

MINUTES
NVTC COMMISSION MEETING – NOVEMBER 7, 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 7:01 p.m.

Members Present via Electronic Participation

Canek Aguirre
Walter Alcorn
Sarah Bagley
James Bierman, Jr.
Matt de Ferranti
Adam Ebbin
Libby Garvey
Takis Karantonis
Paul Krizek
Dalia Palchik
Catherine Read
David Reid
Saddam Azlan Salim
Mark Sickles
Paul Smedberg
David Snyder
Daniel Storck
Zach Trogden (Alternate, Commonwealth of Virginia)
James Walkinshaw

Members Absent

Juli Briskman
Matt Letourneau
Alfonso Lopez

Staff Present via Electronic Participation

Kate Mattice, Executive Director
Andrew D’huyvetter
Rhonda Gilchrest
Adam Hager
Scott Kalkwarf
Ann McGrane
Daniel Knickelbein
Tenley O’Hara
Vikram Sinha
Melissa Walker
Aimee Perron Seibert
Rich Dalton (VRE)
Steve Maclsaac (VRE)

Opening Remarks

Chair de Ferranti welcomed everyone to the all-virtual November 7, 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.

Board Administrator Rhonda Gilchrest called the roll and confirmed quorum.

Chair de Ferranti spoke to the challenges the region faces in light of Tuesday's election results. As public servants working on transportation issues, it is important to recognize that the residents of this region are front line workers who need transit and many often don't have the resources for other means of transportation. In his opinion, elected officials will need to use analytical and reasoning skills to convey how much residents need public transit. He expressed concern for immigrant communities and for respect for issues that impact women.

Chair de Ferranti congratulated Senator Adam Ebbin and Delegate Mark Sickles for receiving the Northern Virginia Transportation Alliance's 2024 Legislative Advocacy Award for their work on transportation issues in the region. The Alliance presented them their awards a few weeks back at their 20th Annual What You Need to Know About Transportation Event.

Ms. Mattice stated that NVTC received no general public comments this month. She announced that NVTC will be receiving public comment on the Work Plan at the December 5 meeting.

Minutes of the October 3, 2024 Meeting

Ms. Palchik moved, with a second by Ms. Garvey, to approve the Minutes of the October 3, 2024 NVTC Commission meeting. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bagley, Bierman, de Ferranti, Ebbin, Garvey, Karantonis, Krizek, Palchik, Reid, Salim, Smedberg, Snyder, Storck and Walkinshaw. (Although she was present, Ms. Read did not participate in the vote as the board administrator inadvertently missed her name on the roll call roster.)

Consent Agenda

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

- A. Approve the 2025 NVTC Meeting Schedule
- B. Authorize the Executive Director to Issue a Request for Proposals for Creative Services

Mr. Alcorn moved, with a second by Mr. Salim, to approve the Consent Agenda.

Mr. Snyder asked staff to clarify the meaning of “creative services.” Ms. Mattice explained that creative services covers publications and graphic design that cannot be done in-house, such as reports sent to the General Assembly and other publications for the general public. NVTC has had a creative services contract for the last three years, and now it is time for a new procurement.

The Commission then voted on the motion. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bagley, Bierman, de Ferranti, Ebbin, Garvey, Karantonis, Krizek, Palchik, Read, Reid, Salim, Smedberg, Snyder, Storck and Walkinshaw.

Washington Metropolitan Area Transit Authority (WMATA)

Chair de Ferranti asked Mr. Smedberg to give the WMATA Board Member Report.

Report from the WMATA Board Members. Mr. Smedberg reported that earlier this month, the WMATA Board approved two agreements for more Metrobus service in DC. Earlier today, WMATA’s Finance and Capital Committee and Safety and Operations Committee met and reviewed two key initiatives that will come to the Board for action later this month: restructured Metrobus and Metrorail operating subsidy allocation formulas and the Better Bus 2025 Network Redesign. Regarding the proposed operating subsidy formulas, it is a complex topic but one that WMATA staff have taken on with a great deal of input from the Board, NVTC and the jurisdictions. This is the first true overhaul of the subsidy allocation formulas since the late 1970s for rail and 1990s for bus. The new, restructured formulas will provide some benefits that address some longstanding issues, specifically increased transparency, better alignment between benefits and costs, incentives for jurisdictions to encourage paid ridership, and improved fiscal predictability for the funding jurisdictions. As far as potential fiscal impacts, WMATA staff presented how the restructured formulas would change overall subsidy contributions after the approval of the 2025 Better Bus Network, which redistributes service across the region. Virginia’s overall share of subsidy would decrease by just under \$6 million while Maryland and the District of Columbia would see marginal increases.

