

MINUTES
NVTC COMMISSION MEETING –NOVEMBER 2, 2023
FIRST FLOOR LARGE CONFERENCE ROOM – 2300 WILSON BLVD.
ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chair Palchik at 7:15 p.m.

Members Present

Canek Aguirre
Walter Alcorn
Sarah Bagley
Matt de Ferranti
Adam Ebbin
John Foust
Libby Garvey
Aimee S. Gilroy
Takis Karantonis
Joseph Kornhoff
Dalia Palchik
Catherine Read
M. David Skiles
Paul Smedberg
David Snyder
John C. Tuck III
James Walkinshaw

Members Not Present

John J. Bell
Matt Letourneau
Jeff McKay
Mike Turner

Staff Present

Kate Mattice, Executive Director
Monique Blyther
Genoveva Cutrell
Matt Friedman
Allan Fye
Rhonda Gilchrest
Adam Hager
Xavier Harmony
Scott Kalkwarf
Ann McGrane
Tenley O'Hara

Ben Owen
Noman Sayed
Vikram Sinha
Sophie Spiliotopoulos
Melissa Walker
Aimee Perron Siebert (*via electronic participation*)
Rich Dalton (VRE)
Steve MacIsaac (VRE)
Joe Swartz (VRE)
Mary Hynes (CTB)

Opening Remarks

Chair Palchik welcomed everyone to the November 2, 2023 NVTC meeting and noted that the meeting is being livestreamed for the public on YouTube. Board Administrator Rhonda Gilchrest confirmed an in-person quorum was present.

Chair Palchik welcomed new Commissioner Joseph Kornhoff, who has been appointed by the Speaker of the Virginia House of Delegates to replace Nick Clemente on NVTC.

Ms. Mattice stated that NVTC received two public comments this month, which were provided to Commissioners prior to the meeting. The People Before Cars Coalition and the Virginians for High Speed Rail wrote a joint letter supporting VRE's proposed Saturday service. Also, the Coalition for Smarter Growth wrote to support NVTC's proposed legislative agenda as presented, provide comments on SMART SCALE, and shared support for NVTC's proposed direction with regards to WMATA near-term issues and long-term funding solutions.

Oath of Office for New Commissioner

Chair Palchik again welcomed Mr. Kornhoff, who has been appointed to NVTC by the Speaker of the House of Delegates to replace Nick Clemente. Chair Palchik administered the ceremonial oath of office. Commissioners welcomed Mr. Kornhoff to NVTC. (Mr. Kornhoff's official oath of office was administered prior to the meeting by the board administrator.)

Minutes of the October 5, 2023 NVTC Meeting

Mr. Foust moved, with a second by Ms. Read, to approve the Minutes of the October 5, 2023 NVTC Meeting. The vote in favor was cast by Commissioners Alcorn, Bagley, de Ferranti, Ebbin, Foust, Garvey, Karantonis, Palchik, Skiles, Smedberg, Tuck and Walkinshaw. Commissioners Aguirre, Gilroy, Kornhoff, Read and Snyder abstained. The motion passed.

Consent Agenda

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

- A. Approve NVTC 2024 Meeting Schedule
- B. Approve Resolutions #2506 – #2522 to Ratify and Readopt Resolutions and Actions, which includes the following:
 - Resolution #2506: Ratify and Readopt Resolution #2412 "Authorize the Acting VRE CEO to Execute an Agreement with Amtrak for Access and Storage at Washington Union Terminal"

- Resolution #2507: Ratify and Readopt Resolution #2415 “Authorize the Acting VRE CEO to Amend the Agreement with the City of Manassas for the Operation and Maintenance of the Manassas Parking Facility”
- Resolution #2508: Ratify and Readopt the Motion “Authorize the Executive Director to Sign the DRPT Master Agreement”
- Resolution #2509: Ratify and Readopt Resolution #2418 “Appointment of VRE Chief Executive Officer”
- Resolution #2510: Ratify and Readopt Resolution #2420 “Approve I-66 Commuter Choice Initial Round Four (FY2021) Program of Projects for Submission to CTB and Authorize Executive Director to Execute Standard Project Agreements”
- Resolution #2511: Ratify and Readopt Resolution #2424 “Approve Policy Changes Governing the Commuter Choice Program in Both Corridors, I-66 Inside the Beltway and I-395/95”
- Resolution #2512: Ratify and Readopt Resolution #2425: Adopt the Technical Evaluation Process for the Commuter Choice on the I-395/95 Corridor Program and Authorize the Executive Director to Issue a Call for Projects for I-395/95 Corridor Round Two (FY 2022-FY 2023)
- Resolution #2513: Ratify and Readopt Resolution #2429 “Approve an Agreement with City of Manassas Park for Design, Construction, Operations and Maintenance of Parking Garage at VRE Manassas Park Station”
- Resolution #2514: Ratify and Readopt Resolution #2430 “Authorize the VRE CEO to Execute an Agreement with the Virginia Passenger Rail Authority (VPRA), or Alternatively the Department of Rail and Public Transportation for Later Assignment to the VPRA, for Passenger Rail Operations and Access”
- Resolution #2515: Ratify and Readopt Resolution #2431 “Authorize the VRE CEO to Execute an Agreement with the Virginia Passenger Rail Authority (VPRA), or Alternatively the Department of Rail and Public Transportation for Later Assignment to the VPRA, for Passenger Rail Improvements and Funding”
- Resolution #2516: Ratify and Readopt Motion Approving a Limited Waiver of the Conflict for McGuire Woods, LLP
- Resolution #2517: Ratify and Readopt Resolution #2443 “Approve the Third Amended and Restated Memorandum of Agreement to the MOA of the Transform 66: Inside the Beltway Project”
- Resolution #2518: Ratify and Readopt Resolution #2444 “Authorize the VRE CEO to Execute the Amended and Restated Operating/Access Agreement and the Master Lease Agreement with CSX Transportation”
- Resolution #2519: Ratify and Readopt Resolution #2445 “Appointment of VRE General Counsel and Chief Legal Officer”
- Resolution #2520: Ratify and Readopt Resolution #2447 “Approve Commuter Choice in the I-395/95 Corridor Round Two Program of Projects for Submission to the Commonwealth Transportation Board and Authorize the Executive Director to Execute Standard Project Agreements”
- Resolution #2521: Ratify and Readopt Resolution #2450 “Authorize the VRE CEO to Execute a Contract with Alstom Transportation Inc. of New York, New York, for 21 New Passenger Railcars”

