*

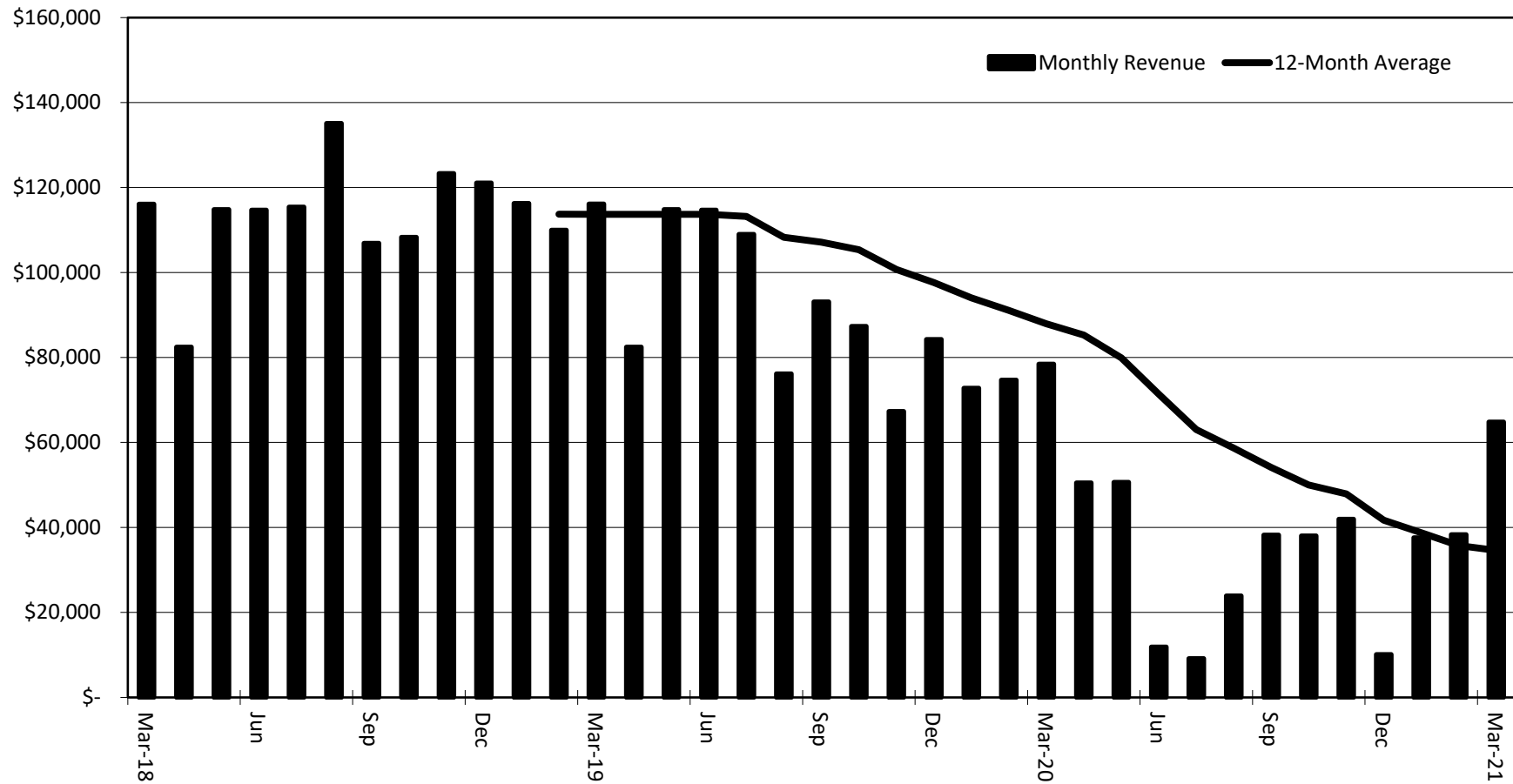


# NVTC MONTHLY GAS TAX REVENUE ARLINGTON COUNTY FISCAL YEARS 