

MINUTES
NVTC COMMISSION MEETING – NOVEMBER 4, 2021
FIRST FLOOR LARGE CONFERENCE ROOM – 2300 WILSON BLVD.
ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chair Cristol at 7:02 p.m.

Members Present

Walter Alcorn
Katie Cristol
Matt de Ferranti
Adam Ebbin
Eileen Filler-Corn
John Foust
Libby Garvey
Paul Krizek
Matt Letourneau
Jeff McKay
David Meyer
Jennifer Mitchell, Commonwealth Alternate (*via electronic participation*)
Dalia Palchik
Paul Smedberg
David Snyder
Richard Sullivan
Mike Turner
James Walkinshaw

Members Not Present

Canek Aguirre
John J. Bell
Elizabeth Bennett-Parker
David Reid

Staff Present

Kate Mattice, Executive Director
Andrew D’huyvetter
Allan Fye
Matt Friedman
Rhonda Gilchrest
Scott Kalkwarf
Tenley O’Hara
Ben Owen
Sophie Spiliotopoulos
Melissa Walker

Ronnetta Zack-Williams
Rich Dalton (VRE)
Steve MacIsaac (VRE)
Mark Schofield (VRE)

Staff Present via Electronic Participation

Aimee Perron Seibert
Greg Potts (WMATA)
Jennifer DeBruhl (DRPT)

Opening Remarks

Chair Cristol welcomed everyone to the November 4, 2021 NVTC meeting, which is also being shown on YouTube livestream for the public. Chair Cristol noted that it is a full agenda, which includes a Closed Session to discuss the executive director's annual performance review.

Commission Secretary Rhonda Gilchrest confirmed a quorum was present. Ms. Mattice reported that NVTC did not receive any public comments this month.

Minutes of the October 7, 2021 NVTC Commission Meeting

Mr. McKay moved, with a second by Ms. Palchik, to approve the minutes of the October 7, 2021 meeting. The vote in favor was cast by Commissioners Alcorn, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Letourneau, McKay, Meyer, Palchik, Smedberg, Snyder, Sullivan, Turner and Walkinshaw.

Consent Agenda

Chair Cristol stated that there are two actions on the Consent Agenda:

- A. Approve the 2022 NVTC Meeting Schedule
- B. Authorize the Chair to Sign a Letter of Endorsement for Northern Virginia Transportation Authority Application for Arlington County

Ms. Mattice noted that regarding the 2022 Meeting Schedule, it is anticipated all meetings will be held at NVTC (no February meeting in Richmond); and the April meeting is likely to be canceled as it historically falls on the evening of several jurisdiction's budget hearings. Regarding the endorsement letter, Ms. Mattice explained that the Commission was asked to endorse Arlington's application for NVTA funding for the Ballston Second Entrance project. The endorsement by the Commission for NVTA funding does not imply any endorsement if Arlington applies to NVTC for Commuter Choice funding for this project.

Ms. Garvey arrived at 7:05 p.m. followed by Mr. Krizek at 7:06 p.m.

Ms. Palchik moved, with a second by Mr. Sullivan, to approve the Consent Agenda. The vote in favor was cast by Commissioners Alcorn, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Palchik, Smedberg, Snyder, Sullivan, Turner and Walkinshaw.

Transit Technology Program – Zero-Emission Bus Symposium Roundtable

Chair Cristol noted that there is regional interest in transitioning the transit fleets to electric and zero-emission buses. The entire Washington, DC region – through the Washington Metropolitan Council of Governments (MWCOG) - has ambitious goals on climate change that speak to both

the increased use of public transit as well as how the region can convert all vehicles to zero-emission. As there are many considerations on vehicle type and range, electric utility power and availability, and even opportunities for shared infrastructure, it is important that Commissioners be informed to be able to help their transit systems be smart in how they roll this out. This topic is also timely right now as the federal government is poised to make huge investments in zero-emission vehicles and the region's six bus systems are also working to understand how they can move to zero-emission or even full electric vehicles strategically and how to tap into key federal funding programs.