- Resolution #2522: Ratify and Readopt Resolution #2451 “Authorize the VRE CEO to Enter into a Right-of-Way Easement Agreement with Rappahannock Electric Cooperative for LOU Facility Electric Service”

Mr. Skiles stated that he would be abstaining from Resolution #2520 but would vote on the package of resolutions as a whole. Mr. Alcorn then moved, with a second by Mr. Karantonis, to approve the Consent Agenda. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bagley, de Ferranti, Ebbin, Foust, Garvey, Gilroy, Karantonis, Kornhoff, Palchik, Skiles (abstained on Resolution #2520), Smedberg, Snyder, Tuck and Walkinshaw. The motion passed. (Copies of the resolutions are attached.)

Washington Metropolitan Area Transit Authority (WMATA)

Chair Palchik asked WMATA Board Chair Paul Smedberg and NVTC’s WMATA Committee Chair Walter Alcorn to give their reports.

Report from the Virginia WMATA Board Members. Mr. Smedberg stated that Mr. Letourneau sent his regrets for not being able to attend this meeting due to a meeting conflict in Loudoun County. Mr. Smedberg reported that the Finance and Capital Committee received additional options for consideration as WMATA develops its FY 2025 budget with a focus on options to change service levels and fares in addition to the budget scenarios presented last month. The budget is still in development and will be presented in December followed by several work sessions with the Board and a public comment period in early 2024. The different options that would impact the operating budget levels include changing the frequency of trains, reducing the length of trains from eight to six cars, reducing the hours of Metrorail operations, turning back trains before the end of the lines, and eliminating the lowest productivity bus routes. WMATA staff also presented a concept to reduce the MetroAccess service area to cover only what is federally required by the Americans with Disabilities Act. In addition, WMATA staff presented scenarios for changing the base fares for bus and rail service as well as rates for parking. Mr. Smedberg explained that all these specific options are being considered by the WMATA Board as a part of a larger conversation about how to approach FY 2025 depending on what flexibility is found in Maryland and Virginia regarding a one-year relief to the 3% cap.

Mr. Smedberg stated that the WMATA general manager will need to develop two parallel budgets, with each scenario representing a fundamentally different future for WMATA. The first budget scenario will need to reflect no legislative action on the 3% cap coming out of the 2024 legislative sessions for Maryland and Virginia. For this budget, WMATA will need to advertise and prepare for catastrophic service cuts and layoffs to balance the budget. The second budget scenario will be able to show more targeted service and fare changes in the event legislative actions are successful on a one-year relief to the 3% cap. Both scenarios will incorporate the \$145 million in one-time savings and cost efficiencies as well as the latest ridership projections.

Mr. Smedberg also announced that WMATA celebrated the opening of Metro’s new nerve center, the Integrated Command and Communications Center (MICC). The new 14-story building, located near the Eisenhower Avenue Metrorail Station, will support more than 1,400 employees,

and serve as a technology hub. In addition to the MICC, the building will be home to the data center, cybersecurity operations, bus and rail video teams, communications, and administrative support.

Mr. Smedberg also reported that earlier this week, WMATA “flipped the switch” on a new solar carport on the top of the parking garage at the Anacostia Metrorail Station, providing clean energy for homes across the region and new parking and security improvements for customers. This is the first of two DC Metrorail station parking areas that will be equipped with solar photovoltaic (PV) panels. For this project, WMATA leveraged private investments as well as economic and energy policies within the District of Columbia to make it happen.

Mr. Smedberg stated that ridership also continues to grow. Last week, WMATA reached a post-pandemic high with over four million weekday combined trips. October 25 was a new day high with 854,000 combined bus and rail and a new Metrorail high of 412,000 riders. Metrorail also just had its second highest ridership weekend since the pandemic.

Mr. de Ferranti asked about the different budget scenarios and noted that some are preferable. The region needs to start the budget conversation, especially about scenarios 2 and 3. Mr. Smedberg stated that more budget details will be provided soon to the jurisdictions. WMATA staff are working hard to address all the concerns and comments from the jurisdictions. Mr. de Ferranti stated that the jurisdictions need to step up regarding their local contributions, but it shouldn’t be just a local solution. Failure is not an option. There needs to be state and federal funding solutions. Mr. Smedberg stated that the business community also needs to be engaged.

In response to Mr. Alcorn’s question about timing, Mr. Smedberg stated that more details will be available soon and the general manager presents his budget to the WMATA Board in mid-December.

Report from the Chair of the NVTC WMATA Committee. NVTC WMATA Committee Chair Alcorn reported that the committee met on October 19 in a joint meeting with the Legislative and Policy Committee. Both the Annual Report on Performance and Condition of WMATA and the NVTC 2024 Legislative Agenda were discussed at the meeting and are being presented tonight so that the Commission can provide staff with feedback prior to requested action next month. He asked Mr. D’huyvetter to walk through the staff findings and recommendations of the annual report.