2018-2021



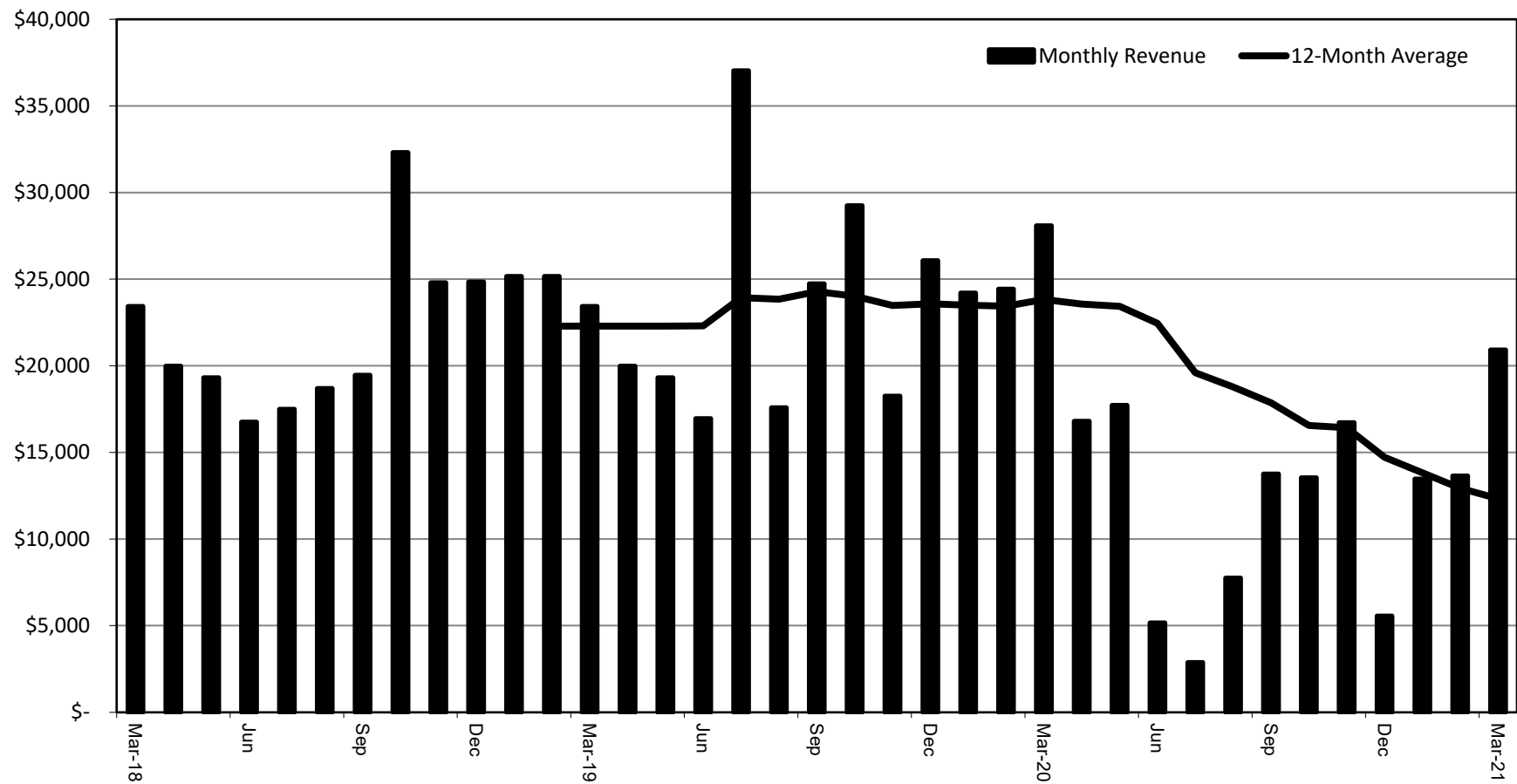
Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier.