Chair Cristol stated that NVTC staff held a Zero-Emission Bus Symposium on October 22 providing Northern Virginia jurisdictions and transit partner staff a platform to discuss zero-emission bus planning, implementation and procurement and to better understand regional zero-emission bus visions and goals. The event was the beginning of a regional dialog with incredible opportunities for collaboration and maybe even shared infrastructure. She explained that for tonight's roundtable, DASH General Manager Josh Baker, NVTC Transit Technology Senior Program Manager Patricia Happ and NVTC Program and Policy Director Allan Fye will provide some highlights from the symposium.

Mr. Baker reviewed the goals of Alexandria's DASH zero-emission bus program, which includes environmental and fiscal goals. DASH's goal is to have a fully zero-emission fleet by 2035 with full phase out of diesel and hybrid buses beginning in 2027. DASH has been running electric buses in revenue service for over a year now. He gave an overview of the successes and challenges. From a maintenance and operating standpoint, they are coming in at half the costs compared to diesel buses. The biggest challenge has been the charging of the buses, due to unreliability of the chargers. The concern going forward is how to resolve this issue. Heating the buses is also an issue.

Mr. Baker stated that next steps include service design to elevate productivity, sustainable contract sources and joint procurement, ongoing training, data collection and analysis, pursuing ongoing technical assistance, identifying sustainable funding sources, seeking alternate sources of energy, and driving partnership with utility providers. He also talked about funding issues.

Ms. Happ provided an overview of NVTC's efforts on zero-emission buses. NVTC held a virtual Zero-Emission Bus Symposium on October 22. Fifty people participated, including jurisdictional and regional staff. It provided a platform to discuss zero-emission bus planning, implementation and procurement. Some of the takeaways include:

- End-to-end planning is essential;
- Prepare and establish needs and priorities;
- Partnering with utilities;
- Build a plan for funding;
- Regional partners are seeking information on specifics of bus performance, charging infrastructure, workforce planning and grid resiliency;
- There is no "one size fits all" solution;
- There is a big opportunity to benefit from economy of scale across the region by working together.

Ms. Happ explained that NVTC's model is to provide an integrated effort of working together regionally while allowing for local flexibility for each transit operator's needs. All of NVTC's regional partners are interested in zero-emission buses and most are developing studies or pilot programs for a larger zero-emission bus deployment in the future.

Mr. Fye discussed NVTC's role moving forward. He first acknowledged and thanked Ms. Happ and her team for the work they did on the symposium. A great deal was learned but one of the biggest things is that the region is just at the "tip of the iceberg" and a lot of work needs to be done. He noted that during these presentations the words "regional," "planning" and "coordination" keep floating to the top, which is what NVTC does so well. Moving forward, NVTC would like to continue to engage with transit providers regarding plans to transition to zero-emission buses, identify resources to support and coordinate planning and implementation, provide regular updates to NVTC Commission and committees, and identify changes to the Commuter Choice program at the appropriate time. Staff is looking at possibly applying for a DRPT Technical Assistance Grant for FY 2023 to develop a Northern Virginia Zero/Low-Emission Bus Strategic Plan.

Mr. Walkinshaw agreed that zero-emission buses are an important effort, but for those systems that have longer routes, there may be some practical challenges. He is also struck by the number of county staff (building inspectors, code enforcers, etc.) who are driving alone in county-owned vehicles each and every day. Their per-passenger-mile emissions is more significant than a diesel bus filled with passengers. He asked about the interoperability of charging stations. Mr. Baker explained that DASH has a mixed fleet, so interoperability is very important. The physical chargers for bus and cars are the same but there can be challenges with the different manufacturer's interfaces. The region will need to be proactive to advocate for interoperability with the different manufacturers.

Mr. Alcorn requested Alexandria DASH share as much information as possible about their zero-emission buses with others transit operators and the jurisdictions. Mr. Baker stated that he sees their role to answer questions and to support other operators. From a data collection standpoint, Alexandria is just beginning to analyze the data, but can begin to share it.