Mr. D’huyvetter gave an overview of the draft Annual Report on the Performance and Condition of WMATA. He reminded Commissioners that Virginia’s 2018 transit funding legislation, which created dedicated capital funding for WMATA, also required NVTC to produce an Annual Report of the Performance and Condition of WMATA to be sent to the governor and General Assembly. The report must include strategies to reduce the growth in costs and improve efficiency at WMATA uses of the dedication capital funding, and reporting on financial, safety and performance data. The WMATA Committee provided guidance to staff on key policy priorities. This year’s report integrates the recommendations of the Metro Operating Funding and Reform Working Group.

Mr. D’huyvetter reviewed the structure of the proposed recommendations which are divided into near-term and long-term. The long-term solutions for WMATA will take coordinated action between the WMATA, the region, NVTC, local jurisdictions and the Commonwealth. A common theme of all these recommendations is predictability – funding jurisdictions want predictability in their subsidies; WMATA wants predictability in its short- and long-term funding; and riders want predictability in their rail, bus and paratransit service. Mr. D’huyvetter reviewed the recommendations:

Short-Term Recommendations:

1. Seek administrative or legislative opportunities to permit WMATA to re-baseline its annual subsidy to Virginia (and Maryland) in FY 2025.
2. Return federal workers to the office and secure a replacement for the region’s loss in fares from riders using federal transit benefits.
3. Seek additional state aid to match local funding while continuing to work on a long-term solution.

Long-Term Recommendations:

1. Manage labor cost escalation through reforms to pension and other post-employment benefits (OPEB).
2. Seek amendments to the federal Wolf Act that would require consideration of WMATAs fiscal condition and jurisdictions’ ability to pay in binding arbitration.
3. Establish a revised Virginia and Maryland legislative operating assistance growth cap that addresses the unintended consequences of the current cap.
4. Improve farebox recovery by raising fares for Metrorail and Metrobus.
5. Formalize the functions and scope of a WMATA Board audit committee to enhance oversight via a coordinated jurisdictional audit.
6. Secure one or more sustainable and reliable sources of dedicated revenues to support additional operating funding.
7. Establish a rainy-day fund at WMATA.
8. Secure one or more sustainable and reliable sources of dedicated revenues to support additional capital funding.
9. Sustain NVTC’s technical, policy, financial and legislative efforts to support the implementation of recommendations.

Mr. D’huyvetter stated that staff will continue to provide the Commission with updates and examples of WMATA’s ongoing efforts and accomplishments around mitigating fare evasion, enhancing security, redesigning the bus network and bus formula, improving transparency, and finding cost savings. Next steps include Commission action at the December meeting with the report submission deadline of December 15 to the governor and General Assembly. Throughout the next year, staff will explore how the working group and/or consultant support could continue in 2024 to address emerging topics.

Mr. Alcorn recognized the hard work of Mr. D’huyvetter and the team. The WMATA Committee was also actively involved in the process. There is good substance in the report and a good baseline for future conversations in the region. Chair Palchik also thanked the entire team,

including jurisdictional staff, who worked on this report. She then asked for comments or questions from Commissioners.

Mr. Skiles asked what the recommendation is for changing the 3% cap. Mr. D’huyvetter explained that the report recommendation is high-level so there is no specific percentage ask. NVTC’s 2020 Report on the 3% Cap found that the cap was useful and recommended keeping the cap for five years and then reevaluating it. There is a disconnect between how much jurisdictions pay in subsidy and how much service they receive, which is an unintended consequence of the 3% cap. Mr. Skiles asked if Maryland has indicated their position on the 3% cap. Mr. D’huyvetter replied that staff is in active communication with Maryland staff and they are interested in Virginia’s perspective. Mr. Smedberg stated that a one-year suspension of the 3% cap would help to recalculate the baseline, but then a long-term solution needs to be identified. Mr. Skiles also asked about farebox recovery in relation to farebox enforcement. Mr. Smedberg stated that enforcement has improved, and he offered for WMATA staff to provide more fare evasion statistics to Commissioners. Mr. D’huyvetter stated that staff can also send the link to the data portal on WMATA’s website that has comprehensive information about farebox recovery and fare evasion statistics.

Mr. Alcorn stated that there is a correlation between the amount of deferred preventative maintenance (PM) and how much the jurisdictions’ share will need to be. There are short-term and long-term consequences for both. Mr. Smedberg stated that the preventative maintenance proposal is a one-time proposal, as no one wants WMATA back to where it was six years ago. WMATA has basically rebuilt the system and made great strides to reduce the state of good repair backlog. However, to alleviate the short-term pressure on the jurisdictions’ contributions, the PM proposal is being considered. WMATA will continue essential state of good repair work and regular maintenance projects regardless. Chair Palchik stated that deferring PM is not a sustainable solution and why it is so critical to consider re-baselining. Mr. Smedberg stated that this is just the beginning of the discussion since a long-term solution is needed. Mr. Skiles stated that if there is going to be a General Assembly request to change the 3% cap, then it is important to provide quantitative and qualitative data to them. Chair Palchik stated that it is critical to understand that without relief from the legislative 3% cap requirement, 35% of the jurisdictions’ state aid will be in jeopardy.

Mr. Karantonis stated that this is an important discussion. There needs to be a temporary solution, as well as a long-term one, to guarantee WMATA’s survival. There are many ways to improve farebox recovery and the best way is to increase ridership. That happens with good service. Regarding raising fares, he stated that increasing fares has an inherent problem of potentially losing ridership. Chair Palchik asked if WMATA is looking at metrics on the impacts of fare changes. Mr. D’huyvetter responded that traditionally there is ridership loss when fares increase. WMATA has ways to address some of the equity concerns through a variety of fare passes that benefit low-income, senior and student riders. In response to a question from Ms. Garvey, Mr. Smedberg stated that both the District and Maryland have some of the same financial challenges as Virginia. Mr. Snyder asked for a deeper dive into the different budget scenarios and if there is a way for the region to come together and look at the trade offs of the scenarios. He also associated with Mr. Skiles’ comment and agreed that the sooner potential changes to the cap are quantified the better. Mr. Alcorn stated that the staff will work to schedule

a WMATA Committee meeting. Mr. D’huyvetter also noted that staff are engaged at the jurisdictional level and work closely with them. Mr. Smedberg cautioned that none of the budget scenarios are good. This would have happened in a few years, but the pandemic has sped it up. It is a real problem. He also noted that a long-term capital funding source needs to be identified too.

