

MINUTES
NVTC COMMISSION MEETING –JULY 18, 2024
Via Electronic Participation
Public Streaming via YouTube

The meeting of the Northern Virginia Transportation Commission was called to order by Chair de Ferranti at 7:05 p.m.

Members Present via Electronic Participation

Canek Aguirre
Walter Alcorn
James Bierman, Jr.
Juli Briskman
Matt de Ferranti
Adam Ebbin
Libby Garvey
Paul Krizek
Alfonso Lopez
Dalia Palchik
David Reid
Saddam Azlan Salim
Paul Smedberg
David Snyder
Daniel Storck
Zach Trogdon (Alternate, Commonwealth of Virginia)
James Walkinshaw

Members Absent

Sarah Bagley
Takis Karantonis
Matt Letourneau
Catherine Read
Mark Sickles

Staff Present via Electronic Participation

| | |
|----------------------------------|----------------------|
| Kate Mattice, Executive Director | Aimee Perron Seibert |
| Andrew D’huyvetter | Rich Dalton (VRE) |
| Allan Fye | Steve MacIsaac (VRE) |
| Rhonda Gilchrest | Mark Schofield (VRE) |
| Xavier Harmony | |
| Scott Kalkwarf | |
| Tenley O’Hara | |
| Melissa Walker | |

Opening Remarks

Chair de Ferranti welcomed everyone to the all-virtual July 18, 2024 NVTC meeting and noted that staff followed the procedures and guidelines in NVTC's Electronic Participation Policy, to give notice to the Commission, staff and the public. This meeting is simultaneously being broadcast to the public on YouTube. He reviewed the procedures for the electronic meeting, including that all votes will be conducted by roll call vote and reminded Commissioners about the new Code requirements and the importance of keeping their cameras on to constitute a quorum.

Chair de Ferranti welcomed Acting DRPT Director Zach Trogdon to the Commission, who was appointed to serve as the Commonwealth's Alternate to NVTC. Mr. Trogdon has already been sworn in with the official oath of office by the board administrator prior to the meeting.

Board Administrator Rhonda Gilchrest called the role and confirmed an in-person quorum. Mr. Aguirre had technical difficulties with his camera throughout the meeting, so due to the new Code requirements he was not counted towards quorum. Ms. Gilchrest also announced staff participating in the meeting.

Chair de Ferranti stated in the light of the recent assassination attempt on Former President Trump, he wanted to convey that political violence of any kind has no place in our democracy. He stated that he believes it is important to speak out against this violence and stand against it. As Commissioners are public servants, he encouraged them to share that view.

Chair de Ferranti recognized Paul Smedberg as he steps away from chairing the WMATA Board of Directors – a position he held for five years. Mr. Smedberg has been a pivotal chair of WMATA taking it through the pandemic as well as the hiring of a new general manager. Mr. Smedberg will continue on the Board as WMATA Board's First Vice-Chair. Commissioners then watched the video that WMATA used for Mr. Smedberg's national recognition as the American Public Transportation Association (APTA) Transit Board Member of the Year.

Ms. Garvey joined the meeting at 7:20 p.m.

On behalf of the Commission, Chair de Ferranti thanked Mr. Smedberg for his years of service as WMATA Board chair and his continued representation of Virginia on the Board. Commissioners took some time to individually thank Mr. Smedberg for his tenure on the Board, his outstanding leadership, the respect he has throughout the region, his commitment to making things better, and how well he represents Virginia. Mr. Smedberg thanked the Commission for this recognition and stated that it has been an honor to represent WMATA. He observed that there are misconceptions about the WMATA Board, but he is proud of the advancements and improvements that have happened at WMATA. He has appreciated working alongside Mr. Letourneau on the Board and looks forward to continuing.

Ms. Mattice stated that NVTC did not receive any general public comment this month.