Mr. Turner stated that he would like to see a more structured regional effort led by NVTC, as a single Northern Virginia regional customer. The economy of scale is great if the region works together. Chair Cristol stated that this sounds like a Northern Virginia Zero/Low-Emission Bus Strategic Plan, which is what NVTC staff is contemplating as a grant application to support this type of work. The grant would require a 50% local match. Ms. Mattice stated that staff estimates the plan would cost about \$200,000 to complete. DRPT Director Mitchell stated that DRPT actually provides a statewide contract for purchasing electric buses that transit agencies can utilize, which is what DASH did. Currently there is a legislative issue that needs to be resolved before the contract can be reissued, but it is hoped that it can be addressed in the 2022 General Assembly Session.

Ms. Garvey expressed her opinion that a regional approach is a great idea. She asked some technical questions about charging infrastructure and power consumption. Mr. Smedberg stated

that the real challenge is getting the power to the facilities. Mr. Baker agreed and stated that this is a complexity that needs to be addressed. Currently DASH's facility is maxed out in available capacity of electricity coming into the transformer, which will need to be resolved before DASH can expand its fleet. It is important to think about how power gets to the facility, redundancy if power goes out, and sustainable power. If NVTC wishes to discuss power issues at a future meeting, he recommends inviting Alexandria's Energy Manager Bill Eger, who has been working on power issues for DASH. Mr. Smedberg stated that this would be helpful to add to a future meeting.

Mr. de Ferranti stated that he would like to see a "marker" – either a set date or process for joint procurement. Ms. Garvey and Mr. Meyer asked several questions about the batteries and charging stations. Mr. Baker stated that the overhead chargers that DASH uses can charge a bus in a short period of time. In the future, it may be possible to have charging stations scattered throughout a service area, maybe at Metro stations or wherever buses layover. Mr. Meyer asked if there are design considerations to have separate battery systems for other ancillary parts of the bus (lights, heating, etc.). Mr. Baker explained that currently zero-emission buses are maxed out in weight capacity, but there could be improvements in the future, such as heat pump technology which would consume less energy.

Mr. Turner stated that there is a way to bring sustainable energy into a specific region by setting up a Community Choice Aggregation (CCA) which allows counties and cities to aggregate electric energy.

Chair Cristol noted that there were no objections to staff bringing back a proposal for a DRPT Technical Assistance Grant for a Northern Virginia Zero-Emission Bus Strategic Plan.

Commuter Choice Program

Mr. Owen stated that the Commission is being asked to authorize the executive director to issue the Commuter Choice on the I-66 Corridor Round Five (FY 2023-FY 2024) call for projects. Projects selected for funding will be included in the Commonwealth's FY 2023 to FY 2028 Six Year Improvement Program (SYIP). He stated that NVTC anticipates a minimum of about \$12 million in funding over the two-year period, comprising transit payments from the I-66 Outside the Beltway Express Lanes concessionaire and carryover balances and de-obligations from projects that are expected to close out under budget. Staff is working with the Virginia Department of Transportation (VDOT) to determine if I-66 Inside the Beltway revenues are likely to increase to a point where VDOT could resume substantive net payments to NVTC during FY 2022 to support Round Five projects. As of September, VDOT's I-66 Inside the Beltway monthly toll revenues had climbed to about 50% of pre-COVID-19 levels.

Mr. Owen explained that the call for projects notice, which will include information about how to apply for funds, will be issued to eligible applicants next week and online applications will be accepted via the NVTC website from November 8, 2021 until January 28, 2022. Then, following staff's review of all applications for eligibility and scoring of all that are eligible, staff will develop a proposed Program of Projects for the NVTC Program Advisory Committee (PAC) to consider.

The PAC recommends a Program of Projects to the full Commission, which then adopts a program and refers it to the CTB for final approval and adoption into the SYIP. NVTC staff will conduct a public comment period and share comments with the PAC and Commission prior to any action to adopt a Program of Projects, which is anticipated for June 2022.

Mr. Meyer stepped out of the room at 7:52 p.m.

Mr. Owen also provided a brief update about the Commuter Choice on the I-395/95 Corridor Round Two (FY 2022-FY 2023) program which is now underway, following the Commonwealth Transportation Board's approval of the program in June and the start of the new fiscal year on July 1. OmniRide recently added trips to its Stafford County commuter bus routes to the Pentagon and downtown D.C. – which received continued funding from the program and have continued to post strong ridership during the COVID-19 public health emergency – and is preparing to launch incentives to rebuild the vanpool market in the I-395/95 Corridor. Fairfax County is preparing to begin work on a combined local bus route and bikeshare expansion in the Franconia-Springfield area, while Prince William County is accelerating its work to expand the Horner Road commuter lot, which was routinely full prior to the COVID-19 public health emergency.