Mr. Smedberg stated that the upcoming approval of the 2025 Better Bus Network Redesign follows over two years of extensive planning and engagement in order to modernize WMATA’s bus network. Once implemented, the Better Bus Network could attract 13,000 more daily weekday trips with existing resource levels. WMATA received over 13,000 comments this summer and made changes to more than half of the proposed routes as a result of the public’s feedback. Once the Board approves the 2025 Network, WMATA staff will be working closely with jurisdictional staff on the various implementation steps between now and next summer.

Mr. Smedberg stated that there are some long-term state of good repair challenges based on current levels of funding. Thanks to the additional investments from Virginia for FY 2025 and FY 2026, significant operating funding challenges aren’t expected until FY 2027. Looking ahead, the WMATA Board will have a discussion on the FY 2026 operating and capital budgets on November 21 before the general manager presents his FY 2026 Proposed Budget in December.

Mr. Sickles joined the discussion.

Ms. Palchik stated that she is pleased to see that the Better Bus Redesign is straightforward and focused on connectivity and being a regional network that is needed. She appreciates that WMATA is listening to the community. Mr. Karantonis agreed and observed that the public input process was well done.

Report from the Chairs of the WMATA Committee/Legislative and Policy Committee

WMATA Committee Chair Walter Alcorn stated that the draft 2024 Annual Report on the Performance and Condition of WMATA is in the meeting materials. Adam Hager, NVTC's new WMATA program manager, will give a brief presentation on this year's report, which will come back next month for action. That will be followed by updates from the executive director and the new director of programs and policy on the various work NVTC is supporting to find a long-term, sustainable, dedicated funding solution for the region. Mr. Alcorn also announced that the WMATA Committee/Legislative and Policy Committee will hold a joint all-virtual meeting on November 21 at 6:00 pm.

Draft 2024 Annual Report on the Performance and Condition of WMATA. Mr. Hager reviewed the structure of the Annual Report on the Performance and Condition of WMATA, which NVTC is required by state code to submit this report each year to the governor and General Assembly by December 15. Staff have been working with the WMATA Committee since the spring to develop this report which advances many of the themes in last year's report. He provided a few highlights of several key recommendations:

- Recommendation #1: A long-term funding solution is needed to address future challenges with WMATA's operating and capital budgets. The region collectively came up with a temporary solution that addressed WMATA's FY 2025 budget but there remains a need for a long-term, sustainable solution. WMATA presented their long-term operating and capital outlooks in October which are covered in the report.
- Recommendation #2: The need to preserve the additional state aid and operating cap rebaselining contained in the state's Biennium Budget. The Commonwealth included just over \$60 million in FY 2025 and \$84.5 million in FY 2026 in additional state aid to help close WMATA's operating budget shortfall.
- Recommendation #3: Establish a revised operating assistance growth cap. In Virginia, the 3% cap is suspended in the two-year state budget. As SJ 28 moves forward, the report recommends a hard look at whether the 3% cap is the right cost containment tool, especially as WMATA works on new subsidy allocation formulas this fall.
- Recommendations #4 and #5: Continue to see ridership growth and for WMATA to establish a reserve fund at the right time just like every major transit agency in the country.
- Recommendations #6-10: Several of these are carryovers from last year. Recommendations #7 and #8 are two that are central to the DMVMoves effort which has really worked to identify ways to coordinate technology and transit policies across the region to benefit riders and find cost savings.

Mr. Hager noted that the report also includes the progress WMATA has made on a handful of important priorities including fare evasion, cost savings measures, and the Better Bus Network. The report will come back for the Commission's consideration and approval on December 5. Once approved, the report will be submitted to the governor and General Assembly by the December 15 deadline.