Minutes and Meeting Summary

Chair de Ferranti proposed a block vote for the Minutes of the June 6, 2024 NVTC Commission meeting and the Meeting Summary of the June 13, 2024 Transit Innovation Summit. No NVTC business was conducted at the Summit and the meeting summary is for archival purposes. There were no objections.

Ms. Palchik moved, with a second by Mr. Bierman, to approve the Minutes of the June 6, 2024 NVTC Commission meeting and the Meeting Summary of the June 13, 2024 Transit Innovation Summit. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Alcorn, Bierman, Briskman, de Ferranti, Ebbin, Garvey, Krizek, Palchik, Reid, Salim, Smedberg, Snyder, Storck and Walkinshaw. (Mr. Aguirre continued to have problems with his camera and was not included in the vote.)

Consent Agenda

Chair de Ferranti stated that the Consent Agenda includes two action items:

- A. Authorize the Executive Director to Send a Letter Certifying Receipt of Certain Documents from WMATA Required by State Code
- B. Adopt the NVTC Electronic Participation Policy

Ms. Palchik moved, with a second by Mr. Alcorn, to approve the Consent Agenda. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Alcorn, Bierman, Briskman, de Ferranti, Ebbin, Garvey, Krizek, Palchik, Reid, Salim, Smedberg, Snyder, Storck and Walkinshaw. (Mr. Aguirre was not included in the vote.)

NVTC Work Towards Long-Term Sustainable Dedicated Funding

Chair de Ferranti noted that there are several efforts in the region looking at policy and funding considerations related to developing a long-term sustainable and dedicated funding for the region's transit systems. Tonight, there are two presentations supporting NVTC's work on the state-level SJ 28 as well as the regional DMVMoves effort. As these groups are in the beginning stages, these presentations will focus on key background information as well as framing NVTC's efforts in the larger context.

Ms. Mattice stated that the first presentation is on NVTC's Regional Bus Analysis by Xavier Harmony. This effort started well in advance of the current SJ 28 and DMVMoves activities, but it dovetails quite nicely. NVTC's Regional Bus Analysis is a deep dive on the needs of the region's local bus systems over the next 10 years and identifies opportunities to fill service gaps and to coordinate service and infrastructure. This analysis will be a valuable tool for NVTC to engage with all the SJ 28 and DMVMoves activities and for the future.

Ms. Mattice stated that Allan Fye will also provide the latest update on activities related to SJ 28 and DMVMoves, both of which had kick off meetings since the last Commission meeting.

Regional Bus Analysis Study. Dr. Harmony explained that there are six bus providers in Virginia and they are required to develop Transit Strategic Plans (TSPs) for the Commonwealth. There is currently no regional strategic planning resource. NVTC's Regional Bus Analysis study provides a macro-level view, focuses across jurisdictions and service areas, and identifies opportunities for regional collaboration and efficiency. The study is a 10-year outlook. He provided more in-depth information about what the study covers, including 1) Considering current and planned service, where are there service gaps? 2) Considering the gaps, where are there opportunities for shorter-term, new transit corridors; longer-term, new high-capacity corridors; and opportunities for buses to cross jurisdictions? 3) Considering space and money constraints, are there opportunities to share infrastructure?

Dr. Harmony reviewed the study's five major deliverables (Meta-Analysis of Northern Virginia TSPs, Service Gap Analysis, Northern Virginia Priority Transit Corridors, Bus Infrastructure Analysis, and Short- and Long-Term Financial Needs). The plan is to come back to the Commission at the October meeting to ask for Commission acceptance of the report.

Dr. Harmony then discussed how this study fits into other regional work, including WMATA's Better Bus Network Redesign and Northern Virginia Transportation Authority's Preliminary Deployment Plan (PDP) for a regional Bus Rapid Transit (BRT) system. Although these studies are slightly different, regional coordination is key. These initiatives are all informing the DMVMoves process. He also reviewed the financial analysis of the study.