Chair Palchik thanked the whole team. She noted that these recommendations are timely and asked the executive director to speak to how this effort fits into the bigger picture. Ms. Mattice reported that staff are working daily with jurisdictional staff to understand the WMATA budget and the resources available to the jurisdictions. That information is being provided to the chief administrative officers (CAOs) of all the localities, and they in turn are meeting with the other CAOs in the District and Maryland through the Washington Metropolitan Council of Governments (COG). There are many active discussions going on regarding WMATA’s budget.

Ms. Mattice stated that there is active engagement with the business community, boards of trade, chambers of commerce, and other stakeholders. She recognized jurisdictional staff for all their hard work on this. Chair Palchik stated that rumor has it that the NVTC team is really the “go to” team for analysis on WMATA. She reminded Commissioners that the final Annual Report on the Performance and Condition of WMATA will be back brought back for Commission action at the December meeting.

Report from the Chair of the Legislative and Policy Committee

Chair Palchik introduced NVTC’s Legislative and Policy Committee Chair Canek Aguirre to give an update on NVTC’s Legislative Agenda for next year. Mr. Aguirre reported that at the joint WMATA and Legislative Committee meeting on October 19 the committees discussed legislative recommendations for WMATA funding and considered them as a part of the larger 2024 Legislative and Policy Agenda. They also discussed proposed changes to the SMART SCALE program. He noted that Mary Hynes, a member of the Commonwealth Transportation Board (CTB) and former NVTC Commissioner, is present to speak to some of the proposed changes. The Commission will then consider action on a letter commenting on these changes.

Ms. Mattice stated that the proposed 2024 NVTC Legislative and Policy Agenda provides guidance to staff on areas that they can work with legislators – both at the state and federal level. It is intentionally broad to cover unanticipated actions that could occur during the legislative session. She reviewed the proposed state and federal legislative priorities for 2024:

Proposed State-Level Priorities:

- Advocate for long-term, sustainable, dedicated funding to ensure WMATA, VRE and all Northern Virginia transit systems meet the growing needs of public transit in the region.
- Seek administrative or legislative opportunities to permit WMATA to re-baseline its annual operating subsidy in FY 2025 to Virginia to reflect the impact of COVID-19 pandemic on the transit system without financially penalizing NVTC localities.

- Protect state funding of public transit in Northern Virginia and ensure sustainable growth in the Commonwealth Transportation Fund.
- Protect existing NVTC autonomy, programs and funding sources.
- Continue support for state investment in Transforming Rail in Virginia and other passenger rail initiatives.
- Preserve transit's ability to effectively compete within the SMART SCALE program.
- Restore full revenue levels to the Northern Virginia Transportation Authority.
- Support funding for development and implementation of transit innovations including transit signal priority, zero and low-emission public transit, and fare payment technologies.

Speaking to Mr. Skiles' earlier comment about the 3% cap, Ms. Mattice stated that the Legislative and Policy Agenda includes seeking a one-year (FY 2025) re-baseline of WMATA's annual operating subsidy without financially penalizing NVTC localities. Any other proposals for permanent changes to the 3% cap would come back for Commission approval.

Mr. Walkinshaw asked if the second bullet under proposed state-level priorities should be changed from "to Virginia" to "from Virginia." He expressed his opinion that seeking re-baselining for FY 2025 makes sense. The 3% is arbitrary and if there is going to be a legislative change, NVTC should advocate for something that is tied to reality, whether a CPI-based number or something else. Inflation rates can be over 3%. In response to a question from Mr. Skiles, Ms. Mattice explained that it is important that Virginia and Maryland are in alignment regarding any change to the cap. Both are interested in some kind of legislative or budget language that would provide relief. Mr. Skiles stated that the sooner there can be a conversation with Maryland the better. It is also important to have quantitative and qualitative data. Mr. Smedberg noted that there have been numerous meetings with Secretary Miller and his staff, Northern Virginia delegation, federal delegation, etc. Mr. Smedberg agreed with Mr. Walkinshaw that the 3% cap is arbitrary. Therein lies the problem with inflation and the increased costs of everything. Mr. de Ferranti suggested an interim conversation to pinpoint possible solutions. Ms. Mattice stated that there is a recognition that there needs to be solid analytical answers so doing a one-year re-baseline gives more time to look at what the cap could be in the future.

Mr. Foust stated that specificity and advocacy is needed for a long-term funding solution. Mr. Ebbin agreed that there needs to be a specific ask to the General Assembly. Chair Palchik stated that to re-baseline for one-year will be the ask, which gives time to continue to seek a long-term solution. WMATA funding issues have been wrong for so long that they won't be fixed in a month. Ms. Mattice provided some information on the work that is being done at the Council of Governments (COG). Mr. Ebbin suggested a regional summit to develop a consensus on how to fund WMATA. Ms. Mattice stated it is her understanding that the COG group will do this. Mr. Alcorn stated that NVTC can look at the impacts to the jurisdictions, such as how it will impact real estate taxes (and other taxes).

Ms. Mattice stated that if the Commission agrees, the NVCT 2024 Legislative and Policy Agenda could include a specific request to seek funding this year to help the jurisdictions with their state-level WMATA funding request. Ms. Garvey stated that it makes sense. Other Commissioners agreed.