Mr. Alcorn thanked staff for their work on the report, including adding references to what is being covered by SJ 28 and *DMVMoves*. Mr. Walkinshaw asked about Recommendation #9 and what are the industry standards with collective bargaining agreements. Mr. Smedberg stated that he will work with Mr. Hager to provide this information to Mr. Walkinshaw. Chair de Ferranti encouraged Commissioners to think about if any of the recommendations should be shifted or ranked in light of the election. Commissioners have until November 15 to provide comments to staff.

SJ 28 Joint Subcommittee/DMVMoves. Ms. Mattice introduced NVTC's new Director of Policy and Programs Andrew D'huyvetter, who is replacing Allan Fye who left NVTC to take a job at the Federal Transit Administration. Mr. D'huyvetter is now serving as the new chair of the SJ 28 Joint Subcommittee's staff level technical working group.

Mr. D'huyvetter stated that the work of the SJ 28 Joint Subcommittee is incredibly important. While *DMVMoves* is having regional conversations about customer experience, seamlessness, and a regional funding framework, SJ 28 is getting down to details on the Virginia part of this regional solution.

Mr. D'huyvetter reported that Virginia has the most transit agencies, and the most complicated funding and governance structure when compared to its peers across the river. Using information collected in *DMVMoves*, SJ 28 is developing a large menu of revenue options that can be part of Virginia's solution within the larger regional framework with DC and Maryland. The Joint Subcommittee's work this month and last month is intended to provide an expanded menu of up to 15 revenue sources at the NVTC, PRTC and statewide levels. The next and final SJ 28 Joint Subcommittee meeting of 2024 is scheduled for November 12 at 10:00 a.m.

Mr. D'huyvetter explained that the work of the SJ 28 Subcommittee primarily rests on NVTC staff. Given NVTC staff capacity constraints, once the Subcommittee finalizes the expanded menu of revenue options, NVTC staff are seeking Commission approval for consultant support to generate revenue estimates and perform other policy and research related tasks to help support the effort. The next agenda item is an action to authorize the NVTC executive director to request proposals to support that effort.

Mr. D'huyvetter stated that funding for this work is already included in NVTC's budget and is being supported by contributions from VRE and PRTC. NVTC staff will use the DRPT General Planning Contract, which was competitively procured, to request proposals for technical support. Using this approach allows for the timelier acquisition of consultants, which is important given the overall fast and compressed timeline of the SJ 28 study process.

Mr. D'huyvetter asked SJ 28 Joint Subcommittee Chair Senator Adam Ebbin for any comments. Mr. Ebbin stated that the Joint Subcommittee has had a very busy year, but there is still important work to do in finalizing the list of revenue options so staff can develop estimates. Because of meeting timing, he doesn't have a significant update for the Commission tonight, but he will brief the Commission at the December 5 meeting on the SJ 28 Joint Subcommittee's workplan for 2025 and the path ahead.

Mr. Ebbin moved, with a second by Ms. Palchik, to authorize the executive director to issue a Request for Proposals via the DRPT General Planning Contract to provide technical support to NVTC for analysis related to the SJ 28 Joint Subcommittee and to execute the associated contract. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bagley, Bierman, de Ferranti, Ebbin, Garvey, Karantonis, Krizek, Palchik, Read, Reid, Salim, Sickles, Smedberg, Snyder, Storck and Walkinshaw.

Draft 2025 Legislative and Policy Agenda. Legislative and Policy Committee Chair Canek Aguirre reported that the proposed 2025 Legislative and Policy Agenda doesn't include a heavy ask for this General Assembly Session, but NVTC will be monitoring important legislation that affects transit. Before diving into the presentation on the proposed agenda, he asked the executive director to share the potential impacts to transit from Tuesday's general election.

Ms. Mattice stated that NVTC will continue to monitor the federal space in light of the changes in the administration and Senate leadership. For near-term funding, the formula funds to WMATA, VRE and other transit systems are Trust Funds and not subject to appropriations, so there won't be any changes. However, there could potentially be changes in the competitive grant programs, which could have an impact on bus rapid transit (BRT) and rail. The PRIIA funding for WMATA is also subject to appropriations. On a positive note, there were local transit funding referendums that passed across the country, in particular in Pheonix, Arizona; Seattle, Washington; and Columbus, Ohio. Hopefully there can be lessons learned from their experience and success at the polls.