Ms. Garvey asked for Dr. Harmony's opinion of what was most surprising for him regarding the study analysis and what is the current level of cooperation in the region. Dr. Harmony responded that for the case study looking at the West Ox Maintenance Facility, which is shared by WMATA and Fairfax County, WMATA receives way more federal dollars than the county. WMATA had higher security standards that needed to be met because of the federal dollars. Since it is a shared facility, it was interesting to see how that issue was resolved on the issues that arose and who paid for the higher standards. Regarding regional cooperation, NVTC plays a big role in that through the Management Advisory Committee (MAC), participation in other regional meetings, etc.

NVTC Staff-Level Transit Funding Working Group/SJ 28: Northern Virginia Growing Needs of Public Transit Joint Subcommittee/DMVMoves. Mr. Fye stated that NVTC is supporting all the regional efforts, which includes key inputs from NVTC, including the Annual Report on the Performance and Condition of WMATA, Value of Transit to the Commonwealth (2023), Metro Operating Funding and Reform Working Group Report, Regional Bus Analysis, and NVTC Transit Funding Working Group. He then gave some context to the SJ 28: Northern Virginia Growing Needs of Public Transit Joint Subcommittee and the charges to the Joint Subcommittee and the Technical Working Group. The first meeting of the SJ 28 Subcommittee was on July 15. The DMVMoves task force also held its first meeting in June and there have been several advisory group meetings.

Mr. Ebbin thanked Mr. Fye for his presentation to the SJ 28 Subcommittee on how transit is funded in Northern Virginia. Acting DRPT Director Trogdon also gave an overview of Commonwealth funding. Mr. Ebbin stated that he hopes that the remaining meetings throughout

the rest of the year can be announced soon. Ms. Mattice stated that staff will be looking for Commissioner input regarding these issues as the Legislative and Policy Agenda is drafted later this year, as well as weighing in on the initiatives underway. Chair de Ferranti thanked Mr. Ebbin for his leadership as chair of the SJ 28 Subcommittee. Mr. Alcorn stated that as he is NVTC's representative on the SJ 28 Subcommittee, he encouraged Commissioners to reach out to him with any questions, comments or concerns. Mr. Ebbin asked about the best way to keep informed about DMVMoves. Mr. Smedberg stated that there is a comprehensive website (dmvmoves.org) as well as a whole communication plan. He is also happy to provide updates. Mr. Alcorn stated that the Joint WMATA Committee/Legislative and Policy Committee meetings are another opportunity for communication, coordination and dissemination of information.

Virginia Railway Express (VRE)

Chair de Ferranti asked VRE CEO Rich Dalton to give his report, which will be followed by a Closed Session.

VRE CEO Report. Mr. Dalton reported that VRE on-time performance is still not meeting the 90% target as it reached only the mid-70's for June due to weather related events, existing congestion, and heat restrictions.

Mr. Lopez joined the meeting at 8:15 p.m.

Mr. Snyder asked about ridership. Mr. Dalton responded that for the month of June average daily ridership was 6,400, which is down from the previous month. This is 40-45% of pre-pandemic levels.

Closed Session

Chair de Ferranti stated that the Commission plans to return to an Open Session following the Closed Session. He provided information to the public in case of technical difficulties and if the live feed is interrupted on how to contact staff. Staff participating in the Closed Session are NVTC Executive Director Kate Mattice, VRE CEO Rich Dalton, VRE CFO Mark Schofield and VRE Legal Counsel Steve Maclsaac.

In response to a question from the chair, Mr. Dalton stated that there was a press release on June 4 announcing the Virginia Passenger Raul Authority (VPRA) is in discussions with the Norfolk Southern Railway as it relates to a purchase of the Manassas Line. This has a potential impact on VRE.

Chair de Ferranti moved, with a second by Ms. Garvey, the following motion:

Pursuant to the Virginia Freedom of Information Act, Section 2.2-3711.A.3 of the Code of Virginia, the Northern Virginia Transportation Commission convene a closed meeting for the purposes of discussion of the acquisition of real property for a public purpose related to VRE operations on the Norfolk

Southern Rail line where discussion in public would adversely affect the negotiating strategy and bargaining position of the Commission.