Mr. Snyder moved, with a second by Mr. McKay, to authorize the executive director to issue a call for projects for I-66 Corridor Round Five. The vote in favor was cast by Commissioners Alcorn, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Palchik, Smedberg, Snyder, Sullivan, Turner and Walkinshaw. (Mr. Meyer did not participate in the vote.)

Washington Metropolitan Area Transit Authority

Report from Virginia WMATA Board Members. Mr. Letourneau reported that the General Manager presented his proposed FY 2023 budget to the WMATA Finance and Capital Committee today. The proposed budget assumes ridership of 53% of pre-pandemic levels (currently levels are at 30-35%). The biggest issue is the application of federal funding. If WMATA continues operating at its current service level, revenue is not sustainable to fund the budget. Currently there is a budget gap for FY 2023 of \$715.8 million. That gap can be filled using federal funding, but the issue is what happens in the following years since the federal funds will run out in FY 2024. If ridership does not bounce back as anticipated, more federal dollars would be used sooner. He explained that the Congress' intent in providing these funds was to keep the system running and keep people employed. It would seem to violate the trust of the federal government if WMATA decreased service and laid off workers.

Mr. Meyer returned to the discussion at 7:58 p.m.

Mr. Letourneau reviewed several proposed fare changes as part of the budget. The proposed budget also includes a 3% subsidy increase for the jurisdictions, with several exclusions (Juneteenth holiday, some safety issues, Silver Line Phase 2 and the Potomac Yard Station). He reminded Commissioners that this is just the beginning of the WMATA budget process.

Mr. Letourneau also announced that the Metropolitan Washington Airports Authority (MWAA) made a declaration today that the Silver Line Phase 2 project is substantially completed, although this does not include the rail yard. He stated that this is good news and progress has been made, but WMATA cannot operate service without the rail yard. Mr. Smedberg reviewed the extensive testing process, which will be followed by certification by the Metro Safety Commission (MSC) before it comes to the WMATA Board for approval.

Regarding the October 12 Blue Line derailment, Mr. Smedberg stated that the National Transportation Safety Board (NTSB) is conducting an ongoing investigation and is controlling the information, including what WMATA can and cannot say. WMATA staff are cooperating fully with the investigation. WMATA staff also submitted a plan today to the Metro Safety Commission to get the 7000-series railcars back into service. As part of that plan, WMATA would inspect the trains every eight days. A safety advisor will also be hired for the WMATA Board to make sure the Board is analyzing things correctly and asking the right questions regarding safety issues, and how to address safety issues as a Board and organization moving forward. He also announced that the Federal Transit Administration (FTA) issued a national alert for other transit systems nationwide that have similar wheelsets.

Chair Cristol asked about the report submitted to the MSC today and how soon the 7000-series railcars could be put back into service. Mr. Smedberg explained that the MSC will need to certify the plan and then it could take another 2-3 weeks before getting the railcars back into the rotation. Mr. Letourneau also noted that the NTSB will also need to approve the plan, so it is unclear how fast this all could occur.

In response to a question from Mr. Sullivan, Mr. Letourneau explained how WMATA came up with the specific 53% ridership estimate for the budget. It is a complex formula and process. Ms. Palchik asked about projections of increased ridership with the proposed fare discounts. Mr. Letourneau stated that he asked for this information and can provide it when he receives it. Mr. Smedberg stated that price is not generally a determining factor in getting people to use transit and it's more about reliability and headways. Mr. Turner observed that it is a challenge to incentivize people to use transit when teleworking has significantly increased. Ms. Garvey thanked NVTC's WMATA Board members for their hard work and noted that it is a good idea to try different fare discounts to see what works.