Ms. Mattice then reviewed the federal priorities:

Proposed 2024 Federal Priorities:

- Ensure transit systems in Northern Virginia have the maximum access to federal formula and state of good repair funding, matching or exceeding the funding levels authorized in the Infrastructure Investment and Jobs Act.
- Maximize the region's access to federal transportation funding programs and competitive grant opportunities.
- Recognizing the importance of public transit in accessing federal agencies and facilities, identify and secure federal long-term capital and operating funding opportunities that benefit our local transit systems, including WMATA and VRE.
- Encourage federal return-to-office policies that encourage transit use throughout the work week.
- Continue support for commuter tax benefits for both the private and public sector.

At the request of Mr. Aguirre, Ms. Mattice gave some information on NVTC's active engagement with members of the business community as well as key stakeholders, with a big focus on the Joint Annual Legislative Forum on December 1. She stated that at the suggestion of Senator Ebbin, NVTC will be sharing the findings of the Value of Transit to the Commonwealth study in several publications that are used by members of the General Assembly. Staff also plan to conduct targeted social media marketing and work with members of the business community to write letters to the editor in key publications outside of Northern Virginia. She also announced that the February 1 Commission meeting will be in Richmond which will be followed by a legislative reception to meet with legislators.

Mr. de Ferranti left the meeting at 8:36 p.m. and did not return.

Proposed Changes to SMART SCALE. Mr. Aguirre stated that the Commonwealth is proposing changes to the evaluation criteria and scoring process used for SMART SCALE, a major statewide multimodal transportation funding program in the Commonwealth. Since the launch of this program, transit has scored very well since public transit supports congestion relief, improves safety, provides huge benefits to the environment, supports economic development and fosters smart land use. This year, the Commonwealth is proposing to change how the different evaluation criteria within SMART SCALE will be measured, as well as modify the number and type of applications that can be submitted by localities and regional bodies.

Mr. Aguirre stated that the Commission is being asked to authorize the chair to send comments on these changes with the message that public transit projects and other multimodal projects should continue to be supported by the SMART SCALE program. He then introduced Northern Virginia District CTB member (and former NVTC Commissioner) Mary Hynes to provide an overview of the proposed changes, as well as frame some suggested comments that are reflected in NVTC's proposed letter.

Ms. Hynes gave a high-level overview of the SMART SCALE program and the proposed changes using presentation slides that were presented to the Northern Virginia Transportation Authority in October. SMART SCALE is the state's program that adds capacity to Virginia's roads and transit

systems using criteria and metrics to arrive at a ranking of projects. In the last round, about 400 applications were submitted. After reviewing comments and outcomes of five rounds of SMART SCALE, a few key application, programming and funding issues stood out. For the last round, there were 46 applications submitted from the Northern Virginia District. Thirty-two of those were scored and 13 were funded. Of the screened-out applications, six of them were bus rapid transit (BRT) related projects, which is a concern and one of the reasons for submitting comments.

At the November CTB meeting, proposed changes to the SMART SCALE program were introduced, including capping the number of applications by any jurisdiction over 200,000 residents at five applications (down from the current cap of 10). The recommendations would also redefine “High-Priority” and eliminate “Step 2.” Ms. Hynes stated that both she and CTB Member (At-Large Urban) Scott Kasprovicz think eliminating Step 2 is a good idea. They also think redefining “High-Priority” is also a good idea.

Ms. Hynes explained that the Code of Virginia (33.20370) defines “where” high-priority projects are, which means these are projects of regional or statewide significance, such as projects that reduce congestion or increase safety, accessibility, environmental quality, or economic development. The recommendation is to change the definition to include what type of projects are eligible and to provide more specificity. BRT is not explicitly included. She stated that she is trying to get BRT added as a qualifying project type.

Ms. Hynes then reviewed the outcome/impact for Northern Virginia under the different scenarios using Round 5 applications, including the scenarios with a land use multiplier and the economic development changes. She briefly discussed the impact on bicycle and pedestrian projects under the proposed changes. She also observed that land use has been a very productive category for Northern Virginia. Ms. Hynes stated that in her opinion, up until now, the SMART SCALE process has been fairly balanced where many different modes have been funded and transit projects have done well. But in Scenario G (Final Staff Recommended Scenario) none of the transit projects funded in Round 5 would have been funded.

Ms. Hynes stated that the Commonwealth Transportation Board will be voting on these recommendations at their December 5 meeting. There was a town hall meeting at the end of October and public comments are being accepted through November 15.

Mr. Skiles asked when the draft proposal of changes was put together. Ms. Hynes responded that CTB has been working on the analysis since January. Scenario G (Final Staff Recommendation) was made available to CTB members at 8:30 a.m., a half-hour before the October 17 CTB meeting. Mr. Skiles asked if NVTC invited the Secretary of Transportation’s office or the Office of Intermodal Planning and Investment (OIPI) to present the recommendations to the Commission. Ms. Mattice stated that there was no invitation as these changes were made in between NVTC’s two meetings. Ms. Hynes noted that although she used the Office of the Secretary of Transportation/Virginia Department of Transportation Northern Virginia District’s PowerPoint presentations for her briefing at this meeting, it is her narrative. Chair Palchik stated that jurisdictional staff are doing their own analysis on these recommendations. Mr. Aguirre noted that it is difficult to invite someone who drops changes at the last minute, given that NVTC

already had its agenda set for the meeting. He would have appreciated CTB or OIPI staff to have reached out to NVTC to alert the Commission of these changes. Mr. Skiles stated that in general he would agree but stated that it would be helpful to hear both sides and give them an opportunity to present their proposal and the rationale for the changes. In response to a question from Chair Palchik, Ms. Mattice stated that the recommendations were presented to the CTB on October 17 and NVTC staff participated in a briefing on October 31.