Mr. Aguirre introduced NVTC's new Commuter Choice and Policy Program Manager Daniel Knickelbein, to give the presentation on the 2025 Legislative and Policy Agenda. Mr. Knickelbein stated that many of the 2025 state and federal legislative priorities are the same or similar to last year. This year's Legislative and Policy Agenda will be setting the groundwork for a robust legislative package in 2026, especially with the SJ 28 Joint Subcommittee and *DMVMoves* wrapping up next year. The state legislative agenda is centered on advocating for long-term, sustainable, dedicated funding for WMATA, VRE and all Northern Virginia transit systems, which is similar to past years. This year, there is also a focus on preserving the additional state aid for WMATA and operating cap re-baselining that was included in the two-year state budget passed last year.

On the federal side, Mr. Knickelbein stated that NVTC's priorities remain largely the same, with a continued emphasis on maximizing the region's access to federal funding (both formula and competitive) for transit. An added priority references the need to address challenges in domestic bus manufacturing that was recently highlighted by an American Public Transportation Association (APTA) task force report. Local transit providers have conveyed the importance of

ensuring a sustainable future for domestic bus manufacturing. Since programs authorized by the Infrastructure Investment and Jobs Act (IIJA) are set to expire in 2026, NVTC will remain engaged with its federal delegation as discussions around the next re-authorization bill start to heat up next year.

Mr. Knickelbein stated that in terms of next steps, staff will take any feedback received from Commissioners at this meeting and refine the proposed agenda in advance of the December Commission meeting, when the Commission will take formal action to approve the agenda.

Mr. Sickles suggested adding a bullet point about the efficiency improvements made at WMATA over the last two years, including Better Bus Network Redesign, fare evasion, labor negotiations, etc. He noted that WMATA is always being accused of being inefficient, so it is important to promote the things it is doing to be more efficient. He thinks this should be the first bullet point and included in any materials NVTC hands out on what is being done to save the Metro system. People won't know unless they are told. Mr. Snyder agreed. He also noted that he doesn't see a specific mention of WMATA funding in the bullet points. It should be a fundamental objective. Mr. Knickelbein responded that staff can add more language.

Chair de Ferranti asked Mr. Smedberg to engage with staff on any other WMATA efficiencies that should be included. Mr. Smedberg stated that more things can be amplified on what WMATA Board and staff have done to improve the organization and bring efficiency. He offered to work with NVTC staff on this. Ms. Garvey stated that she supports Mr. Sickle's recommendation as it is so important to educate and help people "connect the dots." Ms. Mattice noted that the bullet points in the slides are short form and the actual Legislative and Policy Agenda includes more information.

Joint NVTC-PRTC-VRE Legislative Forum. Ms. Mattice announced that NVTC's 2024 Legislative Forum is scheduled for Friday, December 13 at 8:30 a.m. at George Mason University's Mason Square campus in Arlington. This event is held annually in partnership with PRTC and VRE, and this year's event will shine a spotlight on Northern Virginia transit's vital role within the greater Washington area, showcasing key public transportation priorities at both the state and federal levels. Confirmed panelists include Senator Jennifer Boysko, Senator Adam Ebbin, Delegate Mark Sickles, Fairfax County Board Chair Jeff McKay and moderator Nick Donohue.

Report from the Chair of the Program Advisory Committee

Program Advisory Committee Chair Dalia Palchik stated that staff will give a quick presentation on the Route 7 BRT Strategic Implementation Plan, which will come back for action at the December meeting.

Senior Program Manager Vikram Sinha briefed the Commission on the Envision Route 7 Bus Rapid Transit (BRT) Strategic Implementation Plan. The draft Plan reflects both Commission and stakeholder feedback to accelerate delivery of bus improvements that enables BRT on the Route 7 corridor and recognizing the growing ridership of the existing 28A Metrobus route. The Route 7 BRT project wants to build on that success through a two-pronged approach. For the short-

term, the approach is to layer bus improvements and increase frequency on Metrobus 28A and build toward a long-term vision of an eventual BRT system.