Mr. Snyder asked if the WMATA Board would consider reducing service in FY 2023 so it does not create a fiscal cliff in FY 2024. He also asked if WMATA is willing to work with the Northern Virginia bus systems on implementing zero-emission buses. Mr. Letourneau stated it is a legitimate question but the challenge regarding the budget is that the only way WMATA can save significant money is to lay off workers, which is not the intent of the federal funding. Also, with today's labor market, trying to get skilled workers back would be difficult. Regarding zero-emission buses, he explained that WMATA views itself as a hub for the region and has the staff and expertise to work on zero-emission issues. WMATA is transitioning to zero-emission buses in D.C. first because that bus facility is next for rehabilitation. Mr. Smedberg stated that the information shared tonight at the roundtable discussion will be very helpful.

Chair Cristol reminded Commissioners that to keep meeting lengths manageable, NVTC has shifted more discussion and much of the work to the committee level, so she encouraged all Commissioners to participate in the next WMATA Committee meeting scheduled for December 16 at 6:00 p.m. That meeting will focus on the proposed FY 2023 budget.

Report from the Chair of the NVTC WMATA Committee. Chair Cristol noted that Mr. Aguirre had a conflict and could not attend NVTC's meeting. She asked Andrew D'huyvetter to present the Annual Report on the Performance and Condition of WMATA.

Mr. D'huyvetter stated that NVTC is required by state code to submit an annual report on the performance and condition of WMATA to the governor and General Assembly. The report contains safety, reliability, financial, and ridership performance data, as well as the uses of Virginia's dedicated capital funding to WMATA. The part of the report that involves the most guidance from the Commission is the chapter on strategies to reduce the growth in costs and improve efficiencies. NVTC staff has worked with the NVTC WMATA Committee to update these for the 2021 annual report. Notable strategies for this year include:

- Leveraging federal coronavirus relief aid to assist in the pandemic ridership recovery;
- Communicating and encouraging a safe return to transit;
- Implement fare and parking policy changes that improve revenue and ridership and retain newly returning riders;
- Adapting rail service to anticipate demand; and
- Continuing to focus on previous NVTC recommendations to reduce the growth in costs.

Mr. D'huyvetter stated that next steps include NVTC staff updating the remaining safety, reliability, ridership and financial performance data in the report. Staff is incorporating feedback from the WMATA Committee to make sure the report is current with the appropriate context around the Blue Line derailment as well as WMATA's predicted gradual ridership recovery and the extent of the federal aid remaining. The final report will be presented to the Commission for action at the December meeting to submit to the governor and General Assembly by the December 15 deadline.

Legislative Update

Legislative and Policy Committee Chair David Meyer noted that both the federal and state landscape has been changing. He stated that Aimee Perron Seibert will discuss legislative issues at the state level, including an overview of the election and outlook for the 2022 General Assembly Session followed by Kate Mattice providing the latest on Congressional activities.

State Legislative Update. Ms. Perron Seibert stated that with the election results, there are transition plans as the administration changes hands. This is a different landscape than what has been for the last administration, so it will be important to look at the Legislative and Policy Agenda, as well as making plans to educate new legislators on all the good work on transit that is being done in Northern Virginia.

Chair Cristol opened the discussion and asked for remarks from legislators. Ms. Filler-Corn stated that there are still two delegate races that have not been determined. Results should be finalized by November 5, so then they will know which party has control of the House or if it will be a 50/50 power sharing scenario. Chair Cristol noted that back in 2018 the region had powerful friends in the business community championing Metro and the critical nature of transit, so the region will probably be relying on those same friends to advocate for transit in the future.

Federal Update. Ms. Mattice noted that while the reconciliation bill text is not finalized, but there is potential that a final bill could happen soon. She stated that she is moderately comfortable saying that, for purposes of NVTC priorities, the transportation and infrastructure language will not be materially altered by the Senate although there can always be last-minute changes. Staff will continue to watch closely and brief the Commission as updates come in.