In response to Mr. Smedberg, Ms. Hynes stated that there is an issue with towns because the recommendation is to cut applications in half for larger jurisdictions and this will impact towns. There have been discussions of adding language regarding towns. Mr. Walkinshaw stated that currently Fairfax County, with 1.1 million residents, can only submit 10 applications. With no disrespect to other jurisdictions in the 200,000 range, he stated that this is unbalanced as they too can submit 10 applications. He expressed his opinion that this is insulting to Fairfax County residents to go from 10 to five applications. He stated that the letter should point out that the existing cap of 10 applications puts Fairfax and Loudoun Counties at a disadvantage. He agrees with the letter's comments about land use. Ms. Hynes suggested recommending adding another tier. Mr. Walkinshaw stated that another tier would require a complicated discussion given population counts among the jurisdictions, so he suggested the letter point out the existing 10 application cap for larger jurisdictions over 200,000 population puts Northern Virginia at a disadvantage. Mr. Karantonis observed that population is only one variable.

Mr. Skiles stated that he will vote no on sending the letter because he is disappointed that neither the Secretary of Transportation nor OIPI staff were invited to present on the recommendations. He would like to hear from them about why the changes are being proposed.

Mr. Snyder stated that in his opinion the big message is the impact on BRT and bike/ped projects and it is reasonable for NVTC to comment on that. He is willing to move forward on the letter and has no issue with having the Secretary or his staff discuss this more with NVTC. However, there is no time to wait, and it is important to not lose the basic message that Northern Virginia would be generally harmed by these changes, especially BRT projects. Ms. Hynes stated that the deadline for comments is November 15. Chair Palchik suggested adding language to the letter inviting the Secretary or OIPI to engage with the Commission on these changes. Mr. Alcorn asked that Mr. Walkinshaw's concerns be included in the letter. In response to a question from Mr. Smedberg, Ms. Hynes provided more detail about the timing of the process. Ms. Mattice suggested the Commission give the chair authority to send the letter after circulating the updated letter with the changes to Commissioners.

Mr. Ebbin moved, with a second by Ms. Bagley, to authorize the chair to submit comments regarding proposed changes to SMART SCALE, after the final draft of the letter is circulated to Commissioners for review. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bagley, de Ferranti, Ebbin, Foust, Garvey, Gilroy, Karantonis, Kornhoff, Palchik, Smedberg, Snyder, Tuck and Walkinshaw. Mr. Skiles voted no. The motion passed.

Annual Joint NVTC-PRTC-VRE Legislative Forum. Chair Palchik reminded Commissioners to participate in the Joint Legislative Forum on December 1.

Virginia Railway Express (VRE)

Chair Palchik asked VRE CEO Rich Dalton to give his report followed by VRE Operations Board Chair Walkinshaw to present the VRE 2024 Legislative Agenda. There are no VRE action items this month.

VRE CEO Report. Mr. Dalton reported that VRE has seen a slight increase in ridership and system performance over the last month. He encouraged Commissioners to read his CEO Report.

VRE Proposed 2024 Legislative Agenda. Mr. Walkinshaw stated that VRE's 2024 Legislative Agenda will serve as a guide for staff and VRE's contracted legislative liaisons during the upcoming General Assembly legislative session. In addition, the Legislative Agenda includes federal legislative and regulatory issues that are relevant to transit and commuter rail in the U.S., and VRE specifically. The full VRE Legislative Agenda is in the meeting materials, but he highlighted a few state priorities:

- Seek Commuter Rail Exemption for Virginia State Tax on Surplus Lines Insurance.
- Educate legislators on VRE's plans for future additional services as part of the Commonwealth's Transforming Rail in Virginia program and the need to find additional sustainable funding for operations.
- Monitor any proposals to create additional transportation authorities that would include VRE jurisdictions.

Mr. Walkinshaw noted that the VRE Legislative Agenda is in alignment with NVTC's Legislative and Policy Agenda. On the topic of funding, he observed that NVTC spends a majority of its time correctly discussing WMATA funding, but it is important to remember VRE also needs a long-term funding solution. While VRE is currently in a good financial position, VRE will have structural issues and challenges moving forward that will require new funding sources. In response to a question from Mr. Foust, Mr. Walkinshaw explained that VRE has been strategically holding on to its pandemic relief funding, which should last for several years.

Department of Rail and Public Transportation (DRPT)

Chair Palchik DRPT Director DeBruhl could not be here tonight but has provided her report in the meetings materials.

Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter, which highlights some of NVTC's recent efforts and events. She reminded Commissioners to add NVTC's 2024 meeting dates to their calendars. The February 1 Commission meeting will be held in Richmond followed by a reception with legislators. The July 18 meeting is tentative if needed and would be all virtual (in lieu of July 4). The next Commission meeting is December 7.

Ms. Mattice stated that the September Financial Report was provided in the meeting materials.

Closed Session

Chair Palchik stated that the Commission needs to go into Closed Session for the executive director's annual performance review. She explained that for the benefit of the listening public, the Commission will return to Open Session. The meeting will resume live when NVTC returns to Open Session.

Ms. Garvey left the meeting and did not return.

Mr. Snyder moved, with a second by Mr. Aguirre, the following motion:

"Pursuant to the Virginia Freedom of Information Act, Section 2.2-3711.A.1 of the Code of Virginia, the Northern Virginia Transportation Commission authorizes discussion in Closed Session concerning the executive director's performance evaluation."

The vote in favor was cast by Commissioners Aguirre, Alcorn, Bagley, Ebbin, Foust, Gilroy, Karantonis, Kornhoff, Palchik, Skiles, Smedberg, Snyder, Tuck and Walkinshaw. The motion passed.

The Commission entered into Closed Session at 9:30 p.m. and returned to Open Session at 9:40 p.m. The live stream feed was restored for public viewing.

Mr. Snyder moved, with a second by Mr. Foust, 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 Aguirre, Alcorn, Bagley, Ebbin, Foust, Gilroy, Karantonis, Kornhoff, Palchik, Skiles, Smedberg, Snyder, Tuck and Walkinshaw. The motion passed.