The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Alcorn, Bierman, Briskman, de Ferranti, Ebbin, Garvey, Krizek, Lopez, Palchik, Reid, Salim, Smedberg, Snyder, Storck and Walkinshaw. (Mr. Aguirre previously dropped off due to technical difficulties.)

The Commission entered into Closed Session at 8:18 p.m. and returned to Open Session at 9:32 p.m. The live stream feed was restored for public viewing. (Mr. Ebbin left the meeting during Closed Session and did not return.)

Chair de Ferranti moved, with a second by Mr. Alcorn, the following certification:

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

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

The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Alcorn, Bierman, Briskman, de Ferranti, Garvey, Lopez, Palchik, Reid, Salim, Smedberg, Snyder, Storck and Walkinshaw. The motion passed.

Chair de Ferranti stated that Resolution #2539 would authorize the VRE CEO to execute an Interim Operating Access Agreement with the Virginia Passenger Rail Authority (VPRA) and direct the VRE CEO to finalize Operating Access Agreements with VPRA and Norfolk Southern Railway and a Funding Agreement with VPRA for VRE Manassas Line Acquisition.

Chair de Ferranti moved, with a second by Ms. Palchik, to approve Resolution #2539 (copy attached).

Mr. Snyder stated that he would very much like to vote for the resolution because the objective of acquiring more control of rail is a positive for VRE. He would like more public transparency and wishes there had been more before this meeting. He understands that there will be public discussion going forward, so that is a good thing. He has concerns about contributions and that expectations are not raised. He also has concerns about potential sources of those contributions especially I-66 Inside the Beltway Commuter Choice funding. For those reasons he will abstain, but he hopes to vote for the final action on the agreement when it comes before the Commission.

The vote to approve the resolution was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Alcorn, Bierman, Briskman, de Ferranti, Garvey, Lopez,

Palchik, Reid, Salim, Smedberg, Storck and Walkinshaw. Mr. Snyder abstained. The motion passed.

Adjournment

Without objection, Chair de Ferranti adjourned the meeting at 9:37 p.m.

Approved this 3rd day of October 2024.

Matt de Ferranti
Chair

Sarah Bagley
Secretary-Treasurer



RESOLUTION #2538

SUBJECT: Request WMATA to Allocate Commonwealth of Virginia Operating Subsidy Assistance Using the NVTC Subsidy Allocation Model Formula (SAM)

WHEREAS: The FY 2025 WMATA approved budget anticipates additional investments of \$462.8 million in operating subsidies to help close a budget gap, with the Virginia local jurisdictions' share totaling \$119.4 million;

WHEREAS: The approved Commonwealth of Virginia FY 2025 Biennium Budget includes an additional \$59.7 million in FY 2025 funding which will assist the Virginia local jurisdictions in meeting their share of the WMATA operating subsidies;

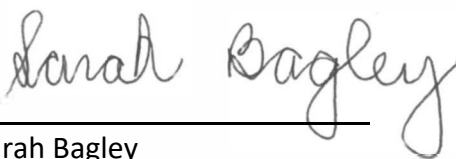
WHEREAS: The Department of Rail and Public Transportation (DRPT) intends to contract directly with WMATA for these additional funds, unlike other state operating and capital subsidy assistance that is contracted with NVTC; and

WHEREAS: NVTC desires for this additional funding to be credited to the Virginia local jurisdictions in the same manner as other state subsidy assistance provided through NVTC on behalf of the jurisdictions, by using the NVTC SAM allocation formula.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby requests that WMATA utilize the FY 2025 NVTC SAM percentages when allocating the additional \$59.7 million operating subsidy assistance among the Virginia jurisdictions.