Annual Joint NVTC-PRTC Legislative Briefing. Ms. Mattice announced that save the date invitations have gone out for the annual Joint NVTC-PRTC Legislative Briefing, which will be held on Monday, December 6 at 8:30 a.m. at the Embassy Suites by Hilton Springfield. The event will provide an overview of federal and state issues affecting transit in Northern Virginia. USDOT Deputy Secretary Polly Trottenberg and Virginia Secretary of Transportation Shannon Valentine have been invited to give remarks. In addition, NVTC staff has confirmed WMATA General Manager Paul Wiedefeld, and VRE Chief Executive Officer Rich Dalton, will join NVTC Executive Director Kate Mattice and PRTC Executive Director Bob Schneider, to preview the policy issues and concerns of transit in Northern Virginia.

Draft 2022 NVTC Legislative and Policy Agenda. Ms. Mattice invited all Commissioners to participate in the next Legislative and Policy Committee meeting on November 12 at 8:30 a.m. The final 2022 Legislative and Policy Agenda will be presented for action at the December meeting.

Mr. McKay stated that with the recent election results it is even more important that Commissioners receive a copy of the updated Legislative and Policy Agenda. He will reiterate what he said at last month's meeting that it is important to have NVTC coordinate with the Northern Virginia Transportation Authority (NVTA), the Northern Virginia Regional Commission (NVRC), the Potomac and Rappahannock Transportation Commission (PRTC) and jurisdictional legislative staff on specific language of the state legislative agenda so all are synched together and the region has "one voice," especially on language pertaining to transportation infrastructure and transit funding. Mr. Meyer agreed and stated that staff will get the updated legislative agenda out as soon as possible after the November 12 meeting. He agreed with Mr. McKay, that it is important to have a unified voice.

Virginia Railway Express

Chair Cristol stated that VRE Operations Board Chair Elizabeth Bennett-Parker was not able to attend tonight's meeting, but she asked James Walkinshaw, VRE Operations Board Secretary, to introduce the VRE items, following the VRE CEO Report. There are no VRE action items this month.

VRE CEO Report. Mr. Dalton reported that systemwide on-time performance was 86% for the month of October. Ridership continues to slowly increase to about 3,000 average daily riders. VRE continues to monitor the return-to-work projections. As more people return to work, VRE anticipates ridership will increase. VRE staff continues to primarily work remotely.

VRE Debt Issuance. Mr. Walkinshaw stated that VRE Chief Financial Officer Mark Schofield is present to provide more information on the financing analysis for the proposed CROC-backed debt issuance. Mr. Walkinshaw explained that VRE committed to this issuance as part of the Funding Agreement that was executed in March 2021 between VRE and the Department of Rail and Public Transportation (since assigned to the Virginia Passenger Rail Authority). The financing analysis is being led by VRE's Financial Advisor, PFM.

Mr. Walkinshaw stated that VRE will return to the Commission in December 2021 with an action item requesting authorization to move forward with the preferred financing alternative. In early 2022, the Commission will be asked to give final approval to the financial and legal structure of the debt issuance.

Mr. Schofield stated that VRE has been working with VRE's financial advisor, PFM, as well as NVTC's Director of Finance Scott Kalkwarf, on a financing analysis which has two primary components: 1) a credit assessment, which examines how the market is likely to view the creditworthiness of a financing backed by the Commuter Rail Operating and Capital Fund (C-ROC); and 2) an overview of financing options, which evaluates various alternatives and programs for accessing the public debt markets. They are confident that VRE come in at an investment grade of an AA bond rating.

Mr. Schofield explained that on behalf of VRE, PFM investigated five financing options for the CROC-backed financing:

1. Public bond issue
2. Virginia Pooled Financing Program of the Virginia Resources Authority (VRA)
3. Transportation Infrastructure Finance and Innovation Act (TIFIA) Program of the USDOT
4. Railroad Rehabilitation and Improvement Financing (RRIF) Program of the USDOT
5. Virginia Transportation Infrastructure Bank (VTIB)

Of these five options, three were removed from consideration. Of the remaining two options, a TIFIA loan would produce greater total proceeds (i.e., available project funds) as a result of its lower interest cost, but a public bond issue would have other benefits to VRE and VPRA, including a shorter timeframe and greater control over the bond covenants. Mr. Schofield explained that with the concurrence of VPRA, it is anticipated that VRE will recommend to the Commission that a public bond issue is the preferred alternative. PFM will update the financial analysis to reflect market conditions as of early November, and VRE will present these updated results as part of the action item in December.