# NVTC MONTHLY GAS TAX REVENUE CITY OF FAIRFAX FISCAL YEARS 2018-2021



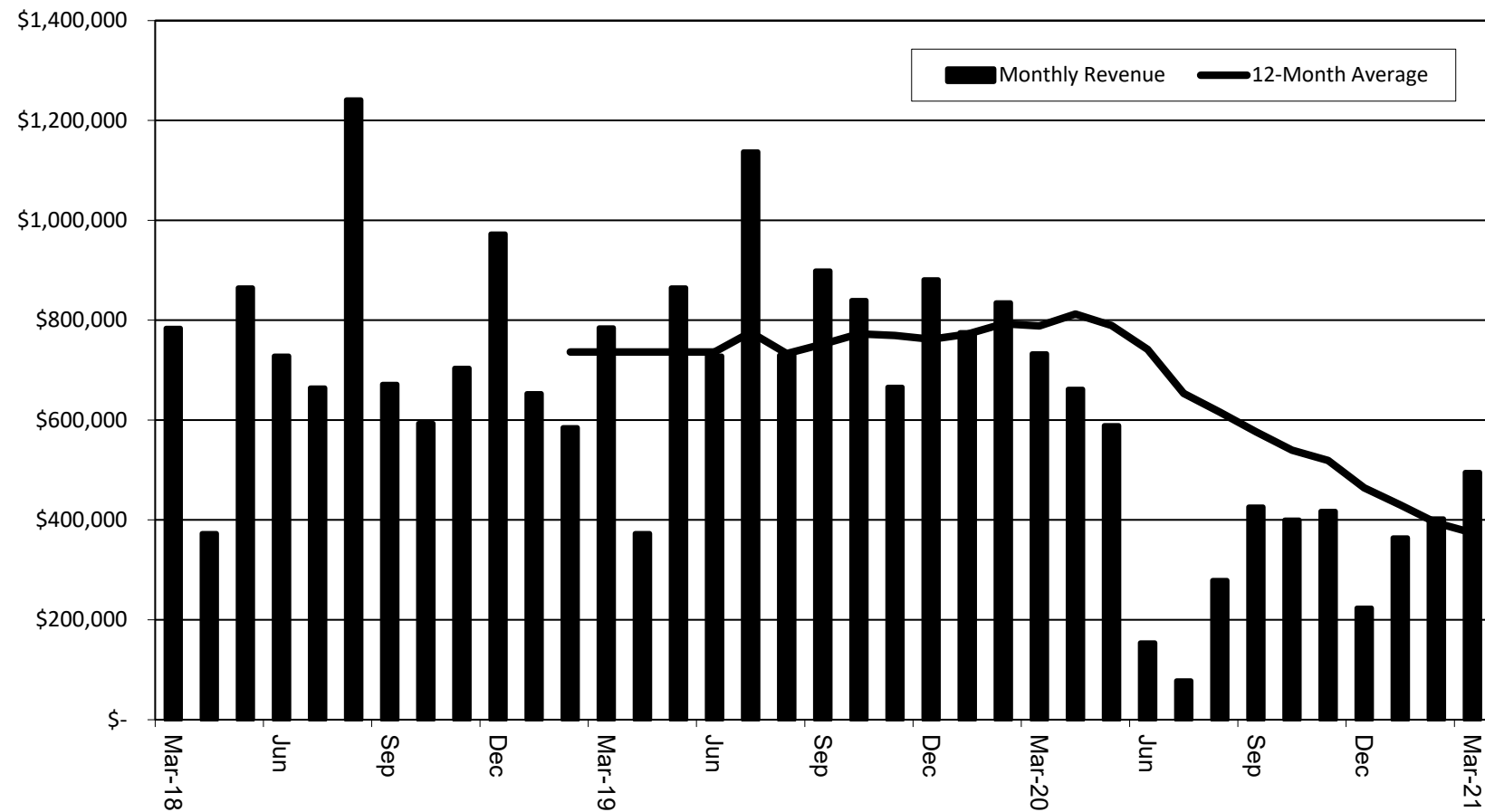
*Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier.*

# NVTC MONTHLY GAS TAX REVENUE CITY OF FALLS CHURCH FISCAL YEARS 2018-2021



*Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier .*

# NVTC MONTHLY GAS TAX REVENUE LOUDOUN COUNTY FISCAL YEARS 2018-2021



Note: Taxes shown as received by NVTC in a particular month are generated from sales two months earlier.