Mr. Sinha stated that along with the Strategic Plan, staff plan to start the next phase of the project. Staff will return next month to seek authorization to issue a Request for Proposals (RFP) for Envision Route 7 Planning services (Phase 4-2). The Phase 4-2 Mobility Analysis Study will examine the segment from Seven Corners in Fairfax County to the Mark Center in Alexandria, as well as do a deeper dive on operational options in the City of Falls Church, completing the corridor's mobility analysis. Phase 4-2 will build off previous analysis by NVTC and the Fairfax County Department of Transportation and include the following study objectives (preliminary):

- Define the mobility benefits of BRT and facilitate an understanding of the BRT project.
- Understand the operational impact of BRT along the study corridor.

Virginia Railway Express (VRE)

Chair de Ferranti asked VRE CEO Rich Dalton to give his report followed by VRE Operations Board Vice-Chair Bagley to present the information item. There are no VRE actions this month.

VRE CEO Report. Mr. Dalton encouraged Commissioners to read his written CEO Report. He reported that for October ridership reached 6,900 daily riders and on-time performance hovered at 76%, due to rail congestion and freight traffic being rerouting around North Carolina following the hurricane.

Draft 2025 VRE Legislative Agenda. Ms. Bagley stated that the draft VRE 2025 Legislative Agenda will serve as guidance for staff and the contracted legislation liaisons during the upcoming 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. NVTC's Legislative and Policy Agenda aligns with VRE's Legislative Agenda. For the state level, in addition to making sure there is ample funding to support VRE's future plans, the agenda includes efforts to advance Commuter Rail Exemptions for Virginia State Tax on Surplus Lines Insurance. On the federal level, in addition to securing and holding onto federal funding for rail as authorized in the IIJA, we will urge Congress to make changes to the timeline for implementation of increases to the Rail Passenger Transportation Liability Cap as well as monitor activities related to the maintenance and upgrade of Amtrak's First Street Tunnel. The Commissions will be asked to approve the VRE Legislative Agenda at their respective December meetings.

Department of Rail and Public Transportation (DRPT)

Acting DRPT Director Zach Trogdon reported that DRPT's annual grant application period will start December 1 and run through February 1, 2025. He also announced that Governor Youngkin has appointed Tiffany P. Robinson as the new DRPT Director starting November 10. Ms. Robinson is currently a deputy chief of staff in the governor's office.

Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter, which highlights some of NVTC's recent efforts and events. She reviewed upcoming meetings:

- Joint WMATA Committee / Legislative and Policy Committee - November 21 at 6:00 p.m. all-virtual
- Next Commission Meeting – December 5 7:00 p.m. (with a public hearing on the Work Plan) - Executive Committee at 6:00 p.m.
- Joint Legislative Forum hosted by NVTC, PRTC and VRE – December 13 8:30 a.m. GMU Schar School

Ms. Mattice stated that with the recent departure of two staff members (Allan Fye and Ben Owen) there have been some staff promotions, including Director of Policy and Programs Andrew D'huyvetter, WMATA Program Manager Adam Hager, Commuter Choice and Policy Program Manager Daniel Knickelbein, and Data Visualization Program Manager Sophie Spiliotopoulos.

Ms. Mattice stated that the September Financial Reports were provided in the meeting materials. There were no comments or questions.

Closed Session

Chair de Ferranti stated that the Commission needs to go into Closed Session for the executive director's annual performance review. He 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.

Chair de Ferranti moved, with a second by Ms. Bagley, 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 was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bagley, Bierman, de Ferranti, Ebbin, Garvey, Karantonis, Krizek, Palchik, Reid, Salim, Smedberg, Snyder, Storck and Walkinshaw.

The Commission entered into Closed Session at 8:13 p.m. and returned to Open Session at 8:53 p.m. The live stream feed was restored for public viewing. Mr. Ebbin left the meeting during the Closed Session and did not return.

Ms. Bagley moved, with a second by Chair de Ferranti, the following certification:

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

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

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

Chair de Ferranti moved, with a second by Ms. Palchik, to approve an amendment to the executive director's contract as discussed in Closed Session. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bagley, Bierman, de Ferranti, Garvey, Karantonis, Krizek, Palchik, Reid, Salim, Smedberg, Snyder, Storck and Walkinshaw.

Adjournment

Without objection, Chair de Ferranti adjourned the meeting at 8:56 p.m.

Approved this 5th day of December 2024.

Matt de Ferranti
Chair

Sarah Bagley
Secretary-Treasurer