Chair Cristol noted that this debt issuance has no liability to the jurisdictions as it will be fully backed by the C-ROC Fund. Mr. Snyder stated that he will be looking for a legal written opinion on this. He asked what would happen if the gas tax were eliminated. Mr. Schofield stated that at

a certain level, anyone buying the bonds understands they are undertaking the appropriated risks associated with the C-ROC Fund. Chair Cristol suggested VRE staff, as well as bond and legal counsel, be prepared at the December meeting to walk the Commission through what recourse a buyer might have if the gas tax is eliminated.

VRE 2022 Legislative Agenda. Mr. Walkinshaw stated that VRE's 2022 Legislative Agenda serves as guidance for staff and the contracted legislation liaisons during the legislative session. It also includes federal legislative and regulatory issues that are relevant to transit and commuter rail in the U.S., and VRE specifically. VRE's Legislative Agenda aligns with NVTC's Legislative and Policy Agenda, which was also introduced earlier in tonight's agenda. Both NVTC and PRTC are scheduled to act on their respective Legislative Agendas, as well as VRE's, at their December meetings.

Department of Rail and Public Transportation

DRPT Director Mitchell encouraged Commissioners to read her written report. She announced that at its October 20 meeting, the Commonwealth Transportation Board (CTB) approved a resolution agreeing with DRPT's summary and analysis of WMATA's compliance and reporting for FY 2021. DRPT found that WMATA met the requirements of the statute and CTB policy and recommended no enforcement actions.

DRPT Director Mitchell then introduced DRPT Chief of Public Transportation Jennifer DeBruhl to give an update on the Transit Equity and Modernization Study. Ms. DeBruhl stated that as required by HJR 542 of the 2021 General Assembly, DRPT is required to complete a needs assessment and action plan for advancing equitable and modern public transit, with an emphasis on engagement opportunity for under-represented and under-served communities. There are six topic areas that must be addressed in the study, which include transit accessibility, adequacy of infrastructure, emerging technologies, transit safety, and system engagement and governance.

Regarding the timeline, Ms. DeBruhl explained that the interim study report is due December 2021, and the final report is due to be submitted in August 2022. Findings from the Baseline Conditions Assessment and Interim Study Report will inform the development of a Study Action Plan. This will include recommendations and implementation strategies that address barriers by topic area and will describe specific actions, next steps, coordination required, timeline for implementation and responsible agencies. DRPT anticipates the Study Action Plan will advise changes to DRPT funding programs and policies and other future plans.

Mr. Snyder asked when NVTC can seriously look at the Study Action Plan and provide input. Ms. DeBruhl stated that DRPT welcomes any engagement by staff and Commissioners. Mr. Snyder stated that it is very important for NVTC to weigh in if funding formulas could change. Ms. Mattice noted that the Transit Service Delivery Advisory Board (TSDAC) will begin meeting again starting next month and taking a deep dive in reviewing the recommendations. She can keep the Commission updated on what is happening at TSDAC.

Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter. She announced that after six plus years at NVTC, Dan Goldfarb has left NVTC to pursue his love of travel forecasting and modeling at the MITRE Corporation. NVTC is already actively recruiting a new program manager to take over the Route 7 and data analysis/visualization efforts. She also recognized Chair Cristol for the great job she did speaking at the October 28th Northern Virginia Transportation Alliance “What You Need to Know about Transportation” Event.

Ms. Filler-Corn left the meeting at 9:05 p.m. and did not return.

Ms. Mattice highlighted some upcoming meetings:

- On Friday November 12 at 8:30 a.m. the Legislative and Policy Committee will be meeting in NVTC’s Conference Room.
- NVTC’s next Commission meeting is on December 2 at 7:00 pm; Executive Committee will meet at 6:00 p.m.
- The NVTC/PRTC Joint Legislative Briefing is being held in-person at the Embassy Suites Hotel on December 6 starting at 8:30 a.m.
- The WMATA Committee is also scheduled to meet on Thursday December 16 at 6:00 p.m. here in this space.