Mr. Skiles moved, with a second by Mr. Ebbin, to approve an amendment to the executive director's contract as discussed in Closed Session. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bagley, Ebbin, Foust, Gilroy, Karantonis, Kornhoff, Palchik, Skiles, Smedberg, Snyder, Tuck and Walkinshaw. The motion passed.

Adjournment

Without objection, Chair Palchik adjourned the meeting at 9:43 p.m.

Approved this 7th day of December 2023.

Dalia Palchik
Chair

David F. Snyder
Secretary-Treasurer

RESOLUTION #2506

SUBJECT: Ratify and Readopt Resolution #2412 "Authorize the Acting VRE CEO to Execute an Agreement with Amtrak for Access and Storage at Washington Union Terminal"


WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

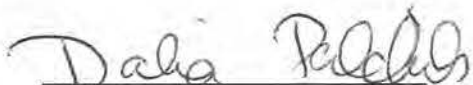
WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2412 "Authorize the Acting VRE CEO to Execute an Agreement with Amtrak for Access and Storage at Washington Union Terminal," dated June 4, 2020.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer



Dalia Palchik
Chair

RESOLUTION #2507

SUBJECT: Ratify and Readopt Resolution #2415 "Authorize the Acting VRE CEO to Amend the Agreement with the City of Manassas for the Operation and Maintenance of the Manassas Parking Facility"

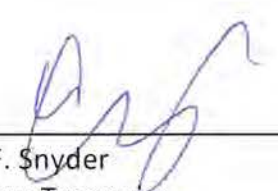
WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

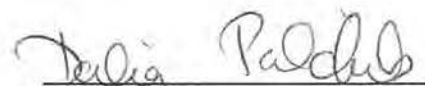
WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2415 "Authorize the Acting VRE CEO to Amend the Agreement with the City of Manassas for the Operation and Maintenance of the Manassas Parking Facility," dated June 4, 2020.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer



Dalia Palchik
Chair

RESOLUTION #2508

SUBJECT: Ratify and Readopt Motion "Authorize the Executive Director to Sign the DRPT Master Agreement"

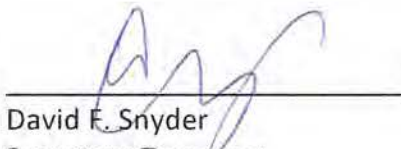
WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt the motion "Authorize the Executive Director to Sign the DRPT Master Agreement the Executive Director to Sign the DRPT Master Agreement," approved on July 2, 2020.

Approved this 2nd day of November 2023.



David E. Snyder
Secretary-Treasurer



Dalia Palchik
Chair

RESOLUTION #2509

SUBJECT: Ratify and Readopt Resolution #2418 "Appointment of VRE Chief Executive Officer"

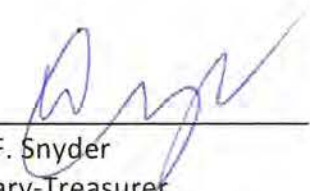
WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2418 "Appointment of VRE Chief Executive Officer," dated September 3, 2020.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer



Dalia Palchik
Chair

RESOLUTION #2510

SUBJECT: Ratify and Readopt Resolution #2420 "Approve I-66 Commuter Choice Initial Round Four (FY 2021) Program of Projects for Submission to CTB and Authorize Executive Director to Execute Standard Project Agreements"

WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2420 "Approve I-66 Commuter Choice Initial Round Four (FY2021) Program of Projects for Submission to CTB and Authorize Executive Director to Execute Standard Project Agreements," dated October 1, 2020.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer

Dalia Palchik
Chair

RESOLUTION #2511

SUBJECT: Ratify and Readopt Resolution #2424 "Approve Policy Changes Governing the Commuter Choice Program in Both Corridors, I-66 Inside the Beltway and I-395/95"

WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2424 "Approve Policy Changes Governing the Commuter Choice Program in Both Corridors, I-66 Inside the Beltway and I-395/95," dated November 5, 2020.

Approved this 2nd day of November 2023.



Dalia Palchik
Chair



David F. Snyder
Secretary-Treasurer

RESOLUTION #2512

SUBJECT: Ratify and Readopt Resolution #2425 "Adopt the Technical Evaluation Process for the Commuter Choice on the I-395/95 Corridor Program and Authorize the Executive Director to Issue a Call for Projects for I-395/95 Corridor Round Two (FY 2022-FY 2023)"

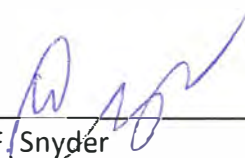
WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2425 "Adopt the Technical Evaluation Process for the Commuter Choice on the I-395/95 Corridor Program and Authorize the Executive Director to Issue a Call for Projects for I-395/95 Corridor Round Two (FY 2022-FY 2023)," dated November 5, 2020.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer



Dalia Palchik
Chair

RESOLUTION #2513

SUBJECT: Ratify and Readopt Resolution #2429 "Approve an Agreement with City of Manassas Park for Design, Construction, Operations and Maintenance of Parking Garage at VRE Manassas Park Station"


WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2429 "Approve an Agreement with City of Manassas Park for Design, Construction, Operations and Maintenance of Parking Garage at VRE Manassas Park Station," dated December 3, 2020.

Approved this 2nd day of November 2023.



Dalia Palchik
Chair



David F. Snyder
Secretary-Treasurer

RESOLUTION #2514

SUBJECT: Ratify and Readopt Resolution #2430 "Authorize the VRE CEO to Execute an Agreement with the Virginia Passenger Rail Authority (VPRA), or Alternatively the Department of Rail and Public Transportation for Later Assignment to the VPRA, for Passenger Rail Operations and Access"

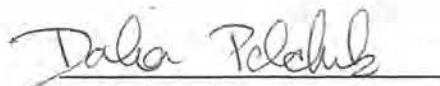
WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2430 "Authorize the VRE CEO to Execute an Agreement with the Virginia Passenger Rail Authority (VPRA), or Alternatively the Department of Rail and Public Transportation for Later Assignment to the VPRA, for Passenger Rail Operations and Access," dated December 3, 2020.