BE IT FURTHER RESOLVED that NVTC staff will provide the FY 2025 SAM percentages to WMATA for use in the allocations.

Approved this 18th day of July 2024.



Sarah Bagley
Secretary-Treasurer



Matt de Ferranti
Chair



RESOLUTION #2539

- SUBJECT:** Authorize the VRE CEO to Execute an Interim Operating Access Agreement with the Virginia Passenger Rail Authority (VPRA) and Direct the VRE CEO to Finalize Operating Access Agreements with VPRA and Norfolk Southern Railway and a Funding Agreement with VPRA for VRE Manassas Line Acquisition
- WHEREAS:** The Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission, (the "Commissions"), as owners and operators of the Virginia Railway Express ("VRE") commuter rail service, have provided service on the railroad right of way owned by Norfolk Southern Railway Company ("Norfolk Southern") since 1992 (the "VRE Manassas Line") pursuant to successive operating access agreements between VRE and Norfolk Southern;
- WHEREAS:** The Virginia Passenger Rail Authority ("VPRA") executed a term sheet with Norfolk Southern on May 23, 2024, regarding a transaction that includes the purchase by VPRA of the VRE Manassas Line by September 2024;
- WHEREAS:** In the event the VPRA purchase occurs, the Commissions' current operating access agreement with Norfolk Southern will end, and it will be necessary for the Commissions to enter into an operating access agreement with VPRA and a new operating access agreement with Norfolk Southern in order to continue to provide VRE commuter rail service on the portions of the VRE Manassas Line purchased by VPRA and the portions of the VRE Manassas Line retained by Norfolk Southern;
- WHEREAS:** Until a new operating access agreement between the Commissions and VPRA can be negotiated and approved by the Commissions for execution, an interim operating access agreement between the Commissions and VPRA has been proposed that continues the terms of the current Norfolk Southern operating access agreement with the exception of substituting the compensation terms with the reduced annual costs for access and dispatching anticipated to be in the new operating access agreement with VPRA;
- WHEREAS:** The current operating access agreement with Norfolk Southern has been extended and will remain in effect until October 10, 2024, and a new operating access agreement with Norfolk Southern has been proposed that is substantially similar to the current agreement except for reduced annual costs for access and dispatch similar to the compensation terms anticipated to be in the new operating access agreement with VPRA;
- WHEREAS:** VPRA has requested that, in the event the VPRA purchase occurs, the Commissions contribute to the purchase price VPRA pays for the VRE Manassas Line pursuant to a funding agreement, the terms of which would have to be negotiated and brought to the Commissions for approval; and

WHEREAS: After detailed discussion with the VRE Operations Board, the VRE Chief Executive Officer ("CEO") recommends (1) that he be authorized to execute an interim operating access agreement with VPRA in the event the VPRA's purchase of the VRE Manassas Line occurs, and (2) that he be further directed to negotiate the terms of a new operating access agreement with VPRA, the terms of a new operating access agreement with Norfolk Southern, and the terms of a funding agreement with VPRA providing for a contribution by the Commissions to the VPRA's purchase of the VRE Manassas Line, which agreements shall be brought to the VRE Operations Board for its consideration of a recommendation and to the Commissions for their consideration of approval.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby authorizes the VRE CEO to execute an interim operating access agreement with VPRA in the event the VPRA's purchase of the VRE Manassas Line occurs.

BE IT FURTHER RESOLVED that the Northern Virginia Transportation Commission hereby directs the VRE CEO to negotiate the terms of a new operating access agreement with VPRA, the terms of a new operating access agreement with Norfolk Southern, and the terms of a funding agreement with VPRA providing for a contribution by the Commissions to the VPRA's purchase of the VRE Manassas Line, which agreements shall be brought to the VRE Operations Board for its consideration of a recommendation and to the Commissions for consideration of their approval.

Approved this 18th day of July 2024.



Sarah Bagley
Secretary-Treasurer



Matt de Ferranti
Chair