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

Closed Session

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

Pursuant to the Virginia Freedom of Information Act (Section 2.2-3711.A.1 of the Code of Virginia), the Northern Virginia Transportation Commission moves to convene a Closed Session to discuss a personnel matter concerning the executive director’s performance evaluation.

The vote in favor was cast by Commissioners The vote in favor was cast by Commissioners Alcorn, Cristol, de Ferranti, Ebbin, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Palchik, Smedberg, Snyder, Sullivan, Turner and Walkinshaw.

The Commission entered into Closed Session at 9:05 p.m. and returned to Open Session at 9:47 p.m. Mr. Alcorn and Ms. Mitchell left during the Closed Session and did not return.

Chair Cristol moved, with a second by Mr. McKay, the following certification:

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

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

The vote in favor was cast by Commissioners The vote in favor was cast by Commissioners Cristol, de Ferranti, Ebbin, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Palchik, Smedberg, Snyder, Sullivan, Turner and Walkinshaw.

Chair Cristol moved, with a second by Mr. Ebbin, to create a fifth amendment to the executive director's employment contract to increase her annual base salary by 3%. The vote in favor was cast by Commissioners Cristol, de Ferranti, Ebbin, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Palchik, Smedberg, Snyder, Sullivan, Turner and Walkinshaw.

Adjournment

Without objection, Chair Cristol adjourned the meeting at 9:49 p.m.

Approved this 2nd day of December 2021.

Katie Cristol
Chair

Dalia Palchik
Secretary-Treasurer



RESOLUTION #2464

SUBJECT: Approve the 2022 VRE Legislative Agenda

WHEREAS: VRE is an essential part of regional transportation network for the Northern Virginia and DC Metropolitan region;

WHEREAS: VRE serves residents throughout the Commonwealth to provide a meaningful public transportation option;

WHEREAS: It is essential for VRE to educate and advocate for desired legislative and regulatory outcomes with members of Congress and their staff, with staff of federal entities, in the Virginia General Assembly and with the Governor and his administration;

WHEREAS: VRE has coordinated its Legislative Agenda with the staffs of the Commissions and member jurisdictions; and

WHEREAS: The VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby approves the 2022 VRE Legislative Agenda and authorizes the VRE Chief Executive Officer to actively pursue the elements set forth in the document.

Approved this 2nd day of December 2021.

Katie Cristol
Chair

Dalia Palchik
Secretary-Treasurer



RESOLUTION #2465

SUBJECT: Authorize VRE Staff to Advance Public Bond Issuance Backed by the Commuter Rail Operating and Capital (C-ROC) Fund

WHEREAS: In March 2021 VRE entered into an Agreement for Passenger Rail Improvements and Funding ("Funding Agreement") with the Virginia Department of Rail and Public Transportation, which was subsequently assigned to the Virginia Passenger Rail Authority;

WHEREAS: The Funding Agreement includes provisions for the Commissions to fund a portion of the Planned Improvements of the Transforming Rail in Virginia Program, as well as the purchase of real property for right-of-way acquired by the Commonwealth;

WHEREAS: The Commissions will utilize Commuter Rail Operating and Capital funds for both a debt issuance and on a pay-as-you-go basis as the source of the funding commitment;

WHEREAS: In September 2021 the Commissions approved updated and amended Financial and Debt Management Principles for VRE to guide the issuance of debt backed by the Commuter Rail Operating and Capital Fund;

WHEREAS: A financing analysis conducted by VRE's financial advisor has determined that a public bond issuance is the most advantageous option for issuing this debt in accordance with the Funding Agreement, and that an investment grade credit rating would be expected from the major credit rating agencies for such debt; and

WHEREAS: The VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby authorizes VRE staff to advance a public bond issuance backed by the Commuter Rail Operating and Capital Fund including selection of an underwriter and a trustee, completion of required legal due diligence, formal engagement with the credit rating agencies, and to return to the Operations Board and the Commissions in the second half of FY 2022 for approval of final bond documents and a final authorization to proceed to sale and issuance of the bonds.

Approved this 2nd day of December 2021.

A handwritten signature in blue ink that reads "Dalia Palchik".

Dalia Palchik
Secretary-Treasurer

A handwritten signature in black ink that reads "Katie Cristol".

Katie Cristol
Chair