Approved this 2nd day of November 2023.



Dalia Palchik
Chair



David F. Snyder
Secretary-Treasurer

RESOLUTION #2515

SUBJECT: Ratify and Readopt Resolution #2431 "Authorize the VRE CEO to Execute an Agreement with the Virginia Passenger Rail Authority (VPRA), or Alternatively the Department of Rail and Public Transportation for Later Assignment to the VPRA, for Passenger Rail Improvements and Funding"

WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

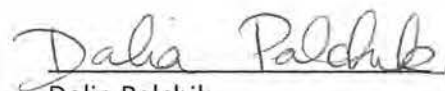
WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2431 "Authorize the VRE CEO to Execute an Agreement with the Virginia Passenger Rail Authority (VPRA), or Alternatively the Department of Rail and Public Transportation for Later Assignment to the VPRA, for Passenger Rail Improvements and Funding," dated December 3, 2020.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer



Dalia Palchik
Chair



RESOLUTION #2516

SUBJECT: Ratify and Readopt Motion "Approve a Limited Waiver of the Conflict for McGuire Woods, LLP"

WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

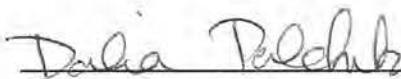
WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt the motion "Approve a Limited Waiver of the Conflict for McGuire Woods, LLP" approved January 7, 2021.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer



Dalia Palchik
Chair

RESOLUTION #2517

SUBJECT: Ratify and Readopt Resolution #2443 "Approve the Third Amended and Restated Memorandum of Agreement to the MOA of the Transform 66: Inside the Beltway Project"

WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

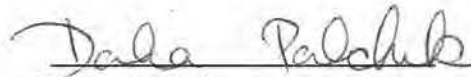
WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2443 "Approve the Third Amended and Restated Memorandum of Agreement to the MOA of the Transform 66: Inside the Beltway Project," dated May 6, 2021.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer



Dalia Palchik
Chair

RESOLUTION #2518

SUBJECT: Ratify and Readopt Resolution #2444 "Authorize the VRE CEO to Execute the Amended and Restated Operating/Access Agreement and the Master Lease Agreement with CSX Transportation"

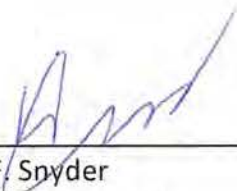
WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

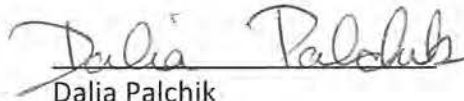
WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2444 "Authorize the VRE CEO to Execute the Amended and Restated Operating/Access Agreement and the Master Lease Agreement with CSX Transportation," dated May 6, 2021.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer

Dalia Palchik
Chair

RESOLUTION #2519

SUBJECT: Ratify and Readopt Resolution #2445 "Appointment of VRE General Counsel and Chief Legal Officer"

WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and


WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2445 "Appointment of VRE General Counsel and Chief Legal Officer," dated May 6, 2021.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer



Dalia Palchik
Chair

RESOLUTION #2520

SUBJECT: Ratify and Readopt Resolution #2447 "Approve Commuter Choice in the I-395/95 Corridor Round Two Program of Projects for Submission to the Commonwealth Transportation Board and Authorize the Executive Director to Execute Standard Project Agreements"

WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;


WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2447 "Approve Commuter Choice in the I-395/95 Corridor Round Two Program of Projects for Submission to the Commonwealth Transportation Board and Authorize the Executive Director to Execute Standard Project Agreements," dated June 3, 2021.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer

Dalia Palchik
Chair

RESOLUTION #2521

SUBJECT: Ratify and Readopt Resolution #2450 "Authorize the VRE CEO to Execute a Contract with Alstom Transportation Inc. of New York, New York, for 21 New Passenger Railcars"

WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

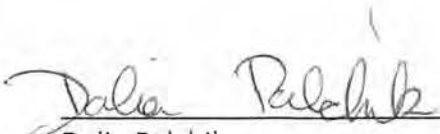
WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2450 "Authorize the VRE CEO to Execute a Contract with Alstom Transportation Inc. of New York, New York, for 21 New Passenger Railcars," dated June 3, 2021.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer

Dalia Palchik
Chair

RESOLUTION #2522

SUBJECT: Ratify and Readopt Resolution #2451 "Authorize the VRE CEO to Enter into a Right-of-Way Easement Agreement with Rappahannock Electric Cooperative for LOU Facility Electric Service"


WHEREAS: The Northern Virginia Transportation Commission (NVTC) conducted all electronic meetings between May 1, 2020 and July 1, 2021;

WHEREAS: In light of a Virginia Supreme Court decision, actions approved by the Northern Virginia Transportation Commission during the above time frame may be subject to challenge on the grounds the actions were not permitted to be taken in an all-electronic meeting; and

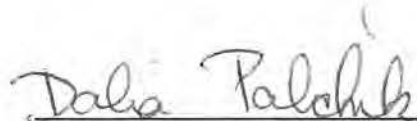
WHEREAS: Without conceding the merits of any such challenge, NVTC has concluded that ratification and reapproval of some actions taken in all-electronic meetings during the above time frame should be ratified and readopted.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby ratify and readopt Resolution #2451 "Authorize the VRE CEO to Enter into a Right-of-Way Easement Agreement with Rappahannock Electric Cooperative for LOU Facility Electric Service," dated June 3, 2021.

Approved this 2nd day of November 2023.



David F. Snyder
Secretary-Treasurer



Dalia Palchik
Chair